

Name _____
 By _____
 Address _____

Assigned
 G-16867
 TRACY HILL
 30040 WEAVER SPRINGS LANE
 BURNS OR 97720

Priority MAY 23 2007
 County _____ WM# _____

RELATED FILES

DEVELOPMENT _____ Date _____
 Completion 10-1-2012
 Extended to 10/1/2018

 Final Proof received _____
 Proposed Cert. Mailed _____

Application No. G16867
 Permit No. G-17441 G-16376-G-17356
 Certificate No. _____

_____ Date _____
 DENIED _____
 MISFILED _____
 WITHDRAWN _____
 CANCELLED _____

Volume _____ Page _____

FEEES PAID

Date	Amount	Receipt No.
5-23-07	600.00	87734
8/18/08	300.00	93777
ext 1.14.14	575.00	110901
1.14.14	2235.00	110902
1-28-14	-2150.00	refund
11/19/18	170.00	128506

FEEES REFUNDED

Date	Amount	Receipt No.
_____	_____	_____
_____	_____	_____

Fees PAID

2-18-14	\$125.00	111158
3-17-14	450.00	111399
8-1-16	85.00	120767

ASSIGNMENTS

Date	To Whom	Address
<u>1/14/2014</u>	<u>ASSIGNED</u> HELEN DEN HOED 1831 N COUNTY LINE ROAD GRANDVIEW WA 98930	_____
<u>8-8-16</u>	Golden Rule Farms, Inc. PO Box 255 Christmas Valley, OR 97641	_____
_____	_____	_____
_____	_____	_____

REMARKS T-11828 Δ APOA, POLL v. 95 p. 828-83
T-11828 FO v. 95 p. 875-876

MAP LOCATION _____

PHONE CALL

FOR	<u>MON EXTRA</u>	DATE	<u>3-16</u>	TIME	<u>2:00</u>	<input checked="" type="radio"/> A.M. <input type="radio"/> P.M.
M	<u>TRUCK HILL</u>					
OF						
PHONE/ MOBILE	<u>541-493-2622</u> FAX					
MESSAGE	<u>ARISA MUCKEN</u>					<input checked="" type="checkbox"/> TELEPHONED
	<u>BOTH < G-16868</u>					<input type="checkbox"/> RETURNED YOUR CALL
	<u>G-16867</u>					<input checked="" type="checkbox"/> PLEASE CALL
						<input type="checkbox"/> WILL CALL AGAIN
						<input type="checkbox"/> CAME TO SEE YOU
SIGNED	<u>541-493-2622</u>					<input type="checkbox"/> WANTS TO SEE YOU

Mailing List for Extension Order on Reconsideration FO Copies

FO Date: June 11, 2021

Copies Mailed

Application: G-16867

Permit: G-17441

By: _____

On: _____

Original mailed to Applicant:

Golden Rule Farms, Inc. _____

P.O. Box 255

Christmas Valley, OR 97641

Copies sent to:

1. WRD - App. File G-16867/ Permit G-17441 _____

2. Renee Moulun, AAIC _____
Department of Justice, NR
1162 Court St. NE
Salem, OR 97301-4096
renee.m.moulun@doj.state.or.us

3. Denise Fjordbeck _____
Oregon Department of Justice
100 SW Market Street
Portland, OR 97201
denise.fjordbeck@doj.state.or.us

4. Inge Wells _____
Oregon Department of Justice
100 SW Market Street
Portland, OR 97201
Inge.D.Wells@doj.state.or.us

5. Sara C. Cotton; Anna Helton; Elizabeth Howard _____
Schwabe Williamson & Wyatt PC
1211 SW 5th Ave Ste 1900
Portland, OR 97204
scotton@schwabe.com
ahelton@schwabe.com
ehoward@schwabe.com

Fee paid as specified under ORS 536.050 to receive copy:

1. None

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

1. WRD - Watermaster District 10, JR Johnson
2. WRD – ER Regional Manager, Jason Spriet

CASEWORKER: JDP

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

Application for Extension of Time

In the Matter of the Application for an Extension of Time for)	FINAL ORDER ON
Permit G-17441, Water Right Application G-16867, in the)	RECONSIDERATION
name of Golden Rule Farms, Inc.)	DENYING
)	APPLICATION FOR
)	EXTENSION OF TIME

Permit Information

Application:	G-16867
Permit:	G-17441
Basin:	12 – Malheur Lake / Watermaster District 10
Date of Priority:	May 23, 2007
Source of Water:	Three wells in Malheur Lake Basin
Purpose or Use:	Irrigation use on 160.0 Acres
Maximum Rate:	2.0 cubic feet per second (cfs)

Summary: The Final Order denying the Application for an Extension of Time for Permit G-17441 is modified and affirmed.

Authority

This order is issued pursuant to Oregon Revised Statute 183.482(6).

Application History

Permit G-17441 was issued by the Department on September 11, 2008. The permit called for completion of construction by October 1, 2012 and complete application of water to beneficial use by October 1, 2012. The most recent Extension of Time specified completion of construction and complete application of the water was to be made by October 1, 2018. On November 19, 2018, Golden Rule Farms, Inc. submitted an Application for Extension of Time for Permit G-17441. In accordance with OAR 690-315-0050(2), on April 16, 2019, the Department issued a Proposed Final Order proposing to deny the time to complete construction to October 1, 2019, and the time to fully apply water to beneficial use to October 1, 2019. The protest period closed May 31, 2019, in accordance with OAR 690-315-0060(1). No protest was filed.

On June 14, 2019, the Department issued a Final Order incorporating the findings of the Proposed Final Order, denying the extension of time.

On August 14, 2019, Golden Rule Farms, Inc. submitted a Petition for Reconsideration. The Petition was denied pursuant to ORS 183.482(1) and OAR 137-003-0080(5).

On December 10, 2019, a Petition for Judicial Review was filed in the Oregon Court of

Appeals (A172879).

On February 22, 2021, the Department issued an Order Withdrawing the Final Order Denying the Extension of Time for Permit G-17441.

FINDINGS OF FACT

Except as expressly stated herein, the Department adopts and incorporates by reference the findings of fact in the Proposed Final Order dated April 16, 2019. Modifications to findings number 17, 20, 22 and 31 are below. Additions are shown in underlined text; deletions are shown in ~~strikethrough~~ text.

6. On March 16, 2017, Permit Amendment T-12609, was filed by Golden Rule Farms, Inc., to change the points of appropriation and the place of use under Permit G-17441. ~~The application is currently pending review.~~ On November 7, 2018, the Department issued a Final Order Denying a Change in Points of Appropriation and a Change in Place of Use in the matter of Permit Amendment T-12609 (Special Order Volume 109, Page 885).

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

17. No water has been ~~appropriated~~ applied to land authorized under this permit.

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

20. No financial investment has been made toward developing the beneficial water use on land authorized by Permit G-17441 during the previous extension of time period, being October 1, 2012, to October 1, 2018.
22. ~~The points of appropriation for Permit G-17441, are located in the Greater Harney Valley Groundwater Area of Concern (GHVGAC) which was established to ensure that groundwater in the GHVGAC is appropriated within the capacity of the resource and that new appropriations of groundwater assure the maintenance of reasonably stable groundwater levels and prevent depletion of the groundwater resource. Current data, comprising substantial evidence, indicate that groundwater levels are declining in areas of the GHVGAC. Additional allocation of groundwater within the GHVGAC may exacerbate these declines. A comparison between estimated annual recharge and previously allocated groundwater volumes indicates that groundwater is fully allocated in some areas of the basin. 690-512-0020(1).~~

The points of appropriation for Permit G-17441 are located in the Greater Harney Valley Groundwater Area of Concern (GHVGAC), which was established in 2016 to ensure that groundwater in the GHVGAC is appropriated within the capacity of the resource and that

new appropriations of groundwater assure the maintenance of reasonably stable groundwater levels and prevent depletion of the groundwater resource.

An analysis by the Department at the time the GHVGAC was established indicated that the volume of groundwater permitted for annual use exceeds the average annual volume of recharge to groundwater. The Department estimates that approximately 30 percent of the total acreage permitted for groundwater use is not yet developed. Groundwater development for these acres will increase the rate of groundwater level decline. Current groundwater level data indicate that groundwater levels are continuing to decline in areas of the GHVGAC.

Within the GHVGAC, the market and present demand for groundwater is high. Permit G-17441 was issued in 2008 and a previous extension of time required development of the permit to be complete by October 1, 2018. No development occurred in the last extension period of 2013 to 2018. In 2017 the permit owner applied to amend the permit to change the proposed wells and place of use to another location. The permit amendment application was denied in November of 2018 because the time left to complete development of the permit had expired and an application for an extension of time for the permit had not been filed.

Development of the permit would appropriate groundwater in the GHVGAC where observed groundwater levels are continuing to decline. The groundwater source is over-appropriated (see OAR 690-400-0010(11)(a)(B)). Development of the remaining portion of this permit will further deplete the groundwater resource.

Applications for extensions of time to complete permits are considered in light of the high market and present demand for groundwater in the GHVGAC. Undeveloped portions of expired permits may be lost.

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

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

Based upon the forgoing, the Department finds that the applicant has not demonstrated good cause to extend the time to complete construction and apply water to beneficial use under Permit G-17441.

CONCLUSION OF LAW

The applicant has not demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2).

ORDER

The extension of time for Application G-16867, Permit G-17441, therefore, is denied.

DATED: June 11, 2021



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

Appeal Rights

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

-
- If you have any questions about statements contained in this document, please contact the Permit Extension Specialist at (503) 986-0802.
 - If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900
-

Mailing List for Withdrawal of Extension FO Copies

FO Date: February 22, 2021

Copies Mailed

**Application G-16867
Permit G-17441**

By: PM
On: 2-23-21

Original mailed to permit holder:

Golden Rule Farms, Inc
P.O. Box 255
Christmas Valley, OR 97641

*copy mailed
2-23-21*

Copies sent to:

1. WRD - App. File G-16867 / Permit G-17441
2. Renee Moulun, AAIC
Department of Justice, NR
1162 Court St. NE
Salem, OR 97301-4096
renee.m.moulun@doj.state.or.us
> mailed 3/5/2021
3. Denise Fjordbeck
Oregon Department of Justice
100 SW Market Street
Portland, OR 97201
denise.fjordbeck@doj.state.or.us
> mailed 3/5/2021
4. Inge Wells
Oregon Department of Justice
100 SW Market Street
Portland, OR 97201
Inge.D.Wells@doj.state.or.us
> mailed 3/5/2021
5. Sara C. Cotton; Anna Helton; Elizabeth Howard
Schwabe Williamson & Wyatt PC
1211 SW 5th Ave Ste 1900
Portland, OR 97204
scotton@schwabe.com
ahelton@schwabe.com
ehoward@schwabe.com
*copy mailed
2-23-21*

Receiving electronic copy via e-mail

1. WRD - Watermaster District 10, JR Johnson
2. WRD – ER Regional Manager, Jason Spriet

Fee paid as specified under ORS 536.050 to receive copy:

4. None

CASEWORKER: JDP

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

In the Matter of the Application for an) ORDER WITHDRAWING FINAL
Extension of Time for Permit G-17441, Water) ORDER DENYING EXTENSION OF
Right Application G-16867, in the) TIME FOR PERMIT G-17441
name of Golden Rule Farms, Inc.)

The Oregon Water Resources Department (Department) withdraws the Final Order Denying Extension of Time for Permit G-17441 dated June 14, 2019.

FINDINGS OF FACT

1. On November 19, 2018, Golden Rule Farms, Inc. submitted an "Application for Extension of Time" (Application) to the Department, requesting both the time to complete construction of the water system and the time to apply water to full beneficial use under the terms and conditions of Permit G-17441 be extended from October 1, 2018 to October 1, 2019.
2. In accordance with OAR 690-315-0050(2), on April 16, 2019, the Department issued a Proposed Final Order proposing to deny the time to complete construction to October 1, 2019, and the time to apply water to beneficial use to October 1, 2019. The protest period closed May 31, 2019, in accordance with OAR 690-315-0060 (1). No protest was filed.
3. On June 14, 2019, the Department issued a Final Order denying the time to complete construction to October 1, 2019, and the time to apply water to beneficial use to October 1, 2019.
4. On August 14, 2019, Golden Rule Farms, Inc. submitted a Petition for Reconsideration. The Petition was denied pursuant to ORS 183.482 (1) and OAR 137-003-0080 (5).
5. On December 10, 2019, a Petition for Judicial Review was filed in the Oregon Court of Appeals (A172880).
6. The Department has identified findings in the Final Order that need correction.

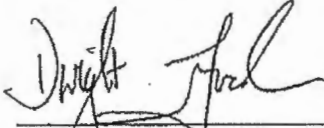
CONCLUSIONS OF LAW

1. The Department may withdraw the June 14, 2019, Final Order for reconsideration pursuant to ORS 183.482 (6).

ORDER

The Final Order denying the Application for Extension of Time for Permit G-17441 is withdrawn for reconsideration.

Dated at Salem, Oregon February 27, 2021.



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

April 9, 2020

Elizabeth E. Howard

Admitted in Oregon, Washington and
North Dakota

T: 503-796-2093

C: 503-312-8765

ehoward@schwabe.com

VIA E-MAIL

Mary F. Bjork
Water Rights Program Analyst
Oregon Water Resources Department
725 NE Sumer Street, Suite A
Salem, OR 97301

RE: Application G-17578, Permit G-17100; and Application G-16867, Permit G-17441
Our Client No. 135315-251156

Dear Mary:

This firm represents Golden Rule Farms, Inc. ("Golden Rule"). We are writing in response to the attached letters, dated March 19, 2020, regarding the above-referenced water use permits.

The letters threaten to cancel Permits G-17100 and G-17441, unless Golden Rule submits either an application for extension of time or a Claim of Beneficial Use for each permit.

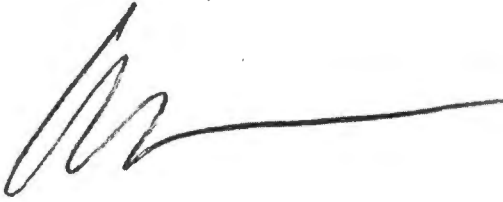
Golden Rule in fact already filed the required applications for extension of time on November 19, 2018, as indicated on the Department's website. Since then, OWRD issued final orders to deny the requested extensions, and Golden Rule appealed those orders. As of the date of this letter, Golden Rule is actively pursuing those appeals in the Oregon Court of Appeals (A172879 and A172880) and in the Harney County Circuit Court (19CV53051).

Given Golden Rule's ongoing effort to secure the required extensions, the Department has no authority to cancel the above-referenced permits.

Please place a copy of this letter in the Department's files for each permit and notify all affected staff of the pending appeals. Thank you for your timely attention to this matter.

Mary F. Bjork
April 9, 2020
Page 2

Sincerely,

A handwritten signature in black ink, consisting of a stylized, cursive 'E' followed by a long horizontal line extending to the right.

Elizabeth E. Howard

EEH/cw

Enclosures

cc: Client
Sara Kobak
Denise Fjordbeck (Attorney General)

PDX\135315\251156\SK\27670265.2



Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Ste A

Salem, OR 97301

Phone: 503-986-0900

Fax: 503-986-0904

www.Oregon.gov/OWRD

Send: file & mail

NOTE: For water rights information and useful forms, please see our web site at www.oregon.gov/OWRD

March 19th, 2020

Certified mail number 7018 0360 0000 1430 2807

Return receipt requested

GOLDEN RULE FARMS, INC.
PO BOX 255
CHRISTMAS VALLEY, OR. 97641

Reference: Application **G-16867**, Permit **G-17441**

Dear Permit Holder:

This letter is in regard to your water use permit as referenced above. Your permit required you to complete the development of your water use by October 1ST, 2018.

In order for the Department to consider issuance of a certificate of water right, you are required by law to hire a Certified Water Right Examiner (CWRE) to prepare and submit a Claim of Beneficial Use (Claim) that includes a report and map of the development. The Claim was to have been submitted to the Department within one year of October 1st, 2018. The fee for submitting a Claim is \$200,000. Please see the enclosed 'Resource Sheet' for our current database of CWRE's.

If you did not timely finish the development of your permit, you need to file an application for an extension of time to complete your development. The fee for filing an extension of time is \$670.00. Please see the enclosed 'Resource Sheet' to access the extension of time form.

In the event that you are no longer using water as allowed by this permit, you should cancel it so that we may clear our records. Please see the enclosed 'Resource Sheet' to access the cancellation form, if you are interested in this option.

If you have not submitted either a Claim or a request for an extension of time for your permit within 60 days of the date of this letter (May 22, 2020) the Department may issue a Final Order to cancel your permit without further notice. If the Department issues a Final Order to cancel your permit, and you request reconsideration of the final order and reinstatement of your permit, there is a \$520.00 reinstatement fee that is charged in addition to the claim of beneficial use or extension of time fee.

Should you have any questions, please contact me at the address above or by telephone at 503-986-0817.

Sincerely,

Mary F. Bjork
Water Rights Program Analyst

Enclosures (1)

cc: File
OWRD Watermaster District #10





Oregon

Kate Brown, Governor

Certified Mail

Water Resources Department

North Mall Office Building

725 Summer St NE, Ste A

Salem, OR 97301

Phone: 503-986-0900

Fax: 503-986-0904

www.Oregon.gov/OWRD

NOTE: For water rights information and useful forms, please see our web site at www.oregon.gov/OWRD

March 19th, 2020

Certified mail number 7018 0360 0000 1430 2791

Return receipt requested

GOLDEN RULE FARMS, INC.
PO BOX 255
CHRISTMAS VALLEY, OR. 97641

Reference: Application **G-17578**, Permit **G-17100**

Dear Permit Holder:

This letter is in regard to your water use permit as referenced above. Your permit required you to complete the development of your water use by October 31ST, 2018.

In order for the Department to consider issuance of a certificate of water right, you are required by law to hire a Certified Water Right Examiner (CWRE) to prepare and submit a Claim of Beneficial Use (Claim) that includes a report and map of the development. The Claim was to have been submitted to the Department within one year of October 31st, 2018. The fee for submitting a Claim is \$200.000. Please see the enclosed 'Resource Sheet' for our current database of CWRE's.

If you did not timely finish the development of your permit, you need to file an application for an extension of time to complete your development. The fee for filing an extension of time is \$670.00. Please see the enclosed 'Resource Sheet' to access the extension of time form.

In the event that you are no longer using water as allowed by this permit, you should cancel it so that we may clear our records. Please see the enclosed 'Resource Sheet' to access the cancellation form, if you are interested in this option.

If you have not submitted either a Claim or a request for an extension of time for your permit within 60 days of the date of this letter (May 22, 2020) the Department may issue a Final Order to cancel your permit without further notice. If the Department issues a Final Order to cancel your permit, and you request reconsideration of the final order and reinstatement of your permit, there is a \$520.00 reinstatement fee that is charged in addition to the claim of beneficial use or extension of time fee.

Should you have any questions, please contact me at the address above or by telephone at 503-986-0817.

Sincerely,

Mary F. Bjork
Water Rights Program Analyst

Enclosures (1)

cc: File
OWRD Watermaster District #10



Mailing List for 60-Day Letter

Application: G-16867

Permit: G-17441

Permit Holder(s):

Golden Rule Farms, Inc.
PO Box 255
Christmas Valley, OR 97641

Copies Mailed	
by:	<u>TM</u> (STAFF)
on:	<u>3/19/2016</u> (DATE)

Is the Permit Holder(s) of record currently identified as a landowner of any tax lots involved as confirmed by the County records? **YES 26S31NE000001001; 26S31NE000001003**

Copies of 60-Day Letter to be sent to Permit Holder(s) and following:

1. Watermaster District #10
2. File

Other persons to receive copies:

1. John Short
PO Box 1830
Bend, OR 97709



Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Ste A

Salem, OR 97301

Phone: 503-986-0900

Fax: 503-986-0904

www.Oregon.gov/OWRD

NOTE: For water rights information and useful forms, please see our web site at www.oregon.gov/OWRD

March 19th, 2020

Certified mail number 7018 0360 0000 1430 2807

Return receipt requested

GOLDEN RULE FARMS, INC.
PO BOX 255
CHRISTMAS VALLEY, OR. 97641

Reference: Application **G-16867**, Permit **G-17441**

Dear Permit Holder:

This letter is in regard to your water use permit as referenced above. Your permit required you to complete the development of your water use by October 1ST, 2018.

In order for the Department to consider issuance of a certificate of water right, you are required by law to hire a Certified Water Right Examiner (CWRE) to prepare and submit a Claim of Beneficial Use (Claim) that includes a report and map of the development. The Claim was to have been submitted to the Department within one year of October 1st, 2018. The fee for submitting a Claim is \$200.000. Please see the enclosed 'Resource Sheet' for our current database of CWRE's.

If you did not timely finish the development of your permit, you need to file an application for an extension of time to complete your development. The fee for filing an extension of time is \$670.00. Please see the enclosed 'Resource Sheet' to access the extension of time form.

In the event that you are no longer using water as allowed by this permit, you should cancel it so that we may clear our records. Please see the enclosed 'Resource Sheet' to access the cancellation form, if you are interested in this option.

If you have not submitted either a Claim or a request for an extension of time for your permit within 60 days of the date of this letter (May 22, 2020) the Department may issue a Final Order to cancel your permit without further notice. If the Department issues a Final Order to cancel your permit, and you request reconsideration of the final order and reinstatement of your permit, there is a \$520.00 reinstatement fee that is charged in addition to the claim of beneficial use or extension of time fee.

Should you have any questions, please contact me at the address above or by telephone at 503-986-0817.

Sincerely,

Mary F. Bjork
Water Rights Program Analyst

Enclosures (1)

cc: File
OWRD Watermaster District #10



HARNEY County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2020

NOT OFFICIAL VALUE

March 10, 2020 12:07:18 pm

Account #	92683	Tax Status	ASSESSABLE
Map #	26S31N000001001	Acct Status	ACTIVE
Code - Tax #	0420-92683	Subtype	NORMAL

Legal Descr Metes & Bounds - See legal report for full description.

Mailing Name	GOLDEN RULE FARMS INC	Deed Reference #	2016-742
Agent		Sales Date/Price	06-17-2016 / \$0.00
In Care Of		Appraiser	TAMMY ATTLEBERGER

Mailing Address P O BOX 255
CHRISTMAS VALLEY, OR 97641-0255

Prop Class	550	MA	SA	NH	Unit
RMV Class	550	04	00	042	10719-1

Situs Address(s)	Situs City
------------------	------------

Code Area	RMV	MAV	Value Summary AV	RMV Exception	CPR %
0420	Land	72,000		Land	0
	Impr.	0		Impr.	0
Code Area Total		72,000	17,760	3,806	0
Grand Total		72,000	17,760	3,806	0

Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	Land Breakdown				Trended RMV	
						TD%	LS	Size	Land Class		LUC
0420	1	<input type="checkbox"/>		EFRU-2	Farm Use Zoned	100	A	240.00	7A	006*	72,000
Grand Total								240.00			72,000

Code Area	ID#	Yr Built	Stat Class	Description	Improvement Breakdown			Trended RMV
					TD%	Total Sq. Ft.	Ex% MS Acct #	
Grand Total							0	0

PERMIT STATUS REVIEW BY Mary Bjor-E DATE 3-10-2020 FILE # G-16867 HAKN
Permit G-17441 (T-11828)

1. Per Dwight French, **do not** send "C" DATE NOTICE PACKET if :

update appropriate db

No Extension pending Denied 6-14-19

No Assignment is pending

No Cancellation has been requested

No Dept. has already sent a certified 60-Day Compliance letter (date _____, # _____)

Was **60 days notice** allowed? Y N If No, How Much Time ? _____

Was mail deliverable as addressed? Y N date _____

If mail returned, online/www check ? Y N date _____ successful ? Y N

Re-send Cert. Letter ? Y N date _____

Send cancellation order Y N

No Claim of beneficial use and final proof map (COBU) have been received by Department
Date information received _____

2. IF NONE OF THE ABOVE APPLY

Send **certified** "C" date notice packet to permit holder.

"C" DATE 10-1-2018 BASIN NUMBER 12 WM # 10

Sec J. Iverson letter (12-6-19)

CWRE or AGENT John Short, Water Right Services, LLC

3. AOI Yes _____ NO If Yes, name of AOI _____

S:\groups\wr\PERMIT C jdlc-date-checklist.doc

Note - WUR reported online 2015

HARNEY County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2020

NOT OFFICIAL VALUE

March 10, 2020 12:06:59 pm

Account # 92688

Tax Status ASSESSABLE

Map # 26S31N000001003

Acct Status ACTIVE

Code - Tax # 0420-92688

Subtype NORMAL

Legal Descr Metes & Bounds - See legal report for full description.

Mailing Name GOLDEN RULE FARMS INC

Deed Reference # 2016-742

Agent

Sales Date/Price 06-17-2016 / \$0.00

In Care Of

Appraiser TAMMY ATTLEBERGER

Mailing Address P O BOX 255
CHRISTMAS VALLEY, OR 97641-0255

Prop Class 400 MA SA NH Unit
RMV Class 400 04 00 042 10724-1

Situs Address(s) Situs City

Code Area	RMV	MAV	Value Summary AV	RMV Exception	CPR %
0420 Land	30,410			Land	0
Impr.	0			Impr.	0
Code Area Total	30,410	19,270	19,270		0
Grand Total	30,410	19,270	19,270		0

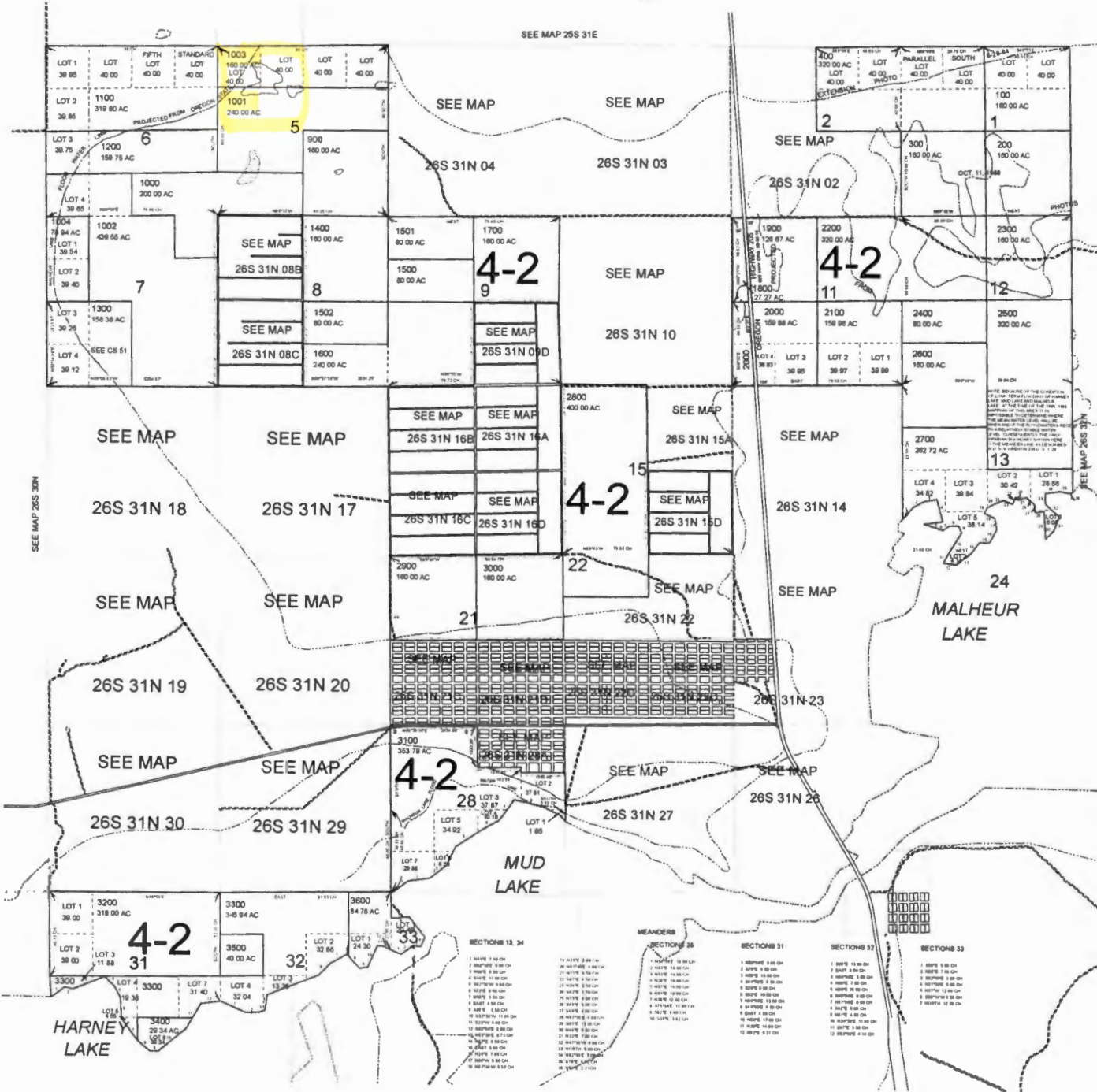
Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	Land Breakdown				Trended RMV	
						TD%	LS	Size	Land Class		LUC
0420	1		<input type="checkbox"/>	EFRU-2	Market	100	A	160.00	RA	003	30,410
Grand Total								160.00			30,410

Code Area	ID#	Yr Built	Stat Class	Description	Improvement Breakdown			Total Sq. Ft.	Ex% MS Acct #	Trended RMV
					TD%					
Grand Total									0	0

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

T.26S. R.31E. W.M.
HARNEY COUNTY
1" = 2000'

26S31NE



Cancelled Nos.
500
600
700
800



PRINTED ON 12/6/2018

26S31NE



Oregon
Kate Brown, Governor

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

December 6, 2019

GOLDEN RULE FARMS INC.
PO BOX 255
CHRISTMAS VALLEY, OR 97641

RE: **CORRECTING** Status of groundwater right permit(s)
G 17100, with a completion date of **10/31/2018**
G 17441, with a completion date of **10/1/2018**

Dear Groundwater Right Holder,

We recently sent you a letter, dated October 1, 2019, which misstated the completion date associated with your permit(s) listed above. The correct completion dates are listed in bold above.

As stated in our previous letter, permits require development of the water use according to the limits and conditions of the permit by the completion date specified in the permit. Upon reaching the completion date, the permit holder is required to submit a claim of beneficial use to the Department within one year. The Department has not yet received a claim of beneficial use for your permit(s) as required. Please contract with a CWRE to prepare and submit the claims of beneficial use as required by your permit(s).

The water right permit(s) listed above are located within or near the Greater Harney Valley Groundwater Area of Concern, an administrative area established by the Water Resources Commission in the Malheur Lakes Basin Program rules (OAR 690-512-0020) in 2016. While the Department evaluates each extension of time application on a case-by-case basis, please be aware that due to concerns about over-appropriation and an assessment of the present demand for water within or near the Groundwater Area of Concern, extensions of time are unlikely to be approved to allow any additional development of irrigated lands beyond what has been developed as of the currently authorized completion date. Extensions may be approved to address minor deficiencies with time sensitive permit conditions.

An attachment to this letter provides annotated links to several online resources.

Sincerely,

Justin Iverson
Groundwater Section Manager
justin.t.iverson@oregon.gov
503-986-0933

Attachment: Water Right Resources and Additional Information

Cc: Water right file(s):
G 17578
G 16867

Water Right Resources:

- **Water Rights in Oregon Booklet ("Aqua Book")**
<https://www.oregon.gov/OWRD/WRDPublications1/aquabook.pdf>
General description of Oregon's water rights system.
- **Water Rights Information System**
<https://apps.wrd.state.or.us/apps/wr/wrinfo/>
The Department's online record of your water right file. A PDF copy of your permit and other related documents are available under the "Scanned Documents" section.
- **Claim of Beneficial Use / Certification Information**
<https://www.oregon.gov/OWRD/programs/WaterRights/Cert/Pages/default.aspx>
Find forms and information necessary to file a claim of beneficial use to complete the development of your water right and obtain a Certificate.
- **Extension of Time**
<https://www.oregon.gov/OWRD/programs/WaterRights/Cert/Pages/default.aspx>
Find forms and information necessary to file an extension of time if necessary to come into compliance with certain time sensitive conditions as required by the permit.

Additional Information:

- **Malheur Lake Basin Groundwater Rules:**
<https://secure.sos.state.or.us/oard/view.action?ruleNumber=690-512-0020>
In April 2016, the Water Resources Commission established the Greater Harney Valley Groundwater Area of Concern (GHVGAC) in the Malheur Lakes Basin Program Rules. Among other things, the rules required the Department to complete a Groundwater Study by 2020, and then convene a Rules Advisory Committee to reexamine these rules in 2021.
- **Groundwater Study Advisory Committee:**
<https://www.oregon.gov/OWRD/programs/GWWL/GW/HarneyBasinStudy/Pages/default.aspx>
In May 2016, OWRD and the Harney County Court appointed a Groundwater Study Advisory Committee to foster an open exchange of information, data, and ideas between Harney County residents, interested parties, and the groundwater study team.
- **Community-Based Water Planning:**
<http://hcwatershedcouncil.com/community-based-water-planning/>
In addition to the groundwater study, the Harney County Watershed Council and Harney County Court have undertaken a place-based integrated water resources planning effort in the basin. The Community-Based Planning group is working to develop integrated solutions for meeting long-term water needs, in which they will recommend a suite of actions to address the community's groundwater-related challenges.

Cc: Water right file(s):

G 17578

G 16867



Oregon
Kate Brown, Governor

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

December 6, 2019

JOHN SHORT, WATER RIGHT SERVICES LLC
PO BOX 1830
BEND, OR 97709

RE: **CORRECTING** Status of groundwater right permit(s)
G 17100, with a completion date of **10/31/2018**
G 17441, with a completion date of **10/1/2018**

Dear Groundwater Right Holder,

We recently sent you a letter, dated October 1, 2019, which misstated the completion date associated with your permit(s) listed above. The correct completion dates are listed in bold above.

As stated in our previous letter, permits require development of the water use according to the limits and conditions of the permit by the completion date specified in the permit. Upon reaching the completion date, the permit holder is required to submit a claim of beneficial use to the Department within one year. The Department has not yet received a claim of beneficial use for your permit(s) as required. Please contract with a CWRE to prepare and submit the claims of beneficial use as required by your permit(s).

The water right permit(s) listed above are located within or near the Greater Harney Valley Groundwater Area of Concern, an administrative area established by the Water Resources Commission in the Malheur Lakes Basin Program rules (OAR 690-512-0020) in 2016. While the Department evaluates each extension of time application on a case-by-case basis, please be aware that due to concerns about over-appropriation and an assessment of the present demand for water within or near the Groundwater Area of Concern, extensions of time are unlikely to be approved to allow any additional development of irrigated lands beyond what has been developed as of the currently authorized completion date. Extensions may be approved to address minor deficiencies with time sensitive permit conditions.

An attachment to this letter provides annotated links to several online resources.

Sincerely,

Justin Iverson
Groundwater Section Manager
justin.t.iverson@oregon.gov
503-986-0933

Attachment: Water Right Resources and Additional Information

Cc: Water right file(s):

G 17578

G 16867

Water Right Resources:

- **Water Rights in Oregon Booklet ("Aqua Book")**
<https://www.oregon.gov/OWRD/WRDPublications1/aquabook.pdf>
General description of Oregon's water rights system.

- **Water Rights Information System**
<https://apps.wrd.state.or.us/apps/wr/wrinfo/>
The Department's online record of your water right file. A PDF copy of your permit and other related documents are available under the "Scanned Documents" section.
- **Claim of Beneficial Use / Certification Information**
<https://www.oregon.gov/OWRD/programs/WaterRights/Cert/Pages/default.aspx>
Find forms and information necessary to file a claim of beneficial use to complete the development of your water right and obtain a Certificate.
- **Extension of Time**
<https://www.oregon.gov/OWRD/programs/WaterRights/Cert/Pages/default.aspx>
Find forms and information necessary to file an extension of time if necessary to come into compliance with certain time sensitive conditions as required by the permit.

Additional Information:

- **Malheur Lake Basin Groundwater Rules:**
<https://secure.sos.state.or.us/oard/view.action?ruleNumber=690-512-0020>
In April 2016, the Water Resources Commission established the Greater Harney Valley Groundwater Area of Concern (GHVGAC) in the Malheur Lakes Basin Program Rules. Among other things, the rules required the Department to complete a Groundwater Study by 2020, and then convene a Rules Advisory Committee to reexamine these rules in 2021.
- **Groundwater Study Advisory Committee:**
<https://www.oregon.gov/OWRD/programs/GWWL/GW/HarneyBasinStudy/Pages/default.aspx>
In May 2016, OWRD and the Harney County Court appointed a Groundwater Study Advisory Committee to foster an open exchange of information, data, and ideas between Harney County residents, interested parties, and the groundwater study team.
- **Community-Based Water Planning:**
<http://hcwatershedcouncil.com/community-based-water-planning/>
In addition to the groundwater study, the Harney County Watershed Council and Harney County Court have undertaken a place-based integrated water resources planning effort in the basin. The Community-Based Planning group is working to develop integrated solutions for meeting long-term water needs, in which they will recommend a suite of actions to address the community's groundwater-related challenges.

Cc: Water right file(s):

G 17578

G 16867

MCCARTY Patricia E * WRD

From: MCCARTY Patricia E * WRD
Sent: Thursday, December 05, 2019 3:50 PM
To: 'Langford, Shonee D.'; FRENCH Dwight W * WRD
Cc: JARAMILLO Lisa J * WRD; Howard, Elizabeth E.; Helton, Anna
Subject: RE: URGENT Re: Permits G-17100 and 17441 [IWOV-PDX.FID4423755]

Hi Shonee,
The Department declines your request to issue an additional order.
Sincerely,
Patricia McCarty

From: Langford, Shonee D. <SLangford@SCHWABE.com>
Sent: Wednesday, December 04, 2019 3:39 PM
To: FRENCH Dwight W * WRD <Dwight.W.French@oregon.gov>
Cc: MCCARTY Patricia E * WRD <Patricia.E.Mccarty@oregon.gov>; JARAMILLO Lisa J * WRD <Lisa.J.Jaramillo@oregon.gov>; Howard, Elizabeth E. <EHoward@SCHWABE.com>; Helton, Anna <AHelton@schwabe.com>
Subject: URGENT Re: Permits G-17100 and 17441 [IWOV-PDX.FID4423755]
Importance: High

Dwight,
This relates to the voice mail I just left you. This is an urgent matter regarding the attached Final Orders. My firm represents the applicant Golden Rule Farms, who is preparing to file a petition for judicial review. We are facing a deadline of December 10, 2019 (next Tuesday). I'm copying Patricia and Lisa because they recently helped address the same defect in connection with Transfer T-12609.

The orders were issued on June 14, 2019. The applicant petitioned for reconsideration and the Department did not act on the petition. This is how we've reached a December appeal deadline.

Problem: The attached order does not satisfy the applicable requirements for final orders issued under ORS 536.075.

Explanation: The appeal language on page 1 of each final order is for orders in contested case. This is not a contested case proceeding. The final orders therefore should be described as final orders in other than contested case. Pursuant to ORS 536.075 (1), a final order other than contested case "must state on the first page of the order that the order is a final order other than contested case, that the order is subject to judicial review under ORS 183.484 and that any petition for judicial review of the order must be filed within the time specified by ORS 183.484(2)." The statements in the attached orders do not comply with these requirements, but instead refer to procedures under ORS 183.482 for appealing final orders in contested case. ORS 536.075 provides that "any order other than contested case...that does not comply with the requirements of this section is not a final order."

Proposed Solution: We ask that the Department issue an order that complies with ORS 536.075 before the December 10 deadline. We would like to avoid the time and expense of filing a petition for judicial review of defective final orders.

Are you available to discuss this issue today or tomorrow? It would seem to be in everyone's best interest to resolve this issue before we file a petition for judicial review.

Thanks in advance,

Shonee

Schwabe Williamson & Wyatt

Shonee D. Langford

Of Counsel

530 Center St. NE, Suite 730

Salem, OR 97301

Direct: 503-540-4261

Mobile: 503-807-2082

slangford@schwabe.com

Ideas fuel industries. Learn more at:

www.schwabe.com

NOTICE: This email may contain material that is confidential, privileged and/or attorney work product for the sole use of the intended recipient. Any review, reliance or distribution by others or forwarding without express permission is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies.



Oregon
Kate Brown, Governor

G-16867

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

October 1, 2019

GOLDEN RULE FARMS INC.
PO BOX 255
CHRISTMAS VALLEY, OR 97641

RE: Status of groundwater right permit(s)
Permit: G 18241 *, with a completion date of 10/30/2019
Permit: G 17441 *, with a completion date of 10/1/2024
Permit: G 17100 *, with a completion date of 10/1/2024

Dear Groundwater Right Holder,

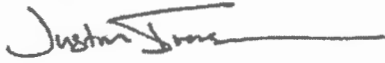
Our records indicate that you are the owner or agent of the water right permit(s) identified above. This letter includes important information to remind you about requirements related to developing water under your permit(s), and to help you anticipate how the Department may process future requests, specifically extensions of time related to these water right permits.

A permit provides authorization to develop and put water to beneficial use. Permits require development of the water use according to the limits and conditions of the permit by the completion date specified in the permit, usually within five years of issuance. Upon reaching the completion date, the permit holder is required to submit a claim of beneficial use to the Department within one year. A claim of beneficial use demonstrates to the Department that work has been completed within the terms and conditions of the permit and the extent of water use. Alternatively, a permit holder may need to apply for an extension of time to fully develop the water use under the permit or to come into compliance with certain time sensitive conditions specified in the permit.

The water right permit(s) listed above are located within or near the Greater Harney Valley Groundwater Area of Concern, an administrative area established by the Water Resources Commission in the Malheur Lakes Basin Program rules (OAR 690-512-0020) in 2016. While the Department evaluates each extension of time application on a case-by-case basis, please be aware that due to concerns about over-appropriation and an assessment of the present demand for water within or near the Groundwater Area of Concern, extensions of time are unlikely to be approved to allow any additional development of irrigated lands beyond what has been developed as of the currently authorized completion date. Extensions may be approved to address minor deficiencies with time sensitive permit conditions.

An attachment to this letter provides annotated links to several online resources. In addition, **staff from the Department will be available to meet with you in person to answer questions on Wednesday, October 16, from 2-6 PM in the back meeting room of The Pine Room in Burns. Please join us to make sure you have the information you need to make important decisions about your water right(s).**

Sincerely,

A handwritten signature in black ink, appearing to read "Justin Iverson", with a long horizontal line extending to the right.

Justin Iverson
Groundwater Section Manager
justin.t.iverson@oregon.gov
503-986-0933

Attachment: Water Right Resources and Additional Information

CC: Water Right File(s):
G -15118
G -16867
G -17578

Water Right Resources:

- **Water Rights in Oregon Booklet (“Aqua Book”)**
<https://www.oregon.gov/OWRD/WRDPublications1/aquabook.pdf>
General description of Oregon’s water rights system.

- **Water Rights Information System**
<https://apps.wrd.state.or.us/apps/wr/wrinfo/>
The Department’s online record of your water right file. A PDF copy of your permit and other related documents are available under the “Scanned Documents” section.

- **Claim of Beneficial Use / Certification Information**
<https://www.oregon.gov/OWRD/programs/WaterRights/Cert/Pages/default.aspx>
Find forms and information necessary to file a claim of beneficial use to complete the development of your water right and obtain a Certificate.

- **Extension of Time**
<https://www.oregon.gov/OWRD/programs/WaterRights/Cert/Pages/default.aspx>
Find forms and information necessary to file an extension of time if necessary to come into compliance with certain time sensitive conditions as required by the permit.

Additional Information:

- **Malheur Lake Basin Groundwater Rules:**
<https://secure.sos.state.or.us/oard/view.action?ruleNumber=690-512-0020>
In April 2016, the Water Resources Commission established the Greater Harney Valley Groundwater Area of Concern (GHVGAC) in the Malheur Lakes Basin Program Rules. Among other things, the rules required the Department to complete a Groundwater Study by 2020, and then convene a Rules Advisory Committee to reexamine these rules in 2021.

- **Groundwater Study Advisory Committee:**
<https://www.oregon.gov/OWRD/programs/GWWL/GW/HarneyBasinStudy/Pages/default.aspx>
In May 2016, OWRD and the Harney County Court appointed a Groundwater Study Advisory Committee to foster an open exchange of information, data, and ideas between Harney County residents, interested parties, and the groundwater study team.

- **Community-Based Water Planning:**
<http://hcwatershedcouncil.com/community-based-water-planning/>
In addition to the groundwater study, the Harney County Watershed Council and Harney County Court have undertaken a place-based integrated water resources planning effort in the basin. The Community-Based Planning group is working to develop integrated solutions for meeting long-term water needs”, in which they will recommend a suite of actions to address the community’s groundwater-related challenges.



