

div 9 an jd

Assigned

FILE#: G-15885

GEORGE HARTH 1988 TRUST  
NEAL HARTH TRUSTEE  
5820 EMERSON LOOP ROAD  
THE DALLES OR 97058  
PH#: 541-298-8401

Application No. G 15885  
Permit No. G 15495 Superseding G-15921  
Certificate No. \_\_\_\_\_

Stream Index, Page No. \_\_\_\_\_

## FEES PAID

Date	Amount	Receipt No.
12/4/02	475.00	57245
7/22/03	125.00	61506
12/8/11	875.00	104630
11-8-13	175.00	110424

Cert. Fee \_\_\_\_\_

## FEES REFUNDED

Date	Amount	Check No.

Date filed \_\_\_\_\_

Priority \_\_\_\_\_

Action suspended until CD 7

Return to applicant \_\_\_\_\_

Date of approval \_\_\_\_\_

## CONSTRUCTION

Date for beginning \_\_\_\_\_

Date for completion \_\_\_\_\_

Extended to \_\_\_\_\_

Date for application of water 10-1-07

Extended to \_\_\_\_\_

## PROSECUTION OF WORK

Form "A" filed \_\_\_\_\_

Form "B" filed \_\_\_\_\_

Form "C" filed \_\_\_\_\_

## FINAL PROOF

Blank mailed \_\_\_\_\_

Proof received COBU 11/18/2013

Date certificate issued \_\_\_\_\_

## ASSIGNMENTS

Date	To Whom	Address	Volume	Page
12/8/2011	OPAL HARTH TRUST CO NEAL HARTH 5820 EMERSON LOOP RD THE DALLES OR 97058			

## REMARKS



**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT # **57245**

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

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

RECEIVED FROM: <u>George Van Harth Trust</u>	APPLICATION <u>G15885</u>
BY: _____	PERMIT _____
	TRANSFER _____

CASH: <input type="checkbox"/>	CHECK: # <input checked="" type="checkbox"/> <u>96/601</u>	OTHER: (IDENTIFY) <input type="checkbox"/>	TOTAL REC'D <u>\$475.00</u>
--------------------------------	--	--	-----------------------------

**0417 WRD MISC CASH ACCT**

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

**REDUCTION OF EXPENSE**

CASH ACCT.	\$
VOUCHER #	

**0427 WRD OPERATING ACCT**

**MISCELLANEOUS**

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

**WATER RIGHTS:**

0201	SURFACE WATER	\$	0202	\$
0203	GROUND WATER	\$ <u>475.00</u>	0204	\$
0205	TRANSFER	\$	0206	\$

**WELL CONSTRUCTION**

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

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

**0437 WELL CONST. START FEE**

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

**0539 LOTTERY PROCEEDS**

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

**0467 HYDRO ACTIVITY**

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

RECEIPT # **57245**

DATED: 12/4/02 BY: Connie Vance

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



**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT # **61506**

158 12TH ST. N.E.  
SALEM, OR 97301-4172  
378-8455 / 378-8130 (FAX)

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

RECEIVED FROM: Neal R. Harth

APPLICATION G-15885

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

PERMIT \_\_\_\_\_

TRANSFER \_\_\_\_\_

CASH: ☐ CHECK: # 7597 OTHER: (IDENTIFY) ☐ \_\_\_\_\_

TOTAL REC'D \$ 175.00

**0401 TREASURY 0417 WRD MISC CASH ACCT**

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

**0427 WRD OPERATING ACCT**

**MISCELLANEOUS**

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

**WATER RIGHTS:**

0201	SURFACE WATER	EXAM FEE \$	0202	RECORD FEE \$
0203	GROUND WATER	\$	0204	\$ <u>175.00</u>
0205	TRANSFER	\$		

**WELL CONSTRUCTION**

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

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

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

0211	WELL CONST START FEE	\$	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: **61506**

DATED: 7-22-03 BY: Connie Vance



**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT # **104630**

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

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

RECEIVED FROM: NEAL R. & BONNIE HARTY  
BY: \_\_\_\_\_

APPLICATION	615885
PERMIT	+
TRANSFER	T-9288

CASH: ☐ CHECK: # 1950 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 150.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES

\$

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

\$

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

**4270 WRD OPERATING ACCT**

**MISCELLANEOUS**

PLA 46111

0407 COPY & TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY) 2 Assignments

\$ 150.00

TC162 DEPOSIT LIAB. (IDENTIFY) \_\_\_\_\_

\$

0240 EXTENSION OF TIME

\$

**WATER RIGHTS:**

**EXAM FEE**

**RECORD FEE**

0201 SURFACE WATER

\$

0202

\$

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$

**WELL CONSTRUCTION**

**EXAM FEE**

**LICENSE FEE**

0218 WELL DRILL CONSTRUCTOR

\$

0219

\$

LANDOWNER'S PERMIT

0220

\$

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

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

0211 WELL CONST START FEE

\$

CARD #

0210 MONITORING WELLS

\$

CARD #

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

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

0233 POWER LICENSE FEE (FWWRD)

\$

0231 HYDRO LICENSE FEE (FWWRD)

\$

HYDRO APPLICATION

\$

**TREASURY OTHER / RDX**

FUND \_\_\_\_\_ TITLE \_\_\_\_\_

OBJ. CODE \_\_\_\_\_ VENDOR # \_\_\_\_\_

DESCRIPTION \_\_\_\_\_

\$

RECEIPT: **104630**

DATED: 12/8/11

BY: [Signature]



**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT # **110424**

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

INVOICE # G-15885

RECEIVED FROM: Neal R. Harth

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

APPLICATION	
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # X 2375 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 175.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES \$  
OTHER: (IDENTIFY) \$

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

**4270 WRD OPERATING ACCT**

**MISCELLANEOUS**

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

**WATER RIGHTS:**

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

**WELL CONSTRUCTION**

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

0200 OTHER (IDENTIFY) Claim of Beneficial Use - \$175.00

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

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

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

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

**TREASURY OTHER / RDX**

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

RECEIPT: **110424**

DATED: 11.8.13 BY: Moham



## Completion Checklist for Claims of Beneficial Use

Application # 6-15885  
Date Received 11/8/13  
CWRE Name Larry Tell  
File Marked yes  
Oversized Map # \_\_\_\_\_  
Reviewer DC

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

Claim Logged yes

### Map Review:

- ☒ Map on polyester film (OAR 690-014-0170(1) & 310-0050(1)(b))
- ☒ Application & permit #; or transfer # (OAR 690-014-0100(1))
- ☒ Disclaimer (OAR 690-014-0170(5))
- ☒ North arrow (OAR 690-310-0050(2)(c))
- ☒ CWRE stamp and signature (OAR 690-014 & 310-0050)
- ☒ Appropriate scale ( $1" = 1320'$ ,  $1" = 400'$ , or the original full-size scale of the county assessor map) (014 & 310)
- ☒ Township, range, section, and tax lot numbers (OAR 690-310-0050(4))
- ☒ Source illustrated if surface water (OAR 690-014-0170(3))
- ☒ Point(s) of diversion or appropriation (illustrated) (OAR 690-014(4) & 690-310-0050)
- ☒ Point(s) of diversion or appropriation (coordinates) (OAR 690-014(4) & 690-310-0050)
- ☒ Conveyance structures illustrated (pump, pipelines, ditches, etc.) (OAR 690-310-0050)
- ☒ Description of the location, in relation to the point of diversion or appropriation, of any fish screens, by-pass devices, and measuring devices required (OAR 690-014-0170(4))
- ☒ 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) (OAR 690-310-0050, 690-014, 690-380-6010)

### Report Review:

- ☒ On form or format provided by the Department (OAR 690-014-0100(1))
- ☒ Application & permit #; or transfer # (OAR 690-014)
- ☒ Ownership information (OAR 690-014)
- ☒ Date of survey (OAR 690-014)
- ☒ Person interviewed (OAR 690-014)
- ☒ County (OAR 690-014)
- ☒ Description of conveyances system (from POD to POU) (OAR 690-014-0100)
- ☒ Source(s) of water (OAR 690-014-0100)
- ☒ Place of use location (OAR 690-014-0100)
- ☒ Type of use (OAR 690-014-0100)
- ☒ Extent of use (OAR 690-014-0100)
- ☒ Rate and Duty (OAR 690-014-0100)
- ☒ Diversion rate for each use (OAR 690-014-0100)
- ☒ Diversion works description (pump make, serial model, capacity, and description) (OAR 690-014-0100)
- ☒ System capacity (OAR 690-014-0100)
  - ☒ Calculated capacity of system (required)
  - ☒ Measured amount of use (optional)
- ☒ Permit/Transfer Final Order Conditions (OAR 690-014-0100)
  - ☒ 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 (OAR 690-014-0100)
- ☒ Signature(s) of permittee of transfer holder (OAR 690-014-0100)

DEF = deficient

N/A = Not Applicable

S:\groups\wr\certs\Resource Center\Forms\_Checklists\_Mailing Instructions\COBU Checklist 11-20-2012.rtf



## Certificate Issuance Processing Checklist

\_\_\_\_\_ Map and COBU reviewed  
\_\_\_\_\_ Conflict check Any Conflicts? \_\_\_\_\_  
\_\_\_\_\_ Check for ownership

Check Area of Interest ☐ YES ☐ NO

Identified Party \_\_\_\_\_

### 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:



# CLAIM OF BENEFICIAL USE for Permits claiming more than 0.1 cfs and All Transfers



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

A fee of \$175 must accompany this form for permits  
with priority dates after July 8, 1987.

A fee of \$175 must accompany this form for  
transfer applications filed after July 8, 1987. RECEIVED BY OWRD

## SECTION 1 GENERAL INFORMATION

NOV 08 2013

SALEM, OR

### 1. File Information

APPLICATION # (G, R, S or T) <b>G-15885</b>	PERMIT # (IF APPLICABLE)	PERMIT AMENDMENT # (IF APPLICABLE)
--	--------------------------	------------------------------------

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

APPLICANT/BUSINESS NAME <b>Opal Harth Trust c/o Neal Harth</b>		PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS <b>5820 Emerson Loop Road</b>			
CITY <b>The Dalles</b>	STATE <b>OR</b>	ZIP <b>97058</b>	E-MAIL

If the current property owner is not the permit or transfer holder of record, it is recommended that an assignment be filed with the Department. *Each permit or transfer holder of record must sign this form.*

### 3. Permit or transfer holder of record (this may, or may not, be the current property owner)

PERMIT OR TRANSFER HOLDER OF RECORD <b>Opal Harth Trust c/o Neal Harth</b>			
ADDRESS <b>5820 Emerson Loop Road</b>			
CITY <b>The Dalles</b>	STATE <b>OR</b>	ZIP <b>97058</b>	

### 4. Date of Site Inspection: 2008 to 11/4/2013\*

*\*I have been to the property numerous times to do water rights work for the Harth Family. Information from these visits was used to make this Claim of Beneficial Use.*

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

NAME	DATE	ASSOCIATION WITH THE PROJECT
Neal Harth	2008 to 11/4/2013*	Trustee for owner, He farms the wheat land and Orchard land is leased



6. County: Wasco

7. 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(4)):

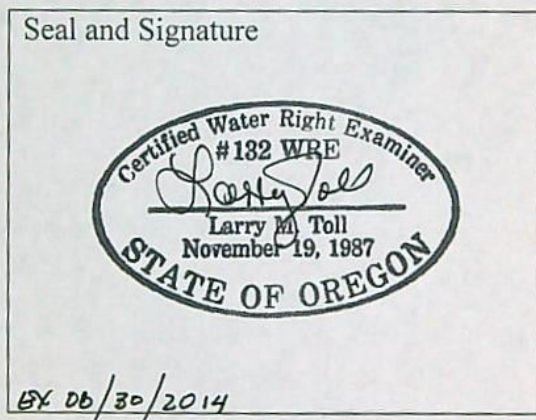
OWNER OF RECORD <b>NA</b>		
ADDRESS		
CITY	STATE	ZIP

Add additional tables for owners of record as needed

## SECTION 2 SIGNATURES

### 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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SALEM, OR

CWRE NAME <b>Larry Toll</b>		PHONE No. <b>541-296-9177</b>	ADDITIONAL CONTACT No.
ADDRESS <b>3775 CRATES WAY</b> <del>3313 West Second Street, Suite 100</del>			
CITY <b>The Dalles</b>	STATE <b>OR</b>	ZIP <b>97058</b>	E-MAIL <b>ltoll@tennesoneng.com</b>

### Permit or Transfer Holder's of Record Signature or Acknowledgement

*Each permit or transfer holder of record must sign this form in the space provided below.*

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.

SIGNATURE	PRINT OR TYPE NAME	TITLE	DATE
	<b>Neal Harth</b>	<b>Trustee</b>	<b>11-4-13</b>



## SECTION 3

### CLAIM DESCRIPTION

1. Point of diversion/appropriation name or number:

POINT OF DIVERSION/APPROPRIATION (POD/POA) NAME OR NUMBER (CORRESPOND TO MAP)	WELL LOG ID # FOR ALL WORK PERFORMED ON THE WELL (IF APPLICABLE)	WELL TAG # (IF APPLICABLE)
<b>Van Harth Well #2</b>	<b>WASC 2713 and 50939</b>	<b>47475</b>

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

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

POD/POA NAME OR NUMBER	SOURCE	TRIBUTARY
<b>Van Harth Well #2</b>		<b>Fifteenmile Basin</b>

3. Developed use(s), period of use, and rate for each use:

POD/POA NAME OR NUMBER	USES	IF IRRIGATION, LIST CROP TYPE	SEASON OR MONTHS WHEN WATER WAS USED	ACTUAL RATE OR VOLUME USED (CFS, GPM, OR AF)
<b>Van Harth Well #2</b>	<b>Supplemental Irrigation</b>	<b>Cherry Orchard</b>	<b>March 1 to October 31</b>	<b>0.96 cfs</b>
	<b>Supplemental Irrigation</b>	<b>Wheat</b>	<b>March 1 to October 31</b>	<b>0.73 cfs</b>
<b>Total Quantity of Water Used</b>				<b>1.69</b>

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

**Water pumped into buried mainline system to carry water to place of use. 15.3 gph nozzles used on the orchard portion and the 5/32 nozzles used on the wheat land. Orchard system is solid set. The wheat land is handline system.**

Reminder: The map associated with this claim must identify the location of the point(s) of diversion, Donation Land Claims (DLC), Government Lots (GLot), and Quarter-Quarters (QQ).

5. Variations:

NOV 08 2013

Was the use developed differently from what was authorized by the permit, permit amendment final order, or extension final order? If yes, describe below.

YES NO  
SALEM, OR

(e.g. "The permit allowed three points of diversion. The water user only developed one of the points." or "The permit allowed 40.0 acres of irrigation. The water user only developed 10.0 acres.")

**There is a small area (1.2 acres) along the road that has been made into a fruit loading area that is on land that is covered by water rights. This was not included on the claim map.**

6. Claim Summary:

POD / POA NAME OR #	MAXIMUM RATE AUTHORIZED	CALCULATED THEORETICAL RATE BASED ON SYSTEM	AMOUNT OF WATER MEASURED	USE	# OF ACRES ALLOWED	# OF ACRES DEVELOPED
<b>Van Harth Well #2</b>	<b>0.61 cfs</b>	<b>0.73</b>		<b>Supplemental Irrigation</b>	<b>126.7</b>	<b>125.5</b>



## SECTION 4

### SYSTEM DESCRIPTION

Are there multiple PODs or POAs?

YES NO

#### A. Place of Use

1. Is the right for municipal use?

YES NO

If "YES" the table below may be deleted.

TWP	RNG	MER	SEC	QQ	GLOT	DLC	USE	IF IRRIGATION, # PRIMARY ACRES	IF IRRIGATION, # SUPPLEMENTAL ACRES
1 N	14 E	W	26	NE of SW			Irrigation		27.3
				SW of SW			Irrigation		21.8
				SE of SW			Irrigation		40.0
				NW of SE			Irrigation		16.0
				SW of SE			Irrigation		16.0
			35	NW of NE			Irrigation		4.4
Total Acres Irrigated									125.5

Reminder: The map associated with this claim must identify Donation Land Claims (DLC), Government Lots (GLOT), Quarter Quarters (QQ), and if for irrigation, the number of acres irrigated within each projected DLC, GLOT, and QQ.

#### B. Diversion and Delivery System Information

Provide the following information concerning the diversion and delivery system. Information provided must describe the equipment used to transport and apply the water from the point of diversion/appropriation to the place of use.

1. Is a pump used?

YES NO

2. Pump Information

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
?			Submersible		6"
Cornell	2-5YH3-CC		Centrifugal	2 1/2"	2"

3. Motor Information

MANUFACTURER	HORSEPOWER
?	100
Baldor	75

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4. Theoretical Pump Capacity

SALEM, OR

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP *If a WELL, THE WATER LEVEL DURING PUMPING	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
175	50	350'	220'	1.66



5. Provide pump calculations:

**Pump Capacity Calculation Sheet**

using Department designed formula:

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

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

**Data Entry (fill in underlined blanks)**

HP = 175

Efficiency = 6.61

Lift = 570

PSI = 50

**Results  
Calculated**

(hp)(efficiency) = 1156.75

Head based on psi  
= 127.0

Total dynamic head  
= 697.0

(head + lift)

**Pump Capacity = 1.66 cubic feet per second**

6. 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 (IN CFS)

**Reminder: For pump calculations use the reference information at the end of this document.**

7. Is the distribution system piped?

YES NO

8. Mainline Information

MAINLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
8"	9300'	Steel and PVC	Buried and above ground
5"	2800'	PVC	Buried
6"	2900'	PVC	Buried
2"	5000'	PVC	Buried

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SALEM, OR



## 9. Lateral or Handline Information

LATERAL OR HANDLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
4"	1320'	Aluminum	Wheel line
3"	1320'	Aluminum	Wheel line
1"	266,000'	Plastic	Above ground

## 10. Sprinkler Information

SIZE	OPERATING PSI	SPRINKLER OUTPUT (GPM)	TOTAL NUMBER OF SPRINKLERS	MAXIMUM NUMBER USED	TOTAL SPRINKLER OUTPUT (CFS)
		15.3 gph		242 per acre	
5/32	50	5	66	66	5/32

Reminder: For sprinkler output determination use the reference information at the end of this document.

## 11. Pivot Information

MANUFACTURER	MAXIMUM WETTED RADIUS	OPERATING PSI	TOTAL PIVOT OUTPUT (GPM)	TOTAL PIVOT OUTPUT (CFS)
NA				

## 12. Additional notes or comments related to the system:

10. There are about 120 acres of orchard. The system is designed so that the orchard can be irrigated in 8 to 9 days. Each set is 12 hours long and irrigates about 7 acres. There are 242 sprinklers at 15.3 gph per acre. A 7 acre set would be 242 sprinklers times 7 acres times 15.3 gph per sprinkler for a discharge of 432 gpm (0.96 cfs). The wheat field on the east end is irrigated with one line of sprinklers running north and south. This can be run at the same time as the orchard.

There are multiple irrigation wells that are used on this land, either one well or multiple wells can be running depending what needs to be irrigated and time of year.

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## C. Groundwater Source Information (Well and Sump)

1. Is the appropriation from ground water (well or sump)?

NOV 08 2013

YES NO

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

SALEM, OR

Airline, Access port through breather tube

3. 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 WASC	2713					

4. In addition to the information requested in item "3" above, provide any other information which may help the Department locate any well logs associated with this appropriation.

5. Is the appropriation from a dug well (sump)?

YES NO



## D. Storage

1. Does the distribution system include in-system storage (e.g. storage tank, bulge in system / reservoir)

YES NO

## E. Gravity Flow Pipe

(THE DEPARTMENT TYPICALLY USES THE HAZEN-WILLIAM'S FORMULA FOR A GRAVITY FLOW PIPE SYSTEM)

1. Does the system involve a gravity flow pipe?

YES NO

## F. Gravity Flow Canal or Ditch

(THE DEPARTMENT TYPICALLY USES MANNING'S FORMULA FOR CANALS AND DITCHES)

1. Is a gravity flow canal or ditch used to convey the water as part of the distribution system?

YES NO

## G. Reservoir

1. Does the claim involve a reservoir modified through a transfer?

YES NO

**Reminder: Complete this section if the reservoir right has been modified through the transfer process. If the claim is for a permitted reservoir use the Claim of Beneficial Use form for reservoirs.**

## SECTION 5 CONDITIONS

All conditions contained in the permit, permit amendment, transfer final order, or any extension final order shall be addressed. Reports that do not address all performance related conditions will be returned.

### 1. Time Limits:

Permits, transfer final orders, and any extension 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 was to be completed. 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, extension or transfer final order:

	DATE FROM PERMIT OR TRANSFER	DATE ACCOMPLISHED*	DESCRIPTION OF ACTIONS TAKEN BY WATER USER TO COMPLY WITH THE TIME LIMITS
ISSUANCE DATE	<b>Originally 9/15/2003 Superseded on 7/21/2005</b>		
BEGIN CONSTRUCTION (A)		<b>1979 2001</b>	<b>Well constructed Well altered</b>
COMPLETE CONSTRUCTION (B)		<b>2003</b>	<b>Land already irrigated from other sources. Added mainline to tie this well to existing system.</b>
COMPLETE APPLICATION OF WATER (C)	<b>10/1/2007</b>		

\* MUST BE WITHIN PERIOD BETWEEN PERMIT, TRANSFER FINAL ORDER, OR ANY EXTENSION FINAL ORDER ISSUANCE AND THE DATE TO COMPLETELY APPLY WATER

2. Is there an extension final order(s)?

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YES NO

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SALEM, OR



4. Initial Water Level Measurements:

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

b. What month was the initial measurement to be taken in?

March

c. Was the measurement submitted to the Department? YES NO

**Well was in use for 20+ years when this water right requested.**

d. If the initial measurement was not submitted, provide that measurement now, if available:

DATE OF MEASUREMENT	MEASUREMENT MADE BY	METHOD	MEASUREMENT
7/12/1979	Gilbert Clayton	Unknown	230 feet

5. Annual Static Water Level Measurements:

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

b. Provide the month, or months, the static water level measurement(s) were to be made:

March

c. Were the static water level measurements taken in the month(s) required? YES NO

d. If "YES", were those measurements submitted to the Department? YES NO

e. If the annual measurements were not submitted, provide the measurements now:

DATE OF MEASUREMENT	MEASUREMENT MADE BY	METHOD	MEASUREMENT
Measurement have	Been made by OWRD		

6. Pump Test (Required for most ground water permits prior to issuance of a certificate)

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

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

c. Is the pump test attached to this claim? YES NO

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

e. Has a pump test exemption been approved by the Department? YES NO

7. Measurement Conditions:

a. Does the permit, permit amendment, transfer final order, or any extension final order require the installation of a meter or approved measuring device? YES NO

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

b. Has a meter been installed? YES NO

c. Meter Information

POD/POA NAME OR #	MANUFACTURER	SERIAL #	CONDITION (WORKING OR NOT)	CURRENT METER READING	DATE INSTALLED
Van Harth Well #2	Data Industrial		Working	26915990	2001



8. Recording and reporting conditions

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

9. Fish Screening

a. Are any points of diversion required to be screened to prevent fish from entering the point of diversion? YES NO

10. By-pass Devices

a. Are any points of diversion required to have a by-pass device to prevent fish from entering the point of diversion? YES NO

11. Other conditions required by permit, permit amendment final order, extension final order, or transfer final order:

- a. Were there special well construction standards? YES NO
- b. Was submittal of a ground water monitoring plan required? YES NO
- c. Was the water user required to restore the riparian area if it was disturbed? YES NO
- d. Was a fishway required? YES NO
- e. Was submittal of a letter from an engineer required prior to storage of water? YES NO
- f. Was submittal of a water management and conservation plan required? YES NO
- g. Other conditions? YES NO

If "YES" to any of the above, identify the condition and describe the water user's actions to comply with the condition(s):

--

**SECTION 6**  
**ATTACHMENTS**

Provide a list of any additional documents you are attaching to this report:

ATTACHMENT NAME	DESCRIPTION
Well Report	WASC 2713 and 50938
Claim Map	

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NOV 08 2013

SA: FM



## SECTION 7

### 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 feet, 1" = 400 feet, or the original full-size scale of the county assessor map for the location.

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.

**I used my map from the claim of beneficial use for Application G-16372 for the place of use. Located Well #2 with a GPS.**

#### Map Checklist

Please be sure that the map you submit includes ALL the items listed below.

