

G-16790

Application No. G16790

FEES PAID

Name G-16790
 By Ash Grove Cement Company
 Address Norma Job, Environmental Mgr.
PO Box 287
Durkee, OR 97905

Permit No. G-16250 G-17300
 Certificate No. _____

Date	Amount	Receipt No.
<u>2-5-07</u>	<u>500.00</u>	<u>86112</u>
<u>7-19-07</u>	<u>300.00</u>	<u>88798</u>
<u>9-4-12</u>	<u>500.00</u>	<u>106724</u>
<u>11-27-17</u>	<u>500.00</u>	<u>125280</u>
<u>11-27-17</u>	<u>780.00</u>	<u>125288</u>
<u>10-23-2023</u>	<u>780.00</u>	<u>141808</u>

DENIED _____
 MISFILED _____
 WITHDRAWN _____
 CANCELLED _____

Date	Amount	Receipt No.

FEES REFUNDED

Priority FEB 5 2007
 County BAKER WM# _____

RELATED FILES

ASSIGNMENTS

Date	To Whom	Address

DEVELOPMENT _____ Date _____
 Completion 10-1-2012
 Extended to 10/1/2017, 10-1-2023
 Final Proof received _____
 Proposed Cert. Mailed _____

REMARKS

T-10902 v.79 p.67
T-11808 v.93 p.1099 Δ APOR
T-12572 v.104 p.792 (cor)

MAP LOCATION

JS 2-6-2007



A CRH COMPANY

Received

MAR 04 2024

OWRD

March 4, 2024

JP comments on Protest

STRONG FOUNDATIONS. STRONG FUTURE.

Received

MAR 07 2024

OWRD

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

RE: Protest of Proposed Final Order, Application for Extension of Time for Permit G-17766, Application G-16790

To Whom it May Concern,

This Protest of a Proposed Final Order was prepared in accordance with applicable OARs including 690-315-0060 and is in response to the letter regarding Proposed Final Order to Deny the Application for Extension of Time for Permit G-17766, Water Right Application G-16790 prepared by OWRD and Addressed to the permit holder and Extension of Time Applicant, Ash Grove Cement Co., dated January 23, 2024.

According to the Proposed order to Deny, the Department findings included the following: "no additional work towards the development of the use authorized by the permit has occurred during the most recent extension of time period". However, in March 2023, geophysical water location services were at the Cement Plant property diligently working to identify the permitted well location most suitable for immediate drilling, as well as working to identify other areas of the property that may be suitable for any future well locations. We believe that the Department's finding here may be

← not development

541-877-2615

March 2023 "work" is considered surveying, and not actual physical work.

erroneous since the **March 2023 activities constitute physical work** towards the development of the water system use since the complex hydrogeology of the property is poorly understood and geophysical work was necessary to determine the well locations most favorable for development of the permitted groundwater resource. Additionally, the permit holders were not able to procure drilling services to start drilling additional well location prior to the "extended to" date of October 1, 2023. The inability to meet this date was due to the unforeseen nature of the global pandemic causing cost overruns and delays since the geophysical water location services were originally to be rendered in 2021-2022 which would have given the permit holders ample time to secure drilling services prior to the "extended to" date of October 1, 2023.

If **Permit G-17766 is cancelled as outlined in the Final Order of Cancellation**, the financial effects will be harmful to Ash Grove Cement Company as well as the public interest in due to potential negative effects to the greater economy of Baker and Malheur Counties. The Ash Grove Cement plant currently employs 127 people from the local area and represents one of the single largest employers in the region. If Ash Grove is unable to fully develop the water resources provided by permit G-17766, it will be very difficult to replace this valuable resource. Obtaining new surface water rights and increasingly new groundwater rights is not a feasible option for water users across much of Oregon due to over appropriation of surface water and de facto determinations of over appropriation of groundwater related to rulemaking currently in progress at the Department.

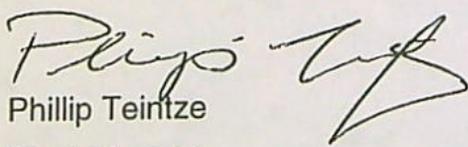
Record shows there is no risk of losing what has been dev. so long as a CBU is subm. 0.44 cfs of 0.66 cfs could be certified

Additionally, denial of this permit extension will be detrimental to public interest as water resources at the Cement Plant are tied to the State of Oregon's stated climate goals as first outlined in the 2007 House Bill 3543. Furthermore, the Department of Environmental Quality (DEQ) is working towards re-establishing the Climate Protection Program (CPP) in the future. The CPP will enable DEQ to set declining and enforceable limits on greenhouse gas emissions from existing permitted facilities that are sources of carbon dioxide, including the Cement Plant. Reliable water resources at the Cement Plant are critical due to the facility recently being chosen as a partner for a grant recipient of the U.S. Department of Energy's Regional Clean Hydrogen Hubs program - part of the Pacific NW Hydrogen Hub. Over the next few years, the federal grant money

will fund clean hydrogen technologies and infrastructure to be employed at the Cement Plant. These structural and operational improvements will require reliable sources of water for industrial use, of which Permit G-17766 is a critical part. Without sufficient water resources, these technologies and infrastructure may not be fully implemented. These new technologies and their implementation at the Cement Plant will enable the Cement Plant to maintain compliance with the upcoming CPP and accelerate of the transition to hydrogen energy production and hydrogen use in Oregon, helping eliminate fossil fuels from the region's transportation and electricity generation portfolio by 2045 and potentially achieve net-zero greenhouse gas emissions by 2050. Also, the Cement Plant is employing new feedstock and processes to produce "green cements" that emit less carbon dioxide during manufacturing than standard cement. However, the manufacturing of green cement requires more water for dust suppression and processing than standard cement, another reason that water resources are so valuable at the Cement Plant and are directly tied towards the States' climate goals as well as for meeting the emissions requirements to be set forth in the upcoming CPP. Therefore, it is clear that denial of this permit extension represents adverse impacts to the public and the climate goals of the State of Oregon.

Ash Grove Cement Company appreciates this opportunity to formally protest the Proposed Final Order to Deny the Application for Extension of Time for Permit G-17766. Please let us know if you have any further questions or concerns.

Sincerely,


Phillip Teintze
Plant Manger

Enclosed: \$480 Protest Fee Check

Received

FEB 07 2024

OWRD

Ash Grove Cement Company
P.O. Box 25900
Overland Park, KS 66225
(913) 451-8900

Page 1 of 1
Check No. 655679
Vendor No. 82515

14UZBV

A

1085869

Received
MAR 07 2024
OWRD

INVOICE NO.	INVOICE DATE	GROSS AMOUNT	DISCOUNT	NET AMOUNT
G17766-PROTEST	02/01/2024	480.00		480.00
TOTALS		480.00		480.00

REMOVE DOCUMENT ALONG THIS PERFORATION

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 # **142526**

INVOICE # _____

RECEIVED FROM: Ash Grove Cement Company
BY: _____

APPLICATION G-16790
PERMIT _____
TRANSFER _____

CASH: CHECK:# 00665679 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 480.00

1083 TREASURY 4170 WRD MISC CASH ACCT

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

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES 47235 \$ _____
0410 RESEARCH FEES \$ _____
0408 MISC REVENUE: (IDENTIFY) \$ _____
TC162 DEPOSIT LIAB. (IDENTIFY) \$ _____
0240 EXTENSION OF TIME \$ _____

WATER RIGHTS:

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

WELL CONSTRUCTION

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

0223 OTHER (IDENTIFY) Protest \$ 480.00

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: **142526**

DATED: 3-7-24 BY: M-mill

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

STATE OF OREGON
WATER RESOURCES DEPARTMENT

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **142526**

INVOICE # _____

RECEIVED FROM: Ash Grove Cement Company
BY: _____

APPLICATION G-16790
PERMIT _____
TRANSFER _____

CASH: CHECK:# 00665679 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 480.00

1083 TREASURY 4170 WRD MISC CASH ACCT

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

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES 47235 \$ _____
0410 RESEARCH FEES \$ _____
0408 MISC REVENUE: (IDENTIFY) \$ _____
TC162 DEPOSIT LIAB. (IDENTIFY) \$ _____
0240 EXTENSION OF TIME \$ _____

WATER RIGHTS:

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

WELL CONSTRUCTION

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

0223 OTHER (IDENTIFY) Protest \$ 480.00

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: **142526**

DATED: 3-7-24 BY: M-mill

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



A CRH COMPANY

Received

MAR 04 2024

OWRD

March 4, 2024

STRONG FOUNDATIONS. STRONG FUTURE.

Received

MAR 07 2024

OWRD

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

RE: Protest of Proposed Final Order, Application for Extension of Time for Permit G-17766, Application G-16790

To Whom it May Concern,

This Protest of a Proposed Final Order was prepared in accordance with applicable OARs including 690-315-0060 and is in response to the letter regarding Proposed Final Order to Deny the Application for Extension of Time for Permit G-17766, Water Right Application G-16790 prepared by OWRD and Addressed to the permit holder and Extension of Time Applicant, Ash Grove Cement Co., dated January 23, 2024.

According to the Proposed order to Deny, the Department findings included the following: "no additional work towards the development of the use authorized by the permit has occurred during the most recent extension of time period". However, in March 2023, geophysical water location services were at the Cement Plant property diligently working to identify the permitted well location most suitable for immediate drilling, as well as working to identify other areas of the property that may be suitable for any future well locations. We believe that the Department's finding here may be

541-877-2615

erroneous since the March 2023 activities constitute physical work towards the development of the water system use since the complex hydrogeology of the property is poorly understood and geophysical work was necessary to determine the well locations most favorable for development of the permitted groundwater resource. Additionally, the permit holders were not able to procure drilling services to start drilling additional well location prior to the "extended to" date of October 1, 2023. The inability to meet this date was due to the unforeseen nature of the global pandemic causing cost overruns and delays since the geophysical water location services were originally to be rendered in 2021-2022 which would have given the permit holders ample time to secure drilling services prior to the "extended to" date of October 1, 2023.

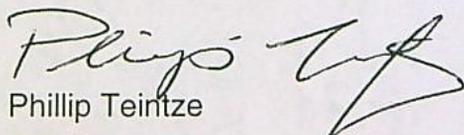
If Permit G-17766 is cancelled as outlined in the Final Order of Cancellation, the financial effects will be harmful to Ash Grove Cement Company as well as the public interest in due to potential negative effects to the greater economy of Baker and Malheur Counties. The Ash Grove Cement plant currently employs 127 people from the local area and represents one of the single largest employers in the region. If Ash Grove is unable to fully develop the water resources provided by permit G-17766, it will be very difficult to replace this valuable resource. Obtaining new surface water rights and increasingly new groundwater rights is not a feasible option for water users across much of Oregon due to over appropriation of surface water and de facto determinations of over appropriation of groundwater related to rulemaking currently in progress at the Department.

Additionally, denial of this permit extension will be detrimental to public interest as water resources at the Cement Plant are tied to the State of Oregon's stated climate goals as first outlined in the 2007 House Bill 3543. Furthermore, the Department of Environmental Quality (DEQ) is working towards re-establishing the Climate Protection Program (CPP) in the future. The CPP will enable DEQ to set declining and enforceable limits on greenhouse gas emissions from existing permitted facilities that are sources of carbon dioxide, including the Cement Plant. Reliable water resources at the Cement Plant are critical due to the facility recently being chosen as a partner for a grant recipient of the U.S. Department of Energy's Regional Clean Hydrogen Hubs program - part of the Pacific NW Hydrogen Hub. Over the next few years, the federal grant money

will fund clean hydrogen technologies and infrastructure to be employed at the Cement Plant. These structural and operational improvements will require reliable sources of water for industrial use, of which Permit G-17766 is a critical part. Without sufficient water resources, these technologies and infrastructure may not be fully implemented. These new technologies and their implementation at the Cement Plant will enable the Cement Plant to maintain compliance with the upcoming CPP and accelerate of the transition to hydrogen energy production and hydrogen use in Oregon, helping eliminate fossil fuels from the region's transportation and electricity generation portfolio by 2045 and potentially achieve net-zero greenhouse gas emissions by 2050. Also, the Cement Plant is employing new feedstock and processes to produce "green cements" that emit less carbon dioxide during manufacturing than standard cement. However, the manufacturing of green cement requires more water for dust suppression and processing than standard cement, another reason that water resources are so valuable at the Cement Plant and are directly tied towards the States' climate goals as well as for meeting the emissions requirements to be set forth in the upcoming CPP. Therefore, it is clear that denial of this permit extension represents adverse impacts to the public and the climate goals of the State of Oregon.

Ash Grove Cement Company appreciates this opportunity to formally protest the Proposed Final Order to Deny the Application for Extension of Time for Permit G-17766. Please let us know if you have any further questions or concerns.

Sincerely,


Phillip Teintze
Plant Manger

Enclosed: \$480 Protest Fee Check

Received

FEB 07 2024

OWRD

Mailing List for Extension PFO Copies

PFO Date: January 23, 2024

Application: G-16790

Permit: G-17766

Copies Mailed

By: KMWF

On: ~~JAN 23 2024~~

Original mailed to Applicant:

Ash Grove Cement Company
P.O. Box 287
Durkee, OR 97905

Copies sent to:

1. WRD - App. File G-16790/ Permit G-17766
2. Paul Garvin (garvin.hydrogeo@gmail.com)

Fee paid as specified under ORS 536.050 to receive copy:

3. None

Receiving via e-mail (10 AM Tuesday of signature date)
(DONE BY EXTENSION SPECIALIST)

4. WRD - Watermaster District 8, Marcy Osborn
5. WRD - ER Regional Manager, Jason Spriet

CASEWORKER: JDP

Oregon Water Resources Department
Water Right Services Division

Application for Extension of Time

In the Matter of the Application for an Extension of Time for)		PROPOSED
Permit G-17766, Water Right Application G-16790, in the)		FINAL ORDER
name of Ash Grove Cement Company)		TO DENY

Permit Information

Application:	G-16790
Permit:	G-17766
Basin:	9 – Powder / Watermaster District 8
Date of Priority:	February 5, 2007
Source of Water:	Well 3 (BAKE 1474), Well 4, Well 5, Well 6, Well 7, Well 8, Well 9, Well 10, Well 11, and Proposed Well 12 in Burnt River Basin
Purpose or Use:	mining and industrial use
Maximum Rate:	0.66 cubic foot per second (cfs), being 0.22 cfs per well

This Extension of Time request is being processed in accordance with Oregon Revised Statute 537.630 and 539.010(5), and Oregon Administrative Rule Chapter 690, Division 315.

In Summary, the Department proposes to:

- Deny an extension of time to complete construction of the water system from October 1, 2023, to October 1, 2033.

- Deny an extension of time to apply water to full beneficial use from October 1, 2023, to October 1, 2033.

ACRONYM QUICK REFERENCE

Application – Application for Extension of Time
Department – Oregon Department of Water Resources
FOF – Finding of Fact
PFO – Proposed Final Order
cfs – cubic foot per second

AUTHORITY

Generally, see ORS 537.630 and OAR Chapter 690 Division 315.

ORS 537.630(2) provides in pertinent part that the Oregon Water Resources Department (Department) for good cause shown shall order and allow an extension of time within which irrigation or other works shall be completed or the right perfected. In determining the extension, the Department shall give due weight to the considerations described under ORS 539.010(5) and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right.

ORS 539.010(5) instructs the Director to consider: the cost of the appropriation and application of the water to a beneficial purpose; the good faith of the appropriator; the market for water or power to be supplied; the present demands therefor; and the income or use that may be required to provide fair and reasonable returns upon the investment.

OAR 690-315-0040 provides that in order to approve an application for an extension of time to complete construction or apply water to full beneficial use, the Department shall make the findings in OAR 690-315-0040(1) including a finding that there is “good cause” to approve the extension. OAR 690-315-0040(2)-(4) contains the factors that the Department must consider to make findings that support a “good cause” determination.

FINDINGS OF FACT

1. On November 29, 2007, Permit G-16250 was issued by the Department. The permit authorizes the use of up to 0.66 cfs of water from Well 3 (BAKE 1474), Well 4, and Proposed Well 5, in Burnt River Basin for mining and industrial use. The permit specified, construction of the water system was to be completed by October 1, 2012, and complete application of water was to be made on or before October 1, 2012. Superseding Permit G-17766 was issued on May 3, 2017, as the result of Permit Amendment T-12572, adding additional points of appropriation.
2. Two prior permit extensions have been granted for Permit G-17766. The most recent extension request, granted on March 16, 2018, resulted in the completion dates for construction and full application of water being extended from October 1, 2017, to October 1, 2023.
3. On October 23, 2023, the permit holder submitted an “Application for Extension of Time” (Application) to the Department, requesting both the time to complete construction of the water system and the time to apply water to full beneficial use under the terms and

conditions of Permit G-17766 be extended from October 1, 2023 to October 1, 2033.

4. On October 31, 2023, notification of the Application for Extension of Time for G-17766 was published in the Department's Public Notice. No public comments were received regarding the extension application.

Review Criteria [OAR 690-315-0040]

In order to approve an Application for an Extension of Time to complete construction and/or apply water to full beneficial use pursuant to ORS 537.230 or 537.630, or to begin construction, pursuant to ORS 537.248, the Department must make the findings in OAR 690-315-0040(1)(a) – (d).

Complete Extension of Time Application [OAR 690-315-0040(1)(a)]

5. On October 23, 2023, the Department received a completed Application and the fee specified in ORS 536.050 from the permit holder.

Start of Construction [OAR 690-315-0040(1)(b) and 690-315-0040(5)]

6. Construction of BAKE 1474 (Well 3) began prior to permit issuance.
7. According to the well log received by the Department on July 30, 1979, construction of Well 3 began June 8, 1979.

Based on Finding of Fact (FOF 6, and 7), the Department has determined that the prosecution of the construction of the well began prior to October 1, 2012.

Good Cause [OAR 690-315-0040(1)(d)]

The Department must find that there is "good cause" to approve the extension. In making a "good cause" finding, the Department shall consider the requirements set forth under OAR 690-315-0040(2).

Reasonable Diligence of the Appropriator [OAR 690-315-0040(2)(a)]

In order to make a finding of "good cause" to approve the extension, the Department shall consider whether the applicant has demonstrated "reasonable diligence" in previous performance under the permit. OAR 690-315-0040(2)(a). In determining "reasonable diligence", the Department shall consider, but is not limited to, the following factors: a) The amount of construction completed within the time allowed in the permit or previous extension; b) The amount of beneficial use made of the water during the permit or previous extension time limits; c) Water right holder conformance with the permit or previous extension conditions; and d) Financial investments made toward developing the beneficial use of water.

Amount of Construction OAR 690-315-0040(3)(a)

The amount of construction completed within the time allowed in the previous extension.¹

¹ "Actual Construction" is defined in OAR 690-315-0020(3)(d)(A) and (B) as physical work performed toward completion of the water system which demonstrates the water right permit holder's good faith and intention to complete the

8. During the most recent extension period, being from October 1, 2017, to October 1, 2023, the BAKE 52580 (Well 12) was completed November 2, 2017.
9. Construction of Well 12 occurred prior to the submittal of the previous Application for Extension of Time, and was considered in the reasonable diligence and good faith findings in the Proposed Final Order on Extension of Time issued January 16, 2018.
10. No additional work towards the development of the use authorized by the permit has occurred during the most recent extension of time period.

The Department cannot find evidence of progress made towards completion of the water development and application of water to full beneficial use as allowed in the previous extension of time period. Therefore, the Department cannot find good cause or reasonable diligence towards the complete application of water to a beneficial use under G-17766.

Compliance with Conditions /OAR 690-315-0040(3)(c)

The water right permit holder's conformance with the permit and previous extension conditions.

11. The Department has considered the permit holder's compliance with conditions, and did not identify any concerns.

The Department has determined that the permit holder has demonstrated compliance with permit conditions as required by Permit G-17766.

Beneficial Use of Water OAR [690-315-0040(3)(b)]

The amount of beneficial use made of the water during the permit or previous extension conditions.

12. A maximum rate of 0.66 cfs of water has been appropriated, being 0.33 cfs from BAKE 1417 (Well 3) and 0.33 cfs from Well 4. This exceeds the amount of water use from each well as authorized under this permit. The authorized amount of water from each well is 0.22 cfs.

The Department has determined that Beneficial use of 0.44 cfs of water, being 0.22 cfs from Well 3, and 0.22 cfs from Well 4 has been demonstrated under this permit as all permit conditions were satisfied by October 1, 2023.

Financial Investments to Appropriate and Apply Water to a Beneficial Purpose [OAR 690-315-0040(2)(b),(3)(d),(4)(d)]

13. An investment of approximately \$83,000², which is approximately 19 percent of the total

project with reasonable diligence. Actual construction does not include planning a diversion system, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, surveying, clearing land or planting crops.

² The investment to date is derived from the previous extension of time application along with the investment included in this extension application.

projected cost for complete development of this project, has been made. An additional \$350,000 investment is estimated for the completion of this project. Excluded from this total are costs associated with application fees, consultant fees, well abandonment cost, and geophysical water location services, as these are not costs associated with physical development of the water system.

14. The Department has determined that an investment has been made, however, no additional investment in the development of the water system has occurred during the most recent extension of time period.

Based on FOF 14, the Department finds there is no evidence towards perfecting the water right under the terms and conditions of the permit during the most recent extension of time period.

Reasonable Diligence of the Appropriator [OAR 690-315-0040(2)(a)]

The Application provides evidence that work has been accomplished towards completion of the water system; the permit holder has demonstrated compliance with permit conditions, and; beneficial use of water has been demonstrated. The Department has determined the applicant has demonstrated reasonable diligence in previous performance under Permit G-17766.

The Application does not provide evidence of progress towards completion of the water system; the permit holder has demonstrated compliance with all permit conditions, and; beneficial use has been demonstrated. The Department has determined the applicant has not demonstrated the minimum necessary for the Department to find reasonable diligence towards complete application of water to a beneficial use.

The Market and Present Demands for Water [OAR 690-315-0040(4)(a-f)]

The Department's determinations of market and present demand for water or power to be supplied shall consider the requirements set forth under OAR 690-315-0040(4)(a-f). In accordance with OAR 690-315-0040(4), the Department shall consider, but is not limited to, the following factors when determining the market and the present demand for water or power to be supplied:

- *(a) The amount of water available to satisfy other affected water rights and scenic waterway flows;*
- *(b) Special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d);*
- *(c) The habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife;*
- *(d) Economic investment in the project to date;*
- *(e) Other economic interests dependent on completion of the project; and*
- *(f) Other factors relevant to the determination of the market and present demands for water and power.*

OAR 690-315-0040(4)(a)

The amount of water available to satisfy other affected water rights and scenic waterway flows.

15. A review of the amount of water available to satisfy other affected water rights and scenic waterway flows was determined at the time of issuance of Permit G-17766; furthermore, water availability for other affected water rights and scenic waterway flows after the permit was issued is determined when an Application for a new water right is submitted.

OAR 690-315-0040(4)(b)

Special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d).

16. The points of appropriation for Permit G-17766, located within the Burnt River Basin, are not located within a limited or critical groundwater area.
17. Burnt River is not located within or above any state or federal scenic waterway.
18. The points of appropriation are not in an area listed by the Department of Environmental Quality as a water quality limited stream.

OAR 690-315-0040(4)(c)

The habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife.

19. Burnt River is located within an area ranked "moderate" for stream flow restoration needs as determined by the Department in consultation with the Oregon Department of Fish and Wildlife, and is located within a Sensitive, Threatened or Endangered Fish Species Area as identified by the Department in consultation with Oregon Department of Fish and Wildlife.

OAR 690-315-0040(4)(d)

Economic interests dependent on completion of the project.

20. An approximate total of \$83,000 has been invested in the project.

OAR 690-315-0040(4)(e)

Other economic interests dependent on completion of the project.

21. The Application identifies the newly sited renewable energy hydrogen project as an additional economic interest.

OAR 690-315-0040(4)(f)

Other factors relevant to the determination of the market and present demand for water and power.

22. No other factors relevant to the determination of the market and present demand for water and power have been identified.

Fair Return Upon Investment [OAR 690-315-0040(2)(f)]

23. The use and income from the permitted water development will likely result in reasonable returns upon the investment made to date.

Other Governmental Requirements [OAR 690-315-0040(2)(g)]

24. Delay in the development of this project was caused by any other governmental requirements.

Unforeseen Events [OAR 690-315-0040(2)(h)]

25. The Application identifies the need to abandon Well 11 due to improper construction, and Well 12 not producing water as unforeseen events..

Denial of the Extension Will Result in Undue Hardship [OAR 690-315-0040(2)(i)]

26. The Application asserts a denial of the extension would result in undue hardship, and that there are no other reasonable alternatives exist for meeting water use needs.

Good Faith of the Appropriator [OAR 690-315-0040(2)(c)]

27. The Application does not provide evidence of good faith of the appropriator under Permit G-17766.

Based on Findings of Fact 8, 9, 10, and 11, above, the Department finds that the Applicant has not demonstrated good faith.

Duration of Extension [OAR 690-315-0040(1)(c)]

Under OAR 690-315-0040(1)(c), in order to approve an extension of time for water use permits the Department must find that the time requested is reasonable and the applicant can complete the project within the time requested.

28. As of October 23, 2023, the remaining work to be completed consists of constructing 2 or 3 additional wells and tying them to the distribution system, meeting all permit conditions, and applying water to full beneficial use.

The Department has determined that the project could be completed withing the time requested, however, due to a lack of diligence in the development of the authorized use, the extension of time request must be denied.

Good Cause [OAR 690-315-0040(1)(d)]

The Department must find that there is "good cause" to approve the extension. In making a "good cause" finding, the Department shall consider the requirements set forth under OAR 690-315-0040(2).

The Department has considered the reasonable diligence and good faith of the appropriator, the cost to appropriate and apply water to a beneficial purpose, the market and present demands for water to be supplied, the financial investment made and fair and reasonable return upon the investment, the requirements of other governmental agencies, and unforeseen events over which the permit holder had no control, whether denial of the extension will result in undue hardship to the applicant and whether there are no other reasonable alternatives for meeting water use needs, any other factors relevant to a determination of good cause, and has determined that the applicant has not shown that good cause exists for an extension of time to complete construction and apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).

CONCLUSIONS OF LAW

1. The permit holder has submitted a complete extension application form and the fee specified in ORS 536.050, as required by OAR 690-315-0040(1)(a).
2. The permit holder has not complied with the time allowed for construction work under the permit pursuant to ORS 537.630 as required by OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).
3. The Application established that there has been no construction, no financial investment or reasonable diligence toward developing the project during the most recent extension of time period, being October 1, 2017, to October 1, 2023. The permit holder has not shown that good cause exists for an extension of time to complete construction and apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).

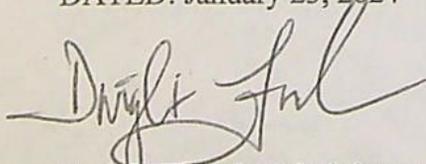
PROPOSED ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, the Department proposes to issue an order to:

Deny the time to complete construction of the water system under Permit G-17766 from October 1, 2023, to October 1, 2033.

Deny the time to apply water to beneficial use under Permit G-17766 from October 1, 2023, to October 1, 2033.

DATED: January 23, 2024



Dwight French, Administrator,
Water Right Services Division

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

Protests

Pursuant to OAR 690-315-0060(1), the applicant or any other person adversely affected or aggrieved by the proposed final order may submit a written protest to the proposed final order. Protests must be received by the Water Resources Department no later than **March 8, 2024**, at this address: Oregon Water Resources Department, Water Right Services Division, 725 Summer St NE, Suite A, Salem, OR 97301-1266. Protests may not be submitted by electronic mail. OAR 690-002-0025(3).

Protests must be in writing and include all of the following:

- The name, address, and telephone number of the protestant
- A detailed description of the protestant's interest in the proposed final order, and, if the protestant claims to represent the public interest, a precise statement of the public interest represented
- A detailed description of how the action proposed in the proposed final order would impair or be detrimental to the protestant's interest
- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency
- If the applicant protests, a statement of whether a hearing is requested
- Citation of legal authority supporting the protestant, if known
- Proof of service of the protest on the water right permit holder, if protestant is other than the water right permit holder, and
- If you are the applicant, the protest fee of \$480 required by ORS 536.050; and
- If you are not the applicant, the protest fee of \$950 required by ORS 536.050.

Within 60 days after the close of the period for requesting a contested case hearing, the Director shall either issue a final order on the extension request, or schedule a contested case hearing if a protest has been submitted, and, upon review of the issues, the Director finds there are significant disputes related to the proposed agency action; or, the applicant submits a written request for a contested case hearing within 30 days after the close of the period for submitting protests. The hearing will be conducted as provided in Oregon Revised Statutes (ORS) Chapter 183, and Oregon Administrative Rules (OAR) 137-003-0501 to 137-003-0700.

If the applicant does not request a hearing within 30 days after the close of the protest period, or if the request for a hearing is withdrawn, or the Department or the administrative law judge is notified that the protestant will not appear, or the protestant fails 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 submitted relating to this matter, as the record for purpose of proving a *prima facie* case upon default.

A party may be represented by an attorney at the hearing. Legal aid organizations may be able to assist a party with limited financial resources. Generally, partnerships, corporations, associations, governmental subdivisions or public or private organizations are represented by an attorney. However, consistent with OAR 690-002-0020 and OAR 137-003-0555, an agency representative may represent a partnership, corporation, association, governmental subdivision or public or

Application: G-16790 Permit: G-17766
Public Notice Route Slip ... New Application Extension of Time
per Division 315 Rules... (Extensions received on July 1, 2001 or after)

Applicant/Permit Holder(s) Ash Grove Cement Co.
P.O. Box 287
Durkee, OR 97905

Proposed Completion Date: 10-1-2033

WRIG...Money Received on: 10-26-2023

Extension Specialist ...