Oregon

Kate Brown, Governor

6-16867

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

October 1, 2019

JOHN SHORT, WATER RIGHT SERVICES LLC
PO BOX 1830
BEND, OR 97709

RE: Status of groundwater right permit(s)
Permit: G 17441 *, with a completion date of 10/1/2024

Dear Groundwater Right Holder,

Our records indicate that you are the owner or agent of the water right permit(s) identified above. This letter includes important information to remind you about requirements related to developing water under your permit(s), and to help you anticipate how the Department may process future requests, specifically extensions of time related to these water right permits.

A permit provides authorization to develop and put water to beneficial use. Permits require development of the water use according to the limits and conditions of the permit by the completion date specified in the permit, usually within five years of issuance. Upon reaching the completion date, the permit holder is required to submit a claim of beneficial use to the Department within one year. A claim of beneficial use demonstrates to the Department that work has been completed within the terms and conditions of the permit and the extent of water use. Alternatively, a permit holder may need to apply for an extension of time to fully develop the water use under the permit or to come into compliance with certain time sensitive conditions specified in the permit.

The water right permit(s) listed above are located within or near the Greater Harney Valley Groundwater Area of Concern, an administrative area established by the Water Resources Commission in the Malheur Lakes Basin Program rules (OAR 690-512-0020) in 2016. While the Department evaluates each extension of time application on a case-by-case basis, please be aware that due to concerns about over-appropriation and an assessment of the present demand for water within or near the Groundwater Area of Concern, extensions of time are unlikely to be approved to allow any additional development of irrigated lands beyond what has been developed as of the currently authorized completion date. Extensions may be approved to address minor deficiencies with time sensitive permit conditions.

An attachment to this letter provides annotated links to several online resources. In addition, **staff from the Department will be available to meet with you in person to answer questions on Wednesday, October 16, from 2-6 PM in the back meeting room of The Pine Room in Burns. Please join us to make sure you have the information you need to make important decisions about your water right(s).**

Sincerely,

A handwritten signature in black ink, appearing to read "Justin Iverson", with a long horizontal line extending to the right.

Justin Iverson
Groundwater Section Manager
justin.t.iverson@oregon.gov
503-986-0933

Attachment: Water Right Resources and Additional Information

CC: Water Right File(s):
G -16867

Water Right Resources:

- **Water Rights in Oregon Booklet ("Aqua Book")**
<https://www.oregon.gov/OWRD/WRDPublications1/aquabook.pdf>
General description of Oregon's water rights system.
- **Water Rights Information System**
<https://apps.wrd.state.or.us/apps/wr/wrinfo/>
The Department's online record of your water right file. A PDF copy of your permit and other related documents are available under the "Scanned Documents" section.
- **Claim of Beneficial Use / Certification Information**
<https://www.oregon.gov/OWRD/programs/WaterRights/Cert/Pages/default.aspx>
Find forms and information necessary to file a claim of beneficial use to complete the development of your water right and obtain a Certificate.
- **Extension of Time**
<https://www.oregon.gov/OWRD/programs/WaterRights/Cert/Pages/default.aspx>
Find forms and information necessary to file an extension of time if necessary to come into compliance with certain time sensitive conditions as required by the permit.

Additional Information:

- **Malheur Lake Basin Groundwater Rules:**
<https://secure.sos.state.or.us/oard/view.action?ruleNumber=690-512-0020>
In April 2016, the Water Resources Commission established the Greater Harney Valley Groundwater Area of Concern (GHVGAC) in the Malheur Lakes Basin Program Rules. Among other things, the rules required the Department to complete a Groundwater Study by 2020, and then convene a Rules Advisory Committee to reexamine these rules in 2021.
- **Groundwater Study Advisory Committee:**
<https://www.oregon.gov/OWRD/programs/GWWL/GW/HarneyBasinStudy/Pages/default.aspx>
In May 2016, OWRD and the Harney County Court appointed a Groundwater Study Advisory Committee to foster an open exchange of information, data, and ideas between Harney County residents, interested parties, and the groundwater study team.
- **Community-Based Water Planning:**
<http://hcwatershedcouncil.com/community-based-water-planning/>
In addition to the groundwater study, the Harney County Watershed Council and Harney County Court have undertaken a place-based integrated water resources planning effort in the basin. The Community-Based Planning group is working to develop integrated solutions for meeting long-term water needs", in which they will recommend a suite of actions to address the community's groundwater-related challenges.

August 8, 2019

Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301

Re: Petition for Reconsideration of Final Orders to Deny Application for an Extension of Time for Permit G-17100 and Permit G-17441

Director Thomas M. Byler:

As agent of record on behalf of Golden Rule Farms, Inc., we would like to file a Petition for Reconsideration of Final Orders to Deny Application for an Extension of Time for Permit G-17100 and Permit G-17441. Both permits were recently in process of amendment per T-12609.

It is our contention that the department did not act in good faith or in a timely manner during the review process of Permit Amendment T-12609, amending Permit G-17100 and G-17441. Permit Amendment T-12609 was initiated approximately 18 months prior to the C-dates for the permits, allowing for ample time to get an amended permit in place. On September 10, 2018 a Draft Final Order *approving* Permit Amendment T-12609 was provided by the department. Had this Draft Final Order been converted in a timely manner to a Final Order approving T-12609 and superceding permits issued prior to the C-date, we would not be in need of rebutting the Final Orders denying Applications for an Extension of Time for Permit G-17100 and G-17441. After the C-date's expired OWRD notified us of the need to file an Application for an Extension of Time for the permits. Although surprised, we acted in good faith, quickly providing the Application for Extension to the department with the understanding that it would provide additional time for the department to convert the Proposed Final Order approving T-12609 into superceding permits. However, after reviewing the department's PFO for the extension application, it became clear that OWRD did not address the Permit Amendment Application and Application for Extension holistically. OWRD did not regard development that was done in good faith towards the perfecting the permit, thus denying the Extension. This process was not transparent and didn't provide the agent and permit holder the opportunity to make decisions that would affect the outcome and life of the permit. We ask that the department consider approving the extension requests and allow the development of Permit G-17100 and G-17441 as proposed in T-12609.

It is our desire to avoid the Judicial Review Process in this case. We are willing to forego the Judicial Review Process and negotiate an agreement that benefits all parties involved including the public, saving time and financial resources for all involved.

Mitigation Proposal:

Golden Rule Farms, Inc. would be willing to sign a binding agreement that offers to cancel both Permits G-17100 and G-17441 in order to allow the issuance of a Permit for Golden Rule Farms, Inc.'s Groundwater application G-17592. This would take water out of the sensitive Weaver Springs area, and transfer any impact to the Anderson Valley region, which is likely a less critical recharge area for the Harney Basin. If Permit G-17100 and G-17441 were to be developed as permitted or as proposed under T-12609, 6 cfs and 1440 acre-feet/year could potentially be developed in the sensitive Weaver Springs area located within the GHVGAC.

Thank you for your help and attention to this matter.

Sincerely,



John A. Short
Agent
Water Right Services, LLC
PO Box 1830
Bend, OR 97709

RECEIVED

AUG 14 2019

OWRD

RECEIVED

AUG 14 2019

OWRD

Oregon Water Right Agent Authorization

To Oregon Water Resources Department:

I/We, the undersigned, as owner(s) of those Oregon water rights referenced below, do hereby authorize John A. Short or Bryce Withers of Water Right Services, LLC as our agent to represent me/us in all matters relating to these water rights, transfers, and/or extensions thereof. **Please copy Agent on ALL correspondence relating to these water rights, transfers, and extensions.**

Applications:

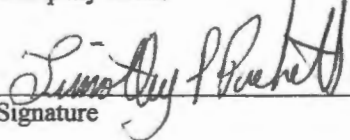
Permits: G-17100, G-17441, G-15451

Transfers:

Certificate:

Golden Rule Farms, Inc.
Company Name

President
Title


Signature

Timothy P. Puckett
Printed Name

6-14-19
Date

Water Right Services, LLC
John A. Short CCB 197121
541-389-2837

P.O. Box 1830
Bend, OR 97709

johnshort@usa.com
www.oregonwater.us

Oregon Water Right Agent Authorization

To Oregon Water Resources Department:

I/We, the undersigned, as owner(s) of those Oregon water rights referenced below, do hereby authorize John A. Short or Bryce Withers of Water Right Services, LLC as our agent to represent me/us in all matters relating to these water rights, transfers, and/or extensions thereof. **Please copy Agent on ALL correspondence relating to these water rights, transfers, and extensions.**

Applications:

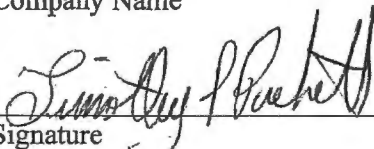
Permits: G-17100, G-17441, G-15451

Transfers:

Certificate:

Golden Rule Farms, Inc.
Company Name

President
Title


Signature

Timothy P. Puckett 6-14-19
Printed Name Date

RECEIVED

JUN 14 2019

OWRD

Water Right Services, LLC

John A. Short CCB 197121

541-389-2837

P.O. Box 1830
Bend, OR 97709

johnshort@usa.com
www.oregonwater.us

Mailing List for Extension FO Copies

FO Date: June 14, 2019

Copies Mailed

Application: G-16867

Permit: G-17441

By: TM
On: 6/14/2019

Original mailed to Applicant:

Golden Rule Farms, Inc
P.O. Box 255
Christmas Valley, OR 97641

Copies sent to:

1. WRD - App. File G-16867/ Permit G-17441
2. Agent or CWRE representing the Permit Holder

Fee paid as specified under ORS 536.050 to receive copy:

3. None

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

4. WRD - Watermaster District 10, JR Johnson
5. WRD - ER Regional Manager, Jason Spriet

CASEWORKER: JDP

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

Application for Extension of Time

In the Matter of the Application for an Extension of Time for)
Permit G-17441, Water Right Application G-16867, in the)
name of Golden Rule Farms, Inc)

**FINAL ORDER
TO DENY**

Permit Information

Application: G-16867
Permit: G-17441
Basin: 12 – Malheur Lake / Watermaster District 10
Date of Priority: May 23, 2007
Source of Water: three wells in Mahleur Lake Basin
Purpose or Use: Irrigation use on 160.0 Acres
Maximum Rate: 2.0 cubic feet per second (cfs)

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

Appeal Rights

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Application History

Permit G-17441 was issued by the Department on September 11, 2008. The permit called for completion of construction by October 1, 2012 and complete application of water to beneficial use by October 1, 2012. The most recent Extension of Time specified completion of construction and complete application of the water was to be made by October 1, 2018. On November 19, 2018, Golden Rule Farms, Inc submitted to the Department an Application for Extension of Time for Permit G-17441. In accordance with OAR 690-315-0050(2), on April 16, 2019, the Department issued a Proposed Final Order proposing to deny the time to complete construction to October 1, 2019, and the time to fully apply water to beneficial use to October 1, 2019. The protest period closed May 31, 2019, in accordance with OAR 690-315-0060(1). No protest was filed.

FINDINGS OF FACT

The Department adopts and incorporates by reference the findings of fact in the Proposed Final Order dated April 16, 2019.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, any comments received, and information within the file, the permit may not be extended.

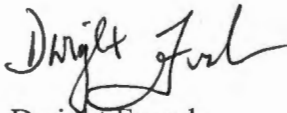
CONCLUSION OF LAW

The applicant has not demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2).

ORDER

The extension of time for Application G-16867, Permit G-17441, therefore, denied.

DATED: June 14, 2019



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

-
- If you have any questions about statements contained in this document, please contact the Permit Extension Specialist at (503) 986-0802.
 - If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900
-



Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone (503) 986-0900
Fax (503) 986-0904
www.Oregon.gov/OWRD

June 6, 2019

Golden Rule Farms, Inc.
P.O. Box 255
Christmas Valley, OR 98930

REFERENCE: Permits G-17100, and G-17441

Dear Permit Holder:

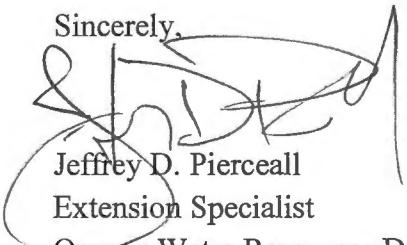
On April 16, 2019, the Department issued Proposed Final Orders (PFO) denying Extensions of Time for the above referenced permits. The PFO provided the opportunity to submit a written protest to the PFO no later than 45 days from issuance of the PFO, being May 31, 2019. No protest was received.

On June 5, 2019, the Department was contacted by Bryce Withers of Water Right Services, LLC, recognizing that the date to submit a protest had past, and requesting the Department delay the issuance of the Final Orders (FO) so additional information could be provided.

Though the Department welcomes the submittal of additional information to be considered, the Department could not act on this request because authorization for Mr. Withers or Water Right Services, LLC, to act as an agent in regard to the Applications for Extension of Time have not been provided to the Department. Additionally, because no protest was filed within the time specified in the PFO, the Department is not obligated to consider the request to delay issuance of the FO, or additional information that is provided.

The Department intends to issue the FOs, consistent with the findings and determinations of the PFOs, on June 14, 2019.

Sincerely,



Jeffrey D. Pierceall
Extension Specialist

Oregon Water Resources Department

CC: Bryce Withers
Water Right Services, LLC
P.O. Box 1830
Bend, OR 97709



PIERCEALL Jeffrey D * WRD

From: FRENCH Dwight W * WRD
Sent: Thursday, June 06, 2019 12:33 PM
To: PIERCEALL Jeffrey D * WRD
Subject: RE: PFO to Deny Ext. of Time App. for G-17100 and G-17441

Letter is good. Please cc Bryce Withers.
Dwight

Dwight French

Water Right Services Division Administrator
Oregon Water Resources Department
dwight.w.french@oregon.gov
503-986-0819



Integrity + Service + Technical Excellence + Teamwork + Forward-Looking

From: PIERCEALL Jeffrey D * WRD <Jeffrey.D.Pierceall@oregon.gov>
Sent: Thursday, June 06, 2019 10:07 AM
To: FRENCH Dwight W * WRD <Dwight.W.French@oregon.gov>
Subject: FW: PFO to Deny Ext. of Time App. for G-17100 and G-17441

Dwight,
I received this email from Bryce Withers about the two Golden Rule Farm permits that we issued PFOs to deny. These are the two EOTs that were denied where Golden Rule had a Permit Amendment pending, along with some transfers, where they were claiming that irrigation occurred under the permits on land that was covered by a certificated right. The PFO identified that the irrigation could not have occurred under the permit since the certificated covered the same ground.

It is worth noting that there is no authorization included in the file for Bryce, or for Water Right Services to act as an agent for the permits or the EOT applications.

I spoke with Patricia, and she suggested that I draft a response to the Permit Holder to inform them of the request and the Department's response. Attached is the letter I have drafted for your review.

[Jeffrey D. Pierceall](#)
[Extension and Adjudication Specialist](#)
[Oregon Water Resources Department](#)
503-986-0802
Jeffrey.D.Pierceall@oregon.gov



From: Bryce Withers <brycewrs@gmail.com>
Sent: Wednesday, June 05, 2019 3:34 PM
To: PIERCEALL Jeffrey D * WRD <Jeffrey.D.Pierceall@oregon.gov>
Subject: PFO to Deny Ext. of Time App. for G-17100 and G-17441

Hi Jeffrey,

I would like to request some additional time before the Final Order is issued for these two permits. I know that I missed the deadline for protest, but it was in error and I need to look into these, I believe that we can provide some additional pertinent information.

Thank you for your consideration.

--

Bryce Withers

Water Right Specialist
(541)513-5150 cell

Water Right Services, LLC
PO Box 1830
Bend, OR 97709

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

Application for Extension of Time

In the Matter of the Application for an Extension of Time for)	
Permit G-17441, Water Right Application G-16867, in the)	PROPOSED
name of Golden Rule Farms, Inc)	FINAL ORDER
		TO DENY

Permit Information

Application:	G-16867
Permit:	G-17441
Basin:	12 – Malheur Lake / Watermaster District 10
Date of Priority:	May 23, 2007
Source of Water:	three wells in Mahleur Lake Basin
Purpose or Use:	Irrigation use on 160.0 Acres
Maximum Rate:	2.0 cubic feet per second (cfs)

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

In Summary, the Department proposes to:

- Deny an extension of time to complete construction of the water system from October 1, 2018, to October 1, 2019.

- Deny an extension of time to apply water to full beneficial use from October 1, 2018, to October 1, 2019.

ACRONYM QUICK REFERENCE

Application – Application for Extension of Time
Department – Oregon Department of Water Resources
FOF – Finding of Fact
PFO – Proposed Final Order
Well - HARN 51693
Well 1 – HARN 51904
Well 2 – HARN 51924
Well 3 - HARN 50358
Well 18 - HARN 50777
cfs - cubic feet per second

AUTHORITY

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

ORS 537.630(2) provides in pertinent part that the Oregon Water Resources Department (Department) for good cause shown shall order and allow an extension of time within which irrigation or other works shall be completed or the right perfected. In determining the extension, the Department shall give due weight to the considerations described under ORS 539.010(5) and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right.

ORS 539.010(5) instructs the Director to consider: the cost of the appropriation and application of the water to a beneficial purpose; the good faith of the appropriator; the market for water or power to be supplied; the present demands therefor; and the income or use that may be required to provide fair and reasonable returns upon the investment.

OAR 690-315-0040 provides that in order to approve an application for an extension of time to complete construction or apply water to full beneficial use, the Department shall make the findings in OAR 690-315-0040(1) including a finding that there is “good cause” to approve the extension. OAR 690-315-0040(2)-(4) contains the factors that the Department must consider to make findings that support a “good cause” determination.

FINDINGS OF FACT

1. On September 11, 2008, Permit G-16376 was issued by the Department. The permit authorizes the use of up to 2.0 cfs of water from a well in Mahleur Lake Basin for irrigation use on 160.0 acres. The permit specified completion of construction, and complete application of water was to be made on or before October 1, 2012.
2. On January 21, 2014, an assignment by proof from Tracy Hill, to Helen Den Hoed was recorded in the records of the Water Resources Department.
3. One prior permit extension has been granted for Permit G-16376. The extension request resulted in the completion dates for construction and full application of water being extended from October 1, 2012, to October 1, 2018.

4. On May 21, 2015, the Department approved Permit Amendment T-11828 (Special Order Volume 95, Page 828) authorizing a change in the point of appropriation, an additional point of appropriation, and a change in the place of use under Permit G-16376 (modified by Permit Amendment T-11828). Superseding Permit G-17356 was issued by the Department on May 21, 2015, to reflect the changes. On May 27, 2015, superseding Permit G-17441 was issued to describe a correcting order for Permit Amendment Application T-11828, to correctly describe the location of Well 2 (HARN 51924). Permit G-17441 authorizes the use of up to 2.0 cfs of water from three wells in Mahleur Lake Basin for irrigation use on 160.0 acres.
5. On August 8, 2016, an assignment by proof from Helen Den Hoed, to Golden Rule Farms, Inc., was recorded in the records of the Water Resources Department.
6. On March 16, 2017, Permit Amendment T-12609, was filed by Golden Rule Farms, Inc., to change the points of appropriation and the place of use under Permit G-17441. The application is currently pending review.
7. On November 19, 2018, Timothy P. Puckett, president of Golden Rule Farms, Inc, submitted an "Application for Extension of Time" (Application) to the Department, requesting both the time to complete construction of the water system and the time to apply water to full beneficial use under the terms and conditions of Permit G-17441 be extended from October 1, 2018, to October 1, 2019.
8. On January 15, 2019, notification of the Application for Permit G-17441 was published in the Department's Public Notice. Multiple public comments were received regarding the Application.
9. In summary, most of the commenters are opposed to the extension of time, and subsequent permit amendment because groundwater levels in the area where the permit is being utilized have experienced excessive decline, and there is concern over the effect of development of this permit on domestic water supply wells.
10. One comment was received from WaterWatch of Oregon, which addressed additional concerns, including illegal use of water under the permit, and lack of condition compliance.

Review Criteria [OAR 690-315-0040]

In order to approve an Application for an Extension of Time to complete construction and/or apply water to full beneficial use pursuant to ORS 537.230 or 537.630, or to begin construction, pursuant to ORS 537.248, the Department must make the findings in OAR 690-315-0040(1)(a) – (d).

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

- 1.1. On November 19, 2018, the Department received a completed Application and the fee specified in ORS 536.050 from the permit holder.

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

12. Construction of the well began prior to October 1, 2012, as specified in the permit as being the date to apply water to full beneficial use.
13. According to the well log received by the Department on March 8, 2010, construction of HARN 51693 (Well) began February 18, 2010.

Based on Finding of Fact (FOF) 12, and 13, the Department has determined that the prosecution of the construction of the well began prior to October 1, 2012.

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

The Department must find that there is "good cause" to approve the extension. In making a "good cause" finding, the Department shall consider the requirements set forth under OAR 690-315-0040(2).

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

In order to make a finding of "good cause" to approve the extension, the Department shall consider whether the applicant has demonstrated "reasonable diligence" in previous performance under the permit. OAR 690-315-0040(2)(a). In determining "reasonable diligence", the Department shall consider, but is not limited to, the following factors: a) The amount of construction completed within the time allowed in the permit or previous extension; b) The amount of beneficial use made of the water during the permit or previous extension time limits; c) Water right holder conformance with the permit or previous extension conditions; and d) Financial investments made toward developing the beneficial use of water.

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

The amount of construction completed within the time allowed in the previous extension.

14. No additional work was accomplished, as authorized by Permit G-17441, during the previous extension of time period.

Based on FOF 14, the Department cannot find evidence of progress made towards completion of the water development and application of water to full beneficial use as allowed in the previous extension of time period, being from October 1, 2012, to October 1, 2018. Therefore, the Department cannot find good cause or reasonable diligence towards the complete application of water to a beneficial use under G-17441.

15. A review of the Department's record identifies that the above work was accomplished in the development of irrigation on ground perfected under Water Right Certificates 91556, and 91445.^{1,2,3}

¹ The Application for Extension of Time refers to the map submitted with Permit Amendment T-12609, to identify the acres irrigated under Permit G-17441. The acres authorized for irrigation under Permit G-17100 are located in Township 26 South, Range 31 East, Section 4 and 9. The acres that have been irrigated according to Permit Amendment T-12609 are located in Township 25 South, Range 31 East, Sections 27, 28, and 33.

Based on FOF 14, the Department has determined that the work asserted in the Application for Extension of Time was accomplished in the development of Water Right Certificate 91556, and 91445, which had been fully perfected on the land that Permit Amendment T-12609 is proposing to move the place of use under Permit G-17441.

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

The water right permit holder's conformance with the permit conditions.

16. The Department has considered the permit holder's compliance with conditions, and has identified the following concerns: (1) the required March static water level measurements have not been received by the Department, (2) HARN 50358 (Well 3) and HARN 50777 (Well 18) have been constructed in a location that deviates from the locations of wells from that proposed in the permit application, and the change has not been authorized in writing by the Department, and (3) HARN 51904 has not been partially abandoned from 355 to 760 feet below ground surface.

Based on FOF 16, the Department has determined that the permit holder has not demonstrated compliance with following permit conditions as required by Permit G-17441:

- “The permittee shall report an initial March static water level measurement once well construction is complete”; and
- “If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may not be valid, unless the Department authorizes the change in writing.
- Prior to use of water, the bottom portion of well HARN 51904 (well tag L-102456) shall be properly abandoned for 355 to 760 feet below ground surface in a manner compliant with OAR 690-220.

Failure to comply with permit conditions constitutes illegal use of water. In order to legally perfect the use of water under this permit, the permit holder must demonstrate that all conditions of the permit have been satisfied.

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

17. No water has been appropriated under this permit.

18. Beneficial use of water has not been demonstrated under this permit.

Based on FOF 16, 17, and 18, the Department has determined beneficial use of water has not yet been demonstrated under this permit because not all permit conditions were satisfied by October 1, 2018.

² Because construction work, identified in FOF 15 above, occurred under Certificate 91556, the Department cannot consider this development under Permit G-17441.

³ Because construction work, identified in FOF 15 above, occurred under Certificate 91445, the Department cannot consider this development under Permit G-17441.

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

19. An investment for approximately \$225,000, which is approximately 99 percent of the total projected cost for complete development of this project. An additional \$1000 investment is needed for the completion of this project.
20. No financial investment has been made toward developing the beneficial water use during the previous extension of time period, being October 1, 2012, to October 1, 2018.

Based on FOF 20, the Department finds there is no evidence towards perfecting the water right under the terms and conditions of the permit during the previous extension of time period.

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

The Application does not provide evidence of work accomplished towards completion of the water system during the most recent extension of time period; the permit holder has demonstrated noncompliance with permit conditions, and; beneficial use of water has not been demonstrated. The Department has determined the applicant has not demonstrated reasonable diligence in previous performance under Permit G-17441.

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

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

- *(a) The amount of water available to satisfy other affected water rights and scenic waterway flows;*
- *(b) Special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d);*
- *(c) The habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife;*
- *(d) Economic investment in the project to date;*
- *(e) Other economic interests dependent on completion of the project; and*
- *(f) Other factors relevant to the determination of the market and present demands for water and power.*

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

The amount of water available to satisfy other affected water rights and scenic waterway flows.

21. A review of the amount of water available to satisfy other affected water rights and scenic waterway flows was determined at the time of issuance of Permit G-17441; furthermore,

water availability for other affected water rights and scenic waterway flows after the permit was issued is determined when an Application for a new water right is submitted.

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

Special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d).

22. The points of appropriation for Permit G-17441, are located in the Greater Harney Valley Groundwater Area of Concern (GHVGAC) which was established to ensure that groundwater in the GHVGAC is appropriated within the capacity of the resource and that new appropriations of groundwater assure the maintenance of reasonably stable groundwater levels and prevent depletion of the groundwater resource. Current data, comprising substantial evidence, indicate that groundwater levels are declining in areas of the GHVGAC. Additional allocation of groundwater within the GHVGAC may exacerbate these declines. A comparison between estimated annual recharge and previously allocated groundwater volumes indicates that groundwater is fully allocated in some areas of the basin. 690-512-0020(1).
23. Malheur Lake is not located within or above any state or federal scenic waterway.
24. The points of appropriation are not in an area listed by the Department of Environmental Quality as a water quality limited stream.

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

The habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife.

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

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

Economic interests dependent on completion of the project.

26. An approximate total of \$225,000 has been invested in the project.

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

Other economic interests dependent on completion of the project.

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

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

Other factors relevant to the determination of the market and present demand for water and power.

28. Other factors relevant to the determination of the market and present demand for water and power have been identified.
29. On January 7, 2019, the Department's Ground Water Section determined that the reference levels are not available.

Based on FOF 16, the Department has determined that the permit holder has not demonstrated compliance with the condition requiring the submittal of an initial static water level measurement from the wells authorized for use under this permit. Additionally, the Department has determined that reference levels for Well 1, Well 2, Well 3, and Well 18, cannot be determined. Illegal water use from Well 1, Well 2, Well 3, and Well 18, has occurred, and the permit holder has not submitted static water level measurements for these wells, the Department cannot recreate reference levels in these wells. Because water has been used, and reference levels to compare future measurements to cannot be determined, the Department cannot determine that the use will not impair or be detrimental to the public interest.

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

30. The use and income from the permitted water development would likely result in reasonable returns upon the investment made to date.

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

31. Delay in the development of this project was caused by any other governmental requirements.

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

32. No unforeseen events were identified that contributed to the extended the length of time needed to fully develop and perfect Permit G-17441.

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

33. A denial of the extension would not result in undue hardship.

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

34. The Application does not provide evidence of good faith of the appropriator under Permit G-17441.

Based on Findings of Fact 14, 16, 17, 18, and 20, above, the Department finds that the Applicant has not demonstrated good faith.

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

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

Based on FOF 14, 16, 17, 18, 20, and 29, the Department cannot find that the applicant can complete the project or apply water to full beneficial use within the time requested for the extension because the applicant did not demonstrate reasonable diligence in the development of Permit G-17441, as authorized, during the most recent extension of time period, being October 1, 2012, to October 1, 2018.

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

The Department must find that there is "good cause" to approve the extension. In making a "good cause" finding, the Department shall consider the requirements set forth under OAR 690-315-0040(2).

The Department has considered the reasonable diligence and good faith of the appropriator, the cost to appropriate and apply water to a beneficial purpose, the market and present demands for water to be supplied, the financial investment made and fair and reasonable return upon the investment, the requirements of other governmental agencies, and unforeseen events over which the permit holder had no control, whether denial of the extension will result in undue hardship to the applicant and whether there are no other reasonable alternatives for meeting water use needs, any other factors relevant to a determination of good cause, and has determined that the applicant has not shown that good cause exists for an extension of time to complete construction and apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).

CONCLUSIONS OF LAW

1. The permit holder has submitted a complete extension application form and the fee specified in ORS 536.050, as required by OAR 690-315-0040(1)(a).
2. The permit holder has not complied with the time allowed for construction work under the permit pursuant to ORS 537.630 as required by OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).
3. The Application established that there has been no construction, no financial investment or reasonable diligence toward developing the project. The permit holder has not shown that good cause exists for an extension of time to complete construction and apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).

continued on following page

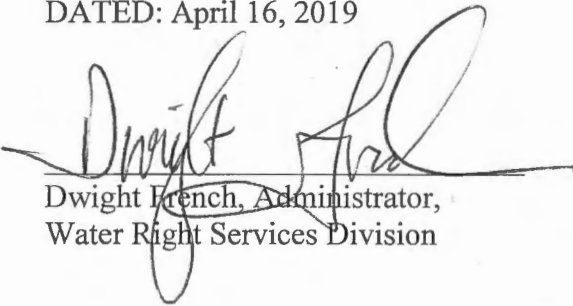
PROPOSED ORDER

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

Deny the time to complete construction of the water system under Permit G-17441 from October 1, 2018, to October 1, 2019.

Deny the time to apply water to beneficial use under Permit G-17441 from October 1, 2018, to October 1, 2019.

DATED: April 16, 2019



Dwight French, Administrator,
Water Right Services Division

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

Proposed Final Order Hearing Rights

1. Under the provisions of OAR 690-315-0100 and 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may submit a written protest to the proposed final order. The written protest must be received by the Water Resources Department no later than **May 31, 2019**, being 45 days from the date of publication of the proposed final order in the Department's weekly notice.
2. A written protest shall include:
 - a. The name, address and telephone number of the petitioner;
 - b. A description of the petitioner's interest in the proposed final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented;
 - c. A detailed description of how the action proposed in the proposed final order would adversely affect or aggrieve the petitioner's interest;
 - d. A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;
 - e. Any citation of legal authority supporting the petitioner, if known;
 - f. Proof of service of the protest upon the water right permit holder, if petitioner is other than the water right permit holder; and
 - g. The applicant or non-applicant protest fee required under ORS 536.050.

3. Within 60 days after the close of the period for requesting a contested case hearing, the Director shall:
 - a. Issue a final order on the extension request; or
 - b. Schedule a contested case hearing if a protest has been submitted, and:
 - 1) Upon review of the issues, the Director finds there are significant disputes related to the proposed agency action; or
 - 2) The applicant submits a written request for a contested case hearing within 30 days after the close of the period for submitting protests.

NOTICE TO ACTIVE DUTY SERVICEMEMBERS: Active duty Servicemembers have a right to stay these proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571 or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll free telephone number.

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

Mailing List for Extension PFO Copies

PFO Date: April 16, 2019

Copies Mailed

Application: G-16867

By: TM

Permit: G-17441

On: 4/16/2019

Original mailed to Applicant:

Golden Rule Farms, Inc
P.O. Box 255
Christmas Valley, OR 97641

Copies sent to:

1. WRD - App. File G-16867/ Permit G-17441

Fee paid as specified under ORS 536.050 to receive copy:

2. None

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

3. WRD - Watermaster District 10, JR Johnson
4. WRD - ER Regional Manager, Jason Spriet

CASEWORKER: JDP



Permit: G 17441

Name First, Mi, Last Erwin & Ellen **Yarbrough** **Received Date** 2/12/2019 **Time** 12:44 PM
Company
Name Other
Street 59932 McCanna Road

City Burns **State** Oregon **Zip** 97720
Home Phone 5412164307 **Cell Phone**
Company Phone **Fax Phone**
Email Address spunkyglory@msn.com

Comments We have serious concerns about allowing more pivots in this area. We have been losing water level the past few years as more and more pivots are installed and used in our area. We feel it is wrong to add more pivots when it damages the water levels of existing wells and the value of our land. These new wells will put money in the pockets of the owners at the cost of making our well worthless. We would urge you to deny the request for more pivots. This basin will not sustain such over use. Thank you for your consideration. Sincerely, Erwin S. and Ellen Yarbrough



Permit: G 17441

Name First, Mi, Last Monica L McCanna Received Date 2/11/2019 Time 9:03 PM

Company

Name Other

Street 60012 McCanna Road

City Burns

State Oregon

Zip 97720

Home Phone 5415891826

Cell Phone 5415891826

Company Phone

Fax Phone

Email Address mccannaml@yahoo.com

Comments

"As a member of the Domestic and Municipal Working Group of the Harney County Community Water Planning Process (the collaborative), I strongly object to a transfer for an area in which the investigation has already been shown to have declining water levels that are interfering with other domestic and groundwater wells and it is an area with a widening cone of depression. It would be unwise to grant the transfer. We cannot continue to let the area be mined for it's water.



Permit: G 17441

Name First, Mi, Last Ben **A McCanna** **Received Date 2/11/2019 Time 3:26 PM**
Company 1961
Name Other Ben McCanna
Street 60021 McCanna rd.

City Burns **State Oregon** **Zip 97720-2519**
Home Phone 5415890867 **Cell Phone 5415890867**
Company Phone **Fax Phone**
Email Address badben59@yahoo.com

Comments I am very concerned about these new placements of pivots and the wells that supply there water? In our area we are already experiencing big drop in our water levels. We are under a water moratorium where is the water coming from? I am trying to understand how come a large company such as this would want to destroy all the surrounding water table. When Joe Eckley had the place. He had he own well drilling machine and he put wells in all over the place. Are these wells even register with the state? It looks like there could be some questions about where the water is coming from?



Permit: G 17441

Name First, Mi, Last Diane Rapaport Received Date 2/11/2019 Time 1:28 PM

Company

Name Other

Street 323 N. Saginaw Avenue

City Hines

State Oregon

Zip 97738

Home Phone 5415731931

Cell Phone

Company Phone

Fax Phone

Email Address jhpress@ceturytel.net

Comments As a member of the Domestic and Municipal Working Working group of the Harney County Community Water Planning process (the collaborative), I strongly object to a transfer of rights for Permit G17441 until the Groundwater Investigation now being conducted is finalized. This is an area in which the investigation has already shown to have declining water levels that are potentially interfering with other domestic and groundwater wells; and in an area show to have a widening cone of depression.



WaterWatch of Oregon
Protecting Natural Flows In Oregon Rivers

RECEIVED
FEB 14 2019
OWRD

Lisa Brown
WaterWatch of Oregon
213 SW Ash St., STE 208
Portland, OR 97204

February 14, 2019

Jeffrey Pierceall
Oregon Water Resources Department
725 Summer Street NE Suite A
Salem, OR 97301

RE: Comments on Extension Applications for Permits G-17100 and G-17441 (Golden Rule Farms); and request for cancellation of both permits and enforcement against illegal use.

Submitted via: WRIS (partial comments only due to word limit) and email
(jeffrey.d.pierceall@oregon.gov)

Dear Mr. Pierceall:

On behalf of WaterWatch of Oregon (“WaterWatch”), please accept the following comments on the Extension Applications for Permits G-17100 and G-17441, request for cancellation of the permits and enforcement against illegal use. Because these comments request actions beyond those regarding the extension applications, this letter is being copied to additional OWRD staff per the list below.

Background

On January 15, 2019, the Oregon Water Resources Department (OWRD) published in its Public Notice of Water Use Requests its receipt of an extension application for Permits G-17100 (App. G-17572) and G-17441 (App. 16867).

The place of use for both permits is in a part of the Greater Harney Valley Groundwater Area of Concern referred to as Weaver Springs, an area of excessive groundwater level declines.

Holders of groundwater permits “shall prosecute the construction of a well or other means of developing and securing the ground water with reasonable diligence and complete the construction within a reasonable time fixed in the permit by the Water Resources Department, not to exceed five years after the date of approval of the application.” ORS 537.630(2). OWRD “for good cause shown, shall order and allow an extension of time, including an extension

WaterWatch of Oregon
Main Office: 213 SW Ash St. Suite 208 Portland, OR 97204
Southern Oregon Office: PO Box 261, Ashland, OR, 97520

Main Office: 503.295.4039
S. OR Office: 541.708.0048
www.waterwatch.org

beyond the five-year period, *for the completion* of the well or other means of developing and securing the ground water or for complete application of water to beneficial use” (*id.* (emphasis added), *see also* OAR 690-315-0040(1)(c)), but only for the “reasonable time necessary to complete water development or apply all the water to beneficial use.” OAR 690-315-0050(4). OWRD may not issue an extension where construction has not begun during the time allowed in the permit and may not issue an extension for work not authorized under the permit.

Comments Regarding Application G-17578, Permit G-17100

Summary Comment: The extension cannot lawfully be issued and should be denied, the permit should immediately be cancelled and enforcement immediately taken against the previous drilling of seven and the use of five unauthorized wells (*i.e.* before the 2019 irrigation season) because the permit holder, Golden Rule Farms, Inc., is illegally using water due to ongoing violations of the vast majority of critical permit conditions and use of unauthorized wells.

a) The extension cannot lawfully be issued.

Due to the extensive violations of foundational permit conditions and the use of unauthorized wells, among other deficiencies detailed below, there is not good cause to issue the extension and there has not been due diligence and OWRD should deny the extension. Because no water (0.0 cfs) under this permit has been used beneficially, no certificate may be issued for any of the water that had been permitted under G-17100.

b) The permit should be immediately cancelled.

Permit G-17100 specifically includes the following Standard Conditions related to permit cancellation based on lack of compliance with the permit:

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions⁸ on the use, civil penalties, or cancellation of the permit.

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

(Permit G-17100, p. 4; *see also* ORS 537.720 (“Whenever, after notice to and opportunity to be heard by such holder, the Water Resources Commission finds that the holder of any permit or certificate of registration issued under ORS 537.505 to 537.795 and 537.992 is willfully violating any provision of the permit or certificate of registration or any provision of ORS 537.505 to 537.795 and 537.992, the commission may cancel or suspend the permit or certificate of registration or impose conditions on the future use thereof to prevent such violation.”)). OWRD should also evaluate whether civil penalties are appropriate in situations like this. ORS 536.900.

Permit holder Golden Rule Farms, Inc. has both failed to comply with multiple permit conditions (that cannot be addressed after the fact) and, according to the extension application, drilled seven

RECEIVED 2

FEB 14 2019

OWRD

RECEIVED

FEB 14 2019

OWRD

and is using five wells that deviate in “number” and “location,” and possibly also “construction,” from the two authorized in the permit (that were never constructed). Permit holder, Golden Rule Farms, Inc. has extensive experience with OWRD permitting (holding 59 permits in the name of Golden Rule Farms according to WRIS) and was on clear notice that such violations could result in permit cancellation. While not every permit violation or misplaced well may trigger action under these Standard Conditions or other related statutory authority, the extensive nature of the violations occurring under this permit clearly warrant permit cancellation and WaterWatch requests that OWRD immediately enforce these permit conditions and cancel the permit.

One would be hard pressed to find any substantive permit condition with which the permit holder is in compliance. Permit conditions and terms that are being violated include, but are not limited to, the following:

1. Permit allows two wells but instead seven unauthorized wells were drilled and five unauthorized wells are being used.
2. Permit allows irrigation on 320 acres, but irrigation on 1,400 acres has occurred (for which permit holder offers no explanation); no map is submitted as required showing where the irrigated acres are located.
3. Measurement, recording and reporting condition (A): Installation of totalizing flow meter at each point of appropriation. It is unclear whether this has occurred as no water use has been reported under the permit.
4. Measurement, recording and reporting condition (B): annual water use reports have not been submitted for irrigation seasons 2016, 2017 and 2018 (according to OWRD’s online water user reporting information and the Extension Application)—all of which are years when the Extension Application states that 320 were irrigated. (The Extension Application also claims 320 acres were irrigated in 2013 despite the permit not being until October 31, 2013 which is the end of permitted season use, and in 2014 and 2015 – years when Golden Rule Farms, Inc. did not hold the permit during those years and the original permit holder filed water use reports showing no water use in those years).
5. Initial March static water levels not reported for this permit, despite permit holder claiming to be irrigating under it since 2013. HARN 50777 (unauthorized under the permit) does have an initial March level reported by the driller. This violation cannot be cured after the fact. Due to declining water levels in the Weaver Springs area, there is no way to unring the bell in a way that would allow compliance with the permit including the decline condition.
6. Annual static water levels, to be measured in March, have not been reported for any of the wells permit holder states it is pumping under this permit, none of which are authorized under this permit. Two of the wells lack well logs (see Ext. App. at p. 8). This violation cannot be cured after the fact. Due to declining water levels in the Weaver Springs area, there is no way to unring the bell in a way that would allow compliance with the permit including the decline condition.
7. Decline condition (A-D) has not been met. The decline condition (A-C) is based on annual water level measurements. Because the permit holder has failed to report annual water level measurements it cannot be found in compliance with any of the decline

conditions (A-C) because permit holder has failed to measure and report the required annual water levels.

Further, water declines in the Weaver Springs area are well known to be substantial and to exceed even the 25 foot decline limit. Based on data accessed from OWRD's Well Log Query system, HARN 50358 declined 38.1 feet from 1998 to 2009 while HARN 50428 declined 33 feet from 1999 to 2012. We do not know what the water level did after these dates because the permit holder has failed to report those as required. In addition to failing to comply with the condition by failing to record and report the required data, the existing data shows that permit holder has likely also substantively violated the decline condition in the wells.

These violations cannot be cured after the fact. Due to declining water levels in the Weaver Springs area, there is no way to un-ring the bell in a way that would allow compliance with the permit including the decline condition.

c) OWRD should take immediate enforcement action to ensure that the unauthorized wells do not continue to be pumped for other unauthorized uses.

OWRD should take immediate enforcement action against use of the unauthorized wells (*i.e.* before the 2019 irrigation season) and WaterWatch formally requests here that it do so. That someone's use of seven unauthorized wells in this area of extensive concern and study due to excessive groundwater declines —Weaver Springs in the Harney Basin—can go unnoticed by OWRD is quite disconcerting. However, now that Golden Rule Farms, Inc. has submitted documentation of this unauthorized use, OWRD must take appropriate action that the wells do not continue to be used for any unauthorized use(s).

It is unclear whether any of the five wells unauthorized under this permit that are being illegally pumped under this permit, are authorized under any other permit. The Extension Application asserts that all five are authorized under another water right, but fails to provide any permit, certificate or transfer number for four out of the five. If any of the five are authorized under another water right, WaterWatch requests that OWRD immediately require measurement of use in those wells *and* limit the use to any authorized use. If the wells are not authorized under any other water right, WaterWatch requests that OWRD immediately take appropriate action to ensure that no water is pumped from the wells.

Specific Comments Regarding G-17100:

1. OWRD lacks legal authority to extend this permit because no construction has occurred on either of the two authorized wells within the five-year period since the permit was issued.

Permit G-17100 was issued on 10/31/2013, yet the extension application states that no construction of the authorized wells has begun. (P. 4, #1). OWRD is only authorized to extend permits for the purpose of completing construction, but not for the purpose of commencing authorized construction. ORS 537.630(2); OAR 690-315-0040; OAR 690-315-0050(4). Because

RECEIVED 4

FEB 14 2019

OWRD

construction has not even commenced yet on either of the two wells authorized under G-17100, OWRD may not lawfully extend the permit.

Golden Rule Farms apparently attempts to claim as construction under the permit seven wells that are not authorized under the permit. (Ext. App. at p. 4). These seven wells were constructed 11 to 15 years prior to the 2013 issuance of the permit, which authorized only two wells. (Ext. App. at p. 6). None of the seven wells are located even in the same sections or Township as the authorized wells. Construction of unauthorized wells that occurred prior to permit issuance is not lawful construction under the permit. Not only does the claim not remedy Golden Rule Farms' problem, it only makes matters worse because, as described further below, using wells not authorized under the permit (see Ext. App. at p. 8) is a flagrant violation of explicit terms of the permit substantially contributing to why the permit should now be cancelled.

