

G8

~~NOT CANCELLED~~

Reinstated

ASSIGNED

FILE#: 6 12868

ROCKING AC RANCH

PO BOX 365

ELY, OR

97622

Klamath Falls, OR 97603

Application No. G12868

Permit No. G12613

Certificate No. ~~CANCELLED~~

Stream Index, Page No. 14

14-0090-0020-0060-000-430

Y 2A NF Sprague River  
KLAM 10435

## FEES PAID

Date	Amount	Receipt No.
4/9/92	\$1,100.00	85264
7/27/93	14.00	102670
6-3-96	10.00	002833
5/5/00	25.00	37312
11/7/14	85.00	114063
1-31-2020	\$100.00	131837
Date	Amount	Check No.

Date filed

Priority

Action suspended until

Return to applicant

Date of approval

## CONSTRUCTION

Date for beginning JUL 17 1997

Date for completion OCT 1 1998

Extended to

Date for application of water

Extended to

## PROSECUTION OF WORK

Form "A" filed

Form "B" filed

Form "C" filed

## FINAL PROOF

Blank mailed

Proof received

Date certificate issued

## ASSIGNMENTS

Date	Assigned To Whom Ph. 397-6385	Address	Volume	Page
6/3/91	Don - 700 Port Ave.	St. Helens, OR 97051	7	3202
5/5/00	Lloyd Powell, Garrett Roseberry	725 Market St.	8	685
11/17/2014	4 Pine Mtn. Cattle Co.	Kirkland WA 98033		

WILKS RANCH OREGON, LTD  
PO BOX 111  
CISCO TX 76437

## REMARKS

P.O. Box 45  
ELY, OREGON 9762212/1/04 ~~CANCELLED~~ in Special Order Vol 58 pg 220

12/10/03 Reinstatement Special order Vol 58 pg 287

~~CANCELLED~~ 58.07 in special order Vol 71 pg. 4336/4/07 Reinstated in special order Vol 72 pg 188  
NO Pump test as of 9/15/08

2/10/2020 Assignment Wilks Ranch Texas, LTD., Attn: Karen Williamson PO Box 111 Cisco, TX. 76437

COBU MAP # 0276



Steve

8/7/54

Please respond by 8/12.

To Mr. Simonsen

CC: Dwight Reed

Dwight

John Hershelman  
A# G-12868  
P# G12613

re "C"  
form

503-397-  
6385

WILL RE-INSTATE

GARRETT & STEFANI ROSEBERRY  
P.O. Box 45  
Bly, Oregon. 97622

SEMS RE-INSTATEMENT TO BOTH  
ADDRESSES

12-10-2003 STEFANI ROSEBERRY CALLED. (DATE)  
WANTS TO REINSTATE. CERT WENT TO FATHER-IN-  
LAW DO CORCU.

11-24-2003

CANCEL - FIELD

- CERTIFICATION SENT & RECEIVED
- NO RESPONSE
- NO CORCU
- NO EXT. APP

EMAIL ON 9/27/04 FROM  
CURE DOUG ADKINS - IN  
PROCESS OF COMPLETING  
CORCU. DELAYED DUE TO  
FLOW METER FAILURE

REQUESTED EXT TO  
SEPT 2004 TO COMPLETE

100 DAYS = APR 2004

CONTACT DOUG ADKINS - VERIFY - 3/2/07  
IF HE IS NOT DOING, CANCEL HIS

3/12/07 Lm



**SENDER: COMPLETE THIS SECTION**

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

1. Article Addressed to:

G-12868,JS,2693 8711  
L POWELL, G ROSEBERRY  
& PINE MTN CATTLE CO  
725 MARKET ST  
KIRKLAND WA 98033

2. Article Number

(Transfer from service label)

PS Form 3811, August 2001

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

*Cynthia A. [Signature]*

☐ Agent

☐ Addressee

B. Received by (Printed Name)

*Cynthia A. [Signature]*

C. Date of Delivery

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒

Certified Mail

☐

Express Mail

☐

Registered

☐

Return Receipt for Merchandise

☐

Insured Mail

☐

C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

7002 0510 0002 2693 8711

Domestic Return Receipt

102595-01-M-2509



# Oregon

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

ADJ & WR

ADDRESS SERVICE REQUESTED

Ivory Pine Road  
Bly OR 97622

re mailed

G-12868  
PINE MOUNTAIN CATTLE CO  
725 MARKET ST  
KIRKLAND WA 98033



02 1A  
\$ 00.59<sup>00</sup>  
NOV 04 2008  
MAILED 1000 CODE 97301

NOV 24 2008

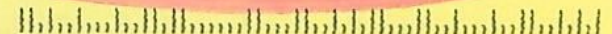
WATER RESOURCES DEPT  
SALEM, OREGON

NIXIE 980 DE 1 00 11/19/08

RETURN TO SENDER  
ATTEMPTED - NOT KNOWN  
UNABLE TO FORWARD

BC: 97301126573 \*2799-01104-04-39

98033+5430101366





**Oregon**

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

ADDRESS SERVICE REQUESTED

SEATTLE WA 981  
SEATTLE WA 981

06 JUN 2007 PM 7:3  
14 JUN 2007 PM 6:1



02 1M  
0004234377 JUN 04 2007  
MAILED FROM ZIP CODE 97309

**RECEIVED**

JUN 18 2007

WATER RESOURCES DEPT  
SALEM, OREGON

**Return to Sender**

Recipient no longer at this address  
Please remove from list

FWD





UNITED STATES  
POSTAL SERVICE

FORM 3547 fee due 50 ¢

Restricted Data

First class mail  
Postage and Fees Paid  
USPS  
Permit No. G10

Re: Oregon

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

ADDRESS SERVICE REQUESTED



UNITED STATES POSTAGE  
02 114 \$60.00  
700-4234377 MAY 03 2007  
MAILED FROM ZIP CODE 97309

G-12868  
L. Powell, G. Roseberry &  
Pine Mountain Cattle Co.  
725 Market St.  
Kirkland, WA 98033

FWD

980335431 C037



OLD:

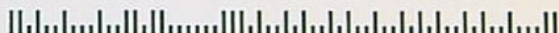
POWELL  
725 MARKET ST  
KIRKLAND WA 98033-5431

NEW:

2625 NORTHUP WAY  
BELLEVUE WA 98004-1431

TO THE POSTMASTER OF

725 SUMMER ST NE STE A  
SALEM OR 97301-9998





STATE OF OREGON  
WATER RESOURCES DEPARTMENT

RECEIPT # 114063

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

INVOICE # G-12868

RECEIVED FROM: Wilks Ranch Oregon,  
BY: LTD.

APPLICATION	G-10811
PERMIT	
TRANSFER	

CASH: ☐ CHECK: ☒ 1907 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 170.00

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)	\$ 170.00
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: 114063

DATED: 11/17/14 BY: *Travis Lopez*

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

Invoice #	Invoice Amt
APPLICATION# G-10811	85.00
PERMIT# G-10811	
ASSIGNMENT FEES	
APPLICATION# G-12868	85.00
PERMIT# G-12613	
ASSIGNMENT FEES	

RECEIVED BY OWRD

NOV 17 2014

SALEM, OR

From: WILKS RANCH OREGON, LTD.  
To: STATE OF OREGON  
WATER RESOURCES DEPARTMENT  
752 SUMMER STREET NE, SUITE A  
SALEM, OR 97301-1266

Vendor Code  
OREWAT

Check Date  
11/07/2014

Check Amount  
\$170.00

Check Number  
A-1907



STATE OF OREGON  
**WATER RESOURCES DEPARTMENT**  
 3850 PORTLAND ROAD NE  
 SALEM, OR 97310  
 378-8455/378-8130 (FAX)

RECEIPT # **102670**

RECEIVED FROM: Picking A C Ranch  
 BY: \_\_\_\_\_

APPLICATION	912868
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 874-12 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 14.00

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

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

**REDUCTION OF EXPENSE**

CASH ACCT.	\$
COST CENTER AND OBJECT CLASS	VOUCHER #

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

**MISCELLANEOUS:**

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

**WATER RIGHTS:**

842.001	SURFACE WATER	EXAM FEE	842.002	RECORD FEE
842.003	GROUND WATER	\$	842.004	\$ <u>14.00</u>
842.005	TRANSFER	\$	842.006	\$

**WELL CONSTRUCTION**

842.022	WELL DRILL CONSTRUCTOR	EXAM FEE	842.023	LICENSE FEE
	LANDOWNER'S PERMIT	\$	842.024	\$
	OTHER (IDENTIFY)			

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

842.013	WELL CONST START FEE	\$	CARD #	
	MONITORING WELLS	\$	CARD #	

**45-00-0 LOTTERY PROCEEDS**

864.000	LOTTERY PROCEEDS	\$
---------	------------------	----

**07-00-0 HYDRO ACTIVITY**

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

HYDRO APPLICATION \$

RECEIPT # **102670**

DATED: 7/22/93 BY: [Signature]

DELUXE BUSINESS FORMS 1-800-328-0304

**RECEIVED**  
**JUL 22 1993**  
 WATER RESOURCES DEPT.  
 SALEM, OREGON

ROCKING A C RANCH

5235



ROCKING A C RANCH

Oregon Water Resources Department  
05/30/96  
Bill #Olsen/Water

05/30/96

8823  
10.00**RECEIVED**

JUN 03 1996

WATER RESOURCES DEPT.  
SALEM, OREGON

Checking-Main

10.00

STATE OF OREGON  
WATER RESOURCES DEPARTMENT158 12TH ST. N.E.  
SALEM, OR 97310-0210  
378-8455 / 378-8130 (FAX)

INVOICE # 002833

RECEIPT #

RECEIVED FROM:

BY:

APPLICATION

PERMIT

TRANSFER

CASH:

CHECK: #

OTHER: (IDENTIFY)

TOTAL REC'D

\$ 10.00

## 0417 WRD MISC CASH ACCT

ADJUDICATIONS

\$

PUBLICATIONS / MAPS

\$

OTHER: (IDENTIFY)

\$

OTHER: (IDENTIFY)

\$

## REDUCTION OF EXPENSE

CASH ACCT.

\$

PCA AND OBJECT CLASS

VOUCHER #

## 0427 WRD OPERATING ACCT

MISCELLANEOUS

0407

COPY FEES

\$

0410

RESEARCH FEES

\$

0408

MISC REVENUE: (IDENTIFY)

\$ 10.00

TC165

DEPOSIT LIAB. (IDENTIFY)

\$

WATER RIGHTS:

EXAM FEE

RECORD FEE

0201

SURFACE WATER

\$

0202

\$

0203

GROUND WATER

\$

0204

\$

0205

TRANSFER

\$

0206

\$

WELL CONSTRUCTION

EXAM FEE

LICENSE FEE

0218

WELL DRILL CONSTRUCTOR

\$

0219

\$

LANDOWNER'S PERMIT

0220

\$

OTHER (IDENTIFY)

## 0437 WELL CONST. START FEE

0211

WELL CONST START FEE

\$

CARD #

0210

MONITORING WELLS

\$

CARD #

OTHER (IDENTIFY)

## 0539 LOTTERY PROCEEDS

1302

LOTTERY PROCEEDS

\$

## 0467 HYDRO ACTIVITY

LIC NUMBER

0233

POWER LICENSE FEE (FW/WRD)

\$

0231

HYDRO LICENSE FEE (FW/WRD)

\$

HYDRO APPLICATION

\$

RECEIPT #

002833

DATED:

6-3-96

BY:

JPL

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



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 # **131837** INVOICE # \_\_\_\_\_

RECEIVED FROM: Wilks Ranch Texas, LTD. APPLICATION see below

CASH: ☐ CHECK # 25257 OTHER: (IDENTIFY) \_\_\_\_\_

TOTAL REC'D \$ 800.00

**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 46111

0407 COPY & TAPE FEES 6-10811 6-17997 \$ \_\_\_\_\_  
0410 RESEARCH FEES 6-12868 6-17998 \$ \_\_\_\_\_  
0408 MISC REVENUE: (IDENTIFY) 6-16317 6-18029 \$ \_\_\_\_\_  
TC162 DEPOSIT LIAB. (IDENTIFY) 6-17996 T-11585 \$ \_\_\_\_\_  
0240 EXTENSION OF TIME \$ \_\_\_\_\_

**WATER RIGHTS:**

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

**WELL CONSTRUCTION**

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

0250 OTHER (IDENTIFY) Assignments 8@ \$800.00  
100.00

**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: **131837** DATED 1-31-2020 Billini

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

From: WILKS RANCH TEXAS, LTD.  
To: STATE OF OREGON  
WATER RESOURCES DEPARTMENT  
725 SUMMER STREET NE  
SUITE A  
SALEM, OR 97301-1266

Invoice # 1.14.20 (Ref: 4049275)  
Assignment fees for water rights

Invoice Amt 800.00

Vendor Code STAWAT  
Check Date 01/24/2020  
Check Amount \$800.00  
Check Number A-25257

RECEIVED  
JAN 31 2020  
OWRD

RECEIVED  
JAN 31 2020  
OWRD





# 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](http://www.Oregon.gov/OWRD)

February 10, 2020

Wilks Ranch Texas, LTD  
Attn: Karen Williamson  
PO Box 111  
Cisco, TX 76437

Reference: Application G-10811, Permit G-9930  
Reference: Application G-12868, Permit G-12613  
Reference: Application G-16317, Permit G-16234  
Reference: Application G-17996, Permit G-17803  
Reference: Application G-17997, Permit G-17589  
Reference: Application G-17998, Permit G-17911  
Reference: Transfer T-11585

The assignments from Wilks Ranch Oregon, LTD to Wilks Ranch Texas, LTD have been recorded in the records of the Water Resources Department.

The Departments records will now show Wilks Ranch Texas, LTD as the permit/transfer holder of record.

Our records have been changed accordingly and the original requests are enclosed. Receipt number 131837 covering the recording fees is also enclosed.

A permit is not a perfected water right, and has conditions and timelines that must be satisfied prior to a Certificate of Water Right being issued. Please review the permits to be familiar with the conditions and timelines contained in the permits.

Sincerely,

Mary F. Bjork  
Water Rights Program Analyst  
Water Right Services Division

Enclosure: Original Request and Receipt #131837

cc: Watermaster 9 & 17  
Data Center, OWRD (cover letter & request)  
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

RECEIVED

JAN 31 2020

OWRD

If the Department determines that the application is incomplete, fees have not been paid, or the required documents are not acceptable, the application and all fees submitted will be returned to the applicant.

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

I, WILKS RANCH OREGON, LTD  
(Name of Current Holder of Record)  
P.O. Box 111 CISCO TX 76437 817-850-3600  
(Mailing Address) (City) (State) (Zip) (Phone #)

- ☒ hereby assign all my interest in and to the entire application/permit/transfer/limited license/groundwater statement; (example, sold all the land authorized under the right)
- ☐ hereby assign all my interest in and to a portion of application/permit/transfer/limited license/groundwater statement; (You must include a map showing the portion of the application/permit/transfer order/limited license/groundwater statement to be assigned. Example, sold a portion of the land authorized under the right)
- ☐ hereby assign a portion of my interest in and to the entire application/permit/transfer/limited license/groundwater statement; (example, adding an additional person)

Application # G 12868 ; Permit # G 12613 ; Transfer # \_\_\_\_\_;

Limited License # \_\_\_\_\_; Groundwater Statement # \_\_\_\_\_;

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

WILKS RANCH TEXAS, LTD  
(Name of New Owner)  
P.O. Box 111 CISCO TX 76437 817-850-3600  
(Mailing Address) (City) (State) (Zip) (Phone #)

**Note:** If there are other owners of the property described in the application, permit, transfer order, limited license, or groundwater statement, you must provide a list of all other owners' names and mailing addresses and attach it to this form. Write the initials (first letters) of your first and last names at the spot indicated below \_\_\_\_\_.

☒ I hereby certify that I have notified all other owners of the property described in this application, permit, transfer order, limited license, or groundwater statement of this Request of Assignment.

Witness my hand this 14 day of January, 20 20.  
(Day) (Month) (Year)

Signature of Current Holder of Record \_\_\_\_\_

**Failure to provide any of the required information will result in the return of your application.**

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 # 131837  
For Director by Mary F. Bjork, Program Analyst in Water Rights Division. Mary F. Bjork

The completed "Request for Assignment" form *must* be submitted to the Department along with the recording fee of \$100.

Assign - Approve  
118B 2-10-2020



### RESOLUTION OF AUTHORITY

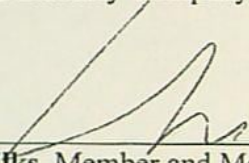
This Resolution of Authority is made, and hereby approved, by Dan Wilks and Farris Wilks, as Members and Managers of Wilks Ranch Holdings, LLC ("WRH") a Texas Limited Liability Company, relating to the execution of documents for WRH and its subsidiaries which include but are not limited to Wilks Ranch Texas, Ltd., Wilks Ranch Montana, Ltd., Wilks Ranch Idaho, Ltd., and Wilks Ranch Oregon, Ltd.

WRH authorizes Farris Wilks to sign, without limitation, any and all documents necessary to: purchase, sell, lease, or otherwise transfer or acquire real or personal tangible property on behalf of WRH and its subsidiaries, regardless of location and regardless of amount.

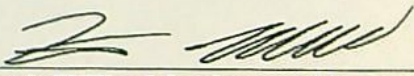
This Resolution is effective as of the 6<sup>th</sup> day of December, 2010.

**WILKS RANCH HOLDINGS, LLC,**  
a Texas Limited Liability Company

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

  
Dan Wilks, Member and Manager

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

  
Farris Wilks, Member and Manager



## BJORK Mary F \* WRD

---

**From:** Karen Williamson <karen.williamson@wilksbrothers.com>  
**Sent:** Wednesday, February 05, 2020 7:00 AM  
**To:** BJORK Mary F \* WRD  
**Subject:** RE: (EXTERNAL) Wilks Ranch Assignments  
**Attachments:** WRH - Resolution of Authority, Farris to sign.pdf

Mary, thank you so much for calling! I usually do better than this by including the printed name. I trust the attached will suffice, if not please let me know. Thank you again!

Karen

**From:** BJORK Mary F \* WRD <Mary.F.Bjork@oregon.gov>  
**Sent:** Tuesday, February 04, 2020 5:58 PM  
**To:** Karen Williamson <karen.williamson@wilksbrothers.com>  
**Cc:** BJORK Mary F \* WRD <Mary.F.Bjork@oregon.gov>  
**Subject:** (EXTERNAL) Wilks Ranch Assignments

Hi Karen,

Thanks for taking my call. As discussed, please provide the name of the person who signed the assignment forms. I need to confirm that they are authorized to sign for Wilks Ranch.

I have included one of the forms to this email, the signature is the same on all of them.

Best Regards,

*Mary F. Bjork*

Water Rights Program Analyst

725 Summer St NE Suite A | Salem OR 97301 | Phone 503-986-0817



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

CONFIDENTIALITY NOTICE: This e-mail, including any attachments, is for viewing and use solely by the intended recipient(s), and may contain confidential, privileged and/or proprietary information. If you have or believe that you may have received this e-mail in error, please contact the sender immediately by replying to this email and please permanently delete all copies of this email, including any sent (reply) copy, from your computer. The sender can also be contacted by telephone at (817) 850-3600.





# Oregon

John A. Kitzhaber, MD, Governor

November 20, 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](http://www.wrd.state.or.us)

Wilks Ranch Oregon, Ltd.  
P.O. Box 111  
Cisco, Texas 76437

Reference: Application G-12868, Permit G-12613 – Application G-10811, Permit G-9930

The assignment from Garrett Roseberry; Pine Mountain Cattle Co. to Wilks Ranch Oregon, Ltd. has been recorded in the records of the Water Resources Department.

The Departments records will now show Wilks Ranch Oregon Ltd. as the permit holder of record.

Our records have been changed accordingly and the original request is enclosed. Receipt number 114063 covering the recording fee is also enclosed.

A permit is not a perfected water right, and has conditions and timelines that must be satisfied prior to a Certificate of Water Right being issued. Please review the permits to be familiar with the conditions and timelines contained in the permits.

Please note that these permits require complete application of water to the proposed use by a specific time, and 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). Failure to submit these claims or an application for extension of time by those deadlines can result in cancellation proceedings being initiated.

Sincerely,

Jerry Sauter  
Water Rights Program Analyst  
Water Right Services Division

Enclosure: Receipt 114063

cc: Watermaster 17  
Garrett Roseberry  
Data Center, OWRD (cover letter & request)  
Hydrographics  
Dorothy Pederson  
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

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

I, Garrett Roseberry; Pine Mountain Cattle Co.; Lloyd Powell

(Name of Applicant / Permit / Transfer Holder / License Holder/GR Certificate of Registration)

P.O. Box 831

Lakeview

OR

97630

541-353-2524

(Mailing Address)

(City)

(State)

(Zip)

(Phone #)

☒ hereby assign all my interest in and to application/permit/transfer/license/GR Certificate of Registration;

☐ hereby assign all my interest in and to 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.)

☐ hereby assign a portion of my interest in and to the entire application/permit/transfer/license/GR Certificate of Registration:

Application # G-12868

; Permit # G-12613

; Transfer # \_\_\_\_\_

-OR-

License # \_\_\_\_\_

; GR Statement # \_\_\_\_\_

; GR Certificate of Registration # \_\_\_\_\_

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

Wilks Ranch Oregon, Ltd.

(Name of New Owner)

P.O. Box 111

Cisco

TX

76437

817-850-3616

(Mailing Address)

(City)

(State)

(Zip)

(Phone #)

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

I hereby certify that I have notified all other owners of the property described in this Application, Permit, Transfer, License, or GR Certificate of Registration of this Request for Assignment

Witness my hand this 10 day of 10<sup>th</sup>, 20 14.

Applicant/Permit Holder Garrett Roseberry

Applicant/Permit Holder \_\_\_\_\_

ASSIGN  
11/18/2014

## DO NOT WRITE IN THIS BOX

- This certifies assignment and record change at Oregon Water Resources Department effective 8:00a.m. on date of receipt at Salem, Oregon.
- Fee receipt # 114063
- 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

NOV 17 2014

SALEM, OR





# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

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

November 1, 2008

LLOYD POWELL, GARRETT ROSEBERRY  
PO BOX 45  
BLY OR 97622

Subject: Water Right Permit Number G- 12613

Dear Permit holder,

Oregon Administrative Rule 690-217-0020(1) requires that ground water permit holders with a priority date after December 20, 1988, submit the results of a pump test before the Water Resources Department can issue a water right certificate. A copy of your permit is enclosed. The purpose of this letter is to remind you of the pump test requirement.

Pump tests are intended to provide aquifer and well information for ground water resource characterization and to help solve well problems. There is no penalty for not submitting a pump test.

If there is a reason why a pump test cannot be performed on a well, the owner may request from the Director an exemption from the pump test requirement. Requests shall be in writing and include the reason why a pump test cannot be performed. Exemptions, or conditioned exemptions, shall be granted if the reasons are found to be valid and eliminating the problem would place an unreasonable burden on the well owner. Exemptions shall be granted for public water supply wells if pump testing will cause interruption of service to customers.

Pump tests shall not be required of wells with diameters greater than 36 inches and depths less than 30 feet. Pump tests shall not be required of collector-type wells or infiltration galleries. If your well meets one of these two requirements please let us know.

If you are interested in conducting the pump test yourself, you should first review the requirements at [http://arcweb.sos.state.or.us/rules/OARS\\_600/OAR\\_690/690\\_217.html](http://arcweb.sos.state.or.us/rules/OARS_600/OAR_690/690_217.html) or ask that a copy of the rules be sent to you.

A copy of the pump test form has been included. If you have questions, if you are not the owner of a ground water permit or if you have moved, please call the Department at 503-986-0900.

Sincerely,

Diana Durbin  
Water Rights Certificate Staff

C: Permit File



690-217-0050

### **Qualifications for Conducting Pump Tests**

Only pump tests conducted by the well owner, a full-time employee of the well owner who routinely works with and is familiar with wells and pumps, or a qualified individual authorized by the well owner shall be accepted by the Director. Individuals in the following groups will be considered qualified and authorized provided they have significant experience conducting pump tests:

- (1) Oregon licensed water well constructors.
- (2) Oregon registered professional geologists or certified engineering geologists.
- (3) Certified water rights examiners.
- (4) Oregon registered professional engineers.
- (5) Individuals whose primary occupation involves, wholly or in significant part, pump installation, service or testing.



STATE OF OREGON

COUNTY OF KLAMATH

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

LARRY OLSON  
700 PORT AVE  
ST. HELENS, OREGON 97051

(503) 397-6385

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

APPLICATION FILE NUMBER: G-12868

SOURCE OF WATER: A WELL, IN THE NORTH FORK SPRAGUE RIVER BASIN

PURPOSE OR USE: IRRIGATION OF 107.2 ACRES AND SUPPLEMENTAL IRRIGATION OF 309.5 ACRES

MAXIMUM RATE: 5.209 CUBIC FEET PER SECOND

PERIOD OF USE: MARCH 1 TO OCTOBER 1

DATE OF PRIORITY: APRIL 8, 1992

POINT OF DIVERSION LOCATION: NW 1/4 NE 1/4, SECTION 4, T36S, R14E, W.M.; 1000 FEET SOUTH AND 2520 FEET WEST FROM THE NE CORNER OF SECTION 4

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NE 1/4 NE 1/4	10.0 ACRES	
NW 1/4 NE 1/4	40.0 ACRES	
SW 1/4 NE 1/4	18.1 ACRES	21.9 ACRES
SE 1/4 NE 1/4		19.0 ACRES
NE 1/4 NW 1/4	18.2 ACRES	21.8 ACRES
NW 1/4 NW 1/4		34.8 ACRES
SW 1/4 NW 1/4		40.0 ACRES
SE 1/4 NW 1/4	20.9 ACRES	19.1 ACRES
NE 1/4 SW 1/4		36.0 ACRES
NW 1/4 SW 1/4		40.0 ACRES
SW 1/4 SW 1/4		16.0 ACRES
SE 1/4 SW 1/4		8.0 ACRES



NE 1/4 SE 1/4  
NW 1/4 SE 1/4

33.1 ACRES  
19.8 ACRES

SECTION 4  
TOWNSHIP 36 SOUTH, RANGE 14 EAST, W.M.

Measurement, recording and reporting conditions:

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

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

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

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

STANDARD CONDITIONS

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



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

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

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

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

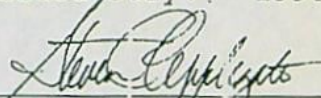
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

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

Actual construction of the well shall begin within one year from permit issuance and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued July 17 1996

  
for Martha O. Page, Director  
Water Resources Department

Application G-12868    Water Resources Department    PERMIT G-12613  
Basin 14    Volume 2A, North Fork Sprague River & Misc.    District 17  
MGMT.CODES 7BG, 7BR, 7JG, 7JR



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

**Well Owner:**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
County: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Original owner (from well log): \_\_\_\_\_

**Well Location:**

Township: \_\_\_\_\_ (N/S) Range: \_\_\_\_\_ (E/W)  
Section: \_\_\_\_\_ 1/4: \_\_\_\_\_ 1/16: \_\_\_\_\_ 1/64: \_\_\_\_\_  
Well depth: \_\_\_\_\_ Date drilled: \_\_\_\_\_  
Owners well no. (if any): \_\_\_\_\_  
POD ID: \_\_\_\_\_

**Water Right Information:**

Application: \_\_\_\_\_ Permit: \_\_\_\_\_ Certificate: \_\_\_\_\_  
Is this well listed on more than one water right? ☐ Yes If yes, list additional water rights below:  
Application: \_\_\_\_\_ Permit: \_\_\_\_\_ Certificate: \_\_\_\_\_  
Application: \_\_\_\_\_ Permit: \_\_\_\_\_ Certificate: \_\_\_\_\_

**Pump Test:**

Test Conducted by: \_\_\_\_\_ Well Owner? ☐ Yes  
Company: \_\_\_\_\_ Date of Test: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Daytime phone: \_\_\_\_\_

Method of discharge measurement (see our brochure for acceptable methods): \_\_\_\_\_  
Method of water-level measurement (pick one or enter other method used): \_\_\_\_\_  
Length of air line (if used): \_\_\_\_\_

Pump type (pick one or enter other method used): \_\_\_\_\_

Was the pump test conducted during normal use of the well? ☐ Yes Note: \_\_\_\_\_

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

Is there a lake, stream or other surface water body within 1/4 mile of the tested well? ☐ Yes If yes, give approximate distance from the well and approximate elevation difference between the surface water and the well head. Approx. distance: \_\_\_\_\_ ft Approx. elevation difference: \_\_\_\_\_ ft

Well elevation is \_\_\_\_\_ surface water body.

Description of measuring point (e.g. top port of 1 inch port pipe, west side) \_\_\_\_\_

Measuring point distance \_\_\_\_\_ land surface \_\_\_\_\_ feet.

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

Time	Depth to water below meas. point	Depth to water below land surface
_____	_____	_____
_____	_____	_____
_____	_____	_____

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

Time	Discharge Rate	Discharge Units (e.g. gpm, cfs, etc)
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Time pump turned on: Date \_\_\_\_\_ Time \_\_\_\_\_  
Time pump turned off: Date \_\_\_\_\_ Time \_\_\_\_\_  
Total pumping time: \_\_\_\_\_ hours \_\_\_\_\_ minutes

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

Additional forms can be obtained from our web site at: <http://www.wrd.state.or.us>

OWRD 2/9/2000

Required Signature: \_\_\_\_\_



Page \_\_\_\_\_ of \_\_\_\_\_

Application: \_\_\_\_\_ Permit: \_\_\_\_\_ Certificate: \_\_\_\_\_ Pod\_Id: \_\_\_\_\_

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

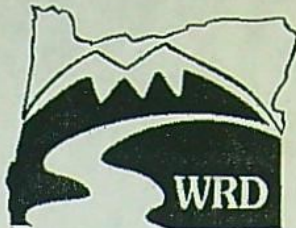
## Drawdown Data

## Recovery Data

[illegible]



# Completion Checklist for CWRE Claims of Beneficial Use



Date Received 7-24-2007  
 CWRE Name ADKINS  
 Claim Logged \_\_\_\_\_  
 File Marked \_\_\_\_\_  
 Oversized Map # 0276  
 Read the file and attach a copy of the permit or transfer final order. \_\_\_\_\_

Application # G-12868  
 Permit # G-12613  
 Transfer # \_\_\_\_\_  
 Date 7-30-2007  
 Reviewer J. Gainer

"C" = 10/1/1999  
 System in / operational  
 June 1999 per  
 Hr of 10/12/1999.

## Map Review:

- ☒ Map on polyester film
- ☒ Application & permit #; or transfer #
- ☒ Disclaimer
- ☒ North arrow
- ☒ CWRE stamp and signature
- ☒ Appropriate scale (1" = 1320', 1" = 400', or the original full-size scale of the county assessor map)
- ☒ Township, range, section, and tax lot numbers
- ☒ Source illustrated if surface water
- ☒ Point(s) of diversion or appropriation (illustrated)
- ☒ Point(s) of diversion or appropriation (coordinates)
- ☒ Conveyance structures illustrated (pump, pipelines, ditches, etc.)
- ☒ Description of the location, in relation to the point of diversion or appropriation, of any fish screens, by-pass devices, and measuring devices required
- ☒ Place of use (1/4 1/4, or projected 1/4 1/4 lines within DLCs, or Gov Lots; if irrigation, # of acres in each subdivision; if for domestic or human consumption, location of dwelling or spigot)

## Report Review:

- ☒ On form or format provided by the Department
- ☒ Application & permit #; or transfer #
- ☒ Ownership information
- ☒ Date of survey -
- ☒ Person interviewed
- ☒ County
- ☒ Tax lot information
- ☒ Description of conveyances system (from POD to POU)
- ☒ Source(s) of water
- ☒ Point of diversion/appropriation location
- ☒ Use, period of use, and rate for use
- ☒ Place of use location
- ☒ Type of use
- ☒ Extent of use
- ☒ Rate and Duty
- ☒ Diversion rate for each use
- ☒ Diversion works description (pump make, serial model, capacity, and description)
- ☒ System capacity
  - ☒ Calculated capacity of system (required)
  - ☒ Measured amount of use (optional)
- ☒ Permit/Transfer Final Order Conditions
  - \_\_\_\_\_ Time limits
  - \_\_\_\_\_ Initial water level measurements
  - \_\_\_\_\_ Annual static water level measurements
  - \_\_\_\_\_ Measurement, recording, and reporting
    - ☒ Meter/measuring device
    - ☒ Water use reporting in file for years 1997 & 1998.
  - \_\_\_\_\_ Fish screening and/or by-pass
  - ☒ Pump test (ground water) -
  - \_\_\_\_\_ Other conditions
- ☒ CWRE stamp and signature
- ☒ Signature(s) of permittee of transfer holder



## Certificate Issuance Processing Checklist

\_\_\_\_\_ Map and COBU reviewed  
\_\_\_\_\_ Conflict check (include copy of plat card printout)  
\_\_\_\_\_ Check for ownership

Any Conflicts? \_\_\_\_\_

### Staff Recommendations:

\_\_\_\_\_ Proof to the Satisfaction has been established to the full extent as described in the permit or transfer order.

\_\_\_\_\_ Proof to the Satisfaction has been not been established to the full extent as described in the permit or transfer order and the right should be limited as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ Proof to the Satisfaction has not been established for the following reasons: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

#### Proposed Actions:

Send letter requesting the following items/information: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ Send letter recommending extension to cure deficiencies: \_\_\_\_\_  
\_\_\_\_\_

Can certificate be processed further?

\_\_\_\_\_ Yes

If "Yes":

\_\_\_\_\_ Proposed  
\_\_\_\_\_ Final

Certificate # \_\_\_\_\_

Mailing list:

Proposed:

Final:



## Letter of Transmittal

To: Gerald E. Clark Date: July 23, 2007  
Water Resources Department  
725 Summer St. NE, Ste A  
Salem, OR 97301 RE: COBU Permit # G-12613

We are sending you:

- ☒ Attached ☐ Under separate cover via \_\_\_\_\_ the following items:
- ☐ Shop Drawings ☐ Prints ☐ Plans ☐ Samples ☐ Other
- ☐ Specifications ☐ Submittals ☐ Change orders ☐ Sign & Return

Copies	Date	Description
1	7/2/07	Claim of Beneficial Use Permit # G-12613
1	7/17/1996	Permit to Appropriate the Public Waters # G-12613
1	4/4/1992	Water Well Report KLAM 10435
2 pgs		Pump Capacity Calculation Sheets
1		Assessors map T36S, R14E & Index
1		Digital copy of Final Proof Map
1	7/20/07	Mylar FP map

These are transmitted as checked below:

- ☒ For approval ☐ Approved as submitted ☐ Resubmit \_\_\_\_\_ copies for approval
- ☐ For your use ☐ Approved as noted ☐ Submit \_\_\_\_\_ copies for distribution
- ☐ As requested ☐ Returned for corrections ☐ Return \_\_\_\_\_ corrected prints
- ☐ For review and comment ☐

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JUL 24 2007

WATER RESOURCES DEPT  
SALEM, OREGON

Signed: Vickie Ream

Vickie Ream  
for Adkins Consulting Engineers, Inc.

File 2488-01

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OVER THE COUNTER



This form is subject to revision. Begin each new claim by checking for a new version of this form and downloading a new one if necessary.

