

G.

Name G-17271
By J KEVIN MCCULLOUGH
Address 96869 HERIN LN
WASCO OR 97065

CIS

Priority OCT. 8, 2009

County SHERMAN WM# 3

RELATED FILES

DEVELOPMENT

Date

Completion 5-6-2015

Extended to _____

Final Proof received COBU 5/31/2012

~~Copy~~ Cert. Mailed _____

Application No. G17271
Permit No. G-16704
Certificate No. _____

Date

DENIED _____

MISFILED _____

WITHDRAWN _____

CANCELLED _____

Volume Page

FEEES PAID

Date	Amount	Receipt No.
<u>10-8-09</u>	<u>1900.00</u>	<u>98161</u>
<u>5-31-12</u>	<u>150.00</u>	<u>105872</u>

Cert. Fee

FEEES REFUNDED

Date	Amount	Receipt No.

ASSIGNMENTS

Date	To Whom	Address

REMARKS _____

MAP LOCATION

690

Rev. 04/03

PHONE CALL

FOR <u>WED</u> <u>extra</u>	DATE <u>Nov 10</u> TIME <u>2010</u>	A.M. P.M.
M. <u>JAMES MC CALLOUGH</u>		
OF _____		
PHONE <u>521 993 0195</u>	CELL _____	
MESSAGE _____		☒ TELEPHONED
_____		☐ RETURNED YOUR CALL
_____ <u>G = 17271</u>		☒ PLEASE CALL
_____ <u>TEMP PERMIT</u>		☐ WILL CALL AGAIN
_____ <u>HOLD</u>		☐ CAME TO SEE YOU
SIGNED <u>541-442-5517</u>		☐ WANTS TO SEE YOU

Completion Checklist for CWRE Claims of Beneficial Use

Application # C-17271



Date Received 5/31/2012

CWRE Name Larry Told

Claim Logged ☒

File Marked Yes

Oversized Map # 690

Read the file and attach a copy of the permit or transfer final order. _____

Map Review:

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

Report Review:

- ☒ On form or format provided by the Department (OAR 690-014-0100(1))
- ☒ Application & permit #; or transfer # (OAR 690-014)
- ☒ Ownership information (OAR 690-014)
- ☒ Date of survey (OAR 690-014)
- ☒ Person interviewed (OAR 690-014)
- ☒ County (OAR 690-014)
- ☒ Tax lot information (OAR 690-014)
- ☒ Description of conveyances system (from POD to POU) (OAR 690-014-0100)
- ☒ Source(s) of water (OAR 690-014-0100)
- ☒ Point of diversion/appropriation location (OAR 690-014-0100)
- ☒ Use, period of use, and rate for use (OAR 690-014-0100)
- ☒ Place of use location (OAR 690-014-0100)
- ☒ Type of use (OAR 690-014-0100)
- ☒ Extent of use (OAR 690-014-0100)
- ☒ Rate and Duty (OAR 690-014-0100)
- ☒ Diversion rate for each use (OAR 690-014-0100)
- ☒ Diversion works description (pump make, serial model, capacity, and description) (OAR 690-014-0100)
- ☒ System capacity (OAR 690-014-0100)
 - ☒ Calculated capacity of system (required)
 - ☒ Measured amount of use (optional)
- ☒ Permit/Transfer Final Order Conditions (OAR 690-014-0100)
 - ☒ Time limits
 - ☒ Initial water level measurements
 - ☒ Annual static water level measurements
 - ☒ Measurement, recording, and reporting
 - ☒ Meter/measuring device
 - ☒ Water use reporting
 - ☒ Fish screening and/or by-pass
 - ☒ Pump test (ground water)
 - ☒ Other conditions
- ☒ CWRE stamp and signature (OAR 690-014-0100)
- ☒ Signature(s) of permittee or transfer holder (OAR 690-014-0100)

DEF = deficient

N/A = Not Applicable

Certificate Issuance Processing Checklist

____ Map and COBU reviewed
____ Conflict check (include copy of plat card printout) Any Conflicts? _____
____ Check for ownership

Staff Recommendations:

____ Proof to the Satisfaction has been established to the full extent as described in the permit or transfer order.
____ Proof to the Satisfaction has been not been established to the full extent as described in the permit or transfer order and the right should be limited as follows: _____
____ Proof to the Satisfaction has not been established for the following reasons: _____
____ Proposed Actions:
____ Send letter requesting the following items/information: _____
____ Send letter recommending extension to cure deficiencies: _____

Can certificate be processed further?

____ Yes

If "Yes":

____ Proposed
____ Final

Certificate # _____

Mailing list:

Proposed:

Final:

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



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

A fee of \$150 must accompany this form to be accepted for permits with a priority date of July 9, 1987, or later. (ORS 536.050(1))

A separate form shall be completed for each permit.

In cases where a permit has been amended through the permit amendment process, a separate claim for the permit amendment is not required. Incorporate the permit amendment into the claim for the permit.

This form is subject to revision. **Begin each new claim** by checking for a new version of this form at: http://www.wrd.state.or.us/OWRD/WR/cwre_info.shtml#.

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

Please type or print in dark ink. If this form is found to contain errors or omissions, it may be returned to you. **Every item must have a response.** If any requested information does not apply to the claim, insert "NA." **Do not delete or alter any section of this form unless directed by the form.** The Department may require the submittal of additional information from any water user or authorized agent.

If you have questions regarding the completion of this form, please call 503-986-0900 and ask for the Certificate Section.

The Department has a program that allows it to enter into a voluntary agreement with an applicant for expedited services. Under such an agreement, the applicant pays the cost to hire additional staff that would not otherwise be available. This program means a certificate may be issued in about a month. For more information on this program see http://www.wrd.state.or.us/OWRD/mgmt_reimbursement_authority.shtml.

SECTION 1

GENERAL INFORMATION

1. File Information

APPLICATION # (G, R, S or T)	PERMIT # (IF APPLICABLE)	PERMIT AMENDMENT # (IF APPLICABLE)
G-17271	G-16704	

2. Property Owner (current owner information)

APPLICANT/BUSINESS NAME J. Kevin McCullough		PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS PO Box 194			
CITY Wasco	STATE OR	ZIP 97065	E-MAIL

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

3. Is the Property Owner the permit or transfer holder of record? YES NO
Are there additional permit or transfer holders of record? YES NO

4. Date of Site Inspection: 3/12/2012

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

NAME	DATE	ASSOCIATION WITH THE PROJECT
Kevin McCullough	3/12/2012	Part owner and Lease holder

6. County: Sherman

7. If any property described in the place of use of the permit or transfer final order is excluded from this report, identify the owner of record for that property (ORS 537.230(4)):

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

OWNER OF RECORD		
NA		
ADDRESS		
CITY	STATE	ZIP

Are there additional Owners of Record? YES NO

ADDITIONAL OWNER OF RECORD		
Macnab, Inc (Roseanna Hulse, Trustee, Peter Macnab, Trustee, Frances Leehan, F. W. Macnab, Trustee, Elda G. Macnab, Trustee, Patrick G. Macnab, Trustee, George Macnab, Junietta Macnab, Edna L. Macnab, Trustee, Gary G. Macnab, Mary A. Macnab, J. Kevin McCullough, and Kathryn A. McCullough)		
ADDRESS		
PO Box 194		
CITY	STATE	ZIP
Wasco	OR	97065

ADDITIONAL OWNER OF RECORD		
Helen B Macnab Estate Group (Roseanna Hulse, Trustee, Peter Macnab, Trustee, Frances Leehan, F. W. Macnab, Trustee, Elda G. Macnab, Trustee, Patrick G. Macnab, Trustee, George Macnab, Junietta Macnab, Edna L. Macnab, Trustee, Gary G. Macnab, Mary A. Macnab, J. Kevin McCullough, and Kathryn A. McCullough, Steven MacMillan, Scott McMillan)		
ADDRESS		
PO Box 194		
CITY	STATE	ZIP
Wasco	OR	97065

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SECTION 2

SYSTEM DESCRIPTION

A. Points of Diversion/Appropriation

1. Point of diversion/appropriation name or number:

POINT OF DIVERSION/APPROPRIATION (POD/POA) NAME OR NUMBER (CORRESPOND TO MAP)	WELL LOG ID # FOR ALL WORK PERFORMED ON THE WELL (IF APPLICABLE)	WELL TAG # (IF APPLICABLE)
Well	SHER 50257	96327

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

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

POD/POA NAME OR NUMBER	SOURCE	TRIBUTARY
Well		Biglow Canyon Basin

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

POD/POA NAME OR NUMBER	USES	IF IRRIGATION, LIST CROP TYPE	SEASON OR MONTHS WHEN WATER WAS USED	RATE OR VOLUME FOR USE (CFS, GPM, OR AF)
Well	Irrigation	Garlic and Wheat	March 1 through October 31	1.11 cfs
Total Quantity of Water Used				

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

Water is pumped directly from the well into 10" mainline the runs to the pivot center.

SECTION 2

SYSTEM DESCRIPTION (B through H)

Are there multiple PODs or POAs?

YES NO

If "YES" you will need to copy and complete Sections 2B through 2H for each POD/POA.

POD/POA Name or Number this section describes (only needed if there is more than one):

Well

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B. Place of Use

1. Is the right for municipal use?

YES NO

If "YES" the table below may be deleted.

TWP	RNG	MER	SEC	Q-Q	GLot	DLC	USE	IF IRRIGATION, # PRIMARY ACRES	IF IRRIGATION, # SUPPLEMENTAL ACRES
2 N	18 E	W	7	SW/SW	4		IR	3.6	
				SE/SW			IR	10.2	
			18	NW/NE			IR	7.8	
				SW/NE			IR	1.5	
				NE/NW			IR	40.0	
				NW/NW	1		IR	27.4	
				SW/NW	2		IR	11.7	
				SE/NW			IR	23.5	
Total Acres Irrigated								125.7	

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

C. Diversion and Delivery System Information

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

1. Is a pump used?

YES NO

2. Pump Information

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
FPS		11J19	Submersible		5"

3. Motor Information

MANUFACTURER	HORSEPOWER
Franklin	125

4. Theoretical Pump Capacity

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP *If a well, the water level DURING PUMPING	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
125	45	580	40	1.18

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5. Provide pump calculations:

Pump Capacity Calculation Sheet

using Department designed formula:

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

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

Data Entry (fill in underlined blanks)

HP = 125

Efficiency = 7.04

Lift = 630

PSI = 45

**Results
Calculated**

(hp)(efficiency) = 880

Head based on psi

= 114.3

Total dynamic head

= 744.3

(head + lift)

Pump Capacity = 1.18 cubic feet per second

6. Measured Pump Capacity (using meter if meter was present and system was operating)

INITIAL METER READING	ENDING METER READING	DURATION OF TIME OBSERVED	TOTAL PUMP OUTPUT (IN CFS)

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

7. Is the distribution system piped?

YES NO

8. Mainline Information

MAINLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
10"	2200'	PVC	Buried

9. Lateral or Handline Information

LATERAL OR HANDLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND

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10. Sprinkler Information

SIZE	OPERATING PSI	SPRINKLER OUTPUT (GPM)	TOTAL NUMBER OF SPRINKLERS	MAXIMUM NUMBER USED	TOTAL SPRINKLER OUTPUT (CFS)

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

11. Pivot Information

MANUFACTURER	MAXIMUM WETTED RADIUS	OPERATING PSI	TOTAL PIVOT OUTPUT (GPM)	TOTAL PIVOT OUTPUT (CFS)
Valmont		45	500	1.11

12. Additional notes or comments related to the system:

D. Groundwater Source Information (Well and Sump)

1. Is the appropriation from ground water (well or sump)? YES NO

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

1" PVC measuring tube

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

CASING DIAMETER	CASING DEPTH	TOTAL DEPTH	COMPLETION DATE OF ORIGINAL WELL	COMPLETION DATES OF ALTERATIONS	WHO THE WELL WAS DRILLED FOR	WELL DRILLED BY
See SHER	50257					

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

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5. Is the appropriation from a dug well (sump)? YES NO

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E. Storage

1. Does the distribution system include in-system storage (i.e. storage tank, bulge in system / reservoir) YES NO

F. Gravity Flow Pipe

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

1. Does the system involve a gravity flow pipe? YES NO

G. Gravity Flow Canal or Ditch

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

1. Is a gravity flow canal or ditch used to convey the water as part of the distribution system? YES NO

H. Reservoir

1. Does the claim involve a reservoir modified through a transfer? YES NO

Reminder: This section should only be completed if the reservoir right has been modified through the transfer process. If the claim is for a permitted reservoir use the Claim of Beneficial Use form for reservoirs.

SECTION 3 CONDITIONS

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

1. Time Limits:

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

	DATE FROM PERMIT OR TRANSFER	DATE ACCOMPLISHED*	DESCRIPTION OF ACTIONS TAKEN BY WATER USER TO COMPLY WITH THE TIME LIMITS
ISSUANCE DATE	5/6/2010		
BEGIN CONSTRUCTION (A)		8/20/2008	Well constructed
COMPLETE CONSTRUCTION (B)		Spring 2010	Mainline and pivot in place
COMPLETE APPLICATION OF WATER (C)	5/6/2015	Summer 2010	Irrigation occurred

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

2. Is there an extension final order(s)? YES NO

4. Initial Water Level Measurements: Permit issued couple of years after well drilled so no initial measurement right after well construction made under this permit, however measurements were required under LL-1155 issued to DH Blattner and Sons

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

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

March

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

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

DATE OF MEASUREMENT	MEASUREMENT MADE BY	METHOD	MEASUREMENT

5. Annual Static Water Level Measurements:

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

b. Provide the month in which the static water level measurement was to be made:

March

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

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

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

DATE OF MEASUREMENT	MEASUREMENT MADE BY	METHOD	MEASUREMENT

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

- a. Did the permit require the submittal of a pump test? YES NO
- b. Has the pump test been previously submitted to the Department? YES NO
- c. Is the pump test attached to this claim? YES NO
- d. Has the pump test been approved by the Department? YES NO

7. Measurement Conditions:

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

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

- b. Has a meter been installed? YES NO

c. Meter Information

POD/POA NAME OR #	MANUFACTURER	SERIAL #	CONDITION (WORKING OR NOT)	CURRENT METER READING	DATE INSTALLED
Well	McCrometer	0804324	Working	46009800	2008

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

8. Recording and reporting conditions

- a. Is the water user required to report the water use to the Department? YES NO
- b. Have the reports been submitted? YES NO

METHOD OF SUBMITTING REPORT (PAPER OR ELECTRONIC)	WATER USER REPORTING ID
First required report attached to Claim	

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

9. Fish Screening

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

10. By-pass Devices

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

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

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

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

11 c. No riparian area, well located at shop building area
11 g. Install Well ID tag- L96327

SECTION 4 VARIATIONS

Include a description of variations from the permit, permit amendment final order, extension final order, or transfer final order. (i.e. "The permit allowed three points of diversion. The water user only developed one of the points." or "The permit allowed 40.0 acres of irrigation. The water user only developed 10.0 acres.")

The location of the center pivot irrigation system is approximately 300 feet east of the location requested in the application for water rights.

SECTION 5 ATTACHMENTS

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

ATTACHMENT NAME	DESCRIPTION
Claim map	
Well Report	SHER 50257

SECTION 6 CLAIM SUMMARY

POD / POA NAME OR #	MAXIMUM RATE AUTHORIZED	CALCULATED THEORETICAL RATE BASED ON SYSTEM	AMOUNT OF WATER MEASURED	USE	# OF ACRES ALLOWED	# OF ACRES DEVELOPED
Well	1.56 cfs	1.11		IR	125.7	125.7

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SECTION 7

CLAIM OF BENEFICIAL USE MAP

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

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

Water right was drafted using the 2009 USDA-FSA aerial photograph for the area. Well, pivot center and end of pivot were located by GPS.