2. Golden Rule Farms is illegally using water. OWRD should cancel the permit instead of extending it.

Golden Rule Farms is violating the basic requirements of the permit (*i.e.* using authorized points of appropriation) and violating numerous critically important permit conditions including, but not limited to, the conditions listed below. One would be hard pressed to find a permit condition that Golden Rule Farms is respecting. This is precisely the type of situation where OWRD should exercise its clear authority to cancel the permit.

a) Golden Rule Farms claims it is pumping multiple wells that are not authorized under the permit and are not even in the same section as the authorized wells. That is plainly illegal and the permit should not be extended.

b) Permit G-17100 clearly requires the applicant to (1) install a measuring device at each point of appropriation before beginning to use water, (2) report an initial March static water-level measurement once well construction is complete, and (3) submit annual measurements thereafter. (Permit G-17100, p. 2).

The applicant has failed to comply with the measurement and reporting conditions. It is unclear whether the applicant has measuring devices on its unauthorized wells. What is clear is that no water use has been reported for Permit G-17100 despite the permit holder now claiming it used water under the permit for several years. The only two years for which OWRD's online water use reporting database shows that water use reports were filed are 2014 and 2015, for which the previous permit holder (who assigned the permit to Golden Rule Farms in 2016) reported zero water use. Golden Rule Farms contradicts these filed reports in its extension application, claiming that 320 acres were irrigated in 2014 and 2015—a time when it did not even hold the permit. (Ext. App. at p. 8, 9(b)). Either Golden Rule Farms has incorrectly claimed that it has been irrigating under this permit or it has failed to report the water use in violation of its permit.

Permit holder was required to file initial March static water-level measurement and to file annual measurements thereafter. With the exception of one March water level recorded by the well driller for HARN 50777 (unauthorized under the permit) at the time of drilling, none of this has not occurred.

No annual March water level reports have been filed, despite the claimed use of five or more wells. (Ext. App. at p. 5).

Failure to record March static water levels and then to report annual water levels is especially problematic in an area of extensive groundwater declines such as Weaver Springs because there is no way to go back and measure this; the failure to comply with the permit condition cannot be remedied after the fact. It is also especially problematic because the March static water level is a key piece of information for regulation and therefore for compliance with other permit conditions such as the decline level condition.

c) The decline condition (A-D) has not been met. If applicant was using the seven or five of the seven unauthorized wells under this permit, it had a duty to comply with the decline condition but failed to do so. Applicant failed to file annual March water level measurements or to calculate whether/when the wells had triggered the decline condition. This non-compliance cannot be fixed after the fact.

OWRD's Well Log Query system shows that the groundwater level in HARN 50358 (one of the seven unauthorized wells) declined more than 38 feet between 1998 and 2009. (WL Elev (ft AMSL) in 1998 was 4082.30, declining to 4044 in 2009). Because the permit holder has failed to file the required reports, the data on more recent declines necessary to determine compliance with the decline conditions is not available.

The time-sensitive conditions requiring measurement and reporting of ground water levels and water use are critical to serving the public interest in monitoring depleted groundwater resources, and in ensuring that the state has adequate data to use in managing the resource and protecting other groundwater users. Applicant's failure to comply with these conditions is especially problematic because the place of use is in the Weaver Springs area of the Greater Harney Valley Groundwater Areas of Concern where the state has documented extensive groundwater level declines.

d) If Golden Rule Farms were to secure an extension and T-12609, new March static water levels may not be established. Golden Rule Farms, asserts that if granted T-12609 it intends to file March static water level measurements in 2019. (Ext. App. at p. 9). OWRD should not allow this because it would be inconsistent with the permit and the Water Code and allow Golden Rule Farms to circumvent protections OWRD has put in place to protect groundwater. It would greenlight mining of groundwater, which is not allowed under Oregon's Groundwater Act. To avoid those problems, declines in the wells during Golden Rule Farms' pumping of the wells must be accounted for under the permit.

3. OWRD may not issue an extension when the work proposed during the extension period is not work towards completing construction or applying water to beneficial use as authorized under the permit. ORS 537.630; OAR 690-315.

Applicant states that the work to be completed is issuance of T-12609, followed by filing of new March static water levels and application of water to beneficial use under the transfer. (Ext. App. at p. 9, #10, Chart E). That is not work that can be authorized under an extension. OWRD may

RECEIVED

FEB 14 2019

OWRD

only grant an extension to complete the work authorized under the permit—not to authorize other work, for example by amending a permit to include unauthorized wells. OWRD may not issue the requested extension.

4. The extension application is incomplete for failure to include adequate evidence of progress towards completion.

Extension applications must include “annual accomplishments toward perfecting the water right under the terms and conditions of the permit, including the dates on which each condition contained in the relevant permit and any previous extension(s) was satisfied *or the reason the condition was not satisfied* [.]” OAR 690-315-0020(3)(e)(A). The applicant has failed to comply with numerous permit requirements and conditions (such as reporting initial March static water levels, reporting annual March water levels, or reporting annual water use) but this extension application does not explain why these important conditions have not been satisfied, or what accomplishments the applicant has taken toward complying with these conditions or otherwise perfecting the right under the terms and conditions of the permit.

5. OWRD cannot find good cause to approve the extension because the applicant has not demonstrated reasonable diligence in previous performance under the permit. OAR 690-315-0040(2)-(3).

Permit holder never constructed the authorized wells. Despite the permit unequivocally stating that OWRD can cancel the permit if the the number or location of wells deviates from the permit and OWRD has not authorized those changes in writing (p. 4), permit holder now claims it irrigated from unauthorized wells for several years without such authorization. This is also despite the fact that permit holder is well aware it is operating in an area of concern due to excessive declines in the groundwater table caused by pumping for irrigation. Permit holder’s failure to comply with numerous permit conditions also demonstrate a lack of diligence in performance.

6. OWRD cannot find good cause to approve the extension because development of the remaining portion of the permit is not within the capacity of the resource.

The Department’s “good cause” determination must consider the market and present demands for the water to be supplied. OAR 690-315-0040(2)(d),(e). This analysis must acknowledge special use designations and “other factors relevant to the determination of the market and present demand” for water. OAR 690-315-0040(4)(b),(f). The place of use and point of appropriation for this permit is in the Greater Harney Valley Groundwater Area of Concern, where groundwater levels are declining. Information indicates that nearby domestic wells are suffering problems from the excessive pumping for irrigation. Further development of groundwater under this permit will only worsen this problem. The Weaver Springs area is extremely over-appropriated, and OWRD should deny this extension application because the additional (now unauthorized) water use that an extension would facilitate is not within the capacity of the resource.

7. The applicant has not worked in “good faith.” OAR 690-315-0040(2)(c).

For all of the reasons described above, the record shows that the applicant has not worked in good faith under this permit. As such, the extension should be denied.

8. Permit holder's claim that the extension is needed for "continuing farming and ranching as a means of income" should be rejected. (Ext. App., p 10) .

A search of the company name Golden Rule Farms in WRIS returns a list of 59 permits. It is not credible to assert that applicant's ability to continue farming and ranching hinges on securing an extension of this permit.

Comments Regarding Application G-16867, Permit G-17441

Summary Comment: The extension cannot lawfully be issued and should be denied, the permit should immediately be cancelled and enforcement immediately taken against the use of water until HARN 51904 is partially abandoned as required by permit and identification of an exempt livestock well for irrigation (i.e. before the 2019 irrigation season) because the permit holder, Golden Rule Farms, Inc., is illegally using water due to ongoing violations of the vast majority of critical permit conditions and terms.

a) The extension cannot lawfully be issued.

Due to the extensive violations of foundational permit conditions and terms, among other deficiencies detailed below, there is not good cause to issue the extension and there has not been due diligence and OWRD should deny the extension. Because no water (0.0 cfs) under this permit has been used beneficially, no certificate may be issued for any of the water that had been permitted under G-17441.

b)The permit should be immediately cancelled.

Permit G-17441 specifically includes the following Standard Conditions related to permit cancellation based on lack of compliance with the permit:

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.

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may not be valid, unless the Department authorizes the change in writing.

(Permit G-17441, p. 4; *see also* ORS 537.720 ("Whenever, after notice to and opportunity to be heard by such holder, the Water Resources Commission finds that the holder of any permit or certificate of registration issued under ORS 537.505 to 537.795 and 537.992 is willfully violating any provision of the permit or certificate of registration or any provision of ORS 537.505 to 537.795 and 537.992, the commission may cancel or suspend the permit or certificate of registration or impose conditions on the future use thereof to prevent such violation.")). OWRD should also evaluate whether civil penalties are appropriate in situations like this. ORS 536.900.

RECEIVED

8

FEB 14 2019

OWRD

Permit holder Golden Rule Farms, Inc. has both failed to comply with multiple permit conditions (that cannot be addressed after the fact), appears to be irrigating areas not allowed by the permit, and reports that it constructed a well under the permit (HARN 51693) that is an identified as a livestock well. Permit holder, Golden Rule Farms, Inc. has extensive experience with OWRD permitting (holding 59 permits in the name Golden Rule Farms according to WRIS) and were on clear notice that such violations could result in permit cancellation. While not every permit violation or misplaced well may trigger action under these Standard Conditions or other related statutory authority, the extensive nature of the violations occurring under this permit clearly warrant permit cancellation and WaterWatch requests that OWRD immediately enforce these permit conditions and cancel the permit.

One would be hard pressed to find any substantive permit condition with which the permit holder is in compliance. Permit conditions and terms that are being violated include, but are not limited to, the following:

1. Permit allows three wells but one well claimed in the extension application is a livestock well.
2. Permit allows irrigation on 160 acres but it appears that the irrigation of 160 acres claimed in the Extension Application occurred on a non-permitted place of use; no map is submitted as required showing where the actually irrigated acres are located.
3. Measurement, recording and reporting condition (A): Installation of totalizing flow meter at each point of appropriation. It is unclear whether this has occurred as no water use has been reported under the permit.
4. Measurement, recording and reporting condition (B): although the permit was issued in 2008 (under a different permit number since cancelled through transfer) annual water use reports have only been submitted for irrigation seasons 2008, 2014, and 2015.
5. Initial March static water levels not reported for any of the three wells that the Extension Application lists as authorized wells. This violation cannot be cured after the fact. Due to declining water levels in the Weaver Springs area, there is no way to un-ring the bell in a way that would allow compliance with the permit including the decline condition.
6. Annual static water levels, to be measured in March, have not been reported for any of the wells permit holder lists in the Extension Application. Due to declining water levels in the Weaver Springs area, there is no way to un-ring the bell in a way that would allow compliance with the permit including the decline condition.
7. Decline condition (A-D) has not been met. The decline condition (A-C) is based on annual water level measurements. Because the permit holder has failed to report annual water level measurements it cannot be found in compliance with any of the decline conditions (A-C) because permit holder has failed to measure and report the required annual water levels.

Further, water declines in the Weaver Springs area are well known to be substantial and to exceed even the 25 foot decline limit. We do not know the extent of declines in these wells, or whether they should have been shut off due to those declines, because the

permit holder has failed to report those as required. In addition to failing to comply with the condition by failing to record and report the required data, the existing data shows that permit holder has likely also substantively violated the decline condition in the wells.

These violations cannot be cured after the fact. Due to declining water levels in the Weaver Springs area, there is no way to unring the bell in a way that would allow compliance with the permit including the decline condition.

c) OWRD should take immediate enforcement action to ensure that the livestock well (HARN 51693) does not continue to be pumped for irrigation.

OWRD should take immediate enforcement action (*i.e.* before the 2019 irrigation season) to ensure that HARN 61693 is not pumped for irrigation and WaterWatch formally requests here that it do so.

Specific Comments Regarding G-17441:

1. Golden Rule Farms is illegally using water. OWRD should cancel the permit instead of extending it.

Golden Rules Farms is violating the basic requirements of the permit (*i.e.* using authorized points of appropriation and irrigating the permitted place of use) and violating numerous critically important permit conditions including, but not limited to, the conditions listed below. One would be hard pressed to find a permit condition that Golden Rule Farms is respecting. This is precisely the type of situation where OWRD should exercise its clear authority to cancel the permit.

a) Permit holder has not complied with the requirement that “[p]rior to use of water, the bottom portion of well HARN 51904 (well tag L-102456) shall be properly abandoned from 355 to 760 feet below ground surface in a manner compliant with OAR 690-220.” (Permit G-17441, p. 2, #5 (issued on May 27, 2015 in response to T-11828). Yet the Extension Application reports both that it irrigated the maximum acreage allowed in 2018 (though apparently not in the permitted place of use) *and* that it still has not properly abandoned the portion of HARN 51904 required by permit.

b) Golden Rule Farms may include a livestock well as part of its irrigation permit.

c) Permit G-17441 clearly requires the applicant to (1) install a measuring device at each point of appropriation before beginning to use water, (2) report an initial March static water-level measurement once well construction is complete, and (3) submit annual measurements thereafter. (Permit G-17441, p. 2).

The applicant has failed to comply with the measurement and reporting conditions. It is unclear whether the applicant has measuring devices on its unauthorized wells. Annual water use reports have only been submitted for irrigation seasons 2008, 2014, and 2015, despite the Extension Application stating irrigation occurred in 2018

RECEIVED

FEB 14 2018

OWRD

Permit holder was required to file initial March static water-level measurement and to file annual measurements thereafter. With the exception of one March water level recorded by the well driller for HARN 50777 (unauthorized under the permit) at the time of drilling, none of this has not occurred.

No annual March water level reports have been filed. (Ext. App. at p. 5).

Failure to record March static water levels and then to report annual water levels is especially problematic in an area of extensive groundwater declines such as Weaver Springs because there is no way to go back and measure this; the failure to comply with the permit condition cannot be remedied after the fact. It is also especially problematic because the March static water level is a key piece of information for regulation and therefore for compliance with other permit conditions such as the decline level condition.

d) The decline condition (A-D) has not been met. If applicant was using the seven or five of the seven unauthorized wells under this permit, it had a duty to comply with the decline condition but failed to do so. Applicant failed to file annual March water level measurements or to calculate whether/when the wells had triggered the decline condition. This non-compliance cannot be fixed after the fact.

The time-sensitive conditions requiring measurement and reporting of ground water levels and water use are critical to serving the public interest in monitoring depleted groundwater resources, and in ensuring that the state has adequate data to use in managing the resource and protecting other groundwater users. Applicant's failure to comply with these conditions is especially problematic because the place of use is in the Weaver Springs area of the Greater Harney Valley Groundwater Areas of Concern where the state has documented extensive groundwater level declines.

e) If Golden Rule Farms were to secure an extension and T-12609, new March static water levels may not be established. Golden Rule Farms, asserts that if granted T-12609 it intends to file March static water level measurements in 2019. (Ext. App. at p. 9). OWRD should not allow this because it would be inconsistent with the permit and the Water Code and allow Golden Rule Farms to circumvent protections OWRD has put in place to protect groundwater. It would greenlight mining of groundwater, which is not allowed under Oregon's Groundwater Act. To avoid those problems, declines in the wells during Golden Rule Farms' pumping of the wells must be accounted for under the permit.

2. OWRD may not issue an extension when the work proposed during the extension period is not work towards completing construction or applying water to beneficial use as authorized under the permit. ORS 537.630; OAR 690-315.

Applicant states that the work to be completed is issuance of T-12609, followed by filing of new March static water levels, complying with the 2015 requirement that it properly abandonment of a portion of HARN 51904 (which it was supposed to do before using water under G-17441) and application of water to beneficial use under the transfer. (Ext. App. at p. 9, #10, Chart E). That is not work that can be authorized under an extension. OWRD may not grant an extension for this

work, with the exception of complying with the well abandonment requirement. OWRD may only grant an extension to complete the work authorized under the permit—not to authorize other work, for example by amending a permit to include unauthorized wells or unauthorized places of use. OWRD may not issue the requested extension.

3. The extension application is incomplete for failure to include adequate evidence of progress towards completion.

Extension applications must include “annual accomplishments toward perfecting the water right under the terms and conditions of the permit, including the dates on which each condition contained in the relevant permit and any previous extension(s) was satisfied *or the reason the condition was not satisfied*[.]” OAR 690-315-0020(3)(e)(A). The applicant has failed to comply with numerous permit requirements and conditions (such as reporting initial March static water levels, reporting annual March water levels, or reporting annual water use) but this extension application does not explain why these important conditions have not been satisfied, or what accomplishments the applicant has taken toward complying with these conditions or otherwise perfecting the right under the terms and conditions of the permit.

4. OWRD cannot find good cause to approve the extension because the applicant has not demonstrated reasonable diligence in previous performance under the permit. OAR 690-315-0040(2)-(3).

Permit holder’s failure to comply with numerous permit conditions and provisions demonstrates a lack of diligence in performance.

5. OWRD cannot find good cause to approve the extension because development of the remaining portion of the permit is not within the capacity of the resource.

The Department’s “good cause” determination must consider the market and present demands for the water to be supplied. OAR 690-315-0040(2)(d),(e). This analysis must acknowledge special use designations and “other factors relevant to the determination of the market and present demand” for water. OAR 690-315-0040(4)(b),(f). The place of use and point of appropriation for this permit is in the Greater Harney Valley Groundwater Area of Concern, where groundwater levels are declining. Information indicates that nearby domestic wells are suffering problems from the excessive pumping for irrigation. Further development of groundwater under this permit will only worsen this problem. The Weaver Springs area is extremely over-appropriated, and OWRD should deny this extension application because the additional (now unauthorized) water use that an extension would facilitate is not within the capacity of the resource.

6. The applicant has not worked in “good faith.” OAR 690-315-0040(2)(c).

For all of the reasons described above, the record shows that the applicant has not worked in good faith under this permit. As such, the extension should be denied.

RECEIVED

FEB 14 2019

OWRD

RECEIVED

FEB 14 2019

OWRD

7. Permit holder's claim that the extension is needed for "continuing farming and ranching as a means of income" should be rejected. (Ext. App., p 10).

A search of the company name Golden Rule Farms in WRIS returns a list of 59 permits. It is not credible to assert that applicant's ability to continue farming and ranching hinges on securing an extension of this permit.

Thank you for the opportunity to comment on the extension applications and permits. Please do not hesitate to contact me with any questions.

Sincerely,

/S/ Lisa A. Brown

Lisa A. Brown
Staff Attorney
WaterWatch of Oregon
213 SW Ash St., STE 208
Portland, OR 97204
Phone: 503.295.4039 x 4
Email: lisa@waterwatch.org

cc: Ivan Gall (by email)
Justin Iverson (by email)
Dwight French (by email)

PIERCEALL Jeffrey D * WRD

RECEIVED
FEB 14 2019
OWRD

From: Lisa Brown <lisa@waterwatch.org>
Sent: Thursday, February 14, 2019 3:31 PM
To: PIERCEALL Jeffrey D * WRD
Cc: FRENCH Dwight W (Dwight.W.FRENCH@state.or.us); GALL Ivan K * WRD; IVERSON Justin T * WRD
Subject: WaterWatch comments re: extension applications for G-17100 and G-17441 and related requests
Attachments: WW Comments_G-17100 and G-17441 2-14-2019.pdf

Please find attached WaterWatch comments on the extension applications for G-17100 and G-17441 and related requests regarding these two permits.

Due to word limits in the WRIS public comment upload system, I will be uploading only a summary there.

Let me know if there are any questions.

Best,
Lisa Brown
WaterWatch of Oregon
503.295.4039 x4

The information contained in this email message may be privileged, confidential and protected from disclosure. If you are not the intended recipient, any dissemination, distribution or copying is strictly prohibited. If you think that you have received this email message in error, please notify the sender by reply email and delete the message and any attachments.



Oregon
Kate Brown, Governor

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

January 11, 2019

REFERENCE: Application for Extension of Time

Dear Extension of Time Applicant:

The Water Right Services Division has received your application for an extension of time for **APPLICATION FILE #: G-16867 (Permit G-17441)**. Your application will be reviewed in the future. Following the review, you will receive a Proposed Final Order either approving or rejecting the extension of time request. A 45-day protest period begins upon issuance of the Proposed Final Order. After the protest period closes, a Final Order is issued.

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

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

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



**Oregon Water Resources Department
Attribute Report**

Report Date: Jan 10, 2019

General:

TRSQQ:	WM26.00S31.00E6NENE WM26.00S31.00E5SWNW WM26.00S31.00E5SENW WM26.00S31.00E6SENE WM26.00S31.00E5NWSW WM26.00S31.00E5NWNW WM26.00S31.00E5NENW
DLC:	-
Latitude:	43.3492305374
Longitude:	-119.0357239479
Buffer ft:	1320
DEM Elev. ft. (NAVD1929):	4109.11
Lidar Elev. ft. (NAVD1988):	NoData
Basin Name:	Malheur Lake
Basin Plan:	-Malheur Lake
County:	Harney
WM District:	10
WM Region:	EASTERN
ODFW Region, District:	High Desert, Southeast District
Irrigation District AOI:	-
Irrigation District, Other:	-
Dams (Permit):	-
Water Rights:	Platcard for WM26.00S31.00E6 Platcard for WM26.00S31.00E5 Platcard for WM26.00S31.00E5 Platcard for WM26.00S31.00E6 Platcard for WM26.00S31.00E5 Platcard for WM26.00S31.00E5 Platcard for WM26.00S31.00E5
Well Logs:	Logs for WM26.00S31.00E6 Logs for WM26.00S31.00E5 Logs for WM26.00S31.00E5 Logs for WM26.00S31.00E6 Logs for WM26.00S31.00E5 Logs for WM26.00S31.00E5 Logs for WM26.00S31.00E5

Rules:

Withdrawn Authority:	-
Groundwater Restricted:	Greater Harney Valley, Classified, OAR 690-512-0020
GW Restricted Subunit:	-
GW ODEQ Management Area:	-
GW Umatilla Muni Wells (5mile):	-
Rule 4D:	-

Division 33:	Statewide
Irrigation Season of Use:	(unajudicated, east side) Adj. Status: Unadjudicated Subarea: undefined Irr. Season: Mar 1 to Oct 31 Duty: 3 Rate: 1/80
Water Quality Limited Pollutant 2012:	-
Fish Habitat 2018:	-
Is in Deschutes Study Area:	-
Deschutes Zone Impact:	-
Deschutes Zone Overlay:	-
Scenic Water Way:	-

Hydrography:

OWRD Streamcode:	-
Waterbody Name:	-
HUC 10:	1712000104
HUC Watershed:	Chain Lakes-Sunset Valley
WAB Wshed Order:	-
WAB Analysis:	-
Streamflow:	-
Gaging Station Data:	-

Sources:

General

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

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

Elevation. DEM 10m. - -

Elevation. Lidar Elevation. DOGAMI Bare Earth 1:3.

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

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

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

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

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

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

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

Rules

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

OWRD Groundwater Restricted Areas. Oregon Water Resources Department. October 5, 2016.

OWRD Groundwater Restricted Areas - Subunits. Oregon Water Resources Department. April 1, 2009.

ODEQ Groundwater Management Areas (GWMAs). Oregon Department of Environmental Quality. April 21, 2008.

Groundwater Umatilla Municipal Wells 5-mile buffer. Oregon Water Resources Department. June 28, 2012.

National Marine Fisheries Service (NMFS) 4(d) Rule. National Marine Fisheries Service. January 1, 2007.

Division 33. Oregon Water Resources Dept., 2018. September 20, 2018. 1:100,000.

Irrigation Season of Use. Oregon Water Resources Department, 2017.. March 24, 2017.

Oregon Water Quality Assessment 2012. This data set was assembled by the Oregon Department of Environmental Quality, Water Quality Division, Standards and Assessments Section.. December 4, 2014. 1:2,500,000.

Oregon Fish Habitat 2018. Oregon Department of Fish and Wildlife, Jon K. Bowers, Ruth Schellbach, David L. Bradford. Numerous fisheries biologists from ODFW as well as other natural resource agencies and tribes have contributed toward the development of these data. Data originator names are attributed at the feature level.. February 2, 2018. 1:24,000.

Deschutes USGS Groundwater Study Area. Water Resources Commission, U.S. Geological Survey (USGS) Water Resources Division (Portland, OR), Oregon Water Resources Department.. January 1, 2001. 1:100,000.

Deschutes Zones of Impact. Oregon Water Resources Department.. October 25, 2007.

Deschutes Zones Overlay. Oregon Water Resources Department. October 25, 2007.

Oregon State Scenic Waterway areas. Oregon Water Resources Department, Oregon Parks and Recreation Department.. January 1, 2007.

Hydrography

Routed OWRD Streamcodes (conflated to the NHD). Oregon Water Resources Dept.. August 11, 2014.

OWRD Lake Streamcodes (conflated to the NHD). Oregon Water Resources Dept.. August 7, 2015.

Watershed Boundary Dataset (WBD), 10-digit (watershed). Pacific Northwest Hydrography Framework, U.S. Geological Survey (USGS), National Resources Conservation Service (NRCS).. June 11, 2014. 1:24,000.

Water Availability Basins. Oregon Water Resources Department.. n.d. 1:100,000.

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

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

[close](#)

[Print Report](#)



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1271
 (503) 986-0900
 www.wrd.state.or.us

Groundwater Administrative Area Permit Extension Review Form

TO: Water Rights Section
 FROM: Groundwater Section
 RE: Extension Application: G-16867 Permit: G-17441 Permit Issued: 09/11/2008
 Reviewer(s): Darrick E. Boschmann Date of Review: 01/07/2019
 Original Division 9 review completed by: M. Zwart Date: 03/10/2008

1. This permit is located within the following groundwater administrative area: Greater Harney Valley Groundwater Area of Concern.
2. Basic description of the changes proposed in this extension: _____

Permit G-17441 authorizes groundwater pumping from three wells (POD 1 = HARN 51693; POD 2 = HARN 51904; POD 3 = HARN 51924) for primary irrigation of 160.0 acres in the Malheur Lake Basin.

As per the 12/29/2018 memo from J. Piercall it appears the permit holder has developed 2.0 cfs from unauthorized POAs and developed 160.0 acres of primary irrigation at a location not authorized under the permit.

As per 12/29/2018 memo from J. Pierceall: "According to the Application for Extension of Time, four wells have been developed by the permit holder. Well 1 ([HARN 51904]) and Well 2 ([HARN 51924]) are constructed in locations authorized by the permit, however, no water has been appropriated from this [these] well[s] for irrigation under the permit. Well 3 (HARN 50358) and Well 18 (HARN 50777) are constructed in locations that are not authorized under the permit, however the permit holder has appropriated a maximum rate of 2.0 cfs each from these POA to irrigate 160.0 acres. A permit amendment (T-12609) has been submitted to add well 3 and Well 18, and to change the location of the place of use within the time allowed in the permit."

T-12609 proposes the following changes to permit G-17441:

A. Add 7 APOAs:

1. HARN 50339
2. L-38944 (no well log on file; tag assigned to License Nbr 1336 01/18/2000)
3. HARN 50358
4. HARN 50357
5. L-95110 (no well log on file; tag assigned to OWRD staff 11/07/2007)
6. HARN 50428
7. HARN 50777

B. Transfer all 160.0 acres.

Ground Water Review Form

Authorized Rate: <u>2.0 cfs</u>	Authorized Acres: <u>160.0 acres</u>
Developed Rate: <u>0 cfs (authorized)</u>	Developed Acres: <u>0 acres (authorized)</u>
Remaining Rate: <u>2.0 cfs</u>	Remaining Acres: <u>160 acres</u>

3. Based on available information can the resource support the continued development of the remaining rate/duty?

Yes No Comments: The proposed well(s) for this extension application are within the Greater Harney Valley Groundwater Area of Concern where observed groundwater level declines are occurring in most areas. The decline indicates that demand for groundwater is exceeding the average annual recharge. An analysis by the Department confirms the volume of groundwater permitted for annual use exceeds the average annual volume of recharge to groundwater. The Department also estimates that approximately 30 percent of the total acreage permitted for groundwater use has yet to be developed. Groundwater development for these acres under already-existing permits will further increase the groundwater level decline rate. Based on the location of the POA(s), the Department finds that the proposed groundwater use will occur from the same groundwater source exhibiting groundwater level declines. Groundwater is therefore determined to be over-appropriated [see OAR 690-400-0010(11)(a)(B)] and development of the remaining portion of this permit is not within the capacity of the resource.

4. What conditions or other changes in the application are necessary to address any potential issues identified above: none.

5. Any additional comments: _____

*The permit states that HARN 51904 shall be properly abandoned from 355 to 760 feet below ground surface prior to use of water. There is no record of this abandonment with the Department.

*There have been no March static water levels reported for the authorized wells as required by the permit.

Reference static water level levels:	
HARN 51693:	no reference level available
HARN 51904:	no reference level available
HARN 51924:	no reference level available
HARN 50339:	no reference level available
L-38944:	no reference level available
HARN 50358:	no reference level available
HARN 50357:	no reference level available
L-95110:	no reference level available
HARN 50428:	no reference level available
HARN 50777:	no reference level available

	G-17100	July 19, 2018 91445	September 24, 2018 91556	G-17441	G-17100	G-17441	
27							27
NESW			40	40		0	NESW
NWSW			40	40		0	NWSW
SWSW		32.8		39.2		6.4	SWSW
SESW		27.2		38.9		11.7	SESW
NESE	33		24.6		8.4		NESE
NWSE	40		29		11		NWSE
SWSE	36		29		7		SWSE
SESE	27.9		24.6		3.3		SESE
28							28
SWSE		39.4					SWSE
NESE			31.4	1.2		1.2	NESE
SESE		36		0.7		0.7	SESE
33							33
NENW	24.6	0.8			23.8		NENW
NWNW	2				2		NWNW
SWNW	12.4	34.6			0		SWNW
SENW	32.6	32.7			0		SENW
NENE	20.5	20.7			0		NENE
NWNE	27.9	28.3			0		NWNE
SWNE	35.1	35			0.1		SWNE
SENE	28	27.9			0.1		SENE
NESW		1.7					NESW
NWSW		1.8					NWSW
34							34
NENW		29.1					NENW
NWNW		27.3					NWNW
SWNW		29.4					SWNW
SENW		27.5					SENW
				Limitation	55.7	20	
Well							
50777	x	x	x	x			
51693				x			
51904	x			x			
51924				x			
50358				x			
50399	x						
50428	x						
XXXXX	x						

Extension PFO Checklist for
Other than Muni or Quasi-Municipal
 Water Use Permits
 (OAR 690-315-0010 through OAR 690-315-0060)

Application: G-11686 Permit: 17441 Permit Amendment? No Yes T-11828 pending approved

Permit Holder's Name: Golden Rule Farms Inc

Permit Holder's Mailing Address: PO Box 255
Christmas Valley OR 97641

email _____

Phone Number: _____

Agent/CWRE _____

Drainage Basin: 12 County: Harney Watermaster District: 10 Watermaster: Jason Spriet
Malheur Lake

Date Permit was issued: 9-11-08 Priority Date: May 23, 2007 Date of PN: _____

Source: three wells in Malheur Lake Basin

Use: irrigation on 160.0 acres

"Q": 2.0 cfs

Orig "A" Date: _____ Orig "B" Date: 2012 Orig "C" Date: 2012

Extension request received: 11-19-2018 Last Authorized Date: _____ "C" Date: 2018 Last Authorized Date: _____

Request Number (1, 2, 3...): 2 Proposed "B" Date: 2019 Proposed C Date: 2019

Conditions of Permit:

Condition Met?	Condition Not Met?	Permit Condition
		Begin construction:
		meters March SWC
		well ID
		ded meas. tube
	X	Harn 51904 abandonment

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

- Yes No
- Work was accomplished within the time allowed in the permit or previous extension
 - Water right permit holder conformed with the permit or previous extension conditions
 - Beneficial use made of the water during the permit or previous extension time limits

GW REVIEW: Y N _____

MITIGATION REVIEW: Y N _____

- Permit holder has beneficially used 0 cfs/gpm/af of the total permitted quantity of water on 0 acres

- Financial investments were made toward developing the beneficial water use.

- Amount Invested to date: \$ 225,000 Estimated Remaining Cost: \$ 1000

375,000

80.0 IF PA approved
20.0

Has the applicant pursued perfection of the right in good faith and with reasonable diligence? Yes No **SEE NOTES**

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

Identify the closest surface water or localized water basin. _____

- Ground Water Permits: Is the POA located...
 Surface Water Permits: Is the POD located...

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

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

- Yes... "Good Cause" can be found. Approval of Extension Request
 No ... "Good Cause" cannot be found. Denial of Extension Request

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

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

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

Other: PA approval, Dev. Limitation ~~20.0~~ 80.0 ac
20.0 ac

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

- COBU Requirement - Surface/Ground Water - on or prior to July 9, 1987**
 "For permits applied for or received on or before July 9, 1987, upon complete development of the permit, you must notify the Department that the work has been completed and either: (1) Hire a water right examiner certified under ORS 537.798 to conduct a survey, the original to be submitted as required by the Water Resources Department, for issuance of a water right certificate; or (2) Continue to appropriate water under the water right permit until the Water Resources Department conducts a survey and issues a water right certificate under ORS 537.250 or 537.625."
 COBU Requirement - Surface Water - post July 9, 1987
 "Pursuant to ORS 537.230(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use."
 COBU Requirement - Ground Water - post July 9, 1987
 "Pursuant to ORS 537.630(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use."

NOTES:
 Ext. to allow for completion of review of PA. Auth wells constructed but not used. Unauth wells used on unauth land. Therefore, no water used & no investment in irr equip unless PA approved.
 Further review of rights of record indicate 80. acres claimed as developed under this permit actually perfected under Cert 91556 (40.0 NESW; 40.0 NWNW) SEC 27
 Dev limit ~~20.0~~ 80.0 20.0

91445 = 60.0 acres

Extension "PFO" Dates
 Mailing / Issuance Date: _____ Protest Deadline Date: _____ FO Issuance Date: _____

Reviewer's Name: Jeffrey Date: _____

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

I, GOLDEN RULE FARMS, LLC

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

P.O. Box 255
ADDRESS

Christmas Valley
CITY

OR
STATE

97641
ZIP

PHONE

E-MAIL ADDRESS

the permit holder of: Application Number G-16867
Permit Number G-17441
[OAR 690-315-0020(3)(b)]

RECEIVED
NOV 19 2018
OWRD

do hereby request that the time in which to:

- complete construction (of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water), which time now expires on Month: 10 Day: 01 Year: 2018, be extended to October 1, 20. [OAR 690-315-0020(3)(i)]
- N/A (Check this box if the permit does not specify a date by when construction must be completed.)

and/or the time in which to:

- apply water to full beneficial use under the terms and conditions of the permit, which time now expires on Month: 10 Day: 01 Year: 2018, be extended to October 1, 2019. [OAR 690-315-0020(3)(i)]

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

Timothy P. Packett 11-16-18
Signature Date
Timothy P. Packett Pres.
Printed Name Title

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

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



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

Criteria for a Permit Extension of Time

The Department can accept requests for an extension of time on permits to (1) complete construction, and/or to (2) apply water to beneficial use.

In order to approve a permit extension request the Department must be able to find:

1) Construction has begun:

A. For Groundwater Permits

Construction of the well began within 5 years of the date the permit was issued or by the actual construction date specified in the permit.

B. For Surface Water or Reservoir Permits

Construction of the water system began within 5 years of the date the permit was issued or by the actual construction date specified in the permit.

The Department will also confirm that:

- 2) A required fish screen, fish passage or fish by-pass device was installed before or prior to diversion of any water. An exception to the need to confirm installation prior to diversion of any water would be a waiver submitted to the Department from ODFW stating that a fish screen, fish passage or fish by-pass device was not required, provided your permit allows for a waiver.

If you have questions, please call the Department at (503)-986-0900 and ask to speak with a permit extension specialist.

Instructions are in Attachment A.

RECEIVED
NOV 19 2018
OWRD

- This completed Application for Extension of Time.
- Statutory fee of \$670
- Signature page (Second page of this Application for Extension of Time).
- All supporting documentation and/or evidence referenced in the Application for Extension of Time.

MAIL COMPLETED APPLICATION
along with the Supporting documents and/ or evidence and correct fee to:

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

RECEIVED
 NOV 19 2018
 OWRD



GENERAL TIPS:

- Permit holders of **municipal or quasi-municipal water use permits DO NOT use this form**. The correct form is APPLICATION FOR EXTENSION OF TIME FOR MUNICIPAL AND QUASI-MUNICIPAL WATER USE PERMITS, available at the following link:
http://www.oregon.gov/owrd/PUBS/docs/forms/fillable_muni_quasi_ext_app_form_2014.doc
- Request the reasonable amount of time necessary to fully complete construction of the water project and/or to fully use the permitted quantity of water under the terms and conditions of your permit. Should this request be approved, it will be OWRD's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.
- A separate APPLICATION FOR EXTENSION OF TIME must be submitted for each permit. OAR 690-315-0020(2).
- An instruction sheet, INSTRUCTIONS FOR COMPLETING AN APPLICATION FOR EXTENSION OF TIME FOR A WATER RIGHT PERMIT (Attachment A), provides details that will help you answer each item on the application. Permit extensions are evaluated under OAR Chapter 690, Division 315. These rules may be viewed at: http://arcweb.sos.state.or.us/pages/rules/oars_600/oar_690/690_315.html
- You may provide OWRD with any additional information or evidence that will aid us in making our decision. Please note that OWRD may require other information that is necessary to evaluate the application. OAR 690-315-0020(3)(n).
- After careful review of the Application for Extension of Time, you may contact OWRD at (503) 986-0900, to ask questions and request assistance from a Permit Extensions Specialist in the Water Rights Services Division.
- An Application for an Extension of Time will be reviewed for completeness. OWRD will return any incomplete or deficient applications to the applicant. OAR 690-315-0040(1)(a).

Reference Materials Needed to Complete this Application:

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

Questions to complete this application for an Extension of Time

Please see the instruction sheet to help you answer these items.

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

For Groundwater Permits

Has construction of the point of appropriation (well) authorized under this permit begun?

Yes No

Date construction began Month: 02 Day: 10 Year: 2013

Details of construction and attach documentation:

HARN 51924 L-102475 4/18/2013;

HARN 51904 L-102456 2/10/2013;

HARN 51693 L-101624 2/18/2010.

RECEIVED
NOV 19 2018
OWRD

For Surface/Reservoir Permit

Has construction of the water system begun? Yes No

Date construction began Month: Day: Year:

Details of construction and attach documentation:

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

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

CHART-A

Permit Conditions in this Permit		Have Completed or Met?	Date satisfied/ or will be satisfied
Checkbox	Ground water Check those included on this permit		
<input checked="" type="checkbox"/>	Installation of a meter/totalizing flow meter	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	2018
<input checked="" type="checkbox"/>	Submittal of annual water usage report	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	2008, 2014, 2015
<input checked="" type="checkbox"/>	Submittal of initial static water level measurement	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	2002 (Well #18)
<input checked="" type="checkbox"/>	Submittal of annual static water level measurements in the month required	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	4-30-2019
<input type="checkbox"/>	Submittal of Seven consecutive static water level measurements in the month required	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Special well construction standards	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of a monitoring plan	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input checked="" type="checkbox"/>	Other (Specify): Measuring tube condition	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	2018
<input checked="" type="checkbox"/>	Other (Specify): Abandon portion of HARN 51904	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	2019
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Surface Water or Reservoir			
<input type="checkbox"/>	Installation of a meter/ totalizing flow meter/ in-line meter	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation a staff gauge	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of a fish screen	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of a fish by-pass device	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of a fish passage	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of an outlet gate/pipe/ conduit	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of a letter from ODFW that fish screen, fish by-pass device, and or fish passage is not required	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submit as-built plans and specification	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of a letter from an engineer prior to storage	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	

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

SWLs taken but wells not in authorized locations. Final Order of T-12609 with extension authorizes actual well locations so correct SWLs can be obtained by 4-30-2019. Original authorized well HARN 51904 to be partially abandoned as required in 2019. We did not realize that part of an authorized well would need to be abandoned.

**RECEIVED
NOV 19 2018**

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

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

CHART-B

DATE	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List any work done before the permit was issued – eg. well drilled.</i>	COST*
3-04-2010	Drilled - HARN 51696, L-101624	\$ 75 K
2-10-2013	Drilled - HARN 51904 L-102456 Auth	\$ 75 K
4-15-2013	Drilled - HARN 51924 L-102475 Auth	\$ 75 K
DATE	WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED and PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER <i>List work/actions done during the permitted time period.</i>	COST*
5-27-2015	Date the permit was signed - find date above signature on last page of permit.	
2015	Pivot	\$ 90 K
2015	Underground mainlines	\$ 20 K
2015	Power and connecting equipment	\$ 30 K
2015	Pumps	\$ 10 K
10-1-2018	Date the permit specified complete application of water to the use shall be made- all permits contain this date.	
DATE	WORK ACCOMPLISHED AFTER the date the permit specified complete application of water <i>COMPETE ONLY IF THIS IS YOUR 1st APPLICATION FOR AN EXTENSION OF TIME: List work done after the date specified in the permit for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
Total Cost for Chart-B		\$ 375 K

on unauth land

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

RECEIVED
NOV 19 2018

OWRD
Page 6 of 12

other than the conditions contained within the permit, which significantly delayed the completion and perfection of this right? (Explain in detail, including how much time did this delay the project; list dates.)

No

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

16. Describe any unforeseen events which contributed to the delay of completion of this project that you had no control over. (Explain in detail what the unforeseen events were and how much time was spent addressing the unforeseen events.)

First three wells drilled in authorized locations found insufficient water.

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

17. Describe an additional reasons why the construction was not completed, and/or water was not beneficially used within permit time limits. (Provide supporting information for the reason(s) that best fits your circumstances.)

Construction is complete -- simply waiting for T-12609 Final Order to get SWLs from authorized POA locations.

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

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

T-12609 DRAFT Final Order attached and newspaper publication complete.

[OAR 690-315-0040(2)(f)]

19. Will the income or use of the water project provide a fair and reasonable return on your investment? (Explain in detail)

Yes, income from this irrigated land would be a reasonable return from this significant investment.

[OAR 690-315-0040(4)(d)]

20. Describe in detail if there are other economic interest, beyond those of the permit holder, which are dependent upon the completion of this project. (Who will be effected and how?)

N/A

RECEIVED
NOV 19 2018
OWRD

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

CHART-C

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

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

5. **Cost of project to date: \$ 375 K**
 (The total combined cost from CHART-B and CHART-C) [OAR 690-315-0020(f)]

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

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

RECEIVED
 NOV 19 2018
OWRD

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

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

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

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

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

Acre-feet stored to date = _____ AF

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

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

CHART-D

Well # as identified on Permit	Water User's Well #	Has this well been drilled?	IF DRILLED					
			Well Log Number e.g. MORR 50473	Well Tag Number e.g. # 27566 or N/A	Is the actual drilled location authorized on this permit or on a permit amendment?	Maximum instantaneous rate used to date from this well - - under this permit only (CFS or GPM)	Is this well authorized or utilized under any OTHER water rights?	If yes, provide the Permit, Certificate, or Transfer No.
Well	Well	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	HARN 51693	L- 101624	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	- -
Well 1	Well 1	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	HARN 51904	L- 102456	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	- -
Well 2	Well 2	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	HARN 51924	L- 102475	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	- -
	Well 3	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	HARN 50358	L- 26594	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	2.0 cfs	Yes <input type="checkbox"/> No <input type="checkbox"/>	-
	Well 18	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	HARN 50777	L- 52341	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	2.0 cfs	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	-93424 -
Total instantaneous rate from all wells utilized under this permit						2.0 cfs		

0.0

8. Has a Permit Amendment Application been filed? Yes No
If yes, identify Transfer No. T- 12609 DRAFT Final Order attached

Has the Permit Amendment been approved? Yes No
If yes, on what date was the Permit Amendment approved?

RECEIVED
NOV 19 2018
OWRD

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

9. For Irrigation and Nursery Use Permits Extensions

Provide the total number of acres irrigated to date under this permit.

a) Total acres irrigated to date: 160

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

Year	Acres	Year	Acres	Year	Acres
2008	None	2018	160		
2014	None				
2015	None				
2016	None				
2017	None				

c) Provide a copy of the application map identifying the acres irrigated.

d) Please specify the number of acres irrigated by each Point of Diversion/Point of Appropriation (POD/POA).

(POD/POA) # Well 3 Acres 160

(POD/POA) # Well 18 Acres 160

RECEIVED
NOV 19 2018
OWRD

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

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

CHART-E

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
2019	Issuance of Permit Amendment T-12609	N/A
2019	March static water level measurements	N/A
2019	Partially abandon HARN 51904	\$1,000
Year: 10-1-2019	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
Total Cost		\$1,000

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

11. Estimated remaining cost to complete the project: \$ 1,000

(The total cost from CHART-E)

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

11. Estimated remaining cost to complete the project: \$ 1,000

(The total cost from CHART-E)

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

12. Provide a summary of your plan to complete construction, meeting all permit conditions and apply the water to beneficial use: (List all tasks or steps needed to complete the project, the date when each task will be completed, and the cost associated with each task; attach additional pages if necessary.)