Added to tracking spreadsheet

After fee is receipted and app is added to spreadsheet, route to...

Kyler or Tonya...

Recent Assignment (Check WRIS for Update)

Publish on Public Notice (initial 30-day comment): Date of notice OCT 31 2023

Update WRIS Database

In the "PNotice Date" field... Enter the date the Extension Application was published on the Public Notice.

In the "Ext Filed" field... Enter the date the Extension Application was received.

Yes or No: Return file to Extension Specialist after PN OCT 31 2023

NOTES:



Oregon

Tina Kotek, Governor

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

October 31, 2023

REFERENCE: Application for Extension of Time

Dear Extension of Time Applicant:

The Water Right Services Division has received your application for an extension of time for **APPLICATION FILE #: G-16790 (Permit G-17766)**. Your application will be reviewed in the future. Following the review, you will receive a Proposed Final Order either approving or rejecting the extension of time request. A 45-day protest period begins upon issuance of the Proposed Final Order. After the protest period closes, a Final Order is issued.

You may continue the use of water under your water right until the Water Resources Department formally takes action on your extension application. If your permit includes conditions, water use reporting, water level measurement reporting, etc., you are required to comply with the conditions.

Any additional development that occurs after the expired completion date, identified on the permit or an extension order, can only be claimed upon an approved extension application.

If you have questions concerning your extension of time application, please contact Jeffrey Pierceall at (503) 979-3213. For general information about the Water Resources Department, you may contact the Water Resources' Customer Service Group at (503) 986-0801 or you may access the Department's website at: www.wrd.state.or.us.

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 # **141808**

INVOICE # _____

RECEIVED FROM: Ash Grove Cement Company APPLICATION G-16790
 BY: _____ PERMIT _____
 TRANSFER _____

CASH: CHECK:# 154029 OTHER: (IDENTIFY)
 TOTAL REC'D \$ 780.00

Ash Grove Cement Company
P.O. Box 25900
Overland Park, KS 66225
(913) 451-8900

Page 1 of 1
Check No. 654029
Vendor No. 82515

INVOICE NO.	INVOICE DATE	GROSS AMOUNT	DISCOUNT	NET AMOUNT
G-16790/G-17766	09/01/2023	780.00		780.00
RECEIVED				
OCT 23 2023				
OWRD				
TOTALS		780.00		780.00

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 \$ 780.00

WATER RIGHTS:

EXAM FEE		RECORD FEE
\$ _____	0202	\$ _____
\$ _____	0204	\$ _____
\$ _____		

0201 SURFACE WATER
 0203 GROUND WATER
 0205 TRANSFER

WELL CONSTRUCTION

EXAM FEE		LICENSE FEE
\$ _____	0219	\$ _____
\$ _____	0220	\$ _____

0218 WELL DRILL CONSTRUCTOR
 LANDOWNER'S PERMIT

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **141808** DATED: 10-23-2023 BY: [Signature]

REMOVE DOCUMENT ALONG THIS PERFORATION

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



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

Criteria for a Permit Extension of Time

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

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

1) Construction has begun:

A. For Groundwater Permits

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

B. For Surface Water or Reservoir Permits

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

The Department will also confirm that:

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

If you have questions, please call the Department at (503)-986-0900 and ask to speak with a permit extension specialist.

RECEIVED

OCT 23 2023

OWRD

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

I, Phillip Teintze of Ash Grove Cement Co
NAME OF PERMIT HOLDER [OAR 690-315-0020(1) and (3)(a)]

PO Box 287 Durkee OR 97905
ADDRESS CITY STATE ZIP

541-212-5895 phillip.teintze@ashgrove.com
PHONE E-MAIL ADDRESS

the permit holder of: Application Number G-16790

Permit Number G-17766
[OAR 690-315-0020(3)(b)]

do hereby request that the date by which the water development will be completed and water put to full beneficial use, which time now expires on Month: 10 Day: 1 Year: 2023, be extended to October 1, 2033, [OAR 690-315-0020(3)(i)]

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

Phillip Teintze 10/19/23
Signature Date

Phillip Teintze Plant Manager
Printed Name Title

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

Paul Garvin garvin.hydrogeo@gmail.com
Authorized Agent (Print Agent Name) Agent contact

RECEIVED

OCT 23 2023

OWRD

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

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

**MAIL COMPLETED APPLICATION
along with the Supporting documents and/ or evidence and correct fee to:**

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

GENERAL TIPS:

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

**RECEIVED
OCT 23 2023
OWRD**

- An Application for an Extension of Time will be reviewed for completeness. A response is required for each item contained in the application. OWRD will return any incomplete or deficient applications to the applicant. OAR 690-315-0040(1)(a).

Reference Materials Needed to Complete this Application:

- **The water right permit.** If needed, a copy of the water right permit can be downloaded from the Department's Website, or, a copy of the permit may be requested by water right application number from the Water Rights Division at 503-986-0900 (copy fees will apply).
- **Previous Applications and Orders.** Copies of previous applications and orders that may inform the completion of the Application for Extension of Time, if available, may be downloaded from the Department's Website. **NOTE: If the document requested is not available on the Department's website, you may be required to submit a Public Record Request.**
- **Documentation which demonstrates compliance with permit conditions** (for example, well construction logs; static water level measurement reports; annual water use reports; ODFW fish screen certification; a plan to monitor the effect of water use on ground water aquifers utilized under the permit; etc.).

Questions to complete this application for an Extension of Time

Please see the instruction sheet to help you answer these items.

1. **Beginning Construction within required deadlines.** OAR 690-315-0020(3)(d)

For Groundwater Permits

Has construction of the point of appropriation (well) authorized under this permit begun?

Yes No

Date construction began Month: _____ Day: _____ Year: _____

Details of construction and attach documentation: Wells 12 drilling and Well 11 abandonment we completed on 11/2/2017.

Well logs attached: BAKE 52580 (Well 12), and BAKE 52250, BAKE 52579 (Well 11)

For Surface/Reservoir Permit

Has construction of the water system begun? Yes No

Date construction began Month: _____ Day: _____ Year: _____

Details of construction and attach documentation: _____

RECEIVED
OCT 23 2023
OWRD

2a. Permits typically contain standard or special conditions that must be fully satisfied to lawfully develop and use permitted water. Review the permit subject to this extension to identify which of the conditions listed in the 2nd column are contained within it. Using the extra row labeled "other" to specify any other additional conditions included in the permit, or specified in a final order approving a permit amendment or prior extension of time. In the 1st column check the box for each condition (row) identified as relevant. In the 3rd column check "Yes" if you have completed or met the permit condition. Check "No" if the condition is not yet satisfied. In the 4th column, give the date when the condition was satisfied or will be satisfied. Attach any pertinent documentation. Note: a pump test condition does not need to be addressed here however; you must submit the results of the test to the Department for approval prior to certification.

CHART-A

Permit Conditions in this Permit		Have Completed or Met?	Date satisfied/ or will be satisfied
Checkbox	Ground water Check those included on this permit		
<input checked="" type="checkbox"/>	Installation of a meter/totalizing flow meter (on BAKE 1474)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	2005
<input type="checkbox"/>	Submittal of annual water usage report	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input checked="" type="checkbox"/>	Submittal of static water level measurements in the month required	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	3/2018
<input type="checkbox"/>	Special well construction standards	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input checked="" type="checkbox"/>	Submittal of a monitoring plan	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	3/14/2010
<input checked="" type="checkbox"/>	Well ID tag assigned and installed:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	2011
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Surface Water or Reservoir			
<input type="checkbox"/>	Installation of a meter/ totalizing flow meter	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of annual water use report	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of a fish screen	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of a fish by-pass device	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of a fish passage	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of an outlet gate/pipe/ conduit	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of a letter from ODFW that fish screen, fish by-pass device, and or fish passage is not required	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submit as-built plans and specification	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of a letter from an engineer prior to storage	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	

RECEIVED

OCT 23 2023

OWRD

2b. If you have identified that you have NOT complied with Permit conditions, explain the reasons why and indicate a date certain, when you will be in compliance.

Conditions complied with.

[OAR 690-315-0020(3)(e)]

3. Provide evidence of physical work made toward completion of the water system, and of progress made toward making beneficial use of water within the permitted time period (CHART-B); and if applicable, within the time period of the most recent extension granted (CHART-C). CHART-B (below) must be completed for all Application for Extension of Time requests. *Use chronological order. Itemize each work item, and do not combine multiple work actions in one area. (Planning, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, surveying, clearing land, or planting crops is not considered work in the development of the water system. Work accomplished under other water rights may not be considered work under this permit.)*

CHART-B

DATE	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List any work done before the permit was issued – eg. well drilled.</i>	COST*
DATE	WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED <i>and PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER</i> <i>List work/actions done during the permitted time period.</i>	COST*
4/17/2017	Date the permit was signed - find date above signature on last page of permit.	
9/2017	Drafting permit extension application	\$5,000
10/1/2017	Date the permit specified complete application of water to the use shall be made- all permits contain this date.	
DATE	WORK ACCOMPLISHED AFTER the date the permit specified complete application of water and prior to any previous extension order <i>COMPLETE ONLY IF THIS IS YOUR 1st APPLICATION FOR AN EXTENSION OF TIME: List work done after the date specified in the permit for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
Total Cost for Chart-B		\$5,000

* If exact cost is not known, you must provide your best estimate.

RECEIVED
OCT 28 2023
OWRD

4. If this is not your 1st Application for Extension of Time request, fill out CHART-C below in addition to CHART-B above. Use *chronological order*.

CHART-C

DATE	WORK ACCOMPLISHED DURING THE LAST EXTENSION PERIOD <i>List all work done during the last authorized extension period.</i>	COST*
10/1/2017	"Extended From" date for complete application of water used in the most recent Final Order on Extension of Time.	
11/2/2017	Completed Abandonment of Permitted Well 11	\$33,000
11/2/2017	Completed Drilling of Permitted Well 12 on 11/2/2017 (BAKE 52580)	\$25,000
11/2017	Permit extension fee	\$670
3/2023	Geophysical water location services	\$13,000
10/1/2023	"Extended To" date for complete application of water resulting from the most recent Final Order on Extension of Time.	
DATE	WORK ACCOMPLISHED AFTER THE LAST EXTENSION PERIOD EXPIRED <i>List all work done after the last authorized date for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
10/15/2023	Paid consultant to prepare extension of time	\$3,000
10/19/2023	Permit extension fee	\$780
Total Cost of Chart-C		\$75,450

* If exact cost is not known, you must provide your best estimate. [OAR 690-315-0020(3)(f)]

5. **Cost of project to date: \$79,450**
 (The total combined cost from CHART-B and CHART-C) [OAR 690-315-0020(f)]

[OAR 690-315-0020(3)(e)(B)]

Provide evidence of the maximum rate (or duty, if applicable) of water diverted for beneficial use under this permit made to date.

TIP: Report the rate used to date. Unless full beneficial use has been made, this rate will be less than the rate authorized on the permit.

6. **For Surface Water Permit Extensions (e.g. S-XXXX or R-XXXX):**

Maximum rate used to date = _____ cfs (cubic feet per second) or,

Maximum rate used to date = _____ gpm (gallons per minute) or,

Maximum volume of stored water used to date = _____ AF or,

RECEIVED

OCT 23 2023

OWRD

Maximum volume stored annually to date = _____ AF

7. For Ground Water Permit Extensions (e.g. G-XXXX):

CHART-D

(Note that there are errors on WRIS. Well 3 is incorrectly listed as Well 1 in WRIS, Well 5 is incorrectly listed as Well 3 in WRIS, Well 11 is incorrectly listed as 9 in WRIS, and Well 12 is not included on WRIS)

Well # as identified on Permit	Water User's Well #	Has this well been drilled?	IF DRILLED					
			Well Log Number e.g. MORR 50473	Well Tag Number e.g. # 27566 or N/A	Is the actual drilled location authorized on this permit or on a permit amendment?	Maximum Instantaneous rate used to date from this well - - under this permit only (CFS or GPM)	Is this well authorized or utilized under any OTHER water rights?	If yes, provide the Permit, Certificate, or Transfer No.
Well 3	702 WP1	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	BAKE 1474	NA	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	0.33 cfs	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	- -
Well 4	271. WP1	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	NA	NA	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	0.33 cfs	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	- -
Well 5	NA	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	BAKE 51875	L- 93943	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	None, dry hole, not used	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	- -
Well 6		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	- -
Well 7		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	- -
Well 8		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	- -
Well 9		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	- -
Well 10		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	- -
Well 11		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	BAKE 52250, BAKE 52579	L- 109659	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Well abandoned b/c improper construction	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	- -
Well 12	702 WP3	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	BAKE 52580	L11789 -7	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Did not produce after drilling, not used	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	- -
Total instantaneous rate from all wells utilized under this permit						0.66		

8. Has a Permit Amendment Application been filed? Yes No
If yes, identify Transfer No. T-_____

[OAR 690-315-0020(3)(e)(C)]

9. For Irrigation and Nursery Use Permits Extensions

Provide the total number of acres irrigated to date under this permit.

a) Total acres irrigated to date: _____

RECEIVED

OCT 23 2023

OWRD

b) List by year, the number of acres irrigated each year since permit issuance.

Year	Acres	Year	Acres	Year	Acres

- c) Provide a copy of the application map identifying the acres irrigated.
 d) Please specify the number of acres irrigated by each Point of Diversion/Point of Appropriation (POD/POA).

(POD/POA)# _____ Acres _____ (POD/POA) # _____ Acres _____

(POD/POA) # _____ Acres _____ (POD/POA) # _____ Acres _____

[OAR 690-315-0020(3)(i)(j)]

10. In the chart below provide a summary of your future plans and schedule to complete the construction of the water system, and/or apply water to full beneficial use under the terms and conditions of the permit.

CHART-E

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
2023 -2033	Drill 2-3 additional well locations on the permit	\$300,000
2023 -2033	Tie wells into existing infrastructure	\$50,000
Year: 2033	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
	Total Cost	\$350,000

[OAR 690-315-0020(3)(g)]

11. Estimated remaining cost to complete the project: \$350,000

(The total cost from CHART-E)

[OAR 690-315-0020(3)(j)]

12. Provide a summary of your plan to complete construction, meeting all permit conditions and apply the water to beneficial use: (List all tasks or steps needed to complete the project, the date when each task will be completed, and the cost associated with each task; attach additional pages if necessary.)

Drill 2-3 additional well locations on the permit and tie wells into existing infrastructure

[OAR 690-315-0020(3)(k)]

13. Justify the time requested to complete the project and/or apply the water to full beneficial use. (Include any other information or evidence to establish that the requested

RECEIVED

OCT 28 2023

OWRD

amount of time is sufficient and that you will be able to complete the project within the amount of time requested.)

A maximum extension of 10 years is necessary because of the slow moving nature of senior management and decision making at the Ash Grove facility, 10 years will provide maximum flexibility.

[OAR 690-315--0020(3)(l)]

14a. Will a denial of the extension result in undue hardship? (Describe the hardship and the effects.)

Undue hardship will include potential major loss of business income if water needs cannot be met. The grant awardees will be operating within the Ash Grove facility part of the Pacific Northwest Hydrogen Hub. Novo-Hydrogen received grant approval in October 2023 to move forward with the project on site. This project will need to rely on a portion of the water supplied by Permit G-17766 for industrial use. The hydrogen energy project will also reduce the carbon footprint to eliminate the water truck transport to the dust suppression areas from the wells under Certificate 91459. Therefore, if sufficient water is not available for the hydrogen project, Novo-hydrogen will potentially suffer major hardship.

14b. Are there any other reasonable alternatives that exist for meeting your water use needs? (Explain in detail, consider other potential sources of water, and describe their feasibility)

No, obtaining water from the Burnt River is not feasible since it is 100% appropriated and based on recent information from OWRD management new groundwater permits are likely out of reach for any future applicants. Also Ash Grove held high quality water rights associated with the former Ash Grove Lime Plant located downstream on the Burnt River, but unfortunately those rights are subject to forfeiture and are not available for transfer to the property needing water - the Cement Plant. This groundwater permit is the best and likely only chance for Ash Grove to develop water resources sufficient for current and future operation.

[OAR 690-315-0020(3)(h)]

15. Was the delay in the timely completion of this water development project and/or timely application of water to full beneficial use caused by any additional government requirements, other than the conditions contained within the permit, which significantly delayed the completion and perfection of this right? (Explain in detail, including how much time did this delay the project; list dates.)

No.

[OAR 690-315-0020(3)(h)]

16. Describe any unforeseen events which contributed to the delay of completion of this project that you had no control over. (Explain in detail what the unforeseen events were (i.e. health issues, natural disaster) and how much time was spent addressing the unforeseen events. Delays caused by business decisions are not considered unforeseen events)

RECEIVED

OCT 23 2023

OWRD

Well 11 had to be abandoned due to incorrect well construction, Well 12 was drilled and came up dry - drilling contractors had delays working on site due to insurance and safety requirements, Covid caused troubles including expensive materials and troubles in sourcing labor including geophysical water locating services - American Water Surveyors.

[OAR 690-315-0020(3)(h)]

17. Describe an additional reasons why the construction was not completed, and/or water was not beneficially used within permit time limits. (Provide supporting information for the reason(s) that best fits your circumstances.)

Ash Grove personnel experienced major delays in project approval caused by upper management unwilling to drill additional wells without confirmation of good water resources at proposed drilling locations. American Water Surveyors were only recently available at the Ash Grove facility – March 2023.

[OAR 690-315-0020(3)(m)(n)]

18. Provide any other information you wish OWRD to consider while evaluating your Application for Extension of Time.

Please note that the regional economy of Baker Country is highly dependent on the good jobs provided by Ash Grove and new jobs to be provided by Novo-hydrogen, that will be in jeopardy if sufficient water resources are not available.

[OAR 690-315-0040(2)(f)]

19. Will the income or use of the water project provide a fair and reasonable return on your investment? (Explain in detail)

Yes, fully developing this permit will save on diesel fuel costs and manpower caused by the need to transport water from the developed POAs on Certificate 91459 that are adjacent to the Cement Plant facility to the places of use at the quarry. This will allow more consistent and efficient water supply to water sprays and other industrial and mining uses at the quarry.

[OAR 690-315-0040(4)(d)]

RECEIVED

OCT 23 2023

OWRD

20. Describe in detail if there are other economic interest, beyond those of the permit holder, which are dependent upon the completion of this project. *(Who will be effected and how?)*

Denial of a permit extension could have dire negative effects on the regional economy - based on the fact that Ash Grove is a major employer in the greater Baker County Area. Also, if the new renewable energy hydrogen project on Site is unable to have a good source of industrial water, it will potentially put this project and the related grant money that has already been awarded in jeopardy.

Attach permit, and documentation to the application

RECEIVED

OCT 23 2023

OWRD

STATE OF OREGON

COUNTY OF BAKER

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

ASH GROVE CEMENT CO.
PO BOX 287
DURKEE, OR 97905

This superseding permit is issued to describe an amendment for an additional point of appropriation proposed under Permit Amendment Application T-12572 and approved by Special Order Vol. 104, Page 645, entered APR 17 2017, and to describe an extension of time for complete application of water approved March 21, 2014. This permit supersedes Permit G-17306.

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

APPLICATION FILE NUMBER: G-16790

SOURCE OF WATER: WELL 3 (BAKE 1474), WELL 4, WELL 5, WELL 6, WELL 7, WELL 8, WELL 9, WELL 10, WELL 11, AND PROPOSED WELL 12 IN BURNT RIVER BASIN

PURPOSE OR USE: MINING; INDUSTRIAL USE

MAXIMUM RATE: 0.66 CUBIC FOOT PER SECOND (CFS), BEING 0.22 CFS FROM EACH WELL

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: FEBRUARY 5, 2007

RECEIVED

OCT 23 2023

OWRD

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
12 S	43 E	WM	15	NE NE	WELL 3: 130 FEET SOUTH AND 430 FEET WEST FROM THE NE CORNER OF SECTION 15
12 S	43 E	WM	11	NW SW	WELL 4: 1650 FEET NORTH AND 660 FEET EAST FROM THE SW CORNER OF SECTION 11
12 S	43 E	WM	10	SE SE	WELL 5: 400 FEET NORTH AND 275 FEET WEST FROM THE SE CORNER OF SECTION 10
12 S	43 E	WM	11	NW SW	WELL 6: 2006 FEET NORTH AND 1295 FEET EAST FROM THE SW CORNER OF SECTION 11
12 S	43 E	WM	11	NE SW	WELL 7: 1926 FEET NORTH AND 1338 FEET EAST FROM THE SW CORNER OF SECTION 11
12 S	43 E	WM	11	NE SW	WELL 8: 2094 FEET NORTH AND 1251 FEET EAST FROM THE SW CORNER OF SECTION 11
12 S	43 E	WM	10	SE SE	WELL 9: 243 FEET NORTH AND 316 FEET WEST FROM THE SE CORNER OF SECTION 10
12 S	43 E	WM	15	NE NE	WELL 10: 657 FEET SOUTH AND 303 FEET WEST FROM THE NE CORNER OF SECTION 15
12 S	43 E	WM	11	SE SW	WELL 11: 1380 FEET NORTH AND 1670 FEET EAST FROM THE SW CORNER OF SECTION 11
12 S	43 E	WM	11	SE SW	PROPOSED WELL 12: 1380 FEET NORTH AND 1690 FEET EAST FROM THE SW CORNER OF SECTION 11

Authorized Place of Use:

MINING AND INDUSTRIAL USE				
Twp	Rng	Mer	Sec	Q-Q
12 S	43 E	WM	10	NE NE
12 S	43 E	WM	10	NW NE
12 S	43 E	WM	10	SW NE
12 S	43 E	WM	10	SE NE
12 S	43 E	WM	10	SE NW
12 S	43 E	WM	10	NE SW
12 S	43 E	WM	10	NW SW
12 S	43 E	WM	10	SW SW
12 S	43 E	WM	10	SE SW
12 S	43 E	WM	10	NE SE
12 S	43 E	WM	10	NW SE
12 S	43 E	WM	10	SW SE
12 S	43 E	WM	10	SE SE
12 S	43 E	WM	11	NE NW
12 S	43 E	WM	11	NW NW
12 S	43 E	WM	11	SW NW
12 S	43 E	WM	11	SE NW
12 S	43 E	WM	11	NE SW
12 S	43 E	WM	11	NW SW
12 S	43 E	WM	11	SW SW

RECEIVED

OCT 23 2023



OWRD

MINING AND INDUSTRIAL USE				
Twp	Rng	Mer	Sec	Q-Q
12 S	43 E	WM	11	SE SW
12 S	43 E	WM	11	NW SE
12 S	43 E	WM	11	SW SE
12 S	43 E	WM	14	NW NW
12 S	43 E	WM	15	NE NE
12 S	43 E	WM	15	NW NE
12 S	43 E	WM	15	NE NW
12 S	43 E	WM	15	NW NW
12 S	43 E	WM	16	NE NE
12 S	43 E	WM	16	NW NE
12 S	43 E	WM	16	SW NE
12 S	43 E	WM	16	SE NE

Permit Amendment T-12572 Conditions:

The combined quantity of water diverted at the new point of appropriation, together with that diverted at the old points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation (0.66 cfs total, being 0.22 cfs per well).

Water shall be acquired from the same aquifer as the original points of appropriation. **RECEIVED**

Existing Conditions:

OCT 23 2023

Measurement, recording and reporting conditions:

OWRD

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

The water user shall develop a plan to monitor and report the impact of water use under this on water levels within the aquifer that provides water to the permitted wells. The plan shall be

submitted to the Department within one year of the date the permit is issued and shall be subject to the approval of the Department. At a minimum, the plan shall include a program to periodically measure static water levels within the permitted wells or an adequate substitute such as water levels in nearby wells. The plan shall also stipulate a reference water level against which any water-level declines will be compared. If a well listed on this permit (or replacement well) a total static water-level decline of 25 or more feet over any period of years, as compared to the reference level, then the water user shall discontinue use of, or reduce the rate or volume of withdrawal from the wells. Such action shall be taken until the water level recovers to above the 25-foot decline level or until the Department determines, based on the water user's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit.

STANDARD CONDITIONS

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 not be valid, 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 wells shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

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

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 the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

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

RECEIVED

OCT 23 2023

OWRD

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

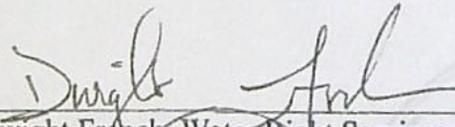
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

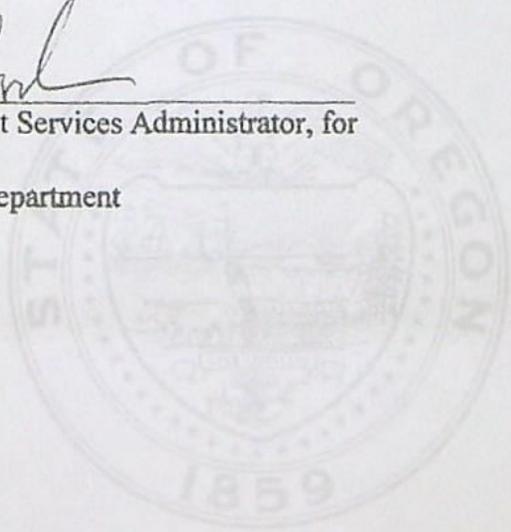
The use of water shall be limited when it interferes with any prior surface or ground water rights.

Completion of construction and complete application of the water to the use shall be made on or before October 1, 2012. By Extension of Time Final Order issued March 21, 2014 the completion of construction and complete application of the water the use was extended to October 1, 2017. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

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

Issued April 17, 2017


Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department



RECEIVED
OCT 23 2023
OWRD

BAKE 52250
BAKE 52250

Amended

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

WELL LABEL # L 109659
START CARD # 209068
ORIGINAL LOG # _____

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

(1) LANDOWNER Owner Well I.D. _____
First Name _____ Last Name _____
Company Ash Grove Cement Co
Address 33060 Shinnail Cr. Rd.
City Durkee State OR. Zip 97905

(2) TYPE OF WORK New Conversion Deepening
 Alteration (complete Sections 2a & 10) Abandonment (complete Section 5a)

(2a) PRE-ALTERATION: Well Depth _____ ft.
Seal Material _____
Casing Type: Steel Plastic Other _____
Casing Gauge _____ Casing Diameter _____

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

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

(5) BORE HOLE CONSTRUCTION
Depth of Completed Well 90 ft. Special Standard: Yes (attach copy)

BORE HOLE			SEAL			
Dia	From	To	Material	From	To	Amount (sacks/lbs)
10	0	19	Best.	0	19	13
6	19	120				

How was seal placed: Method A B C D E
 Other 3/4 packed dry
Backfill placed from _____ ft. to _____ ft. Material _____
filter pack from _____ ft. to _____ ft. Material _____ Size _____

(5a) ABANDONMENT USING UNHYDRATED BENTONITE:
Calculated Amount Proposed to be Used: _____ sacks/lbs
Actual Amount Used: _____ sacks/lbs

(6) CASING/LINER

Casing	Linr	Dia	+	From	To	Gauge	Steel	Plastic	Welded	Thrd
✓		6		2	78	.250	✓		✓	

Shoe Inside Outside Other Location of shoe(s) 78
Temporary casing Yes Diameter _____ From _____ To _____

(7) PERFORATIONS/SCREENS
Perforations Method _____
Screens Type _____ Material _____

Perf	Scrn	Casing	Linr	Screen Dia	From	To	Screen/slot width	Slot length	# of slots	Tele/pipe size

(8) WELL TESTS: Minimum testing time is 1 hour
 Pump Bailor Air Flowing Artesian

Yield gal/min 75 Drawdown 78 Drill stem/Pump depth 78 Duration (hr) 2hr.

Temperature 66 °F Lab analysis Yes No
Water quality concerns? Yes (describe below) TDS _____ ppm
From _____ To _____ Description _____ Amount _____ Units _____

(9) LOCATION OF WELL (legal description)
County Baker Twp 12 N or S Range 43 E or W W.M.
Sec 11 1/4 of the SW 1/4 Tax Lot 1800
Tax Map Number SE Lot _____
Lat _____ " or _____ DMS or DD
Long _____ " or _____ DMS or DD
Street Address of Well (or nearest address) Same as (1)

(10) STATIC WATER LEVEL

	Date	SWL (psi)	+	SWL (ft)
Existing Well/Pre-Alteration				
Completed Well	<u>12-20-12</u>	<u>7 +/- psi</u>		

Flowing Artesian? Yes No Dry Hole? Yes No

WATER BEARING ZONES Depth water was first found 60

SWL Date	From	To	Est Flow	SWL (psi)	+	SWL (ft)
<u>12-20-12</u>	<u>60</u>	<u>120</u>	<u>75</u>	<u>7 +/- psi</u>		

(11) WELL LOG Ground Elevation _____

Material	From	To
Brown Clay	0	40
Brown Clay Broken	40	
Rock		55
Black Shale Brown	55	60
Clay		60
Black Shale Broken	60	
Limestone		120

Well cased to 80' RECEIVED BY OWRD
JAN 24 2013
SALEM, OR

Date Started 12-19-12 Completed 12-20-12

(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 MAR 7 2016

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 1816 Date 1-4-13

Signed [Signature] RECEIVED
Contact Info. (optional)

541-519-0618 OCT 23 2023
OWRD

Mailing List for Extension FO Copies

FO Date: March 16, 2018

Copies Mailed

Application: G-16790

Permit: G-17766

By: *kw*
On: 3.15.2018

Original mailed to permit holder

\ Ash Grove Cement Company
PO Box 287
Durkee, OR 97905

Copies sent to:

\ 1. WRD - App. File G-16790/ Permit G-17766

Fee paid as specified under ORS 536.050 to receive copy:

2. None

Receiving notification via e-mail - FO available in WRIS for review
(DONE BY EXTENSION SPECIALIST)

3. WRD - Watermaster District 8, Rick Lusk

CASEWORKER: JDP

**Oregon Water Resources Department
Water Right Services Division**

Application for Extension of Time

In the Matter of the Application for an Extension of Time)
for Permit G-17766, Water Right Application G-16790, in) FINAL ORDER
the name of Ash Grove Cement Company)

Permit Information

Application: G-16790
Permit: G-17766
Basin: 9 – Powder / Watermaster District 8
Date of Priority: February 5, 2007
Source of Water: Well 3 (BAKE 1474), Well 4, Well 5, Well 6, Well 7, Well 8, Well 9,
Well 10, Well 11, and proposed Well 12, in Burnt River Basin
Purpose or Use: Mining; Industrial Use
Maximum Rate: 0.66 cubic foot per second (cfs), being 0.22 cfs from each well

This Extension of Time request is being processed in accordance with Oregon Revised Statute 537.630 and 539.010(5), and Oregon Administrative Rule Chapter 690, Division 315.

