

2004 **PHONE CALL**

FOR MON F.C. DATE 4-19 TIME 12:12 AM

M RUBY H QUEST PHONED

OF QUEST RETURNED YOUR CALL

PHONE FAX MOBILE (541)-938-0118 PLEASE CALL

MESSAGE M.I.T. - FREWATER WILL CALL AGAIN

Per G-13541 CAME TO SEE YOU

AD G-14423 WANTS TO SEE YOU

SIGNED 541 938.5674 12:00 PM FORM C4-400

FOR _____

DATE 1-4 1999 TIME 4 AM

FROM MOLLY

FIRM ##05

PHONE _____

FAX AREA CODE _____ NUMBER _____ EXTENSION _____

MOBILE AREA CODE _____ NUMBER _____ TIME TO CALL _____

TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	<input checked="" type="checkbox"/>
RETURNED YOUR CALL	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
CAME TO SEE YOU	<input type="checkbox"/>	RUSH	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	SPECIAL ATTENTION	<input type="checkbox"/>
WAITING TO SEE YOU	<input type="checkbox"/>	HOLDING LINE	<input type="checkbox"/>

MESSAGE DECREE MAP.

MAP G.1 A0

35.5 A0

G 14423

\$ PERMIT G-13

SIGNED _____ FORM 4007 **Tops** MADE IN U.S.A.

MESSAGE

C-02

Application #: 614423
Permit #: 613541

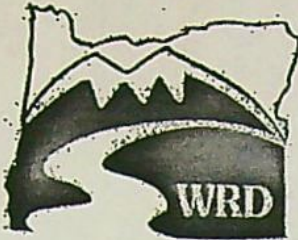
Robert Hodnefeld
RT 2 Box 69B
Milton Freewater, OR 97862

Beginning Construction 11/17/99

Complete Application of water: 10/1/02

Completion Checklist for CWRE Claims of Beneficial Use

Application # G.14423
Permit # G.13541
Transfer # _____
Date _____
Reviewer _____



Date Received 11/07/2005
CWRE Name Dale Van Schoiack
Claim Logged
File Marked _____
Oversized Map # _____
Read and attach copy of permit or transfer

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)
- _____ Checked to legal description

Report Review:

- _____ On form or format provided by the Department
- _____ Application & permit #; or transfer #
- _____ County
- _____ Tax lot information
- _____ Date of survey
- _____ Person interviewed
- _____ Ownership information
- _____ 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
- _____ Description of conveyances system (from POD to POU)
- _____ Diversion works description (pump make, serial model, capacity, and description)
- _____ System capacity
 - _____ Calculated capacity of system (required)
 - _____ Measured amount of use (optional)
- _____ Permit conditions
 - _____ Time limits
 - _____ Initial water level measurements
 - _____ Annual static water level measurements
 - _____ Measurement, recording, and reporting
 - _____ Meter/measuring device
 - _____ Water use reporting
 - _____ 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 current 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:

Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1271

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:

Steve Brown by e-mail at Stephen.C.BROWN@wrđ.state.or.us or by phone at 503-986-0809

Or Gerry Clark by e-mail at Gerald.E.CLARK@wrđ.state.or.us or by phone at 503-986-0811

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.wrđ.state.or.us/programs/index.shtml>.

**This box can be deleted

CLAIM OF BENEFICIAL USE

The completion of this form is required by OAR 690-014-010(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 14423	G 13541

2. Property owner (current owner information)

a. Individuals

Name	Robert Hodnefield
Mailing Address	PO Box 198
City/State/Zip	Milton-Freewater, OR 97862
Phone #	541-938-0118
Fax #	541-938-5674
e-mail address	

b. Businesses/Organizations

Name	Not Applicable
Contact Person and Title	
Mailing Address	
City/State/Zip	
Phone	
Fax	
e-mail	

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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.

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

c. Individuals

	Individual 1	Individual 2
Name	Robert Hodnefield	
Mailing Address	Rt. 2 Box 698	
City/State/Zip	Milton-Freewater, OR 97862	

d. Businesses/Organizations

Name	Not Applicable
Contact Person and Title	
Mailing Address	
City/State/Zip	

4. Date of Site Inspection: **September 22, 2005, October 19, 2005**

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

Name	Date	Association with the project
Bob Hodnefield	9/23/05	Owner
Jorge Carcia	10/19/05	Irrigator
Ruby Hodnefield	10/19/05	Wife of Owner

6. County:

7. Tax Lot Information:

Tax map number	Tax lot number
6N 3425	1000

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	Not Applicable
Contact Person and Title	
Mailing Address	
City/State/Zip	
Phone #	

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

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I. Points of Diversion/Appropriation and Place of Use - Well #1

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:

Water is pumped from Well #1 located on the south side of the house. Permit G-13541 authorizes 0.52 cfs from this well. Water flow through a buried mainline approximately 50' ft to the west where it connects to a buried mainline running north/south through the property. There is a buried submain that extends to the east from the north/south main and serves the northeast portion of the property. The mainline has risers along it from which portable aluminum handlines are used to irrigate the ground.

There is a second well, Well #2 that is located near the center of the property. It is also connected to the buried north/south mainline. Permit G-13541 indicates any deficiency from Well #1 may come from Well #2.

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)
Well #1		
Well log not available.		

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

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

Source	Tributary to
Alluvial well	

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
NW 1/4 NW 1/4, Sec 25, T6N, R34E W.M.	100 ft South and 720 ft East from the NW Cor Sec 25

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
Irrigation	Pasture	March 1 - Oct. 31	0.52 cfs permitted
			0.32 cfs observed
			0.39 cfs calculated

Total Quantity of Water _____

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COBU Version 1105

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
		NE						
		NW	25	6 N	34 E	Irr	6.1	
		NW						
		NW	25	6 N	34 E	Irr	33.9	

Total Acres Irrigated 40.0

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:

3/4 in diameter hole in top of well cap seal, 3 in riser pipe with threaded bushing

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
See well log						

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.

Well is located on south side of house in a concrete walled pit.

**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.

3. **Reservoir Data Not Applicable - Deleted Items 1-7.**

4. **System Information: Not Applicable - Deleted Item 1-7.**

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
Berkeley	6T 10150	Unknown	Submersible turbine		3 in

2. Motor information

Brand	Model	Horsepower	Max RPM	Voltage
Franklin	Submersible	10	3450	240 V

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

Make	Serial #	Condition (working or not)	Current meter reading	Notes
McCrometer	05-04850-3	Good	4338.56 gallons	Meter in operation indicating 145 gpm during 9/23/05 site visit.

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4. Measurement device description

Device description	Condition (working or not)	Notes
Not Applicable		

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
		1 minute	145 gallons

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
10	50 psi	35 ft	3 ft	174.9 gpm

7. Provide pump calculations in the box below:

$$H_p = \frac{Q \text{ (gpm)} \times TDH \text{ (ft)}}{3960 \times \text{eff.}} \Rightarrow Q = \frac{hp \times 3960 \times \text{eff.}}{TDH}$$

$$= \frac{10 \times 3960 \times .70}{158.5} = 174.9 \text{ gpm (0.39 cfs)}$$

Eff = 0.70 from pump curve (see attachment)

TDH = well lift ft (35 ft) + 50 psi (115.5 ft) + misc loss (5 ft) + ground lift (3 ft) = 158.5

8. Mainline information

Mainline size	Length	Type of pipe	Buried or above ground
4 in *	1550 ft *	PVC & Steel*	Buried

*The mainline is buried. There was one hole where it was exposed near the tee connection of the discharge pipe from Well #1. At this point it was observed to be 4 in. PVC pipe.

9. Lateral or handline information

Lateral or handline size	Length	Type of pipe	Buried or above ground
3 in	2040 ft	Aluminum	Portable handline (51 joints)

10. Sprinkler information Make and model:

Make	Model	Size	Operating psi	Sprinkler output	Maximum number used	Total sprinkler output
Rainbird	30H	5/32	~ 40 psi	4.4 ± GPM	32 operating during 9/23/05 site visit	141 gpm ± (.31 cfs)

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Refer to the chart of sprinkler output at various pressures for most nozzle sizes attached to this document. The sprinklers were old and worn of varying makes and nozzles. Thirty two sprinklers were in use during the 9/23/05 site visit.

$$Q_{\text{sprinklers}} = \frac{(\text{max \# heads})(\text{gpm/head})}{448.8 \text{ gpm/cfs}} = \text{cfs} \qquad Q = \frac{32 \times 4.4}{448.8} = 0.31 \text{ cfs}$$

11. Additional notes or comments related to the system:

At the time of the permit application there was indication of a small pond on the property. At the time of the Final Proof site visit the area of the pond was being irrigated with pasture growing on it. Well locations noted on the application map and permit were found to be incorrect. The distances on the permit were referenced from the NW 1/4 Corner Section 25. The distances should have been referenced from the NW Corner Section 25.

I. Points of Diversion/Appropriation and Place of Use - Well #2

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:

Water is pumped from Well #1 located on the south side of the house. Permit G-13541 authorizes 0.52 cfs from this well. Water flow through a buried mainline approximately 50' ft to the west where it connects to a buried mainline running north/south through the property. There is a buried submain that extends to the east from the north/south main and serves the northeast portion of the property. The mainline has risers along it from which portable aluminum handlines are used to irrigate the ground.

There is a second well, Well #2 that is located near the center of the property. It is also connected to the buried north/south mainline. Permit G-13541 indicates any deficiency from Well #1 may come from Well #2.

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)
Well #2		
Well log unavailable.		

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

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

Source	Tributary to
Alluvial well	

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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
NW 1/4 NW 1/4, Sec 25, T6N, R34E W.M.	700 ft South and 590 ft East from the NW Cor Sec 25

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
Irrigation	Pasture	March 1 - Oct. 31	0.52 cfs permitted*
			0.27 cfs observed
			0.27 cfs calculated

Total Quantity of Water _____

***Note: This well (Well #2) is to make up any deficiency from Well #1.**

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
		NE NW	25	6 N	34 E	Irr	6.1	
		NW NW	25	6 N	34 E	Irr	33.9	

Total Acres Irrigated 40.0

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 in. diameter hole in top of casing

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
10"		> 75'	Unknown			Unknown

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.

**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.

3. Reservoir Data Not Applicable - Deleted Items 1-7.

4. System Information: Not Applicable - Deleted Item 1-7.

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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
Peerless	Unknown	#164532	Vertical line shaft turbine	4 - 4" bowls	4"

2. Motor information

Brand	Model	Horsepower	Max RPM	Voltage
U.S.	Vertical	7 1/2	3450	240 V

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

Make	Serial #	Condition (working or not)	Current meter reading	Notes
McCrometer	04-05000-4	Good	286 acre ft.	Meter in operation indicating 120 gpm during 10/22/05 site visit.

4. Measurement device description

Device description	Condition (working or not)	Notes
Not Applicable		

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
		1 minute	120 gallons

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
7 1/2	50 psi	50' estimated	3 ft	119.8 gpm

7. Provide pump calculations in the box below:

$$Hp = \frac{Q \text{ (gpm)} \times TDH \text{ (ft)}}{3960 \times \text{eff.}} \Rightarrow Q = \frac{hp \times 3960 \times \text{eff.}}{TDH}$$

$$= \frac{7.5 \times 3960 \times .70}{173.5} = 119.8 \text{ gpm (0.27 cfs)}$$

Eff = 0.70 from pump curve (see attachment)

TDH = well ft (50 ft) + 50 psi + misc loss (5 ft) + ground lift (3 ft) = 173.5

8. Mainline information

Mainline size	Length	Type of pipe	Buried or above ground
4 in *	1550 ft *	PVC & Steel*	Buried

*The mainline is buried. There was one hole where it was exposed near the tee connection of the discharge pipe from Well #1. At this point it was observed to be 4 in. PVC pipe.

9. Lateral or handline information

Lateral or handline size	Length	Type of pipe	Buried or above ground
3 in	2040 ft	Aluminum	Portable handline (51 joints)

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10. Sprinkler information Make and model:

Make	Model	Size	Operating psi	Sprinkler output	Maximum number used	Total sprinkler output
Rainbird	30H	5/32	~ 40 psi	4.4 ± GPM	23 operating during 10/19/05 site visit	101 gpm ± (.23 cfs)

Refer to the chart of sprinkler output at various pressures for most nozzle sizes attached to this document. **The sprinklers were old and worn of varying makes and nozzles. Twenty three sprinklers were in use during the 10/19/05 site visit.**

$$Q_{\text{sprinklers}} = \frac{(\text{max \# heads})(\text{gpm/head})}{448.8 \text{ gpm/cfs}} = \text{cfs} \qquad Q = \frac{23 \times 4.4}{448.8} = 0.23 \text{ cfs}$$

11. Additional notes or comments related to the system:

At the time of the permit application there was indication of a small pond on the property. At the time of the Final Proof site visit the area of the pond was being irrigated with pasture growing on it. Well locations noted on the application map and permit were found to be incorrect. The distances on the permit were referenced from the NW 1/4 Corner Section 25. The distances should have been referenced from the NW Corner Section 25.

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	Nov. 17, 1999	Wells existed at the time the permit was issued	
Complete construction	Oct. 1, 2004*		
Complete application of water	Oct. 1, 2004*		

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*Extension date

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.

Not Applicable. Deleted Items b-e.

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

3. **Annual Static 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.

Not Applicable. Deleted Items b-e.

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

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

b. Has a meter been installed? YES

c. Provide the date the meter was installed:

Unknown

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

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
Not Applicable		

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

g. Have the reports been submitted? **Not Applicable**

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

5. **Fish Screening and/or By-pass Devices**

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? NO

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

Not Applicable. Deleted Items b-e.

6. **Pump Test** (typically required for ground water uses prior to issuance of a certificate, but not a requirement of permit development)

a. Did the permit or transfer final order require the submittal of a pump test? NO

b. Has a pump test been submitted and approved by the Department? NO

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

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

IV. Attachments, Conclusions, Map and Signatures

Attachments

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

Attachment name	Description
Attachment A	Well #1 pump curve.
Attachment B	Photos of pump installations.

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
Well #1	0.52 cfs	174.9 gpm (.39 cfs)	145 gpm (.32 cfs)	Irrigation	40.0	40.0
Well #2	Make-up of any deficiency from Well #1	119.8 gpm (.27 cfs)	120 gpm (.27 cfs)	Irrigation	40.0	40.0
			Amounts measured during site visits based on flow meter readings.			

Claim of Beneficial Use Map

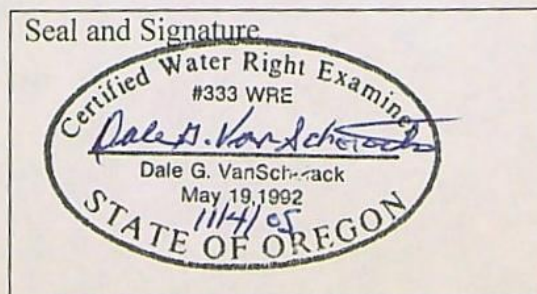
The Claim of Beneficial Use Map must be submitted with this Claim. Claims submitted without the Claim of Beneficial Use map will be returned. The map shall be submitted on poly film at a scale of 1" = 1320', 1" = 400', or the original full-size scale of the county assessor map for the location.

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.

The Umatilla County Tax Lot Map and a GPS unit were used to map the areas irrigated.

CWRE Statement, Seal and Signature

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



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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.

Robert Holmquist

Signature

Print or type name

11/4/05

Date

Signature

Print or type name

Date

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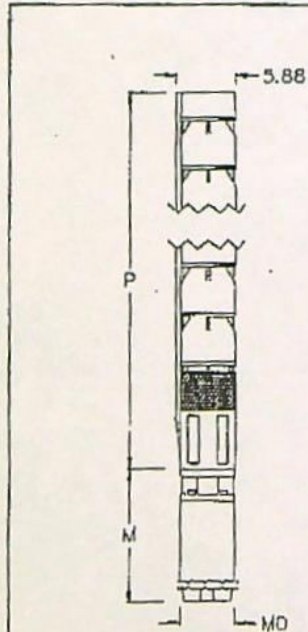
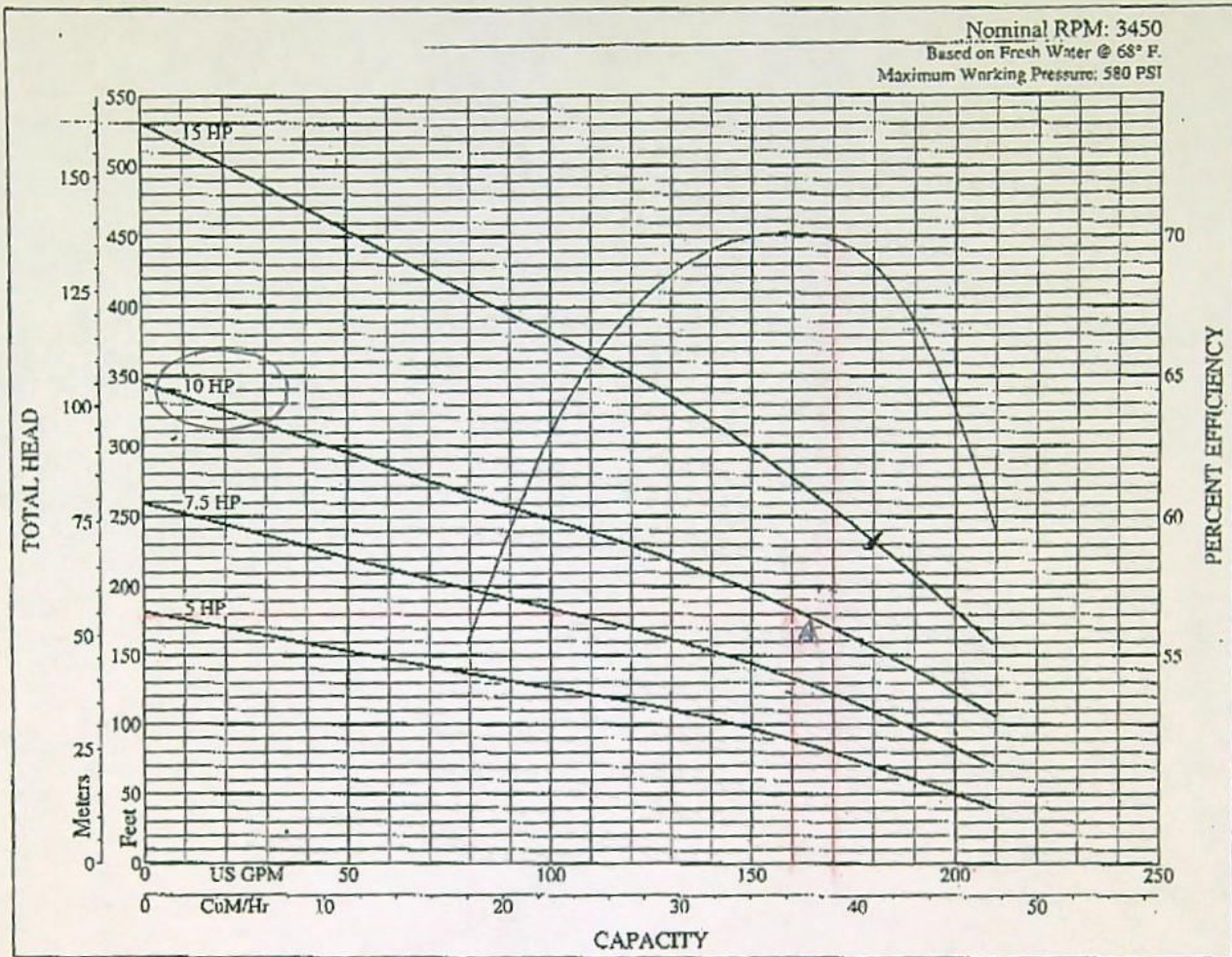
WATER RESOURCES DEPT
SALEM, OREGON

10 hp



SUBMERSIBLE
TURBINE

6T-150



OUTLINE DIMENSIONS / WEIGHTS

HP	stages	Motor size	P length	M* length	MD* dia.	Mtr. wt.	Pump wt.
5	3	6"	28.98	25.44	5.38	105	94
7.5	4	6"	33.98	28.00	5.38	120	113
10	5	6"	38.98	30.56	5.38	135	132
15	8	6"	53.98	33.13	5.38	146	190

Note: dimensions = inches; weight = U.S. lbs.

M* Maximum length (Franklin Electric Motor)
MD* Motor diameter (Franklin Electric Motor)

SPECIFICATIONS

Minimum Well I.D.	6.0 Inches
Minimum Submergence @ BEP (above inlet)	10.0 Feet
Capacity Range	72 - 210 GPM
Discharge	3" F. NPT
See manufacturer's data for motor cooling requirements	

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WATER RESOURCES DEPT
SALEM, OREGON

SUPERSEDES

All Previous

Date 04/15/96

Section **ST**

Page 11.01



Well #1



Well #2

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WATER RESOURCES DEPT
SALEM, OREGON



Irrigated Pasture



Depression (Pond) Area

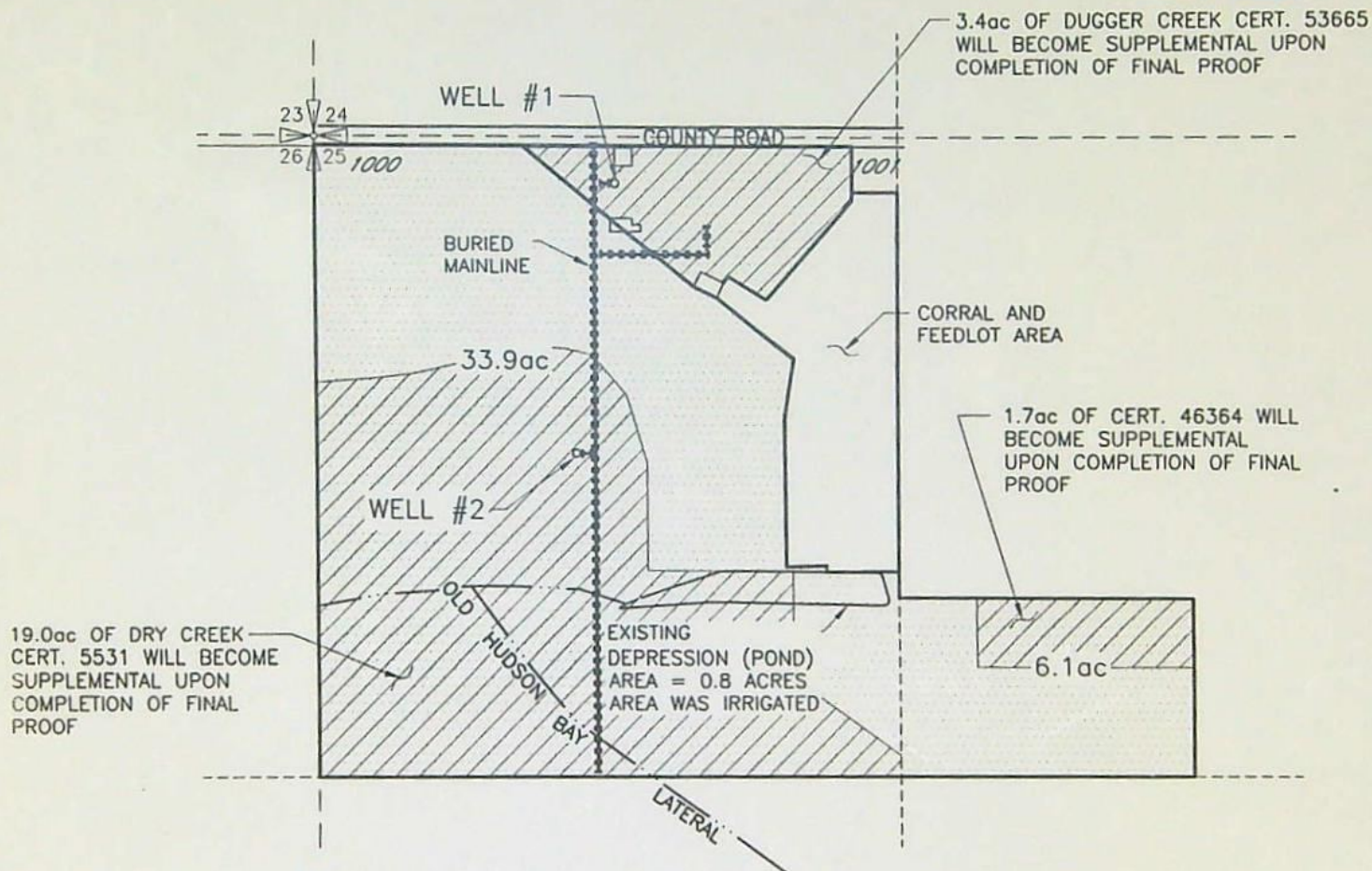
Attachment B Hydroabused Field Prose Permit 9135741

**FINAL PROOF MAP
FOR
PERMIT G-13541
ROBERT HODNEFIELD
T.6N., R.34E. W.M.**

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WATER RESOURCES DEPT
SALEM, OREGON



19.0ac OF DRY CREEK CERT. 5531 WILL BECOME SUPPLEMENTAL UPON COMPLETION OF FINAL PROOF

3.4ac OF DUGGER CREEK CERT. 53665 WILL BECOME SUPPLEMENTAL UPON COMPLETION OF FINAL PROOF

1.7ac OF CERT. 46364 WILL BECOME SUPPLEMENTAL UPON COMPLETION OF FINAL PROOF



EXISTING DEPRESSION (POND)
AREA = 0.8 ACRES
AREA WAS IRRIGATED

CORRAL AND FEEDLOT AREA

33.9ac

6.1ac

LEGEND

-  PRIMARY IRRIGATION
40.0 ACRES
-  HATCHURING OVER DOTS INDICATES WATER RIGHTS TO BECOME SUPPLEMENTAL IRRIGATION WITH THIS FINAL PROOF

WELL #1 LOCATED 100' SOUTH AND 680' EAST FROM THE NW COR SECTION 25

WELL #2 LOCATED 700' SOUTH AND 590' EAST FROM THE NW COR SECTION 25



0 400 800

SCALE IN FEET



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

DRAWING: H:\CAD\AG\3522\046\3522FP.DWG
PRINTED BY: Roger Willard on 11/03/05 10:37 AM

4 November 2005

Mr. Jerry Sauter
OREGON WATER RESOURCES DEPARTMENT
725 Summer Street NE, Suite A
Salem, Oregon 97301-2430

RE: PERMIT G13541

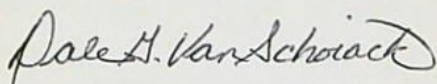
Dear Mr. Sauter:

Enclosed is the Claim of Beneficial Use report for the above referenced permit.

Please call 509-783-1625 or e-mail me (dalev@SCM-ae.com) if you have any questions.

Sincerely,

SCM CONSULTANTS, INC.



Dale G. Van Schoiack
Sr. Vice President, Engineering Services, CWRE

cc: Robert Hodnefield, PO Box 198, Milton-Freewater, OR 97862
File

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NOV 07 2005

**WATER RESOURCES DEPT
SALEM, OREGON**

30 September 2005

Jerry Sauter
OREGON WATER RESOURCES DEPARTMENT
725 Summer Street NE, Suite A
Salem, Oregon 97301-2430

RE: PERMIT G13541

Dear Mr. Sauter:

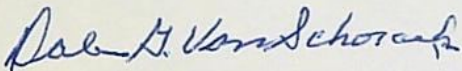
I am assisting Robert Hodnefield in preparing a Beneficial Use Report for the above mentioned permit. Has any action been taken by the Oregon Water Resources Department (OWRD) which would preclude this report from being accepted by OWRD? The Claim of Beneficial Use Report is due October 1, 2005.

I would anticipate that this report will be submitted to you by November 1, 2005.

Thank you for your help and consideration in the process. Please call 509-783-1625 or e-mail me (dalev@SCM-ae.com) if you have any questions.

Sincerely,

SCM CONSULTANTS, INC.



Dale G. Van Schoiack
Sr. Vice President, Engineering Services, CWRE

cc: Robert Hodnefield, PO Box 198, Milton-Freewater, OR 97862
File

APP-6-14423
jdc
10/3/2005

RECEIVED
OCT 03 2005
WATER RESOURCES DEPT
SALEM, OREGON

Mailing List for Extension FO Copies

Application #G-14423
Permit #G-13541

FO Date: August 11, 2004

Original mailed to:

Applicant: Robert Hodnefield
84301 Meharry Road
Milton-Freewater, OR 97862

Copies Mailed	
By:	<u>P</u> (SUPPORT STAFF)
on:	<u>8-12-04</u> (DATE)

For Extension FO's - Copies sent to:

1. WRD - Appl. File #G-14423 / Permit #G-13541 ✓
2. WRD - Watermaster District: #5 - Tony Justus, Pendleton ✓
3. WRD - Regional Manager - North Central Region, Mike Ladd, Pendleton ✓

SSP ✓

Other interested parties:

NONE

CASEWORKER: LJJ/jju

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-14423

Final Order
Extension of Time for Permit Number G-13541

Appeal Rights

This is a final order 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).

Application History

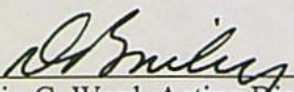
On December 22, 2003, Robert Hodnefield submitted an application to the Department for an extension of time for permit number G-13541. The Department issued permit number G-13541 on November 17, 1998. The permit called for application of water to full beneficial use by October 1, 2002. In accordance with OAR 690-315-0050(2), on June 15, 2004, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 1, 2004. The protest period closed July 30, 2004, in accordance with OAR 690-315-0060(1). No protest was filed.

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

Order

The extension of time for Application Number G-14423, Permit Number G-13541, therefore, is approved. The deadline for applying water to full beneficial use is extended to October 1, 2004.

DATED: August 11, 2004


Phillip C. Ward, Acting Director

STATE OF OREGON

COUNTY OF UMATILLA

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ROBERT HODNEFIELD
RT 2 BOX 69B
MILTON-FREEWATER, OREGON 97862

(541)938-0118

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

APPLICATION FILE NUMBER: G-14423

SOURCE OF WATER: TWO WELLS IN THE UMATILLA RIVER BASIN

PURPOSE OR USE: IRRIGATION OF 41.6 ACRES

MAXIMUM RATE: 0.52 CUBIC FOOT PER SECOND FROM WELL 1 WITH ANY DEFICIENCY TO BE MADE UP FROM WELL 2

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: DECEMBER 16, 1996

POINT OF DIVERSION LOCATION: NW 1/4 NW 1/4, SECTION 25, T6N, R34E, W.M.;
WELL 1 - 100 FEET SOUTH & 720 EAST; WELL 2 - 600 FEET SOUTH & 590 FEET
EAST BOTH FROM NW 1/4 CORNER SECTION 25

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:

NE 1/4 NW 1/4 6.1 ACRES
NW 1/4 NW 1/4 35.5 ACRES
SECTION 25
TOWNSHIP 6 NORTH, RANGE 34 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.

Application G-14423 Water Resources Department

PERMIT G-13541

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

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.

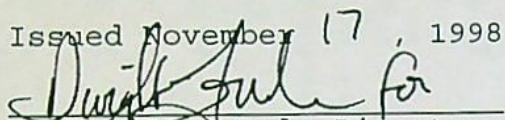
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 by November/7, 1999. Complete application of water to the use shall be made on or before October 1, 2002. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued November 17, 1998


Martha C. Pagel, Director
Water Resources Department

Application G-14423
Basin 07
RWK

Water Resources Department
Volume 2 DRY CR
MGMT.CODE 7BG, 7BR

PERMIT G-13541
District 5

Extension "Final Order" Checklist

Application # G-14423 / Permit # G-13541

Permit Holder's Name Robert Hodnefield

This Final Order is processed under: Div. 315 Rules -or- Div. 320 Rules

✓ 1. Date Extension Request submitted: 12-22-03

✓ 2. Date permit was issued: 11-17-98

✓ 3. Original "B" Date from permit: _____
(Date for completion of construction)

✓ 4. Original "C" Date from permit: 10-1-2002
(Date for complete application of water)

✓ 5. Extension PFO Date: 6-15-04

✓ 6. WRD recommends extending "B" Date to: _____

and extending the "C" Date to: 10-1-2004

✓ 7. Any conditions from PFO: no

✓ 8. Protest Deadline Date from PFO: 7-30-04

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

Reviewer's Name: [Signature]

Date: 8/10/04

Mailing List for Extension PFO Copies

Application #G-14468
Permit #G-13541

PFO Date: June 15, 2004

Original mailed to:

Applicant: Robert Hodnefield *w/p* ✓
84301 Meharry Road
Milton-Freewater, OR 97862

Copies Mailed
By: <u><i>[Signature]</i></u> (SUPPORT STAFF)
on: <u><i>6-16-04</i></u> (DATE)

For Extension PFO's - Copies sent to:

1. WRD - Appl. File #G-14468 / Permit #G-13541 ✓
2. WRD - Watermaster District: #5 ✓

Other interested parties:

NONE

CASEWORKER: LJJ/jju

S:\groups\wrtextensions\PF O\Done\2004 pfos\June\g14423.wpd

**Oregon Water Resources Department
Water Rights Division**

Application for Extension of Time

In the Matter of the Application)
for an Extension of Time for)
Permit #G-13541, Water Right) PROPOSED FINAL ORDER
Application #G-14423)
(Robert Hodnefield))

Permit Information

Application File #G-14468 / Permit #G-13541

Basin: #7 - Umatilla Basin / Watermaster District: #5

Date of Priority: December 16, 1996

Authorized Use of Water

Source of Water:	Two wells in the Umatilla River Basin
Purpose or Use:	Irrigation of 41.6 acres
Maximum Rate:	0.52 cubic foot per second (cfs) from well 1 with any deficiency to be made up from well 2

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

Please read this Proposed Final Order in its entirety.

This Proposed Final Order applies only to Permit #G-13541, water right Application #G-14423. A copy of Permit #G-13541 is enclosed as Attachment 1.

Summary of Proposed Final Order for Extension of Time

The Department proposes to:

- grant the extension for complete application of water from October 1, 2002, to October 1, 2004.

AUTHORITY

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

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

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

FINDINGS OF FACT

Background

1. Permit #G-13541 was granted by the Water Resources Department on November 17, 1998. The permit authorizes the use of up to 0.52 cfs of water from two wells, within the Umatilla River Basin, for irrigation of 41.6 acres. The permit specified that complete application of water was to be made on or before October 1, 2002.
2. The permit holder submitted an "Application for Extension of Time" to the Department on December 22, 2003, requesting the time in which to accomplish beneficial use of water to the full extent under the terms of Permit #G-13541 be extended from October 1, 2002, to October 1, 2004. This is the first permit extension requested for Permit #G-13541.

3. Notification of the permit holder's extension of time request for Permit #G-13541 was published on the Department's Public Notice dated January 13, 2004. No public comment on the extension application was received.