No further construction required ; only partial abandonment of HARN 51904.

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

13. Justify the time requested to complete the project and/or apply the water to full beneficial use. (Include any other information or evidence to establish that the requested amount of time is sufficient and that you will be able to complete the project within the amount of time requested.)

Simply need T-12609 Final Order issued so SWLs can occur from authorized POAs.

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

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

Yes, an extension is needed for continuing farming and ranching as a means of income.

RECEIVED
NOV 19 2018
OWRD

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

No

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

15. Was the delay in the timely completion of this water development project and/or timely application of water to full beneficial use caused by any additional government requirements,

Attach permit, and documentation to the application

RECEIVED
NOV 19 2018
OWRD

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

In the Matter of Permit Amendment) FINAL ORDER
T-12609, Harney County) APPROVING A CHANGE IN POINTS
) OF APPROPRIATION AND A
) CHANGE IN PLACE OF USE

Authority

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

Applicant

GOLDEN RULE FARMS, INC.
PO BOX 255
CHRISTMAS VALLEY, OR 97641

RECEIVED
NOV 19 2018
OWRD

Findings of Fact

1. On March 16, 2017, GOLDEN RULE FARMS, INC. filed an application to change the points of appropriation and to change the place of use under Permits G-15451, G-17100, and G-17441. The Department assigned the application number T-12609.
2. On December 26, 2014, the Department approved an extension of time for Permit G-15451, in order to complete application of water on or before October 30, 2019.
3. On August 2, 2016, the Department approved an assignment of Permit G-17100 and Permit G-17441 from Helen den Hoed to Golden Rule Farms, Inc.
4. On March 17, 2017, the Department approved an assignment of Permit G-15451 from Carpenter Ranch, LLC/Tom Carpenter to Golden Rule Farms, Inc.
5. Notice of the application for the permit amendment was published in the Department's weekly notice on March 21, 2017, and in the Burns Times Herald newspaper on _____, 201X, pursuant to ORS 540.520(5). No comments were filed in response to the notice(s).
6. On May 11, 2018, the Department contacted the applicant by written correspondence to notify the applicant and the applicant's agent of the deficiencies in the application. The Department requested that the deficiencies be resolved by June 11, 2018. No response was received to the letter.

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 and OAR 690-01-0005 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

7. On June 13, 2018, the Department contacted the applicant by written correspondence to notify the applicant and the applicant's agent of the deficiencies in the application. The Department requested that the deficiencies be resolved by July 13, 2018.
8. On July 12, 2018, the applicant's agent submitted a revised map.
9. On July 12, 2018, the Department contacted the applicant by written correspondence to notify the applicant and the applicant's agent of the deficiencies in the application. An approved Land Use form identifying tax lots 6100 and 6102, where the change in point of appropriation was taking place was not included with the application. The Department requested that the deficiencies be resolved by August 1, 2018.
10. On August 14, 2018, the applicant's agent submitted an approved Land Use form.
11. Permit Amendment Application T-12609 proposes to move the authorized points of appropriation (POA) under Permit G-15451 from the existing points of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from original POA in miles (mi)		
25 S	31 E	WM	28	SE SW	WELL 1 - 1240 FEET NORTH AND 2750 FEET WEST FROM THE SW CORNER OF SECTION 27	Well 15	Well 16	Well 17
						2.7 mi	3.6 mi	3.8 mi
25 S	31 E	WM	28	NW SE	WELL 2 - 1270 FEET SOUTH AND 1410 FEET WEST FROM THE SW CORNER OF SECTION 27	3.0 mi	3.9 mi	4.1 mi
25 S	31 E	WM	28	NE SE	WELL 3 - 1380 FEET NORTH AND 150 FEET WEST FROM THE SW CORNER OF SECTION 27	3.2 mi	4.1 mi	4.3 mi
25 S	31 E	WM	28	NE SE	WELL 4 - 1375 FEET NORTH AND 30 FEET WEST FROM THE SW CORNER OF SECTION 27	3.2 mi	4.1 mi	4.3 mi
25 S	31 E	WM	27	NW SW	WELL 5 - 1360 FEET NORTH AND 1260 FEET EAST FROM THE SW CORNER OF SECTION 27	3.4 mi	4.3 mi	4.5 mi
25 S	31 E	WM	32	NE NE	WELL 14 - 500 FEET SOUTH AND 20 FEET WEST FROM THE NW CORNER OF SECTION 33	2.2 mi	3.1 mi	3.3 mi
25 S	31 E	WM	33	NW NW	WELL 18 - 770 FEET SOUTH AND 1320 FEET EAST FROM THE NW CORNER OF SECTION 33	2.4 mi	3.3 mi	3.5 mi

RECEIVED
 NOV 19 2018
 OWRD

12. Permit Amendment Application T-12609 proposes to move the authorized points of appropriation under Permit G-17100 from the existing points of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from original POA in miles (mi)	
25 S	31 E	WM	28	SE SW	WELL 1 - 1240 FEET NORTH AND 2750 FEET WEST FROM THE SW CORNER OF SECTION 27	Well 1	Well 2
						2.3 mi	2.2 mi
25 S	31 E	WM	28	NW SE	WELL 2 - 1270 FEET SOUTH AND 1410 FEET WEST FROM THE SW CORNER OF SECTION 27	2.2 mi	2.3 mi

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from original POA in miles (mi)	
25 S	31 E	WM	28	NE SE	WELL 3 - 1380 FEET NORTH AND 150 FEET WEST FROM THE SW CORNER OF SECTION 27	2.2 mi	2.3 mi
25 S	31 E	WM	28	NE SE	WELL 4 - 1375 FEET NORTH AND 30 FEET WEST FROM THE SW CORNER OF SECTION 27	2.2 mi	2.3 mi
25 S	31 E	WM	27	NW SW	WELL 5 - 1360 FEET NORTH AND 1260 FEET EAST FROM THE SW CORNER OF SECTION 27	2.3 mi	2.4 mi
25 S	31 E	WM	32	NE NE	WELL 14 - 500 FEET SOUTH AND 20 FEET WEST FROM THE NW CORNER OF SECTION 33	2.1 mi	1.9 mi
25 S	31 E	WM	33	NW NW	WELL 18 - 770 FEET SOUTH AND 1320 FEET EAST FROM THE NW CORNER OF SECTION 33	2.0 mi	1.9 mi

13. Permit Amendment Application T-12609 proposes to move the authorized points of appropriation under Permit G-17441 from the existing points of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from original POA in miles (mi)		
						Well	Well 1	Well 2
25 S	31 E	WM	28	SE SW	WELL 1 - 1240 FEET NORTH AND 2750 FEET WEST FROM THE SW CORNER OF SECTION 27	Well	Well 1	Well 2
						1.5 mi	1.9 mi	2.1 mi
25 S	31 E	WM	28	NW SE	WELL 2 - 1270 FEET SOUTH AND 1410 FEET WEST FROM THE SW CORNER OF SECTION 27	1.7 mi	2.1 mi	2.3 mi
25 S	31 E	WM	28	NE SE	WELL 3 - 1380 FEET NORTH AND 150 FEET WEST FROM THE SW CORNER OF SECTION 27	1.9 mi	2.3 mi	2.5 mi
25 S	31 E	WM	28	NE SE	WELL 4 - 1375 FEET NORTH AND 30 FEET WEST FROM THE SW CORNER OF SECTION 27	1.9 mi	2.3 mi	2.5 mi
25 S	31 E	WM	27	NW SW	WELL 5 - 1360 FEET NORTH AND 1260 FEET EAST FROM THE SW CORNER OF SECTION 27	1.7 mi	2.2 mi	2.3 mi
25 S	31 E	WM	32	NE NE	WELL 14 - 500 FEET SOUTH AND 20 FEET WEST FROM THE NW CORNER OF SECTION 33	1.0 mi	1.4 mi	1.6 mi
25 S	31 E	WM	33	NW NW	WELL 18 - 770 FEET SOUTH AND 1320 FEET EAST FROM THE NW CORNER OF SECTION 33	1.1 mi	1.5 mi	1.7 mi

RECEIVED
NOV 19 2018

OVRD

14. Permit Amendment Application T-12609 also proposes to move the authorized point of appropriation for Well 16 under Permit G-15451 approximately 0.1 mile from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
26 S	30 E	WM	1	SW NW	WELL 16 - 250 FEET NORTH AND 730 FEET EAST FROM THE W1/4 CORNER OF SECTION 1

15. Permit Amendment Application T-12609 also proposes to change a portion of the place of use of Permit G-15451 to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
25 S	31 E	WM	28	SW NE	31.4
25 S	31 E	WM	28	SE NW	28.2
25 S	31 E	WM	28	NE SW	28.1
25 S	31 E	WM	28	NE SE	31.4
25 S	31 E	WM	28	NW SE	32.9
25 S	31 E	WM	33	NW NW	25.9
25 S	31 E	WM	33	SW NW	22.1
Total					200.0

16. Permit Amendment Application T-12609 also proposes to change the place of use of Permit G-17100 to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
25 S	31 E	WM	27	NE SE	33.0
25 S	31 E	WM	27	NW SE	40.0
25 S	31 E	WM	27	SW SE	36.0
25 S	31 E	WM	27	SE SE	27.9
25 S	31 E	WM	33	NE NE	20.5
25 S	31 E	WM	33	NW NE	27.9
25 S	31 E	WM	33	SW NE	35.1
25 S	31 E	WM	33	SE NE	28.0
25 S	31 E	WM	33	NE NW	24.6
25 S	31 E	WM	33	NW NW	2.0
25 S	31 E	WM	33	SW NW	12.4
25 S	31 E	WM	33	SE NW	32.6
Total					320.0

17. Permit Amendment Application T-12609 also proposes to change the place of use of Permit G-17441 to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
25 S	31 E	WM	27	NE SW	40.0
25 S	31 E	WM	27	NW SW	40.0
25 S	31 E	WM	27	SW SW	39.2
25 S	31 E	WM	27	SE SW	38.9
25 S	31 E	WM	28	NE SE	1.2
25 S	31 E	WM	28	SE SE	0.7
Total					160.0

RECEIVED
NOV 19 2018
OWRD

Permit Amendment Review Criteria

18. The changes would not result in injury to other water rights.
19. The proposed place of use is owned and/or controlled by the permit holder.
20. The changes do not enlarge the permit.
21. The changes do not alter any other terms of the permit.
22. The proposed place of use is contiguous to the authorized place of use.
23. The proposed wells shall each be constructed to develop groundwater from either the predominantly basin fill unit or the underlying predominantly volcanic/sedimentary bedrock unit, but not both.

RECEIVED
NOV 19 2018
OWRD

Conclusions of Law

The change in points of appropriation and change in place of use proposed by Permit Amendment Application T-12609 is consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

1. The change in points of appropriation and change in place of use proposed by Permit Amendment Application T-12609 is approved.
2. Permit G-XXXXX, in the name of GOLDEN RULE FARMS, INC., is issued to replace Permit G-15451, and incorporates the amendments approved by this order and the assignment. Permit G-15451, in the name of GOLDEN RULE FARMS INC., is no longer of any force or effect.
3. Permit G-XXXXX, in the name of GOLDEN RULE FARMS, INC., is issued to replace Permit G-17100, and incorporates the amendments approved by this order and the assignment. Permit G-17100, in the name of GOLDEN RULE FARMS INC., is no longer of any force or effect.
4. Permit G-XXXXX, in the name of GOLDEN RULE FARMS, INC., is issued to replace Permit G-17441, and incorporates the amendments approved by this order and the assignment. Permit G-17441, in the name of GOLDEN RULE FARMS INC., is no longer of any force or effect.
5. The quantity of water diverted at the new points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.
6. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation (new and existing).

- b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
7. If the wells are to develop groundwater from the predominantly volcanic/sedimentary bedrock unit, the wells shall be continuously cased and continuously sealed a minimum of five (5) feet into the predominantly volcanic/sedimentary bedrock unit beneath the predominantly basin fill unit. The wells may not be completed in such a manner that they allow ground water to be developed from the overlying basin fill. If during well construction, it becomes apparent that the wells can be constructed to eliminate interference with nearby shallow wells or hydraulically connected streams in a manner other than specified in the permits, the permittee can contact the Department Hydrogeologist for the permits or the Ground Water/Hydrology Section Manager to request approval of such construction. The request shall be in writing, and shall include a rough well log and a proposed construction design for approval by the Department. The request can be approved only if it is received and reviewed prior to placement of any permanent casing and sealing material. If the well is constructed first and then the request made, requested modification will not be approved. The new well depth and construction specifications will be incorporated into any certificate issued for the permits.
 8. If the wells are to develop groundwater from the predominantly basin fill unit, they may not be completed in such a manner that they allow groundwater to be developed from the underlying predominantly volcanic/sedimentary bedrock unit. If, during the course of drilling, the well penetrates through the predominantly basin fill unit into the predominantly volcanic/sedimentary bedrock unit, the lower part of the well below the basin fill shall be properly abandoned (sealed).
 9. Water shall be acquired from the same aquifer as the original points of appropriation.
 10. The former place of use shall no longer be irrigated as part of these permits.
 11. All other terms and conditions of Permits G-XXXXX, G-XXXXX, and G-XXXXX remain the same.

Dated at Salem, Oregon this _____.

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

Mailing Date: _____

RECEIVED
 NOV 19 2018
 OWRD

HARN 51904

HARN 51904

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

WELL I.D. # L 102456

START CARD # 184795

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

(1) LAND OWNER Name: Helen Den Hood, Address: 1871 County Ln Rd, City: Grand View, State: WA, Zip: ...

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

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

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

(5) BORE HOLE CONSTRUCTION: Special Construction: [] Yes [] No, Depth of Completed Well: 760 ft., Explosives used: [] Yes [] No

Table with columns: BORE HOLE Diameter, From, To, Material, SEAL From, To, Sacks or Pounds. Includes handwritten data for diameters 20, 16, 12, 8 inches.

How was seal placed: Method [] A [] B [] C [] D [] E, [] Other: Poured DRY. Backfill placed from ... ft. to ... ft. Gravel placed from ... ft. to ... ft.

(6) CASING/LINER: Casing: 16" x 2, 230, 25" x 2, Steel [X], Plastic [], Welded [], Threaded []. Drive Shoe used: [] Inside [X] Outside [] None. Final location of shoe(s): 230 ft.

(7) PERFORATIONS/SCREENS: [] Perforations, [] Screens. Method: Type: Material: From: To: Slot Size: Number: Diameter: Pipe/pipe size: Casing: Liner: SALEM, OR

(8) WELL TESTS: Minimum testing time is 1 hour. [] Pump, [X] Bailor, [] Air, [] Flowing Artesian. Yield gal/min: 20, Drawdown: 2.5 ft, Drill stem at: 1 ft, Time: 1 hr.

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

(9) LOCATION OF WELL (legal description): County: Harney, Tax Lot: 900, Township: 26 N or S, Range: 31 E or W, Section: 5 SW 1/4 NW 1/4. Lat: ... Long: ...

Street Address of Well (or nearest address): 30042, under spgs. Ln Burns OR 9711.

(10) STATIC WATER LEVEL: 20 ft. below land surface. Date: 2/10/13. Artesian pressure: ... lb. per square inch. Date: ...

(11) WATER BEARING ZONES: Table with columns: From, To, Estimated Flow Rate, SWI. Includes handwritten data for zones from 20 to 365 ft.

(12) WELL LOG: Table with columns: Material, From, To, SWI. Includes handwritten log entries: Top Soil, Grey Clay, Basalt, etc.

(unbonded) Water Well Constructor Certification: I certify that the work I performed on the construction, deepening, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards.

WWC Number: 1882, Date: 2/10/13. Signed: [Signature]

(bonded) Water Well Constructor Certification: I accept responsibility for the construction, deepening, alteration, or abandonment work performed on this well during the construction dates reported above.

WWC Number: 1557, Date: 2/10/13. Signed: [Signature]

RECEIVED NOV 19 2018 OWRD

RECEIVED BY OWRD FEB 14 2013 SALEM, OR

DRAFT

WELL I.D. # L 102475
 START CARD # 184973

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

(1) LAND OWNER Well Number _____
 Name Helen Den Hoed
 Address 1831 Country Wine Rd.
 City Grand View State WA Zip 98430

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

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

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

(5) BORE HOLE CONSTRUCTION Special Construction: Yes No
 Depth of Completed Well 328 ft.
 Explosives used: Yes No Type _____ Amount _____

BORE HOLE			SEAL			Sacks or Pounds
Diameter	From	To	Material	From	To	
20"	0	18	Bertrand 0	0	18	48 SACKS
16"	18	328				

How was seal placed: Method A B C D E
 Other pudded dry
 Backfill placed from _____ ft. to _____ ft. Material _____
 Gravel placed from _____ ft. to _____ ft. Size of gravel _____

(6) CASING/LINER

Casing/Liner	Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing:	16"	0	187	2.50	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Liner:	14"	20	280	2.50	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

(7) PERFORATIONS/SCREENS
 Perforations Method factory
 Screens Type slot Material stainless

From	To	Slot Size	Number	Diameter	Tele/pipe size	Casing	Liner
200	280	3/16	2400			<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

Yield gal/min	Drawdown	Drill stem at	Time
25 min	0		

Temperature of water 54° Depth Artesian Flow Found _____
 Was a water analysis done? Yes By whom _____
 Did any strata contain water not suitable for intended use? Too little
 Salty Muddy Odor Colored Other _____
 Depth of strata: _____

(9) LOCATION OF WELL (legal description)
 County Hannay
 Tax Lot 900 Lot _____
 Township 26 N or S Range 31 E or W WM
 Section 5 1/4 1/4
 Lat _____ " or _____ (degrees or decimal)
 Long _____ " or _____ (degrees or decimal)
 Street Address of Well (or nearest address) 30042 Weaver Springs Ln. Burns OR 97720

(10) STATIC WATER LEVEL
35 ft. below land surface. Date 4/18/13
 _____ ft. below land surface. Date _____
 Artesian pressure _____ lb. per square inch Date _____

(11) WATER BEARING ZONES
 Depth at which water was first found 35 ft

From	To	Estimated Flow Rate	SWL
35 ft	328 ft	200 GAL Per min	

(12) WELL LOG Ground Elevation _____

Material	From	To	SWL
TOP SOIL	0	5	
Brown clay	5	20	
Grey clay w/ sand	20	232	
Black sand	232	240	
Grey clay w/ sand	240	280	
Brown clay w/ gravel	280	328	

RECEIVED BY OWRD
 APR 22 2013
 SALEM, OR
 Date Started 2/15/13 Completed 4/18/13

(unbonded) Water Well Constructor Certification
 I certify that the work I performed on the construction, deepening, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.
RECEIVED
 WWC Number _____ Date NOV 19 2018
 Signed _____

(bonded) Water Well Constructor Certification **OWRD**
 I accept responsibility for the construction, deepening, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.
 WWC Number 1557 Date 4/18/13
 Signed Brad Williams

STATE OF OREGON
WATER SUPPLY WELL REPORT

HARN 51693

WELL LABEL # L 101624
START CARD # 202973
ORIGINAL LOG # _____

(ORS 537.765 & OAR 690-205-0210)

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

(1) LANDOWNER Owner Well I.D. _____
First Name TRACY Last Name HILL
Company _____
Address 30040 WEAVER SPRINGS RD.
City BURNS State OR Zip 97720

(2) TYPE OF WORK New Conversion Deepening
 Alteration (complete Sections 2a & 10) Abandonment (complete Section 5a)
(2a) PRE-ALTERATION: Well Depth _____ ft.
Seal Material _____
Casing Type: Steel Plastic Other _____
Casing Gauge _____ Casing Diameter _____

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

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

(5) BORE HOLE CONSTRUCTION
Depth of Completed Well 152 ft. Special Standard: Yes (attach copy)

BORE HOLE			SEAL				
Dia	From	To	Material	From	To	Amount	Scks/lbs
10"	0	20	BENTONITE	0	20	17	Scks
6"	20	160					

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

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

(6) CASING/LINER

Csng/Linr	Dia	+	From	To	Gauge	Steel	Plastic	Welded	Thrd
<input checked="" type="checkbox"/>	6"	+	3'	95'	.250	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	

Shoe Inside Outside Other Location of shoe(s) 95'
Temporary casing Yes Diameter _____ From _____ To _____

(7) PERFORATIONS/SCREENS

Perforations Method _____
Screens Type _____ Material _____

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

(8) WELL TESTS: Minimum testing time is 1 hour
 Pump Bailer Air Flowing Artesian
Yield gal/min 30 Drawdown _____ Drill stem/Pump depth 90' Duration (hr) 1
Temperature 60 °F Lab analysis Yes By _____
Water quality concerns? Yes (describe below) TDS _____ ppm
From _____ To _____ Description _____ Amount _____ Units _____

(9) LOCATION OF WELL (legal description)
County HARNEY Twp 26 N or S Range 31 E or W W.M.
Sec 05 NW 1/4 of the NW 1/4 Tax Lot 1003
Tax Map Number _____ Lot _____
Lat _____ " or _____ DMS or DD
Long _____ " or _____ DMS or DD

Street Address of Well (or nearest address) 30040 WEAVER SPRINGS RD
BURNS

(10) STATIC WATER LEVEL

Existing Well/Pre-Alteration	Date	SWL (psi)	+	SWL (ft)
Completed Well	<u>2-24-10</u>		-	<u>41</u>

Flowing Artesian? Yes Dry Hole? Yes

WATER BEARING ZONES Depth water was first found 45'

SWL Date	From	To	Est Flow	SWL (psi)	+	SWL (ft)
<u>2-20-10</u>	<u>45</u>	<u>92</u>	<u>20</u>		-	<u>41</u>
<u>2-24-10</u>	<u>145</u>	<u>160</u>	<u>30</u>			<u>41</u>

(11) WELL LOG Ground Elevation _____

Material	From	To
BROWN SAND	0	12
SANDY BEN. CLAY	12	25
GREEN CLAY	25	45
BLACK SAND/SANDY CLAY	45	92
STICKY GRN CLAY	92	145
BLACK SAND	145	160

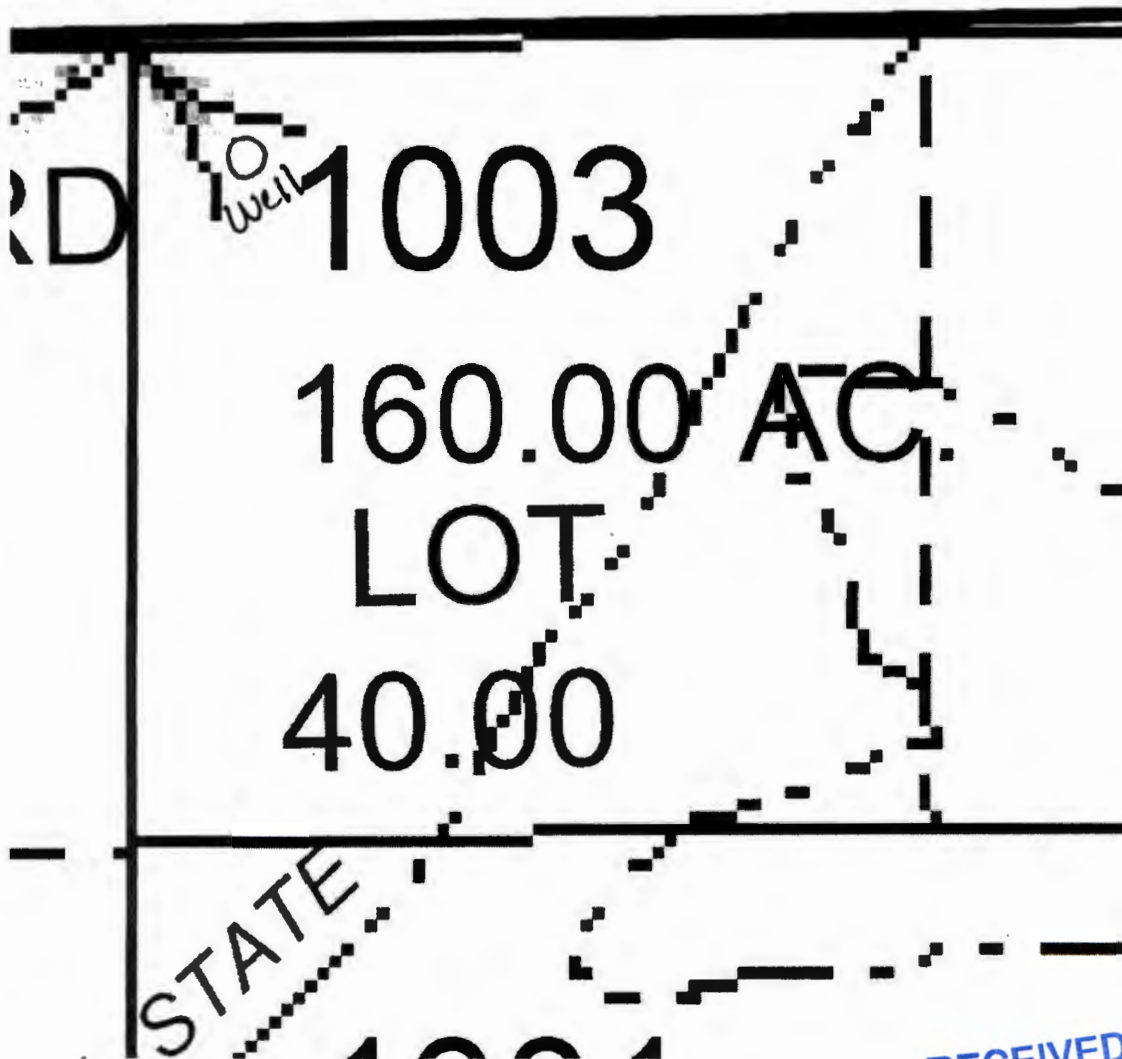
BOTTOM 8' FILLED WITH
CANINED SAND.

RECEIVED NOV 19 2018 OWRD
RECEIVED MAR 08 2010 WATER RESOURCES DEPT
Date Started 2-18-10 Completed SALEM, OREGON

(unbonded) Water Well Constructor Certification
I certify that the work I performed on the construction, deepening, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.
License Number 1739 Date 3-04-10
Signed Cherry Jay

(bonded) Water Well Constructor Certification
I accept responsibility for the construction, deepening, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.
License Number 1355 Date 3-04-10
Signed Arthur L Jay
Contact Info. (optional) _____

EXEMPT USE WELL LOCATION MAP



RECEIVED
NOV 19 2018
OWRD



Harney County

Assessor Map Reference Number: 26S 31E 5 NWNW; Tax Lot 1003

Street Address of Well, if Available: 30040 Weaver Springs Road, Burns OR.

Well Log # HARN 51693, Well Label (ID Tag) # L 101624. (Please Locate Well and Indicate distance From Property or Survey Corner, See Attached Sample Well Location Map.) You may also locate your well using our exempt use well mapping tool on our website at www.wrd.state.or.us/exempt_use_788_info.shtml or by contacting the Exempt Use Well Program Coordinator at 503 986-0861.

PAPER MAP NOT TO SCALE

RECEIVED

APR 14 2010

WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON

COUNTY OF HARNEY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

HELEN DEN HOED
1831 N COUNTY LINE RD
GRANDVIEW WA 98930

This superseding permit is issued to describe a correcting order for Permit Amendment Application T-11828 and approved by Special Order Vol. 95, Page 875-876, entered May 27, 2015. This permit supersedes Permit G-17356.

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

APPLICATION FILE NUMBER: G-16867

SOURCE OF WATER: THREE WELLS IN MALHEUR LAKE BASIN

PURPOSE OR USE: IRRIGATION USE ON 160.0 ACRES

MAXIMUM RATE: 2.0 CUBIC FEET PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: MAY 23, 2007

WELL LOCATIONS:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
26 S	31 E	WM	5	NE NW	90 FEET SOUTH AND 2620 FEET EAST FROM THE NW CORNER OF SECTION 5
26 S	31 E	WM	5	SW NW	WELL 1: 1380 FEET SOUTH AND 900 FEET EAST FROM THE NW CORNER OF SECTION 5
26 S	31 E	WM	5	SW NW	WELL 2: 2650 FEET SOUTH AND 800 FEET EAST FROM THE NW CORNER OF SECTION 5

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 and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

RECEIVED
NOV 19 2018
OWRD

THE PLACE OF USE IS LOCATED AS FOLLOWS:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
26 S	31 E	WM	5	NE NW	40.0
26 S	31 E	WM	5	NW NW	40.0
26 S	31 E	WM	5	SW NW	40.0
26 S	31 E	WM	5	SE NW	40.0

PERMIT AMENDMENT T-11828 CONDITIONS:

1. The combined quantity of water diverted at the new points of appropriation, together with that diverted at the old point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
2. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation.
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
3. Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.
4. Dedicated Measuring Tube: Wells with pumps shall be equipped with a minimum 3/4-inch diameter, unobstructed, dedicated measuring tube pursuant to figure 200-5 in OAR 690-200. If a pump has been installed prior to the issuance of this permit, and if static water levels and pumping levels can be measured using an electrical tape, then the installation of the measuring tube can be delayed until such time that water levels cannot be measured or the pump is repaired or replaced.
5. Prior to use of water, the bottom portion of well HARN 51904 (well tag L-102456) shall be properly abandoned from 355 to 760 feet below ground surface in a manner compliant with OAR 690-220.
6. Water shall be acquired from the same aquifer as the original point of appropriation.
7. The former place of use shall no longer be irrigated as part of this permit.

RECEIVED
NOV 19 2018
OWRD

RECEIVED
NOV 19 2018
OWRD

EXISTING PERMIT CONDITIONS:

Measurement, recording and reporting conditions:

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

The Department requires the water user to obtain, from a qualified individual (see below), and report annual static water levels for each well on the permit. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

The permittee shall report an initial March static water-level measurement once well construction is complete and annual measurements thereafter. Annual measurements are required whether or not the well is used. The first annual measurement will establish a reference level against which future measurements will be compared. However, the Director may establish the reference level based on an analysis of other water-level data. The Director may require the user to obtain and report additional water levels each year if more data are needed to evaluate the aquifer system.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board. Measurements shall be submitted on forms provided by, or specified by, the Department. Measurements shall be made with equipment that is accurate to at least the standards specified in OAR 690-217-0045. The Department requires the individual performing the measurement to:

- A. Associate each measurement with an owner's well name or number and a Department well log ID; and
- B. Report water levels to at least the nearest tenth of a foot as depth-to-water below ground surface; and
- C. Specify the method of measurement; and
- D. Certify the accuracy of all measurements and calculations reported to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if any of the following events occur:

- A. Annual water-level measurements reveal an average water-level decline of three or more feet per year for five consecutive years; or

- B. Annual water-level measurements reveal a water-level decline of 15 or more feet in fewer than five consecutive years; or
- C. Annual water-level measurements reveal a water-level decline of 25 or more feet; or
- D. Hydraulic interference leads to a decline of 25 or more feet in any neighboring well with senior priority.

The period of restricted use shall continue until the water level rises above the decline level which triggered the action or the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or causing substantial interference with senior water rights. The water user shall not allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

STANDARD CONDITIONS

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.

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may not be valid, unless the Department authorizes the change in writing.

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.

The well(s) 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.

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, Section 030 adopted November 13, 1991 shall be followed.

The use may be restricted if the quality of the source stream or downstream waters decreases to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

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.

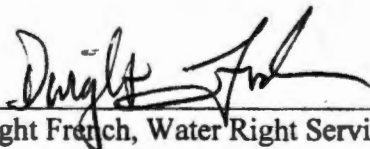
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

Completion of construction and complete application of the water to the use shall be made on or before October 1, 2018. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued May 27, 2015



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

RECEIVED
NOV 19 2018
OWRD

0 660 1,320 2,640 3,960 5,280 Feet

T 26 S, R 31 E, WM

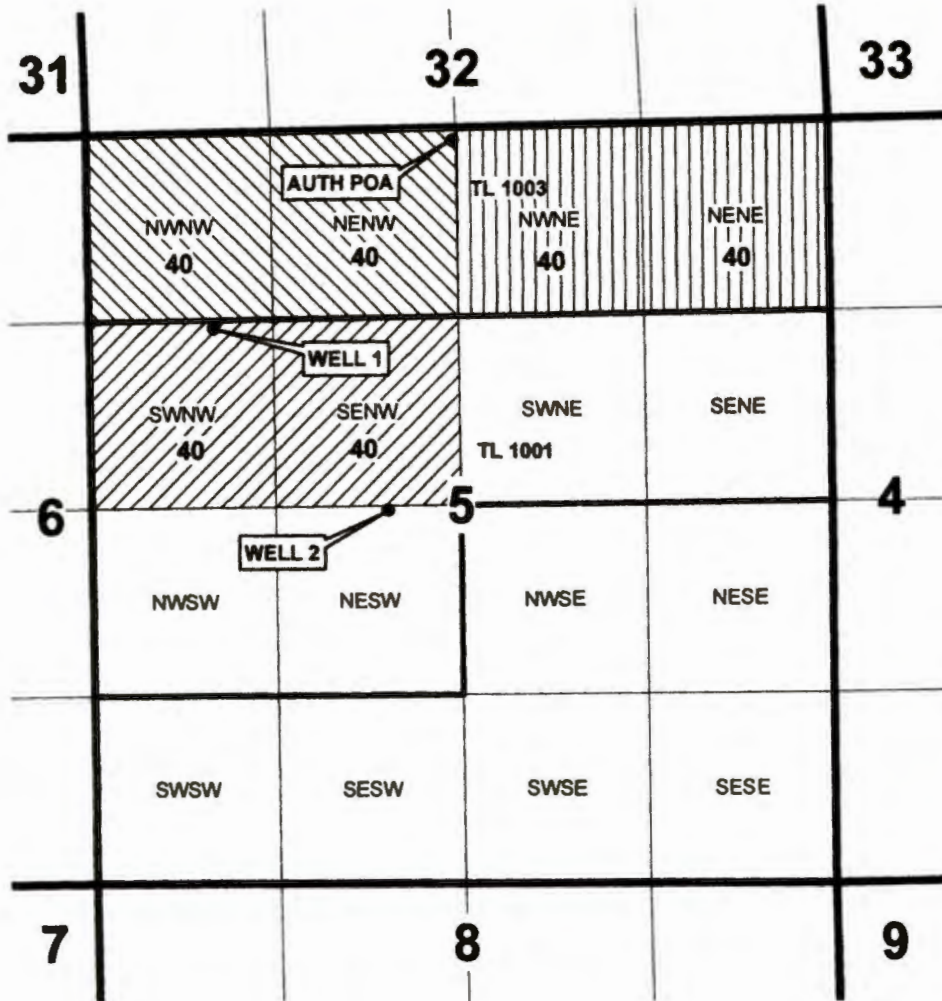
1" = 1320'



SECTION 5

HARNEY COUNTY, OREGON

Note: See Permit Amendment T-12609 Map for acres irrigated



RECEIVED
NOV 19 2018
OWRD

AUTH POA - 90' S, 2620' E FROM NW CORNER
WELL 1 - 1380' S, 900' E FROM NW CORNER
WELL 2 - 2650' S, 800' E FROM NW CORNER

RECEIVED BY OWRD




RECEIVED BY OWRD

JUN 04 2014

JAN 14 2014

SALEM, OR

SALEM, OR

-  AUTHORIZED POU
-  AUTHORIZED "FROM" POU
-  PROPOSED "TO" POU

**PERMIT AMENDMENT MAP
for HELEN DEN HOED**

PERMIT G-16376

This map is not intended
to provide legal dimensions
or locations of property
ownership lines.

OCT 2, 2013

WATER RIGHT SERVICES, LLC

PO BOX 1830, BEND, OR 97709

WWW.OREGONWATER.US 541-389-2837

johnshort@usa.com CCB # 197121

WORN 50458 RECEIVED

WELL I.D.#

STATE OF OREGON WATER SUPPLY WELL REPORT NOV 12 1998

(as required by ORS 537.765)

(START CARD) # 6-26594

Instructions for completing this report WATER RESOURCES DEPT. SALEM, OREGON

(1) OWNER: Name Carpenter Ranch

Address P.O. Box 607 City Burns State Ore Zip 97720

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

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

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

(5) BORE HOLE CONSTRUCTION: Special Construction approval [] Yes [X] No Depth of Completed Well 45 ft. Explosives used [] Yes [X] No Type Amount

Table with columns: HOLE Diameter, From, To, Material, SEAL From, To, Sacks or pounds. Row 1: 16, 0, 98, Bentonite, 46, 0, 58. Row 2: 12, 98, 145.

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

(6) CASING/LINER: Table with columns: Diameter, From, To, Gauge, Steel, Plastic, Welded, Threaded. Casing: 12, 72, 98, 210, [X], [], [X], [].

Final location of shoe(s)

(7) PERFORATIONS/SCREENS: [X] Perforations Method Torch Cut [] Screens Type Material. Table with columns: From, To, Slot size, Number, Diameter, Casing, Liner. Row 1: 58, 98, 125, 200, 12, [X], [].

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

Table with columns: Pump, Bailer, Air, Flowing Artesian, Yield gal/min, Drawdown, Drill stem at, Time. Row 1: 1500+, 96, 80, 1 hr.

Temperature of water 54 Depth Artesian Flow Found Was a water analysis done? NO Yes By whom Did any strata contain water not suitable for intended use? NO Too little [] Salty [] Muddy [] Odor [] Colored [] Other Depth of strata:

(9) LOCATION OF WELL by legal description: County Harney Latitude Longitude Township 23 N or S Range 31 E or W. WM. Section 34 SW 1/4 SW 1/4 Tax Lot 5700 Lot Block Subdivision Street Address of Well (or nearest address) Weaver Springs Rd.

(10) STATIC WATER LEVEL: 26 ft. below land surface. Date 10-26-98 Artesian pressure lb. per square inch. Date

(11) WATER BEARING ZONES: Depth at which water was first found 52

Table with columns: From, To, Estimated Flow Rate, SWL. Row 1: 52, 96, 1000, 26. Row 2: 131, 145, 500, 26.

(12) WELL LOG: Ground Elevation

Table with columns: Material, From, To, SWL. Row 1: Top Soil, 0, 8, -. Row 2: Brown Sand, 8, 27, -. Row 3: Brown Clay, 27, 52, -. Row 4: Grey Sandstone (w/B), 52, 96, 26. Row 5: Blue Clay, 96, 131, -. Row 6: Grey Sandstone (w/B), 131, 145, 26.

Date started 10-25-98 Completed 10-26-98

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

WWC Number Signed Date

(bonded) Water Well Constructor Certification: I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

WWC Number 1521 Signed Donald H. Reed Date 10-27-98

RECEIVED NOV 19 2018 O'NRD

REVISED HARN 50358

RECEIVED

STATE OF OREGON WATER SUPPLY WELL REPORT WELL I.D.# L.26594

JAN 22 1999 (START CARD) # 62965

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

(1) OWNER: Well Number #3 Name Carpenter Ranch Address P.O. Box 667 City Burns State Ore Zip 97720

(2) TYPE OF WORK: New Well, Deepening, Alteration, Abandonment

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

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

(5) BORE HOLE CONSTRUCTION: Special Construction approval, Explosives used, Depth of Completed Well

Table with columns: HOLE Diameter, From, To, SEAL Material, From, To, Sacks or pounds

How was seal placed: Method A, B, C, D, E, Other. Backfill placed from, Gravel placed from

(6) CASING/LINER: Table with columns: Diameter, From, To, Gauge, Steel, Plastic, Welded, Threaded

Final location of shoe(s)

(7) PERFORATIONS/SCREENS: Table with columns: From, To, Slot size, Number, Diameter, Tele/pipe size, Casing, Liner

(8) WELL TESTS: Minimum testing time is 1 hour. Pump, Bailer, Air, Flowing Artesian. Yield gal/min, Drawdown, Drill stem at, Time

Temperature of water, Depth Artesian Flow Found, Was a water analysis done, Did any strata contain water not suitable for intended use

(9) LOCATION: WATER RESOURCES DEPT. Salem, Oregon. County Harney, Latitude, Longitude, Township 25 S, Range 31 E, Section 28 NW, 1/4 SE, 1/4. Tax Lot 5700, Block, Subdivision. Street Address of Well Weaver Springs Rd.

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

(11) WATER BEARING ZONES: Table with columns: From, To, Estimated Flow Rate, SWL

(12) WELL LOG: Ground Elevation

Well Log Table with columns: Material, From, To, SWL. Includes handwritten note: Log Revised due to the wrong info at time of drilling.

RECEIVED NOV 19 2018 OWRD

Date started, Completed, (unbonded) Water Well Constructor Certification: I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards.

(bonded) Water Well Constructor Certification: I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. Signed Donald A. Lewis, WWC Number 1521, Date 1-12-99

STATE OF OREGON
WATER SUPPLY WELL REPORT MAR 22 2002
 (as required by ORS 537.765)
 Instructions for completing this report are on the back of this form.

WELL ID # L **52341**
 (START CARD) # **144375**

(1) OWNER:

Name **Carpenter Ranch, LLC**
 Address **1930 Lewis Street, SE**
 City **Salem** State **OR** Zip **97302**

(2) TYPE OF WORK:

New Well Deepening Alteration (repair/recondition) Abandonment

(3) DRILL METHOD:

Rotary Air Rotary Mud Cable Auger
 Other

(4) PROPOSED USE:

Domestic Community Industrial Irrigation
 Thermal Injection Livestock Other

(5) BORE HOLE CONSTRUCTION:

Special Construction approval Yes No Depth of Completed Well **126** ft.
 Explosives used Yes No Type _____ Amount _____

HOLE			SEAL			Amount	
Diameter	From	To	Material	From	To	sacks or pounds	Amount
10	0	50	Bentonite	0	50	28	sks
6	50	82					

Didn't disturb existing seal around 14" casing.

How was seal placed: Method A B C D E
 Other **Poured & probed.**
 Backfill placed from **133** ft. to **126** ft. Material **Sand & clay**
 Gravel placed from **80** ft. to **126** ft. Size of gravel **pea**

(6) CASING/LINER:

	Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing:	6	+2	82	.250	X		X	
Existing	14	+2	80	.250	X		X	
Liner:	12	1	126	.250	X		X	

Final location of shoe(s)

(7) PERFORATIONS/SCREENS:

Perforations		Method		Factory		Material			
From	To	Slot size	Number	Type	Cook	SS	Tele/pipe size	Casing	Liner
85	125	.125	con't				12		X

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

Pump	Bailer	X Air	Flowing Artesian
Yield gal/min	Drawdown	Drill stem at	Time
1500		70	1 hr.

Temperature of Water **54** Depth Artesian Flow found _____
 Was a water analysis done? Yes By whom _____
 Did any strata contain water not suitable for intended use? Too little
 Salty Muddy Odor Colored Other
 Depth of strata: _____

(9) LOCATION OF WELL by legal description:

County **Harney** Latitude _____ Longitude _____
 Township **25S** N or S. Range **31E** E or W. of WM. _____
 Section **33** NW 1/4 **NW** 1/4
 Tax lot **6100** Lot _____ Block _____ Subdivision _____
 Street Address of Well (or nearest address) **Weaver Springs Rd, Burns, OR 97720**

(10) STATIC WATER LEVEL:

38 ft. below land surface. Date **3/8/2002**
 Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:

Depth at which water was first found		Estimated Flow Rate	SWL
From 83	To 124	2500	38

RECEIVED
 NOV 19 2018
 QWRD

(12) WELL LOG:

Material	From	To	SWL
Clay brown firm	0	7	
Sand brown	7	24	
Clay green	24	42	
Sandstone brown soft	42	61	
Claystone blue soft	61	83	
Gravelloosely cemented	83	86	
Sand eroded out	86	95	
Gravel & sand loosely cemented	95	96	
Sand eroded out	96	108	
Gravel loosely cemented	108	124	
Claystone blue & gray	124	133	

Video camera down well. There was 80' of 14" casing. bottom of well was 110'. Air lifted bottom of well from 110 down to 133'. Re-videoed the well, there was a 20' piece of 12" perforated pipe set in the bottom 133'. Used 12" spear to fish out. Drilled in a 6" gravel feed pipe next to 14" casing. Cleaned out 14" hole down to 126'. Re-videoed the well. Installed well screen & 15 tons of pea gravel.

Date started **2/26/2002** Completed **3/8/2002**

(unbonded) Water Well Constructor Certification:

I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to my best knowledge and belief.

Signed _____ WWC Number **1394**
 Date **3/20/2002**
Mack Drilling Company, Inc.