Appeal Rights

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. A request 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 file for judicial review, or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Application History

Permit G-16250 was issued by the Department on November 29, 2007. The permit specified completion of construction and complete application of water to beneficial use by October 1, 2012. The most recent extension authorized completion of construction and complete application of water to beneficial use by October 1, 2017. Permit G-16250 was modified by three permit amendments, the most recent being Permit Amendment T-12572. Permit Amendment T-12572 was approved on April 17, 2017, and superceding Permit G-17766 was issued to reflect the changes. Permit G-17766 authorizes the use of up to 0.66 cfs of water from Well 3, Well 4, Well 5, Well 6, Well 7, Well 8, Well 9, Well 10, Well 11, and Well 12, for mining and industrial use. On November 27, 2017, Ash Grove Cement Company submitted an Application for Extension of Time for Permit G-17766. In accordance with OAR 690-315-0050(2), on January 16, 2018, the

Department issued a Proposed Final Order proposing to extend the time to complete construction to October 1, 2023, and the time to fully apply water to beneficial use to October 1, 2023. The protest period closed March 2, 2018, in accordance with OAR 690-315-0060(1). No protest was filed.

FINDINGS OF FACT

The Department adopts and incorporates by reference the findings of fact in the Proposed Final Order dated January 16, 2018.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, any comments received, and information within the file, the permit may be extended subject to no additional conditions.

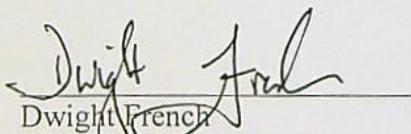
CONCLUSION OF LAW

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

ORDER

The extension of time for Application G-16790, Permit G-17766, therefore, is approved. The deadline for completing construction is extended from October 1, 2017, to October 1, 2023. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2017, to October 1, 2023.

DATED: March 16, 2018



Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

-
- If you have any questions about statements contained in this document, please contact the Permit Extension Specialist at (503) 986-0802.
 - If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900
-

Mailing List for Extension PFO Copies

PFO Date: January 16, 2018

Copies Mailed

Application: G-16790

By: SP

Permit: G-17766

On: 1-16-18

Original mailed to Applicant:

Ash Grove Cement Company
PO Box 287
Durkee, OR 97905

Copies sent to:

1. WRD - App. File G-16790/ Permit G-17766
2. Agent or CWRE representing the Permit Holder

Fee paid as specified under ORS 536.050 to receive copy:

3. None

Receiving via e-mail (10 AM Tuesday of signature date)
(DONE BY EXTENSION SPECIALIST)

4. WRD - Watermaster District 8, Rick Lusk

CASEWORKER: JDP

ACRONYM QUICK REFERENCE

Department – Oregon Department of Water Resources
Application – Application for Extension of Time
FOF – Finding of Fact
PFO – Proposed Final Order
cfs – cubic foot per second

WELL INVENTORY

Well 3 – BAKE 1474
Well 4 – 271.WP1
Well 5 – BAKE 51875
Well 11 – BAKE 52250
Well 12 – 702.WP3

AUTHORITY

Generally, see ORS 537.630 and OAR Chapter 690 Division 315.

ORS 537.630(2) provides in pertinent part that the Oregon Water Resources Department (Department) for good cause shown shall order and allow an extension of time within which irrigation or other works shall be completed or the right perfected. In determining the extension, the Department shall give due weight to the considerations described under ORS 539.010(5) and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right.

ORS 539.010(5) instructs the Director to consider: the cost of the appropriation and application of the water to a beneficial purpose; the good faith of the appropriator; the market for water or power to be supplied; the present demands therefor; and the income or use that may be required to provide fair and reasonable returns upon the investment.

OAR 690-315-0040 provides that in order to approve an application for an extension of time to complete construction or apply water to full beneficial use, the Department shall make the findings in OAR 690-315-0040(1) including a finding that there is “good cause” to approve the extension. OAR 690-315-0040(2)-(4) contains the factors that the Department must consider to make findings that support a “good cause” determination.

FINDINGS OF FACT

1. On November 29, 2007, Permit G-16250 was issued by the Department. The permit authorized the use of up to 0.66 cfs of water, being 0.22 cfs from each well from Well 3 (BAKE 1474), Well 4, and Proposed Well 5, in Burnt River Basin for mining and industrial use. The permit specified completion of construction and complete application of water was to be made on or before October 1, 2012.
2. On February 17, 2010, the Department approved Permit Amendment T-10902 (Special Order Volume 79, Page 67) authorizing Well 6, Well 7, Well 8, Well 9, and Well 10, as additional points of appropriation under Permit G-16250 (modified by Permit Amendment T-10909) which is hereafter referred to simply as Permit G-16250. The Department issued a Correcting Final Order in the matter of Permit Amendmet T-10902 (Special Order Volume 80, Page 272) correcting the location of Well 9.

3. One prior permit extension has been granted for Permit G-16250. The most recent extension request resulted in the completion dates for construction and full application of water being extended from October 1, 2012, to October 1, 2017.
4. On January 15, 2015, the Department approved Permit Amendment T-11808 (Special Order Volume 93, Page 1099) authorizing Well 11 as an additional point of appropriation under Permit G-16250. Superseding Permit G-17306 was issued by the Department on January 15, 2015, to reflect the changes.
5. On April 17, 2017, the Department approved Permit Amendment T-12572 (Special Order Volume 104, Page 645) authorizing Well 12 as an additional point of appropriation under Permit G-17306. Superseding Permit G-17766 was issued by the Department on April 17, 2017, to reflect the changes.
6. On November 27, 2017, Terry Kelly, Plant Manager for Ash Grove Cement Company, submitted an "Application for Extension of Time" (Application) to the Department, requesting both the time to complete construction of the water system and the time to apply water to full beneficial use under the terms and conditions of Permit G-17766 be extended from October 1, 2017, to October 1, 2023.
7. On December 12, 2017, Norma Job, Environmental Manager for Ash Grove Cement Company, submitted additional information to supplement their Application. The additional information was to clarify which wells have been constructed and used under Permit G-17766; and which wells meters are installed on.
8. On December 12, 2017, notification of the Application for Permit G-17766 was published in the Department's Public Notice. No public comments were received regarding the Application.

Review Criteria [OAR 690-315-0040]

In order to approve an Application for an Extension of Time to complete construction and/or apply water to full beneficial use pursuant to ORS 537.230 or 537.630, or to begin construction, pursuant to ORS 537.248, the Department must make the findings in OAR 690-315-0040(1)(a) – (d).

Complete Extension of Time Application [OAR 690-315-0040(1)(a)]

9. On November 27, 2017, the Department received a completed Application and the fee specified in ORS 536.050 from the permit holder.

Start of Construction [OAR 690-315-0040(1)(b) and 690-315-0040(5)]

10. Construction of BAKE 1474 (Well 3) began prior to permit issuance.
11. According to the well log received by the Department on July 30, 1979, construction of Well 3 began June 8, 1979.

Based on Finding of Fact (FOF) 10 and 11, the Department has determined that the prosecution of the construction of the well began prior to October 1, 2012.

Good Cause [OAR 690-315-0040(1)(d)]

The Department must find that there is "good cause" to approve the extension. In making a "good cause" finding, the Department shall consider the requirements set forth under OAR 690-315-0040(2).

Reasonable Diligence of the Appropriator [OAR 690-315-0040(2)(a)]

In order to make a finding of "good cause" to approve the extension, the Department shall consider whether the applicant has demonstrated "reasonable diligence" in previous performance under the permit. OAR 690-315-0040(2)(a). In determining "reasonable diligence", the Department shall consider, but is not limited to, the following factors: a) The amount of construction completed within the time allowed in the permit or previous extension; b) The amount of beneficial use made of the water during the permit or previous extension time limits; c) Water right holder conformance with the permit or previous extension conditions; and d) Financial investments made toward developing the beneficial use of water.

Amount of Construction [OAR 690-315-0040(3)(a)]

The amount of construction completed within the time allowed in the previous extension.²

12. Construction of Well 3 began prior to permit issuance.
13. During the most recent extension period, being from October 1, 2012, to October 1, 2017, BAKE 52250 (Well 11) was constructed.
14. Since October 1, 2017, construction began on Owner Well 702.WP3 (Well 12).

Based on FOF 12, 13, and 14, the Department has determined that work has been accomplished during the last extension period, which provides evidence of good cause and reasonable diligence towards the complete application of water to a beneficial use.

Compliance with Conditions [OAR 690-315-0040(3)(c)]

The water right permit holder's conformance with the permit and previous extension conditions.

15. The Department has considered the permit holder's compliance with conditions, and did not identify any concerns for Well 3 and Owner Well 271.WP1 (Well 4).

Based on FOF 15, the Department has determined that the permit holder has demonstrated compliance with permit conditions as required by Permit G-17766 for Well 3 and Well 4.

² "Actual Construction" is defined in OAR 690-315-0020(3)(d)(A) and (B) as physical work performed toward completion of the water system which demonstrates the water right permit holder's good faith and intention to complete the project with reasonable diligence. Actual construction does not include planning a diversion system, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, surveying, clearing land or planting crops.

16. The Department has considered the permit holder's compliance with conditions for BAKE 51875 (Well 5), Well 6, Well 7, Well 8, Well 9, Well 10, BAKE 52250 (Well 11), and Well 12, and has identified the following concern, the record does not show that a totalizing flow meter or other suitable measuring device has been installed.

Based on FOF 16, the Department has determined that the permit holder has not demonstrated compliance with the following permit condition for Well 5, Well 6, Well 7, Well 8, Well 9, Well 10, Well 11, Well 12:

- "Before water use may begin under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of appropriation."

The Department recognizes that it is the intent of the permit holder to comply with all permit conditions at the time the conditions become applicable.

In order to legally perfect the use of water under this permit, the permit holder must demonstrate that all conditions of the permit have been satisfied.

Beneficial Use of Water [OAR 690-315-0040(3)(b)]

The amount of beneficial use made of the water during the permit time limits or previous extension conditions.

17. A maximum combined rate of 0.44 cfs of water, being 0.22 cfs from Well 3 and 0.22 cfs from Well 4, has been appropriated for mining and industrial use.

Based on FOF 15 and 17, the Department has determined that beneficial use of water has been demonstrated from Well 3 and Well 4 under this permit as all permit conditions were satisfied by October 1, 2017.

18. No water has been appropriated from Well 5, Well 6, Well 7, Well 8, Well 9, Well 10, or Well 12, under Permit G-17766 as the wells are not constructed.
19. No water is currently being appropriated from Well 11 under Permit G-17766.
20. Delay of full beneficial use of water under Permit G-17766 was due, in part; to Well 5 not producing any water and an inability to locate a well constructor willing to reconstruct Well 11 so it may be used under the permit. The permit holder needs more time in which to continue construction of Well 12, and if needed, to gain approval of a permit amendment for additional points of appropriation, to obtain the full quantity of water allowed under the permit.

Based on FOF 16, 18, and 19, the Department has determined that beneficial use of water has not yet been demonstrated from Well 5, Well 6, Well 7, Well 8, Well 9, Well 10, Well 11, or Well 12, under Permit G-17766 as not all permit conditions were satisfied by October 1, 2017.

Financial Investments to Appropriate and Apply Water to a Beneficial Purpose [OAR 690-315-0040(2)(b),(3)(d),(4)(d)]

21. An investment of approximately \$181,970, which is approximately 76 percent of the total projected cost for complete development of this project. An additional \$58,000 investment is needed for the completion of this project.

Based on FOF 21, the Department has determined that the permit holder had made an investment, which provides evidence of good cause and reasonable diligence towards the complete application of water to a beneficial use.

Reasonable Diligence of the Appropriator [OAR 690-315-0040(2)(a)]

The Application provides evidence that work has been accomplished towards completion of the water system; the permit holder has demonstrated compliance with permit conditions for Well 3 and Well 4, a financial investment has been made, and; beneficial use of water has been demonstrated from Well 3 and Well 4. The Department has determined the applicant has demonstrated reasonable diligence in previous performance under Permit G-17766.

The Market and Present Demands for Water [OAR 690-315-0040(4)(a-f)]

The Department's determinations of market and present demand for water or power to be supplied shall consider the requirements set forth under OAR 690-315-0040(4)(a-f). In accordance with OAR 690-315-0040(4), the Department shall consider, but is not limited to, the following factors when determining the market and the present demand for water or power to be supplied:

- *(a) The amount of water available to satisfy other affected water rights and scenic waterway flows;*
- *(b) Special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d);*
- *(c) The habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife;*
- *(d) Economic investment in the project to date;*
- *(e) Other economic interests dependent on completion of the project; and*
- *(f) Other factors relevant to the determination of the market and present demands for water and power.*

OAR 690-315-0040(4)(a)

The amount of water available to satisfy other affected water rights and scenic waterway flows.

22. A review of the amount of water available to satisfy other affected water rights and scenic waterway flows was determined at the time of issuance of Permit G-17766; furthermore, water availability for other affected water rights and scenic waterway flows after the permit was issued is determined when an Application for a new water right is submitted.

OAR 690-315-0040(4)(b)

Special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d).

23. The points of appropriation for Permit G-17766, located within the Burnt River Basin, are not located within a limited or critical groundwater area.
24. Burnt River is not located within or above any state or federal scenic waterway.
25. The points of appropriation are not in an area listed by the Department of Environmental Quality as a water quality limited stream.

OAR 690-315-0040(4)(c)

The habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife.

26. Burnt River is located within an area ranked “moderate” for stream flow restoration needs as determined by the Department in consultation with the Oregon Department of Fish and Wildlife, and is located within a Sensitive, Threatened or Endangered Fish Species Area as identified by the Department in consultation with Oregon Department of Fish and Wildlife.

OAR 690-315-0040(4)(d)

Economic interests dependent on completion of the project.

27. An approximate total of \$181,970 has been invested in the project.

OAR 690-315-0040(4)(e)

Other economic interests dependent on completion of the project.

28. There are no other economic interests dependent on completion of the project identified.

OAR 690-315-0040(4)(f)

Other factors relevant to the determination of the market and present demand for water and power.

29. No other factors relevant to the determination of the market and present demand for water and power have been identified.

Fair Return Upon Investment [OAR 690-315-0040(2)(f)]

30. There is no direct income from the use of the water. The permit is to provide water for dust suppression as required by Oregon Department of Environmental Quality Title V Permit issued to the plant. Income from operation of the plant will likely result in a fair return on investment.

Other Governmental Requirements [OAR 690-315-0040(2)(g)]

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

Unforeseen Events [OAR 690-315-0040(2)(h)]

32. No unforeseen events were identified that contributed to the extended the length of time needed to fully develop and perfect Permit G-17766.

Denial of the Extension Will Result in Undue Hardship [OAR 690-315-0040(2)(h)]

33. A denial of the extension would not result in undue hardship.

Good Faith of the Appropriator [OAR 690-315-0040(2)(c)]

34. The Application provides evidence of good faith of the appropriator under Permit G-17766.

Based on FOF 10 through 15 and 17 and 21, the Department has determined that the applicant has shown good faith and reasonable diligence.

Duration of Extension [OAR 690-315-0040(1)(c)]

Under OAR 690-315-0040(1)(c), in order to approve an extension of time for water use permits the Department must find that the time requested is reasonable and the applicant can complete the project within the time requested.

35. As of November 27, 2017, the remaining work to be completed consists of completing construction of Well 12, and if necessary, applying for a permit amendment to add additional points of appropriation; meeting all permit conditions, which include installing a totalizing flow meter at each point of appropriation; and applying water to full beneficial use.

Given the amount of development left to occur, the Department has determined that the permit holder's request to have until October 1, 2023, to complete construction of the water system and to accomplish the application of water to beneficial use under the terms and conditions of Permit G-17766 is both reasonable and necessary.

Good Cause [OAR 690-315-0040(1)(d)]

The Department must find that there is "good cause" to approve the extension. In making a "good cause" finding, the Department shall consider the requirements set forth under OAR 690-315-0040(2).

The Department has considered the reasonable diligence and good faith of the appropriator, the cost to appropriate and apply water to a beneficial purpose, the market and present demands for water to be supplied, the financial investment made and fair and reasonable return upon the

investment, the requirements of other governmental agencies, and unforeseen events over which the permit holder had no control, whether denial of the extension will result in undue hardship to the applicant and whether there are no other reasonable alternatives for meeting water use needs, any other factors relevant to a determination of good cause, and has determined that the applicant has shown that good cause exists for an extension of time to complete construction and apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).

CONCLUSIONS OF LAW

1. The applicant has submitted a complete extension application form and the fee specified in ORS 536.050, as required by OAR 690-315-0040(1)(a).
2. The applicant has complied with the construction timeline requirements to begin construction as required by ORS 537.630, OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).
3. Based on Finding of Facts 10 through 34, completion of construction and full application of water to beneficial use can be accomplished by October 1, 2023, as required by OAR 690-315-0040(1)(c).
4. The applicant can complete the project within the time period requested for the extension on the project.
5. The applicant has demonstrated good cause for the extension.

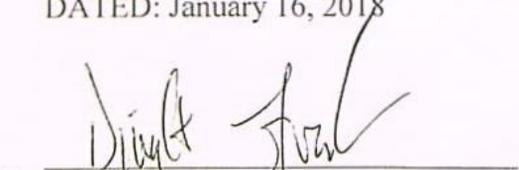
PROPOSED ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, the Department proposes to issue an order to:

Extend the time to complete construction of the water system under Permit G-17766 from October 1, 2017, to October 1, 2023.

Extend the time to apply water to beneficial use under Permit G-17766 from October 1, 2017, to October 1, 2023.

DATED: January 16, 2018


Dwight French, Administrator,
Water Right Services Division

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

Proposed Final Order Hearing Rights

1. Under the provisions of OAR 690-315-0100 and 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may submit a written protest to the proposed final order. The written protest must be received by the Water Resources Department no later than **March 2, 2018**, being 45 days from the date of publication of the proposed final order in the Department's weekly notice.
2. A written protest shall include:
 - a. The name, address and telephone number of the petitioner;
 - b. A description of the petitioner's interest in the proposed final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented;
 - c. A detailed description of how the action proposed in the proposed final order would adversely affect or aggrieve the petitioner's interest;
 - d. A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;
 - e. Any citation of legal authority supporting the petitioner, if known;
 - f. Proof of service of the protest upon the water right permit holder, if petitioner is other than the water right permit holder; and
 - g. The applicant or non-applicant protest fee required under ORS 536.050.
3. Within 60 days after the close of the period for requesting a contested case hearing, the Director shall:
 - a. Issue a final order on the extension request; or
 - b. Schedule a contested case hearing if a protest has been submitted, and:
 - 1) Upon review of the issues, the Director finds there are significant disputes related to the proposed agency action; or
 - 2) The applicant submits a written request for a contested case hearing within 30 days after the close of the period for submitting protests.

Notice Regarding Service Members: Active duty service members have a right to stay proceedings under the federal Service Members Civil Relief Act. 50 U.S.C. App. §§501-597b. You may contact the Oregon State Bar or the Oregon Military Department for more information. The toll-free telephone number for the Oregon State Bar is: 1 (800) 452-8260. The toll-free telephone number of the Oregon Military Department is: 1 (800) 452-7500. The Internet address for the United States Armed Forces Legal Assistance Legal Services Locator website is: <http://legalassistance.law.af.mil>

Extension PFO Checklist for Other than Muni or Quasi-Municipal

Water Use Permits

(OAR 690-315-0010 through OAR 690-315-0060)

Application: G-16790 Permit: G-17766 Permit Amendment? No Yes T- 10902 11808 12572 pending approved

Permit Holder's Name: Ash Grove Cement Co.

Permit Holder's Mailing Address: P.O. Box 287 DURKEE, OR 97905 Attn Norma Job, Env. Mgr.

email NORMA.JOB@ASHGROVE.COM

Phone Number: 541-877-2640

Agent/CWRE _____

Drainage Basin: 9 County: Baker Watermaster District: 8 Watermaster: _____
POWDER

G-16250 - Nov 29, 2007, 17306 - JAN. 15, 2015

Date Permit was issued: 17746-0917 Priority Date: FEB 5, 2007 Date of PN: DEC 12, 2017

Source: WELLS 3 (BAKE 2017 1474), 4, 5, 6, 7, 8, 9, 10, 11 & Peer Well 12 in BURNT RIVER BASIN

Use: MUN. WQ; IND USE

"Q": 0.66 CFS

Orig "A" Date: NA Orig "B" Date: 2012 Orig "C" Date: 2012

Extension request received: Nov 27, 2017 Last Authorized Date: 2017 "C" Date: 2017

Request Number (1, 2, 3...): 2 Proposed "B" Date: 2023 Proposed C Date: 2023

Conditions of Permit:

Condition Met?	Condition Not Met?	Permit Condition
✓		Begin construction:
well 3 & 4	well 5-12	totalizing flow meter at each POA (NEED ADDITIONAL WORK FOR EACH WELL)
✓		Dev. A PLAN to MON & REPORT impacts on SWL

Factors to consider in determining "Reasonable Diligence" [OAR 690-315-0040(3)]:

- Yes No
- Work was accomplished within the time allowed in the permit or previous extension
 - Water right permit holder conformed with the permit or previous extension conditions
 - Beneficial use made of the water during the permit or previous extension time limits

GW REVIEW: Y (N)
 MITIGATION REVIEW: Y (N)

- Permit holder has beneficially used 0.44 cfs/gpm/af of the total permitted quantity of water on NA acres

- Financial investments were made toward developing the beneficial water use.

- Amount Invested to date: \$ 181,970 Estimated Remaining Cost: \$ 58,000

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

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

Identify the closest surface water or localized water basin. _____

Ground Water Permits: Is the POA located...

Surface Water Permits: Is the POD located...

- | | | | |
|-------------------------------------|-------------------------------------|---|---|
| Yes | No | | |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | above a state scenic waterway? | Source: OWRD "Areas Above State Scenic Waterways" Map |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | within a stream segment designated as a federal wild and scenic river? | Source: www.rivers.gov/wildriverslist.html |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | within a critical or limited Ground Water Area? | Name of area _____ |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | within a sensitive, threatened or endangered species area | source: "/gisdata/dev/projects/salmon/div33map.aml" |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | in a waterbody listed on the DEQ Section 303(d) List of Water Quality Limited Areas? | Date added to list _____ |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | within an area ranking low / moderate / high/Highest (circle one) for stream flow restoration needs | Source: OWRD "Streamflow Restoration Maps (by region) |

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

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

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

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

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

5-year Progress Report Checkpoints (Years: _____)

Other: _____

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

- COBU Requirement - Surface/Ground Water - on or prior to July 9, 1987**
"For permits applied for or received on or before July 9, 1987, upon complete development of the permit, you must notify the Department that the work has been completed and either: (1) Hire a water right examiner certified under ORS 537.798 to conduct a survey, the original to be submitted as required by the Water Resources Department, for issuance of a water right certificate; or (2) Continue to appropriate water under the water right permit until the Water Resources Department conducts a survey and issues a water right certificate under ORS 537.250 or 537.625."
- COBU Requirement - Surface Water - post July 9, 1987**
"Pursuant to ORS 537.230(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use."
- COBU Requirement - Ground Water - post July 9, 1987**
"Pursuant to ORS 537.630(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use."

NOTES:

Extension "PFO" Dates
Mailing / Issuance Date: Jan-16-18 Protest Deadline Date: 3-2-2018 FO Issuance Date: _____

Reviewer's Name: [Signature] Date: 12-12-17



STRONG FOUNDATIONS. STRONG FUTURE.

November 20, 2017

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

RE: Water Right File Permit G-17766/Application G16790

To Whom It May Concern:

Please find enclosed our corrected permit extension request. We will provide a well log, etc if we are able to find water in the latest well we are currently drilling and can use it. That is the reason for the extension request.

If you have any questions, please feel free to contact me at 541-877-2640.

Thanks for your help in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Norma C. Job".

Norma C. Job
Environmental Manager
Ash Grove Cement Company – Durkee Plant

DIRECT 541-877-2605
FAX 541-877-2246

33060 SHIRTTAIL CREEK ROAD
PO BOX 287
DURKEE, OR 97905

ASHGROVE.COM

RECEIVED BY OWRD

NOV 27 2017

SALEM, OR

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



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

Criteria for a Permit Extension of Time

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

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

1) Construction has begun:

A. For Groundwater Permits

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

B. For Surface Water or Reservoir Permits

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

The Department will also confirm that:

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

If you have questions, please call the Department at (503)-986-0900 and ask to speak with a permit extension specialist.

Instructions are in Attachment A.

RECEIVED BY OWRD

NOV 27 2017

SALEM, OR

RECEIVED BY OWRD

NOV 13 2017

SALEM, OR

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

I, Ash Grove Cement Company

NAME OF PERMIT HOLDER [OAR 690-315-0020(1) and (3)(a)]

PO Box 287
 ADDRESS

Durkee
 CITY

OR
 STATE

97905
 ZIP

541-877-2640
 PHONE

norma.job@ashgrove.com
 E-MAIL ADDRESS

the permit holder of: Application Number G -16790
 Permit Number G- 17766
 [OAR 690-315-0020(3)(b)]

do hereby request that the time in which to:

- complete construction (of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water), which time now expires on **Month:10 Day: 1 Year: 2017** , be extended to October 1, 2022, [OAR 690-315-0020(3)(i)]
- N/A (Check this box if the permit does not specify a date by when construction must be completed.)

and/or the time in which to:

- apply water to full beneficial use under the terms and conditions of the permit, which time now expires on **Month:10 Day: 1 Year: 2018** , be extended to October 1, 2023. [OAR 690-315-0020(3)(i)]

I am the permit holder, or have written authorization from the permit holder (attached to this Application for Extension of Time), to apply for an extension of time under this permit. I understand that false or misleading statements in this extension application are grounds for OWRD to suspend processing of the request and/or reason to deny the extension.

<u>Terry Kerby</u> Signature	<u>10 Nov 17</u> Date	RECEIVED BY OWRD NOV 27 2017 SALEM, OR
<u>Terry Kerby</u> Printed Name	<u>Plant Manager</u> Title	

RECEIVED BY OWRD

NOV 13 2017

SALEM, OR

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

- This completed Application for Extension of Time.
- Statutory fee of \$575. On July 1, 2017 the fee will increase to \$670. Application received after 5:00 p.m. FRIDAY JUNE 30, 2017, without the correct fee of \$670.00 will be returned.
- Signature page (Second page of this Application for Extension of Time).
- All supporting documentation and/or evidence referenced in the Application for Extension of Time.

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

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

RECEIVED BY OWRD

NOV 27 2017

SALEM, OR



GENERAL TIPS:

- Permit holders of **municipal or quasi-municipal water use permits DO NOT use this form**. The correct form is APPLICATION FOR EXTENSION OF TIME FOR MUNICIPAL AND QUASI-MUNICIPAL WATER USE PERMITS, available at the following link:
http://www.oregon.gov/owrd/PUBS/docs/forms/fillable_muni_quasi_ext_app_form_2014.doc
- Request the reasonable amount of time necessary to fully complete construction of the water project and/or to fully use the permitted quantity of water under the terms and conditions of your permit. Should this request be approved, it will be OWRD's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.
- A separate APPLICATION FOR EXTENSION OF TIME must be submitted for each permit. OAR 690-315-0020(2).
- An instruction sheet, INSTRUCTIONS FOR COMPLETING AN APPLICATION FOR EXTENSION OF TIME FOR A WATER RIGHT PERMIT (Attachment A), provides details that will help you answer each item on the application. Permit extensions are evaluated under OAR Chapter 690, Division 315. These rules may be viewed at: http://arcweb.sos.state.or.us/pages/rules/oars_600/oar_690/690_315.html
- You may provide OWRD with any additional information or evidence that will aid us in making our decision. Please note that OWRD may require other information that is necessary to evaluate the application. OAR 690-315-0020(3)(n).
- After careful review of the Application for Extension of Time, you may contact OWRD at (503) 986-0900, to ask questions and request assistance from a Permit Extensions Specialist in the Water Rights Services Division.

RECEIVED BY OWRD

- An Application for an Extension of Time will be reviewed for completeness. OWRD will return any incomplete or deficient applications to the applicant. OAR 690-315-0040(1)(a).

