

S-60453

Name Juniper Flat Dist Impr Co.By 53333 Reservation RdAddress Rt 1, Box 13, Maupin OR 9703782529 Hwy 216Maupin, OR 97037Date filed August 4, 1980

Priority _____

Action suspended until Cp8

Return to applicant _____

Date of approval _____

CONSTRUCTION

Date for beginning _____

Date for completion _____

Extended to _____

Date for application of water 10-1-2008

Extended to _____

PROSECUTION OF WORK

Form "A" filed _____

Form "B" filed _____

Form "C" filed _____

FINAL PROOF

Blank mailed _____

Proof received _____

Date Certificate issued _____

Application No. S 60453Permit No. S 54068

Certificate No. _____

Map File # 1

Stream Index, Page No. _____

~~CANCELLED~~
Reinstated**FEES PAID**

Date	Amount	Receipt No.
4-1-80	20.00	19198 (P.6)
3-8-82	518.20	29869
assign. 3-28-02	25.00	51694
5-11-04	115.20	67215
3-9-18	220.00 Cert. Fee	126045

FEES REFUNDED

Date	Amount	Check No.

ASSIGNMENTS

Date	To Whom	Address	Volume	Page

REMARKS

originally filed for 62.5 CFS 2500 ac
 Cancelled on February 9, 2018 Vol. 107 Pg. 659
 Reinstated on March 15, 2018 Vol. 107 Pg. 823

As of 10-14-2008

Jupiter Flats Irrig.
Dist.

82529 HWY 216

MAUPIN, OR. 97037
9708



UNITED STATES
POSTAL SERVICE®

Get up to route
to me on

4-4-01

Thanks,
Laura

KEN-

What's up w/this
File? What's the
next step.

Please analyze and let
me know what you think

Daght

DWIGHT,

10-14-96

NOT SURE ABOUT LOCATION
of MAPS

BRUCE ESTES?

READY FOR IR

PRIOR TO:

- A) DIACK
- B) INSTREAM WATER RIGHT
- C) DPL. 33

KEN

WR

SENDER: COMPLETE THIS SECTION

- ☒ Complete items 1, 2, and 3.
- ☒ Print your name and address on the reverse so that we can return the card to you.
- ☒ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

S-60453

Juniper Flat District Improvement Co.

PO Box 368

Maupin, OR 97037



9590 9402 7704 2122 6354 63

2. Article Number (Transfer from service label)

7021 1970 0001 3950 3549

COMPLETE THIS SECTION ON DELIVERY

A. Signature

[Handwritten Signature]

☐ Agent

☐ Addressee

B. Received by (Printed Name)

AMEE BELL

C. Date of Delivery

10/5/23

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below:

☐ No

RECEIVED

OCT 10 2023

OCT - 5 2023

QWRD

3. Service type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)

☐ Priority Mail Express®

☐ Registered Mail™

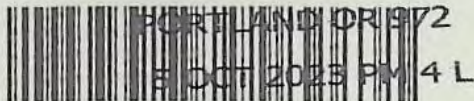
☐ Registered Mail Restricted Delivery

☐ Signature Confirmation™

☐ Signature Confirmation Restricted Delivery

97037

USPS TRACKING #



PORTLAND OR 972

5 OCT 2023 PM 4 L

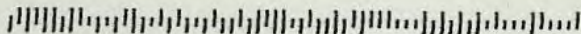
First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

9590 9402 7704 2122 6354 63

**United States
Postal Service**

• Sender: Please print your name, address, and ZIP+4® in this box•

Oregon Water Resources Department
725 Summer St. Ne. Suite A
Salem, Or. 97301





Oregon

Kate Brown, Governor

Water Resources Department
North Mall Office Building
725 Summer St NE, Ste A
Salem, OR 97301
Phone: 503-986-0900
Fax: 503-986-0904
www.Oregon.gov/OWRD

October 14, 2022

Joshua Duling, Chairman
Juniper Flat District Improvement Company
82529 Hwy 216
Maupin, OR 97037

Reference: Application S-60453, Permit S-54068

Dear Applicant,

The Department received pages 1 through 3 of an Application for Extension of Time on October 13, 2022, requesting to extend the permit to apply water to full beneficial use under the terms and conditions of the permit to

Upon reviewing the application, the Oregon Administrative Rules require the application to be complete or deficient and

Enclosed is the partial application. The application must be complete in order to provide a response to the application you hold. In the case of an application along with any item required for irrigation (these sections are required) application to the Department

If you have any other questions, please contact me.

Sincerely,

Jeffrey D. Pierceall
Extension Specialist
Water Rights Division

2.26.2024
Sent an email to Josh Duling to see if he is still working on an EOT. Waiting to hear back.
-TM

complete.
by

ion, which
application
of permit
application
authorizes
and return the



Oregon

Kate Brown, Governor

Water Resources Department
North Mall Office Building
725 Summer St NE, Ste A
Salem, OR 97301
Phone: 503-986-0900
Fax: 503-986-0904
www.Oregon.gov/OWRD

October 14, 2022

Joshua Duling, Chairman
Juniper Flat District Improvement Company
82529 Hwy 216
Maupin, OR 97037

Reference: Application S-60453, Permit S-54068

Dear Applicant,

The Department received pages 1 through 3 of an Application for Extension of Time on October 13, 2022, requesting to extend the date to apply water to full beneficial use under the terms and conditions of the permit to October 1, 2025.

Upon reviewing the application, the Department has considered the application incomplete. Oregon Administrative Rule 690-315-0040(1)(a) requires the Department to return any incomplete or deficient application.

Enclosed is the partial application you submitted along with a copy of a full application, which must be complete in order for the Department to accept the application. A complete application provides a response to each item contained in the application that applies to the type of permit you hold. In the case of Juniper Flats Permit S-54068, all the general items in the application along with any item required for a permit to use surface water or for a permit that authorizes irrigation (these sections have been highlighted). Please complete the application and return the application to the Department so we may consider your request.

If you have any other questions please contact me at 503-979-3213.

Sincerely,

Jeffrey D. Pierceall
Extension Specialist
Water Rights Division



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



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/OWRD

RECEIVED

OCT 13 2022

OWRD

Criteria for a Permit Extension of Time

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

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

1) Construction has begun:

A. For Groundwater Permits

Construction of the well(s), *authorized by the permit*, began within 5 years of the date the permit was issued or by the actual construction date specified in the permit.

B. For Surface Water or Reservoir Permits

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

The Department will also confirm that:

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

If you have questions, please call the Department permit extension specialist.



ISU Insurance Services
The Stratton Agency

Cedi Holmes

We are sending in a check
extension. All our maps
taken, trying to get
please call with

541-993-6023

ling JFDIC Chairmc

21 • www.stratton-insurance.com

RECEIVED

OCT 13 2022

OWRD

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

I, Juniper Flat District Improvement Company
NAME OF PERMIT HOLDER [OAR 690-315-0020(1) and (3)(a)]

82529 Hwy. 216 Maupin OR 97037
ADDRESS CITY STATE ZIP

(541) 993-6023 jfdich20@gmail.com
PHONE E-MAIL ADDRESS

the permit holder of: Application Number S - 60453

Permit Number S - 54068
[OAR 690-315-0020(3)(b)]

do hereby request that the date by which the water development will be completed and
water put to full beneficial use, which time now expires on Month: Day: Year:, be
extended to October 1, 2025 [OAR 690-315-0020(3)(i)]

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

Joshua C. Doling (JFDIC chairman) 10-6-22
Signature Date

Joshua C. Doling Chairman
Printed Name Title

The agent below is authorized to represent the applicant in all matters relating to THIS application. Permit Holder Initials

Authorized Agent (Print Agent Name) Agent contact

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

RECEIVED

OCT 13 2022

OWRD

- This completed Application for Extension of Time.
- Statutory fee of \$780
- Signature page (Second page of this Application for Extension of Time).
- Letter granting an agent authority to act on behalf of the permit holder (*if applicable*)
- All supporting documentation and/or evidence referenced in the Application for Extension of Time. (ODFW Fish screen approval or waiver, contract for stored water, etc)

MAIL COMPLETED APPLICATION

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

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

GENERAL TIPS:

- Permit holders of **municipal or quasi-municipal water use permits DO NOT use this form**. The correct form is APPLICATION FOR EXTENSION OF TIME FOR MUNICIPAL AND QUASI-MUNICIPAL WATER USE PERMITS.
- Request the reasonable amount of time necessary to fully complete construction of the water project and/or to fully use the permitted quantity of water under the terms and conditions of your permit. Should this request be approved, it will be OWRD's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.
- A separate APPLICATION FOR EXTENSION OF TIME must be submitted for each permit. OAR 690-315-0020(2).
- Permit extensions are evaluated under OAR Chapter 690, Division 315. These rules may be viewed at the State of Oregon, Secretary of State Website. To be granted an extension of time, the Department must make four specific findings; 1) the application is complete, 2) construction of the water system began within the time specified in the permit and applicable statute, 3) there is good cause, and 4) the project can be completed within the time being requested. If the Department cannot make all four findings, the extension of time cannot be approved.
- You may provide OWRD with any additional information or evidence that will aid us in making our decision. Please note that OWRD may require other information that is necessary to evaluate the application. OAR 690-315-0020(3)(n).
- After careful review of the Application for Extension of Time, you may contact OWRD at (503) 986-0900, to ask questions and request assistance from a Permit Extensions Specialist in the Water Rights Services Division.

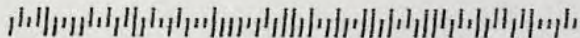
PORTLAND OR 972

11 OCT 2022 PM 3:11

ENERGY



ATTN: Water Right Permit Extensions
57701-126673



HOLMES Codi N * WRD

From: HOLMES Codi N * WRD
Sent: Thursday, August 11, 2022 3:01 PM
To: Josh Duling
Subject: RE: Extension of time for permit S-54068
Attachments: S_54068.pdf

This permit is to use water from Three Spring areas, Frog Creek, and Clear Lake Reservoir for Irrigation of 2500 Acres.

Time Sensitive Conditions:

1. To install a meter or other suitable measuring devices
2. To submit monthly water user per source, annually.
3. Each parcel served must have installed a meter for their parcel
4. Fish screen/fishway installation- per ODFW

Note: this has some additional limitations for uses during the irrigation season; and in combination with Certs 77326 and 77733.

So:

- 1: if the development under this permit is done, then you are ready to work with a Certified Water Right Examiner to complete the claim of beneficial use report and map.
2. if development under the permit is NOT done, or conditions were not met by Oct. 1, 2008, then you need to apply for an Extension of Time.

It should be noted that this permit was cancelled and reinstated in 2018.

Codi Holmes

Certificate Specialist
Oregon Water Resources
725 Summer St NE Suite A
Salem OR 97301
503-979-3184 cell



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

From: Josh Duling <jfdich2o@gmail.com>
Sent: Thursday, August 11, 2022 2:33 PM
To: HOLMES Codi N * WRD <Codi.N.HOLMES@water.oregon.gov>
Subject: Re: Extension of time for permit S-54068

Good afternoon Codi,

This permit predates me being on the ditch board. Trying to determine what is required for permit completion or what actions we might need to accomplish to keep it. All I know is this permit is related to our alternate acres. Hoping you can help guide me in the right direction.

If you think it is easier to explain over the phone my cell number is 541-993-6023

Thank you
Josh Duling

On Thu, Aug 4, 2022 at 8:17 AM HOLMES Codi N * WRD <Codi.N.HOLMES@water.oregon.gov> wrote:

Good afternoon Josh,

I was out on vacation for some time, Normally, we cancel the permit after 60 days. I can give you an additional 30 days to find resolution to the letter.

This permits past the completion date. If you are done completing the development of the permit, then its time to hire a CWRE. If you are not done with development then an extension of time is needed.

I will hold the file until Sept. 15, 2022.

Codi Holmes

Certificate Specialist

Oregon Water Resources

725 Summer St NE Suite A

Salem OR 97301

503-979-3184 cell



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

From: Josh Duling <jfdich2o@gmail.com>

Sent: Friday, July 22, 2022 5:47 PM

To: HOLMES Codi N * WRD <Codi.N.HOLMES@water.oregon.gov>

Subject: Extension of time for permit S-54068

Hi Codi,

My name is Josh Duling and I am the chairman for Juniper Flat District Improvement Co. we received a letter from you back in end of May regarding the permit S-54068. One of our board members may have misplaced the letter and it just turned up. We are curious what we need to do for an extension as well as what we might need to accomplish to keep the alternate acres as alternate acres. Sorry for the last minute email. I am trying to catch up on all the paper work as my first year as chairman. (Turns out there is quite a bit!) please let me know what I need to accomplish and what all needs done.

Thank you!

Josh Duling

(541)993-6023

JFDIC chairman

HOLMES Codi N * WRD

From: Josh Duling <jfdich2o@gmail.com>
Sent: Friday, July 22, 2022 5:47 PM
To: HOLMES Codi N * WRD
Subject: Extension of time for permit S-54068

Hi Codi,

My name is Josh Duling and I am the chairman for Juniper Flat District Improvement Co. we received a letter from you back in end of May regarding the permit S-54068. One of our board members may have misplaced the letter and it just turned up. We are curious what we need to do for an extension as well as what we might need to accomplish to keep the alternate acres as alternate acres. Sorry for the last minute email. I am trying to catch up on all the paper work as my first year as chairman. (Turns out there is quite a bit!) please let me know what I need to accomplish and what all needs done.

Thank you!

Josh Duling
(541)993-6023
JFDIC chairman

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to: _____

S-60453
 JUNIPER FLAT DISTRICT IMPROVEMENT
 PO BOX 368
 MAUI, HI 97037



9590 9402 6878 1104 8361 61

2. Article Number (Transfer from service label)

7019 0140 0000 7349 8555

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *[Signature]*
☒ Agent
☐ Addressee

B. Received by (Printed Name)

Zac Hayes

C. Date of Delivery

6/2/22

 D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☒ No

RECEIVED

JUN 08 2022

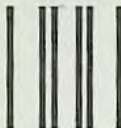
OWRD

E. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

USPS TRACKING#



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

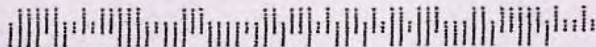
9590 9402 6878 1104 8361 61

United States
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box•

OREGON WATER RESOURCES
725 ST NE., SUITE A
SALEM, OR 97301

06/06





Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Ste A

Salem, OR 97301

Phone: 503-986-0900

Fax: 503-986-0904

www.Oregon.gov/OWRD

NOTE: For water rights information and useful forms, please see our web site at

www.oregon.gov/OWRD

Certified mail number 7019 0140 0000 7349 8555

Return receipt requested

May 27, 2022

JUNIPER FLAT DISTRICT IMPROVEMENT CO.

PO BOX 368

MAUPIN, OR 97037

Reference: Application S-60453, Permit S-54068

Dear Permit Holder:

This letter is in regard to your water use permit as referenced above. Your permit required you to complete the development of your water use by October 1, 2008.

In order for the Department to consider issuance of a certificate of water right, you are required by law to hire a certified water right examiner to prepare and submit a claim of beneficial use that includes a final proof survey map of the development. The map and claim of beneficial use were to have been submitted to our Department within one year of October 1, 2008. The fee for submitting a claim of beneficial use is \$230.00. Please see the enclosed 'Resource Sheet' for our current database of CWRE's.

If you are not finished with the development of your permit, you need to file an application for an extension of time to complete your development. The fee for filing an extension of time is \$780.00. Please see the enclosed 'Resource Sheet' to access the extension of time form.

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

If you have not submitted either a Claim of Beneficial Use or a request for an extension of time for your permit within 60 days of the date of this letter (July 26, 2022) the Department may issue a Final Order to cancel your permit without further notice. If the Department issues a Final Order to cancel your permit, and you request reconsideration of the final order and reinstatement of your permit, there is a \$610.00 reinstatement fee that is charged in addition to the claim of beneficial use or extension of time fee.

Should you have any questions, please contact me at Codi.N.Holmes@water.oregon.gov, the address above or by telephone at 503-979-3184. Due to Covid-19, email may be the best way to reach me.

Sincerely,

for 

Codi Holmes
Certificate Specialist

Enclosures (1)

cc: File

OWRD Watermaster District 3



7019 0140 0000 7349 8555

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

- | | |
|--|----------|
| <input type="checkbox"/> Return Receipt (hardcopy) | \$ _____ |
| <input type="checkbox"/> Return Receipt (electronic) | \$ _____ |
| <input type="checkbox"/> Certified Mail Restricted Delivery | \$ _____ |
| <input type="checkbox"/> Adult Signature Required | \$ _____ |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$ _____ |

Postmark
Here

Postage

\$

Total Postage and Fees

\$

Sent To

Street and Apt. No., or PO Box No.

City, State, ZIP+4®

Mailing List for 60-Day Letter

Application: S-60453

Permit: S-54068

Permit Holder(s):

JUNIPER FLAT DISTRICT IMPROVEMENT CO.
PO BOX 368
MAUPIN OR 97037

Copies Mailed	
by: <u>La</u>	(STAFF)
on: <u>5/27/22</u>	(DATE)

Is the Permit Holder(s) of record currently identified as a landowner of any tax lots involved as confirmed by the County records? **NO**

Copies of Cancellation Order to be sent to Permit Holder(s) and following:

1. Watermaster District #3
2. File

Other persons to receive copies:

- 1.

COMPLETENESS PROJECT

Page 2

Final Cancellation Review

PERMIT STATUS REVIEW BY _____ DATE _____

1. C Date ____/____/____
 2. Certified Letter Date ____/____/____
 3. Return Receipt Rcvd. ____/____/____
 4. Return Receipt Signed By _____
 5. Other Communication: ____/____/____
-

Recommend Cancellation ☐ or
Hold Action until ____/____/____

SAUTER Jerry K * WRD

To: Tim Morelli
Subject: RE: Juniper Flat District Improvement Co. appl. S-60453 permit no. S-54068

Good Morning Tim,
Your request is reasonable considering the scope of the project. Thanks for keeping us up to date.
Regards,
JK

Jerry (JK) Sauter - Water Rights Program Analyst Water Resources Department – 725 Summer Street NE ,Suite A – Salem Oregon 97301 Ph. 503-986-0817 Fax 503-986-0901
Email: jerry.k.sauter@oregon.gov Web: <http://www.oregon.gov>

-----Original Message-----

From: Tim Morelli [<mailto:tim.j.morelli@gmail.com>]
Sent: Wednesday, June 13, 2018 10:37 AM
To: SAUTER Jerry K * WRD
Subject: Juniper Flat District Improvement Co. appl. S-60453 permit no. S-54068

Jerry,
I'm hereby asking (pleading) for mercy on allowing our District time this winter, December, January, February to examine our options and to thoroughly develop a satisfactory timeline with the OWRD on the above mentioned application and permit.
Sincerely,
Timothy J Morelli
JFDIC Board Chairman

Sent from my iPhone

SAUTER Jerry K * WRD

From: Tim Morelli <tim.j.morelli@gmail.com>
Sent: Wednesday, June 13, 2018 10:37 AM
To: SAUTER Jerry K * WRD
Subject: Juniper Flat District Improvement Co. appl. S-60453 permit no. S-54068

Jerry,

I'm hereby asking (pleading) for mercy on allowing our District time this winter, December, January, February to examine our options and to thoroughly develop a satisfactory timeline with the OWRD on the above mentioned application and permit.

Sincerely,

Timothy J Morelli

JFDIC Board Chairman

Sent from my iPhone

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON

IN THE MATTER OF THE)
REINSTATEMENT OF PERMIT S-54068) ORDER

Findings of Fact

1. On February 9, 2018, the Department cancelled this permit in accordance with the provisions of ORS 537.260.
2. The Permittee requested reconsideration of the February 9, 2018, order canceling the permit.
3. The petition for reconsideration was submitted within the timeline provided by the order, and necessary re-instatement fees required under ORS 536.050 were received.

PERMITS TO USE SURFACE WATER:

<u>Name</u>	<u>Basin Number</u>	<u>Watermaster District</u>	<u>Application Number</u>	<u>Permit Number</u>
JUNIPER FLAT DISTRICT IMPROVEMENT CO.	5	3	S-60453	S-54068

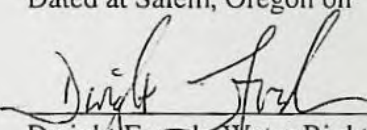
Conclusions of Law

1. Permit(s) may be re-instated by the Department upon reconsideration pursuant to OAR 137-004-0080.

Order

1. NOW, THEREFORE, it is hereby ORDERED that the permits listed above are reinstated.
2. The Department will take no action to cancel this permit until 120 Days, to allow the permittee to come into compliance with the terms and conditions of the permit.

Dated at Salem, Oregon on March 15, 2018.


Dwight French, Water Right Services Administrator
for Tom Byler, Director

PLACED IN U.S. MAIL MAR 16 2018
BY OREGON WATER RESOURCES DEPARTMENT

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may 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.

Special Order Volume 107 Page 823

Juniper Flat District Improvement Co. Inc.

82529 Hwy 216

Maupin, Or. 97037

541-395-9705

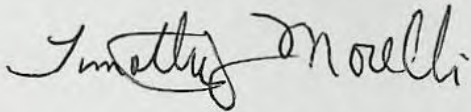
3/7/2018

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

Att: Jerry Sauter

Jerry, Thank you for your help on this matter. Please reconsider and reinstate out permit no. S-54068.

Thank You Timothy J Morelli, JFDIC Chairman



Enclosed check for \$520.00

RECEIVED

MAR 09 2018

OWRD

*Re-mil TATS
3/9/2018*

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON

IN THE MATTER OF THE CANCELLATION OF)
CERTAIN PERMIT(S) TO APPROPRIATE WATER)
UNDER THE PROVISIONS OF ORS 537.260)

Findings of Fact

1. The time within which the appropriations under the following permit(s) have been perfected has expired. The owners of such permit(s) have failed to submit proof of the completion of the appropriations under the terms and conditions of the permit(s) within the 60-day time limit allowed in those notices by certified mail in accordance with the provisions of ORS 537.260. Consequently, notices have been addressed to the owners of such permit(s) by certified mail in accordance with the provisions of ORS 537.260, and the time for such permit(s) to submit proof of the completion of the appropriations under the terms and conditions of their respective permit(s) has elapsed, and the owners of such permit(s) have failed to submit proof of the completion of the appropriations under the terms and conditions of their respective permit(s).

PERMIT(S) TO USE SURFACE WATER:

Name	Basin Number	Watermaster District	Application Number	Permit Number
JUNIPER FLAT DISTRICT IMPROVEMENT CO.	5		S-60453	S-54068

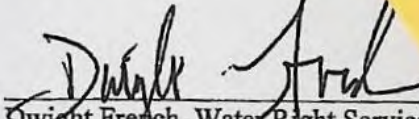
Conclusions of Law

1. Proof of appropriation of water under the permit(s) listed has not been made to the satisfaction of the Department under ORS 537.260.

Order

1. NOW, THEREFORE, the Department orders in accordance with the provisions of ORS 537.260 that the permit(s) listed be cancelled.

Dated at Salem, Oregon on


Dwight French, Water Right Services Administrator
for Tom Byler, Director

MAIL FEB 12 2018
WATER RESOURCES DEPARTMENT

This is a final order in other than contested cases. 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 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.

Tim Morrelli
Juniper Flat
District Improvement
Cancellation - Co
App S 60453
Perm S 54068

541 993-3600

Re-instatement
coming.
JL 3/7/2019

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON

IN THE MATTER OF THE CANCELLATION OF)
CERTAIN PERMIT(S) TO APPROPRIATE WATER) ORDER
UNDER THE PROVISIONS OF ORS 537.260)

Findings of Fact

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

PERMIT(S) TO USE SURFACE WATER:

Name	Basin Number	Watermaster District	Application Number	Permit Number
JUNIPER FLAT DISTRICT IMPROVEMENT CO.	5	3	S-60453	S-54068

Conclusions of Law

1. Proof of appropriation of water under the terms and conditions of the permit(s) listed has not been made to the satisfaction of the Water Resources Director as required under ORS 537.260.

Order

1. NOW, THEREFORE, it is hereby ORDERED that the permit(s) are canceled in accordance with the provisions of ORS 537.260.

Dated at Salem, Oregon on February 9, 2018.


Dwight French, Water Right Services Administrator
for Tom Byler, Director

PLACED IN U.S. MAIL FEB 12 2018
BY OREGON WATER RESOURCES DEPARTMENT

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may 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.

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

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

RECEIPT # **126045**

INVOICE # _____

RECEIVED FROM: Juniper Flat District
BY: Improvement Co., Inc.

APPLICATION	<u>560453</u>
PERMIT	
TRANSFER	

CASH: ☐ CHECK:# 13798 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 520.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES	\$
OTHER: (IDENTIFY)	\$

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES	\$
0410 RESEARCH FEES	\$
0408 MISC REVENUE: (IDENTIFY)	\$ <u>520.00</u>
TC162 DEPOSIT LIAB. (IDENTIFY)	\$
0240 EXTENSION OF TIME	\$

46111
Reinstated cancelled permit

WATER RIGHTS:

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

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **126045**

DATED: 3/9/18

BY: Bortch

Juniper Flat District Improvement Co., Inc.

Water Resources Department

Check Number: 3798

Check Date: Mar 7, 2018

Check Amount: \$520.00

3798

Invoice Number

Description

Discount Taker

Amount Paid

Letter 3-7-18

520.00

RECEIVED

MAR 09 2018

OWRD

COURCHANE Corey A * WRD

From: WOOD Robert L * WRD
Sent: Monday, August 07, 2017 4:11 PM
To: COURCHANE Corey A * WRD
Cc: SAUTER Jerry K * WRD
Subject: RE: Juniper Flat District Improvement Co., Permit S-54068

Hi Corey,

To my knowledge, they have not used water under this permit. Per page 11, they would have had to submit maps and a tabulation prior to the irrigation season. I've been here since 2004 and never seen them do this. However, just to make sure, I would recommend contacting the current Juniper Flat Board President, Tim Morelli at 541-993-3600 (cell) or 541-395-2431 (home). Let me know if you have additional questions.

Bob

Robert Wood
District 3 Watermaster
2705 E 2nd St
The Dalles, OR 97058
541-506-2652
<http://www.oregon.gov/owrd/>

From: COURCHANE Corey A * WRD
Sent: Monday, August 07, 2017 1:55 PM
To: WOOD Robert L * WRD
Cc: SAUTER Jerry K * WRD
Subject: Juniper Flat District Improvement Co., Permit S-54068

Good afternoon Bob,

I'm performing some follow up on a Department compliance letter issued October 26, 2015 to the permit holder described above. The Department hasn't heard or received anything since this letter was received by Juniper Flat. The Department is prepared to begin cancellation proceedings on Permit S-54068, however I thought I would contact you first to see if you have heard anything from Juniper Flat, as we don't have any contact information.

If the Department doesn't receive either a Claim of Beneficial Use, or an Application for Extension of Time by October 6, 2017, the Department will move forward with cancellation of the permit. Let me know if you need any additional information.

Thank you,

Corey A Courchane

COREY A COURCHANE | EXTENSION SPECIALIST

Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301
Ph: 503 986-0825 | Fax: 503 986-0901
Email: corey.a.courchane@oregon.gov | Web: <http://www.oregon.gov/OWRD>

MEMO: S 60453

Date of call:

☐ Intent to submit an Assignment

☐ Intent to submit an Extension of Time

☒ Intent to work with a CWRE

—

Contact: JOSH DULING OCT. 1 2022

Notes:

Self-Certification Form (for qualifying Alternate Review reservoirs only)

Certain qualifying reservoir permits allow the permit holder to self-certify their reservoir permit. For a reservoir permit to qualify for this process, the reservoir must meet each of the following criteria:

- 1) The permit was issued under the authority of ORS 537.409; and
- 2) No secondary permit exists for the use of water stored in the reservoir; and
- 3) The developed capacity of the reservoir is less than 9.2 acre-feet; and
- 4) The water was stored by the date required in the permit

Additional information and links to the forms are available at:

www.oregon.gov/owrd/programs/WaterRights/Cert/Pages/default.aspx

- To locate the Claim form, follow the above link, click on "Forms", and next on "Claims of Beneficial Use for Reservoirs (storing less than 9.2 acre-feet permitted under ORS 537.409)
- For questions related to Self Certification of a qualifying reservoir, please call the staff member identified on the letter you received.

Find a Certified Water Right Examiners (CWRE)

CWREs are engineers, surveyors, and registered geologists who have passed a certification to perform water right related functions including the preparation of Claims of Beneficial Use (COBU). The COBU is both a report that describes the extent to which the use authorized under the permit has been developed and a map that identifies where the use and point of diversion or well is located. In addition, the COBU describes how conditions have been timely complied with.

Additional information and links to the forms are available at:

www.oregon.gov/owrd/programs/WaterRights/Cert/Pages/default.aspx

- To locate a CWRE, follow the above link and click on "Find a CWRE"
- For questions related to locating a CWRE, contact the Department at 503-986-0900; and then select 2 for Customer Service Staff

Reimbursement Authority Program For Certificates

Reimbursement Authority is a program that provides the Department the ability to enter into a voluntary agreement with an applicant for expedited the processing of the Claim of Beneficial Use. Under such an agreement, the applicant pays the cost for expedited services not otherwise available.

Additional information and links to the forms are available at:

<https://www.oregon.gov/owrd/programs/WaterRights/RA/Pages/Certificate.aspx>

For questions related to expediting the review of your Claim of Beneficial Use through the Reimbursement Authority Program, contact Kerry Kavanagh by phone at 503-979-3208 or by email at **Kerry.L.Kavanagh@water.oregon.gov**

Please visit our Department's website at www.oregon.gov/owrd to locate the following information and forms:

Voluntary Cancellation of a Permit

Whenever the owner of a permit wishes to cancel a permit due to inability to develop the permit or the permit is no longer usable for any reason, the owner may cancel the permit by submitting a form to authorize the cancellation of a permit.

Additional information and links to the forms are available at:

www.oregon.gov/owrd/programs/WaterRights/Permits/Pages/CancelPermit.aspx

- For questions related to Voluntary Cancellation of a Permit, contact Mary Bjork by phone at 503-979-9895 or by email at Mary.F.Bjork@water.oregon.gov

Application for Permit Extension of Time

An Extension of Time is a process in which the Department can approve additional time for a permit holder to perfect the beneficial use of water as authorized by the permit. An Extension of Time may be approved if the permit holder has demonstrated reasonable diligence in developing the beneficial use of water as authorized under the permit and the Department can find good cause to do so. Each Application is reviewed on a case-by-case basis. An Extension of Time may provide the ability for a permit holder to extend their completion of construction date (B-date) and complete application of water date (C-date).

Additional information and links to the forms are available at:

www.oregon.gov/owrd/programs/WaterRights/Permits/Pages/Extension.aspx

- For questions related to Extensions of Time, contact Jeffrey Pierceall by phone at 503-979-3213 or by email at Jeffrey.D.Pierceall@water.oregon.gov

Assignments

An Assignment is a formal process to change the name of the holder of an application, permit, limited license, transfer, permit amendment or groundwater registration claim (i.e., non-perfected, non-certificated rights). This process is similar to changing the name on the title of a car. An Assignment ensures that the Department knows who the water right record belongs to and who will be responsible for finalizing the right.

Additional information and links to the forms are available at:

www.oregon.gov/owrd/programs/WaterRights/Permits/Assignment/Pages/default.aspx

- For questions related to Assignments, contact Mary Bjork by phone at 503-979-9895 or by email at Mary.F.Bjork@water.oregon.gov

Mailing List for 60-Day Letter

Application: S-60453

Permit: S-54068

Permit Holder(s):

JUNIPER FLAT DISTRICT IMPROVEMENT CO.
PO BOX 368
MAUPIN OR 97037

Copies Mailed

by: TM
(STAFF)

on: 9.8.2023
(DATE)

Is the Permit Holder(s) of record currently identified as a landowner of any tax lots involved as confirmed by the County records? **NO**

Copies of Cancellation Order to be sent to Permit Holder(s) and following:

1. Watermaster District #3 (auto email)
2. File

Other persons to receive copies:

- 1.



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301

Phone: 503-986-0900

Fax: 503-986-0904

www.Oregon.gov/OWRD

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

Certified mail number 7021 1970 0001 3950 3549

Return receipt requested

September 8, 2023

Juniper Flat District Improvement Co.
PO Box 368
Maupin, OR 97037

Reference: Application S-60453, Permit S-54068

Dear Permit Holder:

This letter is in regard to your water use permit as referenced above. Your permit required you to complete the development of your water use by October 1, 2008.

In order for the Department to consider issuance of a certificate of water right, you are required by law to hire a certified water right examiner to prepare and submit a claim of beneficial use that includes a final proof survey map of the development. The map and claim of beneficial use were to have been submitted to our Department within one year of October 1, 2008. The fee for submitting a claim of beneficial use is \$230.00. Please see the enclosed 'Resource Sheet' for our current database of CWRE's.

If you are not finished with the development of your permit, you need to file an application for an extension of time to complete your development. The fee for filing an extension of time is \$780.00. Please see the enclosed 'Resource Sheet' to access the extension of time form.

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

If you have not submitted either a Claim of Beneficial Use or a request for an extension of time for your permit within 60 days of the date of this letter (November 17, 2023) the Department may issue a Final Order to cancel your permit without further notice. If the Department issues a Final Order to cancel your permit, and you request reconsideration of the final order and reinstatement of your permit, there is a \$610.00 reinstatement fee that is charged in addition to the claim of beneficial use or extension of time fee.

Should you have any questions, please contact me at Tonya.L.Miller@water.oregon.gov, the address above or by telephone at 503-979-9983. Email is the best way to reach me.

Sincerely,

Tonya Miller
Backlog Reduction Caseworker

Enclosures (1)

cc: File
OWRD Watermaster District 3 (email)



SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

10/26 S-60453
 JUNIPER FLAT DISTRICT IMPROVEMENT
 CO.
 82529 HWY 216
 MAUPIN, OR 97037



9590 9403 0644 5183 3707 23

2. Article Number (Transfer from service label)

7014 1200 0000 8250 8279

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Dave Burr* ☒ Agent
☐ Addressee

B. Received by (Printed Name)

Dave Burr

C. Date of Delivery

11/2/15

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☒ No

RECEIVED

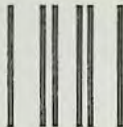
NOV 03 2015

QWRD

3. Service Type

- | | |
|--|---|
| <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ |
| <input type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation™ |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Insured Mail | |
| <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) | |

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4® in this box•

Oregon Water Resources Department
Attention: Kate Fitzgerald
725 Summer St. NE, Suite A
Salem, OR 97301

USPS TRACKING#



01126673

9590 9403 0644 5183 3707 23

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON

IN THE MATTER OF THE CANCELLATION OF)
CERTAIN PERMIT(S) TO APPROPRIATE WATER) ORDER
UNDER THE PROVISIONS OF ORS 537.260)

Findings of Fact

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

PERMIT(S) TO USE SURFACE WATER:

Name	Basin Number	Watermaster District	Application Number	Permit Number
JUNIPER FLAT DISTRICT IMPROVEMENT CO.	5	3	S-60453	S-54068

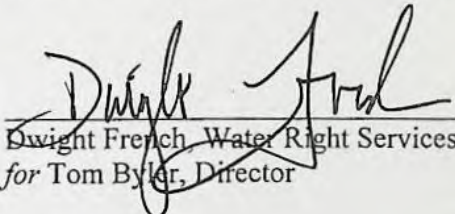
Conclusions of Law

1. Proof of appropriation of water under the terms and conditions of the permit(s) listed has not been made to the satisfaction of the Water Resources Director as required under ORS 537.260.

Order

1. NOW, THEREFORE, it is hereby ORDERED that the permit(s) are canceled in accordance with the provisions of ORS 537.260.

Dated at Salem, Oregon on February 9, 2018.


Dwight French, Water Right Services Administrator
for Tom Byler, Director

PLACED IN U.S. MAIL FEB 12 2018
BY OREGON WATER RESOURCES DEPARTMENT

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



Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone (503) 986-0900

Fax (503) 986-0904

www.wrd.state.or.us

NOTE: For water rights information and useful forms, please see our web site at

www.oregon.gov/OWRD

October 26, 2015

Certified mail number 7014 1200 0000 8250 8279

Return receipt requested

JUNIPER FLAT DISTRICT IMPROVEMENT CO.

82529 HWY 216

MAUPIN, OR 97037

Reference: Application S-60453, Permit S-54068

Dear Permit Holder:

This letter is in regard to your water use permit as referenced above. Your permit required you to complete the development of your water use by October 1, 2008.

In order for the Department to consider issuance of a certificate of water right, you are required by law to hire a certified water right examiner to prepare and submit a claim of beneficial use that includes a final proof survey map of the development. The map and claim of beneficial use were to have been submitted to our Department within one year of October 1, 2008. The fee for submitting a claim of beneficial use is \$175.00. Please see the enclosed 'Resource Sheet' for our current database of CWRE's.

If you are not finished with the development of your permit, you need to file an application for an extension of time to complete your development. The fee for filing an extension of time is \$575.00. Please see the enclosed 'Resource Sheet' to access the extension of time form.

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

If you have not submitted either a Claim of Beneficial Use or a request for an extension of time for your permit within 60 days of the date of this letter (December 25, 2015) the Department may issue a Final Order to cancel your permit without further notice. If the Department issues a Final Order to cancel your permit, and you request reconsideration of the final order and reinstatement of your permit, there is a \$450.00 reinstatement fee that is charged in addition to the claim of beneficial use or extension of time fee.

Should you have any questions, please contact Corey Courchane by telephone at 503-986-0825, Machele Bamberger by telephone at 503-986-0802, or myself at the address above or by telephone at 503-986-0817.

Sincerely,

Jerry Sauter

Water Rights Program Analyst

Enclosures (1)

cc: File S-60453

OWRD Watermaster District 3

*Cancel
FTMP
cc
8/8/17*

PERMIT STATUS REVIEW B : Machelle Bamberger DATE 10-1-2015 FILE # 5-60453

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

update appropriate db

- None
- ☐ Extension pending _____
- ☐ Assignment is pending _____
- ☐ Cancellation has been requested _____
- ☐ Dept. has already sent a certified 60-Day Compliance letter (date _____, # _____)
- Was **60 days notice** allowed? Y N If No, How Much Time ? _____
- Was mail deliverable as addressed? Y N date _____
- If mail returned, online/www check? Y N date _____ successful? Y N
- Re-send Cert. Letter? Y N date _____
- Send cancellation order Y N
- ☐ Claim of beneficial use and final proof map (COBU) have been received by Department
- Date information received _____

Send letter
MR

2. IF NONE OF THE ABOVE APPLY

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

"C" DATE 10-1-2008 BASIN NUMBER _____ WM # _____

CWRE or AGENT None

3. AOI Yes X NO _____ If Yes, name of AOI Its self Juniper Flat District
Improvement Co. Inc

Juniper Flat District Improvement Co. Inc.

**82529 Hwy 216
Maupin, Or. 97037
541-395-9705**

RECEIVED
JUN 08 2011
WATER RESOURCES DEPT
SALEM, OREGON

June 2, 2011

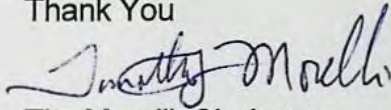
Dear Water Resources Dept:

Please change your mailing address to:

Juniper Flat District Improvement Co.
82529 Hwy 216
Maupin, Or. 97037

This has been our permanent physical address for some time now.

Thank You



Tim Morelli, Chairman

STATE OF OREGON

COUNTY OF WASCO

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

JUNIPER FLAT DIST. IMPROVEMENT CO.
53333 RESERVATION RD
MAUPIN, OREGON 97037-9708

(541) 328-6380

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

APPLICATION FILE NUMBER: S-60453

SOURCE OF WATER: THREE SPRING AREAS, FROG CREEK, AND CLEAR LAKE RESERVOIR, CONSTRUCTED UNDER PERMIT R-2106, TRIBUTARIES OF CLEAR CREEK; AND CLEAR CREEK, A TRIBUTARY OF WHITE RIVER

PURPOSE OR USE: IRRIGATION OF 2500.0 ACRES, LIMITED TO IRRIGATION OF 2107.49 ACRES DURING ANY SINGLE IRRIGATION SEASON. IF ANY WATER IS DIVERTED UNDER THIS PERMIT FOR POND MAINTENANCE DURING AN IRRIGATION SEASON, PERMITTEE MAY IRRIGATE ONLY 2101.64 ACRES DURING THAT IRRIGATION SEASON.

MAXIMUM AMOUNT: COMBINED RATE UNDER THIS PERMIT, CERTIFICATE 77326 AND CERTIFICATE 77733 IS LIMITED TO 52.69 CUBIC FEET PER SECOND UP TO JULY 1ST OF EACH YEAR AND THEREAFTER 26.34 CUBIC FEET PER SECOND OF LIVE FLOW FROM THREE SPRING AREAS, FROG CREEK AND CLEAR CREEK; 7500.0 ACRE- FEET FROM CLEAR LAKE RESERVOIR; FURTHER LIMITED AS DESCRIBED BELOW.

DATE OF PRIORITY: MAY 14, 1990

POINT OF DIVERSION LOCATION:

SPRING AREA #1: NE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 11, T5S, R9E, W.M.; 1000 FEET SOUTH & 2050 FEET EAST FROM THE W $\frac{1}{4}$ CORNER OF SECTION 11

SPRING AREA #2: S $\frac{1}{2}$ NW $\frac{1}{4}$, SECTION 13, T5S, R9E, W.M.; 1400 FEET SOUTH & 1320 FEET EAST FROM THE NW CORNER OF SECTION 13

SPRING AREA #3: NE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 13, T5S, R9E, W.M.; 340 FEET SOUTH & 600 FEET WEST FROM THE E $\frac{1}{4}$ CORNER OF SECTION 13

FROG CREEK: NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 34, T4S, R9E, W.M.; 750 FEET SOUTH & 850 FEET WEST FROM THE NE CORNER OF SECTION 34

CLEAR CREEK: NE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 10, T5S, R9E, W.M.; 680 FEET SOUTH & 1250 FEET WEST FROM THE E $\frac{1}{4}$ CORNER OF SECTION 10

CLEAR LAKE RESERVOIR: SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 32, T4S, R9E, W.M.; 880 FEET NORTH & 780 FEET WEST FROM THE SE CORNER OF SECTION 32

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed ONE ACRE FOOT PER ACRE OR ACRE EQUIVALENT DURING ANY 30-DAY PERIOD UP TO JULY 1ST OF EACH YEAR AND NOT TO EXCEED 3 ACRE FEET PER ACRE OR ACRE EQUIVALENT DURING ANY IRRIGATION SEASON; PROVIDED, THAT THE RATE OF FLOW SHALL NOT EXCEED 1/40 OF A SECOND FOOT PER ACRE OR ACRE EQUIVALENT UP TO JULY 1ST OF EACH YEAR AND THEREAFTER NOT TO EXCEED 1/80 OF A SECOND FOOT PER ACRE OR ACRE EQUIVALENT, EXCEPT IN CASE OF ROTATION.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>		<u>OWNER</u>
SW 1/4 SW 1/4	14.30		ACRES	ODFW
		SECTION 13		
NW 1/4 NW 1/4	5.00		ACRES	ODFW
		SECTION 24		
SE 1/4 NE 1/4	6.00		ACRES	Hammond
NE 1/4 SW 1/4	1.20		ACRES	Muncie
		SECTION 25		
		TOWNSHIP 5 SOUTH, RANGE 11 EAST, W.M.		
NE 1/4 NW 1/4	4.10		ACRES	V. Woodside
SW 1/4 NW 1/4	9.60		ACRES	V. Woodside
SE 1/4 NW 1/4	5.10		ACRES	V. Woodside
SE 1/4 NW 1/4	3.20		ACRES	McCorkle
NW 1/4 SW 1/4	2.00		ACRES	V. Woodside
SE 1/4 SW 1/4	7.00		ACRES	McCorkle
		SECTION 1		
SW 1/4 SW 1/4	14.40		ACRES	Schmidt
NE 1/4 SE 1/4	19.10		ACRES	V. Woodside
SE 1/4 SE 1/4	5.50		ACRES	V. Woodside
		SECTION 2		

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>		<u>OWNER</u>
SE 1/4 SE 1/4	18.20		ACRES	Schmidt
SECTION 3				
SW 1/4 NW 1/4	2.80		ACRES	Ambrose
NW 1/4 SW 1/4	13.20		ACRES	Ambrose
SW 1/4 SW 1/4	20.30		ACRES	Ambrose
SECTION 9				
NE 1/4 NE 1/4	3.70		ACRES	Schmidt
SECTION 10				
SW 1/4 NE 1/4	4.70		ACRES	McLeod
SE 1/4 NE 1/4	26.00		ACRES	McLeod
NE 1/4 SE 1/4	17.80		ACRES	Endersby
NW 1/4 SE 1/4	17.90		ACRES	Endersby
SW 1/4 SE 1/4	23.00		ACRES	Endersby
SE 1/4 SE 1/4	23.00		ACRES	Endersby
SECTION 11				
NW 1/4 NE 1/4	13.50		ACRES	McLeod
SW 1/4 NE 1/4	2.60		ACRES	McLeod
NE 1/4 NW 1/4	23.50		ACRES	McLeod
NW 1/4 NW 1/4	0.80		ACRE	McLeod
SE 1/4 NW 1/4	9.90		ACRES	McLeod
SECTION 12				
NW 1/4 NW 1/4	3.70		ACRES	Williamson
SW 1/4 NW 1/4	0.20		ACRE	Williamson
NW 1/4 SW 1/4	1.20		ACRES	Williamson
SECTION 13				
NE 1/4 NE 1/4	11.40		ACRES	Williamson
NW 1/4 NE 1/4	9.60		ACRES	Groce
SE 1/4 NE 1/4	7.60		ACRES	Williamson
NE 1/4 NW 1/4	3.70		ACRES	Groce
SW 1/4 NW 1/4	0.70		ACRE	Claymier
NW 1/4 SW 1/4	19.40		ACRES	Claymier
SW 1/4 SE 1/4	5.80		ACRES	Claymier
SE 1/4 SE 1/4	4.10		ACRES	Claymier
SECTION 14				

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>	<u>OWNER</u>
SW 1/4 NE 1/4		1.00	ACRE Dodge
NE 1/4 SW 1/4		33.90	ACRES Dodge
NW 1/4 SW 1/4		3.50	ACRES Dodge
SW 1/4 SW 1/4		5.90	ACRES Dodge
NE 1/4 SE 1/4		0.30	ACRE Dodge
NW 1/4 SE 1/4		34.70	ACRES Dodge
SW 1/4 SE 1/4		7.50	ACRES Dodge
SE 1/4 SE 1/4		0.60	ACRE Dodge
SECTION 18			
NE 1/4 SW 1/4		6.70	ACRES Confederated Tribes
SE 1/4 SW 1/4		17.40	ACRES Confederated Tribes
SECTION 19			
SE 1/4 NE 1/4	6.00		ACRES Capps
SECTION 20			
SW 1/4 NE 1/4	9.40		ACRES Hundley
SE 1/4 NE 1/4	3.80		ACRES Hundley
NE 1/4 SE 1/4	3.00		ACRES Hundley
NW 1/4 SE 1/4	1.30		ACRES Hundley
SE 1/4 SE 1/4	7.10		ACRES Hundley
SECTION 21			
SE 1/4 NE 1/4	8.60		ACRES Claymier
NE 1/4 NW 1/4	0.80		ACRE S. Woodside
NW 1/4 NW 1/4	0.60		ACRE S. Woodside
SW 1/4 NW 1/4	12.20		ACRES S. Woodside
SE 1/4 NW 1/4	4.40		ACRES S. Woodside
SE 1/4 SW 1/4	6.20		ACRES S. Woodside
NE 1/4 SE 1/4	0.50		ACRE Claymier
SECTION 22			
NW 1/4 NE 1/4	6.00		ACRES Claymier
SW 1/4 NE 1/4	0.30		ACRE Claymier
SE 1/4 NE 1/4	18.10		ACRES Aschoff
NE 1/4 NW 1/4	3.30		ACRES Claymier
NW 1/4 NW 1/4	3.30		ACRES Claymier
SW 1/4 NW 1/4	18.80		ACRES Claymier
SE 1/4 NW 1/4	9.00		ACRES Claymier
NW 1/4 SW 1/4	0.60		ACRE Claymier
SE 1/4 SE 1/4	6.00		ACRES L. Woodside
SECTION 23			

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>		<u>OWNER</u>
NE 1/4 NW 1/4	0.30		ACRE	Carter
NW 1/4 NW 1/4	2.50	5.30	ACRES	Carter
SW 1/4 NW 1/4	5.80	10.10	ACRES	Carter
SE 1/4 NW 1/4	4.40		ACRES	Carter
SE 1/4 SE 1/4	0.30		ACRE	Meredith
SECTION 24				
NW 1/4 NE 1/4	5.90		ACRES	L. Woodside
SW 1/4 NE 1/4	1.50		ACRES	L. Woodside
SECTION 25				
NE 1/4 NE 1/4	10.20		ACRES	Pinheiro
NW 1/4 NE 1/4	11.90		ACRES	L. Woodside
SW 1/4 NE 1/4	26.80		ACRES	L. Woodside
SE 1/4 NE 1/4	4.30		ACRES	Pinheiro
NE 1/4 NW 1/4	6.90		ACRES	L. Woodside
NW 1/4 NW 1/4	2.20		ACRES	L. Woodside
SW 1/4 NW 1/4	0.90		ACRE	L. Woodside
SE 1/4 NW 1/4	12.20		ACRES	L. Woodside
NW 1/4 SE 1/4	2.40		ACRES	Beebe
SECTION 26				
SE 1/4 NE 1/4	10.00		ACRES	L. Woodside
NE 1/4 NW 1/4	4.50		ACRES	S. Woodside
NW 1/4 NW 1/4	1.20		ACRES	S. Woodside
NE 1/4 SE 1/4	7.50		ACRES	Hammer
NW 1/4 SE 1/4	4.00		ACRES	Hammer
SE 1/4 SE 1/4	12.10		ACRES	Tolentino
SECTION 27				
SW 1/4 SW 1/4	10.60		ACRES	Blake
NE 1/4 SE 1/4	0.10		ACRE	Graybill
SW 1/4 SE 1/4	11.80		ACRES	Graybill
SE 1/4 SE 1/4	0.20		ACRE	Graybill
SECTION 29				
NE 1/4 SE 1/4	0.70		ACRE	Blake
NW 1/4 SE 1/4	0.10		ACRE	Blake
SW 1/4 SE 1/4	2.20		ACRES	Blake
SE 1/4 SE 1/4	10.50		ACRES	Blake
SECTION 30				
NW 1/4 NE 1/4	12.10		ACRES	Hill
SECTION 32				

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>		<u>OWNER</u>
NW 1/4 NW 1/4	12.10		ACRES	Reinwand
SECTION 33				
TOWNSHIP 5 SOUTH, RANGE 12 EAST, W.M.				
NE 1/4 NE 1/4	2.00		ACRES	Mayhew
NE 1/4 SW 1/4	2.00		ACRES	Larkin
SE 1/4 SW 1/4	9.70		ACRES	Larkin
NW 1/4 SE 1/4	7.80		ACRES	Larkin
SW 1/4 SE 1/4	18.20		ACRES	Larkin
SECTION 2				
NW 1/4 NE 1/4	9.20		ACRES	Gabel
SW 1/4 NE 1/4	27.40		ACRES	Gabel
SW 1/4 NW 1/4	16.60		ACRES	Gabel
SE 1/4 NW 1/4	20.00		ACRES	Gabel
NW 1/4 SW 1/4	1.20		ACRES	Bothwell
SECTION 3				
NW 1/4 NW 1/4	8.70		ACRES	Paulson
SW 1/4 NW 1/4	5.30		ACRES	Paulson
SECTION 4				
NW 1/4 NE 1/4	17.80		ACRES	Paulson
SW 1/4 NE 1/4	5.00		ACRES	Paulson
SE 1/4 SW 1/4	5.50		ACRES	Carter
SECTION 5				
SE 1/4 NE 1/4	16.00		ACRES	L. Woodside
SW 1/4 NW 1/4	4.00		ACRES	Walters
SE 1/4 NW 1/4	14.60		ACRES	Walters
NE 1/4 SW 1/4	7.30		ACRES	Walters
NW 1/4 SW 1/4	2.30		ACRES	Walters
SW 1/4 SW 1/4	6.30		ACRES	Walters
SE 1/4 SW 1/4	6.70		ACRES	Walters
NE 1/4 SE 1/4	8.00		ACRES	Walters
NW 1/4 SE 1/4	3.90		ACRES	Walters
SE 1/4 SE 1/4	0.40		ACRE	Walters
SECTION 7				
NE 1/4 NE 1/4	35.30		ACRES	Carter
NW 1/4 NE 1/4	37.60		ACRES	Carter
SW 1/4 NW 1/4	18.90		ACRES	L. Woodside
SW 1/4 SW 1/4	4.50		ACRES	Hawthorne
SE 1/4 SW 1/4	13.80		ACRES	Hawthorne
SECTION 8				

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>	<u>ACRES</u>	<u>OWNER</u>
SW 1/4 NE 1/4	4.50		ACRES	Kelly
NW 1/4 NW 1/4	7.30		ACRES	Kelly
SW 1/4 NW 1/4	25.40		ACRES	Kelly
SE 1/4 NW 1/4	4.40		ACRES	Kelly
NE 1/4 SW 1/4	5.00		ACRES	Kelly
SECTION 9				
NE 1/4 NW 1/4	2.20		ACRES	Larkin
SECTION 11				
NW 1/4 NW 1/4	6.50		ACRES	Hawthorne
SECTION 17				
NE 1/4 NE 1/4	5.40		ACRES	Hawthorne
SE 1/4 SE 1/4	1.20		ACRES	Bender
SECTION 18				
NW 1/4 SW 1/4	0.30		ACRE	Meredith
SECTION 19				
NE 1/4 NW 1/4	10.00		ACRES	Tom Morelli
SW 1/4 NW 1/4	2.60		ACRES	Tom Morelli
NE 1/4 SW 1/4	2.10		ACRES	Dodge
SW 1/4 SW 1/4	5.40		ACRES	Dodge
SE 1/4 SW 1/4	3.60		ACRES	Dodge
SE 1/4 SE 1/4	15.10		ACRES	Dodge
SECTION 21				
NW 1/4 NW 1/4	1.20		ACRES	Lorraine Gabel
SECTION 28				
SW 1/4 NE 1/4	2.30		ACRES	Fosberg
NE 1/4 NW 1/4	10.70		ACRES	Fosberg
NW 1/4 NW 1/4	32.20		ACRES	Fosberg
SW 1/4 NW 1/4	11.00		ACRES	Fosberg
SE 1/4 NW 1/4	27.30		ACRES	Fosberg
SECTION 29				
SW 1/4 NE 1/4		0.20	ACRE	Nelson
SE 1/4 NW 1/4		1.80	ACRES	Nelson
NE 1/4 SW 1/4	1.60	17.00	ACRES	Nelson
NW 1/4 SW 1/4	3.90		ACRES	Nelson
NW 1/4 SE 1/4		4.50	ACRES	Nelson

SECTION 30

TOWNSHIP 5 SOUTH, RANGE 13 EAST, W.M.

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>		<u>OWNER</u>
SW 1/4 SW 1/4		38.80	ACRES	Larsell
SE 1/4 SW 1/4		37.30	ACRES	Larsell
SECTION 13				
SW 1/4 NE 1/4	0.50		ACRE	Tom Morelli
SE 1/4 NW 1/4	10.40		ACRES	Tom Morelli
SE 1/4 SW 1/4	2.80		ACRES	Tom Morelli
NE 1/4 SE 1/4	9.30		ACRES	Tom Morelli
NW 1/4 SE 1/4	7.60		ACRES	Tom Morelli
SW 1/4 SE 1/4	6.60		ACRES	Tom Morelli
SE 1/4 SE 1/4	4.10		ACRES	Tom Morelli
SECTION 22				
NE 1/4 NE 1/4	9.90		ACRES	McElheran
NW 1/4 NE 1/4	21.80		ACRES	McElheran
SW 1/4 NE 1/4	23.70		ACRES	McElheran
NE 1/4 NW 1/4	26.00		ACRES	McElheran
SE 1/4 NW 1/4	27.40		ACRES	McElheran
NE 1/4 SW 1/4		40.00	ACRES	McReynolds
NW 1/4 SW 1/4		1.10	ACRES	McReynolds
SE 1/4 SW 1/4		15.70	ACRES	McReynolds
SECTION 23				
NE 1/4 NW 1/4		3.90	ACRES	Larsell
NW 1/4 NW 1/4		4.60	ACRES	Larsell
SECTION 24				
SE 1/4 NE 1/4	3.30		ACRES	Harth
SECTION 25				
NE 1/4 NE 1/4	29.40		ACRES	Tim Morelli
NW 1/4 NE 1/4	1.90		ACRES	Tom Morelli
SW 1/4 NE 1/4	26.70		ACRES	Tim Morelli
SE 1/4 NE 1/4	28.60		ACRES	Tim Morelli
NE 1/4 NW 1/4	13.00		ACRES	Tom Morelli
NW 1/4 NW 1/4	25.50		ACRES	Tom Morelli
SW 1/4 NW 1/4	20.70		ACRES	Tom Morelli
SE 1/4 NW 1/4	1.70		ACRES	Tom Morelli
NE 1/4 SE 1/4	4.80		ACRES	Tom Morelli
NW 1/4 SE 1/4		16.90	ACRES	Tom Morelli
SW 1/4 SE 1/4		12.40	ACRES	Tom Morelli
SE 1/4 SE 1/4	3.50		ACRES	Tom Morelli
SECTION 27				
SW 1/4 SW 1/4	0.50		ACRE	V. Woodside
SE 1/4 SW 1/4	8.50		ACRES	V. Woodside
SECTION 29				

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>		<u>OWNER</u>
NE 1/4 NE 1/4	1.50		ACRES	Gutzler
SW 1/4 NE 1/4	5.00		ACRES	Gutzler
SE 1/4 NE 1/4	1.40		ACRES	Gutzler
NE 1/4 SE 1/4	1.80		ACRES	Gutzler
NW 1/4 SE 1/4	14.40		ACRES	Gutzler
SW 1/4 SE 1/4	7.50		ACRES	Gutzler
SE 1/4 SE 1/4	1.80		ACRES	Gutzler
SECTION 31				
NE 1/4 SE 1/4		16.00	ACRES	Paulson
NW 1/4 SE 1/4		4.00	ACRES	Paulson
SW 1/4 SE 1/4	7.70		ACRES	Paulson
SECTION 32				
NE 1/4 SW 1/4	4.20	0.20	ACRES	Paulson
NW 1/4 SW 1/4	0.40		ACRE	Paulson
SW 1/4 SW 1/4	6.80		ACRES	Paulson
SE 1/4 SW 1/4		9.80	ACRES	Paulson
SECTION 33				
NW 1/4 NW 1/4	19.50		ACRES	Reckman Estate
SW 1/4 NW 1/4	4.60		ACRES	Don Reckman
SW 1/4 SW 1/4	4.90		ACRES	Odom
SECTION 34				
SE 1/4 NE 1/4	16.80		ACRES	Mayhew
NE 1/4 SE 1/4	17.40		ACRES	Mayhew
NW 1/4 SE 1/4	7.80		ACRES	Mayhew
SECTION 35				
NE 1/4 NW 1/4	32.50		ACRES	Mayhew
NW 1/4 NW 1/4	32.50		ACRES	Mayhew
SW 1/4 NW 1/4	32.50		ACRES	Mayhew
SE 1/4 NW 1/4	32.50		ACRES	Mayhew
NE 1/4 SW 1/4		29.80	ACRES	Mayhew
NW 1/4 SW 1/4		29.60	ACRES	Mayhew
SW 1/4 SW 1/4		38.60	ACRES	Mayhew
SE 1/4 SW 1/4		32.00	ACRES	Mayhew

SECTION 36

TOWNSHIP 4 SOUTH, RANGE 13 EAST, W.M.

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>		<u>OWNER</u>
NE 1/4 NE 1/4	1.70	2.20	ACRES	Marsh
NW 1/4 NE 1/4	3.30	21.90	ACRES	Marsh
SW 1/4 NE 1/4		19.00	ACRES	Marsh
SE 1/4 NE 1/4		5.10	ACRES	Marsh
NE 1/4 SE 1/4	1.00		ACRE	Marsh
SECTION 19				
NE 1/4 NW 1/4	21.90		ACRES	Marsh
SE 1/4 NW 1/4	29.60		ACRES	Marsh
NE 1/4 SW 1/4	6.50		ACRES	Marsh
NW 1/4 SW 1/4	31.00		ACRES	Marsh
SW 1/4 SW 1/4	14.10		ACRES	Marsh
SECTION 20				
NE 1/4 SW 1/4	1.00		ACRE	Harth
LOT 3 (NW 1/4 SW 1/4)	1.70		ACRES	Harth
SECTION 30				
LOT 4 (SW 1/4 SW 1/4)		19.20	ACRES	Duling
SE 1/4 SW 1/4		28.50	ACRES	Duling
SECTION 31				
TOWNSHIP 4 SOUTH, RANGE 14 EAST, W.M.				

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install meter(s) or other suitable measuring device(s) as approved by the Director. The permittee shall maintain the meter(s) or measuring device(s) in good working order, shall keep a complete record of the amount of water used each month and shall submit a report that includes the recorded water use measurements to the Oregon Water Resources Department headquarters ("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. In addition, before water use may begin under this permit, the permittee or landowner shall install a meter(s) or measuring device(s) for each parcel served under this permit. The meters or measuring devices shall meet standards established by the Department or the United States Geological Survey. The permittee shall annually report to the Department the annual cumulative total at each measuring point. Irrigation is illegal for any year in which the

Department has not received annual reports for the previous year.

- C. The permittee shall allow the watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the watermaster shall request access upon reasonable notice.

No additional water shall be appropriated under this permit from Clear Creek, Frog Creek, or Clear Lake Reservoir than is already authorized under certificates 77326 and 77733, or under superceding certificates, for an equal number of irrigated acres. This permit does not authorize an increase in the total number of acres irrigated during an irrigation season, instantaneous diversion rate or the annual duty of water diverted by the permittee.

The permittee shall install, maintain and operate fish screening devices as required by the Oregon Department of Fish and Wildlife (ODFW) to prevent fish from entering the diversions, unless ODFW notifies the Department that such screening devices are not required.

The permittee shall install, maintain and operate a fishway as required by ODFW to ensure adequate upstream and downstream passage for fish, unless ODFW notifies the Department that such a fishway is not required.

Mapping and tabulation conditions

Each irrigation season, prior to the commencement of any irrigation from water delivered by the district, the permittee shall provide the Department's Salem office and the watermaster with a tabulation of the acres to be irrigated on a form provided by the Department and a map of sufficient quality (as determined by the Department) to clearly show the acres to be irrigated during that irrigation season. Water use under this permit is illegal until the Department's Salem office and the watermaster have received the first map and tabulation. Subsequent maps and tabulations are due prior to commencement of irrigation or April 1 of each year, whichever is earlier. If maps and tabulations are not received by both the Department's Salem office and the watermaster by that date, irrigation under this permit for that irrigation season is subject to the map and tabulation for the previous year.

Identification of lands to be irrigated under this permit in the annual tabulation for a given irrigation season, and the associated authorization of a rate and duty limitation, will result in an equal

reduction in the rate and duty limitation authorized under Certificates 77326 and 77733 during that irrigation season.

Transfer conditions

- A. Transfer of a primary right covered by this permit must also include the transfer or cancellation of any supplemental right for the same land.
- B. If a portion of the water right under this permit is transferred outside permittee's boundaries, this right will be reduced by the number of acres transferred.

STANDARD CONDITIONS

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

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 allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

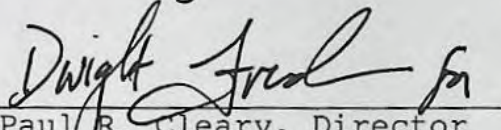
The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction work shall begin within one year of permit issuance. Complete application of the water to the use shall be made on or before October 1, 2008. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which

includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued May 13th, 2004


Paul R. Cleary, Director
Water Resources Department

ASSIGNMENT OF PERMIT: Pursuant to ORS 537.220, this permit may be assigned to a party other than the permittee named hereon, if the land the permit is associated with changes ownership, or if the permittee is an organization whose name changes as a result of sale or merger. Request for Assignment forms are available from the Oregon Water Resources Department web site at <http://www.wrd.state.or.us/>, or may be requested from the Department at 503-986-0801 or Water Right Application Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1271.

MAILING ADDRESS CHANGES: If the mailing address of the permittee named hereon changes, it is important that the Oregon Water Resources Department be informed of the change. Address changes must be submitted in writing with the permittee's signature to Water Right Application Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1271.

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.

Annual Tabulation of Intended Water Use
pursuant to Application S-60453
for the year _____

Note: Annual tabulations are due to the Water Resources Department office in Salem and the local watermaster by APRIL 1 of each year.

IRRIGATION UNDER CERTIFICATES 77326 AND 77733

QTR/QTR	TAX LOT	MAXIMUM ACRES	LANDOWNER	PRIMARY ACRES (CERT. 77326)	SUPPLEMENTAL ACRES (CERT. 77733)
NE/SE	7200	1.50	MCELHERON		
SW/SE	7200	23.60	MCELHERON		
SE/SE	7200	35.70	MCELHERON		
SECTION 14					
SW/NE	9300	2.50	TOM MORELLI		
SE/NE	9300	5.60	TOM MORELLI		
NE/NW	7600	0.90	MAYHEW		
SW/SW	9200	1.50	TOM MORELLI		
SE/SW	9200	9.90	TOM MORELLI		
NE/SE	9400	23.80	TOM MORELLI		
NW/SE	9400	19.00	TOM MORELLI		
SW/SE	9400	10.40	TOM MORELLI		
SE/SE	9400	2.80	TOM MORELLI		
SECTION 22					
NE/NE	7200	18.40	MCELHERON		
NW/NE	7200	10.80	MCELHERON		
SW/SW	9500	22.70	DELCO		
SE/SW	9500	24.30	DELCO		
SECTION 23					
NE/NW	6500	34.00	LARSELL		
SE/NW	6500	36.00	LARSELL		
SECTION 24					
SE/NE	9700	1.30	HARTH		
NW/SW	9900	15.40	MAYHEW		
SW/SW	9900	19.40	MAYHEW		
SECTION 25					

NE/SE	9900	12.90	MAYHEW		
NW/SE	9900	2.60	MAYHEW		
SW/SE	9900	2.70	MAYHEW		
SE/SE	9900	35.30	MAYHEW		
SECTION 26					
NW/NE	9501	33.50	TIM MORELLI		
SW/NE	9501	1.60	TIM MORELLI		
NE/NW	9200	6.00	TOM MORELLI		
NE/SW	10100	22.00	TIM MORELLI		
SW/SW	10100	13.80	TIM MORELLI		
SE/SW	10100	6.60	TIM MORELLI		
NW/SE	10100	20.50	TIM MORELLI		
SECTION 27					
NE/SW	10600	7.00	V. WOODSIDE		
NW/SW	10600	3.50	V. WOODSIDE		
SW/SW	10600	11.60	V. WOODSIDE		
SE/SW	10600	7.40	V. WOODSIDE		
SECTION 29					
NE/SE	10600	0.90	V. WOODSIDE		
SE/SE	10600	1.00	V. WOODSIDE		
SECTION 30					
NE/NE	10800	10.50	GUTZLER		
SW/NE	10800	3.50	GUTZLER		
SE/NE	10800	10.90	GUTZLER		
SW/NW	10700	11.20	ENDERSBY		
SECTION 31					
NW/NW	10800	2.70	GUTZLER		
NE/SE	10900	13.30	PAULSON		
NW/SE	10900	6.00	PAULSON		
SE/NE	10900	8.50	PAULSON		
SECTION 32					

NE/SW	10900	17.50	PAULSON		
SE/SW	10900	20.20	PAULSON		
SW/SW	10900	5.50	PAULSON		
SECTION 33					
NW/NW	11100	15.70	RECKMAN		
NW/SW	11100	3.80	RECKMAN		
NW/SW	11101	1.90	ODEM		
SW/NW	11100	0.50	RECKMAN		
SW/SW	11101	2.10	ODEM		
SECTION 34					
NE/SE	11400	12.30	MAYHEW		
SE/SW	11400	0.30	MAYHEW		
SW/SE	11400	9.80	MAYHEW		
SE/SE	11400	34.30	MAYHEW		
SECTION 35					
NE/SE	11500	24.80	MAYHEW		
NW/SE	11500	15.80	MAYHEW		
SW/SE	11500	25.80	MAYHEW		
SE/SE	11500	33.00	MAYHEW		
SECTION 36					
TOWNSHIP 4 SOUTH, RANGE 13 EAST, W.M.					
NE/NE	3700	30.90	MARSH		
SE/NE	3700	28.10	MARSH		
SECTION 19					
NW/NW	3300	32.30	MARSH		
SW/NW	3300	30.40	MARSH		
NW/SW	3300	8.30	MARSH		
SECTION 20					
NE/SW	4200	1.10	HARTH		
NW/SW	4200	0.60	HARTH		
SECTION 30					

NE/SW	4302	20.8	DULING		
NW/SE	4302	8.7	DULING		
SW/SE	4302	10.00	DULING		
SECTION 31					
TOWNSHIP 4 SOUTH, RANGE 14 EAST, W.M.					
NW/SW	1701	7.00	ENDERSBY		
SECTION 13					
SE/NE	2700	0.10	DODGE		
NE/SW	2400	3.00	ODFW		
SE/SW	2400	19.34	ODFW		
SECTION 24					
SE/NE	1900	5.00	HAMMOND		
NE/SW	100	1.00	MUNCIE		
SECTION 25					
TOWNSHIP 5 SOUTH, RANGE 11 EAST, W.M.					
SW/NE	100	4.00	MCCORKLE		
NE/NW	201	3.70	V. WOODSIDE		
NW/NW	201	0.90	V. WOODSIDE		
SW/NW	201	7.90	V. WOODSIDE		
SE/NW	100	7.40	MCCORKLE		
SE/NW	201	1.10	V. WOODSIDE		
NW/SE	100	6.00	MCCORKLE		
SECTION 1					
NW/SW	400	14.40	HACHLER		
SW/SW	400	0.80	HACHLER		
SECTION 2					
NE/SE	400	9.90	HACHLER		
SE/SE	400	4.90	HACHLER		
SECTION 3					
SE/SE	1700	10.40	AMBROSE		
SECTION 8					

NW/SW	1700	12.90	AMBROSE		
SW/SW	1700	6.70	AMBROSE		
SECTION 9					
SW/SW	2200	12.40	ENDERSBY		
SE/SW	2200	9.60	ENDERSBY		
SECTION 11					
NW/NW	2100	31.80	MCLEOD		
SW/NW	2100	27.50	MCLEOD		
SE/NW	2100	7.70	MCLEOD		
SECTION 12					
NE/NE	2300	6.30	ENDERSBY		
SE/NE	2300	4.40	ENDERSBY		
NE/SW	2600	3.20	WILLIAMSON		
NW/SW	2600	9.60	WILLIAMSON		
SECTION 13					
NW/NE	3103	0.50	GROCE		
SE/NE	2600	7.20	WILLIAMSON		
NE/NW	3103	10.50	GROCE		
SW/SE	3100	9.30	CLAYMIER		
SE/SE	3100	12.00	CLAYMIER		
SECTION 14					
SW/SW	3502	14.00	DODGE		
SW/SW	3502	1.20	DODGE		
SE/SW	3502	39.80	DODGE		
SECTION 18					
SE/SW	3790	20.00	CONFEDERATED TRIBES		
SECTION 19					
SE/NE	3403	5.00	CAPPS		
SECTION 20					

NE/SE	3900	14.60	HUNDLEY		
NW/SE	3900	1.40	HUNDLEY		
SE/SE	3900	4.34	HUNDLEY		
SECTION 21					
NW/NW	3200	15.50	S. WOODSIDE		
SW/NW	3200	9.23	S. WOODSIDE		
NE/SE	3100	2.70	L. WOODSIDE		
SW/SE	4000	10.00	JONES & ROSS		
SE/SE	3100	16.20	L. WOODSIDE		
SECTION 22					
NE/NE	2703	15.00	ASCHOFF		
NW/NE	3100	11.50	CLAYMIER		
NE/NW	3100	16.40	CLAYMIER		
NW/NW	3100	12.68	CLAYMIER		
SW/NW	3100	3.40	CLAYMIER		
SE/NW	3100	1.20	CLAYMIER		
SW/SW	4100	4.50	L. WOODSIDE		
SE/SW	4100	4.60	L. WOODSIDE		
SECTION 23					
NW/NW	2702	5.00	CARTER		
SW/NW	2702	10.00	CARTER		
SE/SE	4400	0.50	DULING		
SECTION 24					
SW/NE	4500	11.80	L. WOODSIDE		
SECTION 25					
NE/NE	4900	7.20	PINHEIRO		
SE/NE	4900	4.80	PINHEIRO		
NE/NW	4100	13.50	L. WOODSIDE		
NW/NW	4100	21.60	L. WOODSIDE		
NW/SE	5200	2.00	BEEBE		
SECTION 26					
NE/NE	4100	6.40	L. WOODSIDE		
NE/SW	5500	6.00	HAMMER		
NW/SW	5500	0.70	HAMMER		
NW/SE	5500	2.80	HAMMER		

SE/SE	5600	10.00	TOLENTINO		
SECTION 27					
NW/NW	6100	0.30	DODGE		
SW/SE	6400	1.50	FILBIN		
SECTION 29					
SE/SE	6300	11.10	BLAKE		
			SECTION 30		
NW/NE	6501	18.50	FILBIN		
SECTION 32					
NW/NE	7300	12.00	DODGE		
NW/NW	6000	18.90	BLAKE		
SECTION 33					
TOWNSHIP 5 SOUTH, RANGE 12 EAST, W.M.					
NE/NE	500	11.60	MAYHEW		
SE/SW	600	7.50	LARKIN/INGRAM		
SECTION 2					
NE/NW	800	12.90	GABEL & LARKIN		
NE/NW	801	20.60	FOSBERG		
NW/NW	801	25.20	FOSBERG		
NW/NW	900	12.20	GABEL & LARKIN		
SW/NW	900	14.90	GABEL & LARKIN		
SE/NW	800	20.00	GABEL & LARKIN		
NW/SW	1000	1.00	BOTHWELL		
			SECTION 3		
NE/NE	1100	11.60	FOSBERG		
NW/NE	802	11.60	FOSBERG		
SECTION 4					
NE/NW	1300	20.00	CARTER		
SE/NW	1300	2.40	CARTER		
SW/SW	1300	3.20	CARTER		
SE/SW	1300	16.10	CARTER		
SW/SE	1300	19.50	CARTER		

SE/SE	1300	11.80	CARTER		
SECTION 5					
SW/NW	1400	2.00	WALTERS		
NE/SW	1400	8.10	WALTERS		
NW/SW	1400	1.60	WALTERS		
SW/SW	1400	12.70	WALTERS		
SE/SW	1400	2.60	WALTERS		
NE/SE	1400	5.40	WALTERS		
NW/SE	1400	13.30	WALTERS		
SW/SE	1400	0.80	WALTERS		
SE/SE	1400	0.50	WALTERS		
SECTION 7					
SW/NW	1500	1.90	L. WOODSIDE		
NW/SW	1500	15.10	L. WOODSIDE		
SW/SW	2000	24.20	R. KELLY & HAWTHORNE		
SE/SW	2000	0.60	R. KELLY & HAWTHORNE		
SECTION 8					
SW/NE	2200	7.40	KELLY		
SW/NW	2200	14.60	KELLY		
SE/NW	2200	8.70	KELLY		
NE/SW	2200	7.80	KELLY		
SECTION 9					
NW/NE	600	15.50	LARKIN/INGRAM		
NE/NW	600	10.50	LARKIN/INGRAM		
SECTION 11					
NW/NW	2000	0.20	R. KELLY		
SECTION 17					
SE/SE	4100	0.25	FOSBERG		
SECTION 18					
NE/NE	3700	11.60	ENDERSBY		
NW/NE	3700	7.80	ENDERSBY		
SW/NE	3700	4.00	ENDERSBY		

SE/NE	4500	6.60	TOM MORELLI		
NW/SE	4500	0.70	TOM MORELLI		
SECTION 20					
NW/NW	3700	0.10	ENDERSBY		
SW/NW	4500	7.70	TOM MORELLI		
SW/SW	4600	5.40	HAMMER		
SE/SW	4600	6.00	HAMMER		
SE/SE	4600	15.10	HAMMER		
SECTION 21					
NW/NW	5200	1.00	LYLE GABEL & LORRAINE		
SECTION 28					
SW/NW	5700	13.20	LYLE GABEL & LORRAINE		
NE/SW	5700	3.40	LYLE GABEL & LORRAINE		
NW/SW	5700	7.40	LYLE GABEL & LORRAINE		
SECTION 30					
TOWNSHIP 5 SOUTH, RANGE 13 EAST, W.M.					

**MAINTENANCE OF STOCK PONDS (ACRE EQUIVALENTS)
UNDER CERTIFICATES 77326 AND 77733**

<u>QTR/QTR</u>	<u>TAX LOT</u>	<u>ACRES</u>	<u>LANDOWNER</u>	<u>PRIMARY ACRES (CERT. 77326)</u>	<u>SUPPLEMENTAL ACRES (CERT. 77733)</u>
NE/NW	7600	0.10	MAYHEW		
SECTION 22					
SE/NE	9700	1.70	HARTH		
SECTION 25					
SE/SW	10700	0.30	ENDERSBY		
SECTION 30					
TOWNSHIP 4 SOUTH, RANGE 13 EAST, W.M.					

NE/SW	4200	0.30	HARTH		
SECTION 30					
TOWNSHIP 4 SOUTH, RANGE 14 EAST, W.M.					
NE/SW	100	0.30	MUNCIE		
SECTION 25					
TOWNSHIP 5 SOUTH, RANGE 11 EAST, W.M.					
SE/SE	1200	0.20	L. WOODSIDE		
SECTION 23					
TOWNSHIP 5 SOUTH, RANGE 12 EAST, W.M.					
NW/SW	3600	0.20	CARTER		
SECTION 17					
NE/NE	2002	1.00	A. STREELMAN		
SE/SE	4100	0.75	FOSBERG		
SECTION 18					
NE/NE	3400	1.00	H. STRELLMAN		
SECTION 21					
TOWNSHIP 5 SOUTH, RANGE 13 EAST, W.M.					

IRRIGATION UNDER APPLICATION S-60453, PERMIT _____

QTR/QTR	MAXIMUM PRIMARY ACRES	MAXIMUM SUPP ACRES	LANDOWNER	PRIMARY ACRES	SUPP. ACRES
SW/SW	14.30		ODFW		
SECTION 13					
NW/NW	5.00		ODFW		
SECTION 24					
SE/NE	6.00		HAMMOND		
NE/SW	1.20		MUNCIE		
SECTION 25					
TOWNSHIP 5 SOUTH, RANGE 11 EAST, W.M.					

NE/NW	4.10		V. WOODSIDE		
SW/NW	9.60		V. WOODSIDE		
SE/NW	5.10		V. WOODSIDE		
SE/NW	3.20		MCCORKLE		
NW/SW	2.00		V. WOODSIDE		
SE/SW	7.00		MCCORKLE		
SECTION 1					
SW/SW	14.40		SCHMIDT		
NE/SE	19.10		V. WOODSIDE		
SE/SE	5.50		V. WOODSIDE		
SECTION 2					
SE/SE	18.20		SCHMIDT		
SECTION 3					
SW/NW	2.80		AMBROSE		
NW/SW	13.20		AMBROSE		
SW/SW	20.30		AMBROSE		
SECTION 9					
NE/NE	3.70		SCHMIDT		
SECTION 10					
SW/NE	4.70		MCLEOD		
SE/NE	26.00		MCLEOD		
NE/SE	17.80		ENDERSBY		
NW/SE	17.90		ENDERSBY		
SW/SE	23.00		ENDERSBY		
SE/SE	23.00		ENDERSBY		
SECTION 11					
NW/NE	13.50		MCLEOD		
SW/NE	2.60		MCLEOD		
NE/NW	23.50		MCLEOD		
NW/NW	0.80		MCLEOD		
SE/NW	9.90		MCLEOD		
SECTION 12					

NW/NW	3.70		WILLIAMSON		
SW/NW	0.20		WILLIAMSON		
NW/SW	1.20		WILLIAMSON		
SECTION 13					
NE/NE	11.40		WILLIAMSON		
NW/NE	9.60		GROCE		
SE/NE	7.60		WILLIAMSON		
NE/NW	3.70		GROCE		
SW/NW	0.70		CLAYMIER		
NW/SW	19.40		CLAYMIER		
SW/SE	5.80		CLAYMIER		
SE/SE	4.10		CLAYMIER		
SECTION 14					
SW/NE		1.00	DODGE		
NE/SW		33.90	DODGE		
NW/SW		3.50	DODGE		
SW/SW		5.90	DODGE		
NE/SE		0.30	DODGE		
NW/SE		34.70	DODGE		
SW/SE		7.50	DODGE		
SE/SE		0.60	DODGE		
SECTION 18					
NE/SW		6.70	CONFEDERATE D TRIBES		
SE/SW		17.40	CONFEDERATE D TRIBES		
SECTION 19					
SE/NE	6.00		CAPPS		
SECTION 20					
SW/NE	9.40		HUNDLEY		
SE/NE	3.80		HUNDLEY		
NE/SE	3.00		HUNDLEY		
NW/SE	1.30		HUNDLEY		
SE/SE	7.10		HUNDLEY		
SECTION 21					

SE/NE	8.60		CLAYMIER		
NE/NW	0.80		S. WOODSIDE		
NW/NW	0.60		S. WOODSIDE		
SW/NW	12.20		S. WOODSIDE		
SE/NW	4.40		S. WOODSIDE		
SE/SW	6.20		S. WOODSIDE		
NE/SE	0.50		CLAYMIER		
SECTION 22					
NW/NE	6.00		CLAYMIER		
SW/NE	0.30		CLAYMIER		
SE/NE	18.10		ASCHOFF		
NE/NW	3.30		CLAYMIER		
NW/NW	3.30		CLAYMIER		
SW/NW	18.80		CLAYMIER		
SE/NW	9.00		CLAYMIER		
NW/SW	0.60		CLAYMIER		
SE/SE	6.00		L. WOODSIDE		
SECTION 23					
NE/NW	0.30		CARTER		
NW/NW	2.50	5.30	CARTER		
SW/NW	5.80	10.10	CARTER		
SE/NW	4.40		CARTER		
SE/SE	0.30		MEREDITH		
SECTION 24					
NW/NE	5.90		L. WOODSIDE		
SW/NE	1.50		L. WOODSIDE		
SECTION 25					
NE/NE	10.20		PINHEIRO		
NW/NE	11.90		L. WOODSIDE		
SW/NE	26.80		L. WOODSIDE		
SE/NE	4.30		PINHEIRO		
NE/NW	6.90		L. WOODSIDE		
NW/NW	2.20		L. WOODSIDE		
SW/NW	0.90		L. WOODSIDE		
SE/NW	12.20		L. WOODSIDE		

NW/SE	2.40		BEEBE		
SECTION 26					
SE/NE	10.00		L. WOODSIDE		
NE/NW	4.50		S. WOODSIDE		
NW/NW	1.20		S. WOODSIDE		
NE/SE	7.50		HAMMER		
NW/SE	4.00		HAMMER		
SE/SE	12.10		TOLENTINO		
SECTION 27					
SW/SW	10.60		BLAKE		
NE/SE	0.10		GRAYBILL		
SW/SE	11.80		GRAYBILL		
SE/SE	0.20		GRAYBILL		
SECTION 29					
NE/SE	0.70		BLAKE		
NW/SE	0.10		BLAKE		
SW/SE	2.20		BLAKE		
SE/SE	10.50		BLAKE		
SECTION 30					
NW/NE	12.10		HILL		
SECTION 32					
NW/NW	12.10		REINWAND		
SECTION 33					
TOWNSHIP 5 SOUTH, RANGE 12 EAST, W.M.					
NE/NE	2.00		MAYHEW		
NE/SW	2.00		LARKIN		
SE/SW	9.70		LARKIN		
NW/SE	7.80		LARKIN		
SW/SE	18.20		LARKIN		
SECTION 2					
NW/NE	9.20		GABEL		
SW/NE	27.40		GABEL		
SW/NW	16.60		GABEL		

SE/NW	20.00		GABEL		
NW/SW	1.20		BOTHWELL		
SECTION 3					
NW/NW	8.70		PAULSON		
SW/NW	5.30		PAULSON		
SECTION 4					
NW/NE	17.80		PAULSON		
SW/NE	5.00		PAULSON		
SE/SW	5.50		CARTER		
SECTION 5					
SE/NE	16.00		L. WOODSIDE		
SW/NW	4.00		WALTERS		
SE/NW	14.60		WALTERS		
NE/SW	7.30		WALTERS		
NW/SW	2.30		WALTERS		
SW/SW	6.30		WALTERS		
SE/SW	6.70		WALTERS		
NE/SE	8.00		WALTERS		
NW/SE	3.90		WALTERS		
SE/SE	0.40		WALTERS		
SECTION 7					
NE/NE	35.30		CARTER		
NW/NE	37.60		CARTER		
SW/NW	18.90		L. WOODSIDE		
SW/SW	4.50		HAWTHORNE		
SE/SW	13.80		HAWTHORNE		
SECTION 8					
SW/NE	4.50		KELLY		
NW/NW	7.30		KELLY		
SW/NW	25.40		KELLY		
SE/NW	4.40		KELLY		
NE/SW	5.00		KELLY		
SECTION 9					

NE/NW	2.20		LARKIN		
SECTION 11					
NW/NW	6.50		HAWTHORNE		
SECTION 17					
NE/NE	5.40		HAWTHORNE		
SE/SE	1.20		BENDER		
SECTION 18					
NW/SW	0.30		MEREDITH		
SECTION 19					
NE/NW	10.00		TOM MORELLI		
SW/NW	2.60		TOM MORELLI		
NE/SW	2.10		DODGE		
SW/SW	5.40		DODGE		
SE/SW	3.60		DODGE		
SE/SE	15.10		DODGE		
SECTION 21					
NW/NW	1.20		LORRAINE GABEL		
SECTION 28					
SW/NE	2.30		FOSBERG		
NE/NW	10.70		FOSBERG		
NW/NW	32.20		FOSBERG		
SW/NW	11.00		FOSBERG		
SE/NW	27.30		FOSBERG		
SECTION 29					
SW/NE		0.20	NELSON		
SE/NW		1.80	NELSON		
NE/SW	1.60	17.00	NELSON		
NW/SW	3.90		NELSON		
NW/SE		4.50	NELSON		
SECTION 30					
TOWNSHIP 5 SOUTH, RANGE 13 EAST, W.M.					

SW/SW		38.80	LARSELL		
SE/SW		37.30	LARSELL		
SECTION 13					
SW/NE	0.50		TOM MORELLI		
SE/NW	10.40		TOM MORELLI		
SE/SW	2.80		TOM MORELLI		
NE/SE	9.30		TOM MORELLI		
NW/SE	7.60		TOM MORELLI		
SW/SE	6.60		TOM MORELLI		
SE/SE	4.10		TOM MORELLI		
SECTION 22					
NE/NE	9.90		MCELHERON		
NW/NE	21.80		MCELHERON		
SW/NE	23.70		MCELHERON		
NE/NW	26.00		MCELHERON		
SE/NW	27.40		MCELHERON		
NE/SW		40.00	MCREYNOLDS		
NW/SW		1.10	MCREYNOLDS		
SE/SW		15.70	MCREYNOLDS		
SECTION 23					
NE/NW		3.90	LARSELL		
NW/NW		4.60	LARSELL		
SECTION 24					
SE/NE	3.30		HARTH		
SECTION 25					
NE/NE	29.40		TIM MORELLI		
NW/NE	1.90		TOM MORELLI		
SW/NE	26.70		TIM MORELLI		
SE/NE	28.60		TIM MORELLI		
NE/NW	13.00		TOM MORELLI		
NW/NW	25.50		TOM MORELLI		
SW/NW	20.70		TOM MORELLI		
SE/NW	1.70		TOM MORELLI		
NE/SE	4.80		TOM MORELLI		
NW/SE		16.90	TOM MORELLI		

SW/SE		12.40	TOM MORELLI		
SE/SE	3.50		TOM MORELLI		
SECTION 27					
SW/SW	0.50		V. WOODSIDE		
SE/SW	8.50		V. WOODSIDE		
SECTION 29					
NE/NE	1.50		GUTZLER		
SW/NE	5.00		GUTZLER		
SE/NE	1.40		GUTZLER		
NE/SE	1.80		GUTZLER		
NW/SE	14.40		GUTZLER		
SW/SE	7.50		GUTZLER		
SE/SE	1.80		GUTZLER		
SECTION 31					
NE/SE		16.00	PAULSON		
NW/SE		4.00	PAULSON		
SW/SE	7.70		PAULSON		
SECTION 32					
NE/SW	4.20	0.20	PAULSON		
NW/SW	0.40		PAULSON		
SW/SW	6.80		PAULSON		
SE/SW		9.80	PAULSON		
SECTION 33					
NW/NW	19.50		RECKMAN ESTATE		
SW/NW	4.60		DON RECKMAN		
SW/SW	4.90		ODEM		
SECTION 34					
SE/NE	16.80		MAYHEW		
NE/SE	17.40		MAYHEW		
NW/SE	7.80		MAYHEW		
SECTION 35					

NE/NW	32.50		MAYHEW		
NW/NW	32.50		MAYHEW		
SW/NW	32.50		MAYHEW		
SE/NW	32.50		MAYHEW		
NE/SW		29.80	MAYHEW		
NW/SW		29.60	MAYHEW		
SW/SW		38.60	MAYHEW		
SE/SW		32.00	MAYHEW		
SECTION 36					
TOWNSHIP 4 SOUTH, RANGE 13 EAST, W.M.					
NE/NE	1.70	2.20	MARSH		
NW/NE	3.30	21.90	MARSH		
SW/NE		19.00	MARSH		
SE/NE		5.10	MARSH		
NE/SE	1.00		MARSH		
SECTION 19					
NE/NW	21.90		MARSH		
SE/NW	29.60		MARSH		
NE/SW	6.50		MARSH		
NW/SW	31.00		MARSH		
SW/SW	14.10		MARSH		
SECTION 20					
NE/SW	1.00		HARTH		
LOT 3 (NW/SW)	1.70		HARTH		
SECTION 30					
LOT 4 (SW/SW)		19.20	DULING		
SE/SW		28.50	DULING		
SECTION 31					
TOWNSHIP 4 SOUTH, RANGE 14 EAST, W.M.					

BEFORE THE OREGON WATER RESOURCES DEPARTMENT

In the Matter of Water Right Application)	
S-60453 in the Name of Juniper Flat District)	
Improvement Company,)	
<i>Applicant and Protestant</i>)	FINAL ORDER
)	INCORPORATING
and)	SETTLEMENT AGREEMENT
)	
WaterWatch of Oregon, Inc.,)	
<i>Protestant</i>)	

Based on the attached Settlement Agreement, which is incorporated herein and includes the proposed permit attached, I find that water is available for the proposed use; the use is allowed in the basin program; the proposed use will not result in injury to existing water rights; and the proposed use will not impair or be detrimental to the public interest as provided in ORS 537.170.

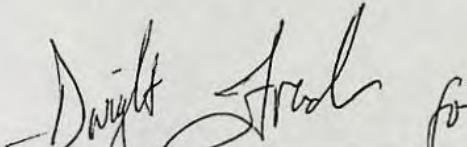
Order

Application S-60453 is APPROVED and a permit, consistent with the attached draft permit, will issue when outstanding permit recording fees in the amount of \$115.20 are received by the Department.

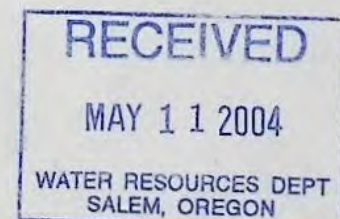
Said fees are due and payable no later than 60 days from the date of this Final Order. Failure to pay the required permit recording fees within 60 days from the date of this Final Order may result in the proposed rejection of Application S-60453.

If you need to request additional time to submit the required fees, the written request should be received in the Salem office of the Department by the deadline above. The Department will evaluate the request and determine whether or not the request may be granted.

DATED this 8 day of April, 2004.



Paul R. Cleary, Director
Oregon Water Resources Department



Clear Creek: 610 ft. S. & 2380 ft. W. from the E 1/4 corner
of Section 10, T.5S.,R.9E.,W.M.,
within NW 1/4 SE 1/4 of Section 10.

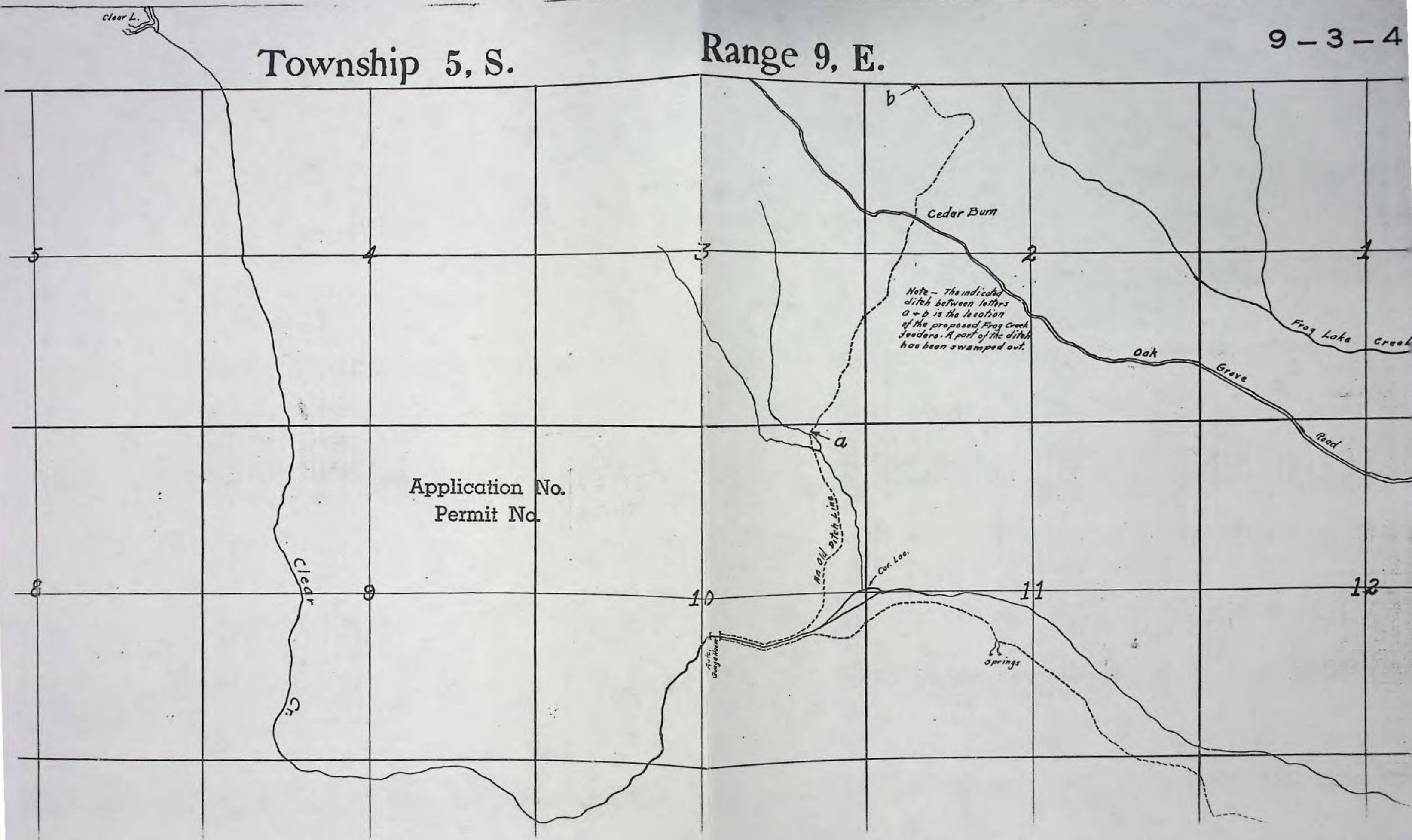
Frog Creek: 700 ft. S. & 900 ft. W. from the NE corner of
Section 34, T.4S.,R.9E.,W.M.,
within NE 1/4 NE 1/4 of Section 34.