(bonded) Water Well Constructor Certification:

I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

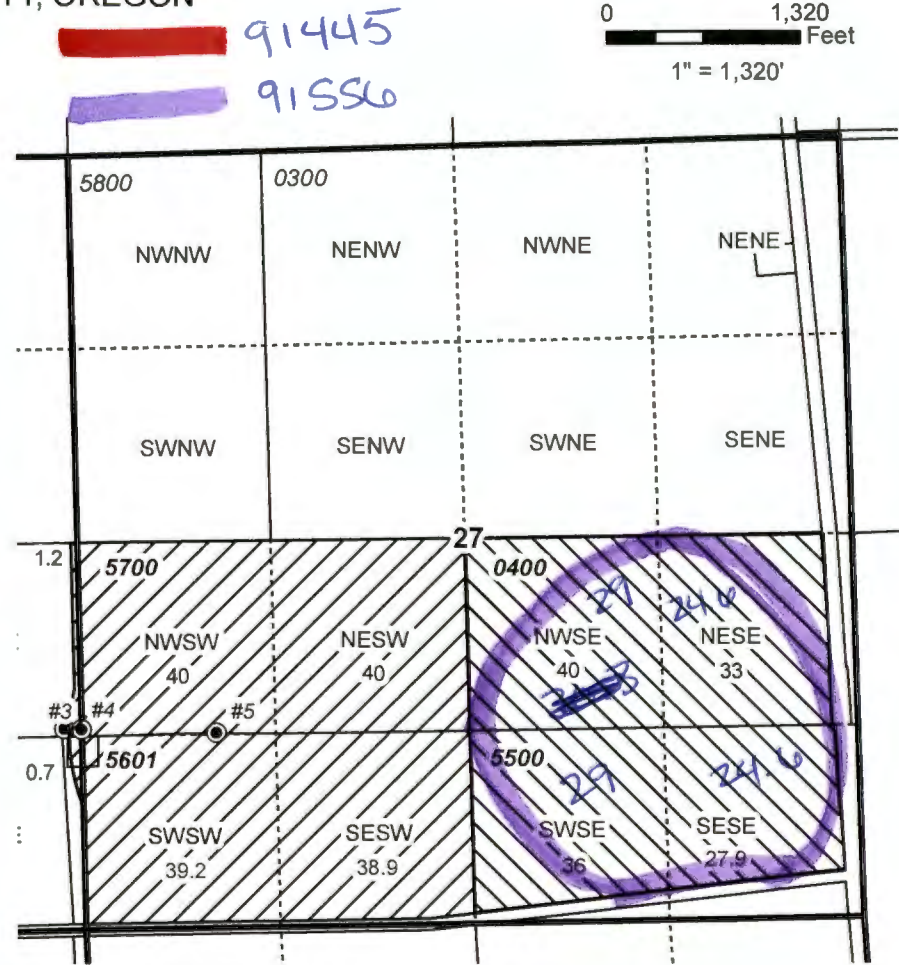
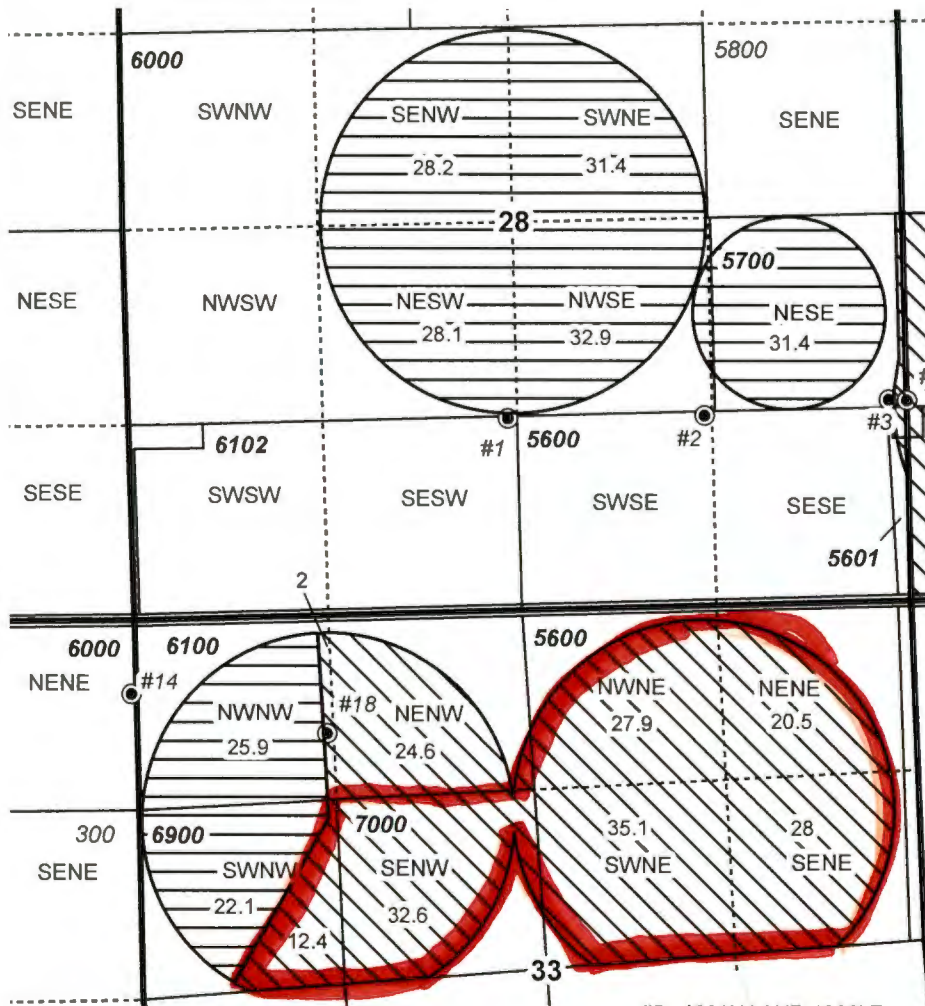
Signed _____ WWC Number **1394**
 Date **3/20/2002**
Mack Drilling Company, Inc.

T25S, R31E, SECTIONS 27, 28, 32 AND 33, WM

HARNEY COUNTY, OREGON



0 1,320 Feet
1" = 1,320'



91445
91556

WELL LOCATIONS:

- #1: 1240' N AND 2750' W OF SW COR SEC 27
- #2: 1270' N AND 1410' W OF SW COR SEC 27
- #3: 1380' N AND 150' W OF SW COR SEC 27
- #4: 1375' N AND 30' W OF SW COR SEC 27
- #14: 500' S AND 20' W OF NW COR SEC 33
- #18: 770' S AND 1320' E OF NW COR SEC 33
- #5: 1360' N AND 1260' E OF SW COR SEC 34

- POU IR Permit G-15451
- POU IR Permit G-17100
- POU IR Permit G-17441
- Quarter Quarter
- Tax lot



PERMIT AMENDMENT ON MAP
Golden Rule Farms, Inc.

NOTE: THIS MAP IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATIONS OF PROPERTY OWNERSHIP LINES.

WATER RIGHT SERVICES, LLC
PO BOX 1830, BEND, OR 97709
CCB# 197121 www.oregonwater.us
541-389-2837 JOHNSHORT@USA.COM

PERMITS G-17100, G-15451& G-17441

Date: 7/12/18

STATE OF OREGON
 COUNTY OF HARNEY
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

GOLDEN RULE FARMS INC.
 PO BOX 255
 CHRISTMAS VALLEY OR 97641

confirms the right to the use of water perfected under the terms of Permit G-17543. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-14923
 SOURCE OF WATER: A WELL IN MALHEUR LAKE BASIN
 PURPOSE OR USE: IRRIGATION OF 335.0 ACRES
 MAXIMUM RATE: 4.19 CUBIC FEET PER SECOND
 PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31
 DATE OF PRIORITY: FEBRUARY 8, 1999

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
25 S	31 E	WM	33	NW NW	WELL 18 - 770 FEET SOUTH AND 1320 FEET EAST FROM NW CORNER, SECTION 33

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet 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
25 S	31 E	WM	27	NE SW	40.0
25 S	31 E	WM	27	NW SW	40.0
25 S	31 E	WM	27	NE SE	24.6
25 S	31 E	WM	27	NW SE	29.0
25 S	31 E	WM	27	SW SE	29.0
25 S	31 E	WM	27	SE SE	24.6

Twp	Rng	Mer	Sec	Q-Q	Acres
25 S	31 E	WM	28	NE SE	31.4
25 S	31 E	WM	34	NE NE	27.9
25 S	31 E	WM	34	NW NE	30.3
25 S	31 E	WM	34	SW NE	30.3
25 S	31 E	WM	34	SE NE	27.9

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.

Measurement, recording and reporting conditions:

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

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

The well(s) 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 usable access port, and may also include an air line and pressure gauge adequate to determine the 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.

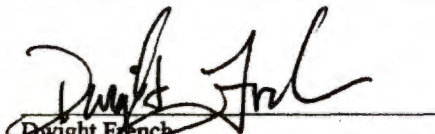
This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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 JUN 24 2016


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

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.

**T25S, R31E, SECTIONS 27,
28, 33, AND 34 WM**

HARNEY COUNTY
OREGON



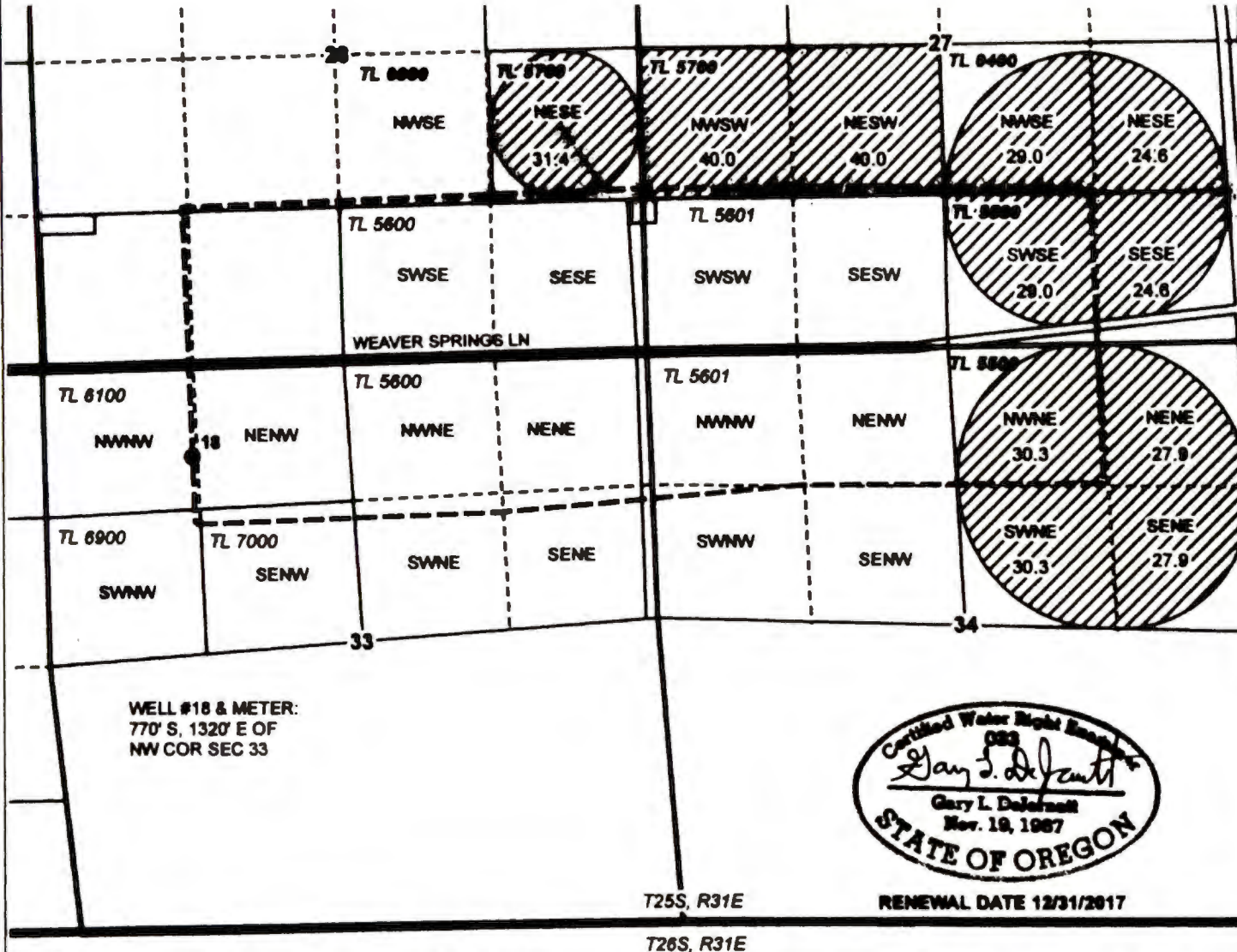
0 1,320
Feet
1" = 1,320'

- POU IR
- Township
- Section
- Quarter Quarter
- Taxdot
- Well & Meter
- Buried Mainline

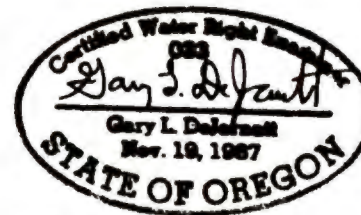
RECEIVED BY OWRD

MAR 07 2016

SALEM, OR



WELL #18 & METER:
770' S, 1320' E OF
NW COR SEC 33



T25S, R31E

RENEWAL DATE 12/31/2017

T26S, R31E

CLAIM OF BENEFICIAL USE MAP
Golden Rule Farms, Inc.

AP G-14923 PERMIT G-17543

NOTE: THIS MAP IS NOT INTENDED TO
PROVIDE LEGAL DIMENSIONS OR LOCATIONS
OF PROPERTY OWNERSHIP LINES.

PROJECT #16001

FEBRUARY 22, 2016

WATER RIGHT SERVICES, LLC

PO BOX 1830, BEND, OR 97709

CCB# 197121 www.oregonwater.us

541-389-2837 JOHNSHORT@USA.COM

Completeness Checklist for Permit Extension of Time Application

Minimum completeness criteria for Extension of Time Applications are set forth in OAR 690-086-0020(3) for NON-Municipal or NON-Quasi-Municipal permits and in OAR 690-086-0070(3) for Municipal or Quasi-Municipal permits.

- ✓ 1. Application on the correct form provided by the Department.
(non-municipal or Quasi-Muni/Municipal)
If not, return to applicant with a copy of correct form.
- ✓ 2. Permit status is non-canceled in WRIS.
If canceled, check if a request for reinstatement accompanied the application? If not, return to applicant.
- ✓ 3. Extension Application is the name of the Permit Holder of Record.
If not, is it accompanied by a Request for Assignment? If not, return to applicant with an Assignment Request Form.
- ✓ 4. Extension Application signed by applicant or authorized agent (agent authorization required).
If not, return to applicant.
- ✓ 5. Accompanied by statutory fee of \$670.
If not, return to applicant.

If all five items above are completed, pull the file and complete the money slip. (Sample of money slip located on back of this checklist.)

If you have any questions please feel free to ask an extension specialist.

Extension of Time (Permits)

- When money is submitted for an Extension of Time, please **Complete** the **Money Slip** (*Pink Slip*) as follows (*see circled area*).

MONEY SLIP			
DATE: 3-1-2018		RECEIPT #: 1234567	
RECEIVED FROM: <i>Jane Doe</i>		APPLICATION	G-12345
BY:		PERMIT	G-15432
		TRANSFER	
CASH <input type="checkbox"/>	CHECK # <input checked="" type="checkbox"/> 2413	OTHER (IDENTIFY) <input type="checkbox"/>	TOTAL REC'D \$ 670.00
1083 TREASURY 4170 WRD MISC			
PCA 46111			
0407 COPIES:			\$
OTHER:	(IDENTIFY) _____		\$
0243 1/5 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) _____		\$
TC 153 DEPOSIT LIAB.	(IDENTIFY) _____		\$
0240 EXTENSION OF TIME	PERMIT		\$670.00
WATER RIGHTS			
0201 SURFACE WATER	EXAM FEE		
0203 GROUND WATER	\$	0202	RECORD FEE
0205 TRANSFER	\$	0204	\$
WELL CONSTRUCTION			
0218 WELL DRILL CONSTRUCTOR	EXAM FEE		
LANDOWNER'S PERMIT	\$	0219	RECORD FEE
OTHER (IDENTIFY) _____		0220	\$
0607 TREASURY 0467 HYDRO ACTIVITY			
		LIC NUMBER	
0233 POWER LICENSE FEE (FW/WRD)			\$
0231 HYDRO LICENSE FEE (FW/WRD)			\$
HYDRO APPLICATION			\$
SPECIAL INSTRUCTIONS:			
<input type="checkbox"/> RETURN TO APPLICANT - LETTER ATTACHED			

Application: G-16867

Permit: G-17441

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

Applicant/Permit
Holder(s)

Golden Rule Farms

PO Box 255

Christmas Valley OR 97641

WRIG...Money Received on: Nov 19, 2018

Extension Specialist ...

Added to tracking spreadsheet

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

Stacy Phillips... Tonya Miller

Recent Assignment (Check WRIS for Update)

Publish on Public Notice (initial 30-day comment): Date of notice 11/15/2019

Update WRIS Database

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

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

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

NOTES:



Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone (503) 986-0900
Fax (503) 986-0904
www.Oregon.gov/OWRD

November 7, 2018

GOLDEN RULE FARMS INC.
PO BOX 255
CHRISTMAS VALLEY, OR 97641

Reference: Transfer Application T-12609

The above referenced transfer application was denied in the records of the Water Resources Department on November 7, 2018, by Special Order Volume 109, Page 885 (copy enclosed).

The transfer application is no further force or effect.

If you have any questions related to the approval of this transfer, you may contact your caseworker, Corey Courchane, by telephone at (503) 986-0825 or by e-mail at Corey.A.Courchane@oregon.gov.

Sincerely,

Stacy H. Phillips
Water Right Services Support
Transfers and Conservation Section

cc: J R. Johnson, Watermaster Dist. # 10 (via email)
John A. Short, Agent
Harney County

Enclosure

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

In the Matter of Permit Amendment)
T-12609, Harney County)
)
) FINAL ORDER
) DENYING A CHANGE IN POINTS OF
) APPROPRIATION AND A CHANGE IN
) PLACE OF USE

Authority

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

Applicant

GOLDEN RULE FARMS, INC.
PO BOX 255
CHRISTMAS VALLEY, OR 97641

Findings of Fact

1. On March 16, 2017, GOLDEN RULE FARMS, INC. filed an application to change the points of appropriation and to change the place of use under Permits G-15451, G-17100, and G-17441. The Department assigned the application number T-12609.
2. On December 26, 2014, the Department approved an extension of time for Permit G-15451, in order to complete application of water on or before October 30, 2019.
3. On August 2, 2016, the Department approved an assignment of Permit G-17100 and Permit G-17441 from Helen den Hoed to Golden Rule Farms, Inc.
4. On March 17, 2017, the Department approved an assignment of Permit G-15451 from Carpenter Ranch, LLC/Tom Carpenter to Golden Rule Farms, Inc.
5. Notice of the application for the permit amendment was published in the Department's weekly notice on March 21, 2017, and in the Burns Times Herald newspaper on September 26, and October 3, 2018, pursuant to ORS 540.520(5). No comments were filed in response to the notice(s).
6. On May 11, 2018, the Department contacted the applicant by written correspondence to notify the applicant and the applicant's agent of the deficiencies in the application. The Department requested that the deficiencies be resolved by June 11, 2018. No response was received to the letter.

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 and OAR 690-01-0005 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

7. On June 13, 2018, the Department contacted the applicant by written correspondence to notify the applicant and the applicant's agent of the deficiencies in the application. The Department requested that the deficiencies be resolved by July 13, 2018.
8. On July 12, 2018, the applicant's agent submitted a revised map.
9. On July 12, 2018, the Department contacted the applicant by written correspondence to notify the applicant and the applicant's agent of the deficiencies in the application. An approved Land Use form identifying tax lots 6100 and 6102, where the change in point of appropriation was taking place was not included with the application. The Department requested that the deficiencies be resolved by August 1, 2018.
10. On August 14, 2018, the applicant's agent submitted an approved Land Use form.
11. On September 28, 2018, the Department submitted correspondence to the applicant and the applicant's agent. The Department notified the applicant that Permit G-17441 had a current date for complete application of water to beneficial use set for October 1, 2018, and Permit G-17100 had a current date for complete application of water to beneficial use set for October 31, 2018. The Department requested the applicant submit an Application for Extension of Time for each permit, and gain approval in order for the Department to continue processing Permit Amendment application T-12609, no later than October 29, 2018. No response was received to the correspondence.
12. Permit Amendment Application T-12609 proposes to move the authorized points of appropriation (POA) under Permit G-15451 from the existing points of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from original POA in miles (mi)		
						Well 15	Well 16	Well 17
25 S	31 E	WM	28	SE SW	WELL 1 - 1240 FEET NORTH AND 2750 FEET WEST FROM THE SW CORNER OF SECTION 27	Well 15	Well 16	Well 17
						2.7 mi	3.6 mi	3.8 mi
25 S	31 E	WM	28	NW SE	WELL 2 - 1270 FEET SOUTH AND 1410 FEET WEST FROM THE SW CORNER OF SECTION 27	3.0 mi	3.9 mi	4.1 mi
25 S	31 E	WM	28	NE SE	WELL 3 - 1380 FEET NORTH AND 150 FEET WEST FROM THE SW CORNER OF SECTION 27	3.2 mi	4.1 mi	4.3 mi
25 S	31 E	WM	28	NE SE	WELL 4 - 1375 FEET NORTH AND 30 FEET WEST FROM THE SW CORNER OF SECTION 27	3.2 mi	4.1 mi	4.3 mi
25 S	31 E	WM	27	NW SW	WELL 5 - 1360 FEET NORTH AND 1260 FEET EAST FROM THE SW CORNER OF SECTION 27	3.4 mi	4.3 mi	4.5 mi
25 S	31 E	WM	32	NE NE	WELL 14 - 500 FEET SOUTH AND 20 FEET WEST FROM THE NW CORNER OF SECTION 33	2.2 mi	3.1 mi	3.3 mi
25 S	31 E	WM	33	NW NW	WELL 18 - 770 FEET SOUTH AND 1320 FEET EAST FROM THE NW CORNER OF SECTION 33	2.4 mi	3.3 mi	3.5 mi

13. Permit Amendment Application T-12609 proposes to move the authorized points of appropriation under Permit G-17100 from the existing points of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from original POA in miles (mi)	
						Well 1	Well 2
25 S	31 E	WM	28	SE SW	WELL 1 - 1240 FEET NORTH AND 2750 FEET WEST FROM THE SW CORNER OF SECTION 27	Well 1	Well 2
						2.3 mi	2.2 mi
25 S	31 E	WM	28	NW SE	WELL 2 - 1270 FEET SOUTH AND 1410 FEET WEST FROM THE SW CORNER OF SECTION 27	2.2 mi	2.3 mi
25 S	31 E	WM	28	NE SE	WELL 3 - 1380 FEET NORTH AND 150 FEET WEST FROM THE SW CORNER OF SECTION 27	2.2 mi	2.3 mi
25 S	31 E	WM	28	NE SE	WELL 4 - 1375 FEET NORTH AND 30 FEET WEST FROM THE SW CORNER OF SECTION 27	2.2 mi	2.3 mi
25 S	31 E	WM	27	NW SW	WELL 5 - 1360 FEET NORTH AND 1260 FEET EAST FROM THE SW CORNER OF SECTION 27	2.3 mi	2.4 mi
25 S	31 E	WM	32	NE NE	WELL 14 - 500 FEET SOUTH AND 20 FEET WEST FROM THE NW CORNER OF SECTION 33	2.1 mi	1.9 mi
25 S	31 E	WM	33	NW NW	WELL 18 - 770 FEET SOUTH AND 1320 FEET EAST FROM THE NW CORNER OF SECTION 33	2.0 mi	1.9 mi

14. Permit Amendment Application T-12609 proposes to move the authorized points of appropriation under Permit G-17441 from the existing points of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Approximate distance from original POA in miles (mi)		
						Well	Well 1	Well 2
25 S	31 E	WM	28	SE SW	WELL 1 - 1240 FEET NORTH AND 2750 FEET WEST FROM THE SW CORNER OF SECTION 27	Well	Well 1	Well 2
						1.5 mi	1.9 mi	2.1 mi
25 S	31 E	WM	28	NW SE	WELL 2 - 1270 FEET SOUTH AND 1410 FEET WEST FROM THE SW CORNER OF SECTION 27	1.7 mi	2.1 mi	2.3 mi
25 S	31 E	WM	28	NE SE	WELL 3 - 1380 FEET NORTH AND 150 FEET WEST FROM THE SW CORNER OF SECTION 27	1.9 mi	2.3 mi	2.5 mi
25 S	31 E	WM	28	NE SE	WELL 4 - 1375 FEET NORTH AND 30 FEET WEST FROM THE SW CORNER OF SECTION 27	1.9 mi	2.3 mi	2.5 mi
25 S	31 E	WM	27	NW SW	WELL 5 - 1360 FEET NORTH AND 1260 FEET EAST FROM THE SW CORNER OF SECTION 27	1.7 mi	2.2 mi	2.3 mi

25 S	31 E	WM	32	NE NE	WELL 14 - 500 FEET SOUTH AND 20 FEET WEST FROM THE NW CORNER OF SECTION 33	1.0 mi	1.4 mi	1.6 mi
25 S	31 E	WM	33	NW NW	WELL 18 - 770 FEET SOUTH AND 1320 FEET EAST FROM THE NW CORNER OF SECTION 33	1.1 mi	1.5 mi	1.7 mi

15. Permit Amendment Application T-12609 also proposes to move the authorized point of appropriation for Well 16 under Permit G-15451 approximately 0.1 mile from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
26 S	30 E	WM	1	SW NW	WELL 16 - 250 FEET NORTH AND 730 FEET EAST FROM THE W1/4 CORNER OF SECTION 1

16. Permit Amendment Application T-12609 also proposes to change a portion of the place of use of Permit G-15451 to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
25 S	31 E	WM	28	SW NE	31.4
25 S	31 E	WM	28	SE NW	28.2
25 S	31 E	WM	28	NE SW	28.1
25 S	31 E	WM	28	NE SE	31.4
25 S	31 E	WM	28	NW SE	32.9
25 S	31 E	WM	33	NW NW	25.9
25 S	31 E	WM	33	SW NW	22.1
Total					200.0

17. Permit Amendment Application T-12609 also proposes to change the place of use of Permit G-17100 to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
25 S	31 E	WM	27	NE SE	33.0
25 S	31 E	WM	27	NW SE	40.0
25 S	31 E	WM	27	SW SE	36.0
25 S	31 E	WM	27	SE SE	27.9
25 S	31 E	WM	33	NE NE	20.5
25 S	31 E	WM	33	NW NE	27.9
25 S	31 E	WM	33	SW NE	35.1
25 S	31 E	WM	33	SE NE	28.0
25 S	31 E	WM	33	NE NW	24.6
25 S	31 E	WM	33	NW NW	2.0
25 S	31 E	WM	33	SW NW	12.4
25 S	31 E	WM	33	SE NW	32.6
Total					320.0

18. Permit Amendment Application T-12609 also proposes to change the place of use of Permit G-17441 to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
25 S	31 E	WM	27	NE SW	40.0
25 S	31 E	WM	27	NW SW	40.0
25 S	31 E	WM	27	SW SW	39.2
25 S	31 E	WM	27	SE SW	38.9
25 S	31 E	WM	28	NE SE	1.2
25 S	31 E	WM	28	SE SE	0.7
Total					160.0

Permit Amendment Review Criteria

- 19. The changes would not result in injury to other water rights.
- 20. The proposed places of use are owned and/or controlled by the permit holder.
- 21. The changes do not enlarge the permits.
- 22. The changes do not alter any other terms of the permits.
- 23. The proposed place of use is contiguous to the authorized place of use.
- 24. The proposed wells shall each be constructed to develop groundwater from either the predominantly basin fill unit or the underlying predominantly volcanic/sedimentary bedrock unit, but not both.
- 25. The applicant is unable to complete application of the water to beneficial use under Permit G-17441, and Permit G-17100.

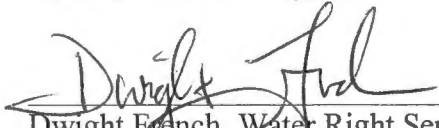
Conclusions of Law

The change in points of appropriation and change in place of use proposed by Permit Amendment Application T-12609 are not consistent with the requirements of ORS 537.211. The complete application of water date for Permit G-17441 ended October 1, 2018, and the complete application of water date for Permit G-17100 ended October 31, 2018. The applicant has not submitted an Application for Extension of Time for Permit G-17441, and Permit G-17100. Without current dates for complete application of water, the Department cannot approve T-12609.

Now, therefore, it is ORDERED:

Permit Amendment Application T-12609 is denied.

Dated at Salem, Oregon this NOV 07 2018.



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

Mailing Date: NOV 08 2018



Oregon

Kate Brown, Governor

App. G-16867

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

September 28, 2018

Golden Rule Farms, Inc.
PO Box 255
Christmas Valley, OR 97641

REFERENCE: Permit Amendment Application T-12609

Mr Nichols,

It has come to the Department's attention that Permit G-17441 has a current date for complete application of water to beneficial use set for October 1, 2018, and Permit G-17100 has a current date for complete application of water to beneficial use set for October 31, 2018. The Department is unable to process permit amendment applications without an active completion date. In order to continue processing your permit amendment application, you will need to submit an Application for Extension of Time, and gain approval in order for the Department to issue an approval on your permit amendment application.

If the Department does not receive the above requested materials by October 29, 2018, a Final Order may be issued denying the permit amendment application, due to an inactive date of completion.

Please do not hesitate to contact me, at corey.a.courchane@oregon.gov or (503) 986-0825, if I may be of assistance.

Sincerely,

Corey Courchane
Transfer Specialist
Transfer and Conservation Section

cc: JR Johnson, Watermaster, District 10
John Short, Agent

enclosures



Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone (503) 986-0900
Fax (503) 986-0904
www.wrd.state.or.us

June 21, 2016

Golden Rule Farms, Inc.
P.O. Box 255
Christmas, Oregon 97641

Reference: Application G-17578, Permit G-17100 – Application G-16867, Permit G-17441

The requested assignment as the required fees were not submitted. Each permit to be assigned must be accompanied by its own form and fee.

The Department is returning your request and check.

Sincerely,

Jerry Sauter
Water Rights Program Analyst
Water Right Services Division

Enclosure: Request and check

cc: Files



STATE OF OREGON

COUNTY OF HARNEY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

HELEN DEN HOED
1831 N COUNTY LINE RD
GRANDVIEW WA 98930

This superseding permit is issued to describe a correcting order for Permit Amendment Application T-11828 and approved by Special Order Vol. 95, Page 875-876, entered May 27, 2015. This permit supersedes Permit G-17356.

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

APPLICATION FILE NUMBER: G-16867

SOURCE OF WATER: THREE WELLS IN MALHEUR LAKE BASIN

PURPOSE OR USE: IRRIGATION USE ON 160.0 ACRES

MAXIMUM RATE: 2.0 CUBIC FEET PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: MAY 23, 2007

WELL LOCATIONS:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
26 S	31 E	WM	5	NE NW	90 FEET SOUTH AND 2620 FEET EAST FROM THE NW CORNER OF SECTION 5
26 S	31 E	WM	5	SW NW	WELL 1: 1380 FEET SOUTH AND 900 FEET EAST FROM THE NW CORNER OF SECTION 5
26 S	31 E	WM	5	SW NW	WELL 2: 2650 FEET SOUTH AND 800 FEET EAST FROM THE NW CORNER OF SECTION 5

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 and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
26 S	31 E	WM	5	NE NW	40.0
26 S	31 E	WM	5	NW NW	40.0
26 S	31 E	WM	5	SW NW	40.0
26 S	31 E	WM	5	SE NW	40.0

PERMIT AMENDMENT T-11828 CONDITIONS:

1. The combined quantity of water diverted at the new points of appropriation, together with that diverted at the old point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
2. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation.
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
3. Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.
4. Dedicated Measuring Tube: Wells with pumps shall be equipped with a minimum 3/4-inch diameter, unobstructed, dedicated measuring tube pursuant to figure 200-5 in OAR 690-200. If a pump has been installed prior to the issuance of this permit, and if static water levels and pumping levels can be measured using an electrical tape, then the installation of the measuring tube can be delayed until such time that water levels cannot be measured or the pump is repaired or replaced.
5. Prior to use of water, the bottom portion of well HARN 51904 (well tag L-102456) shall be properly abandoned from 355 to 760 feet below ground surface in a manner compliant with OAR 690-220.
6. Water shall be acquired from the same aquifer as the original point of appropriation.
7. The former place of use shall no longer be irrigated as part of this permit.

EXISTING PERMIT CONDITIONS:**Measurement, recording and reporting conditions:**

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

The Department requires the water user to obtain, from a qualified individual (see below), and report annual static water levels for each well on the permit. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

The permittee shall report an initial March static water-level measurement once well construction is complete and annual measurements thereafter. Annual measurements are required whether or not the well is used. The first annual measurement will establish a reference level against which future measurements will be compared. However, the Director may establish the reference level based on an analysis of other water-level data. The Director may require the user to obtain and report additional water levels each year if more data are needed to evaluate the aquifer system.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board. Measurements shall be submitted on forms provided by, or specified by, the Department. Measurements shall be made with equipment that is accurate to at least the standards specified in OAR 690-217-0045. The Department requires the individual performing the measurement to:

- A. Associate each measurement with an owner's well name or number and a Department well log ID; and
- B. Report water levels to at least the nearest tenth of a foot as depth-to-water below ground surface; and
- C. Specify the method of measurement; and
- D. Certify the accuracy of all measurements and calculations reported to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if any of the following events occur:

- A. Annual water-level measurements reveal an average water-level decline of three or more feet per year for five consecutive years; or

- B. Annual water-level measurements reveal a water-level decline of 15 or more feet in fewer than five consecutive years; or
- C. Annual water-level measurements reveal a water-level decline of 25 or more feet; or
- D. Hydraulic interference leads to a decline of 25 or more feet in any neighboring well with senior priority.

The period of restricted use shall continue until the water level rises above the decline level which triggered the action or the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or causing substantial interference with senior water rights. The water user shall not allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

STANDARD CONDITIONS

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.

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may not be valid, unless the Department authorizes the change in writing.

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.

The well(s) 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.

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, Section 030 adopted November 13, 1991 shall be followed.

The use may be restricted if the quality of the source stream or downstream waters decreases to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

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.

Completion of construction and complete application of the water to the use shall be made on or before October 1, 2018. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued May 27, 2015



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



Oregon

Kate Brown, Governor

G-16867

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

May 28, 2015

HELEN DEN HOED
1831 N COUNTY LINE RD
GRANDVIEW, WA 98930

REFERENCE: Permit Amendment Application T-11828

Enclosed is a copy of the order correcting your Permit Amendment Order.

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

If you have any questions related to the approval of this permit amendment, you may contact your caseworker, Tracy Fox, by telephone at (503) 986-0827 or by e-mail at Tracy.L.Fox@wrd.state.or.us

Sincerely,

for Codi Holmes
Water Rights Services Support
Transfer and Conservation Section

cc: Tony D. Rutherford, Watermaster Dist. # 10 (via email)
John A. Short, Agent

Enclosure



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

In the Matter of Special Order Volume 95,)
Pages 828-830, Harney County) CORRECTING FINAL ORDER

Authority

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

Applicant

HELEN DEN HOED
1831 N COUNTY LINE RD
GRANDVIEW, WA 98930

Findings of Fact

1. On May 21, 2015, the Department issued a final order approving Permit Amendment Transfer Application T-11828. The order was recorded at Special Order Volume 95, Pages 828-830.
2. On May 21, 2015, the Department also issued Superseding Permit G-17356 as a result of the order recorded at Special Order Volume 95, Pages 828-830.
3. The order contained an error in the description of the location of Well 2. The error is identified in **bold** in the table below:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
26 S	31 E	WM	5	NE SW	WELL 2: 2650 FEET SOUTH AND 800 FEET EAST FROM THE NW CORNER OF SECTION 5

4. The **corrected** description of the location of Well 2 is described as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
26 S	31 E	WM	5	SW NW	WELL 2: 2650 FEET SOUTH AND 800 FEET EAST FROM THE NW CORNER OF SECTION 5

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 and OAR 690-01-0005 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

5. Superseding Permit G-17356 contained a scrivener's error in the description of the location of Well 1. The error is identified in **bold** in the table below:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
26 S	31 E	WM	4	SW NW	WELL 1: 1380 FEET SOUTH AND 900 FEET EAST FROM THE NW CORNER OF SECTION 5

6. The **corrected** description of the location of Well 1 is described as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
26 S	31 E	WM	5	SW NW	WELL 1: 1380 FEET SOUTH AND 900 FEET EAST FROM THE NW CORNER OF SECTION 5

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

1. The order approving Permit Amendment Transfer Application number T-11828, recorded at Special Order Volume 95, Pages 828-830 is amended to correctly describe the location of Well 1 and Well 2 as listed in Finding of Facts No. 4 and No. 6.
2. Permit G-17441, in the name of Helen Den Hoed, is issued to replace Permit G-17356, and incorporates the corrections approved by this order. Permit G-17441, in the name of Helen Den Hoed, is no longer of any force or effect.
3. All other provisions of the order, recorded at Special Order Volume 95, Pages 828-830, are unchanged.

Dated at Salem, Oregon this 27 day of May, 2015.



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

Mailing Date: MAY 29 2015

STATE OF OREGON

COUNTY OF HARNEY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

HELEN DEN HOED
1831 N COUNTY LINE RD
GRANDVIEW WA 98930

This superseding permit is issued to describe a correcting order for Permit Amendment Application T-11828 and approved by Special Order Vol. 95, Page 875-876, entered May 27, 2015. This permit supersedes Permit G-17356.

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

APPLICATION FILE NUMBER: G-16867

SOURCE OF WATER: THREE WELLS IN MALHEUR LAKE BASIN

PURPOSE OR USE: IRRIGATION USE ON 160.0 ACRES

MAXIMUM RATE: 2.0 CUBIC FEET PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: MAY 23, 2007

WELL LOCATIONS:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
26 S	31 E	WM	5	NE NW	90 FEET SOUTH AND 2620 FEET EAST FROM THE NW CORNER OF SECTION 5
26 S	31 E	WM	5	SW NW	WELL 1: 1380 FEET SOUTH AND 900 FEET EAST FROM THE NW CORNER OF SECTION 5
26 S	31 E	WM	5	SW NW	WELL 2: 2650 FEET SOUTH AND 800 FEET EAST FROM THE NW CORNER OF SECTION 5

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 and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
26 S	31 E	WM	5	NE NW	40.0
26 S	31 E	WM	5	NW NW	40.0
26 S	31 E	WM	5	SW NW	40.0
26 S	31 E	WM	5	SE NW	40.0

PERMIT AMENDMENT T-11828 CONDITIONS:

1. The combined quantity of water diverted at the new points of appropriation, together with that diverted at the old point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
2. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation.
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
3. Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.
4. Dedicated Measuring Tube: Wells with pumps shall be equipped with a minimum 3/4-inch diameter, unobstructed, dedicated measuring tube pursuant to figure 200-5 in OAR 690-200. If a pump has been installed prior to the issuance of this permit, and if static water levels and pumping levels can be measured using an electrical tape, then the installation of the measuring tube can be delayed until such time that water levels cannot be measured or the pump is repaired or replaced.
5. Prior to use of water, the bottom portion of well HARN 51904 (well tag L-102456) shall be properly abandoned from 355 to 760 feet below ground surface in a manner compliant with OAR 690-220.
6. Water shall be acquired from the same aquifer as the original point of appropriation.
7. The former place of use shall no longer be irrigated as part of this permit.

EXISTING PERMIT CONDITIONS:**Measurement, recording and reporting conditions:**

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

The Department requires the water user to obtain, from a qualified individual (see below), and report annual static water levels for each well on the permit. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

The permittee shall report an initial March static water-level measurement once well construction is complete and annual measurements thereafter. Annual measurements are required whether or not the well is used. The first annual measurement will establish a reference level against which future measurements will be compared. However, the Director may establish the reference level based on an analysis of other water-level data. The Director may require the user to obtain and report additional water levels each year if more data are needed to evaluate the aquifer system.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board. Measurements shall be submitted on forms provided by, or specified by, the Department. Measurements shall be made with equipment that is accurate to at least the standards specified in OAR 690-217-0045. The Department requires the individual performing the measurement to:

- A. Associate each measurement with an owner's well name or number and a Department well log ID; and
- B. Report water levels to at least the nearest tenth of a foot as depth-to-water below ground surface; and
- C. Specify the method of measurement; and
- D. Certify the accuracy of all measurements and calculations reported to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if any of the following events occur:

- A. Annual water-level measurements reveal an average water-level decline of three or more feet per year for five consecutive years; or

- B. Annual water-level measurements reveal a water-level decline of 15 or more feet in fewer than five consecutive years; or
- C. Annual water-level measurements reveal a water-level decline of 25 or more feet; or
- D. Hydraulic interference leads to a decline of 25 or more feet in any neighboring well with senior priority.

The period of restricted use shall continue until the water level rises above the decline level which triggered the action or the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or causing substantial interference with senior water rights. The water user shall not allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

STANDARD CONDITIONS

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.

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may not be valid, unless the Department authorizes the change in writing.

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.

The well(s) 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.

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, Section 030 adopted November 13, 1991 shall be followed.

The use may be restricted if the quality of the source stream or downstream waters decreases to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

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.

Completion of construction and complete application of the water to the use shall be made on or before October 1, 2018. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued May 27, 2015



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

STATE OF OREGON

COUNTY OF HARNEY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

HELEN DEN HOED
1831 N COUNTY LINE RD
GRANDVIEW WA 98930

This superseding permit is issued to describe an amendment for additional points of appropriation and change in place of use proposed under Permit Amendment Application T-11828 and approved by Special Order Vol. 95, Page ~~225~~ 230, entered May 21, 2015, and to describe an extension of time for complete application of water approved May 16, 2014, and an assignment to a new permittee approved January 21, 2014. This permit supersedes Permit G-16376.

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

APPLICATION FILE NUMBER: G-16867

SOURCE OF WATER: THREE WELLS IN MALHEUR LAKE BASIN

PURPOSE OR USE: IRRIGATION USE ON 160.0 ACRES

MAXIMUM RATE: 2.0 CUBIC FEET PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: MAY 23, 2007

WELL LOCATIONS:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
26 S	31 E	WM	5	NE NW	90 FEET SOUTH AND 2620 FEET EAST FROM THE NW CORNER OF SECTION 5
26 S	31 E	WM	4	SW NW	WELL 1: 1380 FEET SOUTH AND 900 FEET EAST FROM THE NW CORNER OF SECTION 5
26 S	31 E	WM	5	NE SW	WELL 2: 2650 FEET SOUTH AND 800 FEET EAST FROM THE NW CORNER OF SECTION 5

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 and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
26 S	31 E	WM	5	NE NW	40.0
26 S	31 E	WM	5	NW NW	40.0
26 S	31 E	WM	5	SW NW	40.0
26 S	31 E	WM	5	SE NW	40.0

PERMIT AMENDMENT T-11828 CONDITIONS:

1. The combined quantity of water diverted at the new points of appropriation, together with that diverted at the old point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
2. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation.
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
3. Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.
4. Dedicated Measuring Tube: Wells with pumps shall be equipped with a minimum 3/4-inch diameter, unobstructed, dedicated measuring tube pursuant to figure 200-5 in OAR 690-200. If a pump has been installed prior to the issuance of this permit, and if static water levels and pumping levels can be measured using an electrical tape, then the installation of the measuring tube can be delayed until such time that water levels cannot be measured or the pump is repaired or replaced.
5. Prior to use of water, the bottom portion of well HARN 51904 (well tag L-102456) shall be properly abandoned from 355 to 760 feet below ground surface in a manner compliant with OAR 690-220.
6. Water shall be acquired from the same aquifer as the original point of appropriation.
7. The former place of use shall no longer be irrigated as part of this permit.

EXISTING PERMIT CONDITIONS:**Measurement, recording and reporting conditions:**

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

The Department requires the water user to obtain, from a qualified individual (see below), and report annual static water levels for each well on the permit. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

The permittee shall report an initial March static water-level measurement once well construction is complete and annual measurements thereafter. Annual measurements are required whether or not the well is used. The first annual measurement will establish a reference level against which future measurements will be compared. However, the Director may establish the reference level based on an analysis of other water-level data. The Director may require the user to obtain and report additional water levels each year if more data are needed to evaluate the aquifer system.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board. Measurements shall be submitted on forms provided by, or specified by, the Department. Measurements shall be made with equipment that is accurate to at least the standards specified in OAR 690-217-0045. The Department requires the individual performing the measurement to:

- A. Associate each measurement with an owner's well name or number and a Department well log ID; and
- B. Report water levels to at least the nearest tenth of a foot as depth-to-water below ground surface; and
- C. Specify the method of measurement; and
- D. Certify the accuracy of all measurements and calculations reported to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if any of the following events occur:

- A. Annual water-level measurements reveal an average water-level decline of three or more feet per year for five consecutive years; or

- B. Annual water-level measurements reveal a water-level decline of 15 or more feet in fewer than five consecutive years; or
- C. Annual water-level measurements reveal a water-level decline of 25 or more feet; or
- D. Hydraulic interference leads to a decline of 25 or more feet in any neighboring well with senior priority.