If you have questions regarding the completion of this form, contact:

Gerry Clark by e-mail at [Gerald.E.CLARK@wr.d.state.or.us](mailto:Gerald.E.CLARK@wr.d.state.or.us) or by phone at 503-986-0811,

Or Jerry Gainey by e-mail at [Jerry.W.GAINEY@wr.d.state.or.us](mailto:Jerry.W.GAINEY@wr.d.state.or.us) or by phone at 503-986-0812.

The Department has a new program that allows a permit holder to pay the cost to have a private contractor review of the claim and, if appropriate, prepare a certificate. This new program means a certificate can be issued in about a month. The Department has a list of trained contractors that are selected on a rotating basis. For more information on this program see: <http://www.wr.d.state.or.us/programs/index.shtml>.

\*\*This box can be deleted

Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301-1266

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JUL 24 2007

WATER RESOURCES DEPT  
SALEM, OREGON

## CLAIM OF BENEFICIAL USE

The completion of this form is required by OAR 690-014-0100(1) and 690-014-0110(4).

Please type or print in dark ink. If this form is found to contain errors or omissions, it may be returned to you. Every numbered item must have a response. If any requested information does not apply to the Claim, insert "n/a." Do not delete any section of this form unless directed by the form. The Department may require the submittal of additional information from any water user or authorized agent. A separate form shall be completed for each permit or transfer final order.

### I. General Information

#### 1. File Information

Application Number (G, R, S or T)	Permit Number (if applicable)
G-12868	G-12613

#### 2. Property owner (current owner information)

##### a. Individuals

Name	Garrett Roseberry	Lloyd Powell
Mailing Address	PO Box 45	725 Market Street
City/State/Zip	Bly, OR 97622	Kirkland, WA 98033
Phone #	541-353-2524	
Fax #		
e-mail address		

##### b. Businesses/Organizations

Name	Pine Mountain Cattle Company
Contact Person and Title	Garrett Roseberry
Mailing Address	PO Box 45
City/State/Zip	Bly, OR 97622
Phone	541-353-2524
Fax	
e-mail	



If the current property owner is not the permittee or transfer holder of record, it is recommended that an assignment be filed with the Department. The COBU must be signed by the permit/transfer holder of record.

3. Permittee / Transferee of record (this may, or may not, be the current property owner)

c. Individuals

	Individual 1	Individual 2
Name	Garrett Roseberry	Lloyd Powell
Mailing Address	PO Box 45	725 Market Street
City/State/Zip	Bly, OR 97622	Kirkland, WA 98033

d. Businesses/Organizations

Name	Pine Mountain Cattle Company
Contact Person and Title	Garrett Roseberry
Mailing Address	PO Box 45
City/State/Zip	Bly, OR 97622

4. Date of Site Inspection:

5. Person(s) interviewed and description of their association with the project:

Name	Date	Association with the project
Garrett Roseberry	09-24-05	Owner

6. County:

7. Tax Lot Information:

Tax map number	Tax lot number
36 14 & Index	700, 701, 800

8. If any property described in the place of use of the permit or transfer final order is excluded from this report, identify the owner of record for that property (ORS 537.230(3)):

\*\*Mark "NA" if there are no owners of property not included in this claim

Name	n/a
Contact Person and Title	
Mailing Address	
City/State/Zip	
Phone #	

Name	
Contact Person and Title	
Mailing Address	
City/State/Zip	
Phone #	

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JUL 24 2007



## II. Points of Diversion/Appropriation and Place of Use

For each point of diversion or appropriation, provide the following information. If the claim is for more than one point of diversion/appropriation, copy and complete this section for each point of diversion or appropriation.

1. Provide a general narrative description of the distribution works. This description must trace the water system from the point of diversion or appropriation to and include the place of use:

### Primary Lands

**Gov Lot 2 (NWNE)-** water is pumped from the well with a 75 hp motor, then a 25 hp booster pump conveys the water via 730 feet of buried 4 inch line to a 4 inch mainline, which supplies a 570 feet long 4 inch wheel line with 18 sprinkler heads with 3/16 inch orifices. Lands north of the mainline is sprinkled, and the lands south of the mainline is flooded from the mainline. At the southwest corner of this Gov. Lot, water is conveyed from the well pump into 125 feet of 12 inch buried pipe to the east, which supplies water to an 8 inch gated pipe situated along the south side of the runway, from which lands to the south are flood irrigated. 0.8 acre is irrigated by handlines which are fed from the booster pump via 900 feet of 4 inch mainline which feeds 3 inch handlines. At the time of inspection, there were 25 joints of 4 inch mainline and 5 joints of 3 inch handlines operating to sprinkle this area.

**SWNE-** in the northwest corner 3.9 acres are flooded from the 8 inch gated pipe discussed in G.L. 2. The 4.9 acres in the southwest corner are supplied flood water from the well pump via 120 feet of 12 buried pipe, which discharges to the southwest into the supply ditch on the southwest side of the access road. This supply ditch supplies water under Certificates 9967, 9983, and 37829. Water is released from this ditch to flood the surrounding lands under these certificates and this permit.

**Gov. Lot 3 (NENW)-** 12.5 acres are irrigated by sprinklers and flooding. The northerly portion is irrigated utilizing the 4 inch mainline discussed in the SWNE above, plus 20 joints of 3 inch hand line with 20 sprinklers each with 3/16 inch nozzles. The southerly portion of this 12.5 acres is flooded from the 4 inch mainline. The 3.9 acres westerly of the access road is flooded from an 8 inch gated pipe, which is supplied water from the well pump and 120 feet of 12 inch pipe.

**SENW-** 10.6 and 0.6 acre areas are flood irrigated from the will pump via 120 feet of 12 inch buried pipe which discharges to the southwest into the supply ditch on the southwest side of the access road. This supply ditch supplies water under Certificates 9967, 9983, and 37829. Water is released from this ditch to flood the surrounding lands under these certificates and this permit. The 4.2 acres are supplied flood water from the well pump via 2,365 feet of 12 inch pipe, which discharges into a 24 inch corrugated metal pipe situated in the "high ditch" located on the south side of the Sprague River. This high ditch and ditches to the west and northwest supply flood water to lands in Certificates 9967, 9983, and 37829, and to this 4.2 acres.

**NESW-** from the application map it appears the intent was to request primary water rights for the non-certificated lands north of the Sprague River. Since the application was filed, higher quality aerial photos (NAIP 2005) were developed and used for the final proof survey to more precisely locate the river. 1.0 acres are in this 1/41/4 which are also flooded along with the 10.6 acres in the SENW. Therefore this 1.0 acres are included.

**NWSE-** the 0.3 acre area in the northwest corner is flooded as primary for the same reason the 1.0 acre area in the NESW is considered primary.

RECEIVED



### Supplemental Lands

Water is provided to the supplemental lands from the well pump via the 120 feet of buried 12 inch pipe to the southwest, where it discharges into a supply ditch which flood irrigates lands north of the Sprague River under Certificates 9967, 9983, and 37829. Lands south of the Sprague River are provided supplemental water from the well pump via 2,365 feet of 12 inch pipe, which discharges into a 24 inch corrugated metal pipe situated in the "high ditch" located on the south side of the Sprague River. This high ditch and ditches to the west and northwest supply flood water to lands in Certificates 9967, 9983, and 37829.

#### 2. Point of diversion/appropriation name or number (correspond to map):

Point of diversion/appropriation name or number (correspond to map)	Well log ID # for all work performed on the well (if applicable)	Well tag # (if applicable)
<b>Airport Well</b>	<b>10435</b>	

Attach each well log available for the well (include the log for the original well and any subsequent alterations, reconstructions, and deepenings)

#### 3. Point of diversion/appropriation source and, if from surface water, the tributary:

Source	Tributary to
<b>Well</b>	

#### 4. Point of diversion/appropriation location:

(DLC, Government Lot, 1/4 1/4, Section, Township, Range)	Reference to a recognized public land survey corner by distance and bearing or by coordinates
<b>NE1/4NW1/4 Sec 4, T36S R14 E, WM</b>	<b>S 65 43' 36" E 2,789 ft. from NW Corner Sec. 4</b>

#### 5. Actual use(s), period of use, and rate for each use:

Uses	If irrigation, list crop type	When water is used	Rate for use
<b>Irrigation</b>	<b>Pasture</b>	<b>March 1<sup>st</sup> to October 1<sup>st</sup></b>	<b>1/80 cfs/ac.</b>

<b>Total Quantity of Water</b>	<b>4.50 cfs</b>
<b>Primary</b>	<b>0.73 cfs</b>
<b>Supplemental</b>	<b>3.77 cfs</b>

#### 6. Place of use for the point of diversion or appropriation:

DLC	Gov lot	1/4 1/4	Section	Township	Range	Use	# of primary acres	# of supplemental acres
	<b>1</b>	<b>NE NE</b>	<b>4</b>	<b>36S</b>	<b>14E</b>		<b>0</b>	<b>0</b>
	<b>2</b>	<b>NW NE</b>	<b>4</b>	<b>36S</b>	<b>14E</b>		<b>16.3</b>	<b>0</b>
		<b>SW NE</b>	<b>4</b>	<b>36S</b>	<b>14E</b>		<b>9.1</b>	<b>20.4</b>
		<b>SE NE</b>	<b>4</b>	<b>36S</b>	<b>14E</b>		<b>0.1</b>	<b>17.1</b>
	<b>3</b>	<b>NE NW</b>		<b>36S</b>	<b>14E</b>		<b>16.4</b>	<b>19.6</b>
	<b>4</b>	<b>NW NW</b>					<b>0</b>	<b>29.0</b>
		<b>SW NW</b>					<b>0</b>	<b>38.8</b>
		<b>SE NW</b>					<b>15.4</b>	<b>22.5</b>
		<b>NE SW</b>					<b>1.0</b>	<b>36.9</b>

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		NW SW						40.0
		SW SW						16.0
		SE SW						8.8
		NE SE						34.0
		NW SE					0.3	18.6

Total Acres Irrigated 360-3

Total Primary Acres 58.6

Total Supplemental Acres 301.7

### Groundwater Source Information (Well and Sump)

\*\*If the appropriation is not from ground water (well or sump), this section, items 1-5, can be deleted.

1. Describe the access port (type and location) or other means to measure the water level in the well in the box below:

1 1/2" port is located on the side of well casing. Due to e-tape hang-up, water level could not be measured with e-tape. Air line and 0-100 psi gauge w/2 psi deviations was used to determine draw-down. Since there are no pump installation records, water level below ground surface could not be determined.

2. If well logs are not available, provide as much of the following information as possible:

Casing Diameter	Casing Depth	Total Depth	Completion Date of Original Well	Completion Dates of Alterations	Who the well was drilled for	Well drilled by

In addition to the information requested in item "2" above, provide any other information which may help the Department locate any well logs associated with this appropriation.

See attached well log.

\*\*If the appropriation is not from a sump, the following section, items 3-4, can be deleted. Construction standards for sumps can be found in OAR 690-210-0400.

### Reservoir Data

\*\*If this claim is not for a reservoir, or the system does not involve a reservoir as part of the distribution system, this section, items 1-7, can be deleted.

### Storage tank data

\*\*If this system does not include a storage tank as part of the distribution system, this section, item 1, can be deleted.

**Gravity flow pipe** (The Department typically uses the Hazen-William's formula for a gravity flow pipe system)

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\*\*If this claim does not rely on a gravity flow pipe to convey the water as part of the distribution system, this section, items 1-3, can be deleted.

**Gravity flow canal or ditch** (The Department typically uses Manning's formula for canals and ditches)

\*\*If this claim does not rely on a gravity flow canal or ditch to convey the water as part of the distribution system, this section, items 1-3, can be deleted.

Primary lands are irrigated by pressure pipe to those lands. All supplemental lands receive water from the well pump to the supply ditches of Certificates 9967, 9983, and 37829 via a 120 feet long 12 inch buried pipe for lands north of the Sprague River, and a 2,365 feet long 12 inch buried and surface laid pipe to the "High Ditch" on the south side of the Sprague River. There are various sized distribution ditches which further distribute the water. All are earth ditches with slopes less than 1%.

### System Information:

Provide the following information concerning the diversion and delivery system. Trace the flow of water from the point of diversion/appropriation to the place of use.

#### 1. Pump information

Brand	Model	Serial Number	Type (centrifugal, turbine or submersible)	Intake size	Discharge size
Well Pump Booster Pump- Cornell	3W25-2	74526	No pump information could be found.  Cent.	6 in	6 in

#### 2. Motor information

Brand	Model	Horsepower	Max RPM	Voltage
Well Pump- US Booster Pump- Marathon Electric	HighThrust XVL 256 TTDR 5009 AP L	75 25	1774 3470	230/460 230/460

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#### 3. Meter information (if required in permit or transfer final order)

Make	Serial #	Condition (working or not)	Current meter reading	Notes
McCrometer		Working	310239 gallons	x1000 0-4000 gpm meter

#### 4. Measurement device description

Device description	Condition (working or not)	Notes
n/a		

#### 5. Measured pump capacity (using meter if meter was present and system was operating)

Initial meter reading	Ending meter reading	Duration of time observed	Total pump output
310239 x 1000	310977 x 1000	4 hours	6.85 cfs

#### 6. Theoretical pump capacity

Horsepower	Operating psi	Lift from source to pump *If a well, the water level during pumping (see pump test results)	Lift from pump to place of use	Total pump output
75	Not measured	62 ft (from well log)	-6 ft & -27 ft	6.85 cfs



25	60	0	35 ft	
----	----	---	-------	--

7. Provide pump calculations in the box below:

See attached calculation sheets.

8. Mainline information

Mainline size	Length	Type of pipe	Buried or above ground
12 in	2365 ft	Steel	Buried
4 in	1220 ft	Steel & Alum	Buried & Above Ground

9. Lateral or handline information

Lateral or handline size	Length	Type of pipe	Buried or above ground
3 in	600 ft	Alum	Above Ground

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10. Sprinkler information Make and model:

Make	Model	Size	Operating psi	Sprinkler output	Maximum number used	Total sprinkler output
Rain Bird	impact	3/16	60	7.8 gpm	37	0.643 cfs

Refer to the chart of sprinkler output at various pressures for most nozzle sizes attached to this document.

$$Q_{\text{sprinklers}} = \frac{(\text{max \# heads})(\text{gpm/head})}{448.8 \text{ gpm/cfs}} = \text{cfs}$$

11. Additional notes or comments related to the system:

### III. CONDITIONS

Please pay special attention to this section. All conditions contained in the permit or transfer final order shall be addressed. Reports that do not address all performance related conditions will be returned.



### 1. Time Limits:

- a. Permits or transfer Final Orders contain any or all of the following dates; the date when the actual construction work was to begin, the date when the construction was to be completed, and the date when the complete application of water to the proposed use is to be completed by. These dates may be referred to as ABC dates. Describe how the water user has complied with each of the development timelines established in the permit or transfer final order:

	Dates from permit or transfer final order	Date accomplished	Description of actions taken by water user to comply with the time limits
Begin construction	07-17-96	03-25-92	
Complete construction	11-01-98		All improvements were complete when the land was purchased.
Complete application of water	11-01-99		

### 2. Initial Water Level Measurements:

\*\*If the Claim is for surface water or a reservoir, or if the water user was not required to submit static water level measurements, items b through e relating to this section can be deleted.

- a. Was the water user required to submit an initial static water level measurement? YES NO NA

### 3. Annual Static Water Level Measurements: n/a

\*\*If the Claim is for surface water or a reservoir, or if the water user was not required to submit static water level measurements, items b through e relating to this section can be deleted.

- a. Was the water user required to submit annual static water level measurements? YES NO NA

### 4. Measurement, recording, and reporting conditions:

- a. Does the permit or transfer final order require the installation of a meter or approved measuring device?  
YES NO

If a meter or approved measuring device was required, the COBU map must indicate the location of the device in relation to the point of diversion or appropriation.

\*\*If "NO", items b through g relating to this section can be deleted.

- b. Has a meter been installed? YES NO

- c. Provide the date the meter was installed:

New meter installed September, 2004

- d. If a meter has not been installed, has a suitable measuring device been installed and approved by the Department? YES NO

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e. If "YES", provide a copy of the letter approving the device, if available. If the letter is not available provide the name and title of the Water Resources Department employee approving the measuring device, and the approximate date of the approval:

Name	Title	Approximate date
n/a		

f. Is the water user required to report the water use to the Department? YES NO

g. Have the reports been submitted? YES NO

If the reports have not been submitted, attach a copy of the reports if available.

#### 5. Fish Screening and/or By-pass Devices. n/a

a. Are any points of diversion required to be screened and/or have a by-pass device to prevent fish from entering the point of diversion? YES NO NA

If fish screening and/or by-pass devices were required, the COBU map must indicate their location in relation to the point of diversion.

\*\*If "NO", items b through i relating to this section can be deleted

#### 6. Pump Test (Required for ground permits prior to issuance of a certificate, but not a requirement of permit development)

a. Did the permit require the submittal of a pump test? YES NO NA

b. Has the pump test been previously submitted to the Department? YES NO

c. Has the pump test been approved by the Department? YES NO

d. If no, is the pump test attached to this Claim? YES NO

7. **Other Permit Conditions** (examples: special well construct standards, water conservation plans, no obstructions to fish without a fishway, etc.; number as appropriate.)

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#### IV. Variations, Attachments, Conclusions, Map and Signatures

##### Variations

Include a description of variations from the permit or transfer final order

**NESW-** from the application map it appears the intent was to request primary water rights for the non-certificated lands north of the Sprague River. Since the application was filed, higher quality aerial photos (NAIP 2005) were developed and used for the final proof survey to more precisely locate the river. 1.0 acres are in this 1/41/4 which are also flooded along with the 10.6 acres in the SENW. Therefore this 1.0 acres are included.

**NWSE-** the 0.3 acre area in the northwest corner is flooded as primary for the same reason the 1.0 acre area in the NESW is considered primary.



## Attachments

If you are attaching any documents to this report, provide a list below:

Attachment name	Description
Map	Final Proof Map
Well Log	Well Log
Pump Test	4 Hour Pump Test

## Permit and Transfer Final Order Rates and System Rates Comparisons:

POD or POA name or #	Maximum rate allowed by permit or transfer final order	Calculated theoretical rate of water based on system	Actual amount of water measured (if measured)	Developed use	# of acres allowed by permit or transfer final order	# of acres developed
Airport Well	5.209 cfs	5.56 cfs	6.85 cfs	pasture	416.7	360.3

## Claim of Beneficial Use Map

The Claim of Beneficial Use Map must be submitted with this Claim. Claims submitted without the Claim of Beneficial Use map will be returned. The map shall be submitted on poly film at a scale of 1" = 1320', 1" = 400', or the original full-size scale of the county assessor map for the location.

In the following box, provide a general description of the survey method used to prepare the map. Examples of possible methods include, but are not limited to, a traverse survey, GPS, or the use of aerial photos. If the basis of the survey is an aerial photo, provide the source, date, series and the aerial photo identification number.

Trimble 4800 GPS survey equipment was used to tie the well location and measure the area of the primary lands for this permit. Supplemental areas were replicated from Certificates #9967, 9983, & 37829

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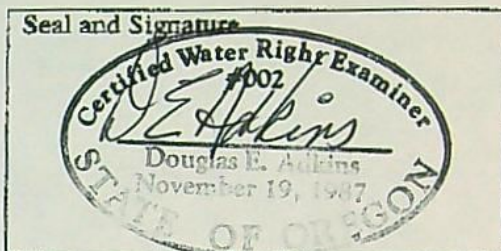
07/02/2007 17:07 FAX 541 353 2524

Pine Mtn Cattle

001

CWRE Statement, Seal and Signature

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge.

Permit or Transfer Holders Signature or Acknowledgement

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge. I request that the Department issue a water right certificate.

Lloyd W Powell LLOYD W POWELL JULY 2, 2007  
Signature Print or type name Date

Garrett L Roseberry Garrett L Roseberry JULY 2<sup>nd</sup>, 2007  
Signature Print or type name Date

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## STATE OF OREGON

## COUNTY OF KLAMATH

## PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

LARRY OLSON  
700 PORT AVE  
ST. HELENS, OREGON 97051

(503) 397-6385

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

APPLICATION FILE NUMBER: G-12868

SOURCE OF WATER: A WELL, IN THE NORTH FORK SPRAGUE RIVER BASIN

PURPOSE OR USE: IRRIGATION OF 107.2 ACRES AND SUPPLEMENTAL IRRIGATION OF 309.5 ACRES

MAXIMUM RATE: 5.209 CUBIC FEET PER SECOND

PERIOD OF USE: MARCH 1 TO OCTOBER 1

DATE OF PRIORITY: APRIL 8, 1992

POINT OF DIVERSION LOCATION: NW 1/4 NE 1/4, SECTION 4, T36S, R14E, W.M.;  
1000 FEET SOUTH AND 2520 FEET WEST FROM THE NE CORNER OF SECTION 4

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NE 1/4 NE 1/4	10.0 ACRES	
NW 1/4 NE 1/4	40.0 ACRES	
SW 1/4 NE 1/4	18.1 ACRES	21.9 ACRES
SE 1/4 NE 1/4		19.0 ACRES
NE 1/4 NW 1/4	18.2 ACRES	21.8 ACRES
NW 1/4 NW 1/4		34.8 ACRES
SW 1/4 NW 1/4		40.0 ACRES
SE 1/4 NW 1/4	20.9 ACRES	19.1 ACRES
NE 1/4 SW 1/4		36.0 ACRES
NW 1/4 SW 1/4		40.0 ACRES
SW 1/4 SW 1/4		16.0 ACRES
SE 1/4 SW 1/4		8.0 ACRES

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PAGE 2

NE 1/4 SE 1/4  
NW 1/4 SE 1/433.1 ACRES  
19.8 ACRES

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SECTION 4

TOWNSHIP 36 SOUTH, RANGE 14 EAST, W.M.

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## Measurement, recording and reporting conditions:

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

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

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

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

## STANDARD CONDITIONS

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



PAGE 3

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

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

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

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

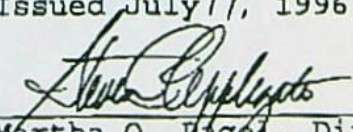
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

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

Actual construction of the well shall begin within one year from permit issuance and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued July 17, 1996

*for*   
Martha O. Fagel, Director  
Water Resources Department

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Application G-12868      Water Resources Department      PERMIT G-12613  
Basin 14      Volume 2A, North Fork Sprague River & Misc.      District 17  
MGMT.CODES 7BG, 7BR, 7JG, 7JR



**MAP TO ACCOMPANY GROUND WATER APPLICATION**

SITUATED IN SECTION 4, T36S, R14EWM,

KLAMATH COUNTY, OREGON

Application No. G-12668

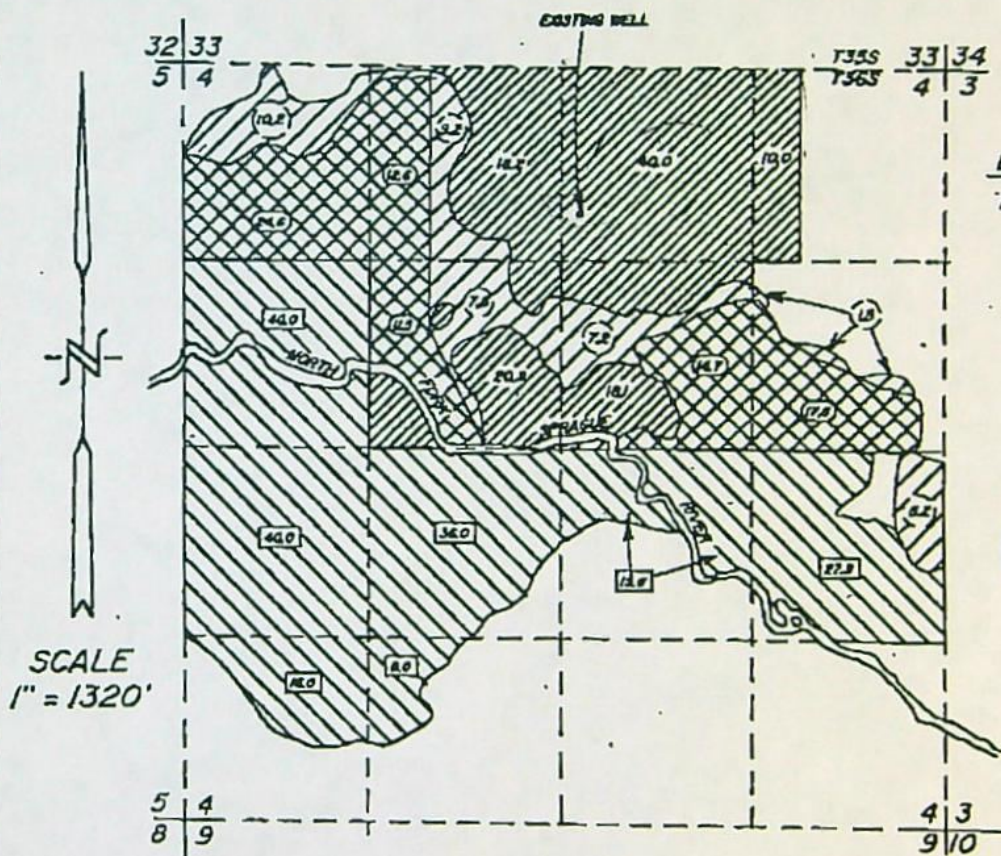
APRIL 1992

Permit No. G12613

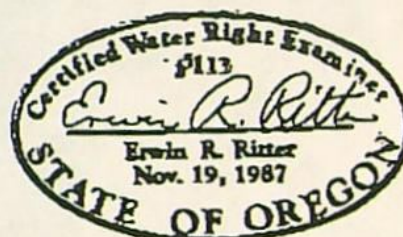
MAP PREPARED FOR

-- BERNARD L. SIMONSEN --

(DBA ROCKING AC RANCH)

MAP PREPARED FROM MAP OF CERTIFICATES #9967 AND  
9983, MAP OF CERTIFICATE #37829, AND 1987 WAC AERIAL  
PHOTO.

LOCATION OF EXISTING WELL BY OWNER

1000 FEET SOUTH AND 2520 FEET WEST OF  
THE NORTHEAST CORNER OF SECTION 4**RECEIVED**

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	INDICATES AREA SUPPLEMENTAL TO CERTIFICATE #37829	40.9 Ac.
	INDICATES AREA SUPPLEMENTAL TO CERTIFICATE #9983	187.7 Ac.
	INDICATES AREA SUPPLEMENTAL TO CERTIFICATE #9967	80.9 Ac.
	INDICATES PRIMARY LAND THIS APPLICATION	107.2 Ac.

**TOTAL AREA THIS APPLICATION****-- 416.7 Ac. --**(SEE ATTACHED SHEET FOR  
FURTHER BREAKDOWN OF AREAS)THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE  
WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE  
TO THE LOCATION OF PROPERTY OWNERSHIP BOUNDARY LINES.TRU-LINE SURVEYING  
2333 SUMMERS LANE  
KLAMATH FALLS, OR. 97603



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

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APR 10 1992

(START CARD) # 29199

(1) OWNER:

Name BERNARD SIMONSEN  
Address ROCKING AC RANCH - TUCKY PINE RD  
City BLU State OREGON Zip 97622

(2) TYPE OF WORK:

☒ New Well ☐ Deepen ☐ Recondition ☐ Abandon

(3) DRILL METHOD

☐ Rotary Air ☒ Rotary Mud ☐ Cable  
☐ Other

(4) PROPOSED USE:

☐ Domestic ☐ Community ☐ Industrial ☒ Irrigation  
☐ Thermal ☐ Injection ☐ Other

(5) BORE HOLE CONSTRUCTION:

Special Construction approval Yes ☐ No ☒ Depth of Completed Well 424 ft.  
Explosives used ☐ Yes ☒ No ☐ Type \_\_\_\_\_ Amount \_\_\_\_\_

HOLE			SEAL			Amount sacks or pounds
Diameter	From	To	Material	From	To	
22	0	49	CEMENT	0	49	75 SKS
16	49	200				
12 1/4	200	424				

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

Backfill placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Material \_\_\_\_\_  
Gravel placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Size of gravel \_\_\_\_\_

(6) CASING/LINER:

	Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing:	16.00	+1	49	280	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liner:					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Final location of sheets: 49 FEET

(7) PERFORATIONS/SCREENS:

☐ Perforations Method \_\_\_\_\_  
☐ Screens Type \_\_\_\_\_ Material \_\_\_\_\_

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

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

☒ Pump ☐ Bailor ☐ Air ☐ Flowing  
Yield gal/min \_\_\_\_\_ Drawdown \_\_\_\_\_ Drill stem at \_\_\_\_\_ Time \_\_\_\_\_

2500	6 FEET	4 Hrs
------	--------	-------

Temperature of water 53° E 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 KLAMATH Latitude \_\_\_\_\_ Longitude \_\_\_\_\_  
Township 36S N or S. Range 14E E or W. WM.  
Section 4 NE 1/4 NW 1/4  
Tax Lot 3614 Lot 0000 Block 0000 Subdivision \_\_\_\_\_  
Street Address of Well (or nearest address) TUCKY PINE RD.  
BLU, OREGON

(10) STATIC WATER LEVEL:

62 ft. below land surface. Date 3/25/92  
Artesian pressure \_\_\_\_\_ lb. per square inch. Date \_\_\_\_\_

(11) WATER BEARING ZONES:

Depth at which water was first found 310 FEET

From	To	Estimated Flow Rate	SWL
310	330	2500 GPM	
412	424		

(12) WELL LOG:

Material	From	To	SWL
BROWN CLAY & COARSE GRAVEL	0	1	
HARD SAND & COARSE GRAVEL	1	11	
HARD BROWN CHALK ROCK	11	45	
BROWN BASALT	45	48	
BLACK BASALT	48	93	
BROWN BASALT	93	95	
BROWN BASALT	95	143	
DECOMPOSED BROWN LAVA	143	157	
HARD BLACK BASALT	157	164	
HARD ELEGY BASALT	164	194	
BROWN LAVA	194	200	
BLACK BASALT	200	210	
BLACK BASALT & BROWN ASH	210	255	
HARD BROWN BASALT	255	286	
BROWN LAVA	286	332	
HARD BLACK BASALT	332	360	
HARD BROWN BASALT	360	396	
HARD ELEGY BASALT	396	412	
HARD BROWN BUBBLY BASALT	412	424	

Date started 3/6/92 Completed 3/25/92

(unbonded) Water Well Constructor Certification:

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

Signed \_\_\_\_\_ WWC Number \_\_\_\_\_  
Date \_\_\_\_\_

(bonded) Water Well Constructor Certification:

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

Signed [Signature] WWC Number 601  
Date 4/4/92



## Pump Capacity Calculation Sheet

using Department designed formula:

$(\text{hp})(\text{efficiency}) / (\text{lift} + \text{psi head}) = \text{capacity in cfs}$

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

---

### Data Entry (fill in underlined blanks)

---

HP = 25  
Efficiency = 6.61  
Lift = 0  
PSI = 60

### Results Calculated

---

(hp)(efficiency) = 165.25  
Head based on psi = 152.4  
Total dynamic head = 152.4  
(head + lift)

Pump Capacity = 1.08 feet per second

RECEIVED

JUL 24 2007

WATER RESOURCES DEPT  
SALEM, OREGON



## Pump Capacity Calculation Sheet

using Department designed formula:

$$(\text{hp})(\text{efficiency}) / (\text{lift} + \text{psi head}) = \text{capacity in cfs}$$

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

---

### Data Entry (fill in underlined blanks)

---

HP = 75  
Efficiency = 7.04  
Lift = 35  
PSI = 23.6

---

### Results Calculated

---

(hp)(efficiency) = 528  
Head based on psi = 60.0  
Total dynamic head = 95.0  
(head + lift)

Pump Capacity = 5.56 feet per second

**RECEIVED**

JUL 24 2007

WATER RESOURCES DEPT  
SALEM, OREGON



T.36S. R.14E. W.M.  
KLAMATH COUNTY

36 14  
& INDEX

CANCELLED NO.

SEE MAP 36 15

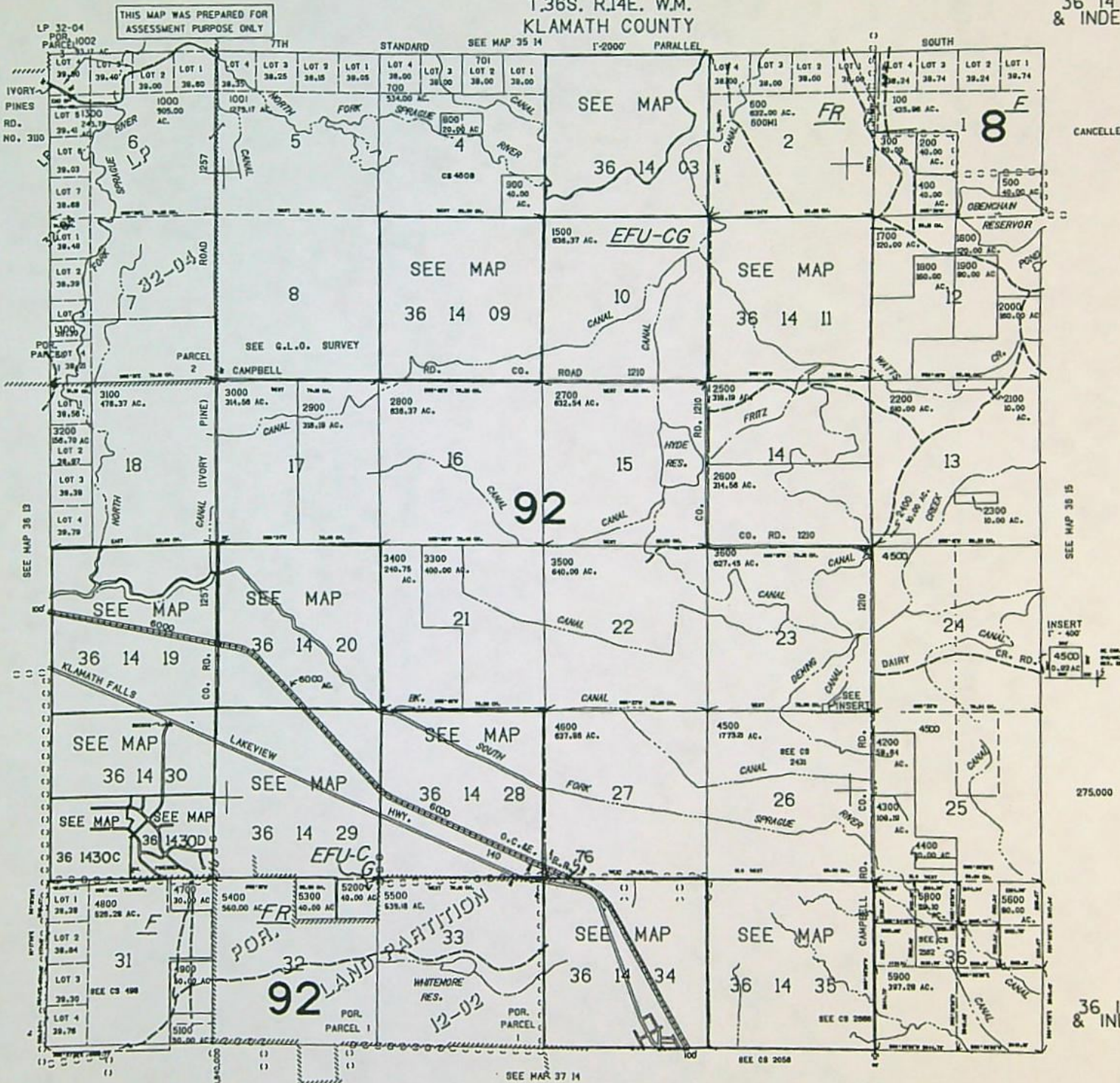
275,000

36 14  
& INDEX

WATER RESOURCES DEPT  
SALEM, OREGON

JUL 24 2007

RECEIVED





Oregon Water Resources Department  
Water Rights Division

Water Rights Application  
Number G-12868

**Final Order**

*Application History*

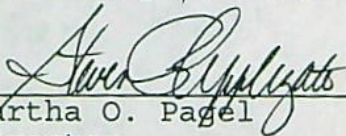
On April 8, 1992, ROCKING AC RANCH submitted an application to the Department for a water use permit. On June 3, 1996 the application was assigned to LARRY OLSON. The Department issued a Proposed Final Order on May 7, 1996. The protest period closed June 21, 1996, and no protest was filed.