Review Criteria [OAR 690-315-0040(1)(2)]

As set forth under OAR 690-315-0040(1)(2), the time limits to complete construction or to apply the water to a beneficial use may be extended upon showing of good cause for the untimely completion. This determination shall consider the applicable requirements of ORS 537.230, 537.248¹, 537.630 and 539.010(5).

Other Governmental Requirements [ORS 537.230(2)]

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

Start of Construction [ORS 537.630]

5. Construction of the wells and water system began within the time specified in the permit, being November 17, 1999.

Financial Investment [ORS 539.010(5)]

6. As of December 22, 2003, the permit holder had invested a total of \$15,000 into the project, consisting of construction of the two wells, installing a 10 hp electrical turbine pump in well #1 and a 7.5 hp pump in well #2, the installation of 1500 ft of 4 inch mainline pipe and the acquisition of 1300 ft of 3 inch hand line. An additional \$5,000 investment is anticipated for the completion of this project.

Reasonable Diligence and Good Faith of the Appropriator [ORS 537.230(1), 537.630(1) and 539.010(5)]

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

In accordance with OAR 690-315-0040(3), the Department shall consider, but is not

¹ ORS 537.248 applies to reservoir permits only.

limited to, the following factors when determining whether the applicant has demonstrated reasonable diligence in previous performance under the permit:

Amount of Construction

7. The following construction was completed within the time allowed in the permit or previous extension:
 - a. Construction of the well and water system began within the time specified in the permit, being November 17, 1999. The work thus far consists of the construction of the two wells the installation of a 10 hp electrical turbine pump in well #1 and a 7.5 hp pump in well #2, the installation of 1500 ft of 4 inch mainline pipe and the acquisition of 1300 ft of 3 inch hand line.

Beneficial Use of Water

8. The following beneficial use was made of the water during the permit or previous extension time limits:
 - a. Since the issuance of Permit #G-13541 on April 15, 1998, a maximum rate of 160 gallons per minute (0.36 cfs) has been appropriated from the wells.
 - b. Delay of full beneficial use of water under Permit #G-13541 was due to the lack of access to well #1 meter and measuring ports, and the need to install a meter on well #2.

Compliance with Conditions

9. The water right permit holder's conformance with the permit or previous extension conditions.
 - a. The record does not raise concerns about the permit holder's compliance with conditions.

Financial Investments

10. Financial investments made toward developing the beneficial water use.
 - a. As of December 22, 2003, the permit holder had invested approximately 75 percent of the total projected cost for complete development of this project. A total of \$25,000 has been invested into the project, consisting of (wells) installing a 10 hp electrical turbine pump in well #1 and a 7.5 hp pump in well #2, the installation of 1500 ft of 4 inch mainline pipe and the acquisition of 1300 ft of 3 inch hand line. An additional \$5,000 investment is anticipated for the completion of this project.

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

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

11. The amount of water available to satisfy other affected water rights and scenic waterway flows.
 - a. The Department determined on September 16, 1998, that this use of ground water will, if properly conditioned, adequately protect the surface water from interference. Conditions were, therefore, placed upon Permit #G-13541 in order to avoid injury to existing rights or to the ground water resource.
 - b. The permitted point of appropriation (the wells), authorized under Permit #G-13541, are not located within the boundaries of any designated ground water limited area.
 - c. The permitted point of appropriation (the wells), authorized under Permit #G-13541, are not located within or above the designated boundaries of any state scenic waterway.

12. Special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d).
 - a. The permitted point of appropriation (the wells), authorized under Permit #G-13541, are located within the Umatilla River Basin which has been identified by the Oregon Department of Fish and Wildlife as a "high" needs ranking area for streamflow restoration for fish. The Department determined on September 16, 1998, however, that this use of groundwater will, if properly conditioned, adequately protect the surface water from interference. Because of this determination, this application does not raise concerns about surface water impacts.
 - b. The permitted point of appropriation (the wells), authorized under Permit #G-13541, are not located within a designated reach of any federal wild and scenic river.

13. The habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife.
 - a. The permitted wells are located within a designated sensitive, threatened

or endangered species area for aquatic species utilizing surface water resources, as identified by the Oregon Department of Fish and Wildlife. The Department determined on May 30, 1997, however, that this use of groundwater will, if properly conditioned, adequately protect the surface water from interference. Because of this determination, this application does not raise concerns about surface water impacts.

14. Economic investment in the project to date.
 - a. As of December 22, 2003 the permit holder had invested a total of \$15,000 into the project, consisting of construction of the two wells, installing a 10 hp electrical turbine pump in well #1 and a 7.5 hp pump in well #2, the installation of 1500 ft of 4 in mainline pipe and the acquisition of 1300 ft of 3 in hand line. An additional \$5,000 investment is anticipated for the completion of this project.
15. Other economic interests dependent on completion of the project.
 - a. None have been identified.
16. Other factors relevant to the determination of the market and present demand for water and power.
 - a. None have been identified.

Fair Return Upon Investment [ORS 539.010(5)]

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

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

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

18. As of December 22, 2003, the remaining work to be completed consists of complete application of water to beneficial use.
19. Unforeseen events extended the length of time needed to fully develop and perfect the permit, caused mainly by the need to meet the meter and access measuring port requirements.

20. Given the amount of development left to occur, the Department has determined that the permittee's request to have until October 1, 2004, to complete construction of the water system and to accomplish the application of water to beneficial use under the terms of Permit #G-13541 is both reasonable and necessary.

CONCLUSIONS OF LAW

1. The applicant is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.230 and ORS 537.630.
2. The applicant has submitted a complete extension application form and the fee specified under ORS 536.050(1)(k), as required by OAR 690-315-0040(1)(a).
3. The applicant demonstrated that actual construction on the project began within the time specified in the permit, as required by OAR 690-315-0040(1)(b).
4. Completion of construction and full application of water to beneficial use can be accomplished by October 1, 2004², as required by OAR 690-315-0040(1)(c).
5. The Department has considered the requirements of other governmental agencies, the financial investment made, the reasonable diligence and good faith of the appropriator, the market and present demands for water and the fair return upon the investment, and has determined that the applicant has shown good cause exists for an extension to apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).

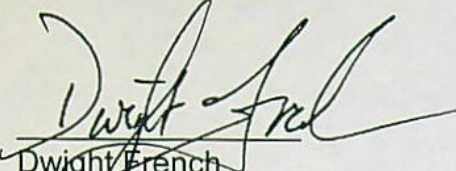
Proposed Order

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

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

Extend the time for complete application of water to beneficial use under Permit #G-13541 from October 1, 2002, to October 1, 2004.

DATED: June 15, 2004


Dwight French
Water Rights Section Manager

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

Proposed Final Order Hearing Rights

1. Under the provisions of OAR 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may request a contested case hearing on the proposed final order. Your request for contested case hearing must be in writing and must be received by the Water Resources Department no later than ***Friday, July 30, 2004***, being 45 days from the date of publication of the proposed final order in the Department's weekly public notice.
2. A written request for contested case hearing shall include:
 - a. The name, address and telephone number of the petitioner;
 - b. A description of the petitioner's interest in the final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented;
 - c. A detailed description of how the action proposed in the final order would adversely affect or aggrieve the petitioner's interest;
 - d. A detailed description of how the final order is in error or deficient and how to correct the alleged error or deficiency;
 - e. Any citation of legal authority supporting the petitioner, if known;
 - f. Proof of service of the petition upon the water right permit holder, if petitioner is other than the water right permit holder; and
 - g. The protest fee required under ORS 536.050.
3. Within 60 days after the close of the period for requesting a contested case hearing, the Director shall:
 - a. Issue a final order on the extension request; or
 - b. Schedule a contested case hearing if a request for contested case hearing

has been submitted, and:

- A. Upon review of the issues, the Director finds there are significant disputes related to the proposed agency action; or
- B. The applicant submitted a timely request for a contested case hearing.

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

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

If you have any questions about statements contained in this document, please contact Lisa Juul at (503)986-0808.

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

If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503)986-0900.

Application # G-14423 / Permit # G-13541

Route Slip ... Extension of Time

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

- ◆ **WRIG...**
✓ Money Received on: \$250.00 paid on 1-8-04
- ◆ **Lisa Juul...**
Extension Completeness: OK
✓ *If NOT complete, send certified letter requesting additional information.)*

If Extension Appl complete and \$250 fee submitted, route to...

- ◆ **Jonnine Fuss...**
 - Publish on Public Notice (initial 30-day comment): 1/13/04
 - Update "cdatewext.DB" Database:
 - In the "PNotice Date" field... Enter the date the Extension Application was published on the Public Notice.
 - In the "Ext Filed" field... Enter the date the Extension Application was received.

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

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

Once Extension PFO signed by Dwight French...

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

Municipal or Quasi-Municipal EXTENSION REVIEW CHECKLIST for PFO... per Div. 315 Rules

Application #: G-14423 / Permit #: G-13541

Permittee's Name: Robert Hadnefield

Permittee's Mailing Address: PO Box 198, Milton-Freewater, OR 97862

POD Location: Township 6-N Range 34-E Section 25 $\frac{1}{4}$ $\frac{1}{4}$ NW NW

Stream Basin: _____ County: Umatilla

✓ 1. Has the applicant completely filled out the updated Extension Application form? Yes / No

✓ \$250 - OK

***If "No" has certified request for the new extension form been sent? Yes / No

✓ 2. Shortcomings of Extension Request..... based upon review of updated extension form Yes / No

*****(NOTE: Any missing Extension information that is needed before an Extension PFO can be completed???)**

✓ 3. Date Permit was issued: 11-17-98 (priority = 12-16-96)

✓ 4. Source: Two Wells in the Umatilla River Basin

✓ 5. Use: Irrigation of 41.6 ac

✓ 6. "Q": 0.52 cfs from Well #1 with any deficiency to be made up from Well 2.

✓ 7. Original "B" Date: _____ Original "C" Date: 10-1-2002

✓ 8. Conditions of Permit: Original "A" Date: 11-17-99 ✓

• Before water use begins → shall install a meter or other suitable meas. device.

✓ 9. Extension request received: 12-22-03 Request Number (...1st 2nd, 3rd): 1st

✓ 10. Last Authorized "B" Date: _____ Last Authorized "C" Date: 10-1-2002

✓ 11. Proposed "B" Date: _____ Proposed C Date: 10-1-2004

✓ 12. Amount Invested to date: \$15,000.00 Estimated Total Cost: \$20,000.00
(***) Estimated Remaining Cost: \$5,000.00

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

14. Work on the water development project completed to date includes:
• Both wells constructed. • electrical turbine pumps installed
• Irrigated 40.0 Ac Well #1 - 10 hp.
• Used 160gpm (0.356 cfs) Well #2 - 7.5 hp.
• installed 1500 feet of 4-inch buried mainline,
• acquired 1300 feet of 3-inch hard line.

15. The work remaining to be completed consists of:
• Need to correct compliance with metering condition

16. Progress in perfecting the permit is being held up by: _____

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

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

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

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

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

20. Conditions to be included on Extension PFO: _____

see attached

Extension "PFO" Dates _____ Checklist Last Revised: 1 / 31 / 2003

Mailing / Issuance Date: _____ Reviewer's Name: _____

Protest Deadline Date: _____ Date: _____

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

A date met

14. Work on the water development project completed to date includes: Well # 1 has been equipped with a 10 hp electrical turbine pump. Well # 2 has been equipped with a 7.5 hp electrical turbine. 1500' 4" mainline has been buried and 1300' 3" hand line has been required. Construction of the two wells.

15. The work remaining to be completed consists of: Well # 1 must have access to flow meter well # 2 must have flow meter installed onto the mainline pipe. well # 1 a measurement of water levels

16. Progress in perfecting the permit is being held up by: the need to meet the meter and access measuring port requirements.

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

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

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

- Permit holder has completed approximately 75 % of the construction.
- Permit holder has beneficially used 69 % of the total permitted quantity of water. .36 of .52 cfs
- Has the permit holder complied with conditions? Yes / No
—If No, reasons why not? _____
- Permit holder has invested approximately 75 % of the total estimated cost to complete the project.
- Other: _____

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

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

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

Is the POD/POA located.....

- If a GW permit, is GW hydraulically connected to SW (see original Div. 09 GW review)? no
- within or above a state scenic waterway? no
- within a ground water limited/critical area? no
- within a segment that has been identified as a federal wild and scenic river? no
- within an area that ODFW has identified as an ST&E Area? yes
- within an area that ODFW has identified as a high Needs Ranking Area for streamflow restoration for fish?
- within an area that DEQ has identified as being water quality limited? no
- Other: _____

EXTENSION REVIEW CHECKLIST for PFO... *Div. 315 - Regular*

Application #: _____ / Permit #: _____

Permittee's Name: _____

Permittee's Mailing Address: _____

POD Location: Township _____ Range _____ Section _____ ¼ ¼ _____

Drainage Basin: _____ County: _____ Watermaster District #: _____

- ___1. Has the applicant submitted the appropriate fee? **Yes / No**
***If "No"..... STOP. (Extension of Time cannot be processed if insufficient fees submitted.)
****(NOTE: Any missing Extension information that is needed before an Extension PFO can be completed???)*
- ___2. Has the applicant completely filled out the Extension Application form? **Yes / No**
***If "No"..... List the shortcomings below and send a letter requesting the additional/missing information that is needed before the Extension of Time can be processed.
- ___3. Date Permit was issued: _____ Priority Date: _____
- ___4. Source: _____
- ___5. Use: _____
- ___6. "Q": _____
- ___7. Orig "A" Date: _____ Orig "B" Date: _____ Orig "C" Date: _____
- ___8. Conditions of Permit: _____
- ___9. Extension request received: _____ Request Number (...1st 2nd, 3rd): _____
- ___10. Last Authorized "B" Date: _____ Last Authorized "C" Date: _____
- ___11. Proposed "B" Date: _____ Proposed C Date: _____
- ___12. Amount Invested to date: _____ Estimated Total Cost: _____
(****Estimated Remaining Cost:* _____)

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

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

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

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

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

5-year Progress Report Checkpoints

Other: _____

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

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

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

COBU Requirement - Surface Water - post July 9, 1987

"Pursuant to ORS 537.230(3), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and the claim of beneficial use."

COBU Requirement - Ground Water - post July 9, 1987

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

NOTES:

Extension "PFO" Dates

Checklist Last Revised: 3/4/ 2004

Mailing / Issuance Date: _____ WRD Project Manager: _____

Protest Deadline Date: _____ Date: _____

STATE OF OREGON
WATER RESOURCES DEPARTMENT

725 Summer St. N.E.
 SALEM, OR 97301-4172
 378-8455 / 378-8130 (FAX)

RECEIPT # **65092**

INVOICE # _____

RECEIVED FROM: Robert J. Hodnefield
 BY: _____

APPLICATION	614423
PERMIT	
TRANSFER	

CASH: CHECK:# 2633 OTHER: (IDENTIFY)

TOTAL REC'D \$ 250.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407	COPIES		\$
	OTHER: (IDENTIFY)		\$
	OTHER: (IDENTIFY)		\$

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407	COPY & TAPE FEES		\$
0410	RESEARCH FEES		\$
0408	MISC REVENUE: (IDENTIFY)		\$
TC162	DEPOSIT LIAB. (IDENTIFY)		\$
0240	EXTENSION OF TIME		\$ <u>250.00</u>

WATER RIGHTS:

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

WELL CONSTRUCTION

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

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233	POWER LICENSE FEE (FWWRD)		\$
0231	HYDRO LICENSE FEE (FWWRD)		\$
	HYDRO APPLICATION		\$

TREASURY OTHER / RDX

FUND	TITLE	
OBJ. CODE	VENDOR #	
DESCRIPTION		\$

RECEIPT: **65092**

DATED: 1/8/04 BY: Leona Albin

Community Bank C extension fee

Water Resources
 Irrigation Exp

extension fee

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 JAN 08 2004
 WATER RESOURCES DEPT
 SALEM OREGON

1/5/2004

250.00

250.00

ROBERT J. HODNEFIELD RUBY N. HODNEFIELD

2633

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

I, Bob Hodnefield
NAME

84301 Meharry Road Milton-Freewater, OR 97862 1-541-938-0118
ADDRESS CITY STATE ZIP PHONE

owner of record, or duly authorized agent, of Application No. G-14423, Permit No. G-13541,
do hereby request that the time in which to:

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

and/or the time in which to:

accomplish beneficial use of water to the full extent under the terms of the permit, which time
now expires on October 1, 2002, be extended to October 1, 2004.

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

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

After reviewing the application form and the instruction sheet, if you have any questions, you may contact the Department at (503) 378-3739, and request assistance from the Water Rights Division, permit extensions personnel.

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SALEM, OREGON

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

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

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

Construction of Wells: Both wells existed at the time of Application for the Permit.
Complete Application of Water: We have irrigated 40 of the 41.6 acres authorized in the Permit from Well #1

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

Meter Requirement: We hired Pendleton Grain Growers (PGG) to install flow meters on our 2 wells upon receiving our permit. On well #1 PGG installed a flow meter however, they buried it several feet under ground and it is inaccessible. On well #2 a meter was acquired but PGG never got around to installing it on to the main line pipe.

Usable Access Ports: Well #1 is equipped with an air line for measuring the water levels, but no one knows the length of the air line. Well #2 has an 1½ capped pipe nipple and is serviceable.

Date to be in compliant: We believe we can have these condition corrected by June 1st, 2004 and have the area irrigated again by October 1st, 2004

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

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

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WATER RESOURCES DEPT
SALEM, OREGON

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

Well #1 has been equipped with a 10 hp electrical turbine pump. Well #2 has been equipped with a 7.5 hp electrical turbine. 1500 feet 4 inch mainline has been buried and we have acquired 1300 feet 3 inch hand line.

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4. I have accomplished beneficial use of water under the permit to the extent of (amount of water used and acres irrigated):

A) Quantity of Water Used [in cubic feet per second (cfs) or gallons per minute (gpm) if using surface water or ground water.....and/or..... in acre-feet (af) if using stored water]:

We have used 160 gpm from well #1 to irrigate 40 of the 41.6 acres authorized in the permit.

B) Number of Acres Irrigated (if an irrigation permit):

40 acres

5. Cost of project to date \$15,000. Estimated remaining cost to complete the project \$5000.

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

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

We thought we had taken steps necessary to meet the conditions in the permit until we hired a CWRE to do the Final Proof Survey. He advised us we must meet the meter and access measuring port requirements, than irrigate before he can complete a final proof survey and report all permit conditions have been met.

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

N/A

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SALEM, OREGON

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

N/A

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

N/A

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

Robert Hodunzickel
Signature

12/15/03
Date

MAIL COMPLETED APPLICATION and STATUTORY FEE OF \$100 TO:

WATER RIGHT PERMIT EXTENSIONS
WATER RESOURCES DEPARTMENT
725 SUMMER STREET N.E., SUITE A
SALEM, OREGON 97301-1271

revised: September 18, 2002

RECEIVED

RECEIVED

DEC 22 2003

WATER RESOURCES DEP
SALEM, OREGON

JAN 08 2004
WATER RESOURCES DEPT
SALEM OREGON

Permit Extension Ground Water Review

Date:

January 12, 2004
~~2003~~

To:

Doug Woodcock, Ground Water Section Manager

From:

Lisa Juul, Permit Extension Review

Subject:

Ground Water Review Needed for File #G-14423 / Permit #G-13541

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

NOTE: Original Division 9 review completed by:

Michael Zwart

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

Other: Please See Questions Below.

For Ground Water / Hydrology Staff Use:

MJZ, 1/20/04

YES

NO

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

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

1. Should any additional conditions be added to this permit? No
2. Should the extension of time request be further conditioned or **DENIED** due to ground water supply concerns? No
3. Should the Department establish a new reference level for water level declines due to the failure of permittee to submit annual measurements? N/A
4. Other issues or concerns? No

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-14423

Proposed Final Order

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

Application History

On December 16, 1996, ROBERT HODNEFIELD submitted an application to the Department for the following water use permit:

- Amount of Water: 0.52 CUBIC FOOT PER SECOND (CFS) FROM WELL 1 WITH ANY DEFICIENCY TO BE MADE UP FROM WELL 2
- Use of Water: IRRIGATION OF 41.6 ACRES
- Source of Water: TWO WELLS IN THE UMATILLA RIVER BASIN
- Area of Proposed Use: UMATILLA County within SECTION 25, TOWNSHIP 6 NORTH, RANGE 34 EAST, W.M.

On 5/23/97, the Department mailed the applicant notice of its Initial Review, determining that "The use of 0.52 CFS FROM WELL 1 WITH ANY DEFICIENCY TO BE MADE UP FROM WELL 2 for IRRIGATION OF 41.6 ACRES is allowable from March 1 to October 31 of each year." The applicant did not notify the Department to stop processing the application within 14 days of that date.

On 6/10/97, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about both obtaining future notices and a copy of the proposed final order.

No written comments were received within 30 days.

On September 17, 1997, Sam Tucker, representing the applicant, submitted an affidavit of diminution for the lands covered under this application which overlap the lands authorized under certificates 53665, 5531, and 46364.

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

- comments by or consultation with another state agency
- any applicable basin program
- any applicable comprehensive plan or zoning ordinance
- the amount of water available
- the rate and duty for the proposed use

- pending senior applications and existing water rights of record
- designations of any critical groundwater areas
- the Scenic Waterway requirements of ORS 390.835
- applicable statutes, administrative rules, and case law
- any general basin-wide standard for flow rate and duty of water allowed
- the need for a flow rate and duty higher than the general standard
- any comments received

Findings of Fact

The Umatilla Basin Program allows the following uses: IRRIGATION

TWO WELLS IN THE UMATILLA RIVER BASIN are not within or above a State Scenic Waterway.

An assessment of water availability has been completed by the Department's groundwater section. A copy of this assessment is in the file. This assessment determined that water is available for further appropriation MARCH 1 THROUGH OCTOBER 31 if conditioned as follows:

Water may be appropriated from the wells only at times when no surface water is flowing in Swartz Creek. Flow shall be determined at or near the location where the creek passes under March Road, which follows the section line common to Sections 23 and 24, T6N, R34E, W.M.

The Department finds that no more than 0.52 CFS would be necessary for the proposed use. The amount of water requested, 0.52 CFS FROM WELL 1 WITH ANY DEFICIENCY TO BE MADE UP FROM WELL 2, 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 Umatilla Basin Plan.

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

Water is available for the proposed use.

The proposed use will not injure other water rights.

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

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

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.

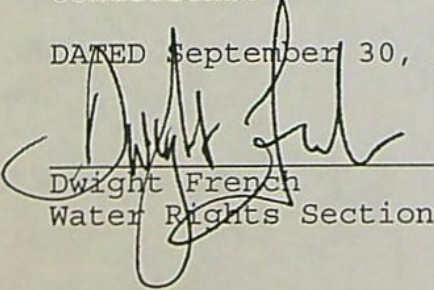
In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use would impair or be detrimental to the public interest.

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 September 30, 1997


Dwight French
Water Rights Section Manager

Protest Rights

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

- Your name, address, and telephone number;
- A description of your interest in the proposed final order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
- A detailed description of how the action proposed in this proposed final order would impair or be detrimental to your interest;
- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known; and
- If you are not the applicant, the \$200 protest fee required by ORS 536.050 and proof of service of the protest upon the applicant.
- If you are the applicant, a statement of whether or not you are requesting a contested case hearing. If you do not request a hearing, the Department will presume that you do not wish to contest the findings of the proposed final order.
- If you do not protest this Proposed Final Order and if no substantive changes are made in the final order, you will not have an opportunity for judicial review, protest or appeal of the final order when it is issued.

Your protest must be received in the Water Resources Department no later than November 14, 1997.

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

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

RWK-114

DRAFT

This is not a permit!!!
STATE OF OREGON

DRAFT

COUNTY OF UMATILLA

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

ROBERT HODNEFIELD
RT 2 BOX 69B
MILTON-FREEWATER, OREGON 97862

(541) 938-0118

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

APPLICATION FILE NUMBER: G-14423

SOURCE OF WATER: TWO WELLS IN THE UMATILLA RIVER BASIN

PURPOSE OR USE: IRRIGATION OF 41.6 ACRES

MAXIMUM RATE: 0.52 CUBIC FOOT PER SECOND FROM WELL 1 WITH ANY DEFICIENCY TO BE MADE UP FROM WELL 2

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: DECEMBER 16, 1996

POINT OF DIVERSION LOCATION: NW 1/4 NW 1/4, SECTION 25, T6N, R34E, W.M.;
WELL 1 - 100 FEET SOUTH & 720 EAST; WELL 2 - 600 FEET SOUTH & 590 FEET
EAST BOTH FROM NW 1/4 CORNER SECTION 25

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:

NE 1/4 NW 1/4 6.1 ACRES
NW 1/4 NW 1/4 35.5 ACRES
SECTION 25
TOWNSHIP 6 NORTH, RANGE 34 EAST, W.M.

Measurement, recording and reporting conditions:

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

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

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.

Water may be appropriated from the wells only at times when no surface water is flowing in Swartz Creek. Flow shall be determined at or near the location where the creek passes under March Road, which follows the section line common to Sections 23 and 24, T6N, R34E, W.M.

STANDARD CONDITIONS

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

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

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

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

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

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

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

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

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

Issued _____, 199_

DRAFT - THIS IS NOT A PERMIT

Water Resources Department
Director

**OREGON WATER RESOURCES DEPARTMENT
INTEROFFICE MEMO**

To: File Date: September 16, 1998

From: Michael J. Zwart *MJZ*

Subject: Hodnefield Application, G-14423

I re-reviewed this file for Division 9 considerations. A review form is attached which should supersede the earlier review of 12/31/96.

The review was prompted by the water level measurements made earlier this month at the applicant's wells by assistant watermaster Tom Johnston. These measurements were converted to elevations using well head elevations provided by Jim Graham. Mr. Graham also measured the elevation of Swartz Creek at March Road. The water level elevations at the wells are 8 to 12 feet lower than the level of the creek, based on these elevations.

I also reviewed the hydrographs of State Observation Wells nearby which penetrate similar aquifers. These hydrographs indicate that the annual high water levels are generally between August and November. Therefore, the water levels are likely to be lower at these wells at other times of the year, resulting in greater elevation difference between the well water levels and the creek than is reported above

These lower water levels are an indication that the subject wells are penetrating an aquifer that is in hydraulic connection with the creek, however, that connection is at a greater distance downstream than the nearby reach. I conclude that these wells do not have the potential for substantial interference with Swartz Creek on the basis that the aquifer penetrated is in hydraulic connection with a reach of the creek that is greater than one-quarter mile from the wells.

I recommend permit condition 7B. The specially worded condition provided in the earlier review is no longer recommended.

cc: Tony Justus

TO: Water Rights Section Sept. 16, 1998
FROM: Groundwater/Hydrology Section Michael Zwart
SUBJECT: Application G-14423 Reviewer's Name

GROUNDWATER/SURFACE WATER CONSIDERATIONS

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

2. BASED UPON OAR 690-09 currently in effect, I have determined that the proposed groundwater use
a. ___ will, or _____ have the potential for substantial interference with the nearest
b. ___ will not _____ surface water source, namely _____; or
c. will if properly conditioned, adequately protect the surface water from interference:
i. ___ The permit should contain condition #(s) 7B;
ii. ___ The permit should contain special condition(s) as indicated in "Remarks" below;
iii. ___ The permit should be conditioned as indicated in item 4 below; or
d. ___ will, with well reconstruction, adequately protect the surface from substantial interference.

GROUNDWATER AVAILABILITY CONSIDERATIONS

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

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

REMARKS: Supersedes review of 12/31/96

(Well Construction Considerations on Reverse Side)

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

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

RECOMMENDATION:

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

THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL

I concur in G/H's recommendation A or B above relating to conditioning or withholding the permit
_____, 199__.

(Signature)

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

_____, 199__.

(Signature)

**OREGON WATER RESOURCES DEPARTMENT
INTEROFFICE MEMO**

To: Adam Sussman Date: September 16, 1998
From: Michael J. Zwart
Subject: Hodnefield Application, G-14423

I reported in a memo dated 9/9/98 that one of the two wells included in this application was measured by Tom Johnston. He measured the static water level of the northerly well as 25.8 feet below the top of casing, which is 3.0 feet below land surface. Based on the elevation data provided by Jim Graham, this water level elevation is about 619 feet, which is 12 feet lower than the elevation of Swartz Creek at March Road.

He recently measured the water level of the southerly well as 20.24 feet below land surface. This water level elevation is about 622.5 to 623 feet, depending on the height of the pump base above land surface. The water level is therefore 8 to 8.5 feet lower than Swartz Creek.

These lower water levels may indicate that the wells are penetrating an aquifer that is in hydraulic connection with the creek, but at a greater distance downstream than the nearby reach. In other words, the hydraulic connection may be at a greater distance than one-quarter mile from the applicant's wells. However, the water levels measured in September may be naturally lower than at other times of the year, and may simply reflect a steeper gradient on the water table at this time of year. In this case, the aquifer may be in hydraulic connection with the close reach of the creek.

I would like to rereview the application file for Division 9 considerations.

cc: Tony Justus

OREGON WATER RESOURCES DEPARTMENT
INTEROFFICE MEMO

To: Adam Sussman Date: September 9, 1998

From: Michael J. Zwart

Subject: Hodnefield Application, G-14423, Recent Developments

I have had several conversations regarding this application during the past two days. I spoke yesterday with Ruby Hodnefield, Tony Justus and Tom Johnston, and then today with Jim Graham as a follow up to a fax from him.

Tom Johnston has been in contact with the applicants and learned that the pump had been pulled from the northerly well on the application. He measured the static water level as 25.8 feet below the top of casing, which is 3.0 feet below land surface. Based on the elevation data provided by Jim Graham, this water level elevation is about 619 feet, which is 12 feet lower than the elevation of Swartz Creek at March Road.

The applicants will be working with PGG, Jim Graham, and possibly Tom Johnston to gain access to measure the water level at the other well being applied for. This water level measurement, and possibly the well depth at one or both wells should be forthcoming soon.

I am encouraged that some of the expected data from the applicant's wells has finally been collected and also by the possibility that additional data collection, such as the aquifer test discussed earlier, may not be necessary. Pending the additional water level measurement, I am not yet prepared to reverse my earlier finding regarding potential for substantial interference with Swartz Creek. However, a similarly low water level elevation at the southerly well will likely allow me to do so. I will keep you informed as any new information becomes available.

cc: Tony Justus

STATE OF OREGON
WATER RESOURCES DEPARTMENT

INTEROFFICE MEMO

To: FILE

Date: August 29, 1997

From: MICHAEL ZWART

Subject: APPLICATION G-14423, ROBERT HODNEFIELD

Tony Justus and I made a site inspection of the applicant's property and nearby surface water sources on August 28, 1997. Based on our inspection, we reviewed and modified the permit condition I proposed in my memo of December 30, 1996. We agree that the condition language below will adequately protect the surface water from interference.

Water may be appropriated from the wells only at times when no surface water is flowing in Swartz Creek. Flow shall be determined at or near the location where the creek passes under March Road, which follows the section line common to Sections 23 and 24, T. 6 N., R. 34 E., WM.

cc: Laura Snedaker

**Water Right Conditions
Tracking Slip**

Groundwater/Hydrology Section

FILE ## G-14423

ROUTED TO: Water Rights

TOWNSHIP/

RANGE-SECTION: T6N/R34E-256

CONDITIONS ATTACHED? []yes []no

REMARKS OR FURTHER INSTRUCTIONS:

Note: Proposed condition language
in attached memo

Reviewer: Michael Zwart

TO: Water Rights Section Dec. 31, 1996
FROM: Groundwater/Hydrology Section Michael Swartz
SUBJECT: Application G-14423 Reviewer's Name

GROUNDWATER/SURFACE WATER CONSIDERATIONS

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

- 2. BASED UPON OAR 690-09 currently in effect, I have determined that the proposed groundwater use
a. will, or _____ have the potential for substantial interference with the nearest
b. will not _____ surface water source, namely Swartz Creek; or
c. will if properly conditioned, adequately protect the surface water from interference:
 i. The permit should contain condition #(s) 7B;
 ii. The permit should contain special condition(s) as indicated in "Remarks" below;
 iii. The permit should be conditioned as indicated in item 4 below; or
d. will, with well reconstruction, adequately protect the surface from substantial interference.

GROUNDWATER AVAILABILITY CONSIDERATIONS

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

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

REMARKS: draft See language proposed in memo to file of this date.

(Well Construction Considerations on Reverse Side)

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

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

RECOMMENDATION:

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

THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL

I concur in G/H's recommendation A or B above relating to conditioning or withholding the permit

_____, 199____
(Signature)

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

_____, 199____
(Signature)

STATE OF OREGON
WATER RESOURCES DEPARTMENT

INTEROFFICE MEMO

To: FILE

Date: December 30, 1996

From: MICHAEL ZWART ^{MJZ}

Subject: APPLICATION G-14423, ROBERT HODNEFIELD

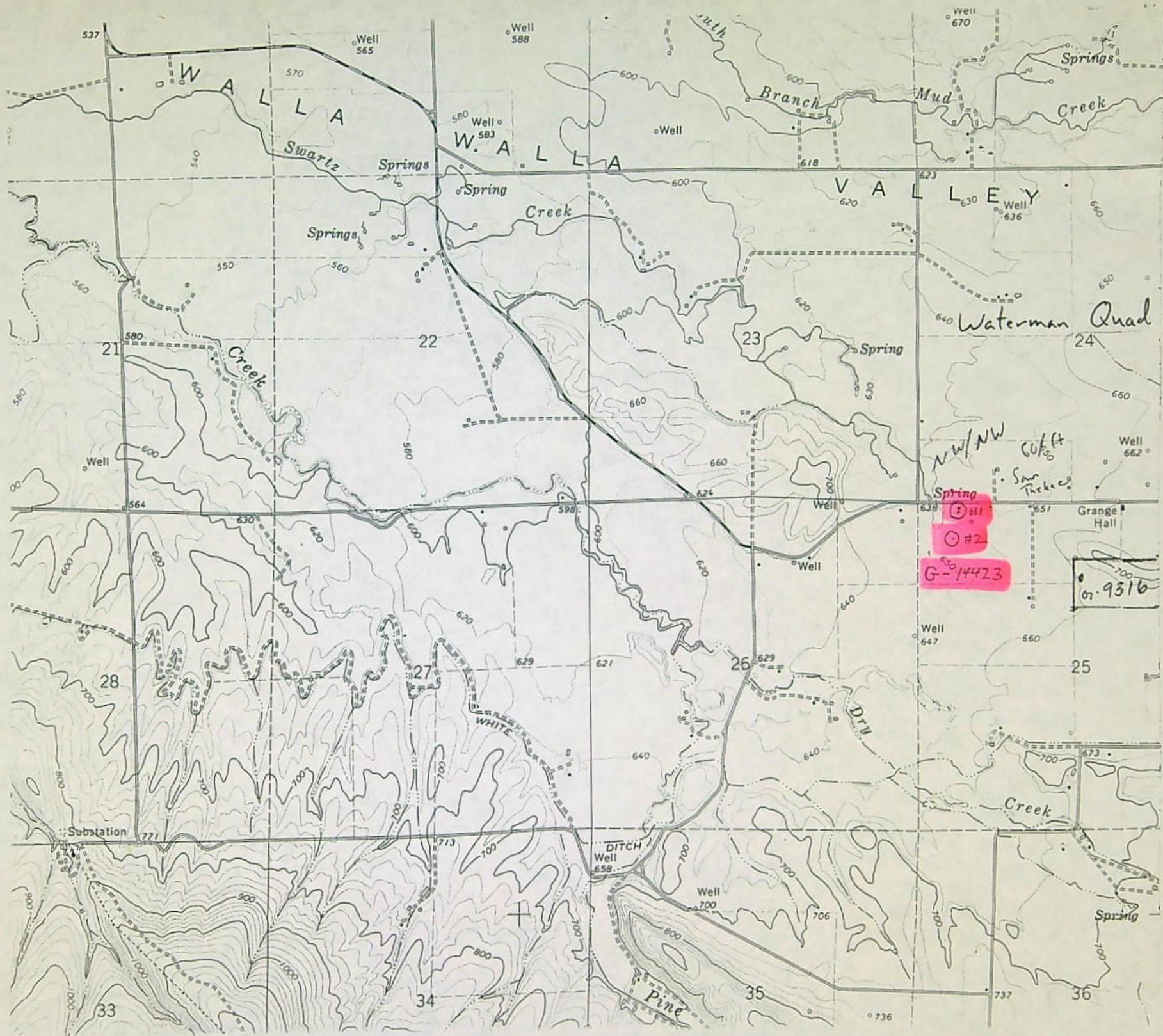
This application proposes to appropriate 0.52 cfs from two wells for irrigation of 41.6 acres. There is little construction information regarding these wells in the file, except that both are estimated to be less than 100 feet deep. A report by The Principals Group in support of this application is in the file. The report states that no well logs in the GRID data base can be matched to these wells. Based on the enclosed nearby well logs, the aquifer in this area appears to be unconfined to weakly semiconfined, developed in sand and gravel. No continuous confining bed is noted in these other well logs, although some clays are described, primarily above the static water level. This shallow aquifer is likely in hydraulic connection with nearby surface water sources, as evidenced by the numerous springs in the area.