Clear Lake
Reservoir: 1389.6 ft. S. & 480.27 ft. W. from the E 1/4
corner of Section 32, T.4S.,R.9E.,W.M.,
within NW 1/4 SE 1/4 of Section 32.

Township 5, S.

Range 9, E.

9-3-4



21

22

23

24

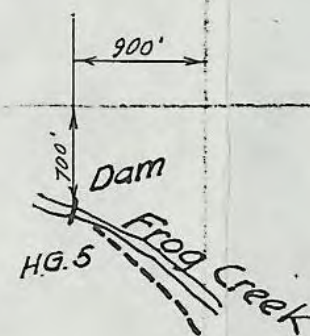
28

27

26

25

Application No.
Permit No.



33

34

35

36

Clear Lake

1369.6'
5 ft
1/4 sec

490.3'

TOWNSHIP 5 S RANGE 9 E

18-3-4

5

4

3

2

8

9

10

11

Clear
Creek

Application No.
Permit No.

Cor. Loc.

Flume

springs

2380'

10

10

BEFORE THE OREGON WATER RESOURCES DEPARTMENT

In the Matter of Water Right Application)	
S-60453 in the Name of Juniper Flat District)	
Improvement Company,)	
<i>Applicant and Protestant</i>)	FINAL ORDER
)	INCORPORATING
and)	SETTLEMENT AGREEMENT
)	
WaterWatch of Oregon, Inc.,)	
<i>Protestant</i>)	

Based on the attached Settlement Agreement, which is incorporated herein and includes the proposed permit attached, I find that water is available for the proposed use; the use is allowed in the basin program; the proposed use will not result in injury to existing water rights; and the proposed use will not impair or be detrimental to the public interest as provided in ORS 537.170.

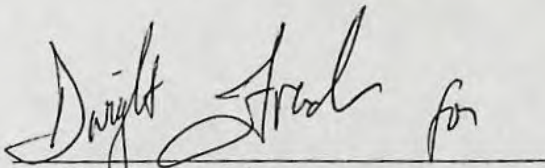
Order

Application S-60453 is APPROVED and a permit, consistent with the attached draft permit, will issue when outstanding permit recording fees in the amount of \$115.20 are received by the Department.

Said fees are due and **payable no later than 60 days from the date of this Final Order. Failure to pay the required permit recording fees within 60 days from the date of this Final Order may result in the proposed rejection of Application S-60453.**

If you need to request additional time to submit the required fees, the written request should be received in the Salem office of the Department by the deadline above. The Department will evaluate the request and determine whether or not the request may be granted.

DATED this 8 day of April, 2004.


Paul R. Cleary, Director
Oregon Water Resources Department

BEFORE THE OREGON WATER RESOURCES DEPARTMENT

In the Matter of Water Right Application)
S-60453 in the Name of Juniper Flat District)
Improvement Company,)
 Applicant and Protestant) SETTLEMENT AGREEMENT
)
and)
)
WaterWatch of Oregon, Inc.,)
 Protestant)

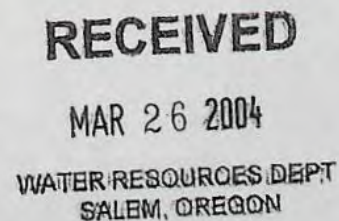
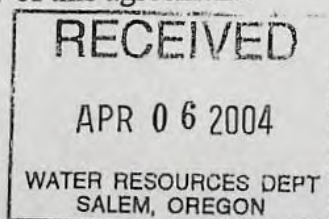
The Oregon Water Resources Department by and through Paul R. Cleary, Director, Juniper Flat District Improvement Company, by and through Tim Morelli, Board Chairman, and WaterWatch of Oregon, Inc. by and through Kimberley Priestley, Assistant Director, do hereby agree and stipulate as follows:

Stipulated Facts:

1. On August 4, 1980, Juniper Flat District Improvement Company (Applicant) submitted an application to the Oregon Water Resources Department (Department) for the use of water for irrigation from three springs, Frog Creek, Clear Creek Reservoir and Clear Creek in Wasco County.
2. On April 16, 2002, the Department issued its Proposed Final Order (PFO) recommending issuance of the draft permit.
3. On May 23, 2002, the Applicant timely filed a protest to the Department's PFO.
4. On May 29, 2002, WaterWatch of Oregon, Inc. (WaterWatch) timely filed a protest to the Department's PFO.
5. The Department, Applicant and WaterWatch entered negotiations to develop a mutually agreeable solution. The Department, Applicant and WaterWatch agree that resolution of the issues raised by these protests are resolved pursuant to the terms outlined below and in the proposed permit, which is incorporated by reference herein.

Terms of Agreement

1. The parties to this Agreement waive the opportunity to file exceptions to this order and any right to judicial review of this agreement.



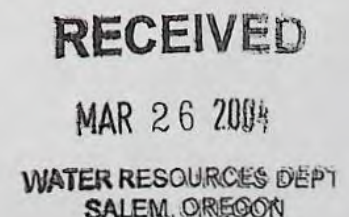
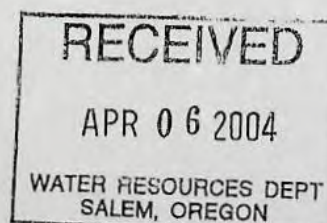
2. In signing this Agreement, the Applicant and WaterWatch each waive their individual protests and requests for hearing against the PFO for Application S-60453.
3. Upon Applicant's payment of \$115.20 in outstanding permit recording fees, the Department will issue a permit consistent with the attached proposed permit, which is incorporated herein, and will include the following terms:
 - a. The permit will authorize the use of 52.69 cubic feet per second up to July 1st of each year and thereafter 26.34 cubic feet per second. The permit will be conditioned as follows to clarify that this authorization is not in addition to the quantity of water already authorized by the Applicant's water rights certificates 77326 and 77733:

No additional water shall be appropriated under this permit from Clear Creek, Frog Creek, or Clear Lake Reservoir than is already authorized under certificates 77326 and 77733, or under superceding certificates, for an equal number of irrigated acres. This permit does not authorize an increase in the total number of acres irrigated during an irrigation season, instantaneous diversion rate or the annual duty of water diverted by the permittee.

- b. The permit will authorize the use of water for irrigation on 2500.0 acres; however, use under this permit, together with the use under Certificates 77326 and 77733 will be limited to a total irrigated area of 2107.49 acres during any single irrigation season. If any water is diverted for pond maintenance during an irrigation season, permittee may only irrigate 2101.64 acres.
 - c. The permit will contain the same rate and duty limitations contained in Certificate 77326 as follows:

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed one acre foot per acre or acre equivalent during any 30-day period up to July 1st of each year and not to exceed 3 acre feet per acre or acre equivalent during any irrigation season; provided that the rate of flow shall not exceed 1/40 of a second foot per acre or acre equivalent up to July 1st of each year and thereafter not to exceed 1/80 of a second foot per acre or acre equivalent, except in case of rotation.

- d. The permit will not specify an irrigation season.



- e. The permit will contain the following fish passage and screening conditions:

The permittee shall install, maintain and operate fish screening devices as required by the Oregon Department of Fish and Wildlife (ODFW) to prevent fish from entering the diversions, unless ODFW notifies the Department that such screening devices are not required.

The permittee shall install, maintain and operate a fishway as required by ODFW to ensure adequate upstream and downstream passage for fish, unless ODFW notifies the Department that such a fishway is not required.

- f. The permit will contain the following condition requiring that prior to irrigation delivery each irrigation season, the permittee notify the Department of the lands to be irrigated under this permit:

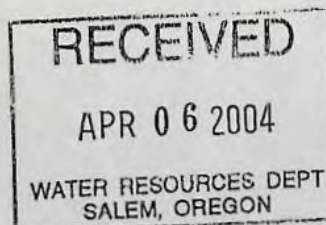
Each irrigation season, prior to the commencement of any irrigation from water delivered by the district, the permittee shall provide the Department's Salem office and the watermaster with a tabulation of the acres to be irrigated on a form provided by the Department and a map of sufficient quality (as determined by the Department) to clearly show the acres to be irrigated. Water use under this permit is illegal until the Department's Salem office and the watermaster have received the first map and tabulation. Subsequent maps and tabulations are due prior to commencement of irrigation or April 1 of each year, whichever is earlier. If maps and tabulations are not received by both the Department's Salem office and the watermaster by that date, irrigation under this permit for that irrigation season is subject to the map and tabulation for the previous year.

Identification of lands to be irrigated under this permit in the annual tabulation for a given irrigation season, and the associated authorization of a rate and duty limitation, will result in an equal reduction in the rate and duty limitation authorized under Certificates 77326 and 77733 during that irrigation season.

- g. The permit will contain the following transfer condition:

Transfer of a primary right covered by this permit must also include the transfer or cancellation of any supplemental right for the same lands.

If a portion of the water right under this permit is transferred outside permittee's boundaries, this right will be reduced by the number of acres transferred.



RECEIVED

MAR 26 2004

WATER RESOURCES DEPT
SALEM, OREGON

DRAFT

This is not a permit!!!

DRAFT

STATE OF OREGON

COUNTY OF WASCO

PROPOSED PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PROPOSED PERMIT IS HEREBY ISSUED TO

JUNIPER FLAT DIST. IMPROVEMENT CO.
53333 RESERVATION RD
MAUPIN, OREGON 97037-9708

(541) 328-6380

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

APPLICATION FILE NUMBER: S-60453

SOURCE OF WATER: THREE SPRING AREAS, FROG CREEK, AND CLEAR LAKE RESERVOIR, CONSTRUCTED UNDER PERMIT R-2106, TRIBUTARIES OF CLEAR CREEK; AND CLEAR CREEK, A TRIBUTARY OF WHITE RIVER

PURPOSE OR USE: IRRIGATION OF 2500.0 ACRES, LIMITED TO IRRIGATION OF 2107.49 ACRES DURING ANY SINGLE IRRIGATION SEASON. IF ANY WATER IS DIVERTED UNDER THIS PERMIT FOR POND MAINTENANCE DURING AN IRRIGATION SEASON, PERMITTEE MAY ONLY IRRIGATE 2101.64 ACRES DURING THAT IRRIGATION SEASON.

MAXIMUM AMOUNT: COMBINED RATE UNDER THIS PERMIT, CERTIFICATE 77326 AND CERTIFICATE 77733 IS LIMITED TO 52.69 CUBIC FEET PER SECOND UP TO JULY 1ST OF EACH YEAR AND THEREAFTER 26.34 CUBIC FEET PER SECOND OF LIVE FLOW FROM THREE SPRING AREAS, FROG CREEK AND CLEAR CREEK; 7500.0 ACRE-FEET FROM CLEAR LAKE RESERVOIR; FURTHER LIMITED AS DESCRIBED BELOW.

DATE OF PRIORITY: MAY 14, 1990

POINT OF DIVERSION LOCATION:

SPRING AREA #1: NE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 11, T5S, R9E, W.M.;
1000 FEET SOUTH & 2050 FEET EAST FROM THE
W $\frac{1}{4}$ CORNER OF SECTION 11

SPRING AREA #2: S $\frac{1}{2}$ NW $\frac{1}{4}$, SECTION 13, T5S, R9E, W.M.;
1400 FEET SOUTH & 1320 FEET EAST FROM THE
NW CORNER OF SECTION 13

SPRING AREA #3: NE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 13, T5S, R9E, W.M.; 340 FEET SOUTH & 600 FEET WEST FROM THE E $\frac{1}{4}$ CORNER OF SECTION 13

FROG CREEK: NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 34, T4S, R9E, W.M.; 750 FEET SOUTH & 850 FEET WEST FROM THE NE CORNER OF SECTION 34

CLEAR CREEK: NE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 10, T5S, R9E, W.M.; 680 FEET SOUTH & 1250 FEET WEST FROM THE E $\frac{1}{4}$ CORNER OF SECTION 10

CLEAR LAKE RESERVOIR: SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 32, T4S, R9E, W.M.; 880 FEET NORTH & 780 FEET WEST FROM THE SE CORNER OF SECTION 32

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed ONE ACRE FOOT PER ACRE OR ACRE EQUIVALENT DURING ANY 30-DAY PERIOD UP TO JULY 1ST OF EACH YEAR AND NOT TO EXCEED 3 ACRE FEET PER ACRE OR ACRE EQUIVALENT DURING ANY IRRIGATION SEASON; PROVIDED, THAT THE RATE OF FLOW SHALL NOT EXCEED 1/40 OF A SECOND FOOT PER ACRE OR ACRE EQUIVALENT UP TO JULY 1ST OF EACH YEAR AND THEREAFTER NOT TO EXCEED 1/80 OF A SECOND FOOT PER ACRE OR ACRE EQUIVALENT, EXCEPT IN CASE OF ROTATION.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

	PRIMARY	SUPPLEMENTAL		OWNER
SW 1/4 SW 1/4	14.30		ACRES	ODFW
	SECTION 13			
NW 1/4 NW 1/4	5.00		ACRES	ODFW
	SECTION 24			
SE 1/4 NE 1/4	6.00		ACRES	Hammond
NE 1/4 SW 1/4	1.20		ACRES	Muncie
	SECTION 25			
	TOWNSHIP 5 SOUTH, RANGE 11 EAST, W.M.			
NE 1/4 NW 1/4	4.10		ACRES	V. Woodside
SW 1/4 NW 1/4	9.60		ACRES	V. Woodside
SE 1/4 NW 1/4	5.10		ACRES	V. Woodside
SE 1/4 NW 1/4	3.20		ACRES	McCorkle

	PRIMARY	SUPPLEMENTAL		OWNER
NW 1/4 SW 1/4	2.00		ACRES	V. Woodside
SE 1/4 SW 1/4	7.00		ACRES	McCorkle
SECTION 1				
SW 1/4 SW 1/4	14.40		ACRES	Schmidt
NE 1/4 SE 1/4	19.10		ACRES	V. Woodside
SE 1/4 SE 1/4	5.50		ACRES	V. Woodside
SECTION 2				
SE 1/4 SE 1/4	18.20		ACRES	Schmidt
SECTION 3				
SW 1/4 NW 1/4	2.80		ACRES	Ambrose
NW 1/4 SW 1/4	13.20		ACRES	Ambrose
SW 1/4 SW 1/4	20.30		ACRES	Ambrose
SECTION 9				
NE 1/4 NE 1/4	3.70		ACRES	Schmidt
SECTION 10				
SW 1/4 NE 1/4	4.70		ACRES	McLeod
SE 1/4 NE 1/4	26.00		ACRES	McLeod
NE 1/4 SE 1/4	17.80		ACRES	Endersby
NW 1/4 SE 1/4	17.90		ACRES	Endersby
SW 1/4 SE 1/4	23.00		ACRES	Endersby
SE 1/4 SE 1/4	23.00		ACRES	Endersby
SECTION 11				
NW 1/4 NE 1/4	13.50		ACRES	McLeod
SW 1/4 NE 1/4	2.60		ACRES	McLeod
NE 1/4 NW 1/4	23.50		ACRES	McLeod
NW 1/4 NW 1/4	0.80		ACRE	McLeod
SE 1/4 NW 1/4	9.90		ACRES	McLeod
SECTION 12				
NW 1/4 NW 1/4	3.70		ACRES	Williamson
SW 1/4 NW 1/4	0.20		ACRE	Williamson
NW 1/4 SW 1/4	1.20		ACRES	Williamson
SECTION 13				
NE 1/4 NE 1/4	11.40		ACRES	Williamson
NW 1/4 NE 1/4	9.60		ACRES	Groce
SE 1/4 NE 1/4	7.60		ACRES	Williamson
NE 1/4 NW 1/4	3.70		ACRES	Groce

	PRIMARY	SUPPLEMENTAL	OWNER
SW 1/4 NW 1/4	0.70	ACRE	Claymier
NW 1/4 SW 1/4	19.40	ACRES	Claymier
SW 1/4 SE 1/4	5.80	ACRES	Claymier
SE 1/4 SE 1/4	4.10	ACRES	Claymier

SECTION 14

SW 1/4 NE 1/4	1.00	ACRE	Dodge
NE 1/4 SW 1/4	33.90	ACRES	Dodge
NW 1/4 SW 1/4	3.50	ACRES	Dodge
SW 1/4 SW 1/4	5.90	ACRES	Dodge
NE 1/4 SE 1/4	0.30	ACRE	Dodge
NW 1/4 SE 1/4	34.70	ACRES	Dodge
SW 1/4 SE 1/4	7.50	ACRES	Dodge
SE 1/4 SE 1/4	0.60	ACRE	Dodge

SECTION 18

NE 1/4 SW 1/4	6.70	ACRES	Confederated Tribes
SE 1/4 SW 1/4	17.40	ACRES	Confederated Tribes

SECTION 19

SE 1/4 NE 1/4	6.00	ACRES	Capps
---------------	------	-------	-------

SECTION 20

SW 1/4 NE 1/4	9.40	ACRES	Hundley
SE 1/4 NE 1/4	3.80	ACRES	Hundley
NE 1/4 SE 1/4	3.00	ACRES	Hundley
NW 1/4 SE 1/4	1.30	ACRES	Hundley
SE 1/4 SE 1/4	7.10	ACRES	Hundley

SECTION 21

SE 1/4 NE 1/4	8.60	ACRES	Claymier
NE 1/4 NW 1/4	0.80	ACRE	S. Woodside
NW 1/4 NW 1/4	0.60	ACRE	S. Woodside
SW 1/4 NW 1/4	12.20	ACRES	S. Woodside
SE 1/4 NW 1/4	4.40	ACRES	S. Woodside
SE 1/4 SW 1/4	6.20	ACRES	S. Woodside
NE 1/4 SE 1/4	0.50	ACRE	Claymier

SECTION 22

NW 1/4 NE 1/4	6.00	ACRES	Claymier
SW 1/4 NE 1/4	0.30	ACRE	Claymier
SE 1/4 NE 1/4	18.10	ACRES	Aschoff

	PRIMARY	SUPPLEMENTAL		OWNER
NE 1/4 NW 1/4	3.30		ACRES	Claymier
NW 1/4 NW 1/4	3.30		ACRES	Claymier
SW 1/4 NW 1/4	18.80		ACRES	Claymier
SE 1/4 NW 1/4	9.00		ACRES	Claymier
NW 1/4 SW 1/4	0.60		ACRE	Claymier
SE 1/4 SE 1/4	6.00		ACRES	L. Woodside

SECTION 23

NE 1/4 NW 1/4	0.30		ACRE	Carter
NW 1/4 NW 1/4	2.50	5.30	ACRES	Carter
SW 1/4 NW 1/4	5.80	10.10	ACRES	Carter
SE 1/4 NW 1/4	4.40		ACRES	Carter
SE 1/4 SE 1/4	0.30		ACRE	Meredith

SECTION 24

NW 1/4 NE 1/4	5.90		ACRES	L. Woodside
SW 1/4 NE 1/4	1.50		ACRES	L. Woodside

SECTION 25

NE 1/4 NE 1/4	10.20		ACRES	Pinheiro
NW 1/4 NE 1/4	11.90		ACRES	L. Woodside
SW 1/4 NE 1/4	26.80		ACRES	L. Woodside
SE 1/4 NE 1/4	4.30		ACRES	Pinheiro
NE 1/4 NW 1/4	6.90		ACRES	L. Woodside
NW 1/4 NW 1/4	2.20		ACRES	L. Woodside
SW 1/4 NW 1/4	0.90		ACRE	L. Woodside
SE 1/4 NW 1/4	12.20		ACRES	L. Woodside
NW 1/4 SE 1/4	2.40		ACRES	Beebe

SECTION 26

SE 1/4 NE 1/4	10.00		ACRES	L. Woodside
NE 1/4 NW 1/4	4.50		ACRES	S. Woodside
NW 1/4 NW 1/4	1.20		ACRES	S. Woodside
NE 1/4 SE 1/4	7.50		ACRES	Hammer
NW 1/4 SE 1/4	4.00		ACRES	Hammer
SE 1/4 SE 1/4	12.10		ACRES	Tolentino

SECTION 27

SW 1/4 SW 1/4	10.60		ACRES	Blake
NE 1/4 SE 1/4	0.10		ACRE	Graybill
SW 1/4 SE 1/4	11.80		ACRES	Graybill
SE 1/4 SE 1/4	0.20		ACRE	Graybill

SECTION 29

	PRIMARY	SUPPLEMENTAL	OWNER
NE 1/4 SE 1/4	0.70	ACRE	Blake
NW 1/4 SE 1/4	0.10	ACRE	Blake
SW 1/4 SE 1/4	2.20	ACRES	Blake
SE 1/4 SE 1/4	10.50	ACRES	Blake

SECTION 30

NW 1/4 NE 1/4	12.10	ACRES	Hill
---------------	-------	-------	------

SECTION 32

NW 1/4 NW 1/4	12.10	ACRES	Reinwand
---------------	-------	-------	----------

SECTION 33

TOWNSHIP 5 SOUTH, RANGE 12 EAST, W.M.

NE 1/4 NE 1/4	2.00	ACRES	Mayhew
NE 1/4 SW 1/4	2.00	ACRES	Larkin
SE 1/4 SW 1/4	9.70	ACRES	Larkin
NW 1/4 SE 1/4	7.80	ACRES	Larkin
SW 1/4 SE 1/4	18.20	ACRES	Larkin

SECTION 2

NW 1/4 NE 1/4	9.20	ACRES	Gabel
SW 1/4 NE 1/4	27.40	ACRES	Gabel
SW 1/4 NW 1/4	16.60	ACRES	Gabel
SE 1/4 NW 1/4	20.00	ACRES	Gabel
NW 1/4 SW 1/4	1.20	ACRES	Bothwell

SECTION 3

NW 1/4 NW 1/4	8.70	ACRES	Paulson
SW 1/4 NW 1/4	5.30	ACRES	Paulson

SECTION 4

NW 1/4 NE 1/4	17.80	ACRES	Paulson
SW 1/4 NE 1/4	5.00	ACRES	Paulson
SE 1/4 SW 1/4	5.50	ACRES	Carter

SECTION 5

SE 1/4 NE 1/4	16.00	ACRES	L. Woodside
SW 1/4 NW 1/4	4.00	ACRES	Walters
SE 1/4 NW 1/4	14.60	ACRES	Walters
NE 1/4 SW 1/4	7.30	ACRES	Walters
NW 1/4 SW 1/4	2.30	ACRES	Walters
SW 1/4 SW 1/4	6.30	ACRES	Walters
SE 1/4 SW 1/4	6.70	ACRES	Walters
NE 1/4 SE 1/4	8.00	ACRES	Walters

	PRIMARY	SUPPLEMENTAL		OWNER
NW 1/4 SE 1/4	3.90		ACRES	Walters
SE 1/4 SE 1/4	0.40		ACRE	Walters
SECTION 7				
NE 1/4 NE 1/4	35.30		ACRES	Carter
NW 1/4 NE 1/4	37.60		ACRES	Carter
SW 1/4 NW 1/4	18.90		ACRES	L. Woodside
SW 1/4 SW 1/4	4.50		ACRES	Hawthorne
SE 1/4 SW 1/4	13.80		ACRES	Hawthorne
SECTION 8				
SW 1/4 NE 1/4	4.50		ACRES	Kelly
NW 1/4 NW 1/4	7.30		ACRES	Kelly
SW 1/4 NW 1/4	25.40		ACRES	Kelly
SE 1/4 NW 1/4	4.40		ACRES	Kelly
NE 1/4 SW 1/4	5.00		ACRES	Kelly
SECTION 9				
NE 1/4 NW 1/4	2.20		ACRES	Larkin
SECTION 11				
NW 1/4 NW 1/4	6.50		ACRES	Hawthorne
SECTION 17				
NE 1/4 NE 1/4	5.40		ACRES	Hawthorne
SE 1/4 SE 1/4	1.20		ACRES	Bender
SECTION 18				
NW 1/4 SW 1/4	0.30		ACRE	Meredith
SECTION 19				
NE 1/4 NW 1/4	10.00		ACRES	Tom Morelli
SW 1/4 NW 1/4	2.60		ACRES	Tom Morelli
NE 1/4 SW 1/4	2.10		ACRES	Dodge
SW 1/4 SW 1/4	5.40		ACRES	Dodge
SE 1/4 SW 1/4	3.60		ACRES	Dodge
SE 1/4 SE 1/4	15.10		ACRES	Dodge
SECTION 21				
NW 1/4 NW 1/4	1.20		ACRES	Lorraine Gabel
SECTION 28				
SW 1/4 NE 1/4	2.30		ACRES	Fosberg

	PRIMARY	SUPPLEMENTAL		OWNER
NE 1/4 NW 1/4	10.70		ACRES	Fosberg
NW 1/4 NW 1/4	32.20		ACRES	Fosberg
SW 1/4 NW 1/4	11.00		ACRES	Fosberg
SE 1/4 NW 1/4	27.30		ACRES	Fosberg

SECTION 29

SW 1/4 NE 1/4		0.20	ACRE	Nelson
SE 1/4 NW 1/4		1.80	ACRES	Nelson
NE 1/4 SW 1/4	1.60	17.00	ACRES	Nelson
NW 1/4 SW 1/4	3.90		ACRES	Nelson
NW 1/4 SE 1/4		4.50	ACRES	Nelson

SECTION 30

TOWNSHIP 5 SOUTH, RANGE 13 EAST, W.M.

SW 1/4 SW 1/4		38.80	ACRES	Larsell
SE 1/4 SW 1/4		37.30	ACRES	Larsell

SECTION 13

SW 1/4 NE 1/4	0.50		ACRE	Tom Morelli
SE 1/4 NW 1/4	10.40		ACRES	Tom Morelli
SE 1/4 SW 1/4	2.80		ACRES	Tom Morelli
NE 1/4 SE 1/4	9.30		ACRES	Tom Morelli
NW 1/4 SE 1/4	7.60		ACRES	Tom Morelli
SW 1/4 SE 1/4	6.60		ACRES	Tom Morelli
SE 1/4 SE 1/4	4.10		ACRES	Tom Morelli

SECTION 22

NE 1/4 NE 1/4	9.90		ACRES	McElheran
NW 1/4 NE 1/4	21.80		ACRES	McElheran
SW 1/4 NE 1/4	23.70		ACRES	McElheran
NE 1/4 NW 1/4	26.00		ACRES	McElheran
SE 1/4 NW 1/4	27.40		ACRES	McElheran
NE 1/4 SW 1/4		40.00	ACRES	McReynolds
NW 1/4 SW 1/4		1.10	ACRES	McReynolds
SE 1/4 SW 1/4		15.70	ACRES	McReynolds

SECTION 23

NE 1/4 NW 1/4		3.90	ACRES	Larsell
NW 1/4 NW 1/4		4.60	ACRES	Larsell

SECTION 24

SE 1/4 NE 1/4	3.30		ACRES	Harth
---------------	------	--	-------	-------

SECTION 25

	PRIMARY	SUPPLEMENTAL		OWNER
NE 1/4 NE 1/4	29.40		ACRES	Tim Morelli
NW 1/4 NE 1/4	1.90		ACRES	Tom Morelli
SW 1/4 NE 1/4	26.70		ACRES	Tim Morelli
SE 1/4 NE 1/4	28.60		ACRES	Tim Morelli
NE 1/4 NW 1/4	13.00		ACRES	Tom Morelli
NW 1/4 NW 1/4	25.50		ACRES	Tom Morelli
SW 1/4 NW 1/4	20.70		ACRES	Tom Morelli
SE 1/4 NW 1/4	1.70		ACRES	Tom Morelli
NE 1/4 SE 1/4	4.80		ACRES	Tom Morelli
NW 1/4 SE 1/4		16.90	ACRES	Tom Morelli
SW 1/4 SE 1/4		12.40	ACRES	Tom Morelli
SE 1/4 SE 1/4	3.50		ACRES	Tom Morelli

SECTION 27

SW 1/4 SW 1/4	0.50		ACRE	V. Woodside
SE 1/4 SW 1/4	8.50		ACRES	V. Woodside

SECTION 29

NE 1/4 NE 1/4	1.50		ACRES	Gutzler
SW 1/4 NE 1/4	5.00		ACRES	Gutzler
SE 1/4 NE 1/4	1.40		ACRES	Gutzler
NE 1/4 SE 1/4	1.80		ACRES	Gutzler
NW 1/4 SE 1/4	14.40		ACRES	Gutzler
SW 1/4 SE 1/4	7.50		ACRES	Gutzler
SE 1/4 SE 1/4	1.80		ACRES	Gutzler

SECTION 31

NE 1/4 SE 1/4		16.00	ACRES	Paulson
NW 1/4 SE 1/4		4.00	ACRES	Paulson
SW 1/4 SE 1/4	7.70		ACRES	Paulson

SECTION 32

NE 1/4 SW 1/4	4.20	0.20	ACRES	Paulson
NW 1/4 SW 1/4	0.40		ACRE	Paulson
SW 1/4 SW 1/4	6.80		ACRES	Paulson
SE 1/4 SW 1/4		9.80	ACRES	Paulson

SECTION 33

NW 1/4 NW 1/4	19.50		ACRES	Reckman
Estate				
SW 1/4 NW 1/4	4.60		ACRES	Don Reckman
SW 1/4 SW 1/4	4.90		ACRES	Odom

SECTION 34

	PRIMARY	SUPPLEMENTAL		OWNER
SE 1/4 NE 1/4	16.80		ACRES	Mayhew
NE 1/4 SE 1/4	17.40		ACRES	Mayhew
NW 1/4 SE 1/4	7.80		ACRES	Mayhew

SECTION 35

NE 1/4 NW 1/4	32.50		ACRES	Mayhew
NW 1/4 NW 1/4	32.50		ACRES	Mayhew
SW 1/4 NW 1/4	32.50		ACRES	Mayhew
SE 1/4 NW 1/4	32.50		ACRES	Mayhew
NE 1/4 SW 1/4		29.80	ACRES	Mayhew
NW 1/4 SW 1/4		29.60	ACRES	Mayhew
SW 1/4 SW 1/4		38.60	ACRES	Mayhew
SE 1/4 SW 1/4		32.00	ACRES	Mayhew

SECTION 36

TOWNSHIP 4 SOUTH, RANGE 13 EAST, W.M.

NE 1/4 NE 1/4	1.70	2.20	ACRES	Marsh
NW 1/4 NE 1/4	3.30	21.90	ACRES	Marsh
SW 1/4 NE 1/4		19.00	ACRES	Marsh
SE 1/4 NE 1/4		5.10	ACRES	Marsh
NE 1/4 SE 1/4	1.00		ACRE	Marsh

SECTION 19

NE 1/4 NW 1/4	21.90		ACRES	Marsh
SE 1/4 NW 1/4	29.60		ACRES	Marsh
NE 1/4 SW 1/4	6.50		ACRES	Marsh
NW 1/4 SW 1/4	31.00		ACRES	Marsh
SW 1/4 SW 1/4	14.10		ACRES	Marsh

SECTION 20

NE 1/4 SW 1/4	1.00		ACRE	Harth
LOT 3 (NW 1/4 SW 1/4)	1.70		ACRES	Harth

SECTION 30

LOT 4 (SW 1/4 SW 1/4)	19.20		ACRES	Duling
SE 1/4 SW 1/4	28.50		ACRES	Duling

SECTION 31

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

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install meter(s) or other suitable

measuring device(s) as approved by the Director. The permittee shall maintain the meter(s) or measuring device(s) in good working order, shall keep a complete record of the amount of water used each month and shall submit a report that includes the recorded water use measurements to the Oregon Water Resources Department headquarters ("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. In addition, before water use may begin under this permit, the permittee or landowner shall install a meter(s) or measuring device(s) for each parcel served under this permit. The meters or measuring devices shall meet standards established by the Department or the United States Geological Survey. The permittee shall annually report to the Department the annual cumulative total at each measuring point. Irrigation is illegal for any year in which the Department has not received annual reports for the previous year.
- C. The permittee shall allow the watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the watermaster shall request access upon reasonable notice.

No additional water shall be appropriated under this permit from Clear Creek, Frog Creek, or Clear Lake Reservoir than is already authorized under certificates 77326 and 77733, or under superceding certificates, for an equal number of irrigated acres. This permit does not authorize an increase in the total number of acres irrigated during an irrigation season, instantaneous diversion rate or the annual duty of water diverted by the permittee.

The permittee shall install, maintain and operate fish screening devices as required by the Oregon Department of Fish and Wildlife (ODFW) to prevent fish from entering the diversions, unless ODFW notifies the Department that such screening devices are not required.

The permittee shall install, maintain and operate a fishway as

required by ODFW to ensure adequate upstream and downstream passage for fish, unless ODFW notifies the Department that such a fishway is not required.

Mapping and tabulation conditions

Each irrigation season, prior to the commencement of any irrigation from water delivered by the district, the permittee shall provide the Department's Salem office and the watermaster with a tabulation of the acres to be irrigated on a form provided by the Department and a map of sufficient quality (as determined by the Department) to clearly show the acres to be irrigated during that irrigation season. Water use under this permit is illegal until the Department's Salem office and the watermaster have received the first map and tabulation. Subsequent maps and tabulations are due prior to commencement of irrigation or April 1 of each year, whichever is earlier. If maps and tabulations are not received by both the Department's Salem office and the watermaster by that date, irrigation under this permit for that irrigation season is subject to the map and tabulation for the previous year.

Identification of lands to be irrigated under this permit in the annual tabulation for a given irrigation season, and the associated authorization of a rate and duty limitation, will result in an equal reduction in the rate and duty limitation authorized under Certificates 77326 and 77733 during that irrigation season.

Transfer conditions

- A. Transfer of a primary right covered by this permit must also include the transfer or cancellation of any supplemental right for the same land.
- B. If a portion of the water right under this permit is transferred outside permittee's boundaries, this right will be reduced by the number of acres transferred.

STANDARD CONDITIONS

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

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 allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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

Actual construction work shall begin within one year of permit issuance. Complete application of the water to the use shall be made on or before October 1, 2006. 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 _____, 2004

DRAFT - THIS IS NOT A PERMIT

Paul R. Cleary, Director
Water Resources Department

**Annual Tabulation of Intended Water Use
pursuant to Application S-60453
for the year _____**

Note: Annual tabulations are due to the Water Resources Department office in Salem and the local watermaster by APRIL 1 of each year.

IRRIGATION UNDER CERTIFICATES 77326 AND 77733

OTR/QTR	TAX LOT	MAXIMUM ACRES	LANDOWNER	PRIMARY ACRES (CERT. 77326)	SUPPLEMENTAL ACRES (CERT. 77733)
NE/SE	7200	1.50	MCELHERON		
SW/SE	7200	23.60	MCELHERON		
SE/SE	7200	35.70	MCELHERON		
SECTION 14					
SW/NE	9300	2.50	TOM MORELLI		
SE/NE	9300	5.60	TOM MORELLI		
NE/NW	7600	0.90	MAYHEW		
SW/SW	9200	1.50	TOM MORELLI		
SE/SW	9200	9.90	TOM MORELLI		
NE/SE	9400	23.80	TOM MORELLI		
NW/SE	9400	19.00	TOM MORELLI		
SW/SE	9400	10.40	TOM MORELLI		
SE/SE	9400	2.80	TOM MORELLI		
SECTION 22					
NE/NE	7200	18.40	MCELHERON		
NW/NE	7200	10.80	MCELHERON		
SW/SW	9500	22.70	DELCO		
SE/SW	9500	24.30	DELCO		
SECTION 23					
NE/NW	6500	34.00	LARSELL		
SE/NW	6500	36.00	LARSELL		
SECTION 24					
SE/NE	9700	1.30	HARTH		
NW/SW	9900	15.40	MAYHEW		
SW/SW	9900	19.40	MAYHEW		
SECTION 25					

NE/SE	9900	12.90	MAYHEW		
NW/SE	9900	2.60	MAYHEW		
SW/SE	9900	2.70	MAYHEW		
SE/SE	9900	35.30	MAYHEW		
SECTION 26					
NW/NE	9501	33.50	TIM MORELLI		
SW/NE	9501	1.60	TIM MORELLI		
NE/NW	9200	6.00	TOM MORELLI		
NE/SW	10100	22.00	TIM MORELLI		
SW/SW	10100	13.80	TIM MORELLI		
SE/SW	10100	6.60	TIM MORELLI		
NW/SE	10100	20.50	TIM MORELLI		
SECTION 27					
NE/SW	10600	7.00	V. WOODSIDE		
NW/SW	10600	3.50	V. WOODSIDE		
SW/SW	10600	11.60	V. WOODSIDE		
SE/SW	10600	7.40	V. WOODSIDE		
SECTION 29					
NE/SE	10600	0.90	V. WOODSIDE		
SE/SE	10600	1.00	V. WOODSIDE		
SECTION 30					
NE/NE	10800	10.50	GUTZLER		
SW/NE	10800	3.50	GUTZLER		
SE/NE	10800	10.90	GUTZLER		
SW/NW	10700	11.20	ENDERSBY		
SECTION 31					
NW/NW	10800	2.70	GUTZLER		
NE/SE	10900	13.30	PAULSON		
NW/SE	10900	6.00	PAULSON		
SE/NE	10900	8.50	PAULSON		
SECTION 32					

NE/SW	10900	17.50	PAULSON		
SE/SW	10900	20.20	PAULSON		
SW/SW	10900	5.50	PAULSON		
SECTION 33					
NW/NW	11100	15.70	RECKMAN		
NW/SW	11100	3.80	RECKMAN		
NW/SW	11101	1.90	ODEM		
SW/NW	11100	0.50	RECKMAN		
SW/SW	11101	2.10	ODEM		
SECTION 34					
NE/SE	11400	12.30	MAYHEW		
SE/SW	11400	0.30	MAYHEW		
SW/SE	11400	9.80	MAYHEW		
SE/SE	11400	34.30	MAYHEW		
SECTION 35					
NE/SE	11500	24.80	MAYHEW		
NW/SE	11500	15.80	MAYHEW		
SW/SE	11500	25.80	MAYHEW		
SE/SE	11500	33.00	MAYHEW		
SECTION 36					
TOWNSHIP 4 SOUTH, RANGE 13 EAST, W.M.					
NE/NE	3700	30.90	MARSH		
SE/NE	3700	28.10	MARSH		
SECTION 19					
NW/NW	3300	32.30	MARSH		
SW/NW	3300	30.40	MARSH		
NW/SW	3300	8.30	MARSH		
SECTION 20					
NE/SW	4200	1.10	HARTH		
NW/SW	4200	0.60	HARTH		
SECTION 30					

NE/SW	4302	20.8	DULING		
NW/SE	4302	8.7	DULING		
SW/SE	4302	10.00	DULING		
SECTION 31					
TOWNSHIP 4 SOUTH, RANGE 14 EAST, W.M.					
NW/SW	1701	7.00	ENDERSBY		
SECTION 13					
SE/NE	2700	0.10	DODGE		
NE/SW	2400	3.00	ODFW		
SE/SW	2400	19.34	ODFW		
SECTION 24					
SE/NE	1900	5.00	HAMMOND		
NE/SW	100	1.00	MUNCIE		
SECTION 25					
TOWNSHIP 5 SOUTH, RANGE 11 EAST, W.M.					
SW/NE	100	4.00	MCCORKLE		
NE/NW	201	3.70	V. WOODSIDE		
NW/NW	201	0.90	V. WOODSIDE		
SW/NW	201	7.90	V. WOODSIDE		
SE/NW	100	7.40	MCCORKLE		
SE/NW	201	1.10	V. WOODSIDE		
NW/SE	100	6.00	MCCORKLE		
SECTION 1					
NW/SW	400	14.40	HACHLER		
SW/SW	400	0.80	HACHLER		
SECTION 2					
NE/SE	400	9.90	HACHLER		
SE/SE	400	4.90	HACHLER		
SECTION 3					
SE/SE	1700	10.40	AMBROSE		
SECTION 8					

NW/SW	1700	12.90	AMBROSE		
SW/SW	1700	6.70	AMBROSE		
SECTION 9					
SW/SW	2200	12.40	ENDERSBY		
SE/SW	2200	9.60	ENDERSBY		
SECTION 11					
NW/NW	2100	31.80	MCLEOD		
SW/NW	2100	27.50	MCLEOD		
SE/NW	2100	7.70	MCLEOD		
SECTION 12					
NE/NE	2300	6.30	ENDERSBY		
SE/NE	2300	4.40	ENDERSBY		
NE/SW	2600	3.20	WILLIAMSON		
NW/SW	2600	9.60	WILLIAMSON		
SECTION 13					
NW/NE	3103	0.50	GROCE		
SE/NE	2600	7.20	WILLIAMSON		
NE/NW	3103	10.50	GROCE		
SW/SE	3100	9.30	CLAYMIER		
SE/SE	3100	12.00	CLAYMIER		
SECTION 14					
SW/SW	3502	14.00	DODGE		
SW/SW	3502	1.20	DODGE		
SE/SW	3502	39.80	DODGE		
SECTION 18					
SE/SW	3790	20.00	CONFEDERATED TRIBES		
			SECTION 19		
SE/NE	3403	5.00	CAPPS		
SECTION 20					

NE/SE	3900	14.60	HUNDLEY		
NW/SE	3900	1.40	HUNDLEY		
SE/SE	3900	4.34	HUNDLEY		
SECTION 21					
NW/NW	3200	15.50	S. WOODSIDE		
SW/NW	3200	9.23	S. WOODSIDE		
NE/SE	3100	2.70	L. WOODSIDE		
SW/SE	4000	10.00	JONES & ROSS		
SE/SE	3100	16.20	L. WOODSIDE		
SECTION 22					
NE/NE	2703	15.00	ASCHOFF		
NW/NE	3100	11.50	CLAYMIER		
NE/NW	3100	16.40	CLAYMIER		
NW/NW	3100	12.68	CLAYMIER		
SW/NW	3100	3.40	CLAYMIER		
SE/NW	3100	1.20	CLAYMIER		
SW/SW	4100	4.50	L. WOODSIDE		
SE/SW	4100	4.60	L. WOODSIDE		
SECTION 23					
NW/NW	2702	5.00	CARTER		
SW/NW	2702	10.00	CARTER		
SE/SE	4400	0.50	DULING		
SECTION 24					
SW/NE	4500	11.80	L. WOODSIDE		
SECTION 25					
NE/NE	4900	7.20	PINHEIRO		
SE/NE	4900	4.80	PINHEIRO		
NE/NW	4100	13.50	L. WOODSIDE		
NW/NW	4100	21.60	L. WOODSIDE		
NW/SE	5200	2.00	BEEBE		
SECTION 26					
NE/NE	4100	6.40	L. WOODSIDE		
NE/SW	5500	6.00	HAMMER		
NW/SW	5500	0.70	HAMMER		
NW/SE	5500	2.80	HAMMER		

SE/SE	5600	10.00	TOLENTINO		
SECTION 27					
NW/NW	6100	0.30	DODGE		
SW/SE	6400	1.50	FILBIN		
SECTION 29					
SE/SE	6300	11.10	BLAKE		
			SECTION 30		
NW/NE	6501	18.50	FILBIN		
SECTION 32					
NW/NE	7300	12.00	DODGE		
NW/NW	6000	18.90	BLAKE		
SECTION 33					
TOWNSHIP 5 SOUTH, RANGE 12 EAST, W.M.					
NE/NE	500	11.60	MAYHEW		
SE/SW	600	7.50	LARKIN/INGRAM		
SECTION 2					
NE/NW	800	12.90	GABEL & LARKIN		
NE/NW	801	20.60	FOSBERG		
NW/NW	801	25.20	FOSBERG		
NW/NW	900	12.20	GABEL & LARKIN		
SW/NW	900	14.90	GABEL & LARKIN		
SE/NW	800	20.00	GABEL & LARKIN		
NW/SW	1000	1.00	BOTHWELL		
			SECTION 3		
NE/NE	1100	11.60	FOSBERG		
NW/NE	802	11.60	FOSBERG		
SECTION 4					
NE/NW	1300	20.00	CARTER		
SE/NW	1300	2.40	CARTER		
SW/SW	1300	3.20	CARTER		
SE/SW	1300	16.10	CARTER		
SW/SE	1300	19.50	CARTER		

SE/SE	1300	11.80	CARTER		
SECTION 5					
SW/NW	1400	2.00	WALTERS		
NE/SW	1400	8.10	WALTERS		
NW/SW	1400	1.60	WALTERS		
SW/SW	1400	12.70	WALTERS		
SE/SW	1400	2.60	WALTERS		
NE/SE	1400	5.40	WALTERS		
NW/SE	1400	13.30	WALTERS		
SW/SE	1400	0.80	WALTERS		
SE/SE	1400	0.50	WALTERS		
SECTION 7					
SW/NW	1500	1.90	L. WOODSIDE		
NW/SW	1500	15.10	L. WOODSIDE		
SW/SW	2000	24.20	R. KELLY & HAWTHORNE		
SE/SW	2000	0.60	R. KELLY & HAWTHORNE		
SECTION 8					
SW/NE	2200	7.40	KELLY		
SW/NW	2200	14.60	KELLY		
SE/NW	2200	8.70	KELLY		
NE/SW	2200	7.80	KELLY		
SECTION 9					
NW/NE	600	15.50	LARKIN/INGRAM		
NE/NW	600	10.50	LARKIN/INGRAM		
SECTION 11					
NW/NW	2000	0.20	R. KELLY		
SECTION 17					
SE/SE	4100	0.25	FOSBERG		
SECTION 18					
NE/NE	3700	11.60	ENDERSBY		
NW/NE	3700	7.80	ENDERSBY		
SW/NE	3700	4.00	ENDERSBY		

SE/NE	4500	6.60	TOM MORELLI		
NW/SE	4500	0.70	TOM MORELLI		
SECTION 20					
NW/NW	3700	0.10	ENDERSBY		
SW/NW	4500	7.70	TOM MORELLI		
SW/SW	4600	5.40	HAMMER		
SE/SW	4600	6.00	HAMMER		
SE/SE	4600	15.10	HAMMER		
SECTION 21					
NW/NW	5200	1.00	LYLE GABEL & LORRAINE		
SECTION 28					
SW/NW	5700	13.20	LYLE GABEL & LORRAINE		
NE/SW	5700	3.40	LYLE GABEL & LORRAINE		
NW/SW	5700	7.40	LYLE GABEL & LORRAINE		
SECTION 30					
TOWNSHIP 5 SOUTH, RANGE 13 EAST, W.M.					

**MAINTENANCE OF STOCK PONDS (ACRE EQUIVALENTS)
UNDER CERTIFICATES 77326 AND 77733**

QTR/QTR	TAX LOT	ACRES	LANDOWNER	PRIMARY ACRES (CERT. 77326)	SUPPLEMENTAL ACRES (CERT. 77733)
NE/NW	7600	0.10	MAYHEW		
SECTION 22					
SE/NE	9700	1.70	HARTH		
SECTION 25					
SE/SW	10700	0.30	ENDERSBY		
SECTION 30					
TOWNSHIP 4 SOUTH, RANGE 13 EAST, W.M.					

NE/SW	4200	0.30	HARTH		
SECTION 30					
TOWNSHIP 4 SOUTH, RANGE 14 EAST, W.M.					
NE/SW	100	0.30	MUNCIE		
SECTION 25					
TOWNSHIP 5 SOUTH, RANGE 11 EAST, W.M.					
SE/SE	1200	0.20	L. WOODSIDE		
SECTION 23					
TOWNSHIP 5 SOUTH, RANGE 12 EAST, W.M.					
NW/SW	3600	0.20	CARTER		
SECTION 17					
NE/NE	2002	1.00	A. STREELMAN		
SE/SE	4100	0.75	FOSBERG		
SECTION 18					
NE/NE	3400	1.00	H. STRELLMAN		
SECTION 21					
TOWNSHIP 5 SOUTH, RANGE 13 EAST, W.M.					

IRRIGATION UNDER APPLICATION S-60453, PERMIT _____

QTR/QTR	MAXIMUM PRIMARY ACRES	MAXIMUM SUPP ACRES	LANDOWNER	PRIMARY ACRES	SUPP. ACRES
SW/SW	14.30		ODFW		
SECTION 13					
NW/NW	5.00		ODFW		
SECTION 24					
SE/NE	6.00		HAMMOND		
NE/SW	1.20		MUNCIE		
SECTION 25					
TOWNSHIP 5 SOUTH, RANGE 11 EAST, W.M.					

NE/NW	4.10		V. WOODSIDE		
SW/NW	9.60		V. WOODSIDE		
SE/NW	5.10		V. WOODSIDE		
SE/NW	3.20		MCCORKLE		
NW/SW	2.00		V. WOODSIDE		
SE/SW	7.00		MCCORKLE		
SECTION 1					
SW/SW	14.40		SCHMIDT		
NE/SE	19.10		V. WOODSIDE		
SE/SE	5.50		V. WOODSIDE		
SECTION 2					
SE/SE	18.20		SCHMIDT		
SECTION 3					
SW/NW	2.80		AMBROSE		
NW/SW	13.20		AMBROSE		
SW/SW	20.30		AMBROSE		
SECTION 9					
NE/NE	3.70		SCHMIDT		
SECTION 10					
SW/NE	4.70		MCLEOD		
SE/NE	26.00		MCLEOD		
NE/SE	17.80		ENDERSBY		
NW/SE	17.90		ENDERSBY		
SW/SE	23.00		ENDERSBY		
SE/SE	23.00		ENDERSBY		
SECTION 11					
NW/NE	13.50		MCLEOD		
SW/NE	2.60		MCLEOD		
NE/NW	23.50		MCLEOD		
NW/NW	0.80		MCLEOD		
SE/NW	9.90		MCLEOD		
SECTION 12					

NW/NW	3.70		WILLIAMSON		
SW/NW	0.20		WILLIAMSON		
NW/SW	1.20		WILLIAMSON		
SECTION 13					
NE/NE	11.40		WILLIAMSON		
NW/NE	9.60		GROCE		
SE/NE	7.60		WILLIAMSON		
NE/NW	3.70		GROCE		
SW/NW	0.70		CLAYMIER		
NW/SW	19.40		CLAYMIER		
SW/SE	5.80		CLAYMIER		
SE/SE	4.10		CLAYMIER		
SECTION 14					
SW/NE		1.00	DODGE		
NE/SW		33.90	DODGE		
NW/SW		3.50	DODGE		
SW/SW		5.90	DODGE		
NE/SE		0.30	DODGE		
NW/SE		34.70	DODGE		
SW/SE		7.50	DODGE		
SE/SE		0.60	DODGE		
SECTION 18					
NE/SW		6.70	CONFEDERATE D TRIBES		
SE/SW		17.40	CONFEDERATE D TRIBES		
SECTION 19					
SE/NE	6.00		CAPPS		
SECTION 20					
SW/NE	9.40		HUNDLEY		
SE/NE	3.80		HUNDLEY		
NE/SE	3.00		HUNDLEY		
NW/SE	1.30		HUNDLEY		
SE/SE	7.10		HUNDLEY		
SECTION 21					

SE/NE	8.60		CLAYMIER		
NE/NW	0.80		S. WOODSIDE		
NW/NW	0.60		S. WOODSIDE		
SW/NW	12.20		S. WOODSIDE		
SE/NW	4.40		S. WOODSIDE		
SE/SW	6.20		S. WOODSIDE		
NE/SE	0.50		CLAYMIER		
SECTION 22					
NW/NE	6.00		CLAYMIER		
SW/NE	0.30		CLAYMIER		
SE/NE	18.10		ASCHOFF		
NE/NW	3.30		CLAYMIER		
NW/NW	3.30		CLAYMIER		
SW/NW	18.80		CLAYMIER		
SE/NW	9.00		CLAYMIER		
NW/SW	0.60		CLAYMIER		
SE/SE	6.00		L. WOODSIDE		
SECTION 23					
NE/NW	0.30		CARTER		
NW/NW	2.50	5.30	CARTER		
SW/NW	5.80	10.10	CARTER		
SE/NW	4.40		CARTER		
SE/SE	0.30		MEREDITH		
SECTION 24					
NW/NE	5.90		L. WOODSIDE		
SW/NE	1.50		L. WOODSIDE		
SECTION 25					
NE/NE	10.20		PINHEIRO		
NW/NE	11.90		L. WOODSIDE		
SW/NE	26.80		L. WOODSIDE		
SE/NE	4.30		PINHEIRO		
NE/NW	6.90		L. WOODSIDE		
NW/NW	2.20		L. WOODSIDE		
SW/NW	0.90		L. WOODSIDE		
SE/NW	12.20		L. WOODSIDE		

NW/SE	2.40		BEEBE		
SECTION 26					
SE/NE	10.00		L. WOODSIDE		
NE/NW	4.50		S. WOODSIDE		
NW/NW	1.20		S. WOODSIDE		
NE/SE	7.50		HAMMER		
NW/SE	4.00		HAMMER		
SE/SE	12.10		TOLENTINO		
SECTION 27					
SW/SW	10.60		BLAKE		
NE/SE	0.10		GRAYBILL		
SW/SE	11.80		GRAYBILL		
SE/SE	0.20		GRAYBILL		
SECTION 29					
NE/SE	0.70		BLAKE		
NW/SE	0.10		BLAKE		
SW/SE	2.20		BLAKE		
SE/SE	10.50		BLAKE		
SECTION 30					
NW/NE	12.10		HILL		
SECTION 32					
NW/NW	12.10		REINWAND		
SECTION 33					
TOWNSHIP 5 SOUTH, RANGE 12 EAST, W.M.					
NE/NE	2.00		MAYHEW		
NE/SW	2.00		LARKIN		
SE/SW	9.70		LARKIN		
NW/SE	7.80		LARKIN		
SW/SE	18.20		LARKIN		
SECTION 2					
NW/NE	9.20		GABEL		
SW/NE	27.40		GABEL		
SW/NW	16.60		GABEL		

SE/NW	20.00		GABEL		
NW/SW	1.20		BOTHWELL		
SECTION 3					
NW/NW	8.70		PAULSON		
SW/NW	5.30		PAULSON		
SECTION 4					
NW/NE	17.80		PAULSON		
SW/NE	5.00		PAULSON		
SE/SW	5.50		CARTER		
SECTION 5					
SE/NE	16.00		L. WOODSIDE		
SW/NW	4.00		WALTERS		
SE/NW	14.60		WALTERS		
NE/SW	7.30		WALTERS		
NW/SW	2.30		WALTERS		
SW/SW	6.30		WALTERS		
SE/SW	6.70		WALTERS		
NE/SE	8.00		WALTERS		
NW/SE	3.90		WALTERS		
SE/SE	0.40		WALTERS		
SECTION 7					
NE/NE	35.30		CARTER		
NW/NE	37.60		CARTER		
SW/NW	18.90		L. WOODSIDE		
SW/SW	4.50		HAWTHORNE		
SE/SW	13.80		HAWTHORNE		
SECTION 8					
SW/NE	4.50		KELLY		
NW/NW	7.30		KELLY		
SW/NW	25.40		KELLY		
SE/NW	4.40		KELLY		
NE/SW	5.00		KELLY		
SECTION 9					

NE/NW	2.20		LARKIN		
SECTION 11					
NW/NW	6.50		HAWTHORNE		
SECTION 17					
NE/NE	5.40		HAWTHORNE		
SE/SE	1.20		BENDER		
SECTION 18					
NW/SW	0.30		MEREDITH		
SECTION 19					
NE/NW	10.00		TOM MORELLI		
SW/NW	2.60		TOM MORELLI		
NE/SW	2.10		DODGE		
SW/SW	5.40		DODGE		
SE/SW	3.60		DODGE		
SE/SE	15.10		DODGE		
SECTION 21					
NW/NW	1.20		LORRAINE GABEL		
SECTION 28					
SW/NE	2.30		FOSBERG		
NE/NW	10.70		FOSBERG		
NW/NW	32.20		FOSBERG		
SW/NW	11.00		FOSBERG		
SE/NW	27.30		FOSBERG		
SECTION 29					
SW/NE		0.20	NELSON		
SE/NW		1.80	NELSON		
NE/SW	1.60	17.00	NELSON		
NW/SW	3.90		NELSON		
NW/SE		4.50	NELSON		
SECTION 30					
TOWNSHIP 5 SOUTH, RANGE 13 EAST, W.M.					

SW/SW		38.80	LARSELL		
SE/SW		37.30	LARSELL		
SECTION 13					
SW/NE	0.50		TOM MORELLI		
SE/NW	10.40		TOM MORELLI		
SE/SW	2.80		TOM MORELLI		
NE/SE	9.30		TOM MORELLI		
NW/SE	7.60		TOM MORELLI		
SW/SE	6.60		TOM MORELLI		
SE/SE	4.10		TOM MORELLI		
SECTION 22					
NE/NE	9.90		MCELHERON		
NW/NE	21.80		MCELHERON		
SW/NE	23.70		MCELHERON		
NE/NW	26.00		MCELHERON		
SE/NW	27.40		MCELHERON		
NE/SW		40.00	MCREYNOLDS		
NW/SW		1.10	MCREYNOLDS		
SE/SW		15.70	MCREYNOLDS		
SECTION 23					
NE/NW		3.90	LARSELL		
NW/NW		4.60	LARSELL		
SECTION 24					
SE/NE	3.30		HARTH		
SECTION 25					
NE/NE	29.40		TIM MORELLI		
NW/NE	1.90		TOM MORELLI		
SW/NE	26.70		TIM MORELLI		
SE/NE	28.60		TIM MORELLI		
NE/NW	13.00		TOM MORELLI		
NW/NW	25.50		TOM MORELLI		
SW/NW	20.70		TOM MORELLI		
SE/NW	1.70		TOM MORELLI		
NE/SE	4.80		TOM MORELLI		
NW/SE		16.90	TOM MORELLI		

SW/SE		12.40	TOM MORELLI		
SE/SE	3.50		TOM MORELLI		
SECTION 27					
SW/SW	0.50		V. WOODSIDE		
SE/SW	8.50		V. WOODSIDE		
SECTION 29					
NE/NE	1.50		GUTZLER		
SW/NE	5.00		GUTZLER		
SE/NE	1.40		GUTZLER		
NE/SE	1.80		GUTZLER		
NW/SE	14.40		GUTZLER		
SW/SE	7.50		GUTZLER		
SE/SE	1.80		GUTZLER		
SECTION 31					
NE/SE		16.00	PAULSON		
NW/SE		4.00	PAULSON		
SW/SE	7.70		PAULSON		
SECTION 32					
NE/SW	4.20	0.20	PAULSON		
NW/SW	0.40		PAULSON		
SW/SW	6.80		PAULSON		
SE/SW		9.80	PAULSON		
SECTION 33					
NW/NW	19.50		RECKMAN ESTATE		
SW/NW	4.60		DON RECKMAN		
SW/SW	4.90		ODEM		
SECTION 34					
SE/NE	16.80		MAYHEW		
NE/SE	17.40		MAYHEW		
NW/SE	7.80		MAYHEW		
SECTION 35					

NE/NW	32.50		MAYHEW		
NW/NW	32.50		MAYHEW		
SW/NW	32.50		MAYHEW		
SE/NW	32.50		MAYHEW		
NE/SW		29.80	MAYHEW		
NW/SW		29.60	MAYHEW		
SW/SW		38.60	MAYHEW		
SE/SW		32.00	MAYHEW		
SECTION 36					
TOWNSHIP 4 SOUTH, RANGE 13 EAST, W.M.					
NE/NE	1.70	2.20	MARSH		
NW/NE	3.30	21.90	MARSH		
SW/NE		19.00	MARSH		
SE/NE		5.10	MARSH		
NE/SE	1.00		MARSH		
SECTION 19					
NE/NW	21.90		MARSH		
SE/NW	29.60		MARSH		
NE/SW	6.50		MARSH		
NW/SW	31.00		MARSH		
SW/SW	14.10		MARSH		
SECTION 20					
NE/SW	1.00		HARTH		
LOT 3 (NW/SW)	1.70		HARTH		
SECTION 30					
LOT 4 (SW/SW)		19.20	DULING		
SE/SW		28.50	DULING		
SECTION 31					
TOWNSHIP 4 SOUTH, RANGE 14 EAST, W.M.					

BEFORE THE OREGON WATER RESOURCES DEPARTMENT

In the Matter of Water Right Application)
S-60453 in the Name of Juniper Flat District)
Improvement Company,)
 Applicant and Protestant) SETTLEMENT AGREEMENT
)
and)
)
WaterWatch of Oregon, Inc.,)
 Protestant)

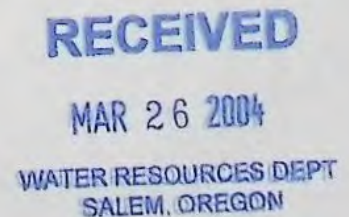
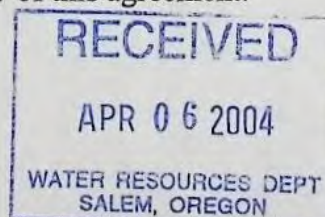
The Oregon Water Resources Department by and through Paul R. Cleary, Director, Juniper Flat District Improvement Company, by and through Tim Morelli, Board Chairman, and WaterWatch of Oregon, Inc. by and through Kimberley Priestley, Assistant Director, do hereby agree and stipulate as follows:

Stipulated Facts:

1. On August 4, 1980, Juniper Flat District Improvement Company (Applicant) submitted an application to the Oregon Water Resources Department (Department) for the use of water for irrigation from three springs, Frog Creek, Clear Creek Reservoir and Clear Creek in Wasco County.
2. On April 16, 2002, the Department issued its Proposed Final Order (PFO) recommending issuance of the draft permit.
3. On May 23, 2002, the Applicant timely filed a protest to the Department's PFO.
4. On May 29, 2002, WaterWatch of Oregon, Inc. (WaterWatch) timely filed a protest to the Department's PFO.
5. The Department, Applicant and WaterWatch entered negotiations to develop a mutually agreeable solution. The Department, Applicant and WaterWatch agree that resolution of the issues raised by these protests are resolved pursuant to the terms outlined below and in the proposed permit, which is incorporated by reference herein.

Terms of Agreement

1. The parties to this Agreement waive the opportunity to file exceptions to this order and any right to judicial review of this agreement.



2. In signing this Agreement, the Applicant and WaterWatch each waive their individual protests and requests for hearing against the PFO for Application S-60453.
3. Upon Applicant's payment of \$115.20 in outstanding permit recording fees, the Department will issue a permit consistent with the attached proposed permit, which is incorporated herein, and will include the following terms:

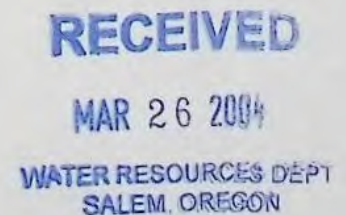
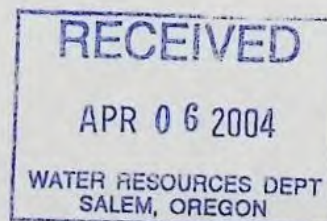
- a. The permit will authorize the use of 52.69 cubic feet per second up to July 1st of each year and thereafter 26.34 cubic feet per second. The permit will be conditioned as follows to clarify that this authorization is not in addition to the quantity of water already authorized by the Applicant's water rights certificates 77326 and 77733:

No additional water shall be appropriated under this permit from Clear Creek, Frog Creek, or Clear Lake Reservoir than is already authorized under certificates 77326 and 77733, or under superceding certificates, for an equal number of irrigated acres. This permit does not authorize an increase in the total number of acres irrigated during an irrigation season, instantaneous diversion rate or the annual duty of water diverted by the permittee.

- b. The permit will authorize the use of water for irrigation on 2500.0 acres; however, use under this permit, together with the use under Certificates 77326 and 77733 will be limited to a total irrigated area of 2107.49 acres during any single irrigation season. If any water is diverted for pond maintenance during an irrigation season, permittee may only irrigate 2101.64 acres.
- c. The permit will contain the same rate and duty limitations contained in Certificate 77326 as follows:

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed one acre foot per acre or acre equivalent during any 30-day period up to July 1st of each year and not to exceed 3 acre feet per acre or acre equivalent during any irrigation season; provided that the rate of flow shall not exceed 1/40 of a second foot per acre or acre equivalent up to July 1st of each year and thereafter not to exceed 1/80 of a second foot per acre or acre equivalent, except in case of rotation.

- d. The permit will not specify an irrigation season.



- e. The permit will contain the following fish passage and screening conditions:

The permittee shall install, maintain and operate fish screening devices as required by the Oregon Department of Fish and Wildlife (ODFW) to prevent fish from entering the diversions, unless ODFW notifies the Department that such screening devices are not required.

The permittee shall install, maintain and operate a fishway as required by ODFW to ensure adequate upstream and downstream passage for fish, unless ODFW notifies the Department that such a fishway is not required.

- f. The permit will contain the following condition requiring that prior to irrigation delivery each irrigation season, the permittee notify the Department of the lands to be irrigated under this permit:

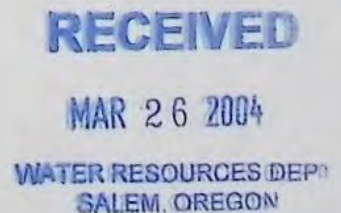
Each irrigation season, prior to the commencement of any irrigation from water delivered by the district, the permittee shall provide the Department's Salem office and the watermaster with a tabulation of the acres to be irrigated on a form provided by the Department and a map of sufficient quality (as determined by the Department) to clearly show the acres to be irrigated. Water use under this permit is illegal until the Department's Salem office and the watermaster have received the first map and tabulation. Subsequent maps and tabulations are due prior to commencement of irrigation or April 1 of each year, whichever is earlier. If maps and tabulations are not received by both the Department's Salem office and the watermaster by that date, irrigation under this permit for that irrigation season is subject to the map and tabulation for the previous year.

Identification of lands to be irrigated under this permit in the annual tabulation for a given irrigation season, and the associated authorization of a rate and duty limitation, will result in an equal reduction in the rate and duty limitation authorized under Certificates 77326 and 77733 during that irrigation season.

- g. The permit will contain the following transfer condition:

Transfer of a primary right covered by this permit must also include the transfer or cancellation of any supplemental right for the same lands.

If a portion of the water right under this permit is transferred outside permittee's boundaries, this right will be reduced by the number of acres transferred.



4. Water use under this permit, as well as Certificates 77326 and 77733, remains subject to the forfeiture provisions of ORS 540.610 to 540.670.
5. The parties agree to entry of the Final Order Incorporating Settlement Agreement.

Dwight Fred
On Behalf of the Oregon Water
Resources Department

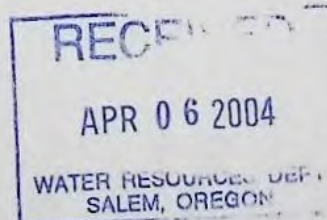
2-10-2004
Date

Lyndy L. Schell
On Behalf of the Juniper Flat District
Improvement Company

3-24-04
Date

Kimberly Hestley
On Behalf of WaterWatch of Oregon, Inc.

4-5-04
Date



RECEIVED
MAR 26 2004
WATER RESOURCES DEPT
SALEM, OREGON



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

March 30, 2004

Kimberley Priestley
WaterWatch of Oregon
213 SW Ash Ste 208
Portland, OR 97204

Re: Application S-60453 in the name of Juniper Flat District Improvement Co.

Dear Ms. Priestley:

Please find enclosed a settlement agreement and proposed permit to resolve Juniper Flat District Improvement Company's and WaterWatch's protests to the proposed final order for Application S-60453. I hope this settlement will address all of the concerns raised in this case. If you find it satisfactory, please sign the settlement agreement and return it to me.

Please call me if you have any questions or wish to discuss the settlement agreement and proposed permit. My telephone number is (503)986-0825.

Sincerely,

Kimberly Grigsby
Agency Representative

enclosure

BEFORE THE OREGON WATER RESOURCES DEPARTMENT

In the Matter of Water Right Application)
S-60453 in the Name of Juniper Flat District)
Improvement Company,)
 Applicant and Protestant)
)
and)
)
WaterWatch of Oregon, Inc.,)
 Protestant)

SETTLEMENT AGREEMENT

The Oregon Water Resources Department by and through Paul R. Cleary, Director, Juniper Flat District Improvement Company, by and through Tim Morelli, Board Chairman, and WaterWatch of Oregon, Inc. by and through Kimberley Priestley, Assistant Director, do hereby agree and stipulate as follows:

Stipulated Facts:

1. On August 4, 1980, Juniper Flat District Improvement Company (Applicant) submitted an application to the Oregon Water Resources Department (Department) for the use of water for irrigation from three springs, Frog Creek, Clear Creek Reservoir and Clear Creek in Wasco County.
2. On April 16, 2002, the Department issued its Proposed Final Order (PFO) recommending issuance of the draft permit.
3. On May 23, 2002, the Applicant timely filed a protest to the Department's PFO.
4. On May 29, 2002, WaterWatch of Oregon, Inc. (WaterWatch) timely filed a protest to the Department's PFO.
5. The Department, Applicant and WaterWatch entered negotiations to develop a mutually agreeable solution. The Department, Applicant and WaterWatch agree that resolution of the issues raised by these protests are resolved pursuant to the terms outlined below and in the proposed permit, which is incorporated by reference herein.

Terms of Agreement

1. The parties to this Agreement waive the opportunity to file exceptions to this order and any right to judicial review of this agreement.

RECEIVED

MAR 26 2004

WATER RESOURCES DEPT
SALEM, OREGON

2. In signing this Agreement, the Applicant and WaterWatch each waive their individual protests and requests for hearing against the PFO for Application S-60453.
3. Upon Applicant's payment of \$115.20 in outstanding permit recording fees, the Department will issue a permit consistent with the attached proposed permit, which is incorporated herein, and will include the following terms:
 - a. The permit will authorize the use of 52.69 cubic feet per second up to July 1st of each year and thereafter 26.34 cubic feet per second. The permit will be conditioned as follows to clarify that this authorization is not in addition to the quantity of water already authorized by the Applicant's water rights certificates 77326 and 77733:

No additional water shall be appropriated under this permit from Clear Creek, Frog Creek, or Clear Lake Reservoir than is already authorized under certificates 77326 and 77733, or under superceding certificates, for an equal number of irrigated acres. This permit does not authorize an increase in the total number of acres irrigated during an irrigation season, instantaneous diversion rate or the annual duty of water diverted by the permittee.

- b. The permit will authorize the use of water for irrigation on 2500.0 acres; however, use under this permit, together with the use under Certificates 77326 and 77733 will be limited to a total irrigated area of 2107.49 acres during any single irrigation season. If any water is diverted for pond maintenance during an irrigation season, permittee may only irrigate 2101.64 acres.
 - c. The permit will contain the same rate and duty limitations contained in Certificate 77326 as follows:

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed one acre foot per acre or acre equivalent during any 30-day period up to July 1st of each year and not to exceed 3 acre feet per acre or acre equivalent during any irrigation season; provided that the rate of flow shall not exceed 1/40 of a second foot per acre or acre equivalent up to July 1st of each year and thereafter not to exceed 1/80 of a second foot per acre or acre equivalent, except in case of rotation.

- d. The permit will not specify an irrigation season.

RECEIVED

MAR 26 2004

**WATER RESOURCES DEPT
SALEM, OREGON**

- e. The permit will contain the following fish passage and screening conditions:

The permittee shall install, maintain and operate fish screening devices as required by the Oregon Department of Fish and Wildlife (ODFW) to prevent fish from entering the diversions, unless ODFW notifies the Department that such screening devices are not required.

The permittee shall install, maintain and operate a fishway as required by ODFW to ensure adequate upstream and downstream passage for fish, unless ODFW notifies the Department that such a fishway is not required.

- f. The permit will contain the following condition requiring that prior to irrigation delivery each irrigation season, the permittee notify the Department of the lands to be irrigated under this permit:

Each irrigation season, prior to the commencement of any irrigation from water delivered by the district, the permittee shall provide the Department's Salem office and the watermaster with a tabulation of the acres to be irrigated on a form provided by the Department and a map of sufficient quality (as determined by the Department) to clearly show the acres to be irrigated. Water use under this permit is illegal until the Department's Salem office and the watermaster have received the first map and tabulation. Subsequent maps and tabulations are due prior to commencement of irrigation or April 1 of each year, whichever is earlier. If maps and tabulations are not received by both the Department's Salem office and the watermaster by that date, irrigation under this permit for that irrigation season is subject to the map and tabulation for the previous year.

Identification of lands to be irrigated under this permit in the annual tabulation for a given irrigation season, and the associated authorization of a rate and duty limitation, will result in an equal reduction in the rate and duty limitation authorized under Certificates 77326 and 77733 during that irrigation season.

- g. The permit will contain the following transfer condition:

Transfer of a primary right covered by this permit must also include the transfer or cancellation of any supplemental right for the same lands.

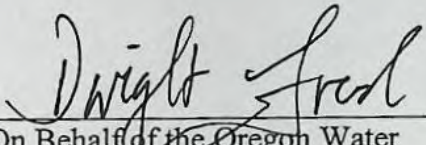
If a portion of the water right under this permit is transferred outside permittee's boundaries, this right will be reduced by the number of acres transferred.

RECEIVED

MAR 26 2004

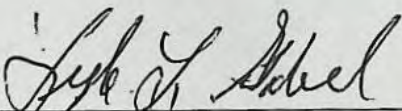
WATER RESOURCES DEPT
SALEM, OREGON

4. Water use under this permit, as well as Certificates 77326 and 77733, remains subject to the forfeiture provisions of ORS 540.610 to 540.670.
5. The parties agree to entry of the Final Order Incorporating Settlement Agreement.



On Behalf of the Oregon Water
Resources Department

2-10-2004
Date



On Behalf of the Juniper Flat District
Improvement Company

3-24-04
Date

On Behalf of WaterWatch of Oregon, Inc.

Date

RECEIVED

MAR 26 2004

**WATER RESOURCES DEPT.
SALEM, OREGON**

DRAFT

This is not a permit!!!

DRAFT

STATE OF OREGON

COUNTY OF WASCO

PROPOSED PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PROPOSED PERMIT IS HEREBY ISSUED TO

JUNIPER FLAT DIST. IMPROVEMENT CO.
53333 RESERVATION RD
MAUPIN, OREGON 97037-9708

(541) 328-6380

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

APPLICATION FILE NUMBER: S-60453

SOURCE OF WATER: THREE SPRING AREAS, FROG CREEK, AND CLEAR LAKE RESERVOIR, CONSTRUCTED UNDER PERMIT R-2106, TRIBUTARIES OF CLEAR CREEK; AND CLEAR CREEK, A TRIBUTARY OF WHITE RIVER

PURPOSE OR USE: IRRIGATION OF 2500.0 ACRES, LIMITED TO IRRIGATION OF 2107.49 ACRES DURING ANY SINGLE IRRIGATION SEASON. IF ANY WATER IS DIVERTED UNDER THIS PERMIT FOR POND MAINTENANCE DURING AN IRRIGATION SEASON, PERMITTEE MAY ONLY IRRIGATE 2101.64 ACRES DURING THAT IRRIGATION SEASON.

MAXIMUM AMOUNT: COMBINED RATE UNDER THIS PERMIT, CERTIFICATE 77326 AND CERTIFICATE 77733 IS LIMITED TO 52.69 CUBIC FEET PER SECOND UP TO JULY 1ST OF EACH YEAR AND THEREAFTER 26.34 CUBIC FEET PER SECOND OF LIVE FLOW FROM THREE SPRING AREAS, FROG CREEK AND CLEAR CREEK; 7500.0 ACRE-FEET FROM CLEAR LAKE RESERVOIR; FURTHER LIMITED AS DESCRIBED BELOW.

DATE OF PRIORITY: MAY 14, 1990

POINT OF DIVERSION LOCATION:

SPRING AREA #1: NE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 11, T5S, R9E, W.M.;
1000 FEET SOUTH & 2050 FEET EAST FROM THE
W $\frac{1}{4}$ CORNER OF SECTION 11

SPRING AREA #2: S $\frac{1}{2}$ NW $\frac{1}{4}$, SECTION 13, T5S, R9E, W.M.;
1400 FEET SOUTH & 1320 FEET EAST FROM THE
NW CORNER OF SECTION 13

SPRING AREA #3: NE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 13, T5S, R9E, W.M.; 340 FEET SOUTH & 600 FEET WEST FROM THE E $\frac{1}{4}$ CORNER OF SECTION 13

FROG CREEK: NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 34, T4S, R9E, W.M.; 750 FEET SOUTH & 850 FEET WEST FROM THE NE CORNER OF SECTION 34

CLEAR CREEK: NE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 10, T5S, R9E, W.M.; 680 FEET SOUTH & 1250 FEET WEST FROM THE E $\frac{1}{4}$ CORNER OF SECTION 10

CLEAR LAKE RESERVOIR: SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 32, T4S, R9E, W.M.; 880 FEET NORTH & 780 FEET WEST FROM THE SE CORNER OF SECTION 32

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed ONE ACRE FOOT PER ACRE OR ACRE EQUIVALENT DURING ANY 30-DAY PERIOD UP TO JULY 1ST OF EACH YEAR AND NOT TO EXCEED 3 ACRE FEET PER ACRE OR ACRE EQUIVALENT DURING ANY IRRIGATION SEASON; PROVIDED, THAT THE RATE OF FLOW SHALL NOT EXCEED 1/40 OF A SECOND FOOT PER ACRE OR ACRE EQUIVALENT UP TO JULY 1ST OF EACH YEAR AND THEREAFTER NOT TO EXCEED 1/80 OF A SECOND FOOT PER ACRE OR ACRE EQUIVALENT, EXCEPT IN CASE OF ROTATION.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

	PRIMARY	SUPPLEMENTAL		OWNER
SW $\frac{1}{4}$ SW $\frac{1}{4}$	14.30		ACRES	ODFW
	SECTION 13			
NW $\frac{1}{4}$ NW $\frac{1}{4}$	5.00		ACRES	ODFW
	SECTION 24			
SE $\frac{1}{4}$ NE $\frac{1}{4}$	6.00		ACRES	Hammond
NE $\frac{1}{4}$ SW $\frac{1}{4}$	1.20		ACRES	Muncie
	SECTION 25			
TOWNSHIP 5 SOUTH, RANGE 11 EAST, W.M.				
NE $\frac{1}{4}$ NW $\frac{1}{4}$	4.10		ACRES	V. Woodside
SW $\frac{1}{4}$ NW $\frac{1}{4}$	9.60		ACRES	V. Woodside
SE $\frac{1}{4}$ NW $\frac{1}{4}$	5.10		ACRES	V. Woodside
SE $\frac{1}{4}$ NW $\frac{1}{4}$	3.20		ACRES	McCorkle

	PRIMARY	SUPPLEMENTAL	OWNER
NW 1/4 SW 1/4	2.00	ACRES	V. Woodside
SE 1/4 SW 1/4	7.00	ACRES	McCorkle
SECTION 1			
SW 1/4 SW 1/4	14.40	ACRES	Schmidt
NE 1/4 SE 1/4	19.10	ACRES	V. Woodside
SE 1/4 SE 1/4	5.50	ACRES	V. Woodside
SECTION 2			
SE 1/4 SE 1/4	18.20	ACRES	Schmidt
SECTION 3			
SW 1/4 NW 1/4	2.80	ACRES	Ambrose
NW 1/4 SW 1/4	13.20	ACRES	Ambrose
SW 1/4 SW 1/4	20.30	ACRES	Ambrose
SECTION 9			
NE 1/4 NE 1/4	3.70	ACRES	Schmidt
SECTION 10			
SW 1/4 NE 1/4	4.70	ACRES	McLeod
SE 1/4 NE 1/4	26.00	ACRES	McLeod
NE 1/4 SE 1/4	17.80	ACRES	Endersby
NW 1/4 SE 1/4	17.90	ACRES	Endersby
SW 1/4 SE 1/4	23.00	ACRES	Endersby
SE 1/4 SE 1/4	23.00	ACRES	Endersby
SECTION 11			
NW 1/4 NE 1/4	13.50	ACRES	McLeod
SW 1/4 NE 1/4	2.60	ACRES	McLeod
NE 1/4 NW 1/4	23.50	ACRES	McLeod
NW 1/4 NW 1/4	0.80	ACRE	McLeod
SE 1/4 NW 1/4	9.90	ACRES	McLeod
SECTION 12			
NW 1/4 NW 1/4	3.70	ACRES	Williamson
SW 1/4 NW 1/4	0.20	ACRE	Williamson
NW 1/4 SW 1/4	1.20	ACRES	Williamson
SECTION 13			
NE 1/4 NE 1/4	11.40	ACRES	Williamson
NW 1/4 NE 1/4	9.60	ACRES	Groce
SE 1/4 NE 1/4	7.60	ACRES	Williamson
NE 1/4 NW 1/4	3.70	ACRES	Groce

	PRIMARY	SUPPLEMENTAL	OWNER
SW 1/4 NW 1/4	0.70	ACRE	Claymier
NW 1/4 SW 1/4	19.40	ACRES	Claymier
SW 1/4 SE 1/4	5.80	ACRES	Claymier
SE 1/4 SE 1/4	4.10	ACRES	Claymier

SECTION 14

SW 1/4 NE 1/4	1.00	ACRE	Dodge
NE 1/4 SW 1/4	33.90	ACRES	Dodge
NW 1/4 SW 1/4	3.50	ACRES	Dodge
SW 1/4 SW 1/4	5.90	ACRES	Dodge
NE 1/4 SE 1/4	0.30	ACRE	Dodge
NW 1/4 SE 1/4	34.70	ACRES	Dodge
SW 1/4 SE 1/4	7.50	ACRES	Dodge
SE 1/4 SE 1/4	0.60	ACRE	Dodge

SECTION 18

NE 1/4 SW 1/4	6.70	ACRES	Confederated Tribes
SE 1/4 SW 1/4	17.40	ACRES	Confederated Tribes

SECTION 19

SE 1/4 NE 1/4	6.00	ACRES	Capps
---------------	------	-------	-------

SECTION 20

SW 1/4 NE 1/4	9.40	ACRES	Hundley
SE 1/4 NE 1/4	3.80	ACRES	Hundley
NE 1/4 SE 1/4	3.00	ACRES	Hundley
NW 1/4 SE 1/4	1.30	ACRES	Hundley
SE 1/4 SE 1/4	7.10	ACRES	Hundley

SECTION 21

SE 1/4 NE 1/4	8.60	ACRES	Claymier
NE 1/4 NW 1/4	0.80	ACRE	S. Woodside
NW 1/4 NW 1/4	0.60	ACRE	S. Woodside
SW 1/4 NW 1/4	12.20	ACRES	S. Woodside
SE 1/4 NW 1/4	4.40	ACRES	S. Woodside
SE 1/4 SW 1/4	6.20	ACRES	S. Woodside
NE 1/4 SE 1/4	0.50	ACRE	Claymier

SECTION 22

NW 1/4 NE 1/4	6.00	ACRES	Claymier
SW 1/4 NE 1/4	0.30	ACRE	Claymier
SE 1/4 NE 1/4	18.10	ACRES	Aschoff

	PRIMARY	SUPPLEMENTAL	OWNER
NE 1/4 NW 1/4	3.30		ACRES Claymier
NW 1/4 NW 1/4	3.30		ACRES Claymier
SW 1/4 NW 1/4	18.80		ACRES Claymier
SE 1/4 NW 1/4	9.00		ACRES Claymier
NW 1/4 SW 1/4	0.60		ACRE Claymier
SE 1/4 SE 1/4	6.00		ACRES L. Woodside

SECTION 23

NE 1/4 NW 1/4	0.30		ACRE Carter
NW 1/4 NW 1/4	2.50	5.30	ACRES Carter
SW 1/4 NW 1/4	5.80	10.10	ACRES Carter
SE 1/4 NW 1/4	4.40		ACRES Carter
SE 1/4 SE 1/4	0.30		ACRE Meredith

SECTION 24

NW 1/4 NE 1/4	5.90		ACRES L. Woodside
SW 1/4 NE 1/4	1.50		ACRES L. Woodside

SECTION 25

NE 1/4 NE 1/4	10.20		ACRES Pinheiro
NW 1/4 NE 1/4	11.90		ACRES L. Woodside
SW 1/4 NE 1/4	26.80		ACRES L. Woodside
SE 1/4 NE 1/4	4.30		ACRES Pinheiro
NE 1/4 NW 1/4	6.90		ACRES L. Woodside
NW 1/4 NW 1/4	2.20		ACRES L. Woodside
SW 1/4 NW 1/4	0.90		ACRE L. Woodside
SE 1/4 NW 1/4	12.20		ACRES L. Woodside
NW 1/4 SE 1/4	2.40		ACRES Beebe

SECTION 26

SE 1/4 NE 1/4	10.00		ACRES L. Woodside
NE 1/4 NW 1/4	4.50		ACRES S. Woodside
NW 1/4 NW 1/4	1.20		ACRES S. Woodside
NE 1/4 SE 1/4	7.50		ACRES Hammer
NW 1/4 SE 1/4	4.00		ACRES Hammer
SE 1/4 SE 1/4	12.10		ACRES Tolentino

SECTION 27

SW 1/4 SW 1/4	10.60		ACRES Blake
NE 1/4 SE 1/4	0.10		ACRE Graybill
SW 1/4 SE 1/4	11.80		ACRES Graybill
SE 1/4 SE 1/4	0.20		ACRE Graybill

SECTION 29

	PRIMARY	SUPPLEMENTAL	OWNER
NE 1/4 SE 1/4	0.70	ACRE	Blake
NW 1/4 SE 1/4	0.10	ACRE	Blake
SW 1/4 SE 1/4	2.20	ACRES	Blake
SE 1/4 SE 1/4	10.50	ACRES	Blake

SECTION 30

NW 1/4 NE 1/4	12.10	ACRES	Hill
---------------	-------	-------	------

SECTION 32

NW 1/4 NW 1/4	12.10	ACRES	Reinwand
---------------	-------	-------	----------

SECTION 33

TOWNSHIP 5 SOUTH, RANGE 12 EAST, W.M.

NE 1/4 NE 1/4	2.00	ACRES	Mayhew
NE 1/4 SW 1/4	2.00	ACRES	Larkin
SE 1/4 SW 1/4	9.70	ACRES	Larkin
NW 1/4 SE 1/4	7.80	ACRES	Larkin
SW 1/4 SE 1/4	18.20	ACRES	Larkin

SECTION 2

NW 1/4 NE 1/4	9.20	ACRES	Gabel
SW 1/4 NE 1/4	27.40	ACRES	Gabel
SW 1/4 NW 1/4	16.60	ACRES	Gabel
SE 1/4 NW 1/4	20.00	ACRES	Gabel
NW 1/4 SW 1/4	1.20	ACRES	Bothwell

SECTION 3

NW 1/4 NW 1/4	8.70	ACRES	Paulson
SW 1/4 NW 1/4	5.30	ACRES	Paulson

SECTION 4

NW 1/4 NE 1/4	17.80	ACRES	Paulson
SW 1/4 NE 1/4	5.00	ACRES	Paulson
SE 1/4 SW 1/4	5.50	ACRES	Carter

SECTION 5

SE 1/4 NE 1/4	16.00	ACRES	L. Woodside
SW 1/4 NW 1/4	4.00	ACRES	Walters
SE 1/4 NW 1/4	14.60	ACRES	Walters
NE 1/4 SW 1/4	7.30	ACRES	Walters
NW 1/4 SW 1/4	2.30	ACRES	Walters
SW 1/4 SW 1/4	6.30	ACRES	Walters
SE 1/4 SW 1/4	6.70	ACRES	Walters
NE 1/4 SE 1/4	8.00	ACRES	Walters

	PRIMARY	SUPPLEMENTAL	OWNER
NW 1/4 SE 1/4	3.90	ACRES	Walters
SE 1/4 SE 1/4	0.40	ACRE	Walters
SECTION 7			
NE 1/4 NE 1/4	35.30	ACRES	Carter
NW 1/4 NE 1/4	37.60	ACRES	Carter
SW 1/4 NW 1/4	18.90	ACRES	L. Woodside
SW 1/4 SW 1/4	4.50	ACRES	Hawthorne
SE 1/4 SW 1/4	13.80	ACRES	Hawthorne
SECTION 8			
SW 1/4 NE 1/4	4.50	ACRES	Kelly
NW 1/4 NW 1/4	7.30	ACRES	Kelly
SW 1/4 NW 1/4	25.40	ACRES	Kelly
SE 1/4 NW 1/4	4.40	ACRES	Kelly
NE 1/4 SW 1/4	5.00	ACRES	Kelly
SECTION 9			
NE 1/4 NW 1/4	2.20	ACRES	Larkin
SECTION 11			
NW 1/4 NW 1/4	6.50	ACRES	Hawthorne
SECTION 17			
NE 1/4 NE 1/4	5.40	ACRES	Hawthorne
SE 1/4 SE 1/4	1.20	ACRES	Bender
SECTION 18			
NW 1/4 SW 1/4	0.30	ACRE	Meredith
SECTION 19			
NE 1/4 NW 1/4	10.00	ACRES	Tom Morelli
SW 1/4 NW 1/4	2.60	ACRES	Tom Morelli
NE 1/4 SW 1/4	2.10	ACRES	Dodge
SW 1/4 SW 1/4	5.40	ACRES	Dodge
SE 1/4 SW 1/4	3.60	ACRES	Dodge
SE 1/4 SE 1/4	15.10	ACRES	Dodge
SECTION 21			
NW 1/4 NW 1/4	1.20	ACRES	Lorraine Gabel
SECTION 28			
SW 1/4 NE 1/4	2.30	ACRES	Fosberg

	PRIMARY	SUPPLEMENTAL		OWNER
NE 1/4 NW 1/4	10.70		ACRES	Fosberg
NW 1/4 NW 1/4	32.20		ACRES	Fosberg
SW 1/4 NW 1/4	11.00		ACRES	Fosberg
SE 1/4 NW 1/4	27.30		ACRES	Fosberg

SECTION 29

SW 1/4 NE 1/4		0.20	ACRE	Nelson
SE 1/4 NW 1/4		1.80	ACRES	Nelson
NE 1/4 SW 1/4	1.60	17.00	ACRES	Nelson
NW 1/4 SW 1/4	3.90		ACRES	Nelson
NW 1/4 SE 1/4		4.50	ACRES	Nelson

SECTION 30

TOWNSHIP 5 SOUTH, RANGE 13 EAST, W.M.

SW 1/4 SW 1/4		38.80	ACRES	Larsell
SE 1/4 SW 1/4		37.30	ACRES	Larsell

SECTION 13

SW 1/4 NE 1/4	0.50		ACRE	Tom Morelli
SE 1/4 NW 1/4	10.40		ACRES	Tom Morelli
SE 1/4 SW 1/4	2.80		ACRES	Tom Morelli
NE 1/4 SE 1/4	9.30		ACRES	Tom Morelli
NW 1/4 SE 1/4	7.60		ACRES	Tom Morelli
SW 1/4 SE 1/4	6.60		ACRES	Tom Morelli
SE 1/4 SE 1/4	4.10		ACRES	Tom Morelli

SECTION 22

NE 1/4 NE 1/4	9.90		ACRES	McElheran
NW 1/4 NE 1/4	21.80		ACRES	McElheran
SW 1/4 NE 1/4	23.70		ACRES	McElheran
NE 1/4 NW 1/4	26.00		ACRES	McElheran
SE 1/4 NW 1/4	27.40		ACRES	McElheran
NE 1/4 SW 1/4		40.00	ACRES	McReynolds
NW 1/4 SW 1/4		1.10	ACRES	McReynolds
SE 1/4 SW 1/4		15.70	ACRES	McReynolds

SECTION 23

NE 1/4 NW 1/4		3.90	ACRES	Larsell
NW 1/4 NW 1/4		4.60	ACRES	Larsell

SECTION 24

SE 1/4 NE 1/4	3.30		ACRES	Harth
---------------	------	--	-------	-------

SECTION 25

	PRIMARY	SUPPLEMENTAL	OWNER
NE 1/4 NE 1/4	29.40	ACRES	Tim Morelli
NW 1/4 NE 1/4	1.90	ACRES	Tom Morelli
SW 1/4 NE 1/4	26.70	ACRES	Tim Morelli
SE 1/4 NE 1/4	28.60	ACRES	Tim Morelli
NE 1/4 NW 1/4	13.00	ACRES	Tom Morelli
NW 1/4 NW 1/4	25.50	ACRES	Tom Morelli
SW 1/4 NW 1/4	20.70	ACRES	Tom Morelli
SE 1/4 NW 1/4	1.70	ACRES	Tom Morelli
NE 1/4 SE 1/4	4.80	ACRES	Tom Morelli
NW 1/4 SE 1/4		16.90 ACRES	Tom Morelli
SW 1/4 SE 1/4		12.40 ACRES	Tom Morelli
SE 1/4 SE 1/4	3.50	ACRES	Tom Morelli

SECTION 27

SW 1/4 SW 1/4	0.50	ACRE	V. Woodside
SE 1/4 SW 1/4	8.50	ACRES	V. Woodside

SECTION 29

NE 1/4 NE 1/4	1.50	ACRES	Gutzler
SW 1/4 NE 1/4	5.00	ACRES	Gutzler
SE 1/4 NE 1/4	1.40	ACRES	Gutzler
NE 1/4 SE 1/4	1.80	ACRES	Gutzler
NW 1/4 SE 1/4	14.40	ACRES	Gutzler
SW 1/4 SE 1/4	7.50	ACRES	Gutzler
SE 1/4 SE 1/4	1.80	ACRES	Gutzler

SECTION 31

NE 1/4 SE 1/4		16.00 ACRES	Paulson
NW 1/4 SE 1/4		4.00 ACRES	Paulson
SW 1/4 SE 1/4	7.70	ACRES	Paulson

SECTION 32

NE 1/4 SW 1/4	4.20	0.20 ACRES	Paulson
NW 1/4 SW 1/4	0.40	ACRE	Paulson
SW 1/4 SW 1/4	6.80	ACRES	Paulson
SE 1/4 SW 1/4		9.80 ACRES	Paulson

SECTION 33

NW 1/4 NW 1/4	19.50	ACRES	Reckman
Estate			
SW 1/4 NW 1/4	4.60	ACRES	Don Reckman
SW 1/4 SW 1/4	4.90	ACRES	Odom

SECTION 34

	PRIMARY	SUPPLEMENTAL	OWNER
SE 1/4 NE 1/4	16.80	ACRES	Mayhew
NE 1/4 SE 1/4	17.40	ACRES	Mayhew
NW 1/4 SE 1/4	7.80	ACRES	Mayhew

SECTION 35

NE 1/4 NW 1/4	32.50	ACRES	Mayhew
NW 1/4 NW 1/4	32.50	ACRES	Mayhew
SW 1/4 NW 1/4	32.50	ACRES	Mayhew
SE 1/4 NW 1/4	32.50	ACRES	Mayhew
NE 1/4 SW 1/4		29.80 ACRES	Mayhew
NW 1/4 SW 1/4		29.60 ACRES	Mayhew
SW 1/4 SW 1/4		38.60 ACRES	Mayhew
SE 1/4 SW 1/4		32.00 ACRES	Mayhew

SECTION 36

TOWNSHIP 4 SOUTH, RANGE 13 EAST, W.M.