Map Checklist

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

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

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

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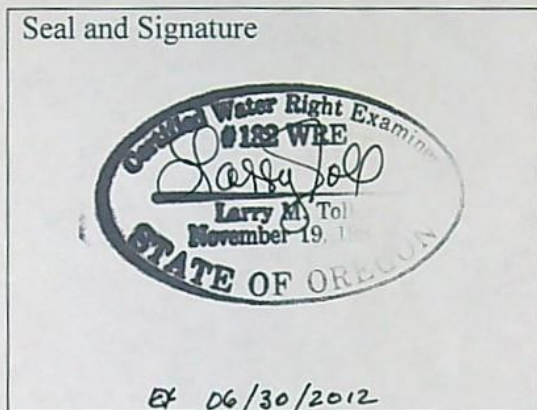
MAY 3 1 2012

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SALEM, OREGON**

SECTION 8 SIGNATURES

CWRE Statement, Seal and Signature

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



CWRE NAME Larry Toll		PHONE NO. 541-296-9177	ADDITIONAL CONTACT NO.
ADDRESS 3313 West Second Street, Suite 100			
CITY The Dalles	STATE OR	ZIP 97058	E-MAIL ltoll@tennesoneng.com

Permit or Transfer Holder's of Record Signature or Acknowledgement

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

SIGNATURE	PRINT OR TYPE NAME	DATE
	J. Kevin McCullough	5/14/2012

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WATER RESOURCES DEPT
SALEM OREGON

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WATER RESOURCES DEPT
SALEM OREGON

Amendment

Sher 50257

STATE OF OREGON
WATER SUPPLY WELL REPORT
(as required by ORS 537.765 & OAR 690-205-0210)

WELL LABEL # L 96327

START CARD # 1004242

(1) LAND OWNER Owner Well I.D. 1
First Name Kevin Last Name McCullough
Company DH Blattner
Address 96869 Herin Lane
City Wasco State OR Zip 97065

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

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

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

(5) BORE HOLE CONSTRUCTION Special Standard ☐ Attach copy
Depth of Completed Well 674 ft.

BORE HOLE			SEAL			Amt	sacks/ lbs
Dia	From	To	Material	From	To		
36	0	11	Concrete	0	11	243	S
18	11	280	Bentonite Chips	11	15	20	S
13	280	674	Cement	15	280	300	S

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

☐ Other

Backfill placed from ft. to ft. Material

Filter pack from ft. to ft. Material Size

Explosives used: ☐ Yes Type Amount

(6) CASING/LINER

Casing	Liner	Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd
☒	☐	20		0	11	375	☒	☐	☒	☐
☐	☒	14		2.5	280	375	☐	☒	☒	☐
☐	☒	10		2.83	674	250	☐	☒	☒	☐

Shoe ☒ Inside ☐ Outside ☐ Other Location of shoe(s) 675

Temp casing ☐ Yes Dia From To

(7) PERFORATIONS/SCREENS

Perforations Method Star drive down

Screens Type Material

Perf/S	Casing/ Screen	Liner	Dia	From	To	Scm/slot width	Slot length	# of slots	Tele/ pipe size
Perf	Liner			580	640	.25	1	960	
Perf	Liner			640	670	25	1	720	

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

☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian

Yield gal/min Drawdown Drill stem/Pump depth Duration (hr)

400		670	4
-----	--	-----	---

Temperature 55 °F Lab analysis ☐ Yes By

Water quality concerns? ☐ Yes (describe below)

From To Description

(9) LOCATION OF WELL (legal description)

County SHERMAN Twp 2 N N/S Range 18 E E/W WM

Sec 19 NE 1/4 of the NW 1/4 Tax Lot 1400

Tax Map Number Lot

Lat 45 ° 39 ' " or 45.65 DMS or DD

Long -120 ° 36 ' " or -120.6 DMS or DD

☒ Street address of well ☐ Nearest address

96869 Herin Lane, Wasco OR 97065

(10) STATIC WATER LEVEL

Date SWL (psi) + SWL (ft)

Existing Well / Predeepening 08-20-2008 500

Completed Well 08-20-2008 500

Flowing Artesian? ☐ Dry Hole? ☐

WATER BEARING ZONES Depth water was first found 210

SWL Date	From	To	Est Flow	SWL (psi)	+ SWL (ft)
07-29-2008	210	226	20		138.5
08-11-2008	500	580	120		500
08-12-2008	580	640	400		500

(11) WELL LOG

Ground Elevation 1,456

Material	From	To
Top soil	0	6
Broken brown & grey rock little clay mixed	6	60
Broken brown, grey, red rock w/ hard grey layers	60	145
Black basalt Hard	145	210
Broken brown, grey, red, white rock	210	226
Black basalt Hard	226	262
Black and brown broken rock Med	262	269
Black basalt Hard & Med layers /480-500 fractured	269	500
Black visicular rock broken with brown & white	500	580
rock mixed	500	580
Broken visicular rock. Black, brown, white &	580	640
blue-green shale mixed	580	640
Black basalt Hard	640	674

Date Started 07-28-2008 Completed 08-20-2008

(unbonded) Water Well Constructor Certification

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

License Number Date

Password: (if filing electronically)

Signed

(bonded) Water Well Constructor Certification

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

License Number 1293 Date 08-26-2008

Password: (if filing electronically) *****

Signed

Contact Info (optional)

RECEIVED

SEP 02 2008

RECEIVED

THIS REPORT MUST BE SUBMITTED TO THE WATER RESOURCES DEPARTMENT WITHIN 30 DAYS OF COMPLETION OF WORK

MAY 18 2012

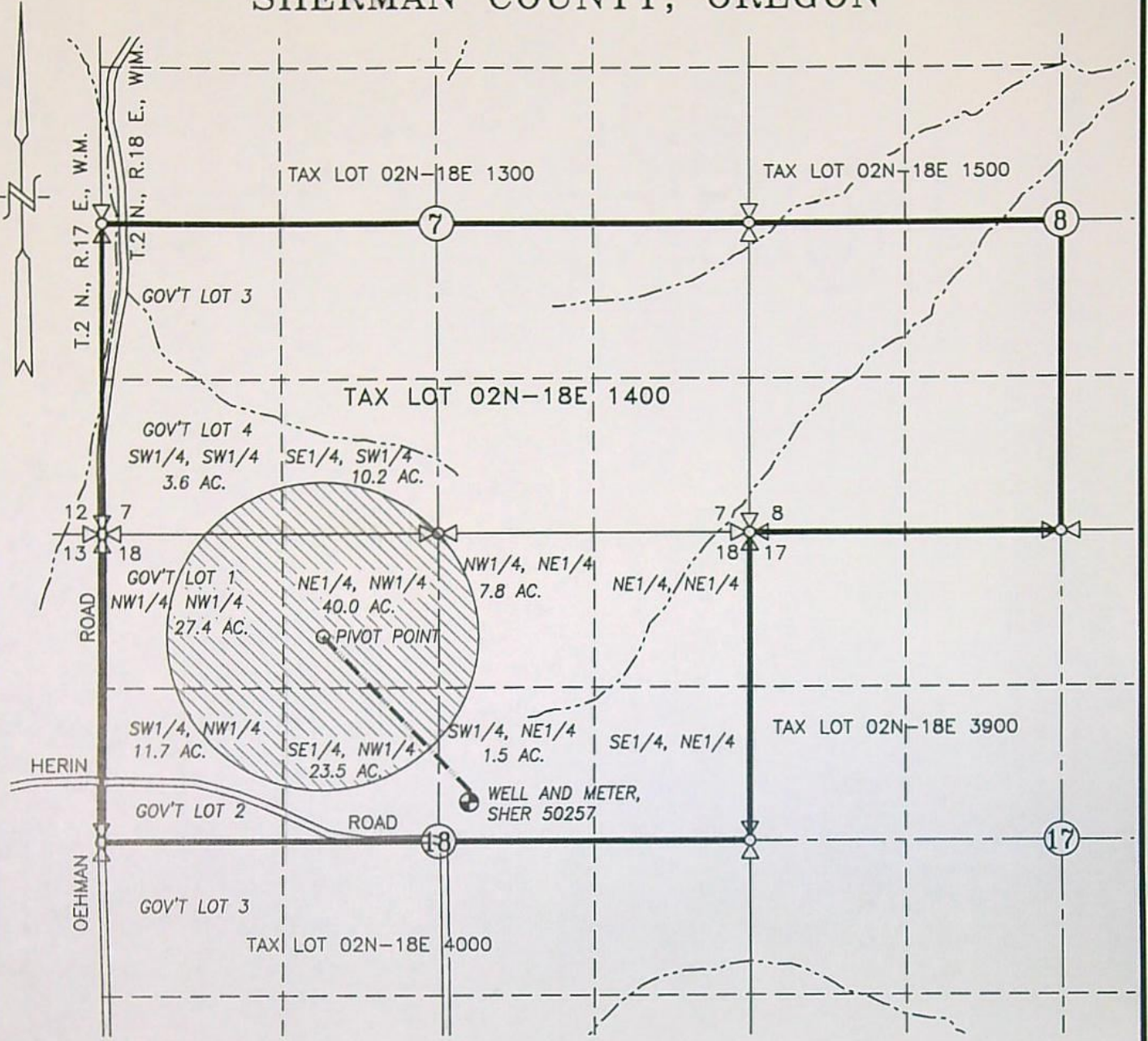
SALEM, OREGON

WATER RESOURCES DEPT
SALEM OREGON

MAY 31 2012

WATER RESOURCES DEPT
SALEM OREGON

SECTIONS 7, 8 & 18, TWP.2 N. RANGE 18 E. W.M. SHERMAN COUNTY, OREGON



LEGEND:

- WELL (50257): 2,295' S. & 3,110' E. OF NW COR. SEC. 18
-  APPLICATION AREA = 125.7 ACRES
- EXISTING IRRIGATION MAIN

CLAIM OF BENEFICIAL USE MAP

SCALE: 1" = 1320'



APPLICATION No. G-17271

PERMIT No. G-16704

IN THE NAME OF:

KEVIN McCULLOUGH

DATE: MAY 30, 2012

BY: **TENNESON ENGINEERING CORP.**

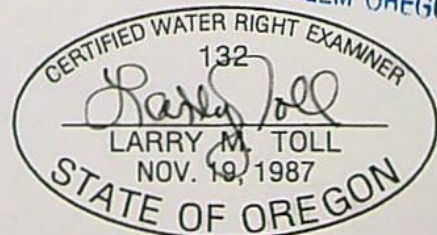
3313 W. 2ND. STREET, SUITE 100
THE DALLES, OREGON. 97058
PH. 541-296-9177
FAX 541-296-6657



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MAY 31 2012

**WATER RESOURCES DEPT
SALEM OREGON**



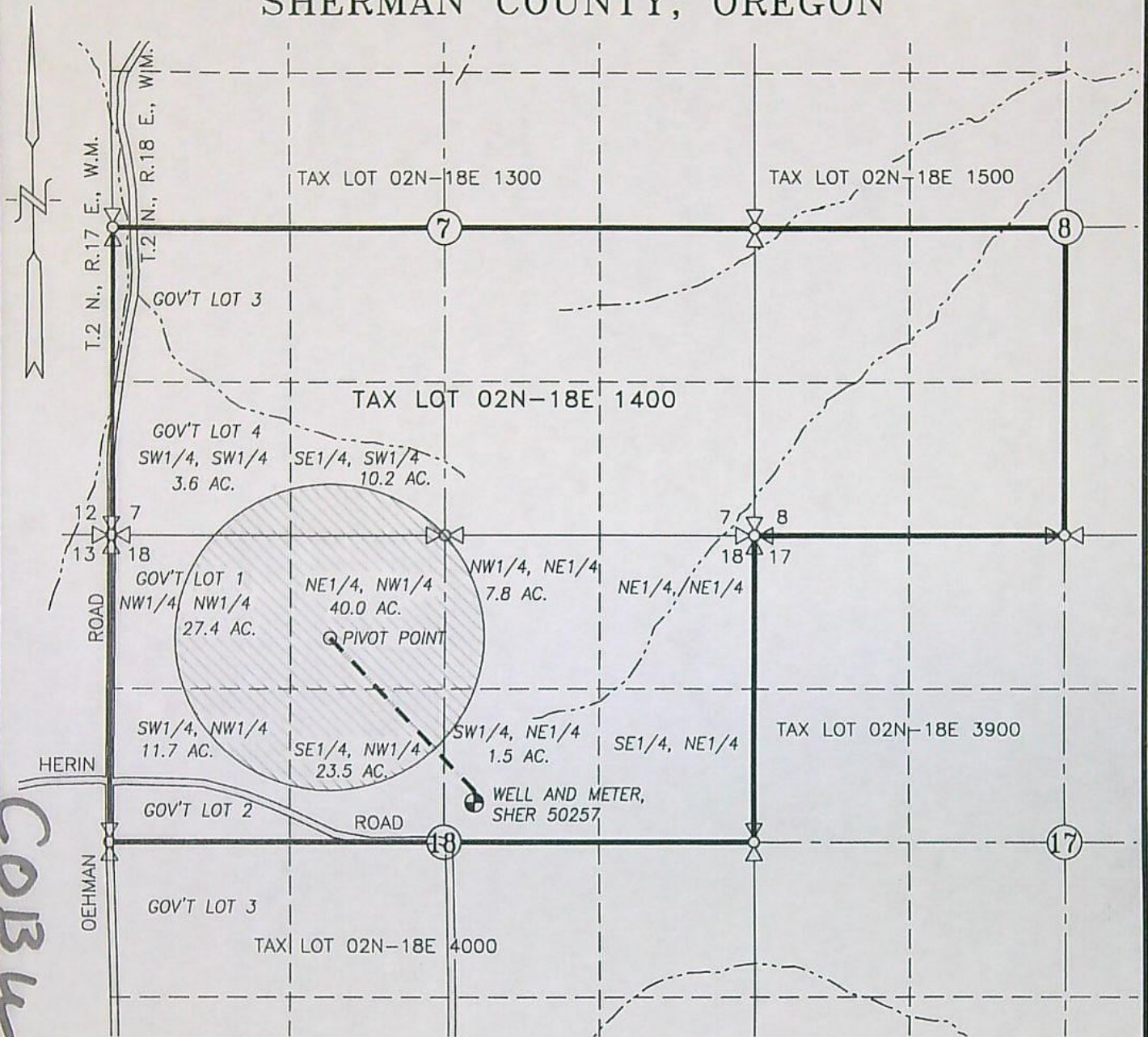
EXPIRES: 06/30/2012

NOTE:

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

W.O. #13300wr

SECTIONS 7, 8 & 18, TWP.2 N. RANGE 18 E. W.M. SHERMAN COUNTY, OREGON



LEGEND:

⊕ WELL (50257): 2,295' S. & 3,110' E. OF NW COR. SEC. 18

▨ APPLICATION AREA = 125.7 ACRES

--- EXISTING IRRIGATION MAIN

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3313 W. 2ND. STREET, SUITE 100
THE DALLES, OREGON. 97058
PH. 541-296-9177
FAX 541-296-6657



RECEIVED

MAY 31 2012

WATER RESOURCES DEPT
SALEM, OREGON



EXPIRES: 06/30/2012

NOTE:

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PROVIDE DIMENSIONS OR LOCATIONS
OF PROPERTY OWNERSHIP LINES."

W.O. #13300wr

CORB MAP # 0690



Oregon

John A. Kitzhaber, MD, Governor

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

June 7, 2012

J. Kevin McCulloch
96869 Herin Lane
Wasco OR 97065

On May 31, 2012 the Water Resources Department received the Claim of Beneficial Use (COBU) for the following file(s):

Application G-17271 Permit G-16704

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

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

Customer Service phone: (503) 986-0801

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

Your receipt is enclosed.