The period of restricted use shall continue until the water level rises above the decline level which triggered the action or the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or causing substantial interference with senior water rights. The water user shall not allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

STANDARD CONDITIONS

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.

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may not be valid, unless the Department authorizes the change in writing.

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.

The well(s) 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.

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, Section 030 adopted November 13, 1991 shall be followed.

The use may be restricted if the quality of the source stream or downstream waters decreases to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

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.

Completion of construction and complete application of the water to the use shall be made on or before October 1, 2018. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued May 21, 2015



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



Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone (503) 986-0900

Fax (503) 986-0904

www.wrd.state.or.us

May 21, 2015

HELEN DEN HOED
1831 N COUNTY LINE RD
GRANDVIEW, WA 98930

REFERENCE: Permit Amendment Application T-11828

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

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

If you have any questions related to the approval of this permit amendment, you may contact your caseworker, Tracy Fox, by telephone at (503) 986-0827 or by e-mail at Tracy.L.Fox@wrd.state.or.us

Sincerely,

for Codi Holmes
Water Rights Services Support
Transfer and Conservation Section

cc: Tony D. Rutherford, Watermaster Dist. # 10 (via email)
John A. Short, Agent

Enclosure



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

In the Matter of Permit Amendment) FINAL ORDER
T-11828, Harney County) APPROVING ADDITIONAL POINTS
) OF APPROPRIATION AND A
) CHANGE IN PLACE OF USE

Authority

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

Applicant

HELEN DEN HOED
1831 N COUNTY LINE RD
GRANDVIEW, WA 98930

Findings of Fact

1. On June 4, 2014, HELEN DEN HOED filed an application to change the point of appropriation, add an additional point of appropriation and change the place of use under Permit G-16376. The Department assigned the application number T-11828.
2. On January 21, 2014, the Department approved an assignment of the permit to HELEN DEN HOED.
3. On May 16, 2014, the Department approved an extension of time for complete application of water to October 1, 2018.
4. Notice of the application for the permit amendment was published in the Department's weekly notice on June 10, 2014, and in the Burns Times Herald newspaper on May 6 and 13, 2015, pursuant to ORS 540.520(5). No comments were filed in response to the notices.
5. On January 30, 2015, the Department contacted the agent by telephone to notify the applicant of minor deficiencies in the application.
6. On March 2, 2015, the Department received amended application pages which resolved the deficiencies. The amended application omitted the change in point of appropriation.

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 and OAR 690-01-0005 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

7. Permit Amendment Application T-11828 proposes additional points of appropriation approximately 2,135 feet (0.4 mile) and 3,130 feet (0.6 mile) respectively from the existing point of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
26 S	31 E	WM	5	SW NW	WELL 1: 1380 FEET SOUTH AND 900 FEET EAST FROM THE NW CORNER OF SECTION 5
26 S	31 E	WM	5	NE SW	WELL 2: 2650 FEET SOUTH AND 800 FEET EAST FROM THE NW CORNER OF SECTION 5

8. Permit Amendment Application T-11828 also proposes to change the place of use of the permit to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
26 S	31 E	WM	5	NW NW	40.0
26 S	31 E	WM	5	NE NW	40.0
26 S	31 E	WM	5	SW NW	40.0
26 S	31 E	WM	5	SE NW	40.0

Permit Amendment Review Criteria

8. The proposed place of use is owned and/or controlled by the permit holder.
9. The changes, as conditioned, would not result in injury to other water rights.
10. The changes do not enlarge the permit.
11. The changes do not alter any other terms of the permit.
12. The proposed place of use is contiguous to the authorized place of use.

Conclusions of Law

The additional points of appropriation and change in place of use proposed by Permit Amendment Application T-11828 are consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

1. The additional points of appropriation and change in place of use proposed by Permit Amendment Application T-11828 are approved.
2. Permit G-17356, in the name of HELEN DEN HOED, is issued to replace Permit G-16376, and incorporates the amendments approved by this order, the extension of time, and the assignment. Permit G-16376, in the name of HELEN DEN HOED, is no longer of any force or effect.

3. The combined quantity of water diverted at the new points of appropriation, together with that diverted at the old point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
4. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation.
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
5. Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.
6. Dedicated Measuring Tube: Wells with pumps shall be equipped with a minimum 3/4-inch diameter, unobstructed, dedicated measuring tube pursuant to figure 200-5 in OAR 690-200. If a pump has been installed prior to the issuance of this permit, and if static water levels and pumping levels can be measured using an electrical tape, then the installation of the measuring tube can be delayed until such time that water levels cannot be measured or the pump is repaired or replaced.
7. Prior to use of water, the bottom portion of well HARN 51904 (well tag L-102456) shall be properly abandoned from 355 to 760 feet below ground surface in a manner compliant with OAR 690-220.
8. Water shall be acquired from the same aquifer as the original point of appropriation.
9. The former place of use shall no longer be irrigated as part of this permit.
10. All other terms and conditions of Permit G-17356 remain the same.

Dated at Salem, Oregon this 21 day of May, 2015.



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

Mailing Date: MAY 26 2015

STATE OF OREGON

COUNTY OF HARNEY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

HELEN DEN HOED
1831 N COUNTY LINE RD
GRANDVIEW WA 98930

This superseding permit is issued to describe an amendment for additional points of appropriation and change in place of use proposed under Permit Amendment Application T-11828 and approved by Special Order Vol. 95, Page ~~328-330~~, entered May 21, 2015, and to describe an extension of time for complete application of water approved May 16, 2014, and an assignment to a new permittee approved January 21, 2014. This permit supersedes Permit G-16376.

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

APPLICATION FILE NUMBER: G-16867

SOURCE OF WATER: THREE WELLS IN MALHEUR LAKE BASIN

PURPOSE OR USE: IRRIGATION USE ON 160.0 ACRES

MAXIMUM RATE: 2.0 CUBIC FEET PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: MAY 23, 2007

WELL LOCATIONS:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
26 S	31 E	WM	5	NE NW	90 FEET SOUTH AND 2620 FEET EAST FROM THE NW CORNER OF SECTION 5
26 S	31 E	WM	4	SW NW	WELL 1: 1380 FEET SOUTH AND 900 FEET EAST FROM THE NW CORNER OF SECTION 5
26 S	31 E	WM	5	NE SW	WELL 2: 2650 FEET SOUTH AND 800 FEET EAST FROM THE NW CORNER OF SECTION 5

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 and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
26 S	31 E	WM	5	NE NW	40.0
26 S	31 E	WM	5	NW NW	40.0
26 S	31 E	WM	5	SW NW	40.0
26 S	31 E	WM	5	SE NW	40.0

PERMIT AMENDMENT T-11828 CONDITIONS:

1. The combined quantity of water diverted at the new points of appropriation, together with that diverted at the old point of appropriation, shall not exceed the quantity of water lawfully available at the original point of appropriation.
2. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device, at each point of appropriation.
 - b. The water user shall maintain the meters or measuring devices in good working order.
 - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
3. Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.
4. Dedicated Measuring Tube: Wells with pumps shall be equipped with a minimum 3/4-inch diameter, unobstructed, dedicated measuring tube pursuant to figure 200-5 in OAR 690-200. If a pump has been installed prior to the issuance of this permit, and if static water levels and pumping levels can be measured using an electrical tape, then the installation of the measuring tube can be delayed until such time that water levels cannot be measured or the pump is repaired or replaced.
5. Prior to use of water, the bottom portion of well HARN 51904 (well tag L-102456) shall be properly abandoned from 355 to 760 feet below ground surface in a manner compliant with OAR 690-220.
6. Water shall be acquired from the same aquifer as the original point of appropriation.
7. The former place of use shall no longer be irrigated as part of this permit.

EXISTING PERMIT CONDITIONS:**Measurement, recording and reporting conditions:**

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

The Department requires the water user to obtain, from a qualified individual (see below), and report annual static water levels for each well on the permit. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

The permittee shall report an initial March static water-level measurement once well construction is complete and annual measurements thereafter. Annual measurements are required whether or not the well is used. The first annual measurement will establish a reference level against which future measurements will be compared. However, the Director may establish the reference level based on an analysis of other water-level data. The Director may require the user to obtain and report additional water levels each year if more data are needed to evaluate the aquifer system.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board. Measurements shall be submitted on forms provided by, or specified by, the Department. Measurements shall be made with equipment that is accurate to at least the standards specified in OAR 690-217-0045. The Department requires the individual performing the measurement to:

- A. Associate each measurement with an owner's well name or number and a Department well log ID; and
- B. Report water levels to at least the nearest tenth of a foot as depth-to-water below ground surface; and
- C. Specify the method of measurement; and
- D. Certify the accuracy of all measurements and calculations reported to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if any of the following events occur:

- A. Annual water-level measurements reveal an average water-level decline of three or more feet per year for five consecutive years; or

- B. Annual water-level measurements reveal a water-level decline of 15 or more feet in fewer than five consecutive years; or
- C. Annual water-level measurements reveal a water-level decline of 25 or more feet; or
- D. Hydraulic interference leads to a decline of 25 or more feet in any neighboring well with senior priority.

The period of restricted use shall continue until the water level rises above the decline level which triggered the action or the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or causing substantial interference with senior water rights. The water user shall not allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

STANDARD CONDITIONS

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.

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may not be valid, unless the Department authorizes the change in writing.

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.

The well(s) 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.

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, Section 030 adopted November 13, 1991 shall be followed.

The use may be restricted if the quality of the source stream or downstream waters decreases to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

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.

Completion of construction and complete application of the water to the use shall be made on or before October 1, 2018. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued May 21, 2015


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

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

Water Rights Application
Number G-16867

**Final Order
Extension of Time for Permit Number G-16376
Permit Holder: Helen Den Hoed**

Permit Information

Application File G-16867 Permit G-16376

Basin: 12 – Malheur Lake / Watermaster District 10

Date of Priority: May 23, 2007

Authorized Use of Water

Source of Water: A Well within the Malheur Lake Basin

Purpose of Use: Irrigation of 160.0 Acres

Maximum Rate: 2.0 Cubic Feet per Second (cfs)

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

Appeal Rights

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

Application History

Permit G-16376 was issued by the Department on September 11, 2008. The permit called for completion of construction by October 1, 2012 and complete application of water to beneficial use by October 1, 2012. On January 14, 2014, Helen Den Hoed submitted to the Department an Application for Extension of Time for Permit G-16376. In accordance with OAR 690-315-0050(2), on March 25, 2014, the Department issued a Proposed Final Order proposing to extend the time to complete construction to October 1, 2018, and the time to fully apply water to beneficial use to October 1, 2018. The protest period closed May 9, 2014, in accordance with OAR 690-315-0060(1). No protest was filed.

Findings of Fact

The Department adopts and incorporates by reference the findings of fact in the Proposed Final Order dated March 25, 2014.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, any comments received, and information within the file, the permit may be extended subject to no additional conditions.

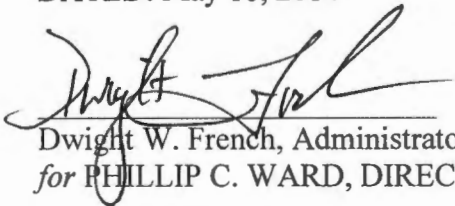
CONCLUSION OF LAW

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

Order

The extension of time for Application G-16867, Permit G-16376, therefore, is approved. The deadline for completing construction is extended to from October 1, 2012 to October 1, 2018. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2012 to October 1, 2018.

DATED: May 16, 2014



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

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

Mailing List for Extension FO Copies

FO Date: May 16, 2014

Copies Mailed

Application G-16867
Permit G-16376

By: BW
On: 5/16/14

Original mailed to permit holder

Helen Den Hoed
1831 N County Line Rd
Grandview, WA 98930

Copies sent to:

1. WRD - App. File G-16867/ Permit G-16376
2. John Short, Water Right Services LLC, PO Box 1830, Bend, OR

Fee paid as specified under ORS 536.050 to receive copy:

3. None

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

4. WRD - Watermaster District 10, Vacant
**NOTE: Send to Tony Justus only if denied.*
5. WRD - E Regional Manager, Jason Spriet
**NOTE: Send FO's Region Managers ONLY if denied.*

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

Application for Extension of Time

In the Matter of the Application for an Extension of Time)
for Permit G-16376, Water Right Application G-16867) PROPOSED FINAL ORDER
in the name of Helen Den Hoed)

Permit Information

Application File G-16867 Permit G-16376

Basin: 12 – Malheur Lake / Watermaster District 10
Date of Priority: May 23, 2007

Authorized Use of Water

Source of Water: A Well within the Malheur Lake Basin
Purpose of Use: Irrigation of 160.0 Acres
Maximum Rate: 2.0 Cubic Feet per Second (cfs)

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

Please read this Proposed Final Order in its entirety.

This Proposed Final Order applies only to Permit G-16376, water right Application G-16867.

Summary of Proposed Final Order for Extension of Time

The Department proposes to:

- Grant an extension of time for complete construction of the water system from October 1, 2012 to October 1, 2018.
- Grant an extension of time to apply water to full beneficial use from October 1, 2012 to October 1, 2018.

ACRONYM QUICK REFERENCE

Department – Oregon Department of Water Resources
PFO – Proposed Final Order

Units of Measure

cfs – cubic feet per second

AUTHORITY

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

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

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

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

FINDINGS OF FACT

Background

1. Permit G-16376 was granted by the Department on September 11, 2008. The permit authorizes the use of up to 2.0 cfs of water from a well for irrigation of 160.0 acres. The permit specified construction of the water system was to be completed by October 1, 2012, and complete application of water was to be made on or before October 1, 2012.
2. The permit holder submitted an "Application for Extension of Time" to the Department on January 14, 2014, requesting the time to complete construction of the water system and the time to apply water to full beneficial use under the terms and conditions of Permit G-16376 be extended from October 1, 2012 to October 1, 2018. This is the first permit extension requested for Permit G-16376.
3. Notification of the Application for Extension of Time for Permit G-16376 was published in the Department's Public Notice dated February 4, 2014. No public comments were received regarding the extension application.

Review Criteria [OAR 690-315-0040]

The time limits to complete construction and/or apply water to full beneficial use may be extended if the Department finds that the permit holder has met the requirements set forth under OAR 690-315-0040. This determination shall consider the applicable requirements of ORS 537.230¹, 537.248², 537.630³ and/or 539.010(5)⁴.

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

4. On January 14, 2014, the Department received a completed Application for Extension of Time and the fee specified in ORS 536.050 from the permit holder.

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

5. Senate Bill 300 (1999 legislation) eliminated the requirement that holders of new surface water and ground water permits start construction on water projects within one year after the Department issues the permit. Senate Bill 300 applies to any application for a permit filed after October 23, 1999, including this application.

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

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

6. As of January 14, 2014, the remaining work to be completed consists of applying to the Department for a permit amendment for adding two new wells, completing construction

¹ORS 537.230 applies to surface water permits only.

²ORS 537.248 applies to reservoir permits only.

³ORS 537.630 applies to ground water permits only.

⁴ORS 539.010(5) applies to surface water and ground water permits.

of the water system including installing pumps, meters, and power to wells, and expanding the irrigation system; and applying water to full beneficial use. In addition, the permit holder needs to submit static water level measurements once well construction is complete and submit water use reports to the Department after water use begins.

7. Given the amount of development left to occur, the Department has determined that the permit holder's request to have until October 1, 2018, to complete construction of the water system and to accomplish the application of water to beneficial use under the terms and conditions of Permit G-16376 is both reasonable and necessary.

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

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

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

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

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

8. Work was accomplished within the time allowed in the permit or previous extension as follows:
 - a. The well was constructed during the original development time frame under Permit G-16376. In addition, the permit holder began construction of two wells that they intend to add to this permit using the permit amendment process.
 - b. After October 1, 2012, the permit holder installed a pivot system. In addition, the permit holder completed construction of the two wells they intend to add to the permit using the permit amendment process.

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

9. The following beneficial use of water was made during the permit or previous extension time limits:
 - a. Since the issuance of Permit G-16376 on September 11, 2008, no water has been appropriated from the well for irrigation.

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

10. The water right permit holder's conformance with the permit or previous extension conditions.
 - a. The Department has considered the permit holder's compliance with conditions, and did not identify any concerns.

Financial Investments [OAR 690-315-0040(3)(d)]

11. Financial investments made toward developing the beneficial water use.
 - a. As of January 14, 2014, the permit holder has invested approximately \$128,000 which is approximately percent of the total projected cost for complete development of this project. The permit holder anticipates an additional \$100,000 investment is needed for the completion of this project.

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

12. As of January 14, 2014, the permit holder has invested approximately \$128,000 which is approximately 56 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional \$100,000 investment is needed for the completion of this project.

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

13. The Department has found good faith of the appropriator under Permit G-16376.

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

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

14. The amount of water available to satisfy other affected water rights and scenic waterway flows; special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d); or the habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife [OAR 690-315-0040(4)(a-c)].
 - a. The amount of water available to satisfy other affected water rights and scenic waterway flows was determined at the time of issuance of Permit G-16376; furthermore, water availability for other affected water rights and scenic waterway flows after the permit was issued is determined at such time that such application for a new water right is submitted. The point of appropriation for Permit G-16376, located within the Malheur Lake Basin, is not located within a limited or critical ground water area. Malheur Lake is not located within or above any state or federal scenic waterway. This area is not ranked as to stream flow restoration needs by the Department in consultation with the Oregon Department of Fish and Wildlife, and is not located within a Sensitive, Threatened or Endangered Fish Species Area as identified by the Department in consultation with Oregon Department of Fish and Wildlife. The point of appropriation is not in an area listed by the Department of Environmental Quality as a water quality limited stream.

15. Economic investment in the project to date [OAR 690-315-0040(4)(d)].
 - a. As of January 14, 2014, the permit holder has invested approximately \$128,000.
16. Other economic interests dependent on completion of the project [OAR 690-315-0040(4)(e)].
 - a. None have been identified.
17. Other factors relevant to the determination of the market and present demand for water and power [OAR 690-315-0040(4)(f)].
 - a. None have been identified.

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

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

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

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

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

20. Unforeseen events extended the length of time needed to fully develop and perfect Permit G-16376, in that the well authorized under this permit has issues with caving sand, and therefore two new wells have been drilled for which the permit holder intends submit an permit amendment application to the Department.

CONCLUSIONS OF LAW

1. The applicant is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.630(1).
2. The applicant has submitted a complete extension application form and the fee specified in ORS 536.050, as required by OAR 690-315-0040(1)(a).
3. The applicant complied with begin actual construction timeline requirements pursuant to ORS 537.630 as required by OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).
4. Completion of construction and full application of water to beneficial use can be accomplished by October 1, 2018⁵, as required by OAR 690-315-0040(1)(c).

⁵Pursuant to ORS 537.630(4), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and a new or revised claim of beneficial use as deemed appropriate by the Department.

5. The Department has considered the reasonable diligence and good faith of the appropriator, the cost to appropriate and apply water to a beneficial purpose, the market and present demands for water to be supplied, the financial investment made and fair and reasonable return upon the investment, the requirements of other governmental agencies, and unforeseen events over which the permit holder had no control, whether denial of the extension will result in undue hardship to the applicant and whether there are no other reasonable alternatives for meeting water use needs, any other factors relevant to a determination of good cause, and has determined that the applicant has shown that good cause exists for an extension of time to apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).


Proposed Order

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

Extend the time for complete construction of the water system under Permit G-16376 from October 1, 2012 to October 1, 2018.

Extend the time to apply water to beneficial use under Permit G-16376 from October 1, 2012 to October 1, 2018.

DATED: March 25, 2014


Dwight W. French, Administrator,
Water Right Services Division

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

Proposed Final Order Hearing Rights

1. Under the provisions of OAR 690-315-0100(1) and 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may submit a written protest to the proposed final order. The written protest must be received by the Water Resources Department no later than **May 9, 2014**, being 45 days from the date of publication of the proposed final order in the Department's weekly notice.

2. A written protest shall include:
 - a. The name, address and telephone number of the petitioner;
 - b. A description of the petitioner's interest in the proposed final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented;
 - c. A detailed description of how the action proposed in the proposed final order would adversely affect or aggrieve the petitioner's interest;
 - d. A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;
 - e. Any citation of legal authority supporting the petitioner, if known;
 - f. Proof of service of the protest upon the water right permit holder, if petitioner is other than the water right permit holder; and
 - g. The applicant or non-applicant protest fee required under ORS 536.050.
3. Within 60 days after the close of the period for requesting a contested case hearing, the Director shall:
 - a. Issue a final order on the extension request; or
 - b. Schedule a contested case hearing if a protest has been submitted, and:
 - 1) Upon review of the issues, the Director finds there are significant disputes related to the proposed agency action; or
 - 2) The applicant submits a written request for a contested case hearing within 30 days after the close of the period for submitting protests.

-
- If you have any questions about statements contained in this document, please contact Ann Reece at (503) 986-0834.
 - If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Patricia McCarty at 503-986-0819.
 - If you have any questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0801.
 - Address any correspondence to : Water Right Services Division
725 Summer St NE, Suite A
Salem, OR 97301-1266
- Fax: 503-986-0901
-

Mailing List for Extension PFO Copies

PFO Date: March 25, 2014

Copies Mailed

**Application G-16867
Permit G-16376**

By: BW
On: 3/25/14

Original mailed to Applicant:

Helen Den Hoed
1831 N County Line Rd
Grandview, WA 98930

Copies sent to:

1. WRD - App. File G-16867/ Permit G-16376
2. John Short, Water Right Services LLC, PO Box 1830, Bend, OR

Fee paid as specified under ORS 536.050 to receive copy:

3. None

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

4. WRD - Watermaster District 10, Vacant JR Johnson ✓

CASEWORKER: ALR



Oregon

John A. Kitzhaber, MD, Governor

January 24, 2014

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

Adriaan and Helen Den Hoed
1831 N. County Line Road
Grandview, Washington 98930

Reference: Application G-16867, Permit G-16376

The assignment by proof from Tracy Hill to Helen Den Hoed has been recorded in the records of the Water Resources Department.

The Departments records will now show Helen Den Hoed as the permit holder of record.

Our records have been changed accordingly and the original request is enclosed. Receipt number 110902 covering the recording fee is also enclosed.

Please review the permit to be familiar with the conditions and timelines contained in the permit. These conditions and timelines will have to be met before a Certificate of Water Right can be issued.

Sincerely,

Jerry Sauter
Water Rights Program Analyst
Water Right Services Division

Enclosure: Receipt 110902

cc: Watermaster 10
Tracy Hill
Data Center, OWRD (cover letter & request)
Hydrographics
File





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, Helen Den Hoed
 (Name of Party Requesting Assignment)

1831 N County Line Road, Grandview WA 98930
 (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-16867 ; Permit # G-16376 ; Transfer# _____
 -OR-

License # _____ GR Statement # _____ ; GR Certificate of Registration # _____

Tracy Hill
 (Name of Holder of Record)

30040 Weaver Springs Lane, Burns OR 97720
 (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 _____ day of January, 2013.

Party Requesting Assignment Helen Den Hoed

Party Requesting Assignment _____

ASSIGNED BY NUDGE
 1/21/2014

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 # 110902 For Director by Jerry Sauter, Program Analyst in Water Rights Division Jerry Sauter

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

RECEIVED BY OWRD

JAN 14 2014

SALEM, OR

Extension PFO Checklist for
Other than Muni or Quasi-Municipal
 Water Use Permits
 (OAR 690-315-0010 through OAR 690-315-0060)

Application: G- 16867 Permit: G- 16376 Permit Amendment? No Yes T- _____ pending approved

Permit Holder's Name: HELEN DEN HOED

Permit Holder's Mailing Address: 1831 N COUNTY LINE RD, GRANDVIEW, WA 98930 email _____

Phone Number: _____

POD Location: Township 26.00S Range 31.00E Section 5 $\frac{1}{4}$ NE NW

Drainage Basin: 12 County: HARNEY Watermaster District: 10 Watermaster: _____

Date Permit was issued: 9/11/2008 Priority Date: 5/23/2007 Date of PN: 2/4/2014

Source: A WELL > MALHEUR LAKE

Use: IRRIGATION (Primary) OF 160.0 ACRES

"Q": 2.0 CFS

Orig "A" Date: - Orig "B" Date: 10/1/2012 Orig "C" Date: 10/1/2012

Extension request rec'd: 1/14/2014 Last Authorized "B" Date: 10/1/2012 Last Authorized "C" Date: 10/1/2012

Request Number (1, 2, 3...): 1 Proposed "B" Date: 10/1/2108 Proposed C Date: 10/1/2018

Conditions of Permit:

Condition Met?	Condition Not Met?	Permit Condition
<input type="checkbox"/>	<input type="checkbox"/>	Flow Meter — ok no water use
<input type="checkbox"/>	<input type="checkbox"/>	Water Use Reports — ok no water use
<input type="checkbox"/>	<input type="checkbox"/>	Initial + Annual SWL — 2014
<input type="checkbox"/>	<input type="checkbox"/>	Decline Triggers
<input type="checkbox"/>	<input type="checkbox"/>	

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

Yes No

- Work was accomplished within the time allowed in the permit or previous extension
- Water right permit holder conformed with the permit or previous extension conditions
- Financial investments were made toward developing the beneficial water use.

- Amount Invested to date: \$128,000 Estimated Remaining Cost: \$ 109,000

- Beneficial use made of the water during the permit or previous extension time limits

- Permit holder has beneficially used 0 cfs gpm af of the total permitted quantity of water on _____ acres

GW REVIEW: Y N _____

MITIGATION REVIEW: Y N _____

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

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

Identify the closest surface water or localized water basin. _____

Ground Water Permits: Is the POA located...

Surface Water Permits: Is the POD located...

Yes No

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

Not Rated

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

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

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

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

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

5-year Progress Report Checkpoints (Years: _____)

Other: _____

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

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

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

COBU Requirement - Surface Water - post July 9, 1987

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

COBU Requirement - Ground Water - post July 9, 1987

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

NOTES:

Extension "PFO" Dates

Mailing / Issuance Date: _____ Date: _____ Protest Deadline

Reviewer's Name: _____ Date: _____



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

January 31, 2014

REFERENCE: Application for Extension of Time

Dear Extension of Time Applicant:

The Water Right Services Division has received your application for an extension of time for **APPLICATION FILE #: G-16867 (Permit G-16376)**. Your application will be reviewed in the future. Following the review, you will receive a Proposed Final Order either approving or rejecting the extension of time request. A 45-day protest period begins upon issuance of the Proposed Final Order. After the protest period closes, a Final Order is issued.

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

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

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

If you have questions concerning your extension of time application, please contact Audra Martin at (503) 986-0825. For general information about the Water Resources Department, you may contact the Water Resources' Customer Service Group at (503) 986-0801 or you may access the Department's website at: www.wrd.state.or.us.

Completeness Checklist for Permit Extension of Time Application

Minimum completeness criteria for Extension of Time Applications are set forth in OAR 690-086-0020(3) for NON-Municipal or NON-Quasi-Municipal permits and in OAR 690-086-0070(3) for Municipal or Quasi-Municipal permits.

1. Pull the permit file. If a copy of the permit is not in the file, pull up an image of the permit in WRIS.
2. Is the permit to be extended Non-Cancelled according to WRIS and the permit file? _____
If the permit has been cancelled, the Extension Application cannot be accepted.
3. Is the extension applicant's name and mailing address supplied? _____
If yes, is the applicant a permit holder of record (*i.e.*, permit issued or assigned to them)? _____
 If the extension applicant is **NOT** a permit holder of record, a "Request for Assignment" must be accepted and processed before the Extension Application can be processed.
If an Assignment has **not** yet occurred, and is **not** submitted with the Extension of Time Application, the application cannot be accepted.
*** NOTE:** The applicant **may** submit a complete "Request for Assignment," at the same time, which **must** include the statutory fee of \$85 for the assignment, required proof of ownership, or signature of previous permit holder, in addition to all necessary items required for the Extension of Time Application so that **both applications can be accepted**.
4. Is the appropriate Extension of Time Application used? _____
If the wrong application form is used, the Extension Application cannot be accepted.
- If a Municipal or Quasi-Municipal permit, use: "Application for Extension of Time for Municipal and Quasi-Municipal Water Use Permits."
 - If a NON-Municipal or NON-Quasi-Municipal permit, use: "Application for Extension of Time for a Water Right Permit (Non-Municipal / Non-Quasi-municipal Water Use)."
5. Are the requested date(s) for extension identified (*Page 1*)? _____
- Check the permit to see if it includes a "B-Date" and/or a "C-Date."
"B-Date" = date by which construction of the water delivery system for the permit is to be completed.
"C-Date" = date by which full beneficial use of water under the permit is to be accomplished.
- NOTE:** For permits with both a "B-Date" and a "C-Date," the applicant will likely request an extension of both dates (*i.e.*, to complete construction of the water delivery/distribution system and to apply water to full beneficial use). Unless, of course, construction of the water delivery system is complete. In which case, the applicant would likely only request an extension of the "C-Date" (*i.e.*, to apply water to full beneficial use).
- For permits with only a "C-Date," the applicant will only be requesting an extension of the date in which to apply water to full beneficial use.
6. Is the Extension Application signed (with an original signature) by permit holder(s) of record or an authorized agent? _____
(*If signed by agent, documentation from the permit holder(s) granting authorization for the agent to sign on their behalf must be provided or be present and current in the permit file.*)
- If **not** signed by a permit holder of record or authorized agent, the Extension Application cannot be accepted.
- NOTE:** If the permit covers land that has been subdivided and assigned to different, individual parties... we only need signatures of the permit holder(s) of record for the portion of the permit involved in the Extension of Time Application.

7. Are all questions on the application answered? _____
 (NOTE: Supporting documentation such as: copies of the permit, well log(s), annual water use reports, static water level measurement reports, evidence demonstrating construction/work/water use accomplished, etc. may be included.)

The tables below are informational only. No need to check off.

■ NON-Municipal or NON-Quasi-Municipal Permit Extension Applications:

▪ Ques. #1 - Information provided on beginning of construction ("A" Date) under the permit.	▪ Ques. #5-C - Well location information provided <u>and</u> whether a permit amendment is necessary.
▪ Ques. #2 - Information provided on compliance with permit conditions.	▪ Ques. #6 - Information provided on number of acres irrigated, if applicable.
▪ Ques. #3 - Description provided of progress made in developing the permit.	▪ Ques. #7 - Description provided of remaining work left to be accomplished to perfect the permit.
▪ Ques. #4 - Monetary investment made in the project to date provided.	▪ Ques. #8 - Description provided of estimated cost to complete the project associated with the permit.
▪ Ques. #5-A - Max amount of water beneficially used to date for a SW permit indicated.	▪ Ques. #9 - Explanation provided of why the permit has not been fully developed/perfected.
▪ Ques. #5-B - Well construction information provided <u>and</u> max amount of water beneficially used to date for a GW permit indicated.	▪ Ques. #10 - Justification provided of why the requested time is necessary to complete project.

■ Municipal/Quasi-Municipal Permit Extension Applications:

▪ Ques. #2 - For Quasi-Municipal permits only, information provided on beginning of construction ("A" Date) under the permit.	▪ Ques. #8 - Estimate provided of current peak water demand of the population served <u>and</u> the methodology used to make the estimate.
▪ Ques. #3 - For Municipal permits issued on or after June 29, 2005, information provided on beginning of construction ("A" Date).	▪ Ques. #9 - Explanation provided of why the permit has not been fully developed/perfected.
▪ Ques. #4 - Description provided of progress made in developing the permit <u>and</u> financial expenditures made in the project to date.	▪ Ques. #10-A - Estimate provided of demand projection for the permit, the methodology used to make the estimate <u>and</u> anticipated date for full beneficial use of the permit.
▪ Ques. #5-A & #5-B - Information provided on compliance (or non-compliance) with permit conditions.	▪ Ques. #10-B - For extension requests greater than 50 years, documentation provided that the demand projection is consistent with the lands and uses proposed to be served by the permit holder.
▪ Ques. #6-A - Max amount of water beneficially used to date for a SW permit indicated.	▪ Ques. #11 - Estimate of costs to complete the project and a summary of future schedule to complete construction / perfect the water right.
▪ Ques. #6-B - Well construction information provided <u>and</u> max amount of water beneficially used to date for a GW permit indicated.	▪ Ques. #12 - Justification provided of why the requested time is necessary to complete project and/or apply water to full beneficial use.
▪ Ques. #6-C - Well location information provided <u>and</u> whether a permit amendment is necessary.	▪ Ques. #14 - A copy of any agreements regarding use of the undeveloped portion of the permit and maintaining the persistence of fish, if applicable.
▪ Ques. #7 - Estimate provided of current population served under the permit <u>and</u> the methodology used to make the estimate.	▪ Attachment A - A tabular inventory of the water supplier's water rights and any other water use authorizations.

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

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

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

9. If after completing this checklist, it is not clear whether the application can be accepted, please route both the money slip and Extension Application to **Michele McAleer**, or **Anne Reece** for municipal and quasi-municipal applications. One will either: **1)** accept the application; **2)** return the application; or **3)** prepare a deficiency letter.

Reviewed by: AM Date: 1/17/14

**EXTENSION REIMBURSEMENT AUTHORITY
PROJECT R12162-11
FOR
APPLICATION G-16867 PERMIT G-16376**

Reimbursement Authority Process
Itemized Estimate Sheet
for
Extensions

	Est. Time (hr)	Individual	Est. Cost	Date	Act. Time (hr)	Actual Cost	Difference
1. Review Extension Request (Completeness Checklist)		Ann			0.5	\$46	\$46
2. Preparation of deficiency letter		Craig				\$0	\$0
3. Ground Water Review		Mike Z				\$0	\$0
4. Proposed Final Order		Ann			3.0	\$275	\$275
4a. Peer review		Ann				\$0	\$0
4b. Peer review		Dwight			0.1	\$12	\$12
5. Final Order		Ann			0.5	\$36	\$36
6. Project Management		Ann			0.5	\$46	\$46
7. Water right data record update		Cody			0.5	\$29	\$29
Total						\$442	\$442

450 - 442 = \$50

Application #: G-16867

Permit #: G-16376

Transfer #

RA#

Name of RA Applicant: R12162-11

Reimbursement Authority Process

Itemized Estimate Sheet

for

Extensions

	Est. Time (hr)	Individual	Est. Cost	Date	Act. Time (hr)
1. Review Extension Request (Completeness Checklist)	0.50	Ann	\$46	3-17	.5
2. Preparation of deficiency letter		Craig	\$0		
3. Ground Water Review		Mike Z	\$0		
4. Proposed Final Order	3.00	Ann	\$275	3-21	3 hr
4a. Peer review	0.00	Ann	\$0		
4b. Peer review	0.10	Dwight	\$12	5-16	.1
5. Final Order	0.50	Craig Ann	\$36	5-14	.5
6. Project Management	0.50	Craig	\$46	2-19 3-20	.25 .25
7. Water right data record update	0.50	Cody	\$29	5-16	.5
Total	5.10		\$442		

\$450

Notes:

REECE Ann L

From: REECE Ann L
Sent: Thursday, March 20, 2014 8:55 AM
To: johnshort@usa.com
Subject: RA Agreement for Pierce R-121162-11 for Appl G-16867
Attachments: RA contract Receipt.PDF; Signed RA Contract 12162-11.PDF

SentFromSession: REESE.reeceal.3/20/2014 8:13:46 AM

John,

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

I apologize for not getting this out to you sooner like I promised. Should also I put a copy in the mail to Helen?

Best Regards,

Ann Reece

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



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



Contract Number: **R12162-11**


This Agreement is between the **Oregon Water Resources Department**, hereafter OWRD, and **Helen Den Hoed** hereafter Applicants, hereafter known together as the parties.

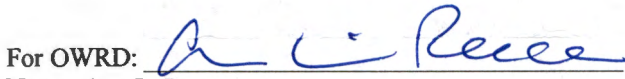
OWRD Information	Applicant's Information	Applicant's Representative
Project Contact: Ann L. Reece	Name: Helen Den Hoed	Name: John Short
Reimbursement Authority	Title:	Title: Representative
Oregon Water Resources Department	Company:	Company: Water Right Services, LLC
725 Summer Street, NE	Address: 1831 N County Line Rd	Address: PO Box 1830
Salem, OR 97301-1271	Grandview, WA 98930	Bend, OR
Phone: 503-986-0834	Phone:	Phone:
Email: reeceal@wrdd.state.or.us	Email:	Email:

1. **Purpose.** The purpose of this Agreement is to expedite the processing of the **Water Right Extension Application. (Application Number: G-16867)**
2. **Authority.** ORS 536.055 authorizes the OWRD to enter into a voluntary agreement with any applicant, permittee or regulated entity (collectively Applicant) for expediting or enhancing a regulatory process. In making this agreement, OWRD shall require the applicant to pay the full cost of expedited process.
3. **Restrictions.** Helen Den Hoed and OWRD agree that this Agreement shall not be construed to restrict in any way the decisions and actions by OWRD. OWRD shall be free to exercise independent judgment consistent with existing laws and regulations.
4. **Effective Date and Duration.** Unless otherwise terminated by non-deposit of funds by the Applicant, this Agreement shall become effective on the date on which both parties have signed the Agreement and the full deposit of the estimated cost of the proposed service has been received by OWRD.
5. **Consideration.** Helen Den Hoed shall pay OWRD in advance for actual costs incurred by OWRD. Helen Den Hoed agrees to pay the full amount of **\$ 450** to OWRD prior to commencement of any work stated in this Agreement. This payment will be placed in an account administered by OWRD and drawn upon as costs are actually incurred. If the actual cost of performing the work is less than payments received, OWRD will refund the unspent balance. If the actual cost of processing exceeds the estimate, the Applicant can either elect to terminate this Agreement or amend the Agreement to reflect the increase in cost. The costs stated in this Agreement do not include the statutory application processing and filing fees.
6. **Confidentiality.** Helen Den Hoed agrees that any information provided to or acquired by OWRD under this Agreement will be subject to the Oregon Public Records Law and shall be considered public records.
7. **Indemnity.** Applicant shall defend, save, hold harmless, and indemnify the State of Oregon, OWRD, and their officers, employees, and agents from and against all claims, suits, actions, losses, damages, liabilities, costs and expenses of any nature resulting from or arising out of, or relating to the activities of Applicant or its representatives, officers, employees, contractors, or agents under this Agreement or with respect to the expedited service. The Applicant acknowledges that the Oregon Water Resources Department cannot and does not guarantee a favorable review under the subject regulatory process.

PCA 47126

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

Applicant: 
 Name: Helen Den Hoed
 Date: 3/13/14

For OWRD: 
 Name: Ann L. Reece
 Water Rights and Adjudication Division
 Date: 3-17-2014

Mail signed Agreement to:

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

PCA 47126

KOHANEK Craig

From: REECE Ann L <ann.l.reece@state.or.us>
Sent: Tuesday, February 25, 2014 4:46 PM
To: johnshort@usa.com
Cc: Craig Kohanek
Attachments: R12161-11 contract.pdf; Extension RA estimate cover ltr_Ann.pdf

John,

This was mailed out to you on the 19th.

Best Regards,

Ann Reece

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

KOHANEK Craig

From: John Short <johnshort@usa.com>
Sent: Tuesday, February 25, 2014 3:33 PM
To: KOHANEK Craig
Subject: RE: Den Hoed G-16867 extension RA

Hey Craig,

Could you please email over her contract and I'll push things along.

Thanks,
John

John A. Short CCB# 197121

541-389-2837

Water Right Services, LLC
PO Box 1830
Bend, OR 97709
johnshort@usa.com
oregonwater.us

----- Original Message -----

From: KOHANEK Craig
Sent: 02/25/14 03:28 PM
To: John Short
Subject: RE: Den Hoed G-16867 extension RA

John,

We have not received the contract or payment from Den hoed for her extension.

Craig

From: John Short [<mailto:johnshort@usa.com>]
Sent: Tuesday, February 25, 2014 3:20 PM
To: KOHANEK Craig
Subject: Den Hoed G-16867 extension RA

Hey Craig,

One more - have you recieved the contract back from Den Hoed for her extension RA?

Thanks,

John

John A. Short CCB# 197121

541-389-2837

Water Right Services, LLC

PO Box 1830

Bend, OR 97709

johnshort@usa.com

oregonwater.us

----- Original Message -----

From: KOHANEK Craig

Sent: 02/25/14 08:49 AM

To: John Short

Subject: RE: RE: T-8732 CBU timing through RA?

John,

My apologies as both of the High Desert Estates contracts have been executed and monies received. The due date for project R12137-11 is 5/28/14 and for R12143-11 is 6/3/14. Sorry for the oversight and thanks for making me aware.

Craig

-----Original Message-----

From: John Short [mailto:johnshort@usa.com]

Sent: Tuesday, February 25, 2014 7:39 AM

To: KOHANEK Craig

Subject: Re: RE: T-8732 CBU timing through RA?

Very helpful, Craig. Thank you. It looks like you have plenty of work!

May I ask if you have executed contracts for the two High Desert Estates CBUs? They don't show as received on your spreadsheet.

Thanks for all your help!

John

Sent using the free mail.com iPad App

On 2/25/14 at 7:27 AM, KOHANEK Craig wrote:

> John,

>

>

>

> Here's part of the spreadsheet I use to track the RA projects and establish the queue. I think it will shed light on where I am currently. I just finished working on the certificates for project R12119-11 and R12120-11 for Dow and R12108-11 Wettstein both are due in early April.

>

>

>

> Craig

>

>

>

> From: John Short [<mailto:johnshort@usa.com>]

>

> Sent: Friday, February 21, 2014 10:02 AM

>

> To: KOHANEK Craig

>

> Subject: T-8732 CBU timing through RA?

>

>
>
>
> Hello Craig,

>
>
>
>
> Just curious where T-8732 falls on your schedule.

>
>
>
> Thanks,

>
>
> John
>

>

>

> John A. Short CCB# 197121

>

>

>

> 541-389-2837

>

>

>

> Water Right Services, LLC

>

> PO Box 1830



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

February 19, 2014

John Short
Water Right Services, LLC
PO Box 1830
Bend, OR 97709

RE: Reimbursement Authority Extension of Time Estimate for R12162-11
involving application G-16867

Please find the attached estimate and agreement to process the extension application for permit holder Helen Den Hoed. If the proposed agreement is acceptable to you, please return a signed copy to our office along with the payment of the estimated cost to process the application.

If you have any question, please call me at 503-986-0834.

Sincerely,

Ann L. Reece
Water Rights Analyst

Enclosure

CC: File G-16867

KOHANEK Craig

From: SUMPTION Mishelle K
Sent: Wednesday, February 19, 2014 8:33 AM
To: MARTIN Duff A; TODD Sandra K
Cc: KOHANEK Craig; REECE Ann L; OPEIFA Salem B
Subject: RE: EXTENSION REQUEST

Correction: Project number R12162-11 and the PCA is 47126.

Again sorry for the error!

Mishelle

From: SUMPTION Mishelle K
Sent: Wednesday, February 19, 2014 7:40 AM
To: MARTIN Duff A; TODD Sandra K
Cc: KOHANEK Craig; REECE Ann L; OPEIFA Salem B
Subject: RE: EXTENSION REQUEST

Duff,

Your project number is R11090-11 and the PCA is 47124.

Thank you.