NE 1/4 NE 1/4	1.70	2.20	ACRES	Marsh
NW 1/4 NE 1/4	3.30	21.90	ACRES	Marsh
SW 1/4 NE 1/4		19.00	ACRES	Marsh
SE 1/4 NE 1/4		5.10	ACRES	Marsh
NE 1/4 SE 1/4	1.00		ACRE	Marsh

SECTION 19

NE 1/4 NW 1/4	21.90	ACRES	Marsh
SE 1/4 NW 1/4	29.60	ACRES	Marsh
NE 1/4 SW 1/4	6.50	ACRES	Marsh
NW 1/4 SW 1/4	31.00	ACRES	Marsh
SW 1/4 SW 1/4	14.10	ACRES	Marsh

SECTION 20

NE 1/4 SW 1/4	1.00	ACRE	Harth
LOT 3 (NW 1/4 SW 1/4)	1.70	ACRES	Harth

SECTION 30

LOT 4 (SW 1/4 SW 1/4)	19.20	ACRES	Duling
SE 1/4 SW 1/4	28.50	ACRES	Duling

SECTION 31

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

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install meter(s) or other suitable

measuring device(s) as approved by the Director. The permittee shall maintain the meter(s) or measuring device(s) in good working order, shall keep a complete record of the amount of water used each month and shall submit a report that includes the recorded water use measurements to the Oregon Water Resources Department headquarters ("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. In addition, before water use may begin under this permit, the permittee or landowner shall install a meter(s) or measuring device(s) for each parcel served under this permit. The meters or measuring devices shall meet standards established by the Department or the United States Geological Survey. The permittee shall annually report to the Department the annual cumulative total at each measuring point. Irrigation is illegal for any year in which the Department has not received annual reports for the previous year.
- C. The permittee shall allow the watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the watermaster shall request access upon reasonable notice.

No additional water shall be appropriated under this permit from Clear Creek, Frog Creek, or Clear Lake Reservoir than is already authorized under certificates 77326 and 77733, or under superceding certificates, for an equal number of irrigated acres. This permit does not authorize an increase in the total number of acres irrigated during an irrigation season, instantaneous diversion rate or the annual duty of water diverted by the permittee.

The permittee shall install, maintain and operate fish screening devices as required by the Oregon Department of Fish and Wildlife (ODFW) to prevent fish from entering the diversions, unless ODFW notifies the Department that such screening devices are not required.

The permittee shall install, maintain and operate a fishway as

required by ODFW to ensure adequate upstream and downstream passage for fish, unless ODFW notifies the Department that such a fishway is not required.

Mapping and tabulation conditions

Each irrigation season, prior to the commencement of any irrigation from water delivered by the district, the permittee shall provide the Department's Salem office and the watermaster with a tabulation of the acres to be irrigated on a form provided by the Department and a map of sufficient quality (as determined by the Department) to clearly show the acres to be irrigated during that irrigation season. Water use under this permit is illegal until the Department's Salem office and the watermaster have received the first map and tabulation. Subsequent maps and tabulations are due prior to commencement of irrigation or April 1 of each year, whichever is earlier. If maps and tabulations are not received by both the Department's Salem office and the watermaster by that date, irrigation under this permit for that irrigation season is subject to the map and tabulation for the previous year.

Identification of lands to be irrigated under this permit in the annual tabulation for a given irrigation season, and the associated authorization of a rate and duty limitation, will result in an equal reduction in the rate and duty limitation authorized under Certificates 77326 and 77733 during that irrigation season.

Transfer conditions

- A. Transfer of a primary right covered by this permit must also include the transfer or cancellation of any supplemental right for the same land.
- B. If a portion of the water right under this permit is transferred outside permittee's boundaries, this right will be reduced by the number of acres transferred.

STANDARD CONDITIONS

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

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 allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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

Actual construction work shall begin within one year of permit issuance. Complete application of the water to the use shall be made on or before October 1, 2006. 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

Annual Tabulation of Intended Water Use
pursuant to Application S-60453
for the year _____

*Page numbers
will be corrected
on final version.
KG*

Note: Annual tabulations are due to the Water Resources Department office in Salem and the local watermaster by MARCH 1 of each year.

IRRIGATION UNDER CERTIFICATES 77326 AND 77733

OTR/QTR	TAX LOT	MAXIMUM ACRES	LANDOWNER	PRIMARY ACRES (CERT. 77326)	SUPPLEMENTAL ACRES (CERT. 77733)
NE/SE	7200	1.50	MCELHERON		
SW/SE	7200	23.60	MCELHERON		
SE/SE	7200	35.70	MCELHERON		
SECTION 14					
SW/NE	9300	2.50	TOM MORELLI		
SE/NE	9300	5.60	TOM MORELLI		
NE/NW	7600	0.90	MAYHEW		
SW/SW	9200	1.50	TOM MORELLI		
SE/SW	9200	9.90	TOM MORELLI		
NE/SE	9400	23.80	TOM MORELLI		
NW/SE	9400	19.00	TOM MORELLI		
SW/SE	9400	10.40	TOM MORELLI		
SE/SE	9400	2.80	TOM MORELLI		
SECTION 22					
NE/NE	7200	18.40	MCELHERON		
NW/NE	7200	10.80	MCELHERON		
SW/SW	9500	22.70	DELCO		
SE/SW	9500	24.30	DELCO		
SECTION 23					
NE/NW	6500	34.00	LARSELL		
SE/NW	6500	36.00	LARSELL		
SECTION 24					
SE/NE	9700	1.30	HARTH		
NW/SW	9900	15.40	MAYHEW		
SW/SW	9900	19.40	MAYHEW		
SECTION 25					

NE/SE	9900	12.90	MAYHEW		
NW/SE	9900	2.60	MAYHEW		
SW/SE	9900	2.70	MAYHEW		
SE/SE	9900	35.30	MAYHEW		

SECTION 26

NW/NE	9501	33.50	TIM MORELLI		
SW/NE	9501	1.60	TIM MORELLI		
NE/NW	9200	6.00	TOM MORELLI		
NE/SW	10100	22.00	TIM MORELLI		
SW/SW	10100	13.80	TIM MORELLI		
SE/SW	10100	6.60	TIM MORELLI		
NW/SE	10100	20.50	TIM MORELLI		

SECTION 27

NE/SW	10600	7.00	V. WOODSIDE		
NW/SW	10600	3.50	V. WOODSIDE		
SW/SW	10600	11.60	V. WOODSIDE		
SE/SW	10600	7.40	V. WOODSIDE		

SECTION 29

NE/SE	10600	0.90	V. WOODSIDE		
SE/SE	10600	1.00	V. WOODSIDE		

SECTION 30

NE/NE	10800	10.50	GUTZLER		
SW/NE	10800	3.50	GUTZLER		
SE/NE	10800	10.90	GUTZLER		
SW/NW	10700	11.20	ENDERSBY		

SECTION 31

NW/NW	10800	2.70	GUTZLER		
NE/SE	10900	13.30	PAULSON		
NW/SE	10900	6.00	PAULSON		
SE/NE	10900	8.50	PAULSON		

SECTION 32

NE/SW	10900	17.50	PAULSON		
SE/SW	10900	20.20	PAULSON		
SW/SW	10900	5.50	PAULSON		
SECTION 33					
NW/NW	11100	15.70	RECKMAN		
NW/SW	11100	3.80	RECKMAN		
NW/SW	11101	1.90	ODEM		
SW/NW	11100	0.50	RECKMAN		
SW/SW	11101	2.10	ODEM		
SECTION 34					
NE/SE	11400	12.30	MAYHEW		
SE/SW	11400	0.30	MAYHEW		
SW/SE	11400	9.80	MAYHEW		
SE/SE	11400	34.30	MAYHEW		
SECTION 35					
NE/SE	11500	24.80	MAYHEW		
NW/SE	11500	15.80	MAYHEW		
SW/SE	11500	25.80	MAYHEW		
SE/SE	11500	33.00	MAYHEW		
SECTION 36					
TOWNSHIP 4 SOUTH, RANGE 13 EAST, W.M.					
NE/NE	3700	30.90	MARSH		
SE/NE	3700	28.10	MARSH		
SECTION 19					
NW/NW	3300	32.30	MARSH		
SW/NW	3300	30.40	MARSH		
NW/SW	3300	8.30	MARSH		
SECTION 20					
NE/SW	4200	1.10	HARTH		
NW/SW	4200	0.60	HARTH		
SECTION 30					

NE/SW	4302	20.8	DULING		
NW/SE	4302	8.7	DULING		
SW/SE	4302	10.00	DULING		

SECTION 31

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

NW/SW	1701	7.00	ENDERSBY		
-------	------	------	----------	--	--

SECTION 13

SE/NE	2700	0.10	DODGE		
NE/SW	2400	3.00	ODFW		
SE/SW	2400	19.34	ODFW		

SECTION 24

SE/NE	1900	5.00	HAMMOND		
NE/SW	100	1.00	MUNCIE		

SECTION 25

TOWNSHIP 5 SOUTH, RANGE 11 EAST, W.M.

SW/NE	100	4.00	MCCORKLE		
NE/NW	201	3.70	V. WOODSIDE		
NW/NW	201	0.90	V. WOODSIDE		
SW/NW	201	7.90	V. WOODSIDE		
SE/NW	100	7.40	MCCORKLE		
SE/NW	201	1.10	V. WOODSIDE		
NW/SE	100	6.00	MCCORKLE		

SECTION 1

NW/SW	400	14.40	HACHLER		
SW/SW	400	0.80	HACHLER		

SECTION 2

NE/SE	400	9.90	HACHLER		
SE/SE	400	4.90	HACHLER		

SECTION 3

SE/SE	1700	10.40	AMBROSE		
-------	------	-------	---------	--	--

SECTION 8

NW/SW	1700	12.90	AMBROSE		
SW/SW	1700	6.70	AMBROSE		
SECTION 9					
SW/SW	2200	12.40	ENDERSBY		
SE/SW	2200	9.60	ENDERSBY		
SECTION 11					
NW/NW	2100	31.80	MCLEOD		
SW/NW	2100	27.50	MCLEOD		
SE/NW	2100	7.70	MCLEOD		
SECTION 12					
NE/NE	2300	6.30	ENDERSBY		
SE/NE	2300	4.40	ENDERSBY		
NE/SW	2600	3.20	WILLIAMSON		
NW/SW	2600	9.60	WILLIAMSON		
SECTION 13					
NW/NE	3103	0.50	GROCE		
SE/NE	2600	7.20	WILLIAMSON		
NE/NW	3103	10.50	GROCE		
SW/SE	3100	9.30	CLAYMIER		
SE/SE	3100	12.00	CLAYMIER		
SECTION 14					
SW/SW	3502	14.00	DODGE		
SW/SW	3502	1.20	DODGE		
SE/SW	3502	39.80	DODGE		
SECTION 18					
SE/SW	3790	20.00	CONFEDERATED TRIBES		
			SECTION 19		
SE/NE	3403	5.00	CAPPS		
SECTION 20					

NE/SE	3900	14.60	HUNDLEY		
NW/SE	3900	1.40	HUNDLEY		
SE/SE	3900	4.34	HUNDLEY		

SECTION 21

NW/NW	3200	15.50	S. WOODSIDE		
SW/NW	3200	9.23	S. WOODSIDE		
NE/SE	3100	2.70	L. WOODSIDE		
SW/SE	4000	10.00	JONES & ROSS		
SE/SE	3100	16.20	L. WOODSIDE		

SECTION 22

NE/NE	2703	15.00	ASCHOFF		
NW/NE	3100	11.50	CLAYMIER		
NE/NW	3100	16.40	CLAYMIER		
NW/NW	3100	12.68	CLAYMIER		
SW/NW	3100	3.40	CLAYMIER		
SE/NW	3100	1.20	CLAYMIER		
SW/SW	4100	4.50	L. WOODSIDE		
SE/SW	4100	4.60	L. WOODSIDE		

SECTION 23

NW/NW	2702	5.00	CARTER		
SW/NW	2702	10.00	CARTER		
SE/SE	4400	0.50	DULING		

SECTION 24

SW/NE	4500	11.80	L. WOODSIDE		
-------	------	-------	-------------	--	--

SECTION 25

NE/NE	4900	7.20	PINHEIRO		
SE/NE	4900	4.80	PINHEIRO		
NE/NW	4100	13.50	L. WOODSIDE		
NW/NW	4100	21.60	L. WOODSIDE		
NW/SE	5200	2.00	BEEBE		

SECTION 26

NE/NE	4100	6.40	L. WOODSIDE		
NE/SW	5500	6.00	HAMMER		
NW/SW	5500	0.70	HAMMER		
NW/SE	5500	2.80	HAMMER		

SE/SE	5600	10.00	TOLENTINO		
SECTION 27					
NW/NW	6100	0.30	DODGE		
SW/SE	6400	1.50	FILBIN		
SECTION 29					
SE/SE	6300	11.10	BLAKE		
			SECTION 30		
NW/NE	6501	18.50	FILBIN		
SECTION 32					
NW/NE	7300	12.00	DODGE		
NW/NW	6000	18.90	BLAKE		
SECTION 33					
TOWNSHIP 5 SOUTH, RANGE 12 EAST, W.M.					
NE/NE	500	11.60	MAYHEW		
SE/SW	600	7.50	LARKIN/INGRAM		
SECTION 2					
NE/NW	800	12.90	GABEL & LARKIN		
NE/NW	801	20.60	FOSBERG		
NW/NW	801	25.20	FOSBERG		
NW/NW	900	12.20	GABEL & LARKIN		
SW/NW	900	14.90	GABEL & LARKIN		
SE/NW	800	20.00	GABEL & LARKIN		
NW/SW	1000	1.00	BOTHWELL		
			SECTION 3		
NE/NE	1100	11.60	FOSBERG		
NW/NE	802	11.60	FOSBERG		
SECTION 4					
NE/NW	1300	20.00	CARTER		
SE/NW	1300	2.40	CARTER		
SW/SW	1300	3.20	CARTER		
SE/SW	1300	16.10	CARTER		
SW/SE	1300	19.50	CARTER		

SE/SE	1300	11.80	CARTER		
SECTION 5					
SW/NW	1400	2.00	WALTERS		
NE/SW	1400	8.10	WALTERS		
NW/SW	1400	1.60	WALTERS		
SW/SW	1400	12.70	WALTERS		
SE/SW	1400	2.60	WALTERS		
NE/SE	1400	5.40	WALTERS		
NW/SE	1400	13.30	WALTERS		
SW/SE	1400	0.80	WALTERS		
SE/SE	1400	0.50	WALTERS		
SECTION 7					
SW/NW	1500	1.90	L. WOODSIDE		
NW/SW	1500	15.10	L. WOODSIDE		
SW/SW	2000	24.20	R. KELLY & HAWTHORNE		
SE/SW	2000	0.60	R. KELLY & HAWTHORNE		
SECTION 8					
SW/NE	2200	7.40	KELLY		
SW/NW	2200	14.60	KELLY		
SE/NW	2200	8.70	KELLY		
NE/SW	2200	7.80	KELLY		
SECTION 9					
NW/NE	600	15.50	LARKIN/INGRAM		
NE/NW	600	10.50	LARKIN/INGRAM		
SECTION 11					
NW/NW	2000	0.20	R. KELLY		
SECTION 17					
SE/SE	4100	0.25	FOSBERG		
SECTION 18					
NE/NE	3700	11.60	ENDERSBY		
NW/NE	3700	7.80	ENDERSBY		
SW/NE	3700	4.00	ENDERSBY		

SE/NE	4500	6.60	TOM MORELLI		
NW/SE	4500	0.70	TOM MORELLI		
SECTION 20					
NW/NW	3700	0.10	ENDERSBY		
SW/NW	4500	7.70	TOM MORELLI		
SW/SW	4600	5.40	HAMMER		
SE/SW	4600	6.00	HAMMER		
SE/SE	4600	15.10	HAMMER		
SECTION 21					
NW/NW	5200	1.00	LYLE GABEL & LORRAINE		
SECTION 28					
SW/NW	5700	13.20	LYLE GABEL & LORRAINE		
NE/SW	5700	3.40	LYLE GABEL & LORRAINE		
NW/SW	5700	7.40	LYLE GABEL & LORRAINE		
SECTION 30					
TOWNSHIP 5 SOUTH, RANGE 13 EAST, W.M.					

**MAINTENANCE OF STOCK PONDS (ACRE EQUIVALENTS)
UNDER CERTIFICATES 77326 AND 77733**

QTR/QTR	TAX LOT	ACRES	LANDOWNER	PRIMARY ACRES (CERT. 77326)	SUPPLEMENTAL ACRES (CERT. 77733)
NE/NW	7600	0.10	MAYHEW		
SECTION 22					
SE/NE	9700	1.70	HARTH		
SECTION 25					
SE/SW	10700	0.30	ENDERSBY		
SECTION 30					
TOWNSHIP 4 SOUTH, RANGE 13 EAST, W.M.					

NE/SW	4200	0.30	HARTH		
SECTION 30					
TOWNSHIP 4 SOUTH, RANGE 14 EAST, W.M.					
NE/SW	100	0.30	MUNCIE		
SECTION 25					
TOWNSHIP 5 SOUTH, RANGE 11 EAST, W.M.					
SE/SE	1200	0.20	L. WOODSIDE		
SECTION 23					
TOWNSHIP 5 SOUTH, RANGE 12 EAST, W.M.					
NW/SW	3600	0.20	CARTER		
SECTION 17					
NE/NE	2002	1.00	A. STREELMAN		
SE/SE	4100	0.75	FOSBERG		
SECTION 18					
NE/NE	3400	1.00	H. STRELLMAN		
SECTION 21					
TOWNSHIP 5 SOUTH, RANGE 13 EAST, W.M.					

RRIGATION UNDER APPLICATION S-60453, PERMIT _____

QTR/QTR	MAXIMUM PRIMARY ACRES	MAXIMUM SUPP ACRES	LANDOWNER	PRIMARY ACRES	SUPP. ACRES
SW/SW	14.30		ODFW		
SECTION 13					
NW/NW	5.00		ODFW		
SECTION 24					
SE/NE	6.00		HAMMOND		
NE/SW	1.20		MUNCIE		
SECTION 25					
TOWNSHIP 5 SOUTH, RANGE 11 EAST, W.M.					

NE/NW	4.10		V. WOODSIDE		
SW/NW	9.60		V. WOODSIDE		
SE/NW	5.10		V. WOODSIDE		
SE/NW	3.20		MCCORKLE		
NW/SW	2.00		V. WOODSIDE		
SE/SW	7.00		MCCORKLE		
SECTION 1					
SW/SW	14.40		SCHMIDT		
NE/SE	19.10		V. WOODSIDE		
SE/SE	5.50		V. WOODSIDE		
SECTION 2					
SE/SE	18.20		SCHMIDT		
SECTION 3					
SW/NW	2.80		AMBROSE		
NW/SW	13.20		AMBROSE		
SW/SW	20.30		AMBROSE		
SECTION 9					
NE/NE	3.70		SCHMIDT		
SECTION 10					
SW/NE	4.70		MCLEOD		
SE/NE	26.00		MCLEOD		
NE/SE	17.80		ENDERSBY		
NW/SE	17.90		ENDERSBY		
SW/SE	23.00		ENDERSBY		
SE/SE	23.00		ENDERSBY		
SECTION 11					
NW/NE	13.50		MCLEOD		
SW/NE	2.60		MCLEOD		
NE/NW	23.50		MCLEOD		
NW/NW	0.80		MCLEOD		
SE/NW	9.90		MCLEOD		
SECTION 12					

NW/NW	3.70		WILLIAMSON		
SW/NW	0.20		WILLIAMSON		
NW/SW	1.20		WILLIAMSON		
SECTION 13					
NE/NE	11.40		WILLIAMSON		
NW/NE	9.60		GROCE		
SE/NE	7.60		WILLIAMSON		
NE/NW	3.70		GROCE		
SW/NW	0.70		CLAYMIER		
NW/SW	19.40		CLAYMIER		
SW/SE	5.80		CLAYMIER		
SE/SE	4.10		CLAYMIER		
SECTION 14					
SW/NE		1.00	DODGE		
NE/SW		33.90	DODGE		
NW/SW		3.50	DODGE		
SW/SW		5.90	DODGE		
NE/SE		0.30	DODGE		
NW/SE		34.70	DODGE		
SW/SE		7.50	DODGE		
SE/SE		0.60	DODGE		
SECTION 18					
NE/SW		6.70	CONFEDERATE D TRIBES		
SE/SW		17.40	CONFEDERATE D TRIBES		
SECTION 19					
SE/NE	6.00		CAPPS		
SECTION 20					
SW/NE	9.40		HUNDLEY		
SE/NE	3.80		HUNDLEY		
NE/SE	3.00		HUNDLEY		
NW/SE	1.30		HUNDLEY		
SE/SE	7.10		HUNDLEY		
SECTION 21					

SE/NE	8.60		CLAYMIER		
NE/NW	0.80		S. WOODSIDE		
NW/NW	0.60		S. WOODSIDE		
SW/NW	12.20		S. WOODSIDE		
SE/NW	4.40		S. WOODSIDE		
SE/SW	6.20		S. WOODSIDE		
NE/SE	0.50		CLAYMIER		
SECTION 22					
NW/NE	6.00		CLAYMIER		
SW/NE	0.30		CLAYMIER		
SE/NE	18.10		ASCHOFF		
NE/NW	3.30		CLAYMIER		
NW/NW	3.30		CLAYMIER		
SW/NW	18.80		CLAYMIER		
SE/NW	9.00		CLAYMIER		
NW/SW	0.60		CLAYMIER		
SE/SE	6.00		L. WOODSIDE		
SECTION 23					
NE/NW	0.30		CARTER		
NW/NW	2.50	5.30	CARTER		
SW/NW	5.80	10.10	CARTER		
SE/NW	4.40		CARTER		
SE/SE	0.30		MEREDITH		
SECTION 24					
NW/NE	5.90		L. WOODSIDE		
SW/NE	1.50		L. WOODSIDE		
SECTION 25					
NE/NE	10.20		PINHEIRO		
NW/NE	11.90		L. WOODSIDE		
SW/NE	26.80		L. WOODSIDE		
SE/NE	4.30		PINHEIRO		
NE/NW	6.90		L. WOODSIDE		
NW/NW	2.20		L. WOODSIDE		
SW/NW	0.90		L. WOODSIDE		
SE/NW	12.20		L. WOODSIDE		

NE/NW	2.20		LARKIN		
SECTION 11					
NW/NW	6.50		HAWTHORNE		
SECTION 17					
NE/NE	5.40		HAWTHORNE		
SE/SE	1.20		BENDER		
SECTION 18					
NW/SW	0.30		MEREDITH		
SECTION 19					
NE/NW	10.00		TOM MORELLI		
SW/NW	2.60		TOM MORELLI		
NE/SW	2.10		DODGE		
SW/SW	5.40		DODGE		
SE/SW	3.60		DODGE		
SE/SE	15.10		DODGE		
SECTION 21					
NW/NW	1.20		LORRAINE GABEL		
SECTION 28					
SW/NE	2.30		FOSBERG		
NE/NW	10.70		FOSBERG		
NW/NW	32.20		FOSBERG		
SW/NW	11.00		FOSBERG		
SE/NW	27.30		FOSBERG		
SECTION 29					
SW/NE		0.20	NELSON		
SE/NW		1.80	NELSON		
NE/SW	1.60	17.00	NELSON		
NW/SW	3.90		NELSON		
NW/SE		4.50	NELSON		
SECTION 30					
TOWNSHIP 5 SOUTH, RANGE 13 EAST, W.M.					

SW/SW		38.80	LARSELL		
SE/SW		37.30	LARSELL		
SECTION 13					
SW/NE	0.50		TOM MORELLI		
SE/NW	10.40		TOM MORELLI		
SE/SW	2.80		TOM MORELLI		
NE/SE	9.30		TOM MORELLI		
NW/SE	7.60		TOM MORELLI		
SW/SE	6.60		TOM MORELLI		
SE/SE	4.10		TOM MORELLI		
SECTION 22					
NE/NE	9.90		MCELHERON		
NW/NE	21.80		MCELHERON		
SW/NE	23.70		MCELHERON		
NE/NW	26.00		MCELHERON		
SE/NW	27.40		MCELHERON		
NE/SW		40.00	MCREYNOLDS		
NW/SW		1.10	MCREYNOLDS		
SE/SW		15.70	MCREYNOLDS		
SECTION 23					
NE/NW		3.90	LARSELL		
NW/NW		4.60	LARSELL		
SECTION 24					
SE/NE	3.30		HARTH		
SECTION 25					
NE/NE	29.40		TIM MORELLI		
NW/NE	1.90		TOM MORELLI		
SW/NE	26.70		TIM MORELLI		
SE/NE	28.60		TIM MORELLI		
NE/NW	13.00		TOM MORELLI		
NW/NW	25.50		TOM MORELLI		
SW/NW	20.70		TOM MORELLI		
SE/NW	1.70		TOM MORELLI		
NE/SE	4.80		TOM MORELLI		
NW/SE		16.90	TOM MORELLI		

SW/SE		12.40	TOM MORELLI		
SE/SE	3.50		TOM MORELLI		
SECTION 27					
SW/SW	0.50		V. WOODSIDE		
SE/SW	8.50		V. WOODSIDE		
SECTION 29					
NE/NE	1.50		GUTZLER		
SW/NE	5.00		GUTZLER		
SE/NE	1.40		GUTZLER		
NE/SE	1.80		GUTZLER		
NW/SE	14.40		GUTZLER		
SW/SE	7.50		GUTZLER		
SE/SE	1.80		GUTZLER		
SECTION 31					
NE/SE		16.00	PAULSON		
NW/SE		4.00	PAULSON		
SW/SE	7.70		PAULSON		
SECTION 32					
NE/SW	4.20	0.20	PAULSON		
NW/SW	0.40		PAULSON		
SW/SW	6.80		PAULSON		
SE/SW		9.80	PAULSON		
SECTION 33					
NW/NW	19.50		RECKMAN ESTATE		
SW/NW	4.60		DON RECKMAN		
SW/SW	4.90		ODEM		
SECTION 34					
SE/NE	16.80		MAYHEW		
NE/SE	17.40		MAYHEW		
NW/SE	7.80		MAYHEW		
SECTION 35					

NE/NW	32.50		MAYHEW		
NW/NW	32.50		MAYHEW		
SW/NW	32.50		MAYHEW		
SE/NW	32.50		MAYHEW		
NE/SW		29.80	MAYHEW		
NW/SW		29.60	MAYHEW		
SW/SW		38.60	MAYHEW		
SE/SW		32.00	MAYHEW		

SECTION 36

TOWNSHIP 4 SOUTH, RANGE 13 EAST, W.M.

NE/NE	1.70	2.20	MARSH		
NW/NE	3.30	21.90	MARSH		
SW/NE		19.00	MARSH		
SE/NE		5.10	MARSH		
NE/SE	1.00		MARSH		

SECTION 19

NE/NW	21.90		MARSH		
SE/NW	29.60		MARSH		
NE/SW	6.50		MARSH		
NW/SW	31.00		MARSH		
SW/SW	14.10		MARSH		

SECTION 20

NE/SW	1.00		HARTH		
LOT 3 (NW/SW)	1.70		HARTH		

SECTION 30

LOT 4 (SW/SW)		19.20	DULING		
SE/SW		28.50	DULING		

SECTION 31

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

ESTES SURVEYS_{LLC}

SURVEYS
CONSULTING

LAND & WATER RIGHTS

Bruce A. Estes, PLS, CWRE

60382 Arnold Mkt. Rd.
Bend, OR 97702
(541) 382-7391
FAX 382-7391

PO Box 17519
Salem, OR 97305-7519
(503) 585-7593
FAX 585-7593

October 14, 2003



Kimberly Grigsbe, Protest Coordinator
Water Resources Department
725 Summer St. NE
Salem, OR 97301

Dear Kim:

Re: S-60453

As we discussed on the telephone a few weeks ago the Juniper Flat District Improvement Co. board has a few concerns about the agreement for their alternate acreage application. They are mostly house keeping in nature, but nevertheless important.

The acreage should total 2107.49, not 2101.64. The 2101.64 is correct for irrigation only, but the current certificate also includes 5.85 acre equivalent pond maintenance. The total diversion is for 2107.49.

The agreement requires an electronic map to be submitted each year. They do not have that capability so request that a paper map be allowed.

Item 3 g requires diminishment for transfers. I think this is a wordsmithing issue. We expect the alternate acreage to follow the primary right under transfers. I'm sure this can be worded to allow the flexibility that will be necessary for future transfers without deleting acreage.

The amount of water should be 52.69 cfs and 26.35 cfs, not 52.54 & 26.27. The lessor rates appear to have been based on the incorrect acreage.

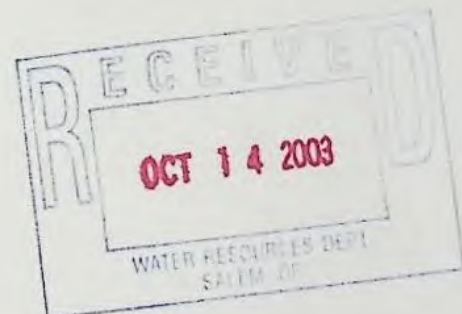
Those are the concerns the board had with the agreement. Please consider amending these issues. They also have a legal question. If water is used on alternate acreage for 5+ years is the original right forfeited? Also, last year they were told all fees were paid and there is now more due. Would you check the fee schedule please.

Kim, we appreciate your efforts - thanks.

Sincerely,

Bruce A. Estes, PLS, CWRE

cc JFDICo



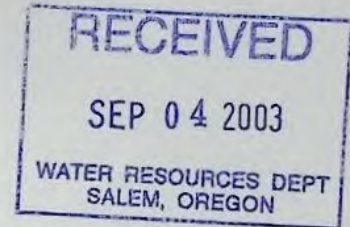
ESTES SURVEYS_{LLC}

SURVEYS
CONSULTING

LAND & WATER RIGHTS

Bruce A. Estes, PLS, CWRE

September 1, 2003



60382 Arnold Mkt. Rd.
Bend, OR 97702
(541) 382-7391
FAX 382-7391

PO Box 17519
Salem, OR 97305-7519
(503) 585-7593
FAX 585-7593

Kimberly Grigsby, Protest Coordinator
Water Resources Department
158 12th Street NE
Salem, OR 97301-4172

Dear Kim:

Re: S-60453

I apologize for taking so long to get back to you on this. The board has been very busy with harvesting. The special agreement for Juniper Flat District Improvement Companies permit application S-60453 was discussed at a special board meeting August 26, 2003. There are a few items that need to be corrected.

The agreement identifies 2101.64 acres as the limit. The existing certificates 77326 and 77733 are for irrigation of 2101.64 acres and maintenance of stock ponds (5.85acre equivalent). The agreement should match the existing certificates. This change will increase the amount of water to the correct amount of 52.69 cfs to July 1st (2107.49/40) and 26.34 cfs thereafter (2107.49/80).

The agreement requires an electronic map prior to each season. They do not have that capability yet so request the agreement to allow a paper map each season. It is understood, I presume, that a new map is not necessary if there is no change from the previous season.

Paragraph 3 g speaks to diminishment for transfers. The from lands will be diminished but the receiving land should be increased by the same amount so there is no diminishment to the project. Each user will be held to their basic allotment so the quantity of water will change between the users from division 15 transfers. Their ability to use the alternate acres will be accordingly altered and will probably need a permit amendment to the permit to be issued under this application. The board is adamant that this alternate acreage will not change the existing delivery rate to each user.

There is a question that needs to be addressed. If alternate acres are irrigated for more than 5 years is the original right forfeited?

All the issues raised here are basically house keeping so hopefully this should allow you to complete this application soon. Since the current administrative hold expires today, if necessary, please extend it for another 30 to 60 days.

Thank you for your efforts.

Sincerely,

A handwritten signature in blue ink, appearing to read "Bruce".

Bruce A. Estes, PLS, CWRE

cc JFDI Co.

JUNIPER FLAT DISTRICT IMPROVEMENT COMPANY
53333 RESERVATION ROAD,
MAUPIN, OREGON, 97037
TELEPHONE: 541 328-6380

May 14, 2001

Oregon Water Resources Department
Commerce Building
158 12th Street, NE.
Salem, OR. 97310-0210

Attn: Corey Engel,
Water Rights Specialist

Dear Corey,

I would like to thank you on behalf of the JFDIC board of directors and water users for all of your help and diligent work on our alternate acres permit process. This project has been a long time coming and we are now seeing light at the end of the tunnel.

Attached to this letter, is an annotated copy of the Proposed Final Order and Draft Water Use Permit regarding water rights application No. S-60453.

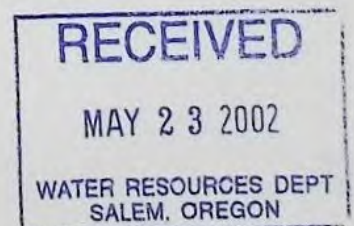
We have highlighted in RED ink our concerns and questions in the PFO and Draft permit and have attempted to explain them in order of occurrence in this letter.

PFO: Page 1: Regarding 62.5 CFS this should be 52.70 CFS according to our current water right, we are allowed one fortieth of one CFS or its equivalent and three Acre feet for each irrigated Acre. Since we are not applying for "new water", it should be the 52.70 CFS instead of the 62.5.

Page 2: Regarding the concerns of Oregon Department Fish and Wildlife and Oregon Department of Environmental Quality, I believe there would be no concerns if they understood we were not seeking more water but utilizing our existing water.

Page 3: Regarding the availability of live flow and stored water in Clear Lake Reservoir, this water should be treated the same as our current rights. Also, there are no dates defining an "irrigation season" in the White River Basin Decree.

Page 4: Concerns regarding the dates, there are no dates in the White River Basin Decree. Also, the paragraph concerning ODFW and DEQ, could be eliminated as mentioned above.



Page 5: Changes would run concurrent with above-mentioned changes.

Page 6: We see no changes, we are just following your directions!!

Draft Permit: Page 1: Phone Number should be: 541 328-6380. Regarding purpose or use should be, irrigation of 1,923.0 Acres, supplemental 577.0 Acres. Regarding amount should be 52.70 CFS as mentioned above. Period of use: is undefined in White River Decree as mentioned above.

Pages 2 through 7 appear to be fine.

Page 8 The correct spelling of the name of McElheron should read McElheran. An O instead of an A was shown.

Page 9: The correct spelling Odem should read Odom. An E instead of an O was shown.

Page 10: We actually have new certificate numbers since the completion of HB 3111. Certificate 48850 is now 77326 and Certificate 51539 is now 77733.

Pages 11 and 12: Appear to be fine.

Corey, if we need to go to a contested-case hearing; we will, but I think we have the answers for both the WRD and JFDIC and can resolve the issues and concerns stated.

I would be willing to come to Salem and sit down with you. I would like to have Bruce Estes accompany me. Please let me know if this needs to be done.

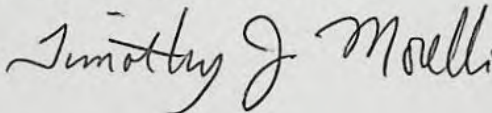
If there has to be a formal protest, this letter will act as our formal request.

Thank you again, Corey.

Sincerely yours,

JUNIIPER FLAT DISTRICT IMPROVEMENT COMPANY

Tim Morelli, Board Chairman

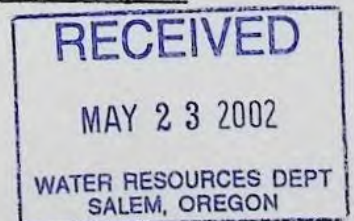


Home Phone: 541 395-2431

Cell Phone: 541 993-3600

TM:acf

PS. As per our telephone conversation of May 21, 2002, I would like an accounting breakdown of the amount we have paid and the amount we still owe in regards to processing the PFO and the permit; as my understanding is all fees have been paid. If not, please notify me immediately by telephone as we would like to pay any balance prior to the May 31, 2002, deadline.





Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

Applicant's Notice of Proposed Final Order Regarding Application for a Water Use Permit

This notice is to inform you of the decision made on your application(s) for water use and describe some of your options. Based on the information from your application and comments generated, the Department has issued a Proposed Final Order. Basically, the Proposed Final Order is how the Department understands your request, how it fits into Oregon Water Law and how the decisions were reached.

Read both the Proposed Final Order and Draft Water Use Permit carefully!

Items the Department suggests you pay special attention to:

1. **Review the period water is available very carefully.** The season of use you have requested may be more than the months water is available. There may also be a rate and duty assigned which is less than you have requested.
2. General conditions you should be aware of:
 - A. Measuring and Reporting may be required. If so, you would have to measure on a monthly basis and report that use annually. Inspect the Draft Permit to see what category your use fits.
 - B. Fish Screens may be required. The out of stream diversion will be required to meet ODFW specifications for adequate protection of aquatic life. The Draft Permit should specify this item, if not contact your local office of the Department of Fish and Wildlife.

There are three main reasons the Department is informing you of these conditions:

1. Regulatory actions to shut off junior users or users that do not have a permit for the full season are expensive. Further, if the Department is taking a regulatory action, a senior user has already been negatively impacted.
2. More importantly to you, investments in distribution systems are expensive. If your use will be regulated annually without your gaining beneficial use from the water, it is not likely that certification of the permit to a full water right will occur.
3. If a curtailment plan or an alternative water supply is needed, you should implement one of these options. You may want to identify which option you are going to take. This may prevent conflicts with other users.

RECEIVED

MAY 23 2002

**WATER RESOURCES DEPT
SALEM, OREGON**

Oregon Water Resources Department
Water Rights Division

RECEIVED

MAY 23 2002

WATER RESOURCES DEPT
SALEM, OREGON

PLACED IN U.S. MAIL

APR 17 2002

Water Rights Application
Number S-60453

Before issuance of a permit, permit recording fees in the amount of \$232.80 must be submitted to the Department. In order to expedite the processing of the Final Order and permit, you may wish to submit \$232.80 prior to the protest deadline of May 31, 2002. Please include your application number on your check made out to the Oregon Water Resources Department. If this fee is not paid prior to May 31, 2002, issuance of your permit will be delayed until all fees are paid.

Proposed Final Order

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

Application History

On AUGUST 4, 1980, JUNIPER FLAT DIST. IMPROVEMENT CO. submitted an application to the Department for the following water use permit:

- Amount of Water: 62.5 CUBIC FEET PER SECOND 52.69 CFS
- Use of Water: IRRIGATION OF 2500.0 ACRES
- Source of Water: THREE SPRING AREAS, FROG CREEK, AND CLEAR LAKE RESERVOIR, CONSTRUCTED UNDER PERMIT R-2106, TRIBUTARIES OF CLEAR CREEK; AND CLEAR CREEK, A TRIBUTARY OF WHITE RIVER
- Area of Proposed Use: WASCO County within T4S, R13E, W.M.; T4S, R14E, W.M.; T5S, R11E, W.M.; T5S, R12E, W.M.; T5S, R13E, W.M.

Between August 4, 1980 and May 14, 1990, the Department was in intermittent communication with the applicant to complete necessary components of the application. On May 14, 1990, the application was returned to the Department.

On January 18, 2002, the Department mailed the applicant notice of its Initial Review, determining that "the use of 62.5 CUBIC FEET PER SECOND of water from FROG CREEK AND THREE SPRING AREAS, TRIBUTARIES OF CLEAR CREEK; AND CLEAR CREEK, A TRIBUTARY OF WHITE RIVER for IRRIGATION OF 2500.0 ACRES is not allowable, and it appears unlikely that you will be issued a permit for live flow from those sources. However, stored water

from CLEAR LAKE RESERVOIR is allowable." The applicant did not notify the Department to stop processing the application within 14 days of that date.

On February 5, 2002, 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.

Within 30 days of the Department's public notice, written comments were received from Steve Pribyl, Oregon Department of Fish and Wildlife District Biologist; and Dick Nichols, Oregon Department of Environmental Quality Regional Manager.

Mr. Pribyl commented that the proposed use will occur in an area that may affect the essential habitat of steelhead, a threatened species. He further commented that the use could be conditioned to achieve consistency with the Columbia River Basin Fish and Wildlife Program by prohibiting the use of live flow outside the period March through May.

Mr. Nichols commented that the Deschutes River is water quality limited for pH and temperature, that the proposed use may result in diminution of water quality for the habitat of sensitive, threatened, or endangered fish species, and that the proposed use of live flow should not be allowed during the summer.

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
- the Scenic Waterway requirements of ORS 390.835
- applicable statutes, administrative rules, and case law
- any comments received

Findings of Fact

The Deschutes Basin Program allows IRRIGATION OF 2500.0 ACRES.

Senior water rights exist on THREE SPRING AREAS, FROG CREEK, AND CLEAR LAKE RESERVOIR, CONSTRUCTED UNDER PERMIT R-2106, TRIBUTARIES OF CLEAR CREEK; CLEAR CREEK, A TRIBUTARY OF WHITE RIVER, or on downstream waters.

THREE SPRING AREAS, FROG CREEK, AND CLEAR LAKE RESERVOIR, CONSTRUCTED UNDER PERMIT R-2106, TRIBUTARIES OF CLEAR CREEK; AND CLEAR CREEK, A TRIBUTARY OF WHITE RIVER are above the Deschutes River State Scenic Waterway.

Continuing review reveals that a modification of the preliminary determination in the Initial Review with regard to water availability is necessary. The Initial Review incorrectly applied an 80% exceedance standard to the water availability analysis of this application, which determined that water is available in the amount requested March 1 through May 31. However, because the application was submitted before July 17, 1992, an evaluation at a 50% exceedance standard is necessary (OAR 690-300-010(57)(c)).

A re-assessment of water availability has been completed, as required by ORS 537.153(2). This assessment compared a calculation of natural streamflow minus the consumption portion of all relevant rights of record. A copy of this assessment is in the file. [This assessment determined that live flow is available in the amount requested for further appropriation (at a 50 percent exceedance probability) January 1 through June 30. Stored water in Clear Lake Reservoir, constructed under Permit R-2106, is available during the full irrigation season, April 1 through November 1.]

52.69

The Department finds that the amount of water requested, 62.5 CFS and 7500.0 ACRE-FEET, is an acceptable amount.

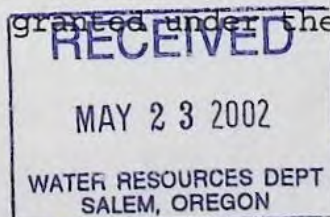
Because this application was filed before July 17, 1992, the provisions of OAR 690-33-330 do not apply, per OAR 690-33-115(1).

The Initial Review requires modification to correctly describe a condition limiting the rate allowed to conform to the applicant's intent.

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 Deschutes Basin Plan, or a preference for this use is granted under the provisions of ORS 536.310(12).



Water from live flow is available in the amount requested for the proposed use April 1 through June 30. Stored water in Clear Lake Reservoir, constructed under Permit R-2106, is available during the full irrigation season, April 1 through November 1.

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.

For these reasons, the required presumption has been established, provided that the season of use is limited to the period when water is available.

Once the required presumption has been established, under the provisions of ORS 537.153(2) 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 will impair or be detrimental to the public interest as demonstrated in comments, in a protest . . . or in a finding of the department that shows:
 - (A) The specific public interest under ORS 537.170(8) that would be impaired or detrimentally affected; and
 - (B) Specifically how the identified public interest would be impaired or detrimentally affected.

ORS 537.170(8)(a) states that the director shall determine whether the proposed use would impair or be detrimental to the public interest by considering conservation of the highest use of water for all purposes, including any beneficial use "to which the water may be applied for which it may have a special value to the public".

The required presumption has been established for a period of use limited to April 1 through June 30. Maintaining the essential habitat of steelhead, a threatened species, is a beneficial use which has "special value to the public". According to the Oregon Department of Fish and Wildlife, the diversion of water outside the period March through May would affect the habitat of threatened species. According to the Oregon Department of Environmental Quality, the proposed use may result in diminution of water quality for the habitat of sensitive, threatened, or endangered fish species if the proposed use of live flow is allowed during the summer. As a result, the department finds that the public interest described in ORS 537.170(8)(a) would be detrimentally affected during the month of June.

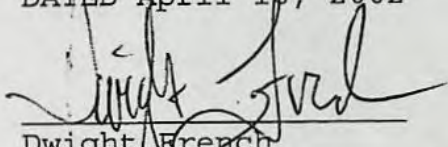
The required presumption under 537.153(2) has been overcome with regard to the diversion of live flow outside the period April 1 through May 31.

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 will not impair or be detrimental to the public interest as provided in ORS 537.170, provided that the use of live flow is restricted to the period April 1 through May 31.

Recommendation

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

DATED April 15, 2002


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.

RECEIVED

MAY 23 2002

WATER RESOURCES DEPT
SALEM, OREGON

- 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 537.153(5), 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 **May 31, 2002**.

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 Cory Engel. 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 324. 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 97310
Fax: (503)378-6203

DRAFT

This is not a permit!!!

DRAFT

STATE OF OREGON

COUNTY OF WASCO

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

JUNIPER FLAT DIST. IMPROVEMENT CO.
53333 RESERVATION RD
MAUPIN, OREGON 97037-9708

328-6380
(541) 395-2668

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

APPLICATION FILE NUMBER: S-60453

SOURCE OF WATER: THREE SPRING AREAS, FROG CREEK, AND CLEAR LAKE RESERVOIR, CONSTRUCTED UNDER PERMIT R-2106, TRIBUTARIES OF CLEAR CREEK; AND CLEAR CREEK, A TRIBUTARY OF WHITE RIVER

PURPOSE OR USE: IRRIGATION OF 2500.0 ACRES

1923.0, supplemental 5770 ac

MAXIMUM AMOUNT: 62.5 CUBIC FEET PER SECOND OF LIVE FLOW FROM THREE SPRING AREAS, FROG CREEK AND CLEAR CREEK; 7500.0 ACRE-FEET FROM CLEAR LAKE RESERVOIR; FURTHER LIMITED AS DESCRIBED BELOW

PERIOD OF USE: LIVE FLOW: APRIL 1 THROUGH MAY 31
STORED WATER: APRIL 1 THROUGH NOVEMBER 1

{ irrigation season
undefined in
White River Basin
Decree

DATE OF PRIORITY: MAY 14, 1990

POINT OF DIVERSION LOCATION:

SPRING AREA #1: NE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 11, T5S, R9E, W.M.; 1000 FEET SOUTH & 2050 FEET EAST FROM THE W $\frac{1}{4}$ CORNER OF SECTION 11

SPRING AREA #2: S $\frac{1}{2}$ NW $\frac{1}{4}$, SECTION 13, T5S, R9E, W.M.; 1400 FEET SOUTH & 1320 FEET EAST FROM THE NW CORNER OF SECTION 13

SPRING AREA #3: NE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 13, T5S, R9E, W.M.; 340 FEET SOUTH & 600 FEET WEST FROM THE E $\frac{1}{4}$ CORNER OF SECTION 13

RECEIVED

MAY 23 2002

WATER RESOURCES DEPT
SALEM, OREGON

FROG CREEK: NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 34, T4S, R9E, W.M.; 750 FEET SOUTH & 850 FEET WEST FROM THE NE CORNER OF SECTION 34

CLEAR CREEK: NE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 10, T5S, R9E, W.M.; 680 FEET SOUTH & 1250 FEET WEST FROM THE E $\frac{1}{4}$ CORNER OF SECTION 10

CLEAR LAKE RESERVOIR: SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 32, T4S, R9E, W.M.; 880 FEET NORTH & 780 FEET WEST FROM THE SE CORNER OF SECTION 32

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH 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:

	PRIMARY	SUPPLEMENTAL		OWNER
SW $\frac{1}{4}$ SW $\frac{1}{4}$	14.30		ACRES	ODFW
		SECTION 13		
NW $\frac{1}{4}$ NW $\frac{1}{4}$	5.00		ACRES	ODFW
		SECTION 24		
SE $\frac{1}{4}$ NE $\frac{1}{4}$	6.00		ACRES	Hammond
NE $\frac{1}{4}$ SW $\frac{1}{4}$	1.20		ACRES	Muncie
		SECTION 25		
		TOWNSHIP 5 SOUTH, RANGE 11 EAST, W.M.		
NE $\frac{1}{4}$ NW $\frac{1}{4}$	4.10		ACRES	V. Woodside
SW $\frac{1}{4}$ NW $\frac{1}{4}$	9.60		ACRES	V. Woodside
SE $\frac{1}{4}$ NW $\frac{1}{4}$	5.10		ACRES	V. Woodside
SE $\frac{1}{4}$ NW $\frac{1}{4}$	3.20		ACRES	McCorkle
NW $\frac{1}{4}$ SW $\frac{1}{4}$	2.00		ACRES	V. Woodside
SE $\frac{1}{4}$ SW $\frac{1}{4}$	7.00		ACRES	McCorkle
		SECTION 1		
SW $\frac{1}{4}$ SW $\frac{1}{4}$	14.40		ACRES	Schmidt
NE $\frac{1}{4}$ SE $\frac{1}{4}$	19.10		ACRES	V. Woodside
SE $\frac{1}{4}$ SE $\frac{1}{4}$	5.50		ACRES	V. Woodside
		SECTION 2		

	PRIMARY	SUPPLEMENTAL	ACRES	OWNER
SE 1/4 SE 1/4	18.20		ACRES	Schmidt
SECTION 3				
SW 1/4 NW 1/4	2.80		ACRES	Ambrose
NW 1/4 SW 1/4	13.20		ACRES	Ambrose
SW 1/4 SW 1/4	20.30		ACRES	Ambrose
SECTION 9				
NE 1/4 NE 1/4	3.70		ACRES	Schmidt
SECTION 10				
SW 1/4 NE 1/4	4.70		ACRES	McLeod
SE 1/4 NE 1/4	26.00		ACRES	McLeod
NE 1/4 SE 1/4	17.80		ACRES	Endersby
NW 1/4 SE 1/4	17.90		ACRES	Endersby
SW 1/4 SE 1/4	23.00		ACRES	Endersby
SE 1/4 SE 1/4	23.00		ACRES	Endersby
SECTION 11				
NW 1/4 NE 1/4	13.50		ACRES	McLeod
SW 1/4 NE 1/4	2.60		ACRES	McLeod
NE 1/4 NW 1/4	23.50		ACRES	McLeod
NW 1/4 NW 1/4	0.80		ACRE	McLeod
SE 1/4 NW 1/4	9.90		ACRES	McLeod
SECTION 12				
NW 1/4 NW 1/4	3.70		ACRES	Williamson
SW 1/4 NW 1/4	0.20		ACRE	Williamson
NW 1/4 SW 1/4	1.20		ACRES	Williamson
SECTION 13				
NE 1/4 NE 1/4	11.40		ACRES	Williamson
NW 1/4 NE 1/4	9.60		ACRES	Groce
SE 1/4 NE 1/4	7.60		ACRES	Williamson
NE 1/4 NW 1/4	3.70		ACRES	Groce
SW 1/4 NW 1/4	0.70		ACRE	Claymier
NW 1/4 SW 1/4	19.40		ACRES	Claymier
SW 1/4 SE 1/4	5.80		ACRES	Claymier
SE 1/4 SE 1/4	4.10		ACRES	Claymier
SECTION 14				

RECEIVED

MAY 23 2002

WATER RESOURCES DEPT
SALEM, OREGON

	PRIMARY	SUPPLEMENTAL	OWNER
SW 1/4 NE 1/4		1.00	ACRE Dodge
NE 1/4 SW 1/4		33.90	ACRES Dodge
NW 1/4 SW 1/4		3.50	ACRES Dodge
SW 1/4 SW 1/4		5.90	ACRES Dodge
NE 1/4 SE 1/4		0.30	ACRE Dodge
NW 1/4 SE 1/4		34.70	ACRES Dodge
SW 1/4 SE 1/4		7.50	ACRES Dodge
SE 1/4 SE 1/4		0.60	ACRE Dodge
SECTION 18			
NE 1/4 SW 1/4		6.70	ACRES Confederated Tribes
SE 1/4 SW 1/4		17.40	ACRES Confederated Tribes
SECTION 19			
SE 1/4 NE 1/4	6.00		ACRES Capps
SECTION 20			
SW 1/4 NE 1/4	9.40		ACRES Hundley
SE 1/4 NE 1/4	3.80		ACRES Hundley
NE 1/4 SE 1/4	3.00		ACRES Hundley
NW 1/4 SE 1/4	1.30		ACRES Hundley
SE 1/4 SE 1/4	7.10		ACRES Hundley
SECTION 21			
SE 1/4 NE 1/4	8.60		ACRES Claymier
NE 1/4 NW 1/4	0.80		ACRE S. Woodside
NW 1/4 NW 1/4	0.60		ACRE S. Woodside
SW 1/4 NW 1/4	12.20		ACRES S. Woodside
SE 1/4 NW 1/4	4.40		ACRES S. Woodside
SE 1/4 SW 1/4	6.20		ACRES S. Woodside
NE 1/4 SE 1/4	0.50		ACRE Claymier
SECTION 22			
NW 1/4 NE 1/4	6.00		ACRES Claymier
SW 1/4 NE 1/4	0.30		ACRE Claymier
SE 1/4 NE 1/4	18.10		ACRES Aschoff
NE 1/4 NW 1/4	3.30		ACRES Claymier
NW 1/4 NW 1/4	3.30		ACRES Claymier
SW 1/4 NW 1/4	18.80		ACRES Claymier
SE 1/4 NW 1/4	9.00		ACRES Claymier
NW 1/4 SW 1/4	0.60		ACRE Claymier
SE 1/4 SE 1/4	6.00		ACRES L. Woodside
SECTION 23			

	PRIMARY	SUPPLEMENTAL		OWNER
NE 1/4 NW 1/4	0.30		ACRE	Carter
NW 1/4 NW 1/4	2.50	5.30	ACRES	Carter
SW 1/4 NW 1/4	5.80	10.10	ACRES	Carter
SE 1/4 NW 1/4	4.40		ACRES	Carter
SE 1/4 SE 1/4	0.30		ACRE	Meredith

SECTION 24

NW 1/4 NE 1/4	5.90		ACRES	L. Woodside
SW 1/4 NE 1/4	1.50		ACRES	L. Woodside

SECTION 25

NE 1/4 NE 1/4	10.20		ACRES	Pinheiro
NW 1/4 NE 1/4	11.90		ACRES	L. Woodside
SW 1/4 NE 1/4	26.80		ACRES	L. Woodside
SE 1/4 NE 1/4	4.30		ACRES	Pinheiro
NE 1/4 NW 1/4	6.90		ACRES	L. Woodside
NW 1/4 NW 1/4	2.20		ACRES	L. Woodside
SW 1/4 NW 1/4	0.90		ACRE	L. Woodside
SE 1/4 NW 1/4	12.20		ACRES	L. Woodside
NW 1/4 SE 1/4	2.40		ACRES	Beebe

SECTION 26

SE 1/4 NE 1/4	10.00		ACRES	L. Woodside
NE 1/4 NW 1/4	4.50		ACRES	S. Woodside
NW 1/4 NW 1/4	1.20		ACRES	S. Woodside
NE 1/4 SE 1/4	7.50		ACRES	Hammer
NW 1/4 SE 1/4	4.00		ACRES	Hammer
SE 1/4 SE 1/4	12.10		ACRES	Tolentino

SECTION 27

SW 1/4 SW 1/4	10.60		ACRES	Blake
NE 1/4 SE 1/4	0.10		ACRE	Graybill
SW 1/4 SE 1/4	11.80		ACRES	Graybill
SE 1/4 SE 1/4	0.20		ACRE	Graybill

SECTION 29

NE 1/4 SE 1/4	0.70		ACRE	Blake
NW 1/4 SE 1/4	0.10		ACRE	Blake
SW 1/4 SE 1/4	2.20		ACRES	Blake
SE 1/4 SE 1/4	10.50		ACRES	Blake

SECTION 30

NW 1/4 NE 1/4	12.10		ACRES	Hill
---------------	-------	--	-------	------

SECTION 32

RECEIVED

MAY 23 2002

WATER RESOURCES DEPT
SALEM, OREGON

	PRIMARY	SUPPLEMENTAL		OWNER
NW 1/4 NW 1/4	12.10		ACRES	Reinwand

SECTION 33

TOWNSHIP 5 SOUTH, RANGE 12 EAST, W.M.

NE 1/4 NE 1/4	2.00		ACRES	Mayhew
NE 1/4 SW 1/4	2.00		ACRES	Larkin
SE 1/4 SW 1/4	9.70		ACRES	Larkin
NW 1/4 SE 1/4	7.80		ACRES	Larkin
SW 1/4 SE 1/4	18.20		ACRES	Larkin

SECTION 2

NW 1/4 NE 1/4	9.20		ACRES	Gabel
SW 1/4 NE 1/4	27.40		ACRES	Gabel
SW 1/4 NW 1/4	16.60		ACRES	Gabel
SE 1/4 NW 1/4	20.00		ACRES	Gabel
NW 1/4 SW 1/4	1.20		ACRES	Bothwell

SECTION 3

NW 1/4 NW 1/4	8.70		ACRES	Paulson
SW 1/4 NW 1/4	5.30		ACRES	Paulson

SECTION 4

NW 1/4 NE 1/4	17.80		ACRES	Paulson
SW 1/4 NE 1/4	5.00		ACRES	Paulson
SE 1/4 SW 1/4	5.50		ACRES	Carter

SECTION 5

SE 1/4 NE 1/4	16.00		ACRES	L. Woodside
SW 1/4 NW 1/4	4.00		ACRES	Walters
SE 1/4 NW 1/4	14.60		ACRES	Walters
NE 1/4 SW 1/4	7.30		ACRES	Walters
NW 1/4 SW 1/4	2.30		ACRES	Walters
SW 1/4 SW 1/4	6.30		ACRES	Walters
SE 1/4 SW 1/4	6.70		ACRES	Walters
NE 1/4 SE 1/4	8.00		ACRES	Walters
NW 1/4 SE 1/4	3.90		ACRES	Walters
SE 1/4 SE 1/4	0.40		ACRE	Walters

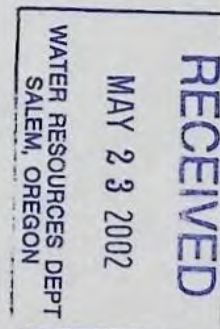
SECTION 7

NE 1/4 NE 1/4	35.30		ACRES	Carter
NW 1/4 NE 1/4	37.60		ACRES	Carter
SW 1/4 NW 1/4	18.90		ACRES	L. Woodside
SW 1/4 SW 1/4	4.50		ACRES	Hawthorne
SE 1/4 SW 1/4	13.80		ACRES	Hawthorne

SECTION 8

	PRIMARY	SUPPLEMENTAL		OWNER
SW 1/4 NE 1/4	4.50		ACRES	Kelly
NW 1/4 NW 1/4	7.30		ACRES	Kelly
SW 1/4 NW 1/4	25.40		ACRES	Kelly
SE 1/4 NW 1/4	4.40		ACRES	Kelly
NE 1/4 SW 1/4	5.00		ACRES	Kelly
SECTION 9				
NE 1/4 NW 1/4	2.20		ACRES	Larkin
SECTION 11				
NW 1/4 NW 1/4	6.50		ACRES	Hawthorne
SECTION 17				
NE 1/4 NE 1/4	5.40		ACRES	Hawthorne
SE 1/4 SE 1/4	1.20		ACRES	Bender
SECTION 18				
NW 1/4 SW 1/4	0.30		ACRE	Meredith
SECTION 19				
NE 1/4 NW 1/4	10.00		ACRES	Tom Morelli
SW 1/4 NW 1/4	2.60		ACRES	Tom Morelli
NE 1/4 SW 1/4	2.10		ACRES	Dodge
SW 1/4 SW 1/4	5.40		ACRES	Dodge
SE 1/4 SW 1/4	3.60		ACRES	Dodge
SE 1/4 SE 1/4	15.10		ACRES	Dodge
SECTION 21				
NW 1/4 NW 1/4	1.20		ACRES	Lorraine Gabel
SECTION 28				
SW 1/4 NE 1/4	2.30		ACRES	Fosberg
NE 1/4 NW 1/4	10.70		ACRES	Fosberg
NW 1/4 NW 1/4	32.20		ACRES	Fosberg
SW 1/4 NW 1/4	11.00		ACRES	Fosberg
SE 1/4 NW 1/4	27.30		ACRES	Fosberg
SECTION 29				
SW 1/4 NE 1/4		0.20	ACRE	Nelson
SE 1/4 NW 1/4		1.80	ACRES	Nelson
NE 1/4 SW 1/4	1.60	17.00	ACRES	Nelson
NW 1/4 SW 1/4	3.90		ACRES	Nelson
NW 1/4 SE 1/4		4.50	ACRES	Nelson
SECTION 30				

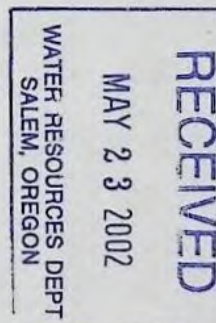
TOWNSHIP 5 SOUTH, RANGE 13 EAST, W.M.



	PRIMARY	SUPPLEMENTAL	ACRES	OWNER
SW 1/4 SW 1/4		38.80	ACRES	Larsell
SE 1/4 SW 1/4		37.30	ACRES	Larsell
SECTION 13				
SW 1/4 NE 1/4	0.50		ACRE	Tom Morelli
SE 1/4 NW 1/4	10.40		ACRES	Tom Morelli
SE 1/4 SW 1/4	2.80		ACRES	Tom Morelli
NE 1/4 SE 1/4	9.30		ACRES	Tom Morelli
NW 1/4 SE 1/4	7.60		ACRES	Tom Morelli
SW 1/4 SE 1/4	6.60		ACRES	Tom Morelli
SE 1/4 SE 1/4	4.10		ACRES	Tom Morelli
SECTION 22				
NE 1/4 NE 1/4	9.90		ACRES	McElheren a
NW 1/4 NE 1/4	21.80		ACRES	McElheren a
SW 1/4 NE 1/4	23.70		ACRES	McElheren a
NE 1/4 NW 1/4	26.00		ACRES	McElheren a
SE 1/4 NW 1/4	27.40		ACRES	McElheren a
NE 1/4 SW 1/4		40.00	ACRES	McReynolds
NW 1/4 SW 1/4		1.10	ACRES	McReynolds
SE 1/4 SW 1/4		15.70	ACRES	McReynolds
SECTION 23				
NE 1/4 NW 1/4		3.90	ACRES	Larsell
NW 1/4 NW 1/4		4.60	ACRES	Larsell
SECTION 24				
SE 1/4 NE 1/4	3.30		ACRES	Harth
SECTION 25				
NE 1/4 NE 1/4	29.40		ACRES	Tim Morelli
NW 1/4 NE 1/4	1.90		ACRES	Tom Morelli
SW 1/4 NE 1/4	26.70		ACRES	Tim Morelli
SE 1/4 NE 1/4	28.60		ACRES	Tim Morelli
NE 1/4 NW 1/4	13.00		ACRES	Tom Morelli
NW 1/4 NW 1/4	25.50		ACRES	Tom Morelli
SW 1/4 NW 1/4	20.70		ACRES	Tom Morelli
SE 1/4 NW 1/4	1.70		ACRES	Tom Morelli
NE 1/4 SE 1/4	4.80		ACRES	Tom Morelli
NW 1/4 SE 1/4		16.90	ACRES	Tom Morelli
SW 1/4 SE 1/4		12.40	ACRES	Tom Morelli
SE 1/4 SE 1/4	3.50		ACRES	Tom Morelli
SECTION 27				

	PRIMARY	SUPPLEMENTAL		OWNER
SW 1/4 SW 1/4	0.50		ACRE	V. Woodside
SE 1/4 SW 1/4	8.50		ACRES	V. Woodside
SECTION 29				
NE 1/4 NE 1/4	1.50		ACRES	Gutzler
SW 1/4 NE 1/4	5.00		ACRES	Gutzler
SE 1/4 NE 1/4	1.40		ACRES	Gutzler
NE 1/4 SE 1/4	1.80		ACRES	Gutzler
NW 1/4 SE 1/4	14.40		ACRES	Gutzler
SW 1/4 SE 1/4	7.50		ACRES	Gutzler
SE 1/4 SE 1/4	1.80		ACRES	Gutzler
SECTION 31				
NE 1/4 SE 1/4		16.00	ACRES	Paulson
NW 1/4 SE 1/4		4.00	ACRES	Paulson
SW 1/4 SE 1/4	7.70		ACRES	Paulson
SECTION 32				
NE 1/4 SW 1/4	4.20	0.20	ACRES	Paulson
NW 1/4 SW 1/4	0.40		ACRE	Paulson
SW 1/4 SW 1/4	6.80		ACRES	Paulson
SE 1/4 SW 1/4		9.80	ACRES	Paulson
SECTION 33				
NW 1/4 NW 1/4	19.50		ACRES	Reckman Estate
SW 1/4 NW 1/4	4.60		ACRES	Don Reckman
SW 1/4 SW 1/4	4.90		ACRES	Odém o
SECTION 34				
SE 1/4 NE 1/4	16.80		ACRES	Mayhew
NE 1/4 SE 1/4	17.40		ACRES	Mayhew
NW 1/4 SE 1/4	7.80		ACRES	Mayhew
SECTION 35				
NE 1/4 NW 1/4	32.50		ACRES	Mayhew
NW 1/4 NW 1/4	32.50		ACRES	Mayhew
SW 1/4 NW 1/4	32.50		ACRES	Mayhew
SE 1/4 NW 1/4	32.50		ACRES	Mayhew
NE 1/4 SW 1/4		29.80	ACRES	Mayhew
NW 1/4 SW 1/4		29.60	ACRES	Mayhew
SW 1/4 SW 1/4		38.60	ACRES	Mayhew
SE 1/4 SW 1/4		32.00	ACRES	Mayhew
SECTION 36				

TOWNSHIP 4 SOUTH, RANGE 13 EAST, W.M.



	PRIMARY	SUPPLEMENTAL		OWNER
NE 1/4 NE 1/4	1.70	2.20	ACRES	Marsh
NW 1/4 NE 1/4	3.30	21.90	ACRES	Marsh
SW 1/4 NE 1/4		19.00	ACRES	Marsh
SE 1/4 NE 1/4		5.10	ACRES	Marsh
NE 1/4 SE 1/4	1.00		ACRE	Marsh

SECTION 19

NE 1/4 NW 1/4	21.90		ACRES	Marsh
SE 1/4 NW 1/4	29.60		ACRES	Marsh
NE 1/4 SW 1/4	6.50		ACRES	Marsh
NW 1/4 SW 1/4	31.00		ACRES	Marsh
SW 1/4 SW 1/4	14.10		ACRES	Marsh

SECTION 20

NE 1/4 SW 1/4	1.00		ACRE	Harth
LOT 3 (NW 1/4 SW 1/4)	1.70		ACRES	Harth

SECTION 30

LOT 4 (SW 1/4 SW 1/4)		19.20	ACRES	Duling
SE 1/4 SW 1/4		28.50	ACRES	Duling

SECTION 31

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

Measurement, recording and reporting conditions:

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

No additional water shall be appropriated under this permit from Clear Creek, Frog Creek, or Clear Lake Reservoir than what is already authorized under certificates 48850 and 51539, or under superceding

certificates, for an equal number of irrigated acres. This permit does not authorize an increase in the total rate or duty of water diverted by the permittee.

STANDARD CONDITIONS

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

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.

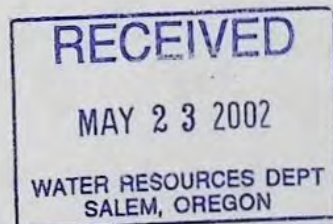
This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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 allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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

Actual construction work shall begin within one year of permit issuance. Complete application of the water to the use shall be made on or before October 1, 2006. 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).

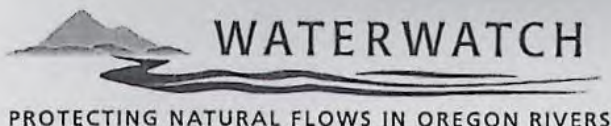
Issued _____, 2002

DRAFT - THIS IS NOT A PERMIT

Paul R. Cleary, Director
Water Resources Department

Application S-60453 Water Resources Department
Basin 05 Volume 3 CLEAR CR & MISC
engelcc WEEK 351

PERMIT DRAFT
District 3



RECEIVED

MAY 29 2002

WATER RESOURCES DEPT.
SALEM, OREGON

May 28, 2002

Dwight French
Water Rights Department
Water Resources Department
158 12th Street NE
Salem, OR 97310

RE: Protest, S-60453, Juniper Flat District Improvement Company, 62.5 cfs, Three Springs Areas, Frog Creek and Clear Lake Reservoir, tributary to the White River.

Dear Dwight,

Pursuant to ORS 537.153(7) and OAR 690-310-160, WaterWatch files this protest along with the protest fee of \$200 for application S-60453 in the Lower Deschutes River Basin.

Protest Elements Required by ORS 537.153(7):

a. Name, address, telephone number of protestant

WaterWatch of Oregon
213 SW Ash, Suite 208
Portland, OR 97204
503-295-4039
Contact: Kimberley Priestley, Karen Russell

b. Protestant Interest/Public Interest Statement

WaterWatch of Oregon is a nonprofit membership organization dedicated to promoting water allocation decisions in Oregon that provide the quality and quantity of water necessary to support fish, wildlife, recreation, biological diversity, ecological values, public health and a sound economy. In protesting application S-60453, WaterWatch is representing the general public interest in the water resources of this state, as well as the specific interest of its members and the organization itself. WaterWatch has members throughout the Pacific Northwest, including the Deschutes Basin, that use and enjoy both the White and Deschutes Rivers. WaterWatch's members, board members and staff benefit from knowing that such a resource exists even if they have not visited the watershed. In addition, WaterWatch has direct and real interests that will be adversely affected by this decision. The interests represented by WaterWatch and its members is multifaceted and includes, but is not limited to: (1) the interest of protecting streamflows (in both quantity and quality) in the White River and Lower Deschutes River necessary for public instream uses of water which include fish (including threatened steelhead and bull trout), wildlife, the habitat necessary for fish and wildlife survival, and recreational use of the area; (2) the interest in ensuring a balance

between instream and out-of-stream uses in the basin; (3) the interest of ensuring that the agency not overallocate the resource; (4) the interest in ensuring that out-of-stream uses are efficient and not wasteful or uneconomical and the permits are not allowed for more water than is necessary for their beneficial use; (5) the interest in ensuring that the agency has the tools and mechanisms in place to regulate water use in the basin; (6) the interest in ensuring that the agency implements water laws and policies in a manner that manages and allocates the water resource so as to maintain the ecological integrity the Deschutes River basin and (7) the interest in ensuring that the scenic, recreational, geologic and wildlife values that make the Deschutes River both a state scenic waterway and a federal Wild and Scenic River.

Summary of Facts:

a. The proposed use: Juniper Flat District Improvement Company has applied for a water right for 62.5 cfs from Three Springs Area, Frog Creek and Clear Lake Reservoir, all tributary to the White River, which is tributary for the lower Deschutes River, for irrigation.¹ Form I clarifies that this water right will be primary irrigation of 1914 acres and supplemental irrigation of 585 acres, corresponding to 14 existing certificates and permits.² The application and PFO state that no additional water shall be appropriated under this permit than is allowed by two certificates, certificates 48850 and 51539. And that neither the rate nor duty, nor total acreage to be irrigated will exceed that allowed under these two certificates.³ According WRD staff, the intent behind this application is to give flexibility to the Improvement Company to rotate water to different lands without going through the transfer statutes.

b. Resource values to be affected: The White River is a federal Wild and Scenic River. Its "outstandingly remarkable values", which must be a "unique, rare, or exemplary feature that is significant at a regional or national level," have been identified as geology, hydrology, botany, habitat, historic resources, recreation, and scenery⁴. The White River has four instream water rights protecting it.⁵ And Frog Creek, tributary to the White River, has one.⁶

The Lower Deschutes is also a federal Wild and Scenic River. The Deschutes features ruggedly beautiful scenery, outstanding whitewater boating, and a renowned sport fishery for steelhead, brown trout, and native rainbow trout. In addition to its federal designation, the Lower

¹ Juniper Flat District Improvement Company submitted an application to the WRD in 1980. Over the years the WRD asked repeatedly for more information. However, it was not until 2002 that the applicant submitted enough information for the WRD to deem the application "complete."

² P-47767, C477690, C-72321, C-67908, C-33113, C-55356, C-55354, C-38395, P-G8259, C-52417, C-76281, C-55344, C-55345, and C-55343.

³ The rate allowed for irrigation under Certificate 48850 is 1/40 f a second foot per acre up to July 1st and 1/80 of s second for per acre thereafter, except in the case of rotation, for 2107.49 acres. This works out to be a rate of approximately 52 cfs up until July 1st and 26 cfs thereafter. Certificate 51539 allows for use of water from stored water only from Clear Lake Reservoir for supplemental irrigation only.

⁴ The unique geological features include examples of recent volcanic activity, ghost forests and active fumarole field, and glacial activity. Unique hydrological features include its milky white color during late summer and early fall due to glacial outflow from Mount Hood. It is also hydrologically isolated from other rivers, which provides an environment where unique species have evolved. As to historical attributes, a section of the historic Barlow Road, which is part of the Oregon Trail, abuts the river's corridor.

⁵ Certificate Numbers 59750, 59751, 64196, 73243 (priority dates 1960, 1980, 1989, 1991)

⁶ Certificate 73244 (priority date 1991)

RECEIVED

MAY 29 2002

WATER RESOURCES DEPT.
SALEM, OREGON

Deschutes from Lake Billy Chinook to the Columbia is a state scenic waterway. The Water Resources Commission has adopted scenic waterway flows (or Diack flows) to protect the scenic, recreation and fish and wildlife values of the scenic waterway. These flows have a priority date of 1970, the date of the Act. There are also two instream water rights on the Lower Deschutes of the river.⁷ The Department has determined that "Diack" flows and instream water rights are not met during the months of April through November on this segment of the river. See 1998 WRD Memo, *Water Development Issues in the Deschutes Basin*, at page 4.

The Deschutes River system supports a variety of fish life including redband trout, steelhead and bull trout. Redband trout are a state sensitive fish. And both steelhead and bull trout are listed as threatened under the federal ESA. The White River supports a genetically distinct population of redband trout above the falls, and below the falls provides habitat to steelhead.

Reduced flows could have any number of negative impacts on any and all of these species, including increasing vulnerability of predation, higher water temperatures, delays, and reduction to sensory cues to stimulate and aid downstream movement. Seasonal variations in flow affect timing of migrations, pool and cover availability, water temperature and dissolved oxygen. Water withdrawals can significantly decrease amount of stream flow during naturally low summer flow, thus increasing stress already apparent during the summer when lower flows are subject to warmer temperatures and lower oxygen levels.

In addition to the fishery values, both the White River and the lower Deschutes River provide popular whitewater recreation opportunities, such as rafting and kayaking, as well as hiking, wildlife viewing, birdwatching, and mountain biking. Recreation on these rivers contributes significantly to Central Oregon's economy.

c. How the action proposed in the PFO will impair or be detrimental to Protestant's interest

1. The proposed use could jeopardize flows necessary for scenic waterways and fish unless the permit is made subordinate to the diack flows and instream water rights:

The State Scenic Waterway Act mandates that the highest and best uses of waters within its reaches are recreation, fish and wildlife uses. *ORS 390.835(1)*. Agencies are charged with managing these waters so that the free-flowing character of the waters are maintained in quantities necessary for recreation, fish and wildlife uses. *Id.* See also Diack vs. City of Portland, 306 Or 287, 299 (1988). The court in *Diack* found that the Act's language requiring the maintenance of flows in "sufficient quantities necessary for recreation, fish and wildlife uses" expressly delegated to the Commission the authority to determine the level of streamflow necessary to support fish, wildlife and recreation. *Id.* Scenic waterway flows, or *Diack* flows, have been set for the lower Deschutes. The priority date of these flows is 1970, the date of the Scenic Waterway Act.

The Scenic Waterway Act demands protection of Scenic Waterway the free-flowing character of its protected rivers 100% of the time. This means the state must ensure *Diack* flows

⁷ Certificate Numbers 73188, 73237 (priority dates 1989, 1991)

RECEIVED

MAY 29 2002

WATER RESOURCES DEPT.
SALEM, OREGON

are met 100% of the time before issuing new water rights. Not 80% of the time, nor 50% of the time. The state, in this instance, applied a 50% exceedence level to the application.⁸ This greatly overestimates the months in which scenic waterway flows are met and could allow the use of this water during months that flows are sufficient to meet scenic waterway requirements. This is contrary to both the policy and the legal mandates of the Scenic Waterway Act.

Frog Creek, the White River and the Lower Deschutes River are also protected by instream water rights. These instream water rights represent the minimum flows required by fish. Both the White River and the Lower Deschutes support steelhead, which are listed as threatened under the Federal Endangered Species Act. And the White River supports redband trout, which are listed as sensitive under the state ESA. The existing instream water rights were established well before the applicant completed its applications. The permitting statutes only allow the presumption that a use is in the public interest if the use will not injure existing rights. ORS 573.153. If this application goes forward as is, it will allow injury of these existing rights.⁹

To correct this deficiency and to protect the instream water rights and scenic waterway flows the WRD should subordinate the permit to the scenic waterway flows and instream water rights, making it clear that when *Diack* flows are not being met in the lower Deschutes and instream water rights are not met in either Frog Creek, the White River or the Deschutes River the use under this application will be regulated off.¹⁰ Only in this way can the WRD issue the permit in accordance with the Scenic Waterway Act and its general public interest obligations.

If the WRD fails to do this, Protestant's interest in ensuring that the scenic, recreational, geologic and wildlife values that make the Deschutes River both a state scenic waterway and a federal Wild and Scenic River are protected will be impaired.

2. It is unclear if the applicant can make beneficial use of the permit: Beneficial use without waste in the "basis, measure and extent of the right" to appropriate surface and groundwater in Oregon. ORS 540.610(1), ORS 537.525(3). The applicant requested live flow for the entire irrigation season. The Department proposes limiting the use of surface water to the months of April and May.¹¹ There is no indication that the applicant would be able to make beneficial use under the limited terms proposed by the PFO.

It is true that the applicant can rely upon storage water, but here again, it is unclear from the application file if the reservoir can fully satisfy the applicant's needs and thus whether the applicant

⁸ A strict reading of the Act requires that the *Diack* flows be met 100% of the time before the Department could issue new water rights.

⁹ Injury means a right will not receive the water to which it is legally entitled.

¹⁰ The state needs to clearly set this forth in both the PFO and the draft permit, neither of which currently mention the *Diack* flows to which this application is subject to.

¹¹ We support the limitation of the season of use, however in addition to the analysis applied, the WRD should apply further legal and policy analysis to this application. The WRD determined that this application was not complete until February 25, 2002. See *Memo to File, 3/5/02 from Cory Engel, at 2*. As such, the rules of the Department that exist as of this date apply to the application. See ORS 536.031. Applying the law as of 2/25/02 makes this application subject to the 80% exceedence level for determining water availability, as well as the Division 33 rules, which prohibit the withdrawal of live flow from April 15 to September 30. The priority date of the application should be changed to 2002. It is not good policy to allow old permits to languish for 20 plus years, holding on to old priority dates.

RECEIVED

MAY 29 2002

WATER RESOURCES DEPT.
SALEM, OREGON

can make beneficial use of the water. The underlying primary right that the WRD and the applicant are relying upon limits use from storage to 1400 acre feet for primary irrigation.¹² Thus the 1914.7 acres to be irrigated by primary rights under this permit would only have access to live flow during April and May and could only use up to 1400 acre feet of stored water. Given the duty of 3-acre feet per acre, this might not satisfy their needs. And, since there is nothing in the file to show that the applicant has obtained water from an alternate source for the lands proposed to be irrigated in the months the water has been determined not to be available, the applicant may not be able to make full beneficial use. If the Applicant cannot make beneficial use under the conditions proposed by the WRD, this application should be denied.

If the WRD allows this to go forward without assuring beneficial use can be made during the limited two months of use, it will be bringing upon its already overstretched watermasters yet another enforcement liability and will also be putting the water resource at risk. This would impair Protestant's interest as articulated in sections 5, 6, & 7 of our interest section.

3. The proposed final order does not ensure against enlargement of the underlying rights: The applicant has sent a letter to the WRD that "this application is not requesting any additional water, but allows us to utilize our existing water on alternate acreage." In a clarifying letter by WRD, the WRD indicates that the applicant doesn't intend to irrigate additional acreage. While this might be the intent, it is unclear if the draft permit achieves this.¹³ Before the WRD moves forward with this application it should do further research into the underlying rights and the use under these rights over the past five years. The WRD should also analyze whether the proposed use would be in compliance with governing law as to primary and supplemental rights.¹⁴ And the permit should be corrected and/or conditioned accordingly.

¹² The WRD proposes to limit the acreage, rate and duty of the new right to those of the existing primary and supplemental rights. This condition should be amended to further clarify that the use is also so limited. In other words, this right can not expand/change the apportionment of supplemental vs. primary water rights.

¹³ For instance, the underlying primary permit limits the appropriation of live flow for the irrigation of 2,107.49 acres only. And this is further limited to 1/40th of a second foot for these specific 2107.49 acres. This means the rate allowed under the underlying right from live flow is only 52.68 cfs.

Moreover, the underlying supplemental right is for stored water only, and there is no provision for a rate to divert live flow. Thus as to the live flow portion of the new right, the rate should be limited to 52.68 cfs not 62.5 cfs.

Also, because the applicant has not had to submit evidence of use of the water in compliance with the terms and conditions of the permit the past five years, it is unclear if the use on the alternate acreage might in fact increase current water used under the old rights, either the rate/duty of water or the total acreage that will in fact be irrigated.

¹⁴ The applicant has applied for a water right for the dual purposes of (1) primary irrigation and (2) supplemental irrigation. In the PFO and draft permit the WRD is proposing to issue a water right for "irrigation" with no delineation in the "purpose of use" section between supplemental and primary. Given that it is the purpose of use that governs use of the water right, this merging of uses raises some concerns, especially with regards to the supplemental use. For instance:

Supplemental rights can only be granted to make up for a **deficiency in supply** from an already existing primary right. See OAR 690-300-010(52). The rules speak to deficiency of the supply (i.e. water source), not to applicant's ability or inability to rotate the water right to other lands. In this case, there is no showing of a deficiency in supply. In fact, the WRD has asserted that their water rights provide adequate water. Thus the portion of the right that attaches as "supplemental" right cannot be granted and/or utilized in compliance with governing rules.

RECEIVED

MAY 29 2002

WATER RESOURCES DEPT.
SALEM, OREGON

3. The conditions of use are not adequate to protect the public interest: The WRD has attached a number of conditions of use to both make sure the applicant does not exceed use under the underlying permits, and to protect the resource. While a good start, they do not go far enough.

a. Measurement and Reporting: The Improvement District has stated that it has no manager. Given the large number of users, the large number of acreage to be irrigated, the very large amount of water to be appropriated from the White River system, and the limited two month window in which the improvement company is allowed to appropriate live flow under this proposed permit, it is imperative that if the WRD allows this permit to go forward, that it put in place adequate safeguards that ensure that the use is going forward as conditioned. To this end, the WRD needs to strengthen its measurement and reporting condition. Annual reports should be submitted on a monthly, rather than annual basis. And the reports need to reflect the rate and duty (not just the amount). Furthermore, since the applicant's purpose is to rotate crops, it should be required to submit to the WRD, before each irrigation season, a report on the lands to be served under the right for each irrigation season. This report should also state which lands will not be irrigated. Only in this way will the watermaster have the information to assess if the irrigation that is taking place is in accordance with the legal right. Also, this is imperative to ensure that there are no additional acres being irrigated than allowed under the underlying rights.

b. Fish Screens: As noted, the White River system supports a genetically unique population of redband trout above the falls. These fish are listed as state sensitive. The WRD has a public interest duty to ensure that these fish are not harmed. The initial review included a proposed fish screening condition that included a requirement for fish screening and the installation of a fishway to provide adequate upstream and downstream passage of fish. The PFO did not contain such a condition. We did not find any information in the file providing evidence that the applicant already has such a screen in place making the condition unnecessary. As such, this condition should be a requirement of use.¹⁵

c. Subordination: As noted above, this application should be subordinated to flows needed for fish, wildlife and recreation. This condition should make clear the subordination is both to the scenic waterway flows and to the instream water rights. The flow numbers are one in the same, but the purposes are different.

Subordination is warranted for scenic waterway flows by virtue of the scenic flows 1970 priority date. And subordination is warranted for the instream water rights by virtue of the fact

The rules also mandate that when both a primary and a supplemental right exist "water shall be used from the primary source so long as there is sufficiency quantity to satisfy the terms of the permit or certificate." (emphasis added). See OAR 690-330-040(3). Again, the rules are going to the quantity of water, not to the adequacy of underlying right to serve the lands the applicant may now want to serve. And in the case at hand, there has been no showing that the quantity is inadequate.

The fact scenario in this case raises real questions about the WRD's legal authority to do what it is proposing to do. The better answer is to make the applicant go through the transfer statutes to try to achieve what it proposes to do. The transfer statutes are precisely the place changes of place of use are governed. See ORS 540.505 *et al.*

¹⁵ Even if a screen and fishway are already in place, a condition should be attached requiring maintenance of these structures and adherence to current ODFW standards.

RECEIVED

MAY 29 2002

WATER RESOURCES DEPT.
SALEM, OREGON

that to fail to do such would injure existing instream water rights. ORS 537.153(2) and OAR 690-310-111(1)(c) make clear that the required public interest presumption is not established if the proposed use would injure the exercise of existing water rights. Moreover, the division 410 rules prohibit the allocation of water if the proposed use would injure the exercise of existing water rights or permits. In addition to relevant law, the subordination is also warranted due to the fact that the application was not even deemed complete until 2002, long after the instream water rights were established.¹⁶

d. Rate and duty: As noted in section b above, and in accompanying footnotes, it is unclear if the draft permit ensures against enlargement. By our calculations, the rate for live flow should be closer to 52 cfs based upon the terms and conditions of the underlying right. Moreover, as noted above, there are some questions related to the supplemental/primary use of this water. Conditions should be added and/or amended to ensure against any enlargement.

d. How the PFO is in error or deficient and how to correct the alleged error or deficiency

The PFO is deficient for the reasons articulated above and also by virtue of its failure to apply Division 33 and an 80% exceedence level in the water availability analysis to a permit that was not deemed complete until February 25, 2002. This failed to adequately address injury to existing rights, which is required by statute. ORS 537.153(2).¹⁷ And failed to adhere to commitments made by the state in the Oregon Plan to work towards the recovery of imperiled fish species.

The PFO as proposed will impair the public's interest. To correct the deficiency, the WRD should either deny the application or strengthen the conditions to better protect the fish, wildlife and recreational values of the system.

¹⁶ While the application was submitted in 1980, it was not deemed complete until 2002. The priority date of the permit, if issued, should reflect this. It is bad public policy for the WRD to allow permittees to hang on to old priority dates by virtue of incomplete applications. This allows for water speculation and does not comply with the water code's requirement that the applicant must be ready, willing and able to put the water to beneficial use. Beneficial use without waste in the "basis, measure and extent of the right" to appropriate surface and groundwater in Oregon. ORS 540.610(1), ORS 537.525(3). The Department cannot issue a water right for which the user cannot make beneficial use within a reasonable time period. Oregon law further requires that a once a permit is issued, a permittee must develop the permit within five years. ORS 537.230(1). The law allows for one extension of time to perfect the water right if the state finds the permittee has shown "good cause". ORS 537.230(2). Good cause includes scrutiny of the permittee's diligence. The law also provides a way to plan for future development through the formal reservation for future economic development statute and rules. ORS 537.354. Collectively, these statutes make the state policy clear. When an applicant is ready and willing to put water to immediate beneficial use, the permitting process is the proper route. The permitting process should not be used as an avenue to "reserve" water with old priority dates.

¹⁷ The WRD is in error for finding that the presumption has been established for the period of use limited to April through June. For the presumption to apply, the proposed use cannot injure other water rights, whether junior or senior. ORS 537.153(2). There are instream water rights on this stream, both junior and senior. The largest one is the junior right. The WRD has historically evaluated whether or not instream water rights are met in allocation decisions by applying the 80% exceedence level in determining water availability. And in fact, the WRD has already found that instream water rights in the lower Deschutes are not met nine months of the year. See *WRD 1988 Memo, Water Development Issues in the Deschutes Basin*, at 4. The 80% exceedence level find water available only for March, April and May. Thus the presumption was in error.

RECEIVED

MAY 29 2002

WATER RESOURCES DEPT.
SALEM, OREGON

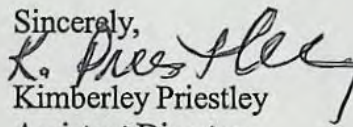
e. **Any citation of legal authority supporting the protest, if known:** Citation of known legal authority is cited under relevant subsections.

f. **A \$200 protest fee, as required by ORS 536.050 has been submitted with this protest.**

Conclusion: Before moving forward on this application, the WRD should require more information on existing use under the referenced certificates to determine the extent of use over the past five years. The WRD should also re-analyze the application as of the 2002 "completion" date. If it approves this application, the WRD should strengthen the existing permit conditions. As it is currently drafted, the draft permit could jeopardize scenic waterway flows and instream water rights, which will impair the public interest. Either strengthening of conditions, or denial of the application altogether, could remedy this.

In addition to the issues raised herein, if the applicant protests the limited season of use proposed by the Department, or any other resource protective conditions, we reserve the right to address any and all related issues in further proceedings. As always, we are willing to discuss this protest with both the applicant and the WRD.

Sincerely,


Kimberley Priestley
Assistant Director

RECEIVED

MAY 29 2002

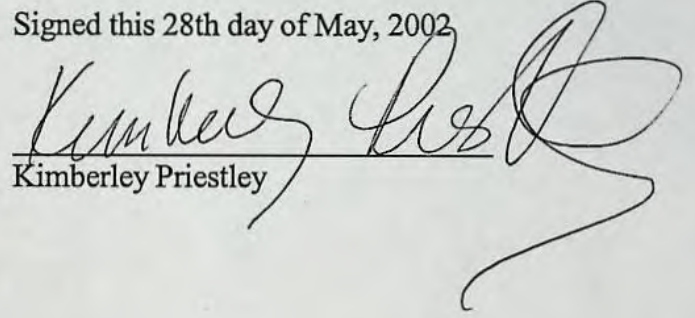
WATER RESOURCES DEPT.
SALEM, OREGON

Certificate of Service

I certify that on this 28th day of May, 2002 a copy of the Protest of Application S-60453 was served on each of the following by first class mail, postage paid, in the United States Mail from Portland, Oregon, enclosed in a sealed envelope and addressed as follows:

Juniper Flat District Improvement Company
53333 Reservation Road
Maupin, Oregon 97037

Signed this 28th day of May, 2002


Kimberley Priestley

RECEIVED

MAY 29 2002

WATER RESOURCES DEPT.
SALEM, OREGON

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-60453

PLACED IN U.S. MAIL

APR 17 2002

OREGON WATER RESOURCES DEPT.

For issuance of a permit, permit recording fees in the amount of \$232.80 must be submitted to the Department. In order to expedite the processing of the Final Order and permit, you may wish to submit \$232.80 prior to the protest deadline of May 31, 2002. Please include your application number on your check made out to the Oregon Water Resources Department. If this fee is not paid prior to May 31, 2002, issuance of your permit will be delayed until all fees are paid.

Proposed Final Order

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

Application History

On AUGUST 4, 1980, JUNIPER FLAT DIST. IMPROVEMENT CO. submitted an application to the Department for the following water use permit:

- Amount of Water: 62.5 CUBIC FEET PER SECOND
- Use of Water: IRRIGATION OF 2500.0 ACRES
- Source of Water: THREE SPRING AREAS, FROG CREEK, AND CLEAR LAKE RESERVOIR, CONSTRUCTED UNDER PERMIT R-2106, TRIBUTARIES OF CLEAR CREEK; AND CLEAR CREEK, A TRIBUTARY OF WHITE RIVER
- Area of Proposed Use: WASCO County within T4S, R13E, W.M.; T4S, R14E, W.M.; T5S, R11E, W.M.; T5S, R12E, W.M.; T5S, R13E, W.M.

Between August 4, 1980 and May 14, 1990, the Department was in intermittent communication with the applicant to complete necessary components of the application. On May 14, 1990, the application was returned to the Department.

On January 18, 2002, the Department mailed the applicant notice of its Initial Review, determining that "the use of 62.5 CUBIC FEET PER SECOND of water from FROG CREEK AND THREE SPRING AREAS, TRIBUTARIES OF CLEAR CREEK; AND CLEAR CREEK, A TRIBUTARY OF WHITE RIVER for IRRIGATION OF 2500.0 ACRES is not allowable, and it appears unlikely that you will be issued a permit for live flow from those sources. However, stored water

from CLEAR LAKE RESERVOIR is allowable." The applicant did not notify the Department to stop processing the application within 14 days of that date.

On February 5, 2002, 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.