Cc: file

LETTER OF TRANSMITTAL

TO: Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-2430

Date: 05/30/2012	Work Order 13300
Attention	
RE: Application G-17271	

ENCLOSED ARE THE FOLLOWING:

QUANTITY	DESCRIPTION
1	(13 pgs) CLAIM OF BENEFICIAL USE FOR APPLICATION G-17271
1	\$150.00 FILING FEE (Check #3363, McCullough)

THESE ARE TRANSMITTED (as checked below)

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

Remarks: RECEIVED MAY 31 2012 WATER RESOURCES DEPT SALEM, OREGON	SF Blueline	
	SF Mylar	
	Xerox	
	Tube, Mailer, Etc.	
	P & H	
	TOTAL	

PICKED UP BY:
 DELIVERED BY: U.S. Mail
 COPY TO: Kevin McCullough

BY: Larry M. Toll, C.W.R.E.
ltoll@tennesoneng.com

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



Oregon

John A. Kitzhaber, MD, Governor

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

May 21, 2012

J. Kevin McCullough
PO Box 194
Wasco, OR 97065

RE: Application File G-17271, Permit G-16704

Dear Mr. McCullough,

On May 18, 2012, the Department received your Claim of Beneficial Use map and report (CBU) for the above referenced file and permit. The Department is unable to accept your submittal at this time because neither the report nor map are signed by the Certified Water Examiner (Larry Toll). In addition, the map must be submitted on polyester film.

Please find enclosed your CBU and check in the amount of \$150.00. Once the CBU map (on polyester film) and report have been signed by Mr. Toll, the CBU and check can be re-submitted.

The Department has not retained a copy of your CBU materials.

Please call me at 503-986-0811 if you have any questions.

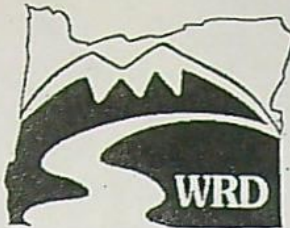
Sincerely,

Gerry Clark
Water Right Specialist
Certificates

Cc: file
Larry Toll, CWRE

Completion Checklist for CWRE Claims of Beneficial Use

Application # G17271



Date Received 5/18/2012

CWRE Name _____ Claim Logged _____

File Marked _____

Oversized Map # _____

Read the file and attach a copy of the permit or transfer final order. _____

*paper map not signed
by CWRE*

Map Review:

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

Report Review:

- ☒ On form or format provided by the Department (OAR 690-014-0100(1))
- ☒ Application & permit #; or transfer # (OAR 690-014)
- ☒ Ownership information (OAR 690-014)
- ☒ Date of survey (OAR 690-014)
- ☒ Person interviewed (OAR 690-014)
- ☒ County (OAR 690-014)
- ☐ Tax lot information (OAR 690-014)
- ☐ Description of conveyances system (from POD to POU) (OAR 690-014-0100)
- ☐ Source(s) of water (OAR 690-014-0100)
- ☐ Point of diversion/appropriation location (OAR 690-014-0100)
- ☐ Use, period of use, and rate for use (OAR 690-014-0100)
- ☐ Place of use location (OAR 690-014-0100)
- ☐ Type of use (OAR 690-014-0100)
- ☐ Extent of use (OAR 690-014-0100)
- ☐ Rate and Duty (OAR 690-014-0100)
- ☐ Diversion rate for each use (OAR 690-014-0100)
- ☐ Diversion works description (pump make, serial model, capacity, and description) (OAR 690-014-0100)
- ☐ System capacity (OAR 690-014-0100)
 - ☐ Calculated capacity of system (required)
 - ☐ Measured amount of use (optional)
- ☐ Permit/Transfer Final Order Conditions (OAR 690-014-0100)
 - ☐ Time limits
 - ☐ Initial water level measurements
 - ☐ Annual static water level measurements
 - ☐ Measurement, recording, and reporting
 - ☐ Meter/measuring device
 - ☐ Water use reporting
 - ☐ Fish screening and/or by-pass
 - ☐ Pump test (ground water)
 - ☐ Other conditions

- ☒ CWRE stamp and signature (OAR 690-014-0100)
- ☒ Signature(s) of permittee or transfer holder (OAR 690-014-0100)

DEF = deficient
N/A = Not Applicable

Certificate Issuance Processing Checklist

_____ Map and COBU reviewed
_____ Conflict check (include copy of plat card printout) Any Conflicts? _____
_____ Check for ownership

Staff Recommendations:

_____ Proof to the Satisfaction has been established to the full extent as described in the permit or transfer order.
_____ Proof to the Satisfaction has been not been established to the full extent as described in the permit or transfer order and the right should be limited as follows: _____
_____ Proof to the Satisfaction has not been established for the following reasons: _____
_____ Proposed Actions:
Send letter requesting the following items/information: _____
Send letter recommending extension to cure deficiencies: _____

Can certificate be processed further?

_____ Yes

If "Yes":

_____ Proposed
_____ Final

Certificate # _____

Mailing list:

Proposed:

Final:

STATE OF OREGON

COUNTY OF SHERMAN

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

J. KEVIN MCCULLOUGH
96869 HERIN LANE
WASCO, OR 97065

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

APPLICATION FILE NUMBER: G-17271

SOURCE OF WATER: WELL 1 (SHER 50257) IN BIGLOW CANYON BASIN

PURPOSE OR USE: IRRIGATION OF 125.7 ACRES

MAXIMUM RATE: 1.56 CUBIC FEET PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: OCTOBER 8, 2009

WELL LOCATION: WELL 1 (SHER 50257) - SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 18, T2N, R18E,
W.M.; 2240 FEET SOUTH AND 3370 FEET EAST FROM NW CORNER, SECTION 18

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 7.9 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 6.3 ACRES
SECTION 7

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 35.3 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 19.7 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 16.5 ACRES
SECTION 18

TOWNSHIP 2 NORTH, RANGE 18 EAST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of

appropriation. The permittee shall maintain the meter in good working order.

- B. The permittee 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.
- C. The permittee shall allow the watermaster access to the meter; provided however, where any meter is located within a private structure, the watermaster shall request access upon reasonable notice.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.

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

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

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

690-217-0045. The Department requires the individual performing the measurement to:

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

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

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

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

The well shall be equipped with a separate water level measurement tube in addition to other methods of measuring the water level, such as airlines or transducers. The annual water level measurement required in the permit shall be measured through the measuring tube.

STANDARD CONDITIONS

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

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

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

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

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

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

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

Prior to receiving a certificate of water right, the permit holder shall submit to the Water Resources Department the results of a pump test meeting the Department's standards for each point of appropriation (well), unless an exemption has been obtained in writing under OAR 690-217. The Director may require water-level or pump-test data every ten years thereafter.

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

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

Completion of construction and application of the water shall be made within five years of the date of permit issuance. If beneficial use of permitted water has not been made before this date, the permittee may

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

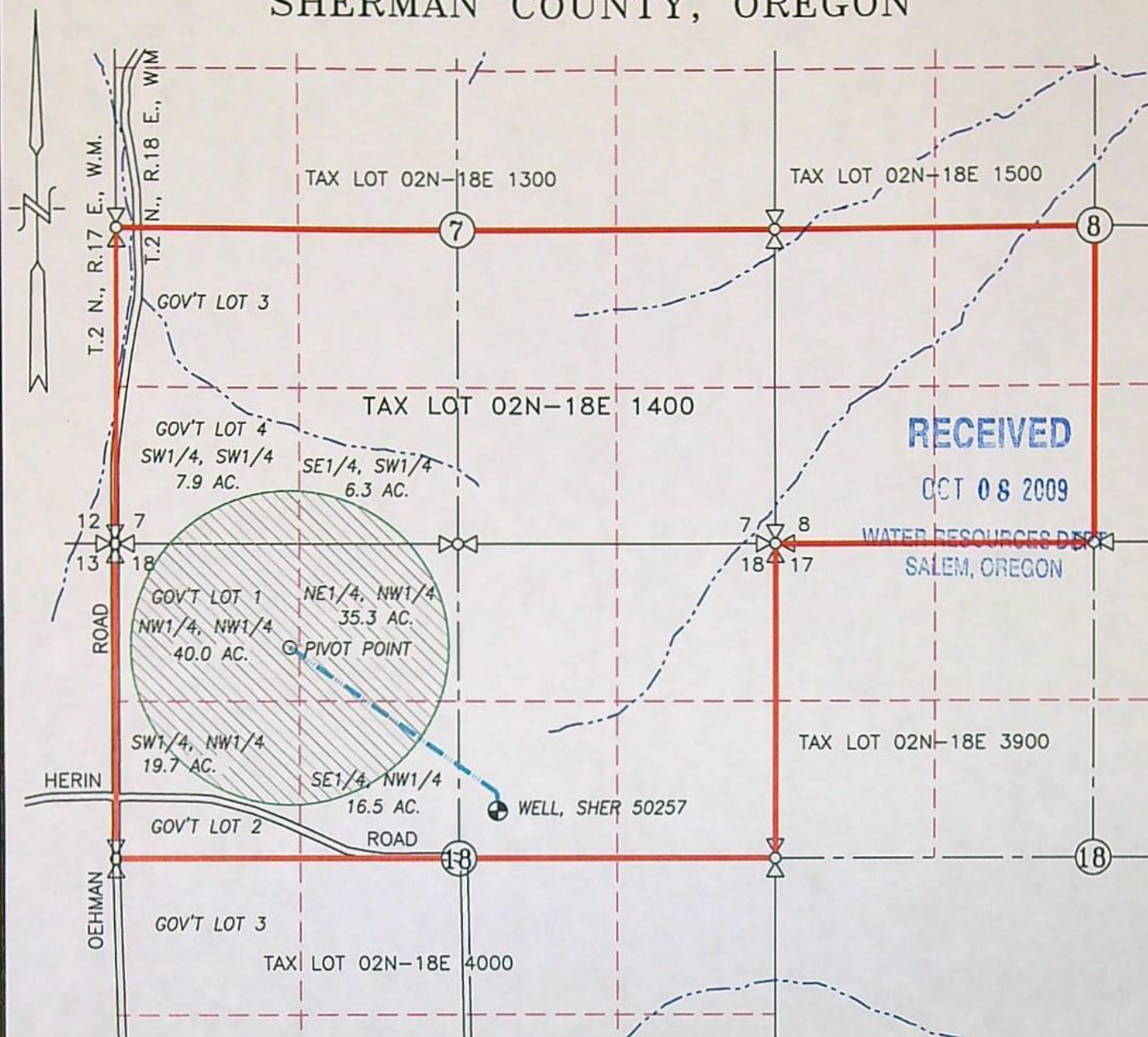
Within one year after making beneficial use of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Issued MAY 6 2010

E. Timothy Wall

for Phillip C. Ward, Director
Water Resources Department

SECTIONS 7, 8 & 18, TWP.2 N. RGE.18 E. W.M. SHERMAN COUNTY, OREGON



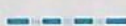
RECEIVED

OCT 08 2009

WATER RESOURCES DEPT
SALEM, OREGON

- ⊕ WELL (50257): 2240' S. & 3370' E. OF NW COR. SEC. 18
- PIVOT POINT: 1870' S. & 1445' E. OF NW COR. SEC. 18

 PROPOSED APPLICATION AREA = 125.7 ACRES

 EXISTING IRRIGATION MAIN

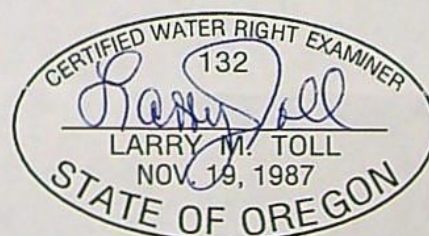
WATER RIGHT GROUND WATER APPLICATION

SCALE: 1" = 1320'

APPLICATION No. G-17271

PERMIT No. _____

IN THE NAME OF:

KEVIN McCULLOUGHDATE: AUGUST 17, 2009EXPIRES: 06/30/2010BY: **TENNESON ENGINEERING CORP.**

3313 W. 2ND. STREET, SUITE 100
THE DALLES, OREGON. 97058
PH. (541) 296-9177
FAX (541) 296-6657

**NOTE:**

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

W.O. #13300wr



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

Application for a Permit to Use Ground Water

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." Please read and refer to the instructions when completing your application. A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

1. APPLICANT INFORMATION

A. Individuals

Applicant: J. Kevin McCullough
First Last

Mailing Address: 96869 Herin Lane
Wasco OR 97065
City State Zip

Phone: 541-442-5517
Home Work Other

*Fax: _____ *Email Address: _____

B. Organizations

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

Name of Organization: See Remarks for Agent Information

Name and Title of Person Applying: _____

Mailing Address or Organization: _____

City State Zip

Phone : _____
Day Evening

*Fax: _____ *Email Address: _____

*Optional

For Department Use

App. No. 62-17271 Permit No. _____ Date _____

Last Updated: 3/31/2009

WR

Ground Water/1

2. PROPERTY OWNERSHIP

☒ Yes (Please check appropriate box below then skip to section 3 'Ground Water Development')

- ☒ There are no encumbrances
- ☐ This land is encumbered by easements, rights of way, roads or other encumbrances
(please provide a copy of the recorded deed(s))

☐ No (Please check the appropriate box below)

- ☐ I have a recorded easement or written authorization permitting access.
- ☐ I do not currently have written authorization or easement permitting access.
- ☐ Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigated and/or domestic use only (ORS 274.040).

You must provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.

List the names and mailing addresses of all affected landowners.

3. GROUND WATER DEVELOPMENT

A. Well Information

Number of well(s): 1 (SHER 50257)

Name of nearest surface water body: Unn. Trib.

Distance from well(s) to nearest stream or lake:

1) 791 ft 2) _____ 3) _____ 4) _____

If distance from surface water is less than one mile, indicate elevation difference between nearest surface water and well head:

1) 20 ft 2) _____ 3) _____ 4) _____

B. Well Characteristics

Wells must be constructed according to standards set by the Department for the construction and maintenance of water wells. If the well is already constructed, please enclose a copy of the well constructor's log and the well ID number, if available, for each well with this application. Identify each well with a number corresponding to the wells designated on the map and proceed to section 4 of the form. If the well has not been constructed, or if you do not have a well log, please complete the following:

Well(s) will be constructed by:

See SHER 50257

Mailing Address: _____

City State Zip

RECEIVED

OCT 08 2009

WATER RESOURCES DEPT
SALEM, OREGON

Completion Date: _____

Please provide a description of your well development. (Attach additional sheets if needed.)

Well No.	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
	See	SHER 50257							

Note: Well numbers in this listing must correspond to well locations(s) shown on accompanying map.

If well log is not available, or well is not yet constructed, you must provide: proposed total depth, depth of casing and seal, and the anticipated perforation and open intervals.

C. Artesian Flows

If your water well is flowing artesian, describe your water control and conservation works:

none

4. WATER USE

Please read the instruction booklet for more details on "type of use" definitions, how to express how much water you need and how to identify the water source you propose to use. You must fill out a supplemental form for some uses as they require specific information for that type of use.

A. Type(s) of Use(s)

See list of beneficial uses provided in the instructions.

- If your proposed use is **domestic**, indicate the number of households to be supplied with water: _____
- If your proposed use is **irrigation**, please attach **Form I**
- If your proposed use is **mining**, attach **Form R**
- If your proposed use is **municipal or quasi-municipal**, attach **Form M**
- If your proposed use is **commercial/industrial**, attach **Form Q**

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B. Amount of Water

Provide the production rate in gallons per minute (gpm) and the total annual amount of water you need from each well, from each source or aquifer, for each use. You do not need to provide source information if you are submitting a well log with your application.