Reference Materials Needed to Complete this Application:

- **The water right permit.** If needed, a copy of the water right permit can be downloaded from the Department's Website at <http://apps.wrd.state.or.us/apps/wr/wrinfo/> (using the link to the Water Rights Information System (WRIS). Or, a copy of the permit (or other documents) may be requested by water right application number from the Water Rights Division at 503-986-0900 (copy fees will apply).
- **Documentation which demonstrates compliance with permit conditions** (for example, well construction logs; static water level measurement reports; annual water use reports; ODFW fish screen certification; a plan to monitor the effect of water use on ground water aquifers utilized under the permit; etc.).

Questions to complete this application for an Extension of Time

Please see the instruction sheet to help you answer these items.

1. Beginning Construction within required deadlines. OAR 690-315-0020(3)(d)

For Groundwater Permits

Has construction of the point of appropriation (well) authorized under this permit begun?

Yes No

BAKE 1474 JP
6/13/79 12-14-17

Date construction began Month: 10 Day: 30 Year: 2017

Details of construction and attach documentation: The permit for the new location of the well was issued in May of 2017. The first well was drilled and came up dry in 2008. The permit was modified to include additional well locations. Funding was approved for 2012 to begin drilling the next well. In 2015, the request to modify the permit was finally issued with the condition that the well drilled did not meet the current well construction standards. In January 2017, we requested another permit modification for another new well location which was issued in May of 2017. The time to construct that well was not extended. We attempted to get a driller on site to drill the new well, but one was not able to arrive until October 26, 2017. The well drilled at this time is not showing much promise in producing water. They are still in the drilling process at this time.

For Surface/Reservoir Permit

Has construction of the water system begun? Yes No

RECEIVED BY OWRD RECEIVED BY OWRD

Date construction began Month: Day: Year:

NOV 27 2017 NOV 13 2017

Details of construction and attach documentation:

SALEM, OR SALEM, OR

OAR 690-315-0020(3)(A)(e)(A)

2a. Permits typically contain standard or special conditions that must be fully satisfied to lawfully develop and use permitted water. Review the permit subject to this extension to identify which of the conditions listed in the 2nd column are contained within it. Using the extra row labeled "other" to specify any other additional conditions specified in a final order approving a permit amendment or

prior extension of time. In the 1st column check the box for each condition (row) identified as relevant. In the 3rd column check "Yes" if you have completed or met the permit condition. Check "No" if the condition is not yet satisfied. In the 4th column, give the date when the condition was satisfied or will be satisfied. Attach any pertinent documentation. Note: a pump test condition does not need to be addressed here however; you must submit the results of the test to the Department for approval prior to certification.

CHART-A

Permit Conditions in this Permit		Have Completed or Met?	Date satisfied/ or will be satisfied
Checkbox	Ground water Check those included on this permit		
<input checked="" type="checkbox"/>	Installation of a meter/totalizing flow meter	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	When a producing well is completed. Installed on older well
<input checked="" type="checkbox"/>	Submittal of annual water usage report	<input type="checkbox"/> Yes <input type="checkbox"/> No	Water use is maintained but not submitted since not requested
<input checked="" type="checkbox"/>	Submittal of initial static water level measurement	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Since permit was issued with older wells
<input checked="" type="checkbox"/>	Submittal of annual static water level measurements in the month required	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Since permit was issued with older wells
<input checked="" type="checkbox"/>	Submittal of Seven consecutive static water level measurements in the month required	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Since permit was issued with older wells
<input type="checkbox"/>	Special well construction standards	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input checked="" type="checkbox"/>	Submittal of a monitoring plan	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	3/14/2010
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Surface Water or Reservoir			
<input type="checkbox"/>	Installation of a meter/ totalizing flow meter/ in-line meter	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation a staff gauge	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of a fish screen	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of a fish by-pass device	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of a fish passage	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of an outlet gate/pipe/ conduit	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of a letter from ODFW that fish screen, fish by-pass device, and or fish passage is not required	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submit as-built plans and specification	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of a letter from an engineer prior to storage	<input type="checkbox"/> Yes <input type="checkbox"/> No	RECEIVED BY OWRD
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	NOV 27 2017
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	

SALEM, OR

2b. If you have NOT complied with Permit conditions, explain the reasons why and indicate a date certain, when you will be in compliance.

RECEIVED BY OWRD

NOV 13 2017

[OAR 690-315-0020(3)(e)]

3. Provide evidence of physical work made toward completion of the water system, and of progress made toward making beneficial use of water within the permitted time period (CHART-B); and if applicable, within the time period of the most recent extension granted (CHART-C). CHART-B (below) must be completed for all Application for Extension of Time requests. *Use chronological order.* (this does NOT include planning, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, surveying, clearing land, or planting crops)

CHART-B

DATE	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List any work done before the permit was issued – eg. well drilled.</i>	COST*
DATE	WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED <i>and PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER</i> <i>List work/actions done during the permitted time period.</i>	COST*
11/29/2007	Date the permit was signed - find date above signature on last page of permit.	
8/1/2008	Drill Well #5 – came up dry. Constructed water infrastructure (tank and water lines)	\$113,000
12/19/2012	Drill Well #11 well waiting for permit extension and permit modification	\$11,970
10/1/13	Date the permit specified complete application of water to the use shall be made- all permits contain this date.	
DATE	WORK ACCOMPLISHED AFTER the date the permit specified complete application of water <i>COMPETE ONLY IF THIS IS YOUR 1st APPLICATION FOR AN EXTENSION OF TIME; List work done after the date specified in the permit for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
Total Cost for Chart-B		\$124,970.00

Move to Chart-C
12-5-17

12-5-17

* If exact cost is not known, you must provide your best estimate.

RECEIVED BY OWRD

NOV 27 2017

SALEM, OR

RECEIVED BY OWRD

NOV 13 2017

SALEM, OR

4. If this is not your 1st Application for Extension of Time request, fill out CHART-C below in addition to CHART-B above. Use chronological order.

CHART-C

DATE	WORK ACCOMPLISHED DURING THE LAST EXTENSION PERIOD <i>List all work done during the last authorized extension period.</i>	COST*
10/1/2012	"Extended From" date for complete application of water used in the 1 st (or the most recent) Application for Extension of Time.	
9/24/2013	Permit extension granted	
5/1/2014	Requested permit modification	-\$1,350
1/15/2015	Modification issued	
1/11/2017	Requested permit modification	-\$1,350
4/17/2017	Modification issued	
12/19/2012	- FROM CHART-B - s/p 12-5-17	
10/1/17	"Extended To" date for complete application of water resulting from the 1 st (or the most recent) Application for Extension of Time.	
DATE	WORK ACCOMPLISHED AFTER THE LAST EXTENSION PERIOD EXPIRED <i>List all work done after the last authorized date for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
10/31/17	Abandoned well drilled in 2012 and Drilled well #12- not very promising	\$33,000
	Redo well #12	\$25,000
11/2017	Request permit extension	\$670
Total Cost of Chart-C		\$60,370 57,000 12-5-17

Not work 12-5-17

Not work 12-5-17

* If exact cost is not known, you must provide your best estimate. [OAR 690-315-0020(3)(f)]

5. Cost of project to date: ~~\$185,340~~ 918,970 12-5-17
(The total combined cost from CHART-B and CHART-C) [OAR 690-315-0020(f)]

RECEIVED BY OWRD

NOV 27 2017

SALEM, OR

[OAR 690-315-0020(3)(e)(B)]

Provide evidence of the maximum rate (or duty, if applicable) of water diverted for beneficial use under this permit and/or prior extensions of time (if any) made to date.

TIP: Report the rate used to date. Unless full beneficial use has been made, this rate will be less than the rate authorized on the permit. See attachment

RECEIVED BY OWRD

NOV 13 2017

SALEM, OR

6. For Surface Water Permit Extensions (e.g. S-XXXX or R-XXXX):

TIP: Report the rate in the same units of measurement as specified in the permit.

Maximum rate used to date = _____ cfs (cubic feet per second) or,

Maximum rate used to date = _____ gpm (gallons per minute) or,

Acre-feet stored to date = _____ AF

7. For Ground Water Permit Extensions (e.g. G-XXXX):

TIP: Include information from ALL wells that pertain to this permit, including drilled wells not currently used.

CHART-D

Well # as identified on Permit	Water User's Well #	Has this well been drilled?	IF DRILLED					
			Well Log Number e.g. MORR 50473	Well Tag Number e.g. # 27566 or N/A	Is the actual drilled location authorized on this permit or on a permit amendment?	Maximum instantaneous rate used to date from this well -- under this permit only (CFS or GPM)	Is this well authorized or utilized under any OTHER water rights?	If yes, provide the Permit, Certificate, or Transfer No.
Well #3	702.WP1	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Bake 1474	NA	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	0.22 cfs	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	-
Well #4	271.WP1	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	NA	NA	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	0.22 cfs	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	-
Well #12	702.WP3	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	NA	NA	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	0.22 cfs	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	-
well #5	DRY HOLE	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	-
well #6		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	-
well #7		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	-
well #8		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	-
well #9		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	-
Total instantaneous rate from all wells utilized under this permit						0.66 cfs		

well #10 NO
well #11 Abandoned

8. Has a Permit Amendment Application been filed? Yes No
If yes, identify Transfer No. T- _____

Has the Permit Amendment been approved? Yes No
If yes, on what date was the Permit Amendment approved? _____

RECEIVED BY OWRD

NOV 27 2017

SALEM, OR

RECEIVED BY OWRD

NOV 13 2017

SALEM, OR

[OAR 690-315-0020(3)(e)(C)]

9. **For Irrigation and Nursery Use Permits Extensions**

Provide the total number of acres irrigated to date under this permit.

a) Total acres irrigated to date: _____

b) List by year, the number of acres irrigated each year since permit issuance.

Year	Acres	Year	Acres	Year	Acres

c) Provide a copy of the application map identifying the acres irrigated.

d) Please specify the number of acres irrigated by each Point of Diversion/Point of Appropriation (POD/POA).

(POD/POA)# _____ Acres _____

(POD/POA) # _____ Acres _____

RECEIVED BY OWRD

(POD/POA) # _____ Acres _____

(POD/POA) # _____ Acres _____

NOV 27 2017

[OAR 690-315-0020(3)(i)(j)]

10. In the chart below provide a summary of your future plans and schedule to complete the construction of the water system, and/or apply water to full beneficial use under the terms and conditions of the permit.

SALEM, OR

CHART-E

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
2017-2020	Find water in the quarry with the new well #12	\$58,000
Year: 2022	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
Total Cost		\$58,000

[OAR 690-315-0020(3)(g)]

11. Estimated remaining cost to complete the project: \$58,000

(The total cost from CHART-E)

[OAR 690-315-0020(3)(j)]

RECEIVED BY OWRD

NOV 13 2017

12. Provide a summary of your plan to complete construction, meeting all permit conditions and apply the water to beneficial use: (List all tasks or steps needed to complete the project, the date when each task will be completed, and the cost associated with each task; attach additional pages if necessary.) Drill a well that will supply water. Once water is located again, then the rest of the permit requirements can be completed by perfecting the permit at that time.

[OAR 690-315-0020(3)(k)]

13. **Justify the time requested to complete the project and/or apply the water to full beneficial use.** (Include any other information or evidence to establish that the requested amount of time is sufficient and that you will be able to complete the project within the amount of time requested.)

I started with less time, but when they started drilling Well #12, it hasn't been very promising in supplying any water. Therefore, we may have to once again look elsewhere to find a source of water.

[OAR 690-315--0020(3)(l)]

14a. Will a denial of the extension result in undue hardship? (Describe the hardship and the effects.) _____

14b. Are there any other reasonable alternatives that exist for meeting your water use needs? (Explain in detail) We need water to provide dust suppression for conditions identified in the Title V permit. We are currently using the wells in the plant to supply water, but that is additional time to drive down to the plant and then return to the quarry before application can occur.

RECEIVED BY OWRD

NOV 27 2017

SALEM, OR

RECEIVED BY OWRD

NOV 13 2017

SALEM, OR

[OAR 690-315-0020(3)(h)]

15. Was the delay in the timely completion of this water development project and/or timely application of water to full beneficial use caused by any additional government requirements, other than the conditions contained within the permit, which significantly delayed the completion and perfection of this right? (Explain in detail, including how much time did this delay the project; list dates.) Well #11 was deemed to not meet the well construction standards two and a half years after it was constructed when the permit modifications was issued. It took time to locate a well driller that was willing to look at the well to determine if they wanted to redrill it. None were willing. Therefore, another permit modification was submitted to drill another well.

[OAR 690-315-0020(3)(h)]

16. Describe any unforeseen events which contributed to the delay of completion of this project that you had no control over. (Explain in detail what the unforeseen events were and how much time was spent addressing the unforeseen events.) The well not meeting well construction standards two and a half years later and then the time to find someone to fix the problem.

[OAR 690-315-0020(3)(h)]

17. Describe an additional reasons why the construction was not completed, and/or water was not beneficially used within permit time limits. (Provide supporting information for the reason(s) that best fits your circumstances.)

RECEIVED BY OWRD

NOV 27 2017

[OAR 690-315-0020(3)(m)(n)]

18. Provide any other information you wish OWRD to consider while evaluating your **SALEM, OR** Application for Extension of Time.

[OAR 690-315-0040(2)(f)]

19. Will the income or use of the water project provide a fair and reasonable return on your investment? (Explain in detail) There is no income that will be obtained from the use of this water. It is to supply water for dust suppression requirements identified in the Title V permit issued by ODEQ to the plant.

[OAR 690-315-0040(4)(d)]

20. Describe in detail if there are other economic interest, beyond those of the permit holder, which are dependent upon the completion of this project. (Who will be effected and how?) There is no use for the water other than the permit holder.

RECEIVED BY OWRD

NOV 13 2017

SALEM, OR

Question #5 attachment

Date

Well #3
702.WP1

	gallons	water used per month	Meter reading hours	days between readings	water usage per day
1/12/2016	42100	3102	2557.4	15	206.8
2/4/2016	43053.9	954	2562.7	23	41.47391
2/9/2016	44246.5	1193	2563	5	238.52
3/1/2016	45715.6	1469	2564.4	21	69.95714
3/16/2016	46364.4	649	2565	15	43.25333
3/24/2016	46870.9	507	2565	8	63.3125
3/30/2016	47287.3	416	2565.9	6	69.4
4/16/2016	48729.9	1443	2567	17	84.85882
5/11/2016	50848.9	2119	2568.8	25	84.76
6/16/2016	53555.4	2707	2572.4	36	75.18056
6/22/2016	55696.3	2141	2572.7	6	356.8167
6/27/2016	56170.7	474	2573.2	5	94.88
7/20/2016	57620.3	1450	2575	23	63.02609
9/13/2016	64045.7	6425	2580	55	116.8255
10/11/2016	66748.4	2703	2582	28	96.525
11/22/2016	70174.2	3426	2584	42	81.56667
12/13/2016	71096.2	922	2585	21	43.90476
1/17/2017	71375.9	280	2585	35	7.991429
2/15/2017	71375.9	0	2585.2	29	0
3/16/2017	75711.5	4336	2589	29	149.5034
3/23/2017	76402.3	691	2590	7	98.68571
4/9/2017	77191.4	789	2591	17	46.41765
5/9/2017	78536.5	1345	2593	30	44.83667
6/15/2017	127129.6	48593	2627.7	37	1313.327
6/29/2017	128440.5	1311	2629.1	14	93.63571
7/13/2017	131225.8	2785	2631.8	14	198.95
8/10/2017	134000.5	2775	2634	28	99.09643
8/15/2017	134278.4	278	2634	5	55.58
9/13/2017	137280.1	3002	2636.6	29	103.5069
10/12/2017	140889	3609	2638.8	29	124.4448

RECEIVED BY OWRD

NOV 27 2017

SALEM, OR

RECEIVED BY OWRD

NOV 13 2017

SALEM, OR

PIERCEALL Jeffrey D * WRD

From: Norma Job <norma.job@ashgrove.com>
Sent: Tuesday, December 12, 2017 3:06 PM
To: PIERCEALL Jeffrey D * WRD
Subject: Re: additional information for extension of time for Permit G-17766
Attachments: Well inventory 2017 EXT.docx

Well #12 was started by Marcel (sp?) Well Drilling

Please let me know if there are any other questions regarding this application.

Thanks

Norma Job
Environmental Manager

Ash Grove Cement Company
33060 Shirttail Creek Road
PO Box 287
Durkee, Oregon 97905

DIRECT 541-877-2640 | **MOBILE** 541-212-5876
[website](#) + [linked in](#) + [twitter](#)

RECEIVED

DEC 12 2017

OWRD



From: PIERCEALL Jeffrey D * WRD <Jeffrey.D.Pierceall@oregon.gov>
Sent: Monday, December 11, 2017 12:43:33 PM
To: Norma Job
Subject: additional information for extension of time for Permit G-17766

Norma,
The Department has received the Application for Extension of Time for Permit G-17766. In reviewing the Application, it has become evident that additional information is necessary in order for the Department to make determinations on the request. Due to the number of wells authorized and the number of amendments approved for this permit, information on each well will need to be provided and confirmed. I have attached a well inventory that I was able to put together based on the Application and the previous permit amendments. The inventory is incomplete, as I am unable to locate information to fully answer my questions. Please complete the attached inventory and return it so I may continue to evaluate the Application for Extension of Time. Please pay specific attention to the columns pertaining to the rates used

and the meter installation. Please complete the attachment for EACH WELL authorized and confirm the information is correct.

Thank you,

Jeffrey D. Pierceall
Extension and Adjudication Specialist
Oregon Water Resources Department
503-986-0802
Jeffrey.D.Pierceall@oregon.gov

RECEIVED
DEC 18 2017
OWRD

Well # as identified on Permit	Water User's Well #	Has this well been drilled?	IF DRILLED					Well Currently in use under this permit	Comments
			Well Log Number or Startcard Number	Date Drilled or Date Started	Has a meter been installed on this well?	Maximum instantaneous rate used to date from this well - - under <u>this permit</u> only (CFS)			
Well 3	702.WP1	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	BAKE 1474	6/13/79	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	0.22	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
Well 4	271.WP1	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	No log or startcard	Prior to permit	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	0.22	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	No well log available. Downhole video log in LL-1024.	
Well 5		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	BAKE 51875	5/15/08	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	0.0	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Dry hole	
Well 6		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	0.0	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Well 7		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	0.0	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Well 8		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	0.0	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Well 9		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	0.0	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Well 10		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	0.0	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Well 11	abandoned	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	BAKE 52250	12/19/12	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	0	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	T-12572 required this well to be reconstructed to be continuously cased and sealed to a depth of 60' bls	
Well 12	702.WP3	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	1036876	11/2017	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	0	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	We have not found water at this time still determining if we want to continue to drill.	
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>		

RECEIVED

DEC 12 2017

OWRD

6. Permit Amendment Application T-11808 proposes an additional point of appropriation approximately 658 feet (0.1 mile) to 2612 feet (0.5 mile) from the existing points of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
12 S	43 E	WM	11	SE SW	PROPOSED WELL 12: 1380 FEET NORTH AND 1690 FEET EAST FROM THE SW CORNER OF SECTION 11

Permit Amendment Review Criteria

7. The change would not result in injury to other water rights.
8. The change does not enlarge the permit.
9. The change does not alter any other terms of the permit.

RECEIVED BY OWRD

NOV 13 2017

SALEM, OR

Conclusions of Law

The additional point of appropriation proposed by Permit Amendment Application T-12572 is consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

1. The additional point of appropriation proposed by Permit Amendment Application T-12572 is approved.
2. Permit G-17666, in the name of Ash Grove Cement Co., is issued to replace Permit G-17306 and incorporates the amendments approved by this order and the extension of time. Permit G-17306, in the name of ASH GROVE CEMENT CO., is no longer of any force or effect.
3. The combined quantity of water diverted at the new point of appropriation, together with that diverted at the old points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation (0.66 cfs total, being 0.22 cfs per well).
4. Measurement, recording and reporting conditions:
 - A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of appropriation. The permittee shall maintain the meter or measuring device in good working order.
 - B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
 - C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used, and may require the permittee to report water use

RECEIVED BY OWRD

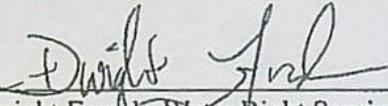
NOV 27 2017

SALEM, OR

on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water-use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

5. All other terms and conditions of Permit G-17766 remain the same.

Dated at Salem, Oregon this 17 day of April, 2017.



Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

Mailing Date: APR 26 2017

RECEIVED BY OWRD

NOV 27 2017

SALEM, OR

RECEIVED BY OWRD

NOV 13 2017

SALEM, OR

STATE OF OREGON

COUNTY OF BAKER

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

ASH GROVE CEMENT CO.
PO BOX 287
DURKEE, OR 97905

This superseding permit is issued to describe an amendment for an additional point of appropriation proposed under Permit Amendment Application T-12572 and approved by Special Order Vol. 104, Page 645, entered APR 17 2017, and to describe an extension of time for complete application of water approved March 21, 2014. This permit supersedes Permit G-17306.

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

APPLICATION FILE NUMBER: G-16790

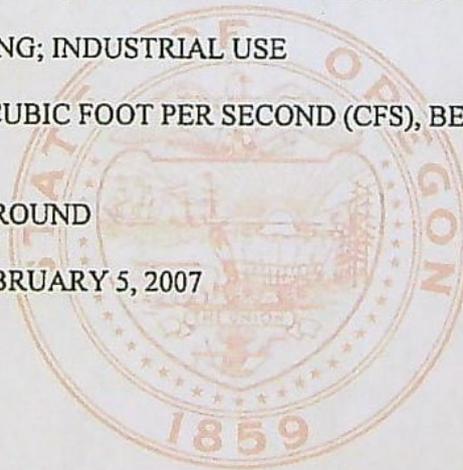
SOURCE OF WATER: WELL 3 (BAKE 1474), WELL 4, WELL 5, WELL 6, WELL 7, WELL 8, WELL 9, WELL 10, WELL 11, AND PROPOSED WELL 12 IN BURNT RIVER BASIN

PURPOSE OR USE: MINING; INDUSTRIAL USE

MAXIMUM RATE: 0.66 CUBIC FOOT PER SECOND (CFS), BEING 0.22 CFS FROM EACH WELL

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: FEBRUARY 5, 2007



RECEIVED BY OWRD RECEIVED BY OWRD

NOV 27 2017

NOV 13 2017

SALEM, OR

SALEM, OR

MINING AND INDUSTRIAL USE				
Twp	Rng	Mer	Sec	Q-Q
12 S	43 E	WM	11	SE SW
12 S	43 E	WM	11	NW SE
12 S	43 E	WM	11	SW SE
12 S	43 E	WM	14	NW NW
12 S	43 E	WM	15	NE NE
12 S	43 E	WM	15	NW NE
12 S	43 E	WM	15	NE NW
12 S	43 E	WM	15	NW NW
12 S	43 E	WM	16	NE NE
12 S	43 E	WM	16	NW NE
12 S	43 E	WM	16	SW NE
12 S	43 E	WM	16	SE NE

NOV 27 2017

SALEM, OR

RECEIVED BY OWRD

NOV 13 2017

SALEM, OR

Permit Amendment T-12572 Conditions:

The combined quantity of water diverted at the new point of appropriation, together with that diverted at the old points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation (0.66 cfs total, being 0.22 cfs per well).

Water shall be acquired from the same aquifer as the original points of appropriation.

Existing Conditions:Measurement, recording and reporting conditions:

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

The water user shall develop a plan to monitor and report the impact of water use under this on water levels within the aquifer that provides water to the permitted wells. The plan shall be

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
12 S	43 E	WM	15	NE NE	WELL 3: 130 FEET SOUTH AND 430 FEET WEST FROM THE NE CORNER OF SECTION 15
12 S	43 E	WM	11	NW SW	WELL 4: 1650 FEET NORTH AND 660 FEET EAST FROM THE SW CORNER OF SECTION 11
12 S	43 E	WM	10	SE SE	WELL 5: 400 FEET NORTH AND 275 FEET WEST FROM THE SE CORNER OF SECTION 10
12 S	43 E	WM	11	NW SW	WELL 6: 2006 FEET NORTH AND 1295 FEET EAST FROM THE SW CORNER OF SECTION 11
12 S	43 E	WM	11	NE SW	WELL 7: 1926 FEET NORTH AND 1338 FEET EAST FROM THE SW CORNER OF SECTION 11
12 S	43 E	WM	11	NE SW	WELL 8: 2094 FEET NORTH AND 1251 FEET EAST FROM THE SW CORNER OF SECTION 11
12 S	43 E	WM	10	SE SE	WELL 9: 243 FEET NORTH AND 316 FEET WEST FROM THE SE CORNER OF SECTION 10
12 S	43 E	WM	15	NE NE	WELL 10: 657 FEET SOUTH AND 303 FEET WEST FROM THE NE CORNER OF SECTION 15
12 S	43 E	WM	11	SE SW	WELL 11: 1380 FEET NORTH AND 1670 FEET EAST FROM THE SW CORNER OF SECTION 11
12 S	43 E	WM	11	SE SW	PROPOSED WELL 12: 1380 FEET NORTH AND 1690 FEET EAST FROM THE SW CORNER OF SECTION 11

Authorized Place of Use:

MINING AND INDUSTRIAL USE				
Twp	Rng	Mer	Sec	Q-Q
12 S	43 E	WM	10	NE NE
12 S	43 E	WM	10	NW NE
12 S	43 E	WM	10	SW NE
12 S	43 E	WM	10	SE NE
12 S	43 E	WM	10	SE NW
12 S	43 E	WM	10	NE SW
12 S	43 E	WM	10	NW SW
12 S	43 E	WM	10	SW SW
12 S	43 E	WM	10	SE SW
12 S	43 E	WM	10	NE SE
12 S	43 E	WM	10	NW SE
12 S	43 E	WM	10	SW SE
12 S	43 E	WM	10	SE SE
12 S	43 E	WM	11	NE NW
12 S	43 E	WM	11	NW NW
12 S	43 E	WM	11	SW NW
12 S	43 E	WM	11	SE NW
12 S	43 E	WM	11	NE SW
12 S	43 E	WM	11	NW SW
12 S	43 E	WM	11	SW SW

RECEIVED BY OWRD

NOV 27 2017

SALEM, OR

RECEIVED BY OWRD

NOV 13 2017

SALEM, OR

submitted to the Department within one year of the date the permit is issued and shall be subject to the approval of the Department. At a minimum, the plan shall include a program to periodically measure static water levels within the permitted wells or an adequate substitute such as water levels in nearby wells. The plan shall also stipulate a reference water level against which any water-level declines will be compared. If a well listed on this permit (or replacement well) has a total static water-level decline of 25 or more feet over any period of years, as compared to the reference level, then the water user shall discontinue use of, or reduce the rate or volume of withdrawal from the wells. Such action shall be taken until the water level recovers to above the 25-foot decline level or until the Department determines, based on the water user's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit.

STANDARD CONDITIONS

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 not be valid, 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 wells shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

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

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 the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

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

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

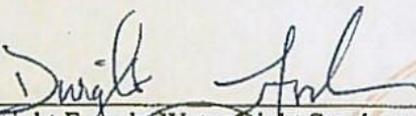
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

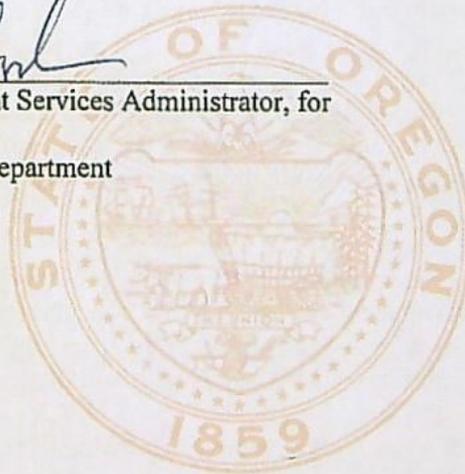
The use of water shall be limited when it interferes with any prior surface or ground water rights.

Completion of construction and complete application of the water to the use shall be made on or before October 1, 2012. By Extension of Time Final Order issued March 21, 2014 the completion of construction and complete application of the water the use was extended to October 1, 2017. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

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

Issued April 17, 2017


Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department



RECEIVED BY OWRD

NOV 27 2017

SALEM, OR

RECEIVED BY OWRD

NOV 13 2017

SALEM, OR



Oregon

Kate Brown, Governor

Water Resources Department
North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone (503) 986-0900
Fax (503) 986-0904
www.wrd.state.or.us

April 24, 2017

ASH GROVE CEMENT CO.
PO BOX 287
DURKEE, OR 97905

MAY 1 2017

REFERENCE: Permit Amendment Application T-12572

Enclosed is a copy of the order approving your Permit Amendment application.

Also enclosed is a superseding permit that incorporates the amendments approved by the final order contained herein. Please read this document and abide by the requirements.

If you have any questions related to the approval of this permit amendment, you may contact your caseworker, Duff Martin, by telephone at (503) 986-0827 or by e-mail at Duff.A.Martin@oregon.gov.

Sincerely,

Marissa Andrews
Water Rights Services Support

cc: Rick M. Lusk, Watermaster Dist. # 8 (via email)
Landowners (other or receiving)

Enclosure

RECEIVED BY OWRD

NOV 27 2017

SALEM, OR

RECEIVED BY OWRD

NOV 13 2017

SALEM, OR



**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Permit Amendment)
T-12572 issued with Special Order) CORRECTING FINAL ORDER
Volume 104, Page 645)

Authority

Oregon Revised Statute (ORS) 537.211 establishes the process in which a water right permit holder may submit a request to change the point of appropriation and/or place of use authorized under an existing water right permit.