**(Reminder: Incomplete maps and/or claims may be returned.)**

- ☒ Map on polyester film
- ☒ Appropriate scale (1" = 400 feet, 1" = 1320 feet, or the original full-size scale of the county assessor map)
- ☒ Township, Range, Section, Donation Land Claims, and Government Lots
- ☒ If irrigation, number of acres irrigated within each projected Donation Land Claims, Government Lots, Quarter-Quarters
- ☒ Locations of fish screens and/or fish by-pass devices in relationship to point of diversion
- ☒ Locations of meters and/or measuring devices in relationship to point of diversion or appropriation
- ☒ Conveyance structures illustrated (pumps, reservoirs, pipelines, ditches, etc.)
- ☒ Point(s) of diversion or appropriation (illustrated and coordinates)
- ☒ Tax lot boundaries and numbers
- ☒ Source illustrated if surface water
- ☒ Disclaimer ("This map is not intended to provide legal dimensions or locations of property ownership lines")
- ☒ Application and permit number or transfer number
- ☒ North arrow
- ☒ Legend
- ☒ CWRE stamp and signature

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NOV 08 2013

SALEM, OR







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

WELL I.D. # L 47475  
START CARD # 139305

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

(1) LAND OWNER VAN HARTH % Well Number \_\_\_\_\_  
Name McCLASKEY ORCHARDS (VAN HARTH WELL)  
Address 4575 BROWNS CREEK RD.  
City THE DALLES, State OR Zip 97058

(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 598 ft.  
Explosives used ☐ Yes ☐ No Type \_\_\_\_\_ Amount \_\_\_\_\_

HOLE			SEAL			Sacks or pounds
Diameter	From	To	Material	From	To	
9 7/8	520	598				

NOTE: Original seal not disturbed.

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

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

(6) CASING/LINER:

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing:				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Liner:				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Drive Shoe used ☐ Inside ☐ Outside ☐ None  
Final location of shoe(s) \_\_\_\_\_

(7) PERFORATIONS/SCREENS:

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

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

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

Yield gal/min	Drawdown	Air	Flowing
600 +/-		595	4 hrs.
500-550		500	"
425-450		400	"

Temperature of water 60°F Depth Artesian Flow Found \_\_\_\_\_

Was a water analysis done? ☐ Yes By whom \_\_\_\_\_

Did any strata contain water not suitable for intended use? ☐ Too little

☐ Salty ☐ Muddy ☐ Odor ☐ Colored ☐ Other \_\_\_\_\_

Depth of strata: \_\_\_\_\_

(9) LOCATION OF WELL by legal description:

County Wasco Latitude \_\_\_\_\_ Longitude \_\_\_\_\_  
Township 1N N or S Range 14E E or W. WM.  
Section 27 SE 1/4 SW 1/4  
Tax Lot 4400 Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_  
Street Address of Well (or nearest address) 5820 EMERSON LOOP RD. THE DALLES, OR

(10) STATIC WATER LEVEL:

209 ft. below land surface. Date 5/8/01  
Artesian pressure \_\_\_\_\_ lb. per square inch Date \_\_\_\_\_

(11) WATER BEARING ZONES:

Depth at which water was first found Existing Well

From	To	Estimated Flow Rate	SWL
-	598		209
RECEIVED			
MAY 15 2001			

(12) WELL LOG:

WATER RESOURCES DEPT  
Ground Elevation SALEM, OREGON

Material	From	To	SWL
Existing 14" cased/12"			
drilled well 12" open			
hole (video record).	0	520	209
Reduced to 8in.	520	595	
Debris fill (Steel			
@T.D.)	560	595	
9 7/8 bit w/10' stabilizer			
tight hole.	490	500	
Very tight reaming.	500	520	
Enlarged 8" hole to			
9 7/8.	520	595	
Gry-blk basalt			
(steel).	595	598	209
NOV 8			
SALEM, OR			

Date started 4/23/01 Completed 5/8/01

(unbonded) Water Well Constructor Certification:

I certify that the work 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.

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

(bonded) Water Well Constructor Certification:

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

Signed [Signature] WWC Number 573 Date 5/08/01



**TENNESON****ENGINEERING CORPORATION**

CONSULTING ENGINEERS • SURVEYORS • PLANNERS

3313 WEST SECOND STREET, SUITE 100  
THE DALLES, OR 97058

PHONE (541) 296-9177

FAX (541) 296-6657

**LETTER OF TRANSMITTAL****TO:** OREGON WATER RESOURCES DEPARTMENT

725 Summer Street NE, Suite A

Salem, Oregon 97301

Date	11/07/2012	Work Order #	10412
Attention			
RE: Claims of Beneficial Use			
for T-9288 and G-15885			

ENCLOSED ARE THE FOLLOWING:

QUANTITY	DESCRIPTION
1	(12 pages) CLAIM OF BENEFICIAL USE FOR T-9288
1	8.5" x 14" Mylar -- CLAIM MAP FOR T-9288
1	(12 pages) CLAIM OF BENEFICIAL USE FOR G-15885
1	8.5" x 17" Mylar -- CLAIM MAP FOR G-15885
1	\$175.00 FEE FOR G-15885 (paid by Neal Harth)

THESE ARE TRANSMITTED (as checked below)

☒ For approval☐ For your use☐ As requested☐ Approved as noted☒ Filing/Recording☐ For your review & comment**CHARGES**

Remarks:  <div style="text-align: center;"><b>RECEIVED BY OWRD</b> <b>NOV 08 2013</b> <b>SALEM, OR</b></div>	SF Blueline	
	SF Mylar	
	Xerox	
	Tube, Mailer, Etc.	
	P & H	
	<b>TOTAL</b>	

PICKED UP BY:

DELIVERED BY:

COPY TO: Neal Harth w/enclosures

BY: Larry M. Toll, C.W.R.E.

If enclosures are not as noted, please notify us at once.





# Oregon

John A. Kitzhaber, MD, Governor

## Water Resources Department

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

December 4, 2013

**Opal Harth Trust  
c/o Neal Harth  
5820 Emerson Loop RD  
The Dalles OR 97058**

On November 08, 2013 the Water Resources Department received the Claim of Beneficial Use (COBU) for the following file(s):

Application G-15885 Permit G-15921

The COBU included a report and map. In the future the Department will review your submittal. At that time we will review these items and provide a final certificate, proposed certificate, or a request for additional information.

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

Customer Service phone: (503) 986-0801

If you sell the property, please contact the Department, or have the new owners contact the Department about the need to file an assignment.


Your receipt is enclosed.

Cc: file



SECTIONS 26, 27, 34 AND 35, TWP.1 N. RANGE 14 E. W.M.  
WASCO COUNTY, OREGON

LEGEND:

 TOTAL SUPPLEMENTAL WATER RIGHT  
AREA (125.5 AC)

**CLAIM OF BENEFICIAL USE MAP**

SCALE: 1" = 1320'

0' 660' 1320' 2640'

APPLICATION No. G-15885

PERMIT No. G-15921

IN THE NAME OF:  
OPAL HARTH TRUST

DATE: OCTOBER 3, 2013

**NOTE:**

"THIS MAP IS NOT INTENDED TO  
PROVIDE DIMENSIONS OR LOCATIONS  
OF PROPERTY OWNERSHIP LINES."

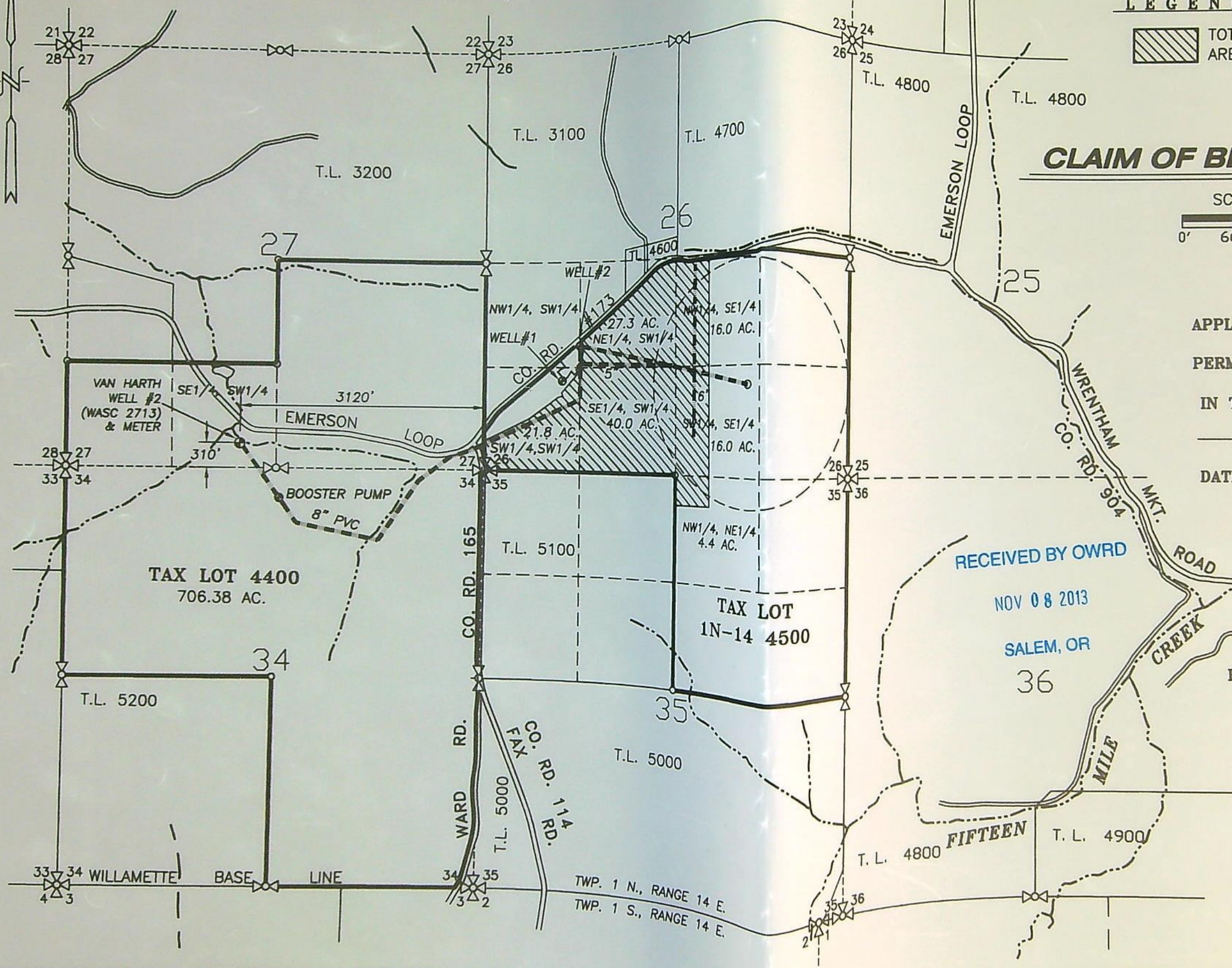
BY: **TENNESON ENGINEERING CORP.**

3775 CRATES WAY  
THE DALLES, OREGON. 97058  
PH. 541-296-9177  
FAX 541-296-6657



EXPIRES: 06/30/2014

(Tab COBU\_G15885) W.O. #10412wr







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

## Request for Assignment

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

I, George Harth 1988 Trust c/o Neal Harth Trustee

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

5820 Emerson Loop Road

The Dalles

OR 97058

541-298-8401

(Mailing Address)

(City)

(State)

(Zip)

(Phone #)

- ☒ hereby assign all my interest in and to application/permit/transfer/license/GR Certificate of Registration;
- ☐ hereby assign all my interest in and to a portion of application/permit/transfer/license/GR Certificate of Registration; (You must include a map showing the portion of the application/permit/transfer/license/GR Certificate of Registration to be assigned.)
- ☐ hereby assign a portion of my interest in and to the entire application/permit/transfer/license/GR Certificate of Registration:

Application # G-15885; Permit # G-15495; Transfer # \_\_\_\_\_

-OR-

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

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

Opal Harth Trust c/o Neal Harth, Trustee

(Name of New Owner)

5820 Emerson Loop Road

The Dalles

OR 97058

541-298-8401

(Mailing Address)

(City)

(State)

(Zip)

(Phone #)

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

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

Witness my hand this 4TH day of DEC, 20 11.

Applicant/Permit Holder Neal Harth, Trustee

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

Assignment  
12/08/2011

### DO NOT WRITE IN THIS BOX

- This certifies assignment and record change at Oregon Water Resources Department effective 8:00a.m. on date of receipt at Salem, Oregon.
- Fee receipt # 104630
- For Director by Jerry Sauter, Program Analyst in Water Rights Division.

The completed "Request for Assignment" form must be submitted to the Department along with the recording fee of \$75.

**RECEIVED**

DEC 08 2011

WATER RESOURCES DEPT  
SALEM, OREGON





# Oregon

John A. Kitzhaber, MD, Governor

## Water Resources Department

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

December 9, 2011

Neal Harth  
5820 Emerson Loop Road  
The Dalles, Oregon 97058

Reference: Application G-15885, Permit G-15921 – Transfer T-9288

The assignment from George Harth, 1988 Trust c/o Neal Harth, Trustee to Opal Harth Trust c/o Neal Harth, Trustee has been recorded in the records of the Water Resources Department.

Our records have been changed accordingly and the original request is enclosed. Receipt number 104630 covering the recording fees is also enclosed.

Please review the permit and transfer to be familiar with the conditions and timelines contained in the permit. These conditions and timelines will have to be met before Certificates of Water Right can be issued.

Sincerely,

Jerry Sauter  
Water Rights Program Analyst  
Water Right Services Division

Enclosure: Receipt 104630

cc: Watermaster 3  
Data Center, OWRD (Complete Copy of Assignment Request)  
OWRD Transfers  
Hydrographics  
File







**TENNESON**  
**ENGINEERING CORPORATION**  
CONSULTING ENGINEERS • SURVEYORS • PLANNERS

3313 WEST SECOND STREET, SUITE 100  
THE DALLES, OR 97058

PHONE (541) 296-9177  
FAX (541) 296-6657

December 7, 2011

Jerry Sauter  
Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-2430

Reference: Transfer 9288 and Application G-15885 for Harth

Dear Jerry:

Enclosed find the assignment forms to change these water rights from the George Harth 1988 Trust to the Opal Harth Trust. Also enclosed is a check to Oregon Water Resources Department for \$150.00 to record these assignments.

I realize both are past the time when the Claim of Beneficial Use was expected. I am working on both claims at the present time.

If you have any questions, please feel contact me by telephone or email (ltoll@tennesoneng.com).

Sincerely yours,

Larry Toll

LMT:mp  
<wo#10412>

enclosures

**RECEIVED**

DEC 08 2011

WATER RESOURCES DEPT  
SALEM, OREGON



# NEW APPLICATION ROUTE SLIP

G 15885

RECEIPTING



POST CARD SENT ☐

DATA CENTER



M.R.  
12-6-02

GROUND WATER

YES ☒

NO ☐

BILL FUJII

YES ☐

NO ☒

ANITA HUFFMAN EXT. 229



CORY ENGEL EXT. 324



JERRY GAINES EXT. 458



KERRY LEFEVER EXT. 276



RUSS KLASSEN EXT. 266



A "Standard Reservoir" storing 9.2 acre-feet or more of water and has a dam height of 10.0 feet or greater needs to have a copy of the application & supplemental forms routed to "JOHN FALK."

WALKER

ATT: WATER RIGHTS  
SUPPORT...>>>>

Mark contents of Application File; Update Powerbuilder with caseworker, etc.;  
Route to filing cabinet.





# Standard Application "Completeness" Checklist

## Minimum Requirements (OAR 690-310-040)

Application # G-15885

Priority Date: 12/05/02

Use(s): IRRIGATION

126.7 ACRES

Rate: 1.58 CFS

County: WASCO

Township: 1 N

Range: 14 E

Section: 26, 35

POD  $\frac{1}{4}$   $\frac{1}{4}$ : SEE MAP

POU  $\frac{1}{4}$   $\frac{1}{4}$ : SEE MAP

**OK Applicant/Organization Name, Mailing Address and Telephone Number.** If applicant is other than a private landowner, Organizations section must be completed.

**OK Source and tributary listed**

**OK Property ownership indicated?** If applicant does not own all the land, is the affected landowner's name and mailing address listed? (Including: Lands, not owned by applicant, upon which the source is located .....or..... any Lands, not owned by applicant, which are crossed by the diversion works.) **NOTE:** An easement or agreement **DOES NOT** need to be submitted at this time, but will be required before a permit will be issued.

**OK If a groundwater application...**is the groundwater development section completed?

**OK Proposed Use of the water....** Is each proposed use identified?

**OK Has the appropriate "Supplemental Form" for each proposed use been completed?**

**OK Form I** (Irrigation)

**NA Form M** (Municipal or Quasi-Municipal)

**NA Form R** (Mining)

**NA Form Q** (Commercial or Industrial)

**NA Spring Description Sheet** (if source is a Spring)

**OK Amount of water** from each source listed in GPM, CFS or AF?

**OK Acreage** being proposed, if applicable.

**OK Season** being requested by applicant.



- OK The **water management section** has been completed? If system has not been designed, the applicant may estimate this information.
- OK **Resource protection system** completed on Surface Water application?
- OK Are the **dates of construction** indicated? If system already completed, applicant should indicate **existing**.
- OK Is the **application signed in ink by the applicant**? If the application is in the name of an organization or corporation, the authorized agent must sign the application.
- OK Is a **copy of the deed, land sales contract or title insurance policy included**? We cannot accept a copy of the tax bill.
- OK A **completed Land-Use Form** or receipt signed by the appropriate planning department officials enclosed? *Does the use on land-use form match the proposed use on the application?*
- OK Does the map meet map requirements of OAR 690-310-050?

OK Town, Range, Sec,  $\frac{1}{4}$  and Tax Lot #

OK Scale of the Map

OK Reference corner on map

OK North Directional Symbol

OK  $\frac{1}{4}$   $\frac{1}{4}$ 's clearly identified

OK POD clearly identified

OK POU clearly identified

OK Location Coordinates for each POD

OK **Location of House, if Domestic**

OK **Number of acres per  $\frac{1}{4}$   $\frac{1}{4}$ , if Irrigation**

OK **Location of Bldg, if Comm/Indus**

OK **Location of Stock Tanks, if Livestock**

OK **Muni/Quasi-Muni Service Boundaries**

OK **Other**

OK **Correct fees enclosed?**

Base Fee \$250.00

Total Paid \$475.00

plus \$150.00

plus \$75.00

Total Amount of

Water Requested: 1.58 CFS

Total Exam Fee \$475.00

Total Exam Fee \$ 475.00

Recording Fee \$ 175.00 TO BE RECEIVED

Completeness Check by: **HERB MOSGAR**

Date: **12/05/02**



# Mailing List for FO Copies

Application # G-15885

Mailing List Print Date: September 5, 2003

**Original mailed to(when permit issued, include copy of permit map):**

Applicant: NEAL HARTH, TRUSTEE, GEORGE HARTH 1988 TRUST,  
5820 EMERSON LOOP RD, THE DALES, OR 97058

**For FO w/Permit - Copies sent to:**

1. WRD - File # G-15885
2. WRD - Ken Stahr

**For FO w/ Permit - FO w Permit and Map Copies sent to (Remember to reduce copy margins):**

3. WRD - Data Center
4. WRD - Watermaster District #: 3
5. WRD - Regional Manager: NCR

Copies Mailed	
By: <u>JS</u>	(SUPPORT STAFF)
on: <u>9/15/03</u>	(DATE)

For FO w/Draft Permit, w/Permit, or for Denial - Copies to Other \_\_\_\_\_

6. \_Donald Branton, CWRE #24, Tenneson Engineering, 409 Lincoln St, The Dalles, OR 97058 \_\_\_\_\_
7. George V. Harth, 5800 Emerson Loop Rd, The Dalles, OR 97058 \_\_\_\_\_

For FO w/Draft Permit or w/Permit - "\$10 LETTER" sent to Interested Persons who have not protested or paid for copies

1. \_\_\_\_\_
2. \_\_\_\_\_

CASEWORKER: AMH

**REMINDER TO CASEWORKER:**

If this application has a fish screening requirement, include a copy of the ODFW fish screen requirement sheet at  
s:\groups\wr\Resource Center -  
permits\forms\general\fishscreencriteria.wpd



# Mailing List for PFO Copies

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Application #G-15885

PFO Date June 17, 2003

**Original mailed to:**

~~✓~~ Applicant: NEAL HARTH, TRUSTEE, GEORGE HARTH, 1988 TRUST, 5820 EMERSON LOOP RD, THE DALLES, OR 97058

Copies sent to:

- ~~✓~~ 1. WRD - File # G-15885
- ~~✓~~ 2. Water Availability: Ken Stahr

PFO and Map Copies sent to:

- ~~✓~~ 3. WRD - Watermaster # 3
- ~~✓~~ 4. Regional Manager: NCR

Copies Mailed
By: <u>JB</u>
(SUPPORT STAFF)
on: <u>6/17/03</u>
(DATE)

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

- ~~✓~~ 5. Donald Branton, CWRE #24, Tenneson Engineering, 409 Lincoln St, The Dalles, OR 97058
- ~~✓~~ 6. George V Harth, 5800 Emerson Loop Rd, The Dalles, OR 97058

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

CASEWORKER : Huffmaam- WEEK 411



# Mailing List for IR Copies

Application #G-15885

IR Date: March 7, 2003

## Original mailed to:

Applicant: NEAL HARTH , 5820 EMERSON LOOP RD, THE DALLES, OR 97058

## Copies sent to:

- 1. WRD - File # G-15885
- 2. WRD - Water Availability: Ken Stahr

## IR, Map, and Fact Sheet Copies sent to:

- 3. WRD - Watermaster # 3
- 4. WRD - Regional Manager (not SCR): MIKE LADD, NCR
- 5. DOA (N.Salem/Keizer): Paul Measeles

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

- 6. Donald Branton, Tenneson Engineering, 409 Lincoln St., The Dalles, OR 97058

CWRE # 24

- 7. George V. Harth, 5800 Emerson Loop Rd, The Dalles, OR 97058

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

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

ID# AMH

COPY#111R

**REMINDER:** Copy all IR's for uses in the geographic Umatilla Basin to Confederated Tribes of the Umatilla Indian Reservation, PO Box 638, 73239 Confederated Way, Pendleton, OR 97801.

**REMINDER:** Copy all IR's for uses in the Klamath Basin to DEQ and ODFW contacts, regardless of whether they are subject to Division 33. (If they are not subject to Division 33, do not include Division 33 forms.)



**OREGON WATER RESOURCES DEPARTMENT  
INTEROFFICE MEMO**

To: Anita Huffman Date: November 9, 2005  
From: Mike Zwart  
Subject: Source of water for files G-15885 and G-16372

The well permitted under File G-15885 (Permit G-15921) is WASC 2713. This well was later altered (WASC 50938). The well is currently 598 feet deep and has a static water level of 209 feet below land surface.

The well proposed under File G-16372 is WASC 51267. The well is 1257 feet deep and has a static water level of 865 feet below land surface. It is sealed to a depth of 698 feet.

Both wells produce water from aquifers in Columbia River Basalt Group rocks. It is clear that they produce from different aquifers. WASC 51267 is sealed to below the total depth of WASC 2713. The static water level of WASC 51267 is also below the bottom of the shallower well. Pumping of one of these wells will not likely cause interference with the other.

It should be noted that well owners and well constructors have historically deepened basalt wells as necessary to produce additional water or to contend with declining water levels. This practice is acceptable so long as the deepened well does not commingle aquifers pursuant to the Department's well construction rules. I would advise the applicant that the shallow well (WASC 2713) could be deepened, if necessary, but that deepening considerably beyond the depth of the seal in well WASC 51267 may carry some risk of commingling.



**OREGON WATER RESOURCES DEPARTMENT  
INTEROFFICE MEMO**

To: Ground Water Files Date: May 27, 2003

From: Michael J. Zwart

Subject: Application Re-review: G-15885, George Harth 1988 Trust, Neal Harth, Trustee

I have reviewed the well logs on file that apparently are for the wells authorized under permits G-6584 and G-7258 and application G-10871. These wells are producing from the same aquifer as the well being applied for here. The well log ID's for the older wells include initial construction and multiple deepening/reconditioning logs: WASC 2710, 2711, 2709, 2708, 2712, and 50937.