Well No.	Source or aquifer	Type of use	Total rate of water requested (in gpm)	Total annual quantity (in gallons)	Production rate of well (in gpm)
1		Irrigation	700	122,193,750	700

C. Maximum Rate of Use Requested

What is the maximum, instantaneous rate of water that will be used? 700 gpm

(The fees for your application will be based on this amount.)

D. Period of Use

Indicate the time of year you propose to use the water: March 1 to October 31

(For seasonal uses like irrigation give dates when water use would begin and end, e.g. March 1-October 31.)

E. Acreage

If you will be applying water to land, indicate the total number of acres where water will be applied or used: 125.7

(This number should be consistent with your application map.)

5. WATER MANAGEMENT**A. Diversion**

What method will you use to divert water from the source?

☒ Pump (give horsepower and pump type): up to 150 hp of submersible and centrifugal pumps

☐ other means (describe): _____

B. Transport

How will you transport water to your place of use?

☐ Ditch or canal (give average width and depth):

Width _____ Depth _____

Is the ditch or canal to be lined? ☐ Yes ☐ No

☒ Pipe (give diameter and total length):

Diameter 10" Length 2200

☐ other, describe: _____

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C. Application/Distribution Method

What equipment will you use to apply water to your place of use?

1320 ft center pivot.

Irrigation or land application method (check all that apply):

- | | | |
|--|--|---|
| ☐ Flood | ☐ High pressure sprinkler | ☐ Low pressure sprinkler |
| ☐ Drip | ☐ Water Cannons | ☒ Center pivot system |
| ☐ Hand Lines | ☐ Wheel Lines | |
| ☐ Siphon tubes or gated pipe with furrows | | |
| ☐ other, describe: _____ | | |

Distribution method

- ☒ Direct pipe from source ☐ In-line storage (tank or pond) ☐ Open Canal

E. Conservation

What methods will you use to conserve water? Why did you choose this distribution or application method? Have you considered other methods to transport, apply, distribute or use water? For example, if you are using sprinkler irrigation rather than drip irrigation, explain. If you need additional space, attach a separate sheet.

flow meter, center pivot

6. PROJECT SCHEDULE

Indicate the anticipated dates that the following construction tasks should begin. If construction has already begun, or is completed, please indicate that date.

Proposed date construction will begin: complete well drilled 2008

Proposed date construction will be completed: 10/1/2011

Proposed date beneficial water use will begin: 10/1/2011

Is this project fully or partially funded by the American Recovery and Reinvestment Act? (Federal stimulus dollars) ☐ Yes ☒ No

7. REMARKS

If you would like to clarify any information you have provided in the application, please do so here and reference the specific application question you are addressing.

Agent Information

Tenneson Engineering Corp. Attention: Larry Toll
3313 W Second St., Suite 100
The Dalles, OR 97058
Telephone: 541-296-9177
Fax: 541-296-6657

Email: ltoll@tennesoneng.com

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8. MAP REQUIREMENTS

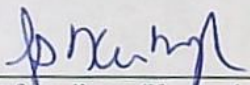
The Department cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section, and quarter/quarter section of the proposed well location and place of use. The map must provide tax lot numbers. See the map guidelines sheet for detailed map specifications.

9. SIGNATURE

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be canceled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water right holders to get water to which they are entitled.

I swear that all information provided in this application is true and correct to the best of my knowledge:



Signature of Applicant (If more than one applicant, all must sign.)

9/8/09

Date

Before you submit your application be sure you have:

- Answered each question completely.
- Attached a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included a Land Use Information Form or receipt stub signed by a local official.
- Included the legal description of all the property involved with this application. You may supply a copy of the deed, land sales contract, or title insurance policy, to meet this requirement.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount. The Department's fee schedule can be found at www.wrd.state.or.us or call (503) 986-0900.

GW BASE	\$1000
1 st cts	250
2 nd cts	250
Permit	400
	<u>\$1900</u>

WRD on the web:
www.wrd.state.or.us

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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: 125.7 Acres

Supplemental: _____ Acres

List the permit or certificate number of the primary water right: No. _____

2. Please list the anticipated crops you will grow and whether you will be irrigating them for a full or partial season:

1. alfalfa ☒ Full Season ☐ Partial Season (from: _____ to _____)

2. wheat ☒ 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:

377.1 acre-feet

(1 acre-foot equals 12 inches of water spread over 1 acre, or 43,560 cubic feet, or 325,851 gallons.)

4. How will you schedule your applications of water? Will you be applying water in the evenings, twice a week, daily?

☒ 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: _____

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SALEM, OREGON



Oregon Water Resources Department Land Use Information Form

THIS FORM IS NOT REQUIRED IF: 1) water is to be diverted, conveyed, and/or used only on federal lands; or 2) the application is for a water-right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply: a) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm-use zone.

Applicant Name: Kevin McCullough
First Last
 Mailing Address: 96869 Herin Lane
Wasco OR 97065 Daytime Phone: 541-442-5517
City State Zip

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), or used. 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.

Township	Range	Section	1/4 1/4	Tax Lot #	Plan Designation (e.g. Rural Residential/RR-5)	Water to be:	Proposed Land Use:
2N	18E	7	S1/2SW1/4	1400	F-1	☐ Diverted ☒ Conveyed ☒ Used	Irrigation
		18	NW1/4	1400		☐ Diverted ☒ Conveyed ☒ Used	Irrigation
			SW1/4NE1/4	1400		☒ Diverted ☒ Conveyed ☐ Used	
						☐ Diverted ☐ Conveyed ☐ Used	

List all counties and cities where water is proposed to be diverted, conveyed, or used:

B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- ☒ Permit to Use or Store Water ☐ Water-Right Transfer ☐ Exchange of Water
☐ Allocation of Conserved Water ☐ Limited Water Use License
☐ Permit Amendment of Ground Water Registration Modification

Source of water: ☐ Reservoir/Pond ☒ Ground Water ☐ Surface Water (name) _____

Estimated quantity of water needed: 700 ☐ cubic feet per second ☒ gallons per minute ☐ acre-feet

Intended use of water: ☒ Irrigation ☐ Commercial ☐ Industrial ☐ Domestic for _____ household(s)
☐ Municipal ☐ Quasi-municipal ☐ Instream ☐ Other _____

Briefly describe:

To use an existing well to irrigate land under a center pivot irrigation system.

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt below and include it with the application filed with the Water Resources Department.

Receipt for Request for Land Use Information

State of Oregon Water
Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266

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For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form.

This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the 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): Art. 3
- ☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.)

If approvals have been obtained but all appeal periods have not ended, check "Being pursued".

Type of Land-Use Approval Needed (e.g. plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
Permitted use	Sec. 3.1 2. (a)	☒ Obtained	☐ Being pursued
		☐ Denied	☐ Not being pursued
		☐ Obtained	☐ Being pursued
		☐ Denied	☐ Not being pursued
		☐ Obtained	☐ Being pursued
		☐ Denied	☐ Not being pursued
		☐ Obtained	☐ Being pursued
		☐ Denied	☐ Not being pursued
		☐ Obtained	☐ Being pursued
		☐ Denied	☐ Not being pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

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SALEM, OREGON

Name: Georgia L. Macnab Title: Planning Director

Signature: Georgia L. Macnab Phone: 541-565-3601 Date: 10-7-09

Government Entity: Sherman County

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

Receipt for Request for Land Use Information

Applicant Name: Kevin McCullough

City or County: Sherman Staff Contact: Georgia Macnab

Signature: Georgia L. Macnab Phone: 541-565-3601 Date: 10-7-09

Legal Description for Tax Lot 1400
in T 2 N, R 18 E, W 1

The South Half of Section Seven, the Southwest Quarter of Section Eight and the North Half of Section Eighteen, all in Township 2 North, Range Eighteen EWM.

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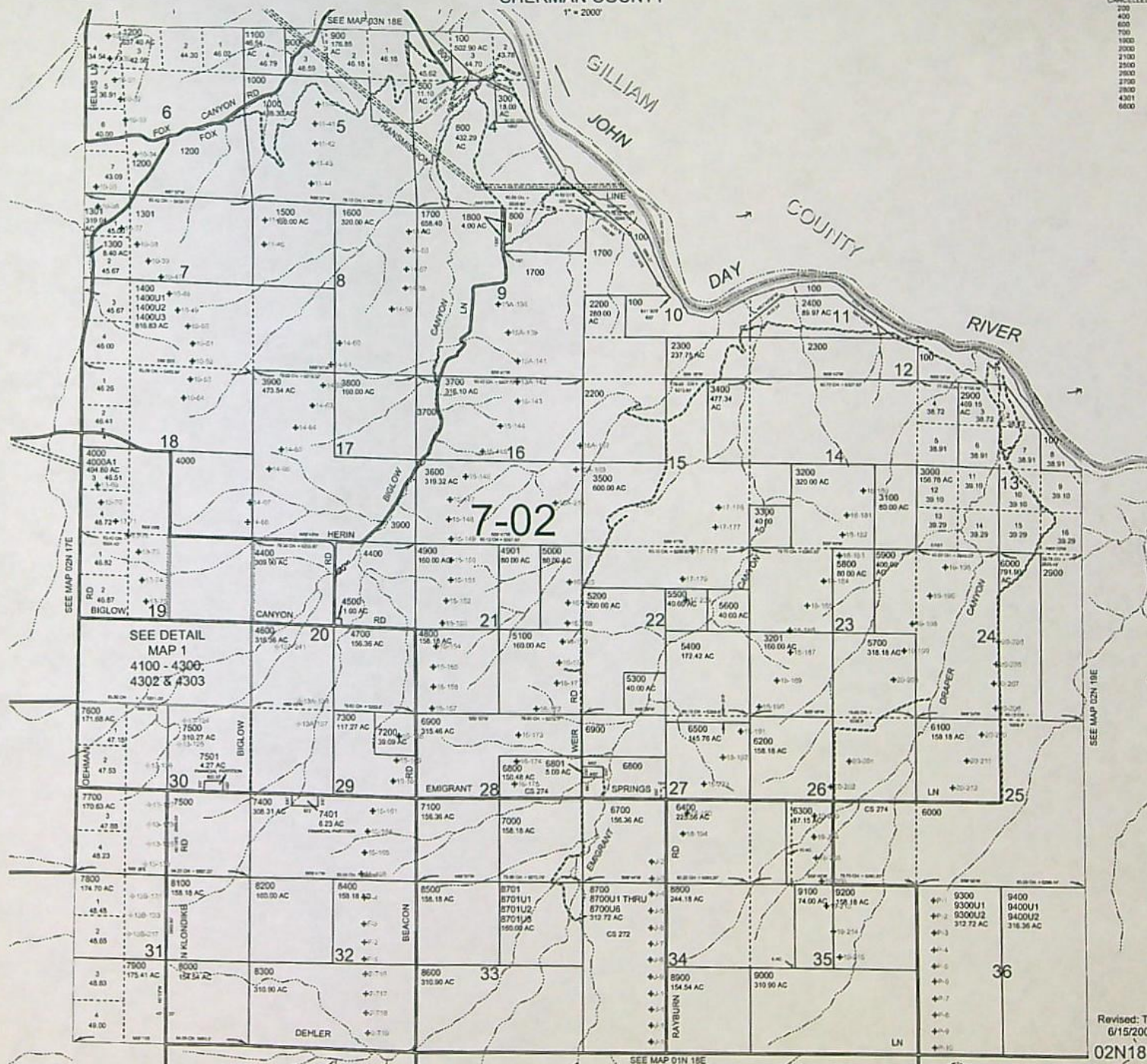
THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

0 1,000 2,000 4,000 Feet

T.2N. R.18E. W.M.
SHERMAN COUNTY
1" = 2000'

02N18E

CANCELLED
200
400
600
800
1000
1200
1400
1600
1800
2000
2200
2400
2600
2800
3000
3200
3400
3600
3800
4000
4200
4400
4600
4800
5000
5200
5400
5600
5800
6000
6200
6400
6600



Revised: TK
6/15/2009

02N18E

CG-17271

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WATER RESOURCES DEPT
SALEM, OREGON

SHER 50257

Sher 50257

STATE OF OREGON
WATER SUPPLY WELL REPORT
(as required by ORS 537.765 & OAR 690-205-0210)

WELL LABEL # L 96327

START CARD # 1004242

(1) LAND OWNER

Owner Well I.D. 1

First Name Kevin Last Name McCullough
Company DH Blattner
Address 96869 Herin Lane
City Wasco State OR Zip 97065

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

(3) DRILL METHOD

☒ Rotary Air ☐ Rotary Mud ☐ Cable ☐ Auger ☐ Cable Mud
☐ Reverse Rotary ☐ Other

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

(5) BORE HOLE CONSTRUCTION Special Standard ☐ Attach copy
Depth of Completed Well 674 ft.

BORE HOLE			SEAL			Amt	sacks/ lbs
Dia	From	To	Material	From	To		
36	0	11	Concrete	0	11	243	S
18	11	280	Bentonite Chips	11	15	20	S
13	280	674	Cement	15	280	300	S

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

Backfill placed from ft. to ft. Material

Filter pack from ft. to ft. Material Size

Explosives used: ☐ Yes Type Amount

(6) CASING/LINER

Casing	Liner	Dia	+	From	To	Gauge	Stl	Plst	Wld	Thrd
☒	☐	20		0	11	.375	☒	☐	☒	☐
☐	☒	14		2.5	280	.375	☒	☐	☒	☐
☐	☒	10		2.83	674	.250	☒	☐	☒	☐

Shoe ☒ Inside ☐ Outside ☐ Other Location of shoe(s) 675Temp casing ☐ Yes Dia From To

(7) PERFORATIONS/SCREENS

Perforations Method Star drive down

Screens Type Material

Perf/S	Casing/Screen	Liner	Dia	From	To	Scr/slot width	Slot length	# of slots	Tel/ pipe size
Perf	Liner			580	640	.25	1	960	
Perf	Liner			640	670	.25	1	720	

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

☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)
400		670	4

Temperature 55 °F Lab analysis ☐ Yes ByWater quality concerns? ☐ Yes (describe below)

From	To	Description

(9) LOCATION OF WELL (legal description)

County SHERMAN Twp 2 N N/S Range 18 E E/W WM
Sec 19 NE 1/4 of the NW 1/4 Tax Lot 1400
Tax Map Number Lot
Lat 45 ° 39 ' " or 45.65 DMS or DD
Long -120 ° 36 ' " or -120.6 DMS or DD
☒ Street address of well ☐ Nearest address

96869 Herin Lane, Wasco OR 97065

(10) STATIC WATER LEVEL

Existing Well / Predeepening	Date	SWL (psi)	+	SWL (ft)
Completed Well	08-20-2008			500
Flowing Artesian?				
Dry Hole?				