Applicant

ASH GROVE CEMENT CO.
PO BOX 287
DURKEE, OR 97905

Findings of Fact

1. April 17, 2017, the Department issued an order approving Permit Amendment Application T-12572, recorded at Special Order 104, Page 645-647. Permit G-17766 was issued to describe the changes approve under T-12572.
2. The Final Order contained a scrivener's error in Condition #2 which reads: Permit G-17666
3. The correcting language describing the permit number is: Permit G-17766

Now, therefore, it is ORDERED:

1. Permit G-17766, in the name of Ash Grove Cement Co., is issued to replace Permit G-17306 and incorporates the amendments approved by this order and the extension of time. Permit G-17306, in the name of ASH GROVE CEMENT CO., is no longer of any force or effect.

RECEIVED BY OWRD

RECEIVED BY OWRD

NOV 27 2017

NOV 13 2017

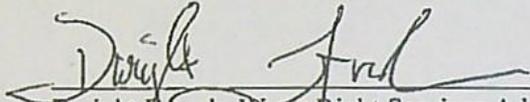
SALEM, OR

SALEM, OR

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 and OAR 690-01-0005 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.

2. All other terms and conditions of Permit G-17766 remain the same.

Dated at Salem, Oregon this 3 day of May, 2017.


Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

Mailing Date: MAY 05 2017

RECEIVED BY OWRD

NOV 27 2017

SALEM, OR

RECEIVED BY OWRD

NOV 13 2017

SALEM, OR



Oregon

Kate Brown, Governor

Water Resources Department
North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone (503) 986-0900
Fax (503) 986-0904
www.wrd.state.or.us

May 4, 2017

ASH GROVE CEMENT CO.
PO BOX 287
DURKEE, OR 97905

Reference: Correcting Final Order

Enclosed is a correcting final order recorded in VOLUME 104, PG. 792, issued to correct a scrivener's error in the order recorded in VOLUME 104, PG. 645. The enclosed final order has been amended to reflect the scrivener's error. Please keep this document with the final order in VOLUME 104, PG. 645 as additional information.

If you have any questions please contact your caseworker, Duff Martin, by telephone at (503) 986-0827 or by e-mail at Duff.A.Martin@oregon.gov.

Sincerely,

Marissa Andrews
Water Right Support

cc: Watermaster Dist. #8 (via email)

Enclosures

RECEIVED BY OWRD

NOV 27 2017

SALEM, OR

RECEIVED BY OWRD

NOV 13 2017

SALEM, OR





**Oregon Water Resources Department
Attribute Report**

Report Date: Nov 14, 2017

General:

TRSQQ:	WM12.00S43.00E11NWSW WM12.00S43.00E11NESW WM12.00S43.00E11NWSE WM12.00S43.00E11SESW WM12.00S43.00E11SWSE WM12.00S43.00E11SWSW
DLC:	-
Latitude:	44.5346629250
Longitude:	-117.4189835081
Buffer (ft):	1000
Elevation (ft):	2786
Basin Name:	Powder
Basin Plan:	-Powder
County:	Baker
WM District:	8
WM Region:	EASTERN
ODFW Region, District:	Northeast Region, La Grande District
Irrigation District AOI:	-
Irrigation District, Other:	-
Dams (Permit):	-
Water Rights:	Platcard for WM12.00S43.00E11 Platcard for WM12.00S43.00E11
Well Logs:	Logs for WM12.00S43.00E11 Logs for WM12.00S43.00E11

Rules:

Withdrawn Authority:	-
Groundwater Retriected:	-
GW Retriected Subunit:	-
GW ODEQ Management Area:	-
GW Umatilla Muni Wells (5mile):	-
Rule 4D:	-
Division 33 (Area, Watershed, species):	UPPER COLUMBIA, <i>Burnt River</i> , Redband Trout
Irrigation Season of Use:	Burnt River Adj. Status: Adjudicated Subarea: undefined Irr. Season: Apr 1 to Oct 1 Duty: 3 Rate: 1/20 (10 ac. or less); 1/40 (> 10 ac.)
Water Quality Limited Pollutant 2012:	-
Fish Habitat 2014:	-
Is in Deschutes Study Area:	-
Deschutes Zone Impact:	-

Deschutes Zone Overlay:	-
Scenic Water Way:	-

Hydrography:

OWRD Streamcode:	09274047400750 - Unn Str
Waterbody Name:	-
HUC 10:	1705020208
HUC Watershed:	Dixie Creek-Burnt River
WAB Wshed Order:	1
WAB Analysis:	<u>BURNT R > SNAKE R - AT MOUTH</u>
Streamflow:	OWRD Opportunities: Poor ODFW Needs: Moderate Combined Priority: Not a priority
Gaging Station Data:	-

Sources:

General

Oregon Public Land Survey Quarter-quarters. Bureau of Land Management, Oregon Water Resources Department. n.d. 1:24,000.

Donated Land Claims. Oregon Water Resources Department. January 1, 1995. 1:100,000.

Elevation. ESRI World Elevation. February 2000. 1:121,000.

OWRD Administrative Basins. Oregon Water Resources Department. January 1, 1995.

Oregon Counties. Bureau of Land Management (BLM), Oregon State Office. January 1, 2008.

OWRD Watermaster Districts. Oregon Water Resources Department. March 31, 2014.

OWRD Regions. Oregon Water Resources Department. January 1, 1995.

ODFW Districts and Regions. Oregon Department of Fish and Wildlife. August 28, 2012.

Water Organizations Oregon Water Resources Department. April 1, 2013. 1:24,000.

Large Dams Inventory. Oregon Water Resources Department. August 12, 2014. 1:24,000.

Rules

Withdrawn Authority Areas. Oregon Water Resources Commission. January 1, 2007.

OWRD Groundwater Restricted Areas. Oregon Water Resources Department. October 5, 2016.

OWRD Groundwater Restricted Areas - Subunits. Oregon Water Resources Department. April 1, 2009.

ODEQ Groundwater Management Areas (GWMAs). Oregon Department of Environmental Quality. April 21, 2008.

Groundwater Umatilla Municipal Wells 5-mile buffer. Oregon Water Resources Department. June 28, 2012.

National Marine Fisheries Service (NMFS) 4(d) Rule. National Marine Fisheries Service. January 1, 2007.

OAR Chapter 690, Division 33 - HUC 10 . Oregon Department of Fish & Wildlife. January 1, 2003.

Irrigation Season of Use. Oregon Water Resources Department, 2017. March 24, 2017.

Oregon Water Quality Assessment 2012. This data set was assembled by the Oregon Department of Environmental Quality, Water Quality Division, Standards and Assessments Section. December 4, 2014. 1:2,500,000.

Oregon Fish Habitat 2014. Oregon Department of Fish and Wildlife. Numerous fisheries biologists from ODFW as well as other natural resource agencies and tribes have contributed toward the development of these data. Data originator names are attributed at the feature level. n.d. 1:24,000.

Deschutes USGS Groundwater Study Area. Water Resources Commission, U.S. Geological Survey (USGS) Water Resources Division (Portland, OR), Oregon Water Resources Department. January 1, 2001. 1:100,000.

Deschutes Zones of Impact. Oregon Water Resources Department. October 25, 2007.

Deschutes Zones Overlay. Oregon Water Resources Department. October 25, 2007.

Oregon State Scenic Waterway areas. Oregon Water Resources Department, Oregon Parks and Recreation Department. January 1, 2007.

Hydrography

Routed OWRD Streamcodes (conflated to the NHD). Oregon Water Resources Dept.. August 11, 2014.

OWRD Lake Streamcodes (conflated to the NHD). Oregon Water Resources Dept.. August 7, 2015.

Watershed Boundary Dataset (WBD), 10-digit (watershed). Pacific Northwest Hydrography Framework, U.S. Geological Survey (USGS), National Resources Conservation Service (NRCS).. June 11, 2014. 1:24,000.

Water Availability Basins. Oregon Water Resources Department.. n.d. 1:100,000.

Priority Watersheds for Streamflow Restoration. Oregon Water Resources Dept. and the Oregon Dept. of Fish & Wildlife.. January 15, 2004.

Stream Gage Stations. Oregon Water Resources Department and US Geological Survey. n.d.

[close](#)

[Print Report](#)



Oregon
Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

December 11, 2017

REFERENCE: Application for Extension of Time

Dear Extension of Time Applicant:

The Water Right Services Division has received your application for an extension of time for **APPLICATION FILE #: G-16790 (Permit G-17766)**. Your application will be reviewed in the future. Following the review, you will receive a Proposed Final Order either approving or rejecting the extension of time request. A 45-day protest period begins upon issuance of the Proposed Final Order. After the protest period closes, a Final Order is issued.

You may continue the use of water under your water right until the Water Resources Department formally takes action on your extension application. If your permit includes conditions, water use reporting, water level measurement reporting, etc., you are required to comply with the conditions.

Any additional development that occurs after the expired completion date, identified on the permit or an extension order, can only be claimed upon an approved extension application.

If you have questions concerning your extension of time application, please contact Jeffrey Pierceall at (503) 986-0802. For general information about the Water Resources Department, you may contact the Water Resources' Customer Service Group at (503) 986-0801 or you may access the Department's website at: www.wrd.state.or.us.

Application: 16790

Permit: G 17766

Public Notice Route Slip ... New Application Extension of Time
per Division 315 Rules... (Extensions received on July 1, 2001 or after)

Applicant/Permit

Holder(s)

Ash Grove Cement Co. ✓

33060 Shurttail Creek Rd.

Durkee OR 97905

WRIG...Money Received on: 11-27-17

Extension Specialist ...

Added to tracking spreadsheet

After fee is receipted and app is added to spreadsheet, route to...

Stacy Phillips...

Recent Assignment (Check WRIS for Update)

Publish on Public Notice (initial 30-day comment): Date of notice 12-12-17

Update WRIS Database

In the "PNotice Date" field... Enter the date the Extension Application was published on the Public Notice.

In the "Ext Filed" field... Enter the date the Extension Application was received.

Yes or No: Return file to Extension Specialist after PN JEFFREY

NOTES:



Oregon

Kate Brown, Governor

Water Resources Department

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

November 15, 2017

Ash Grove Cement Company
ATTN: Norma C. Job
PO Box 287
Durkee, OR 97905

Reference: Application G-16790, Permit G-17766

Dear Norma,

The Department received an Application for Extension of Time on November 13, 2017, requesting to extend the date to apply water to full beneficial use under the terms and conditions of the permit to October 1, 2022.

Upon reviewing the application, the Department has considered the application incomplete.

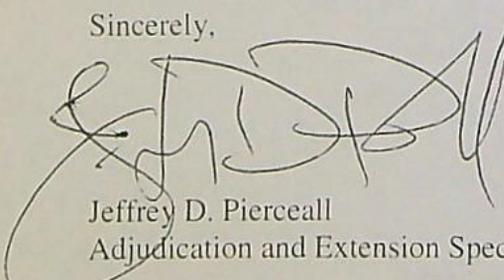
The Application was determined incomplete due to the following items:

- 1) **Signature** (page 2 of 12) – Please complete the signature block to include the printed name of the individual signing and their title within the organization.
- 2) **Item 7: Chart-D** (page 8 of 12) – Permit G-17766 authorizes the use of water from ten wells, being Well 3 (BAKE 1474), Well 4, Well 5, Well 6, Well 7, Well 8, Well 9, Well 10, Well 11, and Proposed Well 12. Please complete Chart-D to include each well listed on the permit. For well that have been constructed, include the Well Log and/or Well tag ID information and the maximum rate of water from the wells used to date. Additionally, due to the number of wells listed on this permit, please identify if meters have been installed by well.

This review is based only on the completeness of your application(s). Any determination of water availability, compliance with basin plan rules, or any other water related issues has not been made.

If you have any other questions please contact me at 503-986-0802.

Sincerely,



Jeffrey D. Pierceall
Adjudication and Extension Specialist

**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 # **125288**

INVOICE # _____

RECEIVED FROM: Art Grove Cement Company

APPLICATION	G-16790
PERMIT	
TRANSFER	

BY: _____

CASH: CHECK:# _____ OTHER: (IDENTIFY) _____

10654

TOTAL REC'D \$ 170.00

1083 TREASURY 4170 WRD MISC CASH ACCT

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

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

4270 WRD OPERATING ACCT

MISCELLANEOUS **4611**

0407 COPY & TAPE FEES \$ _____
 0410 RESEARCH FEES \$ _____
 0408 MISC REVENUE: (IDENTIFY) \$ _____
 TC162 DEPOSIT LIAB. (IDENTIFY) \$ _____
 0240 EXTENSION OF TIME \$ 170.00

WATER RIGHTS:

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

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ _____ CARD # _____
 0210 MONITORING WELLS \$ _____ CARD # _____

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **125288**

DATED: 11/27/17 BY: [Signature]

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # 125280

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

INVOICE # _____

RECEIVED FROM: Ash Grove Cement Company
BY: _____

APPLICATION G-16790
PERMIT _____
TRANSFER _____

CASH: CHECK: # 482233 OTHER: (IDENTIFY)

TOTAL REC'D \$ 500.00

Ash Grove Cement Company
P.O. Box 25900
Overland Park, KS 66225
(913) 451-8900

Page 1 of 1
Check No. 482233
Vendor No. 82515

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 \$ 500.00

WATER RIGHTS:

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

WELL CONSTRUCTION

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

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

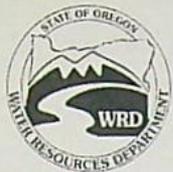
FUND _____ TITLE _____
OBJ. CODE _____ VENDOR # _____
DESCRIPTION _____ \$ _____

INVOICE NO.	INVOICE DATE	GROSS AMOUNT	DISCOUNT	NET AMOUNT
WRDSTATUTORYFEE17	09/01/2017	500.00		500.00
RECEIVED BY OWRD NOV 27 2017 SALEM, OR				
RECEIVED BY OWRD OCT 2 2017 SALEM, OR				
TOTALS		500.00		500.00

RECEIPT: 125280

DATED: 11/27/17 BY: [Signature]

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



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

Criteria for a Permit Extension of Time

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

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

1) Construction has begun:

A. For Groundwater Permits

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

B. For Surface Water or Reservoir Permits

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

The Department will also confirm that:

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

If you have questions, please call the Department at (503)-986-0900 and ask to speak with a permit extension specialist.

RECEIVED BY OWRD

Instructions are in Attachment A.

NOV 13 2017

SALEM, OR

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

- This completed Application for Extension of Time.
- Statutory fee of \$575. On July 1, 2017 the fee will increase to \$670. Application received after 5:00 p.m. FRIDAY JUNE 30, 2017, without the correct fee of \$670.00 will be returned.
- Signature page (Second page of this Application for Extension of Time).
- All supporting documentation and/or evidence referenced in the Application for Extension of Time.

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

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



GENERAL TIPS:

- Permit holders of **municipal or quasi-municipal water use permits DO NOT use this form**. The correct form is APPLICATION FOR EXTENSION OF TIME FOR MUNICIPAL AND QUASI-MUNICIPAL WATER USE PERMITS, available at the following link:
http://www.oregon.gov/owrd/PUBS/docs/forms/fillable_muni_quasi_ext_app_form_2014.doc
- Request the reasonable amount of time necessary to fully complete construction of the water project and/or to fully use the permitted quantity of water under the terms and conditions of your permit. Should this request be approved, it will be OWRD's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.
- A separate APPLICATION FOR EXTENSION OF TIME must be submitted for each permit. OAR 690-315-0020(2).
- An instruction sheet, INSTRUCTIONS FOR COMPLETING AN APPLICATION FOR EXTENSION OF TIME FOR A WATER RIGHT PERMIT (Attachment A), provides details that will help you answer each item on the application. Permit extensions are evaluated under OAR Chapter 690, Division 315. These rules may be viewed at: http://arcweb.sos.state.or.us/pages/rules/oars_600/oar_690/690_315.html
- You may provide OWRD with any additional information or evidence that will aid us in making our decision. Please note that OWRD may require other information that is necessary to evaluate the application. OAR 690-315-0020(3)(n).
- After careful review of the Application for Extension of Time, you may contact OWRD at (503) 986-0900, to ask questions and request assistance from a Permit Extensions Specialist in the Water Rights Services Division.

RECEIVED BY OWR

- An Application for an Extension of Time will be reviewed for completeness. OWRD will return any incomplete or deficient applications to the applicant. OAR 690-315-0040(1)(a).

Reference Materials Needed to Complete this Application:

- **The water right permit.** If needed, a copy of the water right permit can be downloaded from the Department's Website at <http://apps.wrd.state.or.us/apps/wr/wrinfo/> (using the link to the Water Rights Information System (WRIS). Or, a copy of the permit (or other documents) may be requested by water right application number from the Water Rights Division at 503-986-0900 (copy fees will apply).
- **Documentation which demonstrates compliance with permit conditions** (for example, well construction logs; static water level measurement reports; annual water use reports; ODFW fish screen certification; a plan to monitor the effect of water use on ground water aquifers utilized under the permit; etc.).

Questions to complete this application for an Extension of Time
Please see the instruction sheet to help you answer these items.

1. Beginning Construction within required deadlines. OAR 690-315-0020(3)(d)
For Groundwater Permits

Has construction of the point of appropriation (well) authorized under this permit begun?

Yes No

Date construction began Month: 10 Day: 30 Year: 2017

Details of construction and attach documentation: The permit for the new location of the well was issued in May of 2017. The first well was drilled and came up dry in 2008. The permit was modified to include additional well locations. Funding was approved for 2012 to begin drilling the next well. In 2015, the request to modify the permit was finally issued with the condition that the well drilled did not meet the current well construction standards. In January 2017, we requested another permit modification for another new well location which was issued in May of 2017. The time to construct that well was not extended. We attempted to get a driller on site to drill the new well, but one was not able to arrive until October 26, 2017. The well drilled at this time is not showing much promise in producing water. They are still in the drilling process at this time.

For Surface/Reservoir Permit

Has construction of the water system begun? Yes No

RECEIVED BY OWRD

Date construction began Month: Day: Year:

NOV 13 2017

Details of construction and attach documentation:

SALEM, OR

OAR 690-315-0020(3)(A)(e)(A)

2a. Permits typically contain standard or special conditions that must be fully satisfied to lawfully develop and use permitted water. Review the permit subject to this extension to identify which of the conditions listed in the 2nd column are contained within it. Using the extra row labeled "other" to specify any other additional conditions specified in a final order approving a permit amendment or

prior extension of time. In the 1st column check the box for each condition (row) identified as relevant. In the 3rd column check "Yes" if you have completed or met the permit condition. Check "No" if the condition is not yet satisfied. In the 4th column, give the date when the condition was satisfied or will be satisfied. Attach any pertinent documentation. Note: a pump test condition does not need to be addressed here however; you must submit the results of the test to the Department for approval prior to certification.

CHART-A

Permit Conditions in this Permit		Have Completed or Met?	Date satisfied/ or will be satisfied
Checkbox	Ground water Check those included on this permit		
<input checked="" type="checkbox"/>	Installation of a meter/totalizing flow meter	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	When a producing well is completed. Installed on older well
<input checked="" type="checkbox"/>	Submittal of annual water usage report	<input type="checkbox"/> Yes <input type="checkbox"/> No	Water use is maintained but not submitted since not requested
<input checked="" type="checkbox"/>	Submittal of initial static water level measurement	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Since permit was issued with older wells
<input checked="" type="checkbox"/>	Submittal of annual static water level measurements in the month required	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Since permit was issued with older wells
<input checked="" type="checkbox"/>	Submittal of Seven consecutive static water level measurements in the month required	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Since permit was issued with older wells
<input type="checkbox"/>	Special well construction standards	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input checked="" type="checkbox"/>	Submittal of a monitoring plan	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	3/14/2010
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Surface Water or Reservoir			
<input type="checkbox"/>	Installation of a meter/ totalizing flow meter/ in-line meter	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation a staff gauge	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of a fish screen	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of a fish by-pass device	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of a fish passage	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of an outlet gate/pipe/ conduit	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of a letter from ODFW that fish screen, fish by-pass device, and or fish passage is not required	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submit as-built plans and specification	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of a letter from an engineer prior to storage	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	

2b. If you have NOT complied with Permit conditions, explain the reasons why and indicate a date certain, when you will be in compliance.

RECEIVED BY OWRD

NOV 13 2017

[OAR 690-315-0020(3)(e)]

3. Provide evidence of physical work made toward completion of the water system, and of progress made toward making beneficial use of water within the permitted time period (CHART-B); and if applicable, within the time period of the most recent extension granted (CHART-C). CHART-B (below) must be completed for all Application for Extension of Time requests. *Use chronological order.* (this does NOT include planning, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, surveying, clearing land, or planting crops)

CHART-B

DATE	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List any work done before the permit was issued – eg. well drilled.</i>	COST*
DATE	WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED <i>and PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER</i> <i>List work/actions done during the permitted time period.</i>	COST*
11/29/2007	Date the permit was signed - find date above signature on last page of permit.	
8/1/2008	Drill Well #5 – came up dry. Constructed water infrastructure (tank and water lines)	\$113,000
12/19/2012	Drill Well #11 well waiting for permit extension and permit modification	\$11,970
10/1/13	Date the permit specified complete application of water to the use shall be made- all permits contain this date.	
DATE	WORK ACCOMPLISHED AFTER the date the permit specified complete application of water <i>COMPETE ONLY IF THIS IS YOUR 1st APPLICATION FOR AN EXTENSION OF TIME: List work done after the date specified in the permit for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
Total Cost for Chart-B		\$124,970.00

* If exact cost is not known, you must provide your best estimate.

RECEIVED BY OWRD

NOV 13 2017

SALEM, OR

4. If this is not your 1st Application for Extension of Time request, fill out CHART-C below in addition to CHART-B above. Use *chronological order*.

CHART-C

DATE	WORK ACCOMPLISHED DURING THE LAST EXTENSION PERIOD <i>List all work done during the last authorized extension period.</i>	COST*
10/1/2012	"Extended From" date for complete application of water used in the 1 st (or the most recent) Application for Extension of Time.	
9/24/2013	Permit extension granted	
5/1/2014	Requested permit modification	\$1,350
1/15/2015	Modification issued	
1/11/2017	Requested permit modification	\$1,350
4/17/2017	Modification issued	
10/1/17	"Extended To" date for complete application of water resulting from the 1 st (or the most recent) Application for Extension of Time.	
DATE	WORK ACCOMPLISHED AFTER THE LAST EXTENSION PERIOD EXPIRED <i>List all work done after the last authorized date for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
10/31/17	Abandoned well drilled in 2012 and Drilled well #12– not very promising	\$33,000
	Redo well #12	\$25,000
11/2017	Request permit extension	\$670
Total Cost of Chart-C		\$60,370

* If exact cost is not known, you must provide your best estimate. [OAR 690-315-0020(3)(f)]

5. Cost of project to date: \$185,340

(The total combined cost from CHART-B and CHART-C) [OAR 690-315-0020(f)]

[OAR 690-315-0020(3)(e)(B)]

Provide evidence of the maximum rate (or duty, if applicable) of water diverted for beneficial use under this permit and/or prior extensions of time (if any) made to date.

TIP: Report the rate used to date. Unless full beneficial use has been made, this rate will be less than the rate authorized on the permit. See attachment

RECEIVED BY OWRE

NOV 13 2017

6. **For Surface Water Permit Extensions (e.g. S-XXXX or R-XXXX):**

TIP: Report the rate in the same units of measurement as specified in the permit.

Maximum rate used to date = _____ cfs (cubic feet per second) or,

Maximum rate used to date = _____ gpm (gallons per minute) or,

Acre-feet stored to date = _____ AF

7. **For Ground Water Permit Extensions (e.g. G-XXXX):**

TIP: Include information from ALL wells that pertain to this permit, including drilled wells not currently used.

CHART-D

Well # as identified on Permit	Water User's Well #	Has this well been drilled?	IF DRILLED					If yes, provide the Permit, Certificate, or Transfer No.
			Well Log Number e.g. MORR 50473	Well Tag Number e.g. # 27566 or N/A	Is the actual drilled location authorized on this permit or on a permit amendment?	Maximum instantaneous rate used to date from this well -- under this permit only (CFS or GPM)	Is this well authorized or utilized under any OTHER water rights?	
Well #3	702.WP1	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Bake 1474	NA	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	0.22 cfs	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	- -
Well #4	271.WP1	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	NA	NA	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	0.22 cfs	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	- -
Well #12	702.WP3	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>	0.22 cfs	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	- -
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
Total instantaneous rate from all wells utilized under this permit						0.66 cfs		

8. Has a Permit Amendment Application been filed? Yes No

If yes, identify Transfer No. T- _____

Has the Permit Amendment been approved? Yes No

If yes, on what date was the Permit Amendment approved? _____

RECEIVED BY OWRD

NOV 13 2017

SALEM, OR

[OAR 690-315-0020(3)(e)(C)]

9. For Irrigation and Nursery Use Permits Extensions

Provide the total number of acres irrigated to date under this permit.

a) Total acres irrigated to date: _____

b) List by year, the number of acres irrigated each year since permit issuance.

Year	Acres	Year	Acres	Year	Acres

c) Provide a copy of the application map identifying the acres irrigated.

d) Please specify the number of acres irrigated by each Point of Diversion/Point of Appropriation (POD/POA).

(POD/POA)# _____ Acres _____ (POD/POA) # _____ Acres _____

(POD/POA) # _____ Acres _____ (POD/POA) # _____ Acres _____

[OAR 690-315-0020(3)(i)(j)]

10. In the chart below provide a summary of your future plans and schedule to complete the construction of the water system, and/or apply water to full beneficial use under the terms and conditions of the permit.

CHART-E

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
2017-2020	Find water in the quarry with the new well #12	\$58,000
Year: 2022	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
Total Cost		\$58,000

[OAR 690-315-0020(3)(g)]

11. Estimated remaining cost to complete the project: \$58,000

(The total cost from CHART-E)

[OAR 690-315-0020(3)(j)]

RECEIVED BY OWRD

NOV 13 2017

12. Provide a summary of your plan to complete construction, meeting all permit conditions and apply the water to beneficial use: *(List all tasks or steps needed to complete the project, the date when each task will be completed, and the cost associated with each task; attach additional pages if necessary.)* Drill a well that will supply water. Once water is located again, then the rest of the permit requirements can be completed by perfecting the permit at that time.

[OAR 690-315-0020(3)(k)]

13. **Justify the time requested to complete the project and/or apply the water to full beneficial use.** *(Include any other information or evidence to establish that the requested amount of time is sufficient and that you will be able to complete the project within the amount of time requested.)*

I started with less time, but when they started drilling Well #12, it hasn't been very promising in supplying any water. Therefore, we may have to once again look elsewhere to find a source of water.

[OAR 690-315--0020(3)(l)]

14a. Will a denial of the extension result in undue hardship? *(Describe the hardship and the effects.)* _____

14b. Are there any other reasonable alternatives that exist for meeting your water use needs? *(Explain in detail)* We need water to provide dust suppression for conditions identified in the Title V permit. We are currently using the wells in the plant to supply water, but that is additional time to drive down to the plant and then return to the quarry before application can occur.

RECEIVED BY OWRD

NOV 13 2017

SALEM, OR

[OAR 690-315-0020(3)(h)]

15. Was the delay in the timely completion of this water development project and/or timely application of water to full beneficial use caused by any additional government requirements, other than the conditions contained within the permit, which significantly delayed the completion and perfection of this right? *(Explain in detail, including how much time did this delay the project; list dates.)* Well #11 was deemed to not meet the well construction standards two and a half years after it was constructed when the permit modifications was issued. It took time to locate a well driller that was willing to look at the well to determine if they wanted to redrill it. None were willing. Therefore, another permit modification was submitted to drill another well.

[OAR 690-315-0020(3)(h)]

16. Describe any unforeseen events which contributed to the delay of completion of this project that you had no control over. *(Explain in detail what the unforeseen events were and how much time was spent addressing the unforeseen events.)* The well not meeting well construction standards two and a half years later and then the time to find someone to fix the problem.

[OAR 690-315-0020(3)(h)]

17. Describe an additional reasons why the construction was not completed, and/or water was not beneficially used within permit time limits. *(Provide supporting information for the reason(s) that best fits your circumstances.)*

[OAR 690-315-0020(3)(m)(n)]

18. Provide any other information you wish OWRD to consider while evaluating your Application for Extension of Time.

[OAR 690-315-0040(2)(f)]

19. Will the income or use of the water project provide a fair and reasonable return on your investment? *(Explain in detail)* There is no income that will be obtained from the use of this water. It is to supply water for dust suppression requirements identified in the Title V permit issued by ODEQ to the plant.

[OAR 690-315-0040(4)(d)]

20. Describe in detail if there are other economic interest, beyond those of the permit holder, which are dependent upon the completion of this project. *(Who will be effected and how?)* There is no use for the water other than the permit holder.