Within 30 days of the Department's public notice, written comments were received from Steve Pribyl, Oregon Department of Fish and Wildlife District Biologist; and Dick Nichols, Oregon Department of Environmental Quality Regional Manager.

Mr. Pribyl commented that the proposed use will occur in an area that may affect the essential habitat of steelhead, a threatened species. He further commented that the use could be conditioned to achieve consistency with the Columbia River Basin Fish and Wildlife Program by prohibiting the use of live flow outside the period March through May.

Mr. Nichols commented that the Deschutes River is water quality limited for pH and temperature, that the proposed use may result in diminution of water quality for the habitat of sensitive, threatened, or endangered fish species, and that the proposed use of live flow should not be allowed during the summer.

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
- the Scenic Waterway requirements of ORS 390.835
- applicable statutes, administrative rules, and case law
- any comments received

Findings of Fact

The Deschutes Basin Program allows IRRIGATION OF 2500.0 ACRES.

Senior water rights exist on THREE SPRING AREAS, FROG CREEK, AND CLEAR LAKE RESERVOIR, CONSTRUCTED UNDER PERMIT R-2106, TRIBUTARIES OF CLEAR CREEK; CLEAR CREEK, A TRIBUTARY OF WHITE RIVER, or on downstream waters.

THREE SPRING AREAS, FROG CREEK, AND CLEAR LAKE RESERVOIR, CONSTRUCTED UNDER PERMIT R-2106, TRIBUTARIES OF CLEAR CREEK; AND CLEAR CREEK, A TRIBUTARY OF WHITE RIVER are above the Deschutes River State Scenic Waterway.

Continuing review reveals that a modification of the preliminary determination in the Initial Review with regard to water availability is necessary. The Initial Review incorrectly applied an 80% exceedance standard to the water availability analysis of this application, which determined that water is available in the amount requested March 1 through May 31. However, because the application was submitted before July 17, 1992, an evaluation at a 50% exceedance standard is necessary (OAR 690-300-010(57)(c)).

A re-assessment of water availability has been completed, as required by ORS 537.153(2). This assessment compared a calculation of natural streamflow minus the consumption portion of all relevant rights of record. A copy of this assessment is in the file. This assessment determined that live flow is available in the amount requested for further appropriation (at a 50 percent exceedance probability) January 1 through June 30. Stored water in Clear Lake Reservoir, constructed under Permit R-2106, is available during the full irrigation season, April 1 through November 1.

The Department finds that the amount of water requested, 62.5 CFS and 7500.0 ACRE-FEET, is an acceptable amount.

Because this application was filed before July 17, 1992, the provisions of OAR 690-33-330 do not apply, per OAR 690-33-115(1).

The Initial Review requires modification to correctly describe a condition limiting the rate allowed to conform to the applicant's intent.

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 Deschutes Basin Plan, or a preference for this use is granted under the provisions of ORS 536.310(12).

Water from live flow is available in the amount requested for the proposed use April 1 through June 30. Stored water in Clear Lake Reservoir, constructed under Permit R-2106, is available during the full irrigation season, April 1 through November 1.

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.

For these reasons, the required presumption has been established, provided that the season of use is limited to the period when water is available.

Once the required presumption has been established, under the provisions of ORS 537.153(2) 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 will impair or be detrimental to the public interest as demonstrated in comments, in a protest . . . or in a finding of the department that shows:
 - (A) The specific public interest under ORS 537.170(8) that would be impaired or detrimentally affected; and
 - (B) Specifically how the identified public interest would be impaired or detrimentally affected.

ORS 537.170(8)(a) states that the director shall determine whether the proposed use would impair or be detrimental to the public interest by considering conservation of the highest use of water for all purposes, including any beneficial use "to which the water may be applied for which it may have a special value to the public".

The required presumption has been established for a period of use limited to April 1 through June 30. Maintaining the essential habitat of steelhead, a threatened species, is a beneficial use which has "special value to the public". According to the Oregon Department of Fish and Wildlife, the diversion of water outside the period March through May would affect the habitat of threatened species. According to the Oregon Department of Environmental Quality, the proposed use may result in diminution of water quality for the habitat of sensitive, threatened, or endangered fish species if the proposed use of live flow is allowed during the summer. As a result, the department finds that the public interest described in ORS 537.170(8)(a) would be detrimentally affected during the month of June.

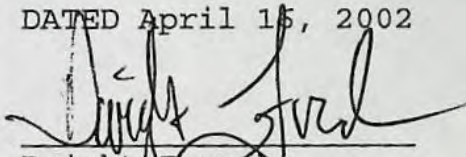
The required presumption under 537.153(2) has been overcome with regard to the diversion of live flow outside the period April 1 through May 31.

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 will not impair or be detrimental to the public interest as provided in ORS 537.170, provided that the use of live flow is restricted to the period April 1 through May 31.

Recommendation

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

DATED April 15, 2002



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 537.153(5), 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 **May 31, 2002**.

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 Cory Engel. 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 324. 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 97310
Fax: (503)378-6203

DRAFT

This is not a permit!!!

DRAFT

STATE OF OREGON

COUNTY OF WASCO

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

JUNIPER FLAT DIST. IMPROVEMENT CO.
53333 RESERVATION RD
MAUPIN, OREGON 97037-9708

(541) 395-2668

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

APPLICATION FILE NUMBER: S-60453

SOURCE OF WATER: THREE SPRING AREAS, FROG CREEK, AND CLEAR LAKE RESERVOIR, CONSTRUCTED UNDER PERMIT R-2106, TRIBUTARIES OF CLEAR CREEK; AND CLEAR CREEK, A TRIBUTARY OF WHITE RIVER

PURPOSE OR USE: IRRIGATION OF 2500.0 ACRES

MAXIMUM AMOUNT: 62.5 CUBIC FEET PER SECOND OF LIVE FLOW FROM THREE SPRING AREAS, FROG CREEK AND CLEAR CREEK; 7500.0 ACRE-FEET FROM CLEAR LAKE RESERVOIR; FURTHER LIMITED AS DESCRIBED BELOW

PERIOD OF USE: LIVE FLOW: APRIL 1 THROUGH MAY 31
STORED WATER: APRIL 1 THROUGH NOVEMBER 1

DATE OF PRIORITY: MAY 14, 1990

POINT OF DIVERSION LOCATION:

SPRING AREA #1: NE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 11, T5S, R9E, W.M.; 1000 FEET SOUTH & 2050 FEET EAST FROM THE W $\frac{1}{4}$ CORNER OF SECTION 11

SPRING AREA #2: S $\frac{1}{2}$ NW $\frac{1}{4}$, SECTION 13, T5S, R9E, W.M.; 1400 FEET SOUTH & 1320 FEET EAST FROM THE NW CORNER OF SECTION 13

SPRING AREA #3: NE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 13, T5S, R9E, W.M.; 340 FEET SOUTH & 600 FEET WEST FROM THE E $\frac{1}{4}$ CORNER OF SECTION 13

FROG CREEK: NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 34, T4S, R9E, W.M.; 750 FEET SOUTH & 850 FEET WEST FROM THE NE CORNER OF SECTION 34

CLEAR CREEK: NE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 10, T5S, R9E, W.M.; 680 FEET SOUTH & 1250 FEET WEST FROM THE E $\frac{1}{4}$ CORNER OF SECTION 10

CLEAR LAKE RESERVOIR: SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 32, T4S, R9E, W.M.; 880 FEET NORTH & 780 FEET WEST FROM THE SE CORNER OF SECTION 32

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH 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:

	PRIMARY	SUPPLEMENTAL		OWNER
SW $\frac{1}{4}$ SW $\frac{1}{4}$	14.30		ACRES	ODFW
		SECTION 13		
NW $\frac{1}{4}$ NW $\frac{1}{4}$	5.00		ACRES	ODFW
		SECTION 24		
SE $\frac{1}{4}$ NE $\frac{1}{4}$	6.00		ACRES	Hammond
NE $\frac{1}{4}$ SW $\frac{1}{4}$	1.20		ACRES	Muncie
		SECTION 25		
		TOWNSHIP 5 SOUTH, RANGE 11 EAST, W.M.		
NE $\frac{1}{4}$ NW $\frac{1}{4}$	4.10		ACRES	V. Woodside
SW $\frac{1}{4}$ NW $\frac{1}{4}$	9.60		ACRES	V. Woodside
SE $\frac{1}{4}$ NW $\frac{1}{4}$	5.10		ACRES	V. Woodside
SE $\frac{1}{4}$ NW $\frac{1}{4}$	3.20		ACRES	McCorkle
NW $\frac{1}{4}$ SW $\frac{1}{4}$	2.00		ACRES	V. Woodside
SE $\frac{1}{4}$ SW $\frac{1}{4}$	7.00		ACRES	McCorkle
		SECTION 1		
SW $\frac{1}{4}$ SW $\frac{1}{4}$	14.40		ACRES	Schmidt
NE $\frac{1}{4}$ SE $\frac{1}{4}$	19.10		ACRES	V. Woodside
SE $\frac{1}{4}$ SE $\frac{1}{4}$	5.50		ACRES	V. Woodside
		SECTION 2		

	PRIMARY	SUPPLEMENTAL	OWNER
SE 1/4 SE 1/4	18.20	ACRES	Schmidt
SECTION 3			
SW 1/4 NW 1/4	2.80	ACRES	Ambrose
NW 1/4 SW 1/4	13.20	ACRES	Ambrose
SW 1/4 SW 1/4	20.30	ACRES	Ambrose
SECTION 9			
NE 1/4 NE 1/4	3.70	ACRES	Schmidt
SECTION 10			
SW 1/4 NE 1/4	4.70	ACRES	McLeod
SE 1/4 NE 1/4	26.00	ACRES	McLeod
NE 1/4 SE 1/4	17.80	ACRES	Endersby
NW 1/4 SE 1/4	17.90	ACRES	Endersby
SW 1/4 SE 1/4	23.00	ACRES	Endersby
SE 1/4 SE 1/4	23.00	ACRES	Endersby
SECTION 11			
NW 1/4 NE 1/4	13.50	ACRES	McLeod
SW 1/4 NE 1/4	2.60	ACRES	McLeod
NE 1/4 NW 1/4	23.50	ACRES	McLeod
NW 1/4 NW 1/4	0.80	ACRE	McLeod
SE 1/4 NW 1/4	9.90	ACRES	McLeod
SECTION 12			
NW 1/4 NW 1/4	3.70	ACRES	Williamson
SW 1/4 NW 1/4	0.20	ACRE	Williamson
NW 1/4 SW 1/4	1.20	ACRES	Williamson
SECTION 13			
NE 1/4 NE 1/4	11.40	ACRES	Williamson
NW 1/4 NE 1/4	9.60	ACRES	Groce
SE 1/4 NE 1/4	7.60	ACRES	Williamson
NE 1/4 NW 1/4	3.70	ACRES	Groce
SW 1/4 NW 1/4	0.70	ACRE	Claymier
NW 1/4 SW 1/4	19.40	ACRES	Claymier
SW 1/4 SE 1/4	5.80	ACRES	Claymier
SE 1/4 SE 1/4	4.10	ACRES	Claymier
SECTION 14			

	PRIMARY	SUPPLEMENTAL	OWNER
SW 1/4 NE 1/4		1.00	ACRE Dodge
NE 1/4 SW 1/4		33.90	ACRES Dodge
NW 1/4 SW 1/4		3.50	ACRES Dodge
SW 1/4 SW 1/4		5.90	ACRES Dodge
NE 1/4 SE 1/4		0.30	ACRE Dodge
NW 1/4 SE 1/4		34.70	ACRES Dodge
SW 1/4 SE 1/4		7.50	ACRES Dodge
SE 1/4 SE 1/4		0.60	ACRE Dodge
SECTION 18			
NE 1/4 SW 1/4		6.70	ACRES Confederated Tribes
SE 1/4 SW 1/4		17.40	ACRES Confederated Tribes
SECTION 19			
SE 1/4 NE 1/4	6.00		ACRES Capps
SECTION 20			
SW 1/4 NE 1/4	9.40		ACRES Hundley
SE 1/4 NE 1/4	3.80		ACRES Hundley
NE 1/4 SE 1/4	3.00		ACRES Hundley
NW 1/4 SE 1/4	1.30		ACRES Hundley
SE 1/4 SE 1/4	7.10		ACRES Hundley
SECTION 21			
SE 1/4 NE 1/4	8.60		ACRES Claymier
NE 1/4 NW 1/4	0.80		ACRE S. Woodside
NW 1/4 NW 1/4	0.60		ACRE S. Woodside
SW 1/4 NW 1/4	12.20		ACRES S. Woodside
SE 1/4 NW 1/4	4.40		ACRES S. Woodside
SE 1/4 SW 1/4	6.20		ACRES S. Woodside
NE 1/4 SE 1/4	0.50		ACRE Claymier
SECTION 22			
NW 1/4 NE 1/4	6.00		ACRES Claymier
SW 1/4 NE 1/4	0.30		ACRE Claymier
SE 1/4 NE 1/4	18.10		ACRES Aschoff
NE 1/4 NW 1/4	3.30		ACRES Claymier
NW 1/4 NW 1/4	3.30		ACRES Claymier
SW 1/4 NW 1/4	18.80		ACRES Claymier
SE 1/4 NW 1/4	9.00		ACRES Claymier
NW 1/4 SW 1/4	0.60		ACRE Claymier
SE 1/4 SE 1/4	6.00		ACRES L. Woodside
SECTION 23			

	PRIMARY	SUPPLEMENTAL	OWNER
NE 1/4 NW 1/4	0.30	ACRE	Carter
NW 1/4 NW 1/4	2.50	5.30 ACRES	Carter
SW 1/4 NW 1/4	5.80	10.10 ACRES	Carter
SE 1/4 NW 1/4	4.40	ACRES	Carter
SE 1/4 SE 1/4	0.30	ACRE	Meredith
SECTION 24			
NW 1/4 NE 1/4	5.90	ACRES	L. Woodside
SW 1/4 NE 1/4	1.50	ACRES	L. Woodside
SECTION 25			
NE 1/4 NE 1/4	10.20	ACRES	Pinheiro
NW 1/4 NE 1/4	11.90	ACRES	L. Woodside
SW 1/4 NE 1/4	26.80	ACRES	L. Woodside
SE 1/4 NE 1/4	4.30	ACRES	Pinheiro
NE 1/4 NW 1/4	6.90	ACRES	L. Woodside
NW 1/4 NW 1/4	2.20	ACRES	L. Woodside
SW 1/4 NW 1/4	0.90	ACRE	L. Woodside
SE 1/4 NW 1/4	12.20	ACRES	L. Woodside
NW 1/4 SE 1/4	2.40	ACRES	Beebe
SECTION 26			
SE 1/4 NE 1/4	10.00	ACRES	L. Woodside
NE 1/4 NW 1/4	4.50	ACRES	S. Woodside
NW 1/4 NW 1/4	1.20	ACRES	S. Woodside
NE 1/4 SE 1/4	7.50	ACRES	Hammer
NW 1/4 SE 1/4	4.00	ACRES	Hammer
SE 1/4 SE 1/4	12.10	ACRES	Tolentino
SECTION 27			
SW 1/4 SW 1/4	10.60	ACRES	Blake
NE 1/4 SE 1/4	0.10	ACRE	Graybill
SW 1/4 SE 1/4	11.80	ACRES	Graybill
SE 1/4 SE 1/4	0.20	ACRE	Graybill
SECTION 29			
NE 1/4 SE 1/4	0.70	ACRE	Blake
NW 1/4 SE 1/4	0.10	ACRE	Blake
SW 1/4 SE 1/4	2.20	ACRES	Blake
SE 1/4 SE 1/4	10.50	ACRES	Blake
SECTION 30			
NW 1/4 NE 1/4	12.10	ACRES	Hill
SECTION 32			

	PRIMARY	SUPPLEMENTAL	OWNER
NW 1/4 NW 1/4	12.10	ACRES	Reinwand

SECTION 33

TOWNSHIP 5 SOUTH, RANGE 12 EAST, W.M.

NE 1/4 NE 1/4	2.00	ACRES	Mayhew
NE 1/4 SW 1/4	2.00	ACRES	Larkin
SE 1/4 SW 1/4	9.70	ACRES	Larkin
NW 1/4 SE 1/4	7.80	ACRES	Larkin
SW 1/4 SE 1/4	18.20	ACRES	Larkin

SECTION 2

NW 1/4 NE 1/4	9.20	ACRES	Gabel
SW 1/4 NE 1/4	27.40	ACRES	Gabel
SW 1/4 NW 1/4	16.60	ACRES	Gabel
SE 1/4 NW 1/4	20.00	ACRES	Gabel
NW 1/4 SW 1/4	1.20	ACRES	Bothwell

SECTION 3

NW 1/4 NW 1/4	8.70	ACRES	Paulson
SW 1/4 NW 1/4	5.30	ACRES	Paulson

SECTION 4

NW 1/4 NE 1/4	17.80	ACRES	Paulson
SW 1/4 NE 1/4	5.00	ACRES	Paulson
SE 1/4 SW 1/4	5.50	ACRES	Carter

SECTION 5

SE 1/4 NE 1/4	16.00	ACRES	L. Woodside
SW 1/4 NW 1/4	4.00	ACRES	Walters
SE 1/4 NW 1/4	14.60	ACRES	Walters
NE 1/4 SW 1/4	7.30	ACRES	Walters
NW 1/4 SW 1/4	2.30	ACRES	Walters
SW 1/4 SW 1/4	6.30	ACRES	Walters
SE 1/4 SW 1/4	6.70	ACRES	Walters
NE 1/4 SE 1/4	8.00	ACRES	Walters
NW 1/4 SE 1/4	3.90	ACRES	Walters
SE 1/4 SE 1/4	0.40	ACRE	Walters

SECTION 7

NE 1/4 NE 1/4	35.30	ACRES	Carter
NW 1/4 NE 1/4	37.60	ACRES	Carter
SW 1/4 NW 1/4	18.90	ACRES	L. Woodside
SW 1/4 SW 1/4	4.50	ACRES	Hawthorne
SE 1/4 SW 1/4	13.80	ACRES	Hawthorne

SECTION 8

	PRIMARY	SUPPLEMENTAL	OWNER
SW 1/4 NE 1/4	4.50	ACRES	Kelly
NW 1/4 NW 1/4	7.30	ACRES	Kelly
SW 1/4 NW 1/4	25.40	ACRES	Kelly
SE 1/4 NW 1/4	4.40	ACRES	Kelly
NE 1/4 SW 1/4	5.00	ACRES	Kelly
SECTION 9			
NE 1/4 NW 1/4	2.20	ACRES	Larkin
SECTION 11			
NW 1/4 NW 1/4	6.50	ACRES	Hawthorne
SECTION 17			
NE 1/4 NE 1/4	5.40	ACRES	Hawthorne
SE 1/4 SE 1/4	1.20	ACRES	Bender
SECTION 18			
NW 1/4 SW 1/4	0.30	ACRE	Meredith
SECTION 19			
NE 1/4 NW 1/4	10.00	ACRES	Tom Morelli
SW 1/4 NW 1/4	2.60	ACRES	Tom Morelli
NE 1/4 SW 1/4	2.10	ACRES	Dodge
SW 1/4 SW 1/4	5.40	ACRES	Dodge
SE 1/4 SW 1/4	3.60	ACRES	Dodge
SE 1/4 SE 1/4	15.10	ACRES	Dodge
SECTION 21			
NW 1/4 NW 1/4	1.20	ACRES	Lorraine Gabel
SECTION 28			
SW 1/4 NE 1/4	2.30	ACRES	Fosberg
NE 1/4 NW 1/4	10.70	ACRES	Fosberg
NW 1/4 NW 1/4	32.20	ACRES	Fosberg
SW 1/4 NW 1/4	11.00	ACRES	Fosberg
SE 1/4 NW 1/4	27.30	ACRES	Fosberg
SECTION 29			
SW 1/4 NE 1/4		0.20	ACRE Nelson
SE 1/4 NW 1/4		1.80	ACRES Nelson
NE 1/4 SW 1/4	1.60	17.00	ACRES Nelson
NW 1/4 SW 1/4	3.90		ACRES Nelson
NW 1/4 SE 1/4		4.50	ACRES Nelson

SECTION 30

TOWNSHIP 5 SOUTH, RANGE 13 EAST, W.M.

	PRIMARY	SUPPLEMENTAL		OWNER
SW 1/4 SW 1/4		38.80	ACRES	Larsell
SE 1/4 SW 1/4		37.30	ACRES	Larsell
SECTION 13				
SW 1/4 NE 1/4	0.50		ACRE	Tom Morelli
SE 1/4 NW 1/4	10.40		ACRES	Tom Morelli
SE 1/4 SW 1/4	2.80		ACRES	Tom Morelli
NE 1/4 SE 1/4	9.30		ACRES	Tom Morelli
NW 1/4 SE 1/4	7.60		ACRES	Tom Morelli
SW 1/4 SE 1/4	6.60		ACRES	Tom Morelli
SE 1/4 SE 1/4	4.10		ACRES	Tom Morelli
SECTION 22				
NE 1/4 NE 1/4	9.90		ACRES	McElheron
NW 1/4 NE 1/4	21.80		ACRES	McElheron
SW 1/4 NE 1/4	23.70		ACRES	McElheron
NE 1/4 NW 1/4	26.00		ACRES	McElheron
SE 1/4 NW 1/4	27.40		ACRES	McElheron
NE 1/4 SW 1/4		40.00	ACRES	McReynolds
NW 1/4 SW 1/4		1.10	ACRES	McReynolds
SE 1/4 SW 1/4		15.70	ACRES	McReynolds
SECTION 23				
NE 1/4 NW 1/4		3.90	ACRES	Larsell
NW 1/4 NW 1/4		4.60	ACRES	Larsell
SECTION 24				
SE 1/4 NE 1/4	3.30		ACRES	Harth
SECTION 25				
NE 1/4 NE 1/4	29.40		ACRES	Tim Morelli
NW 1/4 NE 1/4	1.90		ACRES	Tom Morelli
SW 1/4 NE 1/4	26.70		ACRES	Tim Morelli
SE 1/4 NE 1/4	28.60		ACRES	Tim Morelli
NE 1/4 NW 1/4	13.00		ACRES	Tom Morelli
NW 1/4 NW 1/4	25.50		ACRES	Tom Morelli
SW 1/4 NW 1/4	20.70		ACRES	Tom Morelli
SE 1/4 NW 1/4	1.70		ACRES	Tom Morelli
NE 1/4 SE 1/4	4.80		ACRES	Tom Morelli
NW 1/4 SE 1/4		16.90	ACRES	Tom Morelli
SW 1/4 SE 1/4		12.40	ACRES	Tom Morelli
SE 1/4 SE 1/4	3.50		ACRES	Tom Morelli
SECTION 27				

	PRIMARY	SUPPLEMENTAL	OWNER
SW 1/4 SW 1/4	0.50	ACRE	V. Woodside
SE 1/4 SW 1/4	8.50	ACRES	V. Woodside
SECTION 29			
NE 1/4 NE 1/4	1.50	ACRES	Gutzler
SW 1/4 NE 1/4	5.00	ACRES	Gutzler
SE 1/4 NE 1/4	1.40	ACRES	Gutzler
NE 1/4 SE 1/4	1.80	ACRES	Gutzler
NW 1/4 SE 1/4	14.40	ACRES	Gutzler
SW 1/4 SE 1/4	7.50	ACRES	Gutzler
SE 1/4 SE 1/4	1.80	ACRES	Gutzler
SECTION 31			
NE 1/4 SE 1/4	16.00	ACRES	Paulson
NW 1/4 SE 1/4	4.00	ACRES	Paulson
SW 1/4 SE 1/4	7.70	ACRES	Paulson
SECTION 32			
NE 1/4 SW 1/4	4.20	0.20 ACRES	Paulson
NW 1/4 SW 1/4	0.40	ACRE	Paulson
SW 1/4 SW 1/4	6.80	ACRES	Paulson
SE 1/4 SW 1/4	9.80	ACRES	Paulson
SECTION 33			
NW 1/4 NW 1/4	19.50	ACRES	Reckman Estate
SW 1/4 NW 1/4	4.60	ACRES	Don Reckman
SW 1/4 SW 1/4	4.90	ACRES	Odem
SECTION 34			
SE 1/4 NE 1/4	16.80	ACRES	Mayhew
NE 1/4 SE 1/4	17.40	ACRES	Mayhew
NW 1/4 SE 1/4	7.80	ACRES	Mayhew
SECTION 35			
NE 1/4 NW 1/4	32.50	ACRES	Mayhew
NW 1/4 NW 1/4	32.50	ACRES	Mayhew
SW 1/4 NW 1/4	32.50	ACRES	Mayhew
SE 1/4 NW 1/4	32.50	ACRES	Mayhew
NE 1/4 SW 1/4	29.80	ACRES	Mayhew
NW 1/4 SW 1/4	29.60	ACRES	Mayhew
SW 1/4 SW 1/4	38.60	ACRES	Mayhew
SE 1/4 SW 1/4	32.00	ACRES	Mayhew
SECTION 36			

TOWNSHIP 4 SOUTH, RANGE 13 EAST, W.M.

	PRIMARY	SUPPLEMENTAL		OWNER
NE 1/4 NE 1/4	1.70	2.20	ACRES	Marsh
NW 1/4 NE 1/4	3.30	21.90	ACRES	Marsh
SW 1/4 NE 1/4		19.00	ACRES	Marsh
SE 1/4 NE 1/4		5.10	ACRES	Marsh
NE 1/4 SE 1/4	1.00		ACRE	Marsh

SECTION 19

NE 1/4 NW 1/4	21.90		ACRES	Marsh
SE 1/4 NW 1/4	29.60		ACRES	Marsh
NE 1/4 SW 1/4	6.50		ACRES	Marsh
NW 1/4 SW 1/4	31.00		ACRES	Marsh
SW 1/4 SW 1/4	14.10		ACRES	Marsh

SECTION 20

NE 1/4 SW 1/4	1.00		ACRE	Harth
LOT 3 (NW 1/4 SW 1/4)	1.70		ACRES	Harth

SECTION 30

LOT 4 (SW 1/4 SW 1/4)	19.20		ACRES	Duling
SE 1/4 SW 1/4	28.50		ACRES	Duling

SECTION 31

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

Measurement, recording and reporting conditions:

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

No additional water shall be appropriated under this permit from Clear Creek, Frog Creek, or Clear Lake Reservoir than what is already authorized under certificates 48850 and 51539, or under superceding

certificates, for an equal number of irrigated acres. This permit does not authorize an increase in the total rate or duty of water diverted by the permittee.

STANDARD CONDITIONS

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

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 allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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

Actual construction work shall begin within one year of permit issuance. Complete application of the water to the use shall be made on or before October 1, 2006. 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 _____, 2002

DRAFT - THIS IS NOT A PERMIT

Paul R. Cleary, Director
Water Resources Department

STATE OF OREGON

COUNTY OF WASCO

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JUNIPER FLAT DISTRICT IMPROVEMENT COMPANY
53333 RESERVATION ROAD
MAUPIN, OR 97037

confirms the right to use the waters of DIRECT FLOW FROM CLEAR CREEK AND FROG CREEK AND STORAGE OF 1400 ACRE FEET IN CLEAR LAKE RESERVOIR, a tributary of WHITE RIVER, for IRRIGATION OF 2101.64 ACRES, STOCK, AND MAINTENANCE OF STOCK PONDS (5.85 ACRE EQUIVALENTS).

This right was confirmed by decree of the Circuit Court of the State of Oregon for WASCO COUNTY. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 14 & 18, at Page 398 & 252. The date of priority is JULY 1, 1903 FOR DIRECT FLOW FROM CLEAR CREEK AND FROG CREEK, AND AUGUST 19, 1904, FOR STORAGE IN CLEAR LAKE RESERVOIR.

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed ONE ACRE FOOT PER ACRE OR ACRE EQUIVALENT DURING ANY 30-DAY PERIOD UP TO JULY 1ST OF EACH YEAR AND NOT TO EXCEED 3 ACRE FEET PER ACRE OR ACRE EQUIVALENT DURING ANY IRRIGATION SEASON; PROVIDED, THAT THE RATE OF FLOW SHALL NOT EXCEED 1/40 OF A SECOND FOOT PER ACRE OR ACRE EQUIVALENT UP TO JULY 1ST OF EACH YEAR AND THEREAFTER NOT TO EXCEED 1/80 OF A SECOND FOOT PER ACRE OR ACRE EQUIVALENT, EXCEPT IN CASE OF ROTATION.

The point of diversion is located as follows:

NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 34, T. 4 S., R. 9 E., W. M. FROM FROG CREEK; NW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 10, T. 5 S., R. 9 E., W.M. FROM CLEAR CREEK; CLEAR LAKE RESERVOIR DAM IS IN THE SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 32, T. 4 S., R. 9 E., W.M.

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

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

IRRIGATION AND STOCK

<u>QTR/QTR</u>	<u>TAX</u> <u>LOT</u>	<u>ACRES</u>	<u>LANDOWNER</u>
NE/SE	7200	1.50	MCELHERON
SW/SE	7200	23.60	MCELHERON
SE/SE	7200	35.70	MCELHERON
SECTION 14			
SW/NE	9300	2.50	TOM MORELLI
SE/NE	9300	5.60	TOM MORELLI
NE/NW	7600	0.90	MAYHEW
SW/SW	9200	1.50	TOM MORELLI
SE/SW	9200	9.90	TOM MORELLI
NE/SE	9400	23.80	TOM MORELLI
NW/SE	9400	19.00	TOM MORELLI
SW/SE	9400	10.40	TOM MORELLI
SE/SE	9400	2.80	TOM MORELLI
SECTION 22			
NE/NE	7200	18.40	MCELHERON
NW/NE	7200	10.80	MCELHERON
SW/SW	9500	22.70	DELCO
SE/SW	9500	24.30	DELCO
SECTION 23			
NE/NW	6500	34.00	LARSELL
SE/NW	6500	36.00	LARSELL
SECTION 24			
SE/NE	9700	1.30	HARTH
NW/SW	9900	15.40	MAYHEW
SW/SW	9900	19.40	MAYHEW
SECTION 25			
NE/SE	9900	12.90	MAYHEW
NW/SE	9900	2.60	MAYHEW
SW/SE	9900	2.70	MAYHEW
SE/SE	9900	35.30	MAYHEW
SECTION 26			
NW/NE	9501	33.50	TIM MORELLI
SW/NE	9501	1.60	TIM MORELLI
NE/NW	9200	6.00	TOM MORELLI
NE/SW	10100	22.00	TIM MORELLI

<u>QTR/QTR</u>	<u>TAX</u> <u>LOT</u>	<u>ACRES</u>	<u>LANDOWNER</u>
SW/SW	10100	13.80	TIM MORELLI
SE/SW	10100	6.60	TIM MORELLI
NW/SE	10100	20.50	TIM MORELLI
SECTION 27			
NE/SW	10600	7.00	V. WOODSIDE
NW/SW	10600	3.50	V. WOODSIDE
SW/SW	10600	11.60	V. WOODSIDE
SE/SW	10600	7.40	V. WOODSIDE
SECTION 29			
NE/SE	10600	0.90	V. WOODSIDE
SE/SE	10600	1.00	V. WOODSIDE
SECTION 30			
NE/NE	10800	10.50	GUTZLER
SW/NE	10800	3.50	GUTZLER
SE/NE	10800	10.90	GUTZLER
SW/NW	10700	11.20	ENDERSBY
SECTION 31			
SE/NE	10900	8.50	PAULSON
NW/NW	10800	2.70	GUTZLER
NE/SE	10900	13.30	PAULSON
NW/SE	10900	6.00	PAULSON
SECTION 32			
NE/SW	10900	17.50	PAULSON
SW/SW	10900	5.50	PAULSON
SE/SW	10900	20.20	PAULSON
SECTION 33			
NW/NW	11100	15.70	RECKMAN
SW/NW	11100	0.50	RECKMAN
NW/SW	11100	3.80	RECKMAN
NW/SW	11101	1.90	ODEM
SW/SW	11101	2.10	ODEM
SECTION 34			
SE/SW	11400	0.30	MAYHEW
NE/SE	11400	12.30	MAYHEW
SW/SE	11400	9.80	MAYHEW

<u>QTR/QTR</u>	<u>TAX</u> <u>LOT</u>	<u>ACRES</u>	<u>LANDOWNER</u>
----------------	--------------------------	--------------	------------------

SE/SE	11400	34.30	MAYHEW
-------	-------	-------	--------

SECTION 35

NE/SE	11500	24.80	MAYHEW
NW/SE	11500	15.80	MAYHEW
SW/SE	11500	25.80	MAYHEW
SE/SE	11500	33.00	MAYHEW

SECTION 36

TOWNSHIP 4 SOUTH, RANGE 13 EAST, W.M.

NE/NE	3700	30.90	MARSH
SE/NE	3700	28.10	MARSH

SECTION 19

NW/NW	3300	32.30	MARSH
SW/NW	3300	30.40	MARSH
NW/SW	3300	8.30	MARSH

SECTION 20

NE/SW	4200	1.10	HARTH
NW/SW	4200	0.60	HARTH

SECTION 30

NE/SW	4302	20.80	DULING
NW/SE	4302	8.70	DULING
SW/SE	4302	10.00	DULING

SECTION 31

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

NW/SW	1701	7.00	ENDERSBY
-------	------	------	----------

SECTION 13

SE/NE	2700	0.10	DODGE
NE/SW	2400	3.00	ODFW
SE/SW	2400	19.34	ODFW

SECTION 24

SE/NE	1900	5.00	HAMMOND
NE/SW	100	1.00	MUNCIE

SECTION 25

TOWNSHIP 5 SOUTH, RANGE 11 EAST, W.M.

<u>QTR/QTR</u>	<u>LOT</u>	<u>ACRES</u>	<u>TAX</u>	<u>LANDOWNER</u>
SW/NE	100	4.00		MCCORKLE
NE/NW	201	3.70		V. WOODSIDE
NW/NW	201	0.90		V. WOODSIDE
SW/NW	201	7.90		V. WOODSIDE
SE/NW	100	7.40		MCCORKLE
SE/NW	201	1.10		V. WOODSIDE
NW/SE	100	6.00		MCCORKLE
SECTION 1				
NW/SW	400	14.40		HACHLER
SW/SW	400	0.80		HACHLER
SECTION 2				
NE/SE	400	9.90		HACHLER
SE/SE	400	4.90		HACHLER
SECTION 3				
SE/SE	1700	10.40		AMBROSE
SECTION 8				
NW/SW	1700	12.90		AMBROSE
SW/SW	1700	6.70		AMBROSE
SECTION 9				
SW/SW	2200	12.40		ENDERSBY
SE/SW	2200	9.60		ENDERSBY
SECTION 11				
NW/NW	2100	31.80		MCLEOD
SW/NW	2100	27.50		MCLEOD
SE/NW	2100	7.70		MCLEOD
SECTION 12				
NE/NE	2300	6.30		ENDERSBY
SE/NE	2300	4.40		ENDERSBY
NE/SW	2600	3.20		WILLIAMSON
NW/SW	2600	9.60		WILLIAMSON
SECTION 13				
NW/NE	3103	0.50		GROCE
SE/NE	2600	7.20		WILLIAMSON
NE/NW	3103	10.50		GROCE
SW/SE	3100	9.30		CLAYMIER

<u>QTR/QTR</u>	<u>TAX</u>	<u>LOT</u>	<u>ACRES</u>	<u>LANDOWNER</u>
SE/SE	3100	12.00	CLAYMIER	
SECTION 14				
SW/SW	3502	1.20	DODGE	
SW/SW	3502	14.00	DODGE	
SE/SW	3502	39.80	DODGE	
SECTION 18				
SE/SW	3790	20.00	CONFEDERATED TRIBES	
SECTION 19				
SE/NE	3403	5.00	CAPPS	
SECTION 20				
NE/SE	3900	14.60	HUNDLEY	
NW/SE	3900	1.40	HUNDLEY	
SE/SE	3900	4.34	HUNDLEY	
SECTION 21				
NW/NW	3200	15.50	S. WOODSIDE	
SW/NW	3200	9.23	S. WOODSIDE	
NE/SE	3100	2.70	L. WOODSIDE	
SW/SE	4000	10.00	JONES & ROSS	
SE/SE	3100	16.20	L. WOODSIDE	
SECTION 22				
NE/NE	2703	15.00	ASCHOFF	
NW/NE	3100	11.50	CLAYMIER	
NE/NW	3100	16.40	CLAYMIER	
NW/NW	3100	12.68	CLAYMIER	
SW/NW	3100	3.40	CLAYMIER	
SE/NW	3100	1.20	CLAYMIER	
SW/SW	4100	4.50	L. WOODSIDE	
SE/SW	4100	4.60	L. WOODSIDE	
SECTION 23				
NW/NW	2702	5.00	CARTER	
SW/NW	2702	10.00	CARTER	
SE/SE	4400	0.50	DULING	
SECTION 24				
SW/NE	4500	11.80	L. WOODSIDE	
SECTION 25				

<u>QTR/QTR</u>	<u>TAX</u>	<u>LOT</u>	<u>ACRES</u>	<u>LANDOWNER</u>
NE/NE	4900	7.20	PINHEIRO	
SE/NE	4900	4.80	PINHEIRO	
NE/NW	4100	13.50	L. WOODSIDE	
NW/NW	4100	21.60	L. WOODSIDE	
NW/SE	5200	2.00	BEEBE	

SECTION 26

NE/NE	4100	6.40	L. WOODSIDE
NE/SW	5500	6.00	HAMMER
NW/SW	5500	0.70	HAMMER
NW/SE	5500	2.80	HAMMER
SE/SE	5600	10.00	TOLENTINO

SECTION 27

NW/NW	6100	0.30	DODGE
SW/SE	6400	1.50	FILBIN

SECTION 29

SE/SE	6300	11.10	BLAKE
-------	------	-------	-------

SECTION 30

NW/NE	6501	18.50	FILBIN
-------	------	-------	--------

SECTION 32

NW/NE	7300	12.00	DODGE
NW/NW	6000	18.90	BLAKE

SECTION 33

TOWNSHIP 5 SOUTH, RANGE 12 EAST, W.M.

NE/NE	500	11.60	MAYHEW
SE/SW	600	7.50	LARKIN/INGRAM

SECTION 2

NE/NW	800	12.90	GABEL & LARKIN
NE/NW	801	20.60	FOSBERG
NW/NW	801	25.20	FOSBERG
NW/NW	900	12.20	GABEL & LARKIN
SW/NW	900	14.90	GABEL & LARKIN
SE/NW	800	20.00	GABEL & LARKIN
NW/SW	1000	1.00	BOTHWELL

SECTION 3

<u>QTR/QTR</u>	<u>TAX</u> <u>LOT</u>	<u>ACRES</u>	<u>LANDOWNER</u>
NE/NE	1100	11.60	FOSBERG
NW/NE	802	11.60	FOSBERG
SECTION 4			
NE/NW	1300	20.00	CARTER
SE/NW	1300	2.40	CARTER
SW/SW	1300	3.20	CARTER
SE/SW	1300	16.10	CARTER
SW/SE	1300	19.50	CARTER
SE/SE	1300	11.80	CARTER
SECTION 5			
SW/NW	1400	2.00	WALTERS
NE/SW	1400	8.10	WALTERS
NW/SW	1400	1.60	WALTERS
SW/SW	1400	12.70	WALTERS
SE/SW	1400	2.60	WALTERS
NE/SE	1400	5.40	WALTERS
NW/SE	1400	13.30	WALTERS
SW/SE	1400	0.80	WALTERS
SE/SE	1400	0.50	WALTERS
SECTION 7			
SW/NW	1500	1.90	L. WOODSIDE
NW/SW	1500	15.10	L. WOODSIDE
SW/SW	2000	24.20	R. KELLY & HAWTHORNE
SE/SW	2000	0.60	R. KELLY & HAWTHORNE
SECTION 8			
SW/NE	2200	7.40	KELLY
SW/NW	2200	14.60	KELLY
SE/NW	2200	8.70	KELLY
NE/SW	2200	7.80	KELLY
SECTION 9			
NW/NE	600	15.50	LARKIN/INGRAM
NE/NW	600	10.50	LARKIN/INGRAM
SECTION 11			
NW/NW	2000	0.20	R. KELLY
SECTION 17			

<u>QTR/QTR</u>	<u>TAX</u>	<u>LOT</u>	<u>ACRES</u>	<u>LANDOWNER</u>
SE/SE	4100	0.25	FOSBERG	
SECTION 18				
NE/NE	3700	11.60	ENDERSBY	
NW/NE	3700	7.80	ENDERSBY	
SW/NE	3700	4.00	ENDERSBY	
SE/NE	4500	6.60	TOM MORELLI	
NW/SE	4500	0.70	TOM MORELLI	
SECTION 20				
NW/NW	3700	0.10	ENDERSBY	
SW/NW	4500	7.70	TOM MORELLI	
SW/SW	4600	5.40	HAMMER	
SE/SW	4600	6.00	HAMMER	
SE/SE	4600	15.10	HAMMER	
SECTION 21				
NW/NW	5200	1.00	LYLE GABEL & LORRAINE	
SECTION 28				
SW/NW	5700	13.20	LYLE GABEL & LORRAINE	
NE/SW	5700	3.40	LYLE GABEL & LORRAINE	
NW/SW	5700	7.40	LYLE GABEL & LORRAINE	

SECTION 30

TOWNSHIP 5 SOUTH, RANGE 13 EAST, W.M.

MAINTENANCE OF STOCK PONDS (ACRE EQUIVALENTS)

<u>QTR/QTR</u>	<u>TAX</u>	<u>LOT</u>	<u>ACRES</u>	<u>LANDOWNER</u>
NE/NW	7600	0.10	MAYHEW	
SECTION 22				
SE/NE	9700	1.70	HARTH	
SECTION 25				
SE/SW	10700	0.30	ENDERSBY	

SECTION 30

TOWNSHIP 4 SOUTH, RANGE 13 EAST, W.M.

NE/SW	4200	0.30	HARTH
SECTION 30			

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

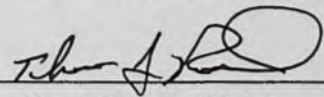
<u>OTR/OTR</u>	<u>TAX</u>	<u>LOT</u>	<u>ACRES</u>	<u>LANDOWNER</u>
NE/SW		100	0.30	MUNCIE
SECTION 25				
TOWNSHIP 5 SOUTH, RANGE 11 EAST, W.M.				
SE/SE		1200	0.20	L. WOODSIDE
SECTION 23				
TOWNSHIP 5 SOUTH, RANGE 12 EAST, W.M.				
NW/SW		3600	0.20	CARTER
SECTION 17				
NE/NE		2002	1.00	A. STREELMAN
SE/SE		4100	0.75	FOSBERG
SECTION 18				
NE/NE		3400	1.00	H. STRELLMAN
SECTION 21				
TOWNSHIP 5 SOUTH, RANGE 13 EAST, W.M.				

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 and is subject to all other conditions and limitations contained in said decree.

This certificate corrects scrivener's errors in the certificate recorded at page 76968, State Record of Water Right Certificates, and supersedes Certificate 76968.

This certificate confirms order of the Director recorded in Special Order Volume 34, page 389 (Transfer 4685); Volume 35, page 26 (Transfer 4977); Volume 36, page 213 (Transfer 5010); Volume 36, page 338 (Transfer 5057); Volume 37, page 50 (Transfer 5175); Volume 37, page 115 (Transfer 5194); Volume 37, page 443 (Transfer 5284); Volume 38, page 151 (Amending Transfer 5284); Volume 39, page 187 (Transfer 5055); Volume 40, page 104 (Transfer 5759); entered June 18, 2001, and recorded in Special Order Volume 55, page 606, approving a petition by JUNIPER FLAT DISTRICT IMPROVEMENT COMPANY under ORS 541.329 for mapping water rights within a district.

Witness the signature of the Water Resources Director, affixed SEP 25 2001.


for Paul Cleary, Director

JFDIC3111.D15525.SRS

Recorded in State Record of Water Right Certificates numbered 77326.

STATE OF OREGON

COUNTY OF WASCO

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JUNIPER FLAT DISTRICT IMPROVEMENT COMPANY
53333 RESERVATION ROAD
MAUPIN, OR 97037

confirms the right to use the waters of CLEAR LAKE RESERVOIR, CONSTRUCTED UNDER PERMIT R-2106, a tributary of WHITE RIVER, for SUPPLEMENTAL IRRIGATION OF 2,101.64 ACRES AND MAINTENANCE OF STOCK PONDS (5.85 ACRE EQUIVALENTS).

This right was perfected under Permit 25275. The date of priority is NOVEMBER 11, 1915. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 11,660 ACRE-FEET STORED WATER ONLY or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 32, T. 4 S., R. 9 E., W.M.; 1,390 FEET SOUTH AND 480 FEET WEST FROM E $\frac{1}{4}$ CORNER, SECTION 32.

The amount of water used for irrigation together with the amount secured under any other right existing for the same lands, is limited to A DIVERSION OF 4.2 ACRE-FEET FOR EACH ACRE IRRIGATED OR ACRE EQUIVALENT DURING THE IRRIGATION SEASON OF EACH YEAR.

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

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

SUPPLEMENTAL IRRIGATION

	<u>TAX</u>		
<u>OTR/QTR</u>	<u>LOT</u>	<u>ACRES</u>	<u>LANDOWNER</u>
NE/SE	7200	1.50	MCELHERON
SW/SE	7200	23.60	MCELHERON
SE/SE	7200	35.70	MCELHERON
		SECTION 14	
SW/NE	9300	2.50	TOM MORELLI
SE/NE	9300	5.60	TOM MORELLI
NE/NW	7600	0.90	MAYHEW

	<u>TAX</u>		
<u>OTR/QTR</u>	<u>LOT</u>	<u>ACRES</u>	<u>LANDOWNER</u>
SW/SW	9200	1.50	TOM MORELLI
SE/SW	9200	9.90	TOM MORELLI
NE/SE	9400	23.80	TOM MORELLI
NW/SE	9400	19.00	TOM MORELLI
SW/SE	9400	10.40	TOM MORELLI
SE/SE	9400	2.80	TOM MORELLI

SECTION 22

NE/NE	7200	18.40	MCELHERON
NW/NE	7200	10.80	MCELHERON
SW/SW	9500	22.70	DELCO
SE/SW	9500	24.30	DELCO

SECTION 23

NE/NW	6500	34.00	LARSELL
SE/NW	6500	36.00	LARSELL

SECTION 24

SE/NE	9700	1.30	HARTH
NW/SW	9900	15.40	MAYHEW
SW/SW	9900	19.40	MAYHEW

SECTION 25

NE/SE	9900	12.90	MAYHEW
NW/SE	9900	2.60	MAYHEW
SW/SE	9900	2.70	MAYHEW
SE/SE	9900	35.30	MAYHEW

SECTION 26

NW/NE	9501	33.50	TIM MORELLI
SW/NE	9501	1.60	TIM MORELLI
NE/NW	9200	6.00	TOM MORELLI
NE/SW	10100	22.00	TIM MORELLI
SW/SW	10100	13.80	TIM MORELLI
SE/SW	10100	6.60	TIM MORELLI
NW/SE	10100	20.50	TIM MORELLI

SECTION 27

NE/SW	10600	7.00	V. WOODSIDE
NW/SW	10600	3.50	V. WOODSIDE
SW/SW	10600	11.60	V. WOODSIDE
SE/SW	10600	7.40	V. WOODSIDE

SECTION 29

<u>OTR/QTR</u>	<u>TAX</u> <u>LOT</u>	<u>ACRES</u>	<u>LANDOWNER</u>
NE/SE	10600	0.90	V. WOODSIDE
SE/SE	10600	1.00	V. WOODSIDE

SECTION 30

NE/NE	10800	10.50	GUTZLER
SW/NE	10800	3.50	GUTZLER
SE/NE	10800	10.90	GUTZLER
SW/NW	10700	11.20	ENDERSBY

SECTION 31

NW/NW	10800	2.70	GUTZLER
NE/SE	10900	13.30	PAULSON
NW/SE	10900	6.00	PAULSON
SE/NE	10900	8.50	PAULSON

SECTION 32

NE/SW	10900	17.50	PAULSON
SE/SW	10900	20.20	PAULSON
SW/SW	10900	5.50	PAULSON

SECTION 33

NW/NW	11100	15.70	RECKMAN
NW/SW	11100	3.80	RECKMAN
NW/SW	11101	1.90	ODEM
SW/NW	11100	0.50	RECKMAN
SW/SW	11101	2.10	ODEM

SECTION 34

NE/SE	11400	12.30	MAYHEW
SE/SW	11400	0.30	MAYHEW
SW/SE	11400	9.80	MAYHEW
SE/SE	11400	34.30	MAYHEW

SECTION 35

NE/SE	11500	24.80	MAYHEW
NW/SE	11500	15.80	MAYHEW
SW/SE	11500	25.80	MAYHEW
SE/SE	11500	33.00	MAYHEW

SECTION 36

TOWNSHIP 4 SOUTH, RANGE 13 EAST, W.M.

<u>OTR/QTR</u>	<u>TAX</u> <u>LOT</u>	<u>ACRES</u>	<u>LANDOWNER</u>
----------------	--------------------------	--------------	------------------

NE/NE	3700	30.90	MARSH
-------	------	-------	-------

SE/NE	3700	28.10	MARSH
-------	------	-------	-------

SECTION 19

NW/NW	3300	32.30	MARSH
-------	------	-------	-------

SW/NW	3300	30.40	MARSH
-------	------	-------	-------

NW/SW	3300	8.30	MARSH
-------	------	------	-------

SECTION 20

NE/SW	4200	1.10	HARTH
-------	------	------	-------

NW/SW	4200	0.60	HARTH
-------	------	------	-------

SECTION 30

NE/SW	4302	20.8	DULING
-------	------	------	--------

NW/SE	4302	8.7	DULING
-------	------	-----	--------

SW/SE	4302	10.00	DULING
-------	------	-------	--------

SECTION 31

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

NW/SW	1701	7.00	ENDERSBY
-------	------	------	----------

SECTION 13

SE/NE	2700	0.10	DODGE
-------	------	------	-------

NE/SW	2400	3.00	ODFW
-------	------	------	------

SE/SW	2400	19.34	ODFW
-------	------	-------	------

SECTION 24

SE/NE	1900	5.00	HAMMOND
-------	------	------	---------

NE/SW	100	1.00	MUNCIE
-------	-----	------	--------

SECTION 25

TOWNSHIP 5 SOUTH, RANGE 14 EAST, W.M.

SW/NE	100	4.00	MCCORKLE
-------	-----	------	----------

NE/NW	201	3.70	V. WOODSIDE
-------	-----	------	-------------

NW/NW	201	0.90	V. WOODSIDE
-------	-----	------	-------------

SW/NW	201	7.90	V. WOODSIDE
-------	-----	------	-------------

SE/NW	100	7.40	MCCORKLE
-------	-----	------	----------

SE/NW	201	1.10	V. WOODSIDE
-------	-----	------	-------------

NW/SE	100	6.00	MCCORKLE
-------	-----	------	----------

SECTION 1

<u>OTR/QTR</u>	<u>TAX</u> <u>LOT</u>	<u>ACRES</u>	<u>LANDOWNER</u>
NW/SW	400	14.40	HACHLER
SW/SW	400	0.80	HACHLER
SECTION 2			
NE/SE	400	9.90	HACHLER
SE/SE	400	4.90	HACHLER
SECTION 3			
SE/SE	1700	10.40	AMBROSE
SECTION 8			
NW/SW	1700	12.90	AMBROSE
SW/SW	1700	6.70	AMBROSE
SECTION 9			
SW/SW	2200	12.40	ENDERSBY
SE/SW	2200	9.60	ENDERSBY
SECTION 11			
NW/NW	2100	31.80	MCLEOD
SW/NW	2100	27.50	MCLEOD
SE/NW	2100	7.70	MCLEOD
SECTION 12			
NE/NE	2300	6.30	ENDERSBY
SE/NE	2300	4.40	ENDERSBY
NE/SW	2600	3.20	WILLIAMSON
NW/SW	2600	9.60	WILLIAMSON
SECTION 13			
NW/NE	3103	0.50	GROCE
SE/NE	2600	7.20	WILLIAMSON
NE/NW	3103	10.50	GROCE
SW/SE	3100	9.30	CLAYMIER
SE/SE	3100	12.00	CLAYMIER
SECTION 14			
SW/SW	3502	14.00	DODGE
SW/SW	3502	1.20	DODGE
SE/SW	3502	39.80	DODGE
SECTION 18			
SE/SW	3790	20.00	CONFEDERATED TRIBES
SECTION 19			
SE/NE	3403	5.00	CAPPS
SECTION 20			

<u>OTR/QTR</u>	<u>TAX</u> <u>LOT</u>	<u>ACRES</u>	<u>LANDOWNER</u>
NE/SE	3900	14.60	HUNDLEY
NW/SE	3900	1.40	HUNDLEY
SE/SE	3900	4.34	HUNDLEY
SECTION 21			
NW/NW	3200	15.50	S. WOODSIDE
SW/NW	3200	9.23	S. WOODSIDE
NE/SE	3100	2.70	L. WOODSIDE
SW/SE	4000	10.00	JONES & ROSS
SE/SE	3100	16.20	L. WOODSIDE
SECTION 22			
NE/NE	2703	15.00	ASCHOFF
NW/NE	3100	11.50	CLAYMIER
NE/NW	3100	16.40	CLAYMIER
NW/NW	3100	12.68	CLAYMIER
SW/NW	3100	3.40	CLAYMIER
SE/NW	3100	1.20	CLAYMIER
SW/SW	4100	4.50	L. WOODSIDE
SE/SW	4100	4.60	L. WOODSIDE
SECTION 23			
NW/NW	2702	5.00	CARTER
SW/NW	2702	10.00	CARTER
SE/SE	4400	0.50	DULING
SECTION 24			
SW/NE	4500	11.80	L. WOODSIDE
SECTION 25			
NE/NE	4900	7.20	PINHEIRO
SE/NE	4900	4.80	PINHEIRO
NE/NW	4100	13.50	L. WOODSIDE
NW/NW	4100	21.60	L. WOODSIDE
NW/SE	5200	2.00	BEEBE
SECTION 26			
NE/NE	4100	6.40	L. WOODSIDE
NE/SW	5500	6.00	HAMMER
NW/SW	5500	0.70	HAMMER
NW/SE	5500	2.80	HAMMER
SE/SE	5600	10.00	TOLENTINO
SECTION 27			

<u>OTR/QTR</u>	<u>TAX</u> <u>LOT</u>	<u>ACRES</u>	<u>LANDOWNER</u>
NW/NW	6100	0.30	DODGE
SW/SE	6400	1.50	FILBIN
SECTION 29			
SE/SE	6300	11.10	BLAKE
SECTION 30			
NW/NE	6501	18.50	FILBIN
SECTION 32			
NW/NE	7300	12.00	DODGE
NW/NW	6000	18.90	BLAKE
SECTION 33			

TOWNSHIP 5 SOUTH, RANGE 12 EAST, W.M.

NE/NE	500	11.60	MAYHEW
SE/SW	600	7.50	LARKIN/INGRAM
SECTION 2			
NE/NW	800	12.90	GABEL & LARKIN
NE/NW	801	20.60	FOSBERG
NW/NW	801	25.20	FOSBERG
NW/NW	900	12.20	GABEL & LARKIN
SW/NW	900	14.90	GABEL & LARKIN
SE/NW	800	20.00	GABEL & LARKIN
NW/SW	1000	1.00	BOTHWELL
SECTION 3			
NE/NE	1100	11.60	FOSBERG
NW/NE	802	11.60	FOSBERG
SECTION 4			
NE/NW	1300	20.00	CARTER
SE/NW	1300	2.40	CARTER
SW/SW	1300	3.20	CARTER
SE/SW	1300	16.10	CARTER
SW/SE	1300	19.50	CARTER
SE/SE	1300	11.80	CARTER
SECTION 5			
SW/NW	1400	2.00	WALTERS
NE/SW	1400	8.10	WALTERS
NW/SW	1400	1.60	WALTERS
SW/SW	1400	12.70	WALTERS

<u>OTR/OTR</u>	<u>TAX</u> <u>LOT</u>	<u>ACRES</u>	<u>LANDOWNER</u>
SE/SW	1400	2.60	WALTERS
NE/SE	1400	5.40	WALTERS
NW/SE	1400	13.30	WALTERS
SW/SE	1400	0.80	WALTERS
SE/SE	1400	0.50	WALTERS
SECTION 7			
SW/NW	1500	1.90	L. WOODSIDE
NW/SW	1500	15.10	L. WOODSIDE
SW/SW	2000	24.20	R. KELLY & HAWTHORNE
SE/SW	2000	0.60	R. KELLY & HAWTHORNE
SECTION 8			
SW/NE	2200	7.40	KELLY
SW/NW	2200	14.60	KELLY
SE/NW	2200	8.70	KELLY
NE/SW	2200	7.80	KELLY
SECTION 9			
NW/NE	600	15.50	LARKIN/INGRAM
NE/NW	600	10.50	LARKIN/INGRAM
SECTION 11			
NW/NW	2000	0.20	R. KELLY
SECTION 17			
SE/SE	4100	0.25	FOSBERG
SECTION 18			
NE/NE	3700	11.60	ENDERSBY
NW/NE	3700	7.80	ENDERSBY
SW/NE	3700	4.00	ENDERSBY
SE/NE	4500	6.60	TOM MORELLI
NW/SE	4500	0.70	TOM MORELLI
SECTION 20			
NW/NW	3700	0.10	ENDERSBY
SW/NW	4500	7.70	TOM MORELLI
SW/SW	4600	5.40	HAMMER
SE/SW	4600	6.00	HAMMER
SE/SE	4600	15.10	HAMMER
SECTION 21			
NW/NW	5200	1.00	LYLE GABEL & LORRAINE

SECTION 28

SW/NW	5700	13.20	LYLE GABEL & LORRAINE
NE/SW	5700	3.40	LYLE GABEL & LORRAINE
NW/SW	5700	7.40	LYLE GABEL & LORRAINE

SECTION 30

TOWNSHIP 5 SOUTH, RANGE 13 EAST, W.M.

MAINTENANCE OF STOCK PONDS (ACRE EQUIVALENTS)

<u>QTR/QTR</u>	<u>LOT</u>	<u>ACRES</u>	<u>LANDOWNER</u>
NE/NW	7600	0.10	MAYHEW
			SECTION 22
SE/NE	9700	1.70	HARTH
			SECTION 25
SE/SW	10700	0.30	ENDERSBY
			SECTION 30

TOWNSHIP 4 SOUTH, RANGE 13 EAST, W.M.

NE/SW	4200	0.30	HARTH
			SECTION 30

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

NE/SW	100	0.30	MUNCIE
			SECTION 25

TOWNSHIP 5 SOUTH, RANGE 11 EAST, W.M.

SE/SE	1200	0.20	L. WOODSIDE
			SECTION 23

TOWNSHIP 5 SOUTH, RANGE 12 EAST, W.M.

NW/SW	3600	0.20	CARTER
			SECTION 17

NE/NE	2002	1.00	A. STREELMAN
-------	------	------	--------------

SE/SE	4100	0.75	FOSBERG
-------	------	------	---------

SECTION 18

NE/NE	3400	1.00	H. STRELLMAN
-------	------	------	--------------

SECTION 21

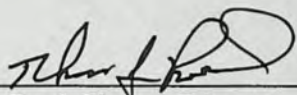
TOWNSHIP 5 SOUTH, RANGE 13 EAST, W.M.

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 and is subject to all other conditions and limitations contained in said permit.

This certificate corrects scrivener's errors in the certificate recorded at page 76969, State Record of Water Right Certificates, and supersedes Certificate 76969.

This certificate confirms orders of the Director recorded in Special Order Volume 34, page 389 (Transfer 4685); Volume 35, page 26 (Transfer 4977); Volume 36, page 213 (Transfer 5010); Volume 36, page 338 (Transfer 5057); Volume 37, page 50 (Transfer 5175); Volume 37, page 115 (Transfer 5194); Volume 37, page 443 (Transfer 5284); Volume 38, page 151 (Amending Transfer 5284); Volume 39, page 187 (Transfer 5055); Volume 40, page 104 (Transfer 5759); and entered on June 18, 2001, and recorded in Special Order Volume 55, page 606, approving a petition by JUNIPER FLAT DISTRICT IMPROVEMENT COMPANY under ORS 541.329 for mapping water rights within a district.

Witness the signature of the Water Resources Director, affixed SEP 25 2001.


for Paul Cleary, Director





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

September 5, 2003

Bruce Estes
Estes Surveys
PO Box 17519
Salem, OR 97305-7519

Re: Application S-60453 in the name of Juniper Flat District Improvement Co.

Dear Mr. Estes:

On September 4, 2003, the Oregon Water Resources Department ("Department") received your request to extend by 30 to 60 days the administrative hold for application S-60453 to provide additional time to complete settlement of the protests filed against this application.

Pursuant to OAR 690-310-270, the Water Resources Department (Department) may allow an administrative hold for up to 180 days, or for a longer period if the Director finds that a longer extension is reasonable and necessary. Therefore, the Department approves your request for an administrative hold and will not continue processing your application until **November 5, 2003**.

Please advise Kimberly Grigsby if you wish to reactivate the permitting process before the administrative hold expires. Her telephone number is (503) 378-8455, ext. 236.

Sincerely,

Dwight French
Water Rights Section Manager

c: Timothy J. Morelli
WaterWatch
District 3 watermaster
file

ESTES SURVEYS_{LLC}

SURVEYS
CONSULTING

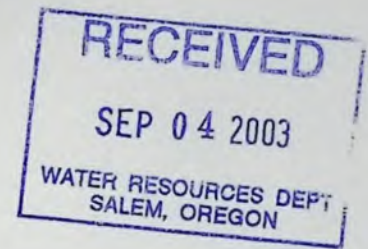
LAND & WATER RIGHTS

Bruce A. Estes, PLS, CWRE

February 4, 2003

60382 Arnold Mkt. Rd.
Bend, OR 97702
(541) 382-7391
FAX 382-7391

PO Box 17519
Salem, OR 97305-7519
(503) 585-7593
FAX 585-7593



Juniper Flat District Improvement Company

Re: S-60453

A meeting was held August 29, 2002 at the Water Resources Department with WRD personnel and Kimberly Priestly of Water Watch. Ms. Priestly was concerned about fish screens and the minimum flow of both White River and the Deschutes River.

This application is for alternate acreage within JFDICo. for the flexibility to alternate the location of irrigated crops to enhance the efficiency of the land. Since JFDI Co. does not have a full time manager they cannot utilize the provisions of ORS 540.580 afforded to irrigation districts. This application does not request additional water. It only asks for the ability to irrigate the alternate acreage without the hassel of filing transfers each year. The application requested the same sources as the adjudication rights including Clear Lake Reservoir. A letter was sent to all the water users within the project informing them that this application was to obtain the alternate location only and that no additional water was being requested nor would there be any change to the their delivery during the season.

Water Watch has a valid concern regarding the flow of the two rivers, however since this application does not change the usage from the live flow of the sources it has no effect on the flow of the rivers. Although we did not find any time that the minimum flow in White River has not been met, to allay fear that this application would impact the rivers the district would utilize storage in Clear Lake Reservoir. The project runs storage every year due to the shortage of live flow. If we speculate that a minimum flow was impacted during August and there were 400 acres of land being irrigated in the alternate location then JFDI Co. would already be on storage from Clear Lake and would be running storage to support those acres. You could speculate that the live flow was going to the adjudicated acres and only storage to the alternate acres.

This project runs on a short supply every year due to the watershed not having enough flow to fully irrigate the entire acreage. The Board of Directors have to determine how much water to release each month based on projected flows and weather. The operation of this project will not change since this application does not request new water. The facts are that there isn't any additional water available nor do they have the ability to run higher flows. This application does not change things only allows flexibility. There appears to be no harm!

Sincerely,

Bruce A. Estes, PLS, CWRE





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

April 4, 2003

Timothy J. Morelli
Chairman
Juniper Flat District Improvement Company
53333 Reservation Road
Maupin, Oregon 97037

Re: Application S-60453 in the name of Juniper Flat District Improvement Co.

Dear Mr. Morelli:

Please find enclosed a settlement agreement and proposed permit to resolve Juniper Flat District Improvement Company's and WaterWatch's protests to the proposed final order for Application S-60453. I hope this settlement will address all of the concerns raised in this case. If you find it satisfactory, please sign the settlement agreement and return it to me. I will then send the document to WaterWatch for signature.

Please call me if you have any questions or wish to discuss the settlement agreement and proposed permit. My telephone number is (503) 378-8455, ext. 236.

Sincerely,

Kimberly Grigsby
Agency Representative

enclosure

cc: Bruce Estes

KimG

From: Dwight W French [Dwight.W.FRENCH@wrdd.state.or.us]
Sent: Tuesday, May 27, 2003 1:19 PM
To: Mike LADD
Cc: Larry.M.TOLL@wrdd.state.or.us; Thomas.J.PAUL@wrdd.state.or.us; grigsbkj@funnel.wrdd.state.or.us; Renee.M.MOULUN@wrdd.state.or.us
Subject: Re: Fwd: S-60453

Kim has been checking in with Tom Paul on these things. Some of the concepts are from him. I think I'll have Kim respond when she returns. She will be able to figure out where each piece came from and what it means. Since there are questions, some redrafting may be in order.

By way of this email I'm reminding Kim and Renee that we need to run "out of the ordinary" condition language through regional managers before making commitments to use said language.

Dwight

At 11:49 AM 5/23/2003, you wrote:

Larry Toll sent the below message to Kimberly on 4-28-03 and has not heard back from her. I know that she is out on maternity leave so she won't be able to reply anytime soon. However, it would be good to address Larry's questions. In addition to Larry's questions, I have some additional comments:

It appears the draft permit should be for supplemental irrigation and primary. V-D

As far as I know I did not know anything about this protest and ultimate settlement. If I recall you had committed to running these type of settlements past Region Managers for their signature.

I don't know that we have any fatal flaws, but it is hard for me to jump into this settlement now without any background to know why it was settled this way and how to answer Larry's questions. Additionally, it is very difficult to interpret and apply what some of the conditions in the settlement agreement mean.

Thanks for your time.

X-Sender: tolllm@mailhub.wrdd.state.or.us
 X-Mailer: QUALCOMM Windows Eudora Version 5.2.0.9
 Date: Tue, 20 May 2003 11:12:18 -0700
 To: Michael.F.LADD@wrdd.state.or.us
 From: Larry Toll <Larry.M.TOLL@wrdd.state.or.us>
 Subject: Fwd: S-60453
 X-Security: MIME headers sanitized on funnel
 See <http://www.impsec.org/email-tools/sanitizer-intro.html>
 for details. \$Revision: 1.133 \$Date: 2002-01-05 17:09:21-08

8/14/03

Date: Mon, 28 Apr 2003 16:44:04 -0700
To: Kimberly Grigsby
From: Larry Toll <Larry.M.TOLL@wrд.state.or.us>
Subject: S-60453

Settlement agreement questions

3 f - "a plan describing management measures" must be submitted each year. What standards will be used for this plan? Who will be authorized to receive this plan and acknowledge its receipt? There is apparently no approval process for this plan?

- a map of "sufficient clarity and specificity to meet the Department's requirements" will be submitted. What requirements will be used for the map? Who will be authorized to receive this plan and acknowledge its receipt?

Typically, permit condition information is not routinely sent to the Watermaster. In this case, the permit condition says that it is illegal to use water until the plan and map have been received. How will Salem track this and forward the information to the Watermaster Office?

3 g first part - a condition applies to a "transfer of any lands listed under this right and in certificates 77733 and 77326." Now I have not checked the acreages myself, but this is telling me that we are issuing a water right under S-60453 for lands that are already covered by a water right under the certificates 77326 and 77733. This does not make sense to me.

There should not be any of the acreage listed under the primary irrigation portion of the permit covered by another water right. This listing, irrigation, tells me there are no other water rights on that land.

So this condition would have to apply to land in the supplemental irrigation listing. I understood that the department would not issue a water right for supplemental if the land already has a full water right from the same source. Certificate 77733 and 77326 do not limit the district to less than the maximum amount of water. If each acre can receive 1/40 cfs prior to July 1 and 1/80th cfs after July 1, then there is no deficiency to make up. There should be no supplementals listed on proposed permit that Certificate 77733 and 77326 cover.

In the Draft Permit

Under Measurement and reporting conditions part B, it states that

it is illegal to irrigate in any year that reporting for the previous year has not been received. How will the Watermaster know this?

"The Watermiser"

Larry Toll
Watermaster District 3
Oregon Water Resources Department Address:
Phone: 541-298-4110 County Annex B, Room 218
Fax: 541-298-2459 421 East 7th Street
E-mail: Larry.M.Toll@wrд.state.or.us The Dalles, OR 97058

Michael F. Ladd
North Central Region Manager
Oregon Water Resources Department
116 S.E. Dorion
Pendleton, Or 97801
Voice: 541-278-5456
Fax: 541-278-0287

Dwight French
Water Rights Section Manager, Water Rights Division
Oregon Water Resources Department
158 12th ST NE, Salem Oregon 97301-4172
Phone: 503 378-8455 x268
Fax: 503 378-6203

Oregon Water Resources web page: <http://www.wrd.state.or.us/>

Timmie C. Brandt
 Office Specialist I
 Water Rights Division
 Voice: (503) 378-8455 x. 287
 Office Website Address - <http://www.wrd.state.or.us>
 E-mail: Timmie.C.BRANDT@ wrd.state.or.us
 HAVE A NICE DAY!!!



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

April 30, 2003

Timothy J. Morelli
Chairman
Juniper Flat District Improvement Company
53333 Reservation Road
Maupin, Oregon 97037

Re: Application S-60453 in the name of Juniper Flat District Improvement Co.

Dear Mr. Morelli:

On April 29, 2003, the Oregon Water Resources Department ("Department") received your request to place application S-60453 on administrative hold to provide additional time for reviewing the settlement agreement sent to you by the Department.

Pursuant to OAR 690-310-270, the Water Resources Department (Department) may allow an administrative hold for up to 180 days, or for a longer period if the Director finds that a longer extension is reasonable and necessary. Therefore, the Department approves your request for an administrative hold and will not continue processing your application until **September 1, 2003**.

Please advise Kimberly Grigsby if you wish to reactivate the permitting process before the administrative hold expires. Her telephone number is (503) 378-8455, ext. 236.

Sincerely,

Dwight French
Water Rights Section Manager

c: WaterWatch
District 3 watermaster
file

KimG

From: Larry Toll [Larry.M.TOLL@wrd.state.or.us]
[Larry.M.TOLL@wrd.state.or.us]

Sent: Monday, April 28, 2003 4:44 PM

To: Kimberly.J.GRIGSBY@wrd.state.or.us

Subject: S-60453

Settlement agreement questions

3 f - "a plan describing management measures" must be submitted each year. What standards will be used for this plan? Who will be authorized to receive this plan and acknowledge its receipt? There is apparently no approval process for this plan?

- a map of "sufficient clarity and specificity to meet the Department's requirements" will be submitted. What requirements will be used for the map? Who will be authorized to receive this plan and acknowledge its receipt?

Typically, permit condition information is not routinely sent to the Watermaster. In this case, the permit condition says that it is illegal to use water until the plan and map have been received. How will Salem track this and forward the information to the Watermaster Office?

3 g first part - a condition applies to a "transfer of any lands listed under this right and in certificates 77733 and 77326." Now I have not checked the acreages myself, but this is telling me that we are issuing a water right under S-60453 for lands that are already covered by a water right under the certificates 77326 and 77733. This does not make sense to me.

There should not be any of the acreage listed under the primary irrigation portion of the permit covered by another water right. This listing, irrigation, tells me there are no other water rights on that land.

So this condition would have to apply to land in the supplemental irrigation listing. I understood that the department would not issue a water right for supplemental if the land already has a full water right from the same source. Certificate 77733 and 77326 do not limit the district to less than the maximum amount of water. If each acre can receive 1/40 cfs prior to July 1 and 1/80th cfs after July 1, then there is no deficiency to make up. There should be no supplementals listed on proposed permit that Certificate 77733 and 77326 cover.

In the Draft Permit

Under Measurement and reporting conditions part B, it states that it is illegal to irrigate in any year that reporting for the previous year has not been received. How will the Watermaster know this?

"The Watermiser"

Larry Toll

Watermaster District 3

Oregon Water Resources Department

Phone: 541-298-4110

Fax: 541-298-2459

Address:

County Annex B, Room 218

421 East 7th Street

4/29/03

Juniper Flat District Improvement Company
53333 Reservation Road,
Maupin, Oregon, 97037

April 28, 2003

RECEIVED
APR 29 2003
WATER RESOURCES DEPT.
SALEM, OREGON

Oregon Water Resources Department
Commerce Building,
158 12th Street, NE
Salem, Oregon, 97301-4177

Attn: Kimberly Grigsby

Re: Application S-60453 in the name of Juniper Flat District Improvement Company

Dear Kimberly:

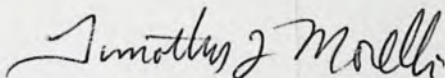
Thank you for the paper work on the settlement agreement and proposed permit for application S-60453. The Juniper Flat District Improvement Company board is requesting that this be put on administrative hold as we need more time for meeting with our people.

We also have a high priority of a pending office move in the immediate future.

Thanks Kim.

Sincerely,

JUNIPER FLAT DISTRICT IMPROVEMENT COMPANY



Timothy J. Morelli,
Board Chairman

ESTES SURVEYS_{LLC}

SURVEYS
CONSULTING

LAND & WATER RIGHTS

Bruce A. Estes, PLS, CWRE

February 4, 2003

60382 Arnold Mkt. Rd.
Bend, OR 97702
(541) 382-7391
FAX 382-7391

PO Box 17519
Salem, OR 97305-7519
(503) 585-7593
FAX 585-7593

Juniper Flat District Improvement Company

Re: S-60453

A meeting was held August 29, 2002 at the Water Resources Department with WRD personnel and Kimberly Priestly of Water Watch. Ms. Priestly was concerned about fish screens and the minimum flow of both White River and the Deschutes River.

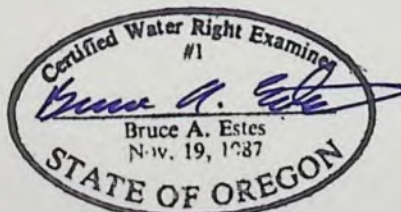
This application is for alternate acreage within JFDICo. for the flexibility to alternate the location of irrigated crops to enhance the efficiency of the land. Since JFDI Co. does not have a full time manager they cannot utilize the provisions of ORS 540.580 afforded to irrigation districts. This application does not request additional water. It only asks for the ability to irrigate the alternate acreage without the hassle of filing transfers each year. The application requested the same sources as the adjudication rights including Clear Lake Reservoir. A letter was sent to all the water users within the project informing them that this application was to obtain the alternate location only and that no additional water was being requested nor would there be any change to the their delivery during the season.

Water Watch has a valid concern regarding the flow of the two rivers, however since this application does not change the usage from the live flow of the sources it has no effect on the flow of the rivers. Although we did not find any time that the minimum flow in White River has not been met, to allay fear that this application would impact the rivers the district would utilize storage in Clear Lake Reservoir. The project runs storage every year due to the shortage of live flow. If we speculate that a minimum flow was impacted during August and there were 400 acres of land being irrigated in the alternate location then JFDI Co. would already be on storage from Clear Lake and would be running storage to support those acres. You could speculate that the live flow was going to the adjudicated acres and only storage to the alternate acres.

This project runs on a short supply every year due to the watershed not having enough flow to fully irrigate the entire acreage. The Board of Directors have to determine how much water to release each month based on projected flows and weather. The operation of this project will not change since this application does not request new water. The facts are that there isn't any additional water available nor do they have the ability to run higher flows. This application does not change things only allows flexibility. There appears to be no harm!

Sincerely,

Bruce A. Estes, PLS, CWRE



KimG

From: PRIBYL Steve [Steve.Pribyl@state.or.us]
Sent: Wednesday, January 29, 2003 10:11 AM
To: GRIGSBY Kimberly J
Subject: RE: Juniper Flat conditions

As regards your email of yesterday, the Oregon Department of Fish and Wildlife (ODFW) currently understands that permit applicaiton S-60453 by Juniper Flat Dist. Improvement Co. is not an application for additional diversion of flow. This information was not fully available to us at the time of initial comment. Since we now understand that the application is not for diversion of additional flow, ODFW no longer requests that you condition the permit to limit the period of use as we had origionally asked.

The issue of effective fish screens at the Juniper Flat Dist. Improvement Co. diversion(s) remains, however. As I am sure you recall from our meeting with representatives from the Improvement Co. on January 17, 2003, ODFW proposed to cooperate with the Improvement Co. to resolve the fish screen issue. To that end, ODFW requests that you incorporate your condition b54m (The permittee may be required in the future to install, maintain, and operate fish screening devices to prevent fish from entering the proposed diversion.) to the applicable permit.

Thank you very much for your help with this matter and I look forward to working with you in the future.

-----Original Message-----

From: GRIGSBY Kimberly J
Sent: Tuesday, January 28, 2003 9:07 AM
To: PRIBYL Steve
Subject: Juniper Flat conditions

Steve,

I am going to fax you a list of standard conditions. The options that may be relevant for the Juniper Flat permit (application 60453) are circled. Please send me an e-mail or give him a call to let me know which condition(s) you want included in that permit.

Also, please send me a letter or e-mail indicating that you are no longer requesting the Department limit the period of use under this permit, since no additional water will be diverted under its terms.

Thank you, Kim

Kimberly Grigsby
Agency Representative
Oregon Water Resources Department
158 12th Street N.E.
Salem, OR 97301-4172
(503) 378-8455 ext. 236



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

August 29, 2000

Tim Morelli
Juniper Flat District Improvement Co.
56361 Hwy 197
Maupin, Oregon 97037

Reference File Number: S-60453

Dear Mr. Morelli:

We spoke recently regarding the above referenced surface water application. You requested that I send some information regarding the history of the application, what the application was filed for, and it's current status.

The following is a description of this history of this application:

- March 31, 1981: There is a note in the file which identifies that an application map has not yet been submitted by the District.
- May 5, 1980: The Department received a letter from the applicant requesting information regarding the status of the application. The letter identifies that an application was submitted in March, 1980, requesting "excess water for the Irrigation District from Clear Lake Dam — Frog Creek — Clear Creek" for use on 2500 acres. The letter also identifies that the District was not able to submit maps at the time the application was submitted.
- May 23, 1980: The Department sent a letter to the applicant identifying that there was no record of an application being submitted to the Department. The letter recommended that the application be resubmitted to the Department along with the necessary processing fee.
- July 23, 1980: The Department sent a letter to the applicant identifying that an application had been received. However, the application did not clearly define the use of water, whether the use was for new acres or to be supplemental. Also, application maps were not received. The application was returned to the applicant.



- August 7, 1980: The Department sent a letter to Juniper Flat identify that the application had been received. The application was assigned file number S-60453.
- Sept. 8, 1981: The application was returned to the applicant by the Department. The letter from the Department identified that an application map must be submitted, that the points of diversion needed to be identified by their coordinates, and that the application or an attached list should identify the lands to be irrigated by township, range and section with the number of acres to be irrigated in each quarter quarter section. This information was to be submitted by March 9, 1982, in order for the application to maintain its priority date.
- Feb. 11, 1983: The application was again returned to the applicant. The Department sent a letter to Juniper Flat identifying that the Department has been holding the application since it was returned in March, 1982, pending submission of the required application map. Maps have not yet been received. The required information was to be received by May 11, 1983, in order to maintain the priority date.
- Feb. 15, 1984: The Department sent a letter to the applicant identifying that the application and the four separate sheets of acreage listings returned to the Department in May, 1983, had been reviewed. The letter identified conflicts with existing rights on lands requested under this application and also some discrepancies on the application map. The letter also identified that four prints of each map must be submitted. Copies of the maps were sent to the applicant for correction. The application was returned along with copies of the application maps. The information requested was to be submitted by August 15, 1984, in order for the application to maintain its priority date.
- August 14, 1984: The application was returned by the applicant and an extension of time was requested in order to submit the application maps.
- August 17, 1984: The Department acknowledged the return of the application. The application was again returned to the applicant and was endorsed so that in order to maintain its priority the application and the maps must be submitted by November 19, 1984.
- Nov. 21, 1984: The Department sent a letter to Juniper Flat identifying that the application had not yet been resubmitted and had lost its priority date.

Jan. 22, 1985: A letter was sent from the Department requesting Juniper Flat to advise the Department of the progress on the application. The Department has been holding action on this application pending receipt of required materials.

May 2, 1985: A letter was sent from the Department to Juniper Flat identifying no response had been received from Juniper Flat. If no information was received within 30 days, the application would be rejected.

June 6, 1985: Note in file, based upon conversation with Kathy Vaughn (Juniper Flat), that applicant was still trying to get "matters taken care of." Another 30 days would be necessary.

Nov. 6, 1986: A letter was sent from the Department identifying that we had been holding action on this application. Requested information regarding status. Also, identified that if information was not received, the Department would need to take action on this application.

June 9, 1987: The Department sent a letter to Juniper Flat identifying that we had been holding action on this application pending the return of the application and supporting data and maps. Requested status information. Advised the applicant that if the use requested has been abandoned that the application be withdrawn and unearned fees would be returned.

August 14, 1989: The Department sent a letter to Juniper Flat identifying that the application had been returned and that the priority date had been lost. The application may be reinstated with a new priority date if the application is returned along with supporting materials, including the application map. A new application form was sent.

Jan. 11, 1990: Note in file that mylars had been taken by Bruce Estes and that they would be returned.

May 14, 1990: Letter received from Juniper Flat along with the application and application maps. The letter notes that the District will be making changes under HB 3111 and asks whether the application should be placed on hold until this process is complete. Information regarding the status of the application was requested.

October 28, 1996: Letter received from Bruce Estes. The letter is a follow up to a conversation with Department staff. It identifies that the application "for alternate acreage" had not yet been completed and must be approved by the Board (Juniper Flat) before it is submitted. Requested an additional 45 to 60 days.

- October 31, 1996: A letter was sent from the Department, acknowledging a "time out" on the application. Further processing would be held until December 31, 1996.
- Dec. 24, 1996: Letter received from Bruce Estes requesting that the application be placed on hold until after the HB 3111 process had been completed. The letter states that "this application is for alternate acreage and must dovetail with the final location of the adjudicated right."
- January 7, 1997: Letter sent from Department identifying that no action would occur on this application until after June 19, 1996 (probably meant 1997).
- April 27, 1997: E-mail from Larry Toll in the application file. The proposed order for Juniper Flat's HB 3111 petition was signed by the Director on March 20, 1999. May no longer be reason to hold file.
- June 13, 2000: Certified letter sent from the Department requesting an application map be submitted by July 14, 2000. The letter identified that additional time may be sought.
- July 12, 2000: Letter received from Juniper Flat requesting an administrative hold.
- August 4, 2000: A letter was sent from the Department requesting additional information regarding the request for administrative hold.

The application submitted to the Department was for the use of 62.5 Cubic Feet per Second of water from Clear Creek, Frog Creek, and Clear Creek Reservoir for Irrigation of 2500 acres. The application states that "the diversion of water under this application and existing certificates 48850 and 51539 will not exceed quantity of water allowed under certificates 48850 and 51539."

This application appears to have a priority date of May 14, 1990, based upon the date that the application was last resubmitted to the Department. There are copies of the application maps on file with the Department. However, based upon past correspondence in the file from Bruce Estes, it appears that these maps may not accurately show which lands are to be irrigated. Changes were to be made to the application maps based upon the outcome of the HB 3111 petition filed by Juniper Flat. We do not have mylar copies of the application maps. Bruce Estes took the mylars and it does not appear that they were ever returned to the Department.

To date, this application has not been reviewed by the Department to determine whether a permit may be issued. It has not been issued any reports, either under the old application review process or the new application review process. If Juniper Flat decides to move forward with this application, it will be reviewed under the current

process for an Initial Review, the first report in our application process. The current application process has three report stages.

As stated in the previous letter from the Department, dated August 4, 2000, the information contained in request received from Harold Carter, to place this application on administrative hold, was not sufficient. A request for additional administrative hold must demonstrate justification for why additional time is reasonable and necessary. The request must also demonstrate that substantial progress has been and is being made towards resolving the issues that led to the request for administrative hold. Additional administrative hold **may not** be allowed unless the request demonstrates that substantial progress has been made. A detailed time-line, which describes what actions have been, are being, and will be taken in order for the application process to proceed and identifies when the applicant anticipates being ready to continue with the application process, must also be included with your request. The time-line must include dates identifying when each action is anticipated to take place.

Please submit this information by **September 19, 2000**. If the requested information is not submitted by this date, the Department **may** continue processing the application based upon the information available. This could negatively affect the application.

When you are ready to move forward with the application the following information must be received to complete the application before the application may proceed:

Revised application maps accurately showing the location of lands to be irrigated under this application. These maps must meet current map requirements. I have enclosed a list of the Department map requirements for your reference.

A Land Use Information Form signed by the appropriate local government representative.

A legal description of the lands to be irrigated.

A signed oath stating that the information contained in the application is true and correct.

Fill out and return Form I, a supplemental form for irrigation water use.

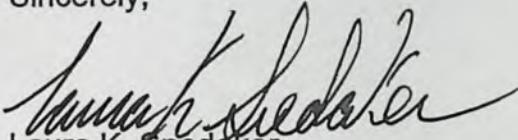
Identify the names and mailing addresses of all land owners, including any county or state property (roads and right of ways) crossed by the diversion works, other than the applicant, involved in this application. However, if there are more than 25 land owners involved you do not need to provide a list of names and mailing address. The Department will request that you run a notice of the application for three consecutive weeks in a publication which meets the statutory definition of "newspaper" under ORS 193 for the purpose of public notice. The language to be used in the advertisement of the application is attached. A copy of the affidavit of publication needs to be submitted to the

Department following completion of the notice period. Publication of the application may occur once an Initial Review has been completed for this application.

The amount of water to be diverted from each source should be identified. For the reservoir, the amount should be identified in acre-feet.

If you have any additional questions, please give me a call at (503) 378-8455 or toll free within Oregon at 1 (800) 624-3199, extension 331.

Sincerely,

A handwritten signature in black ink, appearing to read "Laura K. Snedaker", written in a cursive style.

Laura K. Snedaker
Senior Water Rights Specialist

cc: Larry Toll, Watermaster District 3
Bruce Estes, CWRE

Enclosures: Form I
Land Use Information Form
Map Requirements
Oath Form

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

FILE: S-60453
JUNIPER FLAT DIST IMPROVEMENT CO
RT 1 BOX 13
MAUPIN OR 97037

This address is over 20 years old!
WR

2. Article Number

(Transfer from service label)

0407-5602

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Lyle H. Label*

☒ Agent

☐ Addressee

B. Received by (Printed Name)

LYLE H. LABEL

C. Date of Delivery

1-19-02

D. Is delivery address different from item 1?

☒ Yes

If YES, enter delivery address below:

☐ No

*53333 RESERVATION RD
MAUPIN OR 97037*

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

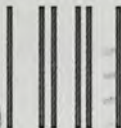
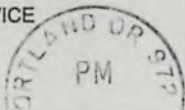
☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

UNITED STATES POSTAL SERVICE

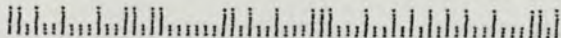


First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

WATER RESOURCE DEPARTMENT
158 12TH STREET NE
SALEM OR 97301-4172

97301+4172



U.S. Postal Service

CERTIFIED MAIL RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

OFFICIAL USE

Postage

\$

57

Certified Fee

2.10

Return Receipt Fee
(Endorsement Required)

1.50

Restricted Delivery Fee
(Endorsement Required)

Total Postage

4.17

Postmark
Here

FILE: S-60453

Sent To

JUNIPER FLAT DIST IMPROVEMENT CO

Street, Apt. 1
or PO Box No.

RT 1 BOX 13

City, State, Zip

MAUPIN OR 97037



Oregon

John A. Kitzhaber, M.D., Governor

CERTIFIED MAIL
Return Receipt Requested

Water Resources Department

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

January 18, 2002

WAYNE A ODOM
JUNIPER FLAT DIST. IMPROVEMENT CO.
RT 1 BOX 13
MAUPIN, OREGON 97037

(541) 395-2668

Reference: File S-60453

Dear Applicant:

Your Initial Review has been processed, and I found that additional information is required to complete your application for water use. The following information must be received:

- Legal descriptions of all properties where water is diverted, all properties where water is transported, and all properties on which water is to be used as depicted on your application map. The item labeled "Legal Description" which was submitted on April 2, 2001 is a list of quarters where water use occurs, but does not legally describe properties involved in the proposed water use.
- The amount of water in acre feet to be used from Clear Lake Reservoir annually, as well as the storage right under which the water is stored.

Please submit this information no later than Thursday, February 28, 2002. If you are unable to submit the above listed information, you may request a "time out from processing" for up to an additional 180 days. You must submit the request in writing, stating how much more time you will need and why you need additional time. If a time out is granted, your application will not be processed further until the requested information is received or the extended deadline has passed.

If we do not receive the items requested above or a request for time out from processing by this date, we may reject your application consistent with ORS 537.153. If your application is rejected, any fees submitted in excess of the examination fee will be refunded; however, the examination fee is non-refundable and will not be returned. In addition, the priority date associated with your application will be lost.

If you have any questions, please feel free to call me at 503-378-8455, extension 324.

Sincerely,

Mr. Cory C. Engel
Water Right Specialist

c: file

JUNIPER FLAT DISTRICT IMPROVEMENT COMPANY
53333 Reservation Road,
Maupin, Oregon, 97037

July 15, 2002

WATER RESOURCES DEPARTMENT
Commerce Building
158 12 th Street, NE
Salem, OR. 97301-4172

Attn: Kimberly Grigsby
Agency Representative

RECEIVED
JUL 16 2002
WATER RESOURCES DEPT.
SALEM, OREGON

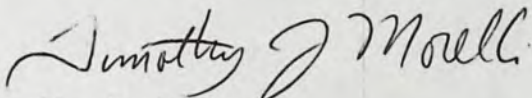
Dear Ms. Grigsby:

As per our telephone conversation on July 12, 2002, I am requesting that our application 60453 be put on Administration hold until we can all get together and work out the issues raised by the district and Water Watch. Please let me know available meeting dates preferably a week in advance.

Thank you.

Sincerely,

JUNIPER FLAT DISTRICT IMPROVEMENT COMPANY



Timothy J. Morelli,
Chairman
TJM:acf



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

VIA MAIL

June 11, 2002

Kimberley Priestley and Karen Russell
WaterWatch of Oregon
213 SW Ash, Suite 208
Portland, OR 97204

RE: Water right Application 60453 in the name of Juniper Flat District Improvement Co.

Dear Ms. Priestley and Ms. Russell:

Pursuant to OAR 690-310-0160(7), I am attaching a copy of a protest filed against the proposed final order for application 60453 by Juniper Flat District Improvement Co. Because protests have been filed against the application and the proposed final order for application 60453, the Oregon Water Resources Department ("OWRD") is required to either issue a final order for application 60453 or schedule a contested case hearing by **July 30, 2002**.

Please don't hesitate to call me if you have any questions. My telephone number is (503) 378-8455, extension 236.

Sincerely,

Kimberly Grigsby
Agency Representative

enclosure

cc: Juniper Flat District Improvement Co.



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

VIA MAIL

June 11, 2002

Tim Morelli, Board Chairman
Juniper Flat District Improvement Co.
53333 Reseravtion Road
Maupin, OR 97037

RE: Water right Application 60453 in the name of Juniper Flat District Improvement Co.

Dear Mr. Morelli:

Pursuant to OAR 690-310-0160(7), I am attaching a copy of a protest filed against application 60453 by WaterWatch of Oregon. Because a protest has been filed against application 60453, the Oregon Water Resources Department ("OWRD") is required to either issue a final order for application 60453 or schedule a contested case hearing by **July 30, 2002**. You, as the applicant, may request more time to resolve the disputes associated with this application by writing a letter to me before the July 30, 2002, deadline.

I encourage you to meet with WaterWatch to discuss possible solutions to the issues raised by its protest. OWRD would be happy to host and facilitate such a discussion in Salem or by telephone. Please don't hesitate to call me if you have any questions or if you would like to arrange such a meeting. My telephone number is (503) 378-8455, extension 236.

Sincerely,

Kimberly Grigsby
Agency Representative

enclosure

cc: WaterWatch



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

September 30, 2002

Kimberley Priestley
WaterWatch of Oregon
213 SW Ash Ste 208
Portland, OR 97204

RE: Juniper Flat District Improvement Co. Application 60453

Dear Kimberley:

During our last meeting regarding WaterWatch's protest to Juniper Flat's application 60453, I indicated that the Department would try to determine how often the scenic waterway flows and instream water right flows are met in that area. I am enclosing the flow information compiled by Rick Cooper in response to my request.

If you have any questions about this information, please call me. My telephone number is 503-378-8455, extension 236.

Sincerely,

Kimberly Grigsby
Agency Representative

Enclosures





Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

July 22, 2002

Timothy J. Morelli
Chairman
Juniper Flat District Improvement Company
53333 Reservation Road
Maupin, Oregon 97037

Re: Application S-60453 in the name of Juniper Flat District Improvement Co.

Dear Mr. Morelli:

On July 16, 2002, the Oregon Water Resources Department ("Department") received your request to place application S-60453 on administrative hold to provide additional time for settlement negotiations with WaterWatch of Oregon and the Department.

Pursuant to OAR 690-310-270, the Water Resources Department (Department) may allow an administrative hold for up to 180 days, or for a longer period if the Director finds that a longer extension is reasonable and necessary. Therefore, the Department approves your request for an administrative hold and will not continue processing your application until **October 21, 2002**.

Please advise me if you wish to reactivate the permitting process before the administrative hold expires. My telephone number is (503) 378-8455, ext. 236.

Sincerely,

Kimberly Grigsby
Agency Representative

c: WaterWatch
District 3 watermaster
file



STATE OF OREGON

COUNTY OF WASCO

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JUNIPER FLAT DISTRICT IMPROVEMENT COMPANY
53333 RESERVATION ROAD
MAUPIN, OR 97037

confirms the right to use the waters of CLEAR LAKE RESERVOIR, CONSTRUCTED UNDER PERMIT R-2106, a tributary of WHITE RIVER, for SUPPLEMENTAL IRRIGATION OF 2,101.64 ACRES AND MAINTENANCE OF STOCK PONDS (5.85 ACRE EQUIVALENTS).

This right was perfected under Permit 25275. The date of priority is NOVEMBER 11, 1915. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 11,660 ACRE-FEET STORED WATER ONLY or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 32, T. 4 S., R. 9 E., W.M.; 1,390 FEET SOUTH AND 480 FEET WEST FROM E $\frac{1}{4}$ CORNER, SECTION 32.