The proposed use would not impair or be detrimental to the public interest, but the Department's continuing evaluation reveals that the Proposed Final Order requires modification to limit the use of water under this permit to any deficiency in the available supply of any prior right existing for the same land.

**Order**

Application G-12868 therefore is approved with the above modifications to the Proposed Final Order, and Permit Number G-12613 is issued as limited by the conditions set forth in the permit.

DATED July 17, 1996

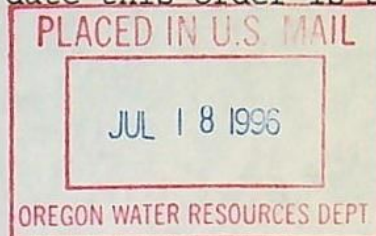
  
Martha O. Pagel  
Director

*Hearing and Appeal Rights*

Under the provisions of ORS 537.170, the applicant may request a contested case hearing by submitting the information required for a protest under ORS 527.153(6) to the Department within 14 days after the date of mailing of this order as shown below. If a contested case hearing is requested, the Department must schedule one. In the contested case hearing, however, only those issues based on the above modifications to the proposed final order may be addressed.



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





STATE OF OREGON  
COUNTY OF KLAMATH

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

LARRY OLSON  
700 PORT AVE  
ST. HELENS, OREGON 97051

(503) 397-6385

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

APPLICATION FILE NUMBER: G-12868

SOURCE OF WATER: A WELL, IN THE NORTH FORK SPRAGUE RIVER BASIN

PURPOSE OR USE: IRRIGATION OF 107.2 ACRES AND SUPPLEMENTAL IRRIGATION OF 309.5 ACRES

MAXIMUM RATE: 5.209 CUBIC FEET PER SECOND

PERIOD OF USE: MARCH 1 TO OCTOBER 1

DATE OF PRIORITY: APRIL 8, 1992

POINT OF DIVERSION LOCATION: NW 1/4 NE 1/4, SECTION 4, T36S, R14E, W.M.; 1000 FEET SOUTH AND 2520 FEET WEST FROM THE NE CORNER OF SECTION 4

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NE 1/4 NE 1/4	10.0 ACRES	
NW 1/4 NE 1/4	40.0 ACRES	
SW 1/4 NE 1/4	18.1 ACRES	21.9 ACRES
SE 1/4 NE 1/4		19.0 ACRES
NE 1/4 NW 1/4	18.2 ACRES	21.8 ACRES
NW 1/4 NW 1/4		34.8 ACRES
SW 1/4 NW 1/4		40.0 ACRES
SE 1/4 NW 1/4	20.9 ACRES	19.1 ACRES
NE 1/4 SW 1/4		36.0 ACRES
NW 1/4 SW 1/4		40.0 ACRES
SW 1/4 SW 1/4		16.0 ACRES
SE 1/4 SW 1/4		8.0 ACRES

to D-9967  
D-9983  
ES-40651



NE 1/4 SE 1/4	33.1 ACRES
NW 1/4 SE 1/4	19.8 ACRES

SECTION 4  
TOWNSHIP 36 SOUTH, RANGE 14 EAST, W.M.

Measurement, recording and reporting conditions:

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

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

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

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

STANDARD CONDITIONS

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



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

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

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

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

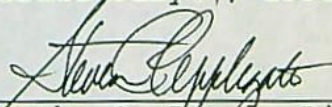
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

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

Actual construction of the well shall begin within one year from permit issuance and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued July 17, 1996

*for*   
Martha O. Pagel, Director  
Water Resources Department



# MAP TO ACCOMPANY GROUND WATER APPLICATION

SITUATED IN SECTION 4, T36S, R14EWM,  
KLAMATH COUNTY, OREGON

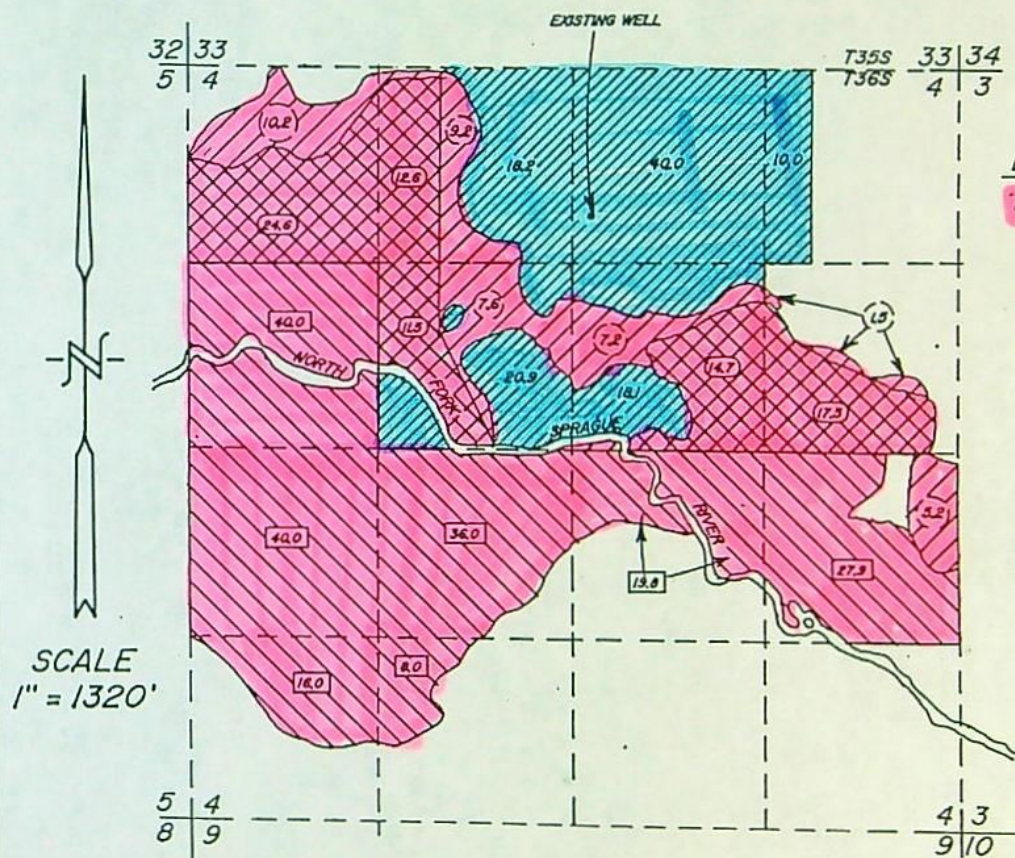
Application No. G-12613

APRIL 1992

Permit No. G12613

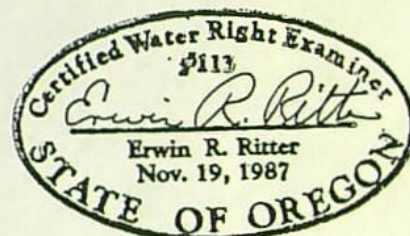
MAP PREPARED FOR  
-- BERNARD L. SIMONSEN --  
(DBA ROCKING AC RANCH)

MAP PREPARED FROM MAP OF CERTIFICATES #9967 AND  
9983, MAP OF CERTIFICATE #37829, AND 1987 WAC AERIAL  
PHOTO.



LOCATION OF EXISTING WELL BY OWNER

1000 FEET SOUTH AND 2520 FEET WEST OF  
THE NORTHEAST CORNER OF SECTION 4



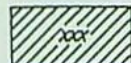
INDICATES AREA SUPPLEMENTAL TO  
CERTIFICATE #37829 40.9 Ac.



INDICATES AREA SUPPLEMENTAL TO  
CERTIFICATE #9983 187.7 Ac.



INDICATES AREA SUPPLEMENTAL TO  
CERTIFICATE #9967 80.9 Ac.



INDICATES PRIMARY LAND THIS  
APPLICATION 107.2 Ac.

TOTAL AREA THIS APPLICATION

-- 416.7 Ac. --

(SEE ATTACHED SHEET FOR  
FURTHER BREAKDOWN OF AREAS)

THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE  
WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE  
TO THE LOCATION OF PROPERTY OWNERSHIP BOUNDARY LINES.

TRU-LINE SURVEYING  
2333 SUMMERS LANE  
KLAMATH FALLS, OR. 97603



# MAP TO ACCOMPANY GROUND WATER APPLICATION

SITUATED IN SECTION 4, T36S, R14EWM,  
KLAMATH COUNTY, OREGON

Application No. G-12868

APRIL 1992

Permit No. G12613

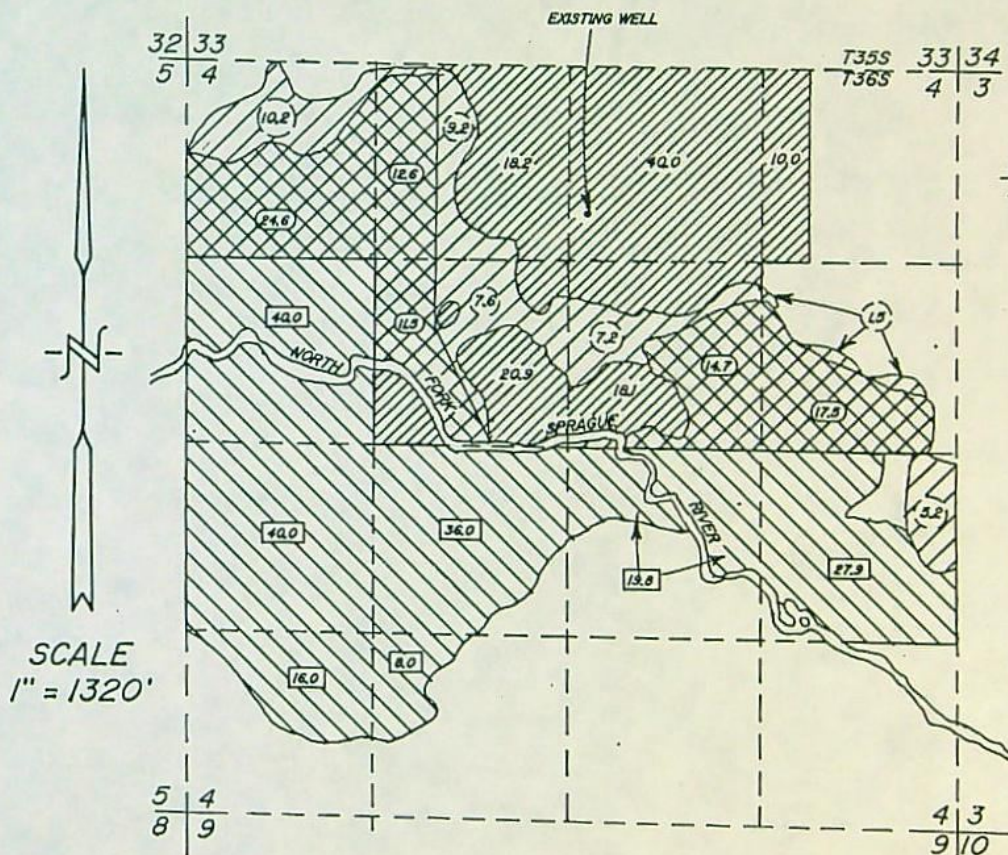
RECEIVED

JUN - 9 1992

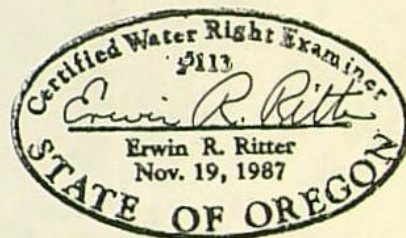
WATER RESOURCES DEPT.  
SALEM, OREGON

MAP PREPARED FOR  
-- BERNARD L. SIMONSEN --  
(DBA ROCKING AC RANCH)

MAP PREPARED FROM MAP OF CERTIFICATES #9967 AND  
9983, MAP OF CERTIFICATE #37829, AND 1987 WAC AERIAL  
PHOTO.



LOCATION OF EXISTING WELL BY OWNER  
1000 FEET SOUTH AND 2520 FEET WEST OF  
THE NORTHEAST CORNER OF SECTION 4



SCALE  
1" = 1320'



INDICATES AREA SUPPLEMENTAL TO  
CERTIFICATE #37829 40.9 Ac.



INDICATES AREA SUPPLEMENTAL TO  
CERTIFICATE #9983 187.7 Ac.



INDICATES AREA SUPPLEMENTAL TO  
CERTIFICATE #9967 80.9 Ac.



INDICATES PRIMARY LAND THIS  
APPLICATION 107.2 Ac.

TOTAL AREA THIS APPLICATION

-- 416.7 Ac. --

(SEE ATTACHED SHEET FOR  
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TO THE LOCATION OF PROPERTY OWNERSHIP BOUNDARY LINES.

TRU-LINE SURVEYING  
2333 SUMMERS LANE  
KLAMATH FALLS, OR. 97603



6-12868

RECEIVED

JUL - 9 1982

ROCKING AC RANCH WATER RIGHT APPLICATION  
SECTION 4, T36S, R14EWM, KLAMATH COUNTY, OREGON

WATER RESOURCES DEPT.  
SALEM, OREGON

$\frac{1}{4}$	EXISTING CERTIFICATES					SUPPLEMENTAL	PRIMARY	TOTAL
SECTION 4	8490	9967	9971	9983	37829			
NW NW	-	24.6	-	-	15.2	34.8	0.0	34.8
NE NW	-	12.6	-	-	9.2	21.8	18.2	40.0
SW NW	-	-	-	40.0	-	40.0	0.0	40.0
SE NW	-	11.5	-	-	7.6	19.1	20.9	40.0
NW NE	-	-	-	-	-	0.0	40.0	40.0
NE NE	-	-	-	-	-	0.0	10.0	10.0
SW NE	-	14.7	-	-	7.2	21.9	18.1	40.0
SE NE	-	17.5	-	-	1.5	19.0	0.0	19.0
NW SW	22.0	-	-	40.0	-	40.0	0.0	40.0
SW SW	6.0	-	-	16.0	-	16.0	0.0	16.0
NE SW	20.0	-	-	36.0	-	36.0	0.0	36.0
SE SW	4.0	-	-	8.0	-	8.0	0.0	8.0
NW SE	5.0	-	-	19.8	-	19.8	0.0	19.8
NE SE	-	-	-	27.9	5.2	33.1	0.0	33.1
	<u>57.0</u>	<u>80.9</u>	<u>0.0</u>	<u>187.7</u>	<u>45.9</u>	<u>309.5</u>	<u>107.2</u>	<u>416.7</u>

EXISTING CERTIFICATES 8490, 9967 AND 9983 DO NOT  
DEFINE THE LOCATION OF THE AREA IN EACH  $\frac{1}{4}$ . THE SUPPLEMENTAL  
AREA APPLIED FOR IS AS DETERMINED FROM 1985 WAC AERIAL PHOTO.



Permit needs  
Supplemental  
condition 3B

es Department  
vision

Water Rights Application  
Number G-12868

Laura S.

## Proposed Final Order

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

### *Application History*

On April 8, 1992, ROCKING AC RANCH submitted an application to the Department for the following water use permit:

- Amount of Water: 5.209 CUBIC FEET PER SECOND (CFS) (2334.0 GALLONS PER MINUTE)
- Use of Water: IRRIGATION OF 107.2 ACRES AND SUPPLEMENTAL IRRIGATION OF 309.5 ACRES
- Source of Water: A WELL IN THE NORTH FORK SPRAGUE RIVER BASIN
- Area of Proposed Use: Klamath County within SECTION 4, TOWNSHIP 36 SOUTH, RANGE 14 EAST, W.M.

The Department mailed the applicant notice of its Technical Review December 8, 1993, determining that the use of 5.209 CFS of water from a well for Irrigation of 107.2 acres and Supplemental Irrigation 309.5 acres is allowable March 1 to October 31. The 60-day objection period closed February 18, 1994.

Within the 60-day period, objections were received from Waterwatch and the applicant.

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

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



- any comments received

*Findings of Fact*

The Klamath River Basin Compact allows the following uses: IRRIGATION OF 107.2 ACRES AND SUPPLEMENTAL IRRIGATION OF 309.5 ACRES.

Senior water rights do not exist on A WELL, IN THE NORTH FORK SPRAGUE RIVER BASIN.

A WELL, IN THE NORTH FORK SPRAGUE RIVER BASIN, is above a State Scenic Waterway.

Water is available for further appropriation for the period MARCH 1 TO OCTOBER 1. The period of allowed use identified in the Technical Review is incorrect.

The Department finds that no more than 5.21 CFS would be necessary for the proposed use. The amount of water requested, 5.209 CFS, is allowable.

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

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

*Conclusions of Law*

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

The proposed use requested in this application is allowed in the Klamath River Basin Compact.

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

Water is available for the proposed use.

The proposed use will not injure other water rights.

The proposed use complies with rules of the Water Resources Commission.



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

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

For these reasons, the required presumption has been established.

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

- (a) One or more of the criteria for establishing the presumption are not satisfied; or
- (b) The proposed use would not ensure the preservation of the public welfare, safety and health as demonstrated in comments, in a protest . . . or in a finding of the department that shows:
  - (A) The specific aspect of the public welfare, safety and health under ORS 537.525 that would be impaired or detrimentally affected; and
  - (B) Specifically how the identified aspect of the public welfare, safety and health under ORS 537.525 would be impaired or be adversely affected.

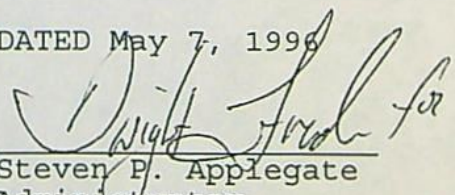
In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use would impair or be detrimental to the public interest.

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

#### Recommendation

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

DATED May 7, 1996

  
Steven P. Applegate

Administrator  
Water Rights and Adjudications Division



## Protest Rights

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

- Your name, address, and telephone number;
- A description of your interest in the proposed final order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
- A detailed description of how the action proposed in this proposed final order would impair or be detrimental to your interest;
- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known; and
- If you are not the applicant, the \$200 protest fee required by ORS 536.050.
- If you are the applicant, a statement of whether or not you are requesting that a contested case hearing be held. If you do not request a hearing, the Department will presume that you do not wish for a hearing to be held.

Your protest must be received in the Water Resources Department no later than June 21, 1996.

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

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

LKS



DRAFT

This is not a permit!!!  
STATE OF OREGON

DRAFT

COUNTY OF KLAMATH

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

ROCKING AC RANCH  
9390 HIGHWAY #140 EAST  
KLAMATH FALLS, OREGON 97603

PHONE: (541) 535-2303

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

APPLICATION FILE NUMBER: G-12868

SOURCE OF WATER: A WELL, IN THE NORTH FORK SPRAGUE RIVER BASIN, WITHIN THE KLAMATH BASIN

PURPOSE OR USE: IRRIGATION OF 107.2 ACRES AND SUPPLEMENTAL IRRIGATION OF 309.5 ACRES

MAXIMUM RATE: 5.209 CUBIC FEET PER SECOND

PERIOD OF USE: MARCH 1 TO OCTOBER 1

DATE OF PRIORITY: APRIL 8, 1992

POINT OF DIVERSION LOCATION: NW 1/4 NE 1/4, SECTION 4, T36S, R14E, W.M.; 1000 FEET SOUTH AND 2520 FEET WEST FROM NE CORNER, SECTION 4

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NW 1/4 NE 1/4	40.0 ACRES	
NE 1/4 NE 1/4	10.0 ACRES	
SW 1/4 NE 1/4	18.1 ACRES	21.9 ACRES
SE 1/4 NE 1/4		19.0 ACRES
NE 1/4 NW 1/4	18.2 ACRES	21.8 ACRES
NW 1/4 NW 1/4		34.8 ACRES
SW 1/4 NW 1/4		40.0 ACRES
SE 1/4 NW 1/4	20.9 ACRES	19.1 ACRES

Application G-12868 Water Resources Department

PERMIT DRAFT



NE 1/4 SW 1/4	36.0 ACRES
NW 1/4 SW 1/4	40.0 ACRES
SW 1/4 SW 1/4	16.0 ACRES
SE 1/4 SW 1/4	8.0 ACRES
NE 1/4 SE 1/4	33.1 ACRES
NW 1/4 SE 1/4	19.8 ACRES

SECTION 4

TOWNSHIP 36 SOUTH, RANGE 14 EAST, W.M.

Measurement, recording and reporting conditions:

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

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

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



## STANDARD CONDITIONS

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

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

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

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

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

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

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

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

Actual construction of the well shall begin within one year from permit issuance, and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

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

DRAFT - THIS IS NOT A PERMIT

Water Resources Department  
Director

Application G-12868      Water Resources Department      PERMIT DRAFT  
Basin 14      Volume 2A North Fork Sprague River & Misc.      District 17  
LKS      MGMT.CODE



## PFO ACCURACY CHECKLIST

Application #: G-12868

1. ☒ CHECK NAME(S)/COMPANY NAME
  - \* Assigned
  - \* Signature Name
  - \* Correct Name(s)/Company throughout PFO
  - \* Correct Address & Phone Number on Draft Permit
2. ☒ CHECK SOURCE AND TRIBUTARY
  - \* Consistent throughout PFO and Draft Permit
3. ☒ CHECK RATE OF USE
4. ☒ CHECK PRIORITY DATE & TR/IR DATES
5. ☒ CHECK POD IN DRAFT PERMIT
  - \* Check Map against permit
  - \* Check Township, Range and Section
6. ☒ CHECK POU IN PFO AND DRAFT PERMIT
  - \* Check Map against both
  - \* If Acres on Application do not agree with Map, use Map info
  - \* Check Township, Range and Section
7. ☒ ADD VOLUME NUMBER/NAME AT END OF DRAFT PERMIT
8. ☒ COMPLETE READ THROUGH OF PFO
  - \* Sentence Structure
  - \* Punctuation
  - \* Spelling, etc.

Name:  
LKS

Laura Smedaker

Date: 4-30-98



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

IN THE MATTER OF THE )  
REINSTATEMENT OF PERMIT G-12613 ) ORDER

The following Permittee has requested reconsideration of the May 22, 2007, order canceling their permit. The request for reconsideration was submitted within the timeline provided by the order.

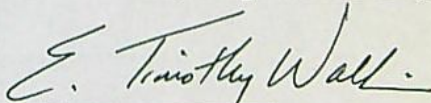
PERMITS TO USE GROUNDWATER:

<u>NAME</u>	<u>BASIN #</u>	<u>WM #</u>	<u>FILE #</u>	<u>PERMIT #</u>
Lloyd Powell	14	17	G-12868	G-12613
Garrett Roseberry				
Pine Mountain Cattle Co.				

NOW, THEREFORE, it is hereby ORDERED that the permit is reinstated in accordance with the provisions of ORS 537.260.

The Department will take no action to cancel this permit until October 2, 2007, to allow the permittee to come into compliance with the terms and conditions of the permit.

Dated at Salem, Oregon on June 4, 2007.



E. Timothy Wallin, Water Rights Program Manager, for  
Phillip C. Ward, Director

PLACED IN U.S. MAIL JUN 04 2007  
BY OREGON WATER RESOURCES DEPARTMENT

**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.



Pine Mountain Cattle Company  
P.O. Box 45  
Bly, Oregon 97622  
telephone (541) 353-2524

May 25, 2007

Oregon Water Resources Department  
725 Summer Street NE  
Salem, Oregon 97301

Attn: Jerry Sauter

Re: application #G-12868  
permit #G-12613

Dear Mr. Sauter:

As we discussed on the telephone, please reconsider the order to cancel the above referenced permit, and reinstate the permit. We have been working with Doug Adkins, a Klamath Falls C.W.R.E., since December, 2003. As you know from visiting with Doug, we are awaiting his claim of beneficial use and final proof survey for this permit application. We sincerely appreciate the fact that you are aware of the situation here with Mr. Adkins.

Also, please change your files to show the following addresses for the property owners:

Lloyd Powell	Garrett Roseberry
2625 Northup Way	P.O. Box 45
Bellevue, Washington 98004	Bly, Oregon 97622

I am not sure to what address the last permit cancellation was sent, however, I do know that Garrett did not receive any correspondence. Both Garrett and Lloyd are the recorded, deeded owners of this property and the subsequent assigned water rights. If at all possible, please send any notices to both addresses. If you are able to use only one address, please send everything to the Bly address. We live here full time, and would be able to notify Lloyd of any changes or actions that need to be taken.

**RECEIVED**

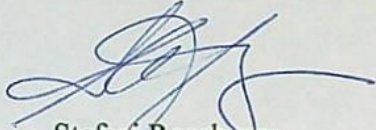
**JUN 04 2007**

**WATER RESOURCES DEPT  
SALEM, OREGON**



Thank you, Mr. Sauter, for your help and guidance through this process. Your efforts on our behalf are truly appreciated.

Sincerely,



Stefani Roseberry  
Secretary/Treasurer  
Pine Mountain Cattle Company

cc: Lloyd Powell  
2625 Northup Way  
Bellevue, Washington 98004

**RECEIVED**

JUN 04 2007

WATER RESOURCES DEPT  
SALEM, OREGON



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

IN THE MATTER OF THE )  
REINSTATEMENT OF PERMIT G-12613 ) ORDER

The following Permittee has requested reconsideration of the May 22, 2007, order canceling their permit. The request for reconsideration was submitted within the timeline provided by the order.

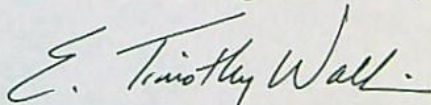
PERMITS TO USE GROUNDWATER:

<u>NAME</u>	<u>BASIN #</u>	<u>WM #</u>	<u>FILE #</u>	<u>PERMIT #</u>
Lloyd Powell	14	17	G-12868	G-12613
Garrett Roseberry				
Pine Mountain Cattle Co.				

NOW, THEREFORE, it is hereby ORDERED that the permit is reinstated in accordance with the provisions of ORS 537.260.

The Department will take no action to cancel this permit until October 2, 2007, to allow the permittee to come into compliance with the terms and conditions of the permit.

Dated at Salem, Oregon on June 4, 2007.



E. Timothy Wallin, Water Rights Program Manager, for  
Phillip C. Ward, Director

PLACED IN U.S. MAIL JUN 04 2007  
BY OREGON WATER RESOURCES DEPARTMENT

**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.



# Mailing List for Reinstatement Special Order Copies

Application # G-12868 Permit # G-12613 Reinstatement Date: June 4, 2007

Original filed in Volume 72 Page 188

Copies Mailed

By: MS  
(support staff)

On: 6/4/07  
(date)

Copies sent to:

1. Permit Holder: L Powell/ G Roseberry/ Pine MTN Cattle Co, 725 Market St, Kirkland, WA 98033
2. WRD – File # G-12868
3. Water Availability – Ken Stahr
4. WRD – Watermaster # 17
5. CWRE - Doug Adkins



# Mailing List for Cancellation Special Order Copies

Application #G- 12868 Permit #G- 12613

Cancellation Date: 5/8/2007

Original filed in Volume 71 Page 633

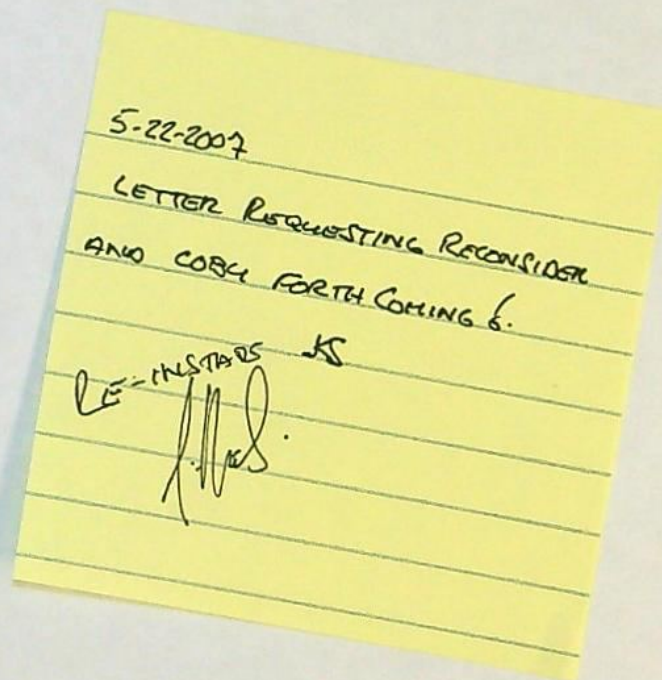
## Copies Mailed

By: MTT  
(support staff)

On: 4-30-07  
(date)

### Copies sent to:

1. Permit Holder: L Powell/ G Roseberry/ Pine MTN Cattle Co. 725 Market St. Kirkland, WA 98033
2. WRD – File # G- 12868
3. Water Availability – Ken Stahr
4. WRD – Watermaster # 17
5. CWRE - None





**Jerry Sauter**

---

**From:** Doug Adkins [doug@adkinsengineering.com]  
**Sent:** Tuesday, May 22, 2007 3:17 PM  
**To:** SAUTER Jerry K  
**Subject:** Application G-12868, Permit G-12613

Jerry

I appreciate you taking the time to discuss the referenced permit. I understand a letter of cancellation of this permit has been issued as of May 8. We ask for reconsideration of this order since the field work has been completed and the COBU is approximately 75% complete. We must apologize for this since the field work was completed on September 24, 2005. We would ask that you allow us until July 1 to complete and file the COBU and FP map.

Thanks in advance.

Doug

5/23/2007



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

IN THE MATTER OF THE CANCELLATION )  
OF CERTAIN PERMIT(S) TO APPROPRIATE ) ORDER  
WATER UNDER THE PROVISIONS OF OAR )  
690-315-0040(5) )

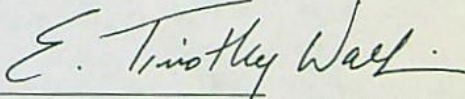
Under the provision of ORS 537.260, the Department took action and cancelled this permit on December 1, 2003. The permittee requested the Department reconsider our action and reinstate their permit(s). On December 16, 2003 the permit was reinstated and 120 days were granted for the permittee to come into compliance. The 120-day deadline has lapsed and the owners of the following permits(s) have failed to provide proof of the completion, claim of beneficial use, or filed an application for extension of time.

PERMIT(S) TO USE GROUNDWATER:

Name	Basin Number	Watermaster District	Application Number	Permit Number
Lloyd Powell	14	17	G- 12868	G- 12613
Garrett Roseberry and Pine Mountain Cattle Co.				

Proof of appropriation of water under the terms and conditions of the permit(s) listed has not been made to the satisfaction of the WATER RESOURCES DIRECTOR as required under ORS 537.260. NOW, THEREFORE, it is hereby ORDERED that the permit(s) are canceled in accordance with the provisions of ORS 537.260.

Dated at Salem, Oregon on May 8, 2007.

  
E. Timothy Wallin, Water Rights Program Manager, for  
Phillip C. Ward, Director

MAY 08 2007

PLACED IN U.S. MAIL \_\_\_\_\_  
BY OREGON WATER RESOURCES DEPARTMENT

**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 ORS 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.





# Oregon

John A. Kitzhaber, M.D., Governor

## Water Resources Department

Commerce Building  
158 12th Street NE  
Salem, OR 97301-4172  
(503) 378-3739  
FAX (503) 378-8130  
[www.wrd.state.or.us](http://www.wrd.state.or.us)

June 20, 2002

Certified mail number 2693 8711  
Return receipt requested

L POWELL, G ROSEBERRY & PINE MTN CATTLE CO  
725 MARKET ST  
KIRKLAND WA 98033

Reference: Application G-12868, Permit G-12613

Dear Permit Holder:

This letter is in regard to your water use permit as referenced above. Your permit required you to complete the development of your water use by October 1, 1999.

In order for the Department to consider issuance of a certificate of water right, you are required by law to hire a certified water right examiner to prepare and submit a claim of beneficial use, to include a final proof survey map of the development. The map and claim of beneficial use was to have been submitted to our Department within one year of October 1, 1999. A list of certified water right examiners is enclosed for your use.

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

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

**If you have not submitted either a Claim of Beneficial Use or a request for an extension of time of your permit, within 60 days of the date of this letter (August 19, 2002) the Department may cancel your permit without further notice.**

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

Sincerely,

Jerry Sauter  
Water Rights Program Analyst

Enclosures (3)

cc: OWRD Watermaster DEL SPARKS, District 17  
File G-12868



From: "Doug Adkins" <douga@adkinsengineering.com>  
To: SAUTER Jerry K <Jerry.K.SAUTER@state.or.us>  
Subject: Permit G12613, Pine Mountain Cattle Co.  
Date: Fri, 24 Sep 2004 19:31:43 -0700  
Organization: Adkins Consulting Engineers, INC.  
X-Security: MIME headers sanitized on kettle.wrd.state.or.us  
See <http://www.impsec.org/email-tools/sanitizer-intro.html>  
for details. \$Revision: 1.139 \$Date: 2003-09-07 10:14:23-07  
X-Mailer: Microsoft Office Outlook, Build 11.0.5510  
Thread-Index: AcSip8velroNT+C/THysFc/3DXEWnw==  
X-Spam-Checker-Version: SpamAssassin 2.63 (2004-01-11) on  
kettle.wrd.state.or.us  
X-Spam-Status: No, hits=0.2 required=5.0 tests=HTML\_50\_60,HTML\_MESSAGE  
autolearn=no version=2.63  
X-Spam-Level:

APP.  
6-12868

Hi Jerry:

Please be advised we are in the process of completing the Claim of Beneficial Use and Final Proof Survey for the referenced permit. The completion has been delayed due to flow meter failure. We will complete when meter is repaired.

Doug Adkins, CWRE

*Handwritten signature*



ADKINS

CONSULTING  
ENGINEERS, INC.

Engineers ▲

Planners ▲

Surveyors

Mr. Jerry Gainey  
ODWR  
725 Summer St. N.E.  
Suite A  
Salem, Or. 97301

*Jerry Sauter*

RECEIVED

DEC 24 2003

WATER RESOURCES DEPT  
SALEM, OREGON

December 22, 2003

Re: Permit G-12613, Pine Mountain Cattle Co., Stefani Roseberry

Dear Jerry:

We certainly appreciate the time you afforded us this date to discuss the referenced permit. As we discussed, we have been contacted by Stefani Roseberry to complete a Claim of Beneficial use for Permit G-12613.

As you know, the irrigation season runs March 1 to October 1 of each year. To allow for ease of identification of the irrigated lands, we would request we be allowed until September 1, 2004 to complete the Claim. This will give the new owners an opportunity to familiarize themselves with their irrigation system, have the system operating, and allow time for the spring precipitation effect to dissipate.

Please advise us of your decision and any questions you have.