WATER BEARING ZONES

Depth water was first found 210

SWL Date	From	To	Est Flow	SWL (psi)	+	SWL (ft)
07-29-2008	210	226	20			138.5
08-11-2008	500	580	120			500
08-12-2008	580	640	400			500

(11) WELL LOG

Ground Elevation 1,456

Material	From	To
Top soil	0	6
Broken brown & grey rock little clay mixed	6	60
Broken brown, grey, red rock w/ hard grey layers	60	145
Black basalt Hard	145	210
Broken brown, grey, red, white rock	210	226
Black basalt Hard	226	262
Black and brown broken rock Med	262	269
Black basalt Hard & Med layers /480-500 fractured	269	500
Black visicular rock broken with brown & white	500	580
rock mixed	500	580
Broken visicular rock. Black, brown, white &	580	640
blue-green shale mixed	580	640
Black basalt Hard	640	674

Date Started 07-28-2008

Completed 08-20-2008

(unbonded) Water Well Constructor Certification

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

License Number Date

Password: (if filing electronically)

Signed

(bonded) Water Well Constructor Certification

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

License Number 1293

Date 08-26-2008

Password: (if filing electronically) *****

Signed

Contact Info (optional)

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SEP 02 2008

ORIGINAL - WATER RESOURCES DEPARTMENT

THIS REPORT MUST BE SUBMITTED TO THE WATER RESOURCES DEPARTMENT WITHIN 30 DAYS OF COMPLETION OF WORK

Form Version: 0.89

WATER RESOURCES DEPT
SALEM, OREGON

**TENNESON****ENGINEERING CORPORATION**

CONSULTING ENGINEERS • SURVEYORS • PLANNERS

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

PHONE (541) 296-9177

FAX (541) 296-6657

LETTER OF TRANSMITTAL

TO: Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301

Date: 10/07/2009	Work Order 13300
Attention Water Rights	
RE: New Groundwater Application	

ENCLOSED ARE THE FOLLOWING:

QUANTITY	DESCRIPTION	RECEIVED
1	(15 pgs) GROUNDWATER APPLICATION	OCT 08 2009
1	\$1,900 APPLICATION FEE	WATER RESOURCES DEPT SALEM, OREGON

THESE ARE TRANSMITTED (as checked below)

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

Remarks:	SF Blueline	
	SF Mylar	
	Xerox	
	Tube, Mailer, Etc.	
	P & H	
	TOTAL	

PICKED UP BY:

DELIVERED BY:

COPY TO: Kevin McCullough w/ 1 set

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

ltoll@tennesoneng.com

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

July 15, 2009

Mr. Mike Zwart
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-2430

Reference: Pre-Application Consultation

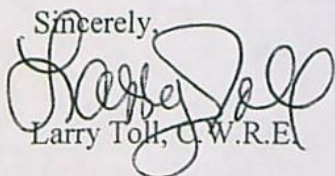
Mike:

Kevin McCullough has contacted me about assistance in filing for a water right on a well, so I am submitting this pre-application consult letter requesting your input. The well has been constructed (SHER 50257) and is currently being used under a Limited License (LL 1155). I have enclosed a copy of a portion of the Quinton USGS Quad Map to show the well location. If an irrigation permit is obtained, it would be for a 1/4 mile center pivot (about 125 acres) that would use about 600 gallons per minute.

Can OWRD issue a permit for irrigation on this existing well? Are there any conditions specific to this well that would be required?

Thank you for your input. Looking forward to your response. You may respond via email.

Sincerely,


Larry Toll, C.W.R.E.

LMT:jw/b
<prosp.1023>

Enclosures

cc: Kevin McCullough
96869 Herin Lane
Wasco, Oregon 97065

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**WATER RESOURCES DEPT
SALEM, OREGON**

Larry Toll

From: Mike Zwart [zwartmj@wrdd.state.or.us]
Sent: Thursday, July 16, 2009 3:53 PM
To: Larry Toll
Subject: Kevin McCullough Application

Larry,

The ground-water review process for a Limited License application is not different from a regular Permit application. Therefore, since the LL was received, it is likely that a permit is also possible for this well, absent any unforeseen issues, such as a protest.

Mike

Michael J. Zwart - Hydrogeologist
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503.986.0844 fax: 503.986.0902

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SALEM, OREGON

FO Checklist

Application #: G-17271 Applicant: J. KEVIN MCCULLOUGH

☒ Name and/or address has **changed or been assigned** ☐ Yes ☒ No

If new: _____

☒ Respond to **significant comments, issues, or disputes** related to the proposed use of water. ☒ N/A

☒ Affected landowner(s) have been notified ☒ N/A ☐ Yes ☐ No, send a letter to landowners before FO issuance.

☒ Verify names/addresses of affected landowners, and those who commented and/or paid \$10 fee. ☒ N/A

☒ Include fish screen form if ODFW requested **screening condition and rate ≤ 0.5 CFS** ☒ N/A ☐ Yes ☐ No

☒ PFO conclusions **require modification** due to typos, errors or omission of conditions ☐ Yes ☒ No

If so: _____

☒ Within North Umpqua settlement reach and issuing permit, **spreadsheet has been updated** ☒ N/A ☐ Yes

☒ SWW If GW and interference, copy form for Stahr. ☒ N/A

☒ Fees	Base Fee	Water Amount (Q)	
	\$300 / \$500	1 st CFS/AF	<u>250</u>
	\$700 / \$1000	_____ Addl @ _____	<u>250</u>
		_____ Addl @ _____	_____
		Add'l ☐ POD/POA ☐ use + _____	_____
	_____ + _____	_____ = _____	_____
	(base)	(Q)	(total exam fee)

EXAM FEE REQUIRED 1500

RECORDING FEE REQUIRED \$250 / \$300 / \$400

EXAM FEE PAID - 1500

RECORDING FEE PAID - 400

STILL OWED 0

STILL OWED 0

___ FO w/ draft permit; still needed:

☒ FO w/ permit # 16704

___ FO to deny
refund \$ _____

___ fees

___ easement

___ st water contract

___ approved dam plans & specs

___ land use approval

___ well construction approval

Name: Joel Plahn

Date: 4/22/2010

Peer Reviewer: jmc 4/22/10

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

PFO Checklist

Application #: G-17271 Applicant: J. KEVIN MCCULLOUGH

- ☒ Was the application filed after 10/23/99? Y / N (If not, add A date requirement)
- ☒ POD characteristics identifies as DEQ 303d? Y / N / NA If Y, was DEQ cc'd at IR? (If not, copy them on PFO)
- ☒ IR Date 1-15-10 Public Noticed on 1-19-10 Comments? Y / N _____ Comment eval _____
- ☒ IR requested add'l info Y / N _____
- ☒ Is second gw review necessary? Y / N / NA Complete? Y / N Add'l fees ☐ necessary ☐ collected ☐ needed
- ☒ Has Water Availability changed from IR? _____ If source is Col R, use special w/a lang in RC
- ☒ Have conflicts been addressed? Y / N / NA _____
- ☒ Needed prior to permit: ☒ NA ☐ fees ☐ easement ☐ LU approval ☐ evidence of well repair ☐ storage contract ☐ plans/specs
- ☒ Changes from IR determinations _____

☒ Allowed Use/Rate/Season Irrigation of 125.7 acres 700 GPM or 1.56 CFS Limit 1/30 Duty 3

☒ Conditions 7B 7N 7P LTFM Special

☐ Small ≤ 0.1 CFS, ≤ 9.2 AF ☐ Medium > 0.1 CFS but < 0.5 CFS, > 9.2 AF but < 100 AF ☒ Large ≥ 0.5 CFS, ≥ 100 AF

☒ SWW If GW and interference, copy form for Stahr.

☒ Copy to Reg Manager NC WM 21 CWRE Larry Toll Agent Larry Toll

☒ Fees	Base Fee	Water Amount (Q)
	\$300 / \$500	1 st CFS/AF <u>250</u>
	\$700 / \$1000	
		Addl @ <u>250</u>
		Add'l ☐ POD/POA ☐ use + _____
	<u>1000</u> (base) + _____	(Q) = _____ (total exam fee)

EXAM FEE REQUIRED	<u>1500</u>	RECORDING FEE REQUIRED	\$250 / \$300 / \$400
EXAM FEE PAID	<u>- 1500</u>	RECORDING FEE PAID	<u>- 400</u>
STILL OWED	<u>0</u>	STILL OWED	<u>0</u>

Name: Joel Plahn Date: 2/11/2010 Peer Reviewer: _____

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Shen 50257

IR CHECKLIST

Application #: G-17271 Applicant: J KEVIN MCCULLOUGH

Use(s): IRRIGATION USE ON 125.7 ACRES Priority Date: October 08, 2009

☒ MU or QM ☒ NA ☐ will complete construction within 20 years
☐ Fujii reviewed recommendations _____

☒ Is the application complete? ☐ No ☒ Yes

☒ ORS 538 prohibits use ☒ No ☐ Yes If so, do not do an IR; return the application & fees to the applicant.

☒ DIV 9 ☐ NA ☐ will likely be available... ☐ will not likely be available... ☒ will, if properly conditioned...

☐ classify as surface water well _____ has PSI with _____

(include basin map if true) well _____ is within ☐ 1N 3E 20, 21, 28, 29 ☐ GWLA ☐ CGWA _____

GW conditions 7B 7N 7P Large TFM Special

☒ DIVISION 33 ☒ NA ☐ No ☐ above Bonneville, and ☐ not allowed 4/15 - 9/30
☐ below Bonneville
☐ statewide

☒ SW Availability ☒ NA ☐ 80% live ☐ 50% storage _____ WID: _____

☐ Use DWF's nonstandard W/A memo if the source is a Drews Reservoir tributary; the Snake River; the Columbia River; the North Umpqua River below Rock Creek; or within the drainages of the Lost River, Chehalem Creek, or Champoeg Creek (including Mission & Case Creeks)

☒ POU conflict ☐ NA ☒ No ☐ No, different sources ☐ No, make up a deficiency in rate ☐ No, existing not at max. rate
☐ Yes _____

☒ Use is supplemental, checked for primary rights w/ diff source ☒ NA ☐ Yes limits _____

☒ Use is ☒ allowed ☐ not allowed ☐ limited ☐ OAR ☐ Compact _____

☒ Requested Use/Rate/Season IR 700 gpm = 1.56 cfs 3/1-10/31

Allowed Use/Rate/Season OK Limit 1/80 Duty 3

☒ Land use ☒ approved ☐ not approved ☐ being pursued ☐ county notified ☐ NA

☒ Storage contract ☒ NA ☐ BOR ☐ Doug Co ☐ Corp of Eng ☐ needed ☐ obtained _____

☒ Authorized agent specified ☐ NA ☐ needed ☒ Yes Larry Toll

☒ Conditions: _____

☐ Small ≤ 0.1 CFS, ≤ 9.2 AF, ☐ Medium > 0.1 and < 0.5 CFS, > 9.2 and < 100 AF, ☒ Large ≥ 0.5 CFS, ≥ 100 AF
 Use at least "Medium" when the source is Siltcoos Lake, Sandy Basin GW, or stored water with a contract.
 Use "Large" for temp control (including NU), Tenmile Lake, or if applicant is a government entity
 Use "Large-7i" if GW recommends 7i
 Use "Large with TFM" for HC exceptions, IR permits in South Salem Hills or IR over 10 Ac. in Stage Gulch CGWA

☒ Stream is withdrawn ☒ NA ☐ No ☐ Yes, allows use/season _____

☒ SWW ☒ NA ☐ above ☐ within _____ (If GW and interference, copy form for Stahr.)

Application #: G-17271 Applicant: J KEVIN MCCULLOUGH

☒ Use is within a high priority area for streamflow restoration ☒ NA ☐ No ☐ Yes

☒ Letter format ☒ good ☐ limited ☐ bad ☐ bad w/ rate reduction opportunity ☐ bad w/ HC opportunity

☒ POD is within North Umpqua settlement reach and the spreadsheet was updated ☒ NA ☐ Yes

☒ Forms ☒ NA ☐ DIV 33 ☐ basin map ☐ HC except ☐ spring description other _____

☒ Copy to ☐ NWR ☒ WM # _____ ☐ ODFW ☐ CRIFC
☒ NCR ☐ agent ☐ DEQ ☐ US Fish & Wildlife
☐ ER ☒ CWRE ☐ DOA ☐ NW Planning Council
☐ SWR ☐ State Parks ☐ CTUIR

☐ DOA Food Safety Division
(bottled water)

☐ city _____
(w/in 5-mile muni wells)

☒ Prior to permit, applicant must submit ☒ NA ☐ storage contract ☐ easement ☐ plans/specs ☐ evidence of well repair

☒ App and map meet min. requirements ☒ Yes ☐ No _____
(If not, send IR certified)

☒ Scanned images exist for application form and map

☒ Fees _____ CFS	Base	<u>1000</u>
_____ AF	Up to 1 CFS	<u>250</u>
	_____ Add'l CFS	<u>250</u>
	Up to 20 AF	_____
	_____ Add'l AF @ \$1	_____
	Add'l _____ POD/POA _____ use	+ _____
	Exam Fee Required =	<u>1500</u>
	Exam Fee Paid	<u>1500</u>
	Still Owed	<u>0</u>

Name: Joel Plahn Date: 1/8/2010

Peer Reviewer: *JKM*

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Point of Diversion Characteristics

Right:	App:G 17271 *
Name:	J KEVIN MCCULLOUGH

TRSQQ: 02.00N-18.00E-18-SWNE Digital Map of TRSQQ

County: Sherman

Basin: John Day

WM District: 21

WM Region: NC

Withdrawn Area:

WAB: JOHN DAY R > COLUMBIA R - AT MOUTH (209)

Priority WAB:

Rule 4D: Rules apply

Groundwater Restricted Area:

Scenic Water Way:

Division 33: UPPER COLUMBIA

Water Quality Limited:

Place of Use Conflict Report

The following rights have acreage in the same quarter-quarter as App:G 17271 *

609-506-0040

Classifications

- (1) Except as otherwise provided by the Commission, the Department shall not accept an application for a permit to appropriate any of the surface or ground waters of the John Day River Basin for any uses except those for which the waters are classified.
- (2) Except as otherwise provided in this rule, the surface and ground waters of the John Day River Basin are classified for domestic, livestock, municipal, ground water recharge, irrigation, agricultural, power, commercial, industrial, mining, fire protection, recreation, pollution abatement, wildlife, and fish life uses.
- (3) The waters of the natural lakes of the John Day River Basin are classified for domestic, livestock, irrigation of lawns or non-commercial gardens less than one-half acre, power development less than 100 theoretical horsepower, fire protection, recreation, pollution abatement, wildlife, fish life, and agricultural uses.
- (4) The Department shall include in any permit for a well producing from Quaternary Alluvium a condition that the use of water from the well shall be regulated according to priority date in the same manner as, and conjunctively with, surface water from the nearest stream.
- (5) Ground water of Quaternary Alluvium is classified for the same uses as the surface water in the adjacent stream.

PUBLIC INTEREST REVIEW FOR GROUND WATER APPLICATIONS

TO: Water Rights Section Date December 22, 2009

FROM: Ground Water/Hydrology Section Marc Norton
Reviewer's Name

SUBJECT: Application G- G-17271 Supersedes review of _____
Date of Review(s) _____

PUBLIC INTEREST PRESUMPTION: GROUNDWATER

OAR 690-310-130 (1) *The Department shall presume that a proposed groundwater use will ensure the preservation of the public welfare, safety and health as described in ORS 537.525.* Department staff review ground water applications under OAR 690-310-140 to determine whether the presumption is established. OAR 690-310-140 allows the proposed use be modified or conditioned to meet the presumption criteria. This review is based upon available information and agency policies in place at the time of evaluation.

A. GENERAL INFORMATION: Applicant's Name: J. Kevin McCullough County: Sherman

- A1. Applicant(s) seek(s) 1.56 cfs from 1 well(s) in the John Day Basin,
_____ subbasin Quad Map: Quinton
- A2. Proposed use: Irrigation (125.7 acres) Seasonality: March 1 to October 31
- A3. Well and aquifer data (attach and number logs for existing wells; mark proposed wells as such under logid):

Well	Logid	Applicant's Well #	Proposed Aquifer*	Proposed Rate(cfs)	Location (T/R-S QQ-Q)	Location, metes and bounds, e.g. 2250' N, 1200' E fr NW cor S 36
1	SHER50257	1	CRBG	1.56	02N/18E-18 SW NE	2240' S, 3370' E, fr NW cor S 18
2						
3						
4						
5						

* Alluvium, CRB, Bedrock

Well	Well Elev ft msl	First Water ft bls	SWL ft bls	SWL Date	Well Depth (ft)	Seal Interval (ft)	Casing Intervals (ft)	Liner Intervals (ft)	Perforations Or Screens (ft)	Well Yield (gpm)	Draw Down (ft)	Test Type
1	1470	210	500	8/20/08	674	0 - 280	0 - 280	-3 - 674	580 - 670	400	????	Air

Use data from application for proposed wells.