The amount of water used for irrigation together with the amount secured under any other right existing for the same lands, is limited to A DIVERSION OF 4.2 ACRE-FEET FOR EACH ACRE IRRIGATED OR ACRE EQUIVALENT DURING THE IRRIGATION SEASON OF EACH YEAR.

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

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

SUPPLEMENTAL IRRIGATION

	<u>TAX</u>		
<u>OTR/QTR</u>	<u>LOT</u>	<u>ACRES</u>	<u>LANDOWNER</u>
NE/SE	7200	1.50	MCELHERON
SW/SE	7200	23.60	MCELHERON
SE/SE	7200	35.70	MCELHERON
SECTION 14			
SW/NE	9300	2.50	TOM MORELLI
SE/NE	9300	5.60	TOM MORELLI
NE/NW	7600	0.90	MAYHEW

	<u>TAX</u>			
<u>OTR/OTR</u>	<u>LOT</u>	<u>ACRES</u>	<u>LANDOWNER</u>	
SW/SW	9200	1.50	TOM MORELLI	
SE/SW	9200	9.90	TOM MORELLI	
NE/SE	9400	23.80	TOM MORELLI	
NW/SE	9400	19.00	TOM MORELLI	
SW/SE	9400	10.40	TOM MORELLI	
SE/SE	9400	2.80	TOM MORELLI	

SECTION 22

NE/NE	7200	18.40	MCELHERON
NW/NE	7200	10.80	MCELHERON
SW/SW	9500	22.70	DELCO
SE/SW	9500	24.30	DELCO

SECTION 23

NE/NW	6500	34.00	LARSELL
SE/NW	6500	36.00	LARSELL

SECTION 24

SE/NE	9700	1.30	HARTH
NW/SW	9900	15.40	MAYHEW
SW/SW	9900	19.40	MAYHEW

SECTION 25

NE/SE	9900	12.90	MAYHEW
NW/SE	9900	2.60	MAYHEW
SW/SE	9900	2.70	MAYHEW
SE/SE	9900	35.30	MAYHEW

SECTION 26

NW/NE	9501	33.50	TIM MORELLI
SW/NE	9501	11.60	TIM MORELLI
NE/NW	9200	6.00	TOM MORELLI
NE/SW	10100	22.00	TIM MORELLI
SW/SW	10100	13.80	TIM MORELLI
SE/SW	10100	6.60	TIM MORELLI
NW/SE	10100	20.50	TIM MORELLI

SECTION 27

NE/SW	10600	7.00	V. WOODSIDE
NW/SW	10600	3.50	V. WOODSIDE
SW/SW	10600	11.60	V. WOODSIDE
SE/SW	10600	7.40	V. WOODSIDE

SECTION 29

<u>OTR/QTR</u>	<u>TAX</u> <u>LOT</u>	<u>ACRES</u>	<u>LANDOWNER</u>
NE/SE	10600	0.90	V. WOODSIDE
SE/SE	10600	1.00	V. WOODSIDE
SECTION 30			
NE/NE	10800	10.50	GUTZLER
SW/NE	10800	3.50	GUTZLER
SE/NE	10800	10.90	GUTZLER
SW/NW	10700	11.20	ENDERSBY
SECTION 31			
NW/NW	10800	2.70	GUTZLER
NE/SE	10900	13.30	PAULSON
NW/SE	10900	6.00	PAULSON
SE/NE	10900	8.50	PAULSON
SECTION 32			
NE/SW	10900	17.50	PAULSON
SE/SW	10900	20.20	PAULSON
SW/SW	10900	5.50	PAULSON
SECTION 33			
NW/NW	11100	15.70	RECKMAN
NW/SW	11100	3.80	RECKMAN
NW/SW	11101	1.90	ODEM
SW/NW	11100	0.50	RECKMAN
SW/SW	11101	2.10	ODEM
SECTION 34			
NE/SE	11400	12.30	MAYHEW
SE/SW	11400	0.30	MAYHEW
SW/SE	11400	9.80	MAYHEW
SE/SE	11400	34.30	MAYHEW
SECTION 35			
NE/SE	11500	24.80	MAYHEW
NW/SE	11500	15.80	MAYHEW
SW/SE	11500	25.80	MAYHEW
SE/SE	11500	33.00	MAYHEW
SECTION 36			

TOWNSHIP 4 SOUTH, RANGE 13 EAST, W.M.

<u>OTR/QTR</u>	<u>TAX</u> <u>LOT</u>	<u>ACRES</u>	<u>LANDOWNER</u>
----------------	--------------------------	--------------	------------------

NE/NE	3700	30.90	MARSH
-------	------	-------	-------

SE/NE	3700	28.10	MARSH
-------	------	-------	-------

SECTION 19

NW/NW	3300	32.30	MARSH
-------	------	-------	-------

SW/NW	3300	30.40	MARSH
-------	------	-------	-------

NW/SW	3300	8.30	MARSH
-------	------	------	-------

SECTION 20

NE/SW	4200	1.10	HARTH
-------	------	------	-------

NW/SW	4200	0.60	HARTH
-------	------	------	-------

SECTION 30

NE/SW	4302	20.8	DULING
-------	------	------	--------

NW/SE	4302	8.7	DULING
-------	------	-----	--------

SW/SE	4302	10.00	DULING
-------	------	-------	--------

SECTION 31

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

NW/SW	1701	7.00	ENDERSBY
-------	------	------	----------

SECTION 13

SE/NE	2700	0.10	DODGE
-------	------	------	-------

NE/SW	2400	3.00	ODFW
-------	------	------	------

SE/SW	2400	19.34	ODFW
-------	------	-------	------

SECTION 24

SE/NE	1900	5.00	HAMMOND
-------	------	------	---------

NE/SW	100	1.00	MUNCIE
-------	-----	------	--------

SECTION 25

TOWNSHIP 5 SOUTH, RANGE 14 EAST, W.M.

SW/NE	100	4.00	MCCORKLE
-------	-----	------	----------

NE/NW	201	3.70	V. WOODSIDE
-------	-----	------	-------------

NW/NW	201	0.90	V. WOODSIDE
-------	-----	------	-------------

SW/NW	201	7.90	V. WOODSIDE
-------	-----	------	-------------

SE/NW	100	7.40	MCCORKLE
-------	-----	------	----------

SE/NW	201	1.10	V. WOODSIDE
-------	-----	------	-------------

NW/SE	100	6.00	MCCORKLE
-------	-----	------	----------

SECTION 1

<u>OTR/OTR</u>	<u>TAX</u> <u>LOT</u>	<u>ACRES</u>	<u>LANDOWNER</u>
NW/SW	400	14.40	HACHLER
SW/SW	400	0.80	HACHLER
SECTION 2			
NE/SE	400	9.90	HACHLER
SE/SE	400	4.90	HACHLER
SECTION 3			
SE/SE	1700	10.40	AMBROSE
SECTION 8			
NW/SW	1700	12.90	AMBROSE
SW/SW	1700	6.70	AMBROSE
SECTION 9			
SW/SW	2200	12.40	ENDERSBY
SE/SW	2200	9.60	ENDERSBY
SECTION 11			
NW/NW	2100	31.80	MCLEOD
SW/NW	2100	27.50	MCLEOD
SE/NW	2100	7.70	MCLEOD
SECTION 12			
NE/NE	2300	6.30	ENDERSBY
SE/NE	2300	4.40	ENDERSBY
NE/SW	2600	3.20	WILLIAMSON
NW/SW	2600	9.60	WILLIAMSON
SECTION 13			
NW/NE	3103	0.50	GROCE
SE/NE	2600	7.20	WILLIAMSON
NE/NW	3103	10.50	GROCE
SW/SE	3100	9.30	CLAYMIER
SE/SE	3100	12.00	CLAYMIER
SECTION 14			
SW/SW	3502	14.00	DODGE
SW/SW	3502	1.20	DODGE
SE/SW	3502	39.80	DODGE
SECTION 18			
SE/SW	3790	20.00	CONFEDERATED TRIBES
SECTION 19			
SE/NE	3403	5.00	CAPPS
SECTION 20			

<u>OTR/QTR</u>	<u>TAX</u> <u>LOT</u>	<u>ACRES</u>	<u>LANDOWNER</u>
NE/SE	3900	14.60	HUNDLEY
NW/SE	3900	1.40	HUNDLEY
SE/SE	3900	4.34	HUNDLEY
SECTION 21			
NW/NW	3200	15.50	S. WOODSIDE
SW/NW	3200	9.23	S. WOODSIDE
NE/SE	3100	2.70	L. WOODSIDE
SW/SE	4000	10.00	JONES & ROSS
SE/SE	3100	16.20	L. WOODSIDE
SECTION 22			
NE/NE	2703	15.00	ASCHOFF
NW/NE	3100	11.50	CLAYMIER
NE/NW	3100	16.40	CLAYMIER
NW/NW	3100	12.68	CLAYMIER
SW/NW	3100	3.40	CLAYMIER
SE/NW	3100	1.20	CLAYMIER
SW/SW	4100	4.50	L. WOODSIDE
SE/SW	4100	4.60	L. WOODSIDE
SECTION 23			
NW/NW	2702	5.00	CARTER
SW/NW	2702	10.00	CARTER
SE/SE	4400	0.50	DULING
SECTION 24			
SW/NE	4500	11.80	L. WOODSIDE
SECTION 25			
NE/NE	4900	7.20	PINHEIRO
SE/NE	4900	4.80	PINHEIRO
NE/NW	4100	13.50	L. WOODSIDE
NW/NW	4100	21.60	L. WOODSIDE
NW/SE	5200	2.00	BEEBE
SECTION 26			
NE/NE	4100	6.40	L. WOODSIDE
NE/SW	5500	6.00	HAMMER
NW/SW	5500	0.70	HAMMER
NW/SE	5500	2.80	HAMMER
SE/SE	5600	10.00	TOLENTINO

SECTION 27

<u>OTR/QTR</u>	<u>TAX</u> <u>LOT</u>	<u>ACRES</u>	<u>LANDOWNER</u>
NW/NW	6100	0.30	DODGE
SW/SE	6400	1.50	FILBIN
SECTION 29			
SE/SE	6300	11.10	BLAKE
SECTION 30			
NW/NE	6501	18.50	FILBIN
SECTION 32			
NW/NE	7300	12.00	DODGE
NW/NW	6000	18.90	BLAKE
SECTION 33			

TOWNSHIP 5 SOUTH, RANGE 12 EAST, W.M.

NE/NE	500	11.60	MAYHEW
SE/SW	600	7.50	LARKIN/INGRAM
SECTION 2			
NE/NW	800	12.90	GABEL & LARKIN
NE/NW	801	20.60	FOSBERG
NW/NW	801	25.20	FOSBERG
NW/NW	900	12.20	GABEL & LARKIN
SW/NW	900	14.90	GABEL & LARKIN
SE/NW	800	20.00	GABEL & LARKIN
NW/SW	1000	1.00	BOTHWELL
SECTION 3			
NE/NE	1100	11.60	FOSBERG
NW/NE	802	11.60	FOSBERG
SECTION 4			
NE/NW	1300	20.00	CARTER
SE/NW	1300	2.40	CARTER
SW/SW	1300	3.20	CARTER
SE/SW	1300	16.10	CARTER
SW/SE	1300	19.50	CARTER
SE/SE	1300	11.80	CARTER
SECTION 5			
SW/NW	1400	2.00	WALTERS
NE/SW	1400	8.10	WALTERS
NW/SW	1400	1.60	WALTERS
SW/SW	1400	12.70	WALTERS

<u>OTR/QTR</u>	<u>TAX</u> <u>LOT</u>	<u>ACRES</u>	<u>LANDOWNER</u>
SE/SW	1400	2.60	WALTERS
NE/SE	1400	5.40	WALTERS
NW/SE	1400	13.30	WALTERS
SW/SE	1400	0.80	WALTERS
SE/SE	1400	0.50	WALTERS
SECTION 7			
SW/NW	1500	1.90	L. WOODSIDE
NW/SW	1500	15.10	L. WOODSIDE
SW/SW	2000	24.20	R. KELLY & HAWTHORNE
SE/SW	2000	0.60	R. KELLY & HAWTHORNE
SECTION 8			
SW/NE	2200	7.40	KELLY
SW/NW	2200	14.60	KELLY
SE/NW	2200	8.70	KELLY
NE/SW	2200	7.80	KELLY
SECTION 9			
NW/NE	600	15.50	LARKIN/INGRAM
NE/NW	600	10.50	LARKIN/INGRAM
SECTION 11			
NW/NW	2000	0.20	R. KELLY
SECTION 17			
SE/SE	4100	0.25	FOSBERG
SECTION 18			
NE/NE	3700	11.60	ENDERSBY
NW/NE	3700	7.80	ENDERSBY
SW/NE	3700	4.00	ENDERSBY
SE/NE	4500	6.60	TOM MORELLI
NW/SE	4500	0.70	TOM MORELLI
SECTION 20			
NW/NW	3700	0.10	ENDERSBY
SW/NW	4500	7.70	TOM MORELLI
SW/SW	4600	5.40	HAMMER
SE/SW	4600	6.00	HAMMER
SE/SE	4600	15.10	HAMMER
SECTION 21			
NW/NW	5200	1.00	LYLE GABEL & LORRAINE
SECTION 28			

SW/NW	5700	13.20	LYLE GABEL & LORRAINE
NE/SW	5700	3.40	LYLE GABEL & LORRAINE
NW/SW	5700	7.40	LYLE GABEL & LORRAINE

SECTION 30

TOWNSHIP 5 SOUTH, RANGE 13 EAST, W.M.

MAINTENANCE OF STOCK PONDS (ACRE EQUIVALENTS)

		<u>TAX</u>	
<u>QTR/QTR</u>	<u>LOT</u>	<u>ACRES</u>	<u>LANDOWNER</u>

NE/NW	7600	0.10	MAYHEW
-------	------	------	--------

SECTION 22

SE/NE	9700	1.70	HARTH
-------	------	------	-------

SECTION 25

SE/SW	10700	0.30	ENDERSBY
-------	-------	------	----------

SECTION 30

TOWNSHIP 4 SOUTH, RANGE 13 EAST, W.M.

NE/SW	4200	0.30	HARTH
-------	------	------	-------

SECTION 30

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

NE/SW	100	0.30	MUNCIE
-------	-----	------	--------

SECTION 25

TOWNSHIP 5 SOUTH, RANGE 11 EAST, W.M.

SE/SE	1200	0.20	L. WOODSIDE
-------	------	------	-------------

SECTION 23

TOWNSHIP 5 SOUTH, RANGE 12 EAST, W.M.

NW/SW	3600	0.20	CARTER
-------	------	------	--------

SECTION 17

NE/NE	2002	1.00	A. STREELMAN
-------	------	------	--------------

SE/SE	4100	0.75	FOSBERG
-------	------	------	---------

SECTION 18

NE/NE	3400	1.00	H. STRELLMAN
-------	------	------	--------------

SECTION 21

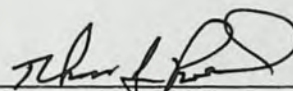
TOWNSHIP 5 SOUTH, RANGE 13 EAST, W.M.

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 and is subject to all other conditions and limitations contained in said permit.

This certificate corrects scrivener's errors in the certificate recorded at page 76969, State Record of Water Right Certificates, and supersedes Certificate 76969.

This certificate confirms orders of the Director recorded in Special Order Volume 34, page 389 (Transfer 4685); Volume 35, page 26 (Transfer 4977); Volume 36, page 213 (Transfer 5010); Volume 36, page 338 (Transfer 5057); Volume 37, page 50 (Transfer 5175); Volume 37, page 115 (Transfer 5194); Volume 37, page 443 (Transfer 5284); Volume 38, page 151 (Amending Transfer 5284); Volume 39, page 187 (Transfer 5055); Volume 40, page 104 (Transfer 5759); and entered on June 18, 2001, and recorded in Special Order Volume 55, page 606, approving a petition by JUNIPER FLAT DISTRICT IMPROVEMENT COMPANY under ORS 541.329 for mapping water rights within a district.

Witness the signature of the Water Resources Director, affixed SEP 25 2001.


For Paul Cleary, Director



STATE OF OREGON

COUNTY OF WASCO

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

JUNIPER FLAT DISTRICT IMPROVEMENT COMPANY
53333 RESERVATION ROAD
MAUPIN, OR 97037

confirms the right to use the waters of DIRECT FLOW FROM CLEAR CREEK AND FROG CREEK AND STORAGE OF 1400 ACRE FEET IN CLEAR LAKE RESERVOIR, a tributary of WHITE RIVER, for IRRIGATION OF 2101.64 ACRES, STOCK, AND MAINTENANCE OF STOCK PONDS (5.85 ACRE EQUIVALENTS).

This right was confirmed by decree of the Circuit Court of the State of Oregon for WASCO COUNTY. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 14 & 18, at Page 398 & 252. The date of priority is JULY 1, 1903 FOR DIRECT FLOW FROM CLEAR CREEK AND FROG CREEK, AND AUGUST 19, 1904, FOR STORAGE IN CLEAR LAKE RESERVOIR.

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed ONE ACRE FOOT PER ACRE OR ACRE EQUIVALENT DURING ANY 30-DAY PERIOD UP TO JULY 1ST OF EACH YEAR AND NOT TO EXCEED 3 ACRE FEET PER ACRE OR ACRE EQUIVALENT DURING ANY IRRIGATION SEASON; PROVIDED, THAT THE RATE OF FLOW SHALL NOT EXCEED 1/40 OF A SECOND FOOT PER ACRE OR ACRE EQUIVALENT UP TO JULY 1ST OF EACH YEAR AND THEREAFTER NOT TO EXCEED 1/80 OF A SECOND FOOT PER ACRE OR ACRE EQUIVALENT, EXCEPT IN CASE OF ROTATION.

The point of diversion is located as follows:

NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 34, T. 4 S., R. 9 E., W. M. FROM FROG CREEK; NW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 10, T. 5 S., R. 9 E., W. M. FROM CLEAR CREEK; CLEAR LAKE RESERVOIR DAM IS IN THE SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 32, T. 4 S., R. 9 E., W. M.

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

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

IRRIGATION AND STOCK

<u>QTR/QTR</u>	<u>TAX</u> <u>LOT</u>	<u>ACRES</u>	<u>LANDOWNER</u>
NE/SE	7200	1.50	MCELHERON
SW/SE	7200	23.60	MCELHERON
SE/SE	7200	35.70	MCELHERON
SECTION 14			
SW/NE	9300	2.50	TOM MORELLI
SE/NE	9300	5.60	TOM MORELLI
NE/NW	7600	0.90	MAYHEW
SW/SW	9200	1.50	TOM MORELLI
SE/SW	9200	9.90	TOM MORELLI
NE/SE	9400	23.80	TOM MORELLI
NW/SE	9400	19.00	TOM MORELLI
SW/SE	9400	10.40	TOM MORELLI
SE/SE	9400	2.80	TOM MORELLI
SECTION 22			
NE/NE	7200	18.40	MCELHERON
NW/NE	7200	10.80	MCELHERON
SW/SW	9500	22.70	DELCO
SE/SW	9500	24.30	DELCO
SECTION 23			
NE/NW	6500	34.00	LARSELL
SE/NW	6500	36.00	LARSELL
SECTION 24			
SE/NE	9700	1.30	HARTH
NW/SW	9900	15.40	MAYHEW
SW/SW	9900	19.40	MAYHEW
SECTION 25			
NE/SE	9900	12.90	MAYHEW
NW/SE	9900	2.60	MAYHEW
SW/SE	9900	2.70	MAYHEW
SE/SE	9900	35.30	MAYHEW
SECTION 26			
NW/NE	9501	33.50	TIM MORELLI
SW/NE	9501	1.60	TIM MORELLI
NE/NW	9200	6.00	TOM MORELLI
NE/SW	10100	22.00	TIM MORELLI

<u>QTR/QTR</u>	<u>TAX</u> <u>LOT</u>	<u>ACRES</u>	<u>LANDOWNER</u>
SW/SW	10100	13.80	TIM MORELLI
SE/SW	10100	6.60	TIM MORELLI
NW/SE	10100	20.50	TIM MORELLI
SECTION 27			
NE/SW	10600	7.00	V. WOODSIDE
NW/SW	10600	3.50	V. WOODSIDE
SW/SW	10600	11.60	V. WOODSIDE
SE/SW	10600	7.40	V. WOODSIDE
SECTION 29			
NE/SE	10600	0.90	V. WOODSIDE
SE/SE	10600	1.00	V. WOODSIDE
SECTION 30			
NE/NE	10800	10.50	GUTZLER
SW/NE	10800	3.50	GUTZLER
SE/NE	10800	10.90	GUTZLER
SW/NW	10700	11.20	ENDERSBY
SECTION 31			
SE/NE	10900	8.50	PAULSON
NW/NW	10800	2.70	GUTZLER
NE/SE	10900	13.30	PAULSON
NW/SE	10900	6.00	PAULSON
SECTION 32			
NE/SW	10900	17.50	PAULSON
SW/SW	10900	5.50	PAULSON
SE/SW	10900	20.20	PAULSON
SECTION 33			
NW/NW	11100	15.70	RECKMAN
SW/NW	11100	0.50	RECKMAN
NW/SW	11100	3.80	RECKMAN
NW/SW	11101	1.90	ODEM
SW/SW	11101	2.10	ODEM
SECTION 34			
SE/SW	11400	0.30	MAYHEW
NE/SE	11400	12.30	MAYHEW
SW/SE	11400	9.80	MAYHEW

<u>QTR/QTR</u>	<u>TAX</u> <u>LOT</u>	<u>ACRES</u>	<u>LANDOWNER</u>
----------------	--------------------------	--------------	------------------

SE/SE	11400	34.30	MAYHEW
-------	-------	-------	--------

SECTION 35

NE/SE	11500	24.80	MAYHEW
NW/SE	11500	15.80	MAYHEW
SW/SE	11500	25.80	MAYHEW
SE/SE	11500	33.00	MAYHEW

SECTION 36

TOWNSHIP 4 SOUTH, RANGE 13 EAST, W.M.

NE/NE	3700	30.90	MARSH
SE/NE	3700	28.10	MARSH

SECTION 19

NW/NW	3300	32.30	MARSH
SW/NW	3300	30.40	MARSH
NW/SW	3300	8.30	MARSH

SECTION 20

NE/SW	4200	1.10	HARTH
NW/SW	4200	0.60	HARTH

SECTION 30

NE/SW	4302	20.80	DULING
NW/SE	4302	8.70	DULING
SW/SE	4302	10.00	DULING

SECTION 31

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

NW/SW	1701	7.00	ENDERSBY
-------	------	------	----------

SECTION 13

SE/NE	2700	0.10	DODGE
NE/SW	2400	3.00	ODFW
SE/SW	2400	19.34	ODFW

SECTION 24

SE/NE	1900	5.00	HAMMOND
NE/SW	100	1.00	MUNCIE

SECTION 25

TOWNSHIP 5 SOUTH, RANGE 11 EAST, W.M.

<u>QTR/QTR</u>	<u>TAX</u>	<u>LOT</u>	<u>ACRES</u>	<u>LANDOWNER</u>
SW/NE	100	4.00	MCCORKLE	
NE/NW	201	3.70	V. WOODSIDE	
NW/NW	201	0.90	V. WOODSIDE	
SW/NW	201	7.90	V. WOODSIDE	
SE/NW	100	7.40	MCCORKLE	
SE/NW	201	1.10	V. WOODSIDE	
NW/SE	100	6.00	MCCORKLE	
SECTION 1				
NW/SW	400	14.40	HACHLER	
SW/SW	400	0.80	HACHLER	
SECTION 2				
NE/SE	400	9.90	HACHLER	
SE/SE	400	4.90	HACHLER	
SECTION 3				
SE/SE	1700	10.40	AMBROSE	
SECTION 8				
NW/SW	1700	12.90	AMBROSE	
SW/SW	1700	6.70	AMBROSE	
SECTION 9				
SW/SW	2200	12.40	ENDERSBY	
SE/SW	2200	9.60	ENDERSBY	
SECTION 11				
NW/NW	2100	31.80	MCLEOD	
SW/NW	2100	27.50	MCLEOD	
SE/NW	2100	7.70	MCLEOD	
SECTION 12				
NE/NE	2300	6.30	ENDERSBY	
SE/NE	2300	4.40	ENDERSBY	
NE/SW	2600	3.20	WILLIAMSON	
NW/SW	2600	9.60	WILLIAMSON	
SECTION 13				
NW/NE	3103	0.50	GROCE	
SE/NE	2600	7.20	WILLIAMSON	
NE/NW	3103	10.50	GROCE	
SW/SE	3100	9.30	CLAYMIER	

<u>QTR/QTR</u>	<u>TAX</u> <u>LOT</u>	<u>ACRES</u>	<u>LANDOWNER</u>
SE/SE	3100	12.00	CLAYMIER
SECTION 14			
SW/SW	3502	1.20	DODGE
SW/SW	3502	14.00	DODGE
SE/SW	3502	39.80	DODGE
SECTION 18			
SE/SW	3790	20.00	CONFEDERATED TRIBES
SECTION 19			
SE/NE	3403	5.00	CAPPS
SECTION 20			
NE/SE	3900	14.60	HUNDLEY
NW/SE	3900	1.40	HUNDLEY
SE/SE	3900	4.34	HUNDLEY
SECTION 21			
NW/NW	3200	15.50	S. WOODSIDE
SW/NW	3200	9.23	S. WOODSIDE
NE/SE	3100	2.70	L. WOODSIDE
SW/SE	4000	10.00	JONES & ROSS
SE/SE	3100	16.20	L. WOODSIDE
SECTION 22			
NE/NE	2703	15.00	ASCHOFF
NW/NE	3100	11.50	CLAYMIER
NE/NW	3100	16.40	CLAYMIER
NW/NW	3100	12.68	CLAYMIER
SW/NW	3100	3.40	CLAYMIER
SE/NW	3100	1.20	CLAYMIER
SW/SW	4100	4.50	L. WOODSIDE
SE/SW	4100	4.60	L. WOODSIDE
SECTION 23			
NW/NW	2702	5.00	CARTER
SW/NW	2702	10.00	CARTER
SE/SE	4400	0.50	DULING
SECTION 24			
SW/NE	4500	11.80	L. WOODSIDE
SECTION 25			

<u>QTR/QTR</u>	<u>TAX</u>	<u>LOT</u>	<u>ACRES</u>	<u>LANDOWNER</u>
NE/NE	4900	7.20	PINHEIRO	
SE/NE	4900	4.80	PINHEIRO	
NE/NW	4100	13.50	L. WOODSIDE	
NW/NW	4100	21.60	L. WOODSIDE	
NW/SE	5200	2.00	BEEBE	
SECTION 26				
NE/NE	4100	6.40	L. WOODSIDE	
NE/SW	5500	6.00	HAMMER	
NW/SW	5500	0.70	HAMMER	
NW/SE	5500	2.80	HAMMER	
SE/SE	5600	10.00	TOLENTINO	
SECTION 27				
NW/NW	6100	0.30	DODGE	
SW/SE	6400	1.50	FILBIN	
SECTION 29				
SE/SE	6300	11.10	BLAKE	
SECTION 30				
NW/NE	6501	18.50	FILBIN	
SECTION 32				
NW/NE	7300	12.00	DODGE	
NW/NW	6000	18.90	BLAKE	

SECTION 33

TOWNSHIP 5 SOUTH, RANGE 12 EAST, W.M.

NE/NE	500	11.60	MAYHEW
SE/SW	600	7.50	LARKIN/INGRAM
SECTION 2			
NE/NW	800	12.90	GABEL & LARKIN
NE/NW	801	20.60	FOSBERG
NW/NW	801	25.20	FOSBERG
NW/NW	900	12.20	GABEL & LARKIN
SW/NW	900	14.90	GABEL & LARKIN
SE/NW	800	20.00	GABEL & LARKIN
NW/SW	1000	1.00	BOTHWELL

SECTION 3

<u>QTR/QTR</u>	<u>LOT</u>	<u>TAX ACRES</u>	<u>LANDOWNER</u>
NE/NE	1100	11.60	FOSBERG
NW/NE	802	11.60	FOSBERG
SECTION 4			
NE/NW	1300	20.00	CARTER
SE/NW	1300	2.40	CARTER
SW/SW	1300	3.20	CARTER
SE/SW	1300	16.10	CARTER
SW/SE	1300	19.50	CARTER
SE/SE	1300	11.80	CARTER
SECTION 5			
SW/NW	1400	2.00	WALTERS
NE/SW	1400	8.10	WALTERS
NW/SW	1400	1.60	WALTERS
SW/SW	1400	12.70	WALTERS
SE/SW	1400	2.60	WALTERS
NE/SE	1400	5.40	WALTERS
NW/SE	1400	13.30	WALTERS
SW/SE	1400	0.80	WALTERS
SE/SE	1400	0.50	WALTERS
SECTION 7			
SW/NW	1500	1.90	L. WOODSIDE
NW/SW	1500	15.10	L. WOODSIDE
SW/SW	2000	24.20	R. KELLY & HAWTHORNE
SE/SW	2000	0.60	R. KELLY & HAWTHORNE
SECTION 8			
SW/NE	2200	7.40	KELLY
SW/NW	2200	14.60	KELLY
SE/NW	2200	8.70	KELLY
NE/SW	2200	7.80	KELLY
SECTION 9			
NW/NE	600	15.50	LARKIN/INGRAM
NE/NW	600	10.50	LARKIN/INGRAM
SECTION 11			
NW/NW	2000	0.20	R. KELLY
SECTION 17			

<u>QTR/QTR</u>	<u>TAX</u>	<u>LOT</u>	<u>ACRES</u>	<u>LANDOWNER</u>
SE/SE	4100	0.25	FOSBERG	
SECTION 18				
NE/NE	3700	11.60	ENDERSBY	
NW/NE	3700	7.80	ENDERSBY	
SW/NE	3700	4.00	ENDERSBY	
SE/NE	4500	6.60	TOM MORELLI	
NW/SE	4500	0.70	TOM MORELLI	
SECTION 20				
NW/NW	3700	0.10	ENDERSBY	
SW/NW	4500	7.70	TOM MORELLI	
SW/SW	4600	5.40	HAMMER	
SE/SW	4600	6.00	HAMMER	
SE/SE	4600	15.10	HAMMER	
SECTION 21				
NW/NW	5200	1.00	LYLE GABEL & LORRAINE	
SECTION 28				
SW/NW	5700	13.20	LYLE GABEL & LORRAINE	
NE/SW	5700	3.40	LYLE GABEL & LORRAINE	
NW/SW	5700	7.40	LYLE GABEL & LORRAINE	

SECTION 30

TOWNSHIP 5 SOUTH, RANGE 13 EAST, W.M.

MAINTENANCE OF STOCK PONDS (ACRE EQUIVALENTS)

<u>QTR/QTR</u>	<u>TAX</u>	<u>LOT</u>	<u>ACRES</u>	<u>LANDOWNER</u>
NE/NW	7600	0.10	MAYHEW	
SECTION 22				
SE/NE	9700	1.70	HARTH	
SECTION 25				
SE/SW	10700	0.30	ENDERSBY	

SECTION 30

TOWNSHIP 4 SOUTH, RANGE 13 EAST, W.M.

NE/SW	4200	0.30	HARTH
SECTION 30			

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

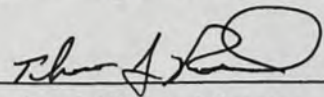
<u>QTR/QTR</u>	<u>TAX</u>	<u>LOT</u>	<u>ACRES</u>	<u>LANDOWNER</u>
NE/SW		100	0.30	MUNCIE
SECTION 25				
TOWNSHIP 5 SOUTH, RANGE 11 EAST, W.M.				
SE/SE		1200	0.20	L. WOODSIDE
SECTION 23				
TOWNSHIP 5 SOUTH, RANGE 12 EAST, W.M.				
NW/SW		3600	0.20	CARTER
SECTION 17				
NE/NE		2002	1.00	A. STREELMAN
SE/SE		4100	0.75	FOSBERG
SECTION 18				
NE/NE		3400	1.00	H. STRELLMAN
SECTION 21				
TOWNSHIP 5 SOUTH, RANGE 13 EAST, W.M.				

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 and is subject to all other conditions and limitations contained in said decree.

This certificate corrects scrivener's errors in the certificate recorded at page 76968, State Record of Water Right Certificates, and supersedes Certificate 76968.

This certificate confirms order of the Director recorded in Special Order Volume 34, page 389 (Transfer 4685); Volume 35, page 26 (Transfer 4977); Volume 36, page 213 (Transfer 5010); Volume 36, page 338 (Transfer 5057); Volume 37, page 50 (Transfer 5175); Volume 37, page 115 (Transfer 5194); Volume 37, page 443 (Transfer 5284); Volume 38, page 151 (Amending Transfer 5284); Volume 39, page 187 (Transfer 5055); Volume 40, page 104 (Transfer 5759); entered June 18, 2001, and recorded in Special Order Volume 55, page 606, approving a petition by JUNIPER FLAT DISTRICT IMPROVEMENT COMPANY under ORS 541.329 for mapping water rights within a district.

Witness the signature of the Water Resources Director, affixed SEP 25 2001.


for Paul Cleary, Director

JFDIC3111.D15525.SRS

Recorded in State Record of Water Right Certificates numbered 77326.

RECEIVED

MAY 16 2002

WATER RESOURCES DEPT.
SALEM, OREGON

Interoffice Memorandum

Water Resources Department

DATE: May 13, 2002
TO: Corey Engel
CC: Tony Justus, North Central Region
FROM: Larry Toll, Watermaster, District #3 MT
SUBJECT: Application 60453

I received the Proposed Final Order and still believe that we are not following the process as was followed when this application was filed. Water availability was not used in 1980 when this application was filed.

Application 60453 was filed August 4, 1980 for Juniper Flat District Improvement Company.

Application 59862 was filed (March 7, 1980) before Application 60453, has a priority of March 7, 1980 and permit was issued August 18, 1986. This is for Rock Creek District Improvement Company.

Application 68644 was filed (January 3, 1986) after Application 60453, has a priority of January 3, 1986, and permit was issued October 29, 1987. This is for Pine Hollow Cooperative, Inc.

Application 59863 was filed (March 10, 1980) before Application 60453, has a priority of March 10, 1980 and May 7, 1981, and permit was issued October 27, 1983. This is for Lost & Boulder Ditch Company.

All four applications are for additional irrigated lands within existing water delivery systems. All are within the same White River Basin (Watershed ID 70088).

Water availability was not used on the other three irrigation provider permits. If we would have processed Application 60453 to completion at the same time as these other applications, there would have been no water availability (50% or 80%) figured into issuing the permit.

I doubt that you will find any comments from ODFW or DEQ on any of these applications. Even

RECEIVED

MAY 16 2002

WATER RESOURCES DEPT.
SALMON, OREGON

though Division 33 was determine to not apply, the Division 33 review forms were sent out. I don't know this for a fact, but I suspect that if not for the Division 33 forms, responses would not have come from either ODFW or DEQ. The only comments received were on Division 33 forms.

In the 1980's the ORS 537.170(8) detrimental affect would not have been found according to the lack of permit conditions on three permits issued in the same area.

For review, Application 71086, Permit 51365 appears to have been received August 24, 1990, has priority date of January 2, 1991, and had permit issued November 18, 1991. There are no restrictions because of water availability. This is within the WAB that causes restrictions in the White River Basin in water availability.

On page 3 of the Proposed Final Order, in paragraph 3, the last sentence lists the full irrigation season as April 1 to November 1. This is the irrigation season from the Deschutes Basin Decree. There is a separate decree for the White River Basin. The White River Decree does not specify months for an irrigation season, it only lists during irrigation season.

In the proposed permit condition concerning no additional appropriation of water, this condition does not make complete sense to me. The first sentence seems to limit the appropriation of water to that already allowed by Certificate 48850 and 51539 or superseding certificates. This maximum rate would be 1/40 cfs per acre for 2,107.49 acres or acre equivalents for a maximum diversion rate of 52.69 cfs from direct flow.

The second sentence says it does not authorize an increase in total rate or duty of water. Yet the Proposed Final Order lists a total rate of 62.5 cfs for maximum amount of live flow. This is almost a 10 cfs increase in total rate over direct flow rate allowed by Certificate 48850 & 51539 or superseding certificates.

Using the language from the Rock Creek District Improvement Company Permit 50014 (Application 59862) might be better. It is wordier, but seems to describe what is going on. Modified for Juniper Flat it says:

"The right allowed herein is for irrigation of additional lands through the diversion and distribution system of the Juniper Flat District Improvement Company. The amount of surface water to be diverted under the terms of this permit, together with the amounts diverted under the prior rights through the distribution system of the Juniper Flat District Improvement Company shall not exceed a total of 52.69 cfs of surface water."

The Proposed Final Order lists the use as irrigation of 2,500 acres. The actual proposed use is irrigation of 1,923 acres and supplemental irrigation of 553.50 acres. (Note - when we added the acreages, we did not get a total of 2,500 acres.)

REQUEST FOR ASSIGNMENT

I, Wayne Odom

(Name of Applicant / Permit Holder)

55133 Juniper Flat Rd. Maupin OR 97037 541-395-2668
(mailing address) (City) (State) (Zip) (Phone #)

CHECK ONE

☒ ...hereby assign **all my interest** in and to application/permit;

☐ ...hereby assign **all my interest** in and to a **portion** of application/permit;

(You must include a map showing the portion of the application assigned.)

☐ ...hereby assign **a portion of my interest** in and to the **e**

Application # S-60453, Permit # _____
-OR-

GR Statement # _____, GR Certificate of Registration # 3-29-02 R.W.

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

Juniper Flat District Improvement Company
(Name of New Owner)

53333 Reservation Rd. Maupin, Oregon 97037 541-328-6380
(mailing address) (City) (State) (Zip) (Phone #)

NOTE:

If there are other owners of the property described in this Application, Permit or Certificate of Ground Water 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 or Certificate of Registration of this request for assignment.

Witness my hand this 20th day of March, 2002.

Applicant/Permit holder Wayne A. Odom

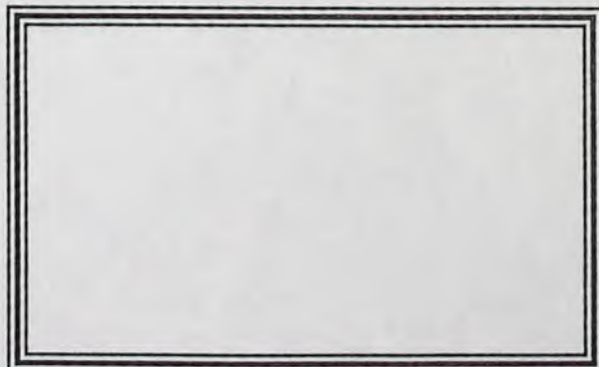
Applicant/Permit holder _____

RECEIVED

MAR 28 2002

WATER RESOURCES DEPT.
SALEM, OREGON

DO NOT WRITE IN THIS BOX



The completed "Request for Assignment" form *must be* submitted to the Department along with the appropriate recording fees:

- ◆ \$25 for the first page, and
- ◆ \$5 for **each** additional page.

[as required by ORS 536.050(1)(d)]

WATER RESOURCES DEPARTMENT
158 12TH STREET NE
SALEM, OREGON 97301-4172

REQUEST FOR ASSIGNMENT

I, Wayne Odom

(Name of Applicant / Permit Holder)

55133 Juniper Flat Rd. Maupin OR 97037 541-395-2668
(mailing address) (City) (State) (Zip) (Phone #)

CHECK ONE

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

Application # S-60453, Permit # —
-OR-

GR Statement # _____, GR Certificate of Registration # _____

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

Juniper Flat District Improvement Company
(Name of New Owner)

53333 Reservation Rd. Maupin, Oregon 97037 541-328-6380
(mailing address) (City) (State) (Zip) (Phone #)

NOTE:

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

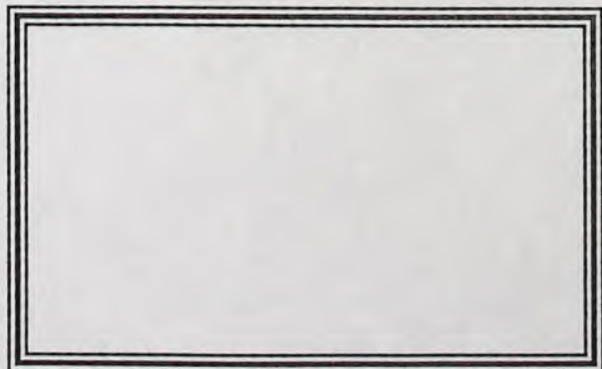
I hereby certify that I have notified all other owners of the property described in this Application, Permit or Certificate of Registration of this request for assignment.

Witness my hand this 20th day of March, 2002

Applicant/Permit holder Wayne A. Olson

Applicant/Permit holder

DO NOT WRITE IN THIS BOX



The completed "Request for Assignment" form *must be* submitted to the Department along with the appropriate recording fees:

- ◆ \$25 for the first page, and
- ◆ \$5 for *each additional page*.

[as required by ORS 536.050(1)(d)]

**WATER RESOURCES DEPARTMENT
158 12TH STREET NE
SALEM, OREGON 97301-4172**

RECEIVED

MAR 28 2002

WATER RESOURCES DEPT.
SALEM, OREGON

Juniper Flat District Improvement Co., Inc.

53333 Reservation Rd.
Maupin, Oregon 97037-9708
(541) 328-6380
FAX (541) 328-638

3-26-02

Water Resources Dept.
Mr. Cory Engel
Water Rights Specialist
Salem Oregon

RE.: file number S-60453

Cory,

Please find the enclosed copy of the
request for assignment and \$25 check.

Thank you for your concern and help in
completing our application process.

Sincerely.

Timothy J. Moulli

JFDIC Board

RECEIVED

MAR 28 2002

WATER RESOURCES DEPT.
SALEM, OREGON

68453

Dwight W French, 01:47 PM 4/15/02 -0700, Fwd: Re: Juniper Flat water right

X-Sender: frenchdw@mailhub.wrd.state.or.us
X-Mailer: QUALCOMM Windows Eudora Version 5.1
Date: Mon, 15 Apr 2002 13:47:01 -0700
To: cory Engel <Cory.C.ENGEL@wrд.state.or.us>
From: Dwight W French <Dwight.W.FRENCH@wrд.state.or.us>
Subject: Fwd: Re: Juniper Flat water right
X-Security: MIME headers sanitized on funnel
See <http://www.impsec.org/email-tools/sanitizer-intro.html>
for details. \$Revision: 1.133 \$Date: 2002-01-05 17:09:21-08

FYI

X-Sender: marbutar@mailhub.wrd.state.or.us
X-Mailer: QUALCOMM Windows Eudora Version 5.1
Date: Mon, 15 Apr 2002 08:21:26 -0700
To: Meg Reeves <Meg.R.REEVES@wrд.state.or.us>
From: Reed Marbut <Reed.MARBUT@wrд.state.or.us>
Subject: Re: Juniper Flat water right
Cc: Dwight W French <Dwight.W.FRENCH@wrд.state.or.us>

Meg:

I spoke with Jim Noteboom on Friday (4/12). He did not express that the Tribes would necessarily have a concern; and went on to suggested that this is the sort of matter that should be referred to the State/Tribe/Fed Intergovernmental Board established under the Agreement.

The representation on the Board is:

State -- Bob Main (I presume now Kyle Gorman)
Tribe -- Deepak Sehgal and Bobby Brunoe
Fed -- Gerald Henrikson (BIA)

The only matter taken up by the Board to date was the matter of the ODFW instream water right and the subordination clause in the Agreement. They quickly reached consensus on this matter; however, their solution was not ok with Sharyl -- thus the amendment process we are just completing.

If the members of the Board approach the Juniper Flat application like they have other matters, I do not think it will make a big deal of this application.

I will talk with Dwight about how to engage this Board and how best to supply them with the proper documents.

Reed

At 04:46 PM 4/8/02 -0700, you wrote:

When you return on Wednesday 4/10, let's talk about this water right - I'd like you to discuss it with Jim Noteboom. Thx, Meg.



THE DALLES
Chronicle

3.26.02

The Notice of Water Use will publish
three consecutive weeks in The Dalles
Chronicle on March 28, 2002 and
April 4, 11, 2002, legal # 9462.

Virginia Delco
Class. Mgr.

541-296-2141

541-298-1365 Fax

P.O. Box 1910

The Dalles, OR 97058

www.gorgenews.com

RECEIVED

MAR 28 2002

WATER RESOURCES DEPT.
SALEM, OREGON

NOTICE OF WATER USE REQUEST

Regarding application: S-60453

The Oregon Water Resources Department is evaluating the request by JUNIPER FLAT DISTRICT IMPROVEMENT COMPANY to use 62.5 cubic feet per second of the waters of THREE SPRING AREAS and FROG CREEK, TRIBUTARIES OF CLEAR CREEK and CLEAR CREEK, A TRIBUTARY OF WHITE RIVER; and 7500.0 ACRE-FEET of the waters of CLEAR LAKE RESERVOIR, CONSTRUCTED UNDER PERMIT R-2106, A TRIBUTARY OF CLEAR CREEK for IRRIGATION OF 2500.0 ACRES. The proposed sources of water are located within WASCO County, Townships 4 and 5 South, Range 9 East, W.M. This process is to determine if the request is in compliance with state water laws and regulations. Public participation and comment is encouraged.

ORS 537.130 (3) requires notice to all affected landowners. ORS 537.130 (4) allows this notice to be made through publication for three consecutive weeks in a local newspaper if there are more than 25 landowners involved.

For further information contact the Water Resources Department Water Rights Information Group at 1-800-624-3199 extension 201. Written information requests may be addressed to the Oregon Water Resources Department at 158 12th Street NE, Salem, Oregon 97301-4172.

RECEIVED
MAR 28 2002
WATER RESOURCES DEPT.
SALEM, OREGON

OREGON WATER RESOURCES DEPARTMENT



State of Oregon
Water Resources Department
158 12th ST NE, Salem, OR 97301
(503) 378-8455
www.wrd.state.or.us

FAX TRANSMITTAL

TO: Tim Moreau FAX NUMBER: 541-328-6380
DATE: 3/26/02 PAGES: 2, INCLUDING COVER SHEET
FROM: Cory Engel PHONE: (503) 378-8455 EXT. 324
COMMENTS: NEW NOTICE COPY ATTACHED.

DIRECTOR'S OFFICE

- Water Resources Commission
- Legislation and Rules
- Public Information

FIELD & TECHNICAL SERVICES

- Hydrographics
- Ground Water
- Information Services
- GIS/Mapping

FAX: (503) 378-2496

ADMINISTRATIVE SERVICES

- Fiscal / Accounting
- Human Resources / Personnel
- Water Development Loan Fund
- Support Services

FIELD & TECHNICAL SERVICES

- Dam Safety
- Enforcement
- Regional Liaisons
- Transfers

FAX: (503) 378-8130

WATER RIGHTS

- Water Rights information
- Adjudications
- Hydroelectric
- Certifications / Final Proofs
- Hearings / Contested Cases

NORTHWEST REGION

- District 16 Watermaster

FAX: (503) 378-6203

NOTICE OF WATER USE REQUEST

Regarding application: S-60453

The Oregon Water Resources Department is evaluating the request by JUNIPER FLAT DISTRICT IMPROVEMENT COMPANY to use 62.5 cubic feet per second of the waters of THREE SPRING AREAS and FROG CREEK, TRIBUTARIES OF CLEAR CREEK and CLEAR CREEK, A TRIBUTARY OF WHITE RIVER; and 7500.0 ACRE-FEET of the waters of CLEAR LAKE RESERVOIR, CONSTRUCTED UNDER PERMIT R-2106, A TRIBUTARY OF CLEAR CREEK for IRRIGATION OF 2500.0 ACRES. The proposed sources of water are located within WASCO County, Townships 4 and 5 South, Range 9 East, W.M. This process is to determine if the request is in compliance with state water laws and regulations. Public participation and comment is encouraged.

ORS 537.130 (3) requires notice to all affected landowners. ORS 537.130 (4) allows this notice to be made through publication for three consecutive weeks in a local newspaper if there are more than 25 landowners involved.

For further information contact the Water Resources Department Water Rights Information Group at 1-800-624-3199 extension 201. Written information requests may be addressed to the Oregon Water Resources Department at 158 12th Street NE, Salem, Oregon 97301-4172.

JUNIPER FLAT DIST IMP CO
53333 RESERVATION RD
MAUPIN OR 97037-9708

Phone (541) 328-6380 & FAX No.

TO:

Cory Engel

Water Right Specialist

Water Resources Dept

Salem Ore

~~2~~ 3 pages, including
cover sheet

From:

Tim Morelli Juniper Flat Dist. Improvement Co.

Cory:

Here's the fax of the "NOTICE"
for the paper. ~~2~~ and a copy of the
assignment request. I think we should
be able to delete Wayne's name on
the notice and it should be okay.

I'll wait here at the office.

Thanks.

← Tim

REQUEST FOR ASSIGNMENT

I, Wayne Odum

(Name of Applicant / Permit Holder)

55133 Juniper Flat Rd. Maupin OR 97037 541-345-2668

(mailing address)

(City)

(State)

(Zip)

(Phone #)

CHECK ONE

☒ ...hereby assign all my interest in and to application/permit;☐ ...hereby assign all my interest in and to a portion of application/permit;

(You must include a map showing the portion of the application/permit to be assigned.)

☐ ...hereby assign a portion of my interest in and to the entire application/permit;Application # S-60453, Permit # _____;

-OR-

GR Statement # _____, GR Certificate of Registration # _____

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

Juniper Flat District Improvement Company

(Name of New Owner)

53333 Reservation Rd Maupin Oregon 97037 541-328-6380

(mailing address)

(City)

(State)

(Zip)

(Phone #)

NOTE:

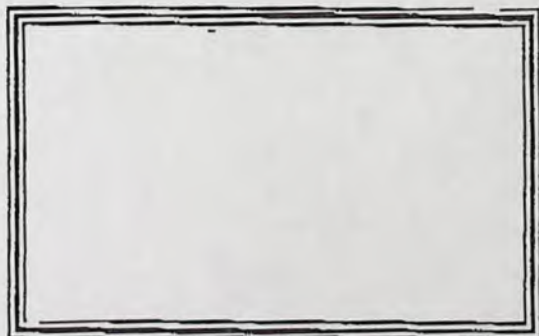
If there are other owners of the property described in this Application, Permit or Certificate of Ground Water Registration, you must provide a list of all other owners' names and mailing addresses and attach it to this form.

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

Witness my hand this 20th day of March, 2002.Applicant/Permit holder Wayne A. Odum

Applicant/Permit holder _____

DO NOT WRITE IN THIS BOX



The completed "Request for Assignment" form *must* be submitted to the Department along with the appropriate recording fees:

◆ \$25 for the first page, and

◆ \$5 for each additional page.

[as required by ORS 536.050(1)(d)]

WATER RESOURCES DEPARTMENT
158 12TH STREET NE
SALEM, OREGON 97301-4172

NOTICE OF WATER USE REQUEST

Regarding application: S-60453

The Oregon Water Resources Department is evaluating the request by WAYNE A. ODOM; JUNIPER FLAT DISTRICT IMPROVEMENT COMPANY to use 62.5 cubic feet per second of the waters of THREE SPRING AREAS and FROG CREEK, TRIBUTARIES OF CLEAR CREEK and CLEAR CREEK, A TRIBUTARY OF WHITE RIVER; and 7500.0 ACRE-FEET of the waters of CLEAR LAKE RESERVOIR, CONSTRUCTED UNDER PERMIT R-2106, A TRIBUTARY OF CLEAR CREEK for IRRIGATION OF 2500.0 ACRES. The proposed sources of water are located within WASCO County, Townships 4 and 5 South, Range 9 East, W.M. This process is to determine if the request is in compliance with state water laws and regulations. Public participation and comment is encouraged.

ORS 537.130 (3) requires notice to all affected landowners. ORS 537.130 (4) allows this notice to be made through publication for three consecutive weeks in a local newspaper if there are more than 25 landowners involved.

For further information contact the Water Resources Department Water Rights Information Group at 1-800-624-3199 extension 201. Written information requests may be addressed to the Oregon Water Resources Department at 158 12th Street NE, Salem, Oregon 97301-4172.

Conversion: Allowed
Original-Encoded-Information-Types: IA5-Text
Priority: normal
Disclose-Recipients: Prohibited
Alternate-Recipient: Allowed
Date: 31 Jan 2002 12:37:23 -0800
From: BRUTSCHER Steve <Steve.Brutscher@state.or.us>
To: ENGEL Cory C <Cory.C.ENGEL@state.or.us> (IPM Return requested) (Receipt notification requested)
Subject: Re: Deschutes SWW

Cory -

If Bill hasn't gotten back to you yet, the lower 100 miles of the Deschutes River was one of the six original rivers designated as a state scenic waterway by initiative petition in 1970. The election was on November 3, 1970 and the governor declared the act to be in full force and effect in the law as of December 3, 1970.

The reference you cited is related to a separate action designed to exclude the City of Maupin, as its boundary was constituted on October 4, 1977, from inclusion in the Deschutes River Scenic Waterway

Hope this helps.

Steve Brutscher

>>> ENGEL Cory C 01/31/02 09:18AM >>>
Steve,

Bill Fujii suggested that you might be a good person to answer this question: On what date was the Lower Deschutes River Scenic Waterway established?

ORS 390.826(5) suggests it might be October 4, 1977, but it is not explicit.

Thanks.

Mr. Cory C. Engel
Water Right Specialist
Oregon Water Resources Department
503-378-8455, extension 324
FAX: 503-378-6203
Cory.C.ENGEL@wrd.state.or.us
<http://www.wrd.state.or.us/>

Reply-To: <William.H.FUJII@wrд.state.or.us>
From: "Bill Fujii" <William.H.FUJII@wrд.state.or.us>
To: "Cory Engel" <Cory.C.ENGEL@wrд.state.or.us>
Subject: RE: SWW question
Date: Thu, 31 Jan 2002 09:17:57 -0800
X-Mailer: Microsoft Outlook IMO, Build 9.0.2416 (9.0.2910.0)
Importance: Normal

The Lower 100 miles of the Deschutes River Scenic Waterway was established in 1970 as part of the original initiative. I would think that the pending application would be part of the Scenic Waterway Water Availability assessment

To: Dwight French
From: Cory Engel <Cory.C.ENGEL@wrд.state.or.us>
Subject: Fwd: Re: Application S-60453, Juniper Flat
Cc:
Bcc:
Attached:

FYI:

Here's Larry Toll's latest response re: Juniper Flat. He maintains that water availability should not be a consideration.

I will work up the spreadsheet we mentioned so that we have something to talk about.

Cory

X-Sender: tolllm@mailhub.wrд.state.or.us
X-Mailer: QUALCOMM Windows Eudora Version 5.1
Date: Tue, 29 Jan 2002 15:04:45 -0800
To: Cory Engel <Cory.C.ENGEL@wrд.state.or.us>
From: Larry Toll <Larry.M.TOLL@wrд.state.or.us>
Subject: Re: Application S-60453, Juniper Flat
Cc: Tony.G.JUSTUS@wrд.state.or.us

Thank you for your review.

Water Availability: It is still my contention that Water Availability does not apply at all because at the time that this application was filed water availability was not part of the permit review process.

The date this application was filed in the OWRD was August 7, 1980. I must conclude that the application met the statutory requirements to be filed at the time even though the information was not complete enough to process to permit. Yes, over the years the application has lost its original priority date, but the date the application was filed into the records of the OWRD has not changed.

Division 33 uses the terminology "Applications filed after". Division 400, where the definition of Over-appropriation is, uses the terminology "Applications submitted after". I think our rules make it clear that even before ORS 536.031, the actions of the department tended to apply the rules in affect when an application was filed. ORS 536.031 uses the terminology "a completed application is made".

Changes in the priority date is for lack of action within the time prescribed by the department. The date that application was filed remains the same.

You ask about water rights that have come after this filing. Now I can only go by priority date, but normally that is close to the application filed date. List below are one I found in my district records.

X-Sender: tolllm@mailhub.wrd.state.or.us
X-Mailer: QUALCOMM Windows Eudora Version 5.1
Date: Tue, 29 Jan 2002 15:04:45 -0800
To: Cory Engel <Cory.C.ENGEL@wrđ.state.or.us>
From: Larry Toll <Larry.M.TOLL@wrđ.state.or.us>
Subject: Re: Application S-60453, Juniper Flat
Cc: Tony.G.JUSTUS@wrđ.state.or.us

Thank you for your review.

Water Availability: It is still my contention that Water Availability does not apply at all because at the time that this application was filed water availability was not part of the permit review process.

The date this application was filed in the OWRD was August 7, 1980. I must conclude that the application met the statutory requirements to be filed at the time even though the information was not complete enough to process to permit. Yes, over the years the application has lost its original priority date, but the date the application was filed into the records of the OWRD has not changed.

Division 33 uses the terminology "Applications filed after". Division 400, where the definition of Over-appropriation is, uses the terminology "Applications submitted after". I think our rules make it clear that even before ORS 536.031, the actions of the department tended to apply the rules in affect when an application was filed. ORS 536.031 uses the terminology "a completed application is made".

Changes in the priority date is for lack of action within the time prescribed by the department. The date that application was filed remains the same.

You ask about water rights that have come after this filing. Now I can only go by priority date, but normally that is close to the application filed date. List below are one I found in my district records.

Certificates 62190, 73188, and 73237

Permits 48445, 51365, and 47507

(It is a coincidence that 3 are certificates and 3 are permits, this list is of 6 water rights.)

Please look at permit 51365 (appl 71086). This permit was issued for irrigation with no restrictions by month. A received date stamped on the map is August 24, 1990 and priority date is January 2, 1991. With no restrictions on the months of use, I am concluding that water availability was not applied to this application.

Thanks again for taking some extra time in the processing of this application.

At 10:31 AM 1/29/2002 -0800, you wrote:
Larry,

To: Larry Toll <Larry.M.TOLL@wrд.state.or.us>
From: Cory Engel <Cory.C.ENGEL@wrд.state.or.us>
Subject: Re: Application S-60453, Juniper Flat
Cc: Dwight W French <Dwight.W.FRENCH@wrд.state.or.us>
Bcc:
Attached:

Larry,

I have taken another look at this application and the Initial Review following your comments. Here's what I found with regard to water availability and Division 33:

WATER AVAILABILITY: To produce the Initial Review, I erroneously used a modern 80% exceedence level. I just produced another water availability analysis based on a 1/1/93 "what if" scenario at 50% exceedence, and I expect that my PFO will reflect the revised analysis. The new analysis is very similar to the one I used, and I don't think it will affect the outcome described in the Initial Review. The old analysis said that was is unavailable from July 1 to December 31; the new one is the same, except that water is available (in an amount LESS than that applied for) during the month of August. Note that the tentative priority date is May 14, 1990--not 1980--due to the application losing its priority date. WARS will not produce what-if scenarios for any date before 1/1/1993. I'm working with the Data Center to determine whether there are any diversions with priority dates between May 15, 1990 and January 1, 1993 that could affect the revised analysis. (If you know of any, please let me know.)

DIVISION 33: Division 33 standards and conditions were not applied to this application. However, a Division 33 mailing list was used, resulting in Div 33 forms being mailed to the usual parties. I intend to contact the ODFW district biologist(s) to inform them that Div 33 standards will not apply, but we will still consider any comments submitted. Likewise, if any comments are received from other Div 33 commenters, they will be added to the file and considered, but not as Div 33 comments would.

If you have any questions, please let me know.

Cory

X-Sender: frenchdw@mailhub.wrд.state.or.us
X-Mailer: QUALCOMM Windows Eudora Version 5.1
Date: Mon, 28 Jan 2002 09:13:09 -0800
To: Larry Toll <Larry.M.TOLL@wrд.state.or.us>
From: Dwight W French <Dwight.W.FRENCH@wrд.state.or.us>
Subject: Re: Fwd: Re: Application S-60453, Juniper Flat
Cc: cory Engel <Cory.C.ENGEL@wrд.state.or.us>

Thanks Larry.

Cory and I will discuss the application and ask you to look at the PFO before it goes out.

Dwight

I have taken another look at this application and the Initial Review following your comments. Here's what I found with regard to water availability and Division 33:

WATER AVAILABILITY: To produce the Initial Review, I erroneously used a modern 80% exceedence level. I just produced another water availability analysis based on a 1/1/93 "what if" scenario at 50% exceedence, and I expect that my PFO will reflect the revised analysis. The new analysis is very similar to the one I used, and I don't think it will affect the outcome described in the Initial Review. The old analysis said that was is unavailable from July 1 to December 31; the new one is the same, except that water is available (in an amount LESS than that applied for) during the month of August. Note that the tentative priority date is May 14, 1990--not 1980--due to the application losing its priority date. WARS will not produce what-if scenarios for any date before 1/1/1993. I'm working with the Data Center to determine whether there are any diversions with priority dates between May 15, 1990 and January 1, 1993 that could affect the revised analysis. (If you know of any, please let me know.)

DIVISION 33: Division 33 standards and conditions were not applied to this application. However, a Division 33 mailing list was used, resulting in Div 33 forms being mailed to the usual parties. I intend to contact the ODFW district biologist(s) to inform them that Div 33 standards will not apply, but we will still consider any comments submitted. Likewise, if any comments are received from other Div 33 commenters, they will be added to the file and considered, but not as Div 33 comments would.

If you have any questions, please let me know.

Cory

"The Watermiser"

Larry Toll
Watermaster District 3
Oregon Water Resources Department
Phone: 541-298-4110
Fax: 541-298-2459
E-mail: Larry.M.Toll@wrdd.state.or.us

Address:
County Annex B, Room 218
421 East 7th Street
The Dalles, OR 97058

X-Sender: frenchdw@mailhub.wrd.state.or.us
X-Mailer: QUALCOMM Windows Eudora Version 5.1
Date: Mon, 28 Jan 2002 09:13:09 -0800
To: Larry Toll <Larry.M.TOLL@wrđ.state.or.us>
From: Dwight W French <Dwight.W.FRENCH@wrđ.state.or.us>
Subject: Re: Fwd: Re: Application S-60453, Juniper Flat
Cc: cory Engel <Cory.C.ENGEL@wrđ.state.or.us>

Thanks Larry.

Cory and I will discuss the application and ask you to look at the PFO before it goes out.

Dwight

At 08:57 AM 1/28/2002, you wrote:

As I relayed to Cory, My concern is less with the steps (issuing an initial review, then a proposed final order, etc) but more over the inputs used to make the determination. The use of water availability tables and Division 33 are two examples. Neither were in place or use when a complete application was filed in the 1980's.

I received a Division 33 review and must assume that the partner agencies did also. Also the initial review restricted water use because of an 80% water availability finding.

At 11:51 AM 1/27/2002 -0800, you wrote:

Larry,

I wanted to add something to Cory's response to you.

We only have one processing law for surface water applications and it is the SB674 law. 690-310 mirrors those laws.

There may be certain rules that would have different or no effect on this application because of its relative priority date. Examples include the 400 and 410 rules (water allocation policy) and the div 33 rules (first adopted in July of '92).

Cory and I will do our best to make sure that this application is processed in accordance with 536.031. I'd like to have you proofread the PFO before it goes out. This might help us make sure we don't have any misunderstandings.

Dwight

X-Sender: engelcc@mailhub.wrd.state.or.us
X-Mailer: QUALCOMM Windows Eudora Version 5.1
Date: Thu, 24 Jan 2002 11:15:44 -0800
To: Larry Toll <Larry.M.TOLL@wrđ.state.or.us>
From: Cory Engel <Cory.C.ENGEL@wrđ.state.or.us>
Subject: Re: Application S-60453, Juniper Flat
Cc: Dwight W French <Dwight.W.FRENCH@wrđ.state.or.us>,
Cory.C.ENGEL@wrđ.state.or.us

Larry,

Thanks for your message. Following a discussion with Dwight, I processed this application in accordance with OAR 690-310-005, which specifies that the Department shall determine at which step old applications will be inserted into the "674" process. (We did the same thing with the thousands of applications processed during our backlog reduction effort of 1995-1996.)

Because this application's file documented virtually no substantive past review, I began with an Initial Review.

By copy of this reply, I'm informing Dwight of your concern.

Cory

At 09:40 AM 1/24/02 -0800, you wrote:

I am questioning whether we can use the process being applied to Application 60453 for its processing?

ORS 536.031 directs the Water Resources Department to use only those rules in effect as of the date an application is made for permit.

If we would have processed this application to permit in the 1980's we would not have applied any water availability criteria. They would have received a permit to use Frog Cr, Clear Cr and Clear Lake Reservoir subject to existing water rights.

I have an alternate way of limiting the amount of water appropriated if needed.

"The Watermiser"

Larry Toll
Watermaster District 3
Oregon Water Resources Department
Phone: 541-298-4110
Fax: 541-298-2459
E-mail: Larry.M.Toll@ wrd.state.or.us

Address:
County Annex B, Room 218
421 East 7th Street
The Dalles, OR 97058

Cory Engel
Water Right Specialist
503-378-8455 x324

Dwight French
Water Rights Section Manager, Water Rights Division
Oregon Water Resources Department
158 12th ST NE, Salem Oregon 97301-1724
Phone: 503 378-8455 x268
Fax: 503 378-6203

"The Watermiser"

X-Sender: tolllm@mailhub.wrd.state.or.us
X-Mailer: QUALCOMM Windows Eudora Version 5.1
Date: Mon, 28 Jan 2002 08:57:33 -0800
To: Dwight W French <Dwight.W.FRENCH@wrd.state.or.us>
From: Larry Toll <Larry.M.TOLL@wrd.state.or.us>
Subject: Re: Fwd: Re: Application S-60453, Juniper Flat
Cc: Tony.G.JUSTUS@wrd.state.or.us, Cory.C.ENGEL@wrd.state.or.us

As I relayed to Cory, My concern is less with the steps (issuing an initial review, then a proposed final order, etc) but more over the inputs used to make the determination. The use of water availability tables and Division 33 are two examples. Neither were in place or use when a complete application was filed in the 1980's.

I received a Division 33 review and must assume that the partner agencies did also. Also the initial review restricted water use because of an 80% water availability finding.

At 11:51 AM 1/27/2002 -0800, you wrote:

Larry,

I wanted to add something to Cory's response to you.

We only have one processing law for surface water applications and it is the SB674 law. 690-310 mirrors those laws.

There may be certain rules that would have different or no effect on this application because of its relative priority date. Examples include the 400 and 410 rules (water allocation policy) and the div 33 rules (first adopted in July of '92).

Cory and I will do our best to make sure that this application is processed in accordance with 536.031. I'd like to have you proofread the PFO before it goes out. This might help us make sure we don't have any misunderstandings.

Dwight

X-Sender: engelcc@mailhub.wrd.state.or.us
X-Mailer: QUALCOMM Windows Eudora Version 5.1
Date: Thu, 24 Jan 2002 11:15:44 -0800
To: Larry Toll <Larry.M.TOLL@wrd.state.or.us>
From: Cory Engel <Cory.C.ENGEL@wrd.state.or.us>
Subject: Re: Application S-60453, Juniper Flat
Cc: Dwight W French <Dwight.W.FRENCH@wrd.state.or.us>,
Cory.C.ENGEL@wrd.state.or.us

Larry,

Thanks for your message. Following a discussion with Dwight, I processed this application in accordance with OAR 690-310-005, which specifies that the Department shall determine at which step old applications will be inserted into the "674" process. (We did the same thing with the thousands of applications processed during our backlog reduction effort of 1995-1996.)

Because this application's file documented virtually no substantive past review, I began with an Initial Review.

By copy of this reply, I'm informing Dwight of your concern.

Cory

At 09:40 AM 1/24/02 -0800, you wrote:

I am questioning whether we can use the process being applied to Application 60453 for its processing?

ORS 536.031 directs the Water Resources Department to use only those rules in effect as of the date an application is made for permit.

If we would have processed this application to permit in the 1980's we would not have applied any water availability criteria. They would have received a permit to use Frog Cr, Clear Cr and Clear Lake Reservoir subject to existing water rights.

I have an alternate way of limiting the amount of water appropriated if needed.

"The Watermiser"

Larry Toll
Watermaster District 3
Oregon Water Resources Department
Phone: 541-298-4110
Fax: 541-298-2459
E-mail: Larry.M.Toll@wrdd.state.or.us

Address:
County Annex B, Room 218
421 East 7th Street
The Dalles, OR 97058

Cory Engel
Water Right Specialist
503-378-8455 x324

Dwight French
Water Rights Section Manager, Water Rights Division
Oregon Water Resources Department
158 12th ST NE, Salem Oregon 97301-1724
Phone: 503 378-8455 x268
Fax: 503 378-6203

"The Watermiser"

Larry Toll
Watermaster District 3
Oregon Water Resources Department
Phone: 541-298-4110
Fax: 541-298-2459
E-mail: Larry.M.Toll@wrdd.state.or.us

Address:
County Annex B, Room 218
421 East 7th Street
The Dalles, OR 97058

X-Sender: tolllm@mailhub.wrd.state.or.us
X-Mailer: QUALCOMM Windows Eudora Version 5.1
Date: Thu, 24 Jan 2002 12:06:19 -0800
To: Cory Engel <Cory.C.ENGEL@wrd.state.or.us>
From: Larry Toll <Larry.M.TOLL@wrd.state.or.us>
Subject: Re: Application S-60453, Juniper Flat
Cc: Tony.G.JUSTUS@wrd.state.or.us

Cory,

My concern is less with the steps (issuing an initial review, then a proposed final order, etc) but more over the inputs used to make the determination. The use of water availability tables and Division 33 are two examples. Neither were in place in the 1980's.

At 11:15 AM 1/24/2002 -0800, you wrote:
Larry,

Thanks for your message. Following a discussion with Dwight, I processed this application in accordance with OAR 690-310-005, which specifies that the Department shall determine at which step old applications will be inserted into the "674" process. (We did the same thing with the thousands of applications processed during our backlog reduction effort of 1995-1996.)

Because this application's file documented virtually no substantive past review, I began with an Initial Review.

By copy of this reply, I'm informing Dwight of your concern.

Cory

At 09:40 AM 1/24/02 -0800, you wrote:

I am questioning whether we can use the process being applied to Application 60453 for its processing?

ORS 536.031 directs the Water Resources Department to use only those rules in effect as of the date an application is made for permit.

If we would have processed this application to permit in the 1980's we would not have applied any water availability criteria. They would have received a permit to use Frog Cr, Clear Cr and Clear Lake Reservoir subject to existing water rights.

I have an alternate way of limiting the amount of water appropriated if needed.

"The Watermiser"

Larry Toll
Watermaster District 3
Oregon Water Resources Department
Phone: 541-298-4110

Address:
County Annex B, Room 218

X-Sender: engelcc@mailhub.wrd.state.or.us
X-Mailer: QUALCOMM Windows Eudora Version 5.1
Date: Thu, 24 Jan 2002 11:15:44 -0800
To: Larry Toll <Larry.M.TOLL@wrd.state.or.us>
From: Cory Engel <Cory.C.ENGEL@wrd.state.or.us>
Subject: Re: Application S-60453, Juniper Flat
Cc: Dwight W French <Dwight.W.FRENCH@wrd.state.or.us>, Cory.C.ENGEL@wrd.state.or.us

Larry,

Thanks for your message. Following a discussion with Dwight, I processed this application in accordance with OAR 690-310-005, which specifies that the Department shall determine at which step old applications will be inserted into the "674" process. (We did the same thing with the thousands of applications processed during our backlog reduction effort of 1995-1996.)

Because this application's file documented virtually no substantive past review, I began with an Initial Review.

By copy of this reply, I'm informing Dwight of your concern.

Cory

At 09:40 AM 1/24/02 -0800, you wrote:

I am questioning whether we can use the process being applied to Application 60453 for its processing?

ORS 536.031 directs the Water Resources Department to use only those rules in effect as of the date an application is made for permit.

If we would have processed this application to permit in the 1980's we would not have applied any water availability criteria. They would have received a permit to use Frog Cr, Clear Cr and Clear Lake Reservoir subject to existing water rights.

I have an alternate way of limiting the amount of water appropriated if needed.

"The Watermiser"

Larry Toll
Watermaster District 3
Oregon Water Resources Department
Phone: 541-298-4110
Fax: 541-298-2459
E-mail: Larry.M.Toll@wrd.state.or.us

Address:
County Annex B, Room 218
421 East 7th Street
The Dalles, OR 97058

Cory Engel
Water Right Specialist

X-Sender: tolllm@mailhub.wrd.state.or.us (Unverified)
X-Mailer: QUALCOMM Windows Eudora Version 5.1
Date: Thu, 24 Jan 2002 09:40:46 -0800
To: Cory.C.ENGEL@wrд.state.or.us
From: Larry Toll <Larry.M.TOLL@wrд.state.or.us>
Subject: Application S-60453
Cc: Tony.G.JUSTUS@wrд.state.or.us

I am questioning whether we can use the process being applied to Application 60453 for its processing?

ORS 536.031 directs the Water Resources Department to use only those rules in effect as of the date an application is made for permit.

If we would have processed this application to permit in the 1980's we would not have applied any water availability criteria. They would have received a permit to use Frog Cr, Clear Cr and Clear Lake Reservoir subject to existing water rights.

I have an alternate way of limiting the amount of water appropriated if needed.

"The Watermiser"

Larry Toll
Watermaster District 3
Oregon Water Resources Department
Phone: 541-298-4110
Fax: 541-298-2459
E-mail: Larry.M.Toll@wrд.state.or.us

Address:
County Annex B, Room 218
421 East 7th Street
The Dalles, OR 97058

IR CHECKLIST

Application # 60453 Priority Date: 5/14/90
 Basin: 5 County: _____ Watermaster District: # 3
 Township: _____ Range: _____ Section: _____ 1/4 1/4
 WID: # _____ POU WID: # _____

1. Complete by Minimum Requirements checklist? Yes No NOTED LEGAL - ~~CONFIRMED~~, AMT. FROM RES.
 Items still required: _____

N/A 2. ☆Groundwater/Surface Water Interference: A B C D If "A", indicate River/Stream _____
 ☆Groundwater Availability: A B C ☆Conditions to be included on IR? List under Item #23 (over)

★★PLEASE NOTE: If GW / SW Interference (above) = "B", "C" or "D".....Skip Items #3, #4, #5 & #14

3. Basin Maps checked? Yes No _____

4. Within or above a Scenic Waterway? Yes No DESCRIBES Scenic Waterway
 If Yes.....cc: State Parks Dept. Conditions/Restrictions? Yes No _____

5. Within Oregon Streamflow Restoration Area? Yes No.....If Yes, include Streamflow Restoration Block

N/A 6. Is the well located in a groundwater limited area? Yes No Name _____ GW Limited Area _____

N/A 7. Is the well located in T. 1N, R. 3E, Sec. 20, 21, 28, 29? Yes No If Yes...Notify DEQ immediately!!!
 If Yes...cc: Andy Schaedel, NW Region Water Quality Manager, 2020 SW Fourth Ave, Portland, OR 97201
 Call Andy at Phone #: 503-229-6121 & E-mail Andy at: "SMTPschaedel.andrew.l@deq.state.or.us"

8. Requested Use & Rate: 2500.00 Acre IR, 62.5 CFS AND "RATE ALLOWED, TOGETHER WITH AN EXISTING RIGHTS ARE THE SAME LAND, IS LOCATED TO THE RATE ALLOWED UNDER EXISTING RIGHTS" THOSE

9. Season requested by applicant: NOT SPECIFIED - OLD FORM

10. For Irrigation: Rate 1/40 Duty 3 Season 4/1-11/1

N/A 11. For Nursery or Cranberry: Rate _____ Duty _____ Season REMEMBER!

12. Allowed under Basin Program? Yes No 3 SPRING AREAS CLEAR CR. FROG CR. CLEAR CR. RES
 Limitations? Yes No _____

13. Withdrawn? Yes No Season Allowed: _____

14. Water Availability Applies: Yes No - 80% or 50% NO W/A - JUN - FEB

15. Conflict? Yes No _____

REMEMBER!
 - MISSING ITEMS
 - ~~WATER~~
 - COURT LETTER
 - ODFW MAP

- ✓ 16. BOR project? Yes No If Yes... Contract # and Duty: _____
- ✓ 17. Land use approval: OK'd Needs Approval County Notified N/A
- ✓ 18. Subject to Division 33: Yes No N/A = Well does not have the potential for substantial interference
★ Upper Columbia Div 33 Rules (Above Bonneville)? Yes No

If Yes..... NO WATER USE ALLOWED from APRIL 15 thru SEPTEMBER 30 of each year
❖❖❖(EXCEPT for Domestic Use & other Exempt uses under OAR 690-33-140)❖❖❖

- cc: ☐ ODFW Biologist District # _____ ☐ NMFS.....Marc Liverman
☐ Columbia River Intertribal Fish Commission ☐ Dept. Of Agriculture.....Steve Applegate TT
☐ US Fish & Wildlife ☐ DEQ→ East Region - Dick Nichols, Bend
☐ NW Power Planning Council →West Region - John Blanchard, Medford
→Northwest Region - Andy Schaedel, Portland

★ Statewide Div 33 Rules ("Sensitive" anywhere in state & "Threatened or Endangered" OUTSIDE Columbia Basin)? Yes No

If Yes...cc: ☐ ODFW Biologist District # _____

☐ Steve Applegate.....Dept. of Agriculture

☐ DEQ→ East Region - Dick Nichols, Bend

→West Region - John Blanchard, Medford

→Northwest Region - Andy Schaedel, Portland

★ DIVISION 33 CONDITIONS ★

→Above Bonneville: "B54B"

→Below Bonneville: "PISPC"

❖❖NOTE: If "Q" is over 1.0 CFS,

See: OAR 690-33-220(3)

- ✓ 19. On DEQ 303d (Water Quality Limited) list? Yes No CLEAR CR If Yes...cc: appropriate Regional Water Quality Manager
☐ East Region-Dick Nichols, Bend ☐ West Region-John Blanchard, Medford ☐ NW Region-Andy Schaedel, Portland

- ✓ 20. Within Dept. of Ag Water Quality Management Area? Yes No If Yes.....cc: Mike Wolf - Dept. of Ag

ADOPTED: TUALATIN___ BEAR CREEK(ROGUE)___ UMATILLA___ UPR GRANDE RONDE___ YAMHILL___ LWR DESCHUTES X
LWR COLUMBIA/CLATSKANIE___ LWR COLUMBIA___ NECANICUM___ NEHALEM___ WILSON/TRASK/NESTUCCA___

IN COMMITTEE: CLACKAMAS___ MOLALLA/PUDDING___ FRENCH/PRAIRIE___ N SANTIAM___ MCKENZIE___ COAST/MID WILLAMETTE___
LWR COLUMBIA/SANDY___ COQUILLE___ COOS___ LWR ROGUE___ MID ROGUE___ UPR ROGUE___ APPLEGATE___ ILLINOIS___
UMPQUA___ N UMPQUA___ S UMPQUA___ HOOD___ UPR JOHN DAY___ N FK JOHN DAY___ MID FK JOHN DAY___ WALLA WALLA___
BUTTE___ SPRAGUE___ WILLIAMSON___ UPR KLAMATH LK___ KLAMATH LK___ LWR GRANDE RONDE___ IMNAHA___ LOST RIVER___
MID DESCHUTES___ WILLOW/MALHEUR___ BULLY___ LWR MALHEUR___ UPR MALHEUR___ FAREWELL BEND___ MID SNAKE/PAYETTE___

- ✓ 21. WM District: NWR: 1 2 16 18 20 NCR: 3 4 5 ER: 6 8 9 10 SCR: 11 12 17 SWR: 13 14 15 19

- ✓ 22. Initial Review will be: GOOD LIMITED BAD BAD W/IR SHORT BAD W/HC EXCEPT

- ✓ 23. ☆Proposed Allowed Use & Rate: N/A

☆Proposed Allowed Period of Use: N/A

☆Measuring condition: Small Medium Large

☆Conditions (BOR, GW, other)? Yes No

Reviewer's Name: Cory Engel Date: 1/4/02

X-Sender: frenchdw@mailhub.wrd.state.or.us
X-Mailer: QUALCOMM Windows Eudora Version 5.1
Date: Fri, 04 Jan 2002 11:07:45 -0800
To: Cory Engel <Cory.C.ENGEL@wrd.state.or.us>
From: Dwight W French <Dwight.W.FRENCH@wrd.state.or.us>
Subject: Re: Deschutes mitigation for SW applicants

we don't have a procedure here. So, just do a straight deny based on water availability.

Dwight,

Is our procedure for surface water IRs in the Deschutes the same as that for ground water, i.e. deny, but give mitigation options?

Or, do we just do a straight deny based on water availability?

I'm working on Juniper Flat now.

Cory Engel
Water Right Specialist
503-378-8455 x324

=====
Dwight French
Water Rights Section Manager, Water Rights Division
Oregon Water Resources Department
158 12th ST NE, Salem Oregon 97301-1724
Phone: 503 378-8455 x268
Fax: 503 378-6203

Sections

TOWNSHIP	TWP_CHAR	RANGE	RNG_CHAR	SECTION	LOC_INFO	TR	MINX	MINY	M
4	S	9	E	34	4.00S 9.00E34	4.00S 9.00E	1011656.63	1249408.75	10

Records Found: 1

County

COUNTY	FIPS
Wasco	41065

Records Found: 1

Basins

BASIN_NUM	BASIN_NAME
5	Deschutes

Records Found: 1

WaterMaster Districts

WATERDIST	REGION
3	NC

Records Found: 1

WAB

BASIN	WID	LINK_1
5	70088	Water Availability: 50% 80%

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

Place of Use (Deschutes) Records Found: 0

690-505-0020

Lower Deschutes River Basin

(1) Classifications:

(a) The maximum economic development of this state, the attainment of the highest and best use of the waters of the Lower Deschutes River 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 and fish life uses and the waters of the Lower Deschutes River Basin are hereby so classified with the following exceptions:

[no relevant exceptions]

W/MT#3

WATERMASTER DIVISION 33 APPLICATION WORK SHEET

Recommendations for Water Right Applications that may affect the Habitat of Sensitive, Threatened or Endangered Fish Species,
OAR 690-33-310 through 340.

Date: 1/18/02 21 day Deadline Date: 2/15/02 Application # S-60453

Applicant's Name: Juniper Flat Dist. Imp. Co.

SOURCE OF WATER: ☐ GROUNDWATER ☐ SURFACE WATER ☐ STORAGE

DESCRIPTION OF THE SOURCE: _____
(A spring, well, sump, exempt pond, unnamed stream, etc.)

1) If from surface water, does the water at the proposed diversion location flow into another water body?

☐ YES ☐ NO ☐ SOMETIMES

If sometimes, describe the time period, Between: _____ and _____

2) Does the source ever go dry in the area of the proposed diversion?

☐ YES ☐ NO

3) To your knowledge, has the requested source of water been regulated because of insufficient flow to satisfy existing water rights including instream water rights?

☐ YES ☐ NO

If YES, please explain: _____

RECEIVED

JAN 28 2002

WATER RESOURCES DEPT.
SALEM, OREGON

4) Is there sufficient flow at the proposed point of diversion to satisfy all existing water rights and provide the quantity of water requested under this application?

☐ YES ☐ NO

5) Did you meet with staff from another agency to discuss this application?

☐ YES ☐ NO

Who: _____ Agency: _____ Date: _____

6) Is mitigation an option?

☐ YES ☐ NO

If YES, please explain: _____

Comments: _____

Name: Kerry Lefever Date: 1/24/02 Title: Watermaster

WRD Contact: Kerry Lefever, Acting Interagency Coordinator, Water Rights Division
1-800-624-3199 ext: 276 / Fax: 503-378-6203 / e-mail: Kerry.A.LEFEVER@wrdr.or.state.us

Revised: 02/23/01

Div 33 does
not apply. Applies

only to applications
filed after July 17, 1992
(690-33-115) or after
June 3, 1994 (690-33-310)

Who: Did not send to
DEQ & ODFW
6) Is mitigation an option?
☐ YES ☐ NO

PFO CHECKLIST

Application #: S 60453

Basin: _____ WID: _____

County _____ Township _____ Range _____ Section _____ 1/4 1/4 _____

1. Is the file complete by the Minimum Requirements Checklist? Y N - PER SITE, PROPERTIES HAVE ALL ALIQUOT PLANTS. HOWEVER, EVEN IF THEY AREN'T, DWS CALL IS TO NOT MOUND THEM MORE
2. Shortcomings (items needed before a permit and/or FO can be issued) Y N - SET. POU DESCRIPTION IS BY ALIQUOT PLANT TAKEN
Check file for indicators that the process **should not** continue until a later date (ie - protest, letter to file indicating hold, or other) FEE BOX: NEEDED \$ 252.80
3. Groundwater Review **A B C D** River/Stream Name _____ Conditions _____
 a. Groundwater Availability **A B C**
 b. Is second groundwater review necessary? (comments) Y / N
 c. Is HB 1033 review complete? Y / N
 d. Is the well located in a GWLA or CA? (If applicable, include map with POD) Y / N
4. Is use from a B.O.R. or Douglas County project? Y / N Contract in file? Y / N Contract # _____
5. Is the use allowed by the Basin Program? Y / N Limited? Y / N _____
6. Water Availability Data **OK / REDONE / NA** (50% before July 17, 1992; 80% live flow & 50% storage after July 17, 1992)
REVISED: WATER AVAILABLE IN AMT REQUESTED JAN-JUN
7. Is the source withdrawn or limited by statute or Department withdrawal order? Y / N
8. Is the Proposed Use located in or above a Scenic Waterway? Y / N DESCRIBES
9. Division 33: Above Bonn (after July 17, 1992) Y / N / NA
 Below Bonn (after April 8, 1994; June 3, 1994) Y / N / NA - SPECIAL COMMENT
 Statewide - (in shaded areas on T, E, and S Map - after June 3, 1994) Y / N / NA
10. Per the IR, is the Proposed Source on the DEQ 303d List? Y / N If so, any comments received? Y / N - DBQ
 Is the Proposed Use in an existing or draft Dept of Ag. Water Quality Management Plan Area? Y / N
11. Have conflicts been addressed? Y / N AS APPLIED FOR
12. Rate 1/40 Duty 33 Irrigation Season 4/1-11/1 NOTES SUBJECT TO MAINT. OF RDS REGIST
13. Period of Allowed Use STORAGE - 4/1-11/1 LIVE - 4/1-5/30 FEE BOX: \$252.80 SPECIAL COMMENT CC: PARICS SPECIAL COMMENT NOTATION A DATE
14. Allowed Rate of Use 62.5 CFS / 7500 AF W/ SPECIAL COMMENT
15. Is the use **Small** (≤ 0.1 cfs, ≤ 9.2 AF), **Medium** (> 0.1 or < 1.5 cfs, > 9.2 or < 100 AF) or **Large** (≥ 1.5 cfs, ≥ 100 AF)? Large
 If the use is Municipal and ≤ 0.1 CFS, use **Large** condition.
16. Conditions SEE NOTES
 Is the proposed use within the New River Basin? Y / N If yes, include New River Agreement Conditions.
17. IR Public Notice Date IR: 1/18/02 PN: 2/5/02 Comments Received? Y / N - WM - DSA - COEW
18. Was the application filed on or after October 23, 1999? Y / N If yes, then no A date. ADD "A" DATE
19. Final Report Checklist
 Documents used in determination are attached to this checklist and highlighted
 Fill out PFO CC List (don't forget to check for other property owners)
 a. Re-notify Water Availability? (Rate, Duty and Period of Allowed Use changes) Y / N
 b. Check Watermaster Dist. on the CC list and draft permit.
 Spell Check and Accuracy Check
 Final PFO report hard copy check (format, margins, etc.)
 Final PFO has been saved to m:\groups\wr\pfo\done\week#\application #

Name: Cory Engel Date: 3/11/02

FEE PER 1980
FEE SCHEDULE

EXAM - 20.00
1st 30 AC - 10.00
2470 AC @ .30 - 741.00
771.00
- 538.20 PAFS
(232.80)

Revised 6/15/00

EXAM - 20

1st 30 = 10

2470 @ ³⁰ 741
~~2470 @ 741~~
771.00
~~647.80~~

- 518.20

NCEN

~~2470 @ 741~~

252.80

ODFW DIVISION 33 APPLICATION REVIEW SHEET

Form 1 - Upper Columbia

Recommendations for Water Right Applications that may affect the Habitat of Sensitive, Threatened or Endangered Fish Species, OAR 690-33-310 through 340.

Date: 1/18/02 21 day Deadline Date: 2/15/02 Application # S-60453

Applicant's Name: Juniper Flat Dist. Imp. Co.

A) Will the proposed use occur in an area that may affect the essential habitat of a SENSITIVE fish species?
NO / YES IF ANSWER TO QUESTION (A) IS YES, FILL OUT SECTION I.

B) Will the proposed use occur in an area that may affect the essential habitat of a THREATENED OR ENDANGERED fish species? [690-33-330(1)] NO YES Species: Steelhead Status: Threatened, Endangered
IF ANSWER TO QUESTION (B) IS YES, FILL OUT SECTION II.

C) What stage or value is at risk (circle all that apply): Spawning, Incubation, Rearing, Passage, Habitat Value
IF ANSWER IS NO TO BOTH QUESTIONS, FILL OUT PUBLIC INTEREST REVIEW SHEET (PAGE 2)

SECTION I:

1) Will the proposed use result in a NET LOSS in the habitat of a SENSITIVE SPECIES? [690-33-330(2)(a)]

2) Can conditions be applied to mitigate the impact to the essential habitat of a SENSITIVE species?
NO / YES [690-33-330(3)]

Which conditions are recommended?

(Try to select conditions from the Menu of Conditions)

3) If conditions cannot be identified to offset impacts to the essential habitat use harm the species?
NO / YES [690-33-330(4)]

If YES, please explain:

SECTION II:

1) Is the proposed use consistent with the Columbia River Basin Fish and Wildlife Program?
NO / YES [690-33-120(1)]

If NO, please explain:

2) If NO, can the proposed use be conditioned to achieve consistency with the Fish and Wildlife Program?
NO / YES [690-33-120(1)]

If YES, please explain: withdraw only March, April, May

ODFW RECOMMENDATION:

☒ Approval with fishery conditions.
☐ Approval without fishery conditions.
☐ Denial.

ODFW Representative: Name: Steve Priddy

Date: 2-17-02

WRD Contact: Kerry Lefever, Acting Interagency Coordinator, Water Rights Division
1-800-624-3199 ext: 276 / Fax: 503-378-6203 / e-mail: Kerry.A.LEFEVER@wrdd.state.or.us

Revised: 02/23/01

Winto memo - attached
Per 33 comments DO
NOT APPLY

RECEIVED
FFR 14 2002
WATER RESOURCES DEPT.
SALEM, OREGON

ODFW DIVISION 33 APPLICATION REVIEW SHEET

Recommendations for Water Right Applications that may affect the Habitat of Sensitive, Threatened or Endangered Fish Species, OAR 690-33-310 through 340.

Date: 1/18/02 21 day Deadline Date: 2/15/02 Application # S-60453

Applicant's Name: Juniper Flat Dist. Imp. Co.

A) Will the proposed use occur in an area that may affect the essential habitat of a SENSITIVE fish species?
NO / YES IF ANSWER TO QUESTION (A) IS YES, FILL OUT SECTION I.

B) Will the proposed use occur in an area that may affect the essential habitat of a THREATENED OR ENDANGERED fish species? [690-33-330(1)] NO / YES Species: Steelhead Status: Threatened Endangered
IF ANSWER TO QUESTION (B) IS YES, FILL OUT SECTION II.

C) What stage or value is at risk (circle all that apply): Spawning Incubation Rearing Passage Habitat Value
IF ANSWER IS NO TO BOTH QUESTIONS, FILL OUT PUBLIC INTEREST REVIEW SHEET (PAGE 2)

SECTION I:

1) Will the proposed use result in a NET LOSS in the habitat of a SENSITIVE SPECIES? [690-33-330(2)(a)]

2) Can conditions be applied to mitigate the impact to the essential habitat of a SENSITIVE species?
NO / YES [690-33-330(3)]

Which conditions are recommended?

(Try to select conditions from the Menu of Conditions)

3) If conditions cannot be identified to offset impacts to the essential habitat of SENSITIVE species, would the proposed use harm the species?
NO / YES [690-33-330(4)]

If YES, please explain:

SECTION II:

1) Is the proposed use consistent with the Columbia River Basin Fish and Wildlife Program?
NO / YES [690-33-120(1)]

If NO, please explain:

2) If NO, can the proposed use be conditioned to achieve consistency with the Fish and Wildlife Program?
NO / YES [690-33-120(1)]

If YES, please explain: withdraw only March, April, May

ODFW RECOMMENDATION:

X Approval with fishery conditions.

 Approval without fishery conditions.

 Denial.

ODFW Representative: Name: Steve Przybyl

Date: 2-17-02

WRD Contact: Kerry Lefever, Acting Interagency Coordinator, Water Rights Division
1-800-624-3199 ext: 276 / Fax: 503-378-6203 / e-mail: Kerry.A.LEFEVER@wrdd.state.or.us

Revised: 02/23/01

RECEIVED
FFR 14 2002
WATER RESOURCES DEPT.
SALEM, OREGON

ODFW PUBLIC INTEREST REVIEW SHEET

Page 2

Application # _____ Applicant's Name: _____

1) Will the proposed use occur in an area that may affect the habitat of fish or wildlife species?

NO / YES Species: _____

Other: _____

What stage or value is at risk (circle all that apply): Spawning, Incubation, Rearing, Passage, Habitat Value

2) Will the proposed use result in a loss of habitat? NO / YES

3) Can conditions be applied to mitigate the impact to the loss of habitat? NO / YES

Which conditions are recommended? _____

(Try to select conditions from the Menu of Conditions)

4) If conditions cannot be identified to offset impacts to the habitat, would the proposed use harm the species?

NO / YES

If YES, please explain: _____

ODFW RECOMMENDATION:

_____ Approval with conditions.

_____ Approval without conditions.

_____ Denial.

ODFW Representative: Name: _____ Date: _____

WRD Contact: Kerry Lefever, Acting Interagency Coordinator, Water Rights Division
1-800-624-3199 ext: 276 / Fax: 503-378-6203 / e-mail: Kerry.A.LEFEVER@wrdd.state.or.us

DIVISION 33 APPLICATION REVIEW SHEET FOR USE BY DEQ

Recommendations for Water Right Applications that may affect the Habitat of Sensitive, Threatened or Endangered Fish Species, OAR 690-33-310 through 340.