The wells are about 500 feet (#1) and about 800 feet (#2) from a spring at the head of Swartz Creek, according to the 1966 Waterman USGS quadrangle map of the area. The report contends that Swartz Creek has no flow during most of the irrigation season and that this particular spring no longer exists. This contention is supported by photographs taken in November 1996 which apparently show that the spring and creek are not flowing, if not completely dry.

The report also contends that the beds of the nearby streams are lined with "significant thickness of silts, clays, and sands which prevents any appreciable loss of water from the stream bed." This second contention is not supported by any data, other than reference to the lithologic descriptions made by well constructors. These generally do not describe significant thicknesses of impermeable materials, nor do they represent materials found in and below the bed of the creek. The later contention that the aquifer penetrated appears to be confined, based on static water levels vs. depth of first groundwater encountered in nearby well logs is not supported by most of the included logs.

I recommend permit condition 7B. I also recommend that a specially worded permit condition be considered for use. The proposed condition language below is in draft form and subject to approval.

// Water may be appropriated from the wells only at times when no surface water is flowing in Swartz Creek, exclusive of water diverted from the Hudson Bay Canal. Flow shall be determined at or near the location where the creek passes under the road that follows the section line common to Sections 23 and 24, T. 6 N., R. 34 E., WM. //



County: UMATILLA

Quad name & #: _____

REVIEW CHECKLIST

FOR G- 14423

- Appropriate parts of the stream index
- Estimated number of wells within a one-mile radius & identified types.
- State Observation wells within a five-mile radius.
- Verify that well log is in file. If not provide one.
- List groundwater permits within a five-mile radius with extraordinary conditions.

Number of wells: _____

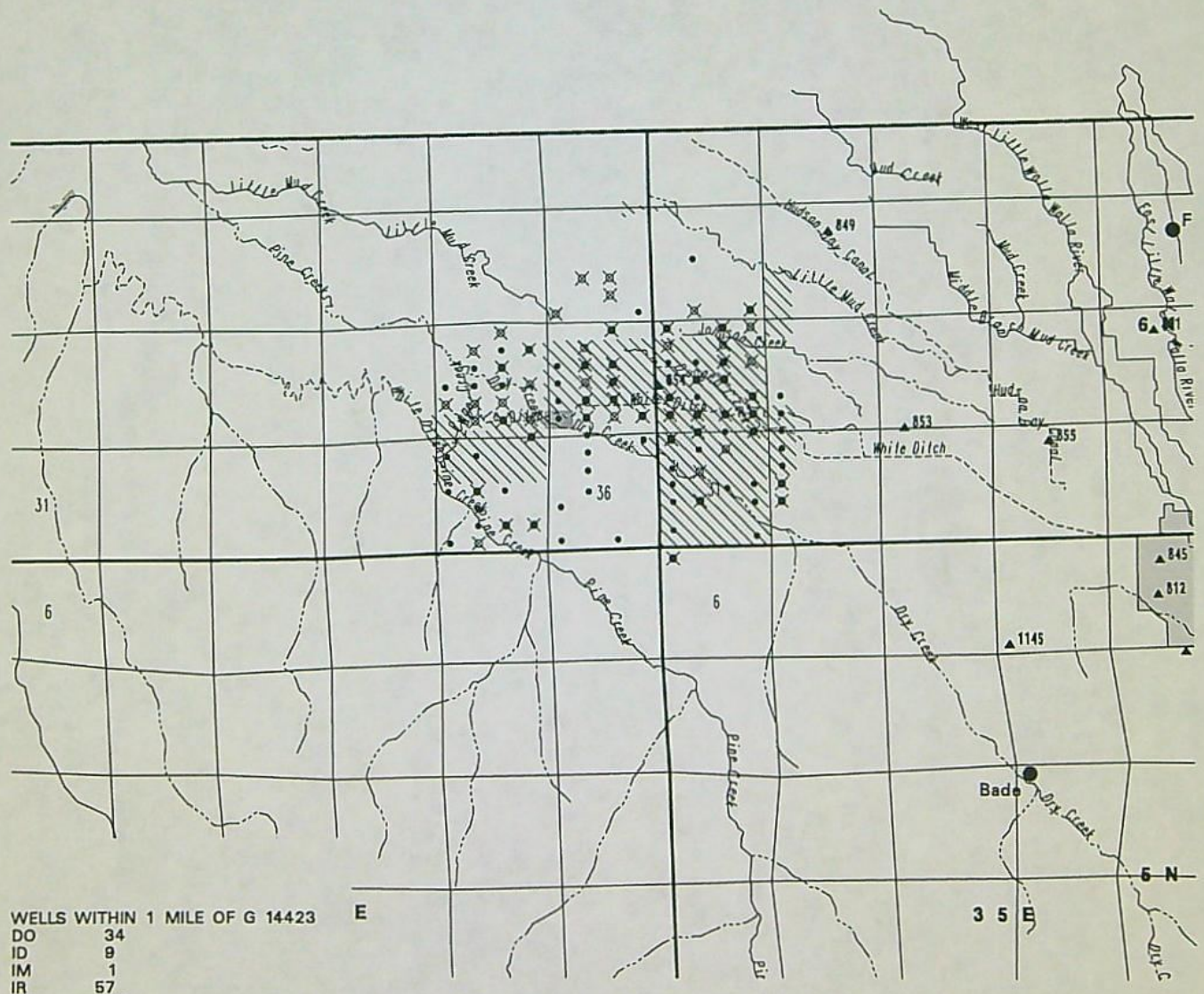
Well location: T-060N/R-34E/sec 25

APPLICATIONS WITH PERMIT CONDITIONS:

G-13848	G-13852
G-13689	G-13758
G-13124	G-13759
G-13125	G-13223
G-13637	G-13703
G-13125	G-13629
G-13832	G-13834
G-13705	
G-13784	

Wells in the vicinity of application G 14423

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



WELLS WITHIN 1 MILE OF G 14423

DO	34
ID	9
IM	1
IR	57
MO	26

PERMITTED WELLS WITHIN 1 MILE OF APPLICATION G 14423

PERMIT	T/R/S/QQ	USE	RATE	UNITS
G	1327	6.00N35.00E18NESE	IR	0.1000 C
G	1327	6.00N35.00E18NESE	IS	0.9000 C
G	1159	6.00N35.00E18NESW	IS	0.6200 C
G	5264	6.00N35.00E18SESE	IS	0.5000 C
G	531	6.00N35.00E18SWSE	IR	0.7000 C
G	6075	6.00N35.00E18SWSE	IS	0.3500 C
G	5770	6.00N35.00E18SWSW	IS	0.2300 C
G	6420	6.00N35.00E19NWNE	IS	0.6200 C
G	1158	6.00N35.00E19NWNW	IR	0.2700 C
G	1158	6.00N35.00E19NWNW	IR	0.4700 C
G	9781	6.00N35.00E19NWNW	IS	1.1000 C
G	6421	6.00N35.00E19SENE	IR	0.6200 C
G	2674	6.00N35.00E19SWNE	IS	0.0900 C
G	2674	6.00N35.00E19SWNE	IS	0.1000 C
G	2674	6.00N35.00E19SWNE	IS	0.1900 C
G	8039	6.00N35.00E19SWNE	IS	0.2600 C
G	685	6.00N35.00E19NWSE	IS	0.4400 C
G	854	6.00N35.00E19NESW	IR	0.5400 C
G	9376	6.00N35.00E19NESW	IR	0.2200 C
G	9376	6.00N35.00E19NESW	IS	0.2200 C
G	7297	6.00N35.00E19SESE	IS	0.4700 C
G	9918	6.00N35.00E19SESE	IS	0.3000 C
GR	880	6.00N35.00E19SESE	IR	0.5580 C
G	9453	6.00N35.00E19SWSW	IR	0.0200 C
G	9565	6.00N35.00E19SWSW	IR	0.0700 C
G	9212	6.00N35.00E30NENE	IS	0.3100 C
G	5202	6.00N35.00E30NWNE	IS	0.4900 C
G	10537	6.00N35.00E30NWNE	IR	0.4300 C
G	1146	6.00N35.00E30NENW	IS	0.2000 C
G	10231	6.00N35.00E30NENW	IR	0.1100 C
G	2295	6.00N35.00E30NWNW	IR	0.0750 C
G	2295	6.00N35.00E30NWNW	IS	0.1175 C
G	906	6.00N35.00E30SENE	IS	0.4800 C
GR	3565	6.00N35.00E30SENW	IR	0.4464 C
G	2405	6.00N35.00E30SWNW	IS	0.1000 C
G	2405	6.00N35.00E30SWNW	IS	0.1200 C
G	7823	6.00N35.00E30SWNW	IR	0.0200 C
G	9157	6.00N35.00E30NWSE	IS	0.5000 C
G	5048	6.00N35.00E30SESW	IR	0.3000 C
G	9405	6.00N35.00E32NWNW	IC	0.5300 C
G	954	6.00N35.00E31SENW	IR	1.2200 C
G	397	6.00N35.00E32SWNW	IR	0.3200 C
G	397	6.00N35.00E32SWNW	IS	0.1700 C
G	397	6.00N35.00E32SWNW	IS	0.9000 C
G	9405	6.00N35.00E32SWNW	IC	0.0300 C
G	9405	6.00N35.00E32SWNW	IC	1.3500 C
G	11607	6.00N35.00E32SWNW	IC	1.3800 C
G	12102	6.00N34.00E13NWNE	IS	0.3100 C
G	12102	6.00N34.00E13NENW	IS	0.3100 C
G	5880	6.00N34.00E13SWNE	IR	0.1000 C
G	5880	6.00N34.00E13SWNE	IS	0.4700 C
G	4964	6.00N34.00E13NWSW	IR	0.6700 C
G	4695	6.00N34.00E13SWSE	IR	0.5700 C
G	1230	6.00N34.00E14SWSE	IR	0.1100 C
G	1498	6.00N34.00E24NENW	IR	0.2300 C

GR	1092	6.00N34.00E23NENE	IR	0.8929	C
G	7875	6.00N34.00E23NENW	IC	1.6000	C
G	805	6.00N34.00E24SWNE	IR	0.4100	C
GR	1099	6.00N34.00E24SEW	IR	0.6696	C
G	9939	6.00N34.00E23SWNE	IC	1.1000	C
G	5485	6.00N34.00E24NWSE	IS	0.4500	C
G	6856	6.00N34.00E24NESW	IS	1.1300	C
G	9109	6.00N34.00E24NESW	IS	0.6000	C
G	4720	6.00N34.00E23NESE	IR	0.2900	C
G	4720	6.00N34.00E23NESE	IR	0.4600	C
G	5019	6.00N34.00E23NESE	IR	0.3100	C
G	1279	6.00N34.00E24SWSE	IR	0.2400	C
G	828	6.00N34.00E24SESW	IS	0.1800	C
G	5019	6.00N34.00E23SWSE	IR	0.2200	C
G	2583	6.00N34.00E23SESW	IR	0.4500	C
G	2777	6.00N34.00E23SWSW	IS	0.4400	C
G	1029	6.00N34.00E25NENE	IR	0.3600	C
G	9658	6.00N34.00E25NENE	IR	0.0614	C
G	1272	6.00N34.00E25NWNE	IR	0.2300	C
G	8762	6.00N34.00E25NWNE	IS	0.2200	C
G	2122	6.00N34.00E25NENW	IS	0.1500	C
G	3149	6.00N34.00E25NENW	IS	0.4700	C
G	2437	6.00N34.00E26NENE	IR	0.0300	C
G	2437	6.00N34.00E26NENE	IS	0.4600	C
G	2872	6.00N34.00E26NENE	IR	0.4500	C
G	5654	6.00N34.00E26NENE	IR	0.0400	C
G	2115	6.00N34.00E26NWNE	IR	0.6700	C
G	705	6.00N34.00E26SENE	IS	0.5000	C
G	464	6.00N34.00E35NENW	IR	1.3300	C
G	322	6.00N34.00E35NESE	IR	1.5300	C
CG	9865	6.00N34.00E35NWSE	IS	0.4000	C
G	9865	6.00N34.00E35NWSE	IS	0.4000	C
CG	9865	6.00N34.00E35SESW	IS	0.4000	C
G	154	5.00N35.00E 6NWNW	IR	1.1800	C



Oregon

Theodore R. Kulongoski, Governor

File # G-14423

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 23, 2003

Robert Hodnefield
PO Box 198
Milton-Freewater, OR 97862

REFERENCE: Application #G-14423 (Permit #G-13541)

Dear Mr. Hodnefield:

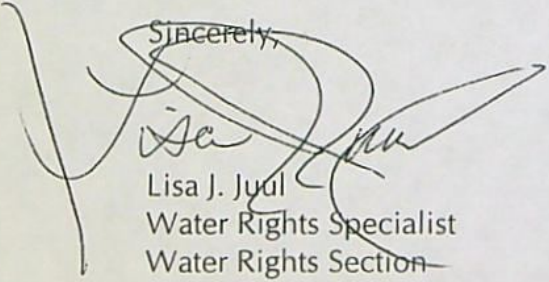
On December 22, 2003, the Department received your application for an extension of time for Permit #G-13541 and your check in the amount of \$100. Unfortunately, this amount is no longer sufficient.

Effective October 1, 2003, the statutory fee for an extension of time application increased to \$250, in accordance with House Bill 2268 approved by the 2003 Oregon Legislature. Any application for an extension of time received by the Department on October 1, 2003, or later must be accompanied by the \$250 statutory fee.

Due to insufficient fees, therefore, I am returning your check in the amount of \$100 and your extension of time application for Permit #G-13541.

If you have any questions or concerns, please feel free to contact me by telephone at (503) 986-0808.

Sincerely,



Lisa J. Juul
Water Rights Specialist
Water Rights Section

enclosure(s)

cc: Appl #G-14423 (Permit #G-13541)
Tony Justus, Watermaster Dist. #05
Fiscal



Oregon

Theodore R. Kulongoski, Governor

August 28, 2003

Water Resources Department

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

Ruby Hodnefield
P.O. Box 198
Milton Freewater, Oregon 97862

RE: Application G-14423, Permit G-13541

Dear Ms. Hodnefield:

Attached is a copy of your water right permit. As we discussed, the last paragraph of the permit sets out some time-lines for development and certification of the water use. According to your permit, within one year of October 1, 2002, you need to submit a claim of beneficial use prepared by a Certified Water Rights Examiner. If you have not completed the development of the water use, you can request an extension of time.

For more information on submitting the claim of beneficial use I would suggest you contact Gerry Clark at (503) 378-8455 ext. 295. For more information on an extension of time I would suggest you contact Lisa Juul at (503) 378-8455 ext. 272.

Sincerely,

Adam Sussman
Senior Policy Coordinator

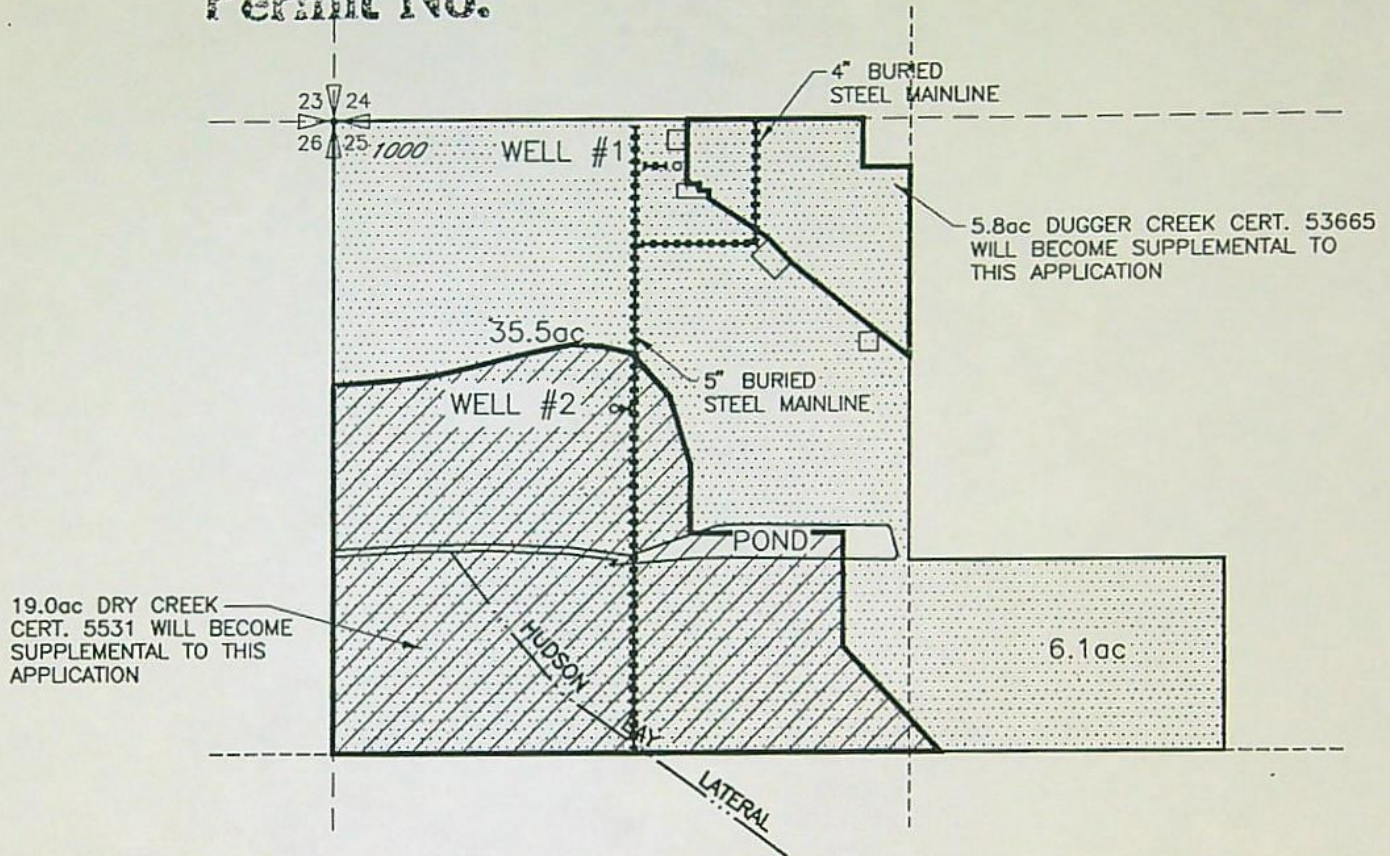
Cc: Tony Justus



GROUND WATER APPLICATION
 MAP FOR
 ROBERT HODNEFIELD
 T.6N., R.34E. W.M.

RECEIVED

DEC 16 1996
 WATER RESOURCES DEPT.
 SALEM, OREGON

Application No. G 14423
 Permit No.



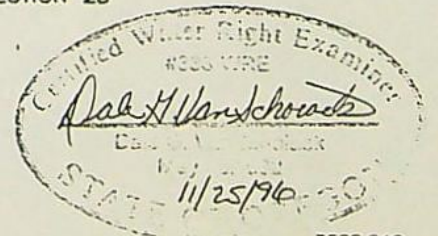
-  AREA TO BE IRRIGATED UNDER THIS APPLICATION
41.6 ACRES
-  AREAS WHICH WILL BECOME SUPPLEMENTAL TO THIS APPLICATION



WELL #1 LOCATED 100' SOUTH AND 720' EAST FROM THE NW 1/4 COR SECTION 25

WELL #2 LOCATED 600' SOUTH AND 590' EAST FROM THE NW 1/4 COR SECTION 25

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

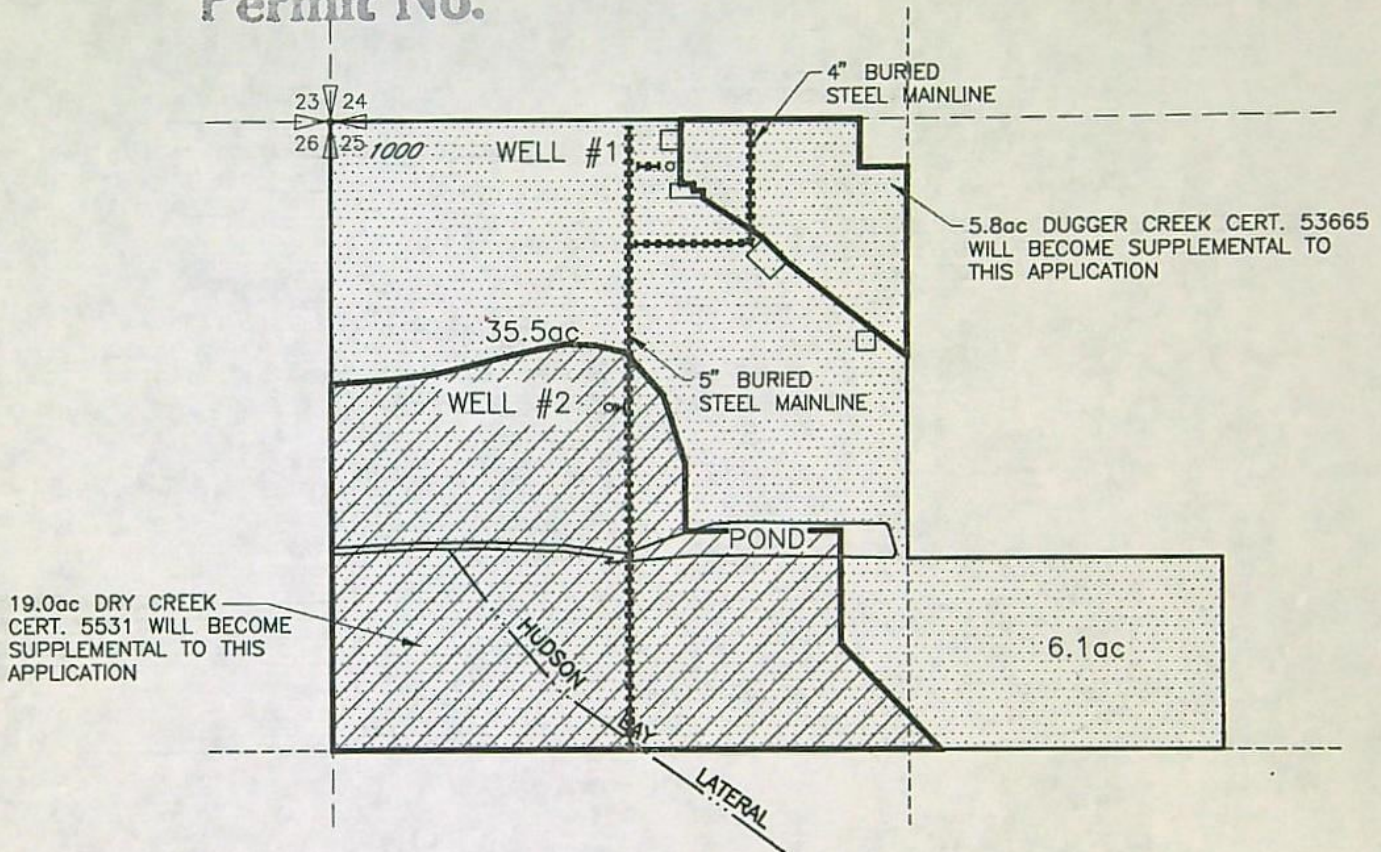


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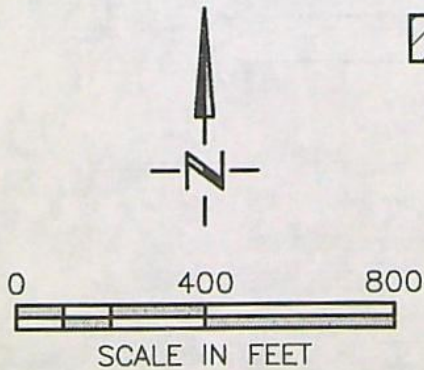
Application No. G14423
 Permit No.



19.0ac DRY CREEK
 CERT. 5531 WILL BECOME
 SUPPLEMENTAL TO THIS
 APPLICATION

5.8ac DUGGER CREEK CERT. 53665
 WILL BECOME SUPPLEMENTAL TO
 THIS APPLICATION

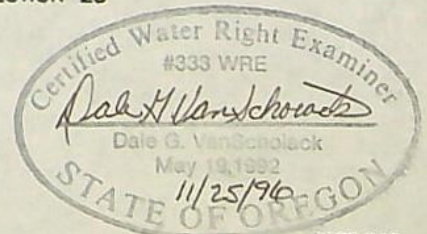
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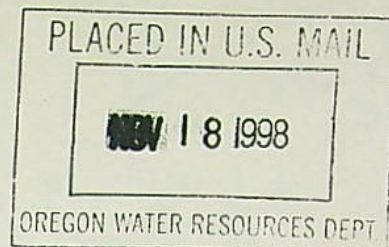
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State of Oregon
Water Resources Department



In the matter of Water Right) Agreement and
Application G-14423) Stipulated Final Order
Robert Hodnefield)
Applicant and Protestant)

Application History

On December 16, 1996, Robert Hodnefield submitted an application to the Department for a water use permit. The application requests the use of 0.52 cubic feet per second (cfs) of ground water from well #1, with any deficiency to be made up from well #2, for irrigation of 41.6 acres. The proposed wells are in the Swartz Creek Basin within the Umatilla Basin.

Under the provisions of ORS 537.621 an Initial Review and Proposed Final Order (PFO) were issued for Application G-14423. The PFO issued September 30, 1997, proposed to conditionally allow the use as requested. However, based on the Department's determination that the proposed wells are hydraulically connected to surface water (OAR 690-09) the use was specifically limited as follows:

Water may be appropriated from the wells only at times when no surface water is flowing in Swartz Creek. Flow shall be determined at or near the location where the creek passes under March Road, which follows the section line common to Sections 23 and 24, T6N, R34E, W.M.

As conditioned, the Department determined the surface water would be adequately protected from interference. Additionally, the Department determined as conditioned, the proposed use is allowable in the Umatilla Basin Program (OAR 690-507), water is available, the proposed use will not injure senior water rights, and the proposed use complies with rules of the Water Resources Commission. Under the provisions of ORS 537.621 the Department determined the proposed use, as conditioned, ensures the preservation of the public health, safety and welfare.

On November 13, 1997, the applicant submitted a protest to the Proposed Final Order and a request for hearing. The protest was regarding the proposed resource protection conditions and the Department's determination that the proposed wells, without the proposed condition describe above, will have the potential for substantial interference with Swartz Creek. On January 14, 1998, the matter was set for hearing by

Applicant RA RA

Department _____

Administrative Law Judge Weisha Mize. The hearing was postponed several times to allow the parties additional time to collect data and to explore settlement alternatives.

In September 1998, static water level measurements and well head elevations of the proposed wells were provided to the Department. The elevation of Swartz Creek was also provided. These data indicate the water level elevations in the proposed wells are 8 to 12 feet lower than the level of Swartz Creek. Based on these data and data from nearby State Observations wells, the Department has superceded its earlier surface water/ground water interference determination. **The Department now finds the proposed use, if properly conditioned, but without the special condition described above and in the September 30, 1997 PFO, will protect surface water from interference.**

The applicant and the Department now agree that the issue(s) in this case may be settled on the following terms and conditions, and hereby stipulate to the following:

- 1) Applicant waives the right to file exceptions to this order and the right to judicial review under ORS 536.075(2) and 183.482.
- 2) Entry of this stipulated final order by the Administrative Law Judge and issuance of the permit, a draft of which is attached and incorporated herein by reference.
- 3) The Proposed Final Order issued September 30, 1997, shall be modified by eliminating the condition which reads:

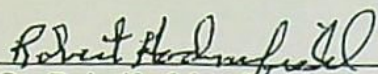
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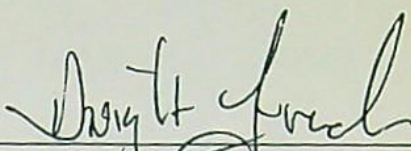
- 4) The proposed use is allowable as conditioned and limited on the attached draft permit.
- 5) This agreement and stipulated final order resolves the applicant's protest on application G-14423.

The Department and the applicant agree on all aspects of the attached draft permit, and to the entry of this Stipulated Final Order. Therefore, the Department finds and the applicant agrees that, if exercised in accordance with the attached permit, the proposed use would ensure the preservation of the public welfare, safety, and health.

Applicant RH RA

Department _____


On Behalf of Applicant


On Behalf of the Water Resources Department

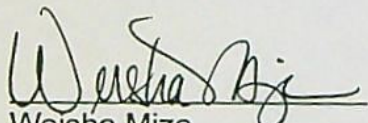
Dated 11/10/98

Dated 11/13/98

Stipulated Final Order

Pursuant to the Agreement described above application G-14423 is approved as provided on the attached draft permit.

DATED Nov. 16, 1998


Weisha Mize
Administrative Law Judge

DRAFT

This is not a permit!!!
STATE OF OREGON

DRAFT

COUNTY OF UMATILLA

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

ROBERT HODNEFIELD

RT 2 BOX 69B

MILTON-FREEWATER, OREGON 97862

(541)938-0118

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

APPLICATION FILE NUMBER: G-14423

SOURCE OF WATER: TWO WELLS IN THE UMATILLA RIVER BASIN

PURPOSE OR USE: IRRIGATION OF 41.6 ACRES

MAXIMUM RATE: 0.52 CUBIC FOOT PER SECOND FROM WELL 1 WITH ANY DEFICIENCY TO BE MADE UP FROM WELL 2

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: DECEMBER 16, 1996

POINT OF DIVERSION LOCATION: NW 1/4 NW 1/4, SECTION 25, T6N, R34E, W.M.; WELL 1 - 100 FEET SOUTH & 720 EAST; WELL 2 - 600 FEET SOUTH & 590 FEET EAST BOTH FROM NW 1/4 CORNER SECTION 25

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:

NE 1/4 NW 1/4 6.1 ACRES

NW 1/4 NW 1/4 35.5 ACRES

SECTION 25

TOWNSHIP 6 NORTH, RANGE 34 EAST, W.M.

Application G-14423 Water Resources Department

PERMIT DRAFT

Measurement, recording and reporting conditions:

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

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 by _____, 1999. Complete application of water to the use shall be made on or before October 1, 2002. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued _____, 199_

DRAFT - THIS IS NOT A PERMIT

Martha O. Pagel
Director

Application G-14423 Water Resources Department
Basin 07 Volume 2 DRY CR
RWK MGMT.CODE 7BG, 7BR

PERMIT DRAFT
District 5

STATE OF OREGON

COUNTY OF UMATILLA

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ROBERT HODNEFIELD
RT 2 BOX 69B
MILTON-FREEWATER, OREGON 97862

(541)938-0118

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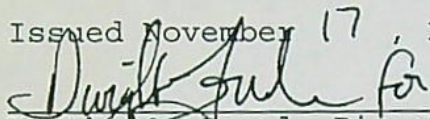
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The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction of the well shall begin by November/7, 1999. Complete application of water to the use shall be made on or before October 1, 2002. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued November 17, 1998


Martha O. Pagel, Director
Water Resources Department

Application G-14423
Basin 07
RWK

Water Resources Department
Volume 2 DRY CR
MGMT.CODE 7BG, 7BR

PERMIT G-13541
District 5

Mailing List for Protested Application Copies

Application APPNUM G-14423

FO Date FODATE

Original mailed to:

Applicant:

Copies sent to:

- 1. WRD - File # APPNUM
- 2. WRD - Water Availability: Ken Stahr

Copies Mailed	
By: <u>HW</u>	
(SUPPORT STAFF)	
on: <u>11/18/98</u>	
(DATE)	

PFO, Map, and Fact Sheet Copies sent to:

- 3. WRD - Watermaster # Tony Justis #5
- 4. WRD - Regional Manager (not Bob Main): Mike Ladd
- 5. ODFW District Biologist:

Copies sent to Other Interested Persons (CWRE, Agent, Well Driller, Commenter, etc.)

- 6. Dale G VanScholack, CWRE
- 7. _____
- 8. _____
- 9. _____
- 10. _____
- 11. _____
- 12. _____
- 13. _____

"\$10 LETTER" sent to Interested Persons who have not protested or paid for copies

- 1. _____
- 2. _____
- 3. _____

CASEWORKER: A.S.

m | groups | wr | protests | stip | 98-09 | 914423.6



Oregon

October 2, 1998 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

Mr. and Mrs. Hodnefield
Rt 2 Box 69B
Milton-Freewater, Oregon 97862

RE: Stipulated Final Order and Agreement (G-14423)

Dear Mr. and Mrs. Hodnefield:

Enclosed is the Stipulated Final Order and Agreement I discussed with Mrs. Hodnefield last week. As we discussed, I have also enclosed an affidavit to cancel certificates 53665 and 5531 and a portion of certificate 46364 (1.7 acres).