RECEIVED BY OWRD

NOV 13 2017

SALEM, OR

Question #5 attachment

Date

Well #3
702.WP1

	gallons	water used per month	Meter reading hours	days between readings	water usage per day
1/12/2016	42100	3102	2557.4	15	206.8
2/4/2016	43053.9	954	2562.7	23	41.47391
2/9/2016	44246.5	1193	2563	5	238.52
3/1/2016	45715.6	1469	2564.4	21	69.95714
3/16/2016	46364.4	649	2565	15	43.25333
3/24/2016	46870.9	507	2565	8	63.3125
3/30/2016	47287.3	416	2565.9	6	69.4
4/16/2016	48729.9	1443	2567	17	84.85882
5/11/2016	50848.9	2119	2568.8	25	84.76
6/16/2016	53555.4	2707	2572.4	36	75.18056
6/22/2016	55696.3	2141	2572.7	6	356.8167
6/27/2016	56170.7	474	2573.2	5	94.88
7/20/2016	57620.3	1450	2575	23	63.02609
9/13/2016	64045.7	6425	2580	55	116.8255
10/11/2016	66748.4	2703	2582	28	96.525
11/22/2016	70174.2	3426	2584	42	81.56667
12/13/2016	71096.2	922	2585	21	43.90476
1/17/2017	71375.9	280	2585	35	7.991429
2/15/2017	71375.9	0	2585.2	29	0
3/16/2017	75711.5	4336	2589	29	149.5034
3/23/2017	76402.3	691	2590	7	98.68571
4/9/2017	77191.4	789	2591	17	46.41765
5/9/2017	78536.5	1345	2593	30	44.83667
6/15/2017	127129.6	48593	2627.7	37	1313.327
6/29/2017	128440.5	1311	2629.1	14	93.63571
7/13/2017	131225.8	2785	2631.8	14	198.95
8/10/2017	134000.5	2775	2634	28	99.09643
8/15/2017	134278.4	278	2634	5	55.58
9/13/2017	137280.1	3002	2636.6	29	103.5069
10/12/2017	140889	3609	2638.8	29	124.4448

RECEIVED BY OWRD

NOV 13 2017

SALEM, OR



Oregon

Kate Brown, Governor

Water Resources Department
North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone (503) 986-0900
Fax (503) 986-0904
www.wrd.state.or.us

May 4, 2017

ASH GROVE CEMENT CO.
PO BOX 287
DURKEE, OR 97905

Reference: Correcting Final Order

Enclosed is a correcting final order recorded in VOLUME 104, PG. 792, issued to correct a scrivener's error in the order recorded in VOLUME 104, PG. 645. The enclosed final order has been amended to reflect the scrivener's error. Please keep this document with the final order in VOLUME 104, PG. 645 as additional information.

If you have any questions please contact your caseworker, Duff Martin, by telephone at (503) 986-0827 or by e-mail at Duff.A.Martin@oregon.gov.

Sincerely,

Marissa Andrews
Water Right Support

cc: Watermaster Dist. #8 (via email)

Enclosures

RECEIVED BY OWRD

NOV 13 2017

SALEM, OR

63

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Permit Amendment)
T-12572 issued with Special Order) CORRECTING FINAL ORDER
Volume 104, Page 645)

Authority

Oregon Revised Statute (ORS) 537.211 establishes the process in which a water right permit holder may submit a request to change the point of appropriation and/or place of use authorized under an existing water right permit.

Applicant

ASH GROVE CEMENT CO.
PO BOX 287
DURKEE, OR 97905

Findings of Fact

1. April 17, 2017, the Department issued an order approving Permit Amendment Application T-12572, recorded at Special Order 104, Page 645-647. Permit G-17766 was issued to describe the changes approve under T-12572.
2. The Final Order contained a scrivener's error in Condition #2 which reads: Permit G-17666
3. The correcting language describing the permit number is: Permit G-17766

Now, therefore, it is ORDERED:

1. Permit G-17766, in the name of Ash Grove Cement Co., is issued to replace Permit G-17306 and incorporates the amendments approved by this order and the extension of time. Permit G-17306, in the name of ASH GROVE CEMENT CO., is no longer of any force or effect.

RECEIVED BY OWRD

NOV 13 2017

SALEM, OR

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 and OAR 690-01-0005 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.

2. All other terms and conditions of Permit G-17766 remain the same.

Dated at Salem, Oregon this 3 day of May, 2017.


Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

Mailing Date: MAY 05 2017

RECEIVED BY OWRD

NOV 13 2017

SALEM, OR



Oregon

Kate Brown, Governor

Water Resources Department
North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone (503) 986-0900
Fax (503) 986-0904
www.wrd.state.or.us

May 4, 2017

ASH GROVE CEMENT CO.
PO BOX 287
DURKEE, OR 97905

Reference: Correcting Final Order

Enclosed is a correcting final order recorded in VOLUME 104, PG. 792, issued to correct a scrivener's error in the order recorded in VOLUME 104, PG. 645. The enclosed final order has been amended to reflect the scrivener's error. Please keep this document with the final order in VOLUME 104, PG. 645 as additional information.

If you have any questions please contact your caseworker, Duff Martin, by telephone at (503) 986-0827 or by e-mail at Duff.A.Martin@oregon.gov.

Sincerely,

Marissa Andrews
Water Right Support

cc: Watermaster Dist. #8 (via email)

Enclosures

RECEIVED BY OWRD

NOV 13 2017

SALEM, OR



Oregon

Kate Brown, Governor

Water Resources Department
North Mall Office Building
725 Summer St NE, Suite A
Salem, OR 97301
Phone (503) 986-0900
Fax (503) 986-0904
www.wrd.state.or.us

April 24, 2017

ASH GROVE CEMENT CO.
PO BOX 287
DURKEE, OR 97905

MAY 1 2017

REFERENCE: Permit Amendment Application T-12572

Enclosed is a copy of the order approving your Permit Amendment application.

Also enclosed is a superseding permit that incorporates the amendments approved by the final order contained herein. Please read this document and abide by the requirements.

If you have any questions related to the approval of this permit amendment, you may contact your caseworker, Duff Martin, by telephone at (503) 986-0827 or by e-mail at Duff.A.Martin@oregon.gov.

Sincerely,

Marissa Andrews
Water Rights Services Support

cc: Rick M. Lusk, Watermaster Dist. # 8 (via email)
Landowners (other or receiving)

Enclosure

RECEIVED BY OWRD

NOV 13 2017

SALEM, OR

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Permit Amendment)
T-12572, Baker County) FINAL ORDER
) APPROVING AN ADDITIONAL
) POINT OF APPROPRIATION

Authority

Oregon Revised Statute (ORS) 537.211 establishes the process in which a water right permit holder may submit a request to change the point of appropriation and/or place of use authorized under an existing water right permit.

Applicant

ASH GROVE CEMENT CO.
PO BOX 287
DURKEE, OR 97905

Findings of Fact

1. On January 18, 2017, Ash Grove Cement Co. filed an application for an additional point of appropriation under Permit G-17306. The Department assigned the application number T-12572.
2. On February 17, 2010, the Department approved permit amendment T-10902 for additional points of appropriation.
3. On March 21, 2014, the Department approved an extension of time for complete application of water to October 1, 2017.
4. On January 27, 2015, the Department approved permit amendment T-11808 for additional points of appropriation.
5. Notice of the application for the permit amendment was published in the Department's weekly notice on January 31, 2017, and in the Baker City Herald newspaper on March 22 and 29, 2017, pursuant to ORS 540.520(5).

RECEIVED BY OWRD

NOV 13 2017

SALEM, OR

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 and OAR 690-01-0005 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.

6. Permit Amendment Application T-11808 proposes an additional point of appropriation approximately 658 feet (0.1 mile) to 2612 feet (0.5 mile) from the existing points of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
12 S	43 E	WM	11	SE SW	PROPOSED WELL 12: 1380 FEET NORTH AND 1690 FEET EAST FROM THE SW CORNER OF SECTION 11

Permit Amendment Review Criteria

7. The change would not result in injury to other water rights.
8. The change does not enlarge the permit.
9. The change does not alter any other terms of the permit.

RECEIVED BY OWRD

NOV 13 2017

SALEM, OR

Conclusions of Law

The additional point of appropriation proposed by Permit Amendment Application T-12572 is consistent with the requirements of ORS 537.211.

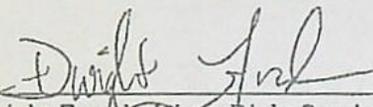
Now, therefore, it is ORDERED:

1. The additional point of appropriation proposed by Permit Amendment Application T-12572 is approved.
2. Permit G-17666, in the name of Ash Grove Cement Co., is issued to replace Permit G-17306 and incorporates the amendments approved by this order and the extension of time. Permit G-17306, in the name of ASH GROVE CEMENT CO., is no longer of any force or effect.
3. The combined quantity of water diverted at the new point of appropriation, together with that diverted at the old points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation (0.66 cfs total, being 0.22 cfs per well).
4. Measurement, recording and reporting conditions:
 - A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of appropriation. The permittee shall maintain the meter or measuring device in good working order.
 - B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
 - C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used, and may require the permittee to report water use

on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water-use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

5. All other terms and conditions of Permit G-17766 remain the same.

Dated at Salem, Oregon this 17 day of April, 2017.



Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

Mailing Date: APR 26 2017

RECEIVED BY OWRD

NOV 13 2017

SALEM, OR

STATE OF OREGON

COUNTY OF BAKER

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

ASH GROVE CEMENT CO.
PO BOX 287
DURKEE, OR 97905

This superseding permit is issued to describe an amendment for an additional point of appropriation proposed under Permit Amendment Application T-12572 and approved by Special Order Vol. 104, Page 645, entered APR 17 2017, and to describe an extension of time for complete application of water approved March 21, 2014. This permit supersedes Permit G-17306.

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

APPLICATION FILE NUMBER: G-16790

SOURCE OF WATER: WELL 3 (BAKE 1474), WELL 4, WELL 5, WELL 6, WELL 7, WELL 8, WELL 9, WELL 10, WELL 11, AND PROPOSED WELL 12 IN BURNT RIVER BASIN

PURPOSE OR USE: MINING; INDUSTRIAL USE

MAXIMUM RATE: 0.66 CUBIC FOOT PER SECOND (CFS), BEING 0.22 CFS FROM EACH WELL

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: FEBRUARY 5, 2007

RECEIVED BY OWRD

NOV 13 2017

SALEM, OR

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
12 S	43 E	WM	15	NE NE	WELL 3: 130 FEET SOUTH AND 430 FEET WEST FROM THE NE CORNER OF SECTION 15
12 S	43 E	WM	11	NW SW	WELL 4: 1650 FEET NORTH AND 660 FEET EAST FROM THE SW CORNER OF SECTION 11
12 S	43 E	WM	10	SE SE	WELL 5: 400 FEET NORTH AND 275 FEET WEST FROM THE SE CORNER OF SECTION 10
12 S	43 E	WM	11	NW SW	WELL 6: 2006 FEET NORTH AND 1295 FEET EAST FROM THE SW CORNER OF SECTION 11
12 S	43 E	WM	11	NE SW	WELL 7: 1926 FEET NORTH AND 1338 FEET EAST FROM THE SW CORNER OF SECTION 11
12 S	43 E	WM	11	NE SW	WELL 8: 2094 FEET NORTH AND 1251 FEET EAST FROM THE SW CORNER OF SECTION 11
12 S	43 E	WM	10	SE SE	WELL 9: 243 FEET NORTH AND 316 FEET WEST FROM THE SE CORNER OF SECTION 10
12 S	43 E	WM	15	NE NE	WELL 10: 657 FEET SOUTH AND 303 FEET WEST FROM THE NE CORNER OF SECTION 15
12 S	43 E	WM	11	SE SW	WELL 11: 1380 FEET NORTH AND 1670 FEET EAST FROM THE SW CORNER OF SECTION 11
12 S	43 E	WM	11	SE SW	PROPOSED WELL 12: 1380 FEET NORTH AND 1690 FEET EAST FROM THE SW CORNER OF SECTION 11

Authorized Place of Use:

MINING AND INDUSTRIAL USE				
Twp	Rng	Mer	Sec	Q-Q
12 S	43 E	WM	10	NE NE
12 S	43 E	WM	10	NW NE
12 S	43 E	WM	10	SW NE
12 S	43 E	WM	10	SE NE
12 S	43 E	WM	10	SE NW
12 S	43 E	WM	10	NE SW
12 S	43 E	WM	10	NW SW
12 S	43 E	WM	10	SW SW
12 S	43 E	WM	10	SE SW
12 S	43 E	WM	10	NE SE
12 S	43 E	WM	10	NW SE
12 S	43 E	WM	10	SW SE
12 S	43 E	WM	10	SE SE
12 S	43 E	WM	11	NE NW
12 S	43 E	WM	11	NW NW
12 S	43 E	WM	11	SW NW
12 S	43 E	WM	11	SE NW
12 S	43 E	WM	11	NE SW
12 S	43 E	WM	11	NW SW
12 S	43 E	WM	11	SW SW

RECEIVED BY OWRD

NOV 13 2017

SALEM, OR

MINING AND INDUSTRIAL USE				
Twp	Rng	Mer	Sec	Q-Q
12 S	43 E	WM	11	SE SW
12 S	43 E	WM	11	NW SE
12 S	43 E	WM	11	SW SE
12 S	43 E	WM	14	NW NW
12 S	43 E	WM	15	NE NE
12 S	43 E	WM	15	NW NE
12 S	43 E	WM	15	NE NW
12 S	43 E	WM	15	NW NW
12 S	43 E	WM	16	NE NE
12 S	43 E	WM	16	NW NE
12 S	43 E	WM	16	SW NE
12 S	43 E	WM	16	SE NE

RECEIVED BY OWRD

NOV 13 2017

SALEM, OR

Permit Amendment T-12572 Conditions:

The combined quantity of water diverted at the new point of appropriation, together with that diverted at the old points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation (0.66 cfs total, being 0.22 cfs per well).

Water shall be acquired from the same aquifer as the original points of appropriation.

Existing Conditions:

Measurement, recording and reporting conditions:

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

The water user shall develop a plan to monitor and report the impact of water use under this on water levels within the aquifer that provides water to the permitted wells. The plan shall be

submitted to the Department within one year of the date the permit is issued and shall be subject to the approval of the Department. At a minimum, the plan shall include a program to periodically measure static water levels within the permitted wells or an adequate substitute such as water levels in nearby wells. The plan shall also stipulate a reference water level against which any water-level declines will be compared. If a well listed on this permit (or replacement well) a total static water-level decline of 25 or more feet over any period of years, as compared to the reference level, then the water user shall discontinue use of, or reduce the rate or volume of withdrawal from the wells. Such action shall be taken until the water level recovers to above the 25-foot decline level or until the Department determines, based on the water user's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit.

STANDARD CONDITIONS

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 not be valid, 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 wells shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

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

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 the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

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

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

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

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

Completion of construction and complete application of the water to the use shall be made on or before October 1, 2012. By Extension of Time Final Order issued March 21, 2014 the completion of construction and complete application of the water the use was extended to October 1, 2017. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

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

Issued April 17, 2017


Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

RECEIVED BY OWRD

NOV 13 2017

SALEM, OR

STATE OF OREGON

COUNTY OF BAKER

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

ASH GROVE CEMENT CO.
PO BOX 287
DURKEE, OR 97905

This superseding permit is issued to describe an amendment for an additional point of appropriation proposed under Permit Amendment Application T-12572 and approved by Special Order Vol. 104, Page 645, entered APR 17 2017, and to describe an extension of time for complete application of water approved March 21, 2014. This permit supersedes Permit G-17306.

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

APPLICATION FILE NUMBER: G-16790

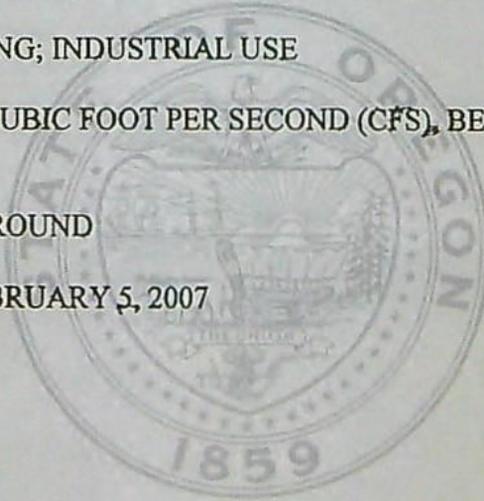
SOURCE OF WATER: WELL 3 (BAKE 1474), WELL 4, WELL 5, WELL 6, WELL 7, WELL 8, WELL 9, WELL 10, WELL 11, AND PROPOSED WELL 12 IN BURNT RIVER BASIN

PURPOSE OR USE: MINING; INDUSTRIAL USE

MAXIMUM RATE: 0.66 CUBIC FOOT PER SECOND (CFS), BEING 0.22 CFS FROM EACH WELL

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: FEBRUARY 5, 2007



Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
12 S	43 E	WM	15	NE NE	WELL 3: 130 FEET SOUTH AND 430 FEET WEST FROM THE NE CORNER OF SECTION 15
12 S	43 E	WM	11	NW SW	WELL 4: 1650 FEET NORTH AND 660 FEET EAST FROM THE SW CORNER OF SECTION 11
12 S	43 E	WM	10	SE SE	WELL 5: 400 FEET NORTH AND 275 FEET WEST FROM THE SE CORNER OF SECTION 10
12 S	43 E	WM	11	NW SW	WELL 6: 2006 FEET NORTH AND 1295 FEET EAST FROM THE SW CORNER OF SECTION 11
12 S	43 E	WM	11	NE SW	WELL 7: 1926 FEET NORTH AND 1338 FEET EAST FROM THE SW CORNER OF SECTION 11
12 S	43 E	WM	11	NE SW	WELL 8: 2094 FEET NORTH AND 1251 FEET EAST FROM THE SW CORNER OF SECTION 11
12 S	43 E	WM	10	SE SE	WELL 9: 243 FEET NORTH AND 316 FEET WEST FROM THE SE CORNER OF SECTION 10
12 S	43 E	WM	15	NE NE	WELL 10: 657 FEET SOUTH AND 303 FEET WEST FROM THE NE CORNER OF SECTION 15
12 S	43 E	WM	11	SE SW	WELL 11: 1380 FEET NORTH AND 1670 FEET EAST FROM THE SW CORNER OF SECTION 11
12 S	43 E	WM	11	SE SW	PROPOSED WELL 12: 1380 FEET NORTH AND 1690 FEET EAST FROM THE SW CORNER OF SECTION 11

Authorized Place of Use:

MINING AND INDUSTRIAL USE				
Twps	Rng	Mer	Sec	Q-Q
12 S	43 E	WM	10	NE NE
12 S	43 E	WM	10	NW NE
12 S	43 E	WM	10	SW NE
12 S	43 E	WM	10	SE NE
12 S	43 E	WM	10	SE NW
12 S	43 E	WM	10	NE SW
12 S	43 E	WM	10	NW SW
12 S	43 E	WM	10	SW SW
12 S	43 E	WM	10	SE SW
12 S	43 E	WM	10	NE SE
12 S	43 E	WM	10	NW SE
12 S	43 E	WM	10	SW SE
12 S	43 E	WM	10	SE SE
12 S	43 E	WM	11	NE NW
12 S	43 E	WM	11	NW NW
12 S	43 E	WM	11	SW NW
12 S	43 E	WM	11	SE NW
12 S	43 E	WM	11	NE SW
12 S	43 E	WM	11	NW SW
12 S	43 E	WM	11	SW SW

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

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

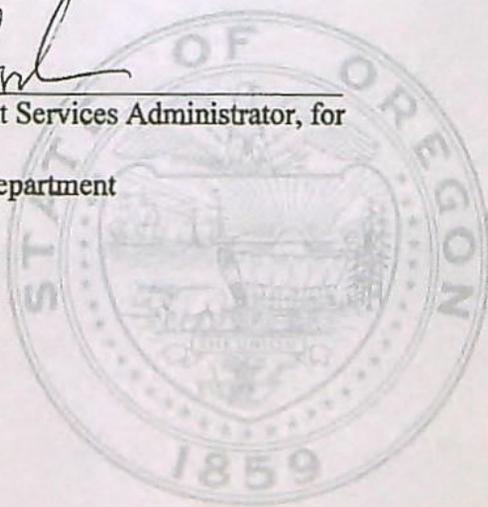
The use of water shall be limited when it interferes with any prior surface or ground water rights.

Completion of construction and complete application of the water to the use shall be made on or before October 1, 2012. By Extension of Time Final Order issued March 21, 2014 the completion of construction and complete application of the water the use was extended to October 1, 2017. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

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

Issued April 17, 2017


Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department



**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Permit Amendment)	FINAL ORDER
T-12572, Baker County)	APPROVING AN ADDITIONAL
)	POINT OF APPROPRIATION

Authority

Oregon Revised Statute (ORS) 537.211 establishes the process in which a water right permit holder may submit a request to change the point of appropriation and/or place of use authorized under an existing water right permit.

Applicant

ASH GROVE CEMENT CO.
PO BOX 287
DURKEE, OR 97905

Findings of Fact

1. On January 18, 2017, Ash Grove Cement Co. filed an application for an additional point of appropriation under Permit G-17306. The Department assigned the application number T-12572.
2. On February 17, 2010, the Department approved permit amendment T-10902 for additional points of appropriation.
3. On March 21, 2014, the Department approved an extension of time for complete application of water to October 1, 2017.
4. On January 27, 2015, the Department approved permit amendment T-11808 for additional points of appropriation.
5. Notice of the application for the permit amendment was published in the Department's weekly notice on January 31, 2017, and in the Baker City Herald newspaper on March 22 and 29, 2017, pursuant to ORS 540.520(5).

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 and OAR 690-01-0005 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.

6. Permit Amendment Application T-11808 proposes an additional point of appropriation approximately 658 feet (0.1 mile) to 2612 feet (0.5 mile) from the existing points of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
12 S	43 E	WM	11	SE SW	PROPOSED WELL 12: 1380 FEET NORTH AND 1690 FEET EAST FROM THE SW CORNER OF SECTION 11

Permit Amendment Review Criteria

7. The change would not result in injury to other water rights.
8. The change does not enlarge the permit.
9. The change does not alter any other terms of the permit.

Conclusions of Law

The additional point of appropriation proposed by Permit Amendment Application T-12572 is consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

1. The additional point of appropriation proposed by Permit Amendment Application T-12572 is approved.
2. Permit G-17666, in the name of Ash Grove Cement Co., is issued to replace Permit G-17306 and incorporates the amendments approved by this order and the extension of time. Permit G-17306, in the name of ASH GROVE CEMENT CO., is no longer of any force or effect.
3. The combined quantity of water diverted at the new point of appropriation, together with that diverted at the old points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation (0.66 cfs total, being 0.22 cfs per well).
4. Measurement, recording and reporting conditions:
 - A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of appropriation. The permittee shall maintain the meter or measuring device in good working order.
 - B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
 - C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used, and may require the permittee to report water use

on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water-use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

5. All other terms and conditions of Permit G-17766 remain the same.

Dated at Salem, Oregon this 17 day of April, 2017.



Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

Mailing Date: APR 26 2017

STATE OF OREGON

COUNTY OF BAKER

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

ASH GROVE CEMENT CO.
PO BOX 287
DURKEE, OR 97905

This superseding permit is issued to describe an amendment for an additional point of appropriation proposed under Permit Amendment Application T-12572 and approved by Special Order Vol. 104, Page 645, entered APR 17 2017, and to describe an extension of time for complete application of water approved March 21, 2014. This permit supersedes Permit G-17306.

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

APPLICATION FILE NUMBER: G-16790

SOURCE OF WATER: WELL 3 (BAKE 1474), WELL 4, WELL 5, WELL 6, WELL 7, WELL 8, WELL 9, WELL 10, WELL 11, AND PROPOSED WELL 12 IN BURNT RIVER BASIN

PURPOSE OR USE: MINING; INDUSTRIAL USE

MAXIMUM RATE: 0.66 CUBIC FOOT PER SECOND (CFS), BEING 0.22 CFS FROM EACH WELL

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: FEBRUARY 5, 2007

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
12 S	43 E	WM	15	NE NE	WELL 3: 130 FEET SOUTH AND 430 FEET WEST FROM THE NE CORNER OF SECTION 15
12 S	43 E	WM	11	NW SW	WELL 4: 1650 FEET NORTH AND 660 FEET EAST FROM THE SW CORNER OF SECTION 11
12 S	43 E	WM	10	SE SE	WELL 5: 400 FEET NORTH AND 275 FEET WEST FROM THE SE CORNER OF SECTION 10
12 S	43 E	WM	11	NW SW	WELL 6: 2006 FEET NORTH AND 1295 FEET EAST FROM THE SW CORNER OF SECTION 11
12 S	43 E	WM	11	NE SW	WELL 7: 1926 FEET NORTH AND 1338 FEET EAST FROM THE SW CORNER OF SECTION 11
12 S	43 E	WM	11	NE SW	WELL 8: 2094 FEET NORTH AND 1251 FEET EAST FROM THE SW CORNER OF SECTION 11
12 S	43 E	WM	10	SE SE	WELL 9: 243 FEET NORTH AND 316 FEET WEST FROM THE SE CORNER OF SECTION 10
12 S	43 E	WM	15	NE NE	WELL 10: 657 FEET SOUTH AND 303 FEET WEST FROM THE NE CORNER OF SECTION 15
12 S	43 E	WM	11	SE SW	WELL 11: 1380 FEET NORTH AND 1670 FEET EAST FROM THE SW CORNER OF SECTION 11
12 S	43 E	WM	11	SE SW	PROPOSED WELL 12: 1380 FEET NORTH AND 1690 FEET EAST FROM THE SW CORNER OF SECTION 11

Authorized Place of Use:

MINING AND INDUSTRIAL USE				
Twp	Rng	Mer	Sec	Q-Q
12 S	43 E	WM	10	NE NE
12 S	43 E	WM	10	NW NE
12 S	43 E	WM	10	SW NE
12 S	43 E	WM	10	SE NE
12 S	43 E	WM	10	SE NW
12 S	43 E	WM	10	NE SW
12 S	43 E	WM	10	NW SW
12 S	43 E	WM	10	SW SW
12 S	43 E	WM	10	SE SW
12 S	43 E	WM	10	NE SE
12 S	43 E	WM	10	NW SE
12 S	43 E	WM	10	SW SE
12 S	43 E	WM	10	SE SE
12 S	43 E	WM	11	NE NW
12 S	43 E	WM	11	NW NW
12 S	43 E	WM	11	SW NW
12 S	43 E	WM	11	SE NW
12 S	43 E	WM	11	NE SW
12 S	43 E	WM	11	NW SW
12 S	43 E	WM	11	SW SW

MINING AND INDUSTRIAL USE				
Twp	Rng	Mer	Sec	Q-Q
12 S	43 E	WM	11	SE SW
12 S	43 E	WM	11	NW SE
12 S	43 E	WM	11	SW SE
12 S	43 E	WM	14	NW NW
12 S	43 E	WM	15	NE NE
12 S	43 E	WM	15	NW NE
12 S	43 E	WM	15	NE NW
12 S	43 E	WM	15	NW NW
12 S	43 E	WM	16	NE NE
12 S	43 E	WM	16	NW NE
12 S	43 E	WM	16	SW NE
12 S	43 E	WM	16	SE NE

Permit Amendment T-12572 Conditions:

The combined quantity of water diverted at the new point of appropriation, together with that diverted at the old points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation (0.66 cfs total, being 0.22 cfs per well).

Water shall be acquired from the same aquifer as the original points of appropriation.

Existing Conditions:

Measurement, recording and reporting conditions:

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

The water user shall develop a plan to monitor and report the impact of water use under this on water levels within the aquifer that provides water to the permitted wells. The plan shall be

submitted to the Department within one year of the date the permit is issued and shall be subject to the approval of the Department. At a minimum, the plan shall include a program to periodically measure static water levels within the permitted wells or an adequate substitute such as water levels in nearby wells. The plan shall also stipulate a reference water level against which any water-level declines will be compared. If a well listed on this permit (or replacement well) a total static water-level decline of 25 or more feet over any period of years, as compared to the reference level, then the water user shall discontinue use of, or reduce the rate or volume of withdrawal from the wells. Such action shall be taken until the water level recovers to above the 25-foot decline level or until the Department determines, based on the water user's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit.

STANDARD CONDITIONS

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 not be valid, 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 wells shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

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

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 the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

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

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

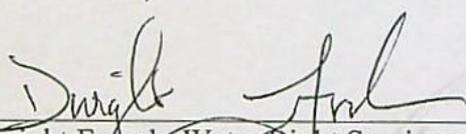
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

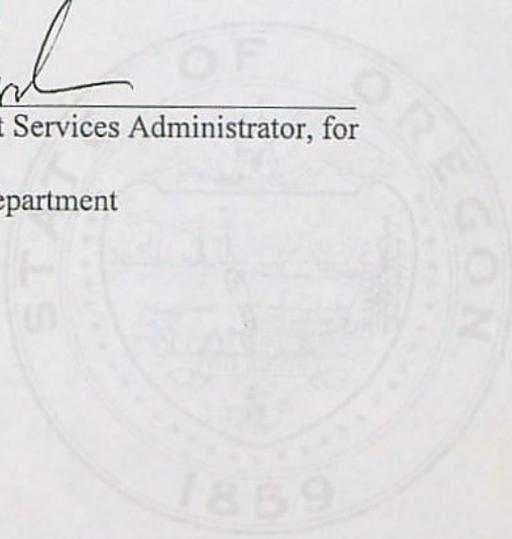
The use of water shall be limited when it interferes with any prior surface or ground water rights.