Sincerely,

*Douglas E. Adkins*  
Douglas E. Adkins, CWRE  
President

Cc: Stefani Roseberry  
File 2488-01



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MARION COUNTY

IN THE MATTER OF THE )  
REINSTATEMENT OF A PERMIT )  
BY THE PERMITTEE ) ORDER

The following Permittee has requested reconsideration of the Month, Date, Year, order canceling their permit. The request for reconsideration was submitted within the timeline provided by the order.

<u>NAME</u>	<u>BASIN #</u>	<u>WM #</u>	<u>FILE #</u>	<u>PERMIT #</u>
-------------	----------------	-------------	---------------	-----------------

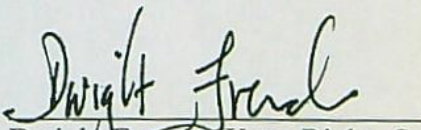
PERMITS TO USE GROUNDWATER:

Lloyd Powell, Garrett Roseberry and Pine Mountain Cattle Co.	14	17	G-12868	G-12613
---	----	----	---------	---------

The Department will take no action to cancel this permit for 120 days, to allow the permittee to come into compliance with the terms and conditions of the permit.

NOW, THEREFORE, it is hereby ORDERED that the permit is reinstated in accordance with the provisions of ORS 537.260

Dated at Salem, Oregon this 16<sup>th</sup> day of December, 2003.



Dwight French, Water Rights Section Manager, for  
Paul R. Cleary, Director

Special Order Volume 58 Page 387

**This is a final order in other than contested case.** Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition the Director for reconsideration of this order or petition for judicial review of this order. As provided in ORS 536.075, this order is subject to judicial review under ORS 183.484. Any petition for judicial review of the order must be filed within the 60 day time period specified by ORS 183.484(2).



RECEIVED

DEC 17 2003

WATER RESOURCES DEPT  
SALEM, OREGON

FAX COVER SHEET

Pine Mountain Cattle Company  
P.O. Box 45  
Bly, Oregon 97622  
telephone (541) 353-2524

COPY

December 15, 2003

To: Doug Adkins  
fax (541) 884-5335

Re: Lloyd Powell, Garrett Roseberry, and Pine Mountain Cattle Company  
application G-12868, permit G-12613

Mr. Adkins,

As we discussed earlier this morning, this fax includes a copy of the original permit issued to Larry Olson (the seller of the property to us in April, 2000), a copy of the cancellation order, a copy of my letter to Mr. Jerry Sauter at Oregon Water Resources Department dated December 10, 2003, and a copy of Mr. Sauter's letter to Garrett and me, dated December 10, 2003.

I will find a copy of the deed. Also, I will send a copy of this note to Mr. Sauter. Finally, I understand that upon receipt of a completed and signed work order, you will also send a letter to Mr. Sauter stating that we have contacted you and agreed that a Claim of Beneficial Use and Final Proof Survey will be completed as soon as the weather permits.

Thank you for your in regard to this matter. We look forward to working with you.

Sincerely,

Stefani Roseberry

cc: ✓ Mr. Jerry Sauter  
Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1271

Lloyd Powell  
725 Market Street  
Kirkland, Washington 98033





# 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

December 10, 2003

Garrett and Stefani Roseberry  
P.O. Box 45  
Bly, Oregon 97622

Reference: Application G-12868, Permit G-12613

Dear Garrett and Stefani Roseberry:

Thank you for your telephone call this morning. I would like to confirm what we discussed in regards to the above referenced permit. This permit was canceled by Special order on December 1, 2003. This order allows for 60 days to request reconsideration. The Department will reconsider and re-instate this permit without loss of priority date once we receive a letter requesting us to do so, and that you will be contacting a CWRE to perform the Claim of Beneficial Use and Final Proof Survey. You indicated that you would send a letter requesting reconsideration.

I have noted in the file that you called and wanted to have this permit re-instated and that you would follow up with a CWRE to perform the Claim of Beneficial Use (COBU) and Final Proof Survey so that we may move forward with issuance of a certificate. I am enclosing a list of Certified Water Rights Examiners for your convenience. I have also added your address to the file per your request.

I look forward to receiving your letter, if I can be of further assistance, please do not hesitate to contact me at the address above or by telephone direct at 503-986-0817.

Sincerely,

Jerry Sauter  
Water Rights Program Analyst

enclosure: CWRE list

cc: file

Lloyd Powell  
Del Sparks, WM 17



Pine Mountain Cattle Company  
P.O. Box 45  
Bly, Oregon 97622  
telephone (541) 353-2524

December 10, 2003

Oregon Water Resources Department  
725 Summer Street NE  
Salem, Oregon 97301

Attn: Jerry Sauter

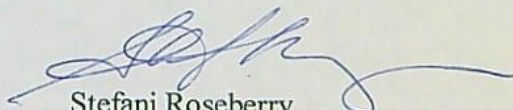
Re: application: G-12868  
permit: G-12613  
name: Lloyd Powell, Garrett Roseberry, and Pine Mountain Cattle Company

Dear Mr. Sauter:

As we discussed today on the telephone, please reconsider the order to cancel the above referenced permit, and reinstate the permit. Upon receipt of the list of C.W.R.E's, we will contact an examiner in our area and contract with them to work on a claim of beneficial use. I will also ask the examiner to forward a letter to you at the above address acknowledging our contract with them.

Thank you, Mr. Sauter, for your help, and for taking the time to explain this process to me. I appreciate your kindness. Merry Christmas!

Sincerely,



Stefani Roseberry  
Pine Mountain Cattle Company

/sr

cc: Lloyd Powell  
725 Market Street  
Kirkland, Washington 98033

**RECEIVED**

DEC 15 2003

WATER RESOURCES DEPT  
SALEM OREGON



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MARION COUNTY

IN THE MATTER OF THE CANCELLATION )  
OF CERTAIN PERMITS TO APPROPRIATE ) ORDER  
WATER UNDER THE PROVISIONS OF ORS )  
537.260 )

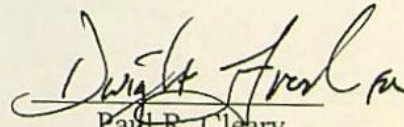
The time within which the appropriations under the following water right permit(s) should have been perfected has expired. The owners of such permit(s) have failed or refused within the period of three months thereafter to submit proof of the completion of such appropriations as required by ORS 537.260. Notices have been addressed to each of the owners of said permit(s) by certified mail in accordance with the provisions of ORS 537.260 and ORS 174.160. The owners of such permit(s) have failed or refused to submit proof of the completion of the appropriations under the terms and conditions of their respective permit(s), although the sixty-day time limits allowed in such notices has elapsed.

PERMITS TO USE GROUNDWATER:

<u>Name</u>	<u>Basin No.</u>	<u>WM Dist.</u>	<u>Application No.</u>	<u>Permit No</u>
Lloyd Powell, Garrett Roseberry and Pine Mountain Cattle Co.	14	17	G-12868	G-12613

Proof of appropriation of water under the terms and conditions of the permit(s) listed has not been made to the satisfaction of the WATER RESOURCES DIRECTOR as required under ORS 537.260.

Dated at Salem, Oregon this 1 day of Dec, 2003.

  
Paul R. Cleary  
Director

Special Order Volume 58 Page 220

**This is a final order in other than contested case.** Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition the Director for reconsideration of this order or petition for judicial review of this order. As provided in ORS 536.075, this order is subject to judicial review under ORS 183.484. Any petition for judicial review of this order must be filed within the 60 day time period specified by ORS 183.484(2).





# Oregon

John A. Kitzhaber, M.D., Governor

January 24, 2003

## Water Resources Department

Commerce Building  
158 12th Street NE  
Salem, OR 97301-4172  
(503) 378-3739  
FAX (503) 378-8130  
[www.wrd.state.or.us](http://www.wrd.state.or.us)

TO:

TRU-LINE SURVEYING  
2333 SUMMERS LANE  
KLAMATH FALLS OR 97603

FROM:

JERRY SAUTER  
WATER RIGHTS PROGRAM ANALYST

RE:

Application File #G12868  
Permit #G12613

Attached is a copy of certified mail that was sent to the permit holder by Oregon Water Resources Department. Our records reflect that the mail was received by the permit holder, but no contact has been made with us.

We are sending this copy to you for information because your name appears in the subject file.

Copy to application file G12868





# Oregon

John A. Kitzhaber, M.D., Governor

## Water Resources Department

Commerce Building  
158 12th Street NE  
Salem, OR 97301-4172  
(503) 378-3739  
FAX (503) 378-8130  
[www.wrd.state.or.us](http://www.wrd.state.or.us)

June 20, 2002

Certified mail number 2693 8711  
Return receipt requested

L POWELL, G ROSEBERRY & PINE MTN CATTLE CO  
725 MARKET ST  
KIRKLAND WA 98033

Reference: Application G-12868, Permit G-12613

• Dear Permit Holder:

This letter is in regard to your water use permit as referenced above. Your permit required you to complete the development of your water use by October 1, 1999.

In order for the Department to consider issuance of a certificate of water right, you are required by law to hire a certified water right examiner to prepare and submit a claim of beneficial use, to include a final proof survey map of the development. The map and claim of beneficial use was to have been submitted to our Department within one year of October 1, 1999. A list of certified water right examiners is enclosed for your use.

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

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

**If you have not submitted either a Claim of Beneficial Use or a request for an extension of time of your permit, within 60 days of the date of this letter (August 19, 2002) the Department may cancel your permit without further notice.**

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

Sincerely,

Jerry Sauter  
Water Rights Program Analyst

Enclosures (3)

cc: OWRD Watermaster DEL SPARKS, District 17  
File G-12868





# Oregon

John A. Kitzhaber, M.D., Governor

May 9, 2000

## Water Resources Department

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

LLOYD POWELL/GARRETT ROSEBERRY  
PINE MOUNTAIN CATTLE CO  
725 MARKET ST  
KIRKLAND WA 98033

REFERENCE: Files G-10174, G-10811 & G-12868

The assignments by deed to you of Permits G-9930 and G-12613 have been filed in the records of the Water Resources Department. Our records have been changed accordingly.

Receipt number 37312 covering the \$75 recording fee has been sent to AmeriTitle. Of that \$75 fee, \$25 has been applied to File G-10174 (Permit G-9207). Upon receipt of the necessary documents we will process that request for assignment.

If you have any questions, please contact me at the number above, or toll-free 1-800-624-3199.

Sincerely,

DALLAS S. MILLER  
Water Rights Specialist

DSM:jh

enclosure

cc: Watermaster # 17  
South Central Region Field Personnel  
DVA - Loan #L67879 (Frederick Hyde)  
Larry Olson - 700 Port Ave - St. Helens, OR 97051  
AmeriTitle - Escrow #MT45063-KR



MAY 05 2000

I. (permit holder, applicant) LARRY OLSON . WATER RESOURCES DEPT.  
SALEM, OREGON  
700 Port Ave., St. Helens, OR 97051 503/397-6385  
(mailing address) (city) (state) (zip) (phone)

[X] - hereby assign all my interest in and to application/permit;

[ ] - hereby assign a portion of my interest in and to the entire application/permit;

Application # G-12868, Permit # G 12613;  
OR GR Statement # -----, GR Certificate of Registration # -----  
 as filed in the office of the Water Resources Director, to:

LLOYD W. POWELL and GARRETT ROSEBERRY and PINE MOUNTAIN CATTLE COMPANY, a Washington  
(name of new owner) /corporation

725 Market Street, Kirkland, WA 98033	425/828-4444
(address)	(city) (state) (zip) (phone)

(Note: If there are other owners of the property described in this Application, Permit of Certificate of Groundwater Registration you must attach a list of their names and addresses to this form.)

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

Witness my hand this 1 day of May -19 2000

Applicant/permit holder Gary L. Chor  
applicant/permit holder

DO NOT WRITE IN THIS BOX

STATE OF OREGON, )

55

County of Marion.

I certify that the within was received by me on the 5th day of May, 2000 at 8 o'clock

A. m., and was recorded in the  
Miscellaneous Records, Vol. 8

Page 685

**Water Resources Director**

The completed assignment must be submitted to the Water Resources Department together with a recording fee of \$25. Additional pages will cost \$5 per page.

WATER RESOURCES DEPARTMENT  
158 12TH STREET NE  
SALEM, OREGON 97310-0210

G-12868

OK  
PSM





# Oregon

John A. Kitzhaber, M.D., Governor

## Water Resources Department

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

May 8, 2000

LLOYD POWELL AND GARRETT ROSENBERRY  
725 MARKET ST  
KIRKLAND, WA 98033

REFERENCE: Files G 10174, G 10811, G 12868

Dear Applicants:

Regarding your requests to assign permits G 9207, G 9930, G 12613, we need more information. We can assign files G 10811 and G 12868, but we need more information to assign file G 10174.

File G 10174 is in the name of the 'Simonsen Family Trust', and the deeds you submitted do not appear to cover this permit (G 9207). This permit covers the SW 1/4 and SE 1/4 of the NE 1/4 of Section 7 in Township 36 S, Range 14 E.

Before we can process this assignment we need either a signature from a 'Sinonsen' trustee or a copy of the deed showing this property in the name of Larry Olson.

If you have questions please contact me at the address below or phone (503)378-3739 ext. 272.

Sincerely,

Dallas Miller  
Water Rights Specialist

cc: Watermaster, District 17







# Oregon

John A. Kitzhaber, M.D., Governor

## Water Resources Department

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

November 30, 1999

LARRY OLSON  
700 PORT AVE  
ST HELENS OR 97051

REFERENCE: File G12868  
Permit G12613

We have received your notice that complete application of water has been made under the above permit.

In order to obtain a certificate of water right, you are required by law to hire a Certified Water Right Examiner (CWRE) to conduct the final proof survey of the completed use. This must be done within one year after the use is reported as being complete or within one year after the beneficial use date allowed in the permit, whichever occurs first. Accordingly, the map and claim of beneficial use must be received in this office on or before **October 1, 2000**. A list of Certified Examiners is available upon request by calling the above number, extension 320.

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

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

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

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

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

Sincerely,

DALLAS MILLER  
Natural Resource Specialist 2

DM:jh

cc: Watermaster  
CWRE



RECEIVED

OCT 15 1999

WATER RESOURCES DEPT  
SALEM, OREGON

**Olson Enterprises**  
700 Port Ave., St. Helens, OR 97051  
503-397-6385 Fax: 503-397-9787

October 12, 1999

Water Resources Department  
Commerce Building  
158 12<sup>th</sup> St. NE  
Salem, OR 97301

tel: 503-378-3739  
fax: 503-378-8130

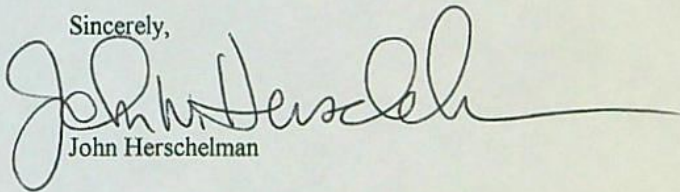
Regarding: Form C / for Permit G-12613 / File Number G-12868

The irrigation system was completed in June of 1999 and is in operation at this time.

We are in the process of getting the system inspected. Erwin Ritter has agreed to do this, but has not provided us with a schedule. As soon as I know the schedule of this inspection, I will let you know. It is my understanding that this inspection must be completed by October 1, 2000.

If we need to do anything further on this, please let me know.

Sincerely,



John Herschelman



**Olson Enterprises**  
700 Port Ave., St. Helens, OR 97051  
503-397-6385 Fax: 503-397-9787

October 12, 1999

Water Resources Department  
Commerce Building  
158 12<sup>th</sup> St. NE  
Salem, OR 97301

tel: 503-378-3739  
fax: 503-378-8130

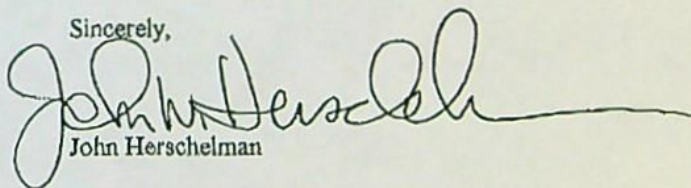
Regarding: Form C / for Permit G-12613 / File Number G-12868

The irrigation system was completed in June of 1999 and is in operation at this time.

We are in the process of getting the system inspected. Erwin Ritter has agreed to do this, but has not provided us with a schedule. As soon as I know the schedule of this inspection, I will let you know. It is my understanding that this inspection must be completed by October 1, 2000.

If we need to do anything further on this, please let me know.

Sincerely,



John Herschelman



OCT 07 1999

**LARRY D. OLSON**WATER RESOURCES DEPT.  
SALEM, OREGON700 Port Avenue ♦ St. Helens, OR 97051 ♦ (503) 397-6385 ♦ Fax: (503) 397-9787

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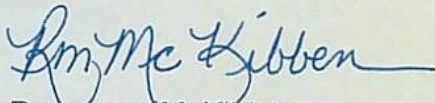
October 4, 1999

Water Resources Department  
State of Oregon  
158 - 12<sup>th</sup> Street NE  
Salem OR 97310-0210

Re: 1998 Water Use Record - Permit G-12613

Enclosed is a copy of our 1998 water use record for the above permit. If you have any questions call us at (503) 397-6385.

Sincerely,



Rosemary McKibben  
Bookkeeper

c: Water Use Permit File  
Correspondence



RECORD OF WATER USE  
PERMIT #G-12613  
1998

MONTH	DATE	BEGINNING	ENDING	TOTAL USED	WATER USE	CHECKED BY
JANUARY	1/1/98	13225	13225	0	—	Matt
FEBRUARY	2/1/98	13225	13225	—		M.C.M
MARCH	3/1/98	13225	13225	—		M.C.M
APRIL	4/1/98	13225	13225	—		M.C.M
MAY	5/1/98	13225	28225	15000		M.C.M
JUNE	6/1/98	28225	48225	20000		M.C.M
JULY	7/1/98	48225	78225	30,000		M.C.M
AUGUST	8/1/98	78225	118225	40,000		M.C.M
SEPTEMBER	9/1/98	118225	158225	40,000		M.C.M
OCTOBER	10/1/98	158225	158225	—		M.C.M
NOVEMBER	11/1/98					
DECEMBER	12/1/98					

RECEIVED  
OCT 04 1999

WATER RESOURCES DEPT.  
SALEM, OREGON

OCT 07 1999

RECEIVED



RECEIVED

MAY 14 1998

WATER RESOURCES DEPT.  
SALEM, OREGON

File G 12868

**Larry D. Olson**  
[REDACTED]

700 Port Avenue  
St. Helens, Oregon 97051  
503-397-6385  
Fax: 503-397-9787

May 13, 1998

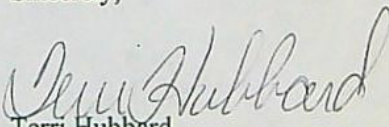
Water Resources Department  
State of Oregon  
158 12th NE  
Salem, Oregon 97310-0120

**RE: 1997 Water Use Record - Permit G-12613**

Dear Sir or Ms:

Enclosed is a copy of our 1997 water use record for the above mentioned permit. If you have any questions please call us at (503)397-6385.

Sincerely,

  
Terri Hubbard  
Bookkeeper



**RECEIVED**

MAY 14 1998

WATER RESOURCES DEPT.  
SALEM, OREGONRECORD OF WATER USE  
PERMIT #G-12613  
1997

MONTH	DATE	BEGINNING	ENDING	TOTAL USED	WATER USE	CHECKED BY
JANUARY	1/1/97	140.0	140.0	0	None	LR
FEBRUARY	2/1/97	140.0	140.0	0	None	LR
MARCH	3/1/97	140.0	140.0	0	None	MM
APRIL	4/1/97	140.00	858.0	718	Irrigation	MM
MAY	5/1/97	858.0	4640.9	3782.9	Irrigation	MM
JUNE	6/1/97	4640.9	6338.6	1697.7	Irrigation	MM
JULY	7/1/97	6338.6	8413.6	2075	Irrigation	MM
AUGUST	7/1/97	8413.6	11300.4	2886.8	Irrigation	MM
SEPTEMBER	9/1/97	11300.4	13225.0	1924.6	Irrigation	MM
OCTOBER	10/1/97	13225.0	13225.0	0	None	MM
NOVEMBER	11/1/97	13225.0	13225.0	0	None	MM
DECEMBER	12/1/97	13225.0	13225.0	0	None	MM
				13085		



RECEIVED

G-12868

**Gearhart Valley Ranch**

DEC 19 1996

WATER RESOURCES DEPT.  
SALEM, OREGON

700 Port Avenue  
St. Helens, Oregon 97051  
(503)397-6385  
Fax: (503)397-9787

December 16, 1996

Water Resources Department  
State of Oregon  
158 12th NE  
Salem, Oregon 97310-0120

Re: Water Permit #G-12613

Dear Sir or Ms:

We have completed the installation of a flow meter for the above mentioned water permit. The meter is a McCrometer #96750612 with a flow rate of 3175 g.p.m.

Please call if you have any questions.

Sincerely,



Terri Hubbard  
Bookkeeper



Application G-12868

COPY CHECK-OFF SHEET FOR PROPOSED FINAL ORDERS

CC: FILE # G-12868

KEN STAHR

WATERMASTER # 17

REGIONAL MANAGER: BOB MAIN

ODF&W - Klamath County: KLAMATH COUNTY

CWRE (if agent):

DEQ

OTHER STATE AGENCY IF NECESSARY:

State Parks

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

POWER BUILDER UPDATER; FRONT COUNTER

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

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

CASEWORKER : LKS

8

T



G-12868

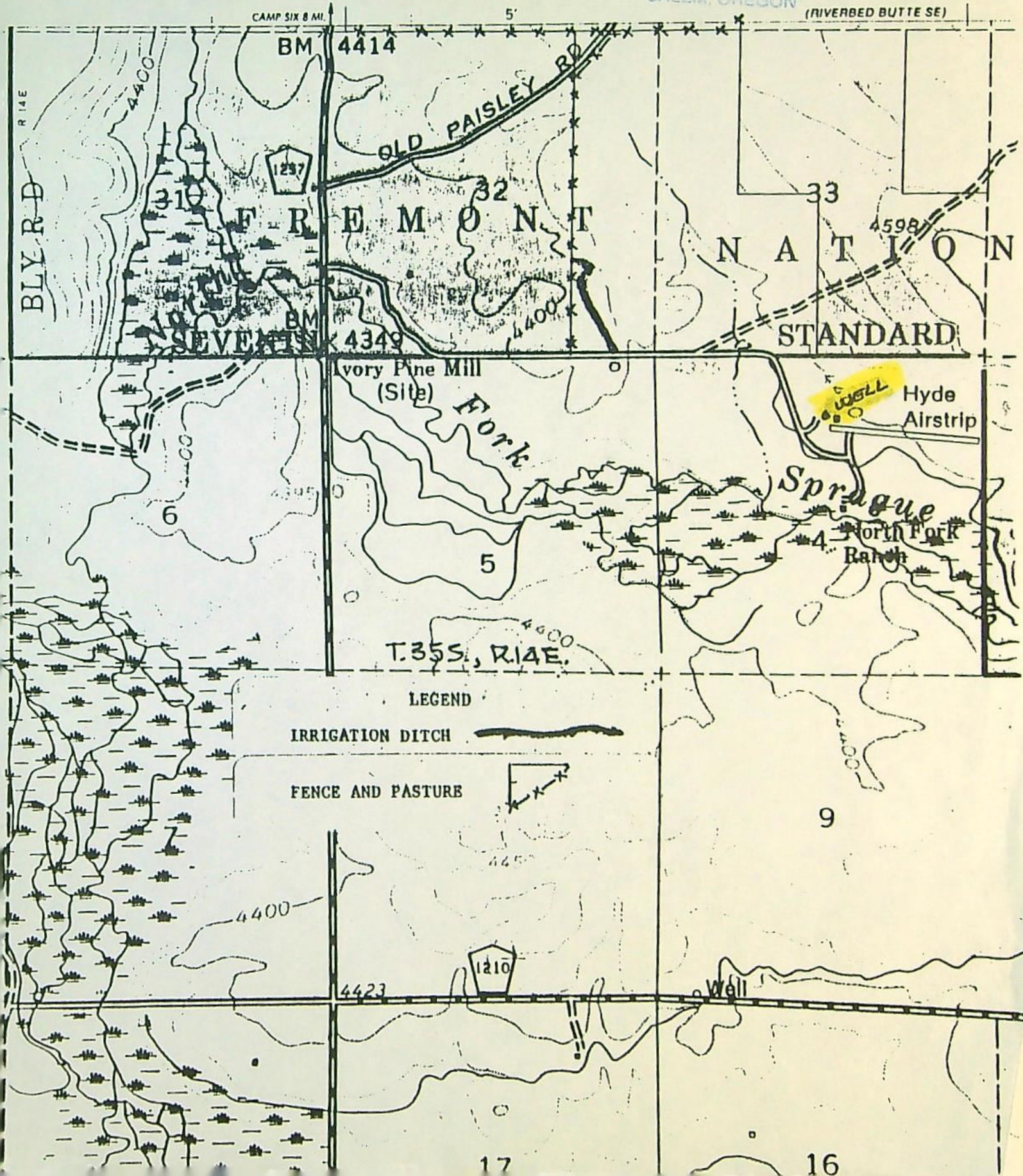
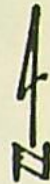
ROCKING AC RANCH  
P.O. BOX 365  
BLY, OR 97622

Permit # G12613

RECEIVED

JUN - 9 1932

WATER RESOURCES DEPT.  
SALEM, OREGON





# FO CHECKLIST

FILE # G-12868

PFO TO FO CONVERSION

REVIEW DATE: 7/8/96

WEEK # 41 \_\_\_\_\_

INITIALS : JWG

In preparing the FO, you should check the following:

1. Y / N Were comments or protests received in response to the PFO?
2. ✓ Verify names and addresses on the PFO CC list. **ALL** commentors (regardless of comment date), **affected landowners**, and **those who paid the \$10 fee** should be listed.
3. ✓ Verify payment of recording fees (circle the appropriate option) *See Remittance for fees*
  - (1) ✓ Issue FO w/permit if fees are paid -- Prepare refund request for excess fees, including **standing fees if no protest is filed and no modifications are being made to the PFO**
  - (2) Issue FO w/o permit if fees are lacking
4. Y / N Is the file lacking a signed oath of accuracy for the application?
5. Y / N Has ODFW asked for self certification on screening condition?
6. Y / N Is water use prohibited for one or more months of the normal use period?
7. Y / N If #6 = "Y", is short season letter on file?
8. DP Assign permit numbers to files with oath, fees, and no protests or other issues

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

MOB - 3B  
MC - 18/72

Initials \_\_\_\_\_

9. Y / N Is further processing possible? If not state reason: \_\_\_\_\_
10. ✓ Notify applicant of additional information or fees required prior to permit issuance (**SEND CERTIFIED LETTER** & use standard wording from M:\T\FO\TOOLS if possible)

Modify FO as needed to:

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

Once FO document is completed:

14. ✓ Save WordPerfect document in M:\T\FO\WEEK 43 & delete duplicates
15. ✓ Print final draft of document and submit to team leader for review
16. Y / N Team leader review completed

FO



June 10, 1996

WATER  
RESOURCES  
DEPARTMENT

LARRY OLSON  
700 PORT AVE  
ST HELENS OR 97051

REFERENCE: File G-12868

The assignment of Application G-12868 from Rocking AC Ranch to you has been recorded in the records of the Water Resources Department. Our records have been changed accordingly and the original assignment is enclosed.

Our receipt number 002833 covering the \$10 recording fee has been sent to Rocking AC Ranch.

Sincerely,

Dallas S. Miller  
Water Rights Specialist

DSM:jh

enclosure

cc: Del Sparks, Watermaster  
Rocking AC Ranch



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



DECEMBER 8, 1993

ROCKING AC RANCH  
9390 HIGHWAY #140 EAST  
KLAMATH FALLS, OR 97603

REFERENCE FILE: G 12868

Hello:

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

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

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

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

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

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

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



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



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

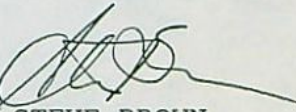
All evidence and objections must be received by our Salem office no later than 5:00 p.m. on or before FEBRUARY 18, 1994 or the Department may presume there is no opposition to any of the analyses set out in the technical review report. Evidence and objections must be addressed and delivered to: Oregon Water Resources Department, Water Rights Section, 3850 Portland Road, Northeast, Salem, Oregon 97310.

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

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

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

Sincerely,



STEVE BROWN  
Manager  
Water Rights Division

SB/ts  
Enclosures



Report Date: DECEMBER 8, 1993

OREGON WATER RESOURCES DEPARTMENT

**SATISFACTORY REPORT OF TECHNICAL REVIEW**  
**FOR WATER USE PERMIT(S)**

OBJECTIONS TO THE PROPOSED WATER USE AS DESCRIBED BELOW MUST BE RECEIVED IN WRITING BY THE OREGON WATER RESOURCES DEPARTMENT, 3850 PORTLAND ROAD N.E., SALEM, OREGON 97310, BY 5 P.M. ON OR BEFORE: FEBRUARY 18, 1994.

1. APPLICATION FILE NUMBER G 12868
2. MINIMUM APPLICATION INFORMATION

Applicant name/address/county/phone:

ROCKING AC RANCH  
PO BOX 365  
BLY, OR 97622  
KLAMATH Co. 503-535-2303

Date application received for filing and/or tentative date of priority: 4/ 9/1992

SOURCE: A WELL TRIBUTARY TO: N F SPRAGUE RIVER

Purpose and/or use: PRIMARY AND SUPPLEMENTAL IRRIGATION.

Flow: 5.209 CUBIC FEET PER SECOND (CFS)

Point of Diversion Location:

T 36 S, R 14 E, SEC. 4, NWNE

Place of use:

	PRIMARY	SUPPLEMENTAL
NENE	10.0 Acres	
NWNE	40.0 Acres	
SWNE	18.1 Acres	21.9 Acres
SENE	19.0 Acres	
NENW	18.2 Acres	21.7 Acres
NWNW		34.8 Acres
SWNW		40.0 Acres
SENW	20.9 Acres	19.1 Acres
NESW		36.0 Acres
NWSW		40.0 Acres
SWSW		16.0 Acres
SESW		8.0 Acres
NESE		33.1 acres
NWSE		19.8 Acres

Section 4  
T 36 S, R 14 E, W.M.



## GROUNDWATER AVAILABILITY

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

Pursuant to OAR 690-09-040, the proposed groundwater withdrawal will, if properly conditioned, adequately protect the surface water from interference.

In addition, the Groundwater/Hydrology Section has reported that groundwater for the proposed use can, if properly conditioned, avoid injury to existing rights or to the groundwater resource.

## CONFLICTS WITH OTHER WATER RIGHTS:

There are no existing rights from this point of diversion.

There are no existing water rights appurtenant to the lands described in the application.

## REPORT CONCLUSIONS:

Water in the amount of 5.209 CFS is likely available for 8 months of the 8 months normal period of use. Therefore, the Director finds that water is available in sufficient amount and during periods which will reasonably support the proposed use.

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

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



## PROPOSED PERMIT CONDITIONS

Application: G-12868

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

1. Use of water under this permit is subject to all prior rights.
2. Period of allowed use: MARCH 1 TO OCTOBER 31
3. Rate of use: 5.209 CFS
4. Measurement, recording and reporting conditions:
  - A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
  - B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
5. Water use development requirements:
  - A. Begin construction by (one year from issuance of permit).
  - B. Complete construction by October 1, 1996.
  - C. Completely apply the water to beneficial use by October 1, 1997.
6. Failure to comply with any of the provisions of the permit may result in action including, but not limited to, restrictions on the use, penalties, or cancellation of the permit.



7. The permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.
8. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.
9. This right is limited to any deficiency in the available supply of any prior right existing for the same land.
10. 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.