G-6584 = C51712

G-7258 = C 79946

G-10871 = C 54281



# INTEROFFICE MEMORANDUM

Water Rights Section

TO: Fred Lissner

May 19, 2003

FROM: Anita Huffman, Ext. 229

RE: GW File Number G-15885

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Please have someone on your staff review the attached file. Michael Zwart appears to be most familiar with the file. The additional review is necessary because: Some of the sources of water for the primary irrigation are from wells, specifically permits G-6584 and G-7258, and application G-10871. The source of water for this application is a well, and the use is supplemental. I need to know if the well under G-15885 is from the same aquifer, or would be considered the same source of water as the previously permitted/certificated wells. If the source is the same I'd have to deny a portion of this application, so I need to get clarification.

Please route to Anita H in water rights when finished.

Thanks.



RECEIVED

DEC 04 2002

WATER RESOURCES DEPT.  
SALEM, OREGON

Original Well Log

NOTICE TO WATER WELL CONTRACTOR  
The original and final 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.

RECEIVED  
AUG 10 1979 (Please type or print)  
WATER RESOURCES DEPT.  
SALEM, OREGON

WASCO

State Well No. 14/ME-2700  
State Permit No. G-6934

002713

(1) OWNER: SALEM, OREGON

Name Van Harth  
Address Rt 3, Box 29  
The Dalles, OR 97058

(2) TYPE OF WORK (check):

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

(3) TYPE OF WELL:

Rotary ☒ Driven ☐  
Cable ☐ Jetted ☐  
Dig ☐ Bored ☐

(4) PROPOSED USE (check):

Domestic ☐ Industrial ☐ Municipal ☐  
Irrigation ☒ Test Well ☐ Other ☐

CASING INSTALLED:

14" ☒ Throated ☐ Welded ☒  
" Diam. from 0 ft. to 50 ft. Gage .250  
" Diam. from ft. to ft. Gage  
" Diam. from ft. to ft. Gage

PERFORATIONS:

Perforated? ☐ Yes ☒ No

Type of perforator used

Size of perforations ft. 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 \_\_\_\_\_ Model No. \_\_\_\_\_  
Type \_\_\_\_\_ Slot size \_\_\_\_\_ Set from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.  
Diam. \_\_\_\_\_ Slot size \_\_\_\_\_ Set from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

(8) WELL TESTS:

Drawdown to lowest 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.

800 gal/min. with 150 ft. drawdown after 1 hr.

Artesian flow g.p.m.

Temperature of water 59° Depth artesian flow encountered ft.

(9) CONSTRUCTION:

Well seal-Material used Cement  
Well sealed from land surface to 50 ft.  
Diameter of well bore to bottom of seal 17 in.  
Diameter of well bore below seal 12 & 8 in.  
Number of sacks of cement used in well seal 22 sacks  
How was cement grout placed? pressure grouted

Was a drive shoe used? ☒ Yes ☐ No Flange \_\_\_\_\_ Size: location \_\_\_\_\_ ft.

Did any strata contain unconsolidated 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 Wasco Driller's well number  
SE 1/4 SW 1/4 Section 27 T.1 N. R. 14 E. W.M.

Bearing and distance from section or subdivision corner

(11) WATER LEVEL: Completed well.

Depth at which water was first found 65 ft.  
Static level 230 ft. below land surface. Date 7-12-79  
Artesian pressure lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing 12"

Depth drilled 596 ft. Depth of completed well 596 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
Soil, clay, light brown	0	10	
Clay, brown	10	40	
Sandstone, grey	40	65	
Rock, grey	65	125	
Rock, red & black porous	125	130	
Rock, red porous	130	155	
Rock, brown	155	165	
Rock, grey hard	165	180	
Rock, yellow & white clay	180	210	
Rock, decomposed	210	230	
Rock, grey/yellow clay	230	236	
Rock, grey porous	236	262	
Rock, black	262	308	
Rock, grey hard	308	434	
Rock, porous/green clay	434	480	
Rock, porous red	480	485	250
Rock, porous, grey/pyrites	485	538	230
Rock, porous black	538	565	230
Rock, porous grey/pyrites	565	596	230

Work started March 20 1979 Completed July 12 1979

Date well drilling machine moved off of well July 12 1979

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] Gilbert Clayton Date July 23, 1979

Drilling Machine Operator's License No. 129

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 Gilbert Clayton Well Drilling

Rt 1, Box 61-A, The Dalles, OR 97058

Address \_\_\_\_\_

[Signed] Gilbert Clayton (Water Well Contractor)

Contractor's License No. 569 Date July 23, 1979

(USE ADDITIONAL SHEETS IF NECESSARY)

SP-2004-10

app # 6-15885



RECEIVED

DEC 04 2002

WATER RESOURCES DEPT.  
SALEM, OREGON

STATE OF OREGON

WATER SUPPLY WELL REPORT

(as required by ORS 537.765)

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

WELL I.D. # L 47475

START CARD # 139305

(1) LAND OWNER VAN HARTH % Well Number \_\_\_\_\_  
Name McCLASKEY ORCHARDS (VAN HARTH WELL)  
Address 4575 BROWNS CREEK RD.  
City THE DALLES, State OR Zip 97058

(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 598 ft.

Explosives used ☐ Yes ☐ No Type \_\_\_\_\_ Amount \_\_\_\_\_

HOLE			SEAL			Sacks or pounds
Diameter	From	To	Material	From	To	
97/8	520	598				

NOTE: Original seal not disturbed.

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

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

(6) CASING/LINER:

	Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing:					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Liner:					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Drive shoe used ☐ Inside ☐ Outside ☐ None  
Final location of shoe(s) \_\_\_\_\_

(7) PERFORATIONS/SCREENS:

		Method		Material	
		Type			
From	To	Slot size	Number	Diameter	Tele/pipe size

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

		Flowing	
		Artesian	
Pump	Bailer	Air	
Yield gal/min	Drawdown	Drill stem at	Time
600 +/-		595	4 hrs.
500-550		500	"
425-450		400	"

Temperature of water 60°F Depth Artesian Flow Found \_\_\_\_\_  
Was a water analysis done? ☐ Yes By whom \_\_\_\_\_

Did any strata contain water not suitable for intended use? ☐ Too little  
☐ Salty ☐ Muddy ☐ Odor ☐ Colored ☐ Other \_\_\_\_\_

Depth of strata: \_\_\_\_\_

(9) LOCATION OF WELL by legal description:

County Wasco Latitude \_\_\_\_\_ Longitude \_\_\_\_\_  
Township 1N N or S Range 14E E or W. WM  
Section 27 SW 1/4  
Tax Lot 4400 Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_  
Street Address of Well (or nearest address) 5820 EMERSON LOOP  
RD. THE DALLES, OR

(10) STATIC WATER LEVEL:

209 ft. below land surface. Date 5/8/01  
Artesian pressure \_\_\_\_\_ lb. per square inch Date \_\_\_\_\_

(11) WATER BEARING ZONES:

Depth at which water was first found Existing Well

From	To	Estimated Flow Rate	SWL
-	598		209

(12) WELL LOG:

Ground Elevation \_\_\_\_\_

Material	From	To	SWL
Existing 14" cased/12"			
drilled well 12" open			
hole (video record).	0	520	209
Reduced to 8in.	520	595	
Debris fill (Steel			
@T.D.)	560	595	
9 7/8 bit w/10' stabilizer			
tight hole.	490	500	
Very tight reaming.	500	520	
Enlarged 8" hole to			
9 7/8.	520	595	
Gry-blk basalt,			
(steel).	595	598	209

Date started 4/23/01 Completed 5/8/01

(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.

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

(bonded) Water Well Constructor Certification:

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

Signed \_\_\_\_\_ WWC Number 573 Date 5/08/01

ORIGINAL - WATER RESOURCES DEPARTMENT FIRST COPY - CONSTRUCTOR SECOND COPY - CUSTOMER

P.05 Feb 5 2002 17:03

Fax: 5036495015 WESTERN WELL SUPPLY

App#  
6-15885



Oregon Water Resources Department  
Water Rights Division

Water Rights Application  
Number G-15885

**Superseding Final Order**

*Appeal Rights*

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

*Application History*

On September 15, 2003, a Final Order was issued approving application G-15885. Permit G-15495 was issued.

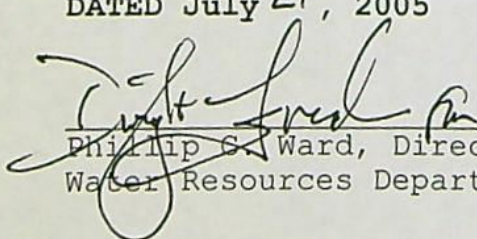
Subsequently, the Department discovered that the permit erroneously described the location of the point of appropriation as being in the SW 1/4 SW 1/4, SECTION 26, T1N, R14E, W.M.; 1140 FEET NORTH & 1650 FEET WEST FROM S1/4 CORNER, SECTION 26. The correct location is SE 1/4 SW 1/4, SECTION 27, T 1N, R14E, W.M.; 310 FEET NORTH AND 3120 FEET WEST FROM SE CORNER, SECTION 27.

The Department finds that Permit G-15495 requires modification to correct the error.

**Order**

Permit G-15921 is issued to supersede Permit G-15495. Permit G-15495 is of no further force or effect.

DATED July 21, 2005

  
Phillip G. Ward, Director  
Water Resources Department



This document was prepared by Anita Huffman. If you have any questions about any of the statements contained in this document I am the most likely the best person to answer your questions. You can reach me at 503-986-0815.

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 Mike Reynolds at 503-986-0820.

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 Summer St NE Ste A, Salem OR 97301-1271, Fax: 503-986-0901.



STATE OF OREGON

COUNTY OF WASCO

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

NEAL HARTH, TRUSTEE FOR  
GEORGE HARTH, 1988 TRUST  
5820 EMERSON LOOP RD  
THE DALLES, OR 97058

(541)298-8401

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

APPLICATION FILE NUMBER: G-15885

SOURCE OF WATER: A WELL IN FIFTEENMILE CREEK BASIN

PURPOSE OR USE: SUPPLEMENTAL IRRIGATION TO MAKE UP A DEFICIENCY IN RATE  
FOR USE ON 126.7 ACRES

MAXIMUM RATE: 0.61 CUBIC FOOT PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 1 OF EACH YEAR

DATE OF PRIORITY: December 4, 2002

WELL LOCATION: SE  $\frac{1}{4}$  SW  $\frac{1}{4}$  SECTION 27, T1N, R14E, W.M.; 310 FEET NORTH &  
3120 FEET WEST FROM SE CORNER, SECTION 27

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE  $\frac{1}{4}$  SW  $\frac{1}{4}$  27.5 ACRES  
NW  $\frac{1}{4}$  SW  $\frac{1}{4}$  1.0 ACRE  
SW  $\frac{1}{4}$  SW  $\frac{1}{4}$  21.8 ACRES  
SE  $\frac{1}{4}$  SW  $\frac{1}{4}$  40.0 ACRES  
NW  $\frac{1}{4}$  SE  $\frac{1}{4}$  16.0 ACRES  
SW  $\frac{1}{4}$  SE  $\frac{1}{4}$  16.0 ACRES  
SECTION 26  
NW  $\frac{1}{4}$  NE  $\frac{1}{4}$  4.4 ACRES  
SECTION 35  
TOWNSHIP 1 NORTH, RANGE 14 EAST, W.M.



Measurement, recording and reporting conditions:

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

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

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

**Before Use of Water Takes Place**

Initial and Annual Measurements

The Department requires the permittee to submit an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

**After Use of Water has Begun**

Reference Water Level Determination

Following the first year of water use, the user shall submit one static water level measurement in the month specified above which will establish the reference level against which future annual measurements will be compared. The water user is not required to measure additional water levels after the reference level has been determined unless required by the Director. The additional measurements may be required in



a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

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

- (A) An average water level decline of three or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

#### STANDARD CONDITIONS

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



the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

The 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.

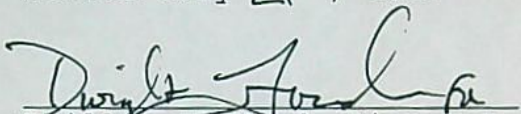
Complete application of the water to the use shall be made on or before October 1, 2007. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.



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

This permit is issued to correctly describe the point of appropriation. Permit G-15495, dated September 15, 2003, is superseded by this instrument and is of no further force or effect.

Issued July 21, 2005

  
Phillip C. Ward, Director  
Water Resources Department





# Mailing List for FO Copies

Application # G-15885

Mailing List Print Date: July 8, 2005

**Original mailed to(when permit issued, include copy of permit map):**

Applicant: NEAL HARTH, TRUSTEE, GEORGE HARTH 1988 TRUST,  
5820 EMERSON LOOP RD, THE DALES, OR 97058

**For FO w/Permit - Copies sent to:**

1. WRD - File # G-15885
2. WRD - Ken Stahr

**For FO w/ Permit - FO w Permit and Map Copies sent to (Remember to reduce copy margins):**

3. WRD - Watermaster District #: 3
4. WRD - Regional Manager: NCR

For FO w/Draft Permit, w/Permit, or for Denial - Copies to Other \_\_\_\_\_

5. \_Larry Toll, Tenneson Engineering, 409 Lincoln St, The Dalles, OR 97058 \_\_\_\_\_

6. George V. Harth, 5800 Emerson Loop Rd, The Dalles, OR 97058 \_\_\_\_\_

CASEWORKER: AMH

Copies Mailed	
By: <u>AS</u>	(SUPPORT STAFF)
on: <u>7/21</u>	(DATE)



SECTIONS 26 & 35, TWP.1 N. RANGE 14 E. W.M.  
WASCO COUNTY, OREGON

RECEIVED

DEC 04 2002

WATER RESOURCES DEPT  
SALEM, OREGON

EXISTING PRIMARY WATER RIGHT AREA  
CERTIFICATE # 51702 (73.7 AC)  
PENDING PRIMARY TRANSFER AREA  
FROM CERTIFICATE #51702 (4.4 AC) TOTAL

EXISTING PRIMARY WATER RIGHT AREA  
CERTIFICATE # 51742 (26.1 AC)  
EXISTING PRIMARY WATER RIGHT AREA  
CERTIFICATE # 54281 (2.8 AC)  
EXISTING PRIMARY WATER RIGHT AREA  
CERTIFICATE # 76351 (19.7 AC)

TOTAL SUPPLEMENTAL WATER RIGHT  
AREA (126.7 AC)

SUPPLEMENTAL WATER RIGHT  
APPLICATION MAP

SCALE: 1" = 1320'

APPLICATION No. G-15885

PERMIT No. \_\_\_\_\_

IN THE NAME OF:

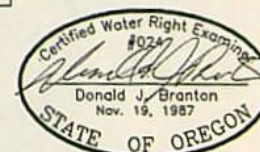
NEAL HARTH

DATE: JULY 9, 2002

BY: TENNESON ENGINEERING CORP.  
409 LINCOLN STREET,  
THE DALLES, OREGON. 97058  
PH. 541-296-9177  
FAX 541-296-6657

NOTE:

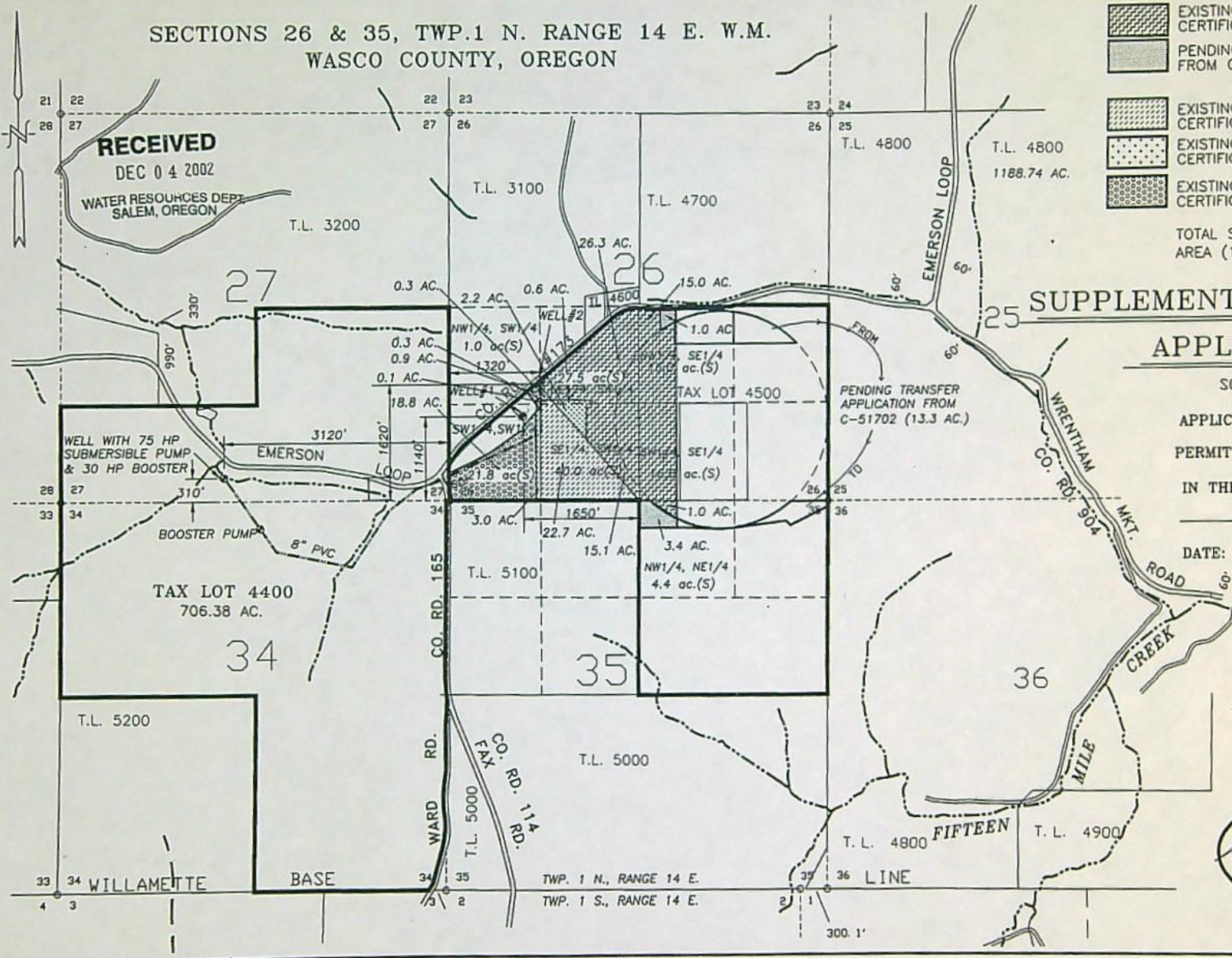
"THIS MAP IDENTIFIES THE LOCATION OF  
THE WATER RIGHT ONLY AND IS NOT  
INTENDED TO PROVIDE DIMENSIONS OR  
LOCATE PROPERTY OWNERSHIP LINES."



RENEW: 12/31/03

W.O. #10412wr

App # G-15885







**TENNESON**  
**ENGINEERING CORPORATION**  
CONSULTING ENGINEERS • SURVEYORS • PLANNERS

409 LINCOLN STREET  
THE DALLES, OR 97058

PHONE (541) 296-9177  
FAX (541) 296-6657

May 4, 2005

Mr. Dwight French  
Water Rights  
Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301

Reference: Application G-15885, Permit G-15495  
W.O. #10412

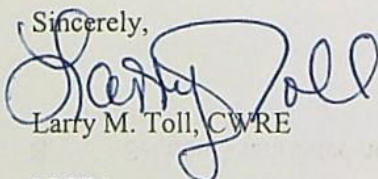
Dwight:

I am in need of some direction. For Application G-15885, a processing error was made in which well should have been on the permit. Attached is a copy of some email correspondence with Gary Ball as we tried to sort out on which well water level measurements should have been reported. My arguments that the permit was issued on the wrong well are:

- A. The well log submitted with the application is for WASC 2713. The well log shows the correct location of SE 1/4 of SW 1/4, Section 27, 1N 14E. The well, as the permit was issued, is in SW 1/4 of SW 1/4, Section 26, 1N, 14E.
- B. Section 3 requested nearest surface water body. Section 3B lists Eightmile Creek and Section 3C lists 1 mile.
- C. In the application Section 5A, it describes the pump and a booster pump. This information is on the map at the site of the well in Section 27.
- D. The remarks speak to this being a Supplemental Use using the same distribution system as primary wells. Wells #1 and #2 on the application map are those primary wells.
- E. The land use form indicates that water will be diverted from Tax Lot 1N 14 4400. This is the tax lot covering the Section 27 well. The land use form mistakenly identifies water to be diverted from Tax Lot 4500 covering Section 26.

What is the correct procedure for correcting this Water Right Permit to identify the intended well?  
Thanks for your assistance in this matter.

Sincerely,



Larry M. Toll, CWRE

LMT:jm  
<mism.705>

Enc.

**RECEIVED**

MAY 05 2005

WATER RESOURCES DEPT  
SALEM, OREGON

~~G-15885~~

G-15921



## Larry Toll

---

**From:** Larry Toll  
**Sent:** Wednesday, March 09, 2005 11:02 AM  
**To:** 'Dwight.W.FRENCH@state.or.us'  
**Subject:** Application G-15885

Dwight,

I have found a processing error in this application. Below is some e-mail contact that I have had with Gary Ball. We were trying to connect water level measurements with well id numbers. This is how we found it. My question is what do you need from the permit holder, my client, to correct this.

Larry -

After reviewing the application file, I would agree that the intent of the applicant was to file for use of water from WASC 2713. However, when the permit was issued, apparently there was some confusion, as it was issued for a well in a different location, namely Well 1 in the SWSW of Sec 26. WASC 2713 is referred to as Well 2 and is located in the SESW of Sec 27. Hence, when we initially tied a well to the permit, we used WASC 2712, based on its location. It may be advisable to have the permittee request a correction permit be issued to correct this error. It may be that the permittee could claim that this was a scrivener's error. Thanks for alerting us to this problem. I will make the tie in the groundwater database to the proper well, but this will not take care of the potential problem with the permit.

It would appear you have intimate familiarity with WASC 2713. Currently, the database shows that you made the last swl measurement on 3/24/04. Under the permit condition, after the first year of water use under the permit (the permit being issued in 9/03) the permittee needs to submit a swl measurement during the month of March. I guess I will leave it to you to interpret this condition. (Does a year mean a full year, etc?) I do not know if this well is still being monitored on a monthly basis by OWRD. There may be measurements made not yet part of the database. If not, and the permittee has not yet made use of water under this permit, the permittee needs to continue annual measurements each March until water use has begun. The water right examiner will need to make a case that the permit conditions have met when filing the claim of beneficial use.

Thanks, and let me know if I can assist further.

- Gary

At 11:50 AM 2/16/2005, you wrote:

>Gary,  
>  
>To review, on January 7, 2005, I e-mailed you a request for some  
>information on whether some permit conditions were up to date. You  
>responded that same day.  
>  
>In the list was Application G-15885, Permit G-15495. The only permit  
>condition that required a report was measuring of the water level in the well.  
>  
>Your response was "No msts in db - WASC 2712? Reference only."

**RECEIVED**

**MAY 05 2005**

**WATER RESOURCES DEPT  
SALEM, OREGON**



>  
>Upon further investigation, WASC 2712 is the incorrect well log id. The  
>correct well log id would be WASC 2713.  
>  
>I have figured out how to look at the ground water data now and it appears  
>that this reporting permit condition has been satisfied. Am I correct?  
>  
>Incidentally, WASC 2712 is a deepening well log. It can be traced to WASC  
>2710 for the original log for which there is data available.  
>  
>Thanks once again for your assistance.  
>  
>Larry

Dwight, I am back. I am looking in my file of what was to be sent, which I hope is what the OWRD received.

In that documentation, a copy of the well log WASC 2713 was sent in, which locates a well in Section 27. On the land use form, tax lot 4400 was included which is the tax lot in Section 27.

The application map shows 3 wells. Well 1 and 2 in Section 26 and a well in Section 27. Well 1 and 2 are in the Fifteenmile Creek Basin and the 3rd well in Section 27 is in the Eightmile Creek Basin. Section 3A of the application talks about the applied for well as being near Eightmile Creek.

Under Section 2, an affected landowner listed is George Harth. George Harth owns the land where the Section 27 well is located.

Section 5 A, describes the pump and booster pump for the section 27 well. This is also described on the map.

I did not catch this when I was watermaster, but in fact knew that they were pumping water from the Section 27 well over the hill to the orchard in Section 26. Myself and Marc Norton monitored this well as part of a ground water investigation in the area.