Additional data on the well has enabled the Department to approve your application **without** the condition you had previously protested. The attached agreement is the standard document we use to settle cases in the jurisdiction of a Hearings Officer. Please review the agreement and draft permit carefully. The draft permit is identical to the proposed permit issued in September 1997 but without the condition you protested. Mr. Hodnefield must initial each page of the agreement and sign and date page 3. Return the entire agreement to me, including the draft permit. Once the agreement is signed by all parties a copy will be sent to you and a permit, consistent with the enclosed draft permit will be issued.

Finally, as I discussed with Mrs. Hodnefield, it would be extremely helpful to the Department to cancel the unused water rights on your property. Given that the ditches to deliver the water under the old water rights do not exist, it makes no sense to diminish them to supplemental irrigation. Clearing the old rights from the records helps the state maintain a meaningful water right database. Please complete the enclosed affidavit, with notarization, and return the entire packet to my attention.

I have not sent any of this material to Attorney Sam Tucker because Mrs. Hodnefield informed me he is no longer involved in this matter.

If you have any questions please call me at 1-800-624-3199 ext. 262. Thanks for your cooperation.

Sincerely,

Adam Sussman
Protest Program Coordinator

cc: Tony Justus
Mike Ladd

RECEIVED

NOV 13 1998

WATER RESOURCES DEPT.
SALEM, OREGON



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

November 3, 1998

Robert and Ruby Hodnefield
Route 2, Box 69B
Milton-Freewater, OR 97862

Re: Application G-14423

Dear Mr. and Mrs. Hodnefield:

On October 2, 1998, I sent you a letter, Agreement and Stipulated Final Order on the above-referenced water right application, and an Affidavit to Voluntarily Cancel water right certificates 53665 and 5531, and a portion of certificate 46364. As of this date, our office has not received a response from you. Please complete the enclosed materials as requested in the October 2, 1998, letter and return them to my attention as soon as possible so I can conclude processing of your file.

If you have any questions, you may contact me at (503) 378-8455, ext. 262.

Sincerely,

Adam Sussman
Protest Program Coordinator

Enclosure

c: Tony Justus
Mike Ladd

FAXFAXFAXFAXFAXFAXFAXFAXFAXFAXFAX

WATER RESOURCES DEPARTMENT
NORTH CENTRAL REGION

116 S.E. DORJON AVENUE, PENDLETON, OR 97801
(541) 278-5456

FAX # (541) 278-0287

TO: Adam Sussman DATE: 9-25-98

FROM: Tony Justus PHONE # (541) 278-5456

PAGES 3 (INCLUDING COVER)

MESSAGE: This TAY Lot map was furnished
by applicant I believe - it was in
my file. I believe 1.7 ac pretty
accurately reflects the acres of C# 46364
appurtenant to the Hockfield property

Memo to
file
GW/SW



Oregon

October 2, 1998 John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
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State of Oregon
Water Resources Department

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Applicant_____

Department_____

On Behalf of Applicant

On Behalf of the Water Resources Department

Dated _____

Dated _____

Stipulated Final Order

Pursuant to the Agreement described above application G-14423 is approved as provided on the attached draft permit.

DATED _____, 1998

Weisha Mize
Administrative Law Judge

DRAFT

This is not a permit!!!
STATE OF OREGON

DRAFT

COUNTY OF UMATILLA

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

ROBERT HODNEFIELD
RT 2 BOX 69B
MILTON-FREEWATER, OREGON 97862

(541)938-0118

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

APPLICATION FILE NUMBER: G-14423

SOURCE OF WATER: TWO WELLS IN THE UMATILLA RIVER BASIN

PURPOSE OR USE: IRRIGATION OF 41.6 ACRES

MAXIMUM RATE: 0.52 CUBIC FOOT PER SECOND FROM WELL 1 WITH ANY
DEFICIENCY TO BE MADE UP FROM WELL 2

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: DECEMBER 16, 1996

POINT OF DIVERSION LOCATION: NW 1/4 NW 1/4, SECTION 25, T6N, R34E,
W.M.; WELL 1 - 100 FEET SOUTH & 720 EAST; WELL 2 - 600 FEET SOUTH &
590 FEET EAST BOTH FROM NW 1/4 CORNER SECTION 25

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:

NE 1/4 NW 1/4 6.1 ACRES
NW 1/4 NW 1/4 35.5 ACRES
SECTION 25

TOWNSHIP 6 NORTH, RANGE 34 EAST, W.M.

Application G-14423 Water Resources Department

PERMIT DRAFT

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 by _____, 1999. Complete application of water to the use shall be made on or before October 1, 2002. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued _____, 199_

DRAFT - THIS IS NOT A PERMIT

Martha O. Pagel
Director

Application G-14423 Water Resources Department
Basin 07 Volume 2 DRY CR
RWK MGMT.CODE 7BG, 7BR

PERMIT DRAFT
District 5

Affidavit of Voluntary Cancellation

STATE OF OREGON,)
) ss.
County of Umatilla.)

We, Robert Hodnefield and Ruby Hodnefield of Milton-Freewater, Umatilla County, Oregon, being first duly sworn, depose and say that we are the owners of the following described lands and the water right appurtenant thereto:

All that real property described on the attached Exhibit "A" which is hereby referred to and made a part hereof.

The water rights in question are as follows:

1. For appropriation of not to exceed 0.07 cubic feet per second (cfs) from Dugger Creek for the irrigation of 5.8 acres, with a priority date of 1899, as evidenced by Certificate No. 53665, recorded at Page 53665, Volume 48, State Record of Water Right Certificates, in the name of Ralph W. Smuckal.

2. For appropriation of not to exceed 0.32 cfs of water from Dry Creek for the irrigation of 19 acres, with a priority date of 1896, as evidenced by Certificate No. 5531, recorded at Page 5531, Volume 6, State Record of Water Right Certificates, in the name of Ruby E. Marlatt.

3. For appropriation of not to exceed 0.19 cfs from Dugger Creek for the irrigation of 14.5 acres, with a priority date of 1899, as evidenced by Certificate No. 46364, recorded at Page 46364, Volume 39, State Record of Water Right Certificates, in the

name of Jim Marlatt. Only approximately 1.70 acres of the water described in this Certificate are located on the Hodnefield land, and we request that only such portion of the Certificate as concerns the Hodnefield land be canceled. (See Exhibit B.)

Having obtained a (better, more economical, etc.) source of water for the irrigations of these lands, we request the rights heretofore described be canceled.

This Affidavit is not to take effect or be acted upon until a permit for Application G-14423 is issued.

IN WITNESS WHEREOF, we have hereunto set our hands this ____ day of _____, 1998.

ROBERT HODNEFIELD

RUBY HODNEFIELD

Subscribed and sworn to before me this ____ day of _____, 1998.

Notary Public for Oregon

EXHIBIT "A"

6N 34 25 Tax Lot 1000, (44.77 acres):

The Southwest Quarter of the Northeast Quarter of the Northwest Quarter excepting therefrom the North 264 feet and East 1 rod.

Also, the Northwest Quarter of the Northwest Quarter of Section Twenty-Five (25), Township Six (6) North, Range Thirty-four (34).

EXCEPTING that tract conveyed to Wm. E. Brown et ux by Deed recorded in Book 258, Page 369.

All being East of the Willamette Meridian, in the County of Umatilla and State of Oregon.

Excepting any and all roads and water rights of way.

RECEIVED

DEC 16 1996

WATER RESOURCES DEPT.
SALEM, OREGON

NU
#45159

6N3425
1000
7-12

1248

222925

REC 297110249

WARRANTY DEED

EXHIBIT "A"

RALPH W. SMUCKAL, as Trustee of the Ralph W. Smuckal Revocable Living Trust '94, and RALPH W. SMUCKAL, as Successor Trustee of the Laura E. Smuckal Living Trust UTD 11/3/94 Grantor, conveys and warrants to ROBERT D and RUBY HODNEFIELD, Grantees, the following described real property incumbrances except as specially set forth herein:

See EXHIBIT "A", Attached hereto and made a part hereof.
A true consideration for this conveyance is \$90,000 and includes other

is instrument will not allow use of the property described in this nt in violation of applicable land use laws and regulations. Before or accepting this instrument, the person acquiring fee title to the should check with the appropriate City or County Planning Department to proved uses and to determine any limits on lawsuits against farming or ractices as defined in ORS 30.930.

if a change is requested all tax statements should be sent to: Robert Hodnefield, Rt 2 Box 69 B, Milton-Freewater, OR 97862.
After recording, return this document to: Robert and Ruby Hodnefield, Rt B, Milton-Freewater, OR 97862.

WITNESSED this 11th day of September, 1996.

RECORDED
2 1996
COUNTY
RDS

Ralph W. Smuckal
RALPH W. SMUCKAL, Trustee of the
Ralph W. Smuckal Revocable Living
Trust UTD 11/3/94, Grantor
Ralph W. Smuckal
RALPH W. SMUCKAL, Successor Trustee
of the Laura E. Smuckal Revocable
Living Trust UTD 11/3/94, Grantor

OREGON, }
Umatilla. } ss.
September 11th, 1996.

Personally appeared the above named RALPH W. SMUCKAL and acknowledged the instrument to be his voluntary act and deed. Before me,

Josiah A. Marshall
NOTARY PUBLIC FOR OREGON
My Commission Expires: _____

SEAL
MARSHALL
C-OREGON
0 023133
MAY 31, 1997

WARRANTY DEED

6N 34 25 Tax lot 1000, (44.77 acres):

The Southwest Quarter of the Northeast Quarter of the Northwest Quarter excepting therefrom the North 264 feet and East 1 rod.

Also, the Northwest Quarter of the Northwest Quarter of Section Twenty-Five (25), Township Six (6) North, Range Thirty-four (34).

EXCEPTING that tract conveyed to Wm. E. Brown et ux by Deed recorded in Book 258, Page 369.

All being East of the Willamette Meridian, in the County of Umatilla and State of Oregon.

Excepting any and all roads and water rights of way.

SUBJECT TO:

1. 1996-97 taxes which are a lien but not yet payable.
2. As disclosed by the tax rolls the premises herein described have been zoned or classified for special use. At any time that said land is disqualified for such use said property will be subject to additional taxes and interest. Persons or parties acquiring title to said lands should check with the appropriate Planning Department and Assessors Office to verify zoning or classification.
3. Easement, including the terms and provisions thereof, granted to Pacific Power and Light Company, recorded May 20, 1954 in Book 218, Page 164, Deed Records.

State of Oregon)
County of Umatilla)
This instrument was received and recorded on
09-12-96 at 12:28
in the record of document code type 01-01

Location 6297-6264
Document number 1996-222925
Fee \$4.00

Office of County Records

Received by *S. Church*
Records Officer

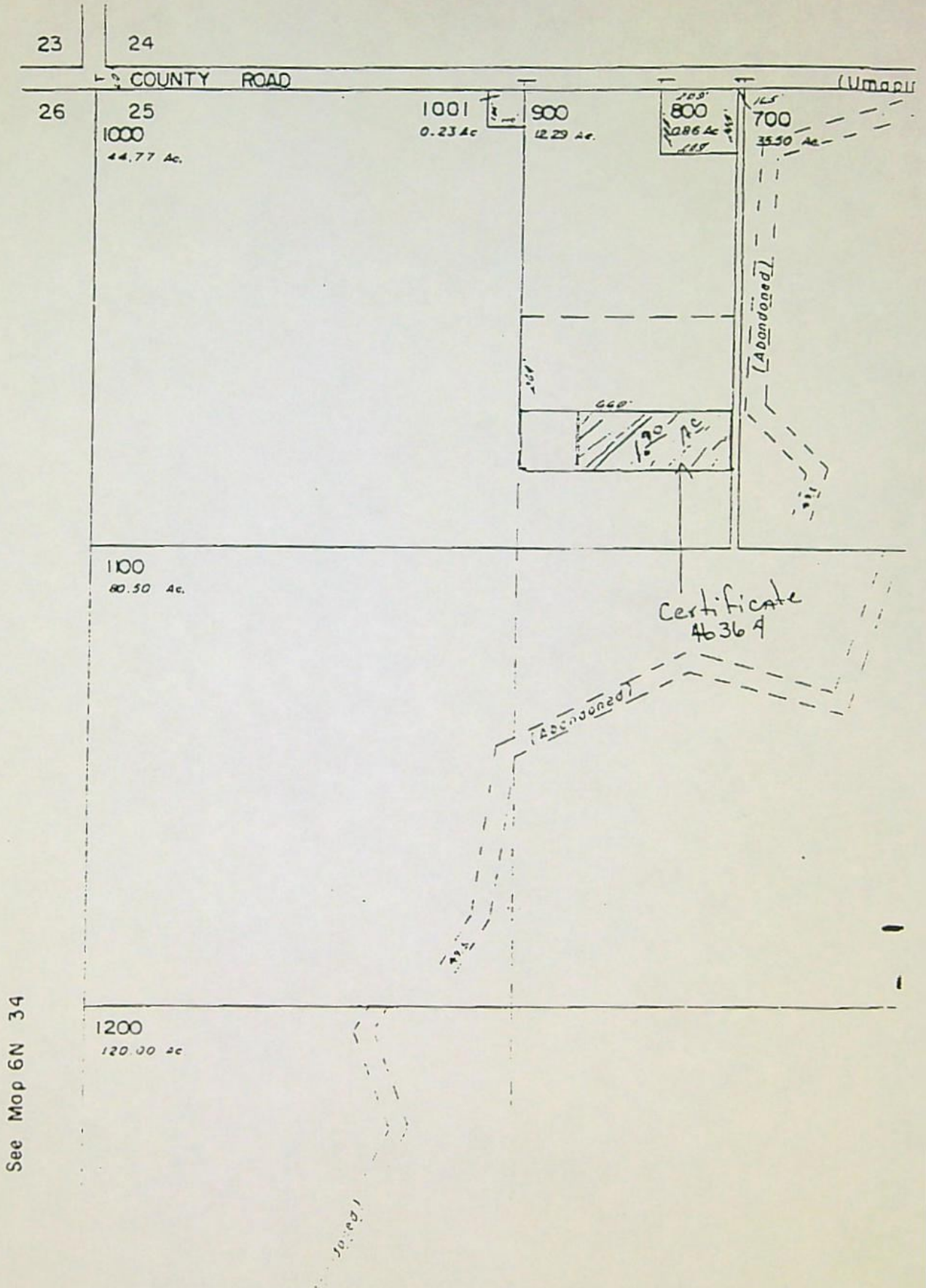
2 - WARRANTY DEED

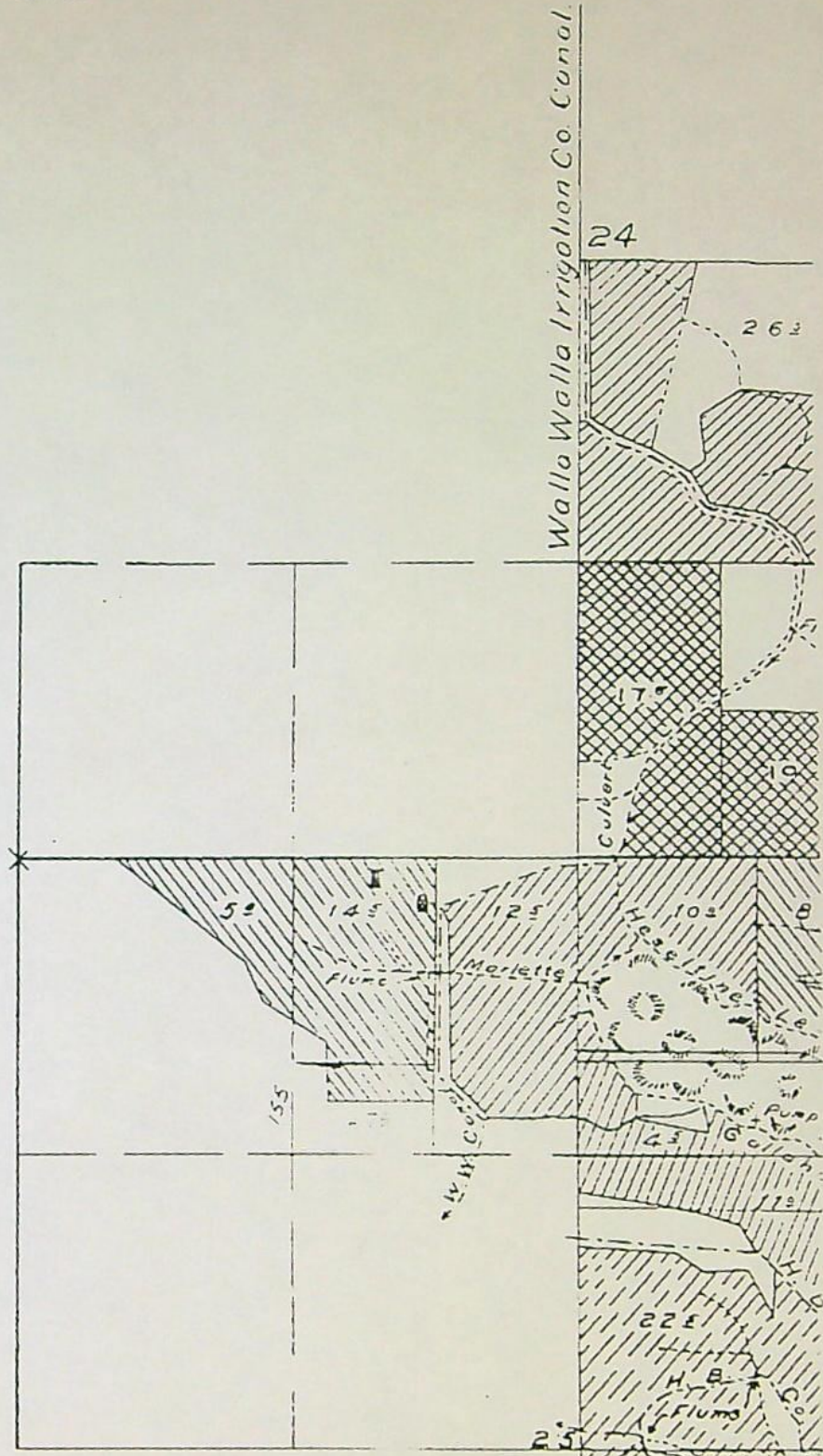
9-12-96

Application No. 6-14423
Permit No.

Exhibit "B"

See Map 6N 34 24





JOHNSON AND DUGGER CREEKS

- Irrigated Area
- { Supplied partly from other sources
- Streams
- Ditches



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


In the matter of Contested Case Hearing)
Application G-14423 Robert Hodnefield)
Applicant and Protestant)

Motion and Order

The Water Resources Department (WRD) and the protestant, represented by attorney Sam Tucker, jointly move the Presiding Officer for another postponement in the above-captioned matter. Proposed exhibits and witness lists are to be submitted April 16, 1998. The hearing date is not currently set. The parties request the proceedings in this matter, including witness and exhibit submissions, be postponed for 45 days.

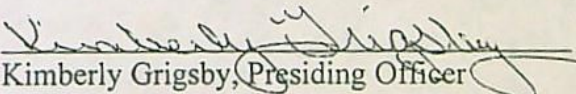
This request is made to allow for additional time to collect hydrogeologic information and to explore settlement options. If a settlement agreement is not made within the 45 day postponement, the parties respectfully request a new witness and exhibit deadline and hearing date be set. The parties may move to set submission deadlines and a hearing date prior to the end of the 45 day postponement.

Respectfully submitted,


Adam Sussman, Agency Representative

It is so ORDERED.

April 14, 1998
Date


Kimberly Grigsby, Presiding Officer

I certify that on April 14, 1998, I hand-delivered a copy of this motion and order to the office of Adam Sussman, Agency Representative, 158 12th Street, NE, Salem, OR 97310; and mailed, first class postage prepaid, a copy of this motion and order to:

Sam Tucker
Monahan, Grove, Tucker & Wallace
105 North Main
Milton-Freewater OR 97862



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

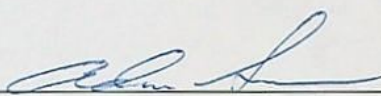
In the matter of Contested Case Hearing)
Application G-14423 Robert Hodnefield)
Applicant and Protestant)

Motion and Order

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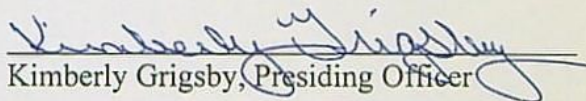
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Respectfully submitted,


Adam Sussman, Agency Representative

It is so ORDERED.

April 14, 1998
Date


Kimberly Grigsby, Presiding Officer

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Sam Tucker
Monahan, Grove, Tucker & Wallace
105 North Main
Milton-Freewater OR 97862

RECEIVED

APR - 2 1998

Monahan, Grove, Tucker & Wallace, LLP

Attorneys At Law

105 North Main Milton-Freewater, OR 97862

John U. Grove
Samuel E. Tucker
Christine M. Wallace

WATER RESOURCES DEPT.
SALEM, OREGON

Fax: (541) 938-6112
Phone: (541) 938-3377

March 30, 1998

KIMBERLY GRIGSBY
WATER RESOURCES DEPARTMENT
COMMERCE BUILDING
158 12TH STREET NE
SALEM OR 97310 0210

RE: Hodnefield Contested Case Hearing
File G-14423

Dear Ms. Grigsby:

Enclosed are my Notice of Witnesses and Exhibits List in connection with this matter.

Sincerely,

MONAHAN, GROVE, TUCKER & WALLACE, LLP

Sam Tucker/cl

Sam Tucker

ST:cl
Enclosure

c: Adam Sussman
Bob Hodnefield

OREGON WATER RESOURCES DEPARTMENT
WATER RIGHTS DIVISION

In the Matter of the Application)
of Robert Hodnefield) NOTICE OF WITNESSES
Application No. G 14423)

Pursuant to the request of the WRD hearing referee, applicant submits the following information concerning witnesses it intends to call at the contested-case hearing scheduled for April 16, 1998:

1. Eugene Key

Mr. Key lived immediately across the road from the site of the Hodnefield well. He has lived in the area his whole life and next to the Hodnefield/Smuckal well since 1965, and is familiar with the history and sources of water that contribute to the flows at Swartz Springs. He will testify from his personal knowledge concerning the existence of springs in the area of the Hodnefield well, the effect of Hudson Bay tail water on Swartz Creek and his knowledge about whether the Smuckal well has any effect on springs in the area.

2. James D. Graham

Mr. Graham has submitted a professional report in support of the application and will testify and be available for examination concerning the report.

3. Randy Kessler:

Mr. Kessler owns the property immediately adjacent and northwest of the Hodnefield property. The nearest Swartz Creek's active spring is on his property. He will identify the location of this spring and indicate its flow characteristics. He is not available for a personal appearance in Salem and will testify by telephone.

4. Robert Hodnefield:


Mr. Hodnefield will identify and describe pictures taken of the area.

5. Ralph Smuckal:

Mr. Smuckal was the owner of the Hodnefield place for many, many years before it sold to Hodnefield in 1996. He may testify concerning his recollection of the well, Swartz Springs, and the location of surface water which flows in the area. Mr. Smuckal is advanced in years. He may only be able to testify by telephone.

A list of the exhibits applicant presently plans on submitting is attached hereto.

Dated: March 30, 1998



Sam Tucker, OSB #76364
Attorney for Hodnefield

Exhibits

*Robert Hodnefield/Water Resources Department
Application No. G14423*

1. Hodnefield Pictures
2. Eugene Key Pictures
3. James D. Graham Report
4. U.S.G.S. Map

Monahan, Grove, Tucker & Wallace, LLP

Attorneys At Law

105 North Main Milton-Freewater, OR 97862

John U. Grove
Samuel E. Tucker
Christine M. Wallace

Fax: (541) 938-6112
Phone: (541) 938-3377

RECEIVED

APR - 6 1998

WATER RESOURCES DEPT.
SALEM, OREGON

April 1, 1998

ADAM SUSSMAN
WATER RESOURCES DEPARTMENT
COMMERCE BUILDING
158 12TH ST NE
SALEM OR 97310 0210

RE: Hodnefield Application
No. G14423

Dear Adam:

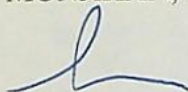
We recently talked about the hearing and I agreed to allow this matter to be continued to the last week of April. We discussed witnesses and I indicated to you that one or two of my witnesses would only be available by telephone. You mentioned that this would be acceptable to Weisha Mize and, I believe, we agreed that you would not oppose having some of my witnesses testify by telephone.

We now have a new hearing officer. I do not know her policy. I am writing to confirm that you will not object to our having witnesses testify by telephone. I presently only plan on having Randy Kessler and Ralph Smuckal, if we use him, testify by telephone. Please contact me immediately if there is some problem with this procedure or if you think we need to take it up before the new hearing officer.

Thanks for your cooperation.

Sincerely,

MONAHAN, GROVE, TUCKER & WALLACE, LLP



Sam Tucker
ST:cl

c: Bob Hodnefield

CASE REFERRAL TO CONTRACT HEARINGS OFFICER

Referral date: 3/16/98

File Number: G14423

Hearing Date: April 16, 1998

Time: 9:00

Applicant: Robert Hodnefield

Represented by: Sam Tucker, Monahan, Grove, Tucker & Wallace

Standee / Intervenor:

(include information and date for intervention petitions in hearing notice if appropriate)

Represented by:

PFO proposes to deny / approve / condition or limit use

Proposes to limit use of well 1 w/deficiency to be made up from well 2, water to be appropriated only at times when no surface flow in Swartz Creek, flow to be observed where creek passes under March Road.

Bases for Department's proposed action in PFO:

- a) pending senior applications and water rights
- b) determination of hydraulic connection per Div. 9
- c)
- d)

Bases for applicant protest:

- a) objects to proposed condition
- b) seeks to use tailwater which ends up in Swartz Creek and then into well
- c)
- d)

Bases for non-applicant protest:

- a)
- b)
- c)
- d)
- e)

AG representation of agency? Y

N



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

February 9, 1998

Sam Tucker
Monahan, Grove, Tucker & Wallace, LLP
105 North Main
Milton-Freewater, OR 97862

RE: Hodnefield file request, Application G14423

Dear Mr. Tucker:

Enclosed please find the portions of the above file which we determined you did not already have. I hope this is of assistance to you.

Sincerely yours,

Weisha Mize ALJ

encl.

cc: Adam Sussman (w/o encl)
Mike Ladd (w/o encl)

Monahan, Grove, Tucker & Wallace, LLP

Attorneys At Law

105 North Main Milton-Freewater, OR 97862

RECEIVED

FEB - 2 1998

WATER RESOURCES DEPT.
SALEM, OREGON

John U. Grove
Samuel E. Tucker
Christine M. Wallace

Fax: (541) 938-6112
Phone: (541) 938-3377

January 29, 1998

ADAM SUSSMAN
WATER RESOURCES DEPARTMENT
COMMERCE BUILDING
158 12TH ST NE
SALEM OR 97310 0210

WEISHA MIZE
ADMINISTRATIVE LAW JUDGE
WATER RESOURCES DEPARTMENT
COMMERCE BUILDING
158 12TH ST NE
SALEM OR 97310 0210

RE: Hodnefield Application
No. G14423

Dear Friends:

The agency file in the above matter will be a part of the record. I believe this request should be addressed to the Department, but in event it should be addressed to the referee, I am sending a copy to both.

Could you please forward to me as soon as possible a copy of the entire agency file in connection with the above matter. If there is a charge, please bill me and I will immediately pay the amount due.

Sincerely,

MONAHAN, GROVE, TUCKER & WALLACE, LLP



Sam Tucker

ST:cl

(water/hodnefld/sussmize.ltr)



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

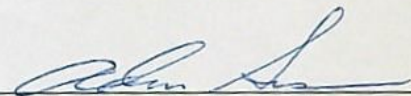
Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

In the matter of Contested Case Hearing)
Application G-14423 Robert Hodnefield)
Applicant and Protestant)

Motion and Order

The Water Resources Department (WRD) and the protestant, represented by attorney Sam Tucker, jointly move the Presiding Officer for a postponement in the above-captioned matter. The hearing is currently set for April 16, 1998. Proposed exhibits and witness lists are to be submitted April 1, 1998. The parties request that the exhibit and witness list deadline be changed to April 16, 1998 and that the hearing be rescheduled for a mutually agreeable day in the last week of April. This request is made to allow for additional time to explore settlement. A conference call between the parties is currently set for April 1, 1998.

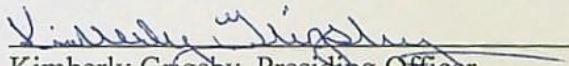
Respectfully submitted,



Adam Sussman, Agency Representative

It is so ORDERED.

March 27, 1998
Date



Kimberly Grigsby, Presiding Officer

I certify that on March 27, 1998, I hand-delivered a copy of this motion and order to the office of Adam Sussman, Agency representative, 158 12th Street, NE, Salem, OR 97310; and mailed, first class postage prepaid, a copy of this motion and order to:

Sam Tucker
Monahan, Grove, Tucker & Wallace
105 North Main
Milton-Freewater OR 97862



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

March 26, 1998

Sam Tucker
Monahan, Grove, Tucker & Wallace, LLP
105 North Main
Milton-Freewater, OR 97862

RE: Hodnefield contested case

Dear Mr. Tucker:

This letter is to notify you that Weisha Mize will soon begin a temporary job rotation to a different position and will not be available to conduct the contested case hearing scheduled for April 16, 1998. As a result, I will act as the Presiding Officer for that contested case, effective immediately. Please direct future correspondence to me rather than Ms. Mize.

If you have any questions, feel free to contact me at (503) 378-8455 or (800) 624-3199, extension 239.

Sincerely,

Kimberly Grigsby
Presiding Officer

Oregon Water Resources Department

In the Matter of the Water Right Application
of Robert Hodnefield,

Applicant-Protestant

Notice of Contested Case Hearing
Application No. G14423

A contested case hearing in the above matter will commence at **9:00 a.m., Thursday, April 16, 1998**, in Conference Room D at the Water Resources Department, Commerce Building, 158 12th Street NE, Salem, Oregon. The hearing will commence promptly and will conclude no later than 4:00 p.m. The hearing will be conducted by Administrative Law Judge Weisha Mize and will examine the following issues:

Whether the wells from which use are proposed under this application are in hydraulic connection with Swartz Creek, aka Schwartz Springs Creek, and therefore have the potential to cause substantial interference with surface water as defined in OAR Chapter 690 Division 9;

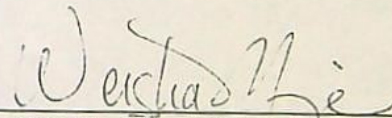
Whether, if the wells are in hydraulic connection with Swartz Creek, the proposed condition allowing use of the wells only when no water is present in Swartz Creek is necessary to protect the public interest and is supported by fact.

Both the Protestant and the Department are ordered to provide each other and the Administrative Law Judge lists of any witnesses whom they propose to call, together with a brief summary of anticipated testimony as it relates to the issues to be addressed, and copies of any exhibits that they propose to introduce, **to be received no later than Wednesday, April 1, 1998**. Failure to deliver witness lists and copies of exhibits by that date may result in exclusion of the proposed evidence.

The agency file will be a part of the record.

Enclosed is a copy of STATEMENT OF PARTIES' RIGHTS IN CONTESTED CASE HEARINGS.

Dated January 14, 1998.



Weisha Mize, Administrative Law Judge

Certificate of Service

I certify that on January 14, 1998, I hand-delivered a copy of this Notice of Hearing to the office of Adam Sussman, Agency Representative, 158 12th St. NE, Salem, OR 97310; and mailed, first-class postage prepaid, a copy of this Notice and the agency's file to:

Sam Tucker
Monahan, Grove, Tucker & Wallace
105 North Main
Milton-Freewater OR 97862



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

January 12, 1998

Sam Tucker
Monahan, Grove, Tucker & Wallace, LLP
105 North Main
Milton-Freewater, Oregon 97862

RE: Application G-14423 (Hodnefield)

Dear Mr. Tucker:

On November 13, 1997, the Department received your protest to the above referenced application. Pursuant to ORS 537.153(8), I have sent the matter to Administrative Law Judge Weisha Mize to schedule a hearing. Ms. Mize will likely contact you soon.

I have discussed the facts of the case with Hydrogeologist Mike Zwart. Mr. Zwart has indicated that additional data from the wells might help to resolve this matter. Please contact me to set up a telephone conference with Mr. Zwart. I can be reached at 1-800-624-3199 ex. 262.

Sincerely,

Adam Sussman
Protest Program Coordinator

cc: Mike Zwart
Tony Justus

adam has

RECEIVED

G14423

Oregon

NOV 26 1997

November 24, 1997

WATER RESOURCES DEPT.
SALEM, OREGON

WATER
RESOURCES
DEPARTMENT

Sam Tucker
Monahan, Grove, Tucker & Wallace, LLP
105 North Main
Milton-Freewater, Or. 97862

RE: Hoddnefield pond and your October 30, 1997 letter.

Watermaster

Dear Mr. Tucker:

The sources of the water being stored in Mr. Hoddenfield's pond is, at times, Hudson Bay tail water from the Walla Walla River and Duggar Creek flows. This was the case on November 13, 1997. I believe there could be times when there is only Duggar Creek and times when there is only Hudson Bay water present.

I have done additional research since we last spoke. I have looked at aerial photos from 1956, 1964, and 1994. It is clear to me that the ditch on Mr. Hoddnefield's place, being used to convey water to the pond and to irrigate from, is the tail end of a ditch that formerly conveyed Dry Creek water to the lands with water right from Dry Creek. The upper part of the Dry Creek Ditch has not existed for many years and the lands with water right has undergone more than five consecutive years of non-use with the Dry Creek water. The 1956 and 1964 aerial photos show the old Duggar Creek channel. Duggar Creek formerly flowed down the draw east of the pond location, down the draw below the pond, under the highway and into Swartz Creek. I spoke with a neighbor who said there used to be trout in the Duggar Creek channel in the area that is now the Hoddnefield place and above.

Duggar Creek is flowing less water than it did formerly. It follows then, that Duggar Creek flows less water out the bottom and into Swartz Creek than it did in the past. The old channel of Duggar Creek has been altered and the lands are now being farmed. It appears land owners in the area have routed Duggar Creek into ditches in different locations than the original channel. It is my belief someone routed Duggar Creek and the Hudson Bay ditches into a new ditch that intersected the old Dry Creek Ditch above the Hoddnefield place. Perhaps this gave them a more reliable water source than Dry Creek or perhaps the Dry Creek ditch was too difficult to maintain. In either case, it is unlawful to irrigate with water from the incorrect source. Water now runs into the Hoddnefield ditch from both Duggar Creek and Hudson Bay.