- A4. Comments: The well develops water from a water-bearing zone in the Columbia River Basalt Group.
- _____
- _____
- Requested discharge rate is 700 gpm = 1.56 cfs.

- A5. ☒ Provisions of the _____ Basin rules relative to the development, classification and/or management of ground water hydraulically connected to surface water ☐ are, or ☐ are not, activated by this application. (Not all basin rules contain such provisions.)
- Comments: NA

- A6. ☐ Well(s) # _____, _____, _____, _____, _____, tap(s) an aquifer limited by an administrative restriction.
- Name of administrative area: NA
- Comments: _____

B. GROUND WATER AVAILABILITY CONSIDERATIONS, OAR 690-310-130, 400-010, 410-0070

B1. Based upon available data, I have determined that ground water* for the proposed use:

- a. ☐ is over appropriated, ☐ is not over appropriated, or ☒ cannot be determined to be over appropriated during any period of the proposed use. * This finding is limited to the ground water portion of the over-appropriation determination as prescribed in OAR 690-310-130;
- b. ☐ will not or ☐ will likely be available in the amounts requested without injury to prior water rights. * This finding is limited to the ground water portion of the injury determination as prescribed in OAR 690-310-130;
- c. ☐ will not or ☐ will likely to be available within the capacity of the ground water resource; or
- d. ☒ will, if properly conditioned, avoid injury to existing ground water rights or to the ground water resource:
 - i. ☒ The permit should contain condition #(s) 7B - Interference, 7N - Annual WL, 7P - Well tag + large monitoring and reporting with a flow meter;
 - ii. ☐ The permit should be conditioned as indicated in item 2 below.
 - iii. ☒ The permit should contain special condition(s) as indicated in item 3 below;

- B2.
- a. ☐ Condition to allow ground water production from no deeper than _____ ft. below land surface;
 - b. ☐ Condition to allow ground water production from no shallower than _____ ft. below land surface;
 - c. ☐ Condition to allow ground water production only from the _____ ground water reservoir between approximately _____ ft. and _____ ft. below land surface;
 - d. ☐ Well reconstruction is necessary to accomplish one or more of the above conditions. The problems that are likely to occur with this use and without reconstructing are cited below. Without reconstruction, I recommend withholding issuance of the permit until evidence of well reconstruction is filed with the Department and approved by the Ground Water Section.

Describe injury –as related to water availability– that is likely to occur without well reconstruction (interference w/ senior water rights, not within the capacity of the resource, etc): _____

- B3. **Ground water availability remarks:** The applicant has one well that will produce from water-bearing zones in the Columbia River Basalt Group (CRBG). The CRBG consists of a series of lava flows that range up to several thousand feet thick in the vicinity of the proposed well. Although unconfined ground water occurs near the surface of the basalts, most water occurs in confined aquifers that occupy thin rubble zones (interflow zones) that occur at the contacts between lava flows. The thick interiors of the basalt flows generally have very low porosity and permeability and act as confining beds. This physical geometry generally produces a stack of thin aquifers (interflow zones) separated by thick confining beds (flow interiors). In the area of the proposed well, some of the basalt aquifers are truncated by local stream drainages which have eroded to various levels through the basalt column (see attached map). Because the aquifers are confined (storativityfv is estimated to be 0.0001), pumping impacts will propagate outward at rapid rates and are likely to reach aquifer boundaries (streams, faults, and truncated basalt flow margins) within a few hours. Using aquifer parameters appropriate for the basalts, it can be shown that the cone of depression from a pumped well will produce measurable impacts at a distance of 1 mile within several hours. Therefore, hydraulic interference with nearby wells, springs, and streams will occur rapidly once pumping begins. The presence of local aquifer boundaries will increase the degree of interference with nearby wells that are completed in the same water-bearing zones. Because of the limited size and low storage capacity of the basalt aquifers in the area, overdraft of the aquifer is a possibility as documented in other areas where the DRBG has been developed. Higher production rates may be likely if the wells are completed in multiple aquifers but commingling is not likely to affect the long-term sustainability of the basalt ground-water system because of low overall storage and local aquifer boundaries.

There is no long-term water level data for wells in this area. Therefore, water level monitoring is very important. To aid in the data collection, the following condition is recommended:

Special Condition: The well shall be equipped with a separate water level measurement tube in addition to other methods of measuring the water level such as airlines or transducers. The annual water level measurement required in the permit shall be measured through the measuring tube.

C. GROUND WATER/SURFACE WATER CONSIDERATIONS, OAR 690-09-040**C1. 690-09-040 (1): Evaluation of aquifer confinement:**

Well	Aquifer or Proposed Aquifer	Confined	Unconfined
1	CRBG	☐	☒
		☐	☐
		☐	☐
		☐	☐
		☐	☐

Basis for aquifer confinement evaluation: Ground water level is near the level where it was encountered.**C2. 690-09-040 (2) (3): Evaluation of distance to, and hydraulic connection with, surface water sources. All wells located a horizontal distance less than ¼ mile from a surface water source that produce water from an unconfined aquifer shall be assumed to be hydraulically connected to the surface water source. Include in this table any streams located beyond one mile that are evaluated for PSI.**

Well	SW #	Surface Water Name	GW Elev ft msl	SW Elev ft msl	Distance (ft)	Hydraulically Connected?			Potential for Subst. Interfer. Assumed?	
						YES	NO	ASSUMED	YES	NO
1	1	Spring in Biglow Canyon	970	1220	4800	☐	☒	☐	☐	☒
						☐	☐	☐	☐	☐
						☐	☐	☐	☐	☐
						☐	☐	☐	☐	☐
						☐	☐	☐	☐	☐
						☐	☐	☐	☐	☐
						☐	☐	☐	☐	☐
						☐	☐	☐	☐	☐
						☐	☐	☐	☐	☐

Basis for aquifer hydraulic connection evaluation: Shallow aquifer that is probably connected to nearby spring was cased and sealed off during well construction.The normal pool elevation of Lake Umatilla is 265'Water Availability Basin the well(s) are located within: JOHN DAY R > COLUMBIA R - AT MOUTH**C3a. 690-09-040 (4): Evaluation of stream impacts for each well that has been determined or assumed to be hydraulically connected and less than 1 mile from a surface water source. Limit evaluation to instream rights and minimum stream flows that are pertinent to that surface water source, and not lower SW sources to which the stream under evaluation is tributary. Compare the requested rate against the 1% of 80% natural flow for the pertinent Water Availability Basin (WAB). If Q is not distributed by well, use full rate for each well. Any checked ☒ box indicates the well is assumed to have the potential to cause PSI.**

Well	SW #	Well < ¼ mile?	Qw > 5 cfs?	Instream Water Right ID	Instream Water Right Q (cfs)	Qw > 1% ISWR?	80% Natural Flow (cfs)	Qw > 1% of 80% Natural Flow?	Interference @ 30 days (%)	Potential for Subst. Interfer. Assumed?
		☐	☐			☐		☐		☐
		☐	☐			☐		☐		☐
		☐	☐			☐		☐		☐
		☐	☐			☐		☐		☐
		☐	☐			☐		☐		☐
		☐	☐			☐		☐		☐
		☐	☐			☐		☐		☐
		☐	☐			☐		☐		☐
		☐	☐			☐		☐		☐

C3b. **690-09-040 (4):** Evaluation of stream impacts by total appropriation for all wells determined or assumed to be **hydraulically connected and less than 1 mile** from a surface water source. Complete only if Q is distributed among wells. Otherwise same evaluation and limitations apply as in C3a above.

	SW #		Qw > 5 cfs?	Instream Water Right ID	Instream Water Right Q (cfs)	Qw > 1% ISWR?	80% Natural Flow (cfs)	Qw > 1% of 80% Natural Flow?	Interference @ 30 days (%)	Potential for Subst. Interfer. Assumed?
			☐			☐		☐		☐
			☐			☐		☐		☐
			☐			☐		☐		☐
			☐			☐		☐		☐

Comments: NA

C4a. **690-09-040 (5):** Estimated impacts on **hydraulically connected surface water sources greater than one mile** as a percentage of the proposed pumping rate. Limit evaluation to the effects that will occur up to one year after pumping begins. This table encompasses the considerations required by 09-040 (5)(a), (b), (c) and (d), which are not included on this form. Use additional sheets if calculated flows from more than one WAB are required.

Non-Distributed Wells													
Well	SW#	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
Distributed Wells													
Well	SW#	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
(A) = Total Interf.													
(B) = 80 % Nat. Q													
(C) = 1 % Nat. Q													
(D) = (A) > (C)		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
(E) = (A / B) x 100		%	%	%	%	%	%	%	%	%	%	%	%

(A) = total interference as CFS; (B) = WAB calculated natural flow at 80% exceed. as CFS; (C) = 1% of calculated natural flow at 80% exceed. as CFS; (D) = highlight the checkmark for each month where (A) is greater than (C); (E) = total interference divided by 80% flow as percentage.

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

C5. ☐ If properly conditioned, the surface water source(s) can be adequately protected from interference, and/or ground water use under this permit can be regulated if it is found to substantially interfere with surface water:

- i. ☐ The permit should contain condition #(s) _____;
- ii. ☐ The permit should contain special condition(s) as indicated in "Remarks" below;

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

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D. WELL CONSTRUCTION, OAR 690-200

D1. Well #: _____ Logid: _____

D2. **THE WELL does not meet current well construction standards based upon:**

- a. ☐ review of the well log;
b. ☐ field inspection by _____;
c. ☐ report of CWRE _____;
d. ☐ other: (specify) _____

D3. **THE WELL construction deficiency:**

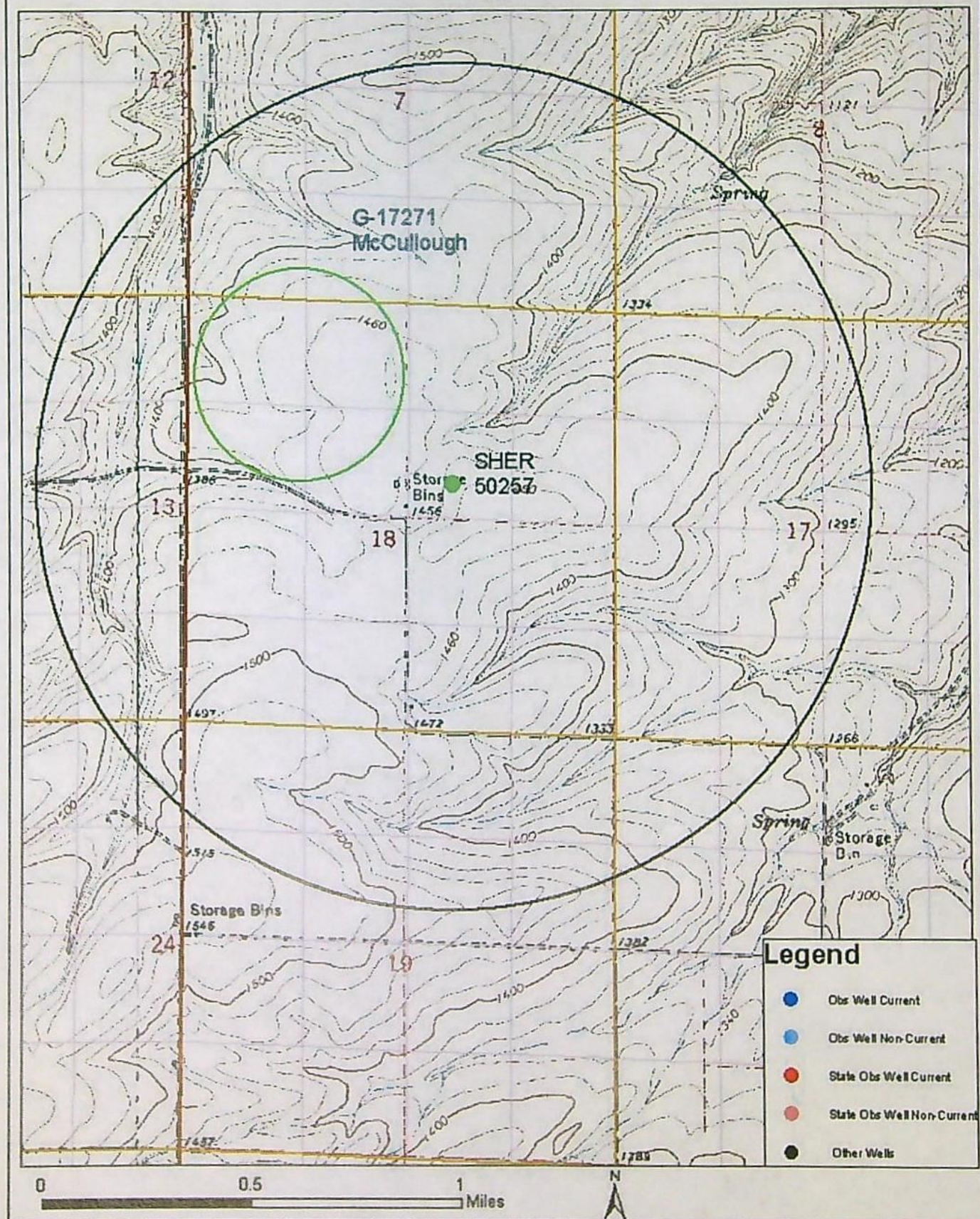
- a. ☐ constitutes a health threat under Division 200 rules;
b. ☐ commingles water from more than one ground water reservoir;
c. ☐ permits the loss of artesian head;
d. ☐ permits the de-watering of one or more ground water reservoirs;
e. ☐ other: (specify) _____

D4. **THE WELL construction deficiency is described as follows:** _____

_____D5. **THE WELL** a. ☐ was, or ☐ was not constructed according to the standards in effect at the time of original construction or most recent modification.b. ☐ I don't know if it met standards at the time of construction.D6. ☐ **Route to the Enforcement Section.** I recommend withholding issuance of the permit until evidence of well reconstruction is filed with the Department and approved by the Enforcement Section and the Ground Water Section.

THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNELD7. ☐ Well construction deficiency has been corrected by the following actions: _____

__________, 200_____
(Enforcement Section Signature)D8. ☐ **Route to Water Rights Section (attach well reconstruction logs to this page).**

**Ground Water Application G-17271, McCullough
Sherman County, Quinton Quad**

MEMO

Dec 22, 2009

FROM: GW: Man A Norton
(Reviewer's Name)

YES

NO The source of appropriation is within or above a Scenic Waterway

YES

☒ NO Use the Scenic Waterway condition (Condition 7J)

Per ORS 390.835, the Ground Water Section is able to calculate ground water interference with surface water that contributes to a Scenic Waterway. The calculated interference is distributed below.

Per ORS 390.835, the Ground Water Section is **unable** to calculate ground water interference with surface water that contributes to a scenic waterway; **therefore, the Department is unable to find that there is a preponderance of evidence that the proposed use will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway.**

Calculate the percentage of consumptive use by month and fill in the table below. If interference cannot be calculated, per criteria in 390.835, do not fill in the table but check the "unable" option above, thus informing Water Rights that the Department is unable to make a Preponderance of Evidence finding.

Exercise of this permit is calculated to reduce monthly flows in _____ Scenic Waterway by the following amounts expressed as a proportion of the consumptive use by which surface water flow is reduced.

[illegible]

Water Right Conditions Tracking Slip

Groundwater/Hydrology Section

FILE # # G - 17271

ROUTED TO: W. R.