The water is still being pumped from Section 27 to Section 26. The land allowed under this permit as supplemental already has water rights from either well 1 or well 2, the Section 26 wells.

Now what?

Thanks for your assistance.

Larry Toll, P.E., W.R.E.  
Tennessee Engineering Corporation  
409 Lincoln Street  
The Dalles, OR 97058  
Phone: 541-296-9177  
Fax: 541-296-6657  
E-mail: ltoll@tennesoneng.com

**RECEIVED**

**MAY 05 2005**

**WATER RESOURCES DEPT  
SALEM, OREGON**



Oregon Water Resources Department  
Water Rights Division

Water Rights Application  
Number G-15885

Final Order

*Application History*

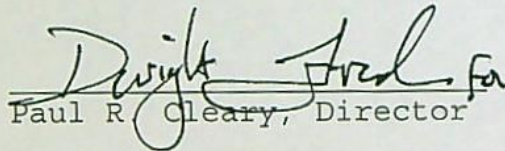
On December 04, 2002, NEAL HARTH, TRUSTEE FOR GEORGE HARTH, 1988 TRUST submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on June 10, 2003. The protest period closed July 25, 2003, and no protest was filed.

The proposed use would not impair or be detrimental to the public interest, but the Department's continuing evaluation reveals that the Proposed Final Order requires modification to correctly describe quantity of allowed use.

Order

Application G-15885 therefore is approved with the above modifications to the Proposed Final Order, and Permit Number G-15495 is issued as limited by the conditions set forth therein.

DATED September 15, 2003

  
Paul R. Cleary, Director

*Hearing and Appeal Rights*

Under the provisions of ORS 527.170 and ORS 537.622, the applicant may request a contested case hearing by submitting the information required for a protest under ORS 537.153(6) or ORS 527.621(7) to the Department within 14 days after the date of mailing of this order as shown below. If a contested case hearing is requested, the Department must schedule one. In the contested case hearing, however, only those issues based on the above modifications to the proposed final order may be addressed.

ORS 536.075 allows for additional appeal rights for other than contested case. This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review of this order must be filed within the 60 day time period specified by ORS 183.484(2).

This statement of judicial review rights does not create a right to judicial review of this order, if judicial review is otherwise precluded by law. Where no changes have been made to a Proposed Final Order on a water right application and no protests have been



filed during the protest period, the final order is not subject to judicial review.

*This document was prepared by Anita Huffman. If you have any questions about any of the statements contained in this document I am the most likely the best person to answer your questions. You can reach me at 1-503-378-8455 extension 229.*

*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 extension number is 239.*

*If you have other questions about the Department or any of its programs please contact our Water Rights Information Group at extension 201. Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 158 12th ST. NE Salem, OR 97301-4172, Fax: (503)378-2496*



STATE OF OREGON

COUNTY OF WASCO

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

NEAL HARTH, TRUSTEE FOR  
GEORGE HARTH, 1988 TRUST  
5820 EMERSON LOOP RD  
THE DALLES, OR 97058

(541)298-8401

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

APPLICATION FILE NUMBER: G-15885

SOURCE OF WATER: WELL 1 IN FIFTEENMILE CREEK BASIN

PURPOSE OR USE: SUPPLEMENTAL IRRIGATION TO MAKE UP A DEFICIENCY IN RATE  
FOR USE ON 126.7 ACRES

MAXIMUM RATE: 0.61 CUBIC FOOT PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 1 OF EACH YEAR

DATE OF PRIORITY: December 4, 2002

WELL LOCATION: SW  $\frac{1}{4}$  SW  $\frac{1}{4}$  SECTION 26, T1N, R14E, W.M.; 1140 FEET NORTH &  
1650 FEET WEST FROM S1/4 CORNER, SECTION 26

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE  $\frac{1}{4}$  SW  $\frac{1}{4}$  27.5 ACRES  
NW  $\frac{1}{4}$  SW  $\frac{1}{4}$  1.0 ACRE  
SW  $\frac{1}{4}$  SW  $\frac{1}{4}$  21.8 ACRES  
SE  $\frac{1}{4}$  SW  $\frac{1}{4}$  40.0 ACRES  
NW  $\frac{1}{4}$  SE  $\frac{1}{4}$  16.0 ACRES  
SW  $\frac{1}{4}$  SE  $\frac{1}{4}$  16.0 ACRES  
SECTION 26



NW ¼ NE ¼ 4.4 ACRES  
SECTION 35  
TOWNSHIP 1 NORTH, RANGE 14 EAST, W.M.

Measurement, recording and reporting conditions:

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

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

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

**Before Use of Water Takes Place**

Initial and Annual Measurements

The Department requires the permittee to submit an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

**After Use of Water has Begun**

Reference Water Level Determination

Following the first year of water use, the user shall submit one static



water level measurement in the month specified above which will establish the reference level against which future annual measurements will be compared. The water user is not required to measure additional water levels after the reference level has been determined unless required by the Director. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

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

- (A) An average water level decline of three or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.



## STANDARD CONDITIONS

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

The 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.

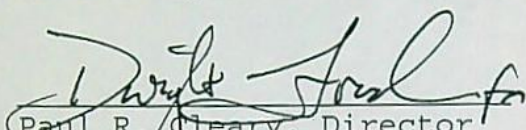
The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.



Complete application of the water to the use shall be made on or before October 1, 2007. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

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

Issued September 15, 2003

  
Paul R. Cleary, Director  
Water Resources Department

**REAL ESTATE TRANSACTIONS:** Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.

**CULTURAL RESOURCES PROTECTION LAWS:** Permittees involved in ground-disturbing activities should be aware of federal and state cultural resources protection laws. ORS 358.920 prohibits the excavation, injury, destruction or alteration of an archeological site or object, or removal of archeological objects from public and private lands without an archeological permit issued by the State Historic Preservation Office. 16 USC 470, Section 106, National Historic Preservation Act of 1966 requires a federal agency, prior to any undertaking to take into account the effect of the undertaking that is included on or eligible for inclusion in the National Register. For further information, contact the State Historic Preservation Office at 503-378-4168, extension 232.



FILE # 615885  
PFO WEEK # 44  
FO WEEK # \_\_\_\_\_

## FO CHECKLIST

PFO TO FO CONVERSION

REVIEW DATE: 9/15/03  
INITIALS: ALB  
WM District 3  
Region Mgr NCR  
ODFW Bio NA

Applicant Name and Mailing (if assignment or changes to address make sure to list new information)  
Address: \_\_\_\_\_

no change

In preparing to create the FO, you should check the following:

1. Y / ☒ N Were comments received? If so, **from whom** and **when**? \_\_\_\_\_

Respond to significant comments, issues, or disputes related to the proposed use of water (see notes, if any, listed above)

2. ☒ On the PFO CC list, verify names and mailing addresses of **ALL** commentors (regardless of comment date, **affected landowners**, and **those who paid the \$10 fee**).

see mailing list

3. Y / N / NA Have affected land owners been notified? If not, refer to #9.

4. Y / N / ☒ NA Has ODFW asked for self certification of screening condition?  
If so, write "ODFW CERT" in the permit block on the front of the file.

5. ☒ Y / ☒ N Do the PFO conclusions require modification? Why? Correct Q based on

6. ☐ Correct PFO errors (such as POD or POU location (verify from map)

calculations  
by rany toll  
+ Steve Brown

7. ☒ Include or exclude permit conditions.

8. ☐ Verify Payment of recording fees (circle the appropriate option)

(1) Issue FO w/permit if fees are paid — Prepare refund request for excess fees, including standing fees if no protest is filed and no modifications are being made to the PFO.

(2) Issue FO w/o permit if fees are lacking.

Requested 1.58885  
1<sup>st</sup> CFS/AF 250  
Addnl. 75  
TOTAL Q 225

Exam Fee Paid	<u>250</u>	<u>250</u>
Q fee	<u>150</u>	<u>225</u>
Subtotal	<u>400</u>	<u>475</u>
Recording Fee	<u>175</u>	<u>175</u>
Total	<u>575</u>	<u>650</u>
Amount Paid	<u>650</u>	<u>650</u>
Amount due/refund	<u>0</u>	<u>0</u>

9. Y / ☒ N Is further processing possible? If not state reason: \_\_\_\_\_



FO Type: (circle types) DENIAL      FO w/o PERMIT (REASON: Lacks Fees   Lacks Easement  
Lacks Approved Dam Plans and Specifications)

FO & PERMIT (Permit # G-15495)

**Once FO document is completed:**

10. ☒ Save WordPerfect document in M:\GROUPS\WR\FO\WEEK\_\_\_\_\_.
11. ☒ Print final draft of document and submit for peer review
12. Complete routing list

The purpose of this checklist is to be used as a working document by Department staff to aid in the production of the related Initial Review, Proposed Final Order, or Final Order. It is not intended to be a complete record of all factors which were considered to produce the document, nor is it intended to serve any purpose other than that stated above.

The related Initial Review, Proposed Final Order, or Final Order is intended to stand alone as the record of factors considered in its production



To: Anita.M.HUFFMAN@wrd.state.or.us  
 Subject: Application G-15885  
 Cc: Tony.G.JUSTUS@wrd.state.or.us

Per your request to send an E-mail with what I came up with on the amount of deficiency water for this application. I come up with 0.61 cfs of deficiency compared to the 0.416 cfs in the PFO.

Questions?

Cert	acres-in-appl	rate-on-cert	acres-on-cert	prorated-cfs	cfs-at-1/80	make-up-cfs
51742	26.1	0.13	26.1	0.13	0.33	0.20 ✓
54281	2.8	0.035	2.8	0.035	0.035	0.00 ✓
76351	19.7	0.14	28.0	0.10	0.25	0.15 —
51702	73.7	1.40	151.7	0.68	0.92	0.24 —
Trans 9288	4.4	0.12	13.3	0.04	0.06	0.02 —
126.7				Total	0.61	

acres-in-appl - acres requested in application G-15885  
 rate-on-cert - allowed rate on certificate  
 acres-on-cert - allowed number of acres on certificate  
 prorated-cfs - prorated amount of cfs for acres in application  
 cfs-at-1/80 - max cfs that could be allowed at 1/80 rate  
 make-up-cfs - cfs-at-1/80 minus prorated-cfs from existing certificates

-----  
 "The Watermiser"

Larry Toll  
 Watermaster District 3



## STATE OF OREGON

COUNTY OF

WASCO

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That GEORGE HARTH

of Route 3, Box 37, The Dalles, State of Oregon 97058, has made  
proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of  
Harth Well No. 1

a tributary of Dry Creek  
irrigation of 26.1 acres

for the purpose of

under Permit No. G-6584 and that said right to the use of said waters has been perfected in  
accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from  
October 10, 1975  
that the amount of water to which such right is entitled and hereby confirmed, for the purposes  
aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed  
0.13 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the well.  
The well is located in the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 26, T1N, R14E, WM; 1140 feet North and  
1650 feet West from S $\frac{1}{4}$  Corner, Section 26.

The amount of water used for irrigation, together with the amount secured under any other  
right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second  
per acre, or its equivalent for each acre irrigated and shall be further limited  
to a diversion of not to exceed 3 acre-feet per acre for each acre irrigated  
during the irrigation season of each year,

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

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

0.3 acre NE $\frac{1}{4}$  SW $\frac{1}{4}$  ✓  
0.1 acre NW $\frac{1}{4}$  SW $\frac{1}{4}$  ✓  
3.0 acres SW $\frac{1}{4}$  SW $\frac{1}{4}$  ✓

22.7 acres SE $\frac{1}{4}$  SW $\frac{1}{4}$  ✓  
Section 26

Township 1 North, Range 14 East, WM

This certificate describes that portion of the water right confirmed by the  
prior certificate recorded at page 48405, Volume 41, State Record of Water Right  
Certificates, NOT modified by the provisions of an order of the Water Resources  
Director entered on June 29, 1983, approving Transfer Application 5192.

The issuance of this superseding certificate does not confirm the status of the  
water right in regard to the provisions of ORS 540.610 pertaining to forfeiture  
or abandonment.

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. November 17, 1983

...William H. Young.....  
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 46, page 51742

max Q = 0.326

This per = 0.005 / ac  
allow 0.28 for 26'  
per = 0.11

Short -  
0.17 cfs



2.8 Ac (0.0125) = 0.035  
 allowed = 0.035

## STATE OF OREGON

COUNTY OF

WASCO

## CERTIFICATE OF WATER RIGHT

This is to certify, That GEORGE HARTH

of 5700 Emerson Loop Road, The Dalles, State of Oregon 97058, has made  
 proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of  
 Harth Well 2

a tributary of Fifteemile Creek for the purpose of  
 irrigation of 2.8 acres

under Permit No. G-10073 and that said right to the use of said waters has been perfected in  
 accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from  
 January 26, 1983  
 that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is  
 limited to an amount actually beneficially used for said purposes, and shall not exceed  
 0.035 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the well. The well is  
 located in the NE 1/4 SW 1/4, Section 26, T1N, R14E, WM;  
 1620 feet North and 1320 feet East from SW Corner, Section 26.

The amount of water used for irrigation, together with the amount secured under any other right  
 existing for the same lands, shall be limited to one-eightieth of one cubic foot per second  
 per acre, or its equivalent for each acre irrigated and shall be  
 further limited to a diversion of not to exceed 3.0 acre-feet per acre for  
 each acre irrigated during the irrigation season of each year; provided  
 further that in the event of a request for a change in point of appropriation,  
 an additional point of appropriation or repair of this well, the quantity of  
 water allowed herein together with any other right from this point of  
 appropriation shall not exceed the capacity of this well at the time of  
 perfection of this right. and shall  
 conform to such reasonable rotation system as may be ordered by the proper state officer.

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

0.6 acre NE 1/4 SW 1/4  
 2.2 acres SE 1/4 SW 1/4  
 Section 26  
 Township 1 North, Range 14 East, WM

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. April 16, 1986

/s/ William H. Young  
 Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 49, page 54281

26900/SB  
 G10871



STATE OF OREGON

COUNTY OF WASCO

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

GEORGE HARTH  
5700 EMERSON LOOP ROAD  
THE DALLES, OR 97058

confirms the right to use the waters of HARTH WELL NO. 1 in the DRY CREEK BASIN for IRRIGATION OF 28.0 ACRES.

This right was perfected under Permit G-6584. The date of priority is OCTOBER 10, 1975. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.14 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the well.

The well is located as follows:

SW 1/4 SW 1/4, SECTION 26, TOWNSHIP 1 NORTH, RANGE 14 EAST, W.M.;  
1140 FEET NORTH AND 1650 FEET WEST FROM THE S 1/4 CORNER, SECTION 26.

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

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

A description of the place of use to which this right is appurtenant is as follows:

NE 1/4 SW 1/4	0.3 ACRE ✓
NW 1/4 SW 1/4	0.9 ACRE ✓
SW 1/4 SW 1/4	26.8 ACRES ✓

SECTION 26

TOWNSHIP 1 NORTH, RANGE 14 EAST, W.M.

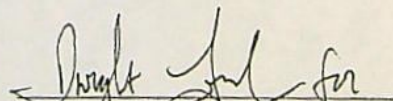
This certificate is issued to confirm a change in PLACE OF USE approved by an order of the Water Resources Director entered JUNE 29, 1983 approving Transfer 5192, along with Special Order of the Water Resources Director canceling a portion of Certificate 48405 entered June 23, 1983 and Certificate 51742 confirming the portion of Certificate 48405 not modified by the order approving Transfer 5192 or canceled, supersedes Certificate 48405, State Record of Water Right Certificates.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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

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

WITNESS the signature of the Water Resources Director, affixed JANUARY 14, 2000.

  
Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 76351.

T-5192.SB

max Q = 0.35  
Perit = 0.005/A 0.21 short



STATE OF OREGON  
COUNTY OF WASCO

$$\begin{array}{r}
 165A(0.0125) = 2.062 \\
 \text{allowed} \quad \quad 1.52 \\
 \hline
 (0.54) \\
 \text{Total}
 \end{array}$$

## CERTIFICATE OF WATER RIGHT DEF

This Is to Certify, That GEORGE HARTH

of 5700 Emerson Loop Road, The Dalles, State of Oregon 97058, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Harth Well 2

a tributary of Fifteenmile Creek for the purpose of irrigation of 165.0 acres

under Permit No. G-7258 and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from July 16, 1976 that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1.52 cubic feet per second

or its equivalent in case of rotation, measured at the point of diversion from the well. The well is located in the NE 1/4 SW 1/4, Section 26, T1N, R14E, WM; 1,620 feet North and 1,320 feet East from the SW Corner, Section 26

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre-feet per acre for each acre irrigated during the irrigation season of each year

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

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

SEE NEXT PAGE

$$\begin{array}{l}
 1.52/165.0 = 0.009 \text{ cfs/Acre} \\
 \text{allowed} \rightarrow 26.3 \text{ Ac } (0.009) = 0.2367 \text{ cfs} \\
 26.3(0.0125) \quad \quad 0.32875 \text{ cfs max} \\
 \text{difference} \quad \quad \quad 0.092 \text{ cfs deficiency for } 26.3 \text{ Ac}
 \end{array}$$

Acres in conflict  
26.3 = 0.328  
Deficiency



26.3 acres NE 1/4 SW 1/4 ✓  
15.1 acres SE 1/4 SW 1/4  
27.2 acres NE 1/4 SE 1/4  
37.1 acres NW 1/4 SE 1/4  
18.0 acres SW 1/4 SE 1/4  
30.0 acres SE 1/4 SE 1/4  
Section 26

4.3 acres NE 1/4 NE 1/4  
7.0 acres NW 1/4 NE 1/4

Section 35

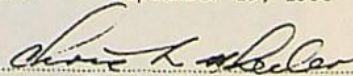
Township 1 North, Range 14 East, WM

This certificate describes that portion of the water right confirmed by the Proof of Appropriation, NOT modified by the provisions of an order of the Water Resources Director entered on June 29, 1983, approving Transfer Application 5193.

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. September 19, 1983



Deputy Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 46 , page 51702

50348



*Confirming  
Remaining  
right*

*DEB*

*95.9Ac = \$1.198<sup>1</sup>  
Short 0.29cks*

STATE OF OREGON

COUNTY OF WASCO

CERTIFICATE OF WATER RIGHT

*Max Q allowed  
for 151.7Ac = 1.89cks*

THIS CERTIFICATE ISSUED TO

GEORGE HARTH  
5700 EMERSON LOOP ROAD  
THE DALLES, OREGON 97058

confirms the right to use the waters of HARTH WELL #2 in the  
FIFTEENMILE CREEK BASIN for IRRIGATION 151.7 ACRES.

*0.49  
each share  
0.003cks*

This right was perfected under Permit G-7258. The date of priority is  
JULY 16, 1976. The amount of water to which this right is entitled is  
limited to an amount actually beneficially used and shall not exceed  
1.4 CUBIC FEET PER SECOND or its equivalent in case of rotation,  
measured at the well.

The well is located as follows:

NE¼ SW¼, SECTION 26, T 1 N, R 14 E, W.M.; 1620 FEET NORTH  
AND 1320 FEET EAST FROM THE SW CORNER, SECTION 26.

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

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

*0.009cks/Ac*



A description of the place of use to which this right is appurtenant is as follows:

MAX	CERT	DIFF			
0.32875	0.2427148	0.085	NE¼ SW¼	26.3 ACRES	✓
0.18875	0.1398533	0.05	SE¼ SW¼	15.1 ACRES	✓
0.26875	0.198417	0.071	NE¼ SE¼	21.5 ACRES	✓
0.36875	0.272446	0.097	NW¼ SE¼	29.5 ACRES	✓
0.225	0.166166	0.059	SW¼ SE¼	18.0 ACRES	✓
			SE¼ SE¼	30.0 ACRES	✓
SECTION 26					
0.375	0.27784	0.098			
0.05475	0.040634	0.014	NE¼ NE¼	4.3 ACRES	
0.0875	0.069444	0.023	NW¼ NE¼	7.0 ACRES	✓
SECTION 35					
1.9	1.39993		TOWNSHIP 1 NORTH, RANGE 14 EST, W.M.		
Total 1.89625	1.4	0.497(0.5)			

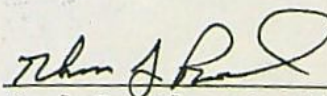
This certificate describes that portion of the water right confirmed by Certificate 51702, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered MAR 06 2003, approving Transfer Application 9288.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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

WITNESS the signature of the Water Resources Director,

affixed MAR 06 2003.

  
Paul R. Cleary, Director

0.0092287/Ac

Recorded in State Record of Water Right Certificates numbered 79946.



STATE OF OREGON

COUNTY OF WASCO

ORDER APPROVING A CHANGE IN PLACE OF USE

Pursuant to ORS 537.705, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 9288 submitted by

GEORGE HARTH 1988 TRUST  
C/O NEAL HARTH, TRUSTEE  
5820 EMERSON LOOP ROAD.  
THE DALLES, OREGON 97058

The right to be modified, as evidenced by a PORTION of Certificate 51702, was perfected under Permit G-7258 with a date of priority of JULY 16, 1976. The right allows the use of HARTH WELL #2, within the FIFTEENMILE CREEK BASIN, for IRRIGATION OF 13.3 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.12 cubic foot per second, if available at the original well; NE¼ SW¼, SECTION 26, T 1 N, R 14 E, W.M.; 1620 FEET NORTH AND 1320 FEET EAST FROM THE SW CORNER, SECTION 26, or its equivalent in case of rotation, measured at the well.

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2).

Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

0.009/Ac



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

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is as follows:

NE $\frac{1}{4}$  SE $\frac{1}{4}$  5.7 ACRES  
NW $\frac{1}{4}$  SE $\frac{1}{4}$  7.6 ACRES

SECTION 26

TOWNSHIP 1 NORTH, RANGE 14 EAST, W.M.

} 13.3 moved to

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

The applicant proposes to change the place of use to:

NW $\frac{1}{4}$  SE $\frac{1}{4}$  1.0 ACRES  
SE $\frac{1}{4}$  SE $\frac{1}{4}$  4.0 ACRES

SECTION 26



NE $\frac{1}{4}$  NE $\frac{1}{4}$  4.1 ACRES  
NW $\frac{1}{4}$  NE $\frac{1}{4}$  4.2 ACRES

SECTION 35

TOWNSHIP 1 NORTH, RANGE 14 EAST, W.M.

THIS CHANGE TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed change shall be completed on or before October 1, 2004.

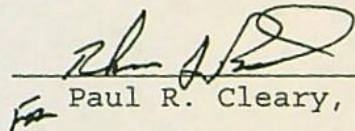


2. The water user shall install an in-line flow meter or other suitable device for measuring and recording the quantity of water used. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
3. The former place of use shall no longer be irrigated as part of this water right.

Certificate 51702 is canceled. A new certificate will be issued to confirm that portion of the right NOT involved in this transfer. When satisfactory proof of the completed change is received, a new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources

Director, affixed MAR 06 2003.

  
Paul R. Cleary, Director



all Rights covering proposed area

Cancelled

subject

1/4 1/4	C51702	C79946	C76351	C51742	C54281	VOL 57	G15885
NESW 26	26.3	26.3	0.3	0.3	0.6		27.5
NWSW 26			0.9	0.1			1.0
SWSW 26			26.8	3.0			21.8
SESW 26	15.1	15.1		22.7	2.2		40.0
NWSE 26	37.1	29.5				1.0	16.0
SWSE 26	18.0	18.0					16.0
NWNE 35	7.0	7.0				4.2	4.4

valid rights of record

	C51702	C79946	C76351	C51742	C54281	VOL 57	G15885
ACRES	103.5	95.9	28.0	26.1	2.4	5.2	126.7
Q TOTAL	0.93	0.86	0.14	0.13	0.035	0.05	1.58
MAX Q	1.29	1.19	0.35	0.32	0.03	0.065	1.58
DIFFER	0.36	0.33	0.21	0.19	---	0.015	---

Acres / Q per 1/4 1/4 per cert/order

1/4 1/4	C79946 (9288)	C76351	C51742	VOL 57	54281	G15885
NESW	26.3/0.236				0.6/0.035	27.5
NWSW		1.0/0.009				1.0
SWSW		18.8/0.17	3.0/0.027			21.8
SESW	15.1/0.136		22.7/0.20		2.2/0.0275	40.0
NWSE	15.0/0.135			1.0/0.009		16.0
SWSE	16.0/0.144					16.0
NWNE	1.0/0.009			3.4/0.03		4.4

Acres + Q allowed per 1/4 at rate certificated.