You stated your plan is to file on the Hudson Bay tail water. This may be possible, with conditions. The conditions would likely limit the time period you could store water because of water availability and our Division 33 Rules. The limits could restrict you to the winter period from October to April 14, for example. During this time period you may be allowed to store Hudson Bay tail water. Outside the allowed storage period you would be required to bypass the flow from Hudson Bay around your pond.



3920 Westgate
Pendleton, OR 97801
Phone (541) 278-5456
FAX (541) 278-0287

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NOV 26 1997

WATER RESOURCES DEPT.
SALEM, OREGON

page two

Additionally, waste water rights are not allowed to make a call for water and the source of the waste water is not required to continue to waste.

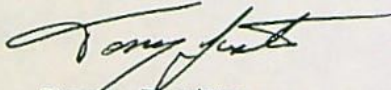
In my opinion, you will not be able to file on any water from Duggar Creek. Duggar Creek was withdrawn from further appropriation by the State Engineer on August 12, 1933. A method for separating and/or accounting for and bypassing Duggar Creek flows around the pond would need to be established and maintained.

If the water reaching the pond area was allowed to flow in a channel, unused, it would flow into Swartz Creek at times, I believe. There are unsatisfied water rights from Swartz Creek for much of the year that are entitled to this water and could and would benefit from it. Mr. Hoddnefield is no more entitled to Hudson Bay tail water than he is to the excess flow of Duggar Creek if it contributes to the flow of Swartz Creek during a time when senior water rights are not satisfied. Waste or tail water that the district has lost control over and that contributes to the flow of a natural drainage is public water subject to appropriation and subject to call by senior water rights. This scenario could additionally limit the ability to store water even if a permit to store is issued.

Mr. Hoddnefield has continued to use water illegally and has been aware of the violation for several months now. Illegal use of water must not continue while you pursue a water right. If illegal use is observed again, I will be forwarding to Mr. Hoddnefield a Notice of Violation. Therefore, I am requesting Mr. Hoddnefield stop any flood irrigation from the ditch. This will require, at least, breaches in the ditch be repaired. I am also requesting that all water be routed around the pond until and unless a storage right is granted.

Please call me at (541) 278-5456, if I can be of assistance.

Sincerely,



Tony Justus
Watermaster, Dist. 5

cc: Mike Ladd - NC Region Manager
Tom Johnson - Assistant Watermaster
Dave Jarrett - WRD Enforcement
Mike Zwart - WRD
File # G-14423
Robert Hoddnefield- CERTIFIED-RETURN RECEIPT REQUESTED
Jon Brough - Manager Hudson Bay Improvement Co.

CERTIFIED-RETURN RECEIPT REQUESTED

Monahan, Grove, Tucker & Wallace, LLP

Attorneys At Law

105 North Main Milton-Freewater, OR 97862

John U. Grove
Samuel E. Tucker
Christine M. Wallace

Fax: (541) 938-6112
Phone: (541) 938-3377

J.T. Monahan, of Counsel

November 11, 1997

VIA OVERNIGHT MAIL

WATER RESOURCES DEPARTMENT
COMMERCE BUILDING
158 12TH STREET NE
SALEM OR 97310 0210

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WATER RESOURCES DEPT.
SALEM, OREGON

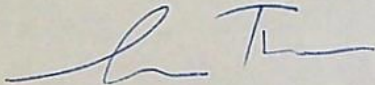
RE: Hodnefield Permit
File G-14423

Dear Friends:

Enclosed is a Protest which we are filing in connection with the above matter. The protestant is the applicant.

Sincerely,

MONAHAN, GROVE, TUCKER & WALLACE, LLP



Sam Tucker

ST:cl
Enclosure

c: Water Resources Dept
Pendleton, Oregon

Bob Hodnefield

car
11/14/97

Monahan, Grove, Tucker & Wallace, LLP

Attorneys At Law

105 North Main Milton-Freewater, OR 97862

John U. Grove
Samuel E. Tucker
Christine M. Wallace

Fax: (541) 938-6112
Phone: (541) 938-3377

RECEIVED

NOV 13 1997

WATER RESOURCES DEPT.
SALEM, OREGON

J.T. Monahan, of Counsel

November 11, 1997

VIA OVERNIGHT MAIL

WATER RESOURCES DEPARTMENT
COMMERCE BUILDING
158 12TH STREET NE
SALEM OR 97310 0210

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File G-14423

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MONAHAN, GROVE, TUCKER & WALLACE, LLP



Sam Tucker

ST:cl
Enclosure

c: Water Resources Dept
Pendleton, Oregon

Bob Hodnefield

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NOV 13 1997

OREGON WATER RESOURCES DEPARTMENT
WATER RIGHTS DIVISION

WATER RESOURCES DEPT.
SALEM, OREGON

In the Matter of the Application)
of Robert Hodnefield) PROTEST
Application No. G 14423)

Comes now the applicant, Robert Hodnefield, and protests the Proposed Final Order issued by the Department in connection with the above matter. The protestant provides the following information:

1. Pertinent information concerning the protestant and his attorney is as follows:

Protestant:

Robert Hodnefield
84301 Meharry Road
Milton-Freewater, OR 97862
541-938-5403

Attorney for the protestant:

Sam Tucker
Monahan, Grove, Tucker & Wallace, LLP
105 N. Main
Milton-Freewater, OR 97862
541-938-3377

2. The protestant is the applicant and his interest will be directly affected by the Proposed Final Order and Permit.
3. The Proposed Final Order limits use of the wells to only such times as when no surface water is flowing in Swartz Creek at a point where water is provided to Swartz Creek through another branch, water is provided to Swartz Creek through tail water from Hudson Bay, and at a point not hydrologically connected to the wells. If the proposed language is included in the Permit, the applicant's ability to use the wells will be dependent upon whether water providers, such as Hudson Bay District Improvement Company, provide tail water, and whether irrigators using Hudson Bay water control their tail water. Use of the wells would be controlled by factors not relevant whether the use of the wells impact surface water sources. The Proposed Final Order, as written, would significantly decrease the ability of the applicant to use water from the wells.
4. The Proposed Final Order is deficient and can be corrected as follows:

(A) Determining that the wells are not hydrologically connected to Swartz Springs, Swartz Creek water rights, or other surface water rights in the area.

(B) If it is determined that the flow in Swartz Creek is relevant, determining that the flow in Swartz Creek should be only from water hydrologically connected to the wells, if any such water exists, and should not be determined by surface water from Hudson Bay canal or other surface irrigation sources.

(C) If it is determined that flow in Swartz Creek is relevant, determining that the point, if any, at which the impact on Swartz Creek should be measured should be on the Swartz Creek branch which is near the wells.

(D) If it is determined that flow from Swartz Creek is hydrologically connected, determine that ephemeral channels should not be used to determine the distance to the nearest surface water source.

5. Legal authority to support the protest will be provided prior to the contested case hearing.
6. The protestant is the applicant.
7. The applicant requests that, unless this matter can be resolved, the Department schedule a contested case hearing.

Dated: 11/11/97

Robert Hodnefield
ROBERT HODNEFIELD

Laura
Monahan, Grove, Tucker & Wallace, LLP

Attorneys At Law
105 North Main Milton-Freewater, OR 97862

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SEP 17 1997

WATER RESOURCES DEPT.
SALEM, OREGON

John U. Grove
Samuel E. Tucker
Christine M. Wallace

Fax: (541) 938-6112
Phone: (541) 938-3377

J.T. Monahan, of Counsel

September 15, 1997

COREY ENGLE
WATER RESOURCES DEPT
158 12TH ST NE
SALEM, OR 97310 0210

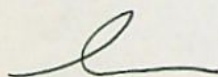
RE: Hodnefield
Your File G14423

Dear Mr. Engle:

Enclosed is the Affidavit of Diminution which you requested in connection with the above matter. Please note that this Affidavit will only be effective when a permit for the application is issued. Please contact me if there is any question or problem with the Affidavit.

Sincerely,

MONAHAN, GROVE, TUCKER & WALLACE, LLP



Sam Tucker

ST:cl
Enclosure

c: Tony Justus
Mr. and Mrs. Bob Hodnefield
Bill Porfily

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AUG 18 1997

Oregon

August 13, 1997

WATER RESOURCES DEPT.
SALEM, OREGON

WATER
RESOURCES
DEPARTMENT

Sam Tucker
Monahan, Grove, Tucker and Wallace
105 North Main
Milton-Freewater, Or. 97862

Watermaster

RE: Your August 6, 1997 letter (File G-14423).

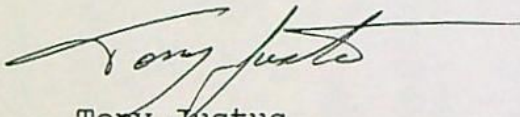
Dear Sam:

I believe the correct data for certificate 5531 is .32 cfs for 19 acres or 1/60 cfs/acre. The certificate according to my information is recorded at volume 7 and page 148.

As I discussed with you by phone, I believe the ditch which was used to deliver Dry Creek water to the 19 acres in question does not exist and has not existed for many years. I would suggest the water right certificate 5531 should be cancelled for non-use instead of diminished. This would help us to clear abandoned water rights from our record.

Thanks for your consideration. If there are any additional questions, please call me at 278-5456.

Sincerely,



Tony Justus
Watermaster, Dist. 5

✓cc: Cory Engel



3920 Westgate
Pendleton, OR 97801
Phone (541) 278-5456
FAX (541) 278-0287

Monahan, Grove, Tucker & Wallace, LLP

Attorneys At Law

105 North Main Milton-Freewater, OR 97862

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AUG 11 1997

WATER RESOURCES DEPT.
SALEM, OREGON

John U. Grove
Samuel E. Tucker
Christine M. Wallace

Fax: (541) 938-6112
Phone: (541) 938-3377

J.T. Monahan, of Counsel

August 6, 1997

TONY JUSTUS
WATER RESOURCES DEPARTMENT
3920 WESTGATE
PENDLETON OR 97801

CORY ENGEL
WATER RESOURCE DEPARTMENT
158 12TH ST NE
SALEM OR 97310 0210

RE: File G-14423
Bob Hodnefield

Dear Friends:

I have Cory's letter of May 23, 1997. The letter indicates that another water right (Certificate 46364) which is not mentioned needed to be diminished. He also asked for an Affidavit of Diminution.

Enclosed is a draft Affidavit of Diminution. In reviewing the matter, it appears that only approximately 1.70 acres of Certificate 46364 involve Hodnefield property. I am enclosing a map. Please note how we handled this Certificate in the Affidavit of Diminution.

Please review the proposed Affidavit and contact me concerning its acceptability.

I am also asking that someone in Tony's department either complete the missing information under Paragraph 2, or send us a copy of Certificate 5531.

Sincerely,

MONAHAN, GROVE, TUCKER & WALLACE, LLP



Sam Tucker

ST:cl

Enclosure

c: Bob Hodnefield
Bill Porfily

DRAFT

Affidavit of Diminution of a Water Right

RECEIVED

AUG 11 1997

WATER RESOURCES DEPT.
SALEM, OREGON

STATE OF OREGON,)
) ss.
County of Umatilla.)

We, Robert Hodnefield and Ruby Hodnefield of Milton-Freewater, Umatilla County, Oregon, being first duly sworn, depose and say that we are the owners of the following described lands and the water right appurtenant thereto:

All that real property described on the attached Exhibit "A" which is hereby referred to and made a part hereof.

The water right in question is as follows:

1. For appropriation of not to exceed 0.07 cubic feet per second from Dugger Creek for the irrigation of 5.8 acres, with a priority date of 1899, as evidenced by Certificate No. 53665, recorded at Page 53665, Volume 48, State Record of Water Right Certificates, in the name of Ralph W. Smuckal.

2. For appropriation of not to exceed _____ second feet per second of water from Dry Creek for the irrigation of 19 acres, with a priority date of 1896, as evidenced by Certificate No. 5531, recorded at Page _____, Volume _____, State Record of Water Right Certificates, in the name of Ruby E. Marlatt.

3. For appropriation of not to exceed 0.19 cubic feet per second from Dugger Creek for irrigation of 14.5 acres with a priority date of 1899 as evidenced by Certificate No. 46364, recorded at Page 46364, Volume 39, State Records of Water Right Certificates in the name of Jim Marlatt. Only approximately 1.70 acres of the water described in this Certificate are located on the Hodnefield land and we request that only such portion of the Certificate as concerns the Hodnefield land be diminished.

Having obtained a (better, more economical, etc.) source of water for the primary irrigation of these lands, we request the right heretofore described be diminished from a right for primary irrigation to a right for supplemental irrigation of the same lands.

We agree that if this change is approved, it is permanent and the right to the use of water from Dugger Creek and Dry Creek cannot be changed back to the primary source. We also agree that so long as there is sufficient water available from the new primary source, we are not entitled to use any water from Dugger Creek and Dry Creek for irrigation of said lands.

This Affidavit is not to take effect or be acted upon until a permit for Application G-14423 is issued.

IN WITNESS WHEREOF, we have hereunto set our hands this ____ day of _____, 19__.

Subscribed and sworn to before me this ____ day of _____, 19__.

Notary Public for Oregon

EXHIBIT "A"

6N 34 25 Tax Lot 1000, (44.77 acres):

The Southwest Quarter of the Northeast Quarter of the Northwest Quarter excepting therefrom the North 264 feet and East 1 rod.

Also, the Northwest Quarter of the Northwest Quarter of Section Twenty-Five (25), Township Six (6) North, Range Thirty-four (34).

EXCEPTING that tract conveyed to Wm. E. Brown et ux by Deed recorded in Book 258, Page 369.

All being East of the Willamette Meridian, in the County of Umatilla and State of Oregon.

Excepting any and all roads and water rights of way.

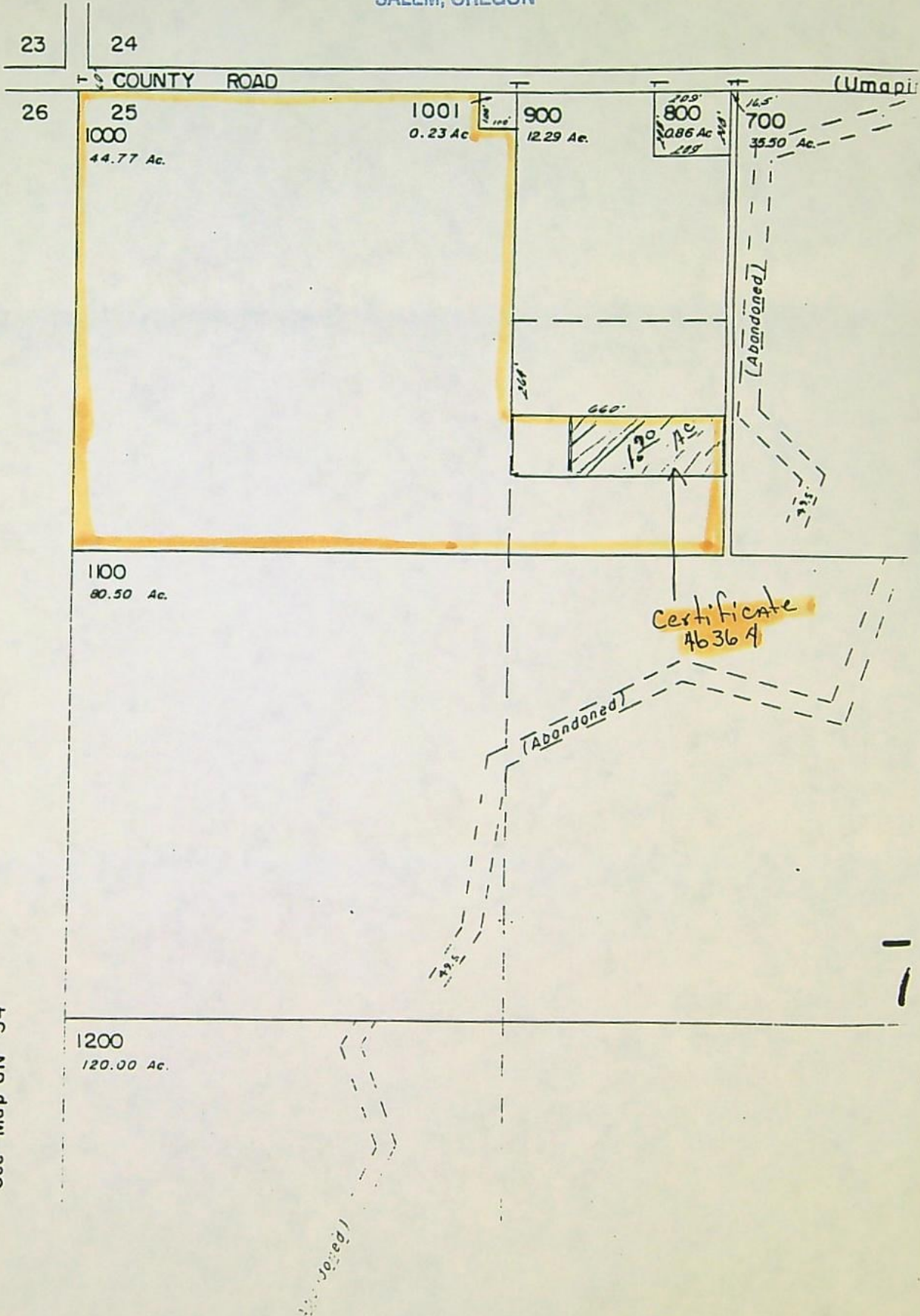
1" = 400'

RECEIVED

AUG 11 1997

See Map 6N 34 24

WATER RESOURCES DEPT.
SALEM, OREGON



See Map 6N 34

MAY 23, 1997

ROBERT HODNEFIELD
RT 2 BOX 69B
MILTON-FREEWATER, OREGON 97862

Reference: File G-14423

Dear Applicant:

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

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

Initial Review Determinations:

1. Your application is complete and not defective.
2. The proposed use is not prohibited by law or rule.
3. The Department has determined, based upon OAR 690-09, that the proposed groundwater use will not have the potential for substantial interference with surface water sources if properly conditioned. See "If A Permit Is Issued..." below.
4. The use of water for IRRIGATION OF 41.6 ACRES is allowable under OAR 690-507-030(3)(a)(A), the Umatilla Basin Program.
5. Water in the amount of 0.52 CUBIC FOOT PER SECOND (CFS) FROM WELL 1 WITH ANY DEFICIENCY TO BE MADE UP FROM WELL 2 for IRRIGATION OF 41.6 ACRES is available March 1 through October 31 if properly conditioned. See "If A Permit Is Issued..." below.
6. There is an existing irrigation right (Water Right Certificate #46364) covering some of the lands where water is proposed to be used under this application, which you did not indicate you wished to diminish to supplemental use. This will need to be resolved before a permit may be issued.



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

Summary of Initial Determinations

The use of 0.52 CFS FROM WELL 1 WITH ANY DEFICIENCY TO BE MADE UP FROM WELL 2 for IRRIGATION OF 41.6 ACRES is allowable from March 1 to October 31 of each year.

Because of these favorable determinations to your application the Department can now move your application to the next phase of the water rights application review process. This phase is where public interest factors will be evaluated.

Please reference the application number when sending any correspondence regarding the conclusions of this initial review. Comments received within the comment period will be evaluated at the next phase of the process.

To Proceed With Your Application:

If you choose to proceed with your application, you do not have to notify the Department. Your application will automatically be placed on the Department's Public Notice to allow others the opportunity to comment. After the comment period the Department will complete a public interest review and issue a proposed final order.

Your application indicated that you wished to diminish certificates 5531 and 53665 to supplemental use. Before a permit may be issued, it will be necessary to submit a notarized AFFIDAVIT OF DIMINUTION OF A WATER RIGHT. You may also wish to diminish the additional conflicting right (certificate 46364, mentioned in #6 on the previous page) to supplemental use. An example of an affidavit is enclosed.

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$50 processing charge per application.) To accomplish this you must notify the Department in writing by June 6, 1997. For your convenience you may use the enclosed "STOP PROCESSING" form.

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

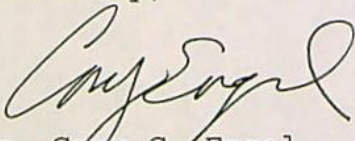
1. Measurement, recording and reporting conditions:
 - A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.

- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.
2. If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.
3. Water may be appropriated from the wells only at times when no surface water is flowing in Swartz Creek, exclusive of water diverted from the Hudson Bay Canal. Flow shall be determined at or near the location where the creek passes under the road that follows the section line common to Sections 23 and 24, Township 6 North, Range 34 East, W.M.
4. You will be required to comply with state and federal water quality standards.
5. The priority date for this application is December 16, 1996.

If you have any questions:

Feel free to call me at (503) 378-8455 or 1 (800) 624-3199 extension 457 if you have any questions. Please have your application number available if you call.

Sincerely,



Mr. Cory C. Engel
Initial Reviewer

cc: Regional Manager, Watermaster District 05, Water
Availability Section
enclosures: Flow Chart of Water Right Process
Stop Processing Form

G-14423
9W-C

PFO CHECKLIST

Application #: G 14423

Basin: 7 UMAT

WAB: _____

County UMAT Township 6N Range 34E Section 25 1/4 1/4 NW NW

- 1. Is the file complete by the Completeness Checklist? Y/N
- 2. Shortcomings (items needed before a permit and/or FO can be issued) Y/N
- 3. Check file for indicators that the process **should not** continue until a later date (ie - protest, letter to file indicating hold, or other)
- 4. Groundwater Review A B C D River/Stream Name SWARTZ CRK Conditions _____
 - a. Groundwater Availability A B C
 - b. Is second groundwater review necessary? (comments) Y/N
 - c. Is HB 1033 review complete? Y/N
- 5. If source is groundwater, is the well located in a groundwater limited area? (If applicable, include map with POD) Y/N
- 6. Is use from a B.O.R. project? Y/N Contract in file? Y/N Contract # _____
- 7. Is the use allowed by the Basin Program? Y/N Limited? Y/N _____
- 8. Water Availability Data OK / REDONE / NA (50% before July 17, 1992; 80% live flow & 50% storage after July 17, 1992)
- 9. Is the source withdrawn or limited by statute or Department withdrawal order? Y/N _____
- 10. Is the Proposed Use located in or above a Scenic Waterway? Y/N _____
- 11. Division 33: Above Bonn (after July 17, 1992) Y/N/NA
Below Bonn (after April 8, 1994; June 3, 1994) Y/N/NA
Statewide - (in shaded areas on T, E, and S Map - after June 3, 1994) Y/N/NA
- 12. Have conflicts been identified, verified and/or addressed? Y/N SEE AFFI OF DMIN (9/17/97)
- 13. Rate 0.52 Duty 3.0 Irrigation Season 3/1 - 10/31 (BECAUSE IS PRIMARY)
- 14. Period of Allowed Use _____
- 15. Allowed Rate of Use 0.52
- 16. Is the use **Small** (≤ 0.1 cfs, ≤ 9.2 AF), **Medium** (> 0.1 or < 1.5 cfs, > 9.2 or < 100 AF) or **Large** (≥ 1.5 cfs, ≥ 100 AF)?
- 17. Conditions 7B, H2O APPRO ONLY WHEN NO FLOW SWARTZ CRK
- 18. IR Public Notice Date 5/23/97; 6/10/97
- 19. Documents used in determination are attached and highlighted
- 20. Spell Check
- 21. Check for Accuracy
- 22. Final PFO report hard copy check (format, margins, etc.)
- 23. Final PFO has been saved to m:\groups\wr\pfo\done\week#\application #
- 24. Fill out PFO CC List (don't forget to check for other property owners)
 - a. Re-notify Water Availability? (Rate, Duty and Period of Allowed Use changes) Y/N

DALE G. VAN SCHOLACK
(CWIRE)

Name: RWK

Date: 9/22/97

SAN TUCKER

MONAHAN, ERVE, TUCKER & WALLACE, LLP

105 N MAIN

MILTON-FREEWATER, OR 97862

IR CHECKLIST

Application #: 6 14423 Vol _____ Subbasin _____

Basin: 7 WAB: _____ POU-WAB _____

Township 6N Range 34 E Section 25 1/4 1/4 NW

- 1. Completeness checklist verified. / N or No Checklist
- 2. Indicators that the process should not continue (ie - protest, items missing, letter to file indicating hold, or other) Y / N
- 3. Groundwater review A B C D _____
 a. Is the well located in a groundwater limited area? Y / N _____
- 4. SWW Y / N Triage Y / N conditions/restrictions Y / N _____
- 5. Basin Program limitations? Y / N _____
- 6. Withdrawn? Y / N season allowed _____
- 7. Basin Maps have been checked. Y / N The River Mile is _____
- 8. Water Availability (50% < July 17, 1992 ** 80% [50% storage] > July 17, 1992) NA _____
- 9. Rate/Duty/Season 1/80 + 3 3/1 - 10/31
- 10. Use 41.6 acres .52 CFS Period of Allowed Use 3/1 - 10/31
- 11. Priority Date(s) 12.16.96
- 12. B.O.R. project Y / N contract # _____
- 13. TMDL Basin? Y / N (Tualatin, Yamhill, Pudding) DIVISION 33 Y / N New or Old? Map Date _____
- 14. Conflicts ~~Y~~ ~~N~~
- 15. Conditions? (BOR, GW, other) Y / N 7B PLUS SEE LANG IN ZWART memo of 12/30/96
- 16. Land use approval OK'd needs approval county notified NA
- 17. Watermaster Dist: (1 2 16 18 - NWR) (3 4 5 - NCR) (6 8 9 10 - ER) (11 12 17 - SCR) (14 15 19 - SWR)
- 18. Letter will be Good Limited Bad Bad w/IRshort because _____

~~* FILES POTENTIALLY IN CONFLICT DUE TO "UNTERKOP" CHECK @ IR GENERATION~~
~~NO CONFLICT AREA~~

CONFLICT

Name: _____ Date: _____

PINE CR ADJUDICATION

FOR KEN DOWDEN. OREGON WATER RESOURCES PLAT CARD: Township 6.00 N Range 34.00 E SECTION 25

4/14/1997

APP. NO. / PERMIT NO.	CERT NO.	GOV'T LOT DLC	NE				NW				SW				SE					
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
D 1688	57377	V	3.10 (I*)	4.50 (I*)	11.00 (I*)	4.30 (I*)											17.00 (I*)	26.00 (I*)		
D 1692	1692	V		7.00 (I*)			12.50 (I*)													
D 1697	1697	V	1.00 (I*)																	
D 1700	1700	V	6.00 (I*)	6.00 (I*)																
			16.00 (I*)	2.20 (I*)																
D 1701	46364	V					14.50 (I*)													
D 1701	53665	V					5.80 (IR)													
D 5509	55332	V																	15.00 (IR)	
D 5509	55331	V												24.50 (IR)						
D 5512	5512	V							39.00 (IR)	13.00 (IR)										
D 5525	5525	V																	12.40 (IR)	18.00 (IR)
D 5531	5531	V					19.00 (IR)													
D 5534	5534	V									5.70 (IR)	25.60 (IR)	25.00 (IR)							
												8.00 (IR)								
D 13083	67205	V								26.00 (I*)	28.30 (I*)						33.50 (I*)	33.00 (I*)		
G 1074	27727	V	18.50 (IR)																	
G 1029																				

NCR

OUT OF DUGGER CR

NOT SURE WHERE

MENTIONED ON MAP

MENTIONED ON MAP

FILE OUT TO
UNISGROUP
//
//

APP. NO. / PERMIT NO.	CERT NO.	GOV'T LOT DLC	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
G 1074 G 1029	27727	V		10.00 (IR)														
G 1382 G 1272	31114	V		17.80 (IR)														
G 2302 G 2122	33110	V																
G 3350 G 3149	41012	V		17.80 (IR) (S)														
G 9316 G 8762	52905	V		9.90 (IR) (S)	7.60 (IR) (S)													
GR 2091 GR 3916	0	V															6.00 (IR)	
S 10702 S 7271	7119	V																10.00 * (IL)
S 12688 S 9037	9911	V		3.00 (IR)	12.00 (IR)													
S 20859 S 16311	16760	V																3.80 (IR)
S 33492 S 26499	50402	V	2.80 (IR)	7.60 (IR)	0.20 (IR)	0.30 (IR)											5.60 (IR) (S)	2.50 (IR) (S)
S 57959 S 43973	0	V								39.00 (IR) (S)	14.00 (IR) (S)						10.00 (IR)	8.80 (IR) (S)
U 55 U 48	10520	V																17.00 (IR) (S)
																		18.00 (IR) (S)

(Handwritten signature)
4/14/97

STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

This is to Certify, That RUBY E. MARLATT

of Freewater, State of Oregon 97862 has a right to the use of the waters of Dry Creek, a tributary of Pine Creek for the purpose of Irrigation

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Umatilla County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume 7, at page 148; that the priority of the right thereby confirmed dates from 1896

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed One acre foot per acre during any thirty-day period, nor three acre feet per acre during the irrigation season beginning April 1st and ending October 1st.

A description of the lands irrigated under such right, and to which the water is appurtenant (or, if for other purposes, the place where such water is put to beneficial use), is as follows:

Nineteen (19) acres in the Northwest Quarter of the Northwest Quarter (NW1/4NW1/4) of Section Twenty-five (25), Township Six (6) North, Range Thirty-four (34) East of the Willamette Meridian.

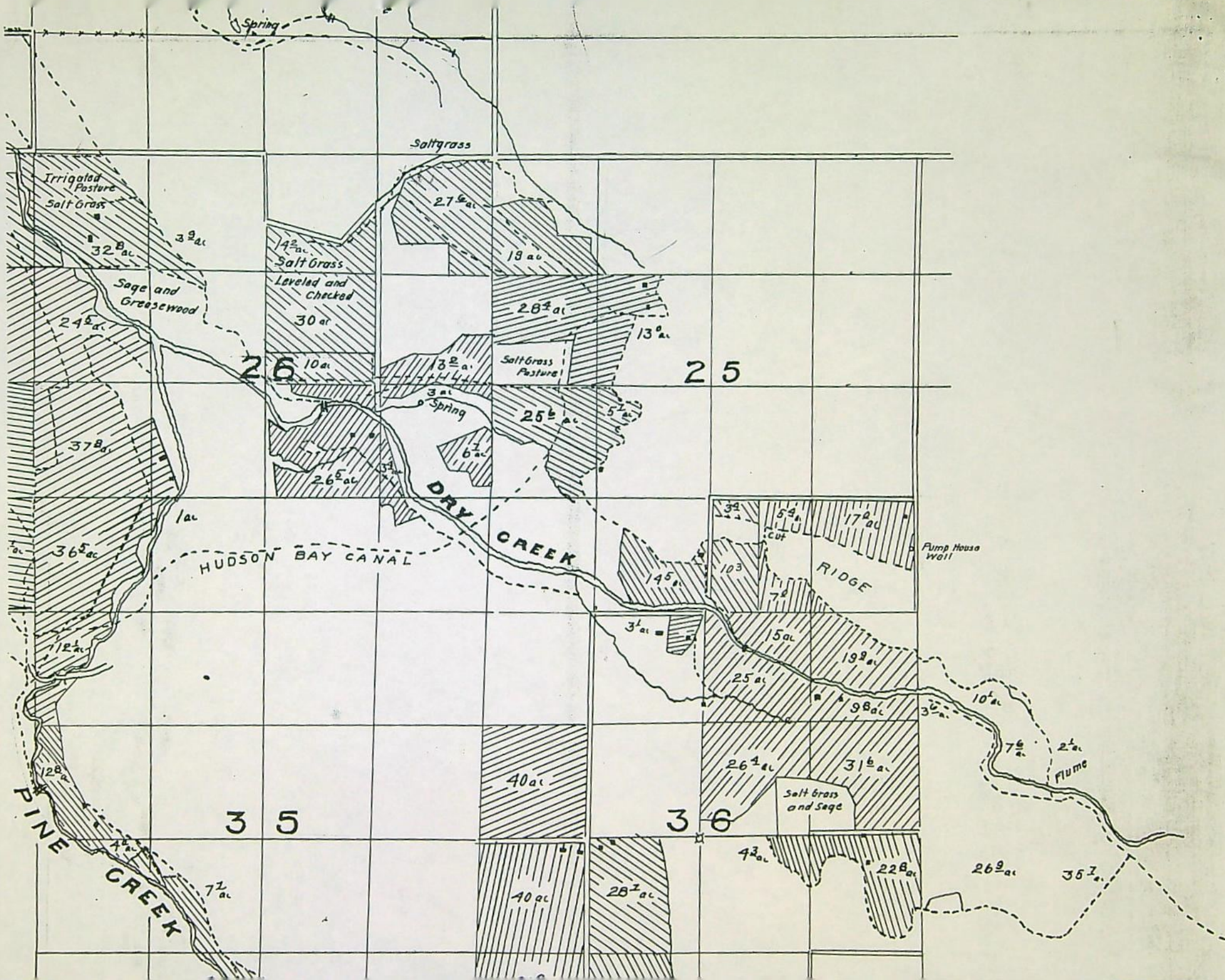
And said right shall be subject to all other conditions and limitations contained in said decree.

The right to the use of the water for irrigation purposes is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed this 7th day of November, 1925.

RHEA LUPER State Engineer.

Recorded in State Record of Water Right Certificates, Volume 6, page 5531.



STATE OF OREGON

COUNTY OF UMATILLA

CERTIFICATE OF WATER RIGHT

This Is to Certify, That J. M. MARLATT

of Rt. 2, Milton-Freewater, State of Oregon, 97862, has
a right to the use of the waters of Dugger Creek

a tributary of Pine Creek for the purpose of
the irrigation of 14.5 acres, domestic and stock use

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Umatilla County, and the said decree entered of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 3, at page 321; that the priority of the right thereby confirmed dates from the year 1899

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed a rate of flow of 0.19 second feet from May 1st to September 1st of each year or its equivalent in case of rotation; the total quantity diverted during each irrigation season not to exceed 43.5 acre feet

The point of diversion is located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 25, T. 6 N., R. 34 E., W. M., Gallaher Ditch-820 feet North and 70 feet West from the W $\frac{1}{2}$ Corner, Section 30, T. 6 N., R. 35 E., W. M.

A description of the place of use under the right, and to which such right is appurtenant, is as follows:

14.5 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 25
T. 6 N., R. 34 E., W. M.

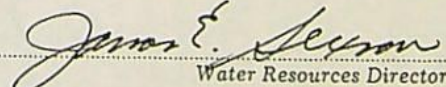
This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 1701, Volume 3, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on August 10, 1978, approving transfer application No. 3958.

The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

And said right shall be subject to all other conditions and limitations contained in said decree. The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the Water Resources Director, affixed

this date August 24, 1978.