TOWNSHIP/

RANGE-SECTION: 2N / 18E - 18

CONDITIONS ATTACHED?: ☒ yes ☐ no

REMARKS OR FURTHER INSTRUCTIONS:

Reviewer:

Maureen Norton

Standard Application Completeness Checklist

Minimum Requirements (OAR 690-310-0040)(ORS 537.400)

This is the checklist used by WRD staff

Application G-17271 County SHERMAN Priority Date Oct 8 2009

Township 2 N Range 18 E Section 7 8 18

Amount 1.5597 CFS / 7 CFS Use PRIM IRRIG Acres 125.7 Watermaster Dist. # 3

Caseworker Assigned

☐ Brook Geffen ☐ Jeana Eastman ☒ Joel Plahn ☐ Kerry Kavanagh ☐ Michele McAleer

☒ Applicant/Organization Name, Mailing Address, and Telephone Number.

☒ Source of water. If stored water, is the stored water component filed out, including a non-expired agreement for stored water must be included. (ORS 537.400) *NOTE: A surface water application cannot be filed at the same time as a Reservoir or Alt Reservoir if it will be for the use of the stored water under the PROPOSED Reservoir application (E2).*

☒ The proposed source is GW or is not (circle one) withdrawn from further appropriation. If it is withdrawn under ORS 538, then return application and fees. If it is withdrawn by other means, accept the application and a negative IR will be issued.

☒ Property ownership indicated.

STATES YES!

☐ If applicant does not own all the land, the affected landowner's name and mailing address must be listed.

☐ If applicant does not own all the land, a signed statement declaring the existence of either written authorization or an easement permitting access to land crossed by the proposed ditch canal or other work must be submitted.

☒ Groundwater development section (Page 3 and 4, Section B) or a well log report.

☒ Proposed use of water. If supplemental, list primary acreage.

☒ Enclosed Supplemental Form for each proposed use.

☒ Form I (Irrigation)

☐ Form M (Municipal or Quasi-Municipal)

☐ Form R (Mining)

☐ Form Q (Commercial or Industrial)

☐ Spring Description Sheet

☒ Amount of water from each source in gallons per minute (GPM), cubic feet per second (CFS), or acre feet (AF)

☒ Period of use

☒ Water management section (Please estimate if the water system has not been designed).

☒ Resource Protection Section (Page 6, Section 5).

☒ Project schedule (If system is already completed, indicate "existing").

○ For Standard reservoir applications proposing to store more than 9.3 acre feet, and a dam height of more than 10 feet, preliminary plans and specifications for dam and impoundment are required. In addition, the map must be prepared by a CWRE.

✓ All applicants or the applicant's authorized agent (include title or authority if for an organization or corporation), must sign the application in ink. *Signature must be an original "wet" signature. Copies cannot be accepted.*

✓ LEGAL GOOD KS
You must include a Legal description of all the properties involved where water is diverted, crossed, and used. The Legal description includes a metes and bounds, or other government survey description. A copy of the deed, land sales contract or title insurance policy can provide this information, or you may submit a lot book report prepared by a title company. The Department will not accept a copy of the tax bill.

✓ LAND-USE OK KS
A completed Land-Use Form or receipt signed and dated by the appropriate planning department officials. *Please be certain that the Land-Use form lists all lands involved and all uses proposed. Date of signature must be within the past 12 months. Signature must be an original "wet" signature. Copies cannot be accepted.*

✓ The map must meet all the minimum requirements of OAR 690-310-0050.

- Township, Range, Section
- Location of main canals, ditches, pipelines or flumes (if POA/POD is outside of POU)
- Place of use; 1/4, 1/4's and tax lot clearly identified
- Even map scale not less than 4" = 1 mile (example: 1" = 100 ft, 1" = 200 ft, etc.)
- Location of each diversion point, well or dam by reference to a recognized public land survey corner
- Reference corner on map
- North Directional Symbol
- Number of acres per 1/4, 1/4, if for irrigation, nursery, or agriculture
- Each point of diversion coordinate
- Other _____

LARRY TOLL CWRE
TENNESSEE

✓ Fees: Amount of water requested $\frac{1.5597 \text{ CFS}}{700 \text{ GPM}}$

Base Fee \$ 1000

Additional Use @ _____

1st CFS/AF 250

Total Exam Fees \$ 1500

1 Addtn'l CFS/ AF @ 250 = 250

Total Paid \$ 1900

Addn' POD @ _____

Amount Due \$ 1900

Reviewed by: HTM

Date: Oct 9, 2009

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-17271

Proposed Final Order

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

Application History

On October 8, 2009, J. Kevin McCullough submitted an application to the Department for the following water use permit:

- Amount of Water: 1.56 CUBIC FEET PER SECOND (CFS)
- Use of Water: IRRIGATION OF 125.7 ACRES
- Source of Water: WELL 1 (SHER 50257) IN BIGLOW CANYON BASIN
- Area of Proposed Use: SHERMAN COUNTY WITHIN SECTION 7 AND SECTION 18, TOWNSHIP 2 NORTH, RANGE 18 EAST, W.M.

On January 15, 2010, the Department mailed the applicant notice of its Initial Review, determining that "The use of 1.56 CFS from Well 1 (SHER 50257) in Biglow Canyon Basin for irrigation of 125.7 acres is allowable during the full period requested, March 1 through October 31." The applicant did not notify the Department to stop processing the application within 14 days of that date.

On January 19, 2010, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about both obtaining future notices and a copy of the Proposed Final Order. No written comments were received within 30 days.

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

- recommendations by other state agencies
- any applicable basin program
- any applicable comprehensive plan or zoning ordinance
- the amount of water available
- the rate and duty for the proposed use
- pending senior applications and existing water rights of record
- designations of any critical ground water areas
- the Scenic Waterway requirements of ORS 390.835
- applicable statutes, administrative rules, and case law
- any general basin-wide standard for flow rate and duty of water allowed

- the need for a flow rate and duty higher than the general standard
- any comments received

Findings of Fact

The John Day Basin Program allows irrigation.

Well 1 (SHER 50257) in Biglow Canyon Basin is not within or above a State Scenic Waterway.

Ground Water Findings Under OAR 690-009

The Department determined, consistent with OAR 690-009-0040(4), that the proposed ground water use will not have the potential for substantial interference with surface water.

In making this determination, the Department considered whether:

- (a) There is a hydraulic connection from the proposed well(s) to any surface water sources.
- (b) The point of appropriation is a horizontal distance less than one-fourth mile from the surface water source;
- (c) The rate of appropriation is greater than five cubic feet per second, if the point of appropriation is a horizontal distance less than one mile from the surface water source;
- (d) The rate of appropriation is greater than one percent of the pertinent adopted minimum perennial streamflow or instream water right with a senior priority date, if one is applicable, or of the discharge that is equaled or exceeded 80 percent of time, as determined or estimated by the Department, and if the point of appropriation is a horizontal distance less than one mile from the surface water source;
- (e) The ground water appropriation, if continued for a period of 30 days, would result in stream depletion greater than 25 percent of the rate of appropriation, if the point of appropriation is a horizontal distance less than one mile from the surface water source.

According to the Department's rules, the potential for substantial interference is assumed if (a) and either (b) or (c) or (d) or (e) are met. For this application, the Department determined that there is no potential for substantial interference, because either (a) is not met, or (b), (c), (d) or (e) are not met, or both.

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

The Department finds that the amount of water requested, 1.56 CFS, is an acceptable amount.

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

Conclusions of Law

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

The proposed use requested in this application is allowed in the John Day Basin Program, or a preference for this use is granted under the provisions of ORS 536.310(12).

Water is available for the proposed use.

The proposed use will not injure other water rights.

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

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

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

For these reasons, the required presumption has been established.

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

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

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

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

The Department therefore concludes that the proposed use would ensure the preservation of the public welfare, safety and health as described in ORS 537.525.

When issuing permits, ORS 537.628(1) authorizes the Department to include limitations and conditions which have been determined necessary to protect the public welfare, safety, and health. The attached draft permit is conditioned accordingly.

Recommendation

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

DATED March 2, 2010

E. Timothy Wall

for Phillip C. Ward, Director
Water Resources Department

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

Protests

Under the provisions of ORS 537.153(7) (for surface water) or ORS 537.621(8) (for ground water), you can protest this Proposed Final Order. Protests must be received in the Water Resources Department no later than April 16, 2010. Protests must be in writing, and must include the following:

- Your name, address, and telephone number;
- A description of your interest in the Proposed Final Order, and, if you claim to represent the public interest, a precise statement of the public interest represented;

- A detailed description of how the action proposed in this Proposed Final Order would impair or be detrimental to your interest;
- A detailed description of how the Proposed Final Order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known;
- If you are the applicant, the protest fee of \$300 required by ORS 536.050; and
- If you are not the applicant, the protest fee of \$600 required by ORS 536.050 and proof of service of the protest upon the applicant.
- If you are the applicant, a statement of whether or not you are requesting a contested case hearing. If you do not request a hearing, the Department will presume that you do not wish to contest the findings of the Proposed Final Order.
- *If you do not protest this Proposed Final Order and if no substantive changes are made in the Final Order, you will not have an opportunity for judicial review, protest or appeal of the Final Order when it is issued.*

Requests for Standing

Under the provisions of ORS 537.153(7) (for surface water) or ORS 537.621(8) (for ground water), persons other than the applicant who support a Proposed Final Order can request standing for purposes of participating in any contested case proceeding on the Proposed Final Order or for judicial review of a Final Order.

Requests for standing must be received in the Water Resources Department no later than **April 16, 2010**. Requests for standing must be in writing, and must include the following:

- The requester's name, mailing address and telephone number;
- If the requester is representing a group, association or other organization, the name, address and telephone number of the represented group;
- A statement that the requester supports the Proposed Final Order as issued;

- A detailed statement of how the requester would be harmed if the Proposed Final Order is modified; and
- A standing fee of \$150. If a hearing is scheduled, an additional fee of \$350 must be submitted along with a request for intervention.

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

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

If you do not request a hearing within 30 days after the close of the protest period, or if you withdraw a request for a hearing, notify the Department or the administrative law judge that you will not appear or fail to appear at a scheduled hearing, the Director may issue a Final Order by default. If the Director issues a Final Order by default, the Department designates the relevant portions of its files on this matter, including all materials that you have submitted relating to this matter, as the record for purpose of proving a *prima facie* case upon default.

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

If you have questions about how to file a protest or a request for standing, please refer to the respective sections in this Proposed Final Order entitled "Protests" and "Requests for Standing". If you have previously filed a protest and want to know its status, please contact Patricia McCarty at 503-986-0820.

If you have other questions about the Department or any of its programs please contact our Customer Service Group at 503-986-0801. Address all other correspondence to:

Water Rights Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266, Fax: 503-986-0901.

DRAFT

This is not a permit.
STATE OF OREGON

DRAFT

COUNTY OF SHERMAN

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

J. KEVIN MCCULLOUGH
96869 HERIN LANE
WASCO, OR 97065

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

APPLICATION FILE NUMBER: G-17271

SOURCE OF WATER: WELL 1 (SHER 50257) IN BIGLOW CANYON BASIN

PURPOSE OR USE: IRRIGATION OF 125.7 ACRES

MAXIMUM RATE: 1.56 CUBIC FEET PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: OCTOBER 8, 2009

WELL LOCATION: WELL 1 (SHER 50257) - SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 18, T2N, R18E,
W.M.; 2240 FEET SOUTH AND 3370 FEET EAST FROM NW CORNER, SECTION 18

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 7.9 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 6.3 ACRES
SECTION 7

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 35.3 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 19.7 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 16.5 ACRES
SECTION 18

TOWNSHIP 2 NORTH, RANGE 18 EAST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of appropriation. The permittee shall maintain the meter in good working order.
- B. The permittee 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.
- C. The permittee shall allow the watermaster access to the meter; provided however, where any meter is located within a private structure, the watermaster shall request access upon reasonable notice.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.

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

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

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer,

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

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

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

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

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

The well shall be equipped with a separate water level measurement tube in addition to other methods of measuring the water level, such as airlines or transducers. The annual water level measurement required in the permit shall be measured through the measuring tube.

STANDARD CONDITIONS

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

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

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

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

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

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

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

Prior to receiving a certificate of water right, the permit holder shall submit to the Water Resources Department the results of a pump test meeting the Department's standards for each point of appropriation (well), unless an exemption has been obtained in writing under OAR 690-

217. The Director may require water-level or pump-test data every ten years thereafter.

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

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

Completion of construction and application of the water shall be made within five years of the date of permit issuance. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.

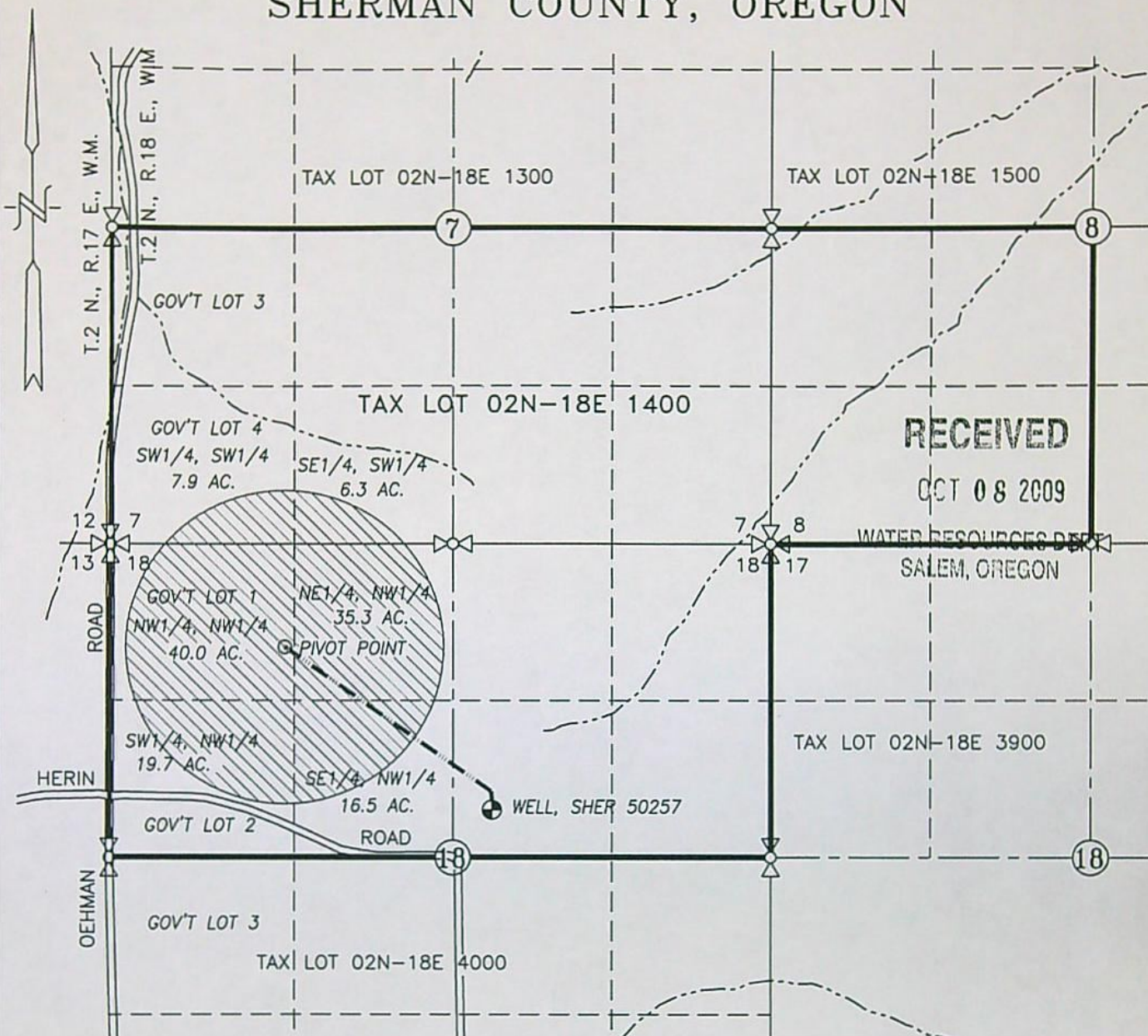
Within one year after making beneficial use of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Issued