# MAP FOR CLAIM OF BENEFICIAL USE

FOR PINE MOUNTAIN CATTLE COMPANY

IN SECTION 4, T36S, R14EWM  
KLAMATH COUNTY, OREGON

RECEIVED

APPLICATION NO. G12868

PERMIT NO. G12613

JUL 24 2007

WATER RESOURCES DEPT  
SALEM, OREGON



SCALE: 1" = 400'

## LEGEND



AREA SUPPLEMENTAL TO  
CERTIFICATE #37829



AREA SUPPLEMENTAL TO  
CERTIFICATE #9983



AREA SUPPLEMENTAL TO  
CERTIFICATE #9967



PRIMARY LANDS THIS  
CLAIM OF BENEFICIAL USE

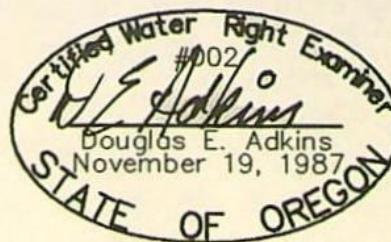


GOVERNMENT LOT

GOV'T LOT	1/4 1/4	SECTION	TOWNSHIP	RANGE	# PRIMARY ACRES	# SUPPLEMENTAL ACRES
1	NE NE	4	36S	14E	0	0
2	NW NE	4	36S	14E	16.3	0
	SW NE	4	36S	14E	9.1	20.4
	SE NE	4	36S	14E	0.1	17.1
3	NE NW	4	36S	14E	16.4	19.6
4	NW NW	4	36S	14E	0	29.0
	SW NW	4	36S	14E	0	38.8
	SE NW	4	36S	14E	15.4	22.5
	NE SW	4	36S	14E	1.0	36.9
	NW SW	4	36S	14E	0	40.0
	SW SW	4	36S	14E	0	16.0
	SE SW	4	36S	14E	0	8.8
	NE SE	4	36S	14E	0	34.0
	NW SE	4	36S	14E	0.3	18.6

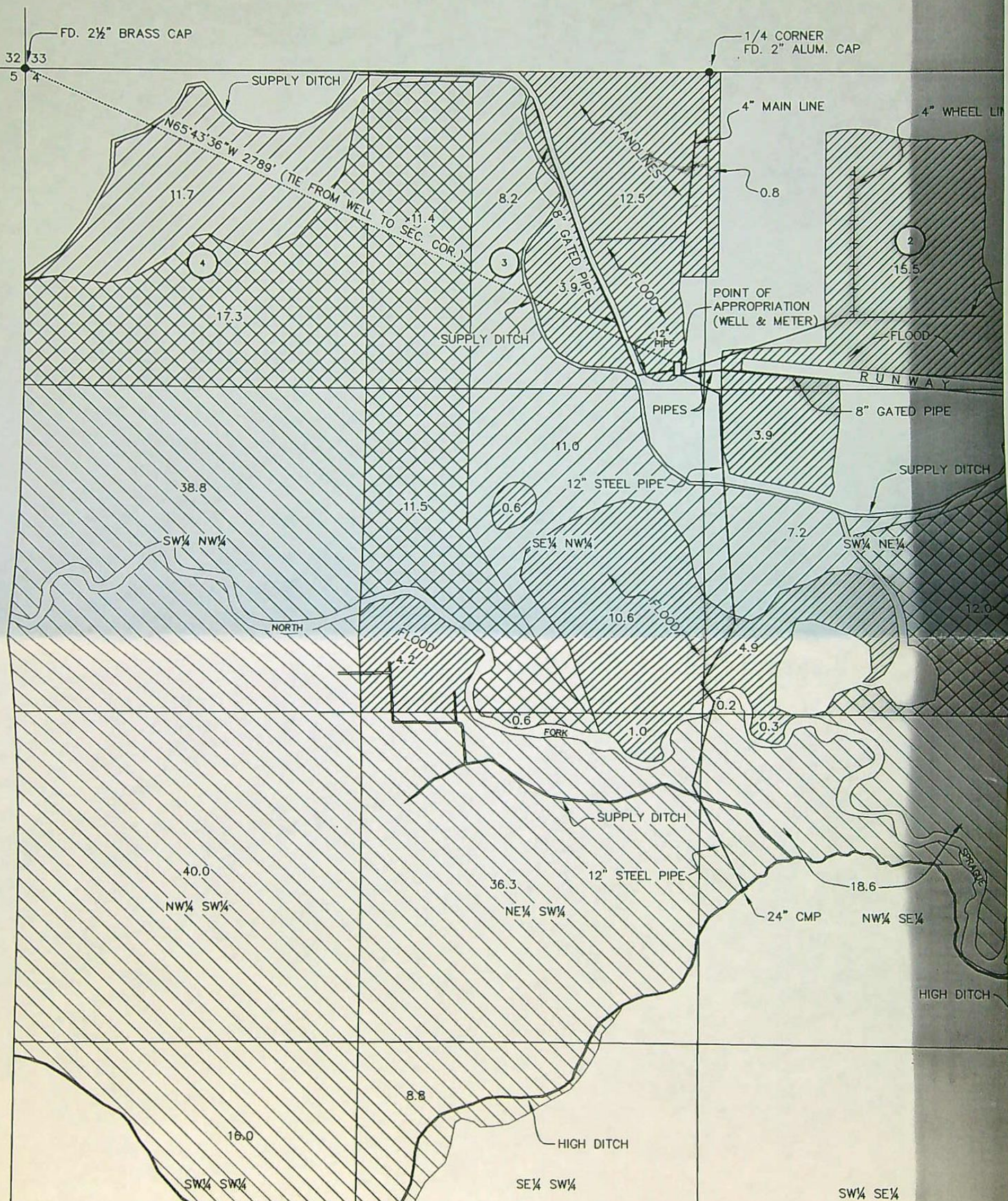
TOTAL ACRES IRRIGATED: 360.3  
TOTAL PRIMARY ACRES: 58.6  
TOTAL SUPPLEMENTAL ACRES: 301.7

ADKINS



EXPIRES 12/31/07

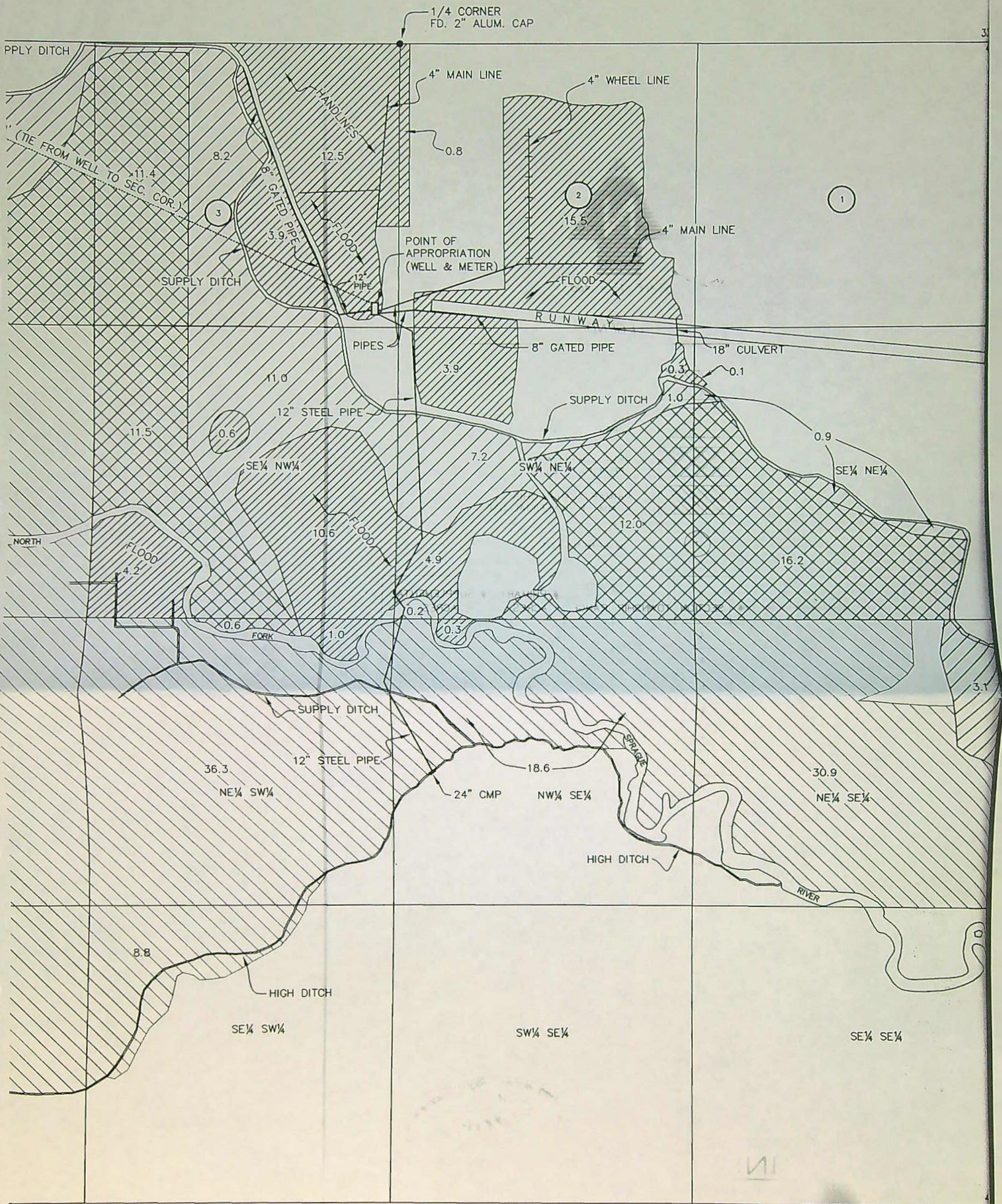




THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT ONLY AND IS NOT INTENDED TO PROVIDE DIMENSIONS OR LOCATION OF PROPERTY LINES

THIS MAP WAS PREPARED FROM FIELD MEASUREMENTS, AERIAL PHOTOGRAPH AND MAP OF CERTIFICATES





IS TO IDENTIFY THE  
RIGHT ONLY AND IS NOT  
ENSIONS OR LOCATION OF

THIS MAP WAS PREPARED FROM FIELD MEASUREMENTS, NAIP 2005 AERIAL  
PHOTOGRAPH AND MAP OF CERTIFICATES #9967, #9983 AND #37829.

COBU MAP # 0276



PERMIT STATUS REVIEW BY JD DATE 6/13/02 FILE # G-12868

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

in. 107.2 + 309.5 acm [Klamath]

☐ Permit is for municipal or quasi-municipal use

database tracking

☐ Extension pending \_\_\_\_\_ final \_\_\_\_\_

Lisa's list \_\_\_\_\_

☐ Assignment is pending 5/2000

JS list \_\_\_\_\_

☐ Cancellation is requested \_\_\_\_\_ final \_\_\_\_\_

"newc.db" \_\_\_\_\_

☐ Dept. has already sent a certified "Form 100" letter (date \_\_\_\_\_, # \_\_\_\_\_)

Was mail deliverable as addressed?

11/30/99 Reminder letter was sent to previous owner (assignment 5/2000)

☐ Claim of beneficial use and final proof map (COBU) have been received by Department

Date information received \_\_\_\_\_ "newc.db" \_\_\_\_\_

2. IF NONE OF THE ABOVE APPLY

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

"C" DATE 10/1/99

C.O.B.U. DEADLINE 10/1/00

WATERMASTER DISTR # 17

WATERMASTER NAME Del Sparks

3. Update database tracking and project checklist ☒

Sending letter  
11/1/02



Application No. G-12868

State of Oregon  
Water Resources Dept.  
SALEM, OREGON

WATER RESOURCES DEPARTMENT



RECEIVED

JUN - 9 1992

WATER RESOURCES DEPT.  
SALEM, OREGON

## Application for a Permit to Appropriate Ground Water

Applicant(s) ROCKING AC RANCH  
(Please print or type - use dark ink)

Mailing Address: P O Box 365  
Bly City OR State 97622 Zip (503) 353-2303 Daytime Phone No.  
(503) 884-1609

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

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

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

Distance from development to stream: 3/8 mile

Elevation difference between streambed and development: 80'

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

Diameter of well: 12 1/4" Depth in feet: 200' TO 424'

Type and size of well casing: 16" No. of feet: 200'

Estimated depth to water: 62'

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

Wells to be drilled by: STOREY DRILLING SERVICES

Address: P O Box 98, MIDLAND, OR 97634

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

2. **TOTAL AMOUNT OF WATER** to be applied to beneficial use: 5,209 cubic feet per second, OR 2334 gallons per minute. If water is to be used from more than one ground water source, give the quantity of water from each: \_\_\_\_\_



3. INTENDED USE(s) OF WATER: IRRIGATE PASTURE, HAY FIELDS,  
LIVESTOCK WATER

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

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

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

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

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

Irrigation	<u>PRIMARY</u>	<u>107.2 ACRES</u>
Other (describe)	<u>SUPPLEMENTAL</u>	<u>309.5 ACRES</u>
	<u>TOTAL</u>	<u>416.7 ACRES</u>

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

PRIMARY - 12" MAIN LINE  
DISTRIBUTE TO HAND LINES, WHEEL LINE,  
AND FLOOD GATE PIPELINES  
SUPPLEMENTAL FOR 309.5 ACRES - 12" MAIN LINES  
TO EXISTING DITCHES. SOME AREAS MAY  
BE DISTRIBUTED WITH FLOOD GATE PIPES  
AND HAND LINES.

5. PROJECT SCHEDULE: (List month and year)

Proposed date construction work will begin 3/1/92

Proposed date construction work will be completed 6/15/93

Proposed date water use will be completed 6/15/93

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



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

       Applicant      ☒ CWRE             Other (Identify in REMARKS section)

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

☒ Applicant             CWRE             Other (Identify in REMARKS section)

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

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

REMARKS: WELL DRILLED MARCH 1992  
75 HP 3000 GPM PUMP TO BE INSTALLED JUNE 1992

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

Bernard L. Lamoine 7/19/93  
OWNER

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

Bernard L. Lamoine  
Signature of Applicant

4/6/92 ORIGINAL  
6/4/92 REVISED  
Date

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

\_\_\_\_\_  
Date



FOR WATER RESOURCES DEPARTMENT USE ONLY

Dear Applicant:

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

completion

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

July 27, 1993.

WITNESS my hand this 25th day of May, 1993.



MARTHA O. PAGEL

*Water Resources Director*

By:

THOMAS E. SHOOK

Water Right Specialist

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the 9th day of APRIL, 1992, at 8:00 o'clock, A M.

APPLICATION NO: G-12868



# Water Right Conditions Tracking Slip

*Groundwater/Hydrology Section*

FILE ## G-12868

ROUTED TO: Tom Shook

TOWNSHIP/

RANGE-SECTION: 365/14E-4

APPLICATION ACCEPTED? ☒ yes ☐ no

CONDITIONS ATTACHED? ☒ yes ☐ no

REMARKS OR FURTHER INSTRUCTIONS:

Note condition

\_\_\_\_\_

\_\_\_\_\_

Reviewer: K. Lite

## Special Order Routing Slip

Special Order Book

File

Permittee

Watermaster

Data Center

Ken Stahr

Jan Devito-C date Database



TO: Water Rights Section

May 20, 1993

FROM: Groundwater/Hydrology Section

K. Lite

Reviewer's Name

SUBJECT: Application G- 12868

1. PER THE \_\_\_\_\_ Basin rules, one or more of the proposed POA's is/is not within \_\_\_\_\_ feet/mile of a surface water source (\_\_\_\_\_) and taps a groundwater source hydraulically connected to the surface water.
  
2. BASED UPON OAR 690-09 currently in effect, I have determined that the proposed groundwater use
  - a. \_\_\_\_\_ will, or \_\_\_\_\_ have the potential for substantial interference with the nearest surface water
  - b. \_\_\_\_\_ will not \_\_\_\_\_ source, namely Ni Fork Sprague River; or
  - c. ☒ will, if properly conditioned, adequately protect the surface water from interference:
    - i. ☒ The permit should contain condition #(s) 4I;
    - ii. \_\_\_\_\_ The permit should contain special condition(s) as indicated in "Remarks" below;
    - iii. \_\_\_\_\_ The permit should be conditioned as indicated in item 4 below; or
  - d. \_\_\_\_\_ will, with well reconstruction, adequately protect the surface water from substantial interference.
  
3. BASED UPON available data, I have determined that groundwater for the proposed use
  - a. \_\_\_\_\_ will, or \_\_\_\_\_ likely be available in the amounts requested without injury to prior rights and/or
  - b. \_\_\_\_\_ will not \_\_\_\_\_ within the capacity of the resource; or
  - c. ☒ can, if properly conditioned, avoid injury to existing rights or to the groundwater resource;
    - i. ☒ The permit should contain condition #(s) 4I;
    - ii. \_\_\_\_\_ The permit should contain special condition(s) as indicated in "Remarks" below;
    - iii. \_\_\_\_\_ The permit should be conditioned as indicated in item 4 below.
  
4.
  - a. \_\_\_\_\_ THE PERMIT should allow groundwater production from no deeper than \_\_\_\_\_ ft. below land surface;
  - b. \_\_\_\_\_ The permit should allow groundwater production from no shallower than \_\_\_\_\_ ft. below land surface;
  - c. \_\_\_\_\_ The permit should allow groundwater production only from the \_\_\_\_\_ groundwater reservoir between approximately \_\_\_\_\_ ft. and \_\_\_\_\_ ft. below land surface;
  - d. \_\_\_\_\_ Well reconstruction is necessary to accomplish one or more of the above conditions.
  - e. \_\_\_\_\_ One or more POA's commingle 2 or more sources of water. The applicant must select one source of water per POA and specify the proportion of water to be produced from each source.

REMARKS:



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

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

RECOMMENDATION:

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

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

I concur in G/H's recommendation A or B above relating to conditioning or withholding the permit.  
\_\_\_\_\_, 1993.

(Signature)

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

(Signature)

\_\_\_\_\_, 1993.

(WRF08\91)



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

KLAM  
10435

1992

(START CARD) # 29199

(1) OWNER:

Name BERNARD SIMONSEN  
Address ROCKING AC RANCH - TUCKER PINE RD  
City BLU State OREGON Zip 97622

(2) TYPE OF WORK:

☒ New Well ☐ Deepen ☐ Recondition ☐ Abandon

(3) DRILL METHOD

☐ Rotary Air ☒ Rotary Mud ☐ Cable  
☐ Other

(4) PROPOSED USE:

☐ Domestic ☐ Community ☐ Industrial ☒ Irrigation  
☐ Thermal ☐ Injection ☐ Other

(5) BORE HOLE CONSTRUCTION:

Special Construction approval Yes ☐ No ☒ Depth of Completed Well 424 ft.  
Explosives used ☐ Yes ☒ No ☐ Type \_\_\_\_\_ Amount \_\_\_\_\_

HOLE			SEAL			Amount sacks or pounds
Diameter	From	To	Material	From	To	
22	0	49	CEMENT	0	49	75 SKS
16	49	200				
12 1/4	200	424				

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

Backfill placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Material \_\_\_\_\_  
Gravel placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Size of gravel \_\_\_\_\_

(6) CASING/LINER:

	Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing:	16.00	+1	49	280	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liner:					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Final location of sheets: 49 FEET

(7) PERFORATIONS/SCREENS:

☐ Perforations Method \_\_\_\_\_  
☐ Screens Type \_\_\_\_\_ Material \_\_\_\_\_

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

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

<input checked="" type="checkbox"/> Pump	<input type="checkbox"/> Bailer	<input type="checkbox"/> Air	<input type="checkbox"/> Flowing	<input type="checkbox"/> Artesian
Yield gal/min	Drawdown	Drill stem at	Time	
2500	6 FEET		1 hr.	
			4 Hrs	

Temperature of water 53° F 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 KLAMATH Latitude \_\_\_\_\_ Longitude \_\_\_\_\_  
Township 36S N or S, Range 14E E or W, WM. \_\_\_\_\_  
Section 25 NE 1/4 NW 1/4  
Tax Lot 3614 Lot 00000 Block 00700 Subdivision \_\_\_\_\_  
Street Address of Well (or nearest address) TUCKER PINE RD.  
BLU, OREGON

(10) STATIC WATER LEVEL:

62 ft. below land surface. Date 3/25/92  
Artesian pressure \_\_\_\_\_ lb. per square inch. Date \_\_\_\_\_

(11) WATER BEARING ZONES:

Depth at which water was first found 310 FEET

From	To	Estimated Flow Rate	SWL
310	330	2500 GPM	
412	424		

(12) WELL LOG:

Material	From	To	SWL
BROWN CLAY & COARSE GRAVEL	0	1	
HARD PAN & COARSE GRAVEL	1	11	
HARD BROWN CHALK ROCK	11	45	
BROWN BASALT	45	48	
BLACK BASALT	48	93	
BROWN BASALT	93	95	
BROWN BASALT	95	143	
DECOMPOSED BROWN LAVA	143	157	
HARD BLACK BASALT	157	164	
HARD GRAY BASALT	164	194	
BROWN LAVA	194	200	
BLACK BASALT	200	210	
SLAKE BASALT & BROWN ASH	210	255	
HARD BROWN BASALT	255	286	
BROWN LAVA	286	332	
HARD BLACK BASALT	332	360	
HARD BROWN BASALT	360	396	
HARD GRAY BASALT	396	412	
HARD BROWN CRUMBLY BASALT	412	424	

Date started 3/6/92 Completed 3/25/92

(unbonded) Water Well Constructor Certification:

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

Signed \_\_\_\_\_ WWC Number \_\_\_\_\_  
Date \_\_\_\_\_

(bonded) Water Well Constructor Certification:

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

Signed [Signature] WWC Number 601  
Date 4/4/92



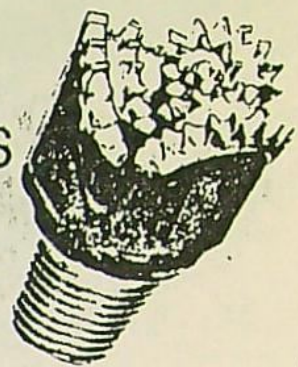
RECEIVED

JUN - 9 1992

WATER RESOURCES DEPT.  
SALMON DIVISION

# STOREY DRILLING SERVICES

P.O. BOX 98 - MIDLAND, OREGON 97634  
503 / 884-3990 / 1-800-245-8122  
CONTRACTOR'S LICENSES - ORE. 601 / CALIF. 583153



Mr. Bernard Simonsen  
Rocking AC Ranch  
6847 Alta Vista Drive  
Rancho Palos Verdes, California 90274

START: March 6, 1992  
FINISH: March 25, 1992

WELL LOCATION: Rocking AC Ranch Headquarters on Ivory Pine Road, Bly, Oregon.  
NE 1/4 NW 1/4 S4 T36S R14E

## LOG

0	-	1	Brown clay & coarse gravel
1	-	11	Hard pan & coarse gravel
11	-	45	Hard brown chalk
45	-	48	Brown basalt
48	-	93	Black basalt
93	-	95	Brown basalt
95	-	143	Brown basalt with streaks black pumice and brown clay
143	-	157	Decomposed brown lava
157	-	164	Hard black basalt
164	-	194	Hard grey basalt
194	-	200	Brown lava
200	-	210	Black basalt
210	-	255	Black basalt with streaks brown ash
255	-	286	Hard brown basalt
286	-	332	Brown lava with brown clay & ash
332	-	360	Hard black basalt
360	-	396	Hard brown basalt
396	-	412	Hard grey basalt
412	-	424	Hard broken bubbly black basalt

50 feet of 16 inch O. D. x .250 wall casing set at 49 feet with  
16 inch diameter rolled drive shoe.  
16 inch diameter hole from 49 to 200 feet;  
12 1/2 inch diameter hole from 200 feet to 424 feet.  
Static water level at 62 feet; Temperature 53 degrees Fahrenheit.  
Test pumped 2500 GPM at 68 feet.









Bernard L. Simonsen  
Rocking AC Ranch  
(503) 884-1609 Office  
(503) 884-5073 Fax

**FAX TRANSMISSION**

DATE

2/7/94

TIME

8:30 AM PST

TO

MR STEVE BROWN, MANAGER, WATER RIGHTS DIVISION

FAX # (503) 378-8130

COMPANY

OREGON WATER RESOURCES DIVISION

SUBJECT

WATER PERMIT G-12868

FROM

BERNARD SIMONSEN

TOTAL NUMBER OF PAGES INCLUDING THIS PAGE 3 . IF YOU DO NOT RECEIVE ALL PAGES, PLEASE CONTACT US.

## REMARKS

ORIGINAL IS BEING MAILED.

☐ PLEASE CONFIRM RECEIPT OF THIS FAX BY☐ PHONE☐ FAX



**Rocking AC Ranch**  
9390 Highway #140 East  
Klamath Falls, OR 97603

February 6, 1994

Mr. Steve Brown, Manager  
Water Rights Division  
Oregon Water Resources Department  
3850 Portland Road NE  
Salem, OR 97310

Reference File: G 12868

Dear Sir,

I have received the technical review for the subject water use permit and the proposed permit conditions, and would like to make the following comments for the record.

1. The address for the applicant has changed from P. O. Box 365, Bly, OR to 9390 Highway #140 East, Klamath Falls, OR 97603. Correspondence requesting this change has been submitted previously. The current telephone number is (503) 884-1609.

2. Although conservation of water is, and will continue to be of significant concern, due to the particular location and use of water in the headwaters of the Sprague/Klamath River systems, it would, by most accepted scientific models, be of a lesser importance. Specifically, use of best practical technologies in this system of lagoons, sloughs, and ponds between man-made ditches and the river would likely require installation of pumps, sprinkler systems, and the land plaining of the pastures. This would negate the efforts we have been trying to make with the US Fish and Wildlife Service and the Oregon Department of Fish and Game to enhance the habitat and the natural filtration and storage capacities of the area. Likewise, failure to irrigate the pastures would likely cause the land to revert to sagebrush and cause the ponds to dry up. This would loose the storage capacity of the land as well as the man made habitat.

3. Similarly, the focus on waste in this natural system of putting water into the natural filtration system, storing it in the headwaters, delaying the surges downstream, and cooling the water would be contrary to the intent of most of the water conservation and management proposals in which I have been involved. We are practicing these principles in our operations, however, they do not meet the definitions of "no waste." Although we do not, nor would we choose to intentionally waste water, the practical answer is that water which is not used on the pasture is returned to the river through a system of natural ponds, lagoons, and ox-bows from the old river beds. This system maintains the water table in the area,



ensures improved habitat, provides storage for downstream users, and ultimately returns to the stream flow.

4. It is the intent to be able to use the well to irrigate the pastures, which are under existing water rights for flood irrigation from a diversion, during periods of reduced flow in the North Fork of the Sprague River. We would intend to coordinate with the Oregon Department of Fish and Game to coordinate when it would be beneficial to do so. Also, due to the capacity of the pump, we will utilize some of the water as a supplemental irrigation when the pump is running on the primary irrigation areas.

I appreciate the opportunity to provide these comments, and would welcome the opportunity to review them with you. As you are aware, the possibility of a renewed drought makes it imperative that the permit be issued as soon as practical so that the irrigation of the ranch can be planned and the appropriate livestock can be purchased for this season.

I would also like to receive copies of any correspondence or technical documents on this permit so that I may respond to them. I appreciate the opportunity to comment on the permit.

Sincerely,

Bernard L. Simonsen  
Owner



## PFO CHECKLIST

Application #: G 12868Basin: Klamath

WAB: \_\_\_\_\_

Township 36S Range 14E Section 4 1/4 1/4 \_\_\_\_\_

- ☒ A1. Public Interest Screen Criteria No
- ☒ 1. Is the file complete by the Completeness Checklist?
- ☒ 2. Fees or other shortcomings (items needed before a permit and/or FO can be issued) No
- ☒ 3. Check file for indicators that the process should not continue until a later date (ie - protest, letter to file indicating hold, or other) None
- ☒ 4. A groundwater review has been evaluated for substantial interference with surface water (convert old gw conditions to the 7 series and add to the PFO, if necessary)
- ☒ a. Is second groundwater review necessary? (objection) No
- ☒ b. Is HB 1033 review complete? Done
- ☒ 5. Is the source withdrawn or limited? - State Engineer, Legislative (ORS 538), etc. No
- ☒ 6. Is the Proposed Use located in or above a Scenic Waterway? Klamath
- ☒ 7. Is the proposed use located in a TMDL Basin? (Tualatin, Yamhill, Pudding) No
- ☒ 8. Is the use allowed or limited by the Basin Program? Allowed
- ☒ 9. If source is groundwater, is the well located in a groundwater limited area? (If applicable, include map with POD) No
- ☒ 10. Water Availability Data has been verified (50% before July 17, 1992; 80% live flow & 50% storage after July 17, 1992)
- ☒ 11. Rate 140 Duty 3.0 Irrigation Season March to Oct 1
- ☒ 12. Period of Allowed Use March 1 to Oct 1 (Sprague R. Decree)
- ☒ 13. Is use from a B.O.R. project and if so, is a signed contract in the file? N/A
- ☒ 14. Division 33 has been addressed - if applicable (Above Bonn after July 17, 1992 & Below Bonn after April 8, 1994 or June 3, 1994) N/A
- ☒ 15. Have conflicts been identified, verified and/or addressed? None identified by T.R.
- ☒ 16. Is the use Small ( $\leq 0.1$ cfs,  $\leq 9.2$ AF), Medium ( $> 0.1$  or  $< 1.5$ cfs,  $> 9.2$  or  $< 100$ AF) or Large ( $> 1.5$  cfs,  $\geq 100$  AF)? 5.21 cfs
- ☒ 17. Check TR/IR for permit conditions not included in the Draft Permit attached to the PFO
- ☒ 18. Fill out Accuracy Checklist 75, 73
- ☒ 19. Spell Check Pri - 107.2
- ☒ 20. Documents used in determination are attached and highlighted Supp - 309.5
- ☒ 21. Fill out PFO CC List (a.k.a. the Check-Off Sheet) - don't forget to check for other property owners.
- ☒ a. Does Ken Stahr need to be on the CC list (Rate, Duty and Period of Allowed Use changes) Yes
- ☒ 22. Final PFO report hard copy check (format, margins, etc.)
- ☒ 23. Final PFO has been saved to m:\t\pfo\done\week#\application #
- Name: Laura Swelaker Date: 4-29-96 LKS



cc: Water Rights Technical Staff.

SEASONS
Q
PRV/SUPP

STATE OF OREGON

INTEROFFICE MEMO

WATER RESOURCES DEPARTMENT  
NORTHWEST REGION

May 16, 1995

TO: Steve Applegate, ACT, Region Managers, Watermasters  
FROM: Tom Paul *TP*  
SUBJECT: Irrigation Seasons for New Groundwater Permits

This memo is continuation of discussions dating from 1993. The issues still exist. I would like to final this memo and provide it to WRD staff. For field staff, this should be in the form of a new section to be included in the Enforcement Manual. Please review the discussion regarding irrigation seasons for groundwater and return any comments to me. If you are comfortable with what is written, then I would propose forwarding this to ACT for their consideration.

Watermasters have raised questions regarding how irrigation seasons for groundwater are determined. The questions are prompted as watermasters received and reviewed water right application technical reviews.

I would propose dividing groundwater sources into two different categories:

Groundwater determined not to be hydraulically connected to surface water, and

Groundwater determined to be hydraulically connected to and which has the potential to cause substantial interference with surface water.

This is further complicated by groundwater which is requested to supplement an existing water right.

Technical reviews and resulting water use permits now contain beginning and ending dates for the irrigation season. Irrigation season dates should be consistent within each Basin. I have noticed that technical reviews and resulting groundwater permits in the same basin contain different irrigation seasons. Consistency in assigning irrigation seasons will save watermasters time when regulating water use.

Following is my recommendation for selecting the appropriate irrigation season:

GROUNDWATER DETERMINED NOT TO BE HYDRAULICALLY CONNECTED TO SURFACE



## WATER

The irrigation season for all groundwater determined not to be hydraulically connected, should be March 1 through October 31 for primary groundwater use permits.

## GROUNDWATER DETERMINED TO BE HYDRAULICALLY CONNECTED TO SURFACE WATER

The irrigation season for groundwater should match that established in the basin program for surface water. An irrigation season of March 1 through October 31 should be used if a season is not identified in the basin program. This only applies if the surface water stream has not been adjudicated.

The irrigation season for groundwater produced in areas which have been adjudicated should match the surface water season established by the courts. In adjudicated areas where the courts did not state a season, an irrigation season of March 1 through October 31 should apply.

In all cases where the groundwater is to be a supplemental source, the irrigation season should match the season of the primary water right.

The assigned irrigation season may be more restrictive depending on water availability and public interest determinations.

It is not uncommon to find that the courts, through the adjudication process, established unusual and restrictive seasons based on stream flows and historic surface water availability in the area. In these situations, groundwater water use permits should be issued to allow both primary and supplemental water use. The supplemental season would match that of the right being supplemented and the primary to authorize water use during the water use period not allowed for surface water between March 1 and October 31.

Water right applications requesting to use groundwater outside of the established irrigation seasons should be considered. Permits for out of season use should only be issued if the need is justified and water is available. Groundwater use outside the usual season is to be described as primary, as depicted above.

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## ARTICLE I PURPOSES

The major purposes of this compact are, with respect to the water resources of the Klamath River Basin:

A. To facilitate and promote the orderly, integrated and comprehensive development, use, conservation and control thereof for various purposes, including, among others: The use of water for domestic purposes; the development of lands by irrigation and other means; the protection and enhancement of fish, wildlife and recreational resources; the use of water for industrial purposes and hydroelectric power production; and the use and control of water for navigation and flood prevention.

B. To further intergovernmental cooperation and comity with respect to these resources and programs for their use and development and to remove causes of present and future controversies by providing (1) for equitable distribution and use of water among the two states and the Federal Government, (2) for preferential rights to the use of water after the effective date of this compact for the anticipated ultimate requirements for domestic and irrigation purposes in the Upper Klamath River Basin in Oregon and California, and (3) for prescribed relationships between beneficial uses of water as a practicable means of accomplishing such distribution and use.

## ARTICLE II DEFINITION OF TERMS

As used in this compact:

A. "Klamath River Basin" shall mean the drainage area of the Klamath River and all its tributaries within the States of California and Oregon and all closed basins included in the Upper Klamath River Basin.

B. "Upper Klamath River Basin" shall mean the drainage area of the Klamath River and all its tributaries upstream from the boundary between the States of California and Oregon and the closed basins of Butte Valley, Red Rock Valley, Lost River Valley, Swan Lake Valley and Crater Lake, as delineated on the official map of the Upper Klamath

River Basin approved on September 6, 1956, by the commissions negotiating this compact and filed with the Secretaries of State of the two states and the General Services Administration of the United States, which map is incorporated by reference and made a part hereof.

C. "Commission" shall mean the Klamath River Compact Commission as created by Article IX of this compact.

D. "Klamath Project" of the Bureau of Reclamation of the Department of the Interior of the United States shall mean that area as delineated by appropriate legend on the official map incorporated by reference under subdivision B of this Article.

E. "Person" shall mean any individual or any other entity, public or private, including either state, but excluding the United States.

F. "Keno" shall mean a point on the Klamath River at the present needle dam, or any substitute control dam constructed in section 36, township 39 south, range 7 east, Willamette Base and Meridian.

G. "Water" or "waters" shall mean waters appearing on the surface of the ground in streams, lakes or otherwise, regardless of whether such waters at any time were or will become ground water, but shall not include water extracted from underground sources until after such water is used and becomes surface return flow or waste water.

H. "Domestic use" shall mean the use of water for human sustenance, sanitation and comfort; for municipal purposes; for livestock watering; for irrigation of family gardens; and for other like purposes.

I. "Industrial use" shall mean the use of water in manufacturing operations.

J. "Irrigation use" shall mean the use of water for production of agricultural crops, including grain grown for feeding wildfowl.

## ARTICLE III DISTRIBUTION AND USE OF WATER

A. There are hereby recognized vested rights to the use of waters originating in the Upper Klamath River Basin validly established and subsisting as of the effective date of this compact under the laws of the state in which the use or diversion is made, including rights to the use of waters for domestic and irrigation uses within the



Oregon and consented to by the Congress of the United States.

B. This compact shall remain in full force and effect until amended in the same manner as is required for it to be ratified to become operative or until terminated.

C. A copy of any proposed amendments to or termination of this compact shall be filed with the Board of Supervisors of Modoc County, California, and the County Court of Lake County, Oregon, at least 30 days prior to any legislative consideration by the legislatures of the States of California and Oregon.

### ARTICLE VIII FEDERAL RIGHTS

Nothing in this compact shall be deemed:

A. To impair or affect the existing rights or powers of the United States of America, its agencies, or instrumentalities, in and to the use of the waters of the Goose Lake Basin nor its capacity to acquire rights in and to the use of said waters.

B. To subject any property of the United States of America, its agencies or instrumentalities to taxation by any state or subdivision thereof, nor to create an obligation on the part of the United States of America, its agencies or instrumentalities by reason of the acquisition, construction or operation of any property or works of whatsoever kind, to make any payments to any state or political subdivision thereof, state agency, municipality or entity, whatsoever in reimbursement for the loss of taxes.

C. To subject any property of the United States of America, its agencies or instrumentalities, to the laws of any state to any extent other than the extent to which these laws would apply without regard to the compact.

[1963 c.473 §2]

### NEGOTIATIONS FOR INTERSTATE COMPACT ON COLUMBIA RIVER BASIN

Note: Sections 1 and 2, chapter 391, Oregon Laws 1989, provide:

Sec. 1. (1) The Governor shall request the chairperson of the Columbia River Compact Commission, created pursuant to P.L. 82-572, to convene a meeting of representatives of the seven participating states to begin work preliminary to formal negotiations for an interstate compact to manage the waters of the Columbia River Basin.

(2) The Governor shall designate a representative of the State of Oregon to attend preliminary meetings of the Columbia River Compact Commission as Oregon's representative to the commission.

(3) Upon receiving the report required under section 2 of this Act, the Governor shall request that the chairperson of the Columbia River Compact Commission convene formal negotiations to develop the interstate compact for the management of the waters of the Columbia River Basin [1989 c.391 §1]

Sec. 2. The representative designated under section 1 of this Act shall participate in discussions with other members of the commission regarding areas of agreements between the states and areas of conflict which need to be resolved. After the areas of agreement and conflict are identified, the representative shall report to the Governor and to the legislative leadership. [1989 c.391 §2]

### KLAMATH RIVER BASIN COMPACT

**542.610 Klamath River Basin Compact ratified; when effective.** (1) The Legislative Assembly of the State of Oregon hereby ratifies the Klamath River Basin Compact set forth in ORS 542.620, and the provisions of such compact hereby are declared to be the law of this state upon such compact becoming effective as provided in subsection (2) of this section.

(2) The compact shall become effective when it has been ratified by the legislatures of the States of California and Oregon, and has been consented to by the Congress of the United States as provided in Article XIII of the compact. [1957 c.142 §1]

Note: The Klamath River Basin Compact became effective on September 11, 1957. The compact was ratified by the State of California by chapter 113, California Statutes 1957 (signed by Governor on April 17, 1957, and effective on September 11, 1957). The Congress of the United States consented to the compact by Public Law 222, 85th Congress (signed by President on August 30, 1957).