Water Resources Director

(C) If the recharged water is to be used for municipal or industrial purposes under a secondary permit, the applicant shall demonstrate to the satisfaction of the Commission that it has an active water conservation program; and

(D) Water shall be recharged only between December 1 and May 15.

(f) Minimum perennial streamflows: minimum streamflows may be established to support aquatic life, minimize pollution or maintain recreation values:

(A) To support aquatic life in accordance with Section 3, Chapter 796, Oregon Laws 1983, no appropriation of water shall be made or granted by any state agency or public corporation of the state for waters of the Walla Walla River and tributaries when flows are below the levels specified in Table 1. This limitation shall not apply to domestic and livestock use or to waters legally stored or released from storage; and

(B) To support aquatic life, no appropriations of water except for domestic and livestock uses or waters legally stored or released from storage shall be made or granted by any state agency or public corporation of the state when flows are below the specified levels for the streams listed in Table 1 with priority dates of 3-31-88.

(3) Ground Water: appropriation and use of ground water in the Walla Walla River subbasin shall comply with the following provisions:

(a) Classification: permits to use ground water may be issued only for the following classified uses:

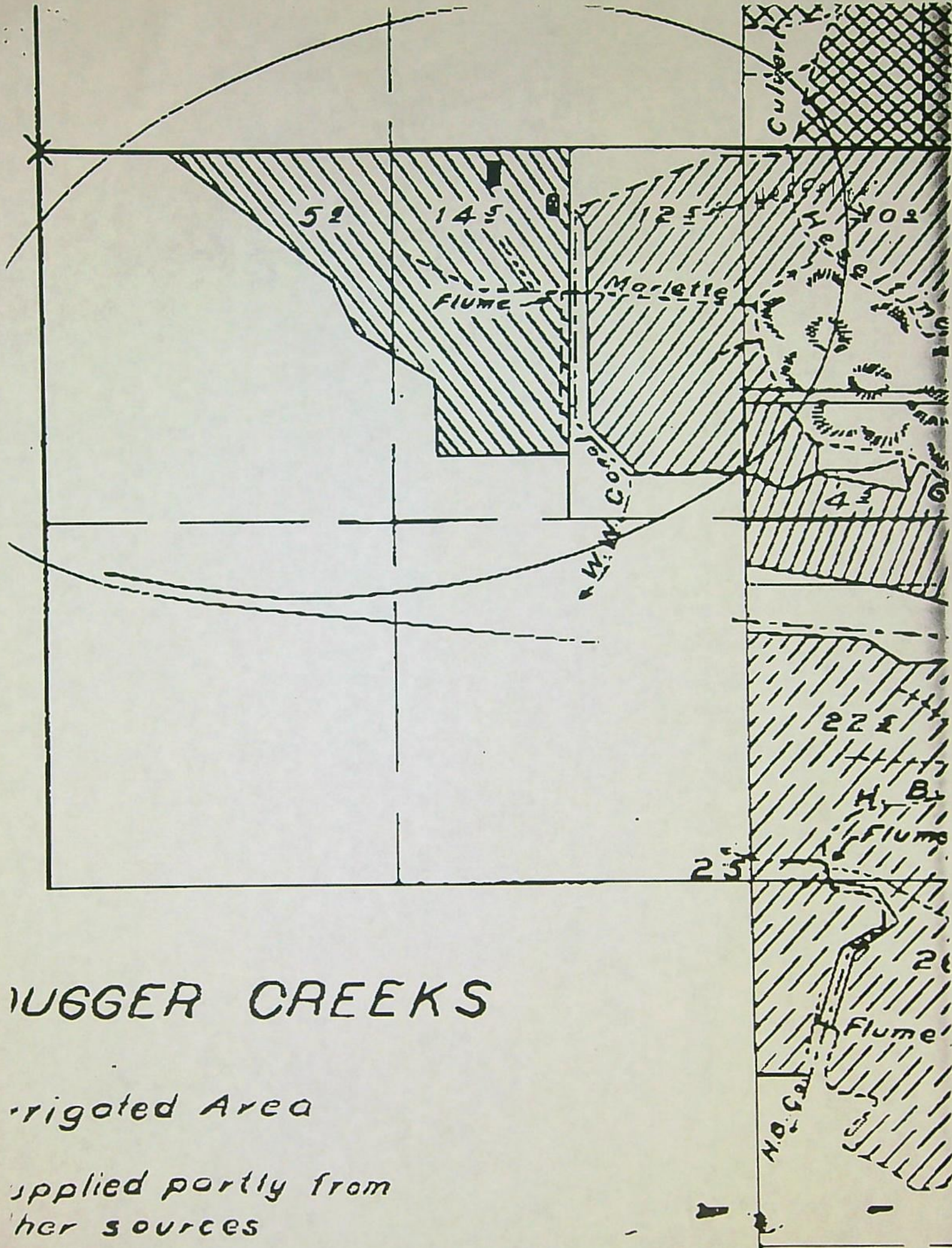
(A) The ground water resources of the Walla Walla River subbasin are classified for statutorily exempt ground water uses (see definition), irrigation, municipal, industrial, power development, low temperature geothermal, mining, fish life, wildlife, recreation, pollution abatement, and artificial ground water recharge; and

(B) Ground water from the basalt reservoir in a five-mile radius around any municipal well of the cities of Athena, Helix, Milton-Freewater, and Weston is classified for municipal, group domestic and statutorily exempt ground water uses (see definition) only. Other uses may be permitted if it is documented that a barrier to ground water movement separates a proposed well from municipal wells and there will be no interference with municipal wells. Applications for other uses of ground water within a five-mile radius of a municipal well shall automatically be referred to the Commission for review and consideration of public interest unless the affected city affirms that it is in favor of the proposed appropriation. This classification applies only when the affected city(ies) have a full-time conservation program in effect.

(b) Permits issued to appropriate ground waters that may be hydraulically connected with surface water shall be specially conditioned. The condition shall specify that when exercise of the permit unduly interferes with surface water, the permit will be regulated in favor of the surface water source.

Wildhorse Creek Subbasin

690-507-040

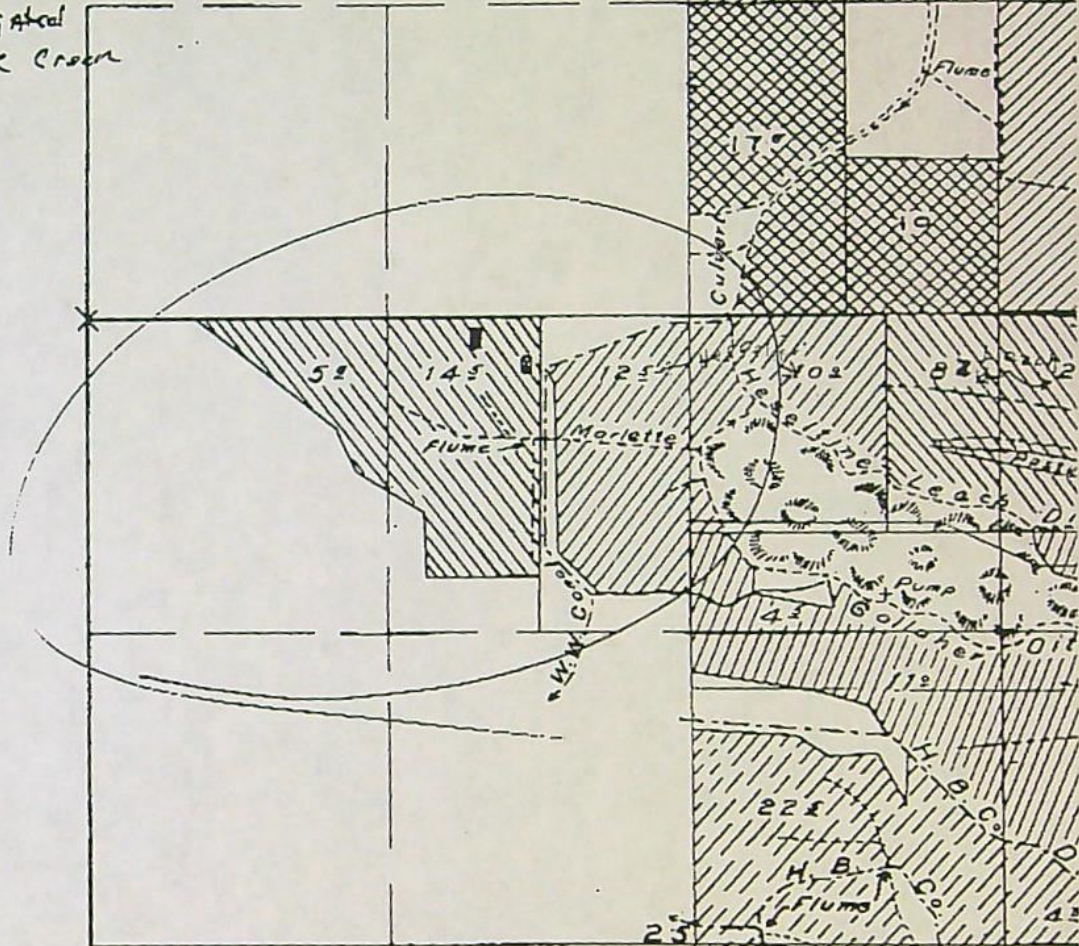


IRRIGATED CREEKS





irrigated Area
 supplied partly from
 other sources

Post-it® Fax Note	7671	Date	4-21	# of pages	1
To	Cory Engel		From	T. Justus	
Co./Dept.			Co.		
Phone #			Phone #		
Fax #	#19		Fax #		


From Dugger Creek Decree map
 I don't believe this land is
 being irrigated
 from Dugger Creek
 any more.



JOHNSON AND DUGGER CREEKS

-  Irrigated Area
-  Supplied partly from other sources
-  Streams
-  Ditches

Scale - 1 in. = 800 ft.

 Additional findings by HK Donnelly

MAY 10 1995

Cory C. Engel, 09:00 AM 4/16/97 , Conflict check help

Received: from bacon (bacon.wrd.state.or.us [204.94.11.146]) by
klamath.wrd.state.or.us (8.7.5/8.7.3) with SMTP id JAA20179; Wed, 16 Apr 1997
09:00:30 -0700 (PDT)
Date: Wed, 16 Apr 1997 09:00:30 -0700 (PDT)
Message-Id: <1.5.4.16.19970416090802.1a77a9fa@mailhub.wrd.state.or.us>
X-Sender: engelcc@mailhub.wrd.state.or.us
X-Mailer: Windows Eudora Light Version 1.5.4 (16)
Mime-Version: 1.0
Content-Type: text/plain; charset="us-ascii"
To: Tony.G.JUSTUS@wrđ.state.or.us
From: "Cory C. Engel" <Cory.C.ENGEL@wrđ.state.or.us>
Subject: Conflict check help
Cc: cory.c.engel@wrđ.state.or.us
X-UIDL: 6697cadee72d03098964103edcb14efc

Tony,

I'm attempting to determine the location of lands irrigated within the NENW,
Sec. 25, T6N, R34E under Certificate 46364. I've been unable to determine
the location of irrigated areas within the NENW using documents in Salem. Do
you have any records in your office that might shed some light on this?

This information is needed for a conflict check for application G-14423.

Thanks!

```
~~~~~  
 \ Cory C. Engel          Cory.C.ENGEL@wrđ.state.or.us /  
 / Initial Reviewer      http://www.wrd.state.or.us  \  
 \ Oregon Water Resources Dept. ftp://ftp.wrd.state.or.us /  
 / 503-378-8455, extension 457          FAX: 503-378-6203 \  
~~~~~
```

Mailing List for PFO Copies

Application #G-14423

PFO Date September 30, 1997

Original mailed to:

Applicant: ROBERT HODNEFIELD, RT 2 BOX 69B, MILTON-FREEWATER, OREGON 97862

Copies sent to:

- ✓ 1. WRD - File # G-14423
- ✓ 2. WRD - Water Availability: Ken Stahr

PFO, Map, and Fact Sheet Copies sent to:

- ✓ 3. WRD - Watermaster # District 5
- ✓ 4. WRD - Regional Manager: NCR
- ✓ 5. ODFW District Biologist: John Germond

Copies sent to Other Interested Persons (*CWRE, Agent, Well Driller, Commenter, etc.*)

- ✓ 6. Dale G. VanScholack(CWRE)
- ✓ 7. Sam Tucker, Monahan,Grove,Tucker & Wallace, 105 N Main, Milton-Freewater, OR 97862

8. _____

9. _____

10. _____

11. _____

12. _____

13. _____

"\$10 LETTER" sent to Interested Persons who have not protested or paid for copies

1. _____

2. _____

3. _____

CASEWORKER : RWK

Copies Mailed
By: <u>JA</u>
(SUPPORT STAFF)
on: <u>9/30/97</u>
(DATE)

STATE OF OREGON
WATER RESOURCES DEPARTMENT

INTEROFFICE MEMO

To: FILE

Date: August 29, 1997

From: MICHAEL ZWART

Subject: APPLICATION G-14423, ROBERT HODNEFIELD

Tony Justus and I made a site inspection of the applicant's property and nearby surface water sources on August 28, 1997. Based on our inspection, we reviewed and modified the permit condition I proposed in my memo of December 30, 1996. We agree that the condition language below will adequately protect the surface water from interference.

Water may be appropriated from the wells only at times when no surface water is flowing in Swartz Creek. Flow shall be determined at or near the location where the creek passes under March Road, which follows the section line common to Sections 23 and 24, T. 6 N., R. 34 E., WM.

cc: Laura Snedaker

STATE OF OREGON
WATER RESOURCES DEPARTMENT

INTEROFFICE MEMO

To: FILE

Date: August 19, 1997

From: MICHAEL ZWART

Subject: APPLICATION G-14423, ROBERT HODNEFIELD

This is in response to Tony Justus' memo of August 13, 1997. Tony appears to be concerned that a recently constructed pond on the applicant's property is fed by water from the tailwaters of Dugger Creek and Hudson Bay and perhaps, intentionally or not, recharging a shallow aquifer as a result. Tony has been contacted about the pond and has received hearsay information that the upper reach of Swartz Creek has not flowed under the county road since the pond was constructed. I previously recommended a special permit condition which proposed monitoring of flow in Swartz Creek at this location. It may be appropriate to attempt to gather more information about the situation before a permit is issued with the recommended condition. I want to be sure that the language in any permit condition is appropriate.

cc: Tony Justus
Cory Engel

RECEIVED

AUG 18 1997

WATER RESOURCES DEPT.
SALEM, OREGON

INTEROFFICE MEMO

WATERMASTER DISTRICT 5
NORTH CENTRAL REGION
WATER RESOURCES DEPARTMENT

TO: MIKE ZWART

AUGUST 13, 1997

FROM: TONY JUSTUS

SUBJECT: Hoddenfield Application G-14423.

I have been in the Umapine area working of late and have had two local contacts and a complaint about pigs in a pond on the Hoddenfield place. The pond is in the draw and collects the tail water from Duggar Creek and Hudson Bay, when it is running water in the ditches. I have been informed by locals the drainage, discussed in my January 30, 1997 memo to you, used to flow under the county road and into the upper end of Swartz Creek. The information is that it has not flowed since the pond was put in. I have made a point to notice the draw any time I was in the area this year and have not seen any water flowing at the county road. I have not been at the pond but have viewed it from a distance with field glasses. It appeared to be nearly full and there was a good flow of water in the ditch that appeared to be feeding the pond. I cannot understand why the pond was not overflowing into the draw when it gets over full. One possibility, and a rumor reported to me by a local, is that the pond was dug with a dozer by Mr. Smuckel (owner prior to Hoddenfield) and was dug to recharge the shallow well that is subject of the new groundwater application. Is it possible the pond was dug into the gravels and the water is flowing into the gravels at such a rate the pond never overflows?

I realize this information I have is hearsay but it was unsolicited. Perhaps it makes no difference in your division 9 review of this application and perhaps it suggests another look. I will defer to your judgement on that and will offer any help I can. Thanks!

STATE OF OREGON
WATER RESOURCES DEPARTMENT

INTEROFFICE MEMO

To: FILE

Date: February 13, 1997

From: MICHAEL ZWART

Subject: APPLICATION G-14423, ROBERT HODNEFIELD

This is in response to Tony Justus' memo of January 30, 1997. Tony's main concern is whether the many years of illegal past use of the well(s) under this application have caused the nearby spring(s) at the head of Swartz Creek to be dry most or all of the year. I believe that, if that were true, a long-term water level decline could be documented in the area.

I reviewed hydrographs for several State observation wells in the vicinity and none indicate a long term decline in average annual levels. What is indicated is that the annual fluctuation in water levels is generally less in more recent years. The more recent annual high water levels are not as high as in the past. However, these annual highs are nearly always late in each year, usually between August and November. This likely indicates that the shallow aquifer is sensitive to local irrigation practices. The report by Jim Graham contends that the springs now rarely flow and that the decrease in flood irrigation practices in the area is the major reason for this. His photographs, taken in November, well after the time that the illegal use of the well was controlled, appear to support that contention. I spoke with Quentin Kreuter about this issue and he agreed that there has been such a change in irrigation practices. The hydrographs of nearby observation wells also appear to support a contention that local springs are flowing less frequently than in the past.

I continue to believe that the use of the subject wells will have the potential to cause substantial interference with any surface water sources within one-quarter mile. The interference will most likely be short-term, meaning that the springs would respond quickly, within 10 to 30 days to the beginning and ending of the pumping period of the wells. When I reviewed the application, I considered that Jim Graham's contention regarding the intermittent nature of the springs was true. If there is a substantial portion of the irrigation season during which no flow exists in the reach of Swartz Creek that is within one-quarter mile of the wells, then I believe that a carefully conditioned permit could be issued. On the other hand, if enforcement staff can provide information showing that Mr. Graham's contention regarding the lack of surface water flows is false, then I would supersede my earlier finding based on that information.

cc: Fred Lissner
Mike Ladd
Tony Justus

RECEIVED

FEB 3 1997

WATER RESOURCES DEPT.
SALEM, OREGON

INTEROFFICE MEMO

WATERMASTER DISTRICT 5
NORTH CENTRAL REGION
WATER RESOURCES DEPARTMENT

TO: MIKE ZWART

JANUARY 30, 1997

FROM: TONY JUSTUS

CC: MIKE LADD

FILE G-14423.

SUBJECT: ZWART MEMO TO FILE G-14423.

I am not sure what condition 7B is but it appears you are suggesting the use of water from the well would be allowed as long as there is no water flowing in the drainage which forms Swartz Creek. You and I were at the well site last fall. My question/concern is that the well owner of last fall, Mr. Schmuckal, indicated he has been using from this well (illegally) for many years. If my memory serves me, it was in excess of 20 years and maybe closer to 40 years. Is it not possible the reason there is no flow in the drainage adjacent to the well is because the well has been illegally pumping for many years? I am not opposed to allowing a permit in an area where there has never been any surface water in substantial interference but it is a different matter when water has been illegally used and it is possible the surface water is not available because of the illegal pumping. I am not sure how you determine or solve this issue if the illegal use is not the reason there is no surface water in substantial interference. Please hold processing of this application until we can have additional discussion on this issue. Thanks!

RECEIVED

DEC 16 1996

WATER RESOURCES DEPT.
SALEM, OREGON

December 2, 1996

Michael Zwart
Hydrogeologist, Groundwater/Hydrology Section
Water Resources Department
158 12th Street NE
Salem, OR. 97310-0210

RE: Hodenfield groundwater application, House Well and Supplemental Well, well log identification unknown. Results of groundwater investigation and grounds to reconsider Division 9 determination. Principals Group Project No. 96-11-2.SCM.

Dear Mr. Zwart:

This letter is written in support of the groundwater application submitted by SCM Consultants, Inc. It is my understanding that you have reviewed these particular wells and have made a determination that they are in hydraulic connection with Schwartz Springs. I can understand your determination if it was made without a visit to the site. However, I believe that there is compelling rationale to conclude that these wells are solely a groundwater source of water and is unlikely to effect surface water within the provisions of Division 9.

First, let me clarify the wells within the vicinity of the NW 1/4, Section 25, T6N, R34W, based on my well search on November 8, 1996 and a "GRID" data base search. The wells that are in the application are approximately 20 feet behind the house in the NW of the NW 1/4 of Section 25, within 150 feet of the northern boundary of Section 25 (House Well). It does not have a log. It was originally drilled as a house well (exempt). It was only used as a production well when it was discovered to be the only satisfactory well location on the property (several dry holes were drilled). It is a 6" steel cased well. The actual depth is unknown, but is believed to be 60 feet, based on my conversation with Eugene Key, a long-time resident who lives just to the north and across the street. Photo 1 (Enclosure 1) shows the surface features of this well. The other well (Supplemental Well) is a 10" steel cased well, approximately 250 feet south east from the house. Photo 2 shows the surface features of this well.

I found that there are 2 wells logs in the NW 1/4 of Section 25, UMAT 4148, and 4149 (Enclosure 2). Wells 4148 and 4149 (NW 1/4, NW 1/4) were drilled and one or both of them may have been abandoned due to poor yield. Well 4147 is in the NE 1/4, NW 1/4. Other wells of interest are in the SW 1/4 of Section 24. They are 4125, 4136, and 6066. There are no wells in SE 1/4 of Section 23, perhaps due to poor geological conditions.

One final well of interest is in the NE 1/4 of Section 26, UMAT 4162. I have located all of these wells on the USGS map to the best of their description (Enclosure 3).

I have two reasons why the wells associated with this application will not substantially effect surface water or other more senior groundwater rights:

- The nearest creek, Schwartz Springs, is an ephemeral channel and will not have measurable flows during the majority of the irrigation season. We have excellent evidence to indicate that the reach of this channel, which is nearest to the wells, has not had water in it since the early 1960's when there was extensive flood irrigation. My understanding, based on the November 25, 1996, is that the WRD does not often use the location of ephemeral channels to determine the distance to the nearest surface water.
- When the creeks have water in them, the beds of the streams are lined with a significant thickness of silts, clays, and sands which prevents any appreciable loss of water from the stream bed. Groundwater is below the level of the stream bed, so the well use will not interfere with groundwater recharge to the streams. All of the well logs in the vicinity have significant amounts of silt and clay in the upper sections, effectively sealing them off from surface water. In addition, it is apparent by the poor well yields and the abandon wells, that there are distinct limits to the aquifer, limiting interference with nearby wells.

The USGS mapping in 1966 indicates that Schwartz Creek had several springs in the vicinity of the well. The nearest spring on that map is just on the southern edge of Section 24. All of these springs, however, and this reach of Schwartz Creek has been dry since the 1960's.

This account was verified by Mr. Eugene Key (Phone 541-938-5927), who owns the property across the street in Section 24. In my conversation with him and Bill Porfily (SCM) on November 8, 1996, Mr. Keys' indicated that this creek bed use to convey water during the summer from drainage of up gradient flood irrigation fields. With the conversion to sprinklers, the water sources for these creeks has dried up. This account in the change of hydrology was also found in the Water Resources Department's Trout decision (Volume 34, page 317-322).

Also, Mr. Key had a shallow well within 75 feet from the SW corner of Section 24 (right at the spring location on the USGS map) that was abandoned because of the lack of water. Mr. Key plowed over the former stream course so he could use the area as pasture. As he conveyed to me, the only time that his field receives surface water is from the Hudson Bay canal. The Hudson Bay canal occasionally flows into the upper reach of Schwartz Springs Creek.

I have provided a 1980 SCS soil survey aerial photograph (Enclosure 3) that the nearest surface water to the well is Schwartz Springs, but it is almost exactly ½ mile from the well.

To familiarize you with the local topography, I took a series of photographs and have annotated them in Enclosure 1. These photographs show that Schwartz Springs has been largely farmed over (Photo 3). It did not have any water flowing in it during my visit, except a little ponded water from Hudson Bay overflow. Photo 4 shows the water in the Schwartz Springs channel, in the SE 1/4 of Section 23. But the flow is from the irrigation ditch from the Hudson Canal (Photo 5), diverted in Section 18. Photo 6 shows the abandoned well in the SW corner of Section 24 and the swale of Eugene Keys property. Photo 7 shows a close up of the swale at the exact location of the former spring. The puddle is from spillage from the Hudson Ditch in the southern ½ of Section 25. (Photo 8). Photos 9 and 10 show the other wells that we found in the NW 1/4 of Section 25. The well in Photo 9 is abandon. The wells shown in Photos 9 and 10 may be UMAT 4148 and 4149, respectively.

The well logs of the area also reveal important points. All of the wells in the NW 1/4 of Section 25 show from 30-40 feet of clayey material. The streams that were located in the vicinity were founded in the silty soils of the area (Umapine, Yakima, and Ellisforde silts) which seal the stream bed from the groundwater.

Static groundwater levels are from 12-41 feet in the area. These depths are well below the surface water, suggesting a separation of the two systems, and also demonstrating that the well water use will not prevent recharge to the stream. In every well in the area, the level of first water encountered is below the static water level (GRID data base, Enclosure 3), suggesting that the wells are in a confined aquifer. A likely source area of the higher head are the basalt hills just to the south of the area.

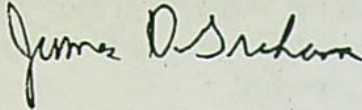
Lastly, the only well log of a serviceable well in the NW 1/4 of Section 25 shows that the aquifer is more than 80 feet below the ground. The wells 4148 and 4149 were only 60 feet deep and were abandoned because of poor yield. A good producing well in Section 24, well 6066 is sealed to 40 feet and gets its' water from 40-50 feet in depth. As previously mentioned, Mr. Keys shallow well and another shallow well in the SW of the SW 1/4 of Section 24 were abandoned due to poor yields. Mr. Key also has an excellent producing well in Section 26, which he says has never been effected by the pumping of the house well. All of these factors point to an aquifer of limited extent, both vertically and horizontally, which tends to isolate the house well. Most likely, the aquifer(s) are buried stream channels, based on the hit or miss pattern of well yields.

Mr. Zwart, I believe that the WRD may be using outdated information regarding the surface water in the area, particularly if you are putting much emphasis on the active channels shown on the USGS map. I encourage you to call Mr. Eugene Key for verification of my account. The SCS mapping of the area confirms that Schwartz Springs Creek is ephemeral. The creek is ½ mile away, small in size, shallow in depth, well sealed with fine sediments, and the source of the water is from the Hudson Ditch.

I believe that the photos and well logs provide an accurate depiction of these surface and groundwater system in the area. The well information shows that the groundwater and surface water systems are truly separate within the bounds of Division 9. As a result, it is my opinion that Division 9 should not be a regulatory issue for this well.

Sincerely,

PRINCIPALS GROUP



James D. Graham, RPG
Managing Geologist

Enclosures: 10 annotated photographs
1 USGS map
1 SCS aerial photograph
1 GRID data base summary
7 well logs

CC: Bill Porfily
Central Files, 96-11-2.SCM

Enclosure 1

Vicinity Photos

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WATER RESOURCES DEPT.
SALEM, OREGON

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DEC 16 1996

WATER RESOURCES DEPT.
SALEM, OREGON

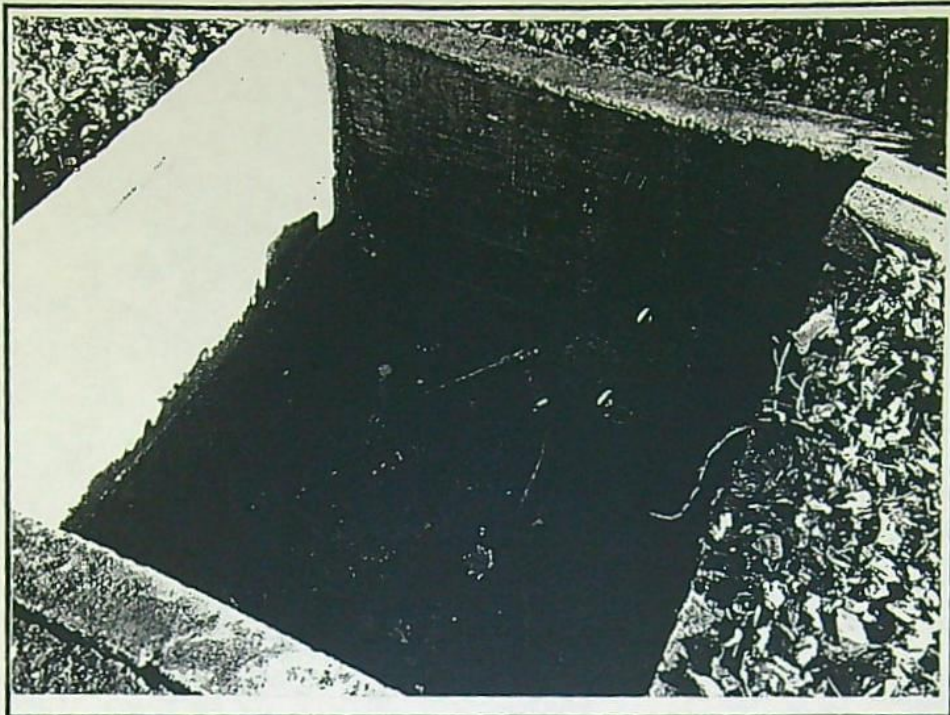


Photo 1. House well. Approximately 20 feet south of house. Surface completion is a 6x6 ft. concrete vault. 6 inch well, turbine shaft pump.

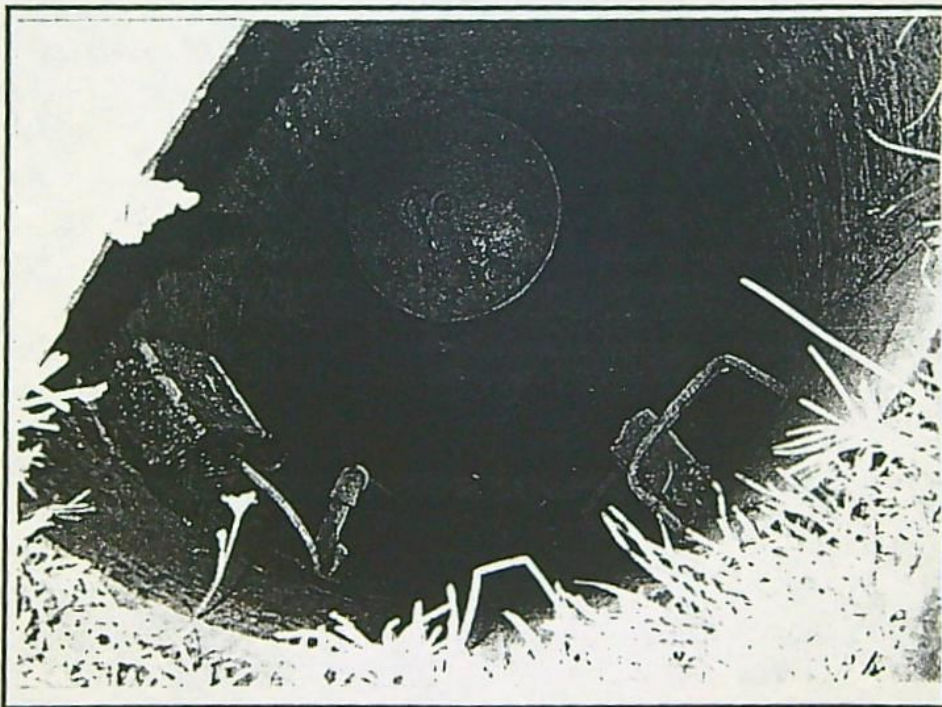


Photo 2. Supplemental Well. 10 inch steel casing with below ground pressure tank.

RECEIVED
DEC 16 1996
WATER RESOURCES DEPT.
SALEM, OREGON

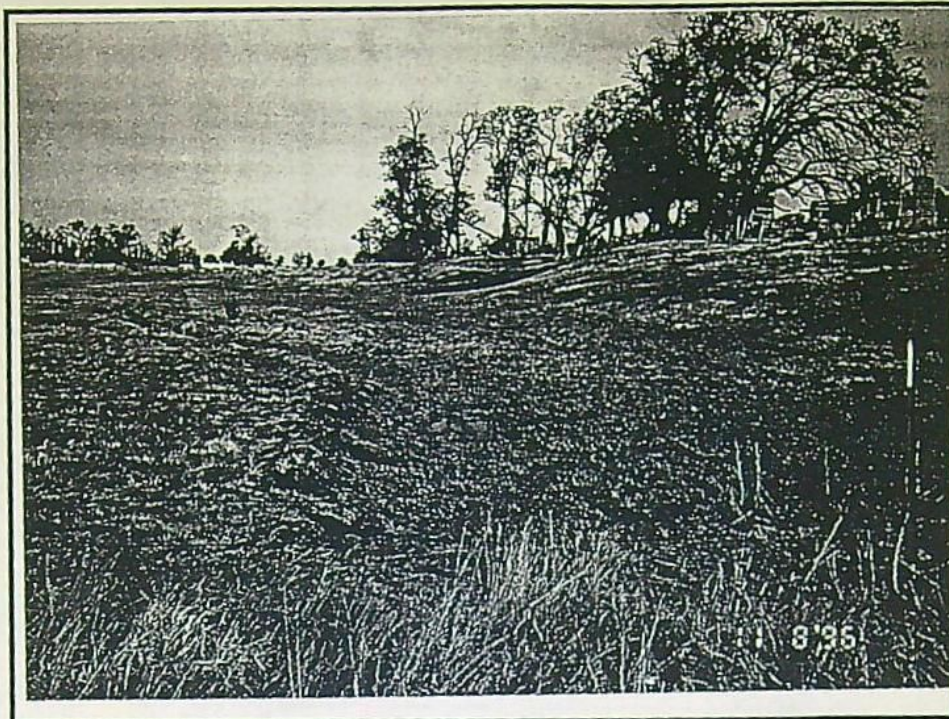


Photo 3. Former location of spring on Schwartz Springs Creek. The former channel has been farmed over in this area after the spring flow stopped in the 1960's.