Date: 1/18/02 21 day Deadline Date: 2/15/02 Application # S-60453

Applicant's Name: Juniper Flat Dist. Imp Co

1) Is there a connection to a 303(d) listed water quality limited waterbody? NO ☒ YES

Explain: Deschutes River is WQ limited for
pH and Temp

2) What is the potential for this use to impact a water quality limited waterbody: HIGH MEDIUM ☒ LOW

Explain: _____

3) If the answer to question (2) is HIGH or MEDIUM, will the proposed use still result in diminution of water quality for the habitat of sensitive, threatened, or endangered fish species? NO / YES

If YES, how? Maybe

4) Can conditions be applied to mitigate the impact of the use? NO ☒ YES

Which conditions are recommended? (Try to select conditions from the Menu of Conditions)
No diversions during summer

5) If conditions cannot be identified to offset impacts, would the proposed use affect the Habitat of Sensitive, Threatened, or Endangered Fish Species? NO / YES

If YES, please explain: Don't know

DEQ RECOMMENDATION:

- ☒ Approval with conditions.
☐ Approval without conditions.
☐ Denial.

RECEIVED

JAN 22 2002

Eastern Region - Bend

RECEIVED

FEB 15 2002

WATER RESOURCES DEPT,
SALEM, OREGON

DEQ Representative Name: Nichols Date: 2-12-02

WRD Contact: Kerry Lefever, Senior Water Rights Technician, Water Rights Division
503-378-8455 ext: 276 / Fax: 503-378-6203 / e-mail: Kerry.A.LEFEVER@ wrd.or.state.us

Revised: 08/13/01



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

January 18, 2002

WAYNE A ODOM
JUNIPER FLAT DIST. IMPROVEMENT CO.
RT 1 BOX 13
MAUPIN, OREGON 97037

(541) 395-2668

Reference: File S-60453

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 FROG CREEK, THREE SPRING AREAS, AND CLEAR LAKE RESERVOIR, TRIBUTARIES OF CLEAR CREEK; AND CLEAR CREEK, A TRIBUTARY OF WHITE RIVER for IRRIGATION OF 2500.0 ACRES is a **classified** use under OAR 690-505-0020(1)(a), the Deschutes Basin Program.
3. Live flow from FROG CREEK AND THREE SPRING AREAS, TRIBUTARIES OF CLEAR CREEK; AND CLEAR CREEK, A TRIBUTARY OF WHITE RIVER in the amount of 62.5 CUBIC FEET PER SECOND for IRRIGATION OF 2500.0 ACRES is **not available during the period June through February of each year**. Stored water from CLEAR LAKE RESERVOIR is available year-round.

RECEIVED

FFR 15 2002

**WATER RESOURCES DEPT.
SALEM, OREGON**

Page 1

Summary of Allowable Water Use

Due to item #3 above, the use of 62.5 CUBIC FEET PER SECOND of water from FROG CREEK AND THREE SPRING AREAS, TRIBUTARIES OF CLEAR CREEK; AND CLEAR CREEK, A TRIBUTARY OF WHITE RIVER for IRRIGATION OF 2500.0 ACRES is not allowable, and it appears unlikely that you will be issued a permit for live flow from those sources. However, stored water from CLEAR LAKE RESERVOIR is allowable. At this time, you must decide whether to proceed or to withdraw your application as described below.

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.

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 **Tuesday, January 29, 2002**. For your convenience you may use the enclosed "STOP PROCESSING" form.

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.

Additional Information Required:

According information is required to process your application. Please provide the following item(s):

- Legal descriptions of all properties where water is diverted, all properties where water is transported, and all properties on which water is to be used as depicted on your application map. The item labeled "Legal Description" which was submitted on April 2, 2001 is a list of quarters where water use occurs, but does not legally describe properties involved in the proposed water use.
- The amount of water in acre feet to be used from Clear Lake Reservoir annually, as well as the storage right under which the water is stored.

Please submit this information no later than Thursday, February 28, 2002. If you are unable to submit the above listed information, you may request a "time out from processing" for up to an additional 180 days. You must submit the request in writing, stating how much more

time you will need and why you need additional time. If a time out is granted, your application will not be processed further until the requested information is received or the extended deadline has passed.

If we do not receive the items requested above or a request for time out from processing by this date, we may reject your application consistent with ORS 537.153. If your application is rejected, any fees submitted in excess of the examination fee will be refunded; however, the examination fee is non-refundable and will not be returned. In addition, the priority date associated with your application will be lost.

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. The rate allowed under this right, together with all existing rights for the same lands, shall be limited to the cumulative rate allowed by those existing rights.
3. The tentative priority date for this application is MAY 14, 1990.

WARNING: This initial review does not attempt to address various public interest issues such as sensitive, threatened, or endangered fish species. These issues will be addressed as the Department reviews public comments and prepares a proposed final order. You should be aware that, if significant public interest issues are found to exist, such a finding could have an impact on the eventual outcome of your application.

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 Mike Wolf, (503) 986-4711 at the ODA to learn more about the plan and how it may affect your proposed water use.

RECEIVED

FEB 15 2002

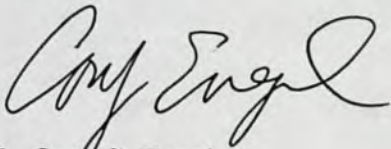
WATER RESOURCES DEPT.
SALEM, OREGON

Information obtained from the Department of Environmental Quality (DEQ) indicates that the source of water identified in your application is "Water Quality Limited". That means that there are water quality concerns. DEQ will be looking at information from your application to see if additional conditions or restrictions are needed to protect the water quality situation. One possible outcome is that the Water Resources Department will propose in the proposed final order that your application be denied. You are encouraged to contact Tom Melville, (503) 229-5849 at DEQ to discuss the specifics of your application. Often, this information exchange can allow the water use to occur and at the same time keep the water quality situation from worsening.

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 499. Feel free to call me at (503) 378-8455 extension 324 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 97310, Fax: (503)378-6203.

Sincerely,



Mr. Cory C. Engel
Water Right Processing Technician

cc: Regional Manager, Watermaster District 3, Water Availability Section
enclosures: Flow Chart of Water Right Process, Stop Processing Form

S-60453
wab 05-70088
pou 05-70087, 70088

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: S-60453

Applicant: JUNIPER FLAT DIST. IMPROVEMENT CO.; ODOM, WAYNE A

County: WASCO

Watermaster: District 3

Priority Date: AUGUST 4, 1980

Source: FROG CREEK, THREE SPRING AREAS, AND CLEAR LAKE RESERVOIR,
TRIBUTARIES OF CLEAR CREEK; AND CLEAR CREEK, A TRIBUTARY OF WHITE RIVER

Use: IRRIGATION OF 2500.0 ACRES

Quantity: 62.5 CUBIC FEET PER SECOND

Basin Name & Number: Deschutes, #05

Stream Index Reference: Volume 3 CLEAR CR & MISC

Point of Diversion Location:

FROG CREEK: NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 34, T4S, R9E, W.M.; 750 FEET SOUTH & 850
FEET WEST FROM THE NE CORNER OF SECTION 34

CLEAR LAKE RESERVOIR: SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 32, T4S, R9E, W.M.; 880 FEET
NORTH & 780 FEET WEST FROM THE SE CORNER OF SECTION 32

CLEAR CREEK: NE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 10, T5S, R9E, W.M.; 680 FEET SOUTH & 1250
FEET WEST FROM THE E $\frac{1}{4}$ CORNER OF SECTION 10

SPRING AREA #1: NE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 11, T5S, R9E, W.M.; 1000 FEET SOUTH &
2050 FEET EAST FROM THE W $\frac{1}{4}$ CORNER OF SECTION 11

SPRING AREA #2: S $\frac{1}{2}$ NW $\frac{1}{4}$, SECTION 13, T5S, R9E, W.M.; 1400 FEET SOUTH &
1320 FEET EAST FROM THE NW CORNER OF SECTION 13

SPRING AREA #3: NE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 13, T5S, R9E, W.M.; 340 FEET SOUTH & 600
FEET WEST FROM THE E $\frac{1}{4}$ CORNER OF SECTION 13

Place of Use: T4S, R13E, W.M.; T4S, R14E, W.M.; T5S, R11E, W.M.; T5S, R12E, W.M.; T5S,
R13E, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, February 1, 2002

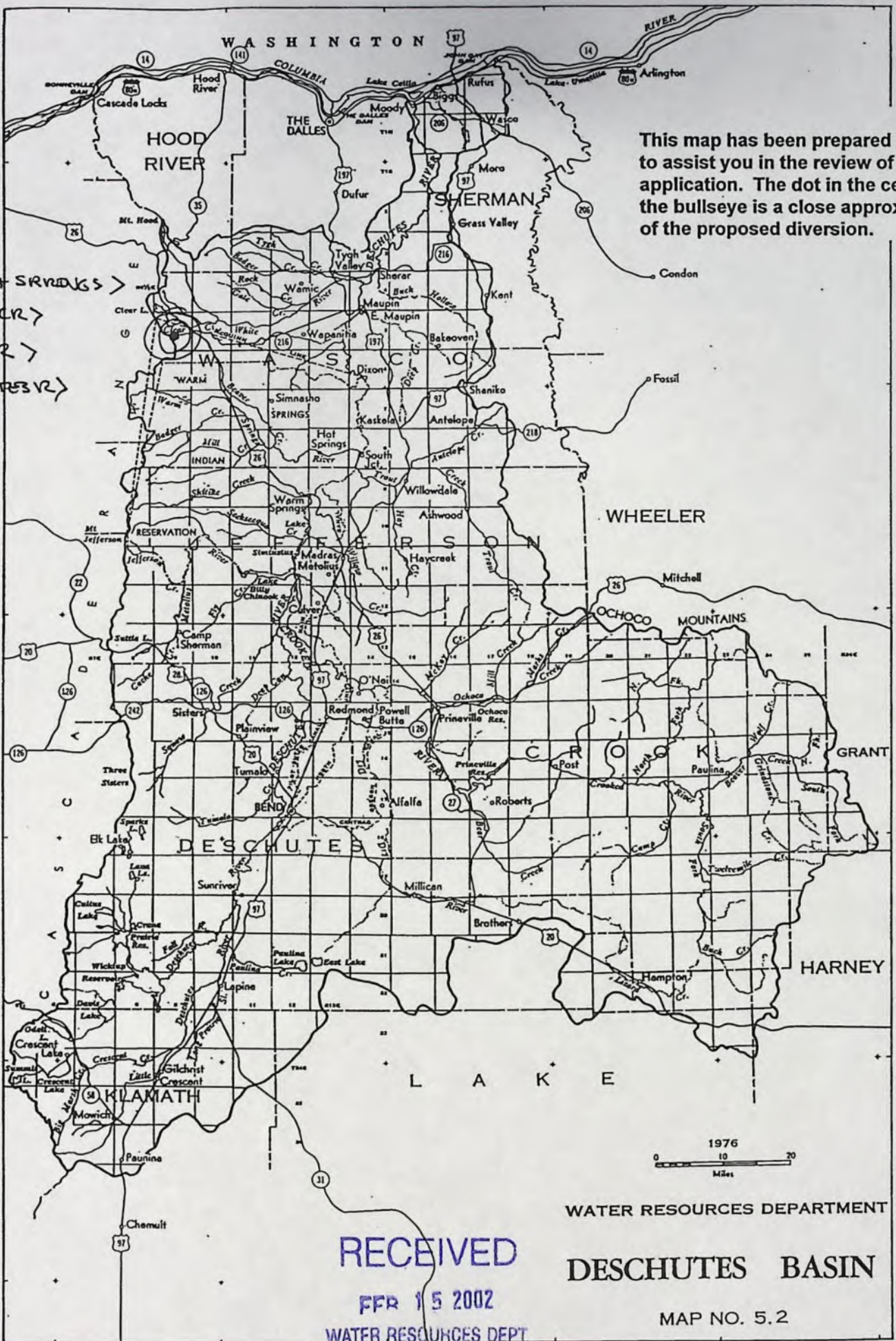
PUBLIC NOTICE DATE: Tuesday, February 5, 2002

30 DAY COMMENT DEADLINE DATE: Thursday, March 7, 2002

RECEIVED

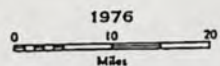
FFR 15 2002

WATER RESOURCES DEPT.
SALEM, OREGON



This map has been prepared by WRD to assist you in the review of this application. The dot in the center of the bullseye is a close approximation of the proposed diversion.

WOG CR + SRWDGS >
CLEAR CR >
WHITER >
DESCHUTES R >



RECEIVED
FEB 15 2002
WATER RESOURCES DEPT
SALEM, OREGON

WATER RESOURCES DEPARTMENT
DESCHUTES BASIN
MAP NO. 5.2

Water Availability for WID 70088

WATER AVAILABILITY TABLE

Water Availability as of 1/ 1/**** for

WHITE R > DESCHUTES R - AT MOUTH

Watershed ID #: 70088 Basin: DESCHUTES Exceedance Level: 80
Time: 09:28 Date: 01/04/2002

Select an Item Number for More Details

Item #	Watershed ID #	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
1	70087	NO	NO	YES	YES	YES	NO	NO	NO	NO	NO	NO	NO	YES
2	70088	NO	NO	YES	YES	YES	NO	NO	NO	NO	NO	NO	NO	YES

STREAM NAMES

Water Availability as of 1/ 1/**** for

WHITE R > DESCHUTES R - AT MOUTH

Watershed ID #: 70088 Basin: DESCHUTES Exceedance Level: 80
Time: 09:28 Date: 01/04/2002

Item Watershed ID Stream Name

1	70087	DESCHUTES R > COLUMBIA R - AT MOUTH
2	70088	WHITE R > DESCHUTES R - AT MOUTH

LIMITING WATERSHEDS

Water Availability as of 1/ 1/**** for

WHITE R > DESCHUTES R - AT MOUTH

Watershed ID #: 70088 Basin: DESCHUTES Exceedance Level: 80
Time: 09:28 Date: 01/04/2002

Mnth	Limiting Watershed	Stream Name	Water Avail?	Net Water Available
1	70087	DESCHUTES R > COLUMBIA R - AT MOUTH	NO	-613.0
2	70087	DESCHUTES R > COLUMBIA R - AT MOUTH	NO	-118.0
3	70088	WHITE R > DESCHUTES R - AT MOUTH	YES	207.0
4	70088	WHITE R > DESCHUTES R - AT MOUTH	YES	263.0
5	70088	WHITE R > DESCHUTES R - AT MOUTH	YES	227.0
6	70087	DESCHUTES R > COLUMBIA R - AT MOUTH	NO	-54.7
7	70087	DESCHUTES R > COLUMBIA R - AT MOUTH	NO	-743.0
8	70087	DESCHUTES R > COLUMBIA R - AT MOUTH	NO	-440.0
9	70087	DESCHUTES R > COLUMBIA R - AT MOUTH	NO	-535.0
10	70087	DESCHUTES R > COLUMBIA R - AT MOUTH	NO	-490.0
11	70087	DESCHUTES R > COLUMBIA R - AT MOUTH	NO	-458.0
12	70087	DESCHUTES R > COLUMBIA R - AT MOUTH	NO	-874.0
Stor	70088	WHITE R > DESCHUTES R - AT MOUTH	YES	132000.0

RECEIVED

FEB 15 2002

WATER RESOURCES DEPT.
SALEM, OREGON

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Water Availability as of 1/ 1/**** for
 DESCHUTES R > COLUMBIA R - AT MOUTH

Watershed ID #: 70087 Basin: DESCHUTES Exceedance Level: 80
 Time: 09:28 Date: 01/04/2002

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	CU + Stor After 1/1/93	Expected Stream Flow	Reserved Stream Flow	Instream Water Rights	Net Water Available
1	4970.00	632.00	1.45	4340.00	450.00	4500.00	-613.00
2	5530.00	695.00	2.73	4830.00	450.00	4500.00	-118.00
3	6140.00	950.00	17.90	5170.00	450.00	4500.00	222.00
4	6470.00	923.00	23.40	5520.00	450.00	4000.00	1070.00
5	6220.00	1120.00	0.98	5100.00	450.00	4000.00	652.00
6	5560.00	1160.00	0.99	4400.00	450.00	4000.00	-54.70
7	4610.00	902.00	0.58	3710.00	450.00	4000.00	-743.00
8	4320.00	810.00	0.40	3510.00	450.00	3500.00	-440.00
9	4410.00	695.00	0.36	3710.00	450.00	3800.00	-535.00
10	4520.00	759.00	0.27	3760.00	450.00	3800.00	-490.00
11	4610.00	818.00	0.18	3790.00	450.00	3800.00	-458.00
12	4820.00	744.00	0.09	4080.00	450.00	4500.00	-874.00
Stor	4390000	617000	2970	3770000	326000	2950000	525000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Water Availability as of 1/ 1/**** for
 DESCHUTES R > COLUMBIA R - AT MOUTH

Watershed ID #: 70087 Basin: DESCHUTES Exceedance Level: 80
 Time: 09:28 Date: 01/04/2002

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	609.47	0.00	17.04	0.91	0.07	4.34	1.30	0.00	633.00
2	674.34	0.00	17.04	0.91	0.07	4.34	1.30	0.00	698.00
3	873.65	70.78	17.04	0.91	0.07	4.34	1.30	0.00	968.00
4	483.07	440.06	17.04	0.91	0.07	4.34	1.30	0.00	947.00
5	87.82	1006.96	17.04	0.91	0.07	4.34	1.30	0.00	1120.00
6	44.85	1079.12	34.09	0.91	0.07	4.34	1.30	0.00	1160.00
7	35.17	826.89	34.09	0.91	0.07	4.34	1.30	0.00	903.00
8	32.40	737.34	34.09	0.91	0.07	4.34	1.30	0.00	810.00
9	32.53	621.99	34.09	0.91	0.07	4.34	1.30	0.00	695.00
10	435.48	300.58	17.04	0.91	0.07	4.34	1.30	0.00	760.00
11	794.31	0.00	17.04	0.91	0.07	4.34	1.30	0.00	818.00
12	720.14	0.00	17.04	0.91	0.07	4.34	1.30	0.00	744.00

DETAILED REPORT OF RESERVATIONS FOR CONSUMPTIVE USE

Water Availability as of 1/ 1/**** for

DESCHUTES R > COLUMBIA R - AT MOUTH

Watershed ID #: 70087

Basin: DESCHUTES

Exceedance Level: 80

Time: 09:28

Date: 01/04/2002

-----Reservations-----								
APP #	-70504A	-70504B	-70504C	-70503A	-70503B	-70503C	-70503D	TOTAL
Status	Treaty	Treaty	Treaty	Treaty	Treaty	Treaty	Treaty	
Use	Other	Other	Other	Other	Other	Other	Other	
1	147.00	27.90	25.00	146.00	37.60	4.80	61.30	450.00
2	147.00	27.90	25.00	146.00	37.60	4.80	61.30	450.00
3	147.00	27.90	25.00	146.00	37.60	4.80	61.30	450.00
4	147.00	27.90	25.00	146.00	37.60	4.80	61.30	450.00
5	147.00	27.90	25.00	146.00	37.60	4.80	61.30	450.00
6	147.00	27.90	25.00	146.00	37.60	4.80	61.30	450.00
7	147.00	27.90	25.00	146.00	37.60	4.80	61.30	450.00
8	147.00	27.90	25.00	146.00	37.60	4.80	61.30	450.00
9	147.00	27.90	25.00	146.00	37.60	4.80	61.30	450.00
10	147.00	27.90	25.00	146.00	37.60	4.80	61.30	450.00
11	147.00	27.90	25.00	146.00	37.60	4.80	61.30	450.00
12	147.00	27.90	25.00	146.00	37.60	4.80	61.30	450.00

DETAILED REPORT OF INSTREAM REQUIREMENTS

Water Availability as of 1/ 1/**** for

DESCHUTES R > COLUMBIA R - AT MOUTH

Watershed ID #: 70087

Basin: DESCHUTES

Exceedance Level: 80

Time: 09:28

Date: 01/04/2002

-----ISWRs-----								
APP #	-90506A	-70501A	70087A	71194A	0	0	0	MAXIMUM
Status	SWW	Treaty	Cert.	Cert.				
1	4500.00	3000.00	3000.00	4500.00	0.00	0.00	0.00	4500.00
2	4500.00	3000.00	3000.00	4500.00	0.00	0.00	0.00	4500.00
3	4500.00	3500.00	3500.00	4500.00	0.00	0.00	0.00	4500.00
4	4000.00	3500.00	3500.00	4000.00	0.00	0.00	0.00	4000.00
5	4000.00	3500.00	3500.00	4000.00	0.00	0.00	0.00	4000.00
6	4000.00	3500.00	3500.00	4000.00	0.00	0.00	0.00	4000.00
7	4000.00	3000.00	3000.00	4000.00	0.00	0.00	0.00	4000.00
8	3500.00	3000.00	3000.00	3500.00	0.00	0.00	0.00	3500.00
9	3800.00	3000.00	3000.00	3800.00	0.00	0.00	0.00	3800.00
10	3800.00	3000.00	3000.00	3800.00	0.00	0.00	0.00	3800.00
11	3800.00	3000.00	3000.00	3800.00	0.00	0.00	0.00	3800.00
12	4500.00	3000.00	3000.00	4500.00	0.00	0.00	0.00	4500.00

RECEIVED

FEB 15 2002

WATER RESOURCES DEPT.
SALEM, OREGON

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Water Availability as of 1/ 1/**** for

WHITE R > DESCHUTES R - AT MOUTH

Watershed ID #: 70088

Basin: DESCHUTES

Exceedance Level: 80

Time: 09:28

Date: 01/04/2002

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	CU + Stor After 1/1/93	Expected Stream Flow	Reserved Stream Flow	Instream Water Rights	Net Water Available
1	250.00	10.70	1.27	238.00	0.00	60.00	178.00
2	366.00	14.30	2.56	349.00	0.00	100.00	249.00
3	376.00	22.10	2.04	352.00	0.00	145.00	207.00
4	452.00	42.00	2.13	408.00	0.00	145.00	263.00
5	477.00	105.00	0.00	372.00	0.00	145.00	227.00
6	290.00	112.00	0.00	178.00	0.00	100.00	78.00
7	192.00	77.50	0.00	114.00	0.00	60.00	54.50
8	159.00	62.70	0.00	96.30	0.00	60.00	36.30
9	148.00	55.20	0.00	92.80	0.00	60.00	32.80
10	149.00	44.80	0.00	104.00	0.00	60.00	44.20
11	151.00	5.07	0.00	146.00	0.00	60.00	85.90
12	211.00	7.93	0.00	203.00	0.00	60.00	143.00
Stor	276000	33900	474	242000	0	63600	178000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Water Availability as of 1/ 1/**** for

WHITE R > DESCHUTES R - AT MOUTH

Watershed ID #: 70088

Basin: DESCHUTES

Exceedance Level: 80

Time: 09:28

Date: 01/04/2002

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	11.40	0.00	0.00	0.25	0.00	0.08	0.29	0.00	12.00
2	16.27	0.00	0.00	0.25	0.00	0.08	0.29	0.00	16.90
3	14.68	8.87	0.00	0.25	0.00	0.08	0.29	0.00	24.20
4	15.59	27.96	0.00	0.25	0.00	0.08	0.29	0.00	44.20
5	14.90	89.61	0.00	0.25	0.00	0.08	0.29	0.00	105.00
6	9.62	101.76	0.00	0.25	0.00	0.08	0.29	0.00	112.00
7	5.03	71.86	0.00	0.25	0.00	0.08	0.29	0.00	77.50
8	4.00	58.11	0.00	0.25	0.00	0.08	0.29	0.00	62.70
9	3.71	50.88	0.00	0.25	0.00	0.08	0.29	0.00	55.20
10	3.78	40.37	0.00	0.25	0.00	0.08	0.29	0.00	44.80
11	4.45	0.00	0.00	0.25	0.00	0.08	0.29	0.00	5.07
12	7.31	0.00	0.00	0.25	0.00	0.08	0.29	0.00	7.93

DETAILED REPORT OF RESERVATIONS FOR CONSUMPTIVE USE

Water Availability as of 1/ 1/**** for

WHITE R > DESCHUTES R - AT MOUTH

Watershed ID #: 70088

Basin: DESCHUTES

Exceedance Level: 80

Time: 09:28

Date: 01/04/2002

-----Reservations-----								
APP #	0	0	0	0	0	0	0	TOTAL
Status								
Use								
1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
9	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

DETAILED REPORT OF INSTREAM REQUIREMENTS

Water Availability as of 1/ 1/**** for

WHITE R > DESCHUTES R - AT MOUTH

Watershed ID #: 70088

Basin: DESCHUTES

Exceedance Level: 80

Time: 09:28

Date: 01/04/2002

-----ISWRs-----								
APP #	201A	202A	70088A	0	0	0	0	MAXIMUM
Status	Cert.	Cert.	Cert.					
1	60.00	60.00	60.00	0.00	0.00	0.00	0.00	60.00
2	95.00	100.00	100.00	0.00	0.00	0.00	0.00	100.00
3	95.00	145.00	145.00	0.00	0.00	0.00	0.00	145.00
4	95.00	145.00	145.00	0.00	0.00	0.00	0.00	145.00
5	95.00	145.00	145.00	0.00	0.00	0.00	0.00	145.00
6	95.00	100.00	100.00	0.00	0.00	0.00	0.00	100.00
7	60.00	60.00	60.00	0.00	0.00	0.00	0.00	60.00
8	60.00	60.00	60.00	0.00	0.00	0.00	0.00	60.00
9	60.00	60.00	60.00	0.00	0.00	0.00	0.00	60.00
10	60.00	60.00	60.00	0.00	0.00	0.00	0.00	60.00
11	60.00	60.00	60.00	0.00	0.00	0.00	0.00	60.00
12	60.00	60.00	60.00	0.00	0.00	0.00	0.00	60.00

RECEIVED

FFR 15 2002

WATER RESOURCES DEPT.
SALEM, OREGON

✓

BEFORE THE WATER POLICY REVIEW BOARD
OF THE
STATE OF OREGON

In the matter of formulating an)	
integrated, coordinated program)	Deschutes River Basin
for the use and control of the)	
water resources of the Deschutes)	November 29, 1984*
River Basin)	

WHEREAS the State Water Resources Board under the authority of ORS 536.300 completed a study of the Deschutes River Basin;

WHEREAS results of that study were published in State Water Resources Board Report, Deschutes River Basin, dated January 1961;

WHEREAS the Water Policy Review Board under the authority of ORS 536.340 may reclassify the water resources of the Deschutes River Basin;

WHEREAS the Water Policy Review Board under the authority of ORS 536.300 and 536.340 has undertaken a restudy of the water resources of the Deschutes River Basin;

WHEREAS in this study consideration was given to means and methods of augmenting, conserving, and classifying such water resources, existing and contemplated needs and uses of water for domestic, municipal, irrigation, power development, industrial, mining, recreation, wildlife and fish life uses, and for pollution abatement as well as other related subjects including drainage, reclamation, and flood control; and

WHEREAS as a result of said study the following findings have been reached by this Board:

1. The total quantity of water is sufficient on an average year basis to satisfy all existing and contemplated needs and uses of water with the exception of utilization of water to minimize pollution.
2. Flows are not sufficient on many streams during the summer months of average water years to supply existing and future demands.
3. Simultaneous use of a major portion of existing consumptive rights results in flows at or near the zero level on some streams during the summer months.

* Modifies Deschutes Basin Programs dated February 20, 1962; May 24, 1962; April 3, 1964; May 26, 1967; July 7, 1978; January 10, 1980; April 1, 1980 and April 4, 1981.

4. Augmentation of the water resources can be achieved through storage of surplus winter and spring runoff; reduction of storage, channel, and transmission losses; and more efficient use of presently appropriated water.
5. There are physically feasible storage sites in the basin.
6. Unappropriated waters of the Deschutes River and its tributaries above Bend, Tumalo Creek above Columbia-Southern Canal, Crooked River, Ochoco Creek and White River and its tributaries have been withdrawn for special uses.
7. The established limited purposes of existing storage developments restrict multiple beneficial use of the water resources.
8. The existence of ground water has been established in certain sections of the basin, but quantities have not been determined.
9. Domestic, livestock, and municipal uses of water, while important, represent minor quantities in existing and contemplated future water use.
10. Irrigation is and will continue to be the major consumptive water use in the basin.
11. Adequately irrigated agricultural lands represent only a small portion of the total irrigated area.
12. The existing irrigated acreage could be more than doubled providing an adequate supply of water were available.
13. The basin has substantial potential for power development.
14. The basin has potential for industrial development.
15. Sufficient water will not be available in many locations for major water-using industries without provision for seasonal storage, acquisition of existing rights, or development of ground water resources.
16. The use of water for mining purposes is slight and is not expected to increase materially in the foreseeable future.
17. Recreation is a major use of water and an important factor in the economy of the basin.
18. There is an abundance of reservoirs, lakes and streams available for water-based recreation in the western portion of the basin.
19. There is potential for more extensive use of existing waters for recreation purposes.

20. In the area of intermittent streams, reservoirs provide water-based recreation.
21. Water consumption by wildlife does not represent a significant quantity.
22. A major conflict exists between irrigation and fish life use of water.
23. A major conflict exists between power and fish life use of water.
24. Reduction of present reservoir and stream level fluctuations, maintenance of minimum reservoir levels and improved streamflows would enhance fish life and recreation.
25. River related recreation is important to the economy of the upper Deschutes Basin.
26. The support of resident and stocked fish is essential to river-related recreation.
27. Recommended base flows suggested by fisheries agencies are substantially higher in many locations than flow levels that can be obtained during average water years under current stream regimen and existing water rights and priorities.
28. Storage and scheduled releases of excess winter and spring runoff, reduction of channel and transmission losses, or acquisition of some existing rights would be necessary to obtain the flows recommended by fisheries agencies. The economic feasibility of such measures has not been determined.
29. Pollution of surface and ground water is not a significant problem at present.
30. Floods, drainage and streambank erosion are not major problems.
31. Major foreseeable quantitative uses of water in the Deschutes River Basin will be for irrigation, power, recreation, and fish life uses.
32. Utilization of flows to minimize pollution should not be permitted if such use limits or conflicts with the multiple-purpose concept.
33. Establishment of restrictions on further appropriations would prevent an increase in depletion potential on some streams which would aid in maintaining minimum flows.
34. Where streams are seasonally overappropriated, the establishment of restrictive actions would have no immediate physical effect until additional flows become available.

35. Criteria for determination of desirable base flows commensurate with all beneficial uses have not been developed. Flow levels for recreational use may be substantially greater than flows recommended for the support of aquatic life.
36. It is imperative that single-purpose development of available sites does not preclude optimum utilization of the resource.
37. Certain major rivers, or river sections, and numerous lakes, minor streams, and creeks are by nature of their physiography, location, land ownership, or economic potential available only for limited resource uses.
38. Physical features, degree of economic development, and water use requirements vary from subbasin to subbasin.

NOW THEREFORE BE IT RESOLVED that for reason of variance in physical features, degree of economic development, and water use requirements from subbasin to subbasin, the Board adopts the following findings and issues program statements for each of the subbasins of the Deschutes River Basin.

UPPER DESCHUTES RIVER

WHEREAS the State Water Resources Board under the authority of ORS 536.300 has undertaken a study of the Upper Deschutes River Basin as delineated on State Water Resources Board Map, File 5.7014;

WHEREAS in this study consideration was given to means and methods of augmenting, conserving and classifying such water resources, existing and contemplated needs and uses of water for domestic, municipal, irrigation, power development, industrial, mining, recreation, wildlife and fish life uses, and for pollution abatement as well as other related subjects including drainage, reclamation, and flood control; and

WHEREAS as a result of said study the following findings have been reached by this Board:

1. The total quantity of water is sufficient on an average-year basis to satisfy all existing and contemplated needs and uses of water with the exception of utilization of water to minimize pollution.
2. There is not enough water legally available on a critical-year basis to meet existing and contemplated consumptive needs within this basin.
3. Maldistribution exists with regard to physical location and with respect to availability during time of need.
4. Many streams do not provide enough flow for present nonconsumptive public uses in periods of relatively low as well as critical flow.

5. Augmentation of the water resources in periods of need would require storage of surplus runoff.
6. There are physically feasible storage sites in the basin.
7. The existence of ground water has been established in certain sections of the basin, but quantities have not been determined.
8. All unappropriated waters of the Deschutes River and its tributaries above Bend have been withdrawn by the State Engineer for domestic, irrigation and power purposes.
9. A major portion of the withdrawn waters has been appropriated.
10. There is need to insure water for domestic, livestock, and municipal uses which, while small, are of benefit to the state.
11. Irrigation use of water is small in this basin and is not expected to increase materially in the foreseeable future.
12. Substantial quantities of water have been appropriated for irrigation use in downstream basins.
13. Power development appears to be economically and physically feasible.
14. There is limited potential for industrial use of water.
15. There are no existing water rights for mining operations in the basin. Potential for such use of water appears to be minor.
16. The basin has potential for expanded recreation use of water. The natural lakes and reservoirs constitute valuable recreation assets.
17. Water consumption by wildlife does not represent a significant quantity.
18. There are no anadromous fish in the basin, but resident fish constitute an important asset of the state.
19. There is potential for development of anadromous fish, but this cannot be achieved without the improvement of fish passage and low-flow conditions.
20. Conflicts exist between fish life and irrigation uses of water.
21. Pollution of surface and ground water is not a significant problem.
22. Drainage and reclamation of drained lands are not significant factors in present and contemplated water use.
23. Flood problems are minor.

24. Utilization of flows to minimize pollution should not be permitted if such use interferes with the multiple-purpose concept.
25. Certain lakes are, by nature of their physiography, location, land ownership, or economic potential available only for limited resource use.
26. The maximum beneficial use of the waters of the Upper Deschutes River Basin will be for domestic, livestock, municipal, irrigation, power development, industrial, mining, recreation, wildlife and fish life uses.

NOW THEREFORE BE IT RESOLVED that this Board hereby adopts the following program in accordance with the provisions of ORS 536.300(2) pertaining to the water resources of the Upper Deschutes River Basin:

- A. The maximum economic development of this state, the attainment of the highest and best use of the waters of the Upper Deschutes River 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 and fish life uses and the waters of the Upper Deschutes River Basin are hereby so classified with the following exception:

The maximum economic development of this state, the attainment of the highest and best use of the waters of the natural lakes of the Upper Deschutes River Basin, except for Crescent Lake, 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 the natural lakes, Upper Deschutes River Basin, except for Crescent Lake, are hereby so classified.

- B. To support aquatic life and minimize pollution, in accordance with Section 3, Chapter 796, Oregon Laws, 1983, no appropriation of water shall be made or granted by any state agency or public corporation of the state for waters of the Upper Deschutes River and tributaries when flows are below the levels specified in Table 1. This limitation shall not apply to:
 1. Human and livestock consumption.
 2. Water legally released from storage.

Attainment of the specified flow levels during some portions of the year will require development of water storage or implementation of other measures to augment flows.

TABLE 1
Minimum Perennial Streamflows
(Cubic Feet per Second)

OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	<u>Priority Date</u>
<u>Deschutes River - to be maintained from Wickiup Reservoir to the confluence of the Little Deschutes River</u>												
300	300	300	300	300	300	300	300	300	300	300	300	11-3-83
<u>Deschutes River - to be maintained from Little Deschutes River to the confluence of Spring River</u>												
400	400	400	400	400	400	400	400	400	400	400	400	11-3-83
<u>Deschutes River - to be maintained from Spring River to North Canal Dam at Bend</u>												
660	660	660	660	660	660	660	660	660	660	660	660	11-3-83

- C. Applications for the use of the waters of the Upper Deschutes River 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.
- D. Rights to use of water for industrial or mining purposes granted by any state agency shall be issued only on the condition that any effluents or return flows from such uses shall not interfere with other beneficial uses of water.
- E. 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 applicable provisions of ORS 536.310 and any such structures or works are further declared to be prejudicial to the public interest which do not give proper cognizance to the multiple-purpose concept.

MIDDLE DESCHUTES RIVER

WHEREAS the State Water Resources Board under the authority of ORS 536.300 has undertaken a study of the Middle Deschutes River Basin as delineated on State Water Resources Board Map, File 5.7014.

WHEREAS in this study consideration was given to means and methods of augmenting, conserving, and classifying such water resources, existing and contemplated needs and uses of water for domestic, municipal, irrigation, power development, industrial, mining, recreation, wildlife and fish life uses, and for pollution abatement as well as other related subjects including drainage, reclamation, and flood control; and

WHEREAS as a result of said study the following findings have been reached by this Board:

1. The total quantity of water is sufficient on an average-year basis to satisfy all existing and contemplated needs and uses of water in this basin with the exception of utilization of water to minimize pollution.
2. Maldistribution exists with regard to physical location and with respect to availability during time of need.
3. Simultaneous use of a major portion of existing consumptive rights results in flows at or near the zero level on many streams during the summer months.

4. The existence of ground water has been established in certain sections of the basin, but quantities have not been determined.
5. There are legislative restrictions on the use of waters of Tumalo Creek.
6. There is need to insure water for domestic, livestock and municipal uses which, while small, are of benefit to the state.
7. Irrigation is and will continue to be the major consumptive use of water.
8. Natural flow and present degree of regulation are insufficient to satisfy existing irrigation requirements.
9. Water supply will be a limiting factor in developing potential irrigable land.
10. Augmentation of the water resources in periods of need can be achieved through storage of surplus winter and spring runoff; reduction of storage, channel, and transmission losses; and more efficient use of presently appropriated water.
11. There are physically feasible storage sites.
12. There is substantial potential for power development.
13. The development of the power potential could seriously conflict with recreation and fish life values.
14. There is considerable potential for industrial use of water.
15. Storage and scheduled releases of surplus winter and spring runoff; reduction of channel and transmission losses; or acquisition of some existing rights would be necessary to obtain the waters needed by major water-using industries.
16. Use of water for mining purposes is slight and is not expected to increase materially in the foreseeable future.
17. Recreation is a major use of water.
18. The Metolius River is superior as a natural recreation value.
19. Water consumption by wildlife does not represent a significant quantity.
20. There is inadequate streamflow for fishery requirements.

21. Base flows recommended by fisheries agencies are substantially higher in many locations than flow levels that can be obtained during average water years under current stream regimen and existing water rights and priorities.
22. Pollution of surface and ground water is not a significant problem.
23. Major foreseeable quantitative uses of water will be for irrigation, power, recreation and fish life.
24. Utilization of flows to minimize pollution should not be permitted if such use limits or conflicts with the multiple-purpose concept.
25. Maintenance of minimum perennial streamflows would generally benefit recreation, wildlife and fish life.
26. Criteria for determination of desirable base flows commensurate with all beneficial uses of water have not been developed.
27. Certain river sections, minor streams, creeks and lakes are by nature of their physiography, location, land ownership, or economic potential available only for limited resource use.
28. The maximum beneficial use of the waters of the Middle Deschutes River Basin will be for domestic, livestock, municipal, irrigation, power development, industrial, mining, recreation, wildlife and fish life uses.

NOW THEREFORE BE IT RESOLVED that this Board hereby adopts the following program in accordance with the provisions of ORS 536.300(2) pertaining to the water resources of the Middle Deschutes River Basin:

- A. The maximum economic development of this state, the attainment of the highest and best use of the waters of the Middle Deschutes River 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 and fish life uses and the waters of the Middle Deschutes River Basin are hereby so classified with the following exceptions:
 1. The State Water Resources Board program, Lower Main Stem Deschutes River, adopted April 3, 1964, as modified by the Water Policy Review Board.
 2. The maximum economic development of this state, the attainment of the highest and best use of the waters of the main stem, Metolius River, above river mile 13.0, 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 non-commercial garden not to exceed one-half acre in area, power development, recreation, wildlife and fish life uses and the waters of the main stem, Metolius River, above river mile 13.0, are hereby so classified.

3. Further, no out-of-basin diversions of the waters of the mainstem Metolius River, above river mile 13.0, shall be permitted for any use.
 4. No further appropriations except for domestic or livestock uses shall be permitted for waters of the mainstem Deschutes River, from the head of Lake Billy Chinook near river mile 120 to the North Canal Dam near river mile 165.
 5. The maximum economic development of this state, the attainment of the highest and best use of the waters of the natural lakes of the Middle Deschutes River 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.
- B. For the purpose of maintaining a minimum perennial streamflow sufficient to support aquatic life, no appropriations of water except for domestic or livestock uses shall be made or granted by any state agency or public corporation of the state for the waters of Lake Creek or its tributaries above the confluence of Lake Creek with the Metolius River for flows of Lake Creek below 20 cubic feet per second measured at the mouth of Lake Creek except that this limitation shall not apply to waters legally stored or legally released from storage (priority date - May 24, 1962).
- C. Applications for the use of the waters of the Middle Deschutes River 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.
- D. 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.
- E. 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 be prejudicial to the public interest which do not give proper cognizance to the multiple-purpose concept.

LOWER DESCHUTES RIVER

WHEREAS the State Water Resources Board under the authority of ORS 536.300 studied the Lower Deschutes River Basin as delineated on State Water Resources Board Map, File 5.7014;

WHEREAS the Water Policy Review Board under the authority of ORS 536.300 and 536.340 has undertaken a restudy of the Lower Deschutes Basin;

WHEREAS in this study consideration was given to means and methods of augmenting, conserving and classifying such water resources, existing and contemplated needs and uses of water for domestic, municipal, irrigation, power development, industrial, mining, recreation, wildlife and fish life uses, and for pollution abatement as well as other related subjects including drainage, reclamation and flood control; and

WHEREAS as a result of said study the following findings have been reached by this Board for the tributaries of the Deschutes River within the Lower Deschutes River Basin:

1. The total quantity of water is sufficient on an average-year basis to satisfy existing needs and uses of water with the exception of utilization of water to minimize pollution.
2. Maldistribution exists with regard to physical location and with respect to availability during time of need.
3. Many streams do not provide enough flow for nonconsumptive public uses at present in periods of relatively low as well as critical flow.
4. Simultaneous use of a major portion of existing consumptive rights results in flows at or near the zero level on many streams during the summer months.
5. Flows, unless augmented by storage, would not be sufficient on most streams during the summer months to supply future consumptive and nonconsumptive demands.
6. The existence of ground water has been established in certain sections of the basin, but quantities have not been determined.
7. All unappropriated waters of White River and tributaries have been withdrawn by the State Engineer for special uses.

8. There is need to insure quantities of water for domestic, livestock, and municipal uses which, while small, are of benefit to the state.
9. Irrigation is and will continue to be the major consumptive use of water.
10. Potential exists for the development of the agricultural economy through expanded irrigation.
11. The unavailability of dependable supplies of adequate water in the future would be a restriction on the development of the agricultural potential of the basin.
12. Power development appears to be economically and physically feasible.
13. There is limited potential for industrial use of water.
14. Use of water for mining purposes is slight and is not expected to increase materially in the foreseeable future.
15. Recreation is an important use of water in the basin.
16. Water consumption by wildlife does not represent a significant quantity.
17. Full development of the anadromous fishery potential cannot be achieved without the improvement of fish passage and low-flow conditions.
18. Material improvement of minimum flows for fish life cannot be achieved without the development of surface water storage.
19. Pollution of surface and ground water is not a significant problem.
20. Major foreseeable quantitative uses of water of the Lower Deschutes Basin will be for irrigation, recreation, and fish life.
21. Drainage and reclamation of drained lands are not significant factors in present and contemplated water use.
22. Limited flood problems exist, mainly on the eastern tributaries of the Deschutes River.
23. There are physically-feasible storage sites within the basin.
24. Small reservoirs on minor tributaries could reduce flash floods and streambank erosion and provide late-season irrigation water.
25. Utilization of flows to minimize pollution should not be permitted if such use limits or conflicts with the multiple-purpose concept.

26. Maintenance of minimum perennial streamflows would be in the public interest.
27. Certain lakes are by nature of their physiography, location, land ownership, or economic potential available only for limited resource use.
28. Criteria for determination of desirable base flows commensurate with all beneficial uses of water have not been developed, although information is available on flow requirements for aquatic life.
29. The maximum beneficial use of the waters of the tributaries of the Deschutes River within the Lower Deschutes Basin will be for domestic, livestock, municipal, irrigation, power development, industrial, mining, recreation, wildlife and fish life uses.

NOW THEREFORE BE IT RESOLVED that this Board hereby adopts the following program in accordance with the provisions of ORS 536.300(2) pertaining to the water resources of the Lower Deschutes River Basin:

- A. The maximum economic development of this state, the attainment of the highest and best use of the waters of the Lower Deschutes River 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 and fish life uses and the waters of the Lower Deschutes River Basin are hereby so classified with the following exceptions:
 1. The State Water Resources Board program, Lower Main Stem Deschutes River, adopted April 3, 1964, as modified by the Water Policy Review Board.
 2. The waters of Boulder Lake in Hood River and Wasco Counties are classified only for domestic and livestock uses; power development not to exceed 7-1/2 theoretical horsepower; recreation, wildlife and fish life uses; and irrigation not to exceed 100 acre-feet annually from water stored in the lake.
 3. The maximum economic development of this state, the attainment of the highest and best use of the waters of the other natural lakes of the Lower Deschutes River Basin, and 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 the natural lakes of the Lower Deschutes River Basin are hereby so classified.

- B. For the purpose of maintaining a minimum perennial streamflow sufficient to support aquatic life, no appropriations of water except for domestic or livestock uses shall be made or granted by any state agency or public corporation of the state for the waters of the White River or its tributaries above the confluence of White River with the Deschutes River for flows of the White River below the specified flows in Table 2, except that this limitation shall not apply to waters legally stored or legally released from storage.
- C. Applications for the use of the waters of the Lower Deschutes River 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 uses would be contrary to the integrated and coordinated program for the use and control of the water resources of the state.
- D. 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.
- E. 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 be prejudicial to the public interest which do not give cognizance to the multiple-purpose concept.

DESCHUTES - UPPER CROOKED RIVER

WHEREAS the State Water Resources Board under the authority of ORS 536.300 has undertaken a study of the Deschutes - Upper Crooked River Basin as delineated on State Water Resources Board Map, File 5.7014;

WHEREAS in this study consideration was given to means and methods of augmenting, conserving and classifying such water resources, existing and contemplated needs and uses of water for domestic, municipal, irrigation, power development, industrial, mining, recreation, wildlife and fish life uses, and for pollution abatement as well as other related subjects including drainage, reclamation, and flood control; and

WHEREAS as a result of said study the following findings have been reached by this Board:

1. The total quantity of water is sufficient on an average-year basis to satisfy all existing rights to water in this basin.
2. There is not enough water on a critical-year basis to meet existing consumptive needs.

TABLE 2
Minimum Perennial Streamflows
(Cubic Feet per Second)

OCT	NOV	DEC	JAN	FEB 1-15	FEB 16-29	MAR	APR	MAY	JUN	JUL	AUG	SEP	<u>Priority Date</u>
<u>Measured at USGS gage 14101400 and maintained to the confluence of the White River and Deschutes River</u>													
60	60	60	60	60	100	145	145	145	100	60	60	60	1-10-80
60	60	60	60	60	95	95	95	95	95	60	60	60	5-24-62

4929A

3. Maldistribution exists with regard to physical location and with respect to availability during time of need.
4. Simultaneous use of a major portion of existing consumptive rights results in flows at or near the zero level on many streams during the summer months.
5. Most streams do not provide enough flow for nonconsumptive public uses at present in periods of relatively low as well as critical flow.
6. The existence of ground water has been established in certain sections of the basin, but quantities have not been determined.
7. There is need to insure quantities of water for domestic, livestock, municipal and mining uses which, while small, are of benefit to the state.
8. There are no municipal water systems in the basin.
9. Irrigation is and will continue to be the major consumptive use of water.
10. Most irrigated lands in the basin do not receive an adequate supply of water.
11. Substantially more than the average annual yield of the Upper Crooked River Basin has been withdrawn by the State Engineer for irrigation purposes.
12. Power development appears to be economically and physically feasible.
13. There is limited potential for industrial use of water.
14. Water-based recreation will become a more significant use of water in this basin.
15. Water consumption by wildlife does not represent a significant quantity.
16. Game fish populations are limited because of extreme low flows, high water temperatures, and extensive populations of rough fish.
17. Pollution of surface and ground water is not a significant problem.
18. Drainage and reclamation of drained lands are not significant factors in present and contemplated water use.
19. Flood problems exist mainly on the mainstem of Crooked River.
20. There are physically feasible storage sites within the basin.

21. Small reservoirs on minor tributaries could reduce flash floods and streambank erosion and provide late-season irrigation water.
22. Utilization of flows to minimize pollution should not be permitted if such use limits or conflicts with the multiple-purpose concept.
23. Criteria for determination of desirable base flows commensurate with all beneficial uses of water have not been developed.
24. The maximum beneficial use of the waters of the Upper Crooked River Basin will be for domestic, livestock, municipal, irrigation, power development, industrial, mining, recreation, wildlife and fish life uses.

NOW THEREFORE BE IT RESOLVED that this Board hereby adopts the following program in accordance with the provisions of ORS 536.300(2) pertaining to the water resources of the Deschutes - Upper Crooked River Basin:

- A. The maximum economic development of this state, the attainment of the highest and best use of the waters of the Deschutes - Upper Crooked River 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 and fish life uses and the waters of the Deschutes - Upper Crooked River Basin are hereby so classified.
- B. Applications for the use of the waters of the Deschutes - Upper Crooked River 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.
- C. 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.
- D. 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 be prejudicial to the public interest which do not give proper cognizance to the multiple-purpose concept.

DESCHUTES - LOWER CROOKED RIVER

WHEREAS the State Water Resources Board under the authority of ORS 536.300 has undertaken a study of the Deschutes - Lower Crooked River Basin as delineated on State Water Resources Board Map, File 5.7014;

WHEREAS in this study consideration was given to means and methods of augmenting, conserving, and classifying such water resources, existing and contemplated needs and uses of water for domestic, livestock, municipal, irrigation, power development, industrial, mining, recreation, wildlife and fish life uses and for pollution abatement as well as other related subjects including drainage, reclamation, and flood control; and

WHEREAS as a result of said study the following findings have been reached by this Board:

1. The total quantity of water is sufficient on an average year basis to satisfy all existing and contemplated consumptive needs and uses of water.
2. There are streams within the basin whose average annual yield is not sufficient to satisfy existing rights.
3. Maldistribution exists with regard to physical location and with respect to availability during time of need.
4. Simultaneous use of a major portion of existing consumptive rights results in flows at or near the zero level on many streams during the summer months.
5. Most streams in the basin do not provide enough flow for nonconsumptive public uses at present in periods of relatively low as well as critical flow.
6. The existence of ground water has been established in certain sections of the basin, but quantities have not been determined.
7. There is need to insure water for domestic, livestock, municipal and mining uses which, while small, are of benefit to the state.
8. Irrigation is and will continue to be the major consumptive use of water.
9. There is additional potential for irrigation use of water.
10. Power development appears to be economically and physically feasible.
11. There is potential for industrial use of water.
12. Sufficient water will not be available in many locations for major water-using industries without the provision of seasonal storage.

13. Reservoirs will provide a major portion of water-based recreation.
14. The waters of the Crooked River, including Opal Springs, from river mile 6.5 to river mile 18.0, are a valuable source of municipal, irrigation, and industrial water.
15. Little potential for enhancement of fish life exists and is dependent upon securing adequate streamflow.
16. Increases of population and the need to serve presently unsewered areas will require municipal sewerage works to be expanded.
17. Limited flood problems exist.
18. A coordinated plan of operation of Ochoco and Prineville Reservoirs will materially alleviate flood damages in the Prineville Valley.
19. There are physically feasible storage sites within the basin.
20. Small reservoirs on minor tributaries could reduce flash floods and streambank erosion and provide late-season irrigation water.
21. Utilization of flows to minimize pollution should not be permitted if such use limits or conflicts with the multiple-purpose concept.
22. Certain river sections, minor streams and creeks are by nature of their physiography, location, land ownership, or economic potential available only for limited resource use.
23. Criteria for determination of desirable base flows commensurate with all beneficial uses of water have not been developed.
24. The maximum beneficial use of the waters of the Deschutes - Lower Crooked River Basin will be for domestic, livestock, municipal, irrigation, power development, industrial, mining, recreation, wildlife and fish life uses.

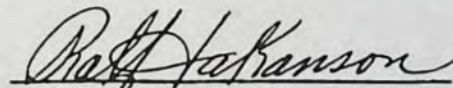
NOW THEREFORE BE IT RESOLVED that this Board hereby adopts the following program in accordance with the provisions of ORS 536.300(2) pertaining to the water resources of the Deschutes - Lower Crooked River Basin:

- A. The maximum economic development of this state, the attainment of the highest and best use of the waters of the Deschutes - Lower Crooked River 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 and fish life uses and the waters of the Deschutes - Lower Crooked River Basin are hereby so classified with the following exceptions:

1. The State Water Resources Board program, Lower Main Stem Deschutes River, adopted April 3, 1964, as modified by the Water Policy Review Board.
 2. No further appropriations of water except for domestic or livestock uses shall be made or granted by any state agency for the waters of Ochoco Creek and its tributaries.
- B. Applications for the use of the waters of the Deschutes - Lower Crooked River Basin shall not be accepted by any state agency for any other use and the granting of applications for such 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.
- C. Rights to use 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.
- D. Structures or works for the utilization of the water 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 be prejudicial to the public interest which do not give proper cognizance to the multiple-purpose concept.

Dated November 29, 1984

WATER POLICY REVIEW BOARD



Ralf Hakanson, Chairman

WATER POLICY REVIEW BOARD

4929A

BEFORE THE WATER POLICY REVIEW BOARD OF OREGON

In the Matter of Formulating an
Integrated, Coordinated Program
for the Use and Control of the
Water Resources of the Deschutes
River Basin

DESCHUTES RIVER BASIN*
April 1, 1980

WHEREAS the State Water Resources Board under the authority of ORS 536.300 completed a study of the Deschutes River Basin;

WHEREAS results of that study were published in State Water Resources Board Report, Deschutes River Basin, dated January 1961;

WHEREAS the Water Policy Review Board under the authority of ORS 536.340 may reclassify the water resources of the Deschutes River Basin;

WHEREAS the Water Policy Review Board under the authority of ORS 536.300 and 536.340 has undertaken a restudy of the water resources of the Deschutes River Basin;

WHEREAS in this study consideration was given to means and methods of augmenting, conserving, and classifying such water resources, existing and contemplated needs and uses of water for domestic, municipal, irrigation, power development, industrial, mining, recreation, wildlife, and fish life uses, and for pollution abatement as well as other related subjects including drainage, reclamation, and flood control; and

WHEREAS as a result of said study the following findings have been reached by this Board:

1. The total quantity of water is sufficient on an average year basis to satisfy all existing and contemplated needs and uses of water with the exception of utilization of water to minimize pollution.
2. Flows are not sufficient on many streams during the summer months of average water years to supply existing and future demands.
3. Simultaneous use of a major portion of existing consumptive rights results in flows at or near the zero level on some streams during the summer months.
4. Augmentation of the water resources can be achieved through storage of surplus winter and spring runoff; reduction of storage, channel, and transmission losses, and more efficient use of presently appropriated water.
5. There are physically feasible storage sites in the basin.
6. Unappropriated waters of the Deschutes River and its tributaries above Bend, Tumalo Creek above Columbia-Southern Canal, Crooked River, Ochoco Creek, and White River and its tributaries, have been withdrawn for special uses.

*Modifies Deschutes Basin Programs dated February 20, 1962, May 24, 1962, April 3, 1964, May 26, 1967, July 7, 1978 and January 10, 1980

7. The established limited purposes of existing storage developments restrict multiple beneficial use of the water resources.
8. The existence of ground water has been established in certain sections of the basin but quantities have not been determined.
9. Domestic, livestock, and municipal uses of water, while important, represent minor quantities in existing and contemplated future water use.
10. Irrigation is and will continue to be the major consumptive water use in the basin.
11. Adequately irrigated agricultural lands represent only a small portion of the total irrigated area.
12. The existing irrigated acreage could be more than doubled providing an adequate supply of water were available.
13. The basin has substantial potential for power development.
14. The basin has potential for industrial development.
15. Sufficient water will not be available in many locations for major water-using industries without provision for seasonal storage, acquisition of existing rights, or development of ground water resources.
16. The use of water for mining purposes is slight and is not expected to increase materially in the foreseeable future.
17. Recreation is a major use of water and an important factor in the economy of the basin.
18. There is an abundance of reservoirs, lakes, and streams available for water-based recreation in the western portion of the basin.
19. There is potential for more extensive use of existing waters for recreation purposes.
20. In the area of intermittent streams, reservoirs provide water-based recreation.
21. Water consumption by wildlife does not represent a significant quantity.
22. A major conflict exists between irrigation and fish life use of water.
23. A major conflict exists between power and fish life use of water.
24. Reduction of present reservoir and stream level fluctuations, maintenance of minimum reservoir levels, and improved streamflows would enhance fish life and recreation.

25. Recommended base flows suggested by fisheries agencies are substantially higher in many locations than flow levels that can be obtained during average water years under current stream regimen and existing water rights and priorities.
26. Storage and scheduled releases of excess winter and spring runoff, reduction of channel and transmission losses, or acquisition of some existing rights, would be necessary to obtain the flows recommended by fisheries agencies. The economic feasibility of such measures has not been determined.
27. Pollution of surface and ground water is not a significant problem at present.
28. Floods, drainage, and streambank erosion are not major problems.
29. Major foreseeable quantitative uses of water in the Deschutes River Basin will be for irrigation, power, recreation, and fish life uses.
30. Utilization of flows to minimize pollution should not be permitted if such use limits or conflicts with the multiple-purpose concept.
31. Establishment of restrictions on further appropriations would prevent an increase in depletion potential on some streams which would aid in maintaining minimum flows.
32. Where streams are seasonally overappropriated, the establishment of restrictive actions would have no immediate physical effect until additional flows become available.
33. Criteria for determination of desirable base flows commensurate with all beneficial uses have not been developed.
34. It is imperative that single-purpose development of available sites does not preclude optimum utilization of the resource.
35. Certain major rivers, or river sections, and numerous lakes, minor streams, and creeks are by nature of their physiography, location, land ownership, or economic potential, available only for limited resource uses.
36. Physical features, degree of economic development, and water use requirements vary from sub-basin to sub-basin.

NOW THEREFORE BE IT RESOLVED that for reason of variance in physical features, degree of economic development, and water use requirements from sub-basin to sub-basin, the board adopts the following findings and issues program statements for each of the sub-basins of the Deschutes River Basin.

UPPER DESCHUTES RIVER

WHEREAS the State Water Resources Board under the authority of ORS 536.300 has undertaken a study of the Upper Deschutes River Basin as delineated on State Water Resources Board Map, File No. 5.7014;

WHEREAS in this study consideration was given to means and methods of augmenting, conserving, and classifying such water resources, existing and contemplated needs and uses of water for domestic, municipal, irrigation, power development, industrial, mining, recreation, wildlife and fish life uses, and for pollution abatement as well as other related subjects including drainage, reclamation, and flood control; and

WHEREAS as a result of said study the following findings have been reached by this board:

1. The total quantity of water is sufficient on an average year basis to satisfy all existing and contemplated needs and uses of water with the exception of utilization of water to minimize pollution.
2. There is not enough water legally available on a critical year basis to meet existing and contemplated consumptive needs within this basin.
3. Maldistribution exists with regard to physical location and with respect to availability during time of need.
4. Many streams do not provide enough flow for present nonconsumptive public uses in periods of relatively low as well as critical flow.
5. Augmentation of the water resources in periods of need would require storage of surplus runoff.
6. There are physically feasible storage sites in the basin.
7. The existence of ground water has been established in certain sections of the basin but quantities have not been determined.
8. All unappropriated waters of the Deschutes River and its tributaries above Bend have been withdrawn by the State Engineer for domestic, irrigation, and power purposes.
9. A major portion of the withdrawn waters has been appropriated.
10. There is need to insure water for domestic, livestock, and municipal uses which, while small, are of benefit to the state.
11. Irrigation use of water is small in this basin and is not expected to increase materially in the foreseeable future.
12. Substantial quantities of water have been appropriated for irrigation use in downstream basins.

13. Power development appears to be economically and physically feasible
14. There is limited potential for industrial use of water.
15. There are no existing water rights for mining operations in the basin. Potential for such use of water appears to be minor.
16. The basin has potential for expanded recreation use of water. The natural lakes and reservoirs constitute valuable recreation assets.
17. Water consumption by wildlife does not represent a significant quantity.
18. There are no anadromous fish in the basin but resident fish constitute an important asset of the state.
19. There is potential for development of anadromous fish but this cannot be achieved without the improvement of fish passage and low flow conditions.
20. Conflicts exist between fish life and irrigation uses of water.
21. Pollution of surface and ground water is not a significant problem.
22. Drainage and reclamation of drained lands are not significant factors in present and contemplated water use.
23. Flood problems are minor.
24. Utilization of flows to minimize pollution should not be permitted if such use interferes with the multiple-purpose concept.
25. Certain lakes are, by nature of their physiography, location, land ownership, or economic potential available only for limited resource use.
26. The maximum beneficial use of the waters of the Upper Deschutes River Basin will be for domestic, livestock, municipal, irrigation, power development, industrial, mining, recreation, wildlife, and fish life uses.

NOW THEREFORE BE IT RESOLVED that this board hereby adopts the following program in accordance with the provisions of ORS 536.300(2) pertaining to the waters of the Upper Deschutes River Basin:

- A. The maximum economic development of this state, the attainment of the highest and best use of the waters of the Upper Deschutes River 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, and fish life uses and the waters

of the Upper Deschutes River Basin are hereby so classified with the following exception:

The maximum economic development of this state, the attainment of the highest and best use of the waters of the natural lakes of the Upper Deschutes River Basin, except for Crescent Lake, 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 $7\frac{1}{2}$ theoretical horsepower, recreation, wildlife, and fish life uses and the waters of the natural lakes, Upper Deschutes River Basin, except for Crescent Lake, are hereby so classified.

- B. Applications for the use of the waters of the Upper Deschutes River 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.
- C. All applications for hydroelectric permits and licenses greater than $7\frac{1}{2}$ theoretical horsepower and less than 100 theoretical horsepower shall be reviewed by the Water Policy Review Board prior to approval to determine if further proceedings under ORS 543.225 are necessary in the public interest, and if the Board so determines, it shall be referred in accordance with ORS 543.225.
- D. Rights to use of water for industrial or mining purposes granted by any state agency shall be issued only on the condition that any effluents or return flows from such uses shall not interfere with other beneficial uses of water.
- E. 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 applicable provisions of ORS 536.310 and any such structures or works are further declared to be prejudicial to the public interest which do not give proper cognizance to the multiple-purpose concept.

MIDDLE DESCHUTES RIVER

WHEREAS the State Water Resources Board under the authority of ORS 536.300 has undertaken a study of the Middle Deschutes River Basin as delineated on State Water Resources Board Map, File No. 5.7014.

WHEREAS in this study consideration was given to means and methods of augmenting, conserving, and classifying such water resources, existing and contemplated needs and uses of water for domestic, municipal, irrigation, power development, industrial, mining, recreation, wildlife, and fish life uses, and for pollution abatement as well as other related subjects including drainage, reclamation, and flood control; and

WHEREAS as a result of said study the following findings have been reached by this board:

1. The total quantity of water is sufficient on an average year basis to satisfy all existing and contemplated needs and uses of water in this basin with the exception of utilization of water to minimize pollution.
2. Maldistribution exists with regard to physical location and with respect to availability during time of need.
3. Simultaneous use of a major portion of existing consumptive rights results in flows at or near the zero level on many streams during the summer months.
4. The existence of ground water has been established in certain sections of the basin but quantities have not been determined.
5. There are legislative restrictions on the use of waters of Tumalo Creek.
6. There is need to insure water for domestic, livestock, and municipal uses which, while small, are of benefit to the state.
7. Irrigation is and will continue to be the major consumptive use of water.
8. Natural flow and present degree of regulation are insufficient to satisfy existing irrigation requirements.
9. Water supply will be a limiting factor in developing potential irrigable land.
10. Augmentation of the water resources in periods of need can be achieved through storage of surplus winter and spring runoff; reduction of storage, channel, and transmission losses; and more efficient use of presently-appropriated water.
11. There are physically-feasible storage sites.
12. There is substantial potential for power development.
13. The development of the power potential could seriously conflict with recreation and fish life values.
14. There is considerable potential for industrial use of water.
15. Storage and scheduled releases of surplus winter and spring runoff; reduction of channel and transmission losses; or acquisition of some existing rights, would be necessary to obtain the waters needed by major water-using industries.
16. Use of water for mining purposes is slight and is not expected to increase materially in the foreseeable future.

17. Recreation is a major use of water.
18. The Metolius River is superior as a natural recreation value.
19. Water consumption by wildlife does not represent a significant quantity.
20. There is inadequate streamflow for fishery requirements.
21. Base flows recommended by fisheries agencies are substantially higher in many locations than flow levels that can be obtained during average water years under current stream regimen and existing water rights and priorities.
22. Pollution of surface and ground water is not a significant problem.
23. Major foreseeable quantitative uses of water will be for irrigation, power, recreation, and fish life.
24. Utilization of flows to minimize pollution should not be permitted if such use limits or conflicts with the multiple-purpose concept.
25. Maintenance of minimum perennial streamflows would generally benefit recreation, wildlife, and fish life.
26. Criteria for determination of desirable base flows commensurate with all beneficial uses of water have not been developed.
27. Certain river sections, minor streams, creeks, and lakes are by nature of their physiography, location, land ownership, or economic potential, available only for limited resource use.
28. Current investigations disclose no reason to modify the State Water Resources Board program, Lower Main Stem Deschutes River, April 3, 1964.
29. The maximum beneficial use of the waters of the Middle Deschutes River Basin will be for domestic, livestock, municipal, irrigation, power development, industrial, mining, recreation, wildlife, and fish life uses.

NOW THEREFORE BE IT RESOLVED that this board hereby adopts the following program in accordance with ORS 536.300(2) pertaining to the water resources of the Middle Deschutes River Basin:

- A. The maximum economic development of this state, the attainment of the highest and best use of the waters of the Middle Deschutes River 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, and fish life uses and the waters of the Middle Deschutes River Basin are hereby so classified with the following exceptions:
 1. The State Water Resources Board program, Lower Main Stem Deschutes River, adopted April 3, 1964.

2. The maximum economic development of this state, the attainment of the highest and best use of the waters of the main stem, Metolius River, above river mile 13.0, 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, recreation, wildlife, and fish life uses and the waters of the main stem, Metolius River, above river mile 13.0, are hereby so classified.
 3. Further, no out-of-basin diversions of the waters of the main stem, Metolius River, above river mile 13.0, shall be permitted for any use.
 4. No further appropriations except for domestic or livestock uses shall be permitted for waters of the main stem, Deschutes River, from river mile 120.0 to river mile 165.0.
 5. The maximum economic development of this state, the attainment of the highest and best use of the waters of the natural lakes of the Middle Deschutes River 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 $7\frac{1}{2}$ theoretical horsepower, recreation, wildlife, and fish life uses and the waters of the natural lakes of the Middle Deschutes River Basin are hereby so classified.
- B. For the purpose of maintaining a minimum perennial streamflow sufficient to support aquatic life, no appropriations of water except for domestic or livestock uses shall be made or granted by any state agency or public corporation of the state for the waters of Lake Creek or its tributaries above the confluence of Lake Creek with the Metolius River for flows of Lake Creek below 20 cubic feet per second measured at the mouth of Lake Creek except that this limitation shall not apply to waters legally stored or legally released from storage.
 - C. Applications for the use of the waters of the Middle Deschutes River 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.
 - D. All applications for hydroelectric permits and licenses greater than $7\frac{1}{2}$ theoretical horsepower and less than 100 theoretical horsepower shall be reviewed by the Water Policy Review Board prior to approval to determine if further proceedings under ORS 543.225 are necessary in the public interest, and if the Board so determines, it shall be referred in accordance with ORS 543.225.
 - E. 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.

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

LOWER DESCHUTES RIVER

WHEREAS the State Water Resources Board under the authority of ORS 536.300 studies the Lower Deschutes River Basin as delineated on State Water Resources Board Map. File No. 5.7014;

WHEREAS the Water Policy Review Board under the authority of ORS 536.300 and 536.340 has undertaken a restudy of the Lower Deschutes Basin;

WHEREAS in this study consideration was given to means and methods of augmenting, conserving, and classifying such water resources, existing and contemplated needs and uses of water for domestic, municipal, irrigation, power development, industrial, mining, recreation, wildlife, and fish life uses, and for pollution abatement as well as other related subjects including drainage, reclamation, and flood control; and

WHEREAS as a result of said study the following findings have been reached by this board for the tributaries of the Deschutes River within the Lower Deschutes River Basin:

1. The total quantity of water is sufficient on an average year basis to satisfy existing needs and uses of water with the exception of utilization of water to minimize pollution.
2. Maldistribution exists with regard to physical location and with respect to availability during time of need.
3. Many streams do not provide enough flow for nonconsumptive public uses at present in periods of relatively low as well as critical flow.
4. Simultaneous use of a major portion of existing consumptive rights results in flows at or near the zero level on many streams during the summer months.
5. Flows, unless augmented by storage, would not be sufficient on most streams during the summer months to supply future consumptive and nonconsumptive demands.
6. The existence of ground water has been established in certain sections of the basin but quantities have not been determined.
7. All unappropriated waters of White River and tributaries have been withdrawn by the State Engineer for special uses.

8. There is need to insure quantities of water for domestic, livestock, and municipal uses which, while small, are of benefit to the state.
9. Irrigation is and will continue to be the major consumptive use of water.
10. Potential exists for the development of the agricultural economy through expanded irrigation.
11. The unavailability of dependable supplies of adequate water in the future would be a restriction on the development of the agricultural potential of the basin.
12. Power development appears to be economically and physically feasible.
13. There is limited potential for industrial use of water.
14. Use of water for mining purposes is slight and is not expected to increase materially in the foreseeable future.
15. Recreation is an important use of water in the basin.
16. Water consumption by wildlife does not represent a significant quantity.
17. Full development of the anadromous fishery potential cannot be achieved without the improvement of fish passage and low flow conditions.
18. Material improvement of minimum flows for fish life cannot be achieved without the development of surface water storage.
19. Pollution of surface and ground water is not a significant problem.
20. Major foreseeable quantitative uses of water of the Lower Deschutes Basin will be for irrigation, recreation, and fish life.
21. Drainage and reclamation of drained lands are not significant factors in present and contemplated water use.
22. Limited flood problems exist, mainly on the eastern tributaries of the Deschutes River.
23. There are physically-feasible storage sites within the basin.
24. Small reservoirs on minor tributaries could reduce flash floods and streambank erosion and provide late season irrigation water.
25. Utilization of flows to minimize pollution should not be permitted if such use limits or conflicts with the multiple-purpose concept.
26. Maintenance of minimum perennial streamflows would be in the public interest.
27. Current investigations disclose no reason to modify the State Water Resources Board program Lower Main Stem, Deschutes River, April 3, 1964.

28. Certain lakes are by nature of their physiography, location, land ownership, or economic potential available only for limited resource use.
29. Criteria for determination of desirable base flows commensurate with all beneficial uses of water have not been developed, although information is available on flow requirements for aquatic life.
30. The maximum beneficial use of the waters of the tributaries of the Deschutes River within the Lower Deschutes Basin will be for domestic, livestock, municipal, irrigation, industrial, mining, power development, recreation, wildlife and fish life uses.

NOW THEREFORE BE IT RESOLVED that this Board hereby adopts the following program in accordance with ORS 536.300(2) pertaining to the water resources of the Lower Deschutes River Basin:

- A. The maximum economic development of this state, the attainment of the highest and best use of the waters of the Lower Deschutes River 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 and fish life uses and the waters of the Lower Deschutes River Basin are hereby so classified with the following exceptions:
 1. The State Water Resources Board program, Lower Main Stem Deschutes River, adopted April 3, 1964.
 2. The waters of Boulder Lake in Hood River and Wasco Counties are classified only for domestic and livestock uses; power development not to exceed $7\frac{1}{2}$ theoretical horsepower; recreation, wildlife and fish life uses; and irrigation not to exceed 100 acre-feet annually from water stored in the lake.
 3. The maximum economic development of this state, the attainment of the highest and best use of the waters of the other natural lakes of the Lower Deschutes River 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 $7\frac{1}{2}$ theoretical horsepower, recreation, wildlife, and fish life uses and the waters of the natural lakes of the Lower Deschutes River Basin are hereby so classified.
- B. For the purpose of maintaining a minimum perennial streamflow sufficient to support aquatic life, no appropriations of water except for domestic or livestock uses shall be made or granted by any state agency or public corporation of the state for the waters of the White River or its tributaries above the confluence of White River with the Deschutes River for flows of the White River below the following specified flows, except that this

limitation shall not apply to waters legally stored or legally released from storage.

Measured at USGS gage 14101400 and maintained to the confluence of the White River and Deschutes River.

(Cubic Feet per Second)

January	60
February 1-15	60
16-29	100
March	145
April	145
May	145
June	100
July	60
August	60
September	60
October	60
November	60
December	60

- C. Applications for the use of the waters of the Lower Deschutes River 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 uses would be contrary to the integrated and coordinated program for the use and control of the water resources of the state.
- D. All applications for hydroelectric permits and licenses greater than $7\frac{1}{2}$ theoretical horsepower and less than 100 theoretical horsepower shall be reviewed by the Water Policy Review Board prior to approval to determine if further proceedings under ORS 543.225 are necessary in the public interest, and if the Board so determines, it shall be referred in accordance with ORS 543.225.
- E. 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.

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

DESCHUTES-UPPER CROOKED RIVER

WHEREAS the State Water Resources Board under the authority of ORS 536.300 has undertaken a study of the Deschutes-Upper Crooked River Basin as delineated on State Water Resources Board Map, File No. 5.7014;

WHEREAS in this study consideration was given to means and methods of augmenting, conserving, and classifying such water resources, existing and contemplated needs and uses of water for domestic, municipal, irrigation, power development, industrial, mining, recreation, wildlife, and fish life uses, and for pollution abatement as well as other related subjects including drainage, reclamation, and flood control; and

WHEREAS as a result of said study the following findings have been reached by this Board:

1. The total quantity of water is sufficient on an average year basis to satisfy all existing rights to water in this basin.
2. There is not enough water on a critical year basis to meet existing consumptive needs.
3. Maldistribution exists with regard to physical location and with respect to availability during time of need.
4. Simultaneous use of a major portion of existing consumptive rights results in flows at or near the zero level on many streams during the summer months.
5. Most streams do not provide enough flow for nonconsumptive public uses at present in periods of relatively low and well as critical flow.
6. The existence of ground water has been established in certain sections of the basin but quantities have not been determined.
7. There is need to insure quantities of water for domestic, livestock, municipal, and mining uses which, while small, are of benefit to the state.

8. There are no municipal water systems in the basin.
9. Irrigation is and will continue to be the major consumptive use of water.
10. Most irrigated lands in the basin do not receive an adequate supply of water.
11. Substantially more than the average annual yield of the Upper Crooked River Basin has been withdrawn by the State Engineer for irrigation purposes.
12. Power development appears to be economically and physically feasible.
13. There is limited potential for industrial use of water.
14. Water-based recreation will become a more significant use of water in this basin.
15. Water consumption by wildlife does not represent a significant quantity.
16. Game fish populations are limited because of extreme low flows, high water temperatures, and extensive populations of rough fish.
17. Pollution of surface and ground water is not a significant problem.
18. Drainage and reclamation of drained lands are not significant factors in present and contemplated water use.
19. Flood problems exist mainly on the main stem of Crooked River.
20. There are physically-feasible storage sites within the basin.
21. Small reservoirs on minor tributaries could reduce flash floods and streambank erosion and provide late season irrigation water.
22. Utilization of flows to minimize pollution should not be permitted if such use limits or conflicts with the multiple-purpose concept.
23. Criteria for determination of desirable base flows commensurate with all beneficial uses of water have not been developed.
24. The maximum beneficial use of the waters of the Upper Crooked River Basin will be for domestic, livestock, municipal, irrigation, power development, industrial, mining, recreation, wildlife, and fish life uses.

NOW THEREFORE BE IT RESOLVED that this board hereby adopts the following program in accordance with ORS 536.300(2) pertaining to the water resources of the Deschutes-Upper Crooked River Basin:

- A. The maximum economic development of this state, the attainment of the highest and best use of the waters of the Deschutes-Upper Crooked River 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, and fish life uses and the waters of the Deschutes-Upper Crooked River Basin are hereby so classified.
- B. Applications for the use of the waters of the Deschutes-Upper Crooked River 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.
- C. All applications for hydroelectric permits and licenses greater than $7\frac{1}{2}$ theoretical horsepower and less than 100 theoretical horsepower shall be reviewed by the Water Policy Review Board prior to approval to determine if further proceedings under ORS 543.225 are necessary in the public interest, and if the Board so determines, it shall be referred in accordance with ORS 543.225.
- D. 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.
- E. 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 be prejudicial to the public interest which do not give proper cognizance to the multiple-purpose concept.

DESCHUTES-LOWER CROOKED RIVER

WHEREAS the State Water Resources Board under the authority of ORS 536.300 has undertaken a study of the Deschutes-Lower Crooked River Basin as delineated on State Water Resources Board Map, File No. 5.7014;

WHEREAS in this study consideration was given to means and methods of augmenting, conserving, and classifying such water resources, existing and contemplated needs and uses of water for domestic, municipal, irrigation, power development, industrial, mining, recreation, wildlife, and fish life uses, and for pollution abatement as well as other related subjects including drainage, reclamation, and flood control; and

WHEREAS as a result of said study the following findings have been reached by this board:

1. The total quantity of water is sufficient on an average year basis to satisfy all existing and contemplated consumptive needs and uses of water.
2. There are streams within the basin whose average annual yield is not sufficient to satisfy existing rights.
3. Maldistribution exists with regard to physical location and with respect to availability during time of need.
4. Simultaneous use of a major portion of existing consumptive rights results in flows at or near the zero level on many streams during the summer months.
5. Most streams in the basin do not provide enough flow for nonconsumptive public uses at present in periods of relatively low as well as critical flow.
6. The existence of ground water has been established in certain sections of the basin but quantities have not been determined.
7. There is need to insure water for domestic, livestock, municipal, and mining uses which, while small, are of benefit to the state.
8. Irrigation is and will continue to be the major consumptive use of water.
9. There is additional potential for irrigation use of water.
10. Power development appears to be economically and physically feasible.
11. There is potential for industrial use of water.
12. Sufficient water will not be available in many locations for major water-using industries without the provision of seasonal storage.
13. Reservoirs will provide a major portion of water-based recreation.
14. The waters of the Crooked River, including Opal Springs, from river mile 6.5 to river mile 18.0, are a valuable source of municipal, irrigation, and industrial water.
15. Little potential for enhancement of fish life exists and is dependent upon securing adequate streamflow.
16. Increases of population and the need to serve presently unsewered areas, will require municipal sewerage works to be expanded.
17. Limited flood problems exist.

18. A coordinated plan of operation of Ochoco and Prineville Reservoirs will materially alleviate flood damages in the Prineville Valley.
19. There are physically-feasible storage sites within the basin.
20. Small reservoirs on minor tributaries could reduce flash floods and streambank erosion and provide late season irrigation water.
21. Utilization of flows to minimize pollution should not be permitted if such use limits or conflicts with the multiple-purpose concept.
22. Certain river sections, minor streams, and creeks are by nature of their physiography, location, land ownership, or economic potential available only for limited resource use.
23. Criteria for determination of desirable base flows commensurate with all beneficial uses of water have not been developed.
24. Current investigations disclose no reason to modify the State Water Resources Board program, Lower Main Stem Deschutes River, April 3, 1964.
25. The maximum beneficial use of the waters of the Deschutes-Lower Crooked River Basin will be for domestic, livestock, municipal, irrigation, power development, industrial, mining, recreation, wildlife, and fish life uses.

NOW THEREFORE BE IT RESOLVED that this board hereby adopts the following program in accordance with the provisions of ORS 536.300(2) pertaining to the water resources of the Deschutes-Lower Crooked River Basin:

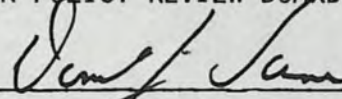
- A. The maximum economic development of this state, the attainment of the highest and best use of the waters of the Deschutes-Lower Crooked River Basin, and the attainment of an integrated and coordinated program for the benefit of the state as a whole will be furthered through utilization of the aforementioned waters only for domestic, livestock, municipal, irrigation, power development, industrial, mining, recreation, wildlife, and fish life uses and the waters of the Deschutes-Lower Crooked River Basin are hereby so classified with the following exceptions:
 1. The State Water Resources Board program, Lower Main Stem Deschutes River, adopted April 3, 1964.
 2. No further appropriations of water except for domestic or livestock uses shall be made or granted by any state agency for the waters of Ochoco Creek and its tributaries.
- B. Applications for the use of the waters of the Deschutes-Lower Crooked River Basin shall not be accepted by any state agency

for any other use and the granting of applications for such 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.

- C. All applications for hydroelectric permits and licenses greater than $7\frac{1}{2}$ theoretical horsepower and less than 100 theoretical horsepower shall be reviewed by the Water Policy Review Board prior to approval to determine if further proceedings under ORS 543.225 are necessary in the public interest, and if the Board so determines, it shall be referred in accordance with ORS 543.225.
- D. Rights to use 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.
- E. Structures or works for the utilization of the water 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 be prejudicial to the public interest which do not give proper cognizance to the multiple-purpose concept.

Dated this 1st day of April, 1980.

WATER POLICY REVIEW BOARD


Donel J. Lane, Chairman

Water Availability for WID 70088

WATER AVAILABILITY TABLE

Water Availability as of 1/ 1/**** for
WHITE R > DESCHUTES R - AT MOUTH

Watershed ID #: 70088 Basin: DESCHUTES Exceedance Level: 80
Time: 09:28 Date: 01/04/2002

Select an Item Number for More Details

Item #	Watershed ID #	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
1	70087	NO	NO	YES	YES	YES	NO	NO	NO	NO	NO	NO	NO	YES
2	70088	NO	NO	YES	YES	YES	NO	NO	NO	NO	NO	NO	NO	YES

STREAM NAMES

Water Availability as of 1/ 1/**** for
WHITE R > DESCHUTES R - AT MOUTH

Watershed ID #: 70088 Basin: DESCHUTES Exceedance Level: 80
Time: 09:28 Date: 01/04/2002

Item Watershed ID Stream Name

1	70087	DESCHUTES R > COLUMBIA R - AT MOUTH
2	70088	WHITE R > DESCHUTES R - AT MOUTH

LIMITING WATERSHEDS

Water Availability as of 1/ 1/**** for
WHITE R > DESCHUTES R - AT MOUTH

Watershed ID #: 70088 Basin: DESCHUTES Exceedance Level: 80
Time: 09:28 Date: 01/04/2002

Mnth	Limiting Watershed	Stream Name	Water Avail?	Net Water Available
1	70087	DESCHUTES R > COLUMBIA R - AT MOUTH	NO	-613.0
2	70087	DESCHUTES R > COLUMBIA R - AT MOUTH	NO	-118.0
3	70088	WHITE R > DESCHUTES R - AT MOUTH	YES	207.0
4	70088	WHITE R > DESCHUTES R - AT MOUTH	YES	263.0
5	70088	WHITE R > DESCHUTES R - AT MOUTH	YES	227.0
6	70087	DESCHUTES R > COLUMBIA R - AT MOUTH	NO	-54.7
7	70087	DESCHUTES R > COLUMBIA R - AT MOUTH	NO	-743.0
8	70087	DESCHUTES R > COLUMBIA R - AT MOUTH	NO	-440.0
9	70087	DESCHUTES R > COLUMBIA R - AT MOUTH	NO	-535.0
10	70087	DESCHUTES R > COLUMBIA R - AT MOUTH	NO	-490.0
11	70087	DESCHUTES R > COLUMBIA R - AT MOUTH	NO	-458.0
12	70087	DESCHUTES R > COLUMBIA R - AT MOUTH	NO	-874.0
Stor	70088	WHITE R > DESCHUTES R - AT MOUTH	YES	132000.0

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Water Availability as of 1/ 1/**** for

DESCHUTES R > COLUMBIA R - AT MOUTH

Watershed ID #:

70087

Basin: DESCHUTES

Exceedance Level: 80

Time: 09:28

Date: 01/04/2002

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	CU + Stor After 1/1/93	Expected Stream Flow	Reserved Stream Flow	Instream Water Rights	Net Water Available
1	4970.00	632.00	1.45	4340.00	450.00	4500.00	-613.00
2	5530.00	695.00	2.73	4830.00	450.00	4500.00	-118.00
3	6140.00	950.00	17.90	5170.00	450.00	4500.00	222.00
4	6470.00	923.00	23.40	5520.00	450.00	4000.00	1070.00
5	6220.00	1120.00	0.98	5100.00	450.00	4000.00	652.00
6	5560.00	1160.00	0.99	4400.00	450.00	4000.00	-54.70
7	4610.00	902.00	0.58	3710.00	450.00	4000.00	-743.00
8	4320.00	810.00	0.40	3510.00	450.00	3500.00	-440.00
9	4410.00	695.00	0.36	3710.00	450.00	3800.00	-535.00
10	4520.00	759.00	0.27	3760.00	450.00	3800.00	-490.00
11	4610.00	818.00	0.18	3790.00	450.00	3800.00	-458.00
12	4820.00	744.00	0.09	4080.00	450.00	4500.00	-874.00
Stor	4390000	617000	2970	3770000	326000	2950000	525000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Water Availability as of 1/ 1/**** for

DESCHUTES R > COLUMBIA R - AT MOUTH

Watershed ID #:

70087

Basin: DESCHUTES

Exceedance Level: 80

Time: 09:28

Date: 01/04/2002

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	609.47	0.00	17.04	0.91	0.07	4.34	1.30	0.00	633.00
2	674.34	0.00	17.04	0.91	0.07	4.34	1.30	0.00	698.00
3	873.65	70.78	17.04	0.91	0.07	4.34	1.30	0.00	968.00
4	483.07	440.06	17.04	0.91	0.07	4.34	1.30	0.00	947.00
5	87.82	1006.96	17.04	0.91	0.07	4.34	1.30	0.00	1120.00
6	44.85	1079.12	34.09	0.91	0.07	4.34	1.30	0.00	1160.00
7	35.17	826.89	34.09	0.91	0.07	4.34	1.30	0.00	903.00
8	32.40	737.34	34.09	0.91	0.07	4.34	1.30	0.00	810.00
9	32.53	621.99	34.09	0.91	0.07	4.34	1.30	0.00	695.00
10	435.48	300.58	17.04	0.91	0.07	4.34	1.30	0.00	760.00
11	794.31	0.00	17.04	0.91	0.07	4.34	1.30	0.00	818.00
12	720.14	0.00	17.04	0.91	0.07	4.34	1.30	0.00	744.00

DETAILED REPORT OF RESERVATIONS FOR CONSUMPTIVE USE

Water Availability as of 1/ 1/**** for
DESCHUTES R > COLUMBIA R - AT MOUTH

Watershed ID #: 70087

Basin: DESCHUTES

Exceedance Level: 80

Time: 09:28

Date: 01/04/2002

-----Reservations-----								
APP #	-70504A	-70504B	-70504C	-70503A	-70503B	-70503C	-70503D	TOTAL
Status	Treaty	Treaty	Treaty	Treaty	Treaty	Treaty	Treaty	
Use	Other	Other	Other	Other	Other	Other	Other	
1	147.00	27.90	25.00	146.00	37.60	4.80	61.30	450.00
2	147.00	27.90	25.00	146.00	37.60	4.80	61.30	450.00
3	147.00	27.90	25.00	146.00	37.60	4.80	61.30	450.00
4	147.00	27.90	25.00	146.00	37.60	4.80	61.30	450.00
5	147.00	27.90	25.00	146.00	37.60	4.80	61.30	450.00
6	147.00	27.90	25.00	146.00	37.60	4.80	61.30	450.00
7	147.00	27.90	25.00	146.00	37.60	4.80	61.30	450.00
8	147.00	27.90	25.00	146.00	37.60	4.80	61.30	450.00
9	147.00	27.90	25.00	146.00	37.60	4.80	61.30	450.00
10	147.00	27.90	25.00	146.00	37.60	4.80	61.30	450.00
11	147.00	27.90	25.00	146.00	37.60	4.80	61.30	450.00
12	147.00	27.90	25.00	146.00	37.60	4.80	61.30	450.00

DETAILED REPORT OF INSTREAM REQUIREMENTS

Water Availability as of 1/ 1/**** for
DESCHUTES R > COLUMBIA R - AT MOUTH

Watershed ID #: 70087

Basin: DESCHUTES

Exceedance Level: 80

Time: 09:28

Date: 01/04/2002

-----ISWRs-----								
APP #	-90506A	-70501A	70087A	71194A	0	0	0	MAXIMUM
Status	SWW	Treaty	Cert.	Cert.				
1	4500.00	3000.00	3000.00	4500.00	0.00	0.00	0.00	4500.00
2	4500.00	3000.00	3000.00	4500.00	0.00	0.00	0.00	4500.00
3	4500.00	3500.00	3500.00	4500.00	0.00	0.00	0.00	4500.00
4	4000.00	3500.00	3500.00	4000.00	0.00	0.00	0.00	4000.00
5	4000.00	3500.00	3500.00	4000.00	0.00	0.00	0.00	4000.00
6	4000.00	3500.00	3500.00	4000.00	0.00	0.00	0.00	4000.00
7	4000.00	3000.00	3000.00	4000.00	0.00	0.00	0.00	4000.00
8	3500.00	3000.00	3000.00	3500.00	0.00	0.00	0.00	3500.00
9	3800.00	3000.00	3000.00	3800.00	0.00	0.00	0.00	3800.00
10	3800.00	3000.00	3000.00	3800.00	0.00	0.00	0.00	3800.00
11	3800.00	3000.00	3000.00	3800.00	0.00	0.00	0.00	3800.00
12	4500.00	3000.00	3000.00	4500.00	0.00	0.00	0.00	4500.00

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Water Availability as of 1/ 1/**** for

WHITE R > DESCHUTES R - AT MOUTH

Watershed ID #: 70088

Basin: DESCHUTES

Exceedance Level: 80

Time: 09:28

Date: 01/04/2002

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	CU + Stor After 1/1/93	Expected Stream Flow	Reserved Stream Flow	Instream Water Rights	Net Water Available
1	250.00	10.70	1.27	238.00	0.00	60.00	178.00
2	366.00	14.30	2.56	349.00	0.00	100.00	249.00
3	376.00	22.10	2.04	352.00	0.00	145.00	207.00
4	452.00	42.00	2.13	408.00	0.00	145.00	263.00
5	477.00	105.00	0.00	372.00	0.00	145.00	227.00
6	290.00	112.00	0.00	178.00	0.00	100.00	78.00
7	192.00	77.50	0.00	114.00	0.00	60.00	54.50
8	159.00	62.70	0.00	96.30	0.00	60.00	36.30
9	148.00	55.20	0.00	92.80	0.00	60.00	32.80
10	149.00	44.80	0.00	104.00	0.00	60.00	44.20
11	151.00	5.07	0.00	146.00	0.00	60.00	85.90
12	211.00	7.93	0.00	203.00	0.00	60.00	143.00
Stor	276000	33900	474	242000	0	63600	178000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Water Availability as of 1/ 1/**** for

WHITE R > DESCHUTES R - AT MOUTH

Watershed ID #: 70088

Basin: DESCHUTES

Exceedance Level: 80

Time: 09:28

Date: 01/04/2002

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	11.40	0.00	0.00	0.25	0.00	0.08	0.29	0.00	12.00
2	16.27	0.00	0.00	0.25	0.00	0.08	0.29	0.00	16.90
3	14.68	8.87	0.00	0.25	0.00	0.08	0.29	0.00	24.20
4	15.59	27.96	0.00	0.25	0.00	0.08	0.29	0.00	44.20
5	14.90	89.61	0.00	0.25	0.00	0.08	0.29	0.00	105.00
6	9.62	101.76	0.00	0.25	0.00	0.08	0.29	0.00	112.00
7	5.03	71.86	0.00	0.25	0.00	0.08	0.29	0.00	77.50
8	4.00	58.11	0.00	0.25	0.00	0.08	0.29	0.00	62.70
9	3.71	50.88	0.00	0.25	0.00	0.08	0.29	0.00	55.20
10	3.78	40.37	0.00	0.25	0.00	0.08	0.29	0.00	44.80
11	4.45	0.00	0.00	0.25	0.00	0.08	0.29	0.00	5.07
12	7.31	0.00	0.00	0.25	0.00	0.08	0.29	0.00	7.93

DETAILED REPORT OF RESERVATIONS FOR CONSUMPTIVE USE

Water Availability as of 1/ 1/**** for

WHITE R > DESCHUTES R - AT MOUTH

Watershed ID #: 70088

Basin: DESCHUTES

Exceedance Level: 80

Time: 09:28

Date: 01/04/2002

-Reservations-								
APP #	0	0	0	0	0	0	0	TOTAL
Status								
Use								
1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
9	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

DETAILED REPORT OF INSTREAM REQUIREMENTS

Water Availability as of 1/ 1/**** for

WHITE R > DESCHUTES R - AT MOUTH

Watershed ID #: 70088

Basin: DESCHUTES

Exceedance Level: 80

Time: 09:28

Date: 01/04/2002

-ISWRs-								
APP #	201A	202A	70088A	0	0	0	0	MAXIMUM
Status	Cert.	Cert.	Cert.					
1	60.00	60.00	60.00	0.00	0.00	0.00	0.00	60.00
2	95.00	100.00	100.00	0.00	0.00	0.00	0.00	100.00
3	95.00	145.00	145.00	0.00	0.00	0.00	0.00	145.00
4	95.00	145.00	145.00	0.00	0.00	0.00	0.00	145.00
5	95.00	145.00	145.00	0.00	0.00	0.00	0.00	145.00
6	95.00	100.00	100.00	0.00	0.00	0.00	0.00	100.00
7	60.00	60.00	60.00	0.00	0.00	0.00	0.00	60.00
8	60.00	60.00	60.00	0.00	0.00	0.00	0.00	60.00
9	60.00	60.00	60.00	0.00	0.00	0.00	0.00	60.00
10	60.00	60.00	60.00	0.00	0.00	0.00	0.00	60.00
11	60.00	60.00	60.00	0.00	0.00	0.00	0.00	60.00
12	60.00	60.00	60.00	0.00	0.00	0.00	0.00	60.00

To: Larry Toll <Larry.M.TOLL@wrд.state.or.us>
From: Cory Engel <Cory.C.ENGEL@wrд.state.or.us>
Subject: Re: Application S-60453, Juniper Flat
Cc: Dwight W French <Dwight.W.FRENCH@wrд.state.or.us>
Bcc:
Attached:

Larry,

I have taken another look at this application and the Initial Review following your comments. Here's what I found with regard to water availability and Division 33:

WATER AVAILABILITY: To produce the Initial Review, I erroneously used a modern 80% exceedence level. I just produced another water availability analysis based on a 1/1/93 "what if" scenario at 50% exceedence, and I expect that my PFO will reflect the revised analysis. The new analysis is very similar to the one I used, and I don't think it will affect the outcome described in the Initial Review. The old analysis said that was is unavailable from July 1 to December 31; the new one is the same, except that water is available (in an amount LESS than that applied for) during the month of August. Note that the tentative priority date is May 14, 1990--not 1980--due to the application losing its priority date. WARS will not produce what-if scenarios for any date before 1/1/1993. I'm working with the Data Center to determine whether there are any diversions with priority dates between May 15, 1990 and January 1, 1993 that could affect the revised analysis. (If you know of any, please let me know.)