Completion of construction and complete application of the water to the use shall be made on or before October 1, 2012. By Extension of Time Final Order issued March 21, 2014 the completion of construction and complete application of the water the use was extended to October 1, 2017. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

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

Issued April 17, 2017


Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department



STATE OF OREGON

COUNTY OF BAKER

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

ASH GROVE CEMENT CO.
PO BOX 287
DURKEE, OR 97905

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

APPLICATION FILE NUMBER: G-16790

SOURCE OF WATER: WELL 3 (BAKE 1474), WELL 4, AND PROPOSED WELL 5 IN
BURNT RIVER BASIN

PURPOSE OR USE: MINING; INDUSTRIAL USE

MAXIMUM RATE: 0.66 CUBIC FOOT PER SECOND (CFS), BEING 0.22 CFS FROM
EACH WELL

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: FEBRUARY 5, 2007

WELL LOCATIONS:

WELL 3 (BAKE 1474): NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 15, T12S, R43E, W.M.;
130 FEET SOUTH AND 430 FEET WEST FROM NE
CORNER, SECTION 15

WELL 4: NW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 11, T12S, R43E, W.M.;
1650 FEET NORTH AND 660 FEET EAST FROM SW
CORNER, SECTION 11

PROPOSED WELL 5: SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 10, T12S, R43E, W.M.;
400 FEET NORTH AND 275 FEET WEST FROM SE
CORNER, SECTION 10

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE $\frac{1}{4}$ NE $\frac{1}{4}$
NW $\frac{1}{4}$ NE $\frac{1}{4}$
SW $\frac{1}{4}$ NE $\frac{1}{4}$
SE $\frac{1}{4}$ NE $\frac{1}{4}$
SE $\frac{1}{4}$ NW $\frac{1}{4}$
NE $\frac{1}{4}$ SW $\frac{1}{4}$

NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
SECTION 10

NE ¼ NW ¼
NW ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
NW ¼ SE ¼
SW ¼ SE ¼
SECTION 11

NW ¼ NW ¼
SECTION 14

NE ¼ NE ¼
NW ¼ NE ¼
NE ¼ NW ¼
NW ¼ NW ¼
SECTION 15

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
SECTION 16

TOWNSHIP 12 SOUTH, RANGE 43 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 or other suitable measuring device as approved by the Director at each point of appropriation. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private

structure, the watermaster shall request access upon reasonable notice.

- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used, and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water-use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

The water user shall develop a plan to monitor and report the impact of water use under this permit on water levels within the aquifer that provides water to the permitted well(s). The plan shall be submitted to the Department within one year of the date the permit is issued and shall be subject to the approval of the Department. At a minimum, the plan shall include a program to periodically measure static water levels within the permitted well(s) or an adequate substitute such as water levels in nearby wells. The plan shall also stipulate a reference water level against which any water-level declines will be compared. If a well listed on this permit (or replacement well) displays a total static water-level decline of 25 or more feet over any period of years, as compared to the reference level, then the water user shall discontinue use of, or reduce the rate or volume of withdrawal from the well(s). Such action shall be taken until the water level recovers to above the 25-foot decline level or until the Department determines, based on the water user's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit.

STANDARD CONDITIONS

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 not be valid, 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 wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

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 the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

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

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

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

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

Completion of construction and complete application of the water to the use shall be made on or before October 1, 2012. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

MINING AND INDUSTRIAL USE				
Twp	Rng	Mer	Sec	Q-Q
12 S	43 E	WM	11	SE SW
12 S	43 E	WM	11	NW SE
12 S	43 E	WM	11	SW SE
12 S	43 E	WM	14	NW NW
12 S	43 E	WM	15	NE NE
12 S	43 E	WM	15	NW NE
12 S	43 E	WM	15	NE NW
12 S	43 E	WM	15	NW NW
12 S	43 E	WM	16	NE NE
12 S	43 E	WM	16	NW NE
12 S	43 E	WM	16	SW NE
12 S	43 E	WM	16	SE NE

Permit Amendment T-12572 Conditions:

The combined quantity of water diverted at the new point of appropriation, together with that diverted at the old points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation (0.66 cfs total, being 0.22 cfs per well).

Water shall be acquired from the same aquifer as the original points of appropriation.

Existing Conditions:

Measurement, recording and reporting conditions:

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

The water user shall develop a plan to monitor and report the impact of water use under this on water levels within the aquifer that provides water to the permitted wells. The plan shall be

submitted to the Department within one year of the date the permit is issued and shall be subject to the approval of the Department. At a minimum, the plan shall include a program to periodically measure static water levels within the permitted wells or an adequate substitute such as water levels in nearby wells. The plan shall also stipulate a reference water level against which any water-level declines will be compared. If a well listed on this permit (or replacement well) a total static water-level decline of 25 or more feet over any period of years, as compared to the reference level, then the water user shall discontinue use of, or reduce the rate or volume of withdrawal from the wells. Such action shall be taken until the water level recovers to above the 25-foot decline level or until the Department determines, based on the water user's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit.

STANDARD CONDITIONS

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 not be valid, 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 wells shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

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

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.

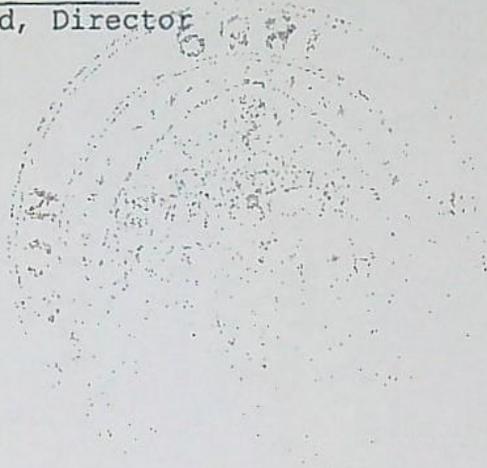
Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

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

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

Issued November 29, 2007

E. Timothy Wall.
for Phillip C. Ward, Director



STATE OF OREGON

COUNTY OF BAKER

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

ASH GROVE CEMENT CO.
PO BOX 287
DURKEE, OR 97905

This superseding permit is issued to describe an amendment for an additional point of appropriation proposed under Permit Amendment Application T-11808 and approved by Special Order Vol. 93, Page 1099, entered January 15, 2015, and to describe an extension of time for complete application of water approved March 21, 2014, and a Permit Amendment under Permit Amendment Application T-10902 approved by Special Order Vol. 79, Page 67, entered October 13, 2009, and a Correcting Final Order approved by Special Order Vol. 80, Page 271, entered February 11, 2010. This permit supersedes Permit G-16250.

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

APPLICATION FILE NUMBER: G-16790

SOURCE OF WATER: WELL 3 (BAKE 1474), WELL 4, PROPOSED WELL 5, WELL 6, WELL 7, WELL 8, WELL 9, WELL 10, AND WELL 11, IN BURNT RIVER BASIN

PURPOSE OR USE: MINING; INDUSTRIAL USE

MAXIMUM RATE: 0.66 CUBIC FOOT PER SECOND (CFS), BEING 0.22 CFS FROM EACH WELL

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: FEBRUARY 5, 2007

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
12 S	43 E	WM	15	NE NE	WELL 3: 130 FEET SOUTH AND 430 FEET WEST FROM THE NE CORNER OF SECTION 15
12 S	43 E	WM	11	NW SW	WELL 4: 1650 FEET NORTH AND 660 FEET EAST FROM THE SW CORNER OF SECTION 11
12 S	43 E	WM	10	SE SE	WELL 5: 400 FEET NORTH AND 275 FEET WEST FROM THE SE CORNER OF SECTION 10
12 S	43 E	WM	11	NW SW	WELL 6: 2006 FEET NORTH AND 1295 FEET EAST FROM THE SW CORNER OF SECTION 11
12 S	43 E	WM	11	NE SW	WELL 7: 1926 FEET NORTH AND 1338 FEET EAST FROM THE SW CORNER OF SECTION 11
12 S	43 E	WM	11	NE SW	WELL 8: 2094 FEET NORTH AND 1251 FEET EAST FROM THE SW CORNER OF SECTION 11
12 S	43 E	WM	10	SE SE	WELL 9: 243 FEET NORTH AND 316 FEET WEST FROM THE SE CORNER OF SECTION 10
12 S	43 E	WM	15	NE NE	WELL 10: 657 FEET SOUTH AND 303 FEET WEST FROM THE NE CORNER OF SECTION 15
12 S	43 E	WM	11	SE SW	WELL 11: 1380 FEET NORTH AND 1670 FEET EAST FROM THE SW CORNER OF SECTION 11

Authorized Place of Use:

MINING AND INDUSTRIAL USE				
Twp	Rng	Mer	Sec	Q-Q
12 S	43 E	WM	10	NE NE
12 S	43 E	WM	10	NW NE
12 S	43 E	WM	10	SW NE
12 S	43 E	WM	10	SE NE
12 S	43 E	WM	10	SE NW
12 S	43 E	WM	10	NE SW
12 S	43 E	WM	10	NW SW
12 S	43 E	WM	10	SW SW
12 S	43 E	WM	10	SE SW
12 S	43 E	WM	10	NE SE
12 S	43 E	WM	10	NW SE
12 S	43 E	WM	10	SW SE
12 S	43 E	WM	10	SE SE
12 S	43 E	WM	11	NE NW
12 S	43 E	WM	11	NW NW
12 S	43 E	WM	11	SW NW
12 S	43 E	WM	11	SE NW
12 S	43 E	WM	11	NE SW
12 S	43 E	WM	11	NW SW
12 S	43 E	WM	11	SW SW
12 S	43 E	WM	11	SE SW
12 S	43 E	WM	11	NW SE
12 S	43 E	WM	11	SW SE
12 S	43 E	WM	14	NW NW
12 S	43 E	WM	15	NE NE
12 S	43 E	WM	15	NW NE

MINING AND INDUSTRIAL USE				
Twp	Rng	Mer	Sec	Q-Q
12 S	43 E	WM	15	NE NW
12 S	43 E	WM	15	NW NW
12 S	43 E	WM	16	NE NE
12 S	43 E	WM	16	NW NE
12 S	43 E	WM	16	SW NE
12 S	43 E	WM	16	SE NE

Permit Amendment T-11808 Conditions:

Prior to use, the proposed additional point of appropriation, Well No. 11 (Well ID Label L-109659), shall be reconstructed to be continuously cased and continuously sealed from at least land surface to a depth of 60 feet below land surface or five feet into the confining formation, whichever is deeper.

The combined quantity of water diverted at the new point of appropriation, together with that diverted at the old points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation (0.22 cfs per well, being 0.66 cfs total under the permit).

Water shall be acquired from the same aquifer as the original points of appropriation.

Existing Permit Conditions:

Measurement, recording and reporting conditions:

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

The water user shall develop a plan to monitor and report the impact of water use under this permit on water levels within the aquifer that provides water to the permitted wells. The plan shall be submitted to the Department within one year of the date the permit is issued and shall be subject to the approval of the Department. At a minimum, the plan shall include a program to periodically measure static water levels within the permitted wells or an adequate substitute such as water levels in nearby wells. The plan shall also stipulate a reference water level against which any water-level declines will be compared. If a well listed on this permit (or replacement well) displays a total static water-level decline of 25 or more feet over any period of years, as compared to the reference level, then the water user shall discontinue use of, or reduce the rate or volume of withdrawal from the wells. Such action shall be taken until the water level recovers to above the 25-foot decline level or until the Department determines, based on the water user's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit.

STANDARD CONDITIONS

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 not be valid, 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 wells shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

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

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 the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

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

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

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

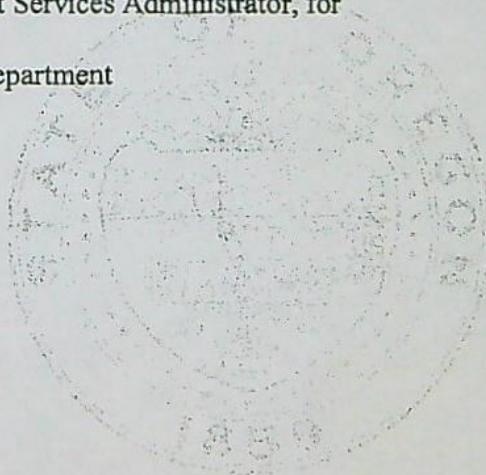
The use of water shall be limited when it interferes with any prior surface or ground water rights.

Completion of construction and complete application of the water to the use shall be made on or before October 1, 2017. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

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

Issued January 15, 2015.


Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department





Oregon

Kate Brown, Governor

Water Resources Department

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

October 3, 2017

Ash Grove Cement Company
ATTN: Norma C. Job
PO Box 287
Durkee, OR 97905

Reference: Application G-16790, Permit G-16790

Dear Norma,

The Department received an Application for Extension of Time on October 2, 2017, requesting to extend the date to apply water to full beneficial use under the terms and conditions of the permit to October 1, 2023.

Upon reviewing the application, the Department has considered the application incomplete. The Department updated the Application for an Extension of Time for a Water Right Permit on June 20, 2017, in order to attain necessary information required by Oregon Administrative Rules pertaining to the Department's authority to grant extensions of time for completion of construction and application of water to its beneficial use.

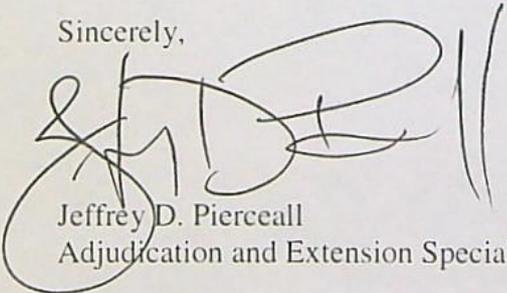
Additionally, on July 1, 2017, HB 2099 increased fees on water right transactions. the fee for Applications for Extension of Time is \$670.

Please complete the updated form and submit it to the Department so we may begin to review the application.

This review is based only on the completeness of your application(s). Any determination of water availability, compliance with basin plan rules, or any other water related issues has not been made.

If you have any other questions please contact me at 503-986-0802.

Sincerely,



Jeffrey D. Pierceall
Adjudication and Extension Specialist



September 29, 2017

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

RE: Water Right File Permit G-17766/Application G16790

To Whom It May Concern:

Please find enclosed our permit extension request. We requested an Extension of time on this permit in 2013. In 2014, we were granted the extension of time until October 2017. In 2014, we requested a permit modification for a new location to drill a well. This permit modification was issued in January of 2015. The well that was drilled under this modification did not meet the construction standards once the permit was issued. We worked to get the well driller to rework the well to meet the new standards. The well driller was not interested in doing that work. We have been working to get another driller to provide us with a new well since no one wants to rework the existing well. We requested another permit modification for a new location in January of 2017 and that permit modification was issued in April 2017. It is now almost October and we have not been able to get the well drilled. We will need to extend this permit again so that we can secure a well driller to drill the well in the allowed time.

I have included a check in the amount of \$500.00 for the Permit extension fee of the water right.

If you have any questions, please feel free to contact me at 541-877-2640.

Thanks for your help in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Norma C. Job".

Norma C. Job
Environmental Manager
Ash Grove Cement Company – Durkee Plant

DIRECT 541-877-2605
FAX 541-877-2246

8300 SPIRIT TAIL CREEK ROAD
PO BOX 287
DURKEE, OR 97935

ASHGROVE.COM

RECEIVED BY OWRD

OCT 2 2017

SALEM, OR

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

- This completed Application for Extension of Time.
- Statutory fee of \$500.
- Signature page (last page of this Application for Extension of Time).
- All supporting documentation and/or evidence referenced in the Application for Extension of Time.

MAIL COMPLETED APPLICATION

along with the

\$500 STATUTORY FEE TO:

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

RECEIVED BY OWRD

OCT 2 2017

SALEM, OR



GENERAL TIPS:

- Permit holders of municipal or quasi-municipal water use permits DO NOT use this form. The correct form is *Application for Extension of Time for Municipal and Quasi-Municipal Water Use Permits*, available at the following link:
<http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml#other>
- Request the reasonable amount of time necessary to fully complete the water construction project and/or to fully use the permitted quantity of water under the terms and conditions of your permit. Should this request be approved, it will be OWRD's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.
- A separate Application for Extension of Time must be submitted for each permit. OAR 690-315-0020(2).
- An instruction sheet (Instructions for Filling Out Extension of Time Application for Permits) provides details that will help you answer each question on the application. Permit extensions are evaluated under OAR Chapter 690, Division 315. These rules may be viewed at:
<http://www.wrd.state.or.us/OWRD/LAW/index.shtml>.

- You may provide OWRD with any additional information or evidence that will aid us in making our decision. Please note that OWRD may require other information that is necessary to evaluate the application. OAR 315-0020(3)(n).
- After careful review of the Application for Extension of Time, you may contact OWRD at (503) 986-0900, to ask questions and request assistance from a Permit Extensions Specialist in the Water Rights and Adjudications Division.
- Once an Application for Extension of Time is received by OWRD, it will be reviewed for completeness. OWRD will return any incomplete or deficient applications to the applicant. OAR 690-315-0040(1)(a).

Reference Materials Needed to Complete this Application:

- The water right permit. If needed, a copy of the water right permit can be downloaded from the Department's Website at <http://www.wrd.state.or.us> (find the link to the Water Rights Information System (WRIS)). Or, a copy of the permit (or other documents) may be requested by water right application number from the Water Rights Division at 503-986-0900 (copy fees will apply).
- Documentation which demonstrates compliance with permit conditions (for example, well construction logs; static water level measurement reports; annual water use reports; ODFW fish screen certification; a plan to monitor the effect of water use on ground water aquifers utilized under the permit; etc.).

Answer the Following Questions to Complete this Application for Extension of Time

- [OAR 690-315-0020(3)(d)]
1. Did the actual construction of the water system/well drilling begin within the time specified in the permit? Yes No



TIP: Not all permits specify a date by which construction was to begin.

Date construction began is: 2008

Details of construction: The first well was drilled and came up dry. Permit was modified to include additional well locations. Funding was approved for 2012 to begin drilling the next well. In 2015, the request to modify the permit was finally issued with the condition that the well drilled did not meet construction standards. In Jan 2017, we requested a permit modification which was issued in May of 2017. The time to construct the well was not extended. We have attempted to get a driller on site to drill the new well, but we can not get someone to drill prior to October 1, 2017.

RECEIVED BY OWRD

OCT 2 2017

SALEM, OR

2. Permits typically contain standard or special conditions that must be satisfied to lawfully develop and use permitted water. In the development of this water right, have you satisfied the conditions contained in your permit? Yes No

2-A) Describe how you have complied with each condition contained in the original permit [and, if applicable, each condition contained in any order approving a permit amendment and/or a final order approving a prior extension of time]. Include the date when the condition was satisfied.



TIP: The instruction sheet for the Application for Extension of Time provides an explanation of the typical conditions that must be addressed in this question.

CHART-A

Condition No.**	Date Satisfied	Describe How Permit Condition Has Been Satisfied
1		Flow meters were installed prior to obtaining the permit
3		Water used is maintained, but reports have not been requested
4	3/14/2010	Water Monitoring plan was developed and submitted
8		Wells were constructed prior to obtaining the permit.

** Condition No: Hand-number each condition on a copy of your permit (and, if applicable, permit amendment and prior extension).

2-B) If you have NOT complied with all applicable conditions, explain the reasons why and indicate with a date certain (in the near future) when compliance will occur.

CHART-B

Condition No.**	Date Will Comply	Explain Why Each Permit Condition Has NOT Been Satisfied
		RECEIVED BY OWRD
		OCT 2 2017
		SALEM, OR

** Condition No: Hand-number each condition on a copy of your permit (and, if applicable, permit amendment and prior extension).

3. Provide evidence of physical progress made toward completion of the water system, and of progress made toward making beneficial use of water within the permitted time period (CHART-C); and if applicable, within the time period of the most recent extension granted (CHART-D).

3-A) CHART-C (below) must be completed for all Application for Extension of Time requests. Use chronological order.

CHART-C

DATE	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List any work done before the permit was issued – eg. well drilled.</i>	COST*
	NA	

DATE	WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED and PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER <i>List work/actions done during the permitted time period.</i>	COST*
	Date the permit was signed - find date above signature on last page of permit.	
	November 29, 2007	
	Date the permit specified "Actual Construction Work" shall begin ("A-Date") -not all permits contain this date.	
8/1/2008	Attempted to Drill Well #5 - came up dry. This also includes the water lines & storage tank for water storage	\$113,000
12/19/2012	Drilled well #11	\$11,970
10/1/13	Date the permit specified complete application of water to the use shall be made ("C-Date") - all permits contain this date.	

CHART-C (continued)

DATE	WORK ACCOMPLISHED AFTER "C-DATE" <u>COMPETE ONLY IF THIS IS YOUR 1st APPLICATION FOR EXTENSION OF TIME:</u> <i>List work done after the date specified in the permit for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
	None	
Total Cost for Chart-C		\$124,970.00

RECEIVED BY OWRD

OCT 2 2017

SALEM, OR

* If exact cost is not known, you must provide your best estimate.

3-B) If this is not your 1st Application for Extension of Time request, fill out CHART-D below (in addition to CHART-C above). Use chronological order.

CHART-D

DATE	WORK ACCOMPLISHED DURING THE LAST EXTENSION PERIOD <i>List all work done during the last authorized extension period.</i>	COST*
10/1/2012	"Extended From" date for complete application of water used in the 1 st (or the most recent) Application for Extension of Time.	
9/24/2013	Extension Granted	
5/1/2014	Requested permit modification	\$1,350.00
1/15/2015	Modification issued	
1/11/2017	Requested permit modification	\$1,350.00
4/17/2017	Modification issued	
10/1/	"Extended To" date for complete application of water resulting from the 1 st (or the most recent) Application for Extension of Time.	

CHART-D (Continued)

DATE	WORK ACCOMPLISHED AFTER THE LAST EXTENSION PERIOD EXPIRED <i>List all work done after the last authorized date for complete application of water up to the date of this Application for Extension of Time.</i>	COST*

Total Cost of Chart-D	\$2700.00
-----------------------	-----------

* If exact cost is not known, you must provide your best estimate.

[OAR 690-315-0020(3)(f)]

4. Cost of project to date: \$151,970.00
(The total combined cost from CHART-C and CHART-D)

RECEIVED BY OWRD

OCT 2 2017 WRAD

SALEM, OR

5. Provide evidence of the maximum rate (or duty, if applicable) of water diverted for beneficial use under this permit and/or prior extensions of time (if any) made to date.



TIP: Report the rate used to date. Unless full beneficial use has been made, this rate will be less than the rate authorized on the permit.

5-A) For Surface Water Permit Extensions (e.g. S-XXXX or R-XXXX):



TIP: Report the rate in the same units of measurement as specified in the permit.

Maximum rate used to date = 0 cfs (cubic feet per second) or,

Maximum rate used to date = _____ gpm (gallons per minute) or,

Acre-feet stored to date = _____ AF

5-B) For Ground Water Permit Extensions (e.g. G-XXXX):



TIP: Include information from ALL wells that pertain to this permit, including drilled wells not currently used.

CHART-E

Well # as identified on Permit	Water User's Well #	Has this well been drilled?	IF DRILLED					
			Well Log Number e.g. MORR 50473	Well Tag Number e.g. # 27566 or N/A	Is the actual drilled location authorized on this permit or on a permit amendment? (See 5-C below)	Maximum instantaneous rate used from this well - - under <u>this permit only</u> (CFS or GPM)	Is this well authorized or utilized under additional water rights?	If yes, provide the Permit, Certificate, or Transfer No.
Well #3	702.W P1	Yes <input checked="" type="checkbox"/>	Bake 1474	0	Yes <input checked="" type="checkbox"/>	0.22 cfs	Yes <input checked="" type="checkbox"/>	G-16250
		No <input type="checkbox"/>			No <input type="checkbox"/>		No <input type="checkbox"/>	T-10902
Well #4	721.W P1	Yes <input checked="" type="checkbox"/>	na	0	Yes <input checked="" type="checkbox"/>	0.22 cfs	Yes <input checked="" type="checkbox"/>	G-16250
		No <input type="checkbox"/>			No <input type="checkbox"/>		No <input type="checkbox"/>	T-10902
Well #12		Yes <input type="checkbox"/>			Yes <input type="checkbox"/>	0.22 cfs	Yes <input type="checkbox"/>	G-17766
		No <input checked="" type="checkbox"/>			No <input type="checkbox"/>		No <input type="checkbox"/>	T-16790
		Yes <input type="checkbox"/>			Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	-
		No <input type="checkbox"/>			No <input type="checkbox"/>		No <input type="checkbox"/>	-
Total instantaneous rate from all wells utilized under this permit						0.66 cfs		

5-C) If the drilled location of a well is not authorized on this permit, please specify its location below, or provide a map showing its location. Has or will a permit amendment application been/be filed? Yes No

RECEIVED BY OWRD

If a Permit Amendment Application has been filed: Transfer No. T-_____

OCT 2 2017

Well # _____: Actual location: _____

Well # _____: Actual location: _____

SALEM, OR

[OAR 690-315-0020(3)(e)(C)]

6. Provide the total number of acres irrigated to date under this permit (if applicable).

Total acres irrigated to date: NA

Ground Water Permits: Please specify which wells are being utilized for this irrigation.

Well # _____ Acres _____ Well # _____ Acres _____

Well # _____ Acres _____ Well # _____ Acres _____

[OAR 690-315-0020(3)(j)]

7. Provide a summary of your future plans and schedule to complete the construction of the water system, and/or apply water to full beneficial use under the terms and conditions of the permit.

CHART-F

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
7/1/2012	Drill another well in one of the permitted locations	\$50,600.00
10/20/2017	Drill another well in the recently permitted location	\$50,000.00
Year: 2018	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
Total Cost		100,600

[OAR 690-315-0020(3)(g)]

8. Estimated remaining cost to complete the project: \$50,000.00
(The total cost from CHART-F)

[OAR 690-315-0020(3)(h)]

9. List the reasons why the project was not constructed, and/or water was not beneficially used within permit time limits. Provide supporting information for the reason(s) that best fits your circumstances (A, B, C or D).

9-A) The project is of a size and scope that was originally planned to be phased in over a time frame longer than the one allowed in the permit.

NA

RECEIVED BY OWRD

OCT 2 2017

SALEM, OR

9-B) The financial resources needed to develop the project precluded completion of the project within authorized time frames.

The first well that was drilled for this project came up dry. Additional resources were necessary to drill another well. The additional resources were allocated for 2012. The next well did not meet well construction standards.

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

NA

9-D) Acts of God or other unforeseen events delayed full development of the water system and use of water within the authorized time frames.

No water was located during the drilling of Well #5

[OAR 690-315-0020(3)(k)]

10. Justify the time requested to complete the project and/or apply the water to full beneficial use. Your justification should combine information from your answers from Questions 2-B, 7, 8, and 9 of this Application for Extension of Time, and should also include any other information or evidence to establish that the requested amount of time is sufficient and that you will be able to complete the project within the amount of time requested.

Since there are no records of aquifers in this area, we are only hoping to hit water on the next drilling attempt. The capital amount approved is for only one attempt to reach a water source.

11. Provide any other information you wish OWRD to consider while evaluating your Extension of Time Application.

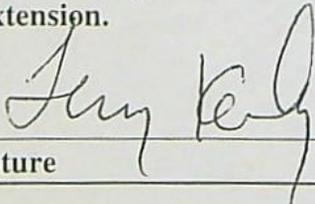
RECEIVED BY OWRD

OCT 2 2017

SALEM, OR

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

Signature



Date

9/29/17



Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone (503) 986-0900

Fax (503) 986-0904

www.wrd.state.or.us

April 24, 2017

ASH GROVE CEMENT CO.
PO BOX 287
DURKEE, OR 97905

REFERENCE: Permit Amendment Application T-12572

Enclosed is a copy of the order approving your Permit Amendment application.

Also enclosed is a superseding permit that incorporates the amendments approved by the final order contained herein. Please read this document and abide by the requirements.

If you have any questions related to the approval of this permit amendment, you may contact your caseworker, Duff Martin, by telephone at (503) 986-0827 or by e-mail at Duff.A.Martin@oregon.gov.

Sincerely,

Marissa Andrews

Water Rights Services Support

cc: Rick M. Lusk, Watermaster Dist. # 8 (via email)
Landowners (other or receiving)

Enclosure





Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department

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

January 26, 2015

ASH GROVE CEMENT CO.
PO BOX 287
DURKEE, OR 97905

REFERENCE: Permit Amendment Application T-11808

Enclosed is a copy of the order approving your Permit Amendment application.

Also enclosed is a superseding permit that incorporates the amendments approved by the final order contained herein. Please read this document and abide by the requirements.

If you have any questions related to the approval of this permit amendment, you may contact your caseworker by telephone at (503) 986-0827 or by e-mail at Tracy.L.Fox@wr.d.state.or.us

Sincerely,

Codi Holmes
Water Rights Services Support
Transfer and Conservation Section

cc: Rick M. Lusk, Watermaster Dist. # 8 (via email)

Enclosure



**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Permit Amendment) FINAL ORDER
T-11808, Baker County) APPROVING AN ADDITIONAL POINT
) OF APPROPRIATION

Authority

ORS 537.211 establishes the process in which a water right permit holder may submit a request to change the point of appropriation and/or place of use authorized under an existing water right permit.

Applicant

ASH GROVE CEMENT CO.
PO BOX 287
DURKEE, OR 97905

Findings of Fact

1. On May 5, 2014, ASH GROVE CEMENT COMPANY filed an application for an additional point of appropriation under Permit G-16250. The Department assigned the application number T-11808.
2. On March 21, 2014, the Department approved an extension of time for complete application of water to October 1, 2017.
3. Notice of the application for the permit amendment was published in the Department's weekly notice on May 13, 2014, and in the Baker City Herald newspaper on November 28, and December 5, 2014, pursuant to ORS 540.520(5). No comments were filed in response to the notice.
4. On October 14, 2014, the Department contacted the applicant's contact, Norma Job, by telephone and email to notify the applicant of minor deficiencies in the application. On October 15, 2014, the Department received amended application pages resolving the deficiencies.

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 137-004-080 and OAR 690-01-005 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.