Mishelle

From: MARTIN Duff A
Sent: Tuesday, February 18, 2014 4:50 PM
To: TODD Sandra K
Cc: KOHANEK Craig; REECE Ann L; OPEIFA Salem B; SUMPTION Mishelle K
Subject: EXTENSION REQUEST

Hello,

Applicant: Helen den Hoed

Related Application #: G-16867

Receipt #: 111158

Thanks,

Duff Martin | Executive Support, Administrative Services Division

Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301

Email: duff.a.martin@wrp.state.or.us | Ph: 503.986.0928 | Fax: 503.986.0904

KOHANEK Craig

From: MARTIN Duff A
Sent: Tuesday, February 18, 2014 4:50 PM
To: TODD Sandra K
Cc: KOHANEK Craig; REECE Ann L; OPEIFA Salem B; SUMPTION Michelle K
Subject: EXTENSION REQUEST

Hello,

Applicant: Helen den Hoed

Related Application #: G-16867

Receipt #: 111158

Thanks,

Duff Martin | Executive Support, Administrative Services Division

Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301

Email: duff.a.martin@wrд.state.or.us | Ph: 503.986.0928 | Fax: 503.986.0904



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



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

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

<u>REQUEST</u>	<u>TYPE</u>	<u>FILE NUMBER</u>	
<input checked="" type="checkbox"/>	Extension Request	Application Number	<u>G-16867</u>
		Permit Number	<u>G-16376</u>

	<u>Applicant Information</u>	<u>Applicant's Representative/Contact</u>
Name:	HELEN DEN HOED	JOHN SHORT / WATER RIGHT SERVICES, LLC
Title (optional):		
Address:	1831 N COUNTY LINE ROAD	PO BOX 1830
	GRANDVIEW, WA 98930	BEND, OR 97709
Phone:		
E-Mail Address:		

I certify that I (check one):

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

I understand the following:

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

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

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

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

RECEIVED BY OWRD

FEB 18 2014

I certify that I am the (check one):

- Applicant Applicant's Representative Other (Please specify) _____

SALEM, OR

Name: _____

Signature: _____



OWRD USE ONLY: Reimbursement Authority Number: R12 <u>162</u> 11

INTEROFFICE MEMO

DATE: January 23, 2014
TO: Kim Hall, FISCAL
FROM: WR- Dwight French / Audra Martin
RE: REQUEST FOR REFUND
FILE: APP: G 16867 / PERMIT: G 16376

Please prepare a refund in the amount of \$2150.00, receipt 110902, made payable to:

Name: Helen Den Hoed
Address: 1831 N. County Line Road
City: Grandview, WA 98930

These funds are being paid as a result of:

- Application rejected/ withdrawn
 - Excess fees collected for application
 - File Closed
 - Payment of Publication of Notice (PON)
 - Protest Filing Fees
 - Other: (double payment)
- A letter of explanation accompanies this refund request.
- The agent/applicant has been notified and is expecting a refund check.
- Please route the refund check and the file back to _ for further processing.

I have reviewed this distribution request and have determined the request to be justified as to the purpose indicated above. Fiscal Services is hereby authorized to process the requested distribution.

Authorized Signature: _____

Date: 1-27-14

VPO37575

PCA

46111

Obj

0408

Desc

Rept# 110902 G-16867

TO SIGN UP FOR DIRECT DEPOSIT PAYMENT SERVICE AND RECEIVE CONVENIENT, ELECTRONIC PAYMENTS, LOG IN TO HTTP://WWW.OREGON.GOV/DAS/EGS/FBS/SFMS/PAGES/ACH.ASPX ON THE INTERNET. CLICK ON FORMS AND BROCHURES. THEN SELECT DIRECT DEPOSIT (ACH) AUTHORIZATION FORM.

WARRANT NO.
123438214

WATER RESOURCES DEPARTMENT

(503) 986-0924 EXT.

INVOICE NO.	INVOICE DATE	INVOICE DESCRIPTION	AGY	DOCUMENT	AMOUNT
		REVENUE REFUND RCPT #110902	G1 690	VP037575	2,150.00

VENDOR NAME: HELEN DEN HOED		ISSUE DATE: 01/28/14	WARRANT AMOUNT 2,150.00
-----------------------------	--	-------------------------	----------------------------

FOLD ON PERFORATION LINE BELOW ↓ BEFORE DETACHING.

DO NOT ACCEPT THIS CHECK UNLESS YOU CAN SEE A TRUE WATERMARK OF CHAIN LINKED SHAPES WHEN HELD TO THE LIGHT.

STATE OF OREGON
Dept of Administrative Services

To the State Treasurer, Salem, Oregon
PAYABLE THROUGH US BANK

98-10
1232



BANK WARRANT NO.

12 3438214

WATER RESOURCES DEPARTMENT
(503) 986-0924 EXT.

CHECK DATE
01/28/14

PAY THIS AMOUNT
\$2,150.00

VP037575

*****TWO THOUSAND ONE HUNDRED FIFTY AND 00/100 DOLLARS*****

PAY TO THE ORDER OF:

HELEN DEN HOED
1831 N COUNTY LINE ROAD
GRANDVIEW WA 98930

VOID 2 YEARS AFTER DATE ISSUED

VOID **VOID**

AUTHORIZED SIGNATURE

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-16867

Final Order

Appeal Rights

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

This statement of judicial review rights does not create a right to judicial review of this order, if judicial review is otherwise precluded by law. Where no changes have been made to a Proposed Final Order on a water right application and no protests have been filed during the protest period, the final order is not subject to judicial review.

Application History

On May 23, 2007, Tracy Hill submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on June 17, 2008. The protest period closed August 1, 2008, and no protest was filed.

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

Order

Application G-16867 therefore is approved as proposed by the Proposed Final Order, and Permit G-16376 is issued as limited by the conditions proposed by the Proposed Final Order.

DATED September 11, 2008



for Phillip C. Ward, Director
Water Resources Department

This document was prepared by Jeana Eastman. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me at 503-986-0859.

If you have previously filed a protest and want to know its status, please contact Patricia McCarty at 503-986-0820.

If you have other questions about the Department or any of its programs please contact our Customer Service Group at 503-986-0801.

Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266, Fax: 503-986-0901.

STATE OF OREGON

COUNTY OF HARNEY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

TRACY HILL
30040 WEAVER SPRINGS LANE
BURNS, OR 97720

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

APPLICATION FILE NUMBER: G-16867

SOURCE OF WATER: A WELL IN MALHEUR LAKE BASIN

PURPOSE OR USE: IRRIGATION USE ON 160.0 ACRES

MAXIMUM RATE: 2.0 CUBIC FEET PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: MAY 23, 2007

WELL LOCATION: NE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 5, T26S, R31E, W.M.; 90 FEET SOUTH AND 2620 FEET EAST FROM NW CORNER, SECTION 5

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 and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 ACRES
SECTION 5

TOWNSHIP 26 SOUTH, RANGE 31 EAST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of appropriation. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month, and shall submit

a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.

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

The Department requires the water user to obtain, from a qualified individual (see below), and report annual static water levels for each well on the permit. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

The permittee shall report an initial March static water-level measurement once well construction is complete and annual measurements thereafter. Annual measurements are required whether or not the well is used. The first annual measurement will establish a reference level against which future measurements will be compared. However, the Director may establish the reference level based on an analysis of other water-level data. The Director may require the user to obtain and report additional water levels each year if more data are needed to evaluate the aquifer system.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board. Measurements shall be submitted on forms provided by, or specified by, the Department. Measurements shall be made with equipment that is accurate to at least the standards specified in OAR 690-217-0045. The Department requires the individual performing the measurement to:

- A. Associate each measurement with an owner's well name or number and a Department well log ID; and
- B. Report water levels to at least the nearest tenth of a foot as depth-to-water below ground surface; and
- C. Specify the method of measurement; and
- D. Certify the accuracy of all measurements and calculations reported to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if any of the following events occur:

- A. Annual water-level measurements reveal an average water-level decline of three or more feet per year for five consecutive years; or

- B. Annual water-level measurements reveal a water-level decline of 15 or more feet in fewer than five consecutive years; or
- C. Annual water-level measurements reveal a water-level decline of 25 or more feet; or
- D. Hydraulic interference leads to a decline of 25 or more feet in any neighboring well with senior priority.

The period of restricted use shall continue until the water level rises above the decline level which triggered the action or the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or causing substantial interference with senior water rights. The water user shall not allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

STANDARD CONDITIONS

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.

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may not be valid, unless the Department authorizes the change in writing.

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.

The well(s) 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.

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, Section 030 adopted November 13, 1991 shall be followed.

The use may be restricted if the quality of the source stream or downstream waters decreases to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

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.

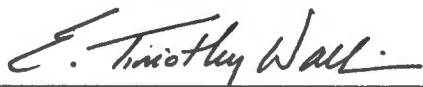
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

Completion of construction and complete application of the water to the use shall be made on or before October 1, 2012. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued September 11, 2008



for Phillip C. Ward, Director
Water Resources Department

Mailing List for FO Copies

Application #G-16867

Original mailed to applicant with claim of beneficial use form:

TRACY HILL
30040 WEAVER SPRINGS LANE
BURNS OR 97720

Copies sent to:

1. WRD - File # G-16867
2. WRD - Ken Stahr

Copies Mailed	
By: <u>MS</u>	(SUPPORT STAFF)
on: <u>9/11/08</u>	(DATE)

FO and Map Copies sent to (remember to reduce copy margins):

3. WRD - Watermaster District #: 10
4. WRD - Regional Manager (not to SCR): E

CASEWORKER : Jeana Eastman

FO CHECKLIST

Application g-14817

- Name and/or address has **changed or been assigned** Yes No
- Respond to **significant comments, issues, or disputes** related to the proposed use of water. N/A
- Affected landowner(s)** have been notified N/A Yes No, send a letter to landowners before FO issuance.
- Verify names/addresses** of affected landowners, and those who commented and/or paid \$10 fee. N/A
- Include fish screen form if ODFW requested **screening condition and rate ≤ 0.5 CFS** N/A Yes No
- PFO conclusions **require modification** due to typos, errors or omission of conditions Yes No
If so: _____
- Within North Umpqua settlement reach and issuing permit, **spreadsheet has been updated** N/A Yes
- SWW** If GW and interference, copy form for Stahr. N/A

<input checked="" type="checkbox"/> Fees	<u>Base Fee</u>	<u>Water Amount (Q)</u>	
	\$150 / \$250	1 st CFS/AF	_____
	\$300 / \$500	_____ Addl @ _____	_____
		_____ Addl @ _____	_____
		Add'l <input type="checkbox"/> POD/POA <input type="checkbox"/> use +	_____

_____ +		_____ =		_____
(base)		(Q)		(total exam fee)

EXAM FEE REQUIRED	<u>400</u>	RECORDING FEE REQUIRED	\$175 / \$250 / \$300
EXAM FEE PAID	<u>- 400</u>	RECORDING FEE PAID	<u>- 300</u>
STILL OWED	<u>0</u>	STILL OWED	<u>0</u>

- | | | |
|---|---|--|
| <input type="checkbox"/> FO w/ draft permit; still needed:
<input type="checkbox"/> fees
<input type="checkbox"/> easement
<input type="checkbox"/> st water contract
<input type="checkbox"/> approved dam plans & specs
<input type="checkbox"/> land use approval | <input checked="" type="checkbox"/> FO w/ permit # <u>g-14376</u> | <input type="checkbox"/> FO to deny
refund \$ _____ |
|---|---|--|

Name: Jeana Eastman Date: 8/20/08 Peer Reviewer: brook

The purpose of this checklist is to be used as a working document by Department staff to aid in the production of the related Initial Review, Proposed Final Order, or Final Order. It is not intended to be a complete record of all factors which were considered to produce the document, nor is it intended to serve any purpose other than that stated above. The related Initial Review, Proposed Final Order, or Final Order is intended to stand alone as the record of factors considered in its production.

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-16867

Prior to the issuance of a permit, the Department must receive permit recording fees in the amount of \$300.00. Please include your application number on your check made out to the Oregon Water Resources Department.

Proposed Final Order

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

Application History

On May 23, 2007, Tracy Hill submitted an application to the Department for the following water use permit:

- Amount of Water: 2.0 cubic feet per second (CFS)
- Use of Water: irrigation use on 160.0 acres
- Source of Water: a well in Malheur Lake Basin
- Area of Proposed Use: Harney County within Section 5, Township 26 South, Range 31 East, W.M.

On April 18, 2008, the Department mailed the applicant notice of its Initial Review, determining that "The use of 2.0 CFS from a well in Malheur Lake Basin for irrigation use on 160.0 acres is allowable during the full period requested, March 1 through October 31 of each year." The applicant did not notify the Department to stop processing the application within 14 days of that date.

On April 22, 2008, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about both obtaining future notices and a copy of the proposed final order. No written comments were received within 30 days.

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

- recommendations by other state agencies
- any applicable basin program
- any applicable comprehensive plan or zoning ordinance
- the amount of water available

- the rate and duty for the proposed use
- pending senior applications and existing water rights of record
- designations of any critical ground water areas
- the Scenic Waterway requirements of ORS 390.835
- applicable statutes, administrative rules, and case law
- any general basin-wide standard for flow rate and duty of water allowed
- the need for a flow rate and duty higher than the general standard
- any comments received

Findings of Fact

The Malheur Lake Basin Program allows irrigation use.

A well in Malheur Lake Basin is not within or above a State Scenic Waterway.

Ground Water Findings Under OAR 690-009

The Department determined, consistent with OAR 690-009-0040(4), that the proposed ground water use will not have the potential for substantial interference with surface water.

In making this determination, the Department considered whether:

- (a) There is a hydraulic connection from the proposed well(s) to any surface water sources.
- (b) The point of appropriation is a horizontal distance less than one-fourth mile from the surface water source;
- (c) The rate of appropriation is greater than five cubic feet per second, if the point of appropriation is a horizontal distance less than one mile from the surface water source;
- (d) The rate of appropriation is greater than one percent of the pertinent adopted minimum perennial streamflow or instream water right with a senior priority date, if one is applicable, or of the discharge that is equaled or exceeded 80 percent of time, as determined or estimated by the Department, and if the point of appropriation is a horizontal distance less than one mile from the surface water source;
- (e) The ground water appropriation, if continued for a period of 30 days, would result in stream depletion greater than 25 percent of the rate of appropriation, if the point of appropriation is a horizontal distance less than one mile from the surface water source.

According to the Department's rules, the potential for substantial interference is assumed if (a) and either (b) or (c) or (d) or (e) are met. For this application, the Department determined that there is no potential for substantial interference, because either (a) is not met, or (b), (c), (d) or (e) are not met, or both.

An assessment of ground water availability has been completed by the Department's Ground Water/Hydrology section. A copy of this assessment is in the file. The proposed water use will, if properly conditioned, avoid injury to existing rights and the resource.

The Department finds that the amount of water requested, 2.0 CFS, is an acceptable amount.

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

Conclusions of Law

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

The proposed use requested in this application is allowed in the Malheur Lake Basin Program, or a preference for this use is granted under the provisions of ORS 536.310(12).

Water is available for the proposed use.

The proposed use will not injure other water rights.

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

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

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

For these reasons, the required presumption has been established.

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

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

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

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

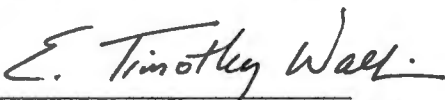
The Department therefore concludes that water is available in the amount necessary for the proposed use; the proposed use will not result in injury to existing water rights; and the proposed use would ensure the preservation of the public welfare, safety and health as described in ORS 537.525.

When issuing permits, ORS 537.628(1) authorizes the Department to include limitations and conditions which have been determined necessary to protect the public welfare, safety, and health. The attached draft permit is conditioned accordingly.

Recommendation

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

DATED June 17, 2008



for Phillip C. Ward, Director
Water Resources Department

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

Protests

Under the provisions of ORS 537.153(7) (for surface water) or ORS 537.621(8) (for ground water), you can protest this proposed final order. Protests must be received in the Water Resources Department no later than **August 1, 2008**. Protests must be in writing, and must include the following:

- Your name, address, and telephone number;

- A description of your interest in the proposed final order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
- A detailed description of how the action proposed in this proposed final order would impair or be detrimental to your interest;
- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known; and
- If you are not the applicant, the protest fee of \$350 required by ORS 536.050 and proof of service of the protest upon the applicant.
- If you are the applicant, a statement of whether or not you are requesting a contested case hearing. If you do not request a hearing, the Department will presume that you do not wish to contest the findings of the proposed final order.
- *If you do not protest this Proposed Final Order and if no substantive changes are made in the final order, you will not have an opportunity for judicial review, protest or appeal of the final order when it is issued.*

Requests for Standing

Under the provisions of ORS 537.153(7) (for surface water) or ORS 537.621(8) (for ground water), persons other than the applicant who support a proposed final order can request standing for purposes of participating in any contested case proceeding on the proposed final order or for judicial review of a final order.

Requests for standing must be received in the Water Resources Department no later than **August 1, 2008**. Requests for standing must be in writing, and must include the following:

- The requester's name, mailing address and telephone number;
- If the requester is representing a group, association or other organization, the name, address and telephone number of the represented group;
- A statement that the requester supports the proposed final order as issued;

- A detailed statement of how the requester would be harmed if the proposed final order is modified; and
- A standing fee of \$100.00. If a hearing is scheduled, an additional fee of \$250.00 must be submitted along with a request for intervention.

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

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

This document was prepared by Jeana Eastman. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me at 503-986-0859.

If you have questions about how to file a protest or a request for standing, please refer to the respective sections in this Proposed Final Order entitled "Protests" and "Requests for Standing". If you have previously filed a protest and want to know its status, please contact Patricia McCarty at 503-986-0820.

If you have other questions about the Department or any of its programs please contact our Customer Service Group at 503-986-0801. Address all other correspondence to:

Water Rights Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266, Fax: 503-986-0901.

DRAFT

This is not a permit.
STATE OF OREGON

DRAFT

COUNTY OF HARNEY

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

TRACY HILL
30040 WEAVER SPRINGS LANE
BURNS, OR 97720

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

APPLICATION FILE NUMBER: G-16867

SOURCE OF WATER: A WELL IN MALHEUR LAKE BASIN

PURPOSE OR USE: IRRIGATION USE ON 160.0 ACRES

MAXIMUM RATE: 2.0 CUBIC FEET PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: MAY 23, 2007

WELL LOCATION: NE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 5, T26S, R31E, W.M.; 90 FEET SOUTH AND 2620 FEET EAST FROM NW CORNER, SECTION 5

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 and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 ACRES

SECTION 5

TOWNSHIP 26 SOUTH, RANGE 31 EAST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of appropriation. The permittee shall maintain the meter or

measuring device in good working order, shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.

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

The Department requires the water user to obtain, from a qualified individual (see below), and report annual static water levels for each well on the permit. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

The permittee shall report an initial March static water-level measurement once well construction is complete and annual measurements thereafter. Annual measurements are required whether or not the well is used. The first annual measurement will establish a reference level against which future measurements will be compared. However, the Director may establish the reference level based on an analysis of other water-level data. The Director may require the user to obtain and report additional water levels each year if more data are needed to evaluate the aquifer system.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board. Measurements shall be submitted on forms provided by, or specified by, the Department. Measurements shall be made with equipment that is accurate to at least the standards specified in OAR 690-217-0045. The Department requires the individual performing the measurement to:

- A. Associate each measurement with an owner's well name or number and a Department well log ID; and
- B. Report water levels to at least the nearest tenth of a foot as depth-to-water below ground surface; and
- C. Specify the method of measurement; and
- D. Certify the accuracy of all measurements and calculations reported to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if any of the following events occur:

- A. Annual water-level measurements reveal an average water-level decline of three or more feet per year for five consecutive years; or
- B. Annual water-level measurements reveal a water-level decline of 15 or more feet in fewer than five consecutive years; or
- C. Annual water-level measurements reveal a water-level decline of 25 or more feet; or
- D. Hydraulic interference leads to a decline of 25 or more feet in any neighboring well with senior priority.

The period of restricted use shall continue until the water level rises above the decline level which triggered the action or the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or causing substantial interference with senior water rights. The water user shall not allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

STANDARD CONDITIONS

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.

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may not be valid, unless the Department authorizes the change in writing.

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.

The well(s) 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.

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, Section 030 adopted November 13, 1991 shall be followed.

The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.

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.

Completion of construction and complete application of the water to the use shall be made on or before October 1, 2012. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued _____, 2008

DRAFT - THIS IS NOT A PERMIT

for Phillip C. Ward, Director
Water Resources Department

Mailing List for PFO Copies

Application #G-16867

PFO Date June 17, 2008

Original mailed to applicant:

~~TRACY HILL, 30040 WEAVER SPRINGS LANE, BURNS, OR 97720~~

Copies sent to:

- ~~1. WRD - File # G-16867~~
- ~~2. Water Availability: Ken Stahr~~

<p>Copies Mailed</p> <p>By: <u>JCR</u> (SUPPORT STAFF)</p> <p>on: <u>6/17/08</u> (DATE)</p>
--

PFO and Map Copies sent to:

- ~~3. WRD - Watermaster # 10~~
- ~~4. Regional Manager: E~~

CASEWORKER : jme

PFO CHECKLIST

App g-1128167

- Application was filed *prior to 10/23/99* No Yes (If Yes, add A date requirement)
- IR requested additional information NA No Yes
- Storage contract NA BOR Doug Co Corp of Eng needed obtained _____
- Have conflicts been addressed? NA No Yes _____
- IR Date 4/18/08 Public Notice Date 4/22/08 Comments received? No Yes _____
- SWW NA above within _____ If GW and interference, copy form for Stahr.
- DIV 9 NA will likely be available... will **not** likely be available... will, if properly conditioned...
 well _____ has PSI with _____
 GW conditions 7m _____
- Conditions _____
 Small ≤ 0.1 CFS, ≤ 9.2 AF Medium > 0.1 CFS but < 1.5 CFS, > 9.2 AF but < 100 AF Large ≥ 1.5 CFS, ≥ 100 AF
- SW availability NA 80% 50% _____
- Allowed Use/Rate/Season ir-1122-046, 247, 31-10/31 Rate 150 Duty 3.0
- DIV 33 NA No above Bonneville, and not allowed 4/15 - 9/30 below Bonneville statewide
- Prior to permit, applicant must submit NA fees storage contract easement plans/specs evidence of well repair
- Changes from IR determinations _____

Copy to NWR ER WM # 10 CWRE _____
 NCR SWR agent affected landowner(s) _____

Fees	Base Fee	Water Amount (Q)
	\$150 / \$250	1 st CFS/AF
	\$300 / \$500	_____
		_____ Addl @ _____ + _____
	_____ +	_____ = _____
	(base)	(Q) (total exam fee)

EXAM FEE REQUIRED	<u>600</u>	RECORDING FEE REQUIRED	\$175 / \$250 / <u>\$300</u>
EXAM FEE PAID	<u>- 600</u>	RECORDING FEE PAID	<u>- 0</u>
STILL OWED	<u>0</u>	STILL OWED	<u>300</u>

Name: Jeana Eastman Date: 6/5/08 Peer Reviewer: brook

The purpose of this checklist is to be used as a working document by Department staff to aid in the production of the related Initial Review, Proposed Final Order, or Final Order. It is not intended to be a complete record of all factors which were considered to produce the document, nor is it intended to serve any purpose other than that stated above. The related Initial Review, Proposed Final Order, or Final Order is intended to stand alone as the record of factors considered in its production.



Oregon

Theodore R. Kulongoski, Governor

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

April 18, 2008

TRACY HILL
30040 WEAVER SPRINGS LANE
BURNS, OR 97720

Reference: File G-16867

Dear Ms. Hill:

**THIS IS NOT A PERMIT AND IS
SUBJECT TO CHANGE AT THE NEXT PHASE OF PROCESSING.**

This letter is to inform you of the preliminary analysis of your water use permit application and to describe your options. In determining whether a water use permit application may be approved, the Department must consider the factors listed below, all of which must be favorable to the proposed use if it is to be allowed. Based on the information you have supplied, the Water Resources Department has made the following preliminary determinations:

Initial Review Determinations:

1. The application requested the use of 2.0 cubic feet per second (CFS) of water from a well in Malheur Lake Basin for irrigation use on 160.0 acres from March 1 through October 31 of each year.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The use of water from a well in Malheur Lake Basin for irrigation use is allowable under the Malheur Lake Basin Program.
4. If properly conditioned, the proposed use of ground water will avoid injury to existing ground water rights and the resource.

The Department has determined, based upon OAR 690-09, that the proposed ground water use will not have the potential for substantial interference with any surface water source.

Summary of Initial Determinations

The use of 2.0 CFS from a well in Malheur Lake Basin for irrigation use on 160.0 acres is allowable during the full period requested, March 1 through October 31 of each year.

Because of these favorable determinations, the Department can now move your application to the next phase of the water rights application review process. This phase is where public interest factors will be evaluated.

Please reference the application number when sending any correspondence regarding the conclusions of this initial review. Comments received within the comment period will be evaluated at the next phase of the process.

To Proceed With Your Application:

If you choose to proceed with your application, you do not have to notify the Department. Your application will automatically be placed on the Department's Public Notice to allow others the opportunity to comment. After the comment period the Department will complete a public interest review and issue a proposed final order.

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$150 processing charge per application.) To accomplish this you must notify the Department in writing by **Friday, May 2, 2008**. For your convenience you may use the enclosed "STOP PROCESSING" form.

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

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

2. The Department requires the water user to obtain, from a qualified individual (see below), and report annual static water levels for each well on the permit. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

The permittee shall report an initial March static water-level measurement once well construction is complete and annual measurements thereafter. Annual measurements are required whether or not the well is used. The first annual measurement will establish a reference level against which future measurements will be compared. However, the Director may establish the reference level based on an analysis of other water-level data. The Director may require the user to obtain and report additional water levels each year if more data are needed to evaluate the aquifer system.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board. Measurements shall be submitted on forms provided by, or specified by, the Department. Measurements shall be made with equipment that is accurate to at least the standards specified in OAR 690-217-0045. The Department requires the individual performing the measurement to:

- A. Associate each measurement with an owner's well name or number and a Department well log ID; and
- B. Report water levels to at least the nearest tenth of a foot as depth-to-water below ground surface; and
- C. Specify the method of measurement; and
- D. Certify the accuracy of all measurements and calculations reported to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if any of the following events occur:

- A. Annual water-level measurements reveal an average water-level decline of three or more feet per year for five consecutive years; or
- B. Annual water-level measurements reveal a water-level decline of 15 or more feet in fewer than five consecutive years; or
- C. Annual water-level measurements reveal a water-level decline of 25 or more feet; or
- D. Hydraulic interference leads to a decline of 25 or more feet in any neighboring well with senior priority.

The period of restricted use shall continue until the water level rises above the decline level which triggered the action or the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or

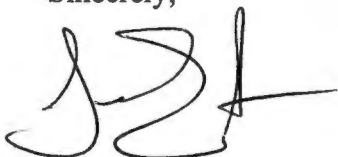
causing substantial interference with senior water rights. The water user shall not allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

The water source identified in your application may be affected by an Agricultural Water Quality Management Area Plan. These plans are developed by the Oregon Department of Agriculture (ODA) with the cooperation of local landowners and other interested stakeholders, and help to ensure that current and new appropriations of water are done in a way that does not adversely harm the environment. You are encouraged to explore ODA's Water Quality Program web site at http://www.oregon.gov/ODA/NRD/water_agplans.shtml to learn more about the plans and how they may affect your proposed water use.

If you have any questions:

Feel free to call me at 503-986-0859 if you have any questions regarding the contents of this letter or your application. Please have your application number available if you call. General questions about water rights and water use permits should be directed to our customer service staff at 503-986-0801. When corresponding by mail, please use this address: Jeana Eastman, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266. Our fax number is 503-986-0901.

Sincerely,

A handwritten signature in black ink, appearing to be 'JEANA EASTMAN', written in a cursive style.

Jeana Eastman
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

G-16867
WAB 12-
POU 12-
GW

APPLICATION FACT SHEET

Application File Number: G-16867

Applicant: TRACY HILL

County: Harney

Watermaster: 10

Priority Date: May 23, 2007

Source: A WELL IN MALHEUR LAKE BASIN

Use: IRRIGATION USE ON 160.0 ACRES

Quantity: 2.0 CUBIC FEET PER SECOND

Basin Name & Number: Malheur Lake, #12

Stream Index Reference: Volume 2 MALHEUR L & MISC

Point of Diversion or Well Location(s): NENW, SECTION 5, T26S, R31E, W.M.;90 FEET SOUTH AND 2620 FEET EAST FROM NW CORNER, SECTION 5

Place of Use:

NE ¼ NE ¼ 40.0 ACRES

NW ¼ NE ¼ 40.0 ACRES

NE ¼ NW ¼ 40.0 ACRES

NW ¼ NW ¼ 40.0 ACRES

SECTION 5

TOWNSHIP 26 SOUTH, RANGE 31 EAST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, May 2, 2008

PUBLIC NOTICE DATE: Tuesday, April 22, 2008

30 DAY COMMENT DEADLINE DATE: Thursday, May 22, 2008

IR CHECKLIST

App J-16867

MU or QM NA will complete construction within 20 years
 Fujii reviewed recommendations _____

Land use approved not approved being pursued county notified NA

Storage contract NA BOR Doug Co Corp of Eng needed obtained _____

Authorized agent specified NA needed Yes _____

Requested Use/Rate/Season ir - 160 ac, 2 cfs, 3/1 - 10/31

Allowed Use/Rate/Season ir 2 cfs 3/1 - 10/31 **Limit** 1/80 **Duty** 3.0

DIV 9 NA will likely be available... will not likely be available... will, if properly conditioned...

classify as surface water well _____ has PSI with _____

(include basin map if true) well _____ is within 1N 3E 20, 21, 28, 29 GWLA CGWA _____

GW conditions 20

Conditions _____

Small ≤ 0.1 CFS, ≤ 9.2 AF **Medium** > 0.1 CFS but < 1.5 CFS, > 9.2 AF but < 100 AF **Large** ≥ 1.5 CFS, ≥ 100 AF

use at least Medium for: Siltcoos Lake, stored water contract, or Sandy Basin ground water

use Large for: Tenmile Lake, NU or other temp control, gov. entities, and HC above SWW; Large-7g, Large-7i for 7g/7i

use Large and totalizing flow meter for IR from GW in: South Salem Hills, and 10+ acres in Stage Gulch CGWA

ORS 538 prohibits use No Yes (stop processing and return app and fees)

Use is allowed not allowed limited OAR Compact 160-512

Stream is withdrawn NA No Yes, allows use/season _____

SW availability NA 80% 50% _____ **WID:** _____

Use DWF's 6/21/05 non-standard W/A memo if the source is: trib to Drews Res, Snake R, Columbia R, North Umpqua R below Rock Cr, or within drainages of Lost R, Chehalem Cr, or Champoeg Cr (including Mission Cr and Case Cr)

DIV 33 NA No above Bonneville, and not allowed 4/15 - 9/30
 below Bonneville
 statewide

SWW NA above within _____ (If above or within, notify Parks.)

Use is within a **high priority area for streamflow restoration** NA No Yes

Basin Maps have been checked NA Yes limits _____

POU conflict NA No No, different sources No, make up a deficiency in rate No, existing not at max. rate

Yes per conflict report - didn't print it though - no rights in same flg

Use is supplemental, checked for primary rights NA Yes limits _____

Prior to permit, applicant must submit NA storage contract easement plans/specs evidence of well repair

POD is within North Umpqua settlement reach and the spreadsheet was updated NA Yes

Forms NA DIV 33 basin map HC except spring description other _____

Copy to NWR WM # 10 ODFW CRIFC
 NCR agent DEQ US Fish & Wildlife
 ER CWRE DOA NW Planning Council
 SWR State Parks CTUIR

DOA Food Safety Division (bottled water) city _____
(w/in 5-mile muni wells)

<input checked="" type="checkbox"/> Fees	<u>2.0</u> CFS	Base	<u>300</u>
	_____ AF	Up to 1 CFS	<u>200</u>
		<u>1</u> Add'l CFS @ <u>100</u>	<u>100</u>
		Up to 20 AF	_____
		_____ Add'l AF @ _____	_____
		_____ Add'l <input type="checkbox"/> POD/POA <input type="checkbox"/> use +	_____
		Exam Fee Required =	<u>600</u>
		Exam Fee Paid	<u>600</u>
		Still Owed	<u>0</u>

App and map meet min. requirements Yes No _____
(If not, send IR certified)

Letter format good limited bad bad w/ rate reduction opportunity bad w/ HC opportunity

E-mail Tim, including note if negative

Name: Jeana Eastman Date: 3/27/08 Peer Reviewer: jeana

The purpose of this checklist is to be used as a working document by Department staff to aid in the production of the related Initial Review, Proposed Final Order, or Final Order. It is not intended to be a complete record of all factors which were considered to produce the document, nor is it intended to serve any purpose other than that stated above. The related Initial Review, Proposed Final Order, or Final Order is intended to stand alone as the record of factors considered in its production.

Point of Diversion Characteristics

Right:	App:G 16867 *
Name:	TRACY HILL

TRSQQ: 26.00S-31.00E-05-NENW

POD(s): POD 01 - A WELL > MALHEUR L

County: Harney

Basin: Malheur Lake

WM District: 10

WM Region: E

Withdrawn Area:

WAB:

Priority WAB:

Rule 4D:

Groundwater Restricted Area:

Scenic Water Way:

Division 33: STATEWIDE

Water Quality Limited:

WATER RESOURCES DEPARTMENT

DIVISION 512

MALHEUR LAKE BASIN PROGRAM PROVISION

690-512-0040 Water Availability

(1) Except as provided in section (3) of this rule, the Department shall not accept an application for permit, or issue a permit, for any use of surface water, or of groundwater the use of which has the potential to substantially interfere with surface water, in the Malheur Lake Basin unless the applicant shows, by a preponderance of evidence, that unappropriated water is available to supply the proposed use at the times and in the amounts requested. The evidence provided shall be prepared by a qualified hydrologist or other water resources specialist and shall include:

(a) Streamflow measurements of gage records from the source or, for use of groundwater, the stream in hydraulic connection with the source; or

(b) An estimate of water availability from the source or, for use of groundwater, the stream in hydraulic connection with the source which includes correlations with streamflow measurements or gage records on other, similar streams and considers current demands for water affecting the streamflows.

(2) The criteria used in determining if the use of groundwater has the potential to substantially interfere with surface water shall be those established in OAR Chapter 690, Division 9.

(3) This rule shall not apply to issuance of:

(a) Instream water rights;

(b) Permits for storage of water between March 1 and May 31 if the application is not required to be referred to the Commission under OAR 690-011-0080(2)(a)(C); or

(c) Permits for use of water legally stored.

Stat. Auth.: ORS 536.300 & ORS 536.340

Stats. Implemented:

Hist.: WRD 3-1985, f. & cert. ef. 3-28-85; WRD 23-1990, f. & cert. ef. 12-14-90; Administrative Renumbering 1-1993, Renumbered from 690-080-0120

PUBLIC INTEREST REVIEW FOR GROUND WATER APPLICATIONS

TO: Water Rights Section Date March 10, 2008
 FROM: Ground Water/Hydrology Section Michael Zwart
Reviewer's Name
 SUBJECT: Application G- 16867 Supersedes review of N/A
Date of Review(s)

PUBLIC INTEREST PRESUMPTION; GROUNDWATER

OAR 690-310-130 (1) *The Department shall presume that a proposed groundwater use will ensure the preservation of the public welfare, safety and health as described in ORS 537.525.* Department staff review ground water applications under OAR 690-310-140 to determine whether the presumption is established. OAR 690-310-140 allows the proposed use be modified or conditioned to meet the presumption criteria. **This review is based upon available information and agency policies in place at the time of evaluation.**

A. **GENERAL INFORMATION:** Applicant's Name: Tracy Hill County: Harney

- A1. Applicant(s) seek(s) 2.0 cfs from one well(s) in the Malheur Lake Basin,
Harney Valley subbasin Quad Map: Northeast Harney Lake
- A2. Proposed use: Irrigation, 160 acres (P) Seasonality: March 1 to October 31
- A3. Well and aquifer data (attach and number logs for existing wells; mark proposed wells as such under logid):

Well	Logid	Applicant's Well #	Proposed Aquifer*	Proposed Rate(cfs)	Location (T/R-S QQ-Q)	Location, metes and bounds, e.g. 2250' N, 1200' E fr NW cor S 36
1	Proposed	1	Volcanic Seds.	2.0	26S/31E-5 NE-NW	2620' E, 90' S fr NW cor S 5
2						
3						
4						
5						

* Alluvium, CRB, Bedrock

Well	Well Elev ft msl	First Water ft bls	SWL ft bls	SWL Date	Well Depth (ft)	Seal Interval (ft)	Casing Intervals (ft)	Liner Intervals (ft)	Perforations Or Screens (ft)	Well Yield (gpm)	Draw Down (ft)	Test Type
1	4102	30	30		350±	0-20	0-100±					

Use data from application for proposed wells.

A4. **Comments:** All construction information from application.

A5. **Provisions of the Malheur Lake** Basin rules relative to the development, classification and/or management of ground water hydraulically connected to surface water are, or are not, activated by this application. (Not all basin rules contain such provisions.)
 Comments: _____

A6. **Well(s) #** _____, _____, _____, _____, _____, tap(s) an aquifer limited by an administrative restriction.
 Name of administrative area: _____
 Comments: _____

B. GROUND WATER AVAILABILITY CONSIDERATIONS, OAR 690-310-130, 400-010, 410-0070

B1. Based upon available data, I have determined that ground water* for the proposed use:

- a. is over appropriated, is not over appropriated, or cannot be determined to be over appropriated during any period of the proposed use. * This finding is limited to the ground water portion of the over-appropriation determination as prescribed in OAR 690-310-130;
- b. will not or will likely be available in the amounts requested without injury to prior water rights. * This finding is limited to the ground water portion of the injury determination as prescribed in OAR 690-310-130;
- c. will not or will likely to be available within the capacity of the ground water resource; or
- d. will, if properly conditioned, avoid injury to existing ground water rights or to the ground water resource:
 - i. The permit should contain condition #(s) 7N _____;
 - ii. The permit should be conditioned as indicated in item 2 below.
 - iii. The permit should contain special condition(s) as indicated in item 3 below;

- B2. a. Condition to allow ground water production from no deeper than _____ ft. below land surface;
- b. Condition to allow ground water production from no shallower than _____ ft. below land surface;
- c. Condition to allow ground water production only from the _____ ground water reservoir between approximately _____ ft. and _____ ft. below land surface;
- d. Well reconstruction is necessary to accomplish one or more of the above conditions. The problems that are likely to occur with this use and without reconstructing are cited below. Without reconstruction, I recommend withholding issuance of the permit until evidence of well reconstruction is filed with the Department and approved by the Ground Water Section.

Describe injury –as related to water availability– that is likely to occur without well reconstruction (interference w/ senior water rights, not within the capacity of the resource, etc): _____

B3. Ground water availability remarks: East Region Manager Ivan Gall advocates use of condition 7N in this area; there is some local concern about ground water availability in the Harney Basin, which also suggests use of a measurement condition is appropriate. HARN 1990 has declined since the mid-1990s, but this well may develop a more limited resource.

C. GROUND WATER/SURFACE WATER CONSIDERATIONS, OAR 690-09-040

C1. 690-09-040 (1): Evaluation of aquifer confinement:

Well	Aquifer or Proposed Aquifer	Confined	Unconfined
1	Alluvium and valley-fill sediments (Qal) and possibly volcanic, pyroclastic and sedimentary rocks (Tvs)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>

Basis for aquifer confinement evaluation: The shallow casing and seal make it likely that an unconfined aquifer will be penetrated. Deeper water-bearing zones may be semiconfined to confined.

C2. 690-09-040 (2) (3): Evaluation of distance to, and hydraulic connection with, surface water sources. All wells located a horizontal distance less than ¼ mile from a surface water source that produce water from an unconfined aquifer shall be assumed to be hydraulically connected to the surface water source. Include in this table any streams located beyond one mile that are evaluated for PSI.

Well	SW #	Surface Water Name	GW Elev ft msl	SW Elev ft msl	Distance (ft)	Hydraulically Connected?			Potential for Subst. Interfer. Assumed?	
						YES	NO	ASSUMED	YES	NO
1	1	Harney/Mud Lake	4070	4090±	23500	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Basis for aquifer hydraulic connection evaluation: Harney and Malheur Lakes are regional discharge areas for the aquifer system.

Water Availability Basin the well(s) are located within: No WAB in this area.

C3a. 690-09-040 (4): Evaluation of stream impacts for each well that has been determined or assumed to be hydraulically connected and less than 1 mile from a surface water source. Limit evaluation to instream rights and minimum stream flows that are pertinent to that surface water source, and not lower SW sources to which the stream under evaluation is tributary. Compare the requested rate against the 1% of 80% natural flow for the pertinent Water Availability Basin (WAB). If Q is not distributed by well, use full rate for each well. Any checked box indicates the well is assumed to have the potential to cause PSI.

Well	SW #	Well < ¼ mile?	Qw > 5 cfs?	Instream Water Right ID	Instream Water Right Q (cfs)	Qw > 1% ISWR?	80% Natural Flow (cfs)	Qw > 1% of 80% Natural Flow?	Interference @ 30 days (%)	Potential for Subst. Interfer. Assumed?
		<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>

C3b. **690-09-040 (4):** Evaluation of stream impacts by total appropriation for all wells determined or assumed to be hydraulically connected and less than 1 mile from a surface water source. Complete only if Q is distributed among wells. Otherwise same evaluation and limitations apply as in C3a above.

	SW #	Qw > 5 cfs?	Instream Water Right ID	Instream Water Right Q (cfs)	Qw > 1% ISWR?	80% Natural Flow (cfs)	Qw > 1% of 80% Natural Flow?	Interference @ 30 days (%)	Potential for Subst. Interfer. Assumed?
		<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
		<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
		<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
		<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>

Comments: **This section does not apply.**

C4a. **690-09-040 (5):** Estimated impacts on hydraulically connected surface water sources greater than one mile as a percentage of the proposed pumping rate. Limit evaluation to the effects that will occur up to one year after pumping begins. This table encompasses the considerations required by 09-040 (5)(a), (b), (c) and (d), which are not included on this form. Use additional sheets if calculated flows from more than one WAB are required.

Non-Distributed Wells													
Well	SW#	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
		%	%	%	%	%	%	%	%	%	%	%	%
(A) = Total Interf.													
(B) = 80 % Nat. Q													
(C) = 1 % Nat. Q													
(D) = (A) > (C)		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
(E) = (A / B) x 100		%	%	%	%	%	%	%	%	%	%	%	%

(A) = total interference as CFS; (B) = WAB calculated natural flow at 80% exceed. as CFS; (C) = 1% of calculated natural flow at 80% exceed. as CFS; (D) = highlight the checkmark for each month where (A) is greater than (C); (E) = total interference divided by 80% flow as percentage.

Basis for impact evaluation: The lack of a WAB and the limited applicability of the Wozniak/Hunt model make it unnecessary to attempt calculation of interference.

C4b. 690-09-040 (5) (b) The potential to impair or detrimentally affect the public interest is to be determined by the Water Rights Section.

C5. If properly conditioned, the surface water source(s) can be adequately protected from interference, and/or ground water use under this permit can be regulated if it is found to substantially interfere with surface water:
i. The permit should contain condition #(s) _____;
ii. The permit should contain special condition(s) as indicated in "Remarks" below;

C6. SW / GW Remarks and Conditions

References Used: Recent application reviews, esp. G-16776; local well logs; GW Report # 16; WSP #841; regional and local geologic maps.

D. WELL CONSTRUCTION, OAR 690-200

D1. Well #: _____ Logid: _____

D2. **THE WELL 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) _____

D3. **THE WELL construction deficiency:**

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

D4. **THE WELL construction deficiency is described as follows:** _____

D5. **THE WELL** a. was, or was not constructed according to the standards in effect at the time of original construction or most recent modification.

b. I don't know if it met standards at the time of construction.

D6. **Route to the Enforcement Section.** I recommend withholding issuance of the permit until evidence of well reconstruction is filed with the Department and approved by the Enforcement Section and the Ground Water Section.