DIVISION 33: Division 33 standards and conditions were not applied to this application. However, a Division 33 mailing list was used, resulting in Div 33 forms being mailed to the usual parties. I intend to contact the ODFW district biologist(s) to inform them that Div 33 standards will not apply, but we will still consider any comments submitted. Likewise, if any comments are received from other Div 33 commenters, they will be added to the file and considered, but not as Div 33 comments would.

If you have any questions, please let me know.

Cory

X-Sender: frenchdw@mailhub.wrд.state.or.us
X-Mailer: QUALCOMM Windows Eudora Version 5.1
Date: Mon, 28 Jan 2002 09:13:09 -0800
To: Larry Toll <Larry.M.TOLL@wrд.state.or.us>
From: Dwight W French <Dwight.W.FRENCH@wrд.state.or.us>
Subject: Re: Fwd: Re: Application S-60453, Juniper Flat
Cc: cory Engel <Cory.C.ENGEL@wrд.state.or.us>

Thanks Larry.

Cory and I will discuss the application and ask you to look at the PFO before it goes out.

Dwight

PERCHAR PERNUM			PRIORITY			
0 S	70369	51222	1	0	May 21, 1990	12 S
0 S	70456	51232	1	0	July 2, 1990	14 S
0 S	71086	51365	1	0	January 2, 1991	1 S
68003 S	71148	51220	1	0	January 25, 1991	20 S
0 S	71319	51340	1	0	February 25, 1991	14 S
0 S	71345	52642	1	0	March 6, 1991	11 S
0 S	71381	52466	1	0	March 22, 1991	12 S
0 S	—	52466	1	0	March 22, 1991	12 S
0 S	71495	51377	1	0	April 10, 1991	2 N
0 S	70456	51232	1	0	May 14, 1991	14 S
0 S	—	51232	2	0	May 15, 1991	14 S
0 S	71695	51403	1	0	June 13, 1991	10 S
0 S	71747	51469	1	0	July 11, 1991	12 S
0 S	71776	51431	1	0	July 24, 1991	15 S
0 S	71772	51273	1	0	July 25, 1991	17 S
0 S	72237	52645	1	0	March 4, 1992	10 S
0 S	72304	53437	1	0	April 3, 1992	19 S
0 S	72396	52661	1	0	May 7, 1992	14 S
0 S	72451	51472	1	0	June 12, 1992	17 S
0 S	72568	52468	1	0	July 20, 1992	13 S
0 S	72596	51499	1	0	August 4, 1992	14 S

Note: ALL OF THESE POTENTIALLY RELEVANT
 RIGHTS DATING FROM THE PRIORITY OF
 THE APPLICATION (5/14/90) TO 1/1/93 WERE
 REMOVED FROM THE ATTACHED ANALYSES.
 THEY APPEARED TO HAVE MADE NO DIFFERENCE.
 REVERSED W/A ANALYSES IS ATTACHED.

WATER AVAILABILITY TABLE

Water Availability as of 1/ 1/1993 for
WHITE R > DESCHUTES R - AT MOUTH

Watershed ID #: 70088 Basin: DESCHUTES Exceedance Level: 50
Time: 11:52 Date: 01/29/2002

Item #	Watershed ID #	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
1	70087	YES	YES	YES	YES	YES	YES	NO	YES	NO	NO	NO	NO	YES
2	70088	YES	YES	YES	YES	YES	YES	NO	YES	NO	NO	NO	NO	YES

STREAM NAMES

Water Availability as of 1/ 1/1993 for
WHITE R > DESCHUTES R - AT MOUTH

Watershed ID #: 70088 Basin: DESCHUTES Exceedance Level: 50

Item	Watershed ID	Stream Name
1	70087	DESCHUTES R > COLUMBIA R - AT MOUTH
2	70088	WHITE R > DESCHUTES R - AT MOUTH

LIMITING WATERSHEDS

Water Availability as of 1/ 1/1993 for
WHITE R > DESCHUTES R - AT MOUTH

Watershed ID #: 70088 Basin: DESCHUTES Exceedance Level: 50
Time: 11:52 Date: 01/29/2002

Mnth	Limiting Watershed	Stream Name	Water Avail?	Net Water Available
1	70087	DESCHUTES R > COLUMBIA R - AT MOUTH	YES	248.0
2	70088	WHITE R > DESCHUTES R - AT MOUTH	YES	499.0
3	70088	WHITE R > DESCHUTES R - AT MOUTH	YES	398.0
4	70088	WHITE R > DESCHUTES R - AT MOUTH	YES	415.0
5	70088	WHITE R > DESCHUTES R - AT MOUTH	YES	416.0
6	70088	WHITE R > DESCHUTES R - AT MOUTH	YES	218.0
7	70087	DESCHUTES R > COLUMBIA R - AT MOUTH	NO	-163.0
8	70087	DESCHUTES R > COLUMBIA R - AT MOUTH	YES	19.6
9	70087	DESCHUTES R > COLUMBIA R - AT MOUTH	NO	-145.0
10	70087	DESCHUTES R > COLUMBIA R - AT MOUTH	NO	-69.7
11	70087	DESCHUTES R > COLUMBIA R - AT MOUTH	NO	-17.9
12	70087	DESCHUTES R > COLUMBIA R - AT MOUTH	NO	-214.0
Stor	70088	WHITE R > DESCHUTES R - AT MOUTH	YES	132000.0

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Water Availability as of 1/ 1/1993 for

DESCHUTES R > COLUMBIA R - AT MOUTH

Watershed ID #: 70087

Basin: DESCHUTES

Exceedance Level: 50

Time: 11:52

Date: 01/29/2002

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	CU + Stor After 1/1/93	Expected Stream Flow	Reserved Stream Flow	Instream Water Rights	Net Water Available
1	5830.00	632.00	0.15	5200.00	450.00	4500.00	248.00
2	6980.00	695.00	0.15	6280.00	450.00	4500.00	1330.00
3	7440.00	950.00	6.63	6480.00	450.00	4500.00	1530.00
4	8180.00	923.00	5.99	7250.00	450.00	4000.00	2800.00
5	7460.00	1120.00	0.84	6340.00	450.00	4000.00	1890.00
6	6600.00	1160.00	0.86	5440.00	450.00	4000.00	985.00
7	5190.00	902.00	0.53	4290.00	450.00	4000.00	-163.00
8	4780.00	810.00	0.36	3970.00	450.00	3500.00	19.60
9	4800.00	695.00	0.32	4100.00	450.00	3800.00	-145.00
10	4940.00	759.00	0.24	4180.00	450.00	3800.00	-69.70
11	5050.00	818.00	0.16	4230.00	450.00	3800.00	-17.90
12	5480.00	744.00	0.07	4740.00	450.00	4500.00	-214.00
Stor	4390000	617000	986	3770000	326000	2950000	527000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Water Availability as of 1/ 1/1993 for

DESCHUTES R > COLUMBIA R - AT MOUTH

Watershed ID #: 70087

Basin: DESCHUTES

Exceedance Level: 50

Time: 11:52

Date: 01/29/2002

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	608.19	0.00	17.04	0.91	0.07	4.33	1.28	0.00	632.00
2	671.78	0.00	17.04	0.91	0.07	4.33	1.28	0.00	695.00
3	862.42	70.77	17.04	0.91	0.07	4.33	1.29	0.00	957.00
4	465.73	440.02	17.04	0.91	0.07	4.33	1.29	0.00	929.00
5	87.82	1006.86	17.04	0.91	0.07	4.33	1.28	0.00	1120.00
6	44.85	1079.01	34.09	0.91	0.07	4.33	1.28	0.00	1160.00
7	35.17	826.86	34.09	0.91	0.07	4.33	1.28	0.00	903.00
8	32.40	737.33	34.09	0.91	0.07	4.33	1.28	0.00	810.00
9	32.53	621.98	34.09	0.91	0.07	4.33	1.28	0.00	695.00
10	435.48	300.57	17.04	0.91	0.07	4.33	1.28	0.00	760.00
11	794.31	0.00	17.04	0.91	0.07	4.33	1.28	0.00	818.00
12	720.14	0.00	17.04	0.91	0.07	4.32	1.28	0.00	744.00

DETAILED REPORT OF RESERVATIONS FOR CONSUMPTIVE USE

Water Availability as of 1/1/1993 for

DESCHUTES R > COLUMBIA R - AT MOUTH

Watershed ID #: 70087

Basin: DESCHUTES

Exceedance Level: 50

Time: 11:52

Date: 01/29/2002

-----Reservations-----								TOTAL
APP #	-70504A	-70504B	-70504C	-70503A	-70503B	-70503C	-70503D	
Status Use	Treaty Other	Treaty Other	Treaty Other	Treaty Other	Treaty Other	Treaty Other	Treaty Other	
1	147.00	27.90	25.00	146.00	37.60	4.80	61.30	450.00
2	147.00	27.90	25.00	146.00	37.60	4.80	61.30	450.00
3	147.00	27.90	25.00	146.00	37.60	4.80	61.30	450.00
4	147.00	27.90	25.00	146.00	37.60	4.80	61.30	450.00
5	147.00	27.90	25.00	146.00	37.60	4.80	61.30	450.00
6	147.00	27.90	25.00	146.00	37.60	4.80	61.30	450.00
7	147.00	27.90	25.00	146.00	37.60	4.80	61.30	450.00
8	147.00	27.90	25.00	146.00	37.60	4.80	61.30	450.00
9	147.00	27.90	25.00	146.00	37.60	4.80	61.30	450.00
10	147.00	27.90	25.00	146.00	37.60	4.80	61.30	450.00
11	147.00	27.90	25.00	146.00	37.60	4.80	61.30	450.00
12	147.00	27.90	25.00	146.00	37.60	4.80	61.30	450.00

DETAILED REPORT OF INSTREAM REQUIREMENTS

Water Availability as of 1/1/1993 for

DESCHUTES R > COLUMBIA R - AT MOUTH

Watershed ID #: 70087

Basin: DESCHUTES

Exceedance Level: 50

Time: 11:52

Date: 01/29/2002

-----ISWRs-----								MAXIMUM
APP #	-90506A	-70501A	70087A	71194A	0	0	0	
Status	SWW	Treaty	Cert	Cert				
1	4500.00	3000.00	3000.00	4500.00	0.00	0.00	0.00	4500.00
2	4500.00	3000.00	3000.00	4500.00	0.00	0.00	0.00	4500.00
3	4500.00	3500.00	3500.00	4500.00	0.00	0.00	0.00	4500.00
4	4000.00	3500.00	3500.00	4000.00	0.00	0.00	0.00	4000.00
5	4000.00	3500.00	3500.00	4000.00	0.00	0.00	0.00	4000.00
6	4000.00	3500.00	3500.00	4000.00	0.00	0.00	0.00	4000.00
7	4000.00	3000.00	3000.00	4000.00	0.00	0.00	0.00	4000.00
8	3500.00	3000.00	3000.00	3500.00	0.00	0.00	0.00	3500.00
9	3800.00	3000.00	3000.00	3800.00	0.00	0.00	0.00	3800.00
10	3800.00	3000.00	3000.00	3800.00	0.00	0.00	0.00	3800.00
11	3800.00	3000.00	3000.00	3800.00	0.00	0.00	0.00	3800.00
12	4500.00	3000.00	3000.00	4500.00	0.00	0.00	0.00	4500.00

DETAILED REPORT ON THE WATER AVAILABILITY CALCULATION

Water Availability as of 1/ 1/1993 for

WHITE R > DESCHUTES R - AT MOUTH

Watershed ID #: 70088

Basin: DESCHUTES

Exceedance Level: 50

Time: 11:52

Date: 01/29/2002

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	CU + Stor After 1/1/93	Expected Stream Flow	Reserved Stream Flow	Instream Water Rights	Net Water Available
1	453.00	10.70	0.00	442.00	0.00	60.00	382.00
2	613.00	14.30	0.00	599.00	0.00	100.00	499.00
3	565.00	22.10	0.00	543.00	0.00	145.00	398.00
4	602.00	42.00	0.00	560.00	0.00	145.00	415.00
5	666.00	105.00	0.00	561.00	0.00	145.00	416.00
6	430.00	112.00	0.00	318.00	0.00	100.00	218.00
7	225.00	77.50	0.00	147.00	0.00	60.00	87.50
8	179.00	62.70	0.00	116.00	0.00	60.00	56.30
9	166.00	55.20	0.00	111.00	0.00	60.00	50.80
10	169.00	44.80	0.00	124.00	0.00	60.00	64.20
11	199.00	5.07	0.00	194.00	0.00	60.00	134.00
12	327.00	7.93	0.00	319.00	0.00	60.00	259.00
Stor	276000	33900	0	242000	0	63600	179000

DETAILED REPORT OF CONSUMPTIVE USES AND STORAGES

Water Availability as of 1/ 1/1993 for

WHITE R > DESCHUTES R - AT MOUTH

Watershed ID #: 70088

Basin: DESCHUTES

Exceedance Level: 50

Time: 11:52

Date: 01/29/2002

Mo	Storage	Irrig	Munic	Ind/Man	Commer	Domest	Agricul	Other	Total
1	10.10	0.00	0.00	0.25	0.00	0.08	0.29	0.00	10.70
2	13.71	0.00	0.00	0.25	0.00	0.08	0.29	0.00	14.30
3	12.64	8.87	0.00	0.25	0.00	0.08	0.29	0.00	22.10
4	13.46	27.96	0.00	0.25	0.00	0.08	0.29	0.00	42.00
5	14.90	89.61	0.00	0.25	0.00	0.08	0.29	0.00	105.00
6	9.62	101.76	0.00	0.25	0.00	0.08	0.29	0.00	112.00
7	5.03	71.86	0.00	0.25	0.00	0.08	0.29	0.00	77.50
8	4.00	58.11	0.00	0.25	0.00	0.08	0.29	0.00	62.70
9	3.71	50.88	0.00	0.25	0.00	0.08	0.29	0.00	55.20
10	3.78	40.37	0.00	0.25	0.00	0.08	0.29	0.00	44.80
11	4.45	0.00	0.00	0.25	0.00	0.08	0.29	0.00	5.07
12	7.31	0.00	0.00	0.25	0.00	0.08	0.29	0.00	7.93

DETAILED REPORT OF RESERVATIONS FOR CONSUMPTIVE USE

Water Availability as of 1/ 1/1993 for

WHITE R > DESCHUTES R - AT MOUTH

Watershed ID #: 70088

Basin: DESCHUTES

Exceedance Level: 50

Time: 11:52

Date: 01/29/2002

-----Reservations-----								
APP #	0	0	0	0	0	0	0	TOTAL
Status Use								
1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
9	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

DETAILED REPORT OF INSTREAM REQUIREMENTS

Water Availability as of 1/ 1/1993 for

WHITE R > DESCHUTES R - AT MOUTH

Watershed ID #: 70088

Basin: DESCHUTES

Exceedance Level: 50

Time: 11:52

Date: 01/29/2002

-----ISWRs-----								
APP #	201A	202A	70088A	0	0	0	0	MAXIMUM
Status	Cert.	Cert.	Cert.					
1	60.00	60.00	60.00	0.00	0.00	0.00	0.00	60.00
2	95.00	100.00	100.00	0.00	0.00	0.00	0.00	100.00
3	95.00	145.00	145.00	0.00	0.00	0.00	0.00	145.00
4	95.00	145.00	145.00	0.00	0.00	0.00	0.00	145.00
5	95.00	145.00	145.00	0.00	0.00	0.00	0.00	145.00
6	95.00	100.00	100.00	0.00	0.00	0.00	0.00	100.00
7	60.00	60.00	60.00	0.00	0.00	0.00	0.00	60.00
8	60.00	60.00	60.00	0.00	0.00	0.00	0.00	60.00
9	60.00	60.00	60.00	0.00	0.00	0.00	0.00	60.00
10	60.00	60.00	60.00	0.00	0.00	0.00	0.00	60.00
11	60.00	60.00	60.00	0.00	0.00	0.00	0.00	60.00
12	60.00	60.00	60.00	0.00	0.00	0.00	0.00	60.00

MLG

Oregon Water Resources Department
Water Rights Division

NOTE - PAGE BREAKS ARE THE
RESULT OF THE USE OF THE
COLOR PAPER. IT WILL BE
FIXED IN THE FINAL VERSION.

PENCIL COMMENTS
ARE HERE.

Water Rights Application
Number S-60453

Prior to issuance of a permit, permit recording fees in the amount of \$252.80 must be submitted to the Department. In order to expedite the processing of the Final Order and permit, you may wish to submit \$252.80 prior to the protest deadline of May 10, 2002. Please include your application number on your check made out to the Oregon Water Resources Department. If this fee is not paid prior to May 10, 2002, issuance of your permit will be delayed until all fees are paid.

Proposed Final Order

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

Application History

On AUGUST 4, 1980, WAYNE A ODOM; JUNIPER FLAT DIST. IMPROVEMENT CO. submitted an application to the Department for the following water use permit:

- Amount of Water: 62.5 CUBIC FEET PER SECOND
- Use of Water: IRRIGATION OF 2500.0 ACRES
- Source of Water: THREE SPRING AREAS, FROG CREEK, AND CLEAR LAKE RESERVOIR, CONSTRUCTED UNDER PERMIT R-2106, TRIBUTARIES OF CLEAR CREEK; AND CLEAR CREEK, A TRIBUTARY OF WHITE RIVER
- Area of Proposed Use: WASCO County within T4S, R13E, W.M.; T4S, R14E, W.M.; T5S, R11E, W.M.; T5S, R12E, W.M.; T5S, R13E, W.M.

Between August 4, 1980 and May 14, 1990, the Department was in intermittent communication with the applicant to complete necessary components of the application. On May 14, 1990, the application was returned to the Department.

On January 18, 2002, the Department mailed the applicant notice of its Initial Review, determining that "the use of 62.5 CUBIC FEET PER SECOND of water from FROG CREEK AND THREE SPRING AREAS, TRIBUTARIES OF CLEAR CREEK; AND CLEAR CREEK, A TRIBUTARY OF WHITE RIVER for IRRIGATION OF 2500.0 ACRES is not allowable, and it appears unlikely that you will be issued a permit for live flow from those sources. However, stored water from CLEAR LAKE RESERVOIR is allowable." The applicant did not notify the Department to stop processing the application within 14 days of that

date.

On February 5, 2002, 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.

Within 30 days of the Department's public notice, written comments were received from Larry Toll, Watermaster; Steve Pribyl, Oregon Department of Fish and Wildlife District Biologist; and Dick Nichols, Oregon Department of Environmental Quality Regional Manager.

Mr. Toll commented that water availability does not apply because "at the time that this application was filed water availability was not part of the permit review process." He also noted that OAR 690-33 does not apply to this application because it was filed before July 17, 1992.

Mr. Pribyl commented that the proposed use will occur in an area that may affect the essential habitat of steelhead, a threatened species. He further commented that the use could be conditioned to achieve consistency with the Columbia River Basin Fish and Wildlife Program by prohibiting the use of live flow outside the period March through May.

Mr. Nichols commented that the Deschutes River is water quality limited for pH and temperature, that the proposed use may result in diminution of water quality for the habitat of sensitive, threatened, or endangered fish species, and that the proposed use of live flow should not be allowed during the summer.

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
- the Scenic Waterway requirements of ORS 390.835
- applicable statutes, administrative rules, and case law
- any comments received

Findings of Fact

The Deschutes Basin Program allows IRRIGATION OF 2500.0 ACRES.

Senior water rights exist on THREE SPRING AREAS, FROG CREEK, AND CLEAR

LAKE RESERVOIR, CONSTRUCTED UNDER PERMIT R-2106, TRIBUTARIES OF CLEAR CREEK; CLEAR CREEK, A TRIBUTARY OF WHITE RIVER, or on downstream waters.

THREE SPRING AREAS, FROG CREEK, AND CLEAR LAKE RESERVOIR, CONSTRUCTED UNDER PERMIT R-2106, TRIBUTARIES OF CLEAR CREEK; AND CLEAR CREEK, A TRIBUTARY OF WHITE RIVER are above the Deschutes River State Scenic Waterway.

Continuing review reveals that a modification of the preliminary determination in the Initial Review with regard to water availability is necessary. An assessment of water availability has been completed, as required by ORS 537.153(2). This assessment compared a calculation of natural streamflow minus the consumption portion of all relevant rights of record. A copy of this assessment is in the file. This assessment determined that live flow is available in the amount requested for further appropriation (at a 50 percent exceedance probability) January 1 through June 30. Stored water in Clear Lake Reservoir, constructed under Permit R-2106, is available during the full irrigation season, April 1 through November 1. 0%
exceed.

The Department finds that the amount of water requested, 62.5 CFS and 7500.0 ACRE-FEET, is an acceptable amount.

Because this application was filed before July 17, 1992, the provisions of OAR 690-33-330 do not apply. Cite rule ~~file~~ ✓

The Initial Review requires modification to correctly describe a condition limiting the rate allowed to conform to the applicant's intent.

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 Deschutes Basin Plan, or a preference for this use is granted under the provisions of ORS 536.310(12).

Water from live flow is available in the amount requested for the proposed use April 1 through June 30. Stored water in Clear Lake Reservoir, constructed under Permit R-2106, is available during the full irrigation season, April 1 through November 1.

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.

For these reasons, the required presumption has been established, provided that the season of use is limited to the period when water is available.

Once the required presumption has been established, under the provisions of ORS 537.153(2) 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 will impair or be detrimental to the public interest as demonstrated in comments, in a protest . . . or in a finding of the department that shows:
 - (A) The specific public interest under ORS 537.170(8) that would be impaired or detrimentally affected; and
 - (B) Specifically how the identified public interest would be impaired or detrimentally affected.

ORS 537.170(8)(a) states that the director shall determine whether the proposed use would impair or be detrimental to the public interest by considering conservation of the highest use of water for all purposes, including any beneficial use "to which the water may be applied for which it may have a special value to the public".

Add w.g. sentence
The required presumption has been established for a period of use limited to April 1 through June 30. Maintaining the essential habitat of steelhead, a threatened species, is a beneficial use which has "special value to the public". Because the diversion of water outside the period March through May would affect the habitat of threatened species, the department finds that the public interest described in ORS 537.170(8)(a) would be detrimentally affected during the month of June.

The required presumption under 537.153(2) has been overcome with regard to the diversion of live flow during the month of June.

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 will not impair or be detrimental to the public interest as provided in ORS 537.170, provided that the use of live flow is restricted to the period April 1 through May 31.

Recommendation

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

DATED March 26, 2002

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 537.153(5), 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 **May 10, 2002.**

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 Cory Engel. 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 324. 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 97310

Fax: (503)378-6203

engelcc-WEEK 348

DRAFT

This is not a permit!!!

DRAFT

STATE OF OREGON

COUNTY OF WASCO

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

WAYNE A ODOM; JUNIPER FLAT DIST. IMPROVEMENT CO.
RT 1 BOX 13
MAUPIN, OREGON 97037

(541) 395-2668

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

APPLICATION FILE NUMBER: S-60453

SOURCE OF WATER: THREE SPRING AREAS, FROG CREEK, AND CLEAR LAKE RESERVOIR, CONSTRUCTED UNDER PERMIT R-2106, TRIBUTARIES OF CLEAR CREEK; AND CLEAR CREEK, A TRIBUTARY OF WHITE RIVER

PURPOSE OR USE: IRRIGATION OF 2500.0 ACRES

MAXIMUM AMOUNT: 62.5 CUBIC FEET PER SECOND OF LIVE FLOW FROM THREE SPRING AREAS, FROG CREEK AND CLEAR CREEK; 7500.0 ACRE-FEET FROM CLEAR LAKE RESERVOIR; FURTHER LIMITED AS DESCRIBED BELOW

PERIOD OF USE: LIVE FLOW: APRIL 1 THROUGH MAY 31
STORED WATER: APRIL 1 THROUGH NOVEMBER 1

DATE OF PRIORITY: MAY 14, 1990

POINT OF DIVERSION LOCATION:

SPRING AREA #1: NE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 11, T5S, R9E, W.M.; 1000 FEET SOUTH & 2050 FEET EAST FROM THE W $\frac{1}{4}$ CORNER OF SECTION 11

SPRING AREA #2: S $\frac{1}{2}$ NW $\frac{1}{4}$, SECTION 13, T5S, R9E, W.M.; 1400 FEET SOUTH & 1320 FEET EAST FROM THE NW CORNER OF SECTION 13

SPRING AREA #3: NE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 13, T5S, R9E, W.M.; 340 FEET SOUTH & 600 FEET WEST FROM THE E $\frac{1}{4}$ CORNER OF SECTION 13

FROG CREEK: NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 34, T4S, R9E, W.M.; 750 FEET SOUTH & 850 FEET WEST FROM THE NE CORNER OF SECTION 34

SECTION 9

NE 1/4 NE 1/4	3.70	ACRES	Schmidt
---------------	------	-------	---------

SECTION 10

SW 1/4 NE 1/4	4.70	ACRES	McLeod
SE 1/4 NE 1/4	26.00	ACRES	McLeod
NE 1/4 SE 1/4	17.80	ACRES	Endersby
NW 1/4 SE 1/4	17.90	ACRES	Endersby
SW 1/4 SE 1/4	23.00	ACRES	Endersby
SE 1/4 SE 1/4	23.00	ACRES	Endersby

SECTION 11

NW 1/4 NE 1/4	13.50	ACRES	McLeod
SW 1/4 NE 1/4	2.60	ACRES	McLeod
NE 1/4 NW 1/4	23.50	ACRES	McLeod
NW 1/4 NW 1/4	0.80	ACRE	McLeod
SE 1/4 NW 1/4	9.90	ACRES	McLeod

SECTION 12

NW 1/4 NW 1/4	3.70	ACRES	Williamson
SW 1/4 NW 1/4	0.20	ACRE	Williamson
NW 1/4 SW 1/4	1.20	ACRES	Williamson

SECTION 13

NE 1/4 NE 1/4	11.40	ACRES	Williamson
NW 1/4 NE 1/4	9.60	ACRES	Groce
SE 1/4 NE 1/4	7.60	ACRES	Williamson
NE 1/4 NW 1/4	3.70	ACRES	Groce
SW 1/4 NW 1/4	0.70	ACRE	Claymier
NW 1/4 SW 1/4	19.40	ACRES	Claymier
SW 1/4 SE 1/4	5.80	ACRES	Claymier
SE 1/4 SE 1/4	4.10	ACRES	Claymier

SECTION 14

	PRIMARY	SUPPLEMENTAL	OWNER
SW 1/4 NE 1/4		1.00	ACRE Dodge
NE 1/4 SW 1/4		33.90	ACRES Dodge
NW 1/4 SW 1/4		3.50	ACRES Dodge
SW 1/4 SW 1/4		5.90	ACRES Dodge
NE 1/4 SE 1/4		0.30	ACRE Dodge
NW 1/4 SE 1/4		34.70	ACRES Dodge
SW 1/4 SE 1/4		7.50	ACRES Dodge
SE 1/4 SE 1/4		0.60	ACRE Dodge

SECTION 18

NE 1/4 SW 1/4	6.70	ACRES	Confederated Tribes
SE 1/4 SW 1/4	17.40	ACRES	Confederated Tribes

SECTION 19

SE 1/4 NE 1/4	6.00	ACRES	Capps
---------------	------	-------	-------

SECTION 20

SW 1/4 NE 1/4	9.40	ACRES	Hundley
SE 1/4 NE 1/4	3.80	ACRES	Hundley
NE 1/4 SE 1/4	3.00	ACRES	Hundley
NW 1/4 SE 1/4	1.30	ACRES	Hundley
SE 1/4 SE 1/4	7.10	ACRES	Hundley

SECTION 21

SE 1/4 NE 1/4	8.60	ACRES	Claymier
NE 1/4 NW 1/4	0.80	ACRE	S. Woodside
NW 1/4 NW 1/4	0.60	ACRE	S. Woodside
SW 1/4 NW 1/4	12.20	ACRES	S. Woodside
SE 1/4 NW 1/4	4.40	ACRES	S. Woodside
SE 1/4 SW 1/4	6.20	ACRES	S. Woodside
NE 1/4 SE 1/4	0.50	ACRE	Claymier

SECTION 22

NW 1/4 NE 1/4	6.00	ACRES	Claymier
SW 1/4 NE 1/4	0.30	ACRE	Claymier
SE 1/4 NE 1/4	18.10	ACRES	Aschoff
NE 1/4 NW 1/4	3.30	ACRES	Claymier
NW 1/4 NW 1/4	3.30	ACRES	Claymier
SW 1/4 NW 1/4	18.80	ACRES	Claymier
SE 1/4 NW 1/4	9.00	ACRES	Claymier
NW 1/4 SW 1/4	0.60	ACRE	Claymier
SE 1/4 SE 1/4	6.00	ACRES	L. Woodside

SECTION 23

	PRIMARY	SUPPLEMENTAL		OWNER
NE 1/4 NW 1/4	0.30		ACRE	Carter
NW 1/4 NW 1/4	2.50	5.30	ACRES	Carter
SW 1/4 NW 1/4	5.80	10.10	ACRES	Carter
SE 1/4 NW 1/4	4.40		ACRES	Carter
SE 1/4 SE 1/4	0.30		ACRE	Meredith

SECTION 24

NW 1/4 NE 1/4	5.90	ACRES	L. Woodside
SW 1/4 NE 1/4	1.50	ACRES	L. Woodside

SECTION 25

NE 1/4 NE 1/4	10.20	ACRES	Pinheiro
NW 1/4 NE 1/4	11.90	ACRES	L. Woodside
SW 1/4 NE 1/4	26.80	ACRES	L. Woodside
SE 1/4 NE 1/4	4.30	ACRES	Pinheiro
NE 1/4 NW 1/4	6.90	ACRES	L. Woodside
NW 1/4 NW 1/4	2.20	ACRES	L. Woodside
SW 1/4 NW 1/4	0.90	ACRE	L. Woodside
SE 1/4 NW 1/4	12.20	ACRES	L. Woodside
NW 1/4 SE 1/4	2.40	ACRES	Beebe

SECTION 26

SE 1/4 NE 1/4	10.00	ACRES	L. Woodside
NE 1/4 NW 1/4	4.50	ACRES	S. Woodside
NW 1/4 NW 1/4	1.20	ACRES	S. Woodside
NE 1/4 SE 1/4	7.50	ACRES	Hammer
NW 1/4 SE 1/4	4.00	ACRES	Hammer
SE 1/4 SE 1/4	12.10	ACRES	Tolentino

SECTION 27

SW 1/4 SW 1/4	10.60	ACRES	Blake
NE 1/4 SE 1/4	0.10	ACRE	Graybill
SW 1/4 SE 1/4	11.80	ACRES	Graybill
SE 1/4 SE 1/4	0.20	ACRE	Graybill

SECTION 29

NE 1/4 SE 1/4	0.70	ACRE	Blake
NW 1/4 SE 1/4	0.10	ACRE	Blake
SW 1/4 SE 1/4	2.20	ACRES	Blake
SE 1/4 SE 1/4	10.50	ACRES	Blake

SECTION 30

NW 1/4 NE 1/4	12.10	ACRES	Hill
---------------	-------	-------	------

SECTION 32

	PRIMARY	SUPPLEMENTAL	OWNER
NW 1/4 NW 1/4	12.10	ACRES	Reinwand

SECTION 33

TOWNSHIP 5 SOUTH, RANGE 12 EAST, W.M.

NE 1/4 NE 1/4	2.00	ACRES	Mayhew
NE 1/4 SW 1/4	2.00	ACRES	Larkin
SE 1/4 SW 1/4	9.70	ACRES	Larkin
NW 1/4 SE 1/4	7.80	ACRES	Larkin
SW 1/4 SE 1/4	18.20	ACRES	Larkin

SECTION 2

NW 1/4 NE 1/4	9.20	ACRES	Gabel
---------------	------	-------	-------

SW 1/4 NE 1/4	27.40	ACRES	Gabel
SW 1/4 NW 1/4	16.60	ACRES	Gabel
SE 1/4 NW 1/4	20.00	ACRES	Gabel
NW 1/4 SW 1/4	1.20	ACRES	Bothwell
SECTION 3			
NW 1/4 NW 1/4	8.70	ACRES	Paulson
SW 1/4 NW 1/4	5.30	ACRES	Paulson
SECTION 4			
NW 1/4 NE 1/4	17.80	ACRES	Paulson
SW 1/4 NE 1/4	5.00	ACRES	Paulson
SE 1/4 SW 1/4	5.50	ACRES	Carter
SECTION 5			
SE 1/4 NE 1/4	16.00	ACRES	L. Woodside
SW 1/4 NW 1/4	4.00	ACRES	Walters
SE 1/4 NW 1/4	14.60	ACRES	Walters
NE 1/4 SW 1/4	7.30	ACRES	Walters
NW 1/4 SW 1/4	2.30	ACRES	Walters
SW 1/4 SW 1/4	6.30	ACRES	Walters
SE 1/4 SW 1/4	6.70	ACRES	Walters
NE 1/4 SE 1/4	8.00	ACRES	Walters
NW 1/4 SE 1/4	3.90	ACRES	Walters
SE 1/4 SE 1/4	0.40	ACRE	Walters
SECTION 7			
NE 1/4 NE 1/4	35.30	ACRES	Carter
NW 1/4 NE 1/4	37.60	ACRES	Carter
SW 1/4 NW 1/4	18.90	ACRES	L. Woodside
SW 1/4 SW 1/4	4.50	ACRES	Hawthorne
SE 1/4 SW 1/4	13.80	ACRES	Hawthorne
SECTION 8			
	PRIMARY	SUPPLEMENTAL	OWNER
SW 1/4 NE 1/4	4.50	ACRES	Kelly
NW 1/4 NW 1/4	7.30	ACRES	Kelly
SW 1/4 NW 1/4	25.40	ACRES	Kelly
SE 1/4 NW 1/4	4.40	ACRES	Kelly
NE 1/4 SW 1/4	5.00	ACRES	Kelly
SECTION 9			
NE 1/4 NW 1/4	2.20	ACRES	Larkin
SECTION 11			
NW 1/4 NW 1/4	6.50	ACRES	Hawthorne
SECTION 17			
NE 1/4 NE 1/4	5.40	ACRES	Hawthorne
SE 1/4 SE 1/4	1.20	ACRES	Bender

SECTION 18

NW 1/4 SW 1/4	0.30	ACRE	Meredith
---------------	------	------	----------

SECTION 19

NE 1/4 NW 1/4	10.00	ACRES	Tom Morelli
SW 1/4 NW 1/4	2.60	ACRES	Tom Morelli
NE 1/4 SW 1/4	2.10	ACRES	Dodge
SW 1/4 SW 1/4	5.40	ACRES	Dodge
SE 1/4 SW 1/4	3.60	ACRES	Dodge
SE 1/4 SE 1/4	15.10	ACRES	Dodge

SECTION 21

NW 1/4 NW 1/4	1.20	ACRES	Lorraine Gabel
---------------	------	-------	----------------

SECTION 28

SW 1/4 NE 1/4	2.30	ACRES	Fosberg
NE 1/4 NW 1/4	10.70	ACRES	Fosberg
NW 1/4 NW 1/4	32.20	ACRES	Fosberg
SW 1/4 NW 1/4	11.00	ACRES	Fosberg
SE 1/4 NW 1/4	27.30	ACRES	Fosberg

SECTION 29

SW 1/4 NE 1/4	0.20	ACRE	Nelson
SE 1/4 NW 1/4	1.80	ACRES	Nelson
NE 1/4 SW 1/4	1.60 17.00	ACRES	Nelson
NW 1/4 SW 1/4	3.90	ACRES	Nelson
NW 1/4 SE 1/4	4.50	ACRES	Nelson

SECTION 30

TOWNSHIP 5 SOUTH, RANGE 13 EAST, W.M.

	PRIMARY	SUPPLEMENTAL	OWNER
SW 1/4 SW 1/4		38.80	ACRES Larsell
SE 1/4 SW 1/4		37.30	ACRES Larsell

SECTION 13

SW 1/4 NE 1/4	0.50	ACRE	Tom Morelli
SE 1/4 NW 1/4	10.40	ACRES	Tom Morelli
SE 1/4 SW 1/4	2.80	ACRES	Tom Morelli
NE 1/4 SE 1/4	9.30	ACRES	Tom Morelli
NW 1/4 SE 1/4	7.60	ACRES	Tom Morelli
SW 1/4 SE 1/4	6.60	ACRES	Tom Morelli
SE 1/4 SE 1/4	4.10	ACRES	Tom Morelli

SECTION 22

NE 1/4 NE 1/4	9.90	ACRES	McElheron
NW 1/4 NE 1/4	21.80	ACRES	McElheron
SW 1/4 NE 1/4	23.70	ACRES	McElheron
NE 1/4 NW 1/4	26.00	ACRES	McElheron
SE 1/4 NW 1/4	27.40	ACRES	McElheron

NE 1/4 SW 1/4	40.00	ACRES	McReynolds
NW 1/4 SW 1/4	1.10	ACRES	McReynolds
SE 1/4 SW 1/4	15.70	ACRES	McReynolds

SECTION 23

NE 1/4 NW 1/4	3.90	ACRES	Larsell
NW 1/4 NW 1/4	4.60	ACRES	Larsell

SECTION 24

SE 1/4 NE 1/4	3.30	ACRES	Harth
---------------	------	-------	-------

SECTION 25

NE 1/4 NE 1/4	29.40	ACRES	Tim Morelli
NW 1/4 NE 1/4	1.90	ACRES	Tom Morelli
SW 1/4 NE 1/4	26.70	ACRES	Tim Morelli
SE 1/4 NE 1/4	28.60	ACRES	Tim Morelli
NE 1/4 NW 1/4	13.00	ACRES	Tom Morelli
NW 1/4 NW 1/4	25.50	ACRES	Tom Morelli
SW 1/4 NW 1/4	20.70	ACRES	Tom Morelli
SE 1/4 NW 1/4	1.70	ACRES	Tom Morelli
NE 1/4 SE 1/4	4.80	ACRES	Tom Morelli
NW 1/4 SE 1/4	16.90	ACRES	Tom Morelli
SW 1/4 SE 1/4	12.40	ACRES	Tom Morelli
SE 1/4 SE 1/4	3.50	ACRES	Tom Morelli

SECTION 27

	PRIMARY	SUPPLEMENTAL	OWNER
SW 1/4 SW 1/4	0.50	ACRE	V. Woodside
SE 1/4 SW 1/4	8.50	ACRES	V. Woodside

SECTION 29

NE 1/4 NE 1/4	1.50	ACRES	Gutzler
SW 1/4 NE 1/4	5.00	ACRES	Gutzler
SE 1/4 NE 1/4	1.40	ACRES	Gutzler
NE 1/4 SE 1/4	1.80	ACRES	Gutzler
NW 1/4 SE 1/4	14.40	ACRES	Gutzler
SW 1/4 SE 1/4	7.50	ACRES	Gutzler
SE 1/4 SE 1/4	1.80	ACRES	Gutzler

SECTION 31

NE 1/4 SE 1/4	16.00	ACRES	Paulson
NW 1/4 SE 1/4	4.00	ACRES	Paulson
SW 1/4 SE 1/4	7.70	ACRES	Paulson

SECTION 32

NE 1/4 SW 1/4	4.20	ACRES	Paulson
NW 1/4 SW 1/4	0.40	ACRE	Paulson

SW 1/4 SW 1/4	6.80	ACRES	Paulson
SE 1/4 SW 1/4	9.80	ACRES	Paulson
SECTION 33			
NW 1/4 NW 1/4	19.50	ACRES	Reckman Estate
SW 1/4 NW 1/4	4.60	ACRES	Don Reckman
SW 1/4 SW 1/4	4.90	ACRES	Odem
SECTION 34			
SE 1/4 NE 1/4	16.80	ACRES	Mayhew
NE 1/4 SE 1/4	17.40	ACRES	Mayhew
NW 1/4 SE 1/4	7.80	ACRES	Mayhew
SECTION 35			
NE 1/4 NW 1/4	32.50	ACRES	Mayhew
NW 1/4 NW 1/4	32.50	ACRES	Mayhew
SW 1/4 NW 1/4	32.50	ACRES	Mayhew
SE 1/4 NW 1/4	32.50	ACRES	Mayhew
NE 1/4 SW 1/4	29.80	ACRES	Mayhew
NW 1/4 SW 1/4	29.60	ACRES	Mayhew
SW 1/4 SW 1/4	38.60	ACRES	Mayhew
SE 1/4 SW 1/4	32.00	ACRES	Mayhew

SECTION 36

TOWNSHIP 4 SOUTH, RANGE 13 EAST, W.M.

	PRIMARY	SUPPLEMENTAL		OWNER
NE 1/4 NE 1/4	1.70	2.20	ACRES	Marsh
NW 1/4 NE 1/4	3.30	21.90	ACRES	Marsh
SW 1/4 NE 1/4		19.00	ACRES	Marsh
SE 1/4 NE 1/4		5.10	ACRES	Marsh
NE 1/4 SE 1/4	1.00		ACRE	Marsh

SECTION 19

NE 1/4 NW 1/4	21.90	ACRES	Marsh
SE 1/4 NW 1/4	29.60	ACRES	Marsh
NE 1/4 SW 1/4	6.50	ACRES	Marsh
NW 1/4 SW 1/4	31.00	ACRES	Marsh
SW 1/4 SW 1/4	14.10	ACRES	Marsh

SECTION 20

NE 1/4 SW 1/4	1.00	ACRE	Harth
LOT 3 (NW 1/4 SW 1/4)	1.70	ACRES	Harth

SECTION 30

LOT 4 (SW 1/4 SW 1/4)	19.20	ACRES	Duling
SE 1/4 SW 1/4	28.50	ACRES	Duling

SECTION 31

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

Measurement, recording and reporting conditions:

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

No additional water shall be appropriated under this permit from Clear Creek, Frog Creek, or Clear Lake Reservoir than what is already authorized under certificates 48850 and 51539, or under superceding certificates, for an equal number of irrigated acres. This permit does not authorize an increase in the total rate or duty of water diverted by the permittee.

STANDARD CONDITIONS

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

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 allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

The Director finds that the proposed use(s) of water described by this

permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction work shall begin within one year of permit issuance. Complete application of the water to the use shall be made on or before October 1, 2006. 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 _____, 2002

DRAFT - THIS IS **NOT** A PERMIT

Paul R. Cleary, Director
Water Resources Department

Mailing List for PFO Copies

Application #S-60453

PFO Date March 26, 2002

Original mailed to:

Applicant: WAYNE A ODOM; JUNIPER FLAT DIST. IMPROVEMENT CO., RT 1 BOX 13, MAUPIN, OREGON 97037

Copies sent to:

1. WRD - File # S-60453
2. Water Availability: Ken Stahr

PFO and Map Sheet Copies sent to:

3. WRD - Watermaster # District 3
4. Regional Manager: NCR
5. Oregon State Parks

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

6. Steve Pribyl, ODFW
7. Dick Nichols, DEQ
8. Bruce Estes, CWRE

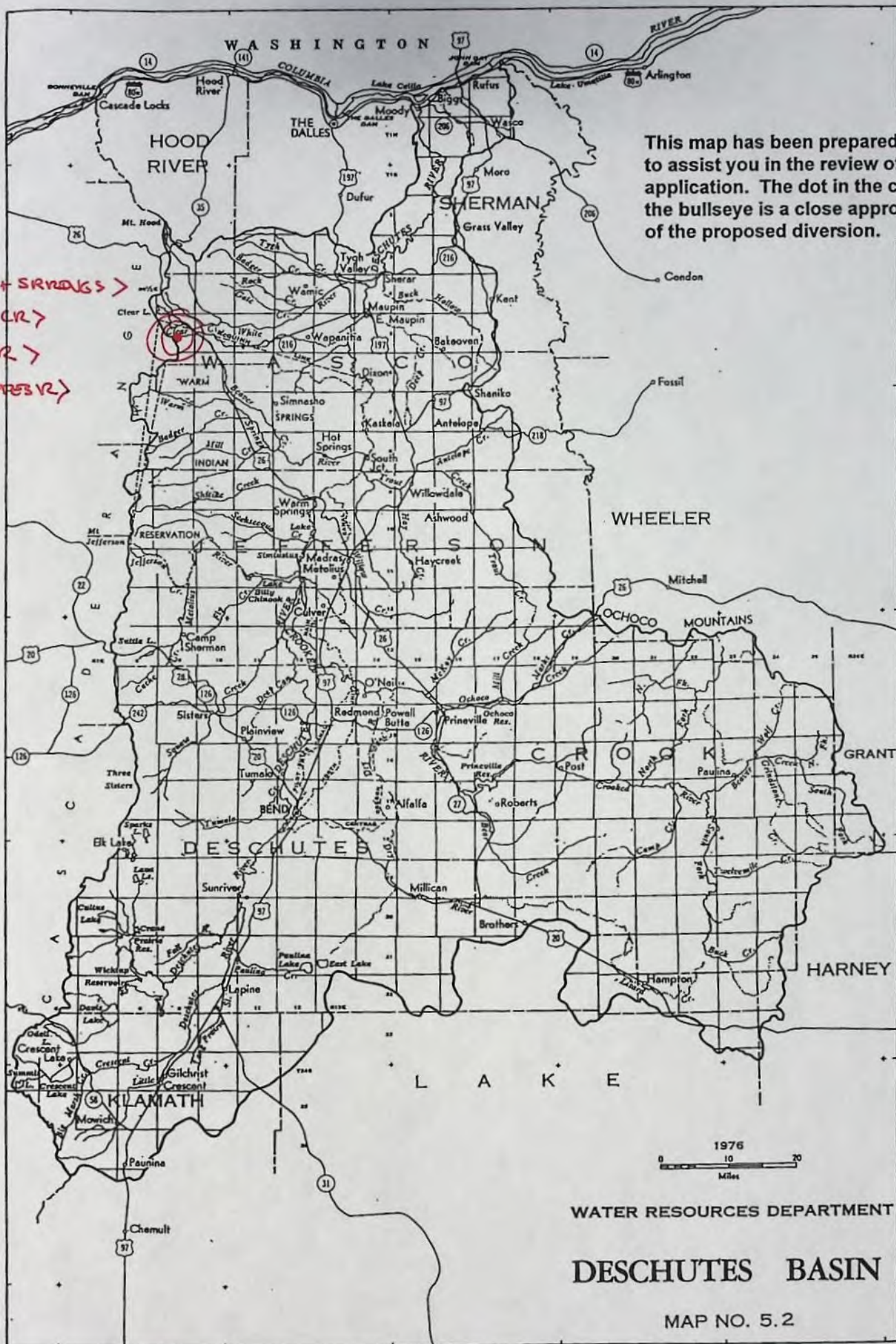
"\$10 LETTER" sent to Interested Persons who have not protested or paid for copies

CASEWORKER: engelcc WEEK 348

Copies Mailed

By: _____
(SUPPORT STAFF)

on: _____
(DATE)



FROG CR + SRONGS >
 CLEAR CR >
 WHITE R >
 DESCHUTES R >

interoffice

MEMORANDUM

To: File S-60453

From: Cory Engel

Date: March 5, 2002

Subject: Character of application / water availability concerns

This memo is intended to clarify the character of this application following discussions with both Bruce Estes and Tim Morelli, JFDIC Chairman, and to document the logic behind the application of water availability in the upcoming PFO.

CHARACTER OF APPLICATION:

The application states that the diversion of water under the application will not exceed the quantity allowed under certificates 48850 and 51539. Heretofore, this was interpreted as a statement of the rate of water to be diverted under this application. However, this is not the applicant's sole intent. Tim Morelli's February 25, 2002 fax indicates that "this application is not requesting any additional water, but allows us to utilize our existing water on alternate acreage."

Bruce Estes reported to me in a February 28, 2002 telephone conversation that the temporary district transfer under ORS 540.570 meant to accommodate this type of situation does not in fact apply to this case, because the applicant is not a district, and because they have no manager.

The PFO should correct condition #2 on page 3 of the IR to accurately reflect the character of the application. I propose this language:

No additional water shall be appropriated under this permit from Clear Creek, Frog Creek, or Clear Lake Reservoir than what is already authorized under certificates 48850 and 51539, or under superceding certificates, for an equal number of irrigated acres. This permit does not authorize an increase in the total rate or duty of water diverted by the permittee.

WATER AVAILABILITY:

Larry Toll has asserted that water availability does not apply at all, because at the time that this application was filed water availability was not part of the permit review process. He cites OAR 690-400-010(11)(B)(b), which says "The standards for determining over-appropriation described in paragraph (A) of this subsection [the 80% exceedance standard for surface water] shall apply to water availability determination for permit applications submitted after July 17, 1992." He also cites ORS 536.031, which states that "the Water Resources Department may apply only

those rules of the department that are in effect as of the date that a completed application is made for a permit in deciding whether to approve, deny or impose conditions on the permit.”

Looking at the law, there are important considerations:

1. ORS 537.153 (2) requires a water availability evaluation of this application.
2. ORS 536.031 relates to the applicability of “rules of the department”. It does not explicitly relate to statutes.
3. ORS 536.031 also specifies that it applies to “completed” applications. It appears that this application was not “completed” until February 25, 2002.
4. Our guidance in rule for applying a 50% exceedance standard is OAR 690-300-010(57)(c). However, this rule appears to have been made obsolete by the subsequently codified ORS 536.031.

As a result of these factors, it seems clear that a water availability standard must be applied to this application, but there is no applicable guidance in rule or statute as to what that standard should be.

Though it is not legally binding, OAR 690-300-010(57)(c) and consistent past practices may provide guidance. I think it makes sense to apply a 50% exceedance standard, because that is a good representation of when water is more likely than not to be available.

At this point, I intend to allow the use of live flow based on an analysis of water availability at a 50% exceedance standard as of 01/01/1993, the earliest date allowed by our model.

Also, the applicant is concerned that application of a water availability standard would limit the season of use of live flow unnecessarily, because they are not proposing to pump any more water than what their rights currently allow. In this sense it would be a non-consumptive use. However, this does not preclude the applicability of the water availability standard required by ORS 537.153(2).

(Note that the Initial Review erred in two ways with regard to water availability: (a) it denied the use of live flow entirely, when in fact live flow could be allowed during the period when it is available due to the presence of stored water as an alternate source, provided it would not be detrimental to the public interest, and (b) it applied an 80% exceedance standard, instead of the 50% that should have been used due to the fact that the application was submitted before July 17, 1992. Correctly applied, live flow could be allowed from April 1 through June 30.)

STATE OF OREGON

COUNTY OF

WASCO

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

JUNIPER FLAT DISTRICT IMPROVEMENT COMPANY

of Maupin, State of Oregon 97037, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Clear Lake Reservoir, constructed under Permit R-2106

a tributary of White River for the purpose of supplemental irrigation of 2,025.49 acres

under Permit No. 25275 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 November 11, 1915 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 11,660 acre-feet stored water only

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SE 1/4 SE 1/4, Section 32, T4S, R9E, WM; 1,390 feet South and 480 feet West from E 1/4 Corner, Section 32

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ~~of one cubic foot per second per acre~~ a diversion of 4.2 acre-feet 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

T-7491

NAME	TOWNSHIP	RANGE	SECTION	40 ACRE TRACT	NO. ACRES IRRIGATED
Beebe, Margaret	5S	12E	26	NW 1/4 SE 1/4	2.0
Bothwell, Wayne	5S	13E	3	NW 1/4 SW 1/4	7.0
Carter, Harold	5S	12E	24	NW 1/4 NW 1/4	5.0
			24	SW 1/4 NW 1/4	10.0
Chastain, Glenn E.	4S	14E	17	SE 1/4 SW 1/4	4.5
			20	NE 1/4 NW 1/4	33.2
			20	NW 1/4 NW 1/4	33.5
			20	SW 1/4 NW 1/4	7.6
			20	SE 1/4 NW 1/4	11.2
Claymier, Gerald and Marjorie L.	5S	12E	8	SE 1/4 SE 1/4	10.2
			9	NW 1/4 SW 1/4	13.0
			9	SW 1/4 SW 1/4	6.8
			11	SW 1/4 SW 1/4	12.4
			11	SE 1/4 SW 1/4	9.6
Claymier, Lloyd	5S	12E	14	NE 1/4 NW 1/4	11.9
			14	NW 1/4 SE 1/4	0.2
			14	SW 1/4 SE 1/4	16.3
			14	SE 1/4 SE 1/4	13.4
			23	NW 1/4 NE 1/4	4.4
			23	NE 1/4 NW 1/4	15.0
			23	NW 1/4 NW 1/4	14.6
			23	SW 1/4 NW 1/4	1.48
Crabtree, Agnes	4S	13E	14	NE 1/4 SE 1/4	32.8
			14	NW 1/4 SE 1/4	32.0
			14	SE 1/4 SE 1/4	25.2
Crabtree, Lelah M.	5S	13E	5	NE 1/4 NW 1/4	20.2
			5	SE 1/4 NW 1/4	3.2
			5	SW 1/4 SW 1/4	2.8
			5	SE 1/4 SW 1/4	15.6
			5	SW 1/4 SE 1/4	17.8
			5	SE 1/4 SE 1/4	11.8
Crabtree, Violet	4S	13E	30	NE 1/4 SW 1/4	1.7
			30	SE 1/4 SW 1/4	8.3
			31	SW 1/4 NW 1/4	10.3
Delore, Hazel	5S	13E	4	NE 1/4 NE 1/4	6.4
			4	NW 1/4 NE 1/4	14.7
Delore, Mose and Hazel	5S	13E	29	NE 1/4 NW 1/4	6.0
			29	NW 1/4 NW 1/4	30.2
			29	SW 1/4 NW 1/4	5.8
Dyke, Harold	5S	12E	22	SW 1/4 SE 1/4	10.0
Endersby, Delbert and Doris	5S	11E	13	NW 1/4 SW 1/4	7.0
			13	SW 1/4 SW 1/4	6.34
			24	NW 1/4 NW 1/4	2.0
Endersby, E.A.	5S	12E	13	NE 1/4 NE 1/4	6.4
			13	SE 1/4 NE 1/4	6.8
			13	NW 1/4 SE 1/4	1.2
	5S	13E	20	NE 1/4 NE 1/4	11.6
			20	NW 1/4 NE 1/4	11.2
			20	SW 1/4 NE 1/4	4.0
			21	NW 1/4 NW 1/4	4.2
Gabel, Lyle L.	5S	13E	30	SW 1/4 NW 1/4	10.0
			30	NW 1/4 SW 1/4	10.0
			30	NE 1/4 SW 1/4	5.0

NAME	TOWNSHIP	RANGE	SECTION	40 ACRE TRACT	NO. ACRES IRRIGATED
Gabel, Mrs. Rennie and Lawrence	5S	13E	2	SE 1/4 SW 1/4	10.2
			2	SW 1/4 SE 1/4	11.8
			3	NE 1/4 NW 1/4	12.3
			3	NW 1/4 NW 1/4	11.9
			3	SW 1/4 NW 1/4	14.2
			3	SE 1/4 NW 1/4	20.0
			11	NW 1/4 NE 1/4	13.4
			11	NE 1/4 NW 1/4	3.7
Gray, Mary	5S	12E	1	NE 1/4 NW 1/4	3.2
			1	NW 1/4 NW 1/4	1.4
			1	SW 1/4 NW 1/4	9.1
			1	SE 1/4 NW 1/4	1.3
Gutzler, Erma C.	4S	13E	31	SW 1/4 NE 1/4	5.5
			31	SE 1/4 NE 1/4	10.3
			31	NW 1/4 SE 1/4	11.8
Hachler, Ted	5S	12E	2	NW 1/4 SW 1/4	21.6
			2	SW 1/4 SW 1/4	6.0
			3	NE 1/4 SE 1/4	11.0
Hammer, Francis L.	5S	12E	29	SW 1/4 SW 1/4	11.6
			30	SE 1/4 SE 1/4	8.4
			27	NE 1/4 SW 1/4	5.5
			27	NW 1/4 SE 1/4	5.5
	5S	13E	21	NE 1/4 SW 1/4	1.4
			21	NE 1/4 SE 1/4	8.0
			21	SE 1/4 SE 1/4	15.6
Hanna, Verne and Audrey	4S	13E	34	NW 1/4 NW 1/4	20.0
Holman, Robert	5S	12E	12	NW 1/4 NE 1/4	18.4
			12	NE 1/4 NW 1/4	21.9
			12	NW 1/4 NW 1/4	31.7
			12	SW 1/4 NW 1/4	5.0
Hundley, Anna C.	5S	12E	21	NE 1/4 SE 1/4	15.1
			21	NW 1/4 SE 1/4	3.0
			21	SE 1/4 SE 1/4	2.24
Kelly, Floyd L.	5S	13E	8	SW 1/4 SW 1/4	27.0
			9	SW 1/4 NW 1/4	20.6
			9	SE 1/4 NW 1/4	9.5
Kelly, Floyd and Anna	5S	13E	9	NE 1/4 SW 1/4	8.4
Kennedy, Clementia	4S	12E	36	SE 1/4 SE 1/4	10.0
Larsell, Robert	4S	13E	24	NE 1/4 NW 1/4	34.0
			24	SE 1/4 NW 1/4	36.0
Lewis, Paul	5S	12E	29	SE 1/4 SW 1/4	10.0
			32	NW 1/4 NE 1/4	10.0
Linn, B.F.	5S	11E	25	SE 1/4 NE 1/4	5.0
Lutje, Isabell	4S	14E	31	SW 1/4 SE 1/4	10.0
Mangum, Archie	5S	12E	19	SE 1/4 SW 1/4	20.0
Mayhew, Lela	4S	13E	35	NE 1/4 SE 1/4	33.5
			35	NW 1/4 SE 1/4	8.4
			35	SW 1/4 SE 1/4	10.1
			35	SE 1/4 SE 1/4	35.8
			36	NE 1/4 SE 1/4	18.8
			36	NW 1/4 SE 1/4	10.4
			36	SW 1/4 SE 1/4	26.4
			36	SE 1/4 SE 1/4	16.9
			2	NE 1/4 NE 1/4	12.7
	5S	13E			

<u>NAME</u>	<u>TOWNSHIP</u>	<u>RANGE</u>	<u>SECTION</u>	<u>40 ACRE TRACT</u>	<u>NO. ACRES IRRIGATED</u>
Mayhew, Leland	4S	13E	22	NE 1/4 NW 1/4	20.0
			25	NW 1/4 SW 1/4	15.6
			25	SW 1/4 SW 1/4	18.6
			26	NE 1/4 SE 1/4	12.7
			26	SW 1/4 SE 1/4	0.3
			26	SE 1/4 SE 1/4	32.8
			32	NW 1/4 NE 1/4	1.2
			32	SW 1/4 NE 1/4	6.8
McCorkle, C.J.	5S	12E	1	SW 1/4 NE 1/4	5.2
			1	SE 1/4 NW 1/4	6.8
			1	NW 1/4 SE 1/4	5.4
McElheron, Marshall and Dorcas	5S	12E	20	SE 1/4 NE 1/4	28.0
McElheron, Rose Ann	5S	12E	21	SW 1/4 NW 1/4	5.0
Merrell, Edwin A. and Faye E.	4S	13E	23	NE 1/4 SW 1/4	7.0
			23	SE 1/4 SW 1/4	40.0
Morelli, Thomas	4S	13E	22	SE 1/4 NW 1/4	20.0
	4S	13E	22	NE 1/4 SE 1/4	6.0
	4S	13E	22	NW 1/4 SE 1/4	14.0
	5S	13E	20	SE 1/4 NE 1/4	6.0
	5S	13E	20	NW 1/4 SE 1/4	10.0
	5S	13E	21	NE 1/4 NW 1/4	10.5
	5S	13E	21	SW 1/4 NW 1/4	8.4
Mormance, Vernon	5S	12E	27	SE 1/4 SE 1/4	10.0
Morrison, Ralph	5S	12E	29	NW 1/4 NE 1/4	4.0
			29	NE 1/4 NW 1/4	14.4
			29	NW 1/4 NW 1/4	2.0
Oregon State Game Commission	5S	11E	24	SE 1/4 SW 1/4	14.0
Paulson, James	4S	13E	33	SW 1/4 SW 1/4	9.9
	4S	13E	33	SE 1/4 SW 1/4	5.6
	5S	13E	4	NW 1/4 NW 1/4	7.0
	5S	13E	4	SW 1/4 NW 1/4	11.5
	5S	13E	5	NW 1/4 NE 1/4	15.1
	5S	13E	5	SW 1/4 NE 1/4	4.9
	5S	13E	5	SE 1/4 NE 1/4	10.6
Peck, Paul and Nina	4S	13E	27	NE 1/4 SW 1/4	20.0
Walters, Lester H.	5S	13E	7	SW 1/4 NW 1/4	1.9
			7	NE 1/4 SW 1/4	6.8
			7	NW 1/4 SW 1/4	0.8
			7	SW 1/4 SW 1/4	9.3
			7	SE 1/4 SW 1/4	2.6
			7	NE 1/4 SE 1/4	7.6
			7	NW 1/4 SE 1/4	12.1
			7	SW 1/4 SE 1/4	1.3
			7	SE 1/4 SE 1/4	1.9
			17	SW 1/4 SW 1/4	1.8
Walters, Mary	5S	12E	33	NW 1/4 NW 1/4	10.0
Walters, Verla	5S	12E	33	NW 1/4 NE 1/4	12.0
Weberg, L.A. and Vivian	5S	12E	19	SW 1/4 NW 1/4	5.0
West, I.H.	5S	12E	13	NE 1/4 SW 1/4	2.3
			13	NW 1/4 SW 1/4	9.1

NAME	TOWNSHIP	RANGE	SECTION	40 ACRE TRACT	NO. ACRES IRRIGATED
Woodside, Lloyd T.	5S	12E	22	NE 1/4 SE 1/4	2.0
	5S	12E	22	SE 1/4 SE 1/4	15.6
	5S	12E	23	SW 1/4 SW 1/4	3.2
	5S	12E	23	SE 1/4 SW 1/4	4.5
	5S	12E	25	SW 1/4 NE 1/4	3.0
	5S	12E	26	SW 1/4 NE 1/4	7.8
	5S	12E	26	NE 1/4 NW 1/4	12.8
	5S	12E	26	NW 1/4 NW 1/4	20.2
	5S	12E	26	SE 1/4 NW 1/4	3.4
	5S	12E	27	NE 1/4 NE 1/4	8.0
	5S	13E	8	SW 1/4 NW 1/4	2.0
	5S	13E	8	NW 1/4 SW 1/4	16.0
Woodside, Ralph H.	5S	12E	24	NE 1/4 SE 1/4	6.0
			24	SE 1/4 SE 1/4	24.0
Woodside, Scott	5S	12E	22	NW 1/4 NW 1/4	16.6
			22	SW 1/4 NW 1/4	8.13
Woodside, Van	4S	13E	29	NE 1/4 SW 1/4	7.8
			29	SW 1/4 SW 1/4	3.6
			29	SE 1/4 SW 1/4	8.6
Young, Mrs. Blanch	4S	13E	22	SW 1/4 SW 1/4	1.2
	4S	13E	22	SE 1/4 SW 1/4	19.5
	4S	13E	27	NE 1/4 NW 1/4	10.1
Young, David W.	5S	12E	23	NE 1/4 NE 1/4	15.0
Young, Harrison L. and Blanch - Ardis Harth	4S	14E	30	NE 1/4 SW 1/4	0.7

The following lands were vested under this permit, but as a result of Transfers, 4685, 4977, and 5010 will not be included under certificate of water right until the transfers have been completed:

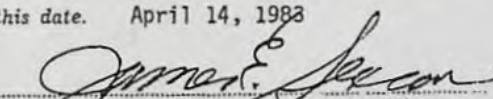
2.0 acres NW 1/4 NW 1/4 Section 25	6.0 acres SW 1/4 SE 1/4 Section 19
10.0 acres NE 1/4 NE 1/4 Section 26	20.0 acres SW 1/4 NW 1/4 Section 20
Township 5 South, Range 12 East, WM	
10.0 acres NW 1/4 NE 1/4 Section 32	34.0 acres NW 1/4 NE 1/4 Section 30
Township 4 South, Range 13 East, WM	Township 4 South, Range 14 East, WM.

This certificate is issued so as to correctly state the amount of water to be appropriated and supersedes certificate of water right recorded at page 51099, Volume 45, State Record of Water Right Certificates.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described, and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date. April 14, 1983


Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 46 , page 51539

5021A

STATE OF OREGON

COUNTY OF WASCO

CERTIFICATE OF WATER RIGHT

This Is to Certify, That JUNIPER FLAT DISTRICT IMPROVEMENT COMPANY

of Maupin, State of Oregon, has
a right to the use of the waters of direct flow from Clear Creek and Frog Creek and
storage of 1400 acre feet in Clear Lake Reservoir

a tributary of White River for the purpose of
irrigation of 2107.49 acres, stock and domestic use

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Wasco County, and the said decree entered of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 18, at page 252; that the priority of the right thereby confirmed dates from July 1, 1903 for direct flow from Clear Creek and Frog Creek, and August 19, 1904, for storage in Clear Lake Reservoir that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed one acre foot per acre during any 30-day period up to July 1st of each year and not to exceed 3 acre feet per acre during any irrigation season; provided, that the rate of flow shall not exceed 1/40 of a second foot per acre up to July 1st of each year and thereafter not to exceed 1/80 of a second foot per acre, except in case of rotation. The point of diversion is located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 34, T. 4 S., R. 9 E., W.M. from Frog Creek; NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 10, T. 5 S., R. 9 E., W.M. from Clear Creek; Clear Lake Reservoir Dam is in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 32, T. 4 S., R. 9 E., W.M.

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

Name	Township	Range	Section	40 Acre-Tract	No. Acres Irrigated
BEEBE, Margaret	5 S	12 E	26	NW $\frac{1}{4}$ SE $\frac{1}{4}$	2.0
BOTHWELL, Wayne	5 S	13 E	3	NW $\frac{1}{4}$ SW $\frac{1}{4}$	7.0
CAMPBELL, David Len	5 S	12 E	25	NW $\frac{1}{4}$ NW $\frac{1}{4}$	2.0
	5 S	12 E	26	NE $\frac{1}{4}$ NE $\frac{1}{4}$	10.0
CARTER, Harold	5 S	12 E	24	NW $\frac{1}{4}$ NW $\frac{1}{4}$	5.0
	5 S	12 E	24	SW $\frac{1}{4}$ NW $\frac{1}{4}$	10.0
CHASTAIN, Alice	4 S	14 E	19	SW $\frac{1}{4}$ SE $\frac{1}{4}$	6.0
	4 S	14 E	30	NW $\frac{1}{4}$ NE $\frac{1}{4}$	34.0
CHASTAIN, Glenn E.	4 S	14 E	17	SE $\frac{1}{4}$ SW $\frac{1}{4}$	4.5
	4 S	14 E	20	NE $\frac{1}{4}$ NW $\frac{1}{4}$	33.2
	4 S	14 E	20	NW $\frac{1}{4}$ NW $\frac{1}{4}$	33.5
	4 S	14 E	20	SW $\frac{1}{4}$ NW $\frac{1}{4}$	27.6
	4 S	14 E	20	SE $\frac{1}{4}$ NW $\frac{1}{4}$	11.2
CLAYMIER, Gerald and Marjorie L.	5 S	12 E	8	SE $\frac{1}{4}$ SE $\frac{1}{4}$	10.2
	5 S	12 E	9	NW $\frac{1}{4}$ SW $\frac{1}{4}$	13.0
	5 S	12 E	9	SW $\frac{1}{4}$ SW $\frac{1}{4}$	6.8
	5 S	12 E	11	SW $\frac{1}{4}$ SW $\frac{1}{4}$	12.4
	5 S	12 E	11	SE $\frac{1}{4}$ SW $\frac{1}{4}$	9.6
CLAYMIER, Lloyd	5 S	12 E	14	NE $\frac{1}{4}$ NW $\frac{1}{4}$	11.9
	5 S	12 E	14	NW $\frac{1}{4}$ SE $\frac{1}{4}$	0.2
	5 S	12 E	14	SW $\frac{1}{4}$ SE $\frac{1}{4}$	16.3
	5 S	12 E	14	SE $\frac{1}{4}$ SE $\frac{1}{4}$	13.4
	5 S	12 E	23	NW $\frac{1}{4}$ NE $\frac{1}{4}$	4.4

Name	Town- ship	Range	Section	40 Acre- Tract	No. Acres Irrigated
	5 S	12 E	23	NE $\frac{1}{4}$ NW $\frac{1}{4}$	15.0
	5 S	12 E	23	NW $\frac{1}{4}$ NW $\frac{1}{4}$	14.8
	5 S	12 E	23	SW $\frac{1}{4}$ NW $\frac{1}{4}$	1.48
CRABTREE, Agnes	4 S	13 E	14	NE $\frac{1}{4}$ SE $\frac{1}{4}$	32.8
	4 S	13 E	14	NW $\frac{1}{4}$ SE $\frac{1}{4}$	32.0
	4 S	13 E	14	SE $\frac{1}{4}$ SE $\frac{1}{4}$	25.2
CRABTREE, Lelah M., Dec'd.	5 S	13 E	5	NE $\frac{1}{4}$ NW $\frac{1}{4}$	20.2
	5 S	13 E	5	SE $\frac{1}{4}$ NW $\frac{1}{4}$	3.2
	5 S	13 E	5	SW $\frac{1}{4}$ SW $\frac{1}{4}$	2.8
	5 S	13 E	5	SE $\frac{1}{4}$ SW $\frac{1}{4}$	15.6
	5 S	13 E	5	SW $\frac{1}{4}$ SE $\frac{1}{4}$	17.8
	5 S	13 E	5	SE $\frac{1}{4}$ SE $\frac{1}{4}$	11.8
CRABTREE, Violet	4 S	13 E	30	NE $\frac{1}{4}$ SW $\frac{1}{4}$	1.7
	4 S	13 E	30	SE $\frac{1}{4}$ SW $\frac{1}{4}$	8.3
	4 S	13 E	31	SW $\frac{1}{4}$ NW $\frac{1}{4}$	10.3
DELORE, Hazel	5 S	13 E	4	NE $\frac{1}{4}$ NE $\frac{1}{4}$	6.4
	5 S	13 E	4	NW $\frac{1}{4}$ NE $\frac{1}{4}$	14.7
DELORE, Mose & Hazel	5 S	13 E	29	NE $\frac{1}{4}$ NW $\frac{1}{4}$	8.0
	5 S	13 E	29	NW $\frac{1}{4}$ NW $\frac{1}{4}$	30.2
	5 S	13 E	29	SW $\frac{1}{4}$ NW $\frac{1}{4}$	5.8
DYKE, Harold	5 S	12 E	22	SW $\frac{1}{4}$ SE $\frac{1}{4}$	10.0
ENDERSBY, Delbert and Doris	5 S	11 E	13	NW $\frac{1}{4}$ SW $\frac{1}{4}$	7.0
	5 S	11 E	13	SW $\frac{1}{4}$ SW $\frac{1}{4}$	6.34
	5 S	11 E	24	NW $\frac{1}{4}$ NW $\frac{1}{4}$	2.0
ENDERSBY, E.A.	5 S	12 E	13	NE $\frac{1}{4}$ NE $\frac{1}{4}$	6.4
	5 S	12 E	13	SE $\frac{1}{4}$ NE $\frac{1}{4}$	6.8
	5 S	12 E	13	NW $\frac{1}{4}$ SE $\frac{1}{4}$	1.2
	5 S	13 E	20	NE $\frac{1}{4}$ NE $\frac{1}{4}$	11.6
	5 S	13 E	20	NW $\frac{1}{4}$ NE $\frac{1}{4}$	11.2
	5 S	13 E	20	SW $\frac{1}{4}$ NE $\frac{1}{4}$	4.0
	5 S	13 E	21	NW $\frac{1}{4}$ NW $\frac{1}{4}$	4.2
GABEL, Lyle L.	5 S	13 E	30	SW $\frac{1}{4}$ NW $\frac{1}{4}$	10.0
	5 S	13 E	30	NW $\frac{1}{4}$ SW $\frac{1}{4}$	10.0
	5 S	13 E	30	NE $\frac{1}{4}$ SW $\frac{1}{4}$	5.0
GABEL, Mrs. Rennie & Lawrence	5 S	13 E	2	SE $\frac{1}{4}$ SW $\frac{1}{4}$	10.2
	5 S	13 E	2	SW $\frac{1}{4}$ SE $\frac{1}{4}$	11.8
	5 S	13 E	3	NE $\frac{1}{4}$ NW $\frac{1}{4}$	12.3
	5 S	13 E	3	NW $\frac{1}{4}$ NW $\frac{1}{4}$	11.9
	5 S	13 E	3	SW $\frac{1}{4}$ NW $\frac{1}{4}$	14.2
	5 S	13 E	3	SE $\frac{1}{4}$ NW $\frac{1}{4}$	20.0
	5 S	13 E	11	NW $\frac{1}{4}$ NE $\frac{1}{4}$	13.4
	5 S	13 E	11	NE $\frac{1}{4}$ NW $\frac{1}{4}$	3.7
GRAY, Mary	5 S	12 E	1	NE $\frac{1}{4}$ NW $\frac{1}{4}$	3.2
	5 S	12 E	1	NW $\frac{1}{4}$ NW $\frac{1}{4}$	1.4
	5 S	12 E	1	SW $\frac{1}{4}$ NW $\frac{1}{4}$	9.1
	5 S	12 E	1	SE $\frac{1}{4}$ NW $\frac{1}{4}$	1.3
GUTZLER, Erma C.	4 S	13 E	31	SW $\frac{1}{4}$ NE $\frac{1}{4}$	5.5
	4 S	13 E	31	SE $\frac{1}{4}$ NE $\frac{1}{4}$	10.3
	4 S	13 E	31	NW $\frac{1}{4}$ SE $\frac{1}{4}$	11.8
HACHLER, Ted	5 S	12 E	2	NW $\frac{1}{4}$ SW $\frac{1}{4}$	21.6
	5 S	12 E	2	SW $\frac{1}{4}$ SW $\frac{1}{4}$	6.0
	5 S	12 E	3	NE $\frac{1}{4}$ SE $\frac{1}{4}$	11.0
HAMMER, Francis L.	5 S	12 E	29	SW $\frac{1}{4}$ SW $\frac{1}{4}$	11.6
	5 S	12 E	30	SE $\frac{1}{4}$ SE $\frac{1}{4}$	8.4

Name	Town- ship	Range	Section	40 Acre- Tract	No. Acres Irrigated
	5 S	12 E	27	NE $\frac{1}{4}$ SW $\frac{1}{4}$	5.5
	5 S	12 E	27	NW $\frac{1}{4}$ SE $\frac{1}{4}$	5.5
	5 S	13 E	21	NE $\frac{1}{4}$ SW $\frac{1}{4}$	1.4
	5 S	13 E	21	NE $\frac{1}{4}$ SE $\frac{1}{4}$	8.0
	5 S	13 E	21	SE $\frac{1}{4}$ SE $\frac{1}{4}$	15.6
HANNA, Verne & Audrey	4 S	13 E	34	NW $\frac{1}{4}$ NW $\frac{1}{4}$	20.0
HOLMAN, Robert	5 S	12 E	12	NW $\frac{1}{4}$ NE $\frac{1}{4}$	18.4
	5 S	12 E	12	NE $\frac{1}{4}$ NW $\frac{1}{4}$	21.9
	5 S	12 E	12	NW $\frac{1}{4}$ NW $\frac{1}{4}$	31.7
	5 S	12 E	12	SW $\frac{1}{4}$ NW $\frac{1}{4}$	5.0
HUNDLEY, Anna C.	5 S	12 E	21	NE $\frac{1}{4}$ SE $\frac{1}{4}$	15.1
	5 S	12 E	21	NW $\frac{1}{4}$ SE $\frac{1}{4}$	3.0
	5 S	12 E	21	SE $\frac{1}{4}$ SE $\frac{1}{4}$	2.24
KELLY, Floyd L.	5 S	13 E	8	SW $\frac{1}{4}$ SW $\frac{1}{4}$	27.0
	5 S	13 E	9	SW $\frac{1}{4}$ NW $\frac{1}{4}$	20.6
	5 S	13 E	9	SE $\frac{1}{4}$ NW $\frac{1}{4}$	9.5
KELLY, Floyd & Anna	5 S	13 E	9	NE $\frac{1}{4}$ SW $\frac{1}{4}$	8.4
KENNEDY, Clementia	4 S	12 E	36	SE $\frac{1}{4}$ SE $\frac{1}{4}$	10.0
LARSELL, Robert	4 S	13 E	24	NE $\frac{1}{4}$ NW $\frac{1}{4}$	34.0
	4 S	13 E	24	SE $\frac{1}{4}$ NW $\frac{1}{4}$	36.0
LEWIS, Paul	5 S	12 E	29	SE $\frac{1}{4}$ SW $\frac{1}{4}$	10.0
	5 S	12 E	32	NW $\frac{1}{4}$ NE $\frac{1}{4}$	10.0
LINN, B.F.	5 S	11 E	25	SE $\frac{1}{4}$ NE $\frac{1}{4}$	5.0
LUTJE, Isabell	4 S	14 E	31	SW $\frac{1}{4}$ SE $\frac{1}{4}$	10.0
MANGUM, Archie	5 S	12 E	19	SE $\frac{1}{4}$ SW $\frac{1}{4}$	20.0
MAYHEW, Lela	4 S	13 E	35	NE $\frac{1}{4}$ SE $\frac{1}{4}$	33.5
	4 S	13 E	35	NW $\frac{1}{4}$ SE $\frac{1}{4}$	8.4
	4 S	13 E	35	SW $\frac{1}{4}$ SE $\frac{1}{4}$	10.1
	4 S	13 E	35	SE $\frac{1}{4}$ SE $\frac{1}{4}$	35.8
	4 S	13 E	36	NE $\frac{1}{4}$ SE $\frac{1}{4}$	18.8
	4 S	13 E	36	NW $\frac{1}{4}$ SE $\frac{1}{4}$	10.4
	4 S	13 E	36	SW $\frac{1}{4}$ SE $\frac{1}{4}$	26.4
	4 S	13 E	36	SE $\frac{1}{4}$ SE $\frac{1}{4}$	16.9
	5 S	13 E	2	NE $\frac{1}{4}$ NE $\frac{1}{4}$	12.7
MAYHEW, Leland	4 S	13 E	22	NE $\frac{1}{4}$ NW $\frac{1}{4}$	20.0
	4 S	13 E	25	NW $\frac{1}{4}$ SW $\frac{1}{4}$	15.6
	4 S	13 E	25	SW $\frac{1}{4}$ SW $\frac{1}{4}$	18.6
	4 S	13 E	26	NE $\frac{1}{4}$ SE $\frac{1}{4}$	12.7
	4 S	13 E	26	SW $\frac{1}{4}$ SE $\frac{1}{4}$.3
	4 S	13 E	26	SE $\frac{1}{4}$ SE $\frac{1}{4}$	32.8
	4 S	13 E	32	NW $\frac{1}{4}$ NE $\frac{1}{4}$	11.2 (1)
	4 S	13 E	32	SW $\frac{1}{4}$ NE $\frac{1}{4}$	6.8
McCORKLE, C. J.	5 S	12 E	1	SW $\frac{1}{4}$ NE $\frac{1}{4}$	5.2
	5 S	12 E	1	SE $\frac{1}{4}$ NW $\frac{1}{4}$	6.8
	5 S	12 E	1	NW $\frac{1}{4}$ SE $\frac{1}{4}$	5.4
McELHERON, Marshall and Dorcas	5 S	12 E	20	SE $\frac{1}{4}$ NE $\frac{1}{4}$	28.0
McELHERON, Rose Ann	5 S	12 E	21	SW $\frac{1}{4}$ NW $\frac{1}{4}$	5.0
MERRELL, Edwin A. & Faye E.	4 S	13 E	23	NE $\frac{1}{4}$ SW $\frac{1}{4}$	7.0
	4 S	13 E	23	SE $\frac{1}{4}$ SW $\frac{1}{4}$	40.0

<u>Name</u>	<u>Town- ship</u>	<u>Range</u>	<u>Section</u>	<u>40 Acre- Tract</u>	<u>No. Acres Irrigated</u>
MORELLI, Thomas	4 S	13 E	22	SE $\frac{1}{4}$ NW $\frac{1}{4}$	20.0
	4 S	13 E	22	NE $\frac{1}{4}$ SE $\frac{1}{4}$	6.0
	4 S	13 E	22	NW $\frac{1}{4}$ SE $\frac{1}{4}$	14.0
	5 S	13 E	20	SE $\frac{1}{4}$ NE $\frac{1}{4}$	6.0
	5 S	13 E	20	NW $\frac{1}{4}$ SE $\frac{1}{4}$	10.0
	5 S	13 E	21	NE $\frac{1}{4}$ NW $\frac{1}{4}$	10.5
	5 S	13 E	21	SW $\frac{1}{4}$ NW $\frac{1}{4}$	8.4
MORMANCE, Vernon	5 S	12 E	27	SE $\frac{1}{4}$ SE $\frac{1}{4}$	10.0
MORRISON, Ralph	5 S	12 E	29	NW $\frac{1}{4}$ NE $\frac{1}{4}$	4.0
	5 S	12 E	29	NE $\frac{1}{4}$ NW $\frac{1}{4}$	14.4
	5 S	12 E	29	NW $\frac{1}{4}$ NW $\frac{1}{4}$	2.0
OREGON STATE GAME COMMISSION	5 S	11 E	24	SE $\frac{1}{4}$ SW $\frac{1}{4}$	14.0
PAULSON, James	4 S	13 E	33	SW $\frac{1}{4}$ SW $\frac{1}{4}$	9.9
	4 S	13 E	33	SE $\frac{1}{4}$ SW $\frac{1}{4}$	5.6
	5 S	13 E	4	NW $\frac{1}{4}$ NW $\frac{1}{4}$	7.0
	5 S	13 E	4	SW $\frac{1}{4}$ NW $\frac{1}{4}$	11.9
	5 S	13 E	5	NW $\frac{1}{4}$ NE $\frac{1}{4}$	15.1
	5 S	13 E	5	SW $\frac{1}{4}$ NE $\frac{1}{4}$	4.9
	5 S	13 E	5	SE $\frac{1}{4}$ NE $\frac{1}{4}$	10.6
PECK, Paul & Nina	4 S	13 E	27	NE $\frac{1}{4}$ SW $\frac{1}{4}$	20.0
WALTERS, Lester H.	5 S	13 E	7	SW $\frac{1}{4}$ NW $\frac{1}{4}$	1.9
	5 S	13 E	7	NE $\frac{1}{4}$ SW $\frac{1}{4}$	6.8
	5 S	13 E	7	NW $\frac{1}{4}$ SW $\frac{1}{4}$	0.8
	5 S	13 E	7	SW $\frac{1}{4}$ SW $\frac{1}{4}$	9.3
	5 S	13 E	7	SE $\frac{1}{4}$ SW $\frac{1}{4}$	2.6
	5 S	13 E	7	NE $\frac{1}{4}$ SE $\frac{1}{4}$	7.6
	5 S	13 E	7	NW $\frac{1}{4}$ SE $\frac{1}{4}$	12.1
	5 S	13 E	7	SW $\frac{1}{4}$ SE $\frac{1}{4}$	1.3
	5 S	13 E	7	SE $\frac{1}{4}$ SE $\frac{1}{4}$	1.9
	5 S	13 E	17	SW $\frac{1}{4}$ SW $\frac{1}{4}$	1.8
WALTERS, Mary	5 S	12 E	33	NW $\frac{1}{4}$ NW $\frac{1}{4}$	10.0
WALTERS, Verla	5 S	12 E	33	NW $\frac{1}{4}$ NE $\frac{1}{4}$	12.0
WEBERG, L. A. & Vivian	5 S	12 E	19	SW $\frac{1}{4}$ NW $\frac{1}{4}$	5.0
WEST, I. H.	5 S	12 E	13	NE $\frac{1}{4}$ SW $\frac{1}{4}$	2.3
	5 S	12 E	13	NW $\frac{1}{4}$ SW $\frac{1}{4}$	9.1
WOODSIDE, Lloyd T.	5 S	12 E	22	NE $\frac{1}{4}$ SE $\frac{1}{4}$	2.0
	5 S	12 E	22	SE $\frac{1}{4}$ SE $\frac{1}{4}$	15.6
	5 S	12 E	23	SW $\frac{1}{4}$ SW $\frac{1}{4}$	3.2
	5 S	12 E	23	SE $\frac{1}{4}$ SW $\frac{1}{4}$	4.5
	5 S	12 E	25	SW $\frac{1}{4}$ NE $\frac{1}{4}$	3.0
	5 S	12 E	26	SW $\frac{1}{4}$ NE $\frac{1}{4}$	7.8
	5 S	12 E	26	NE $\frac{1}{4}$ NW $\frac{1}{4}$	12.8
	5 S	12 E	26	NW $\frac{1}{4}$ NW $\frac{1}{4}$	20.2
	5 S	12 E	26	SE $\frac{1}{4}$ NW $\frac{1}{4}$	3.4
	5 S	12 E	27	NE $\frac{1}{4}$ NE $\frac{1}{4}$	8.0
	5 S	13 E	8	SW $\frac{1}{4}$ NW $\frac{1}{4}$	2.0
	5 S	13 E	8	NW $\frac{1}{4}$ SW $\frac{1}{4}$	16.0
WOODSIDE, Ralph H.	5 S	12 E	24	NE $\frac{1}{4}$ SE $\frac{1}{4}$	6.0
	5 S	12 E	24	SE $\frac{1}{4}$ SE $\frac{1}{4}$	24.0
WOODSIDE, Scott	5 S	12 E	22	NW $\frac{1}{4}$ NW $\frac{1}{4}$	16.6
	5 S	12 E	22	SW $\frac{1}{4}$ NW $\frac{1}{4}$	8.13
WOODSIDE, Van	4 S	13 E	29	NE $\frac{1}{4}$ SW $\frac{1}{4}$	7.8
	4 S	13 E	29	SW $\frac{1}{4}$ SW $\frac{1}{4}$	3.6
	4 S	13 E	29	SE $\frac{1}{4}$ SW $\frac{1}{4}$	8.6

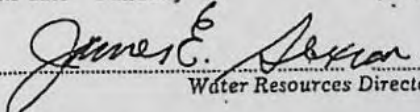
<u>Name</u>	<u>Town- ship</u>	<u>Range</u>	<u>Section</u>	<u>40 Acre- Tract</u>	<u>No. Acres Irrigated</u>
YOUNG, Mrs. Blanch	4 S	13 E	22	SW $\frac{1}{4}$ SW $\frac{1}{4}$	1.2
	4 S	13 E	22	SE $\frac{1}{4}$ SW $\frac{1}{4}$	19.5
	4 S	13 E	27	NE $\frac{1}{4}$ NW $\frac{1}{4}$	10.1
YOUNG, David W.	5 S	12 E	23	NE $\frac{1}{4}$ NE $\frac{1}{4}$	15.0
YOUNG, Harrison L. & Blanch - Ardis Harth	4 S	14 E	30	NE $\frac{1}{4}$ SW $\frac{1}{4}$	0.7

This certificate supersedes the certificate recorded at page 15525, Volume 13 issued to Juniper Flat District Improvement Company to describe the right as corrected by a decree and order of the circuit court for Wasco County, entered December 3, 1979. This certificate also accounts for the changes in place of use under transfers numbered S-62, W-46, C-85, S-91, W-59, A-26 respectively approved by orders of the State Engineer entered October 13, 1949, March 22, 1950, June 19, 1950, April 23, 1952, June 1, 1953, May 8, 1956 and under transfers numbered B-98, B-99, C-122, C-123, D-73, J-29, M-110, M-111 and Y-6, all approved by orders of the State Engineer entered February 18, 1957.

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

WITNESS the signature of the Water Resources Director, affixed

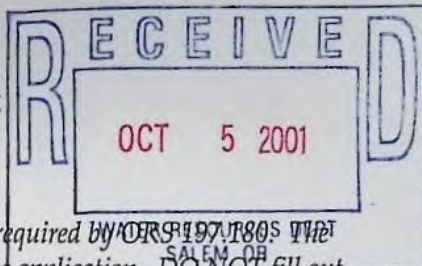
this date January 18, 1980.


Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 42, page 48850



Oregon Water Resources Department Land Use Information Form



This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.805. 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: Juniper Flat District Improvement Co.

Address: 53333 Reservation Rd.

App 5-60453

City: Maupin State: OR Zip: 97037 Day Phone: (541) 328-6380

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 lots in 5 townships as noted on maps via existing delivery system

Tax Lot I.D.	Plan Designation (e.g. Rural Residential/RR-5)	Water to be: (check all that apply)		
<u>see Attachment A</u>		<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used

List counties and cities where water is proposed to be diverted, conveyed, or used. Wasco Co.

C. Description of Water Use

Indicate what the water will be used for. Include the beneficial use (found in the instruction booklet for your water right application) and use the space below to describe the key characteristics of the project.

Beneficial Use(s): irrigation

Briefly describe: Storage in Clear Lake Reservoir and
natural flow in the streams

D. Source

Indicate the source for the proposed water use:

☒ Reservoir/Pond ☐ Ground Water ☒ Surface Water Clear Cr. Frog Cr. & Springs
Clear Lake Res. (source)

E. Quantity

Indicate the estimated quantity of water the use will require:

52.7

☒ CFS

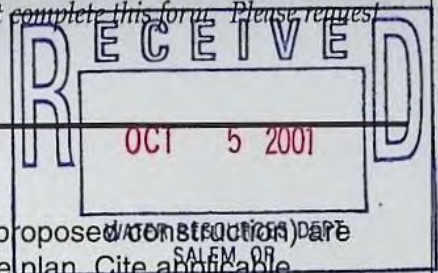
☐ GPM

& 13,060

☒ Acre-Feet

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless your project will be located entirely within the city limits. In this case, only the city planning agency must complete this form. Please request additional forms as needed or feel free to copy.



A. Allowed Use

Check the appropriate box below and provide requested information.

☒ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s); _____ . 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:	
Allowed use	3.210 B.2.	<input checked="" 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: Clait Weitz Date: 4-2-01
Title: Associate Planner Phone: 541 298 5169
Signature: Clait Weitz

C. Additional Comments

Local governments are invited to express special land use concerns or make recommendations to the Department regarding this proposed use of water below, or on a separate sheet.

Note: If this form cannot be completed while the applicant waits, sign and detach the receipt stub as instructed below. You will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD will presume the land use associated with the proposed water right is compatible with local comprehensive plans. (See attached letter.)

Receipt for Request for Land Use Information

Name of water right applicant: Juniper Flat Dist. Imp.

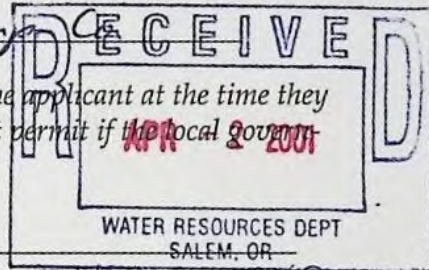
app 5-60453

This receipt must be signed by a local government representative and returned to the applicant at the time they present this form. This receipt must be included in the application for a water right permit if the local government cannot provide the requested land use information while the applicant waits.

City or County: Wasco County

Staff contact: _____ Phone: 541-298-5169

Signature: Kathy Rytelle secretary Date: 3-30-01



Receipt for Request for Land Use Information

State of Oregon

Water Resources Department

Commerce Bldg.

158 12th St. NE

Salem, OR 97310-0210

(503)378-8455



Oregon Water Resources Department Land Use Information Form

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

To Be Completed By Applicant

The following section includes information about proposed water use. This section must be completed by the individual or group that is filing an application for a water right with the Water Resources Department.

A. Applicant

Name: Juniper Flat District Improvement Co.

Address: 53333 Reservation Rd.

App S-60453

City: Maupin State: OR Zip: 97037 Day Phone: (541) 328-6380

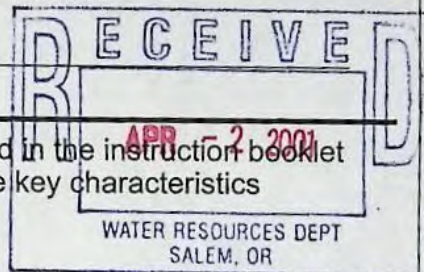
B. Land and Location

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 lots in 5 townships as noted on maps via existing delivery system

Tax Lot I.D.	Plan Designation (e.g. Rural Residential/RR-5)	Water to be: (check all that apply)		
<u>see Attachment A</u>		<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used

List counties and cities where water is proposed to be diverted, conveyed, or used. Wasco Co.



C. Description of Water Use

Indicate what the water will be used for. Include the beneficial use (found in the instruction booklet for your water right application) and use the space below to describe the key characteristics of the project.

Beneficial Use(s): irrigation

Briefly describe: Storage in Clear Lake Reservoir and
natural flow in the streams

D. Source

Indicate the source for the proposed water use:

☒ Reservoir/Pond ☐ Ground Water ☒ Surface Water Clear Cr. Frog Cr. & Springs
Clear Lake Res. (source)

E. Quantity

Indicate the estimated quantity of water the use will require:

52.7 ☒ CFS ☐ GPM & 13,060 ☒ Acre-Feet

Receipt for Request for Land Use Information

State of Oregon
Water Resources Department
Commerce Bldg.
158 12th St. NE
Salem, OR 97310-0210
(503)378-8455

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); _____. Go to section B "Approval" below
- ☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below.

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Check the item that applies: Land Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued

Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus accompanying findings is sufficient.)

B. Approval

Please provide printed name and written signature.

Name: _____ Date: _____

Title: _____ Phone: _____

Signature: _____

C. Additional Comments

Local governments are invited to express special land use concerns or make recommendations to the Department regarding this proposed use of water below, or on a separate sheet.

RECEIVED
APR - 2 2001
WATER RESOURCES DEPT SALEM, OR

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.)

Receipt for Request for Land Use Information

Name of water right applicant: Juniper Flat Dist. Imp. Co.

This receipt must be signed by a local government representative and returned to the applicant at the time they present this form. This receipt must be included in the application for a water right permit if the local government cannot provide the requested land use information while the applicant waits.

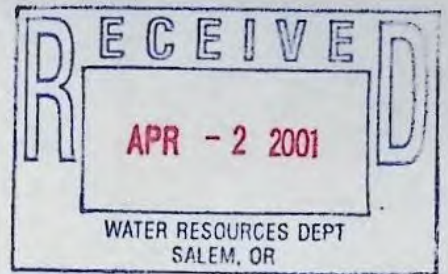
City or County: Wasco County

Staff contact: _____ Phone: 541-298-5169

Signature: Kathy Pyttle secretary Date: 3-30-01

Legal Description

ATTACHMENT A



1/4 1/4 SW SW	Primary 14.3 acres	Supplemental 1703	tax lot 1703	Name ODF&W
NW NW	5.0	2600	2600	ODF&W
SE NE	6.0 acres	1900	1900	Hammond ✓
NE SW	1.2 acres	100	100	Muncie ✓

Section 25

Township 5 South, Range 11 East, W.M.