	NESW	NWSW	SWSW	SESW	NWSE	SWSE	NWNE
ACRES	27.5	1.0	21.8	40.0	16.0	16.0	4.4
TOT Q	0.271	0.009	0.197	0.363	0.144	0.144	0.039
ALLOW	0.072	0.0035	0.0755	0.137	0.056	0.056	0.016

SUPPLEMENTAL TO MAKE UP A DEFICIENCY IN RATE, TOTAL Q BEING 0.416 CFS

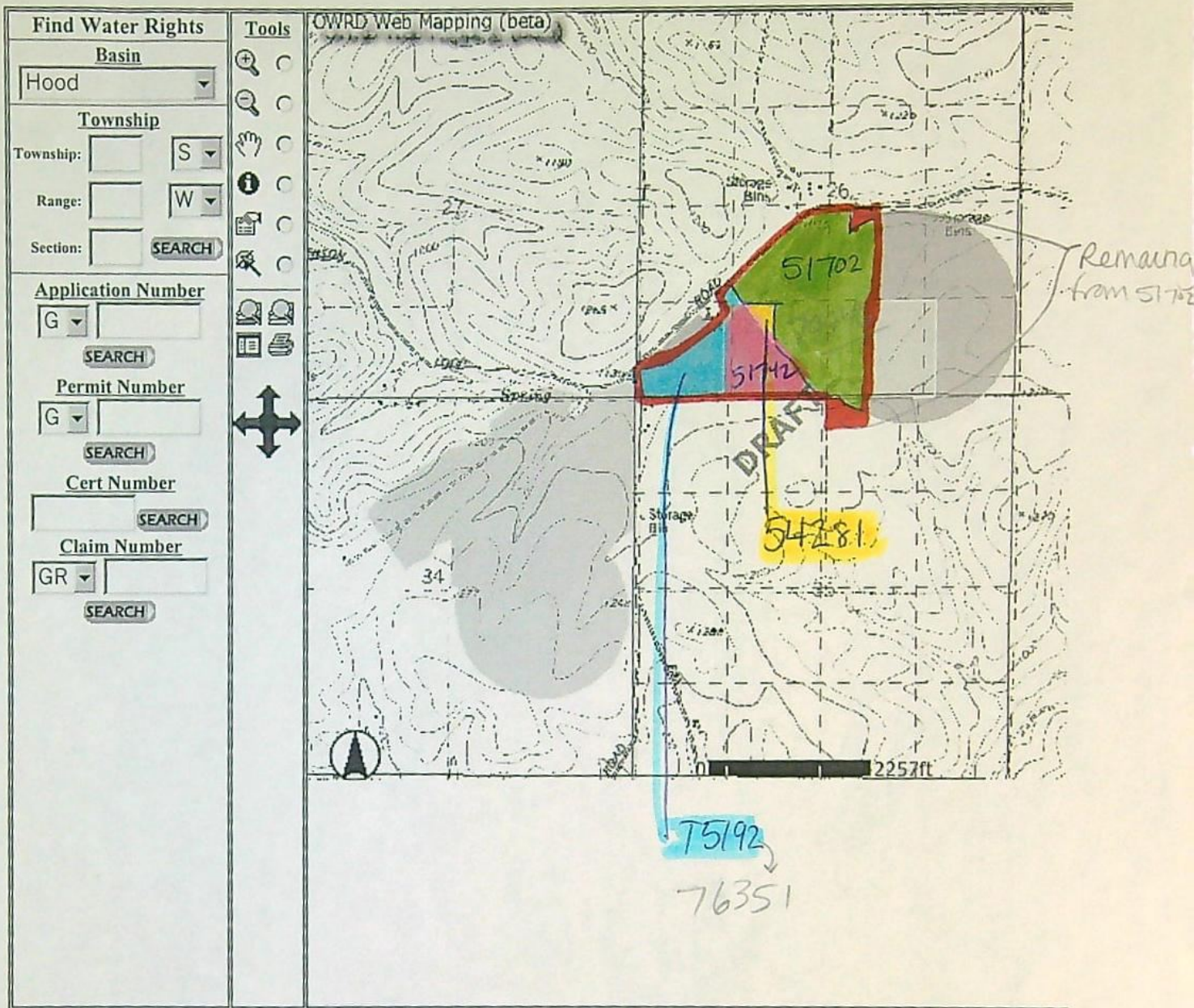
cert  
51702  
0.092 cfs

Subject

most at  
0.009/Ac  
@ 0.125 cfs  
per Ac

= 0.416 cfs









# Platcard Report

Township 1N Range 14E Section 35 of ( 26, 35 )

					NE				NW				SW				SE				Govt Lot	
	App# Priority	Permit/ Certificate	Claim/ Decree	Status d/c/lot	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
i	- 07/16/1976	G7258 -	0.16 max art 8.12	T9288	4.1 IR	4.2 IR																
i	- 07/16/1976	G7258 51702	Cancelled	CN see transfers	4.3 IR CN	7.0 IR CN																
i	- 07/16/1976	G7258 79946		T9288 Cest 79946	4.3 IR	7.0 IR																
i	G15737 04/05/2002	G15302 -											39.7 IR	31.4 IR	16.8 IR	40.0 IR			31.0 IR			
i	G15885 12/04/2002	-				4.4 IS (s)																

Page:1

[Return to Platcard Query Screen](#)

Paul R. Cleary, Director

Oregon Water Resources Department • 158 12th ST. NE • Salem, OR 97310 • Phone: (503)378-8455 • Fax: (503)378-2496

Run Time: 3 seconds

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





# Platcard Report

Township 1N Range 14E Section 26 of ( 26, 35 )

Ownership: 144 Range 142 Section 26 of 27, 327					NE				NW				SW				SE					
	App# Priority	Permit/ Certificate	Claim/ Decree	Status d/c/lot	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Govt Lot	DLC
i	- 10/10/1975	G6584 51742		T5192									0.3 IR	0.1 IR	3.0 IR	22.7 IR						
i	- 10/10/1975	G6584 76351		T5192									0.3 IR	0.9 IR	26.8 IR							
i	- 07/16/1976	G7258 -	cert	T9288 79946									26.3 IR			15.1 IR	21.5 IR	29.5 IR	18.0 IR	30.0 IR		
i	- 07/16/1976	G7258 51702	cancelled	CN see transfers									26.3 IR CN			15.1 IR CN	27.2 IR CN	37.1 IR CN	18.0 IR CN	30.0 IR CN		
i	- 07/16/1976	G7258 76352		T5193															22.0 IR	6.0 IR		
i	- 07/16/1976	G7258 79946		T9288									26.3 IR			15.1 IR	21.5 IR	29.5 IR	18.0 IR	30.0 IR		
i	G7133 10/10/1975	G6584 48405		CN									0.9 IR CN	0.1 IR CN	3.0 IR CN	40.0 IR CN			40.0 IR CN	6.0 IR CN		
i	G10871 01/26/1983	G10073 54281											0.6 IR			2.2 IR						
i	G15885 12/04/2002	-											27.5 IS (s)	1.0 IS (s)	21.8 IS (s)	40.0 IS (s)		16.0 IS (s)	16.0 IS (s)			

Page:1

[Return to Platcard Query Screen](#)

Paul R. Cleary, Director

Oregon Water Resources Department • 158 12th ST. NE • Salem, OR 97310 • Phone: (503)378-8455 • Fax: (503)378-2496

Run Time: 6 seconds

Printed for Anita M Huffman

Oregon  
Theodore R. Kentz, Governor  
Water Resources Department  
Commerce Building  
158 12th Street NE  
Salem, OR 97301-4172  
503-378-3739  
FAX 503-378-8130



## PFO CHECKLIST

WEEK # 411Application #: 6-15885County WascoBasin: HOODTownship 1N Range 14E Section 27 1/4 1/4 SESW

1. Shortcomings preventing PFO, FO, or permit? Y ☒ N Should process continue Y / N
2. Groundwater Review A B ☒ D River/Stream Name \_\_\_\_\_  
 a. Groundwater Availability A B ☒  
 b. Is second groundwater review necessary? Y / N complete? ☒ Y / N  
 c. Is the well located in a GWLA or CA? Y ☒ N (If Y or close include map of POD) Area \_\_\_\_\_
3. Is use from BOR / Doug Co. project? Y ☒ N Contract in file? N / Contract # \_\_\_\_\_
4. Is the use allowed by the Basin Program? ☒ Y / N Limited? Y / N 690-504-000(1)
5. Water Availability Data OK / REDONE ☒ NA (80% live flow & 50% storage) \_\_\_\_\_
6. Is the source withdrawn or limited by statute or Department order? Y ☒ N
7. Is the Proposed Use located in or above a SWW? Y ☒ N
8. Division 33: Y / N ☒ NA Above Bonn (after July 17, 1992) Y / N Limit to April 15 - September 30 Y / N  
 Below Bonn (after April 8, 1994; June 3, 1994) Y / N add PISPC Y / N  
 Statewide - (in shaded areas on T, E, and S Map - after June 3, 1994) Y / N
9. IR identifies as on DEQ 303d List? Y ☒ N / NA Comments received? Y / N
10. Have conflicts been addressed? Y ☒ N / NA See gw review. Well is same aquifer as primary. allow use as supplemental to make up a deficiency in rate only.
11. Rate 1/80  
 Duty 3 Season: Normal 3/1-10/31 Req 3/1-10/31
12. Rate: Max to make up def = 0.416 cfs only Req 1.58
13. Small ( $\leq 0.1$  cfs,  $\leq 9.2$  AF) ☒ Medium ( $> 0.1$  or  $< 1.5$  cfs,  $> 9.2$  or  $< 100$  AF) or Large ( $\geq 1.5$  cfs,  $\geq 100$  AF)  
 condition 7I and municipal require the Large condition
14. Conditions \_\_\_\_\_  
 New River Basin or Bonanza? Y ☒ N / NA (see M:\groups\wr\pfo\findings & other lang)
15. IR Date 3/7/03 Public Notice Date 3/25/03 Comment Rec'd NO
16. Filed after 10/23/99? ☒ Y / N (if Y A date should be removed)
17. CWRE, representatives or Property owners to notify? ☒ Y / N CWRE; Geo. Harth (see 12 mlg. list)  
 summary: \_\_\_\_\_
18. If use is SW and ODFW says fish screen, use is 0.5 cfs or less, AND does not require ODFW approval, enclose fish screen form (resource center\forms\general\fishscreenpumpcert.wpd)

Initials: [Signature] Date: \_\_\_\_\_



# IR CHECKLIST

Application #: G-15885  
 Diversion Info: County Wasco Basin: 4 Hood WID: 4-30410546  
 Township IN Range 14 E Section 27 1/4 1/4 SESW

10. Prohibited by ORS 538? If so, do not do an IR; return app & fees to applicant.
20. Groundwater Review  
 a. PSI A B C D River/Stream Name \_\_\_\_\_  
 b. Groundwater Availability A B C  
 c. Is the well located in a GWLA or CGWA or T1N R3E Sec 20, 21, 28, 29? Y / N (If in an area include map showing POD)
30. Allowed under Basin Program Y / N Limitations? Y / N 690-504-000 (1)
40. Withdrawn? Y / N season allowed \_\_\_\_\_
50. SWW Y / N (if Y notify state parks) \_\_\_\_\_
60. Surface Water Availability (80% live flow / 50% storage) NA
70. DIVISION 33 Y / N NA Above Bonn Y / N (7/17/92) Below Bonn Y / N (4/8/94) Statewide Y / N (6/3/94) map date \_\_\_\_\_
80. Rate/Duty/Season Requested 1.58 cfs 3/1 - 10/1 (380 AF) 126<sup>2</sup> Ac  
 Allowable 1.58 same
90. B.O.R. or Doug Co. project Y / N contract # \_\_\_\_\_
100. Condition S( $\leq 0.1$ ,  $\leq 9.2$ ), M( $\geq 0.1$  or  $\leq 1.5$  CFS, or  $\geq 9.2$  or  $\leq 100$  AF) L ( $\geq 1.5$ ,  $\geq 100$ ), BOR, GW, etc. Y / N 7E
110. Land use approval OK'd needs approval county notified NA
120. Watermaster Dist: (1 2 16 18 20 - NWR) (3) 4 5 21 - (NCR) (6 8 9 10 - ER) (11 12 17 - SCR) (13 14 15 19 - SWR)
130. DOA 1010 Y / N 303D Y / N CTUIR Y / N
140. Is the use located within Oregon Streamflow Restoration Area? Y / N NA
150. Letter format = Good = Limited = Bad = Bad w/ IRshort = Bad w/ HC Opportunity
160. CWRE, representative, etc. to notify? Y / N \_\_\_\_\_

Donald Branton

Tennison Engineering

409 Lincoln St., The Dalles, OR 97058

*no conflicts  
IS use*

Name: AA Date: 2/27/03

The purpose of this checklist is to be used as a working document by Department staff to aid in the production of the related Initial Review, Proposed Final Order, or Final Order. It is not intended to be a complete record of all factors which were considered to produce the document, nor is it intended to serve any purpose other than that stated above.

The related Initial Review, Proposed Final Order, or Final Order is intended to stand alone as the record of factors considered in its production.



## Analysis for Application: G15885

**Location:** 1N-14E-26-NWSE

**Uses:** IS 16 S

### Basins

BASIN_NUM	BASIN_NAME
4	Hood

**Records Found:** 1

### WaterMaster Districts

WATERDIST	REGION	ACRES	SQ_MILES	WMASTER	ADDRESS	CITY
3	NC	1882501	2941	Larry Toll	Courthouse Annex B, Rm 218, 421 E 7th ST	The Da

**Records Found:** 1

### WAB

BASIN	WID	LINK1	LINK2
4	30410546	Water Availability: 50% 80%	Flood Frequency Analysis

**Records Found:** 1

### County

COUNTY	FIPS
Wasco	41065

**Records Found:** 1

**Groundwater Restricted Records Found:** 0



**Divison 33 Area**

DIV33

In a Div33 area

**Records Found: 1****Rule 4D**

RULE4D

In a Rule4D Area

**Records Found: 1****303D Streams Records Found: 0****303D Lakes Records Found: 0****Location: 1N-14E-26-SWSE**

Uses: IS 16 S

**Basins**

BASIN_NUM	BASIN_NAME
4	Hood

**Records Found: 1****WaterMaster Districts**

WATERDIST	REGION	ACRES	SQ_MILES	WMASTER	ADDRESS	CITY
3	NC	1882501	2941	Larry Toll	Courthouse Annex B, Rm 218, 421 E 7th ST	The Da

**Records Found: 1**



**WAB**

BASIN	WID	LINK1	LINK2
4	30410546	Water Availability: 50% 80%	Flood Frequency Analysis
4	30410550	Water Availability: 50% 80%	Flood Frequency Analysis

**Records Found: 2****County**

COUNTY	FIPS
Wasco	41065

**Records Found: 1****Groundwater Restricted Records Found: 0****Divison 33 Area**

DIV33
In a Div33 area

**Records Found: 1****Rule 4D**

RULE4D
In a Rule4D Area

**Records Found: 1****303D Streams Records Found: 0****303D Lakes Records Found: 0**



**Location: 1N-14E-26-NESW**

Uses: IS 27.5 S

**Basins**

BASIN_NUM	BASIN_NAME
4	Hood

Records Found: 1

**WaterMaster Districts**

WATERDIST	REGION	ACRES	SQ_MILES	WMASTER	ADDRESS	CITY
3	NC	1882501	2941	Larry Toll	Courthouse Annex B, Rm 218, 421 E 7th ST	The Da

Records Found: 1

**WAB**

BASIN	WID	LINK1	LINK2
4	30410546	Water Availability: 50% 80%	Flood Frequency Analysis
4	30410550	Water Availability: 50% 80%	Flood Frequency Analysis

Records Found: 2

**County**

COUNTY	FIPS
Wasco	41065

Records Found: 1

**Groundwater Restricted Records Found: 0**



**Divison 33 Area**

DIV33

In a Div33 area

**Records Found: 1****Rule 4D**

RULE4D

In a Rule4D Area

**Records Found: 1****303D Streams Records Found: 0****303D Lakes Records Found: 0****Location: 1N-14E-26-NWSW**

Uses: IS 1 S

**Basins**

BASIN_NUM	BASIN_NAME
4	Hood

**Records Found: 1****WaterMaster Districts**

WATERDIST	REGION	ACRES	SQ_MILES	WMASTER	ADDRESS	CITY
3	NC	1882501	2941	Larry Toll	Courthouse Annex B, Rm 218, 421 E 7th ST	The Da

**Records Found: 1**



**WAB**

BASIN	WID	LINK1	LINK2
4	30410546	Water Availability: 50% 80%	Flood Frequency Analysis
4	30410550	Water Availability: 50% 80%	Flood Frequency Analysis

**Records Found: 2****County**

COUNTY	FIPS
Wasco	41065

**Records Found: 1****Groundwater Restricted Records Found: 0****Divison 33 Area**

DIV33
In a Div33 area

**Records Found: 1****Rule 4D**

RULE4D
In a Rule4D Area

**Records Found: 1****303D Streams Records Found: 0****303D Lakes Records Found: 0**



**Location: 1N-14E-26-SESW**

Uses: IS 40 S

**Basins**

BASIN_NUM	BASIN_NAME
4	Hood

Records Found: 1

**WaterMaster Districts**

WATERDIST	REGION	ACRES	SQ_MILES	WMASTER	ADDRESS	CITY
3	NC	1882501	2941	Larry Toll	Courthouse Annex B, Rm 218, 421 E 7th ST	The Da

Records Found: 1

**WAB**

BASIN	WID	LINK1	LINK2
4	30410546	Water Availability: 50% 80%	Flood Frequency Analysis
4	30410550	Water Availability: 50% 80%	Flood Frequency Analysis

Records Found: 2

**County**

COUNTY	FIPS
Wasco	41065

Records Found: 1

**Groundwater Restricted Records Found: 0**



**Divison 33 Area**

<b>DIV33</b>
In a Div33 area

**Records Found: 1****Rule 4D**

<b>RULE4D</b>
In a Rule4D Area

**Records Found: 1****303D Streams Records Found: 0****303D Lakes Records Found: 0****Location: 1N-14E-26-SWSW****Uses: IS 21.8 S****Basins**

<b>BASIN_NUM</b>	<b>BASIN_NAME</b>
4	Hood

**Records Found: 1****WaterMaster Districts**

<b>WATERDIST</b>	<b>REGION</b>	<b>ACRES</b>	<b>SQ_MILES</b>	<b>WMASTER</b>	<b>ADDRESS</b>	<b>CITY</b>
3	NC	1882501	2941	Larry Toll	Courthouse Annex B, Rm 218, 421 E 7th ST	The Da

**Records Found: 1**



**WAB**

BASIN	WID	LINK1	LINK2
4	30410550	Water Availability: 50% 80%	Flood Frequency Analysis

**Records Found: 1****County**

COUNTY	FIPS
Wasco	41065

**Records Found: 1****Groundwater Restricted Records Found: 0****Divison 33 Area**

DIV33
In a Div33 area

**Records Found: 1****Rule 4D**

RULE4D
In a Rule4D Area

**Records Found: 1****303D Streams Records Found: 0****303D Lakes Records Found: 0****Location: 1N-14E-35-NWNE****Uses: IS 4.4 S**



**Basins**

BASIN_NUM	BASIN_NAME
4	Hood

**Records Found: 1****WaterMaster Districts**

WATERDIST	REGION	ACRES	SQ_MILES	WMASTER	ADDRESS	CITY
3	NC	1882501	2941	Larry Toll	Courthouse Annex B, Rm 218, 421 E 7th ST	The Da

**Records Found: 1****WAB**

BASIN	WID	LINK1	LINK2
4	30410546	Water Availability: 50% 80%	Flood Frequency Analysis
4	30410550	Water Availability: 50% 80%	Flood Frequency Analysis

**Records Found: 2****County**

COUNTY	FIPS
Wasco	41065

**Records Found: 1****Groundwater Restricted Records Found: 0****Divison 33 Area**

DIV33
In a Div33 area

**Records Found: 1**



**Rule 4D**

<b>RULE4D</b>
---------------

In a Rule4D Area
------------------

**Records Found: 1**

**303D Streams Records Found: 0**

**303D Lakes Records Found: 0**



**OREGON WATER RESOURCES DEPARTMENT  
INTEROFFICE MEMO**

To: Ground Water Files Date: February 12, 2003

From: Michael J. Zwart

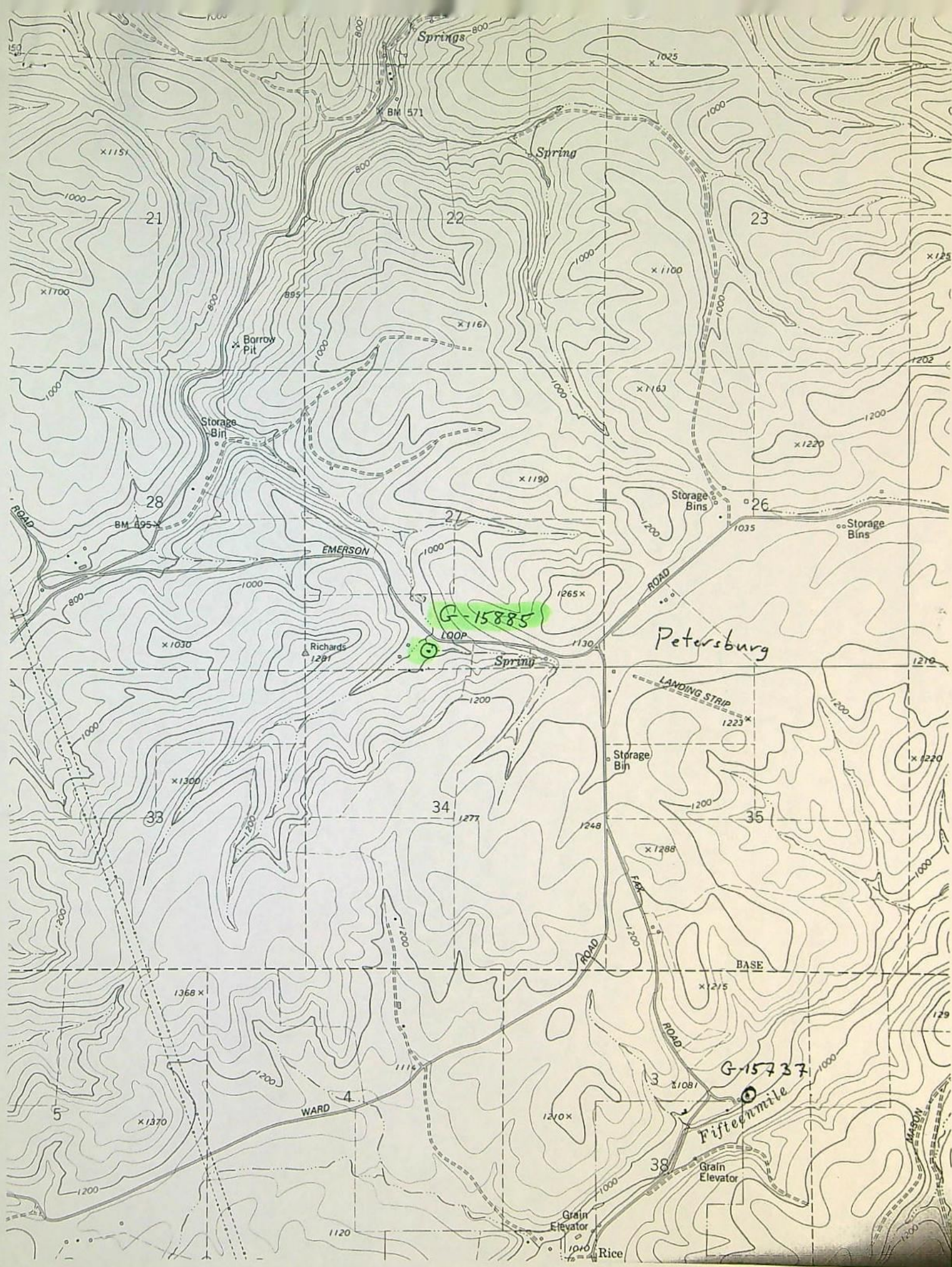
Subject: Application Review: G-15885, George Harth 1988 Trust, Neal Harth,  
Trustee

This application proposes to use about 1.58 cfs from one well for supplemental irrigation of 126.7 acres. The well (WASC 2713, deepened: WASC 50938) is 598 feet deep and produces water from a confined to semiconfined aquifer developed in basalt rocks of the Columbia River Basalt Group. The static water level is reported to be 209 feet below land surface. It is noted that the well was not named or numbered on the application, but three wells are located on the application map. Based on the enclosed well logs, this review presumes only one well, located in Section 27, is being filed on.