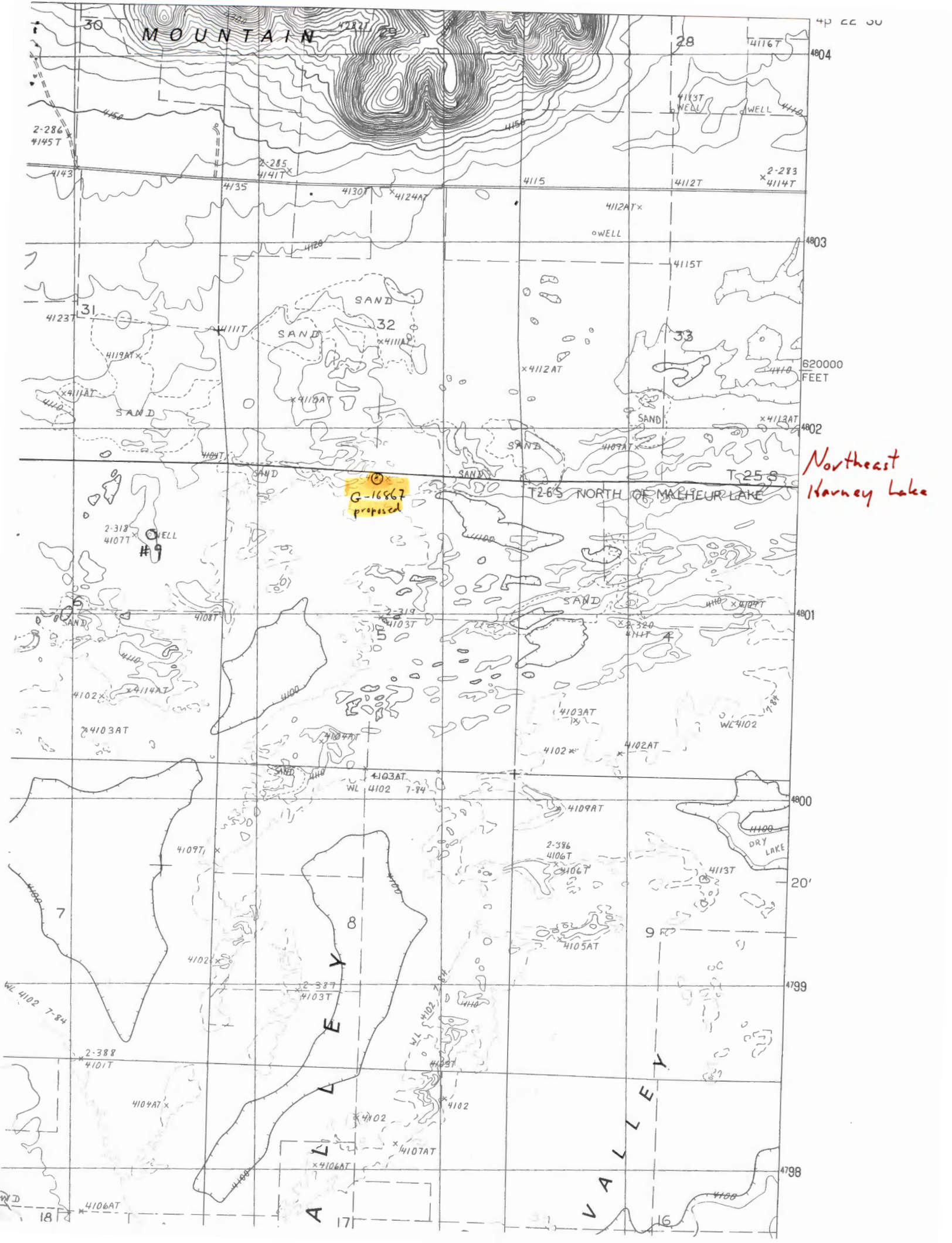
THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL

D7. Well construction deficiency has been corrected by the following actions: _____

_____, 200____.
(Enforcement Section Signature)

D8. **Route to Water Rights Section (attach well reconstruction logs to this page).**

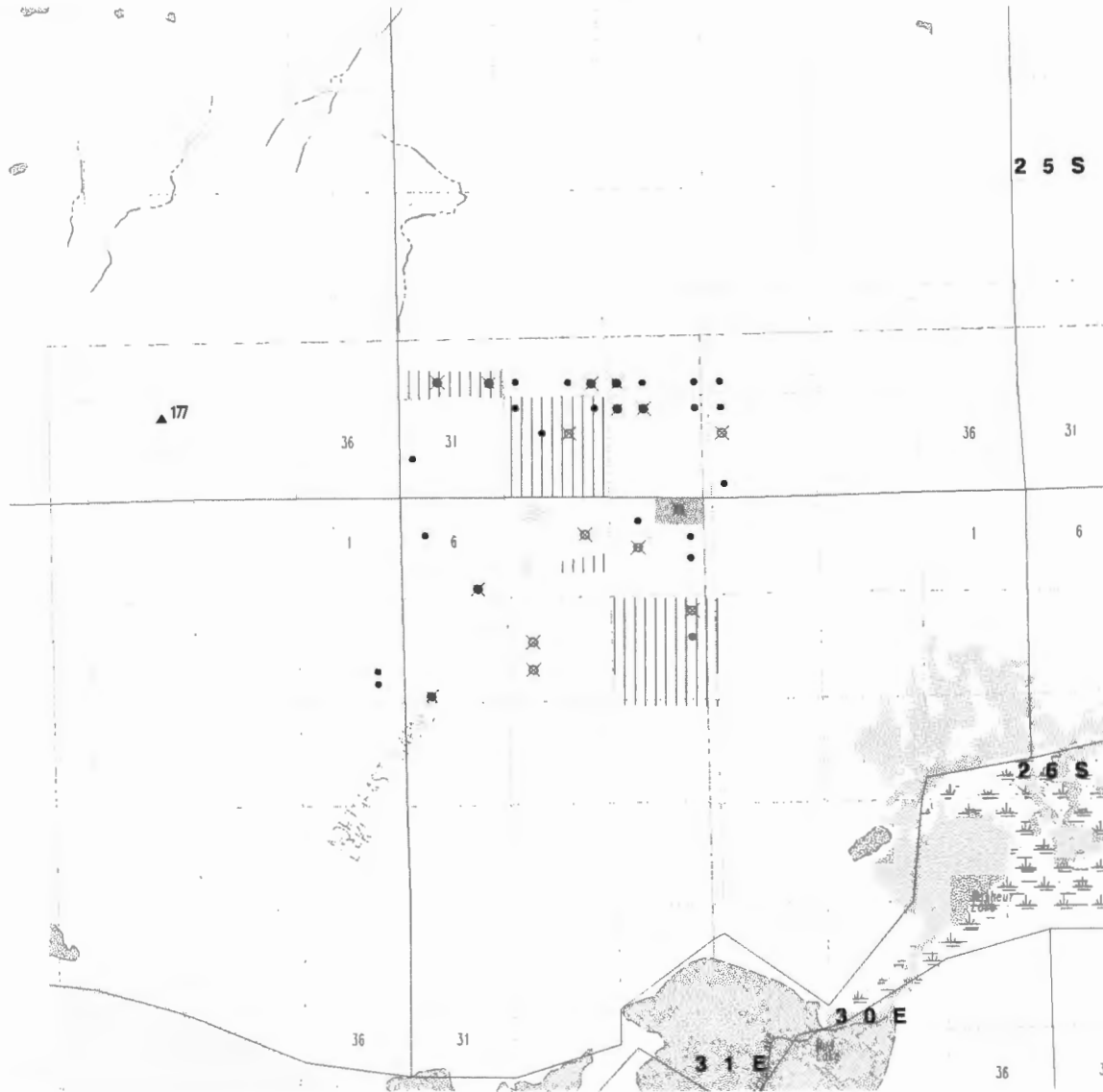
MOUNTAIN



Northwest
Harney Lake

Wells in the vicinity of application G 16867

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



WELL LOGS WITHIN 1 MILE OF APPLICATION G 16867

ABANDON: 17
 RECONDITIONED: 20
 REPAIRED: 16
 CONVERSION: 0
 DEEPENINGS: 11
 NEW CONSTRUCT: 193

COMMUNITY USE: 4
 DOMESTIC USE: 144
 INDUSTRIAL USE: 0
 INJECTION USE: 0
 IRRIGATION USE: 47
 THERMAL USE: 0
 LIVESTOCK USE: 8

PERMITTED WELLS WITHIN 1 MILE OF APPLICATION G 16867

\$RECNO	APPLICATION	PERMIT	CLAIM	LOC-QQ	USE_CODE
1				25.00S31.00E30SESW	
2				25.00S31.00E30SESE	
3	G	14974	G 13822	0 25.00S31.00E28SWSW	DN
4				25.00S31.00E29SESE	
5	G	15141	0	0 25.00S31.00E33NENW	IS
5	G	15141	0	0 25.00S31.00E33NENW	IS
6				25.00S31.00E33NWNW	
7				25.00S31.00E34SWNW	
8				25.00S31.00E32SWNE	
9	G	16867	0	0 26.00S31.00E 5NENW	IR
10				26.00S31.00E 6SENE	
11	G	16868	0	0 26.00S31.00E 6SESW	IR
12	G	16868	0	0 26.00S31.00E 7SWNE	IR
13	G	16868	0	0 26.00S31.00E 7NWSE	IR
14				26.00S30.00E 2SWNW	
15				26.00S30.00E11NENW	
16				26.00S30.00E10SWSW	
17	G	16867	0	0 26.00S31.00E 5NENW	IR
18				26.00S31.00E 6SENE	
19	G	16868	0	0 26.00S31.00E 6SESW	IR
20	G	16868	0	0 26.00S31.00E 7SWNE	IR
21	G	16868	0	0 26.00S31.00E 7NWSE	IR
22				26.00S30.00E 2SWNW	
23				26.00S30.00E11NENW	
24				26.00S30.00E10SWSW	

NO CONDITIONED WELLS WITHIN 1 MILE OF APPLICATION G 16867

APPLICATION G 16867 FALLS WITHIN THESE QUAD(S)

THE NARROWS NORTHEAST HARNEY LAKE THE NARROWS
 NORTHEAST HARNEY LAKE

Mailing List for IR Copies

Application #G-16867

IR Date: April 18, 2008

Original mailed to applicant:

~~TRACY HILL , 30040 WEAVER SPRINGS LANE, BURNS, OR 97720~~

Copies sent to:

- ~~1. WRD - File # G-16867~~
- ~~2. WRD - Water Availability: Ken Stahr~~

<p>Copies Mailed By: <u>JCB</u> (SUPPORT STAFF) on: <u>4/18/08</u> (DATE)</p>

IR, Map, and Fact Sheet Copies sent to:

- ~~3. WRD - Regional Manager (not SCR): E~~
- ~~4. WRD - Watermaster # 10~~

Caseworker: Jeana Eastman

COPYSHT.IR

G-16867

NEW APPLICATIONS (GROUND WATER, RESERVOIR, & SURFACE) ROUTE SLIP

RECEIPTING 64-07
POST CARD SENT JOHN WINE & JIM 6-5-07
DATA CENTER SP 6-8-07

GROUND WATER YES NO
ENFORCEMENT YES NO

WATER RIGHTS SUPPORT (initials)

<u>Caseworker:</u>		
Alyssa Mucken	503-986-0853	<input type="checkbox"/>
Anita Huffman	503-986-0815	<input type="checkbox"/>
Brook Geffen	503-986-0808	<input type="checkbox"/>
Jeana Eastman	503-986-0859	<input checked="" type="checkbox"/>
Kerry Kavanagh	503-986-0816	<input type="checkbox"/>

A "Standard Reservoir" storing 9.2 acre-feet or more of Water & has a dam height of 10.0 feet or greater needs to have a copy of the application & supplemental forms routed to "JOHN FALK"



ATTN: WATER RIGHTS SUPPORT....>>>>> Mark contents of file with application number; Update the WRIS Database with caseworkers name. Route file to Caseworker.



U.K.

Tracy Hill
Dunes OR

Standard Application Completeness Checklist

Minimum Requirements (OAR 690-310-0040) (ORS 537.400)

Application <u>G 16867</u>	Township <u>24S</u>
Priority Date <u>MAY 23, 2007</u>	Range <u>31E</u>
Use(s) <u>Irrigation</u>	Section <u>5</u>
Rate <u>2.0 cfs</u>	POD Loc. <u>NENW, 5</u>
County <u>Harney</u>	POU Loc. <u>N1/2 of N1/2, section 5</u>

- Applicant/Organization Name, Mailing Address and Telephone Number, application signed in ink.
- Source of water. If stored water, is the stored water component filed out, including a non-expired agreement for stored water must be included. (ORS 537.400)
- Property ownership indicated.
 - If applicant does not own all the land, the affected landowner's name and mailing address must be listed.
 - If applicant does not own all the land, a statement declaring the existence of either written authorization or an easement permitting access to land crossed by the proposed ditch canal or other work must be submitted.
- Groundwater development section (Page 2, Section 3 and/or Page 3, Section 2) or a well log report. a proposed well
- Proposed use of water. If supplemental, list primary water right acreage if applicable.
- Enclosed Supplemental Form for each proposed use.
 - Form I (Irrigation)
 - Form M (Municipal or Quasi-Municipal)
 - Form R (Mining)
 - Form Q (Commercial or Industrial)
 - Spring Description Sheet
- Amount of water from each source in gallons per minute (GPM), cubic feet per second (CFS), or acre feet (AF) yes 900 gpm or 2.0 cfs
- Period of use mar-october

Water management section (Please estimate if the water system has not been designed).

Resource Protection Section (Page 6, Section 5).

Project schedule (If system is already completed, indicate "existing").

For reservoir applications storing more than 9.2 acre feet, and a dam height of more than 10 feet, preliminary plans and specifications for dam and impoundment are required.

If the above is statement is checked, the map must be prepared by a CWRE.

All applicants (or the authorized agent with title or authority if for an organization or corporation), must sign the application in ink.

You must include a Legal description of the property involved that includes a metes and bounds, or other government survey description. A copy of the deed, land sales contract or title insurance policy can provide this information, or you may submit a lot book report prepared by a title company. The Department will not accept a copy of the tax bill.

A completed Land-Use Form or receipt signed and dated by the appropriate planning department officials. Date of signature must be within the past 6 months.

The map must meet all the minimum requirements of OAR 690-310-0050.

Township, Range, Section

Location of main canals, ditches, pipelines or flumes

Place of use, 1/4, 1/4's and tax lot clearly identified

Even map scale not less than 4" = 1 mile (example: 1" = 100 ft, 1" = 200 ft, etc.)

1" = 660'

Location of each diversion point well or dam by reference to a recognized public land survey corner

North Directional Symbol

Number of acres per 1/4, 1/4, if irrigation, nursery, or agriculture

Other _____

Reference corner on map

Each point of diversion coordinate

Fees: Amount of water requested 2.0 CFS

Base Fee \$ 300

Total Exam Fee \$ 600.00

1st CFS/AF 200

Total Paid \$ 600.00

1 Addn'l @ 100 = 100

Amount Due \$ 0

Reviewed by aiyssa muzkan

Date 5/23/2007



State of Oregon
 Water Resources Department
 158 12th Street NE, Salem, OR 97301-4772
 (503)378-8455
 www.wrd.state.or.us

Application for a Permit to Use Ground Water

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." Please read and refer to the instructions when completing your application. Thank you.

1. APPLICANT INFORMATION

A. Individuals

Applicant: Tracy Hill
First Last

Co-applicant: _____
First Last

Mailing address: 30040 Weaver Springs Lane
Burns OR 97720
City State Zip

Phone: 541-493-2622
Home Work Other

*Fax: _____ *E-Mail address: _____

B. Organizations

(Corporations, associations, firms, partnerships, joint stock companies, cooperatives, public and municipal corporations)

Name of organization: _____

Name and title of person applying: _____

Mailing address of organization: _____

City State Zip

Phone: _____
Day Evening

*Fax: _____ *E-Mail address: _____

*Optional information

For Department Use		
App. No. <u>G-16867</u>	Permit No. _____	Date _____

RECEIVED

MAY 23 2007

2. PROPERTY OWNERSHIP

Do you own all the land where you propose to divert, transport, and use water?

Yes (Skip to section 3 "Ground water Development.")

No Please check the appropriate box below.

I have a recorded easement or written authorization permitting access.

I do not currently have written authorization or easement permitting access.

List the names and mailing addresses of all affected landowners.*

*If more than 25 landowners are involved, a list is not required. See instructions.

3. GROUND WATER DEVELOPMENT

A. Number of well(s): 1 B. Name of nearest surface water body: Malheur Lake

C. Distance from well(s) to nearest stream or lake: 1) 3 miles

2) _____ 3) _____ 4) _____

D. If distance from surface water is less than one mile, indicate elevation difference between nearest surface water and well head. 1) _____

2) _____ 3) _____ 4) _____

E. Well Characteristics

Wells must be constructed according to standards set by the Department for the construction and maintenance of water wells. If the well is already constructed, please enclose a copy of the well constructor's log and the well ID number, if available, for each well with this application. Identify each well with a number corresponding to the wells designated on the map and proceed to question F in this section of the form. If the well has not been constructed, or if you do not have a well log, please complete the following:

Well(s) will be constructed by: Tim Riley ?

Address: _____

Completion date: June 2007 ?

2. Please provide a description of your well development. (Attach additional sheets if needed.)

Well No.	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
1	12"	12" Steel	100' ±		20'	30'	30'	2" P.Pe	350' ±

F. Artesian Flows

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

4. WATER USE

Please read the instruction booklet for more details on "type of use" definitions, how to express how much water you need and how to identify the water source you propose to use. You must fill out a supplemental form for some uses as they require specific information for that type of use.

A. Type(s) of Use(s)

See list of beneficial uses provided in the instructions.

- If your proposed use is **domestic**, indicate the number of households to be supplied with water: _____
- ✕ • If your proposed use is **irrigation**, please attach Form I
- If your proposed use is **mining**, attach Form R
- If your proposed use is **municipal or quasi-municipal**, attach Form M
- If your proposed use is **commercial/industrial**, attach Form Q

RECEIVED

MAY 23 2007

**WATER RESOURCES DEPT
SALEM, OREGON**

G-16867

B. Amount of Water

Provide the production rate in gallons per minute (gpm) and the total annual amount of water you need from each well, from each source or aquifer, for each use. You do not need to provide source information if you are submitting a well log with your application.

Well No.	Source or aquifer	Type of use	Total rate of water requested (in gpm)	Total annual quantity (in gallons)	Production rate of well (in gpm)
1	Pumice Gravel	IRRIGATION	900	1,07,520	1200

C. Maximum Rate of Use Requested

What is the maximum, instantaneous rate of water that will be used? 2 CFS
 (The fees for your application will be based on this amount.)

D. Period of Use

Indicate the time of year you propose to use the water: March 1 - October 31
 (For seasonal uses like irrigation give dates when water use would begin and end, e.g. March 1–October 31.)

E. Acreage

If you will be applying water to land, please give the total number of acres where water will be applied or used: 160 acres
 (This number should be consistent with you application map.)

5. WATER MANAGEMENT

A. Diversion

What equipment will you use to pump water from your well(s)?

- Pump (give horsepower and pump type) 80 HP Submersible
- Other means (describe) _____

B. Transport

How will you transport water to your place of use?

- Ditch or canal (give average width and depth)
 Width _____ Depth _____
 Is the ditch or canal to be lined? Yes No
- Pipe (give diameter and total length)
 Diameter 6" 8" Length 2640 2640
- Other (describe) _____

C. Application/Distribution Method

What equipment will you use to apply water to your place of use? Wheel Lines

Irrigation or land application method (check all that apply):

- Flood
- Drip
- Hand lines
- Siphon tubes or gated pipe with furrows
- Other, describe _____
- High-pressure sprinkler
- Water cannons
- Wheel lines
- Low pressure sprinkler
- Center pivot system

Distribution method

- Direct pipe from source
- In-line storage (tank or pond)
- Open canal

D. Conservation

What methods will you use to conserve water? Why did you choose this distribution or application method? For example, if you are using sprinkler irrigation rather than drip irrigation, explain. If you need additional space, attach a separate sheet.

The acreage will only be irrigated when the crop requires water. Wheel Lines are the most efficient for this Property

6. PROJECT SCHEDULE

Indicate the anticipated dates that the following construction tasks should begin. If construction has already begun, or is completed, please indicate that date.

Proposed date construction will begin May 2007

Proposed date construction will be completed July 2007

Proposed date beneficial water use will begin April 2008

7. REMARKS

If you would like to clarify any information you have provided in the application, please do so here and reference the specific application question you are addressing.

(E) Hopefully I can hire Tim Riley as a driller. I may have to use another driller.

(E-2) Nearby wells are constructed like this proposed well

RECEIVED

MAY 23 2007

C-11-8107

8. MAP REQUIREMENTS

The Department cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section, and quarter/quarter section of the proposed well location and place of use. The map must provide tax lot numbers. See the map guidelines sheet for detailed map specifications.

9. SIGNATURE

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be canceled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit to me, I may have to stop using water to allow senior water right holders to get water they are entitled to, and

I swear that all information provided in this application is true and correct to the best of my knowledge:

Tracy Hill
Signature of Applicant

5/7/07
Date

Signature of Co-applicant

Date

Before you submit your application be sure you have:

- Answered each question completely.
- Attached a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included a Land Use Information Form or receipt stub signed by a local official.
- Included the legal description of all the property involved with this application. You may supply a copy of the deed, land sales contract, or title insurance policy, to meet this requirement.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.



Oregon Water Resources Department

FORM I FOR IRRIGATION WATER USE

1. Please indicate whether you are requesting a primary or supplemental irrigation water right.

Primary Supplemental

If supplemental, please indicate the number of acres that will be irrigated for each type of use.

Primary: 160 Acres

Supplemental: _____ Acres

List the permit or certificate number of the primary water right: No. _____

2. Please list the anticipated crops you will grow and whether you will be irrigating them for a full or partial season:

- | | | |
|-------------------|---|--|
| 1. <u>ALFALFA</u> | <input checked="" type="checkbox"/> Full season | <input type="checkbox"/> Partial season (from: <u>Mar 1</u> to <u>Oct 31</u>) |
| 2. _____ | <input type="checkbox"/> Full season | <input type="checkbox"/> Partial season (from: _____ to _____) |
| 3. _____ | <input type="checkbox"/> Full season | <input type="checkbox"/> Partial season (from: _____ to _____) |
| 4. _____ | <input type="checkbox"/> Full season | <input type="checkbox"/> Partial season (from: _____ to _____) |

3. Indicate the maximum total number of acre-feet you expect to use in an irrigation season:

480 acre-feet

(1 acre-foot equals 12 inches of water spread over 1 acre, or 43,560 cubic feet, or 325,851 gallons.)

4. How will you schedule your applications of water? Will you be applying water in the evenings, twice a week, daily?

- | | |
|---|---|
| <input type="checkbox"/> Daily during daytime hours | <input type="checkbox"/> Daily during nighttime hours |
| <input type="checkbox"/> Two or three times weekly during daytime | <input type="checkbox"/> Two or three times weekly during nighttime |
| <input type="checkbox"/> Weekly, during daytime hours | <input type="checkbox"/> Weekly, during nighttime hours |

Other, explain: whenever the crop requires water

RECEIVED

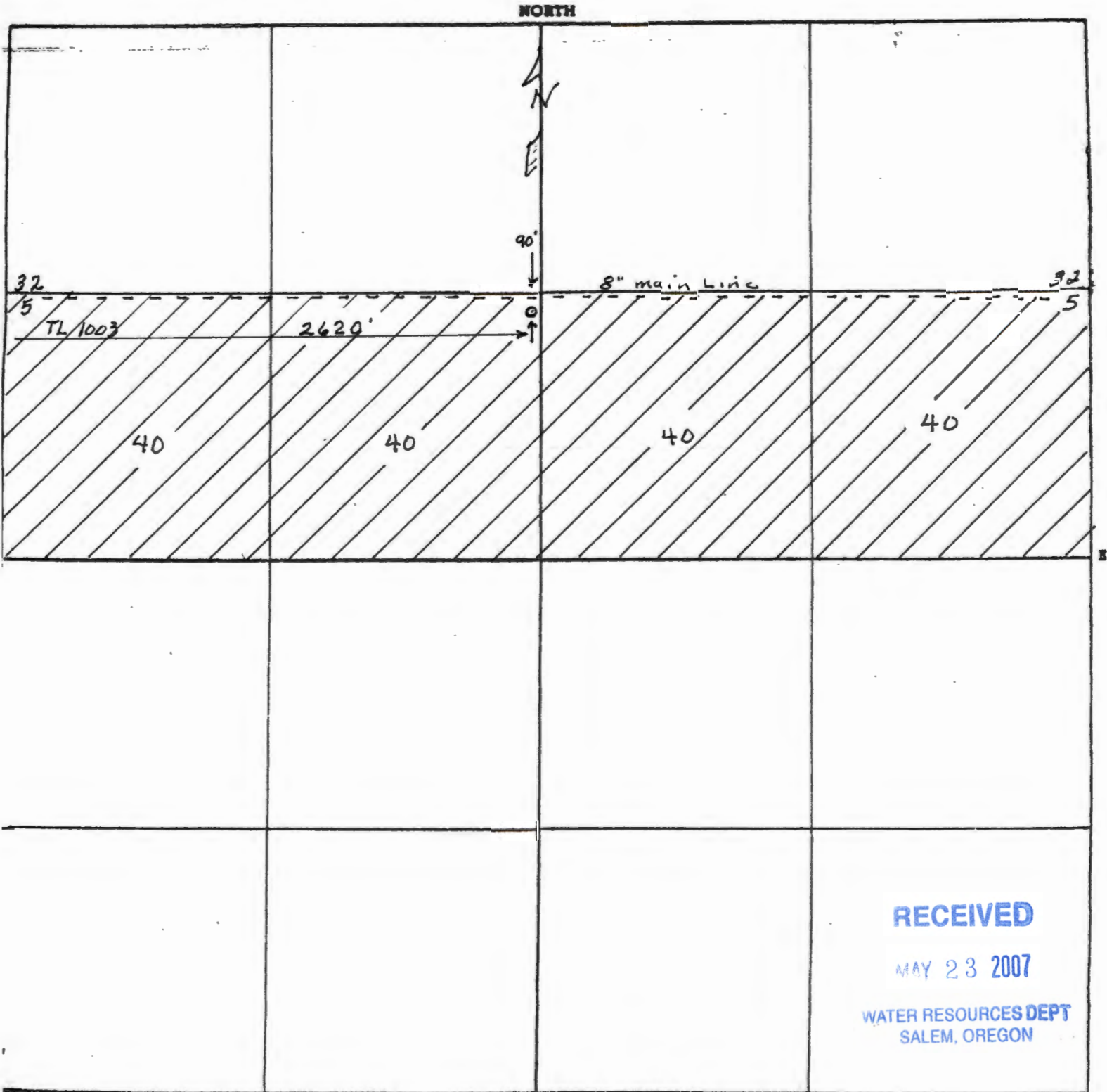
MAY 23 2007

WATER RESOURCES DEPT
SALEM, OREGON

SECTION PLAT

Section 5 Township 26-S Range 31-E

County of Harney State of OR



Scale = 1" = 660'

App No G-16867 Permit No G-16376



Oregon Water Resources Department Land Use Information Form

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

To Be Completed By Applicant

The following section includes information about proposed water use. This section must be completed by the individual or group that is filing an application for a water right with the Water Resources Department.

A. Applicant

Name: Tracy Hill

Address: 30040 Weaver Springs Lane

City: Burns State: OR Zip: 97720 Day Phone: 541-493-2622

B. Land and Location

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

Tax Lot I.D.	Plan Designation (e.g. Rural Residential/RR-5)	Water to be: (check all that apply)		
<u>1003</u>		<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used

List counties and cities where water is proposed to be diverted, conveyed, or used. _____

C. Description of Water Use

Indicate what the water will be used for. Include the beneficial use (found in the instruction booklet for your water right application) and use the space below to describe the key characteristics of the project.

Beneficial Use(s): IRRIGATION

Briefly describe: Well produces water for wheel lines to irrigate

160 acres

RECEIVED

MAY 23 2007

D. Source

Indicate the source for the proposed water use:

Reservoir/Pond Ground Water Surface Water _____ (source)

WATER RESOURCES DEPT
SALEM, OREGON

E. Quantity

Indicate the estimated quantity of water the use will require:

G-110867 2 CFS GPM Acre-Feet

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless your project will be located entirely within the city limits. In this case, only the city planning agency must complete this form. Please request additional forms as needed or feel free to copy.

A. Allowed Use

Check the appropriate box below and provide requested information.

- Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s); 3.010. Go to section B "Approval" below
- Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below.

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Check the item that applies: Land Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued

Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus accompanying findings is sufficient.)

B. Approval

Please provide printed name and written signature.

Name: DARWIN JOHNSON Date: 24 APRIL 07

Title: PLANNING ASSISTANT Phone: (541) 573-8174

Signature: 

C. Additional Comments

Local governments are invited to express special land use concerns or make recommendations to the Department regarding this proposed use of water below, or on a separate sheet.

Note: If this form cannot be completed while the applicant waits, sign and detach the receipt stub as instructed below. You will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD will presume the land use associated with the proposed water right is compatible with local comprehensive plans. (See attached letter.)

20070350

Form 1860-9
(January 2001)
OR 61549

The United States of America
To all to whom these presents shall come, Greeting:

WHEREAS

TRACY HILL

is entitled to a Land Patent pursuant to Sections 203 and 209 of the Act of October 21, 1976 (43 U.S.C. 1713 and 1719), for the following described land in Harney County, Oregon:

Willamette Meridian, Oregon
T. 26 S., R. 31 E., North of Malheur Lake;
sec. 5, four unnumbered government lots in the N½N½.

containing 160.00 acres.

NOW KNOW YE, that there is, therefore, granted by the UNITED STATES unto the said **TRACY HILL**, the land above described; TO HAVE AND TO HOLD the said land with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said **TRACY HILL**, her successors and assigns forever; and

EXCEPTING AND RESERVING TO THE UNITED STATES a right-of-way thereon for ditches or canals constructed by the authority of the United States. Act of August 30, 1890 (43 U.S.C. 945); and

SUBJECT TO all valid existing rights and reservations of record.

Pursuant to the authority contained in Section 3(d) of Executive Order 11990 of May 24, 1977, and Sections 203 and 209 of the Federal Land Policy and Management Act of 1976, this patent is subject to a restriction which constitutes a covenant running with the land, that the portion of the land lying within the 100 year floodplain may be used only in accordance with federal, state and local laws and ordinances applicable to floodplains.

By accepting this patent, and to the extent allowed by law, the purchaser agrees to indemnify, defend and hold harmless the United States from any cost, damages, claims, causes of action, penalties, fines, liabilities and judgments of any kind or nature arising from past, present and future acts or omissions of the purchaser, previous landowners or subsequent landowners or contractors, or lessees, or any third party, arising out of, or in connection with the purchaser's use, occupancy, or operations on the real property which has already resulted or does hereafter result in:

1. Violations of federal, state, and local laws and regulations which are now or may in the future become applicable to the real property;

RECEIVED

JUN 01 2007

WATER RESOURCES DEPT
SALEM, OREGON

PATENT NUMBER: 36-2007-0005

20070350

Form 1860-10
(January 2001)
OR 61549

- 2. Judgments, claims and demands of any kind assessed against the United States;
- 3. Cost, expense or damages of any kind incurred by the United States;
- 4. Other releases or threatened releases on, into, or under land, property and other interests of the United States by solid or hazardous waste(s), or substance(s) as defined by federal and state law;
- 5. Natural resource damages as defined by federal and state law; or
- 6. Other activities by which solid or hazardous wastes, as defined by federal and state law were generated, used, stored, released or otherwise disposed of on the real property, and any clean-up, response or remedial action, or other action related in any manner to said solid or hazardous substances or wastes.

This covenant shall be construed as running with the real property, and may be enforced by the United States in a court of competent jurisdiction.

STATE OF OREGON } ss
 County of Harney }
 I certify that the within instrument was received
 for record on the 11th day of February
 2007 at 1:30 o'clock P.M. and
 recorded Microfilm number 20070350

 Records of said County.
 Maria Duranaga, County Clerk
 By: _____ Deputy

IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat. 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

GIVEN under my hand, in Portland, Oregon
the fifth day of February in the
year of our Lord two thousand and seven and of the Independence of the
United States the two hundred and thirty-first.

By: Fred O'Neal
Chief, Branch of Lands and Mineral Resources



RECEIVED

JUN 01 2007

WATER RESOURCES DEPT
SALEM, OREGON

PATENT NUMBER: 36-2007-0005

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

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

RECEIPT # **128506**

APPLICATION # _____

RECEIVED FROM: Water Right Services, LLC, John A. Short

APPLICATION	<u>0-16867</u>
PERMIT	
TRANSFER	

CASH: CHECK: # X 2085 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 670.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407	COPIES	\$ _____
_____	OTHER: (IDENTIFY) _____	\$ _____

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

4270 WRD OPERATING ACCT

MISCELLANEOUS		
0407	COPY & TAPE FEES	\$ _____
0410	RESEARCH FEES	\$ _____
0408	MISC REVENUE: (IDENTIFY) _____	\$ _____
TC162	DEPOSIT LIAB. (IDENTIFY) _____	\$ _____
0240	EXTENSION OF TIME	\$ <u>670.00</u>

WATER RIGHTS:		EXAM FEE		RECORD FEE
0201	SURFACE WATER	\$ _____	0202	\$ _____
0203	GROUND WATER	\$ _____	0204	\$ _____
0205	TRANSFER	\$ _____		
WELL CONSTRUCTION		EXAM FEE		LICENSE FEE
0218	WELL DRILL CONSTRUCTOR	\$ _____	0219	\$ _____
	LANDOWNER'S PERMIT		0220	\$ _____
_____	OTHER (IDENTIFY) _____			

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

**RECEIVED
OVER THE COUNTER**

TREASURY OTHER / RDX

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

RECEIPT: **128506**

DATED: 11/19/18 BY: CWaeltrick

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

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

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

RECEIPT # **87734**

INVOICE # _____

RECEIVED FROM: Tracy Hill

APPLICATION	G-16867
PERMIT	
TRANSFER	

BY: _____

CASH: CHECK:# 1021 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 600.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$ _____
 _____ OTHER: (IDENTIFY) \$ _____

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

4270 WRD OPERATING ACCT

MISCELLANEOUS *PCA-46111*

0407 COPY & TAPE FEES \$ _____
 0410 RESEARCH FEES \$ _____
 0408 MISC REVENUE: (IDENTIFY) _____ \$ _____
 TC182 DEPOSIT LIAB. (IDENTIFY) _____ \$ _____
 0240 EXTENSION OF TIME \$ _____

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE	\$ _____	0202	RECORD FEE	\$ _____
0203 GROUND WATER		\$ <u>600.00</u>	0204		\$ _____
0205 TRANSFER		\$ _____			

WELL CONSTRUCTION

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

_____ OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **87734**

DATED: 5/23/07 BY: *Jornite*

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

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

RECEIPT # **120767**

INVOICE # _____

RECEIVED FROM: Golden Rule Farms Inc.

APPLICATION G 116867

BY: _____

PERMIT	
TRANSFER	

CASH: CHECK:# 6823 OTHER: (IDENTIFY)

TOTAL REC'D. \$ 85.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$
 _____ OTHER: (IDENTIFY) \$

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES \$ 4611
 0410 RESEARCH FEES \$
 0408 MISC REVENUE: (IDENTIFY) Assignment \$ 85.00
 TC162 DEPOSIT LIAB. (IDENTIFY) \$
 0240 EXTENSION OF TIME \$

WATER RIGHTS:

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

WELL CONSTRUCTION

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

_____ OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

_____ OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **120767**

DATED: 8-1-16 BY: Carlos Turner

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

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

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

RECEIPT # **93777**

INVOICE # _____

RECEIVED FROM: TRACY HILL

APPLICATION	<u>0-16867</u>
PERMIT	
TRANSFER	

BY: _____

CASH: CHECK:# 1174 OTHER: (IDENTIFY)

TOTAL REC'D \$ 300.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$
OTHER: (IDENTIFY) \$

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

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

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE	0202	RECORD FEE
0203 GROUND WATER	\$	0204	\$ <u>300.00</u>
0205 TRANSFER	\$		

WELL CONSTRUCTION

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

0536 TREASURY 0437 WELL CONST. START FEE

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

CARD #	
CARD #	

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: **93777**

DATED: 8/18/08 BY: [Signature]

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

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

RECEIPT # **111158**

INVOICE # _____

RECEIVED FROM: Adriagan + Helen Denthoed

APPLICATION	6-16867
PERMIT	
TRANSFER	

BY: _____

CASH: CHECK:# 1098 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 125.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 47126 R 12162-11 \$ _____
0408 OTHER: (IDENTIFY) Reimbursement Authority \$ 125.00

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

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

WATER RIGHTS:

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

WELL CONSTRUCTION

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

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **111158**

DATED: 2-18-14 BY: [Signature]

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

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

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

RECEIPT # **111158**

INVOICE # _____

RECEIVED FROM: Adriagan + Helendenthoed
BY: _____

APPLICATION	G-16867
PERMIT	
TRANSFER	

CASH: CHECK:# 1098 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 125.00

1883 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 47126 R 12162-11 \$ _____
0408 OTHER: (IDENTIFY) Reimbursement Authority \$ 125.00

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

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

WATER RIGHTS:

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

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **111158**

DATED: 2-18-14 BY: [Signature]

STATE OF OREGON
WATER RESOURCES DEPARTMENT

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

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

RECEIPT # **111399**

INVOICE # _____

RECEIVED FROM: Adriaan & Helen den Hoed

APPLICATION **6-16867**

BY: _____

PERMIT _____

TRANSFER _____

CASH: CHECK:# 1104 OTHER: (IDENTIFY)

TOTAL REC'D \$ **450.00**

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES **47126 R12162-11** \$ _____

0408 OTHER: (IDENTIFY) Reimbursement Authority \$ **450.00**

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES \$ _____

0410 RESEARCH FEES \$ _____

0408 MISC REVENUE: (IDENTIFY) _____ \$ _____

TC162 DEPOSIT LIAB. (IDENTIFY) _____ \$ _____

0240 EXTENSION OF TIME \$ _____

WATER RIGHTS:

0201 SURFACE WATER EXAM FEE 0202 \$ _____ RECORD FEE \$ _____

0203 GROUND WATER EXAM FEE 0204 \$ _____ RECORD FEE \$ _____

0205 TRANSFER EXAM FEE _____ RECORD FEE _____

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR EXAM FEE 0219 \$ _____ LICENSE FEE \$ _____

LANDOWNER'S PERMIT 0220 \$ _____ LICENSE FEE \$ _____

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ _____ CARD # _____

0210 MONITORING WELLS \$ _____ CARD # _____

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD) _____ \$ _____

0231 HYDRO LICENSE FEE (FW/WRD) _____ \$ _____

HYDRO APPLICATION _____ \$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT: **111399**

DATED: 3-17-14 BY: D. Mante

App G-16867

Per G-17441

9-11-08 - G-16376 issued
Iwell 2.0 cfs 160.0 ac
10-1-12 B&C
1-21-14 Assign. Hill → HOED
5-16-14 Ext FO (1st)
~~4-2-14 Ext B&C~~
5-21-15 PA T-11828 Approved - 3 wells ^{PA} _{PA} ^{PA}
Sup. Per. G-17356 issued
5-27-15 Sup Per G-17441 issued (correcting)
8-2-16 Assign HOED → Golden Rule (Dead ^{Dead} 4-16-16)
3-16-17 PA T-12609 subm. Had
7-12-18 PA T-12609 Map Ammended
10-1-18 Ext B&C
11-19-18 Ext Filed

1st Ext

HARN 51693

HARN 51904

HARN 51924

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

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

RECEIPT # **110902**

INVOICE # _____

RECEIVED FROM: Adrianna Helen
BY: dan helen

APPLICATION	G-16867
PERMIT	
TRANSFER	

CASH: CHECK:# X1089 OTHER: (IDENTIFY)

TOTAL REC'D \$ 2,235.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$ 5
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) 46111 \$ 2,235.00
TC162 DEPOSIT LIAB. (IDENTIFY) _____ \$ _____
0240 EXTENSION OF TIME _____ \$ _____

Assignment

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE	0202	RECORD FEE
0203 GROUND WATER	\$ _____	0204	\$ _____
0205 TRANSFER	\$ _____		
	EXAM FEE		LICENSE FEE
0218 WELL DRILL CONSTRUCTOR	\$ _____	0219	\$ _____
LANDOWNER'S PERMIT		0220	\$ _____
OTHER (IDENTIFY) _____			

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **110902**

DATED: 1.14.14

BY: Nehal

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

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

RECEIPT # **110901**

APPLICATION # _____
PERMIT _____
TRANSFER _____

RECEIVED FROM: Hanna, & Helen
BY: den Hoed

APPLICATION # 9-168607
PERMIT _____
TRANSFER _____

CASH: CHECK:# 10900 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 575.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$ _____
OTHER: (IDENTIFY) \$ _____

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

4270 WRD OPERATING ACCT

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

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE	0202	RECORD FEE
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$		
	EXAM FEE		LICENSE FEE
0218 WELL DRILL CONSTRUCTOR	\$	0219	\$
LANDOWNER'S PERMIT		0220	\$
OTHER (IDENTIFY)			

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **110901**

DATED: 1.14.14

BY: Ncho

Application # G-16867

Permit # G-16376

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

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

◆ **WRIG...**

Money Received on: 1/14/14

◆ **Extension Specialist ...**

Added to tracking spreadsheet

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

◆ **Codi Holmes...**

Publish on Public Notice (initial 30-day comment): Date of notice 2/4/14

Update WRIS Database

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

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

Yes or No: Return file to Extension Specialist after PN _____



**UNITED STATES
POSTAL SERVICE**

FORM 3547 fee due \$0.57

Restricted Data

*First-Class Mail
Postage and Fees Paid
USPS
Permit No. G10*

Oregon

**Water Resources Department
Water Right Services Division
725 Summer St NE, Suite A
Salem, OR 97301-1266**

ADDRESS SERVICE REQUESTED

Percent
First-Class Mail
Conductance Price



U.S. POSTAGE **PRINTED BY EAGLES**
ZIP 97301 \$ **000.37⁸**
02 10
0001353061 AUG 10 2016

Helen Den Hoed **G-16867**
1831 N County Line Rd.
Grandview, WA 98930

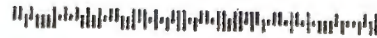
RECEIVED

AUG 22 2016

OWRD

FWD

GLB-ASB 98930



OLD:

*HELEN DEN HOED
1831 N COUNTY LINE RD
GRANDVIEW WA 98930-8912*

NEW:

*334 COLUMBIA POINT DR UNIT 101
RICHLAND WA 99352-4391*

TO THE POSTMASTER OF

**725 SUMMER ST NE STE A
SALEM OR 97301-9998**





Oregon

John A. Kitzhaber, MD, Governor

January 24, 2014

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

Adriaan and Helen Den Hoed
1831 N. County Line Road
Grandview, Washington 98930

Reference: Application G-16867, Permit G-16376

The assignment by proof from Tracy Hill to Helen Den Hoed has been recorded in the records of the Water Resources Department.

The Departments records will now show Helen Den Hoed as the permit holder of record.

Our records have been changed accordingly and the original request is enclosed. Receipt number 110902 covering the recording fee is also enclosed.

Please review the permit to be familiar with the conditions and timelines contained in the permit. These conditions and timelines will have to be met before a Certificate of Water Right can be issued.

Sincerely,

Jerry Sauter
Water Rights Program Analyst
Water Right Services Division

Enclosure: Receipt 110902

cc: Watermaster 10

Tracy Hill

Data Center, OWRD (cover letter & request)
Hydrographics
File





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, Helen Den Hoed
 (Name of Party Requesting Assignment)

1831 N County Line Road, Grandview WA 98930
 (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-16867; Permit # G-16376; Transfer# _____
 -OR-

License # _____ GR Statement # _____; GR Certificate of Registration # _____

Tracy Hill
 (Name of Holder of Record)

30040 Weaver Springs Lane, Burns OR 97720
 (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.)

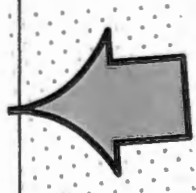
- 1) I certify that I am the current owner of the property described in this application, Permit, transfer, license or GR Certificate of Registration.
- 2) I have the legal right to request assignment under OAR 690-310-0280 and 690-320-0060.
- 3) I have not been able to contact the owner(s) of record 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 10th day of January, 2019.

Party Requesting Assignment Helen Den Hoed

Party Requesting Assignment _____

ASSIGNED BY MURDER
 1/21/2014
 A.S.



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 # 110902 For Director by Jerry Sauter, Program Analyst in Water Rights Division

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

RECEIVED BY OWRD

JAN 14 2014

SALEM, OR

Oregon

Water Resources Department
Water Right Services Division
725 Summer St NE Ste A
Salem, OR 97301-1266

WTF

RETURN SERVICE REQUESTED

PRESORTED
FIRST CLASS



02 1R
0006561146
MAILED FROM ZIP CODE 97301

PITNEY BOWES
\$ 00.38¹
JAN 28 2014

G-16867
TRACY HILL
30040 WEAVER SPRINGS LANE
BURNS OR 97720

RECEIVED

FEB 03 2014

OWRD

NIXIE 970 FE 1260 0002/02/14

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

RC: 97301126673 *7489-00455-07-07

LIWOT5B 97720
97301-01266



OREGON WATER RESOURCES DEPARTMENT
1440 · den Hoed Hay Farms, LLC 160 Acres

1/10/2014

575.00

RECEIVED
JAN 14 2014
WATER RESOURCES DEPT
SALEM, OREGON

Washington Trust chc Extension of Time Water Right Permit

575.00

**Water Right Conditions
Tracking Slip**

Groundwater/Hydrology Section

FILE # G-16867

ROUTED TO: Water Rights

TOWNSHIP/

RANGE-SECTION: 26 S/31 E 5 6a

CONDITIONS ATTACHED? yes no

REMARKS OR FURTHER INSTRUCTIONS:

Reviewer: Mike Zunt