NE NW	4.1 acres	201	V. Woodside ✓
SW NW	9.6 acres	201	V. Woodside
SE NW	5.1 acres	201	V. Woodside
SE NW	3.2 acres	100	McCorkle ✓
NW SW	2.0 acres	201	V. Woodside
SE SW	7.0 acres	100	McCorkle ✓

Section 1

SW SW	14.4 acres ✓	400	Schmidt ✓
NE SE	19.1 acres	201	V. Woodside
SE SE	5.5 acres	201	V. Woodside

Section 2

SE SE	18.2 acres ✓	400	Schmidt
-------	--------------	-----	---------

Section 3

SW NW	2.8 acres	1700	Ambrose ✓
NW SW	13.2 acres	1700	Ambrose
SW SW	20.3 acres	1700	Ambrose

Section 9

NE NE	3.7 acres ✓	400	Schmidt
-------	-------------	-----	---------

Section 10

SW NE	4.7 acres	2100	McLeod ✓
SE NE	26.0 acres	2100	McLeod
NE SE	17.8 acres	2200	Endersby ✓
NW SE	17.9 acres	2200	Endersby
SW SE	23.0 acres	2200	Endersby
SE SE	23.0 acres	2200	Endersby

Section 11

NW NE	13.5	2100	McLeod
SW NE	2.6 acres	2100	McLeod
NE NW	23.5 acres	2100	McLeod
SE NW	9.9 acres	2100	McLeod
NW NW	0.8 acre	2100	"

Section 12

$151 + 90 = 591$

$36 \frac{3}{4}$

$302 + 502 = 812$

812

502

10706
2482.7

5.1
NW NW 3.7 acres
SW NW 0.2 acres
NW SW 1.2 acres

2600 Williamson 29L
2600 Williamson
2600 Williamson

Section 13

62.3
NE NE 11.4 acres
NW NE 9.6 acres
SE NE 7.6 acres
NE NW 3.7 ~~2.3~~ acres
SW NW 0.7 acres
NW SW 19.4 acres
SW SE 5.8 acres
SE SE 4.1 acres

2600 Williamson
3103 Groce 42 132
2600 Williamson
3100 ~~Williamson~~ Groce
3104 Claymier ✓ 482 + 312 = 801
3104 Claymier
3100 Claymier
3100 Claymier

Section 14

117.5
SW NE
NE SW
NW SW ✓
SW SW
NE SE
NW SE
SW SE
SE SE

1.0 acre
33.9 acres
3.5 acres
5.9 acres
0.3 acre
34.7 acres
7.5 acres
0.6 acre

3502 Dodge ✓ 87±
3502 Dodge
3502 Dodge
3502 Dodge
3500 Dodge
3502 Dodge
3502 Dodge
3500 Dodge

Section 18

NE SW
SE SW

6.7 acres
17.4 acres

3790 Confederated Tribes ✓
3790 "

Section 19

SE NE 6.0 acres

3403 Capps ✓

Section 20

21.6
SW NE 9.4 acres
SE NE 3.8 acres
NE SE 3.0 acres
NW SE 1.3 acres
SE SE 7.1 acres

3900 Hundley 29E
3900 "
3900 "
3900 "
3900 "

Section 21

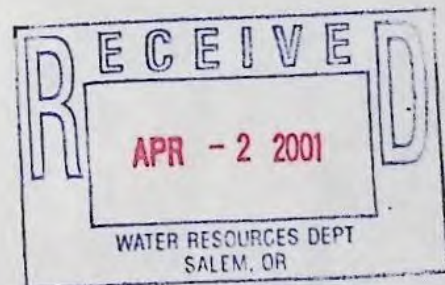
32.3
SE NE 8.6 acres
NE NW 0.8 acre
NW NW 0.6 acre
SW NW 12.2 acres
SE NW 4.4 acres
SE SW 6.2 acres
NE SE 0.5 acre

3100 Claymier
3200 S. Woodside ✓ 292 + 52 = 292
3200 "
3200 "
3200 "
3200 "
3100 Claymier

Section 22

27.7
NW NE 6.0 acres
SW NE 0.3 acre
SE NE 18.1 acres
NE NW 3.3 acres

3100 Claymier
3100 "
2703 Aschoff ✓
3100 Claymier



31.7
NW NW 3.3 acres
SW NW 18.8 acres
SE NW 9.0 acres
NW SW 0.6 acre
SE SE 6.0 acres

3100 Claymier 312
3100 "
3100 "
3100 "
1200 L. Woodside 812

Section 23

13.3
SE NW
NE NW 0.3 acre
NW NW 2.5 acres
SW NW 4.3 acres
SE SE 0.3

5.3 acres
10.1 acres

2702 Carter
2702 "
2702 "
4200 Meredith ✓
132 P 151 S

Section 24

NW NE 5.9 acres
SW NE 1.5 acres

4400 L. Woodside
4400 "

Section 25

85.2
NE NE 10.2 acres
NW NE 11.9 acres
SW NE 26.8 acres
SE NE 4.3 acres
NE NW 6.9 acres
NW NW 2.2 acres
SW NW 0.9 acre
SE NW 12.2 acres
NW SE 2.4 acres

4900 Pinheiro ✓ 112
4100 L. Woodside
4100 "
4900 Pinheiro
4100 L. Woodside
4100 "
4100 "
4100 "
5200 Beebe ✓

Section 26

39.3
SE NE 10.0 acres
NE NW 4.5 acres
NW NW 1.2 acres
NE SE 7.5 acres
NW SE 4.0 acres
SE SE 12.1 acres

4100 L. Woodside
3200 S. Woodside 52
3200 "
5500 Hammer ✓
5500 "
5600 Tolentino ✓

Section 27

22.7
SW SW 10.6 acres
NE SE 0.1 acre
SW SE 11.8 acres
SE SE 0.2 acre

6300 Blake ✓ 241
6400 Graybill ✓
6400 "
6400 "

Section 29

37.7
NE SE 0.7 acre
NW SE 0.1 acre
SW SE 2.2 acres
SE SE 10.5 acres

6300 Blake } 132
6300 "
6300 "
6300 "

Section 30

NW NE 12.1 acres

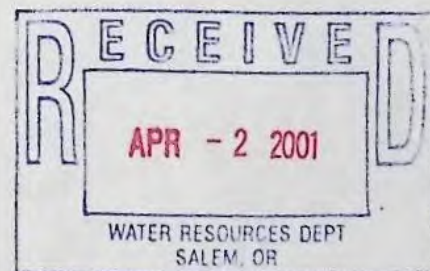
6501 Hill ✓

Section 32

NW NW 12.1 acres

6000 Reinwand ✓

Section 33
Township 5 South, Range 12 East, W.M.



39.7
NE NE 2.0 acres
NE SW 2.0 acres
SE SW 9.7 acres
NW SE 7.8 acres
SW SE 18.2 acres

500 Mayhew ✓
600 Larkin $372 + 21 = 392$
600 "
600 "
600 "

Section 2

79.4
NW NE 9.2 acres
SW NE 27.4 acres
SW NW 16.6 acres
SE NW 20.0 acres
NW SW 1.2 acres

800 Gabel $73 \pm$ ✓
800 "
800 "
800 "
1000 Bothwell ✓

Section 3

42.2
NW NW 8.7 acres
SW NW 5.3 acres

1200 Paulson ✓
1200 "

Section 4

NW NE 17.8 acres
SW NE 5.0 acres
SE SW 5.5 acres

1200 "
1200 "
1300 Carter $78 \pm$
 $368 + 192 = 560$

Section 5

69.5
SE NE 16.0 acres
SW NW 4.0 acres
SE NW 14.6 acres
NE SW 7.3 acres
NW SW 2.3 acres
SW SW 6.3 acres
SE SW 6.7 acres
NE SE 8.0 acres
NW SE 3.9 acres
SE SE 0.4 acre

1500 L. Woodside $+ 182 = 342$
1400 Walters $53 \pm$
1400 "
1400 "
1400 "
1400 "
1400 "
1400 "
1400 "
1400 "

Section 7

110.1
NE NE 35.3 acres
NW NE 37.6 acres
SW NW 18.9 acres
SW SW 4.5 acres
SE SW 13.8 acres

1300 Carter
1300 "
1500 L. Woodside
2000 Hawthorne $182 + 112 = 302$
2000 "

Section 8

48.8
SW NE 4.5 acres
NW NW ~~7.2~~ ~~6.3~~ acres
SW NW 25.4 acres
SE NW 4.4 acres
NE SW 5.0 acres

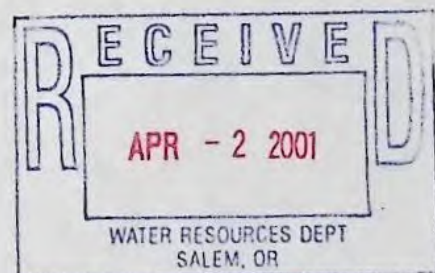
2200 Kelly $45 \pm$ $76 \pm$
2200 "
2200 "
2200 "
2201 "

Section 9

NE NW 2.2 acres

600 Larkin

Section 11



NW NW 6.5 acres

Section 17

2000 Hawthorne

NE NE 5.4 acres

2000 Hawthorne

SE SE 1.2 acres

4100 Bender ✓

Section 18

NW SW 0.3 acre

4200 Meredith

Section 19

NE NW 10.0 acres

4500 Tom Morelli

SW NW 2.6 acres

4500 "

NE SW 2.1 acres

3900 Dodge

SW SW 5.4 acres

3900 4500 Tom Morelli Dodge

SE SW 3.6 acres

3900 Dodge

SE SE 15.1 acres

3900 "

Section 21

NW NW 1.2 acres

5200 Lorraine Gabel ✓

Section 28

SW NE 2.3 acres

5500 Fosberg

NE NW 10.7 acres

5500 "

NW NW 32.2 acres

5500 "

SW NW 11.0 acres

5500 "

SE NW 27.3 acres

5500 "

Section 29

SW NE

0.2 acre

5700 Nelson

SE NW

1.8 acres

5700 "

NE SW

1.6 acres

17.0 acres

5700 "

NW SW

3.9 acres

5700 "

NW SE

4.5 acres

5700 "

Section 30

Township 5 South, Range 13 East, W.M.

SW SW

38.8 acres

6500 Larsell ✓

SE SW

37.3 acres

6500 "

Section 13

SW NE 0.5 acre

9400 Tom Morelli

SE NW 10.4 acres

9400 "

SE SW 2.8 acres

9200 "

NE SE 9.3 acres

9400 "

NW SE 7.6 acres

9400 "

SW SE 6.6 acres

9400 "

SE SE 4.1 acres

9400 "

Section 22

NE NE 9.9 acres

7200 McElheron

NW NE 21.8 acres

7200 "

SW NE 23.7 acres

7200 "

NE NW 26.0 acres

7100 "



$412 + 628 = 1040$

$811 + 271 = 1082$

96
SE NW 27.4 acres
NE SW
NW SW
SE SW

40.0 acres
1.1 acres
15.7 acres

7100 McElheron
9500 McReynolds ✓
9500 "
9500 "

NE NW
NW NW

3.9 acres
4.6 acres

6500 Larsell
6500 "

825

SE NE 3.3 acres

9700 Harth ✓

Section 25

NW NE

NE NE 29.4 acres

9501 Tim Morelli

SW NE 26.7 acres

9501 "

SE NE 28.6 acres

9501 "

NE NW 13.0 acres

9200 Tom Morelli

NW NW 25.5 acres

9200 "

SW NW 20.7 acres

9200 "

SE NW 1.7 acres

9200 "

NE SE 4.8 acres

9501 Tim Morelli

NW SE 16.9 acres

10100 "

SW SE 12.4 acres

10100 "

SE SE 3.5 acres

9501 "

Section 27

SW SW 0.5 acre

10600 V. Woodside

SE SW 8.5 acres

10600 "

Section 29

NE NE 1.5 acres

10800 Gutzler

SW NE 5.0 acres

10800 "

SE NE 1.4 acres

10800 "

NE SE 1.8 acres

10800 "

NW SE 14.4 acres

10800 "

SW SE 7.5 acres

10800 "

SE SE 1.8 acres

10800 "

Section 31

NE SE 16.0 acres

10900 Paulson

NW SE 4.0 acres

10900 "

SW SE 7.7 acres

10900 "

Section 32

NE SW 4.2 acres

10900 Paulson

NW SW 0.4 acre

10900 "

SW SW 6.8 - 7.4 acres

10900 "

SE SW 9.8 acres

10900 "

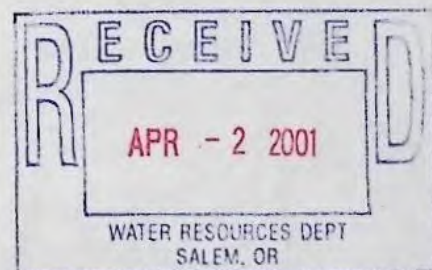
Section 33

602 + 12 = 628

932 P ✓ 293 S ✓

122.
1222

192 P 302 S ✓



71
NW NW 19.5 acres ✓ 11100 Reckman Estate
SW NW 4.6 acres ✓ 11100 Don Reckman
SW SW 4.9 acres ✓ 11100 Odem

Section 34

SE NE 16.8 acres 11300 Mayhew
NE SE 17.4 acres 11400 "
NW SE 7.8 acres 11400 "

Section 35

260
NE NW 32.5 acres 11500 Mayhew P 1722 S 1302 ✓
NWNW 32.5 acres 11500 "
SW NW 32.5 acres 11500 "
SE NW 32.5 acres 11500 "
NE SW 29.8 acres 11500 "
NW SW 29.6 acres 11500 "
SW SW 38.6 acres 11500 "
SE SW 32.0 acres 11500 "

Section 36

Township 4 South, Range 13 East, W.M.

54.2
NE NE 1.7 acres 2.2 acres ✓ 3700 Marsh P 1091 S 482 ✓
NW NE 3.3 acres 21.9 acres ✓ 3700 "
SW NE ~~19.0~~ acres 19.0 ✓ 3700 "
SE NE 5.1 acres ✓ 3700 "
NE SE 1.0 acre 3700 "

Section 19

103.1
NE NW 21.9 acres 3300 Marsh
SE NW 29.6 acres 3300 "
NE SW 6.5 acres 3300 "
NW SW 31.0 acres 3300 "
SW SW 14.1 acres 3300 "

Section 20

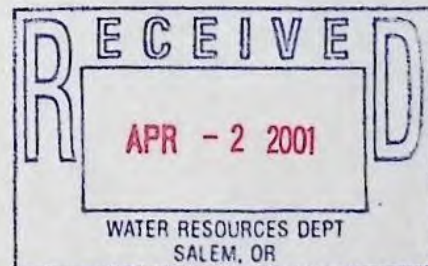
20.4
NE SW 1.0 acre ✓ 4200 Harth
NW SW 1.7 acres ✓ 4200 "

Section 30

SW SW 19.2 acres ✓ 4302 Duling
SE SW 28.5 acres ✓ 4302 "

Section 31

Township 4 South, Range 14 East, W.M.



JUNIPER FLAT DIST IMP CO
53333 RESERVATION RD
MAUPIN OR 97037-9708

Phone (541) 328-6380 + FAX No.

TO:

Cory Engle

Water Rights Specialist

Water Resources Department

Salem Ore

2 pages, including
cover sheet

From:

Tim Morelli Juniper Flat Dist. Imp. Co

Cory:

If you need to call me

please call me at home:

541 395 2431

cell:

541 993-3600

Thanks.

Juniper Flat District Improvement Co., Inc.

53333 Recreation Rd.
Maupin, Oregon 97037-9708
(541) 328-6390
FAX (541) 328-6381

2-25-02-

Mr. Cory C. Engel
Water Right Specialist

Reference: File S-60453

Cory:

Thank you for your time this afternoon.
In regards to our phone conversation concerning the
alternate acres; the Juniper Flat District
Improvement Company is requesting:

7500 acre feet of stored water in Clear
Lake Reservoir for alternate acres application
(file S-60453).

This application is not requesting any additional
water, but allows us to utilize our ex-
isting water on alternate acreage. Thank
you.

Timothy J. Morelli
J.F.D.I.C. Chairman

Mailing List for IR Copies

Application #S-60453

IR Date: January 18, 2002

Original mailed to:

Applicant: JUNIPER FLAT DIST. IMPROVEMENT CO.; ODOM, WAYNE A, RT 1 BOX 13,
MAUPIN, OREGON 97037

Copies sent to:

1. WRD - File # S-60453
2. WRD - Water Availability: Ken Stahr

IR, Map, Fact Sheet, and Basin Map — Copies sent to:

3. WRD - Regional Manager: NCR

Copies Mailed
By: <u>JB</u>
(SUPPORT STAFF)
on: <u>1/18/02</u>
(DATE)

Note to Support: Complete top portion of Division 33 Review Forms —

Date Sent, Due Date (28 days after date sent), application number and name —
and staple form to front of copy packet for the following:

- | | | |
|----------------|---------|-----------------------------|
| 1) Watermaster | 2) ODFW | 3) DEQ (if indicated below) |
|----------------|---------|-----------------------------|

Mail Copies of IR, Map, Water Availability, Fact Sheet, and Basin Map to the following:

4. WRD - Watermaster #3 + **Watermaster Form**
5. ODFW District Biologist: Steve Pribyl & Steve Marx + **ODFW Form 1 (Upper Columbia)**
6. Columbia River Intertribal Fish Commission
7. US Fish & Wildlife
8. NW Power Planning Council
9. NMFS: Mark Liverman
10. DEQ — Dick Nichols, Eastern Region + **DEQ Form**
11. DOA (Salem): Jim Johnson
12. State Parks

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

14. _____

15. _____

16. _____

Route to Support for database tracking _____



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

October 24, 2000

Timothy J. Morelli
Juniper Flat District Improvement Company, Inc.
56361 Hwy 197
Maupin, OR 97037

RE: Application S-60453

Dear Mr. Morelli:

On September 19, 2000, the Department received the additional information we had requested regarding your request for continued administrative hold on the above referenced application. It appears that you are requested an administrative hold until April, 2001, in order to complete necessary application maps.

Under OAR 690-310-270, the Department may grant an administrative hold for up to 180 days. This application has already been on administrative hold longer than the allowable 180 days. However, a longer administrative hold may also be granted, if the Director finds that a longer period is reasonable and necessary.

Based upon the information you have provided, I have determined, on the behalf of the Director, that a longer administrative hold on the processing of this application is reasonable and necessary. Therefore, the Department has approved the request for an additional administrative hold. The Department will not take any action on this application until **April 2, 2001**. Please let us know if the applicant is ready to proceed sooner.

If you need to request additional time, once the present administrative hold expires, a new written request will need to be submitted. Your new request must demonstrate justification for why additional time is reasonable and necessary. The request must also show that substantial progress has been and is being made towards resolving the issues that led to the request for administrative hold. Additional administrative holds may not be granted unless you can demonstrate that substantial progress has been made. You must also include a detailed time-line, which describes what actions have been, are being, and will be taken in order for the application process to proceed and identifies when the applicant anticipates being ready to continue with the application process. The dates associated with each action described in the time-line must be identified.



Application No. 60453 (superseding)

State of Oregon
WATER RESOURCES DEPARTMENT

Application for a Permit to Appropriate Surface Water

Applicant(s) Juniper Flat District Improvement Company, Inc.
(Please print or type - use dark ink)

Mailing Address: Rt. 1, Box 53
Maupin Oregon 97037 395-2668
City State Zip Daytime Phone No.

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

1. **SOURCE OF WATER** for the proposed use: Three Spring Areas,
Clear Creek, Frog Creek, & Clear Cr. Res.
a tributary of in White River Basin

2. **TOTAL AMOUNT OF WATER** to be applied to beneficial use: 62.5 cubic feet per second, OR gallons per minute. If water is to be used from more than one source, give the quantity of water from each: however, the diversion of water
under this application and existing certificates 48850 and 51539
will not exceed quantity of water allowed under certificates
48850 and 51539.

3. **INTENDED USE(s) OF WATER:** Irrigation

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

If for **DOMESTIC** use, state the number of households to be supplied; _____

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

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

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

Irrigation 2500 acres

Other (describe) _____

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

The water travels through Forest Service ^{Land} in an open channel, and then is distributed to the users on Juniper Flat through open ditches and laterals.

Two spring areas are located in Section 13, T.5S, R.9E, W.M.
Third spring area is located in Section 10, T.5S, R.9E, W.M.

5. **PROJECT SCHEDULE:** (List month and year)

Proposed date construction work will begin completed

Proposed date construction work will be completed completed

Proposed date water use will be completed completed

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

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

☒ Applicant ☐ CWRE ☐ Other (Identify in REMARKS section)

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

☒ Applicant ☐ CWRE ☐ Other (Identify in REMARKS section)

7. Are all lands involved (including the proposed diversion site, place of use, and access for conveying the water) under your ownership? No. If not, list in the REMARKS section below, or on an attached sheet, the names and mailing addresses of the legal owners of all property involved in the proposed development.

REMARKS: 7. This is a water supply company delivering water to members.

Legal Description: see attachment A

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

Wayne A. Olson
Signature of Applicant

5-10-90
Date

Signature of Co-Applicant, if any

Date

FOR WATER RESOURCES DEPARTMENT USE ONLY

Dear Applicant:

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

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

_____, 19____.

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

Water Resources Director

By: _____

This instrument was first received in the office of the Water Resources Director at _____,
Oregon, on the _____ day of _____, 19____, at _____ o'clock, ____ M.

APPLICATION NO: _____

PERMIT NO: _____



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: 19142 Acres

Secondary: 5852 Acres

List the permit or certificate number of the primary water right:

P 47767, C-47769, C-72321,
C-67908, C-33113, C-55356,
no. C-55354, C-38395,
P G-8259, C-52417, C-76281,
C-55344, C-55346 & C-55343

2. Please list the anticipated crops you will grow and whether you will be irrigating them for a full or partial season:

1. Pasture & Hay ☒ Full season ☐ Partial season (from: _____ to _____)
2. Grain ☒ Full season ☐ Partial season (from: _____ to _____)
3. _____ ☐ Full season ☐ Partial season (from: _____ to _____)
4. _____ ☐ Full season ☐ Partial season (from: _____ to _____)

3. Indicate the maximum total number of acre-feet you expect to use in an irrigation season:

10,000 acre-feet
(1 acre-foot equals 12 inches of water spread over one 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?

☐ Daily during daytime hours

☐ Daily during nighttime hours

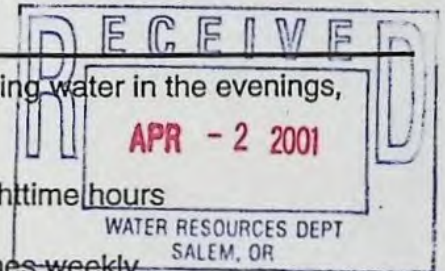
☐ Two or three times weekly during daytime

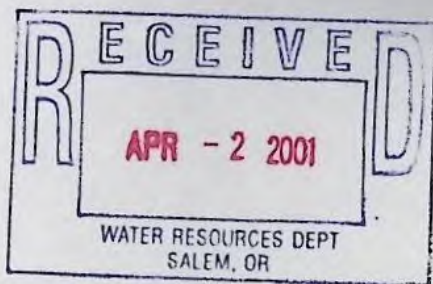
☐ Two or three times weekly during nighttime

☐ Weekly, during daytime hours

☐ Weekly, during nighttime hours

☒ Other, explain: rotation schedule to water users.





OATH

I/We certify that the information I have provided in application # S-60453 is an accurate representation of the proposed water use and is true and correct to the best of my knowledge.

<u>Timothy J. Morrell</u>	<u>Chairman</u>	<u>3-23-01</u>
Signature	Title	Date
<u>Leland Mayhew</u>	<u>Director</u>	<u>3-23-01</u>
Signature	Title	Date
<u>Lyle H. Sahel</u>	<u>Director</u>	<u>3-23-01</u>
Signature	Title	Date
<u>Harold Carter</u>	<u>DIRECTOR</u>	<u>3-30-01</u>
Signature	Title	Date
<u>Robert Goshel</u>	<u>Director</u>	<u>4/1/01</u>
Signature	Title	Date

JUNIPER FLAT DISTRICT IMPROVEMENT COMPANY, INC.

Contact person: Tim Morelli
56361 HWY 197
Maupin, Ore. 97037

Phone: (541) 395-2431

Laura K. Snedaker / Jake Szremek
Senior Water Rights Examiner
O.W.R.D.
158 12th Street N.E.
Salem, Ore. 97301-4172

RE: Reference File #
S-60453
Administrative
hold on applicatio

Laura and/or Jake,

Thank you for the detailed letter dated August 29th 2000 regarding the history of our application and its current status.

I am requesting that an administrative hold be placed on application S-60453. Please consider my reasons for requesting additional time.

Juniper Flat District Improvement Co. had to close its office down in August, due to unfortunate financial difficulties. Consequently our secretary, Wayne Odom, is no longer available, this has put the burden of handling all business on the Board of Directors, of which I am one. I am also a farmer and will be quite busy until mid- November

We have completed H.B. 3111 as far as a sign off with Martha Pagel. However as I indicated on the phone we are still dealing with the Warm Springs Indian Reservation and a change on our mylar maps. The wheels of a "sovereign nation" can move very slowly at times. I have been in contact with Larry Toll and he has given me some very good direction on how to continue with our application process. However it will take the needed time.

I plan to get the H.B. 3111 mylar maps from Larry to Bruce Estes (C.W.R.E.) who will be also assisting us in our application process. Bruce will get mylar copies made, then we will be able to do an overlay and determine where changes have occurred from our original filing.

Once we've identified the changes, we will need to notify the land owners to examine the maps and make or confirm corrections. This will probably be the most time consuming - trying to dove-tail schedules. However our annual meeting in January usually pulls the largest number of owners together at one time.

As far as an estimated time line, I could envision something like this:

Oct. 1, 2000	- 180 day administrative hold granted by OWRD
Oct. 5 -	JFDIC board meeting, Larry Toll and Bruce Estes attending
Oct. 6- Nov. 15	-- Larry Toll and Bruce Estes get maps traded around. Bruce gets maps made and a copy sent to JFDIC.
Nov. 20-	First snow in Maupin, farming slows way down. Tim Morelli and other board members go over maps, collect fill out and sign other needed information, ie, legal descriptions, Land use information form, signed oath, form I, etc.
Dec. 4-	continue fine tuning maps and have land owners begin to come in to confirm location.
Jan. 6, 2001	Annual meeting JFDIC
Jan. 6- 13	week of map confirmation by land owners

RECEIVED

SEP 19 2000

WATER RESOURCES DEPT
SALEM, OREGON

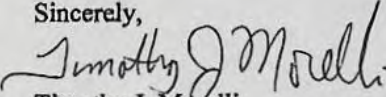
Jan. 16 - communicate with OWRD to verbally discuss progress on application,
and where to go from there. Follow up with letter if necessary.
Jan 16- 31 Finalize maps.

Feb. 1- March 30 Finish application process. I'm not sure what all is involved here and
The necessary time requirements, but am willing to try.

April 2 2001 OWRD graciously grants more time if sufficient evidence is provided
by JFDIC.

Laura and Jake, thank you for your time. Again, please consider my above explanation,
request for additional time and time line.

Sincerely,


Timothy J. Morelli

oops!

cc: Larry Toll, Watermaster Dist. 3

Bruce Estes, CWRE

RECEIVED

SEP 19 2000

**WATER RESOURCES DEPT.
SALEM, OREGON**

Tim Morelli
SG361 Hwy 197
Maupin Ore

CERTIFIED MAIL



7000 0520 0020 4943 7807

RETURN RECEIPT
REQUESTED

Water Resources Department
Commerce Building
158 12th Street NE
Salem, Oregon

Jake Szremek
ATTN: Laura Snedaker

97301+4172

~~9703~~ 97301-4172
|||||



Attention:

Jake Szremek

3 pages including
this cover.

From:

Tim Morelli

541-395-2431

JUNIPER FLAT DISTRICT IMPROVEMENT COMPANY, INC.

Contact person: Tim Morelli
56361 HWY 197
Maupin, Ore. 97037

Phone: (541) 395-2431

Laura K. Snedaker / Jake Szremek
Senior Water Rights Examiner
O.W.R.D.
158 12th Street N.E.
Salem, Ore. 97301-4172

RE: Reference File #
S-60453
Administrative
hold on applicatio

Laura and/or Jake,

Thank you for the detailed letter dated August 29th 2000 regarding the history of our application and its current status.

I am requesting that an administrative hold be placed on application S-60453. Please consider my reasons for requesting additional time.

Juniper Flat District Improvement Co. had to close its office down in August, due to unfortunate financial difficulties. Consequently our secretary, Wayne Odom, is no longer available, this has put the burden of handling all business on the Board of Directors, of which I am one. I am also a farmer and will be quite busy until mid- November

We have completed H.B. 3111 as far as a sign off with Martha Pagel. However as I indicated on the phone we are still dealing with the Warm Springs Indian Reservation and a change on our mylar maps. The wheels of a "sovereign nation" can move very slowly at times. I have been in contact with Larry Toll and he has given me some very good direction on how to continue with our application process. However it will take the needed time.

I plan to get the H.B. 3111 mylar maps from Larry to Bruce Estes (C.W.R.E.) who will be also assisting us in our application process. Bruce will get mylar copies made, then we will be able to do an overlay and determine where changes have occurred from our original filing.

Once we've identified the changes, we will need to notify the land owners to examine the maps and make or confirm corrections. This will probably be the most time consuming - trying to dove-tail schedules. However our annual meeting in January usually pulls the largest number of owners together at one time.

As far as an estimated time line, I could envision something like this:

Oct. 1, 2000	- 180 day administrative hold granted by OWRD
Oct. 5 -	JFDIC board meeting, Larry Toll and Bruce Estes attending
Oct. 6- Nov. 15	- Larry Toll and Bruce Estes get maps traded around. Bruce gets maps made and a copy sent to JFDIC.
Nov. 20-	First snow in Maupin, farming slows way down. Tim Morelli and other board members go over maps, collect fill out and sign other needed information, ie, legal descriptions, Land use information form, signed oath, form I, etc.
Dec. 4-	continue fine tuning maps and have land owners begin to come in to confirm location.
Jan. 6, 2001	Annual meeting JFDIC
Jan. 6- 13	week of map confirmation by land owners

Jan. 16 - communicate with OWRD to verbally discuss progress on application,
and where to go from there. Follow up with letter if necessary.

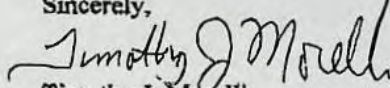
Jan 16- 31 Finalize maps.

Feb. 1- March 30 Finish application process. I'm not sure what all is involved here and
The necessary time requirements, but am willing to try.

April 2 2001 OWRD graciously grants more time if sufficient evidence is provided
by JFDIC.

Laura and Jake, thank you for your time. Again, please consider my above explanation,
request for additional time and time line.

Sincerely,


Timothy J. Morelli

oops!

cc: Larry Toll, Watermaster Dist. 3

Bruce Estes, CWRE



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

August 4, 2000

Harold Carter
Juniper Flat District Improvement Co.
53333 Reservation Rd.
Maupin, Oregon 97037

RE: Application S-60453

Dear Mr. Carter:

On July 12, 2000, I received your request for an additional administrative hold on the above referenced application. However, the information you supplied does not quite provide sufficient information in order for the Department to authorize an additional administrative hold.

The Department may grant an administrative hold for up to 180 days under OAR 690-310-270. This application has already been on administrative hold longer than the allowable 180 days. Longer administrative holds may also be granted under OAR 690-310-270, if the Director finds that a longer period is reasonable and necessary. In order for the Director to find that a longer administrative hold is reasonable and necessary, the Department requests applicants to submit a written request which demonstrates justification for why additional time is reasonable and necessary. The request must also show that substantial progress is being made towards resolving the issues that led to the request for administrative hold, including what actions have been, are being, and will be taken in order for the application process to proceed. Also, a general time-line, which identifies when the applicant anticipates being ready to continue with the application process must be included in the request.

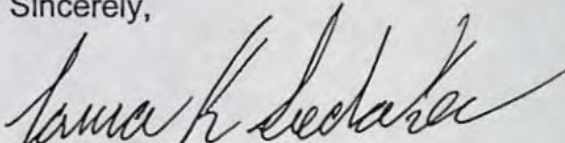
The information you have previously submitted to the Department provides justification for why an additional administrative hold is necessary. However, your request does not describe what actions have been, are being and will be taken in order for the application to proceed. The request must also include a general time line which also identifies when the applicant anticipates being ready to proceed. If you are not sure how much additional time is necessary, please provide your best estimate.

Please submit this information by **August 18, 2000**. If the requested information is not submitted by this date, the Department **may** continue processing the application based upon the information available. This could negatively affect the application.



If you have any questions about the necessary information, please give me a call. I can be reached at (503) 378-8455, extension 331, or toll free within Oregon at 1-800-624-3199.

Sincerely,

A handwritten signature in cursive script, appearing to read "Laura K. Snedaker".

Laura K. Snedaker
Senior Water Rights Specialist

cc: Larry Toll, Watermaster District 3
Bruce Estes, CWRE

RECEIVED

JUL 12 2000

WATER RESOURCES DEPT.
SALEM, OREGON

JUNIPER FLAT DISTRICT IMPROVEMENT COMPANY INC.

53333 Reservation Road
Maupin, OR 97037

Phone: (541) 328-6380
jfdic@centurytel.net

Fax: (541)-328-6381

July 10, 2000

Laura K. Snedaker
Senior Water Rights Examiner
Oregon Water Resources Department
158 12th Street NE
Salem, OR 97301-4172

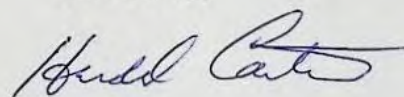
RE: Reference File Number:
S-60453
Your phone conversation with
Wayne Odom on 07-07-2000

Dear Ms. Snedaker:

This letter is to request that an administrative hold be placed on the above referenced application. As Wayne told you on the phone, it is necessary to follow-up on this matter to see where JFDIC's users want to place their water in light of the changes effected by HB 3111. We are in the process of locating copies of the material that was filed so many years ago.

Please let me know if the district needs to take any action besides the request made in this letter.

Yours truly,



Harold Carter
Chairman

wao

cc: Dwight French
Bruce Estes
Larry Toll

JUNIPER FLAT DIST IMP CO
53333 RESERVATION RD
MAUPIN OR 97037-9708

CERTIFIED MAIL

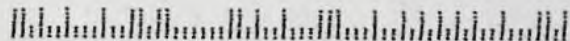


7000 0520 0020 4943 8187

Laura K. Snedaker
Senior Water Rights Examiner
Oregon Water Resources Department
158 12th Street NE
Salem, OR 97301-4172



97301/4172



SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

JUNIPER FLAT DISTRICT IMPROVEMENT
ROUTE 1, BOX 13
MAUPIN, OR 97037

S-60453

2. Article Number (Copy from service label)

P56223

PS Form 3811, July 1999

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

K PAULSON

B. Date of Delivery

6-16-00

C. Signature

*K Paulson

☐ Agent

☐ Addressee

D. Is delivery address different from item 1? ☒ Yes

If YES, enter delivery address below: ☐ No

5333 RESERVATION RD
MAUPIN OR 97037

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

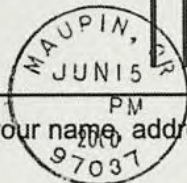
☐ Yes

Domestic Return Receipt

102595-99-M-1789

UNITED STATES POSTAL SERVICE

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10



• Sender: Please print your name, address, and ZIP+4 in this box •

WRD
158 12th St NE
Salem, OK 97301-
4172



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

CERTIFIED MAIL Return Receipt Requested

June 13, 2000

Juniper Flat District Improvement Co.
Route 1 Box 13
Maupin, Oregon 97037

Reference File Number: S-60453

Dear Applicant:

On October 31, 1996, the Department approved your request to put the above referenced application on administrative hold. The administrative hold on this application expired on June 19, 1997.

It appears that the application had been put on hold for the following reason:

- ▶ The application was placed on hold pending the completion of your HB 3111 petition. It appears from review of the application file that the description of the place of use under this application was to be modified based upon movement of lands under HB 3111. On March 20, 2000, the proposed order for Juniper Flat's HB 3111 petition was signed by the Director of the Water Resources Department.

An application map, which meets Department map Requirements, needs to be submitted to the Department. I have enclosed a complete list of the Department's map requirements for your reference.

Please contact the Department and indicate whether you are ready to proceed with the application **by July 14, 2000**. If you do not contact the Department by this date, we have no choice but to assume that you are ready to proceed with the application. The Department will then continue review of the application based upon the information available. Failure to respond **may** lead to rejection of your application consistent with ORS 537.153. If your application is rejected, any fees submitted in excess of the examination fee will be refunded; however, the examination fee is non-refundable and will not be returned. In addition, the priority date associated with your application will be lost.

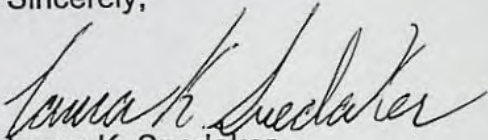
If an additional administrative hold is necessary, please make your request in writing to Dwight French, Manager Water Rights Section, for consideration. Under OAR 690-310-



270, the Department may grant a longer administrative hold if the Director finds that a longer period is reasonable and necessary. In order for the Department to approve an additional hold, your request would need to show why an additional administrative hold is reasonable and necessary, that substantial progress is being made towards being ready to proceed with application processing, and a general time-line, which identifies when the applicant anticipates being ready to continue with the application process.

If you have any questions, please call me at (503) 378-3739, extension 331, or toll free within Oregon at 1 (800) 624-3199.

Sincerely,

A handwritten signature in cursive script, appearing to read "Laura K. Snedaker".

Laura K. Snedaker

Senior Water Rights Examiner

cc: Larry Toll, Watermaster District 3
Bruce Estes, CWRE

X-Sender: tollm@mailhub.wrd.state.or.us
X-Mailer: QUALCOMM Windows Eudora Light Version 3.0.6 (32)
Date: Thu, 27 Apr 2000 13:59:52 -0700
To: Laura K Snedaker <Laura.K.SNEDAKER@wrd.state.or.us>
From: Larry Toll <Larry.M.TOLL@wrd.state.or.us>
Subject: Re: Juniper Flat

The proposed order for Juniper Flat's HB 3111 petition was signed by Martha on March 20, 1999. I don't see any reason to put processing of the pending application 60453 any longer.

At 12:12 PM 4/27/2000 -0700, you wrote:

>Howdy Larry:

>

>It is time once again to check with you on the status of the 3111 petition
>for Juniper Flat Improvement Co. I have been holding their application,
>S-60453, pending the completion of their petition and final proof maps.
>Last time I checked with you, in October, 1999, you indicated that it was
>getting closer but not there yet and that I should set this file up for
>another 6 months. Also, you indicated that a Proposed Order may be
>completed by Thanksgiving.

>

>So, how's it going?

>

>Thanks, Laura S.

>

>

>

"The Watermiser"

Larry Toll
Watermaster District 3
Oregon Water Resources Department
Phone: 541-298-4110
Fax: 541-298-2459
E-mail: Larry.M.Toll@wrd.state.or.us

Address:
County Annex B, Room 218
421 East 7th Street
The Dalles, Or 97058

X-Sender: tolllm@mailhub.wrd.state.or.us (Unverified)
Date: Tue, 26 Oct 1999 13:23:39 -0700
To: Laura K Snedaker <Laura.K.SNEDAKER@wrд.state.or.us>
From: Larry Toll <Larry.M.TOLL@wrд.state.or.us>
Subject: Re: Juniper Flat

We are getting closer but not there yet. Better set in up for another 6 months. I hope to have a proposed order by by Thanksgiving, maybe sooner.

At 08:31 AM 10/21/1999 -0700, you wrote:

>Larry:

>

>I wanted to check in with you on the status of the HB 3111 petition for
>Juniper Flat Improvement Co. I have been holding their application, S-60453,
>pending the completion of their petition and final proof maps.

>

>Thanks, Laura S.

>

>

>

"The Watermiser"

Larry Toll
Watermaster District 3
Oregon Water Resources Department
Phone: 541-298-4110
Fax: 541-298-2459
E-mail: Larry.M.Toll@wrд.state.or.us

Address:
County Annex B, Room 218
421 East 7th Street
The Dalles, Or 97058

December 9, 1998

I spoke with Larry Toll (Watermaster #3) this morning. He said to keep Application # 60453 on administrative hold until applicant is finished with the HB 3111 process. Try again in April of 1999.

-Matthew Gerbrandt, Water Rights Specialist

4-19-99

LKS

Spoke w/ Larry Toll.

Are much closer to being done

Waiting on diminish ment of Warm
Springs right

Should have maps & PFO out
w/in 6 months.

January 2, 1997

Bruce Estes, PLS, CWRE
6293 Sunnyview RD NE
Salem OR 97305

RE: Application S60453, Juniper Flat District Improvement Co.

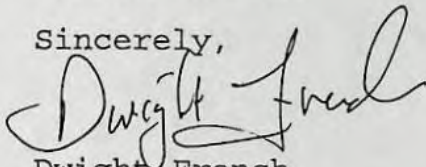
Dear Bruce,

This is in response to your letter dated December 19, 1996.

The Department will not take any action on these applications until June 19, 1996. Please let us know when you are ready to proceed.

If you have any questions, please feel free to give me a call. I can be reached toll free from within Oregon at 1 (800) 624-3199 extension 268.

Sincerely,



Dwight French
Water Rights Section Manager

cc: file
Larry Toll, Watermaster Distric #3



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

ESTES SURVEYS

SURVEYS CONSULTING

LAND & WATER RIGHTS Bruce A. Estes, PLS, CWRE

60382 Arnold Rd.
Bend, OR 97702
(503) 382-7391

6293 Sunnyview Rd. NE
Salem, OR 97305
(503) 585-7593
FAX 585-7593

December 19, 1996

RECEIVED
DEC 24 1996
WATER RESOURCES DEPT.
SALEM OREGON

Ken Dowden
Water Rights/Adjudication Division
158 12th Street NE
Salem, OR 97310-0210

Dear Ken:

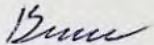
Re: S-60453

Thank you for your letter of October 31, 1996 regarding the delay in processing the Juniper Flat District Improvement Co. application 60453. I have discussed this with the district and we feel it would be better to put this on hold until their HB 3111 petition is complete. This application is for alternate acreage and must dovetail with the final location of the adjudicated right.

They need to hold another open inspection for this application and it makes sense to do that in conjunction with the final open inspection for the 3111 process. Their petition is in the final stage now so this application should be completed immediately thereafter in a few months.

Thank you for your consideration.

Sincerely,



Bruce A. Estes, PLS, CWRE

cc Wayne Odem, JFDICo

OCTOBER 31, 1996

BRUCE A. ESTES, CWRE
6293 SUNNYVIEW RD NE
SALEM, OR 97305

Reference: File Number S-60453
(applicant- JUNIPER FLAT DISTRICT IMPROVEMENT CO.)

Dear Mr. Estes,

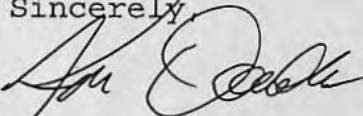
I am in receipt of your letter dated October 24, 1996, requesting the Department delay processing of the above listed file for a period of 45 - 60 days.

The Department may allow a "Time Out" and hold up processing of your application for a reasonable period of time. The extension time out period shall not exceed 180 days except upon a finding by the Director that a longer extension is reasonable and necessary. By asking for an extension, you are waiving your rights to expedient processing.

No action will take place on this application until after December 31, 1996, (60 days) unless other arrangements are made earlier. If you wish to continue or submit items early, please write **"CONTINUE PROCESSING"** in bold on both envelope and letter. This will alert staff to return file again to active status.

If you have any questions or concerns, please give me a call at (503) 378-8455 extension 269.

Sincerely,



Ken Dowden
Water Rights Examiner
Water Rights/Adjudication Division

cc: file
District 03 Watermaster
Rachel Baer, OWRD, Tracking Center



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

**ESTES
SURVEYS**

**SURVEYS
CONSULTING**

LAND & WATER RIGHTS

Bruce A. Estes, PLS, CWRE

60382 Arnold Rd.
Bend, OR 97702
(503) 382-7391

6293 Sunnyview Rd. NE
Salem, OR 97305
(503) 585-7593
FAX 585-7593

October 24, 1996

RECEIVED

OCT 28 1996

**WATER RESOURCES DEPT.
SALEM, OREGON**

Gary Holliday, Initial Review
Water Resources Department
158 12th Street NE
Salem, OR 97310-0210

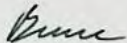
Dear Gary:

Re: S-60453

This is to follow up on our telephone conversation today. The Juniper Flat District Improvement Company application for alternate acreage map has not been completed by me for submission to the Board yet. They must review and approve it prior to return to you.

Please allow 45 - 60 more days to complete the process for final submittal. Thanks.

Sincerely,



Bruce A. Estes, PLS, CWRE

cc Wayne Odem, JFDICo.

Juniper Flat District Improvement Co.

Route 1 Box 13
Maupin, Oregon 97037

May 10, 1990

WRD1

RE: Application for
water rights

Wayne Overcash
Oregon Water Resources Department
3850 Portland Rd. NE
Salem, Oregon 97310

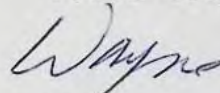
Dear Wayne,

Attached are maps and my district's application pertaining to applied for water rights. I wish to note that the Juniper Flat District Improvement Company will be making future changes in place of use under HB 3111. Based on this, should action on this application be set aside until the HB 3111 process is completed?

As you know, the application process for this water right has been going on for many years. As a result, would you please send a written response to me stating the status of this application so that I may present the same to my board at its next meeting. I know the board will be relieved to know that our papers are "in the works" and have been accepted up to this point. On the other hand, do not hesitate to contact me if any corrections or additional information is needed, as I will take action at once to rectify the problem(s).

Thank you for your consideration in the above matter.

Yours truly,



Wayne A. Odom
Manager
Ph: 395-2668

RECEIVED

MAY 14 1990

WATER RESOURCES DEPT.
SALEM, OREGON



Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3066

August 14, 1989

Wayne Odom, Secretary/Treasurer
Juniper Flat District Improvement Co.
Rt. 1, Box 53
Maupin, OR 97037

REFERENCE: File 60453

The Application 60453, which was originally filed by Juniper Flat District Improvement Company in August of 1980, was returned in 1984 for completion endorsed so that in order to retain its priority date needed to be returned to this office on or before November 19, 1984. To date, the application has not been received. The application has; therefore lost its priority date, but may be reinstated with a new priority date when it is again received.

As mentioned in our recent telephone discussion, if you will be unable to assemble all the information to complete the application until some time this winter, but wish to have the application re-established with a new priority date, you may re-submit the original application, or if the original application has been misplaced or lost, submit a superseding application containing the minimum information may be submitted. We could then reinstate the application with a new date of priority as of the date it is received and then return it to you for completion re-endorsed for additional time.

The minimum information needed for filing and establishing a date of priority on an application for an amount of water is as follows:

- (1) Name and mailing address above Item 1.
- (2) Sources need to be properly identified in Item 1.
- (3) Item 2 needs to be completed by locating the points of diversion (points where it is intended to first take control of the water at the sources) at least down to the quarter-quarter, section, township and range.
- (4) Item 3 completed to note the maximum acreage and place of use at least down to the sections, townships and ranges. If there is insufficient space in Item 3, you may refer to a separate sheet containing the required information.
- (5) Amount of water intended to apply to beneficial use from each source must be noted in Item 4.

Wayne Odom, Secretary/Treasurer
Juniper Flat District Improvement Co.
August 14, 1989
Page 2

- (6) The use or uses to be made of the water must be noted in Item 5.
- (7) The application must be properly signed in the space provided on the third page. The name and title of the person signing the application needs to be printed or typed below the signature.

I am enclosing an application form you may complete and submit as a superseding application. No additional fees will be needed at this time. If the superseding application is submitted, please refer to the file number 60453.

Sincerely,

WAYNE J. OVERCASH
Water Rights Specialist

Enclosures

WJO

cc: Larry Toll, Watermaster District 3



Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3739

July 28, 1989

Juniper Flat District Improvement Co.
Route 1, Box 13
Maupin, Oregon 97037

File: 60453

*March 14, 1989
Sent copies of
work copies of
Plot cards to
Larry Toll
today ML*

You are receiving this notice because you have a water right application pending with the Water Resources Department. Your proposed water development project is located within or upstream from a state scenic waterway. A recent Oregon Supreme Court decision (Diack) requires the Water Resources Commission to make certain findings about applications in these locations.

The Commission has directed the Department to postpone further processing of applications in these locations until the streamflows necessary for recreation and fish and wildlife uses within the scenic waterway have been determined. We are working with the State Parks Division and the Departments of Fish & Wildlife and Environmental Quality to make these determinations as quickly as possible.

We expect the scenic waterway flows will be determined by June 1990 for your area.

Even though your application is within or above a scenic waterway, we will process your application in the normal manner if it fits any one of the criteria listed below:

- A. You propose to use groundwater that is not hydraulically connected to the stream located within or tributary to the state scenic waterway. Usually this means that your well would need to be at least one mile away from the nearest stream.
- B. Your proposed use of water is nonconsumptive. It would pass through your project and return in equal amounts at a location upstream from the scenic waterway.
- C. You propose to contract for stored water as either your primary or supplemental source of supply and the owner of the stored water is willing to give you a contract.
- D. You proposed to transfer an existing water right certificate by moving either the point of diversion or the place of use. You believe that such a move will not change the amount of water in the stream from your current practices.

If your project does not fit into one of the above categories (A-D), you may want to modify your application so that it does. Submit those modifications to us.

If you can not modify your application to fit one of the above categories, you may want to consider one of the options below:

1. Leave your current application pending with us to hold your tentative priority date. After the flows are quantified, we will resume processing your application. If it turns out that not enough water is available to meet the recreational demands for the scenic waterway, we may have to deny your request. The examination fees will not be refunded, but any recording fees you submitted will be refunded.
2. Withdraw your application. The examination fee is non-refundable, but any recording fees which were submitted will be refunded. If after flows needed for the scenic waterway are quantified you believe that there is enough water left for your proposed use, file a new application with the appropriate fees to establish a new priority date. Your new application will then be processed using more definite information regarding the availability of water for your proposed use.
3. Conduct sufficient flow studies of your own using methods approved by the Parks Division and Fish & Wildlife. Then, submit information demonstrating that your proposed use of water will not impair the flows needed for the scenic waterway.

We advise you to avoid committing any resources toward your project on the assumption that your permit will be issued. Use of water cannot legally be made without the permit, and the outcome of the scenic waterway study is not predictable at this time. Some streams are likely to have no water available except during high flow periods. It is possible that there will not be enough water left for your proposal after the studies are done.

If you want to wait for the results of the flow studies, you do not need to contact us. We will assume that you want to leave your application pending (alternative #1, above).

If your choice is either alternative #2 or #3, please return this letter with your comments.

If you have any questions not answered by this letter, please contact the Applications and Permits Section at 378-3739.

Sincerely,

William H. Young by *John E. Borden*

William H. Young
Director

June 9, 1987

Kathy L. Vaughn, Secretary/Treasurer
Juniper Flat District Improvement Co.
Rt. 1 Box 13
Maupin, OR 97037

Dear Ms. Vaughn:

REFERENCE: File 60453

Action on the file relative to the Juniper Flat District Improvement Co.'s Application 60453 has been held pending return of the application with the required supporting data and maps. This application was returned to you with my letter of February 15, 1984, for correction and completion and to date has not been received.

Please advise us of your intentions regarding the application. If the use of water as originally proposed by the application has been abandoned, you may request that the application be withdrawn from our records. We would then close the file and refund the unearned permit recording fees in the amount of \$518.20.

Sincerely,

WAYNE J. OVERCASH
Senior Water Rights Examiner

WJO:wpc

cc: Larry Toll, Watermaster, District 3

0333E

November 6, 1986

Kathy L. Vaughn, Secretary/Treasurer
Juniper Flat District Improvement Company
Route 1, Box 13
Maupin, OR 97037

Dear Ms. Vaughn:

REFERENCE: File 60453

We have been holding action on the file relative to the Juniper Flat District Improvement Company's Application 60453 pending return of the application with the required supporting data and maps.

Will you please advise us of the progress being made towards completing the application and when we can expect to receive it.

Unless we receive the application with the required supporting data within a reasonable length of time, it will be necessary for us to take the necessary steps to close the file.

Sincerely,

WAYNE J. OVERCASH
Senior Water Rights Examiner

WJO:wpc
cc: Larry Toll, Watermaster, District 3
7321D

June 6, 1985

Kathy L. Vaughn

378-3066

called today and
advised that ~~she~~ she
was still trying to
~~get~~ get matters
taken care of - may be
another 30 days before
she is able to complete
application.

60453 filed in the name of
Company or replied to
Company has reconsidered the
es not intend to resubmit the

ther member of the Company
r, the Application 60453 will
he \$518.20 unearned permit

ee will be returned.

incerely.

Feb 12, 1986

WAYNE
Senior V

Called Kathy Vaughn today

WJO:wp

cc: The

0467A
8308c

discussed sipia maps that should have
been sent with my letter of
Feb 16, 1984. She also mentioned
that they have canceled checks for the
\$1080. *WJ*

Assignment
Copying
Hydroelectric License
Hydroelectric Examination
Power Claim
Transfer Application
Ground Water Application
Reservoir Application
Surface Application

946
NUMBER
470
NO
Cash
Check

378-3066

May 2, 1985

Kathy L. Vaughn
Secretary/Treasurer
Juniper Flat District Improvement Company
Route 1, Box 13
Maupin, OR 97037

REFERENCE: File 60453

Since you have not returned Application 60453 filed in the name of Juniper Flat District Improvement Company or replied to correspondence regarding it, I assume the Company has reconsidered the matter of the proposed use of water and does not intend to resubmit the application.

If we do not hear from you or from some other member of the Company within 30 days from the date of this letter, the Application 60453 will be rejected without further notice and the \$518.20 unearned permit recording fee will be returned.

Sincerely,

WAYNE J. OVERCASH
Senior Water Rights Examiner

WJO:wpc

cc: Thomas J. Paul, Watermaster

0467A
8308c

January 22, 1985

Kathy L. Vaughn
Secretary/Treasurer
Juniper Flat District Improvement Company
Route 1, Box 13
Maupin, OR 97037

REFERENCE: File 60453

We have been holding action on the file relative to your Application 60453 pending receipt of the application and required supporting data. As mentioned in my earlier correspondence, the application has lost its priority, but may be reinstated with a new priority date when it is again received. Please advise us of the progress being made towards completing the application and supporting map along with assembling the necessary information as discussed in my earlier letter of February 15, 1984.

Sincerely,

WAYNE J. OVERCASH
Senior Water Rights Examiner

WJO:wpc

cc: Thomas J. Paul, Watermaster, District 3

6505C

378-3066

November 21, 1984

Kathy L. Vaughn, Secretary-Treasurer
Juniper Flat District Improvement Company
Route 1, Box 13
Maupin, OR 97037

REFERENCE: File 60453

Your Application 60453 which was returned to you has not been received. It was endorsed so that in order to retain its priority date, it must have been received in this office on or before November 19, 1984.

Your application has lost its priority, but may be reinstated with a new priority date when it is again received.

Sincerely,

WAYNE J. OVERCASH
Senior Water Rights Examiner

WJO:wp
cc: Tom Paul, Watermaster, District 3

0461A/1
5642C

August 17, 1984

Kathy L. Vaughn
Secretary-Treasurer
Juniper Flat District
Improvement Company
Route 1, Box 13
Maupin, OR 97037

Dear Ms. Vaughn:

REFERENCE: File 60453

This is to acknowledge return of your Application 60453 along with the four separate sheets containing the acreage listing. Your letter requesting an extension of time was also received. Pursuant to your letter, I am now returning your application for completion. The application is endorsed so that in order to retain its priority date it must be received in this office on or before November 19, 1984.

Sincerely,

WAYNE J. OVERCASH
Senior Water Rights Examiner

WJO:wpc
enclosure
4053C

Juniper Flat District Improvement Co.

Route 1 Box 13
Maupin, Oregon 97037

RECEIVED

AUG 14 1984

**WATER RESOURCES DEPT
SALEM, OREGON**

Monday, August 13, 1984

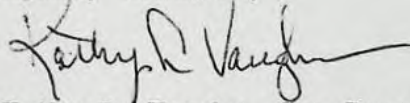
Mr. Wayne Overcash
Mill Creek Office Park
555 13th Street N.E.
Salem, OR 97310

Dear Wayne:

As per our conversation this morning over the phone, I'm returning the application asking for an extension of time. It won't take long to finish the maps, if I can catch the parties at home, or if I can get them to come here. Right now, everyone is harvesting and almost impossible to get the people over the phone or to catch them home.

Thank you for your call--I didn't realize we could apply for a time extension.

Again, thankyou,



Kathy L. Vaughn, Sec-Treas

February 15, 1984

Kathy Vaughn, Secretary-Treasurer
Juniper Flat District Improvement Company
Route 1, Box 13
Maupin, OR 97037

Dear Ms. Vaughn:

REFERENCE: File 60453

Your Application 60453 and the four separate sheets of acreage listings you returned to this office in May of 1983, together with the maps you submitted earlier, have been reviewed.

There are areas cross-hachured on the maps supporting your Application 60453 that are presently covered by existing rights providing for the use of water from Clear Creek, Frog Creek, and Clear Lake Reservoir as evidenced by the Certificates 48850 and 51539 issued to the Juniper Flat District Improvement Company. These areas are further defined as follows:

In the NE 1/4 SW 1/4 of Section 27, Township 4 South, Range 13 East, part or all of the 16.0 acres cross-hachured is covered by the existing rights covering 20.0 acres.

In the SE 1/4 SE 1/4 of Section 36, Township 4 South, Range 13 East, part of the 33.6 acres cross-hachured is covered by existing rights for 16.9 acres.

In the SW 1/4 SW 1/4 of Section 2, Township 5 South, Range 12 East, 4.0 acres of the 6.7 acres cross-hachured are covered by existing rights.

In the SW 1/4 NE 1/4 of Section 25, Township 5 South, Range 12 East, part of the 6.1 acres cross-hachured is covered by existing rights for 3.0 acres.

Kathy Vaughn
February 15, 1984
Page 2

In the SW 1/4 NW 1/4 of Section 21, Township 5 South, Range 13 East, the 4.9 acres cross-hachured are covered by existing rights for 8.4 acres.

If the aforementioned existing rights are still valid and you wish to retain them, your Application 60453 and maps will need to be corrected so that the areas proposed to be covered do not overlap on the existing rights.

The 9.0 acres listed on the Application 60453 in the SE 1/4 NE 1/4 of Section 26 Township 5 South, Range 12 East, WM, needs to be illustrated on the map by cross-hachuring. Incidentally, part of the area presently illustrated on your map within the penciled boundary line is under a right transferred into the area by an order approving the Transfer 5010.

You may wish to review the use or proposed use of water in the N 1/2 NW 1/4 of Section 29, Township 5 South, Range 12 East, WM. Lands adjacent to the 0.4 acre and 2.4 acre cross-hachured area are no longer covered by water rights due to the order approving the Transfer 5194.

Some of the areas cross-hachured on your maps are not in agreement with the number of acres noted. For example, the areas shaded in the SE 1/4 SE 1/4 of Section 21, SE 1/4 SE 1/4 of Section 24, and SE 1/4 of Section 30, all in Township 5 South, Range 12 East, WM, are less than the acreage figures noted. Either the areas or acreage figures will need to be corrected so that they are in agreement.

Most of the 3.6 acre area cross-hachured on your maps in the NW 1/4 SE 1/4 of Section 26, Township 5 South, Range 12 East is covered by an existing water right providing for the use of water from an unnamed drainageway as described by the Certificate 34937 issued to Ed and Margaret Beebe in 1968.

Also, part of the acreage you have cross-hachured on your maps in the N 1/2 SE 1/4 of Section 32 and E 1/2 SW 1/4 of Section 33, Township 4 South, Range 13 East, WM, is covered by an existing water right providing for the use of water from two unnamed draws as described by the Certificate 38395 issued to James E. Paulson in 1972.

I am enclosing copies of the two final proof survey maps relative to the above rights described by the aforementioned Certificates 34937 and 38395. You will need to contact the owners of the lands covered by the two rights and determine if the rights are still valid and, if so, if they wish to retain them as primary rights. If they are to be retained as primary rights, and if it is intended to use water through your facilities to make up for any deficiencies in supply at the primary sources, your application will need to be amended to list separately the acreage to receive a supplemental supply and your maps will need to show in different maners the acreage to receive the supplemental supply.

Kathy Vaughn
February 15, 1984
Page 3

You will also need to contact Marshall McElheran, holder of Permit G7958 to determine if he wishes to retain his well as a primary source or if he now wishes to use water from the well to make up for any deficiency in supply that may accrue at your sources. If the well is to be used as a supplemental source, we will need a written statement signed by Mr. Elheran requesting that the part of his Permit G7958 providing for irrigation of acreage described in Application 60453 be changed to supplemental.

The Permit G8259 issued to Thomas Morelli presently indicates that it is supplemental to lands served by the Juniper Flat District Improvement Company, but the map supporting the Permit G8259 shows lands that are not presently covered by your company rights or lands to be covered in your Application 60453. The map supporting the aforementioned Permit G7958 also shows lands not covered by either your existing rights or application. If it is intended to cover all lands described in the permits, your listing and maps will need to be corrected. I am enclosing copies of the maps supporting the Permits G8259 and G7958.

The acreage listing for your application in the SW 1/4 of Section 36, Township 4 South, Range 13 East, WM, is not in agreement with the area cross-hachured on the map and appears to cover some of the same lands as covered by the Permit G7604 issued to Leland A. Mayhem. You will need to clarify the intentions in this area. A copy of the map supporting the Permit G7604 is enclosed.

There is also an area in the W 1/2 SW 1/4 of Section 23, Township 4 South, Range 13 East, WM, covered by Permit 38430 issued to Edwin R. Merrell which provided for the use of water from an unnamed stream and reservoir constructed under Permit R3212 for the irrigation of 36.3 acres. If the sources described in your application are to be used as supplemental supplies, this needs to be clarified on your application and supporting map. We are presently in the process of determining what will be allowed under the terms of the Permit 38430 and the permit may be assigned to another party. After these matters have been concluded, we will advise you so that you may properly complete your application and map.

As mentioned in our recent telephone discussion, you will need to submit four prints of each map of the type of map you submitted or one print of each map that can be easily and clearly reproduced. Pursuant to our telephone discussion, I am enclosing sepia prints of the original maps prepared in connection with your earlier rights. Fees in the amount of \$10.50 will be needed to cover the cost in preparing the sepia prints. You may properly complete these sepia prints by cross-hachuring the acres to be included on your Application 60453 along with noting the number of acres in each quarter-quarter section. Any area to receive a supplemental supply should be cross-hachured in a different manner and a legend should be placed on the maps to clearly indicate the acreage to receive a primary or supplemental supply under a permit approving your application.

Kathy Vaughn
February 15, 1984
Page 4

I have discussed your application briefly with Tom Paul, our representative for your area. Therefore, if you should have any questions, you may contact Mr. Paul at his office located at the Wasco County Courthouse or he may be reached by telephone at 296-5494.

I am returning your application, the four separate sheets of acreage listings, and the seven maps for correction and completion. The application is now endorsed so that in order to retain its priority date it must be received in this office on or before August 15, 1984.

Sincerely,

WAYNE J. OVERCASH
Senior Water Rights Examiner

WJO:wpc

enclosures

cc: Tom Paul, Watermaster, District 3

0646C/4

4-5-83

60453
32044

To File

I talked with Kathy Vaughn today & explained reason for issuing a correction Certificate for file 32044.

We also talked about additional storage (over the 6000 ac-ft) and she wasn't sure how much has been stored. If more than 6K, another permit is needed.

Also, she thought application 60453 had been returned. She will check with the Board.

Tom

378-3066

or

1-800-452-7813

(message line)

February 11, 1983

395-2254
Kathy Vaughn, Secretary-Treasurer
Juniper Flat District Improvement Company
Route 1, Box 13
Maupin, OR 97037

Dear Ms. Vaughn:

REFERENCE: File 60453

We have been holding action on Application 60453 since you returned it to this office in March 1982, pending receipt of the required supporting map or maps.

To date, we have not received the maps or any correspondence regarding them. Therefore, I am returning the application for completion by submission of the required maps. Pages 4 and 5 of the enclosed booklet relative to surface water applications briefly explains the requirements for maps to support an application.

In addition to locating each point of diversion with respect to the proper fractional parts of the sections on the application, it is also necessary for you to further complete Item 2 by locating each point of diversion by distances and directions from a public land survey corner. Based upon information in our files, the points of diversion would be located as follows:

Frog Creek

700 feet South and 900 feet West from the NE corner of Section 34, being within the NE 1/4 NE 1/4 of Section 34, Township 4 South, Range 9 East, WM.

Clear Creek

610 feet South and 2380 feet West from the E1/4 corner of Section 10, being within the NW 1/4 SE 1/4 of Section 10, Township 5 South, Range 9 East, WM.

Clear Lake Reservoir

1389.6 feet South and 480.27 feet West from the E1/4 corner of Section 32, being within the NW 1/4 SE 1/4 of Section 32, Township 4 South, Range 9 East, WM.

Kathy Vaughn, Secretary-Treasurer
February 11, 1983
page two

If you agree with the aforementioned locations, you may refer to the "Remarks Section" and give the locations.

The application is being returned for completion endorsed so that in order to retain its priority date, must be received in this office on or before May 11, 1983.

Sincerely,

WAYNE J. OVERCASH
Senior Water Rights Examiner

WJO:wpc
cc: Tom Paul, Watermaster
enclosure
4970B

378-3066
or
1-800-452-7813
(message line)

September 8, 1981

Kathy L. Vaughn, Secretary-Treasurer
Juniper Flat District Improvement Company
Route 1, Box 13
Maupin, OR 97037

Dear Ms. Vaughn:

On April 27, 1981, I talked to Leland Mayhew of the Juniper Flat District Improvement Company explaining what was needed to complete your Application 60453 so that it would be in proper form for issuance of a permit.

As of this date we have had no further word.

Item 2 of the application should locate the diversion points by coordinates or by distance and bearing from a recognized Government survey corner.

Item 3 of the application or an attached list to the application should list the township, range and sections in which the irrigated land is to be located with the number of acres to be irrigated in each quarter quarter section shown on that list.

An application map is required to accompany the application. This should show the location of the diversion points and because you will be using the final proof survey map prepared by this office it should clearly show the boundaries and acreages of the land to be covered under this application.

I am returning your application for completion and correction. The application is endorsed so that it must be received in this office on or before March 9, 1982 to retain the priority date.

Sincerely,

DONALD R. BUELL
Water Rights Engineer

DRB:wpc
6765A

Water Resources Department
MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 1-800-452-7813
378-3066

August 7, 1980

Juniper Flat District Improvement Company
Rt. 1, Box 13
Maupin, OR 97037

REFERENCE: Application No. 60453

We have received your application for use of water for farmland irrigation along with the supporting data and fees. Your application has been filed and assigned number 60453.

Because of the many applications which have been filed in recent months, we are temporarily behind in our processing. Your application will be examined in detail as soon as possible. We will contact you if we need any additional information.

The permit approving your application will be issued without further correspondence if no additional information is required. Thank you for your patience.

Sincerely,

RALPH H. JACKSON
Supervisor, Application/Permit Section
Water Rights Division

RHJ:wpc
0427A
1798A

COPY



Water Resources Department
MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066 or
1-800-452-7813

July 23, 1980

Juniper Flat District Improvement Company
Rt 1, Box 13
Maupin, OR 97037

ATTENTION: Kathy L. Vaughn, Secretary-Treasurer

Dear Ms. Vaughn:

We have received your application for a permit to use excess water from Frog Creek, Clear Creek and Clear Creek Reservoir for the irrigation of 2500 acres for all the water users in the district.

Your application could not be filed at this time because it did not clearly define the use to be made of the water, that is whether it is to be supplemental use or for the irrigation of an entirely new 2500 acres above and beyond that which the district already holds rights for. Also to be filed it should define an amount of water to be used, rather than just sufficient to irrigate a certain number of acres. The duty of water in your area is 1/40th of 1 cubic foot per second per acre irrigated. Also required before the application can be filed is the location of the land to be irrigated. You have indicated that the maps would follow, however, to file the application we should have at least a list of the acreage to be irrigated, even though the map is not available as yet.

Your check in the amount of \$20 has been placed in a pending account and can be applied to your application when it is received in this office with the sufficient information to file. Our receipt number 19198 is enclosed.

I am returning your application. It can be filed and will receive a priority date as of the day it is received in this office with the required information.

Sincerely,

DONALD R. BUELL
Water Rights Engineer

DRB:wpc
Enclosures
1592A

Application No. 60453
Permit No.

COPY



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 1-800-452-7813
378-3066

May 23, 1980

Kathy L. Vaughn
Secretary-Treasurer
Juniper Flat District Improvement Company
Route 1 Box 13
Maupin, Oregon 97037

Dear Ms. Vaughn:

This will acknowledge receipt of your letter dated May 2, 1980, requesting information on the status of an application for a permit you indicate was submitted on or about March 26, 1980.

I can find no record of having received the application or the \$20 examination fee you indicated was sent with the application. All money is receipted the day it is received and sent to the bank for processing within two days. Since you indicate your check has not been returned, and we have no record of having received the application or any other documents, I assume the material was either not mailed or has been lost in transit.

I recommend that you resubmit another application, along with the \$20 examination fee. Perhaps you should consider stopping payment on the first check.

Upon receipt of an application form containing information and the \$20 examination fee, the application will be filed and you will be further contacted.

Sincerely,

Ralph H. Jackson
Supervisor
Application/Permit Section

RHJ:kaa
1005A

COPY

RECEIVED

WATER RESOURCES DEPT
SALEM, OREGON

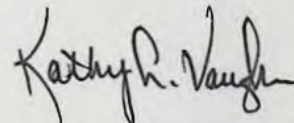
May 2, 1980
Rt. 1 Box 13
Maupin, OR 97037

Water Resources Department
Salem, OR 97310

Mr. James E. Sexson:

On or about March 26, 1980 our company submitted an application for permit to appropriate surface water on Juniper Flat near Maupin, OR. It was for excess water in our irrigation district from Clear Lake Dam--Frog Creek--Clear Creek. We couldn't have our maps made by then, but we sent our application for 2500 additional acres along with \$20.00. Tom Paul, our water master in The Dalles, OR told us you would get back to us stating you would need more information. Our check has not been cancelled and we have not heard from your office. Is there something else we need to go ahead and do? We would appreciate hearing from you as quickly as possible.

Thank you.



Kathy L. Vaughn
Sec.-Treas.

Application No. 60453
Permit No.

To: File 60453

Date: 3-13-81

From: Don B.

Subject: Call to Tom P.

Called Tom concerning map promised by district to accompany this application. He is attending district meeting on 3-25-81 and will bring up the subject at that time.

Don

TOWNSHIP 4 S RANGE 13 E W. M.

SECTION 29

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
Pond																Findings, Vol 13 Page 499		
24																Findings, Vol 13 Page 500		
																Decree, Vol 14 Page 405	15525	
																Decree, Vol 14 Page 406	15525	
																25235 19963	23487	
																Supplemental	51539	
																32044 25275	51099	
																18 252	48850	
																60453		

TOWNSHIP 4 S RANGE 13 E W. M.

SECTION 30

NE				NW				SW				SE				APPLICA- TION NUMBER	PERMIT NUMBER	CERTIFI- CATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
				Lot 1 Lot 2				Lot 3 Lot 4										
				TOTAL ACREAGE IN SUBDIVISION AS SHOWN ON GOVERNMENT PLAT														
				40.01 39.58				39.43 38.68										
																Findings Vol 13 Page 496		
																Decree, Vol 14 Page 402	15525	
						Stock		Stock		Stock						25235 19963	23487	
																Supplemental	51539	
																32044 25275	51099	
																Decree Vol 18	262 48850	
																60453		

(SEE BACK OF CARD FOR PLAT OF SECTION)

SECTION 35

TOWNSHIP 4 S RANGE 13 E W. M. SECTION 36

[illegible]

no existing
for pump
in 50 50
also 50% average?
see 6-5242 &
not all mapped

$$\begin{array}{r} 11.9 \\ 16.9 \\ 33.6 \\ \hline 60.3 \end{array}$$

SECTION 25

[illegible]

ok

SECTION 25

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES																		
																55920	12253	
			60													18	252	48850
			154													60453		

TOWNSHIP 5 S . RANGE 12 E . W. M.

SECTION 20

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
						12 ⁴				12 ⁴						Findings, Vol. 13 Page 495		
2 ⁴																Findings, Vol. 13 Page 500		
												15				Decree, Vol. 14 Page 401 15525		
5 ⁴																Decree, Vol. 14 Page 403 15525		
Stock												Stock				25235 19963 23487		
												15				Is. Sp. Q. Vol. 8 Page 529		
16 ⁴												40				Is. Sp. Q. Vol. 8 Page 529		
28																Supplemental 51539		
																32044 25275 51099		
28 ⁰																G-8944 G8499		
																Vol. 18 Page 252 48850		
0 ⁴												37 ⁷				60453		

OK

TOWNSHIP 5 S . RANGE 12 E . W. M.

SECTION 21

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
5 ⁴																4 Findings, Vol. 13 Page 477		
10 ⁴																10 Decree, Vol. 14 Page 402 15525		
																Stock 25235 19963 23487		
																Supplemental 51539		
																32044 25275 51099		
																Vol. 18 Page 252 48850		
																7 ³⁶ 60453		

over shaded
in SW SE from
then 73 6 ac

TOWNSHIP 5 S . RANGE 12 E . W. M.

SECTION 24

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
					7.4											Findings, Vol. 13 Page 498		
												1.6	11.7			Findings, Vol. 13 Page 501		
					10							1.6	8.4			Decree, Vol. 14 Page 404 15525		
												1.6	8.4			Decree, Vol. 14 Page 407 15525		
					Stock					Stock		Stock	Stock			25235 19963 23487		
					5 10							6	24			Supplemental 51539		
					5° 10°							6°	24°			32044 25275 51099		
																18 252 48850		
					0° 15° 10° 4°								5.6			60453		

less than 5.6 acres
shaded

TOWNSHIP 5 S . RANGE 12 E . W. M.

SECTION 25

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
					0.8											Findings, Vol. 13 Page 498		
																2 Findings, Vol. 13 Page 498		
																Findings, Vol. 13 Page 498		
																Findings, Vol. 13 Page 499		
																Findings, Vol. 13 Page 501		
																Decree, Vol. 14 Page 403 15525		
																Decree, Vol. 14 Page 404		
																Decree, Vol. 14 Page 406 15525		
																Decree, Vol. 14 Page 407 15525		
Rock	Stock			Stock				Stock								25235 19963 23487		
																Supplemental 51539		
																32044 25275 51099		
																18 252 48850		
																T-5010 (C-48850)		
																60453		

where is 32044

SECTION 26

SECTION 26

(not mapped)
wheel is 9.0 in.
maybe same 9.0 under 2
TAKO 10

TOWNSHIP 5 S . RANGE 12 E . W. M.

SECTION 27

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
												7.6 11.5				Findings, Vol. 13 Page 475		
												5.5 5.5	10			Decree, Vol. 14 Page 401	15525	
																Decree, Vol. 14 Page 403	15525	
																Decree, Vol. 14 Page 405	15525	
7																Decree, Vol. 14 Page 405	15525	cancelled
																Tre. Sp. Or. Vol. 6 Page 186		
				Stock				Stock				Stock				25235	19963	23487
0.4																30216	23966	27278
0												5.5	10			Supplemental	51539	
								5.5								32044	25275	51099
80								5.5				5.5	10			56149		REJECT
								5.5								18	252	48850
0.9								1.3	0.9									
																60453		

OK

TOWNSHIP 5 S . RANGE 12 E . W. M.

SECTION 28

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
								2	3.2	14.3						Findings, Vol. 13 Page 475		
6				20	7.9											Findings, Vol. 13 Page 500		
												8				Findings, Vol. 13 Page 500		
								10								Decree, Vol. 14 Page 401	15525	
				20	7							6				Decree, Vol. 14 Page 406	15525	
				0.2	7											Tre. Sp. Or. Vol. 6 Page 264		
				Stock				Stock				Stock				25235	19963	23487
																Supplemental	51539	
4				14	2			11	10							32044	25275	51099
40				14	2			11	10							18	252	48850
0.5				19	2											5-5194	(24850)	
40																		
				1.3	2.2			1.2	2.2							60453		

by T-5194

TOWNSHIP <u>5 S</u> RANGE <u>12 E</u> W.M.																SECTION <u>30</u>		
NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
				Lot 1	Lot 2			Lot 3	Lot 4									
TOTAL ACREAGE IN SUBDIVISION AS SHOWN ON GOVERNMENT PLAT																		
41 ¹⁵ 41 ⁰⁶																40 ²⁷ 40 ²⁸		
																6.4 13.2 Findings, Vol. 13 Page 475		
7.2 1																Findings, Vol. 13 Page 476		
																Findings, Vol. 13 Page 478		
25.2																10 Decree, Vol. 14 Page 401 15525		
10																Decree, Vol. 14 Page 402 15525		
10																Decree, Vol. 14 Page 404 15525		
2.5																Decree, Vol. 14 Page 406 15525		
5																Im. Sp. Ac. Vol. 6 Page 429		
Stock																Stock 25235 19963 23487		
																Supplemental 51539		
																8 ⁴ 32044 25275 51099		
																G-84256 7737		
																8 ⁴ 18 252 48850		

SEE BACK OF CARD FOR PLAT OF SECTION)

30° 15° 16° 15° 60453

OK
except
area shaded
is less than
design noted

TOWNSHIP <u>5 S</u> RANGE <u>12 E</u> W.M.																SECTION <u>33</u>		
NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
																Stock		
																Decree		
11																Findings, Vol. 13 Page 475		
																Findings, Vol. 13 Page 496		
2.8 10.2																Findings, Vol. 13 Page 500		
7.4																Findings, Vol. 13 Page 500		
																Decree, Vol. 14 Page 401 15525		
2																Decree, Vol. 14 Page 402 15525		
10																Decree, Vol. 14 Page 406 15525		
Stock Stock																25235 19963 23487		
																Supplemental 51539		
12																32044 25275 51099		
																R-51031 REJECT		
																51032		
12°																18 252 48850		
10°																60453		

OK

TOWNSHIP 5 S RANGE 13 E W. M.

SECTION 5

TOWNSHIP 5 S

RANGE 10 E

SECTION 18

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER	
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
608	608			608	608														
1	2			3	4														
TOTAL ACREAGE IN SUBDIVISION AS SHOWN ON GOVERNMENT PLAT																			
3968	3969			3972	3984														
4 17.2																12.4	7.2	Findings, Vol 13 Page 475	
1.0																Findings, Vol 13 Page 476			
0.2																Findings, Vol 13 Page 476			
12.4																5	12.4	7.2	Deeds, Vol 14 Page 401 15525
22																2	Deeds, Vol 14 Page 402 15525		
2																2	Deeds, Vol 14 Page 404 15525		
10																5	10	5	Deeds, Vol 14 Page 264
Stock																Stock	Stock	Stock	25235 19765
15¹ 4⁹ 10⁶ 20²																3²	2⁸ 15⁶	17⁸ 11⁶	Supplemental 51539
Stock																Stock	Stock	Stock	32044 25275 51099
15¹ 4⁹ 10⁶ 20²																3²	2⁸ 15⁶	17⁸ 11⁶	25235 19963 23487
3³																			Deeds, Vol 18 Page 252 48850
																			60453

(SEE BACK OF CARD FOR PLAT OF SECTION)

TOWNSHIP 55, RANGE 13E, W. M.

SECTION 8

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
24																Decree, Vol. 4 Page 401		
																Findings, Vol. 13 Page 495		
																Findings, Vol. 13 Page 497		
																Findings, Vol. 13 Page 498		
																Findings, Vol. 13 Page 501		
																Decree, Vol. 11 Page 401	15525	
																Decree, Vol. 11 Page 404	15525	
																Decree, Vol. 19 Page 404	15525	
100m	Stock	Stock														25235 19963 23487		
																Decree, Vol. 9 Page 75		
																Decree, Vol. 9 Page 75		
																Supplemental	51539	
																32044 25275	51099	
																Decree, Vol. 18 Page 252	48860	
																60453		

TOWNSHIP <u>5 S</u> RANGE <u>13 E</u> W. M.																SECTION <u>11</u>			
NE				NW				SW				SE				APPLICA- TION NUMBER	PERMIT NUMBER	CERTIFI- CATE NUMBER	
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
TOTAL ACREAGE IN SUBDIVISION AS SHOWN ON GOVERNMENT PLAT												Lot 5	Lot 4	Lot 1	Lot 8	Lot 7			
												35.60	35.40	38.60	35.10	33.70			
												Dom							Findings, Vol 13 Page 497
												14.5							Decree, Vol 14 Page 403 15525
												Stock							252351996323487
												20							Decree, Vol 14 Page 403 15525
												13 ⁴							Supplemental 51539
												13 ⁴							32044 25275 51099
																			18 252 48850
												7 ⁵							60453

(SEE BACK OF CARD FOR PLAT OF SECTION)

TOWNSHIP <u>5 S</u> RANGE <u>13 E</u> W. M.																SECTION <u>17</u>		
NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
												Dom			Findings, Vol 13 Page 497			
												9.4			Findings, Vol 13 Page 499			
												1			Decree, Vol 14 Page 403 15525			
												10.5			Decree, Vol 14 Page 405 15525			
												Stock			252351996323487			
												18			Supplemental 51539			
												18			32044 25275 51099			
															Decree, Vol 18 Page 252 48850			
												11 ⁵			60453			

TOWNSHIP 5 S RANGE 13 E W. M.

SECTION 21

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
						10 ⁵	10									Findings, Vol. 13 Page 501	15525	
						10	10									Decree, Vol. 18 Page 407		
						Block	Block									25235 19963 23487		
							5									T. Co. Or. Vol. 9 Page 70		
						10 ⁵ 4 ² 8 ²	1 ²			8	15 ²					Supplemental	51539	
						10 ⁵ 4 ² 8 ²	1 ⁴			8 ²	16 ²					32044 25275	51099	
																18 252	48850	
						3 ² 4 ²	15	6 ² 9 ²								60453		

4.9 ac appears to be
or part of 8.4 ac
in sec 14

TOWNSHIP 5 S RANGE 13 E W. M.

SECTION 30

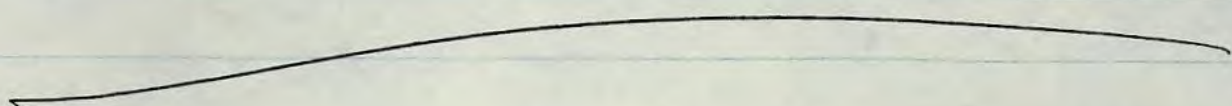
NE				NW				SW				SE				APPLICA- TION NUMBER	PERMIT NUMBER	CERTIFI- CATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
				Lot	Lot			Lot	Lot									
				1	2			3	4									
				TOTAL ACREAGE IN SUBDIVISION AS SHOWN ON GOVERNMENT PLAT														
				40 ²¹	40 ²⁹			40 ²⁷	40 ²⁵									
						14		5.5	10.4							Findings, Vol. 13 Page 499		
						12		8								Decree, Vol. 14 Page 405	15525	
						Block	Block	Block	Block							25235 19963 23487		
						10		5	10							Supplemental	51539	
																32044 25275	51099	
						0 ²		18	17 ²			4 ⁵				33151 26212 33113		
						10 ²		5 ²	10 ²							18 252	48850	
						6 ² 0 ²	18	7 ²								60453		

(SEE BACK OF CARD FOR PLAT OF SECTION)

OK

69603

INSTREAM WATER



Bruce
took
mylar flatt
of Jumbo
& will return
them.

[Signature]

1-11-90

~~Frank B...~~

R-83614

S-83888

*

Tim ~~Morelli~~ Morelli
Jennifer Flat Utility Dist
S-60453

History of
application
Where is applicat
Status

What applied for

home: 541-395-2431
answering machine

Cell: 541-980-0259

Address:

56361 Hwy 197

Marlin, OR

97037

FOR

~~8-25-00~~ LKS

DATE

8-25-00

TIME

9:44 A.M.

FROM

Tim Morrell;

FIRM

Juniper Flat

PHONE

541-980-0259 (cel)

☐ FAX

AREA CODE

NUMBER

EXTENSION

☐ MOBILE

5-60453

AREA CODE

NUMBER

TIME TO CALL

TELEPHONED

PLEASE CALL

RETURNED YOUR CALL

WILL CALL AGAIN

CAME TO SEE YOU

RUSH

WANTS TO SEE YOU

SPECIAL ATTENTION

WAITING TO SEE YOU

HOLDING LINE

MESSAGE

Took
Base
file review

SIGNED

11:30 ret call

Tops

FORM 4007
MADE IN U.S.A.

MESSAGE

Feb 15, 1984

Application due

back August 16, 1984

file set up for 8-9-84

need or should call if

appl- has not been

referred

WJ

Called August 12, 1984
Kathy advised that
appl. has
not been
referred.

FILE #: S-60453

JUNIPER FLAT DISTRICT IMPROVEMENT CO.
53333 RESERVATION ROAD
MAUPIN OR 97037-9708

FILE #: S-60453

JUNIPER FLAT DISTRICT IMPROVEMENT CO.
53333 RESERVATION ROAD
MAUPIN OR 97037-9708

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **52966**

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

INVOICE # _____

RECEIVED FROM: Waterwatch of Oregon
BY: _____

APPLICATION	
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 24-660 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 200.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS

\$

PUBLICATIONS / MAPS

\$

OTHER: (IDENTIFY) _____

\$

OTHER: (IDENTIFY) _____

\$

REDUCTION OF EXPENSE

CASH ACCT.

\$

PCA AND OBJECT CLASS

VOUCHER #

0427 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY) _____

\$

(New) TC162 DEPOSIT LIAB. (IDENTIFY) _____

\$

WATER RIGHTS:

EXAM FEE

RECORD FEE

0201 SURFACE WATER

\$

0202

\$

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$

0206

\$

WELL CONSTRUCTION

EXAM FEE

LICENSE FEE

0218 WELL DRILL CONSTRUCTOR

\$

0219

\$

LANDOWNER'S PERMIT

0220

\$

OTHER

(IDENTIFY)

Protest Fee

200.00

0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$

CARD #

0210 MONITORING WELLS

\$

CARD #

OTHER (IDENTIFY) _____

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS

\$

0467 HYDRO ACTIVITY

LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

\$

0231 HYDRO LICENSE FEE (FW/WRD)

\$

HRDRO APPLICATION

\$

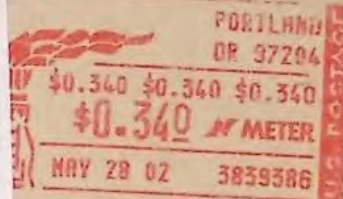
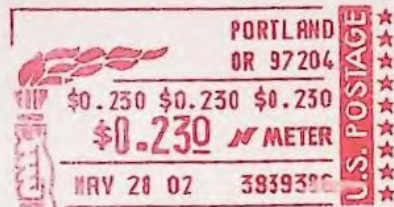
RECEIPT # **52966**

DATED: 5/24/02

BY: Connie Come

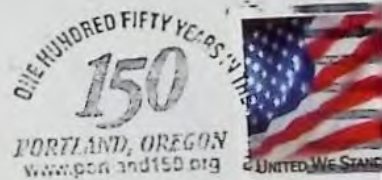
Distribution-White Copy-Customer, Yellow Copy-Fiscal, Blue Copy-File, Buff Copy-Fiscal

WaterWatch
213 SW Ash, Suite 208
Portland, OR 97204



Water Resources Dept.
attn: Dwight French
158 12th St NE
Salem, OR 97310

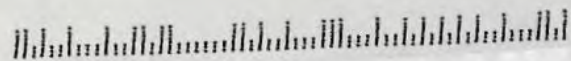
Juniper Flat District Improvement Co.
53333 Reservation Rd.
Maupin Oregon
97037



Water Resources Department
158 12th Street NE
Salem Oregon
97301-4172

attn.: Cory Engel

97301+4172



**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **51694**

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

INVOICE # _____

RECEIVED FROM: Juniper Flat District
BY: Improvement Co.

APPLICATION	<u>560453</u>
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 96/601 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 25.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS

\$

PUBLICATIONS / MAPS

\$

OTHER: (IDENTIFY)

\$

OTHER: (IDENTIFY)

\$

REDUCTION OF EXPENSE

CASH ACCT.

\$

PCA AND OBJECT CLASS

VOUCHER #

0427 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY)

Assign.

\$ 25.00

(New) TC-162 DEPOSIT LIAB. (IDENTIFY)

\$

WATER RIGHTS:

EXAM FEE

RECORD FEE

0201 SURFACE WATER

\$

0202

\$

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$

0206

\$

WELL CONSTRUCTION

EXAM FEE

LICENSE FEE

0218 WELL DRILL CONSTRUCTOR

\$

0219

\$

LANDOWNER'S PERMIT

0220

\$

OTHER (IDENTIFY)

0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$

CARD #

0210 MONITORING WELLS

\$

CARD #

OTHER (IDENTIFY)

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS

\$

0467 HYDRO ACTIVITY

LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

\$

0231 HYDRO LICENSE FEE (FW/WRD)

\$

HRDRO APPLICATION

\$

RECEIPT # **51694**

DATED

7/28/02 BY Connie Vance

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

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **51694**

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

INVOICE # _____

RECEIVED FROM: Juniper Flat District
BY: Improvement Co.

APPLICATION	500953
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 9/6001 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 75.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS

\$

PUBLICATIONS / MAPS

\$

OTHER: (IDENTIFY)

\$

OTHER: (IDENTIFY)

\$

REDUCTION OF EXPENSE

CASH ACCT.

\$

PCA AND OBJECT CLASS

VOUCHER #

0427 WRD OPERATING ACCT

MISCELLANEOUS

\$

0407 COPY & TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY)

\$

(New) TC162 DEPOSIT LIAB. (IDENTIFY)

\$

WATER RIGHTS:

EXAM FEE

RECORD FEE

0201 SURFACE WATER

\$

0202

\$

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$

0206

\$

WELL CONSTRUCTION

EXAM FEE

LICENSE FEE

0218 WELL DRILL CONSTRUCTOR

\$

0219

\$

LANDOWNER'S PERMIT

0220

\$

OTHER (IDENTIFY)

0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$

CARD #

0210 MONITORING WELLS

\$

CARD #

OTHER (IDENTIFY)

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS

\$

0467 HYDRO ACTIVITY

LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

\$

0231 HYDRO LICENSE FEE (FW/WRD)

\$

HRDRO APPLICATION

\$

RECEIPT # **51694**

DATED: 9/28/02 BY: Connie Jones

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

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **52966**

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

INVOICE # _____

RECEIVED FROM: Waterwatch of Oregon
BY: _____

APPLICATION	
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 24-680 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 200.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS

\$

PUBLICATIONS / MAPS

\$

OTHER: (IDENTIFY) _____

\$

OTHER: (IDENTIFY) _____

\$

REDUCTION OF EXPENSE

CASH ACCT.

\$

PCA AND OBJECT CLASS

VOUCHER #

0427 WRD OPERATING ACCT

77235

MISCELLANEOUS

0407 COPY & TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY) _____

\$

(New) TC162 DEPOSIT LIAB. (IDENTIFY) _____

\$

WATER RIGHTS:

EXAM FEE

RECORD FEE

0201 SURFACE WATER

\$

0202

\$

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$

0206

\$

WELL CONSTRUCTION

EXAM FEE

LICENSE FEE

0218 WELL DRILL CONSTRUCTOR

\$

0219

\$

LANDOWNER'S PERMIT

0220

\$

223 OTHER (IDENTIFY) Protest Fee

\$200.00

0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$

CARD #

0210 MONITORING WELLS

\$

CARD #

OTHER (IDENTIFY) _____

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS

\$

0467 HYDRO ACTIVITY

LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

\$

0231 HYDRO LICENSE FEE (FW/WRD)

\$

HRDRO APPLICATION

\$

RECEIPT # **52966**

DATED: 5/29/02 BY: Connie Vance

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

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **67215**

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

INVOICE # _____

RECEIVED FROM: Orange Hill District
BY: City, Inc.

APPLICATION	60453
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 1631 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 115.20

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$
OTHER: (IDENTIFY) \$
0243 I/S Lease 0244 Muni Water Mgmt. Plan 0245 Cons. Water

4270 WRD OPERATING ACCT

MISCELLANEOUS

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

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE \$	0202 RECORD FEE \$ <u>115.20</u>
0203 GROUND WATER	EXAM FEE \$	0204 \$
0205 TRANSFER	EXAM FEE \$	

WELL CONSTRUCTION

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

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **67215**

DATED: 5/11/04 BY: L. Albin

4-4-01
Russ

App. # 60453

JUNIPER FLAT DIST. IMPROVEMENT

Route Slip



Date _____

TO:	Name	Division/Section	Initial	Date
1.	Wayne	(O'Donnell)?		
2.				
3.	395-2668			
4.				
5.	Surgeon	Flat ID		

as requested	investigate	per conversation
approval	justify	prepare reply
comment	necessary action	return with more detail
confer	initial and return	review and circulate
for your information	note and file	signature

Please call

FROM:

Phone No. _____

Central Stores 97677

☐ See Other SideRecycled
Paper

NUMBER 5163

Check 60⁰⁰ NO Cash

 Surface Application

 Reservoir Application

 Ground Water Application

 Transfer Application

 Power Claim

 Hydroelectric Examination

 Hydroelectric License

 Copying

and stored water in Clear
Lake Reservoir allowed by Decree
of Circuit Court and Clear
Lake Reservoir enlargement
constructed under permit R-2106

395-2254

Kelly

Vaughn

Boat
Map
Rt 1
Sec

existing surface right
should ~~be~~ remain as
primary &

the existing well rights
should be ~~be~~ changed
to supplemental

send ~~the~~ copy on
separate letter to holders
of well permits

* AT FO, CHECK TO
SEE IF A MAP COPY
HAS ALREADY BEEN
MADE. IF SO, SEND TO
WM & MAKE NO OTHER MAP
COPIES. SEE COPY.

AS of 10-14-2008

JUNIPER FLATS IRRIG
DIST.

82529 HWY 216

MAUPIN, OR 97037-
9708