**542.620 Klamath River Basin Compact.** The provisions of the Klamath River Basin Compact are as follows:



Klamath Project. There are also hereby recognized rights to the use of all waters reasonably required for domestic and irrigation uses which may hereafter be made within the Klamath Project.

B. Subject to the rights described in subdivision A of this Article and excepting the uses of water set forth in subdivision E of Article XI, rights to the use of unappropriated waters originating within the Upper Klamath River Basin for any beneficial use in the Upper Klamath River Basin, by direct diversion or by storage for later use, may be acquired by any person after the effective date of this compact by appropriation under the laws of the state where the use is to be made, as modified by the following provisions of this subdivision B and subdivision C of this Article, and may not be acquired in any other way:

1. In granting permits to appropriate waters under this subdivision B, as among conflicting applications to appropriate when there is insufficient water to satisfy all such applications, each state shall give preference to applications for a higher use over applications for a lower use in accordance with the following order of uses:

- (a) Domestic use,
- (b) Irrigation use,
- (c) Recreational use, including use for fish and wildlife,
- (d) Industrial use,
- (e) Generation of hydroelectric power,
- (f) Such other uses as are recognized under the laws of the state involved.

These uses are referred to in this compact as uses (a), (b), (c), (d), (e) and (f), respectively. Except as to the superiority of rights to the use of water for use (a) or (b) over the rights to the use of water for use (c), (d), (e) or (f), as governed by subdivision C of this Article, upon a permit being granted and a right becoming vested and perfected by use, priority in right to the use of water shall be governed by priority in time within the entire Upper Klamath River Basin regardless of state boundaries. The date of priority of any right to the use of water appropriated for the purposes above enumerated shall be the date of the filing of the application therefor, but such priority shall be dependent on commencement and completion of construction of

the necessary works and application of the water to beneficial use with due diligence and within the times specified under the laws of the state where the use is to be made. Each state shall promptly provide the commission and the appropriate official of the other state with complete information as to such applications and as to all actions taken thereon.

2. Conditions on the use of water under this subdivision B in Oregon shall be:

(a) That there shall be no diversion of waters from the Upper Klamath River Basin, but this limitation shall not apply to out-of-basin diversions of waters originating within the drainage area of Fourmile Lake.

(b) That water diverted from Upper Klamath Lake and the Klamath River and its tributaries upstream from Keno, Oregon, for use in Oregon and not consumed therein and appearing as surface return flow and waste water within the Upper Klamath River Basin shall be returned to the Klamath River or its tributaries above Keno, Oregon.

3. Conditions on the use of water under this subdivision B in California shall be:

(a) That the waters diverted from the Klamath River within the Upper Klamath River Basin for use in California shall not be taken outside the Upper Klamath River Basin.

(b) That substantially all of the return flows and waste water finally resulting from such diversions and use appearing as surface waters in the Upper Klamath River Basin shall be made to drain so as to be eventually returned to the Klamath River upstream from Keno, Oregon.

C. 1. All rights, acquired by appropriation after the effective date of this compact, to use waters originating within the Upper Klamath River Basin for use (a) or (b) in the Upper Klamath River Basin in either state shall be superior to any rights, acquired after the effective date of this compact, to use such waters (i) for any purpose outside the Klamath River Basin by diversion in California or (ii) for use (c), (d), (e) or (f) anywhere in the Klamath River Basin. Such superior rights shall exist regardless of their priority in time and may be exercised with respect to inferior rights without the payment of compensation. But such superior rights to use water for use (b) in California shall be limited to the quantity of water necessary to irrigate 100,000



acres of land, and in Oregon shall be limited to the quantity of water necessary to irrigate 200,000 acres of land.

2. The provisions of paragraph 1 of this subdivision C shall not prohibit the acquisition and exercise after the effective date of this compact of rights to store waters originating within the Upper Klamath River Basin and to make later use of such stored water for any purpose, as long as the storing of waters for such later use, while being effected, does not interfere with the direct diversion or storage of such waters for use (a) or (b) in the Upper Klamath River Basin.

#### ARTICLE IV HYDROELECTRIC POWER

It shall be the objective of each state, in the formulation and the execution and the granting of authority for the formulation and execution of plans for the distribution and use of the water of the Klamath River Basin, to provide for the most efficient use of available power head and its economic integration with the distribution of water for other beneficial uses in order to secure the most economical distribution and use of water and lowest power rates which may be reasonable for irrigation and drainage pumping, including pumping from wells.

#### ARTICLE V INTERSTATE DIVERSION AND STORAGE RIGHTS; MEASURING DEVICES

A. Each state hereby grants for the benefit of the other and its designees the right to construct and operate facilities for the measurement, diversion, storage and conveyance of water from the Upper Klamath River Basin in one state for use in the other insofar as the exercise of such right may be necessary to effectuate and comply with the terms of this compact. The location of such facilities shall be subject to approval by the commission.

B. Each state or its designee, exercising within the jurisdiction of the other a right granted under subdivision A of this Article, shall make provision for the establishment, operation and maintenance of permanent gaging stations at such

points on streams or reservoir or conveyance facilities as may be required by the commission for the purpose of ascertaining and recording the volume of diversions by the streams or facilities involved. Said stations shall be equipped with suitable devices for determining the flow of water at all times. All information obtained from such stations shall be compiled in accordance with the standards of the United States Geological Survey, shall be filed with the commission, and shall be available to the public.

#### ARTICLE VI ACQUISITION OF PROPERTY FOR STORAGE AND DIVERSION; IN LIEU TAXES

A. Subject to approval of the commission, either state shall have the right (1) to acquire such property rights in the other state as are necessary for the diversion, storage, conveyance, measurement and use of water in conformity with this compact, by donation or purchase, or (2) to elect to have the other state acquire such property rights for it by purchase or through the exercise of the power of eminent domain. A state making the latter election shall make a written request therefor and the other state shall expeditiously acquire said property rights either by purchase at a price satisfactory to the requesting state, or, if such purchase cannot be made, then through the exercise of its power of eminent domain, and shall convey said property rights to the requesting state or its designee. All costs of such acquisition shall be paid by the requesting state. Neither state shall have any greater power to acquire property rights for the other state through the exercise of the power of eminent domain than it would have under its laws to acquire the same property rights for itself.

B. Should any diversion, storage or conveyance facilities be constructed or acquired in either state for the benefit of the other state, as herein provided, the construction, repair, replacement, maintenance and operation of such facilities shall be subject to the laws of the state in which the facilities are located, except that the proper officials of that state shall permit the storage, release and conveyance of any water to which the other state is entitled under this compact.



C. Either state having property rights other than water rights in the other state acquired as provided in this Article shall pay to each political subdivision of the state in which such property rights are located, each and every year during which such rights are held, a sum of money equivalent to the average annual amount of taxes assessed against those rights during the 10 years preceding the acquisition of such rights in reimbursement for the loss of taxes to such political subdivisions of the state. Payments so made to a political subdivision shall be in lieu of any and all taxes by that subdivision on the property rights for which the payments are made.

## ARTICLE VII POLLUTION CONTROL

A. The states recognize that the growth of population and the economy of the Upper Klamath River Basin can result in pollution of the waters of the Upper Klamath River Basin constituting a menace to the health and welfare of, and occasioning economic loss to, people living or having interests in the Klamath River Basin. The states recognize further that protection of the beneficial uses of the waters of the Klamath River Basin requires cooperative action of the two states in pollution abatement and control.

B. To aid in such pollution abatement and control, the commission shall have the duty and power:

1. To cooperate with the states or agencies thereof or other entities and with the United States for the purpose of promoting effective laws and the adoption of effective regulations for abatement and control of pollution of the waters of the Klamath River Basin, and from time to time to recommend to the governments reasonable minimum standards for the quality of such waters.

2. To disseminate to the public by any and all appropriate means information respecting pollution abatement and control in the waters of the Klamath River Basin and on the harmful and uneconomic results of such pollution.

C. Each state shall have the primary obligation to take appropriate action under its own laws to abate and control interstate pollution, which is defined as the deterioration of the quality of the

waters of the Upper Klamath River Basin within the boundaries of such state which materially and adversely affects beneficial uses of waters of the Klamath River Basin in the other state. Upon complaint to the commission by the state water pollution control agency of one state that interstate pollution originating in the other state is not being prevented or abated, the procedure shall be as follows:

1. The commission shall make an investigation and hold a conference on the alleged interstate pollution with the water pollution control agencies of the two states, after which the commission shall recommend appropriate corrective action.

2. If appropriate corrective action is not taken within a reasonable time, the commission shall call a hearing, giving reasonable notice in writing thereof to the water pollution control agencies of the two states and to the person or persons which it is believed are causing the alleged interstate pollution. Such hearing shall be held in accordance with rules and regulations of the commission, which shall conform as nearly as practicable with the laws of the two states governing administrative hearings. At the conclusion of such hearing, the commission shall make a finding as to whether interstate pollution exists, and if so, shall issue to any person or persons which the commission finds are causing such interstate pollution an order or orders for correction thereof.

3. It shall be the duty of the person against whom any such order is issued to comply therewith. Any court of general jurisdiction of the state where such discharge is occurring or the United States District Court for the district where the discharge is occurring shall have jurisdiction, on petition of the commission for enforcement of such order, to compel action by mandamus, injunction, specific performance, or any other appropriate remedy, or on petition of the person against whom the order is issued to review any order. At the conclusion of such enforcement or review proceedings, the court may enter such decree or judgment affirming, reversing, modifying, or remanding such order as in its judgment is proper in the circumstances on the basis of the rules customarily applicable in proceedings for court enforcement or review of



## WATER LAWS

administrative actions.

D. The water pollution control agencies of the two states shall, from time to time, make available to the commission all data relating to the quality of the waters of the Upper Klamath River Basin which they possess as the result of studies, surveys and investigations thereof which they may have made.

### ARTICLE VIII MISCELLANEOUS

A. Subject to vested rights as of the effective date of this compact, there shall be no diversion of waters from the basin of Jenny Creek to the extent that such waters are required, as determined by the commission, for use on land within the basin of Jenny Creek.

B. Each state shall exercise whatever administrative, judicial, legislative or police powers it has that are required to provide any necessary reregulation or other control over the flow of the Klamath River downstream from any hydroelectric power plant for protection of fish, human life or property from damage caused by fluctuations resulting from the operation of such plant.

### ARTICLE IX ADMINISTRATION

A. 1. There is hereby created a commission to administer this compact. The commission shall consist of three members. The representative of the State of California shall be the Department of Water Resources. The representative of the State of Oregon shall be the Water Resources Commission of Oregon who shall serve as ex officio representative of the Water Resources Commission of Oregon. The President is requested to appoint a federal representative who shall be designated and shall serve as provided by the laws of the United States.

2. The representative of each state shall be entitled to one vote in the commission. The representative of the United States shall serve as chairman of the commission without vote. The compensation and expenses of each representative shall be fixed and paid by the government which he represents. Any action by the commission shall be effective only if it be agreed to by both voting

members.

3. The commission shall meet to establish its formal organization within 60 days after the effective date of this compact, such meeting to be at the call of the Governors of the two states. The commission shall then adopt its initial set of rules and regulations governing the management of its internal affairs providing for, among other things, the calling and holding of meetings, the adoption of a seal, and the authority and duties of the chairman and executive director. The commission shall establish its office within the Upper Klamath River Basin.

4. The commission shall appoint an executive director, who shall also act as secretary, to serve at the pleasure of the commission and at such compensation, under such terms and conditions and performing such duties as it may fix. The executive director shall be the custodian of the records of the commission with authority to affix the commission's official seal, and to attest to and certify such records or copies thereof. The commission, without regard to the provisions of the civil service laws of either state, may appoint and discharge such consulting, clerical and other personnel as may be necessary for the performance of the commission's functions, may define their duties, and may fix and pay their compensation. The commission may require the executive director and any of its employees to post official bonds, and the cost thereof shall be paid by the commission.

5. All records, files and documents of the commission shall be open for public inspection at its office during established office hours.

6. No member, officer or employee of the commission shall be liable for injury or damage resulting from (a) action taken by such member, officer or employee in good faith and without malice under the apparent authority of this compact, even though such action is later judicially determined to be unauthorized, or (b) the negligent or wrongful act or omission of any other person, employed by the commission and serving under such officer, member or employee, unless such member, officer or employee either failed to exercise due care in the selection, appointment or supervision of such other person, or failed to take all available action to suspend or discharge such other person after



knowledge or notice that such other person was inefficient or incompetent to perform the work for which he was employed. No suit may be instituted against a member, officer or employee of the commission for damages alleged to have resulted from the negligent or wrongful act or omission of such member, officer or employee or a subordinate thereof occurring during the performance of his official duties unless, within 90 days after occurrence of the incident, a verified claim for damages is presented in writing and filed with such member, officer or employee and with the commission. In the event of a suit for damages against any member, officer or employee of the commission on account of any act or omission in the performance of his or his subordinates' official duties, the commission shall arrange for the defense of such suit and may pay all expenses therefor on behalf of such member, officer or employee. The commission may at its expense insure its members, officers and employees against liability resulting from their acts or omissions in the performance of their official duties. Nothing in this paragraph shall be construed as imposing any liability upon any member, officer or employee of the commission that he would otherwise not have.

7. The commission may incur obligations and pay expenses which are necessary for the performance of its functions. But it shall not pledge the credit of any government except by and with the authority of the legislative body thereof given pursuant to and in keeping with the constitution of such government, nor shall the commission incur any obligations prior to the availability of funds adequate to meet them.

8. The commission may:

(a) Borrow, accept or contract for the services of personnel from any government or agency thereof, from any intergovernmental agency, or from any other entity.

(b) Accept for any of its purposes and functions under this compact any and all donations, gifts, grants of money, equipment, supplies, materials and services from any government or agency thereof or intergovernmental agency or from any other entity.

(c) Acquire, hold and dispose of real and personal property as may be necessary in the

performance of its functions.

(d) Make such studies, surveys and investigations as are necessary in carrying out the provisions of this compact.

9. All meetings of the commission for the consideration of and action on any matters coming before the commission, except matters involving the management of internal affairs of the commission and its staff, shall be open to the public. Matters coming within the exception of this paragraph may be considered and acted upon by the commission in executive sessions under such rules and regulations as may be established therefor.

10. In the case of the failure of the two voting members of the commission to agree on any matter relating to the administration of this compact as provided in paragraph 2 of this subdivision A, the representative from each state shall appoint one person and the two appointed persons shall appoint a third person. The three appointees shall sit as an arbitration forum. The terms of appointment and the compensation of the members of the arbitration forum shall be fixed by the commission. Matters on which the two voting members of the commission have failed to agree shall be decided by a majority vote of the members of the arbitration forum. Each state obligates itself to abide by the decision of the arbitration forum, subject, however, to the right of each state to have the decision reviewed by a court of competent jurisdiction.

11. The commission shall have the right of access, through its authorized representatives, to all properties in the Klamath River Basin whenever necessary for the purpose of administration of this compact. The commission may obtain a court order to enforce its right of access.

B. 1. The commission shall submit to the Governor or designated officer of each state a budget of its estimated expenditures for such period and at such times as may be required by the laws of that state for presentation to the legislature thereof. Each state pledges itself to appropriate and pay over to the commission one-half of the amount required to finance the commission's estimated expenditures as set forth in each of its budgets, and pledges further that concurrently with approval of this compact by its legislature the sum of not less than \$12,000 will be appropriated by it to be paid over to



## WATER LAWS

the commission at its first meeting for use in financing the commission's functions until the commission can prepare its first budget and receive its first appropriation thereunder from the states.

2. The commission shall keep accurate accounts of all receipts and disbursements, which shall be audited yearly by a certified public accountant, and the report of the audit shall be made a part of its annual report. The accounts of the commission shall be open for public inspection during established office hours.

3. The commission shall make and transmit to the legislature and Governor of each state and to the President of the United States an annual report covering the finances and activities of the commission and embodying such plans, recommendations and findings as may have been adopted by the commission.

C. 1. The commission shall have the power to adopt, and to amend or repeal, such rules and regulations to effectuate the purposes of this compact as in its judgment may be appropriate.

2. Except as to matters involving exclusively the management of the internal affairs of the commission and its staff or involving emergency matters, prior to the adoption, amendment or repeal of any rule or regulation the commission shall hold a hearing at which any interested person shall have the opportunity to present his views on the proposed action in writing, with or without the opportunity to present the same orally. The commission shall give adequate advance notice in a reasonable manner of the time, place and subject of such hearings.

3. Emergency rules and regulations may be adopted without a prior hearing, but in such case they may be effective for not longer than 90 days.

4. The commission shall publish its rules and regulations in convenient form.

### ARTICLE X STATUS OF INDIAN RIGHTS

A. Nothing in this compact shall be deemed:

1. To affect adversely the present rights of any individual Indian, tribe, band or community of Indians to the use of the waters of the Klamath River Basin for irrigation.

2. To deprive any individual Indian, tribe, band or community of Indians of any rights,

privileges, or immunities afforded under federal treaty, agreement or statute.

3. To affect the obligations of the United States of America to the Indians, tribes, bands or communities of Indians, and their reservations.

4. To alter, amend or repeal any of the provisions of the Act of August 13, 1954, (68 Stat. 718) as it may be amended.

B. Lands within the Klamath Indian Reservation which are brought under irrigation after the effective date of this compact, whether before or after section 14 of said Act of August 13, 1954, becomes fully operative, shall be taken into account in determining whether the 200,000 acre limitation provided in paragraph 1 of subdivision C of Article III has been reached.

### ARTICLE XI FEDERAL RIGHTS

Nothing in this compact shall be deemed:

A. To impair or affect any rights, powers or jurisdiction of the United States, its agencies or those acting by or under its authority, in, over and to the waters of the Klamath River Basin, nor to impair or affect the capacity of the United States, its agencies or those acting by or under its authority in any manner whatsoever, except as otherwise provided by the federal legislation enacted for the implementation of this compact as specified in Article XIII.

B. To subject any property of the United States, its agencies or instrumentalities, to taxation by either state or any subdivision thereof, unless otherwise provided by Act of Congress.

C. To subject any works or property of the United States, its agencies, instrumentalities or those acting by or under its authority, used in connection with the control or use of waters which are the subject of this compact, to the laws of any state to an extent other than the extent to which those laws would apply without regard to this compact, except as otherwise provided by the federal legislation enacted for the implementation of this compact as specified in Article XIII.

D. To affect adversely the existing areas of Crater Lake National Park or Lava Beds National Monument, or to limit the operation of laws relating to the preservation thereof.



E. To apply to the use of water for the maintenance, on the scale at which such land and water areas are maintained as of the effective date of this compact, of officially designated waterfowl management areas, including water consumed by evaporation and transpiration on water surface areas and water used for irrigation or otherwise in the Upper Klamath River Basin; nor to affect the rights and obligations of the United States under any migratory bird treaty or the Migratory Bird Conservation Act (45 Stat. 1222), as amended to the effective date of this compact.

## ARTICLE XII GENERAL PROVISIONS

A. Each state and all persons using, claiming or in any manner asserting any right to the use of the waters of the Klamath River Basin under the authority of either state shall be subject to the terms of this compact.

B. Nothing in this compact shall be construed to limit or prevent either state from instituting or maintaining any action or proceeding, legal or equitable, in any court of competent jurisdiction for the protection of any right under this compact or the enforcement of any of its provisions.

C. Should a court of competent jurisdiction hold any part of this compact to be contrary to the Constitution of either state or the United States, all other provisions shall continue in full force and effect, unless it is authoritatively and finally determined judicially that the remaining provisions cannot operate for the purposes, or substantially in the manner, intended by the states independently of the portions declared unconstitutional or invalid.

D. Except as to matters requiring the exercise of discretion by the commission, the provisions of this compact shall be self-executing and shall by operation of law be conditions of the various state permits, licenses or other authorizations relating to the waters of the Klamath River Basin issued after the effective date of this compact.

E. The physical and other conditions peculiar to the Klamath River Basin constitute the basis for this compact, and neither of the states hereby, nor the Congress of the United States by its consent, considers that this compact establishes any general principle or precedent with respect to any other

interstate stream.

## ARTICLE XIII RATIFICATION

A. This compact shall become effective when ratified by the legislature of each signatory state, and when consented to by an Act of Congress of the United States which will, in substance, meet the provisions hereinafter set forth in this Article.

B. The Act of Congress referred to in subdivision A of this Article shall provide that the United States or any agency thereof, and any entity acting under any license or other authority granted under the laws of the United States (referred to in this Article as "the United States"), in connection with developments undertaken after the effective date of this compact pursuant to laws of the United States, shall comply with the following requirements:

1. The United States shall recognize and be bound by the provisions of subdivision A of Article III.

2. The United States shall not, without payment of just compensation, impair any rights to the use of water for use (a) or (b) within the Upper Klamath River Basin by the exercise of any powers or rights to use or control water (i) for any purpose whatsoever outside the Klamath River Basin by diversions in California or (ii) for any purpose whatsoever within the Klamath River Basin other than use (a) or (b). But the exercise of powers and rights by the United States shall be limited under this paragraph 2 only as against rights to the use of water for use (a) or (b) within the Upper Klamath River Basin which are acquired as provided in subdivision B of Article III after the effective date of this compact, but only to the extent that annual depletions in the flow of the Klamath River at Keno resulting from the exercise of such rights to use water for uses (a) and (b) do not exceed 340,000 acre-feet in any one calendar year.

3. The United States shall be subject to the limitation on diversions of waters from the basin of Jenny Creek as provided in subdivision A of Article VIII.

4. The United States shall be governed by all the limitations and provisions of paragraph 2 and subparagraph (a) of paragraph 3 of subdivision B of



Article III.

5. The United States, with respect to any irrigation or reclamation development undertaken by the United States in the Upper Klamath River Basin in California, shall provide that substantially all of the return flows and waste water finally resulting from such diversions and use appearing as surface waters in the Upper Klamath River Basin shall be made to drain so as to be eventually returned to the Klamath River upstream from Keno, unless the Secretary of the Interior shall determine that compliance with this requirement would render it less feasible than under an alternate plan of development, in which event such return flows and waste waters shall be returned to the Klamath River at a point above Copco Lake.

C. Upon enactment of the Act of Congress referred to in subdivision A of this Article and so long as such Act shall be in effect, the United States, when exercising rights to use water pursuant to state law, shall be entitled to all of the same privileges and benefits of this compact as any person exercising similar rights.

D. Such Act of Congress shall not be construed as relieving the United States of any requirement of compliance with state law which may be provided by other federal statutes.

### ARTICLE XIV TERMINATION

This compact may be terminated at any time by legislative consent of both states, but despite such termination, all rights then established hereunder or recognized hereby shall continue to be recognized as valid by the states.

[1957 c.142 §2]

**542.630 Water Resources Director to represent state in administering the Klamath River Basin Compact.** The Water Resources Director shall be the only representative of this state in administering the Klamath River Basin Compact set forth in ORS 546.620. The director shall receive no additional compensation for services as such representative, but, subject to any other applicable

law regulating mileage and traveling and other expenses for state officers, shall receive actual and necessary traveling and other expenses incurred in the performance of official functions as such representative, to be paid in the same manner and out of the same moneys as other similar expenses of the director are paid. [1957 c.142 §3]

### TEST STUDY OF INTEGRATED LAND-WATER MANAGEMENT

**542.710 Test stream and watershed study.**

(1) The Department of Higher Education, under the direction of the State Board of Higher Education acting through the Agricultural Experiment Station of Oregon State University, is authorized to conduct a test stream and watershed study in order to ascertain in a scientific manner the interrelation between all factors operating in watersheds upon maximum resource productivity of the area for the greatest public benefit.

(2) In conducting the study the Department of Higher Education, under the direction of the State Board of Higher Education acting through the Agricultural Experiment Station of Oregon State University, may:

(a) Enlist the cooperation of other state agencies concerned with fields under study and may reimburse such agencies for use made of facilities and personnel.

(b) Acquire the services of other persons as necessary for the purposes of this section. [Formerly 184.460]

**542.720 Assistance and grants for study.**

For purposes of ORS 542.710, the State Board of Higher Education may accept assistance and grants in the form of real or personal property, money, labor, equipment or technical assistance from the United States or any of its agencies, political subdivisions or from other persons subject to the conditions imposed thereon regardless of conflicting state law and may, unless enjoined by the terms of the grant or donation, convert the same into money to be used for the purposes of ORS 542.710. [Formerly 184.470]



**COMPLETED****COMPLETENESS DETERMINATION CHECKLIST**

Application #	Review Date	Reviewer
G - 12868	11/14/95	DB

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

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



RECEIVED

JUL 21 1994

WATER RESOURCES DEPT.  
SALEM, OREGON

Rocking AC Ranch  
9390 Highway #140 East  
Klamath Falls, OR 97603

July 19, 1994

Mr. Steve Brown  
Water Resources Department  
3850 Portland Road, NE  
Salem, OR 97310

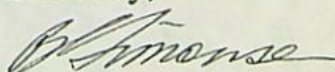
Dear Mr. Brown,

I would like to request an update on the status of our Water Use permit G 12868. This permit was filed in June 1992, and the public comment period ended on February 8, 1994. I was advised that the permit was not yet being evaluated when I contacted your office in March, 1994, but have received no further information on the status of the permit. Given the increasing severity of the water situation in Klamath County, it is important to know the likely schedule for action by the Water Resources Department on this permit.

As indicated in my application and subsequent correspondence, this well and the related supplemental and primary water rights which are associated with the permit were intended to both reduce the dependence on stream water during periods of drought, but also allow development of off stream pastures which reduced the dependence on riparian areas. We have been working with the U. S Fish and Wildlife and Oregon Department of Fish and Game in fencing the North Fork of the Sprague to improve the riparian zone and wildlife habitat on the premise that these pastures would be available. Since we have had no action on this permit, we are now evaluating increased use of these areas as backup grazing areas.

Additionally, I have not received a response to my letter of February 16, 1994. I am attaching a copy for your convenience. I also have not received information requested on June 25, 1994 for information on Water Permit application G 13712. Please send me information on this application as the location is adjacent to my headquarters facility.

Sincerely,



Bernard L. Simonsen,  
Owner



RECEIVED

JUL 21 1994

WATER RESOURCES DEPT.  
SALEM, OREGON

Rocking AC Ranch  
9390 Highway #140 East  
Klamath Falls, OR 97603

February 16, 1994

Mr. Steve Brown  
Water Resources Department  
3850 Portland Road, NE  
Salem, OR 97310

Dear Mr. Brown,

I have been advised that you are beginning the technical review of the instream water rights for the Klamath Basin. Since I own property on the Sprague River and lease a ranch on the Klamath River, I am greatly interested in this review and its outcome.

Accordingly, I would like to be informed of the status of this review with regard to the following streams in Klamath County, and would like a copy of the technical review when it is available:

- North Fork of the Sprague River
- Tributaries of the North Fork of the Sprague River
- South Fork of the Sprague River
- Tributaries of the South Fork of the Sprague River
- Klamath River between Klamath Falls and Keno

Additionally, I would be interested in background data on these instream reviews and the process which will be followed in evaluating the requested flows.

I appreciate the opportunity to provide input into this process.

Sincerely,

Bernard L. Simonsen,  
Owner



August 18, 1994

WATER  
RESOURCES  
DEPARTMENT

Bernard L. Simonsen  
Rocking AC Ranch  
9390 Highway #140 East  
Klamath Falls, OR 97498

Reference: File G-12868 - Rocking AC Ranch  
File G-13712 - Robert and Helen Cheyne  
Instream water right applications - IS-70094,  
IS-70799 through IS-70802, IS-70804, IS-70805,  
IS-70806, IS-70808, IS-70809, IS-70812 through  
IS-70817, IS-70820 through IS-70823 and IS-70832

Dear Mr. Simonsen:

Your letters of February 6, February 16, March 31 and July 21 were recently brought to my attention. I apologize for the delay in responding to your letters in a more timely fashion, however the demands on my time seem to exceed my ability to preform tasks as promptly as I would like.

In regards to Application G-12868, we have received, what we consider two letters of objections to the technical review report. One from WaterWatch of Oregon and your letter of February 6, 1994. Both of these letters will be addressed by staff as soon as time allows.

Application G-13712 in the name of Mr. and Mrs. Cheyne, filed on June 13, 1994, has yet to receive a review by staff and will receive a technical review report in the order it is was received with other requests. Your comment form was received on June 28, 1994 as an interested party and you will be placed on our distribution list to receive a copy of the technical review report when it is completed.

I am enclosing a list of instream water right applications that were submitted by the Oregon Department of Fish and Wildlife for the waters of the Klamath River Basin. I have highlighted the applications in which you expressed an interest in. These applications are referenced above. Please review the list. If there are any other instream water right applications you wish to receive a technical review report and have an opportunity to object, please notify me and I will include you as an interested party.



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



August 18, 1994  
Bernard L. Simonsen  
Rocking AC Ranch  
Page Two

The process for instream water right applications is described by our Division 77 Administrative Rules (copy enclosed), and is similar to our out-of-stream or groundwater application process.

Again I apologize for the delay in responding to your request. Please feel free to contact me if you have any questions and I will be happy to address any concerns you may have.

Respectfully,

Steve Brown  
Water Rights Program Analyst  
Water Right/Adjudication Division

cc: files



RECEIVED

JUL 21 1994

WATER RESOURCES DEPT.  
SALEM, OREGON

Rocking AC Ranch  
9390 Highway #140 East  
Klamath Falls, OR 97603

July 19, 1994

Mr. Steve Brown  
Water Resources Department  
3850 Portland Road, NE  
Salem, OR 97310

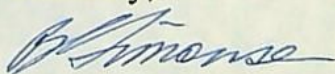
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Additionally, I have not received a response to my letter of February 16, 1994. I am attaching a copy for your convenience. I also have not received information requested on June 25, 1994 for information on Water Permit application G 13712. Please send me information on this application as the location is adjacent to my headquarters facility.

Sincerely,



Bernard L. Simonsen,  
Owner



RECEIVED

JUL 21 1994

WATER RESOURCES DEPT.  
SALEM, OREGON

**Rocking AC Ranch**  
9390 Highway #140 East  
Klamath Falls, OR 97603

February 16, 1994

Mr. Steve Brown  
Water Resources Department  
3850 Portland Road, NE  
Salem, OR 97310

Dear Mr. Brown,

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Additionally, I would be interested in background data on these instream reviews and the process which will be followed in evaluating the requested flows.

I appreciate the opportunity to provide input into this process.

Sincerely,

Bernard L. Simonsen,  
Owner



RECEIVED

APR - 4 1994

WATER RESOURCES DEPT.  
SALEM, OREGON

Rocking AC Ranch  
9390 Highway #140 East  
Klamath Falls, OR 97603

Thursday, March 31, 1994

Mr. Steve Brown  
Oregon Water Rights Department  
3850 Portland Road, N. E.  
Salem, OR 97310

Re: Permit G-12868

Dear Steve:

I received the copy of the single comment received from Water Watch on our Ground Water Permit. I would like to respond to a few of their comments.

First, I don't see anywhere in the Technical Report that there is any connection between the ground water resource and the flows in the North Fork of the Sprague River. To the contrary, a substantial reason for the requested ground water use is to provide an alternate source for the current senior water right on the North Fork. Only a small part of the irrigated ground is a new water right. The balance already has a surface water right. Use of this well would reduce the dependence on surface water, and would allow us to maintain the small ponds and sloughs as habitat as well as to sustain the pastures.

The comments on the Sucker are well documented, but recent information has indicated that the severity of the decline and the resilience of the sucker may be in error. However, the effect of denying this permit may be of more significance than its approval for the reasons indicated above.

The purpose of this permit is agricultural irrigation, which clearly is not restricted by statute. The well is in the middle of a tract of over 5,000 acres. There were no objections from any of the four neighboring ranches which hold water rights in the Bly area. All of the area ranches are working on ways to improve the flows and quality of the waters in the area. These include stream fencing, bank improvements, and other projects. The impact of these efforts will be better stream flows for downstream users and the wildlife. Failure to approve this permit will cause continued reliance upon the diversions from the North Fork with no alternative.

The amount of water requested for this permit is the amount established by the WRD for similar agricultural uses.

Land use in the Bly area is all agricultural lands, primarily range, pasture, and timber. Arguments as to land use compatibility indicate that the writer has never been to the area.

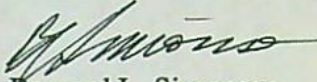
We have been working with the Oregon Department of Fish & Wildlife for the past several years to improve both the habitat for fish as well as riparian improvements. They are aware of this permit application, and have, to my knowledge, no objections. As indicated above, the effect of the permit is to allow reduced usage of the surface water during periods of low flows. Failure to approve the permit will not only increase the reliance on ground water, but will also cause an increased reliance on feed which is within the riparian pastures rather than allow the development of the upland pastures which can be created by the new water rights.



As indicated above, there is no indication in the Technical Review that there is any connection between the ground and surface waters. Most of the critical comments rely upon that connection which is not documented in any part of the report provided to me. Delay of this permit to allow review of in stream rights is unnecessary.

Thank you for the opportunity to respond to the Water Watch comments. Please contact me if there are any further questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "B. L. Simonsen", with a stylized flourish at the end.

Bernard L. Simonsen  
Owner



# WaterWatch

O F O R E G O N

RECEIVED

FEB 18 1994

WATER RESOURCES DEPT.  
SALEM, OREGON

By FAX and Regular Mail

February 18, 1994

RECEIVED

FEB 22 1994

WATER RESOURCES DEPT.  
SALEM, OREGON

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

Re: Objections to Technical Reports for:  
G-12868, Rocking AC Ranch, Irrigation, Klamath Co., NF Sprague River

## The Resource

The technical report acknowledges that the ground water resource is hydraulically connected to flows in the North Fork Sprague River. Ground and surface water in the Sprague River basin provides flows needed for habitat for rainbow and brown trout, large scale, shortnosed and lost river suckers. The Sprague River is overappropriated during the irrigation season. See technical report for 72349 and Water Resources Department file on this application. The Department of Environmental Quality (DEQ) has identified water withdrawals as a cause of water quality problems in the Sprague River.

The short nose and lost river suckers are listed under the Federal Endangered Species Act. The United States Fish and Wildlife Service (USFWS) Lost River (*Deltistes luxatus*) and Shortnose (*Chasmistes brevirostris*) Sucker Recovery Plan provides a good description of the history of these suckers:

Lost River and shortnose suckers are endemic to the upper Klamath Basin of Oregon and California (Map, page 11). Within their range, early records indicate that the Lost River and shortnose suckers were widespread and abundant. Cope (1884) noted that Upper Klamath Lake sustained "a great population of fishes" and was "more prolific in animal life" than any body of water known to him at that time. Gilbert (1898) noted that the Lost River sucker was "the most important food-fish of the Klamath Lake region." At that time, spring sucker runs "in incredible numbers" (Gilbert 1898) were relied upon as a food source by the Klamath and Modoc Indians and were taken by local settlers for both human consumption and livestock feed (Cope 1879, Coots 1965, Howe 1968). Sucker runs were so numerous that a cannery was established on the Lost River (Howe 1968) and several other commercial operations processed "enormous amounts" of suckers into oil, dried fish, and other products (Andreasen 1975).



Recovery Plan at 4. The decline of these suckers has been recognized since the mid-1960's, but the severity of the decline was not recognized until the 1980's. Recovery Plan Executive Summary.