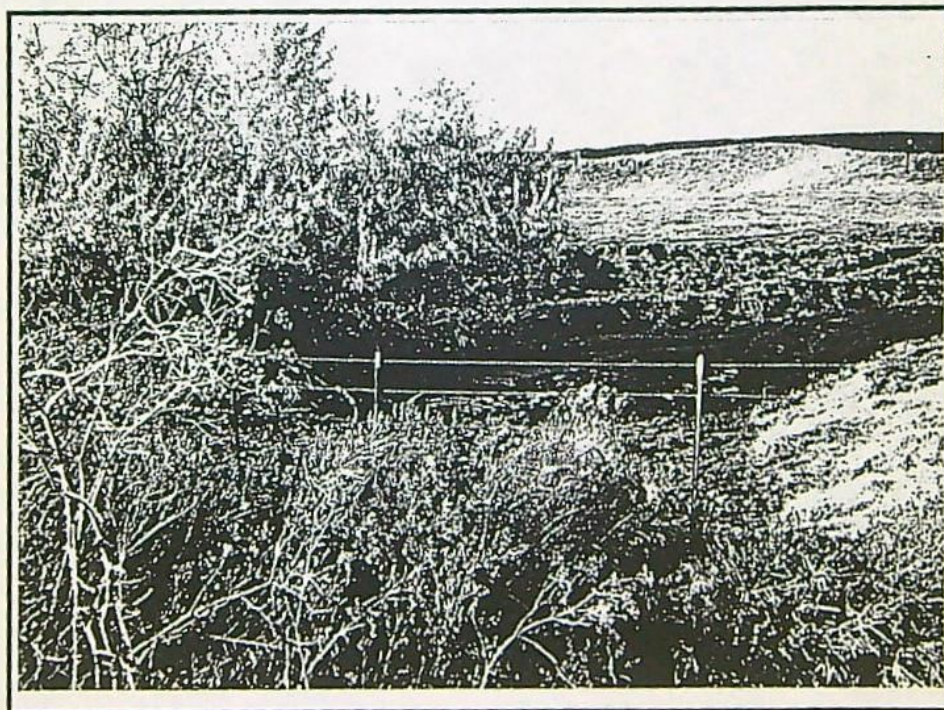


Photo 4. Water in Schwartz Springs Creek channel in Section 23. Water is from diversion of Hudson Bay Canal as shown in Photo 5.

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SALEM, OREGON



Photo 5. Hudson Bay Canal diversion approximately 1/4 mile to the north of House Well. Photo is 200 feet upstream from Photo 4.



Photo 6. Abandoned well in SW 1/4, SW 1/4 of Section 24 at former spring location. Well was 12 feet deep but was abandoned because of low production. Swale in background is at former channel of Schwartz Springs Creek.

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SALEM, OREGON

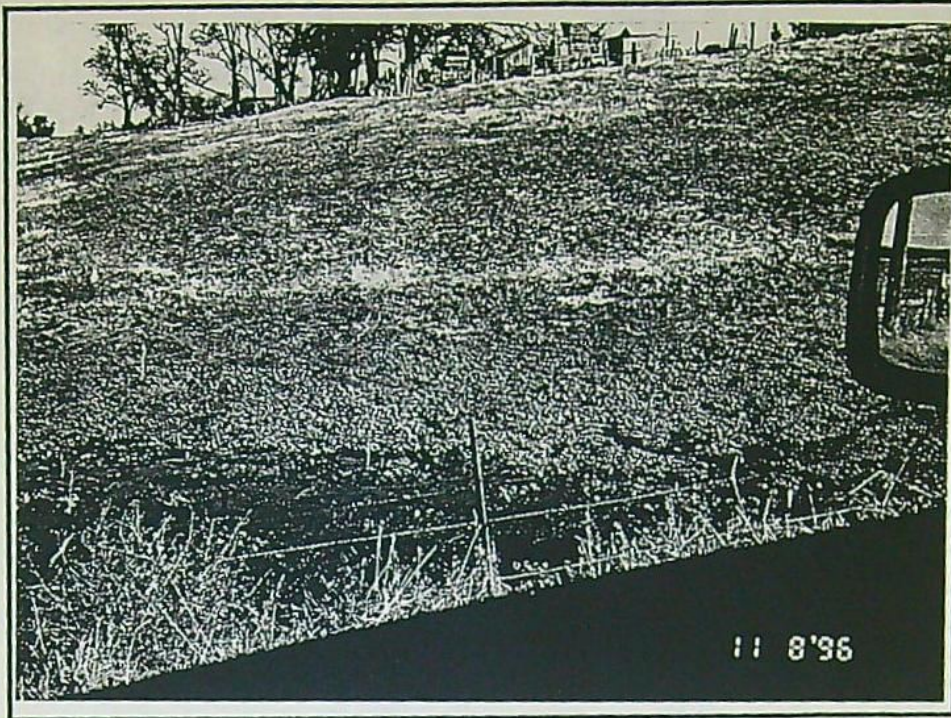


Photo 7. Puddled water at former location of spring of Schwartz Springs Creek. Water is from Hudson Bay Canal to the south (see Photo 8).

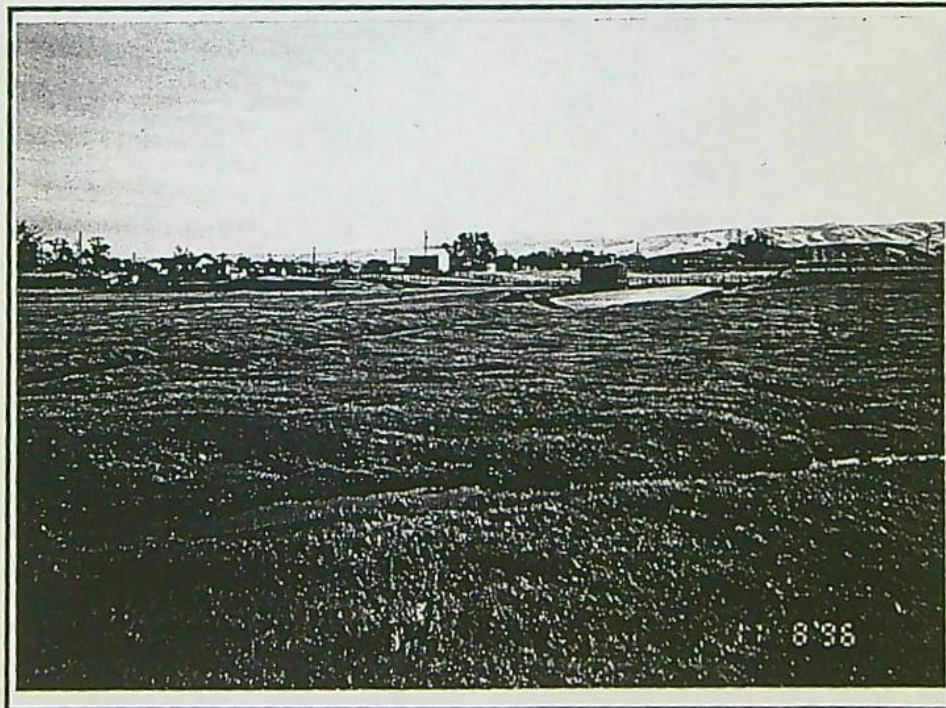


Photo 8. Hudson Bay Canal in the souther 1/2 of Section 25. A portion of canal discharge is to the pond in the background. Overflow from the pond goes to the north along swale and ends at former spring location.

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SALEM, OREGON

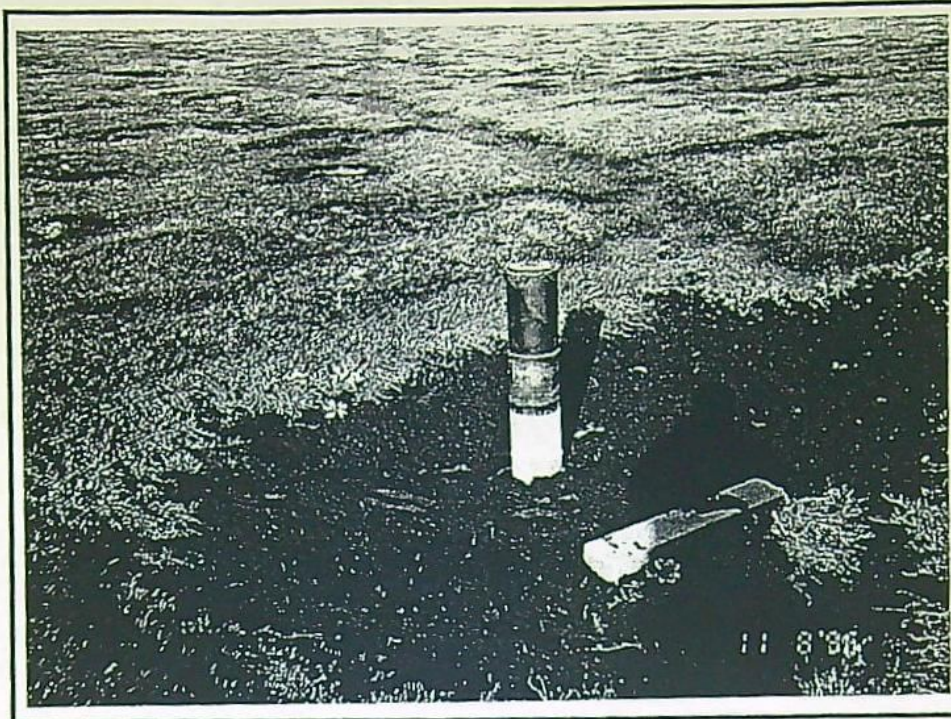


Photo 9. Abandoned well in SW 1/4 of NW 1/4 of Section 25. Well in the NW 1/4, NW 1/4 of Section 25.

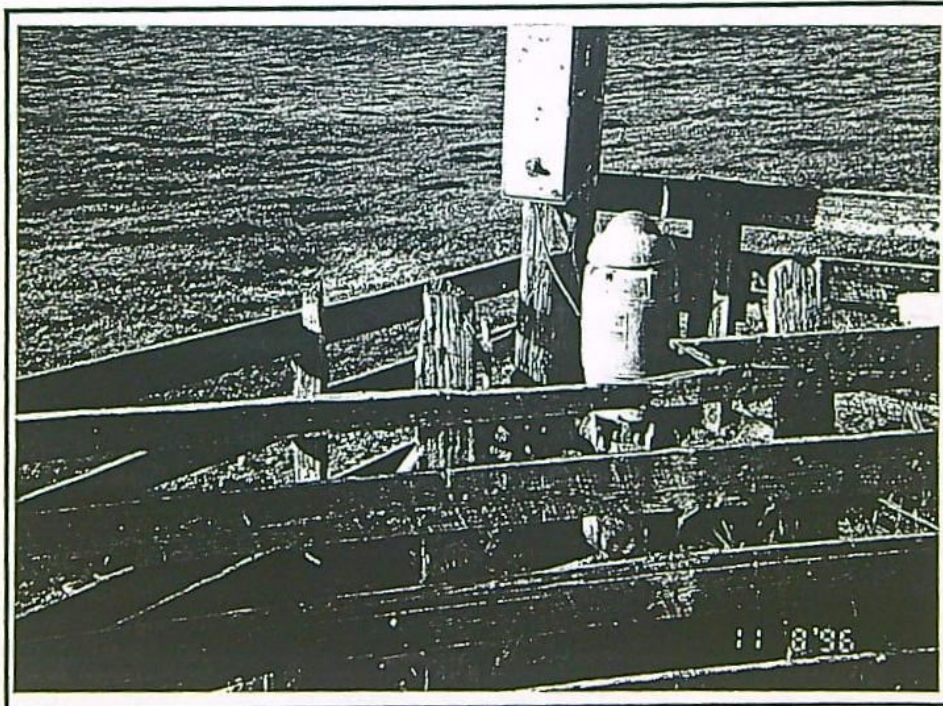


Photo 10. Well in the NW 1/4, NW 1/4 of Section 25.

Enclosure 2

Vicinity Well Logs

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SALEM, OREGON

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WELL IN NE SW

WATER WELL REPORT
STATE OF OREGON

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UMAT
4125

JUL 30 1980

WATER RESOURCES DEPT
SALEM, OREGON

State Well No. 10N/34E-24C
1980

State Permit No. _____
WATER RESOURCES DEPT.
SALEM, OREGON

(1) OWNER:

Name Joe T Webster
Address 1204 Alvarado Ter. Walla Walla
City _____ State Wash.

(2) TYPE OF WORK (check):

New Well Deepening Reconditioning Abandon

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Air Driven Domestic Industrial Municipal
Mud Dig Irrigation Test Well Other
Cable Bored Thermal: Withdrawal Reinflection

(4) PROPOSED USE (check):

(5) CASING INSTALLED: Steel Plastic
Threaded Welded

12" Diam. from 0 ft. to 1.65 ft. Gauge 2.80
" Diam. from _____ ft. to _____ ft. Gauge _____

LINER INSTALLED:

1.0" Diam. from 140 ft. to 400 ft. Gauge 1.88

(6) PERFORATIONS:

Purforated? Yes No
Type of perforator used Acetylene
Size of perforations 1/4 3/8 in. by 8 in.
1.50 perforations from 20 ft. to 160 ft.
6.00 perforations from 140 ft. to 400 ft.

(7) SCREENS:

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

(8) WELL TESTS:

Drawdown is amount water level is lowered below static level
Was a pump test made? Yes No If yes, by whom? 265
Yield: 170 gal/min. with 175 ft. drawdown after 10 hrs.
Air test _____ gal/min. with drill stem at _____ ft. hrs.
Pulley test _____ gal/min. with _____ ft. drawdown after _____ hrs.
Artesian flow _____ g.p.m.
Temperature of water 59 Depth artesian flow encountered _____ ft.

(9) CONSTRUCTION:

Special standards: Yes No
Well seal—Material used Cement
Well sealed from land surface to 20 ft.
Diameter of well bore to bottom of seal 16 in.
Diameter of well bore below seal 12 in.
Number of sacks of cement used in well seal 6 sacks
How was cement grout placed? Thru pipe
Was pump installed? No Type _____ HP _____ Depth _____ ft.
Was a drive shoe used? Yes No Plugs _____ Size: location _____ ft.
Did any strata contain unusable water? Yes No
Type of Water? _____ depth of strata _____
Method of sealing strata off _____
Was well gravel packed? Yes No Size of gravel: _____
Gravel placed from _____ ft. to _____ ft.

(10) LOCATION OF WELL:

County Umatilla Driller's well number _____
SW 1/4 SW 1/4 Section 24 T. 10N R. 34E W.M.
Tax Lot # _____ Lot _____ Blk _____ Subdivision _____
Address at well location: 2980 ft W 2029th N of
Property SE corner SE corner of S 24

(11) WATER LEVEL: Completed well.

Depth at which water was first found 37 ft.
Static level 23 ft. below land surface. Date May 12-80
Artesian pressure _____ lbs. per square inch. Date _____

(12) WELL LOG:

Diameter of well below casing 10
Depth drilled 415 ft. Depth of completed well 402 ft.
Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

	From	To	SWL
Top soil			
GRAVELLY clay			
Cement Gravel - Brown	13	37	
Cement Gravel - Brown	37	59	24
Clay - Brown	59	62	
Cement Gravel - Brown	62	151	
Gravel Carving some water	151	160	23
Gravel - Cement Brown	160	196	
Clay - Brown	196	203	
Cement Gravel	203	259	
Clay - Brown	259	269	
Gravel some clearest	269	272	
Clay - Brown	272	276	
Cement Gravel - Brown	276	290	
Clay - Brown	290	294	
Cement Gravel - Brown	294	303	
Clay - Brown	303	306	
Cement Gravel - Brown	306	312	23

Work started April 8 19 _____ Completed May 13 19 80
Date well drilling machine moved off of well May 14 19 80

Drilling Machine Operator's Certification:

This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.
[Signed] Lowell W. Marshall Date May 15, 80
(Drilling Machine Operator)

Drilling Machine Operator's License No. 11

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.
Name Lowell W. Marshall
(Person, firm or corporation) (Type or print)
Address RT # 2 Box 140-B m. R.
[Signed] Lowell W. Marshall
(Water Well Contractor)

Contractor's License No. 265 Date May 15 19 80

NOTICE TO WATER WELL CONTRACTOR
The original and first copy of this report are to be filed with the

WATER RESOURCES DEPARTMENT,
SALEM, OREGON 97310
within 30 days from the date of well completion.

SP-12658-690

STATE ENGINEER
Salem, Oregon

UMAT
4136

Well Record

STATE WELL NO. 6N/34-24N(1)
COUNTY Umatilla
APPLICATION NO. _____

OWNER: Unknown MAILING ADDRESS: _____

LOCATION OF WELL: Owner's No. _____ CITY AND STATE: _____

SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 24 T. 6 N. XX, R. 24 XX W.M.

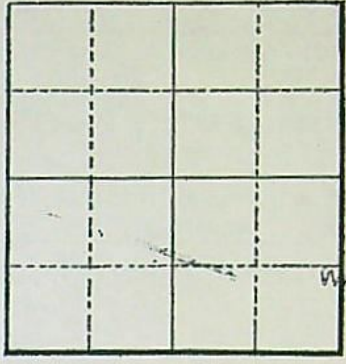
Bearing and distance from section or subdivision corner _____

Altitude at well 642'

TYPE OF WELL: Drilled Date Constructed _____

Depth drilled 12' Depth cased 12'

CASING RECORD:
1 inch



Section 24

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DEC 16 1996

WATER RESOURCES DIVISION
SALMON, OREGON

FINISH: _____

AQUIFERS:

Gravel

WATER LEVEL:

6.6 feet (5/12/33)

PUMPING EQUIPMENT: Type _____ H.P. _____

Capacity _____ G.P.M.

WELL TESTS:

Drawdown _____ ft. after _____ hours _____ G.P.M.

Drawdown _____ ft. after _____ hours _____ G.P.M.

USE OF WATER Unused Temp. _____ °F. _____, 19____

SOURCE OF INFORMATION USGS - WSP

DRILLER or DIGGER _____

ADDITIONAL DATA:

Log NA Water Level Measurements _____ Chemical Analysis _____ Aquifer Test _____

REMARKS: _____

NOTICE TO WATER WELL CONTRACTOR
 The original and first copy
 of this report are to be
 filed with the
 STATE ENGINEER, SALEM, OREGON 97310
 within 30 days from the date
 of well completion.

WATER WELL REPORT
 STATE OF OREGON
 (Please type or print)
 (Do not write above this line)

RECEIVED

State Well No. 641/34E25
 State Permit No. **UMAT 4147**

JAN 21 1977

(10) LOCATION OF WELL:
 County Umatilla Driller's well number
 Section 25 T. 6N R. 34 E. W.M.
 Bearing and distance from section or subdivision corner
Well located 200ft. W 70ft. N of
property SE corner.

(11) WATER LEVEL: Completed well
 Depth at which water was first found 65 ft.
 Static level 110 ft. below land surface. Date Jan. 2-77
 Artesian pressure _____ lbs. per square inch. Date _____

(1) OWNER:
 Name Lowell W. Marshall
 Address RT#2 Box 111 Milton Freewater, OR 97132

(2) TYPE OF WORK (check):
 New Well Deepening Reconditioning Abandon
 If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:
 Rotary Driven
 Cable Jetted
 Dug Bored
 (4) PROPOSED USE (check):
 Domestic Industrial Municipal
 Irrigation Test Well Other

(6) CASING INSTALLED:
 Threaded Welded
6 " Diam. from 0 ft. to 86 ft. Gage 1250
 " Diam. from _____ ft. to _____ ft. Gage _____
 " Diam. from _____ ft. to _____ ft. Gage _____

(7) PERFORATIONS:
 Perforated? Yes No
 Type of perforator used _____
 Size of perforations _____ in. by _____ in.
 _____ perforations from _____ ft. to _____ ft.
 _____ perforations from _____ ft. to _____ ft.
 _____ perforations from _____ ft. to _____ ft.

(7) SCREENS:
 Well screen installed? Yes No
 Manufacturer's Name _____
 Type _____ Model No. _____
 Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.
 Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.

(8) WELL TESTS:
 Drawdown is amount water level is lowered below static level
 Was a pump test made? Yes No If yes, by whom?
 Yield: _____ gal./min. with _____ ft. drawdown after _____ hrs.
 _____ " " " " " " " " " " " "
 _____ " " " " " " " " " " " "
 Baller test 50 gal./min. with 5 ft. drawdown after 1 hrs.
 Artesian flow _____ g.p.m.
 Temperature of water 58 Depth artesian flow encountered _____ ft.

(9) CONSTRUCTION:
 Well seal—Material used Bentonite
 Well sealed from land surface to 41 ft.
 Diameter of well bore to bottom of seal 8 in.
 Diameter of well bore below seal 6 in.
 Number of sacks of cement used in well seal _____ sacks
 Number of sacks of bentonite used in well seal 1 1/2 sacks
 Brand name of bentonite National
 Number of pounds of bentonite per 100 gallons
 of water 80 lbs./100 gal.
 Was a drive shoe used? Yes No Plugs _____ Size: location _____ ft.
 Did any strata contain unusable water? Yes No
 Type of water? _____ depth of strata _____
 Method of sealing strata off _____
 Was well gravel packed? Yes No Size of gravel: _____
 Gravel placed from _____ ft. to _____ ft.

(12) WELL LOG: Diameter of well below casing 6
 Depth drilled 110 ft. Depth of completed well 110 ft.
 Formation: Describe color, texture, grain size and structure of materials;
 and show thickness and nature of each stratum and aquifer penetrated,
 with at least one entry for each change of formation. Report each change in
 position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
Top soil + Brown clay	0	41	41
Gravel - Med. Brown	41	65	
Gravel - Med. Brown - drillings	65	76	
Gravel - Med - Clean water	76	87	55
Gravel - Cement - Brown	87	95	
Gravel - Med - water	95	110	66

Work started Dec 26 1976 Completed Jan. 2 1977
 Date well drilling machine moved off of well _____

Drilling Machine Operator's Certification:
 This well was constructed under my direct supervision.
 Materials used and information reported above are true to my
 best knowledge and belief.
 [Signed] Lowell W. Marshall Date Jan 2 1977
 (Drilling Machine Operator)
 Drilling Machine Operator's License No. 11

Water Well Contractor's Certification:
 This well was drilled under my jurisdiction and this report is
 true to the best of my knowledge and belief.
 Name Lowell W. Marshall
 (Person, firm or corporation) (Type or print)
 Address RT#2 Box 111 Milton Freewater, Ore
 [Signed] Lowell W. Marshall
 (Water Well Contractor)
 Contractor's License No. 265 Date Jan. 2 1977

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APR 19 1963

UMAT
4148

6N/B4E-250
RECEIVE
DEC 16 1996

File Original and First Copy with the STATE ENGINEER, SALEM, OREGON

STATE ENGINEER WATER WELL REPORT STATE OF OREGON

State Well No. 6N/B4E-250
State Permit No.

(1) OWNER:

Name Edward T Emerson
Address Milton Freewater Oreg.
RR #2 Box 133

(2) LOCATION OF WELL:

County UMAT IIA Owner's number, if any--
N.W. 1/4 NW 1/4 Section 25 T. 6N R. 34 E.W.M.
Bearing and distance from section or subdivision corner
S 6 acres of NW NE NW
Less RW.
NW NW Well is 660 ft. S.
and 345 E of NW NW cor.

(3) TYPE OF WORK (check):

New Well Deepening Reconditioning Abandon

(4) PROPOSED USE (check):

Domestic Industrial Municipal
Irrigation Test Well Other

(5) TYPE OF WELL:

Rotary Driven
Cable Jetted
Dug Bored

(6) CASING INSTALLED:

8" Diam. from 0 ft. to 58 ft. Gage 5/16
" Diam. from ft. to ft. Gage
" Diam. from ft. to ft. Gage

(7) PERFORATIONS:

Perforated? Yes No
Type of perforator used Acetylene + Mills
SIZE of perforations 3/8 in. by 5 in.
perforations from 30 ft. to 32 ft. Mills 1/2-3/4
perforations from 16 ft. to 32 ft.
perforations from 30 ft. to 58 ft.
perforations from 35 ft. to 58 ft.

(8) SCREENS:

Well screen installed Yes No
Manufacturer's Name
Type Model No.
Diam. Slot size Set from ft. to ft.
Slot size Set from ft. to ft.

(9) CONSTRUCTION:

Was well gravel packed? Yes No Size of gravel: ft.
Gravel placed from ft. to ft.
Was a surface seal provided? Yes No To what depth? ft.
Material used in seal--
Did any strata contain unusable water? Yes No
Type of water? Depth of strata
Method of sealing strata off

(10) WATER LEVELS:

Static level 118 ft. below land surface Date March
Artesian pressure lbs. per square inch Date

Log Accepted by:

[Signed] Edward T Emerson Date _____, 19____
(Owner)

(11) WELL TESTS:

Drawdown is amount water level is lowered below static level

Was a pump test made? Yes No If yes, by whom? L. Marlatt
Yield: 60 gal./min. with 4.5 ft. drawdown after 5.5 hrs.
" " " " " "
" " " " " "
" " " " " "
" " " " " "
" " " " " "

(12) WELL LOG:

Diameter of well 8 inches.
Depth drilled 60 ft. Depth of completed well 60 ft.
Formation: Describe by color, character, size of material and structure, and show thickness of aquifers and the kind and nature of the material in each stratum penetrated, with at least one entry for each change of formation.

MATERIAL	FROM	TO
Top soil + clay.	0	16
Running Brown clay.	16	18
Conglomerate Brown	18	30
Gravel + some Brown clay With water.	30	35
Cement Gravel Brown	35	50
Sand (Med-Fine) Very clean + Hard.	50	60

We plan to recover casing from this well next winter, or drill deeper.

Work started March 18 19 63 Completed March 25 1963

(13) PUMP:

Manufacturer's Name
Type: H.P.

Well Driller's Statement:

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

NAME Lowell W. Marlatt
(Person, firm, or corporation) (Type or print)

Address R.T. # 2 Milton Freewater, Ore.

Driller's well number

[Signed] Lowell W. Marlatt
(Well Driller)

License No. 2605 Date March 30, 19 63

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APR 19 1963

UMAT
4149

File Original and
First Copy with the
STATE ENGINEER,
SALEM, OREGON

STATE ENGINEER
WATER WELL REPORT
STATE OF OREGON

State Well No. 6N/31E-25D
State Permit No. _____

(1) OWNER:

Name Edward T. Emerson
Address Freewater Oregon
P.O. #2 Box 133

(2) LOCATION OF WELL:

County Umatilla Owner's number, if any _____
NW 1/4 NW 1/4 Section 25 T. 6N R. 34E W.M.
Bearing and distance from section or subdivision corner
8.6 acres of NW NE NW Less RW
NW NW
Well was located 960 ft.
South + 10 ft. East of My NW corner

(3) TYPE OF WORK (check):

New Well Deepening Reconditioning Abandon
If abandonment, describe material and procedure in Item 11.

(4) PROPOSED USE (check):

Domestic Industrial Municipal
Irrigation Test Well Other

(5) TYPE OF WELL:

Rotary Driven
Cable Jetted
Dug Bored

(6) CASING INSTALLED:

Threaded Welded
8" Diam. from 0 ft. to 48 ft. Gage 5/16
" Diam. from _____ ft. to _____ ft. Gage _____
" Diam. from _____ ft. to _____ ft. Gage _____

(7) PERFORATIONS:

Perforated? Yes No
Type of perforator used Acetylene
SIZE of perforations 3/8 in. by 5 in.
_____ perforations from _____ ft. to _____ ft.
30 perforations from 27 ft. to 48 ft.
_____ perforations from _____ ft. to _____ ft.
_____ perforations from _____ ft. to _____ ft.
_____ perforations from _____ ft. to _____ ft.

(8) SCREENS:

Well screen installed Yes No
Manufacturer's Name _____
Type _____ Model No. _____
Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.
_____ Slot size _____ Set from _____ ft. to _____ ft.

(9) CONSTRUCTION:

Was well gravel packed? Yes No Size of gravel: _____
Gravel placed from _____ ft. to _____ ft.
Was a surface seal provided? Yes No To what depth? _____ ft.
Material used in seal—
Did any strata contain unusable water? Yes No
Type of water? _____ Depth of strata _____
Method of sealing strata off _____

(10) WATER LEVELS:

Static level 1 ft. below land surface Date March 12
Artesian pressure _____ lbs. per square inch Date _____

Log Accepted by:

[Signed] Edward T. Emerson Date _____, 19____
(Owner)

(11) WELL TESTS:

Drawdown is amount water level is lowered below static level
Was a pump test made? Yes No If yes, by whom? L. Marlatt
Yield: 40 gal./min. with 35 ft. drawdown after 3 hrs.
" casing recovered + well "
" Filled full of top soil + clay. "
Ballor test gal./min. with _____ ft. drawdown after _____ hrs.
Artesian flow _____ g.p.m. Date _____
Temperature of water 50 Was a chemical analysis made? Yes No

(12) WELL LOG:

Diameter of well 8 inches.
Depth drilled 60 ft. Depth of completed well 60 ft.
Formation: Describe by color, character, size of material and structure, and show thickness of aquifers and the kind and nature of the material in each stratum penetrated, with at least one entry for each change of formation.

MATERIAL	FROM	TO
Top soil + clay	0	14
Running clay with water Brown.	14	16
Conglomerate (cemented)	16	35
Gravel (Med) some Brown clay + water.	35	40
Cement Gravel Brown.	40	60

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DEC 16 1996

WATER RESOURCES DEPT.
SALEM, OREGON

Work started Mar. 4 1963 Completed Mar. 12 1963

(13) PUMP:

Manufacturer's Name _____
Type: _____ H.P. _____

Well Driller's Statement:

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

NAME L. Lowell W. Marlatt
(Person, firm, or corporation) (Type or print)

Address P.O. #2 Box 111A Milton Freewater, OR

Driller's well number _____

[Signed] L. Lowell W. Marlatt
(Well Driller)

License No. 265 Date Mar. 15, 1963

ORIGINAL
File Original and
Duplicate with the
STATE ENGINEER,
SALEM, OREGON

WATER WELL REPORT

State Well No. 6N/34-26H(1)

UMAT
4162

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DEC 3 1957

STATE OF OREGON

6788

State Permit No. _____

(1) OWNER:

Name M. A. Buroker
Address Route #2, Box 110
Milton Freewater, Oregon

(11) WELL TESTS:

Drawdown is amount water level is lowered below static level

Was a pump test made? Yes No If yes, by whom? W. E. Ruthen

Yield: 450 gal./min. with 30' ft. drawdown after 6 hrs.
" 265 " 24' " 7 "

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

Artesian flow g.p.m. Date

Temperature of water 52 Was a chemical analysis made? Yes No

(2) LOCATION OF WELL:

County Umatilla Owner's number, if any—
SE 1/4 NE 1/4 Section 26, T. 6N R. 34 E W.M.
Bearing and distance from section or subdivision corner
849' S & 20' 6" W of NE corner of SE 1/4 of NE 1/4
of Section 26 TWP 6 NR 34 EWM

(12) WELL LOG:

Diameter of well 10" inches.

Depth drilled 42 ft. Depth of completed well 42 ft.

Formation: Describe by color, character, size of material and structure, and show thickness of aquifers and the kind and nature of the material in each stratum penetrated, with at least one entry for each change of formation.

MATERIAL	FROM	TO
soil	0	17'
Cement gravel	8	25'
Cobble & gravel	6	31'
gravel (water bearing)	11	42

TYPE OF WORK (check):

Well Deepening Reconditioning Abandon

At abandonment, describe material and procedure in Item 11.

PROPOSED USE (check):

Residential Industrial Municipal
Irrigation Test Well Other

(5) TYPE OF WELL:

Rotary Driven
Cable Jetted
Dug Bored

(6) CASING INSTALLED:

Threaded Welded

10" Diam. from surface ft. to 41' 4" ft. Gage 5/16"

" Diam. from _____ ft. to _____ ft. Gage _____

" Diam. from _____ ft. to _____ ft. Gage _____

(7) PERFORATIONS:

Perforated? Yes No

Type of perforator used _____

SIZE of perforations in. by in.

_____ perforations from _____ ft. to _____ ft.

_____ perforations from _____ ft. to _____ ft.

_____ perforations from _____ ft. to _____ ft.

_____ perforations from _____ ft. to _____ ft.

_____ perforations from _____ ft. to _____ ft.

SCREENS:

Well screen installed Yes No

Manufacturer's Name _____

Model No. _____

Depth Slot size Set from _____ ft. to _____ ft.

Diameter Slot size Set from _____ ft. to _____ ft.

CONSTRUCTION:

Well gravel packed? Yes No Size of gravel: _____

Gravel placed from _____ ft. to _____ ft.

Was a surface seal provided? Yes No To what depth? _____ ft.

Material used in seal— _____

Did any strata contain unusable water? Yes No

Type of water? _____ Depth of strata _____

Method of sealing strata off _____

(10) WATER LEVELS:

Static level 6' ft. below land surface Date March 5, 1955

Artesian pressure _____ lbs. per square inch Date _____

Log Accepted by: _____

[Signed] M. A. Buroker Date November 29, 1957

(Owner)

(13) PUMP:

Manufacturer's Name _____

Type: _____ H.P. _____

Well Driller's Statement:

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

NAME W. E. Ruthen & Son

(Person, firm, or corporation) (Type or print)

Address Route # 4, Walla Walla, Washington

Driller's well number Buroker # 2

[Signed] William E. Ruthen

(well Driller)

License No. _____ Date November 18, 1957

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DEC 16 1956

WATER RESOURCES DEPT.
SALEM, OREGON

Work started February 26, 1955 Completed March 5, 1955

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

UMAT
6066

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AUG 10 1994

(START CARD) #

6N/34E/24C
54113

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

(1) OWNER: Well Number WATER 11.5
Name James J. Webster SALE
Address Rt. 2, Box 129 C
City Milton-Freewater State OR Zip 97862

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

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

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

(5) BORE HOLE CONSTRUCTION:
Special Construction approval Yes No Depth of Completed Well 50 ft.
Explosives used Yes No Type _____ Amount _____

HOLE		SEAL		Sacks or pounds	
Diameter	From To	Material	From To		
12"	0 20	Bentonite	0 20	12	sacks
8"	20 50				

How was seal placed: Method A B C D E
 Other Poured 3/8" bentonite
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: 8"	11	40	250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liner:				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Final location of shoe(s) 40

(7) PERFORATIONS/SCREENS:

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

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

Pump Bailer Air Flowing
 Artesian

Yield gal/min	Drawdown	Drill stem at	Time
250T		50	1 hr.