The well is about 200 feet from an intermittent tributary of Eightmile Creek. The aquifer is not likely in hydraulic connection with the nearby reach of the creek. There is no potential for substantial interference with surface water sources, based on the confined to semiconfined nature of the aquifer and the head difference.

I recommend permit conditions 7B and 7E.







Water Right Conditions  
Tracking Slip

Groundwater/Hydrology Section

FILE ## G-15885  
ROUTED TO: Water Rights  
TOWNSHIP/  
RANGE-SECTION: 1N/14E-27cd

CONDITIONS ATTACHED? ☒ yes ☐ no

REMARKS OR FURTHER INSTRUCTIONS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Reviewer: Michael Zwart



TO: Water Rights Section

Feb. 12, 2003

FROM: Ground Water/Hydrology Section Michael Zwart  
Reviewer's Name

SUBJECT: Application G- 15885

GROUND WATER/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 ground water source hydraulically connected to the surface water.
2. BASED UPON OAR 690-09 currently in effect, I have determined that the proposed ground water 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.

GROUND WATER AVAILABILITY CONSIDERATIONS

3. BASED UPON available data, I have determined that ground water 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 ground water resource:
    - i. ☒ The permit should contain condition #(s) 7E;
    - 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 ground water production from no deeper than \_\_\_\_\_ ft. below land surface;
  - b. \_\_\_ The permit should allow ground water production from no shallower than \_\_\_\_\_ ft. below land surface;
  - c. \_\_\_ The permit should allow ground water production only from the \_\_\_\_\_ ground water reservoir between approximately \_\_\_\_\_ ft. and \_\_\_\_\_ ft. below land surface;
  - d. \_\_\_ Well reconstruction is necessary to accomplish one or more of the above conditions.
  - e. \_\_\_ One or more POA's commingle 2 or more sources of water. The applicant must select one source of water per POA and specify the proportion of water to be produced from each source.

REMARKS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Well Construction 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 ground water reservoir;
  - c. ☐ permits the loss of artesian head;
  - d. ☐ permits the de-watering of one or more ground water reservoirs;
  - e. ☐ other: (specify) \_\_\_\_\_
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.

\_\_\_\_\_  
SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL THIS

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)

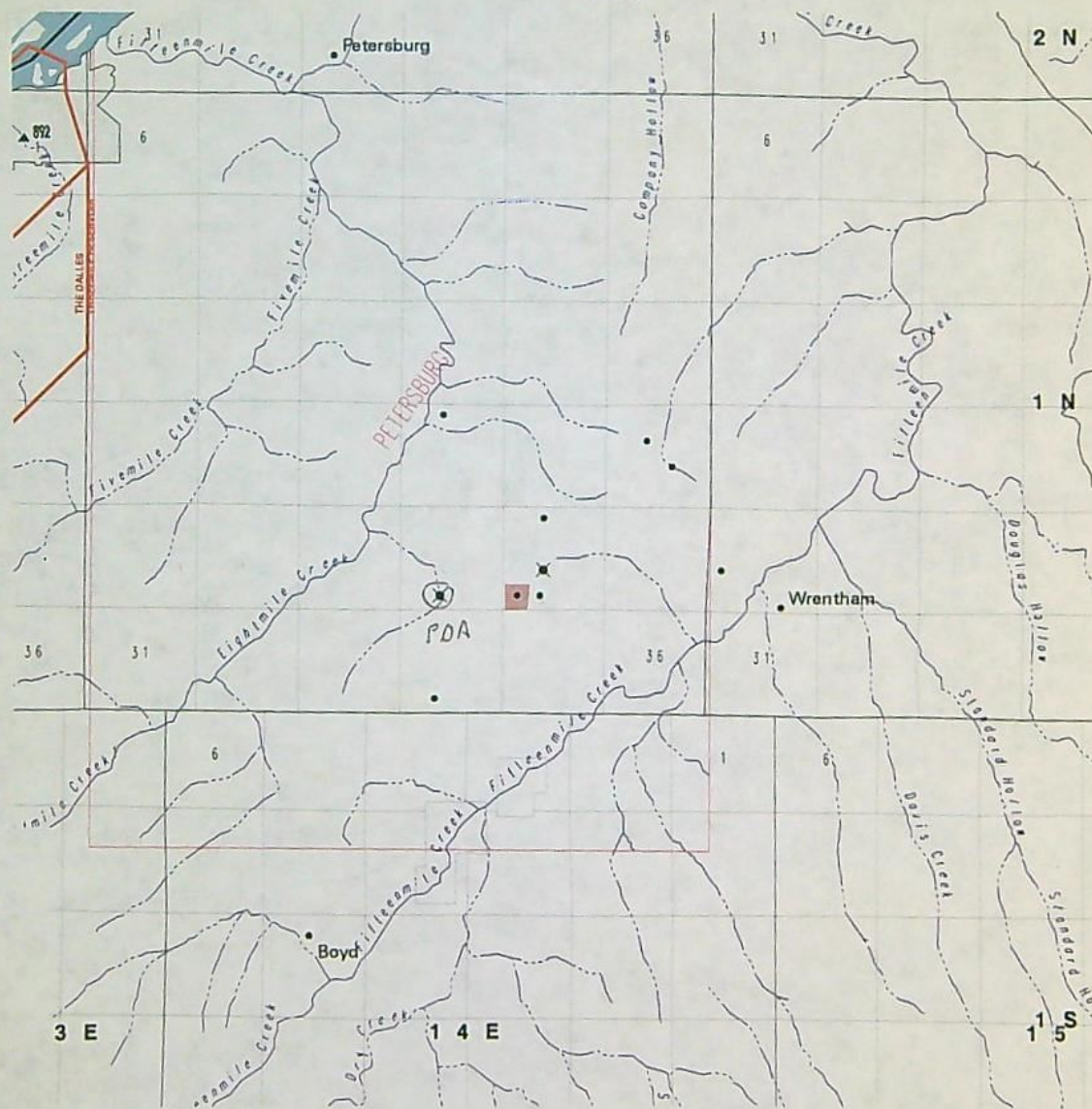






# Wells in the vicinity of application G 15885

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





WELL LOGS WITHIN 1 MILE OF APPLICATION G 15885

ABANDON: 4  
 RECONDITIONED: 2  
 REPAIRED: 2  
 CONVERSION: 0  
 DEEPENINGS: 4  
 NEW CONSTRUCT: 12

COMMUNITY USE: 0  
 DOMESTIC USE: 7  
 INDUSTRIAL USE: 0  
 INJECTION USE: 0  
 IRRIGATION USE: 8  
 THERMAL USE: 0  
 LIVESTOCK USE: 0

PERMITTED WELLS WITHIN 1 MILE OF APPLICATION G 15885

\$RECNO	APPLICATION	PERMIT	CLAIM	LOC-QQ	USE_CODE
1	0	G 7258	0	1.00N14.00E26NESW	IR
1	0	G 7258	0	1.00N14.00E26NESW	IR
1	G 10871	G 10073	0	1.00N14.00E26NESW	IR
2	G 7437	G 6934	0	1.00N14.00E27SESW	IR

NO CONDITIONED WELLS WITHIN 1 MILE OF APPLICATION G 15885

APPLICATION G 15885 FALLS WITHIN THESE QUAD(S)

PETERSBURG

The following OWRD Groundwater Management Areas are within the map extent:

\$RECNO	NAME1	NAME2	SUB-AREA	STATUS
1	THE DALLES			CRIT
2	THE DALLES	THREEMILE RESERVOIR		CRIT



November 13, 1996

OREGON ADMINISTRATIVE RULES  
WATER RESOURCES DEPARTMENT  
CHAPTER 690  
DIVISION 504  
HOOD BASIN PROGRAM

**Classifications**

**690-504-000 (1)** The maximum economic development of this state, the attainment of the highest and best use of the waters of the Hood Basin and the attainment of an integrated and coordinated program for the benefit of the state as a whole will be furthered through utilization of the aforementioned waters only for domestic, livestock, municipal, irrigation, power development, industrial, mining, recreation, wildlife, fish life, pollution abatement uses, and the waters of the Hood Basin are hereby so classified with the following exceptions:

(a) The maximum economic development of this state, the attainment of the highest and best use of the waters of Dog River above its point of diversion at Water Resources Department - U.S. Geological Survey Gage 1134, as shown on State Water Resources Board Map 4.6, and the attainment of an integrated and coordinated program for the benefit of the state as a whole will be furthered through utilization of the aforementioned waters only for municipal use and the waters of Dog River above its point of diversion at Water Resources Department - U.S. Geological Survey Gage 1134, as shown on State Water Resources Board Map 4.6, are hereby so classified.

(b) The maximum economic development of this state and the attainment of the highest and best use of the waters of the natural lakes of the Hood Basin, and the attainment of an integrated and coordinated program for the benefit of the state as a whole will be furthered through utilization of the aforementioned waters only for domestic, livestock, irrigation of lawn or noncommercial garden not to exceed one-half acre in area, power development not to exceed 7 1/2 theoretical horsepower, recreation, wildlife, and fish life uses and the waters of natural lakes of the basin are hereby so classified.

(2) Applications for the use of these specified waters of the Hood Basin shall not be accepted by any state agency for any other use and the granting of applications for such other uses is declared to be prejudicial to the public interest and the granting of applications for such other uses would be contrary to the integrated and coordinated program for the use and control of the water resources of the state.

(3) Structures or works for the utilization of the waters in accordance with the aforementioned classifications are also declared to be prejudicial to the public interest unless planned, constructed, and operated in conformity with the applicable provisions of ORS 536.310 and any such structures or works are further declared to

*Note: These rules were filed with the Office of the Secretary of State and took effect on November 13, 1996. The rules are subject to non-substantive modifications such as renumbering and correction of typographical errors pursuant to ORS 183.360 (2)(a) when published by the Secretary of State.*



be prejudicial to the public interest which do not give cognizance to the multiple-purpose concept.

Stat. Authority: ORS 536.220 and 536.310

Hist.: WRD , f. & ef. 11-13-96

### Water Quality

690-504-020 Rights to use of water for industrial or mining purposes granted by any state agency shall be issued only on condition that any effluents or return flows from such uses shall not interfere with other beneficial uses of water.

Stat. Authority: ORS 536.310

Hist.: WRD , f. & ef. 11-13-96

### Reservations

690-504-100 (1) Reservations of water for economic development are established pursuant to ORS 537.249 and 537.356 to ensure sufficient surface water will be available in the future to meet expected needs. Economic development includes, but is not limited to, the production of goods and services and management of natural resources which contribute economic benefits through both instream and out-of-stream uses of water.

(2) Notwithstanding OAR 690-504-000, stored water may be used for any beneficial purpose.

(3) "Multipurpose reservoir", as used in OAR 690-504-100 through 160, means a reservoir storing water to serve multiple potential beneficial uses such as irrigation, power generation, municipal water supply, recreation, and flow augmentation for instream purposes.

(4) Reservations of water for future economic development in OAR 690-504-110 through 160 allocate surface water for storage in multipurpose reservoirs. The storage of up to 2,000 acre-feet of water for livestock or domestic purposes authorized under water rights with priority dates after November 6, 1992, shall be exempt from regulation for storage of water reserved under OAR 690-504-110 through 160.

(5) In addition to the requirements of OAR Chapter 690, Division 310, an application for a permit to store reserved water shall include:

(a) An assessment of the effect of the proposed reservoir on fish and wildlife developed after consultation with the Oregon Department of Fish and Wildlife;

(b) An assessment of the effect of the proposed reservoir on water quality developed after consultation with the Oregon Department of Environmental Quality;

(c) An analysis of water supply alternatives to the proposed reservoir, such as off-stream storage, water right transfers and implementation of conservation measures; and

(d) An analysis summarizing and describing how the proposed project will enhance instream values, including but not limited to instream flows. -



(6) For the purposes of review of applications to store reserved water under OAR Chapter 690, Division 310, the reserved quantities of water listed in OAR 690-504-110 through 160 are available for appropriation.

(7) In addition to any other findings required for issuance of a reservoir permit under OAR 690, Division 310, and prior to issuance of a permit for a proposed project storing water reserved under 690-504-110 through 160, the Department shall also find:

(a) The proposed reservoir is consistent with the purpose of the reservation following consultation with the Department of Agriculture and other state agencies;

(b) The proposed reservoir will enhance instream values, including but not limited to instream flows; and

(c) What storage season is appropriate and whether minimum bypass flows or other conditions should be included in the permit to insure no harm to senior water rights and to protect instream values.

(8) Permits to store reserved water shall receive the priority date of the reservation.

(9) If the Department has not received applications for multipurpose reservoir permits for the full quantity of reserved water five years after the adoption of these rules, the Department of Agriculture shall provide the Commission with a progress report on development of the reservations. The report shall include information on the continued need for the reservations and the quantities of water reserved. The Department of Agriculture shall continue to provide progress reports at five year intervals while these rules are in effect unless the Department receives applications for multipurpose reservoir permits for the full quantity of reserved water.

(10) If the Department has not received applications for multipurpose reservoir permits for the full quantity of water reserved twenty years after October 17, 1996, OAR 690-504-110 through 160 shall automatically be repealed on October 17, 2016, unless extended by further rulemaking of the Water Resources Commission.

Stat. Authority: ORS 536.310, 537.249, 537.356 and 537.358

Hist.: WRD , f. & ef. 11-13-96

#### **West Fork Hood River Subbasin Reservation**

690-504-110 Nine thousand (9,000) acre-feet of unappropriated water of the Lake Branch of the West Fork Hood River or its tributaries upstream of the confluence with the West Fork Hood River are reserved for storage in multipurpose reservoirs. The priority date of the reservation is November 6, 1992.

Stat. Authority: ORS 537.249 and 537.356

Hist.: WRD , f. & ef. 11-13-96

#### **East Fork Hood River Subbasin Reservation**

690-504-120 Fifty Thousand (50,000) acre-feet of unappropriated water of the East Fork Hood River or its tributaries upstream of the confluence of the Dog River with the East Fork Hood River are reserved for storage in multipurpose reservoirs. The priority date of the reservation is November 6, 1992.



Stat. Authority: ORS 537.249 and 537.356  
Hist.: WRD , f. & ef. 11-13-96

**Neal Creek Subbasin Reservation**

690-504-130 Five thousand (5,000) acre-feet of unappropriated water of Neal Creek or its tributaries are reserved for storage in multipurpose reservoirs. The priority date of the reservation is November 6, 1992.

Stat. Authority: ORS 537.249 and 537.356  
Hist.: WRD , f. & ef. 11-13-96

**Mosier Creek Subbasin Reservation**

690-504-140 Six thousand four hundred (6,400) acre-feet of unappropriated water of Mosier Creek or its tributaries are reserved for storage in multipurpose reservoirs. The priority date of the reservation is November 6, 1992.

Stat. Authority: ORS 537.249 and 537.356  
Hist.: WRD , f. & ef. 11-13-96

**Eightmile Creek Subbasin Reservation**

690-504-150 Four thousand (4,000) acre-feet of unappropriated water of Eightmile Creek or its tributaries upstream of the confluence of Pine Hollow with Eightmile Creek are reserved for storage in multipurpose reservoirs. The priority date of the reservation is November 6, 1992.

Stat. Authority: ORS 537.249 and 537.356  
Hist.: WRD , f. & ef. 11-13-96

**Fifteenmile Creek Subbasin Reservation**

690-504-160 Unappropriated water in the Fifteenmile Creek subbasin is reserved as follows:

(1) Five thousand (5,000) acre-feet of unappropriated water of Fifteenmile Creek or its tributaries upstream of the City of Dufur water supply reservoir are reserved for storage in multipurpose reservoirs. The priority date of the reservation is November 6, 1992.

(2) Three thousand five hundred (3,500) acre-feet of unappropriated water of Larch Creek or its tributaries are reserved for storage in multipurpose reservoirs. The priority date of the reservation is November 6, 1992.

Stat. Authority: ORS 537.249 and 537.356  
Hist.: WRD , f. & ef. 11-13-96

[NOTE: The Hood Basin is delineated on State Water Resources Board Map, File 4.6, available from the Water Resources Department.]



Oregon Water Resources Department  
Water Rights Division

Water Rights Application  
Number G-15885

Proposed Final Order

Prior to issuance of a permit, recording fees in the amount of \$175.00 must be submitted to the Department. In order to increase Department efficiency and expedite the processing of your application, submit \$175.00 prior to the protest deadline of August 1, 2003. Please include your application number on your check made out to the Oregon Water Resources Department. If this fee is not paid prior to August 1, 2003, issuance of a permit will be delayed.

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

*Application History*

On December 04, 2002, NEAL HARTH, TRUSTEE FOR THE GEORGE HARTH, 1988 TRUST submitted an application to the Department for the following water use permit:

- Amount of Water: 1.58 CUBIC FEET PER SECOND (CFS)
- Use of Water: SUPPLEMENTAL IRRIGATION USE ON 126.7 ACRES
- Source of Water: WELL 1 IN FIFTEENMILE CREEK BASIN
- Area of Proposed Use: Wasco County within SECTION 26 AND SECTION 35, TOWNSHIP 1 NORTH, RANGE 14 EAST, W.M.

On March 7, 2003, the Department mailed the applicant notice of its Initial Review, determining that "The use of 1.58 CUBIC FEET PER SECOND from A WELL IN FIFTEENMILE CREEK BASIN for SUPPLEMENTAL IRRIGATION USE ON 126.7 ACRES is allowable from March 1 through October 1 of each year." The applicant did not notify the Department to stop processing the application within 14 days of that date.

On March 25, 2003, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about both obtaining future notices and a copy of the proposed final order.

No written comments were received within 30 days.



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

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

#### *Findings of Fact*

The Department completed a second review of the proposed well and has determined that WELL 1 produces water from the same aquifer as wells certificated under existing rights for the same lands. Therefore, the use of water for SUPPLEMENTAL IRRIGATION under application G-15885 shall be restricted to SUPPLEMENTAL TO MAKE UP A DEFICIENCY IN RATE.

The Hood Basin Program allows SUPPLEMENTAL IRRIGATION.

The Department finds that no more than 0.416 CFS would be necessary for the proposed use. The amount of water allowed shall be restricted to 0.416 CFS.

Senior water rights exist on WELL 1 IN FIFTEENMILE CREEK BASIN.

WELL 1 IN FIFTEENMILE CREEK BASIN is not within or above a State Scenic Waterway.

The Groundwater Section finds, per OAR 390.835(9), 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.

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



An assessment of groundwater availability has been completed by the Department's Groundwater/Hydrology section. A copy of this assessment is in the file. The proposed use of groundwater will, if properly conditioned, avoid injury to existing rights and the resource.

The proposed well is not within a designated critical ground water area.

#### *Conclusions of Law*

Under the provisions of ORS 537.153, the Department must presume that a proposed use will not impair or be detrimental to the public interest 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) (i.e. the use of water is human consumption or livestock), 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 Hood Basin Plan, or a preference for this use is granted under the provisions of ORS 536.310(12).

Water is available for the proposed use.

The proposed use will not injure other water rights.

The proposed use complies with other rules of the Water Resources Commission not otherwise described above.

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

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

For these reasons, the required presumption has been established.

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

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



- detrimentally affected; and
- (B) Specifically how the identified aspect of the public welfare, safety and health under ORS 537.525 would be impaired or be adversely affected.

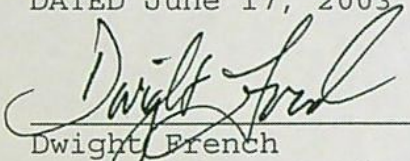
In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use would impair or be detrimental to the public interest.

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

#### Recommendation

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

DATED June 17, 2003



Dwight French  
Water Rights Section Manager

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

#### Protest Rights and Standing

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.

#### Requests for Standing

Under the provisions of 537.621(6), persons other than the applicant who support a proposed final order may request standing for purposes of participating in any contested case proceeding on the proposed final order or for judicial review of a final order. A request for standing shall be in writing, include a statement that the requester supports the proposed final order, and a statement of how the requester would be harmed if the proposed final order is modified. The fee required at the time of submitting this request is \$50.00. If a hearing is scheduled, an additional fee of \$150.00 must be submitted along with a request for intervention. Forms to request standing are available from the Department.

Your protest or request for standing must be received in the Water Resources Department no later than **August 1, 2003**.

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.

*This document was prepared by Anita Huffman. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me at 1-503-378-8455 extension 229.*

*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 extension number is 239.*



*If you have other questions about the Department or any of its programs please contact our Water Rights Information Group at extension 201.*

*Address all other correspondence to:*

Water Rights Section, Oregon Water Resources Department, 158 12th ST NE SALEM, OR 97301  
Fax: (503)378-6203

Huffmaam- WEEK 411



DRAFT

This is not a permit!!!  
STATE OF OREGON

DRAFT

COUNTY OF Wasco

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

NEAL HARTH, TRUSTEE FOR  
GEORGE HARTH, 1988 TRUST  
5820 EMERSON LOOP RD  
THE DALLES, OR 97058

(541)298-8401

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

APPLICATION FILE NUMBER: G-15885

SOURCE OF WATER: WELL 1 IN FIFTEENMILE CREEK BASIN

PURPOSE OR USE: SUPPLEMENTAL IRRIGATION TO MAKE UP A DEFICIENCY IN RATE  
FOR USE ON 126.7 ACRES

MAXIMUM RATE: 0.416 CUBIC FOOT PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 1 OF EACH YEAR

DATE OF PRIORITY: December 4, 2002

WELL LOCATION: SW  $\frac{1}{4}$  SW  $\frac{1}{4}$  SECTION 26, T1N, R14E, W.M.; 1140 FEET NORTH &  
1650 FEET WEST FROM S1/4 CORNER, SECTION 26

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  $\frac{1}{4}$  SW  $\frac{1}{4}$  27.5 ACRES  
NW  $\frac{1}{4}$  SW  $\frac{1}{4}$  1.0 ACRE  
SW  $\frac{1}{4}$  SW  $\frac{1}{4}$  21.8 ACRES  
SE  $\frac{1}{4}$  SW  $\frac{1}{4}$  40.0 ACRES  
NW  $\frac{1}{4}$  SE  $\frac{1}{4}$  16.0 ACRES  
SW  $\frac{1}{4}$  SE  $\frac{1}{4}$  16.0 ACRES  
SECTION 26



NW ¼ NE ¼ 4.4 ACRES  
SECTION 35  
TOWNSHIP 1 NORTH, RANGE 14 EAST, W.M.

Measurement, recording and reporting conditions:

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

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

**Before Use of Water Takes Place**

Initial and Annual Measurements

The Department requires the permittee to submit an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

**After Use of Water has Begun**

Reference Water Level Determination

Following the first year of water use, the user shall submit one static water level measurement in the month specified above which will establish the reference level against which future annual measurements will be compared. The water user is not required to measure additional



water levels after the reference level has been determined unless required by the Director. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

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

- (A) An average water level decline of three or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.



## STANDARD CONDITIONS

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

The 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.

Complete application of the water to the use shall be made on or before October 1, 2007. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit,



the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

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

Issued \_\_\_\_\_, 2003

DRAFT - THIS IS NOT A PERMIT

Paul R. Cleary, Director  
Water Resources Department

REAL ESTATE TRANSACTIONS: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.

CULTURAL RESOURCES PROTECTION LAWS: Permittees involved in ground-disturbing activities should be aware of federal and state cultural resources protection laws. ORS 358.920 prohibits the excavation, injury, destruction or alteration of an archeological site or object, or removal of archeological objects from public and private lands without an archeological permit issued by the State Historic Preservation Office. 16 USC 470, Section 106, National Historic Preservation Act of 1966 requires a federal agency, prior to any undertaking to take into account the effect of the undertaking that is included on or eligible for inclusion in the National Register. For further information, contact the State Historic Preservation Office at 503-378-4168, extension 232.





# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

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

March 7, 2003

NEAL HARTH, TRUSTEE  
GEORGE HARTH, 1988 TRUST  
5820 EMERSON LOOP RD  
THE DALLES, OR 97058

(541)298-8401

Reference: File G-15885

Dear Applicant:

### **THIS IS NOT A PERMIT AND IS SUBJECT TO CHANGE AT THE NEXT PHASE OF PROCESSING.**

This letter is to inform you of the preliminary analysis of your water use permit application and to describe your options. In determining whether a water use permit application may be approved, the Department must consider the factors listed below, all of which must be favorable to the proposed use if it is to be allowed. Based on the information you have supplied, the Water Resources Department has made the following preliminary determinations:

#### Initial Review Determinations:

1. The proposed use is not prohibited by law or rule.
2. The use of water from A WELL IN FIFTEENMILE CREEK BASIN for SUPPLEMENTAL IRRIGATION USE ON 126.7 ACRES is allowable under OAR 690-504-000(1), the Hood Basin Program.
3. The Department has determined, based upon OAR 690-09, that the proposed groundwater use will, if properly conditioned, adequately protect the surface water from interference.
4. The Department has also determined, based upon available data, that the use of groundwater in the amount of 1.58 CUBIC FEET PER SECOND for SUPPLEMENTAL IRRIGATION USE ON 126.7 ACRES if properly conditioned, will not injure existing rights or the groundwater resource.





### Summary of Initial Determinations

**The use of 1.58 CUBIC FEET PER SECOND from A WELL IN FIFTEENMILE CR BASIN for SUPPLEMENTAL IRRIGATION USE ON 126.7 ACRES is allowable from March 1 through October 1 of each year.**

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

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

#### To Proceed With Your Application:

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

#### Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$50 processing charge per application.) To accomplish this you must notify the Department in writing by **Friday, March 21, 2003**. 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, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
  - B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.



2. To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

**Before Use of Water Takes Place**

Initial and Annual Measurements

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**After Use of Water has Begun**

Reference Water Level Determination

Following the first year of water use, the user shall submit one static water level measurement in the month specified above which will establish the reference level against which future annual measurements will be compared. The water user is not required to measure additional water levels after the reference level has been determined unless required by the Director. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

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

- (A) An average water level decline of three or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the



permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

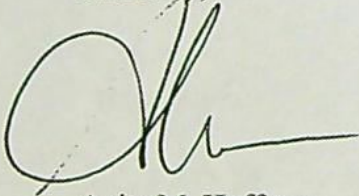
3. The priority date for this application is December 04, 2002.

The water source identified in your application is in an area that has an approved Agricultural Water Quality Management Area Plan. These plans have been developed by the Oregon Department of Agriculture (ODA) with the cooperation of local landowners and other interested stakeholders. These plans help make sure that current and new appropriations of water are done in a way that does not adversely harm the environment. You are encouraged to contact Paul Measeles, (503) 986-4778 at the ODA to learn more about the plan and how it may affect your proposed water use.

If you have any questions:

Questions about the status of your application, processing timelines, or your upcoming Proposed Final Order should be directed to our Water Right Information Group at 503-378-8455 extension 201. Feel free to call me at 503-378-8455 extension 229 if you have any questions regarding the contents of this letter. Please have your application number available if you call. Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 158 12th ST. NE Salem, OR 97301-4172, Fax: 503-378-6203.

Sincerely,

A handwritten signature in black ink, appearing to read 'Anita M. Huffman', with a long horizontal flourish extending to the right.

Anita M. Huffman  
Senior Water Rights Technician

enclosures: Flow Chart of Water Right Process  
Stop Processing Form

G-15885  
wab 4-  
pou 4-  
gw c



# 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-15885

Applicant: NEAL HARTH

County: Wasco

Watermaster: 3

Priority Date: December 04, 2002

Source: A WELL IN FIFTEENMILE CR BASIN

Use: SUPPLEMENTAL IRRIGATION USE ON 126.7 ACRES

Quantity: 1.58 CUBIC FEET PER SECOND

Basin Name & Number: Hood, #4

Stream Index Reference: Volume 2 FIFTEENMILE CR & MISC

Well Location: SESW SECTION 27, T1.0N, R14.0E, W.M.; 310 FEET NORTH & 3120 FEET  
EAST FROM SE CORNER, SECTION 27

Place of Use: NESW 27.5 ACRES, NWSW 1.0 ACRES, SWSW 21.8 ACRES, SESW 40.0  
ACRES, NWSE 16.0 ACRES, SWSE 16.0 ACRES, SECTION 26 NWN 4.4 ACRES  
SECTION 35, TOWNSHIP 1.0 NORTH, RANGE 14.0 EAST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, March 21, 2003

PUBLIC NOTICE DATE: Tuesday, March 25, 2003

30 DAY COMMENT DEADLINE DATE: Thursday, April 24, 2003



SECTIONS 26 & 35, TWP.1 N. RANGE 14 E. W.M.  
WASCO COUNTY, OREGON

**RECEIVED**

DEC 04 2002

WATER RESOURCES DEPT.  
SALEM, OREGON

EXISTING PRIMARY WATER RIGHT AREA  
CERTIFICATE # 51702 (73.7 AC)  
PENDING PRIMARY TRANSFER AREA  
FROM CERTIFICATE #51702 (4.4 AC) TOTAL

EXISTING PRIMARY WATER RIGHT AREA  
CERTIFICATE # 51742 (26.1 AC)  
EXISTING PRIMARY WATER RIGHT AREA  
CERTIFICATE # 54281 (2.8 AC)  
EXISTING PRIMARY WATER RIGHT AREA  
CERTIFICATE # 76351 (19.7 AC)

TOTAL SUPPLEMENTAL WATER RIGHT  
AREA (126.7 AC)

**SUPPLEMENTAL WATER RIGHT**

**APPLICATION MAP**

SCALE: 1" = 1320'

APPLICATION No. G-15885

PERMIT No. \_\_\_\_\_

IN THE NAME OF:

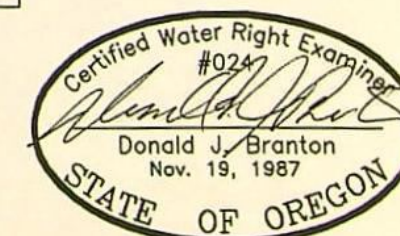
NEAL HARTH

DATE: JULY 9, 2002

BY: TENNESON ENGINEERING CORP.  
409 LINCOLN STREET,  
THE DALLES, OREGON. 97058  
PH. 541-296-9177  
FAX 541-296-6657

**NOTE:**

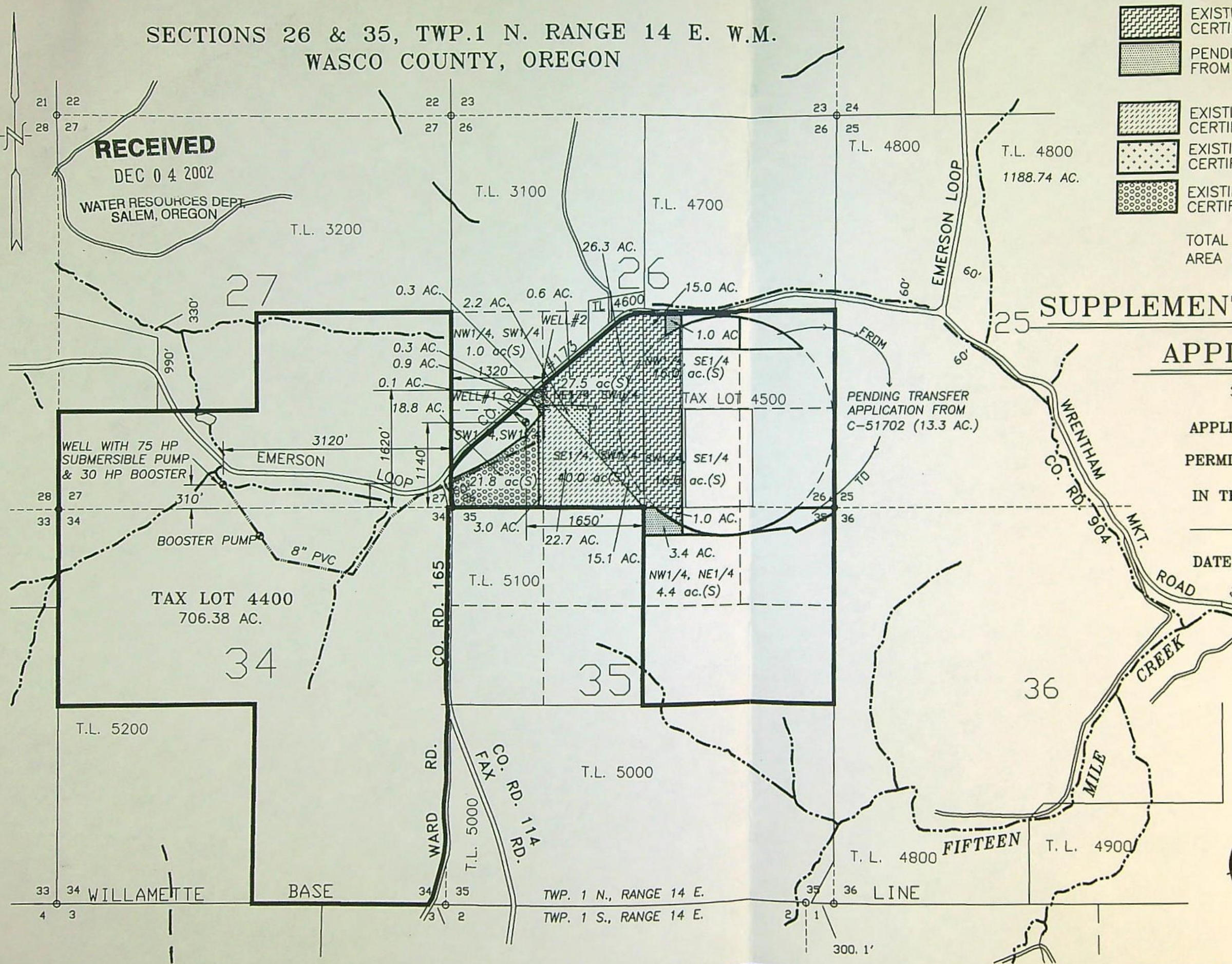
"THIS MAP IDENTIFIES THE LOCATION OF  
THE WATER RIGHT ONLY AND IS NOT  
INTENDED TO PROVIDE DIMENSIONS OR  
LOCATE PROPERTY OWNERSHIP LINES."



RENEW: 12/31/03

W.O. #10412wr

APP # G-15885





36410546

Basin #1

SECTIONS 26 & 35, TWP.1 N. RANGE 14 E. W.M.  
WASCO COUNTY, OREGON

WORK COPY

RECEIVED  
DEC 04 2002  
WATER RESOURCES DEPT.  
SALEM, OREGON

- EXISTING PRIMARY WATER RIGHT AREA  
CERTIFICATE # 51702 (73.7 AC)
  - PENDING PRIMARY TRANSFER AREA  
FROM CERTIFICATE #51702 (4.4 AC) TOTAL
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CERTIFICATE # 51742 (26.1 AC)
  - EXISTING PRIMARY WATER RIGHT AREA  
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  - EXISTING PRIMARY WATER RIGHT AREA  
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- TOTAL SUPPLEMENTAL WATER RIGHT  
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SUPPLEMENTAL WATER RIGHT  
APPLICATION MAP

SCALE: 1" = 1320'

APPLICATION No. \_\_\_\_\_

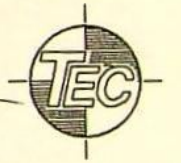
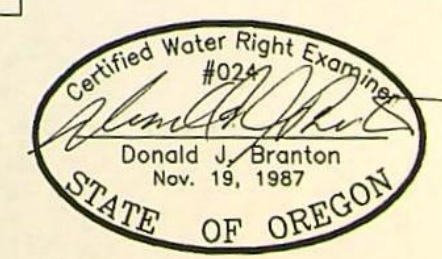
PERMIT No. \_\_\_\_\_

IN THE NAME OF:  
NEAL HARTH

DATE: JULY 9, 2002

BY: TENNESON ENGINEERING CORP.  
409 LINCOLN STREET,  
THE DALLES, OREGON. 97058  
PH. 541-296-9177  
FAX 541-296-6657

NOTE:  
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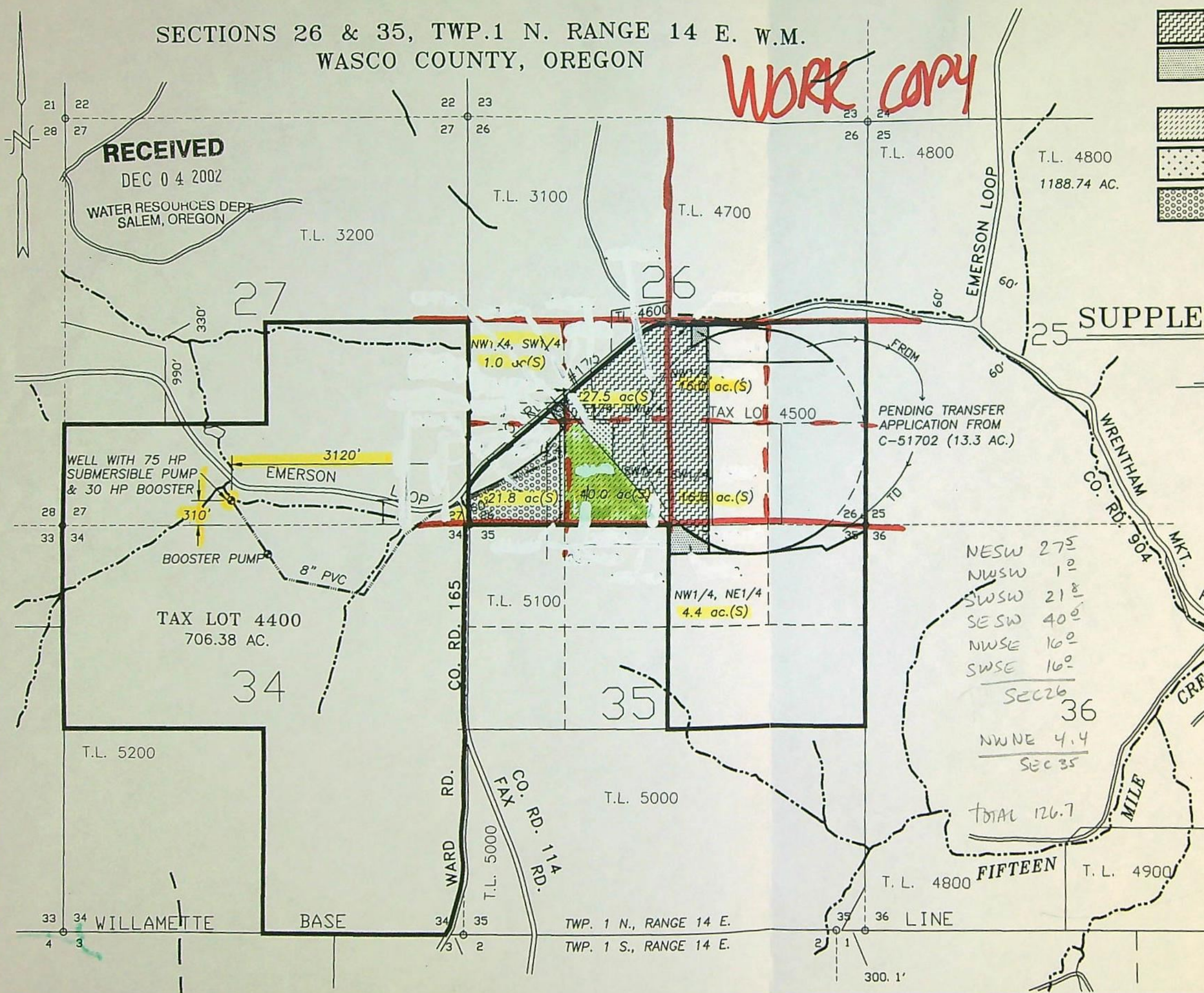
RENEW: 12/31/03 W.O. #10412wr

NESW 275  
NWSW 12  
SWSW 218  
SESW 400  
NWSE 160  
SWSE 160

SEC 26  
36  
NWNE 4.4  
SEC 35

TOTAL 126.7

FIFTEEN








APP # G-15885



SECTIONS 26 & 35, TWP.1 N. RANGE 14 E. W.M.  
WASCO COUNTY, OREGON

RECEIVED  
DEC 04 2002  
WATER RESOURCES DEPT  
SALEM, OREGON

-  EXISTING PRIMARY WATER RIGHT AREA  
CERTIFICATE # 51702 (73.7 AC)
-  PENDING PRIMARY TRANSFER AREA  
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-  EXISTING PRIMARY WATER RIGHT AREA  
CERTIFICATE # 76351 (19.7 AC)

TOTAL SUPPLEMENTAL WATER RIGHT  
AREA (126.7 AC)

# SUPPLEMENTAL WATER RIGHT APPLICATION MAP

SCALE: 1" = 1320'

APPLICATION No. G-15885

PERMIT No. G-15495

IN THE NAME OF:

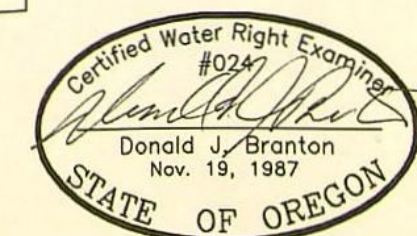
NEAL HARTH

DATE: JULY 9, 2002

BY: TENNESON ENGINEERING CORP.  
409 LINCOLN STREET,  
THE DALLES, OREGON. 97058  
PH. 541-296-9177  
FAX 541-296-6657

## NOTE:

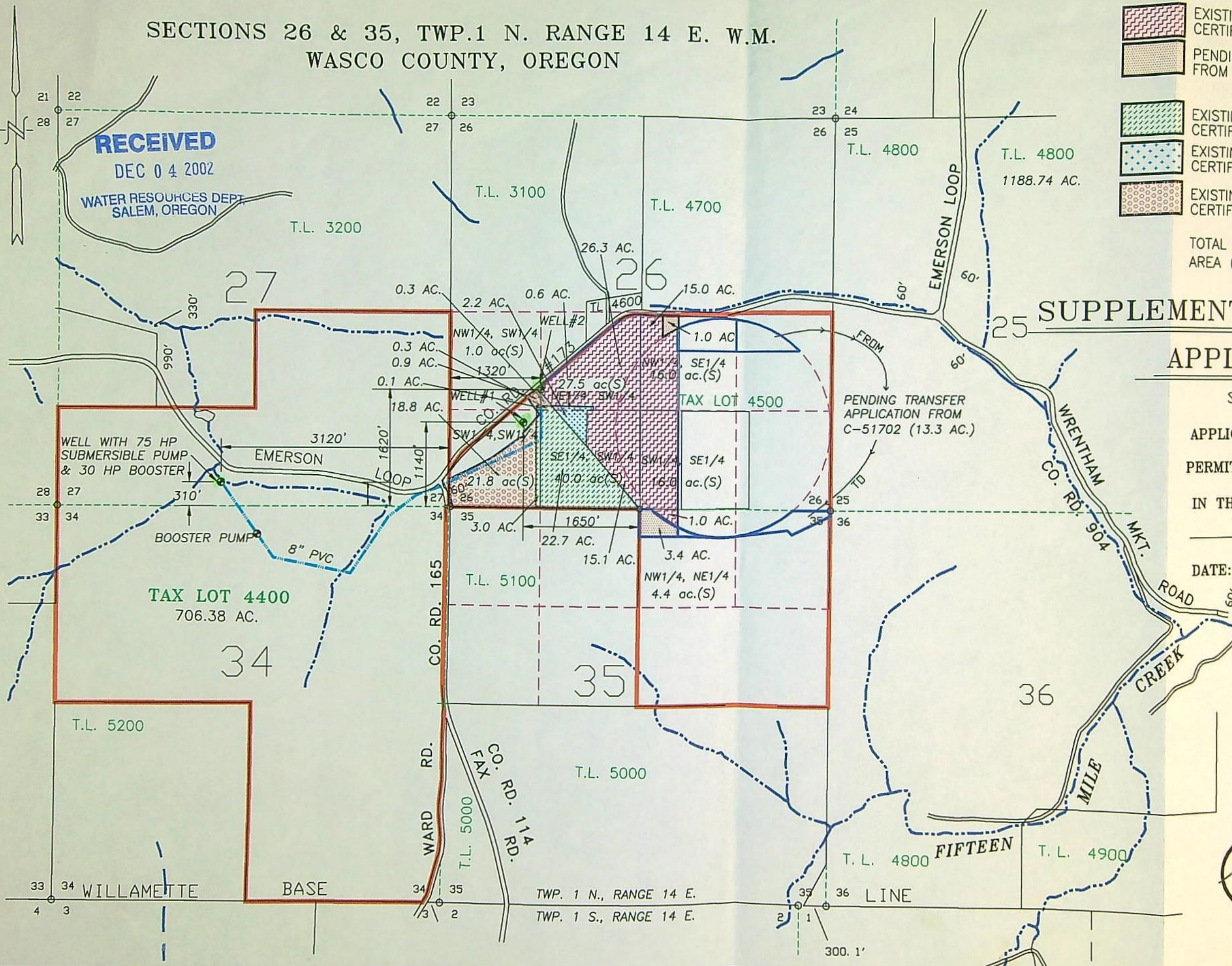
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RENEW: 12/31/03

W.O. #10412wr

APP # G-15885







State of Oregon  
**Water Resources Department**  
 158 12th Street NE, Salem, OR 97301-4172  
 503-378-8455  
<http://www.wrd.state.or.us>

# Application for a Permit to Use Ground Water

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." Please read and refer to the instructions when completing your application. Thank you.

## 1. APPLICANT INFORMATION

**RECEIVED**

DEC 04 2002

WATER RESOURCES DEPT.  
SALEM, OREGON

### A. Individuals

Applicant: George Harth 1988 Trust, Neal Harth Trustee  
First Last

Co-applicant: \_\_\_\_\_  
First Last

Mailing address: 5820 Emerson Loop Road  
The Dalles OR 97058  
City State Zip

Phone: (541) 298-8401  
Home Work Other

\*Fax: \_\_\_\_\_ \*E-Mail address: \_\_\_\_\_

### B. Organizations

N/A

*(Corporations, associations, firms, partnerships, joint stock companies, cooperatives, public and municipal corporations)*

Name of organization: \_\_\_\_\_

Name and title of person applying: \_\_\_\_\_

Mailing address of organization: \_\_\_\_\_

\_\_\_\_\_  
City State Zip

Phone: \_\_\_\_\_  
Day Evening

\*Fax: \_\_\_\_\_ \*E-Mail address: \_\_\_\_\_

\*Optional information

For Department Use

App. No. G-15885

Permit No. \_\_\_\_\_

Date \_\_\_\_\_



## 2. PROPERTY OWNERSHIP

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Do you own all the land where you propose to divert, transport, and use water?

WATER RESOURCES DEPT.  
SALEM, OREGON

- ☐ Yes (Skip to section 3 "Ground water Development.")
- ☒ No Please check the appropriate box below.
- ☒ I have a recorded easement or written authorization permitting access.
- ☐ I do not currently have written authorization or easement permitting access.

List the names and mailing addresses of all affected landowners.\*

George V. Harth

5800 Emerson Loop Road

The Dalles, OR 97058

\*If more than 25 landowners are involved, a list is not required. See instructions.

## 3. GROUND WATER DEVELOPMENT

A. Number of well(s): one (1) B. Name of nearest surface water body: Eightmile Creek

C. Distance from well(s) to nearest stream or lake: 1) one mile

2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_

D. If distance from surface water is less than one mile, indicate elevation difference between nearest surface water and well head. 1) 295 feet

2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_

### E. Well Characteristics

Wells must be constructed according to standards set by the Department for the construction and maintenance of water wells. If the well is already constructed, please enclose a copy of the well constructor's log and the well ID number, if available, for each well with this application. Identify each well with a number corresponding to the wells designated on the map and proceed to question F in this section of the form. If the well has not been constructed, or if you do not have a well log, please complete the following:

Well(s) will be constructed by: Existing. Well logs attached.

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

Completion date: \_\_\_\_\_

Ground Water/ 2

app # G-15885



2. Please provide a description of your well development. (Attach additional sheets if needed.)

N/A

Well No.	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth

Note: Well numbers in this listing must correspond to well location(s) shown on accompanying map.

#### F. Artesian Flows

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

Not applicable.

#### 4. WATER USE

Please read the instruction booklet for more details on "type of use" definitions, how to express how much water you need and how to identify the water source you propose to use. You must fill out a supplemental form for some uses as they require specific information for that type of use.

#### A. Type(s) of Use(s)

See list of beneficial uses provided in the instructions.