In 1988 both species were listed under the federal Endangered Species Act as endangered. Executive summary. These species are also listed under the Oregon Endangered Species Act. By that time, entire stocks had already disappeared from sections of the Klamath Basin. *Id.* Both species of sucker are found in the Sprague River. The Lost River and shortnose suckers are lake dwelling but spawn in tributary streams or springs. Recovery plan at 9, Executive Summary. The Sprague River provides spawning habitat for both species. Recovery plan at 7 and 12.

The USFWS has identified water diversion and water quality problems associated with agricultural practices as some of the causes of the decline of these species. *Id.* "Reduction and degradation of lake and stream habitat in the Upper Klamath Basin has been proposed by the (USFW) Service as the major factor in the decline of both species." Executive. Summ. The recovery actions identified by the USFWS in the recovery plan for the suckers include improving habitat conditions by, among other things, developing and achieving water quality and water quality goals, improving fish habitat and improving land management practices. Executive summary. To date, no streamflow goals have been established for suckers in the Sprague River.

♦ **The Technical Report is Defective.**

The technical report fails to include many of the elements and evaluations required in OAR 690-11-160(1). The following are specific areas of deficiency:

- The report fails to assess whether the proposed use are restricted by statute. OAR 690-11-160(1)(b).
- The report fails to assess the proposed use with respect to conditions on other permits from the same source or the same type of use. OAR 690-11-160(1)(c).
- The report fails to assess the use with respect to **all** applicable administrative rules. OAR 690-11-160. For example, the report does not assess these uses with respect to the applicable basin plan.
- The report fails to evaluate potential conflicts with existing rights. OAR 690-11-160(1)(e). The information outlined in the section entitled **CONFLICTS WITH OTHER WATER RIGHTS** does not meet this requirement. The scope of the information is narrowly focused on other rights from the same point of diversion and for lands described in the applications. The rules are not that limited. The technical reports must evaluate the potential for conflict with existing rights -- rights that use the same **source** of water and rights that use other sources that may be affected by the proposed withdrawals.



- The report fails to evaluate water availability from the proposed source pursuant to OAR 690-11-160(f).
- The report does not evaluate whether the amounts requested is necessary to meet the proposed use. OAR 690-11-160(1)(g).
- Finally, there is no evaluation of land use compatibility. OAR 690-11-160(1)(h).

♦ **The Use As Proposed is Not in the Public Interest.**

The proposed use fails to pass the public interest considerations in ORS 537.525, 537.620 and 537.170 and the policies of Oregon's laws calling for the protection of native and anadromous fish, ORS 496.430 et sec. *See also*, OAR 690-11-195(3)(b), (d), (4)(a), (4)(b), (4)(c)(A), (4)(d), (4)(e), (4)(f). The State holds the waters from all sources of supply, in trust for the public. ORS 536.310(1), ORS 537.110, ORS 537.334(2), ORS 537.535, OAR 690-410-010(1) and OAR 690-410-070(1). Use of Oregon's ground water can generally only allowed by permit or certificate. The Ground Water Act of 1955 (ORS 537.505 to 537.795) requires the Commission to deny permit requests unless it can ensure that the "public welfare, safety and health" are protected. ORS 537.620. Thus, when evaluating the above referenced applications the Commission has a duty to ensure that the uses will not harm the quality of the ground and surface waters (*See* ORS 468B.015(1), 468B.015(2), (4) OAR 690-410-070(2)(e)), and instream flow needs for fish populations (ORS 496.430, OAR 690-410-070(2)(h)). *See also* OAR 690-11-195(4)(c), (d) and (h).

The state and federal Endangered Species Acts also place a burden on the Commission. Under the state Act, the Commission is required to consult with the Oregon Department of Fish and Wildlife to ensure that any action taken by the Commission is consistent with ODFW programs to conserve the species or, if no plan is in place, that the act will not "reduce the likelihood of the survival or recovery of the threatened species of endangered species." ORS 496.182(2). The federal Act prohibits the "taking" of endangered species. 16 USCA § 1538(a)(1)(B). Taking is defined in Section (3)(18) includes "harm" as well as killing and capturing. 16 USCA § 1532 (19). The regulatory definition of "harm" includes "significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering." 50 CFR § 17.3. Thus it is clear that actions by the Commission can rise to the level of an unpermitted taking of a species if habitat destruction or modification harms a listed species. *See Palilia v. Hawaii Department of Land and Natural Resources*, 649 F.Supp. 1070 (D. Hawaii 1986), *aff'd*, 852 F.2d 1106 (9th Cir. 1988). Significantly, the above referenced *Palilia* case, the oft-cited case on habitat alteration rising to the level of



## Water Resources Department

G-12868

Page 4

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take involved a state agency allowing goats to destroy the food source of an endangered bird. Taking water from fish is at least as clear a causal connection.

Listing under the state and federal endangered species act is a sign not only of the health of a particular species but also a warning signal for the health of the human environment. It has been a goal of Governor Roberts and the state not to allow resource conflicts to reach the level where federal intervention removes the state control. The proposed approval of this application will inevitably lead to these issues being resolved in Washington D.C. not in Oregon.

### 1. The Water Availability Analysis is Defective

The analysis is defective for the following reasons:

- There is no analysis of surface water availability. The technical report does not have **any** analysis of the status of water availability in the Sprague River. Since the use proposed will substantially interfere with North Fork Sprague River flows, a surface water availability analysis is crucial to the water availability analysis for this ground water application.

In addition, any such analysis must adequately consider rights-of-record. At any given moment there may be valid, but unexercised, water rights in a basin. Water users may at any time use the water to which they are legally entitled up to the limit of their rights-of-record. Failure to account for future increases in water use pursuant to rights-of-record results in an over-estimation of water availability and over-allocation of the resource. This is contrary to the statewide Water Allocation Policy. OAR 690-400-010.

- The analysis of groundwater availability appears to ignore existing and possible future uses of ground water that are exempt from Oregon's permitting requirements. We understand that there is no municipal water supply system in the City of Bonanza and most if not all residential uses of water in the City is diverted through exempt ground water wells. Thus, existing and future exempt wells have a cumulative impact on the resource and should be factored into the water availability analysis.
- The water availability analysis for surface flows in the Sprague River must differentiate between natural flows and regulated flows (water released from upstream storage). Clearly, additional groundwater withdrawals will be interfering with stored water releases in the Sprague River System, not just



**Water Resources Department**

G-12868

Page 5

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natural flows. See Letter to Water Resources Department from Bureau of Reclamation 11/10/93.

In addition, the flow releases from these federal projects are likely to be going through alterations in response to endangered species habitat concerns in the reservoirs. This will mean that flow regimes in the Sprague River will be changing. If the proposed ground water use in these applications essentially draw from surface waters then the source may be essentially stored water. Failure to differentiate between natural flows and regulated flows in the analysis overestimates the amount of natural flow available for use, leads to unrealistic expectations on the part of these applicants and will result in the over-allocation of the resource. This is contrary to the statewide Water Allocation Policy. OAR 690-400-010. As a legal and policy matter, the Department must differentiate between stored water and natural flow in its water availability analysis for new permits and in its regulation of existing permits.

- The "analysis" that was done fails to take into account the overappropriated state of the river system (See Technical report for 72349) and the flows needed to protect endangered fish populations in the Sprague River. This is contrary to the statewide allocation and instream flow policies which require protection of instream flow needs when considering applications for out-of-stream uses. OAR 690-410-070(2) and 690-410-030.
- The "analysis" appears to fail to take into account the four senior pending instream water right applications for the Sprague River. This application should not be processed until the instream water right applications are processed.

**2. The proposed conditions are not sufficient to protect the public's interest in the resource.**

The proposed conditions do nothing to prevent this proposed use from interfering with surface waters:

- Condition #10 only requires this permittee to limit or discontinue use if the use harms **prior** water rights. There are no water rights, senior or otherwise, that protect instream values in this river system. Thus, the condition do not allow the Commission to regulate the new permittee to protect instream values such as water quality or endangered species.



- In addition, the proposed permit conditions relating to measurement and reporting of water use is not sufficient because it requires measurement and reporting requirement of duty. This condition should be amended to require measurement and reporting of both rate and duty.

**3. The proposed use is not in the public interest because it will deplete and adversely affect quantity and quality of water needed to meet the needs for endangered species uses of the Sprague River.**

The proposed uses would deplete flows needed for endangered suckers in the Sprague River. Adequate quantity and quality of water needed for migration and spawning are critical for the survival and restoration of sucker species in the basin. Reduced streamflows caused by depletion of springs by groundwater pumping contribute to higher water temperatures, reduced water quality and loss of aquatic habitat. Low flows impede passage and rearing in the mainstem Sprague River. In addition, this water is proposed to be diverted for agricultural uses which have identified by DEQ as causing water quality problems. In addition, agricultural practices in the area have been identified by the USFWS as one of the causes of decline of the endangered suckers. The continued issuance of water use permits, whether temporary or permanent, in the face of the duty to protect critical habitat for threatened and endangered fish species, is contrary to the requirements of state and federal law.

**4. The proposed use is contrary to Oregon policy.**

ORS 537.170(5)(a) and (c) require the Department to ensure that waters in the basin will be used and controlled for all purposes, not just consumptive purposes. Instead of spending valuable state resources processing these applications, the state should be working to protect instream flows in this basin through the adoption of instream water rights. The Statewide Instream Flow Protection Policy states that "(w)here streamflows have been depleted to the point that public uses have been impaired, methods to restore the flows are to be developed and implemented." OAR 690-410-030(1). When considering applications for new water rights the agency is required to consider the needs of instream and out-of-stream uses and the need to develop streamflow restoration programs. OAR 690-410-030(2)(a). The Commission's review relating to instream needs is not limited to existing instream water rights or applications for water rights, it must also consider instream flow needs that are not specifically protected. OAR 690-410-070(2)(h). No such consideration has been done.

Instream water rights are an essential tool that must be utilized if Oregon is to achieve equitable allocation of water. Instream water rights not only protect unallocated waters instream, they serve as a management objective for obtaining the amount of instream flows needed to support public uses. OAR 690-77-015(2). The presence of endangered sucker



## Water Resources Department

G-12868

Page 7

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populations in the Klamath River system makes the protection of instream flows even more important for achieving a balance in this basin. The establishment and protection of instream water rights will help to achieve a balanced allocation of water between public instream and other uses in the basin and throughout the state.

Establishment of the instream water right also furthers statewide policies, priorities and goals for streamflow restoration including those in OAR 690-11-030(1), 690-410-070, and 690-77-015. Protection of streamflows is also necessary in order to carry out the state policy of restoring native fish stocks. Oregon law states that "it is declared to be a goal of the people of the State of Oregon to restore native stocks of salmon and trout to their historic levels of abundance." ORS 496.435.

Oregon statutes and rules also call for the state to "aggressively promote" water conservation and places a high priority on eliminating waste and improving the efficiency of water use. ORS 537.460(2)(a) and OAR 690-410-060(1). Proposed condition #13 does little to further these policies. Given the critical status of fish populations in the basin, the water quality problems and the fact that this proposed use is the type of use known to cause these existing problems, it is imperative that any use allowed be held to a strict efficiency standard prior to issuance of any new permit.

Oregon's statewide storage policy recognizes that storage is an "integral part" of the State's "strategy to enhance the public" benefits resulting from instream uses of Oregon's waters. OAR 690-410-080(1). The policy also recognizes that "(s)orage can provide increased water management flexibility and control." *Id.* One of the principles of the policy is to require that storage projects be managed in a way that will "protect and enhance the public health, safety and welfare, and the state's natural resources." OAR 690-410-080(2)(d). The Department's historic failure to manage stored water once it is released from storage and to distinguish between natural and regulated flows is not consistent with these policy mandates. Until the state begins to differentiate between natural and stored, and then begins to manage the resource consistent with that management strategy it will be ill-equipped to address the management and resource protection issues that it faces in the Klamath River Basin.<sup>1</sup>

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<sup>1</sup> This failure also undermines efforts of the BOR and other federal agencies to obtain water needed for fish in the Sprague River basin. The endangered suckers rely both on lakes and on stream and spring habitat. This means the BOR and the state will have to develop a management strategy for the suckers that protect certain reservoir levels and instream flows. Unless and until the Department differentiates between natural flow and stored water, the Department is creating yet another situation where a person who does not have a rights to use stored water is diverting ground water which affects stored water flows - potentially the stored water that the public is paying to have released into the river for fish needs. This is



**Water Resources Department**

G-12868

Page 8

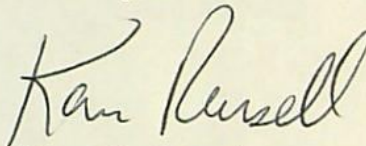
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Finally, the Commission's statewide policy on ground water management states that "(g)roundwater and surface water shall be managed conjunctively where to do so will protect the water resources, existing water rights, and the public interest." OAR 690-410-010(2)(a). The Policy also requires that "(i)nterference between groundwater uses and competing ground and surface water uses shall be prevented and/or controlled to protect the water resource and existing rights." OAR 690-410-010(1). The policy recognizes the state's duty to prevent ground water overdraft or contamination in order to avoid environmental damage. Id. For the reasons outlined above, the proposed issuance of this application is not consistent with any of the parts of this statewide policy.

♦ **Conclusion**

In order to protect the public's interest in the resource, and the endangered fish species which rely on this resource, this and other applications for permits for water from the Sprague River Basin should not be considered until sufficient instream flows are determined and guaranteed throughout the basin. Until these flows are determined and protected, the Department has no way to ensure that new uses proposed in the system will not harm the public interest. It is bad public policy to issue water rights based upon limited information when there is clearly a biological crisis in this critical river system.

Sincerely,



Karen A. Russell  
Assistant Director

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not only contrary to Oregon water law, it undermines the efforts of federal, state, and local governments, tribal governments and concerned citizens who have been working to protect one of Oregon's, and the nations, most precious resources.



RECEIVED

FEB - 8 1994

WATER RESOURCES DEPT.  
SALEM, OREGON

**Rocking AC Ranch**  
9390 Highway #140 East  
Klamath Falls, OR 97603

February 6, 1994

Mr. Steve Brown, Manager  
Water Rights Division  
Oregon Water Resources Department  
3850 Portland Road NE  
Salem, OR 97310

Reference File: G 12868

Dear Sir,

I have received the technical review for the subject water use permit and the proposed permit conditions, and would like to make the following comments for the record.

1. The address for the applicant has changed from P. O. Box 365, Bly, OR to 9390 Highway #140 East, Klamath Falls, OR 97603. Correspondence requesting this change has been submitted previously. The current telephone number is (503) 884-1609.

2. Although conservation of water is, and will continue to be of significant concern, due to the particular location and use of water in the headwaters of the Sprague/Klamath River systems, it would, by most accepted scientific models, be of a lesser importance. Specifically, use of best practical technologies in this system of lagoons, sloughs, and ponds between man-made ditches and the river would likely require installation of pumps, sprinkler systems, and the land plaining of the pastures. This would negate the efforts we have been trying to make with the US Fish and Wildlife Service and the Oregon Department of Fish and Game to enhance the habitat and the natural filtration and storage capacities of the area. Likewise, failure to irrigate the pastures would likely cause the land to revert to sagebrush and cause the ponds to dry up. This would loose the storage capacity of the land as well as the man made habitat.

3. Similarly, the focus on waste in this natural system of putting water into the natural filtration system, storing it in the headwaters, delaying the surges downstream, and cooling the water would be contrary to the intent of most of the water conservation and management proposals in which I have been involved. We are practicing these principles in our operations, however, they do not meet the definitions of "no waste." Although we do not, nor would we choose to intentionally waste water, the practical answer is that water which is not used on the pasture is returned to the river through a system of natural ponds, lagoons, and ox-bows from the old river beds. This system maintains the water table in the area,



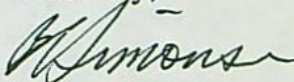
ensures improved habitat, provides storage for downstream users, and ultimately returns to the stream flow.

4. It is the intent to be able to use the well to irrigate the pastures, which are under existing water rights for flood irrigation from a diversion, during periods of reduced flow in the North Fork of the Sprague River. We would intend to coordinate with the Oregon Department of Fish and Game to coordinate when it would be beneficial to do so. Also, due to the capacity of the pump, we will utilize some of the water as a supplemental irrigation when the pump is running on the primary irrigation areas.

I appreciate the opportunity to provide these comments, and would welcome the opportunity to review them with you. As you are aware, the possibility of a renewed drought makes it imperative that the permit be issued as soon as practical so that the irrigation of the ranch can be planned and the appropriate livestock can be purchased for this season.

I would also like to receive copies of any correspondence or technical documents on this permit so that I may respond to them. I appreciate the opportunity to comment on the permit.

Sincerely,

A handwritten signature in dark ink, appearing to read "B. Simonsen", with a stylized flourish at the end.

Bernard L. Simonsen  
Owner



# WaterWatch

O F O R E G O N

By FAX and Regular Mail

February 18, 1994

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

Re: Objections to Technical Reports for:  
G-12868, Rocking AC Ranch, Irrigation, Klamath Co., NF Sprague River

## The Resource

The technical report acknowledges that the ground water resource is hydraulically connected to flows in the North Fork Sprague River. Ground and surface water in the Sprague River basin provides flows needed for habitat for rainbow and brown trout, large scale, shortnosed and lost river suckers. The Sprague River is overappropriated during the irrigation season. See technical report for 72349 and Water Resources Department file on this application. The Department of Environmental Quality (DEQ) has identified water withdrawals as a cause of water quality problems in the Sprague River.

The short nose and lost river suckers are listed under the Federal Endangered Species Act. The United States Fish and Wildlife Service (USFWS) Lost River (*Delostes luxatus*) and Shortnose (*Chasmistes brevirostris*) Sucker Recovery Plan provides a good description of the history of these suckers:

Lost River and shortnose suckers are endemic to the upper Klamath Basin of Oregon and California (Map, page 11). Within their range, early records indicate that the Lost River and shortnose suckers were widespread and abundant. Cope (1884) noted that Upper Klamath Lake sustained "a great population of fishes" and was "more prolific in animal life" than any body of water known to him at that time. Gilbert (1898) noted that the Lost River sucker was "the most important food-fish of the Klamath Lake region." At that time, spring sucker runs "in incredible numbers" (Gilbert 1898) were relied upon as a food source by the Klamath and Modoc Indians and were taken by local settlers for both human consumption and livestock feed (Cope 1879, Coots 1965, Howe 1968). Sucker runs were so numerous that a cannery was established on the Lost River (Howe 1968) and several other commercial operations processed "enormous amounts" of suckers into oil, dried fish, and other products (Andreassen 1975).



Recovery Plan at 4. The decline of these suckers has been recognized since the mid-1960's, but the severity of the decline was not recognized until the 1980's. Recovery Plan Executive Summary.

In 1988 both species were listed under the federal Endangered Species Act as endangered. Executive summary. These species are also listed under the Oregon Endangered Species Act. By that time, entire stocks had already disappeared from sections of the Klamath Basin. *Id.* Both species of sucker are found in the Sprague River. The Lost River and shortnose suckers are lake dwelling but spawn in tributary streams or springs. Recovery plan at 9, Executive Summary. The Sprague River provides spawning habitat for both species. Recovery plan at 7 and 12.

The USFWS has identified water diversion and water quality problems associated with agricultural practices as some of the causes of the decline of these species. *Id.* "Reduction and degradation of lake and stream habitat in the Upper Klamath Basin has been proposed by the (USFW) Service as the major factor in the decline of both species." Executive. Summ. The recovery actions identified by the USFWS in the recovery plan for the suckers include improving habitat conditions by, among other things, developing and achieving water quality and water quality goals, improving fish habitat and improving land management practices. Executive summary. To date, no streamflow goals have been established for suckers in the Sprague River.

♦ **The Technical Report is Defective.**

The technical report fails to include many of the elements and evaluations required in OAR 690-11-160(1). The following are specific areas of deficiency:

- The report fails to assess whether the proposed use are restricted by statute. OAR 690-11-160(1)(b).
- The report fails to assess the proposed use with respect to conditions on other permits from the same source or the same type of use. OAR 690-11-160(1)(c).
- The report fails to assess the use with respect to all applicable administrative rules. OAR 690-11-160. For example, the report does not assess these uses with respect to the applicable basin plan.
- The report fails to evaluate potential conflicts with existing rights. OAR 690-11-160(1)(e). The information outlined in the section entitled **CONFLICTS WITH OTHER WATER RIGHTS** does not meet this requirement. The scope of the information is narrowly focused on other rights from the same point of diversion and for lands described in the applications. The rules are not that limited. The technical reports must evaluate the potential for conflict with existing rights -- rights that use the same source of water and rights that use other sources that may be affected by the proposed withdrawals.



**Water Resources Department**

G-12868

Page 3

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- The report fails to evaluate water availability from the proposed source pursuant to OAR 690-11-160(f).
- The report does not evaluate whether the amounts requested is necessary to meet the proposed use. OAR 690-11-160(1)(g).
- Finally, there is no evaluation of land use compatibility. OAR 690-11-160(1)(h).

♦ **The Use As Proposed is Not in the Public Interest.**

The proposed use fails to pass the public interest considerations in ORS 537.525, 537.620 and 537.170 and the policies of Oregon's laws calling for the protection of native and anadromous fish, ORS 496.430 et seq. See also, OAR 690-11-195(3)(b), (d), (4)(a), (4)(b), (4)(c)(A), (4)(d), (4)(e), (4)(f). The State holds the waters from all sources of supply, in trust for the public. ORS 536.310(1), ORS 537.110, ORS 537.334(2), ORS 537.535, OAR 690-410-010(1) and OAR 690-410-070(1). Use of Oregon's ground water can generally only allowed by permit or certificate. The Ground Water Act of 1955 (ORS 537.505 to 537.795) requires the Commission to deny permit requests unless it can ensure that the "public welfare, safety and health" are protected. ORS 537.620. Thus, when evaluating the above referenced applications the Commission has a duty to ensure that the uses will not harm the quality of the ground and surface waters (See ORS 468B.015(1), 468B.015(2), (4) OAR 690-410-070(2)(e)), and instream flow needs for fish populations (ORS 496.430, OAR 690-410-070(2)(h)). See also OAR 690-11-195(4)(c), (d) and (h).

The state and federal Endangered Species Acts also place a burden on the Commission. Under the state Act, the Commission is required to consult with the Oregon Department of Fish and Wildlife to ensure that any action taken by the Commission is consistent with ODFW programs to conserve the species or, if no plan is in place, that the act will not "reduce the likelihood of the survival or recovery of the threatened species of endangered species." ORS 496.182(2). The federal Act prohibits the "taking" of endangered species. 16 USCA § 1538(a)(1)(B). Taking is defined in Section (3)(18) includes "harm" as well as killing and capturing. 16 USCA § 1532 (19). The regulatory definition of "harm" includes "significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering." 50 CFR § 17.3. Thus it is clear that actions by the Commission can rise to the level of an unpermitted taking of a species if habitat destruction or modification harms a listed species. See Palilia v. Hawaii Department of Land and Natural Resources, 649 F.Supp. 1070 (D. Hawaii 1986), aff'd, 852 F.2d 1106 (9th Cir. 1988). Significantly, the above referenced Palilia case, the oft-cited case on habitat alteration rising to the level of



**Water Resources Department**

G-12868

Page 4

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take involved a state agency allowing goats to destroy the food source of an endangered bird. Taking water from fish is at least as clear a causal connection.

Listing under the state and federal endangered species act is a sign not only of the health of a particular species but also a warning signal for the health of the human environment. It has been a goal of Governor Roberts and the state not to allow resource conflicts to reach the level where federal intervention removes the state control. The proposed approval of this application will inevitably lead to these issues being resolved in Washington D.C. not in Oregon.

**1. The Water Availability Analysis is Defective**

The analysis is defective for the following reasons:

- There is no analysis of surface water availability. The technical report does not have any analysis of the status of water availability in the Sprague River. Since the use proposed will substantially interfere with North Fork Sprague River flows, a surface water availability analysis is crucial to the water availability analysis for this ground water application.

In addition, any such analysis must adequately consider rights-of-record. At any given moment there may be valid, but unexercised, water rights in a basin. Water users may at any time use the water to which they are legally entitled up to the limit of their rights-of-record. Failure to account for future increases in water use pursuant to rights-of-record results in an over-estimation of water availability and over-allocation of the resource. This is contrary to the statewide Water Allocation Policy. OAR 690-400-010.

- The analysis of groundwater availability appears to ignore existing and possible future uses of ground water that are exempt from Oregon's permitting requirements. We understand that there is no municipal water supply system in the City of Bonanza and most if not all residential uses of water in the City is diverted through exempt ground water wells. Thus, existing and future exempt wells have a cumulative impact on the resource and should be factored into the water availability analysis.

- The water availability analysis for surface flows in the Sprague River must differentiate between natural flows and regulated flows (water released from upstream storage). Clearly, additional groundwater withdrawals will be interfering with stored water releases in the Sprague River System, not just



**Water Resources Department**

G-12868

Page 5

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natural flows. See Letter to Water Resources Department from Bureau of Reclamation 11/10/93.

In addition, the flow releases from these federal projects are likely to be going through alterations in response to endangered species habitat concerns in the reservoirs. This will mean that flow regimes in the Sprague River will be changing. If the proposed ground water use in these applications essentially draw from surface waters then the source may be essentially stored water. Failure to differentiate between natural flows and regulated flows in the analysis overestimates the amount of natural flow available for use, leads to unrealistic expectations on the part of these applicants and will result in the over-allocation of the resource. This is contrary to the statewide Water Allocation Policy, OAR 690-400-010. As a legal and policy matter, the Department must differentiate between stored water and natural flow in its water availability analysis for new permits and in its regulation of existing permits.

- The "analysis" that was done fails to take into account the overappropriated state of the river system (See Technical report for 72349) and the flows needed to protect endangered fish populations in the Sprague River. This is contrary to the statewide allocation and instream flow policies which require protection of instream flow needs when considering applications for out-of-stream uses. OAR 690-410-070(2) and 690-410-030.

- The "analysis" appears to fail to take into account the four senior pending instream water right applications for the Sprague River. This application should not be processed until the instream water right applications are processed.

**2. The proposed conditions are not sufficient to protect the public's interest in the resource.**

The proposed conditions do nothing to prevent this proposed use from interfering with surface waters:

- Condition #10 only requires this permittee to limit or discontinue use if the use harms prior water rights. There are no water rights, senior or otherwise, that protect instream values in this river system. Thus, the condition do not allow the Commission to regulate the new permittee to protect instream values such as water quality or endangered species.



**Water Resources Department**

G-12868

Page 6

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- In addition, the proposed permit conditions relating to measurement and reporting of water use is not sufficient because it requires measurement and reporting requirement of duty. This condition should be amended to require measurement and reporting of both rate and duty.

3. **The proposed use is not in the public interest because it will deplete and adversely affect quantity and quality of water needed to meet the needs for endangered species uses of the Sprague River.**

The proposed uses would deplete flows needed for endangered suckers in the Sprague River. Adequate quantity and quality of water needed for migration and spawning are critical for the survival and restoration of sucker species in the basin. Reduced streamflows caused by depletion of springs by groundwater pumping contribute to higher water temperatures, reduced water quality and loss of aquatic habitat. Low flows impede passage and rearing in the mainstem Sprague River. In addition, this water is proposed to be diverted for agricultural uses which have identified by DEQ as causing water quality problems. In addition, agricultural practices in the area have been identified by the USFWS as one of the causes of decline of the endangered suckers. The continued issuance of water use permits, whether temporary or permanent, in the face of the duty to protect critical habitat for threatened and endangered fish species, is contrary to the requirements of state and federal law.

4. **The proposed use is contrary to Oregon policy.**

ORS 537.170(5)(a) and (c) require the Department to ensure that waters in the basin will be used and controlled for all purposes, not just consumptive purposes. Instead of spending valuable state resources processing these applications, the state should be working to protect instream flows in this basin through the adoption of instream water rights. The Statewide Instream Flow Protection Policy states that "(w)here streamflows have been depleted to the point that public uses have been impaired, methods to restore the flows are to be developed and implemented." OAR 690-410-030(1). When considering applications for new water rights the agency is required to consider the needs of instream and out-of-stream uses and the need to develop streamflow restoration programs. OAR 690-410-030(2)(a). The Commission's review relating to instream needs is not limited to existing instream water rights or applications for water rights, it must also consider instream flow needs that are not specifically protected. OAR 690-410-070(2)(h). No such consideration has been done.

Instream water rights are an essential tool that must be utilized if Oregon is to achieve equitable allocation of water. Instream water rights not only protect unallocated waters instream, they serve as a management objective for obtaining the amount of instream flows needed to support public uses. OAR 690-77-015(2). The presence of endangered sucker



**Water Resources Department**

G-12868

Page 7

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<sup>1</sup> This failure also undermines efforts of the BOR and other federal agencies to obtain water needed for fish in the Sprague River basin. The endangered suckers rely both on lakes and on stream and spring habitat. This means the BOR and the state will have to develop a management strategy for the suckers that protect certain reservoir levels and instream flows. Unless and until the Department differentiates between natural flow and stored water, the Department is creating yet another situation where a person who does not have a rights to use stored water is diverting ground water which affects stored water flows - potentially the stored water that the public is paying to have released into the river for fish needs. This is



**Water Resources Department**

G-12868

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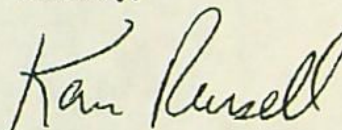
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Finally, the Commission's statewide policy on ground water management states that "(g)roundwater and surface water shall be managed conjunctively where to do so will protect the water resources, existing water rights, and the public interest." OAR 690-410-010(2)(a). The Policy also requires that "(i)nterference between groundwater uses and competing ground and surface water uses shall be prevented and/or controlled to protect the water resource and existing rights." OAR 690-410-010(1). The policy recognizes the state's duty to prevent ground water overdraft or contamination in order to avoid environmental damage. Id. For the reasons outlined above, the proposed issuance of this application is not consistent with any of the parts of this statewide policy.

**◆ Conclusion**

In order to protect the public's interest in the resource, and the endangered fish species which rely on this resource, this and other applications for permits for water from the Sprague River Basin should not be considered until sufficient instream flows are determined and guaranteed throughout the basin. Until these flows are determined and protected, the Department has no way to ensure that new uses proposed in the system will not harm the public interest. It is bad public policy to issue water rights based upon limited information when there is clearly a biological crisis in this critical river system.

Sincerely,



Karen A. Russell  
Assistant Director

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not only contrary to Oregon water law, it undermines the efforts of federal, state, and local governments, tribal governments and concerned citizens who have been working to protect one of Oregon's, and the nations, most precious resources.



8

# COPY CHECK-OFF SHEET FOR TECHNICAL REVIEWS

CC: FILE # 6 12868

WATERWATCH

~~ODF&W~~ ODF & W

WATERMASTER # 17

S.C. REGIONAL MANAGER - SC

## OTHER ADDRESSES:

CURE: RITTER #113

DEQ

K. STAHR

CASEWORKER Stook

ORIGINAL TO APPLICANT



# TECHNICAL REVIEW CHECKLIST

Application: G-12868

Review Date: 5-25-93

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

## SUMMARY

- S Completeness  
S Land Use  
S GW Interference (if potential interference with surface water, see results of water availability analysis)  
S Conflicts  
S Water Availability

S 7/22/93 The applicant has certified that the information provided in the application is an accurate representation of the proposed use and is true and correct to the best of their knowledge.

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

S 7/22/93 Application fees:

Examination fee:	\$ 200
Recording fee:	\$ 914
TOTAL REQUIRED	\$ 1114
TOTAL SUBMITTED	\$ 400 1114
AMOUNT DUE prior to issuance of permit	\$ 14
AMOUNT OVERPAID	
refund due applicant	\$

10 100  
407 814  
914

S Proposed dates of beginning and completion of construction, and complete application of water.

S A satisfactory map of the proposed place of water use prepared by a certified water right examiner, unless exempt under OAR 690-14-150(3).

N/A A CWRE map is not required for applications filed before November 9, 1987.



8/22/93

A written copy of the legal description of the property on which the water is to be used.

N/A

A copy of written authorization, contract or easement permitting access to the land or reservoir not owned by the applicant.

N/A

No statement of ownership was required for applications filed before August, 1990.

N/A

The report from watermaster has been received.

S

The proposed use is not restricted or prohibited by statute.

S

The source of water is not withdrawn from appropriation by order of the State Engineer or Water Resources Commission, or legislatively withdrawn under ORS Chapter 538.

S

IRRIGATION use(s) is/are classified uses(s) under the Klamath River Basin Program, OAR 690 - COMPACT ORS 542.610-540.630

HS

The application, map and supporting data are complete and free of defects.

#### Land Use Compatibility:

As expressed by the Planning Department of Klamath County

S

The land uses to be served by proposed water uses (including proposed construction) are allowed or are not regulated by the local comprehensive plan (ordinance section 55.220 I & J).

N/A

The land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals which have been obtained.

N/A

The local government was notified, and sent no comment pursuant to the rules at the time; land use was presumed in compliance per such statement printed on the application.

#### For ground water applications:

S

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

S

The report from groundwater section has been received.

CONDITION 4I

#### For reservoir applications:

N/A

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



Application No.

G 12868

SUPERSEDED 6-9-92

RECEIVED

APR - 8 1992

State of Oregon

WATER RESOURCES DEPARTMENT

# Application for a Permit to Appropriate Ground Water

Applicant(s) ROCKING AC RANCH

(Please print or type - use dark ink)

Mailing Address: P O Box 365

BLY

City

OR

State

97622

Zip

(503) 353-2303

(310) 541-2311

Daytime Phone No.

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

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

1 WELL

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

Distance from development to stream: 3/8 MILE

Elevation difference between streambed and development: 80'

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

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

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

Estimated depth to water: \_\_\_\_\_

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

Wells to be drilled by: STOREY DRILLING SERVICES

Address: P O Box 98, MIDLAND OR 97634

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

2. TOTAL AMOUNT OF WATER to be applied to beneficial use: \_\_\_\_\_ cubic feet per second, OR 3000 gallons per minute. If water is to be used from more than one ground water source, give the quantity of water from each: \_\_\_\_\_



3. INTENDED USE(s) OF WATER: IRRIGATE PASTURE, HAY FIELDS,  
LIVESTOCK WATER.

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

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

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

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

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

	NEW	102 <del>8</del> ACRES
Irrigation	SUPPLEMENTAL	328 ACRES
Other (describe)		410 ACRE.

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

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

SUPPLEMENTAL FOR 320 ACRES - UTILIZE EXISTING  
DITCHES. SUPPLEMENT WITH WHEELLINE, HAND  
LINE, AND/OR FLOOD PIPES. 12" MAIN LINES TO  
DITCHES.

NEW - 12" MAIN LINE  
DISTRIBUTE TO HAND LINE, WHEEL LINE, AND/OR  
FLOOD PIPE.

5. PROJECT SCHEDULE: (List month and year)

Proposed date construction work will begin 3/1/92

Proposed date construction work will be completed 6/15/93

Proposed date water use will be completed 6/15/93

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



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

☒ Applicant ☐ CWRE ☐ Other (Identify in REMARKS section)

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

☒ Applicant ☐ CWRE ☐ Other (Identify in REMARKS section)

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

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

REMARKS: WELL DRILLED MARCH 1992  
75 hp 3000 gpm pump to be installed  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Bernard J. Simon  
Signature of Applicant

4/6/92  
Date

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

\_\_\_\_\_  
Date



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

Dear Applicant:

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

\_\_\_\_\_

\_\_\_\_\_

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

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

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

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

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

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the 9th day of April, 1992, at 8:00 o'clock, A. M.