Temperature of water 53° 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 Umatilla Latitude _____ Longitude _____
Township 6N N or S Range 34E E or W. WM. _____
Section 24 NW 1/4 SW 1/4 _____
Tax Lot 404 Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) March Rd., Rt. 2, Box 129 C, Milton-Freewater, OR 97862

(10) STATIC WATER LEVEL:
15 ft. below land surface. Date 7-6-94
Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:

Depth at which water was first found 14

From	To	Estimated Flow Rate	SWL
<u>14</u>	<u>50</u>	<u>250T</u>	<u>14</u>

(12) WELL LOG:

Ground Elevation _____

Material	From	To	SWL
Silty brown soil	0	2	
Sandy brown clay	2	14	
Gravel with some brown clay	14	50	WB

Date started 7-6-94 Completed 7-6-94
(unbonded) Water Well Constructor Certification:
I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.
WVC Number _____
Signed _____ Date _____

(bonded) Water Well Constructor Certification:
I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.
WVC Number 1218
Signed Patrick Wallace Date 7-19-94

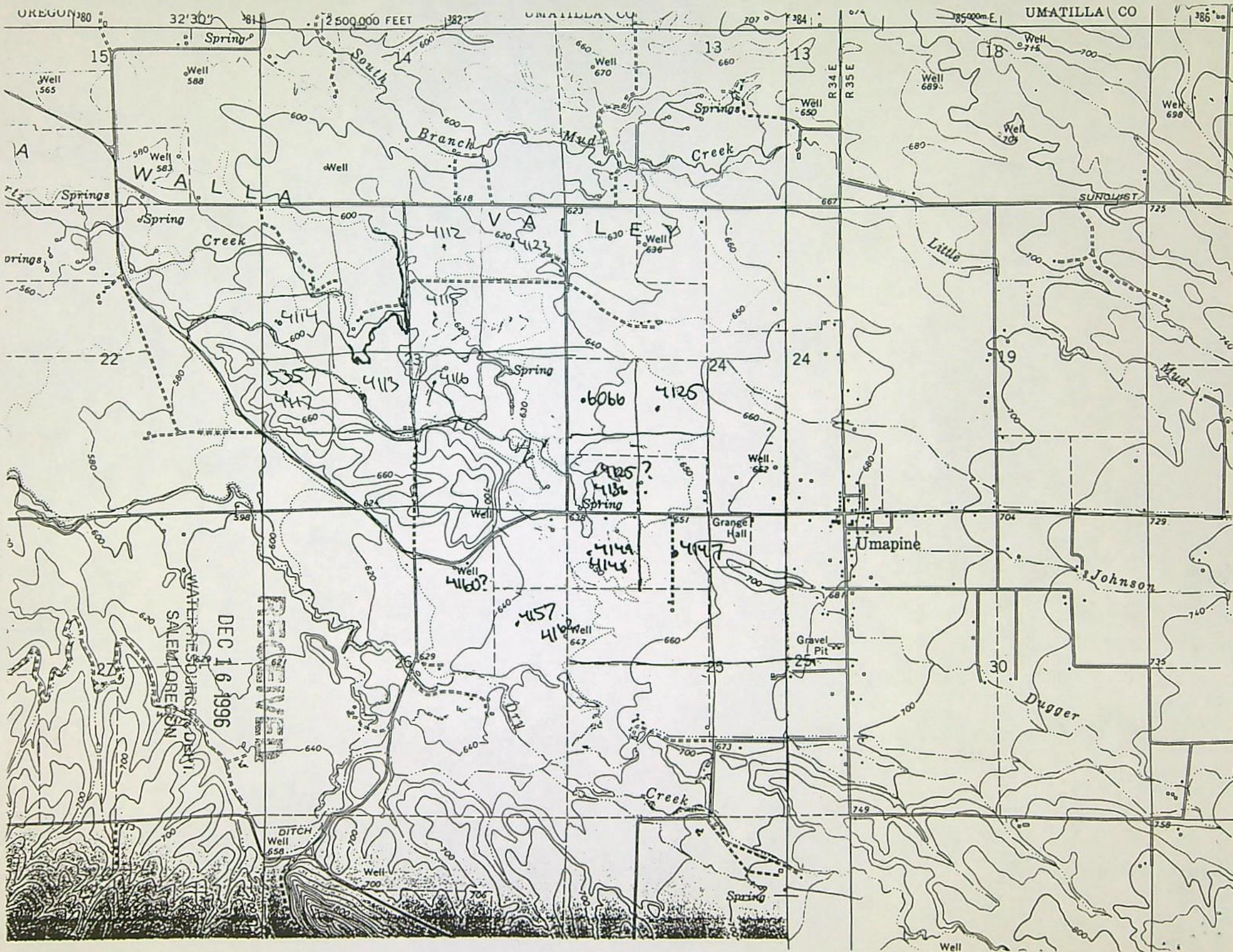
Enclosure 3

USGS Map
SCS Interpreted Aerial Photograph
GRID Data Base

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DEC 16 1996

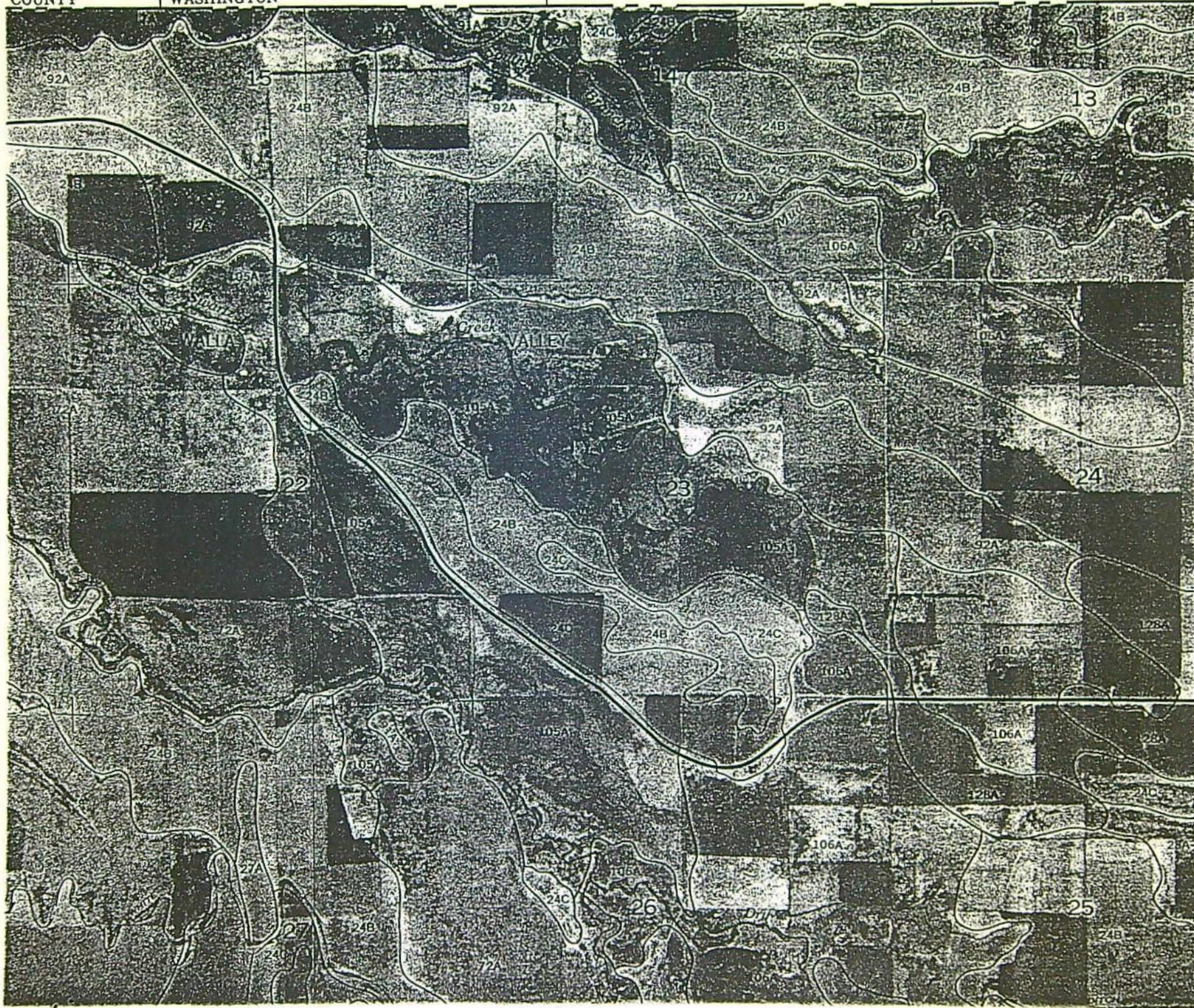
WATER RESOURCES DEPT.
SALEM, OREGON



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DEC 16 1996
WATER RESOURCES DIV.
SALEM OREGON

DITCH Well 658

Well



1:855 000 FEET

T. 6 N.

(Joins sheet 5)

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WATER RESOURCES DEPT.
SALEM, OREGON

Well Log Id	Section	Townsh	Twp Char	Range	Rng Char	Tax Lot	Startcard Num	Complete Date	Water Master Dist	Start Date	Bonded License	Bonded Name	Completed Depth	Static Water Level	First Wa
4138	25	6.00	N	34.00	E	0		11/17/88	5	11/17/88	575	SUMMERS	410	52.0	385
4150	25	6.00	N	34.00	E	0		9/12/62	5	9/12/62	155	YAGER	100	40.0	
4140	25	6.00	N	34.00	E	0		12/30/82	5	12/30/82	9999	SUMMERS	58	19.0	45
4141	25	6.00	N	34.00	E	0		10/19/81	5	10/19/81	575	SUMMERS	130	43.0	90
✓ 4149	25	6.00	N	34.00	E	0		3/12/63	5	3/12/63	265	MARLATT	80	12.0	14
4155	25	6.00	N	34.00	E	0		3/28/55	5	3/28/55	265	MARLATT	35	14.0	28
4151	25	6.00	N	34.00	E	0		9/23/61	5	9/23/61	265	MARLATT	49	21.0	40
✓ 4147	25	6.00	N	34.00	E	0		12/5/65	5	12/5/65	265	MARLATT	85	18.0	
4144	25	6.00	N	34.00	E	0		1/2/77	5	1/2/77	265	MARLATT	110	66.0	55
4142	25	6.00	N	34.00	E	0		2/18/81	5	2/18/81	575	SUMMERS	150	50.0	75
✓ 4148	25	6.00	N	34.00	E	0		3/25/63	5	3/25/63	265	MARLATT	80	15.0	35
6324	25	6.00	N	34.00	E	1100	67049	1/5/95	5	1/4/95	1218	WALLACE	250	97.0	195
4156	25	6.00	N	34.00	E	0			5	12/31/13	9999		70	26.0	
4146	25	6.00	N	34.00	E	0		11/15/66	5	11/15/66	265	MARLATT	118	24.5	44
4152	25	6.00	N	34.00	E	0		3/27/59	5	3/27/59	265	MARLATT	220	18.0	31
4143	25	6.00	N	34.00	E	0		5/27/73	5	5/27/73	229	BEHRENS	85	21.0	25
4139	25	6.00	N	34.00	E	0		1/17/83	5	1/17/83	9999	SUMMERS	198	38.0	163
✓ 4157	25	6.00	N	34.00	E	0			5	12/10/88	575	SUMMERS	105	16.0	38
4158	26	6.00	N	34.00	E	0		4/12/83	5	4/12/83	9999	KOTLE	80	32.0	30
4161	26	6.00	N	34.00	E	0		4/8/60	5	4/8/60	265	MARLATT	60	7.0	28
✓ 4160	26	6.00	N	34.00	E	0		12/5/61	5	12/5/61	265	MARLATT	55	6.0	22
✓ 4162	26	6.00	N	34.00	E	0		3/5/55	5	3/5/55	9999	RUTHER	42	6.0	11
4159	26	6.00	N	34.00	E	0		8/5/80	5	8/5/80	739	HORN	85	27.0	55
4166	27	6.00	N	34.00	E	0		7/12/77	5	7/12/77	265	MARLATT	1105	30.0	55
4167	28	6.00	N	34.00	E	0		11/4/75	5	11/4/75	544	BURD	323	25.0	176
5484	28	6.00	N	34.00	E	0	25244	2/4/91	5	1/29/91	544	BURD	328	25.0	
4168	29	6.00	N	34.00	E	0		4/5/86	5	4/5/86	1215	KOFLE	100	28.0	40
4169	30	6.00	N	34.00	E	0			6	9/22/87	575	SUMMERS	175	60.0	55
4170	33	6.00	N	34.00	E	0			5	5/7/80	544	BURD	380	272.0	370
4175	35	6.00	N	34.00	E	0		8/20/68	5	8/20/68	265	MARLATT	235	62.0	81
4180	35	6.00	N	34.00	E	0			5	5/10/55	9999	SCOTT	452	0	42
4178	35	6.00	N	34.00	E	0			5	3/30/48	9999	DURAND	702	0	

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DEC 16 1996

WATER RESOURCES DEPT.
SALEM, OREGON

Well Log Id	Section	Townsh	Twp Char	Range	Rng Char	Tax Lot	Startcard Num	Complete Date	Water Master Dist	Start Date	Bonded License	Bonded Name Las	Completed Depth	Static Water Level
4080	13	6.00	N	34.00	E	0		4/9/69	5	4/9/69	265	MARLATT	260	34.0
4630	13	6.00	N	34.00	E	0			5	2/28/47	9999		90	0
4095	15	6.00	N	34.00	E	0		3/27/61	5	3/27/61	373	RUTHER	226	23.0
4096	15	6.00	N	34.00	E	0		12/10/51	5	12/10/51	245	HARDING	225	25.0
4097	15	6.00	N	34.00	E	0			5	12/31/12	9999		30	7.0
4093	15	6.00	N	34.00	E	0		2/25/85	5	2/25/85	9999	WALLACE	230	50.0
4100	17	6.00	N	34.00	E	0		1/19/75	5	1/19/75	374	RUTHER	355	27.0
4186	18	6.00	N	34.00	E	0			5	12/10/52	9999	HEITSTUMAN	214	0
4102	19	6.00	N	34.00	E	0		3/9/57	5	3/9/57	9999	HEITSTUMAN	213	58.0
4101	19	6.00	N	34.00	E	0		11/10/79	5	11/10/79	544	BURD	705	150.0
4107	21	6.00	N	34.00	E	0		6/20/80	5	6/20/80	265	MARLATT	242	53.0
4627	21	6.00	N	34.00	E	0			5	4/30/52	9999		231	0
4110	22	6.00	N	34.00	E	0			5	12/31/22	9999		3000	0
✓ 4116 ✓	23	6.00	N	34.00	E	0		3/29/72	5	3/29/72	265	MARLATT	103	8.5
✓ 4123 ✓	23	6.00	N	34.00	E	0			5		9999	RECORD	14	3.0 ✓
✓ 5357 w/h	23	6.00	N	34.00	E	0		2/15/79	5	2/15/79	9999	MARLATT	380	20.0 ✓
✓ 4112 ✓	23	6.00	N	34.00	E	0		6/24/67	5	6/24/67	9999	SUMMERS	50	8.0
✓ 4115 ✓	23	6.00	N	34.00	E	0		6/28/74	5	6/28/74	265	MARLATT	200	10.0
4117 ✓	23	6.00	N	34.00	E	0		3/9/72	5	3/9/72	265	MARLATT	151	19.6
✓ 4114 ✓	23	6.00	N	34.00	E	0		9/17/76	5	9/17/76	575	SUMMERS	55	30.0
✓ 4113 No log	23	6.00	N	34.00	E	0		8/4/77	5	8/4/77	265	MARLATT	365	49.5 ✓
4126	24	6.00	N	34.00	E	0		12/28/71	5	12/28/71	205	ANDERSON	318	25.0
4130	24	6.00	N	34.00	E	0		6/15/60	5	6/15/60	9999		350	12.0
4125 ✓	24	6.00	N	34.00	E	0		5/12/80	5	5/12/80	265	MARLATT	402	23.0
4131	24	6.00	N	34.00	E	0			5	3/18/59	9999	BRIDE	180	8.0
4135	24	6.00	N	34.00	E	0			5	12/31/18	9999	RECORD	50	16.0
4124	24	6.00	N	34.00	E	0		6/19/86	5	6/19/86	9999	SUMMERS	58	19.0
6066 ✓	24	6.00	N	34.00	E	404	54113	7/6/94	5	7/6/94	1218	WALLACE	50	14.0
4133	24	6.00	N	34.00	E	0		8/2/56	5	8/2/56	9999	MARLATT	32	9.0
4127	24	6.00	N	34.00	E	0		3/14/68	5	3/14/68	265	MARLATT	35	3.5
4132	24	6.00	N	34.00	E	0		9/20/58	5	9/20/58	9999	VAN VOORST	217	15.0
4136 ✓	24	6.00	N	34.00	E	0		5/12/33	5	5/12/33	9999		12	6.6

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DEC 16 1996
WATER RESOURCES DEPT.
SALEM, OREGON

6-14423

INITIALS: IR CB PFO SPFO PROTEST FO

IR - STANDARD

REGION & DIST: (1 2 16 18 - NWR) (3 4 5 NCR)
(6 8 9 10 - ER) (11 12 17 - SCR) (14 15 19 - SWR)

WATER AVAILABILITY

DISTRICT BIO JOHN GERMOND

IR, PFO, SPFO, PROTEST, FO - CONDITIONAL

DIVISION 33-115 thru 140 Y / N (ODFW District Bio _____)

Col Riv Intertribal Fish Comm; USF&W; NW Power Plan Council; & NMFS)

DIVISION 33-310 thru 340 Y / N (ODFW District Bio _____);

Agriculture; DEQ Office _____; WM) Send-IR Fact Sheet & Map

AGENT WRE - DALE VANSCHOLACIS

PFO, SPFO, PROTEST, FO - STANDARD:

REGION, DIST & ODFW BIO (see ir standard above)

ODFW DIST BIO (see ir standard above)

PFO, SPFO, PROTEST, FO - CONDITIONAL

WATER AVAILABILITY Y/N

AGENT _____

\$10 Letter To: _____

MAILERS INITIALS & DATE

IR PFO SPFO PROTEST FO

CB 5/29

_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

OVER Y / N

APPLICATION FACT SHEET

Mail to: Applicant, Watermaster, District Biologist (ODFW)

If necessary, also mail to : Regional Water quality manager (DEQ), and DOA

Application File Number: G-14423

Applicant: ROBERT HODNEFIELD

County: UMATILLA

Watermaster: District 05

Priority Date: December 16, 1996

Source: TWO WELLS IN THE UMATILLA RIVER BASIN

Use: IRRIGATION OF 41.6 ACRES

Quantity: 0.52 CUBIC FOOT PER SECOND FROM WELL 1 WITH ANY DEFICIENCY TO BE MADE UP FROM WELL 2

Basin Name & Number: Umatilla, #07

Stream Index Reference: Volume 2 DRY CR

Point of Diversion Location: NWNW, SECTION 25, T 6S, R34E, W.M.; 100 FEET SOUTH & 720 EAST FROM NW 1/4 CORNER SECTION 25 NWNW, SECTION 25, T 6S, R34E, W.M.; 600 FEET SOUTH & 590 FEET EAST FROM NW 1/4 CORNER SECTION 25

Place of Use: NENW 6.1 ACRES NWNW 35.5 ACRES, SECTION 25, TOWNSHIP 6 NORTH, RANGE 34 EAST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: JUNE 6, 1997

PUBLIC NOTICE DATE: Tuesday, JUN 10, 1997

30 DAY COMMENT DEADLINE DATE: Thursday, JULY 10, 1997

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.

DEPT. 1996
WATER RESOURCES DEPT.
SALEM, OREGON

Applicant's Name: Robert Hodnefield

Address: Route 2, Box 69B

City: Milton-Freewater State: Oregon Zip: 97862 Day Phone: (541) 938-0118

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

(CHECK ALL THAT APPLY)

TAX LOT LOCAL ID #	PLAN DESIGNATION / ZONING (e.g., Rural Residential / RR-5)	WATER DIVERTED	WATER CONVEYED	WATER USE
1000 6N 34 25	EFU (Exclusive Farm Use)	X	X	X

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

Umatilla

The following section must be completed by a planning official from each county and city listed unless your project will be located entirely within the city limits. In this case, only the city planning agency must complete this form. Please request additional forms as needed.

=====
For Local Government Use Only

Application No. 6-14423
Permit No.

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

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

Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan.

Cite applicable ordinance section(s): 3.011. Go to section b) on reverse side.

Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table on the reverse of this form. Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus accompanying findings is sufficient.)

=====
Receipt for Request for Land Use Information

WRD Applicant Name: _____

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

City or County: _____

Staff Contact: _____ Phone: _____

Signature: _____ Date of Information Request: _____

Type of Land Use Approval Needed (e.g., plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Already Obtained	Already Denied	Being Pursued Satisfactorily

b) Please provide printed name and written signature.

Name: PATTY Perry Date: 11-26-96

Title: Zoning Aide Phone: 541-278-6252

Signature: Patty Perry

Local governments are invited to express special land use concerns or make recommendations to the Department regarding this proposed use of water below, or on a separate sheet.

Additional Comments:

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: Robert Hodnefield
 Address: Route 2, Box 69B
Milton-Freewater, Oregon
97862
 Phone: _____

RECEIVED

DEC 16 1996

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, Alfalfa and Wheat

Livestock (type of livestock, feedlot, slaughterhouse): _____

Residential (# units, single or multi-family, # lots if partition or subdivision): _____

Commercial (i.e., retail, office, restaurant, gas station, hotel, service, etc.): _____

Industrial (i.e., factory, pulp mill, research and development, processing, etc.): _____

Institutional (i.e., school library, etc.): _____

Mining (aggregate, metal, open pit, placer, etc.): _____

Recreation (park, campsite, pond, etc.): _____

Fish and wildlife (pond, hatchery, etc.): _____

Hydropower (dam, reservoir, power generating or transmitting facilities): _____

Other (Name and list key characteristics): _____

Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
<input type="checkbox"/> Surface Water Name Sources _____ _____ _____	<input type="checkbox"/> Cubic feet per second. <input checked="" type="checkbox"/> <u>200</u> Gallons per minute. <input type="checkbox"/> Acre-Feet
<input type="checkbox"/> Reservoir or pond	
<input checked="" type="checkbox"/> Ground Water 2 Wells	

PRE-TR APPLICATION PROCESSING OUTLINE

Application File # 6 14423

MINIMUM REQUIREMENTS TO FILE

OAD 690-11-020

DATE STAMP

DATE INITIAL

12-16-96

[Signature]

- Name and mailing address of applicant
- Source of water
- Quantity of water
- Map showing location of POD & POU
- Use of water
- Names and addresses of legal owners
- Signature of applicant
- Oath
- Application date stamped per money receipt date
- Land use approved yes pending _____
- If reservoir < 5 AF \$ _____, if > 5 AF \$ _____
- HB 2153/HB 2107 APPLICATION -- SEE REVERSE
- Route to Data Center (Unless 2153/2107)

DATA CENTER

_____ Stream Code _____
Entered into WRIS

SUPPORT SERVICES

1/6/97

[Signature]

- Stamp contents with application number
- Mail ack letter (provided by Data Center) with receipt to applicant, cc to CWRE and file
- Place label on file and calender card

APPLICATION SECTION

_____ Stream Indexed Basin # _____
Plat Carded and copy made YES NO
If dam is over 10 feet or storage exceeds 9.2
AC-FT, route file to Dam Safety Section

TR CASEWORKER

_____ TR Checklist complete YES NO
Within Irrigation District _____
District Notified _____
District excerpt received _____

_____ TR Mailed DATE _____

_____ Public Interest Checklist complete _____

_____ Management Codes _____

REMARKS: _____

MINIMUM APPLICATION REQUIREMENTS TO FILE:

HB 2153 - existing, small, EXEMPT ponds

(date & initials) NOTICE OF EXEMPT RESERVOIR form (or letter
if prior to April 8, 1994).

Appropriate map (see item 1 on form).

Evidence that reservoir existed before
January 1, 1993 (one or more of the following: dated aerial
photo, NOTARIZED affidavit, dated map from agency, construction
receipts or other documentation).

Items 2, 3, 4, 5, and 6 are completed.

Signature (and title, if applicable)

HB 2153 - non-exempt existing ponds (large, on-channel)

Complete Minimum Requirements to File on reverse, except before routing to Data Center, change priority date, to 1/1/1993. Also, confirm the following:

Receipt of evidence that reservoir existed
before January 1, 1993 (one or more of the following: dated
aerial photo, NOTARIZED affidavit, dated map from agency,
construction receipts or other documentation)

HB 2107 - wetland, stream restoration and storm water management

Complete Minimum Requirements to File on reverse EXCEPT DO NOT ROUTE TO DATA CENTER, BUT DO ROUTE TO CAROL. Also confirm the following:

Name/address of adjacent property owner
within 1/4 mile

Map with scale not less than 2 in.=1 mi.

CWRE map if > 10 feet dam or > 9.2 AF

Description of proposed use

Condition addressed

Resulting benefits

Public notices (circle) #1 #2

RECEIVED

DEC 16 1996

WATER RESOURCES DEPT.
SALEM, OREGON

NU
J# 45159

6N3425
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7-12

0248

222925

WARRANTY DEED

RALPH W. SMUCKAL, as Trustee of the Ralph W. Smuckal Revocable Living Trust 3/94, and RALPH W. SMUCKAL, as Successor Trustee of the Laura E. Smuckal Living Trust UTD 11/3/94 Grantor, conveys and warrants to ROBERT ELD and RUBY HODNEFIELD, Grantees, the following described real property free of encumbrances except as specially set forth herein:

See EXHIBIT "A", Attached hereto and made a part hereof.
The true consideration for this conveyance is \$90,000 and includes other property.
This instrument will not allow use of the property described in this instrument in violation of applicable land use laws and regulations. Before recording or accepting this instrument, the person acquiring fee title to the property should check with the appropriate City or County Planning Department to determine approved uses and to determine any limits on lawsuits against farming or other practices as defined in ORS 30.930.
Until a change is requested all tax statements should be sent to: Robert Eld and Ruby Hodnefield, Rt 2 Box 69 B, Milton-Freewater, OR 97862.
After recording, return this document to: Robert and Ruby Hodnefield, Rt 69 B, Milton-Freewater, OR 97862.
DATED this 11th day of September, 1996.

Ralph W. Smuckal
RALPH W. SMUCKAL, Trustee of the Ralph W. Smuckal Revocable Living Trust UTD 11/3/94, Grantor
Ralph W. Smuckal
RALPH W. SMUCKAL, Successor Trustee of the Laura E. Smuckal Revocable Living Trust UTD 11/3/94, Grantor

RECEIVED
12 1996
LA COUNTY RECORDS
OF OREGON,
County of Umatilla, } ss.
September 11th, 1996.

Personally appeared the above named RALPH W. SMUCKAL and acknowledged the foregoing instrument to be his voluntary act and deed. Before me.

NOTARIAL SEAL
S. MARSHALL
PUBLIC OREGON
COM NO 023153
EXPIRES MAY 31, 1997

Sandra A. Marshall
NOTARY PUBLIC FOR OREGON
My Commission Expires: _____

WARRANTY DEED

REC 297 PAGE 0249

EXHIBIT "A"

6N 34 25 Tax Lot 1000, (44.77 acres):

The Southwest Quarter of the Northeast Quarter of the Northwest Quarter excepting therefrom the North 264 feet and East 1 rod.

Also, the Northwest Quarter of the Northwest Quarter of Section Twenty-Five (25), Township Six (6) North, Range Thirty-Four (34).

EXCEPTING that tract conveyed to Wm. E. Brown et ux by Deed recorded in Book 258, Page 369.

All being East of the Willamette Meridian, in the County of Umatilla and State of Oregon.

Excepting any and all roads and water rights of way.

SUBJECT TO:

1. 1996-97 taxes which are a lien but not yet payable.
2. As disclosed by the tax rolls the premises herein described have been zoned or classified for special use. At any time that said land is disqualified for such use said property will be subject to additional taxes and interest. Persons or parties acquiring title to said lands should check with the appropriate Planning Department and Assessors Office to verify zoning or classification.
3. Easement, including the terms and provisions thereof, granted to Pacific Power and Light Company, recorded May 20, 1954 in Book 218, Page 164, Deed Records.

State of Oregon)
County of Umatilla)
This instrument was returned and recorded on
09-12-96 at 12:28
in the record of document code type 00-00

Location 0297-0210
Document number 1996-222925
Fee 18.00

Office of County Records
Received by *S. Churchill*
Records Officer

2 - WARRANTY DEED

9-12-96

Application No. 6-14423
Permit No.

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # **9046**

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

INVOICE # _____

RECEIVED FROM: <u>Robert Hood</u>	APPLICATION <u>9-1412</u>
BY: _____	PERMIT _____
	TRANSFER _____

CASH: CHECK: # 76-362 OTHER: (IDENTIFY)

TOTAL REC'D \$ 364

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 & TAPE FEES		\$
0410 RESEARCH FEES		\$
0408 MISC REVENUE: (IDENTIFY)		\$
TC165 DEPOSIT LIAB. (IDENTIFY)		\$

	EXAM FEE		RECORD FEE
0201 SURFACE WATER	\$	0202	\$
0203 GROUND WATER	\$ <u>200-</u>	0204	\$ <u>164-</u>
0205 TRANSFER	\$	0206	\$
	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	\$
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0467 HYDRO ACTIVITY

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

NUMBER 8600
 Check 364.00 Mo _____ Cash _____

- _____ Surface Application
- _____ Reservoir Application
- Ground Water Application 200
- _____ Transfer Application 124
- _____ PFO Request
- _____ Research
- _____ Hydroelectric Fees
- _____ Copying
- _____ Assignment
- _____ Extension of Time
- _____ Protest
- _____ Other

RECEIPT # **9046** DATED: 11/16/96 BY: JL Smith

Application No. 6-14423

3522.046

RECEIVED

State of Oregon
WATER RESOURCES DEPARTMENT

DEC 16 1996

Application for a Permit to Appropriate Groundwater

WATER RESOURCES DEPT.
SALEM, OREGON

Applicant(s) Robert Hodnefield
(Please print or type - use dark ink)

Mailing Address: Route 2 Box 69B

Milton-Freewater Oregon 97862 (541) 938-0118
City State Zip Daytime Phone No.

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

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

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

Distance from development to stream: 2,200 feet (Swartz Creek, Center of Section 23)

Elevation difference between stream bed and development: 20 feet

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

Diameter of Well: Well #1 - 6" Well #2 - 10" Depth in feet: Well #1 estimated less than 100 feet. Well #2 estimated less than 100 feet.

Type and size of well casing: Well #1 - 6" steel Well #1 estimated less than 100 feet. Well #2 - 8" steel No. of feet: Well #2 estimated less than 100 feet.

Estimated depth to water: Well #1 - 12' to 15' Well #2 - 12' to 15'

Type of access port or measuring device: 2" nipple side of casing.

Wells to be drilled by: Wells are already existing. Found no well logs. Wells were reportedly drilled 30 years ago.

Address: _____

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: 0.52 cubic feet per second, OR 233 gallons per minute. If water is to be used from more than one groundwater source, give the quantity of water from each: 0.52 cfs from Well #1 with any deficiency in this quantity made up from

Well #2.

3. INTENDED USE(s) OF WATER: Primary irrigation.

If for more than one use, give the quantity of water from each source for each use: Well #1, 0.52 cfs, with any deficiency in this amount made up from Well #2.

If for DOMESTIC use, state the number of households to be supplied: N/A

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.)

N/A

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

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

Irrigation	<u>Total 41.6 acres</u>	<u>35.5 Ac. NW1/4 NW1/4</u>
Other (describe)	<u></u>	<u>6.1 Ac. NE1/4 NW1/4</u>
	<u></u>	<u>Section 25</u>
	<u></u>	<u>T6N., R34E., W.M.</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).

Well #1 10 HP Electric Turbine Pump, Well #2 7.5 HP Electric Turbine Pump

1,200 feet, 5" Buried Steel Mainline

400 feet, 4" Buried Steel Mainline

1,900 feet, 3" Hand Lines.

5. PROJECT SCHEDULE: (List month and year)

Proposed date construction work will begin Completed

Proposed date construction work will be completed Completed

Proposed date water use will be completed Completed

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.

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 16th day of December, 1996, at 8 o'clock, A M.

APPLICATION NO: G-14423

SEP 17 1997

WATER RESOURCES DEPT.
SALEM, OREGON

Affidavit of Diminution of a Water Right

STATE OF OREGON,)
) ss.
County of Umatilla.)

We, Robert Hodnefield and Ruby Hodnefield of Milton-Freewater, Umatilla County, Oregon, being first duly sworn, depose and say that we are the owners of the following described lands and the water right appurtenant thereto:

All that real property described on the attached Exhibit "A" which is hereby referred to and made a part hereof.

The water right in question is as follows:

1. For appropriation of not to exceed 0.07 cubic feet per second from Dugger Creek for the irrigation of 5.8 acres, with a priority date of 1899, as evidenced by Certificate No. 53665, recorded at Page 53665, Volume 48, State Record of Water Right Certificates, in the name of Ralph W. Smuckal.

2. For appropriation of not to exceed .32 cfs of water from Dry Creek for the irrigation of 19 acres, with a priority date of 1896, as evidenced by Certificate No. 5531, recorded at Page 148, Volume 7, State Record of Water Right Certificates, in the name of Ruby E. Marlatt.

3. For appropriation of not to exceed 0.19 cubic feet per second from Dugger Creek for irrigation of 14.5 acres with a priority date of 1899 as evidenced by Certificate No. 46364, recorded at Page 46364, Volume 39, State Records of Water Right Certificates in the name of Jim Marlatt. Only approximately 1.70 acres of the water described in this Certificate are located on the Hodnefield land and we request that only such portion of the Certificate as concerns the Hodnefield land be diminished.

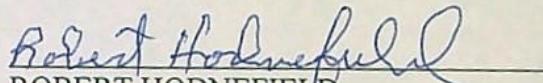
*Superseded
by Cancellation
Affidavit*

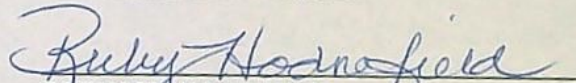
Having obtained a (better, more economical, etc.) source of water for the primary irrigation of these lands, we request the right heretofore described be diminished from a right for primary irrigation to a right for supplemental irrigation of the same lands.

We agree that if this change is approved, it is permanent and the right to the use of water from Dugger Creek and Dry Creek cannot be changed back to the primary source. We also agree that so long as there is sufficient water available from the new primary source, we are not entitled to use any water from Dugger Creek and Dry Creek for irrigation of said lands.

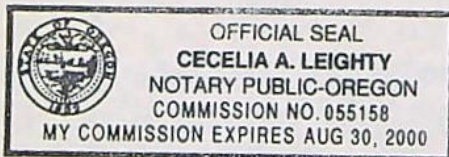
This Affidavit is not to take effect or be acted upon until a permit for Application G-14423 is issued.

IN WITNESS WHEREOF, we have hereunto set our hands this 5th day of Sept., 1997.


ROBERT HODNEFIELD


RUBY HODNEFIELD

Subscribed and sworn to before me this 5th day of September, 1997.



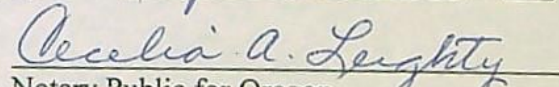

Notary Public for Oregon

EXHIBIT "A"

6N 34 25 Tax Lot 1000, (44.77 acres):

The Southwest Quarter of the Northeast Quarter of the Northwest Quarter excepting therefrom the North 264 feet and East 1 rod.

Also, the Northwest Quarter of the Northwest Quarter of Section Twenty-Five (25), Township Six (6) North, Range Thirty-four (34).

EXCEPTING that tract conveyed to Wm. E. Brown et ux by Deed recorded in Book 258, Page 369.

All being East of the Willamette Meridian, in the County of Umatilla and State of Oregon.

Excepting any and all roads and water rights of way.