- If your proposed use is **domestic**, indicate the number of households to be supplied with water: 0
- If your proposed use is **irrigation**, please attach Form I Attached.
- If your proposed use is **mining**, attach Form R
- If your proposed use is **municipal or quasi-municipal**, attach Form M
- If your proposed use is **commercial/industrial**, attach Form Q

App # G-15885

Ground Water/ 3

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WATER RESOURCES DEPT.  
SALEM, OREGON



## B. Amount of Water

Provide the production rate in gallons per minute (gpm) and the total annual amount of water you need from each well, from each source or aquifer, for each use. You do not need to provide source information if you are submitting a well log with your application.

Well No.	Source or aquifer	Type of use	Total rate of water requested (in gpm)	Total annual quantity (in gallons)	Production rate of well (in gpm)

## C. Maximum Rate of Use Requested

What is the maximum, instantaneous rate of water that will be used? 1.58 cfs  
(The fees for your application will be based on this amount.)

## D. Period of Use

Indicate the time of year you propose to use the water: March 1 -- October 1  
(For seasonal uses like irrigation give dates when water use would begin and end, e.g. March 1–October 31.)

## E. Acreage

If you will be applying water to land, please give the total number of acres where water will be applied or used: 126.7  
(This number should be consistent with your application map.)

## 5. WATER MANAGEMENT

### A. Diversion

What equipment will you use to pump water from your well(s)?

- ☒ Pump (give horsepower and pump type) 75 hp. submersible and 30 hp. centrifugal booster  
☐ Other means (describe) \_\_\_\_\_

### B. Transport

How will you transport water to your place of use?

- ☐ Ditch or canal (give average width and depth)  
Width \_\_\_\_\_ Depth \_\_\_\_\_  
Is the ditch or canal to be lined? ☐ Yes ☐ No
- ☒ Pipe (give diameter and total length)  
Diameter 8" PVC Length 8,000 ft.
- ☐ Other (describe) \_\_\_\_\_

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G-15885

Ground Water/ 4

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### C. Application/Distribution Method

What equipment will you use to apply water to your place of use? Surface-laid poly  
line from buried PVC main network in orchard.

Irrigation or land application method (check all that apply):

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Flood  | <input type="checkbox"/> High-pressure sprinkler | <input type="checkbox"/> Low pressure sprinkler |
| <input checked="" type="checkbox"/> Drip                                    | <input type="checkbox"/> Water cannons           | <input type="checkbox"/> Center pivot system    |
| <input type="checkbox"/> Hand lines   | <input type="checkbox"/> Wheel lines             |   |
| <input type="checkbox"/> Siphon tubes or gated pipe with furrows            |  |   |
| <input checked="" type="checkbox"/> Other, describe <u>micro-sprinklers</u> |  |   |

Distribution method

- ☒ Direct pipe from source    ☐ In-line storage (tank or pond)    ☐ Open canal

### D. Conservation

What methods will you use to conserve water? Why did you choose this distribution or application method? For example, if you are using sprinkler irrigation rather than drip irrigation, explain. If you need additional space, attach a separate sheet.

Use of very efficient drip or micro-sprinkler application.

## 6. PROJECT SCHEDULE

*Indicate the anticipated dates that the following construction tasks should begin. If construction has already begun, or is completed, please indicate that date.*

Proposed date construction will begin March 2003

Proposed date construction will be completed October 2005

Proposed date beneficial water use will begin October 2006

## 7. REMARKS

*If you would like to clarify any information you have provided in the application, please do so here and reference the specific application question you are addressing.*

Supplemental use applied for herein will be delivered to same  
distribution main system coming from primary source and wells.



## 8. MAP REQUIREMENTS

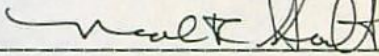
The Department cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section, and quarter/quarter section of the proposed well location and place of use. The map must provide tax lot numbers. See the map guidelines sheet for detailed map specifications.

## 9. SIGNATURE

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be canceled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit to me, I may have to stop using water to allow senior water right holders to get water they are entitled to, and

I swear that all information provided in this application is true and correct to the best of my knowledge:

GEORGE HARTH 1988 TRUST  TRUSTEE 12-3-02  
Signature of Applicant Date

GEORGE HARTH 1988 TRUST NEAL R. HARTH, TRUSTEE 12-5-02  
Signature of Co-applicant Date

### Before you submit your application be sure you have:

- Answered each question completely.
- Attached a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included a Land Use Information Form or receipt stub signed by a local official.
- Included the legal description of all the property involved with this application. You may supply a copy of the deed, land sales contract, or title insurance policy, to meet this requirement.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.





# Oregon Water Resources Department

## FORM I FOR IRRIGATION WATER USE

1. Please indicate whether you are requesting a primary or supplemental irrigation water right.

☐ Primary ☐ Supplemental

If supplemental, please indicate the number of acres that will be irrigated for each type of use.

Primary: 0 Acres

Secondary: 126.7 Acres 73.7 ac + 4.4  
C-51702 (pending Transfer)

List the permit or certificate number of the primary water right:

C-51742 - 26.1 ac.  
No. C-54281 - 2.8 ac.  
C-76351 - 19.7 ac.

2. Please list the anticipated crops you will grow and whether you will be irrigating them for a full or partial season:

- |                          |   |  |
|--------------------------|---|--|
| 1. <u>Cherry Orchard</u> | <input checked="" type="checkbox"/> Full season | <input type="checkbox"/> Partial season (from: _____ to _____) |
| 2. _____                 | <input type="checkbox"/> Full season            | <input type="checkbox"/> Partial season (from: _____ to _____) |
| 3. _____                 | <input type="checkbox"/> Full season            | <input type="checkbox"/> Partial season (from: _____ to _____) |
| 4. _____                 | <input type="checkbox"/> Full season            | <input type="checkbox"/> Partial season (from: _____ to _____) |

3. Indicate the maximum total number of acre-feet you expect to use in an irrigation season:

380 acre-feet (includes primary rights)

(1 acre-foot equals 12 inches of water spread over 1 acre, or 43,560 cubic feet, or 325,851 gallons.)

4. How will you schedule your applications of water? Will you be applying water in the evenings, twice a week, daily?

- |   |   |
|---|---|
| <input type="checkbox"/> Daily during daytime hours                     | <input type="checkbox"/> Daily during nighttime hours               |
| <input type="checkbox"/> Two or three times weekly during daytime       | <input type="checkbox"/> Two or three times weekly during nighttime |
| <input type="checkbox"/> Weekly, during daytime hours                   | <input type="checkbox"/> Weekly, during nighttime hours             |
| <input checked="" type="checkbox"/> Other, explain: <u>24-hour sets</u> |   |

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Last revision: October 31, 1996

DEC 04 2002

WATER RESOURCES DEPT.  
SALEM, OREGON

App # G-15885



KNOW ALL MEN BY THESE PRESENTS, That EMMA COURSER, a single person

hereinafter called the grantor, in consideration of TEN and NO/100 (\$10.00) Dollars, and other good and valuable considerations to grantor paid by GEORGE VAN HARTH

hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Wasco and State of Oregon, described as follows, to-wit: The West Half of the Northeast Quarter (W $\frac{1}{2}$ NE $\frac{1}{4}$ ) and the Northwest Quarter (NW $\frac{1}{4}$ ), being 240 acres in Section Thirty-four (34), Township One (1) North, Range Fourteen (14), E. W. M.

The South Half of the Southwest Quarter (S $\frac{1}{2}$ SW $\frac{1}{4}$ ) and the Southeast Quarter (SE $\frac{1}{4}$ ) of Section Twenty-seven (27), Township One (1) North, Range Fourteen (14), E. W. M., containing 240 acres.

The East Half of the Northeast Quarter (E $\frac{1}{2}$ NE $\frac{1}{4}$ ) and the Southeast Quarter (SE $\frac{1}{4}$ ), EXCEPT 2.6 acres in the Southeast corner of Section Thirty-four (34), Township One (1) North, Range Fourteen (14), E. W. M.

Also nineteen and one-half acres (19.5) in the North Half of the Northwest Quarter (N $\frac{1}{2}$ NW $\frac{1}{4}$ ) of Section Three (3), Township One (1) South, Range Fourteen (14), E. W. M., as described in the Deed Records of Wasco County in Volume 89, page 607; all of said property being within Wasco County, Oregon.

SUBJECT TO: A life estate to grantor.

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WATER RESOURCES DEPT.  
SALEM, OREGON

To Have and to Hold the above described and granted premises unto the said grantee and grantee's heirs, successors and assigns forever.

And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances except that certain mortgage to the Federal Land Bank on which the present balance owing is in the approximate sum of \$29,000.00

and that grantor will warrant and forever defend the above granted premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever.

In construing this deed and where the context so requires, the singular includes the plural.

WITNESS grantor's hand this 9th day of October, 1967

(ORS 93.490)

STATE OF OREGON, County of Wasco ) ss. October 9th, 1967

Personally appeared the above named Emma Courser

and acknowledged the foregoing instrument to be her voluntary act and deed.

Before me:

Wm. D. Van Vleet  
Notary Public for Oregon

My commission expires 11/7/70

(OFFICIAL SEAL)

COMPARED

INDEXED

APP# 615885

# WARRANTY DEED

Emma Courser, a single person,

TO

George Van Harth

AFTER RECORDING RETURN TO

No.

671593 (1)

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

I, H. A. HOWARD, County Clerk and ex officio Recorder of Conveyances, in and for said county, do hereby certify that the within instrument of writing was received for record

Date Oct 23 8 45 AM '67 and recorded Oct 23

Records of said Wasco County under

Micro film 67-4593

Witness my hand & seal affixed at The Dalles

H. A. HOWARD, County Clerk

By Wm. D. Van Vleet Deputy

Wm. D. Van Vleet

Wm. D. Van Vleet

Wm. D. Van Vleet

Wm. D. Van Vleet

Wm. D. Van Vleet

Wm. D. Van Vleet

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Wm. D. Van Vleet

Wm. D. Van Vleet

Wm. D. Van Vleet

Wm. D. Van Vleet

Wm. D. Van Vleet







OK

## BARGAIN AND SALE DEED

KNOW ALL MEN BY THESE PRESENTS, That George Harth and Ople P. Harth,  
husband and wife, hereinafter called grantor,  
 for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto George Harth and  
Ople P. Harth, as tenants in common, each to an undivided one-half  
 hereinafter called grantee, and unto grantee's heirs, successors and assigns all of that certain real property with the  
 tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County  
 of Wasco, State of Oregon, described as follows, to-wit:

The Southeast quarter of Section 26, Township 1 North, Range 14 East of the  
 Willamette Meridian, County of Wasco and State of Oregon.

ALSO beginning at the center of said Section 26; thence South along center  
 section line to the quarter section corner on South line of Section 26; thence  
 West to the Southwest corner of Section 26; thence North along the West line of  
 said Section 26, 452 feet, more or less, to center of Wrentham Market Road;  
 thence Northeasterly along center of said road to the North line of Southwest  
 quarter of Section 26 at a point 325 feet, more or less, West of the center of  
 said section; thence East along the center section line 325 feet to point of  
 beginning. ALSO, the Northeast quarter of Section 35, Township 1 North, Range  
 14 East of the Willamette Meridian.

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SALEM, OREGON

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 1.00

XX  
 XXX  
 XXX

(The sentence between the symbols @, if not applicable, should be deleted. See ORS 93.030.)  
 In construing this deed and where the context so requires, the singular includes the plural and all grammatical  
 changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 29 day of Sept, 1988;  
 if a corporate grantor, it has caused its name to be signed and sealed by its officers, duly authorized thereto by  
 order of its board of directors.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DE-  
 SCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND  
 USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING  
 THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE  
 PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR  
 COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

(If the signer of the above is a corporation,  
 use the form of acknowledgment opposite.)

ORS 194.570

STATE OF OREGON,

County of Wasco

The foregoing instrument was acknowledged before  
 me this Sept 29, 1988, by

George Harth and Ople P. Harth

(SEAL) [Signature]  
 Notary Public for Oregon

My commission expires: 6/22/89STATE OF OREGON, County of Wasco

The foregoing instrument was acknowledged before me this

, 1988, by

, president, and by

, secretary of

, corporation, on behalf of the corporation.

Notary Public for Oregon

(SEAL)

My commission expires:

(If executed by a corporation,  
affix corporate seal)

George Harth and Ople P. Harth, Trustees  
 5700 Emerson Loop Road  
 The Dalles, OR 97058

GRANTOR'S NAME AND ADDRESS

Mr. and Mrs. George Harth  
 5700 Emerson Loop Road  
 The Dalles, OR 97058

GRANTEE'S NAME AND ADDRESS

After recording return to:

Mr. and Mrs. George Harth  
 5700 Emerson Loop Road  
 The Dalles, OR 97058

NAME, ADDRESS, ZIP

Until a change is requested all tax statements shall be sent to the following address.

Mr. and Mrs. George Harth  
 5700 Emerson Loop Road  
 The Dalles, OR 97058

NAME, ADDRESS, ZIP

882903

Microfilm No.

FILED WASCO  
THE DALLES

OCT 6 4 04 PM '88

KAREN K. BRETTON  
COUNTY CLERK

INDEXED

STATE OF OREGON,  
County of Wasco,I certify that this document was received and  
recorded in the

DEED

records.  
KAREN K. BRETTON  
County Clerkby [Signature]  
Deputy  
Return to [Signature]

882903



BARGAIN AND SALE DEED

OPLE P. HARTH Grantor, conveys to OPLE P. HARTH, Trustee of the Ople P. Harth Trust dated 3-17, 1992, or successor trustee, Grantee, the following described real property in the County of Wasco, State of Oregon:

The Southeast quarter of Section 26, Township 1 North, Range 14 East of the Willamette Meridian, County of Wasco and State of Oregon.

ALSO beginning at the center of said Section 26; thence South along center section line to the quarter section corner on South line of Section 26; thence West to the Southwest corner of Section 26; thence North along the West line of said Section 26, 452 feet, more or less, to center of Wrentham Market Road; thence Northeasterly along center of said road to the North line of Southwest quarter of Section 26 at a point 325 feet, more or less, West of the center of said section; thence East along the center section line 325 feet to point of beginning. ALSO, the Northeast quarter of Section 35, Township 1 North, Range 14 East of the Willamette Meridian.

This instrument will not allow use of the property described in this instrument in violation of applicable land use laws and regulations. Before signing or accepting this instrument, the person acquiring fee title to the property should check with the appropriate city or county planning department to verify approved uses.

The true consideration for this conveyance is \$NONE. Until a change is requested, all tax statements shall be sent to the following address:

Ople P. Harth, Trustee  
5700 Emerson Loop Road  
The Dalles, OR 97058

Dated this 17 day of March, 1992.

Ople P. Harth  
OPLE P. HARTH

Page 1 - BARGAIN AND SALE DEED

DUNN, TOOLE, COATS & CARTER  
ATTORNEYS AT LAW  
112 West Fourth Street  
THE DALLES, OREGON 97058  
(503) 245-5424

NOTE:

920949<sup>(2)</sup>  
UNDIVIDED 1/2 INTEREST ONLY AS PER  
CONVAYANCE TO GRANTOR  
INST. 882903

WJR

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WATER RESOURCES DEPT.  
SALEM, OREGON



1 STATE OF OREGON )  
2 ) ss.  
3 County of Wasco )

4 The foregoing instrument was acknowledged before me this  
5 17 day of March, 1992, by Ople P. Harth.

6 Gwen S. Herman  
7 Notary Public for Oregon  
8 My Commission Expires: 1-11-94

9 GWEN S. HERMAN  
10 NOTARY PUBLIC - OREGON  
11 My Commission Expires

12 920949

13 Microfilm No.

14 FILED WASCO CTY  
15 THE DALLES, OR

16 MAR 19 8 35 AM '92

17 KATHLEEN  
18 COUNTY CLERK

19 COMPARED

20 STATE OF OREGON, }  
21 County of Wasco, }

22 I certify that this document was received and  
23 recorded in the DEED.

24 Karen R. LeBreton, County Clerk records.  
25 by DH Deputy

26 Return to D. Harth

920949 (2)

Page

2 - BARGAIN AND SALE DEED

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TENNESON

ENGINEERING CORPORATION

CONSULTING ENGINEERS • SURVEYORS • PLANNERS

409 LINCOLN STREET  
THE DALLES, OR 97058

PHONE (541) 296-9177  
FAX (541) 296-6657

November 25, 2002

Oregon Water Resources Department  
158 12th Street Northeast  
Salem, Oregon 97310-0210

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WATER RESOURCES DEPT.  
SALEM, OREGON

Gentlemen:

On behalf of our client, the George Harth 1988 Trust, Neal Harth Trustee, we are submitting the attached Application for Permit to Use Ground Water for Supplemental Irrigation. Enclosed are the following submittals.

- Application for Permit to Use Ground Water
- Form I for irrigation usage
- Land Use Information form
- Application Plat Map
- Copy of Well Log
- Deed of ownership—well site property (note life estate of Grantor has terminated)
- Authorization letters from landowner to utilize well for off-site usage
- Copies of deeds of applicant for use area, including attorney's opinion as to division of ownership
- Authorization of other undivided 1/2 interest owner to apply for additional rights
- Fees check in the amount of \$475 for examination fee and 1.58 cfs use

If additional submissions or information are necessary, please advise.

Very truly yours,

Donald J. Branton, CWRE 024

cc: Neal Harth w/enc  
Van Harth w/enc

App # G-15885



DUNN, TOOLE, COATS & CARTER

ATTORNEYS AT LAW  
112 West Fourth Street  
THE DALLES, OREGON 97058

DONALD F. DUNN  
CHARLES K. TOOLE  
J. THOMAS COATS  
ANDREW W. CARTER  
ALEXANDRA E. SOSNKOWSKI

(503) 296-5424  
FAX (503) 296-2550

F.L. PHIPPS (1887-1970)  
CHARLES A. PHIPPS (RET. 1989)

*Neals  
Coffie*

June 21, 1995

Mrs. Ople Harth  
5700 Emerson Loop Road  
The Dalles, OR 97058

Re: Trusts  
Our File No. 25734

Dear Ople:

My secretary recently reminded me that your file has remained open for a long time. I have reviewed the file and talked to the assessor's office. So you will know, the land is held as follows:

- a. An undivided one-half is held in George's 1988 trust, with Neal as trustee. You are entitled to the income. At your death that one-half of the land passes to Neal.
- b. The other undivided one-half is held by you as trustee of your 1992 trust. You retain ownership for your life, and leave it to Neal when you are gone

You should hold all your other assets as:

Ople P. Harth, Trustee, or successor Trustee, of the  
Ople P. Harth Revocable Living Trust dated March 17,  
1992.

If you have any questions, please call.

Very truly yours,

*Tom*

J. Thomas Coats

JTC/gh

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WATER RESOURCES DEPT.  
SALEM, OREGON

app # 6-15885



AUTHORIZATION

I, Ople P. Harth, trustee of the Ople P. Harth 1992 Trust, hereby give permission for my son, Neal Harth, as trustee of the George Harth 1988 Trust, to file for necessary transfers, changes, or additional water rights on those properties on which the Ople P. Harth 1992 Trust holds an undivided one-half interest, in Sections 26 and 35, Township 1 North, Range 14 East, Willamette Meridian, Wasco County, Oregon. The property is described as Tax Lot 4500, Assessor's Map 1N-14, Wasco County, Oregon.

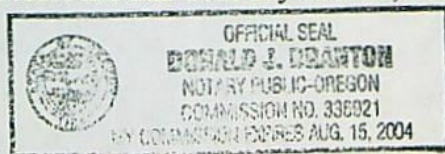
Ople P. Harth  
Ople P. Harth

Date 6-10-02

STATE OF OREGON     )  
                                  ) ss.  
County of Wasco     )

Personally appeared before me Ople P. Harth and acknowledged the foregoing instrument to be her free and voluntary act.

Before me this 10th day of June, 2002.



Donald J. Dranton  
Aug 15 - 04  
My commission expires: Aug 15 - 04

app# 6-15885

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WATER RESOURCES DEPT.  
SALEM, OREGON



Assignment of supplemental water right

George V. Harth does hereby sell, assign, convey and set over unto Ople P. Harth, Trustee of the Ople P. Harth Trust dated 5-17, 1992, or successor Trustee, 130 acres of supplemental water rights. These supplemental water rights are to be used for the new 130 acre orchard now planted. The real property which is the subject of said assignment is described as follows:

The following described real property in the County of Wasco, State of Oregon:

The SW quarter of section 26, Township 1 North, Range 14 East of the Willamette Meridian, County of Wasco and State of Oregon.

ALSO beginning at the center of said section 26: thence South along center section line to the quarter section corner of South line of Section 26; thence West to the SW corner of section 26; thence North along the West line of said section 26, 425 feet, more or less, to center of Wrentham Market Road; thence Northeasterly along center of said road to the North line of the Southwest Quarter of section 26 at a point 325 feet, more or less West of the center of said section; thence East along the center section line 325 feet to point of beginning. ALSO, the NE quarter of section 35, township 1 North, Range 14 east of the Willamette Meridian.

DATED 4-12, 2002

George V Harth  
George V. Harth

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SALEM, OREGON

app #  
6-15885



Assignment of supplemental water right

George V. Harth does hereby sell, assign, convey and set over unto Neal R. Harth Trustee of the Ople P. Harth Trust dated 3-17, 1992, or successor Trustee, 130 acres of supplemental water rights. These supplemental water rights are to be used for the new 130 acre orchard now planted. The real property which is the subject of said assignment is described as follows:

The following described real property in the County of Wasco, State of Oregon:

The SW quarter of section 26, Township 1 North, Range 14 East of the Willamette Meridian, County of Wasco and State of Oregon.

ALSO beginning at the center of said section 26: thence South along center section line to the quarter section corner of South line of Section 26; thence West to the SW corner of section 26; thence North along the West line of said section 26, 425 feet, more or less, to center of Wrentham Market Road; thence Northeasterly along center of said road to the North line of the Southwest Quarter of section 26 at a point 325 feet, more or less West of the center of said section; thence East along the center section line 325 feet to point of beginning. ALSO, the NE quarter of section 35, township 1 North, Range 14 east of the Willamette Meridian.

DATED 4-12, 2002

George V Harth  
George V. Harth

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WATER RESOURCES DEPT.  
SALEM, OREGON

app #  
6-15885





## Oregon Water Resources Department Land Use Information Form

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SALEM, OREGON

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

### To Be Completed By Applicant

The following section includes information about proposed water use. This section must be completed by the individual or group that is filing an application for a water right with the Water Resources Department.

#### A. Applicant

Name: George Harth 1988 Trust, Neal Harth Trustee  
Address: 5820 Emerson Loop Road  
City: The Dalles State: OR Zip: 97058 Day Phone: (541) 298-8401

#### B. Land and Location

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

Tax Lot I.D.	Plan Designation (e.g. Rural Residential/RR-5)	Water to be: (check all that apply)		
4500 1N-14		<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used
4400 1N-14		<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used

List counties and cities where water is proposed to be diverted, conveyed, or used. Wasco County

#### C. Description of Water Use

Indicate what the water will be used for. Include the beneficial use (found in the instruction booklet for your water right application) and use the space below to describe the key characteristics of the project.

Beneficial Use(s): Supplemental irrigation of orchard and pasture

Briefly describe: New orchard planting and change of irrigation process from a circle to a handline and more efficient application on pasturage.

Supplemental use in event primary sources are inadequate to supply necessary water.

#### D. Source

Indicate the source for the proposed water use:

☐ Reservoir/Pond ☐ Ground Water ☐ Surface Water \_\_\_\_\_ (source)

#### E. Quantity

Indicate the estimated quantity of water the use will require:

1.58 ☒ CFS ☐ GPM ☐ Acre-Feet

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### For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless your project will be located entirely within the city limits. In this case, only the city planning agency must complete this form. Please request additional forms as needed or feel free to copy.

#### A. Allowed Use

Check the appropriate box below and provide requested information.

☒ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s); 3.210(B)(1). Go to section B "Approval" below

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

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Check the item that applies:	
		Land Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued

**Note:** Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus accompanying findings is sufficient.)

#### B. Approval

Please provide printed name and written signature.

Name: Deborah Gonzales Date: 7/22/02

Title: Associate Planner Phone: 541-298-5769

Signature: Deborah Gonzales

#### C. Additional Comments

Local governments are invited to express special land use concerns or make recommendations to the Department regarding this proposed use of water below, or on a separate sheet.

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**Note:** If this form cannot be completed while the applicant waits, sign and detach the receipt stub as instructed below. You will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD will presume the land use associated with the proposed water right is compatible with local comprehensive plans. (See attached letter.)