APPLICATION NO: \_\_\_\_\_



Application No. 6-12868  
Permit No. SUPERSEDDED 6-8-92

RECEIVED

APR - 8 1992

WATER RESOURCES  
SALEM, OREGON

Rocking AC Ranch

6-Apr-92

Water Rights Application

Section 4

Township 36 S Range 14 E

	<u>Supplemental</u>	<u>New</u>	<u>Total</u>
NW 1/4 NW 1/4	31.90	0.00	31.90
NE 1/4 NW 1/4	22.30	17.70	40.00
SW 1/4 NW 1/4	40.00	0.00	40.00
SE 1/4 NW 1/4	<u>24.20</u>	<u>15.80</u>	<u>40.00</u>
Subtotal	118.40	33.50	151.90
NW 1/4 NE 1/4	0.00	40.00	40.00
NE 1/4 NE 1/4	0.00	10.00	10.00
SW 1/4 NE 1/4	21.10	18.90	40.00
SE 1/4 NE 1/4	<u>20.80</u>	<u>0.00</u>	<u>20.80</u>
Subtotal	41.90	68.90	110.80
NW 1/4 SW 1/4	40.00	0.00	40.00
SW 1/4 SW 1/4	16.00	0.00	16.00
NE 1/4 SW 1/4	36.00	0.00	36.00
SE 1/4 SW 1/4	<u>8.00</u>	<u>0.00</u>	<u>8.00</u>
Subtotal	100.00	0.00	100.00
NW 1/4 SE 1/4	19.80	0.00	19.80
NE 1/4 SE 1/4	<u>27.90</u>	<u>0.00</u>	<u>27.90</u>
Subtotal	47.70	0.00	47.70
Total	308.00	102.40	410.40

Well  
NW NE  
36 S Sec 4  
14 E



**RECEIVED**

**JUL 22 1993**

**WATER RESOURCES DEPT.  
SALEM, OREGON**

**Rocking AC Ranch**  
9390 Highway #140 East  
Klamath Falls, OR 97603

July 20, 1993

Mr. Thomas E. Shook  
Oregon Water Resources Department  
3850 Portland Rd. N.E.  
Salem, OR 97310

Reference File: G-12868

Dear Mr. Shook,

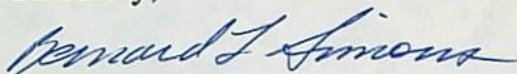
I received your letter of May 25, 1993 yesterday after being forwarded from the ranch. Please be advised that the current ranch business address is:

Rocking AC Ranch  
9390 Highway #140 East  
Klamath Falls, OR 97603

I am enclosing the legal description of the property copied from the title report, the certified application with signature, and a check for \$14.00 as requested. Please contact me if there are any further requirements. Also, please ensure that the address for this file and other water rights are updated.

Thank you for your assistance.

Sincerely,



Bernard L. Simonsen,  
Owner  
Rocking AC Ranch



h-12868

EXHIBIT "A"

RECEIVED

JUL 22 1993

WATER RESOURCES DEPT.  
SALEM, OREGON

PARCEL 1:

The  $W\frac{1}{2}E\frac{1}{2}$  and  $SE\frac{1}{4}SE\frac{1}{4}$  Section 33, Township 35 South, Range 14 East of the Willamette Meridian, in the County of Klamath, State of Oregon, and

All of Section 4, Township 36 South, Range 14 East of the Willamette Meridian, in the County of Klamath, State of Oregon, EXCEPTING the  $SE\frac{1}{4}SE\frac{1}{4}NW\frac{1}{4}$ ,  $SW\frac{1}{4}SW\frac{1}{4}NE\frac{1}{4}$  and  $SE\frac{1}{4}SE\frac{1}{4}$ .

PARCEL 2:

All Section 3, Township 36 South, Range 14 East of the Willamette Meridian, in the County of Klamath, State of Oregon.

EXCEPT the  $NW\frac{1}{4}SE\frac{1}{4}NE\frac{1}{4}$ ;  $N\frac{1}{2}$  of Lot 4 ( $N\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}$ );  $N\frac{1}{2}N\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$ ;  $N\frac{1}{2}S\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$ ,  $S\frac{1}{2}S\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$ ;  $S\frac{1}{2}S\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$

And  $SE\frac{1}{4}SE\frac{1}{4}NW\frac{1}{4}$ ,  $SW\frac{1}{4}SW\frac{1}{4}NE\frac{1}{4}$  Section 4, Township 36 South, Range 14 East of the Willamette Meridian, in the County of Klamath, State of Oregon.



Rocking AC Ranch  
9390 Highway #140 East  
Klamath Falls, OR 97603

July 20, 1993

Mr. Thomas E. Shook  
Oregon Water Resources Department  
3850 Portland Rd. N.E.  
Salem, OR 97310

Reference File: G-12868

Dear Mr. Shook,

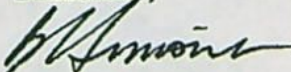
I received your letter of May 25, 1993 yesterday after being forwarded from the ranch. Please be advised that the current ranch business address is:

Rocking AC Ranch  
9390 Highway #140 East  
Klamath Falls, OR 97603

I am enclosing the legal description of the property copied from the title report, the certified application with signature, and a check for \$14.00 as requested. Please contact me if there are any further requirements. Also, please ensure that the address for this file and other water rights are updated.

Thank you for your assistance.

Sincerely,



Bernard L. Simonsen,  
Owner  
Rocking AC Ranch

ORIGINAL BY MAIL WITH CHECK



---

# Oregon

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WATER  
RESOURCES  
DEPARTMENT

---

May 25, 1993

ROCKING AC RANCH  
PO BOX 365  
BLY, OR 97622

REFERENCE FILE: G-12868

We are preparing to send the technical review in connection with the project described in your application.

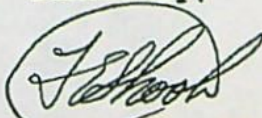
The application submitted is obsolete. A "true and accurate" statement must be included on your application. I have attached a white sticker just above your signature. You will have to sign next to the statement. Include your title with your signature. The application is enclosed for these reasons.

*[Handwritten: See page 2]*  
Since you have increased the acreage, additional recording fees are due. The irrigation recording fee for 416.7 acres is \$914. An additional \$14 is needed.

You will also have to send us a copy of the legal description of the property upon which the water will be used. This could be copied from a deed or title insurance policy.

Your application is endorsed, so that in order to maintain the tentative date of priority, the application will have to be received in our office on or before July 27, 1993.

Sincerely,



Thomas E. Shook  
Water Right Specialist

cc: Tru-Line Surveying



---

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



RECEIVED

Application No. G-12868

JUN - 9 1993

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

## Application for a Permit to Appropriate Ground Water

Applicant(s) ROCKING A C RANCH  
(Please print or type - use dark ink)Mailing Address: P O Box 365  
Bly City OR State 97622 Zip (503) 353-2303 Daytime Phone No.  
(503) 884-1609

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

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

1 well

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

Distance from development to stream: 3/8 mileElevation difference between streambed and development: 80'

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

Diameter of well: 12 1/4" Depth in feet: 200' TO 424'Type and size of well casing: 16" No. of feet: 200'Estimated depth to water: 62'

Type of access port or measuring device:

Wells to be drilled by: STOREY DRILLING SERVICESAddress: P O Box 78, MIDLAND, OR 97634If the water well is flowing artesian, describe your water control and conservation works: N/A2. TOTAL AMOUNT OF WATER to be applied to beneficial use: 5,209 cubic feet per second, OR 2334 gallons per minute. If water is to be used from more than one ground water source, give the quantity of water from each:



3. INTENDED USE(s) OF WATER: IRRIGATE PASTURE, HAY FIELDS,  
LIVESTOCK WATER

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

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

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

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

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

Irrigation	<u>PRIMARY</u>	<u>107.2 ACRES</u>
Other (describe)	<u>SUPPLEMENTAL</u>	<u>309.5 ACRES</u>
	<u>TOTAL</u>	<u>416.7 ACRES</u>

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

PRIMARY - 12" MAIN LINE

DISTRIBUTE TO HAND LINES, WHEEL LINE,  
AND FLOOD GATE PIPELINES

SUPPLEMENTAL FOR 309.5 ACRES - 12" MAIN LINES

TO EXISTING DITCHES. SOME AREAS MAY  
BE DISTRIBUTED WITH FLOOD GATE PIPES  
AND HAND LINES.

5. PROJECT SCHEDULE: (List month and year)

Proposed date construction work will begin 3/1/92

Proposed date construction work will be completed 6/15/93

Proposed date water use will be completed 6/15/93

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



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

Applicant ☒ CWRE Other (Identify in REMARKS section)

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

☒ Applicant CWRE Other (Identify in REMARKS section)

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

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

REMARKS: WELL DRILLED MARCH 1992  
75 HP 3000 GPM PUMP TO 65 INSTALLED JUNE 1992

I/We certify that the information I have provided in this application is an accurate representation of the proposed water use and is true and correct to the best of my knowledge. 7/19/93

Bernard F. Simon  
owner

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

Bernard F. Simon  
Signature of Applicant

4/6/92 ORIGINAL  
6/4/92 REVISED  
Date

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

\_\_\_\_\_  
Date



---

**FOR WATER RESOURCES DEPARTMENT USE ONLY**

Dear Applicant:

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

completion

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

July 27, 1993WITNESS my hand this 25th day of May, 1993MARTHA O. PAGEL*Water Resources Director*By: THOMAS E. SHOOK

Water Right Specialist

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the 9th day of April, 1992, at 8:00 o'clock, A M.

APPLICATION NO: G-12868



## EXHIBIT "A"

## PARCEL 1:

The  $W\frac{1}{2}E\frac{1}{2}$  and  $SE\frac{1}{4}SE\frac{1}{4}$  Section 33, Township 35 South, Range 14 East of the Willamette Meridian, in the County of Klamath, State of Oregon, and

All of Section 4, Township 36 South, Range 14 East of the Willamette Meridian, in the County of Klamath, State of Oregon, EXCEPTING the  $SE\frac{1}{4}SE\frac{1}{4}NW\frac{1}{4}$ ,  $SW\frac{1}{4}SW\frac{1}{4}NE\frac{1}{4}$  and  $SE\frac{1}{4}SE\frac{1}{4}$ .

## PARCEL 2:

All Section 3, Township 36 South, Range 14 East of the Willamette Meridian, in the County of Klamath, State of Oregon.

EXCEPT the  $NW\frac{1}{4}SE\frac{1}{4}NE\frac{1}{4}$ ;  $N\frac{1}{2}$  of Lot 4 ( $N\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}$ );  $N\frac{1}{2}N\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$ ;  $N\frac{1}{2}S\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$ ,  $S\frac{1}{2}S\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$ ;  $S\frac{1}{2}S\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$

And  $SE\frac{1}{4}SE\frac{1}{4}NW\frac{1}{4}$ ,  $SW\frac{1}{4}SW\frac{1}{4}NE\frac{1}{4}$  Section 4, Township 36 South, Range 14 East of the Willamette Meridian, in the County of Klamath, State of Oregon.



May 25, 1993

ROCKING AC RANCH  
PO BOX 365  
BLY, OR 97622

REFERENCE FILE: G-12868

We are preparing to send the technical review in connection with the project described in your application.

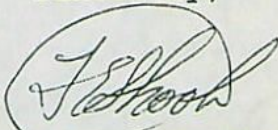
The application submitted is obsolete. A "true and accurate" statement must be included on your application. I have attached a white sticker just above your signature. You will have to sign next to the statement. Include your title with your signature. The application is enclosed for these reasons.

Since you have increased the acreage, additional recording fees are due. The irrigation recording fee for 416.7 acres is \$914. An additional \$14 is needed.

You will also have to send us a copy of the legal description of the property upon which the water will be used. This could be copied from a deed or title insurance policy.

Your application is endorsed, so that in order to maintain the tentative date of priority, the application will have to be received in our office on or before July 27, 1993.

Sincerely,



Thomas E. Shook  
Water Right Specialist

cc: Tru-Line Surveying



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



GW

RECEIVED

BERNARD LEE SIMONSEN

6847 ALTA VISTA DRIVE • RANCHO PALOS VERDES, CALIFORNIA 90274

JUN - 9 1992

WATER RESOURCES DEPT.  
SALEM, OREGON

JUNE 4, 1992

WATER RESOURCES DEPARTMENT  
3850 PORTLAND RD NE  
SALEM, OR 97310

REFERENCE: FILE G-12868

Gentlemen,

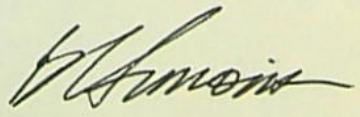
I AM ENCLOSING A REVISED APPLICATION FOR A WELL NEAR BLY, OREGON. THE ORIGINAL APPLICATION WAS SUBMITTED APRIL 6, 1992. IT WAS ASSIGNED FILE G-12868.

THE REVISION ONLY CORRECTS ACREAGE TO CONFORM TO THE MAPS PREPARED BY ERWIN R. RITTER OF TRU-LINE SURVEYING, 2333 SUMMERS LANE, KLAMATH FALLS, OR 97603. COPIES OF HIS MAPS ARE ALSO INCLUDED.

DUE TO THE CONTINUING DROUGHT, IT WOULD BE APPRECIATED IF THIS APPLICATION COULD BE EXPEDITED TO ALLOW WELL WATER TO BE UTILIZED AND ALLOW FOR MAXIMUM STREAM FLOW IN THE SPRAGUE RIVER.

PLEASE CALL ME IF FURTHER INFORMATION IS REQUIRED. (503) 353-2303 OR (503) 884-1609.

Sincerely





April 29, 1993

ROCKING AC RANCH  
PO BOX 365  
BLY OR 97622

Reference: File Number - G-12868

We have received your request asking us to expedite the processing of your water right application. We understand how urgent you feel it is to begin your preparations for your water use project.

I can assure you that every effort is being made to process your application as speedily as possible. We hope you can understand, however, that the Water Resources Department is required to consider each application for a permit on a first come first serve basis in order to assure fair and equitable consideration of all applicants.

We understand that the wait is extremely frustrating to applicants such as yourself who are anxious to get on with their plans. Unfortunately, there are numerous applicants in line ahead of you at this time.

As you are undoubtedly aware, our state is undergoing a period of intensive population growth during a time of many budget cutbacks. Our department has experienced an unprecedented number of new applications.

Before the Water Resources Department recommends an application be approved or rejected, we are required to complete a comprehensive technical evaluation of the proposed water use. In addition we must conduct a specialized public interest review. State law dictates that these often times lengthy analyses be done.

We have no way of knowing yet whether your particular proposed water use will be recommended for approval or rejection. Water may not be used until a water right permit is issued. The filing of an application does not create a water right.



---

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



Rocking AC Ranch  
Page 2  
April 29, 1993

We truly regret the delay. The Department will finish processing your application, fairly and according to law, and as soon as possible under the circumstances. We apologize for any inconvenience the delay has caused you.

If you want more information on the status of your application please call and ask for the Water Rights Division.

Sincerely,

Laurie Beth English  
Water Rights Program Analyst

LBE:jh



RECEIVED

APR 21 1993

WATER RESOURCES DEPT.  
SALEM, OREGON

Rocking AC Ranch  
9390 Highway #140 East  
Klamath Falls, OR 97603

April 17, 1993

Oregon Water Resources Department  
3850 Portland Road, N. E.  
Salem, Oregon 97310

Reference: File G-12868

Dear Sirs,

I am writing to request the status of my water permit application which was submitted on April 6, 1992 and updating information was submitted on June 4, 1992. The purpose of the application was to utilize a well to provide water as a supplement for existing water rights from the North Fork of the Sprague River for 309 acres and new rights for 107 acres. The well is 6 miles northwest of the town of Bly, Oregon. The ranch owns property at least 1/2 mile in all directions, and the nearest existing well off the ranch is 2 miles to the Northwest. The reasons for the well were:

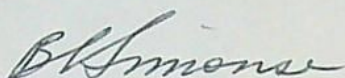
- 1) To provide a backup source of water in drought years
- 2) To allow for an alternate source of water during the late summer so as to reduce the withdrawal of water from the North Fork of the Sprague River to improve downstream flows.
- 3) To create upland pastures to allow for projects which would improve and develop the riparian areas along the river over the next several years, and ultimately reduce the dependence on these areas for grazing.

Upon requesting a verbal status recently, I was advised that the application had not even been considered yet, and that it could take several years before it would be processed. I find that this delay is inconceivable given the apparent concern expressed by your department and others in the environmental community and government for water quality, habitat, riparian conditions, and numerous related issues.



I have invested a considerable amount of effort, time and money in developing this well and the related efforts to improve the stream conditions on the ranch, and many of them are dependent on the ability to utilize the new well to improve upland pastures and reduce dependence on the river water rights. I would appreciate your response on the status of this application and what actions I can take to expedite the approval.

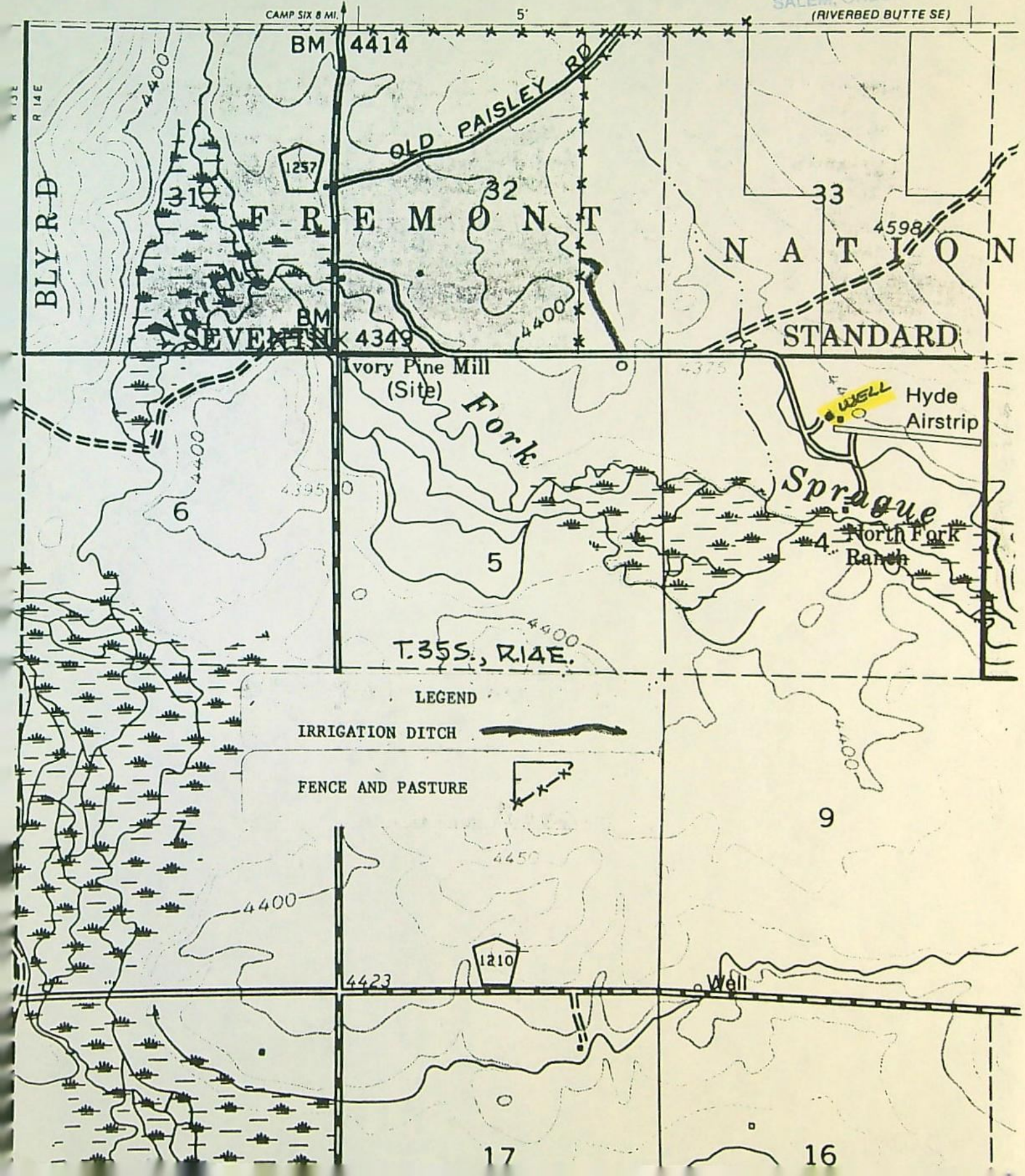
Sincerely,

A handwritten signature in cursive script, appearing to read "B. Simonsen".

Barney Simonsen  
Owner, Rocking AC Ranch



WATER RESOURCES DEPT.  
SALEM, OREGON  
(RIVERBED BUTTE SE)





RECEIVED

JUN - 9 1992

WATER RESOURCES DEPT.  
SALEM, OREGON

Oregon

WATER  
RESOURCES  
DEPARTMENT

April 13, 1992

ROCKING AC RANCH  
PO BOX 365  
BLY, OR 97622

REFERENCE: File(s) G-12868

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

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

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

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

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

cc: CWRE



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



# Application No. 6-12868

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

RECEIVED

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

APR - 8 1992

WATER RESOURCES DEPT  
SALEM, OREGON

Applicant's Name: BERNARD L. SIMONSEN DBA ROCKING AC RANCH  
Address: PO Box 365  
City: Bly State: OR Zip: 97622 Day Phone: (503) 353-2303

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

Tax Lot or Local I.D.#	Plan Designation/Zoning (e.g. Rural Residential/RR-5)	Check All That Apply		
		Water Diverted	Water Conveyed	Water Use
3614-00000-00700-000-00	AGRICULTURE			✓
3614-00000-00800-000-00	AGRICULTURE			✓

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

The following section must be completed by a planning official from each county and city listed unless your project will be located entirely within city limits. In this case, only the city planning agency must complete this form. Please request extra forms as needed.

### For Local Government Use Only

Local government planning officials are to complete the remainder of this form. If this form can not be completed while the applicant waits, please sign and detach the receipt as instructed below. Please mail the completed form directly to the Water Resources Department (3850 Portland Rd. NE, Salem, OR, 97310) within 60 days of the date of receipt as shown below. If the form is not completed within 60 days, the Department may take action to approve the water use.

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

☒ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 55.220(T)(5). Go to section b) on reverse side.

☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below. **Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus any accompanying findings is sufficient.)**

Type of Land Use Approvals Needed (e.g.: plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Please check the box that applies:		
		Already Obtained	Already Denied	Being Pursued Satisfactorily

(over)

### Receipt for Request for Land Use Information

WRD Applicant Name: BERNARD L. SIMONSEN dba ROCKING AC RANCH

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

City or County: Klamath County

Staff Contact: LINDA LANG Phone: 883-4200

Signature: Linda Lang Date of Information Request: 7 APRIL 92



(For Local Use Continued)

b) Please provide printed name and written signature.

Name:

LINDA LANG

**Title:**

Associate Planner

Date:

7 April '92

Phone:

885-4200

Signature:

Linda Lang

*Local governments are invited to express special land use concerns or make recommendations to the Department regarding this proposed use of water below, or on a separate sheet. For additional information call Roberta Jortner or Rick Bastasch at 378-3671.*

Additional Comments:



## Description of Water Use

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

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

Applicant Name: BERNARD L. SIMONSEN DBA ROCKING AC RANCH  
 Address: PO BOX 365  
Bly, OR 97622  
 Phone: (503) 353-2303

APR - 8 1992

WATER RESOURCES DEPT.  
SALEM, OREGON

Please indicate what you will use the water for. Check all boxes that apply and fill in the blanks with key characteristics of the project

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

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



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

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

Applicant's Name: BERNARD L. SIMONSEN DBA ROCKING AC RANCH  
Address: PO Box 365  
City: Bly State: OR Zip: 97622 Day Phone: (503) 353-2303

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

Tax Lot or Local I.D.#	Plan Designation/Zoning (e.g. Rural Residential/RR-5)	Check All That Apply		
		Water Diverted	Water Conveyed	Water Use
3614-00000-00700-000-00	<del>AGRICULTURE</del> FORESTLY			✓
3614-00000-00800-000-00	<del>AGRICULTURE</del> RANGE			✓

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

The following section must be completed by a planning official from each county and city listed unless your project will be located entirely within city limits. In this case, only the city planning agency must complete this form. Please request extra forms as needed.

## For Local Government Use Only

Local government planning officials are to complete the remainder of this form. If this form can not be completed while the applicant waits, please sign and detach the receipt as instructed below. Please mail the completed form directly to the Water Resources Department (3850 Portland Rd. NE, Salem, OR, 97310) within 60 days of the date of receipt as shown below. If the form is not completed within 60 days, the Department may take action to approve the water use.

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

☒ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): ARTICLE 55.2. Go to section b) on reverse side.

☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below. **Note:** Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus any accompanying findings is sufficient.)

Type of Land Use Approvals Needed (e.g.: plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Please check the box that applies:		
		Already Obtained	Already Denied	Being Pursued Satisfactorily

(over)



(For Local Use Continued)

b) Please provide printed name and written signature.

Name: J. K. LUNDALU

Date: 4-30-92

Title: SENIOR PLANNER

Phone: 883-4200

Signature:

*Local governments are invited to express special land use concerns or make recommendations to the Department regarding this proposed use of water below, or on a separate sheet. For additional information call Roberta Jortner or Rick Bastasch at 378-3671.*

Additional Comments:

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



# MAP TO ACCOMPANY GROUND WATER APPLICATION

SITUATED IN SECTION 4, T36S, R14EWM,  
KLAMATH COUNTY, OREGON  
APRIL 1992

Application No. 6-12868  
Permit No.

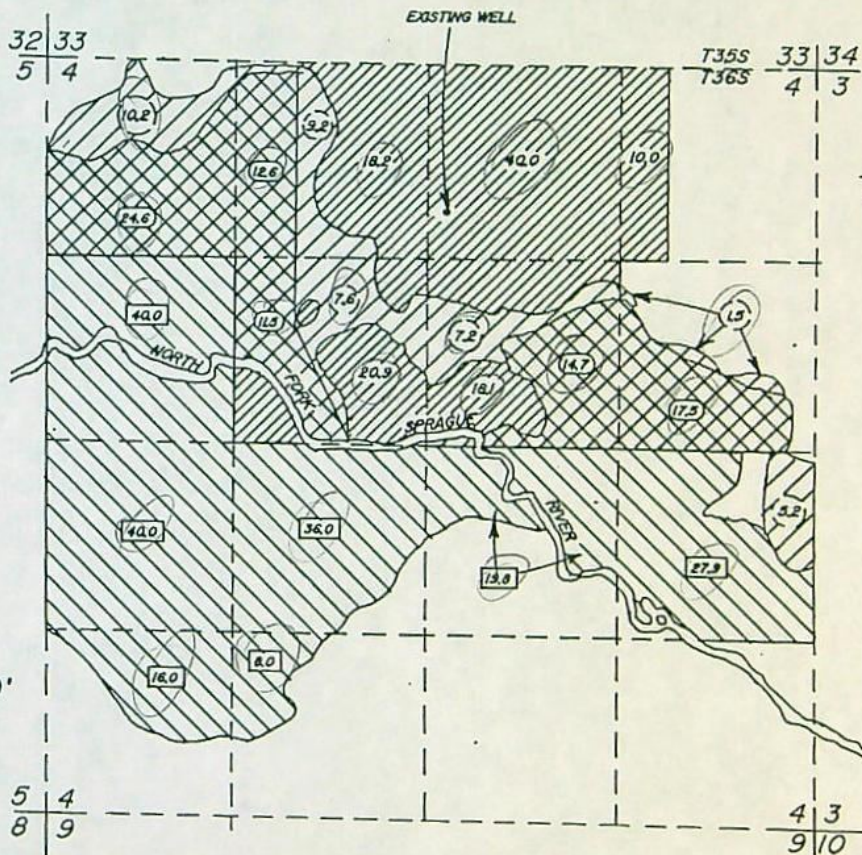
work  
copy

MAP PREPARED FOR  
-- BERNARD L. SIMONSEN --  
(DBA ROCKING AC RANCH)

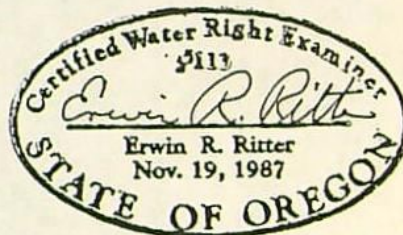
MAP PREPARED FROM MAP OF CERTIFICATES #9967 AND  
9983, MAP OF CERTIFICATE #37829, AND 1987 WAC AERIAL  
PHOTO.

COPY

NO EXISTING P3A



LOCATION OF EXISTING WELL BY OWNER  
1000 FEET SOUTH AND 2520 FEET WEST OF  
THE NORTHEAST CORNER OF SECTION 4



INDICATES AREA SUPPLEMENTAL TO  
CERTIFICATE #37829 40.9 Ac.



INDICATES AREA SUPPLEMENTAL TO  
CERTIFICATE #9983 187.7 Ac.



INDICATES AREA SUPPLEMENTAL TO  
CERTIFICATE #9967 80.9 Ac.



INDICATES PRIMARY LAND THIS  
APPLICATION 107.2 Ac.

TOTAL AREA THIS APPLICATION

-- 416.7 Ac. --

(SEE ATTACHED SHEET FOR  
FURTHER BREAKDOWN OF AREAS)

THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE  
WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE  
TO THE LOCATION OF PROPERTY OWNERSHIP BOUNDARY LINES.

TRU-LINE SURVEYING  
2333 SUMMERS LANE  
KLAMATH FALLS, OR. 97603







DATE      INITIALS      MINIMUM REQUIREMENTS TO FILE

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

FIELD OPERATIONS

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

SUPPORT SERVICES

\_\_\_\_\_ 4/14 \_\_\_\_\_  
 \_\_\_\_\_ Stamp contents with application number  
 \_\_\_\_\_ Mail/Provide copies of draft permits to DEQ, ODFW,  
 \_\_\_\_\_ PARKS, AND WATERMASTER  
 \_\_\_\_\_ Mail ack letter (provided by Data Center) with  
 \_\_\_\_\_ receipt to applicant, cc to CWRE and file  
 \_\_\_\_\_ Place label on file and card  
 \_\_\_\_\_ If dam is over 10 feet or storage exceeds 9.2 AC-FT,  
 \_\_\_\_\_ route file to Dam Safety Section  
 \_\_\_\_\_ Notify Irrigation District

FIELD OPERATIONS

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

EXAMINATION FEE: 200  
 RECORDING FEE: 900

REMARKS:

TOTAL:  
 REFUND:  
 DEFICIENT: 14







32

33

33

34

5

4

4

3

Application No. G-12868  
Permit No.

18

73 Ac.

297 Ac.

127 Ac.

64 Ac.

32 Ac.

88 Ac.

SPRAGUE

RIVER

IRRIGATION  
DITCH

24 Ac.

25 Ac.

5

4

4

3

RECEIVED  
APR - 8 1932



Application No. 6-12868  
Permit No.

KLAM  
10435

# STOREY DRILLING SERVICES

P.O. BOX 98 - MIDLAND, OREGON 97634  
503 / 884-3990 / 1-800-245-8122  
CONTRACTOR'S LICENSES - ORE. 601 / CALIF. 583153



Mr. Bernard Simonsen  
Rocking AC Ranch  
6847 Alta Vista Drive  
Rancho Palos Verdes, California 90274

START: March 6, 1992  
FINISH: March 25, 1992

WELL LOCATION: Rocking AC Ranch Headquarters on Ivory Pine Road, Bly, Oregon.  
NE $\frac{1}{4}$  NW $\frac{1}{4}$  S4 T36S R14E

## LOG

0	-	1	Brown clay & coarse gravel
1	-	11	Hard pan & coarse gravel
11	-	45	Hard brown chalk
45	-	48	Brown basalt
48	-	93	Black basalt
93	-	95	Brown basalt
95	-	143	Brown basalt with streaks black pumice and brown clay
143	-	157	Decomposed brown lava
157	-	164	Hard black basalt
164	-	194	Hard grey basalt
194	-	200	Brown lava
200	-	210	Black basalt
210	-	255	Black basalt with streaks brown ash
255	-	286	Hard brown basalt
286	-	332	Brown lava with brown clay & ash
332	-	360	Hard black basalt
360	-	396	Hard brown basalt
396	-	412	Hard grey basalt
412	-	424	Hard broken bubbly black basalt

50 feet of 16 inch O. D. x .250 wall casing set at 49 feet with  
16 inch diameter rolled drive shoe.  
16 inch diameter hole from 49 to 200 feet;  
12 $\frac{1}{2}$  inch diameter hole from 200 feet to 424 feet.  
Static water level at 62 feet; Temperature 53 degrees Fahrenheit.  
Test pumped 2500 GPM at 68 feet.



# WaterWatch

O F O R E G O N

RECEIVED

APR 20 1992

WATER RESOURCES DEPT.  
SALEM, OREGON

April 17, 1992

Stephen C. Brown  
Water Resources Department  
3850 Portland Rd. N. E.  
Salem, OR 97310

RE: Application for Permit #G12868, Rocking AC Ranch  
N. Fk. Sprague River Basin, Klamath Co., 3000 gpm

WaterWatch has reviewed the limited amount of information contained in the public notice of this water right application. Based upon that information, WaterWatch raises the following issues, questions and concerns:

Is there unappropriated water available for this proposed use? How will the Department determine water availability for this proposed use? What will be the cumulative effect of this proposed use, in combination with other, already existing uses of the aquifer?

Is the groundwater source in question in hydraulic connection with surrounding surface waters? If so, what is the amount of surface water depletion and what effect will this proposed use have on instream flows necessary to protect the public's interest in fish, wildlife, recreation and a health aquatic system? We oppose an application which in any way reduces surface water flows needed for the public uses that are served by instream water rights.

Given the importance of this groundwater resource, and the Department's limited enforcement staff, it only makes sense to require this applicant to measure and record water use. Measurement not only helps the Department carry out its statutory mandate to promote the control of water resources in Oregon for all beneficial uses, it helps the Department protect the public's interest in assuring the use is within the bounds of the permit. ORS 536.220(1)(a), 537.170(5).

Will this proposed use be compatible with Goal 5 elements of the local comprehensive plan?

It is a high priority of the state to eliminate waste and improve the efficiency of water use. OAR 690-410-060(1). Statewide policy also calls upon water users to use and maintain their water systems in a manner consistent with the state's priority. What conditions are proposed for this permit that will carry out and encourage compliance with state policy?

Is this an existing illegal use of water? If so, will the continued use without a permit cause harm to existing water rights and the public interest?

We request copies of the draft permit and the groundwater staff's analysis of this application.

Sincerely,

Jim Myron

bc:



April 13, 1992

ROCKING AC RANCH  
PO BOX 365  
BLY, OR 97622

REFERENCE: File(s) G-12868

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

cc: CWRE



---

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



PAID 12/1/04  
**ASSIGNED**

Application No. **G12868**  
Permit No. **G12613**

**ROCKING AC RANCH**

~~PO BOX 365 9390 Highway #140 East, Klamath~~  
~~BLV, OR 97622 Falls, OR 97603~~

Assigned Larry Olson

Address 700 Fort Ave. - St. Helens, OR 97051

Beginning construction JUL 17 1997

Completion of construction OCT 1 1998

Extended to .....

Complete application of water .....

OCT 01 1999

Extended to .....