DRAFT - THIS IS NOT A PERMIT

for Phillip C. Ward, Director
Water Resources Department

SECTIONS 7, 8 & 18, TWP.2 N. RGE.18 E. W.M.
SHERMAN COUNTY, OREGON



RECEIVED

OCT 08 2009

WATER RESOURCES DEPT
SALEM, OREGON

- WELL (50257): 2240' S. & 3370' E. OF NW COR. SEC. 18
- PIVOT POINT: 1870' S. & 1445' E. OF NW COR. SEC. 18

PROPOSED APPLICATION AREA = 125.7 ACRES

EXISTING IRRIGATION MAIN

WATER RIGHT

GROUND WATER APPLICATION

SCALE: 1" = 1320'

APPLICATION No. G-17271

PERMIT No. _____

IN THE NAME OF:

KEVIN McCULLOUGH

DATE: AUGUST 17, 2009

BY: **TENNESON ENGINEERING CORP.**

3313 W. 2ND. STREET, SUITE 100

THE DALLES, OREGON. 97058

PH. (541) 296-9177

FAX (541) 296-6657



EXPIRES: 06/30/2010

NOTE:

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

W.O. #13300wr

Mailing List for PFO Copies

Application #G-17271

PFO Date March 2, 2010

Original mailed to applicant:

J. KEVIN MCCULLOUGH, 96869 HERIN LANE, WASCO, OR 97065

Copies sent to:

- 1. WRD - File # G-17271
- 2. Water Availability: Ken Stahr
- 3. Regional Well Inspector: NC

Copies Mailed
By: TJB
(SUPPORT STAFF)
on: 2/24/10
(DATE)

PFO and Map Copies sent to:

- 4. WRD - Watermaster # 21
- 5. Regional Manager: NC

Protest/
Standing Dates
checked
2/17/10

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

Larry Toll CWRE #132

"\$20 LETTER" sent to Interested Persons who have not protested or paid for copies

CASEWORKER : Plahnjm



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

J. KEVIN MCCULLOUGH
96869 HERIN LANE
WASCO, OR 97065

January 15, 2010

Reference: File G-17271

Dear Mr. McCullough:

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

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

Initial Review Determinations:

1. The application proposed the appropriation of 700.0 gallons per minute, which is 1.56 cubic feet per second (CFS), of water from Well 1 (SHER 50257) in Biglow Canyon Basin for irrigation of 125.7 acres from March 1 through October 31.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The use of water from Well 1 (SHER 50257) in Biglow Canyon Basin for irrigation is allowable under the John Day Basin Program.
4. If properly conditioned, the proposed use of ground water will avoid injury to existing ground water rights and the resource.

The Department has determined, based upon OAR 690-009, that the proposed ground water use will not have the potential for substantial interference with any surface water source.

Summary of Initial Determinations

The use of 1.56 CFS from Well 1 (SHER 50257) in Biglow Canyon Basin for irrigation of 125.7 acres is allowable during the full period requested, March 1 through October 31.

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

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

To Proceed With Your Application:

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

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$200 processing charge per application). To accomplish this you must notify the Department in writing by **Friday, January 29, 2010**. For your convenience you may use the enclosed "STOP PROCESSING" form.

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

1. Measurement, recording and reporting conditions:
 - A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of appropriation. The permittee shall maintain the meter in good working order.
 - B. The permittee 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.
 - C. The permittee shall allow the watermaster access to the meter; provided however, where any meter is located within a private structure, the watermaster shall request access upon reasonable notice.
 - D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.
2. Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.
3. If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.
4. The Department requires the water user to obtain, from a qualified individual (see below), and report annual static water levels for each well on the permit. The static water level

shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

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

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

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

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

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

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

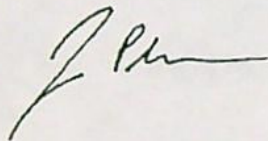
5. The well shall be equipped with a separate water level measurement tube in addition to other methods of measuring the water level, such as airlines or transducers. The annual water level measurement required in the permit shall be measured through the measuring tube.

The water source identified in your application may be affected by an Agricultural Water Quality Management Area Plan. These plans are developed by the Oregon Department of Agriculture (ODA) with the cooperation of local landowners and other interested stakeholders, and help to ensure that current and new appropriations of water are done in a way that does not adversely harm the environment. You are encouraged to explore ODA's Water Quality Program web site at http://www.oregon.gov/ODA/NRD/water_agplans.shtml to learn more about the plans and how they may affect your proposed water use.

If you have any questions:

Feel free to call me at 503-986-0815 if you have any questions regarding the contents of this letter or your application. Please have your application number available if you call. General questions about water rights and water use permits should be directed to our customer service staff at 503-986-0801. When corresponding by mail, please use this address: Joel Plahn, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266. Our fax number is 503-986-0901.

Sincerely,

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

Joel Plahn
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

G-17271
GW

APPLICATION FACT SHEET

Application File Number: G-17271

Applicant: J. KEVIN MCCULLOUGH

County: Sherman

Watermaster: 21

Priority Date: October 8, 2009

Source: WELL 1 (SHER 50257) IN BIGLOW CANYON BASIN

Use: IRRIGATION OF 125.7 ACRES

Quantity: 1.56 CUBIC FEET PER SECOND

Basin Name & Number: John Day, #6

Stream Index Reference: Volume 1 JOHN DAY BL KIMBERLY MISC

Well Location(s): WELL 1 (SHER 50257) - SWNE, SECTION 18, T2N, R18E, W.M.; 2240 FEET SOUTH AND 3370 FEET EAST FROM NW CORNER, SECTION 18

Place of Use:

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 7.9 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 6.3 ACRES
SECTION 7

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 35.3 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 19.7 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 16.5 ACRES
SECTION 18

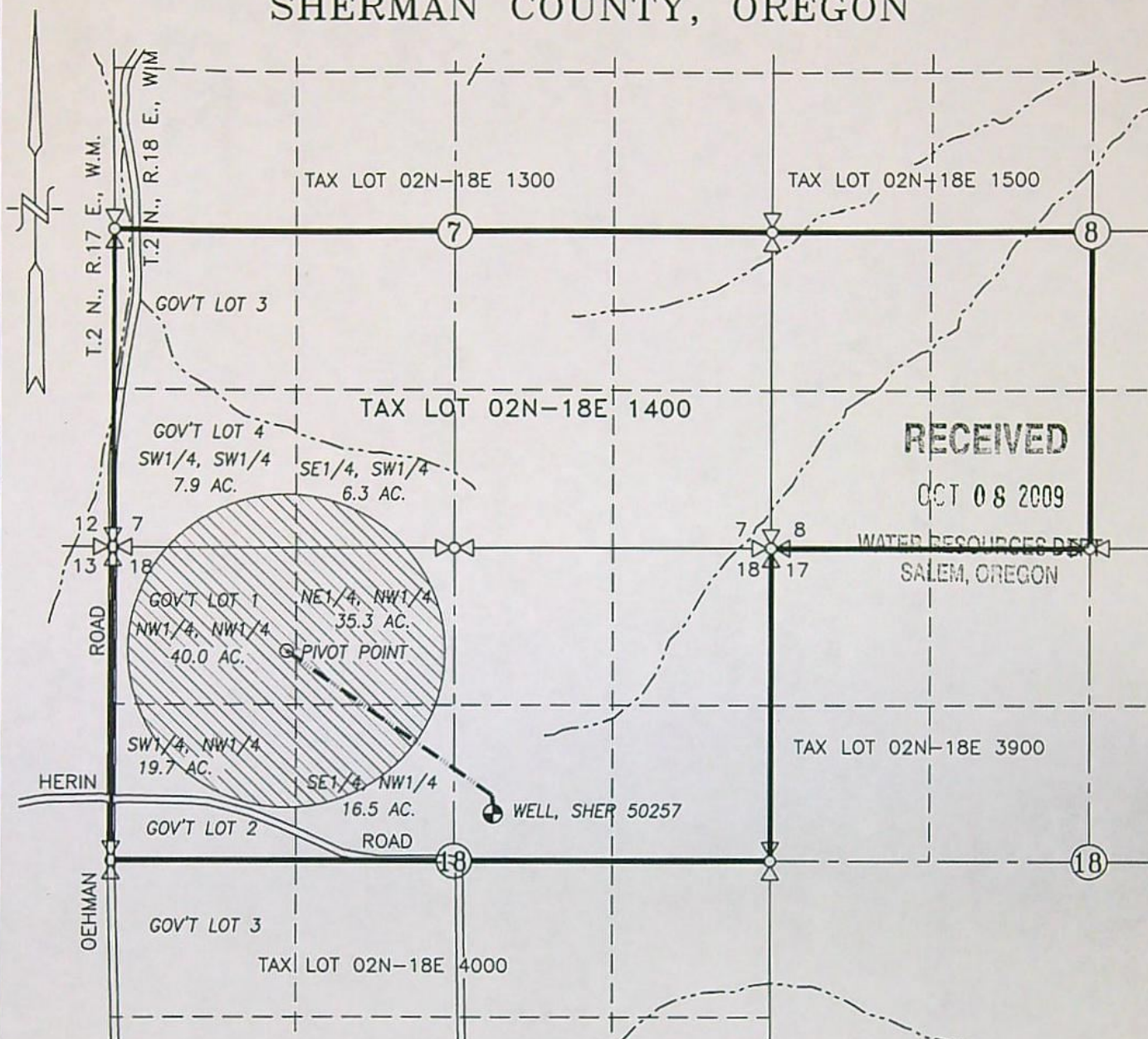
TOWNSHIP 2 NORTH, RANGE 18 EAST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, January 29, 2010

PUBLIC NOTICE DATE: Tuesday, January 19, 2010

30 DAY COMMENT DEADLINE DATE: Thursday, February 18, 2010

SECTIONS 7, 8 & 18, TWP.2 N. RGE.18 E. W.M. SHERMAN COUNTY, OREGON



⊕ WELL (50257): 2240' S. & 3370' E. OF NW COR. SEC. 18

○ PIVOT POINT: 1870' S. & 1445' E. OF NW COR. SEC. 18



PROPOSED APPLICATION AREA = 125.7 ACRES

--- EXISTING IRRIGATION MAIN

WATER RIGHT GROUND WATER APPLICATION

SCALE: 1" = 1320'

APPLICATION No. G-17271

PERMIT No. _____

IN THE NAME OF:

KEVIN McCULLOUGH

DATE: AUGUST 17, 2009

BY: **TENNESON ENGINEERING CORP.**

3313 W. 2ND. STREET, SUITE 100

THE DALLES, OREGON. 97058

PH. (541) 296-9177

FAX (541) 296-6657



EXPIRES: 06/30/2010

NOTE:

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

W.O. #13300wr

Mailing List for IR Copies

Application #G-17271

IR Date: January 15, 2010

Original mailed to applicant:

✓ J. KEVIN MCCULLOUGH, 96869 HERIN LANE, WASCO, OR 97065

Copies sent to:

- ✓ 1. WRD - File # G-17271
- ✓ 2. WRD - Water Availability: Ken Stahr

IR, Map, and Fact Sheet Copies sent to:

- ✓ 3. WRD - Regional Manager (not SCR): NC
- ✓ 4. WRD - Watermaster # 21
- ✓ 5. Department of Agriculture

Affected Landowners (include "Notice of Initial Review--Affected Landowner"):

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

✓ Larry Toll CWRE #132

Caseworker: Joel Plahn

Copies Mailed
By: <u>JCB</u>
(SUPPORT STAFF)
on: <u>1/14/10</u>
(DATE)

COPYSHIT.IR

**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 # **98161**

INVOICE # _____

RECEIVED FROM: MACNAB INC.

APPLICATION 6-17271

BY: _____

PERMIT _____

TRANSFER _____

CASH: ☐ CHECK: # 1394 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 1900.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$ _____

OTHER: (IDENTIFY) \$ _____

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

4270 WRD OPERATING ACCT

MISCELLANEOUS 46111

0407 COPY & TAPE FEES \$ _____

0410 RESEARCH FEES \$ _____

0408 MISC REVENUE: (IDENTIFY) \$ _____

TC162 DEPOSIT LIAB. (IDENTIFY) \$ _____

0240 EXTENSION OF TIME \$ _____

WATER RIGHTS:

0201 SURFACE WATER \$ _____

0203 GROUND WATER \$ 1500.00

0205 TRANSFER \$ _____

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR \$ _____

LANDOWNER'S PERMIT \$ _____

OTHER (IDENTIFY) _____

EXAM FEE

\$ _____

\$ 1500.00

\$ _____

EXAM FEE

\$ _____

\$ _____

RECORD FEE

\$ _____

\$ 400.00

LICENSE FEE

\$ _____

\$ _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ _____

0210 MONITORING WELLS \$ _____

OTHER (IDENTIFY) _____

CARD # _____

CARD # _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD) \$ _____

0231 HYDRO LICENSE FEE (FW/WRD) \$ _____

HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION \$ _____

RECEIPT: **98161**

DATED: 10-8-09 BY: QR

Mailing List for FO Copies

Application #G-17271

Original mailed to applicant with claim of beneficial use form:

J. KEVIN MCCULLOUGH
96869 HERIN LANE
WASCO OR 97065

Copies sent to:

1. WRD - File # G-17271
2. WRD - Ken Stahr

Copies Mailed	
By: <u>AS</u>	(SUPPORT STAFF)
on: <u>5/17/10</u>	(DATE)

FO and Map Copies sent to (remember to reduce copy margins):

3. WRD - Watermaster District #: 21
4. WRD - Regional Manager (not to SCR): NC

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

5. Larry Toll CWRE 132

"\$20 LETTER" sent to Interested Persons who have not protested or paid for copies

- 1.

CASEWORKER : Joel Plahn

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-17271

Final Order

Appeal Rights

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

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

Application History

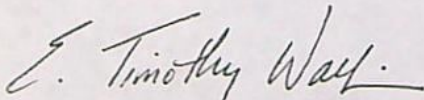
On October 8, 2009, J. Kevin McCullough submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on March 2, 2010. The protest period closed April 16, 2010, and no protest was filed.

The proposed use would not impair or be detrimental to the public interest.

Order

Application G-17271 therefore is approved as proposed by the Proposed Final Order, and Permit G-16704 is issued as limited by the conditions proposed by the Proposed Final Order.

DATED May 6, 2010



for Phillip C. Ward, Director
Water Resources Department

FILE G-17271

J KEVIN McCULLOUGH
96869 HERIN LANE
WASCO OR 97065

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WASCO OR 97065

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96869 HERIN LANE
WASCO OR 97065

FILE G-17271

J KEVIN McCULLOUGH
96869 HERIN LANE
WASCO OR 97065

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **105872**

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

INVOICE # _____

RECEIVED FROM: James K. Kishner

BY: A. McCullough

APPLICATION	G17271
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 3363 OTHER: (IDENTIFY)

TOTAL REC'D \$ 150.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$
 OTHER: (IDENTIFY) \$

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

4270 WRD OPERATING ACCT

MISCELLANEOUS 46111

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

WATER RIGHTS:

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

WELL CONSTRUCTION

	EXAM FEE		LICENSE FEE
0218 WELL DRILL CONSTRUCTOR	\$ <u> </u>	0219	\$ <u> </u>
LANDOWNER'S PERMIT		0220	\$ <u> </u>

0200 OTHER (IDENTIFY) CORRU \$ 150.00

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **105872**

DATED: 5-3-12 BY: AK