5. Permit Amendment Application T-11808 proposes an additional point of appropriation approximately 645 feet (0.1 mile) to 2832 feet (0.5 mile) from the existing points of appropriation to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
12 S	43 E	WM	11	SE SW	WELL 11: 1380 FEET NORTH AND 1670 FEET EAST FROM THE SW CORNER OF SECTION 11

Permit Amendment Review Criteria

6. Prior to use, the proposed additional point of appropriation, Well No. 11 (Well ID Label L-109659), shall be reconstructed to be continuously cased and continuously sealed from at least land surface to a depth of 60 feet below land surface.
7. The change, as conditioned, would not result in injury to other water rights.
8. The proposed place of use is owned and/or controlled by the permit holder.
9. The change does not enlarge the permit.
10. The change does not alter any other terms of the permit.

Conclusions of Law

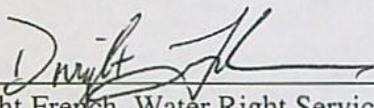
The additional point of appropriation proposed by Permit Amendment Application T-11808 is consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

1. The additional point of appropriation proposed by Permit Amendment Application T-11808 is approved.
2. Permit G-17306, in the name of Ash Grove Cement Company is issued to replace Permit G-16250, and incorporates the amendments approved by this order, the Extension of Time issued March 21, 2014, the Final Order issued October 13, 2009, and the Correcting Final Order issued February 11, 2010. Permit G-16250, in the name of ASH GROVE CEMENT CO., is no longer of any force or effect.
3. The combined quantity of water diverted at the new point of appropriation, together with that diverted at the old points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation (0.22 cfs per well, being 0.66 cfs total under the permit).
4. Measurement, recording and reporting conditions:
 - a. Before water use may begin under this order, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each

- point of appropriation. The permittee shall maintain the meter or measuring device in good working order.
- b. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
 - c. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used, and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water-use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.
5. Water shall be acquired from the same aquifer as the original points of appropriation.
6. All other terms and conditions of Permit G-17306 remain the same.

Dated at Salem, Oregon this 15 day of January, 2015.



Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

Mailing Date: JAN 27 2015

STATE OF OREGON

COUNTY OF BAKER

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

ASH GROVE CEMENT CO.
PO BOX 287
DURKEE, OR 97905

This superseding permit is issued to describe an amendment for an additional point of appropriation proposed under Permit Amendment Application T-11808 and approved by Special Order Vol. 93, Page 1099, entered January 15, 2015, and to describe an extension of time for complete application of water approved March 21, 2014, and a Permit Amendment under Permit Amendment Application T-10902 approved by Special Order Vol. 79, Page 67, entered October 13, 2009, and a Correcting Final Order approved by Special Order Vol. 80, Page 271, entered February 11, 2010. This permit supersedes Permit G-16250.

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

APPLICATION FILE NUMBER: G-16790

SOURCE OF WATER: WELL 3 (BAKE 1474), WELL 4, PROPOSED WELL 5, WELL 6, WELL 7, WELL 8, WELL 9, WELL 10, AND WELL 11, IN BURNT RIVER BASIN

PURPOSE OR USE: MINING; INDUSTRIAL USE

MAXIMUM RATE: 0.66 CUBIC FOOT PER SECOND (CFS), BEING 0.22 CFS FROM EACH WELL

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: FEBRUARY 5, 2007

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
12 S	43 E	WM	15	NE NE	WELL 3: 130 FEET SOUTH AND 430 FEET WEST FROM THE NE CORNER OF SECTION 15
12 S	43 E	WM	11	NW SW	WELL 4: 1650 FEET NORTH AND 660 FEET EAST FROM THE SW CORNER OF SECTION 11
12 S	43 E	WM	10	SE SE	WELL 5: 400 FEET NORTH AND 275 FEET WEST FROM THE SE CORNER OF SECTION 10
12 S	43 E	WM	11	NW SW	WELL 6: 2006 FEET NORTH AND 1295 FEET EAST FROM THE SW CORNER OF SECTION 11
12 S	43 E	WM	11	NE SW	WELL 7: 1926 FEET NORTH AND 1338 FEET EAST FROM THE SW CORNER OF SECTION 11
12 S	43 E	WM	11	NE SW	WELL 8: 2094 FEET NORTH AND 1251 FEET EAST FROM THE SW CORNER OF SECTION 11
12 S	43 E	WM	10	SE SE	WELL 9: 243 FEET NORTH AND 316 FEET WEST FROM THE SE CORNER OF SECTION 10
12 S	43 E	WM	15	NE NE	WELL 10: 657 FEET SOUTH AND 303 FEET WEST FROM THE NE CORNER OF SECTION 15
12 S	43 E	WM	11	SE SW	WELL 11: 1380 FEET NORTH AND 1670 FEET EAST FROM THE SW CORNER OF SECTION 11

Authorized Place of Use:

MINING AND INDUSTRIAL USE				
Twp	Rng	Mer	Sec	Q-Q
12 S	43 E	WM	10	NE NE
12 S	43 E	WM	10	NW NE
12 S	43 E	WM	10	SW NE
12 S	43 E	WM	10	SE NE
12 S	43 E	WM	10	SE NW
12 S	43 E	WM	10	NE SW
12 S	43 E	WM	10	NW SW
12 S	43 E	WM	10	SW SW
12 S	43 E	WM	10	SE SW
12 S	43 E	WM	10	NE SE
12 S	43 E	WM	10	NW SE
12 S	43 E	WM	10	SW SE
12 S	43 E	WM	10	SE SE
12 S	43 E	WM	11	NE NW
12 S	43 E	WM	11	NW NW
12 S	43 E	WM	11	SW NW
12 S	43 E	WM	11	SE NW
12 S	43 E	WM	11	NE SW
12 S	43 E	WM	11	NW SW
12 S	43 E	WM	11	SW SW
12 S	43 E	WM	11	SE SW
12 S	43 E	WM	11	NW SE
12 S	43 E	WM	11	SW SE
12 S	43 E	WM	14	NW NW
12 S	43 E	WM	15	NE NE
12 S	43 E	WM	15	NW NE

MINING AND INDUSTRIAL USE				
Twp	Rng	Mer	Sec	Q-Q
12 S	43 E	WM	15	NE NW
12 S	43 E	WM	15	NW NW
12 S	43 E	WM	16	NE NE
12 S	43 E	WM	16	NW NE
12 S	43 E	WM	16	SW NE
12 S	43 E	WM	16	SE NE

Permit Amendment T-11808 Conditions:

Prior to use, the proposed additional point of appropriation, Well No. 11 (Well ID Label L-109659), shall be reconstructed to be continuously cased and continuously sealed from at least land surface to a depth of 60 feet below land surface or five feet into the confining formation, whichever is deeper.

The combined quantity of water diverted at the new point of appropriation, together with that diverted at the old points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation (0.22 cfs per well, being 0.66 cfs total under the permit).

Water shall be acquired from the same aquifer as the original points of appropriation.

Existing Permit Conditions:

Measurement, recording and reporting conditions:

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

The water user shall develop a plan to monitor and report the impact of water use under this permit on water levels within the aquifer that provides water to the permitted wells. The plan shall be submitted to the Department within one year of the date the permit is issued and shall be subject to the approval of the Department. At a minimum, the plan shall include a program to periodically measure static water levels within the permitted wells or an adequate substitute such as water levels in nearby wells. The plan shall also stipulate a reference water level against which any water-level declines will be compared. If a well listed on this permit (or replacement well) displays a total static water-level decline of 25 or more feet over any period of years, as compared to the reference level, then the water user shall discontinue use of, or reduce the rate or volume of withdrawal from the wells. Such action shall be taken until the water level recovers to above the 25-foot decline level or until the Department determines, based on the water user's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit.

STANDARD CONDITIONS

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 not be valid, 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 wells shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

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

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 the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

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

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

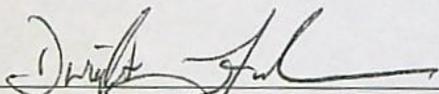
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

Completion of construction and complete application of the water to the use shall be made on or before October 1, 2017. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

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

Issued January 15, 2015.



Dwight French, Water Right Services Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

STATE OF OREGON

COUNTY OF BAKER

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

ASH GROVE CEMENT CO.
PO BOX 287
DURKEE, OR 97905

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

APPLICATION FILE NUMBER: G-16790

SOURCE OF WATER: WELL 3 (BAKE 1474), WELL 4, AND PROPOSED WELL 5 IN
BURNT RIVER BASIN

PURPOSE OR USE: MINING; INDUSTRIAL USE

MAXIMUM RATE: 0.66 CUBIC FOOT PER SECOND (CFS), BEING 0.22 CFS FROM
EACH WELL

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: FEBRUARY 5, 2007

WELL LOCATIONS:

WELL 3 (BAKE 1474): NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 15, T12S, R43E, W.M.;
130 FEET SOUTH AND 430 FEET WEST FROM NE
CORNER, SECTION 15

WELL 4: NW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 11, T12S, R43E, W.M.;
1650 FEET NORTH AND 660 FEET EAST FROM SW
CORNER, SECTION 11

PROPOSED WELL 5: SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 10, T12S, R43E, W.M.;
400 FEET NORTH AND 275 FEET WEST FROM SE
CORNER, SECTION 10

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE $\frac{1}{4}$ NE $\frac{1}{4}$
NW $\frac{1}{4}$ NE $\frac{1}{4}$
SW $\frac{1}{4}$ NE $\frac{1}{4}$
SE $\frac{1}{4}$ NE $\frac{1}{4}$
SE $\frac{1}{4}$ NW $\frac{1}{4}$
NE $\frac{1}{4}$ SW $\frac{1}{4}$

NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
SECTION 10

NE ¼ NW ¼
NW ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
NW ¼ SE ¼
SW ¼ SE ¼
SECTION 11

NW ¼ NW ¼
SECTION 14

NE ¼ NE ¼
NW ¼ NE ¼
NE ¼ NW ¼
NW ¼ NW ¼
SECTION 15

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
SECTION 16

TOWNSHIP 12 SOUTH, RANGE 43 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 or other suitable measuring device as approved by the Director at each point of appropriation. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private

structure, the watermaster shall request access upon reasonable notice.

- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used, and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water-use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

The water user shall develop a plan to monitor and report the impact of water use under this permit on water levels within the aquifer that provides water to the permitted well(s). The plan shall be submitted to the Department within one year of the date the permit is issued and shall be subject to the approval of the Department. At a minimum, the plan shall include a program to periodically measure static water levels within the permitted well(s) or an adequate substitute such as water levels in nearby wells. The plan shall also stipulate a reference water level against which any water-level declines will be compared. If a well listed on this permit (or replacement well) displays a total static water-level decline of 25 or more feet over any period of years, as compared to the reference level, then the water user shall discontinue use of, or reduce the rate or volume of withdrawal from the well(s). Such action shall be taken until the water level recovers to above the 25-foot decline level or until the Department determines, based on the water user's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit.

STANDARD CONDITIONS

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 not be valid, 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 wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

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 the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

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

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

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

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

Completion of construction and complete application of the water to the use shall be made on or before October 1, 2012. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

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

Issued November 29, 2007

E. Timothy Wall
for Phillip C. Ward, Director

Oregon Water Resources Department
Water Right Services Division

Water Rights Application
Number G-16790

Final Order

**Extension of Time for Permit Number G-16250, modified by Permit
Amendment T-10902**

Permit Holder: Ash Grove Cement Company

Permit Information

Application File G-16790 Permit G-16250, modified by Permit Amendment T-10902
Basin: 9 – Powder / Watermaster District 8
Date of Priority: February 5, 2007

Authorized Use of Water

Source of Water: Well 3 (BAKE 1474), Well 4, and Well 5, plus additional
wells added by Permit Amendment T-10920: Well 6, Well
7, Well 8, Well 9, and Well 10 all within the Burnt River
Basin
Purpose of Use: Mining and Industrial Use
Maximum Rate: 0.66 Cubic Feet per Second (cfs), not to exceed 0.22 cfs
from each of Wells 3,4 and 5

This Extension of Time request is being processed in accordance with Oregon Revised Statute 537.630 and 539.010(5), and Oregon Administrative Rule Chapter 690, Division 315

Appeal Rights

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. A request 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 file for judicial review, or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Application History

Permit G-16250 was issued by the Department on November 29, 2007, and modified by Permit Amendment T-10902 on October 13, 2009. A correcting Final Order was issued for T-10902 on February 11, 2010. The permit called for completion of construction and complete application of

water to beneficial use by October 1, 2012. On September 4, 2012, Ash Grove Cement Company submitted to the Department an Application for Extension of Time for Permit G-16250, modified by Permit Amendment T-10902. In accordance with OAR 690-315-0050(2), on September 24, 2013, the Department issued a Proposed Final Order proposing to extend the time to complete construction and the time to fully apply water to beneficial use to October 1, 2017. The protest period closed November 8, 2013, in accordance with OAR 690-315-0060(1). No protest was filed.

Findings of Fact

The Department adopts and incorporates by reference the findings of fact in the Proposed Final Order dated September 24, 2013.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, any comments received, and information within the file, the permit may be extended subject to no additional conditions.

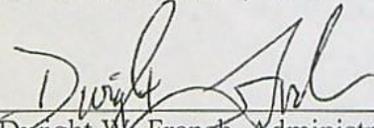
CONCLUSION OF LAW

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

ORDER

The extension of time for Application G-16790, Permit G-16250, modified by Permit Amendment T-10902, therefore, is approved. The deadline for completing construction and applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2012 to October 1, 2017.

DATED: March 21, 2014


Dwight W. French, Administrator
Water Right Services Division
for PHILLIP C. WARD, DIRECTOR

-
- If you have any questions about statements contained in this document, please contact Steven Parrett at (503) 986-0825.
 - If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900
-

Mailing List for Extension FO Copies

Note: Include a copy of the "Important Notice" document along with the original copy of the Final Order being sent to the permit holder.

FO Date: March 21, 2014

Copies Mailed

Application G-16790
Permit G-16250, modified by Permit Amendment T-10902

By: BWJ
On: 3/21/14

Original mailed to permit holder

Ash Grove Cement Company
Attn: Norma Jobs
P. O. Box 287
Durkee, OR 97905

Copies sent to:

1. WRD - App. File G-16790/ Permit G-16250

Fee paid as specified under ORS 536.050 to receive copy:

2. None

Receiving notification via e-mail - FO available in WRIS for review
(DONE BY EXTENSION SPECIALIST)

3. Watermaster, District 8, Rick Lusk
4. Region Manager, ONLY if denied

✓ SWP 3/19/14

CASEWORKER: SWP

Oregon Water Resources Department
Water Right Services Division

Application for Extension of Time

In the Matter of the Application for an Extension of Time)
for Permit G-16250, Water Right Application G-16790)
in the name of Ash Grove Cement Company) PROPOSED FINAL ORDER

Permit Information

Application File G-16790 Permit G-16250

Basin: 9 – Powder / Watermaster District 8

Date of Priority: February 5, 2007

Authorized Use of Water

Source of Water: Well 3 (BAKE 1474), Well 4, Well 5, Well 6, Well 7, Well 8, Well 9, and Well 10 in Burnt River Basin

Purpose of Use: Mining and Industrial Use

Maximum Rate: 0.66 Cubic Foot per Second (cfs)

This Extension of Time request is being processed in accordance with Oregon Revised Statute 537.630 and 539.010(5), and Oregon Administrative Rule Chapter 690, Division 315

Please read this Proposed Final Order in its entirety.

This Proposed Final Order applies only to Permit G-16250, water right Application G-16790. A copy of Permit G-16250 is enclosed as Attachment 1.

Summary of Proposed Final Order for Extension of Time

The Department proposes to:

- Grant an extension of time for complete construction of the water system and time to apply water to full beneficial use from October 1, 2012 to October 1, 2017.

ACRONYM QUICK REFERENCE

Department – Oregon Department of Water Resources
PFO – Proposed Final Order

Units of Measure

cfs – cubic foot per second
gpm – gallons per minute

AUTHORITY

Generally, see **ORS 537.630** and **OAR Chapter 690 Division 315**.

ORS 537.630(1) provide in pertinent part that the Oregon Water Resources Department (Department) may, for good cause shown, order an extension of time within which: irrigation or other works shall be completed; the well or other means of developing and securing ground water shall be completed; or the right perfected. In determining the extension, the Department shall give due weight to the considerations described under **ORS 539.010(5)** and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right.

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

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

FINDINGS OF FACT

Background

1. Permit G-16250 was granted by the Department on November 29, 2007. The permit authorizes the use of up to 0.66 cfs of water from Well 3 (BAKE 1474), Well 4, Well 5, Well 6, Well 7, Well 8, Well 9, and Well 10 in Burnt River Basin for mining and industrial use. The permit specified complete application of water was to be made on or before October 1, 2012.
2. On October 13, 2009 the Department approved Permit Amendment T-10920 (Special Order Volume 79, Page 67) authorizing additional points of appropriation under Permit G-16250, being Well 6, Well 7, Well 8, Well 9, and Well 10.

3. The permit holder submitted an "Application for Extension of Time" to the Department on September 4, 2012 requesting the time to complete construction of the water system and the time to apply water to full beneficial use under the terms and conditions of Permit G-16250 be extended from October 1, 2012 to October 1, 2017. This is the first permit extension requested for Permit G-16250.
4. Notification of the Application for Extension of Time for Permit G-16250 was published in the Department's Public Notice dated September 11, 2012. No public comments were received regarding the extension application.

Review Criteria [OAR 690-315-0040]

The time limits to complete construction and/or apply water to full beneficial use may be extended if the Department finds that the permit holder has met the requirements set forth under OAR 690-315-0040. This determination shall consider the applicable requirements of ORS 537.230¹, 537.248², 537.630³ and/or 539.010(5)⁴.

Complete Extension of Time Application [OAR 690-315-0040(1)(a)]

5. On September 4, 2012, the Department received a completed Application for Extension of Time and the fee specified in ORS 536.050 from the permit holder.

Start of Construction [OAR 690-315-0040(1)(b) and 690-315-0040(5)]

6. Senate Bill 300 (1999 legislation) eliminated the requirement that holders of new surface water and ground water permits start construction on water projects within one year after the Department issues the permit. Senate Bill 300 applies to any application for a permit filed after October 23, 1999, including this application.

Duration of Extension [OAR 690-315-0040(1)(c)]

Under OAR 690-315-0040(1)(c), in order to approve an extension of time for water use permits the Department must find that the time requested is reasonable and the applicant can complete the project within the time requested.

7. As of September 4, 2012, the remaining work to be completed consists of completing construction of the water system and applying water to full beneficial use.
8. Given the amount of development left to occur, the Department has determined that the permit holder's request to have until October 1, 2017, to complete construction of the water system and to accomplish the application of water to beneficial use under the terms and conditions of Permit G-16250 is both reasonable and necessary.

¹ORS 537.230 applies to surface water permits only.

²ORS 537.248 applies to reservoir permits only.

³ORS 537.630 applies to ground water permits only.

⁴ORS 539.010(5) applies to surface water and ground water permits.

Good Cause [OAR 690-315-0040(1)(d)]

The Department's determination of good cause shall consider the requirements set forth under OAR 690-315-0040(2).

Reasonable Diligence of the Appropriator [OAR 690-315-0040(2)(a)]

The Department's determination of reasonable diligence shall consider the requirements set forth under OAR 690-315-0040(3)(a-d). In accordance with OAR 690-315-0040(3), the Department shall consider, but is not limited to, the following factors when determining whether the applicant has demonstrated reasonable diligence in previous performance under the permit:

Amount of Construction [OAR 690-315-0040(3)(a)]

9. Work was accomplished within the time allowed in the permit or previous extension as follows:
 - a. Construction of Well 3 was completed prior to October 1, 2012.
 - b. Work was completed (specified in the Application for an Extension of Time) during the original development time frame under Permit G-16250.

Beneficial Use of Water [OAR 690-315-0040(3)(b)]

10. The following beneficial use of water was made during the permit or previous extension time limits:
 - a. Since the issuance of Permit G-16250 on November 29, 2007, water has not been appropriated from the well for mining or industrial use. The authorized amount of water for mining and industrial use is 0.66 cfs.
 - b. Delay of full beneficial use of water under Permit G-16250 was due, in part, to lack of water being found at the first well drilled. The permit holder needs more time in which to complete construction of additional points of appropriation to obtain the full quantity of water allowed under the permit.

Compliance with Conditions [OAR 690-315-0040(3)(c)]

11. The water right permit holder's conformance with the permit or previous extension conditions.
 - a. The Department has considered the permit holder's compliance with conditions, and did not identify any concerns.

Financial Investments [OAR 690-315-0040(3)(d)]

12. Financial investments made toward developing the beneficial water use.

As of September 4, 2012, the permit holder has invested approximately \$113,000, which is approximately 69 percent of the total projected cost for complete development of this project.

Cost to Appropriate and Apply Water to a Beneficial Purpose [OAR 690-315-0040(2)(b)]

13. The permit holder anticipates an additional \$50,600 investment is needed for the completion of this project.

Good Faith of the Appropriator [OAR 690-315-0040(2)(c)]

14. The Department has found good faith of the appropriator under Permit G-16250.

The Market and Present Demands for Water [OAR 690-315-0040(2)(d-e)]

The Department's determinations of market and present demand for water or power to be supplied shall consider the requirements set forth under OAR 690-315-0040(4)(a-f). In accordance with OAR 690-315-0040(4), the Department shall consider, but is not limited to, the following factors when determining the market and the present demand for water or power to be supplied:

15. The amount of water available to satisfy other affected water rights and scenic waterway flows; special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d); or the habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife [OAR 690-315-0040(4)(a-c)].
- a. The amount of water available to satisfy other affected water rights and scenic waterway flows was determined at the time of issuance of Permit G-16250; furthermore, water availability for other affected water rights and scenic waterway flows after the permit was issued is determined at such time that such application for a new water right is submitted. The points of appropriation for Permit G-16250, located within the Burnt River Basin, are not located within a limited or critical ground water area. Burnt River is not located within or above any state or federal scenic waterway, however it is located within an area ranked "high" for stream flow restoration needs as determined by the Department in consultation with the Oregon Department of Fish and Wildlife, and is not located within a Sensitive, Threatened or Endangered Fish Species Area as identified by the Department in consultation with Oregon Department of Fish and Wildlife. Burnt River is not listed by the Department of Environmental Quality as a water quality limited stream.
16. Economic investment in the project to date [OAR 690-315-0040(4)(d)].
As of September 4, 2012, the permit holder has invested approximately \$113,000.
17. Other economic interests dependent on completion of the project [OAR 690-315-0040(4)(e)].
None have been identified.

18. Other factors relevant to the determination of the market and present demand for water and power [OAR 690-315-0040(4)(f)].

a. None have been identified.

Fair Return Upon Investment [OAR 690-315-0040(2)(f)]

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

Other Governmental Requirements [OAR 690-315-0040(2)(g)]

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

Unforeseen Events [OAR 690-315-0040(2)(h)]

21. None have been identified.

CONCLUSIONS OF LAW

1. The applicant is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.630(1).
2. The applicant has submitted a complete extension application form and the fee specified in ORS 536.050, as required by OAR 690-315-0040(1)(a).
3. The applicant complied with begin actual construction timeline requirements pursuant to ORS 537.630 as required by OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).
4. Completion of construction and full application of water to beneficial use can be accomplished by October 1, 2017⁵, as required by OAR 690-315-0040(1)(c).
5. The Department has considered the reasonable diligence and good faith of the appropriator, the cost to appropriate and apply water to a beneficial purpose, the market and present demands for water to be supplied, the financial investment made and fair and reasonable return upon the investment, the requirements of other governmental agencies, and unforeseen events over which the permit holder had no control, whether denial of the extension will result in undue hardship to the applicant and whether there are no other reasonable alternatives for meeting water use needs, any other factors relevant to a

⁵Pursuant to ORS 537.630(4), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and a new or revised claim of beneficial use as deemed appropriate by the Department.

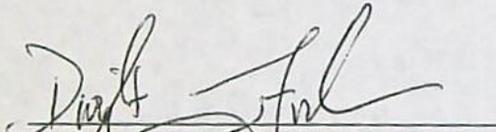
determination of good cause, and has determined that the applicant has shown that good cause exists for an extension of time to apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).

Proposed Order

Based upon the foregoing Findings of Fact and Conclusions of Law, the Department proposes to issue an order to:

Extend the time for complete construction of the water system and to apply water to beneficial use under Permit G-16250 from October 1, 2012 to October 1, 2017.

DATED: September 24, 2013


Dwight W. French, Administrator
Water Right Services Division

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

Proposed Final Order Hearing Rights

1. Under the provisions of OAR 690-315-0100(1) and 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may submit a written protest to the proposed final order. The written protest must be received by the Water Resources Department no later than **November 8, 2013**, being 45 days from the date of publication of the proposed final order in the Department's weekly notice.
2. A written protest shall include:
 - a. The name, address and telephone number of the petitioner;
 - b. A description of the petitioner's interest in the proposed final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented;
 - c. A detailed description of how the action proposed in the proposed final order would adversely affect or aggrieve the petitioner's interest;
 - d. A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;
 - e. Any citation of legal authority supporting the petitioner, if known;
 - f. Proof of service of the protest upon the water right permit holder, if petitioner is other than the water right permit holder; and
 - g. The applicant or non-applicant protest fee required under ORS 536.050.

Mailing List for Extension PFO Copies

PFO Date: September 24, 2013

Copies Mailed

**Application G-16790
Permit G-16250**

By: SH
On: 9-24-13

Original mailed to Applicant:

Ash Grove Cement Company
Attn: Norma Job
P. O. Box 287 ✓
Durkee, OR 97905

Copies sent to:

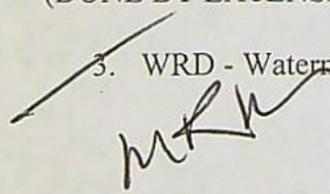
1. WRD - App. File G-16790/ Permit G-16250 ✓

Fee paid as specified under ORS 536.050 to receive copy:

2. None

**Receiving via e-mail (10 AM Tuesday of signature date)
(DONE BY EXTENSION SPECIALIST)**

3. WRD - Watermaster District 8, Ron Jacobs



CASEWORKER: MRM

Extension PFO Checklist for Other than Muni or Quasi-Municipal

Water Use Permits

(OAR 690-315-0010 through OAR 690-315-0060)

Application: G- 16790 Permit: G- 16250 Permit Amendment? No Yes T- 10902 pending approved

Permit Holder's Name: Ash Grove Cement Company

Permit Holder's Mailing Address: P.O. Box 287, Durkee, OR 97905 email norma.job@ashgrove.com

Phone Number: 541-877-2640

POD Location: Township 12S Range 43E Section 15 $\frac{1}{4}$ NENE

Drainage Basin: 9 County: Baker Watermaster District: 0 Watermaster: 8

Date Permit was issued: 11/29/2007

Priority Date: 2/5/2007

Date of PN: 9/11/2012

Source: Well 3 (BAKE 1474) Well 4, Well 5, Well 6, Well 7, Well 8, Well 9 and Well 10 in Burnt River Basin

Use: Mining and Industrial use

"Q": 0.66 CFS

Orig "A" Date: _____

Orig "B" Date: 10/1/

Orig "C" Date: 10/1/2012

Extension request rec'd: 9/4/2012

Last Authorized "B" Date: 10/1/

Last Authorized "C" Date: 10/1/2012

Request Number (1, 2, 3...): 1

Proposed "B" Date: 10/1/

Proposed C Date: 10/1/2017

Conditions of Permit:

Condition Met?	Condition Not Met?	Permit Condition
<input checked="" type="checkbox"/>	<input type="checkbox"/>	before water use may begin under this permit the permittee shall install a totalizing flow meter or other suitable measuring device.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine waer level evevation in the well at all times.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	The water user shall develop a plan to monitor and report the impact of water use under this permit on water levels within the aquifer that provides water to the permitted wells. The plan shall be submitted to the Department within one yeart of the date the permit is issued and shall be subject to the approval of the Department.
<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	

Factors to consider in determining "Reasonable Diligence" [OAR 690-315-0040(3)]:

- Yes No
- Work was accomplished within the time allowed in the permit or previous extension
 - Water right permit holder conformed with the permit or previous extension conditions
 - Financial investments were made toward developing the beneficial water use.

- Amount Invested to date: \$113,000 Estimated Remaining Cost: \$50,600.00

GW REVIEW: Y N _____

MITIGATION REVIEW: Y N _____

6920 invested

- Beneficial use made of the water during the permit or previous extension time limits
- Permit holder has beneficially used 0.0 cfs gpm af of the total permitted quantity of water on NA acres

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

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

Identify the closest surface water or localized water basin. 8 Burnt River
Ground Water Permits: Is the POA located...
Surface Water Permits: Is the POD located...

Yes No

- above a state scenic waterway? Name _____ Source: OWRD "Areas Above State Scenic Waterways" Map
- within a stream segment designated as a federal wild and scenic river? Source: www.rivers.gov/wildriverslist.html
- within a sensitive, threatened or endangered species area Source: "/gisdata/dev/projects/salmon/div33map.aml"
- within a critical or limited Ground Water Area? Name of area _____
- within a Withdrawn Area? Name of area _____
- in a waterbody listed on the DEQ Section 303(d) List of Water Quality Limited Areas? Date added to list _____
- within an area ranking low / moderate / high / highest for stream flow restoration needs Source: OWRD "Streamflow Restoration Needs" Maps (by region)

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

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

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

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

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

5-year Progress Report Checkpoints (Years: _____)

Other: _____

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

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

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

COBU Requirement - Surface Water - post July 9, 1987

"Pursuant to ORS 537.230(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use."

COBU Requirement - Ground Water - post July 9, 1987

"Pursuant to ORS 537.630(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use."

NOTES:

Attempts to Drill additional wells were made however the wells were not productive.

Extension "PFO" Dates

Mailing / Issuance Date: 24 Sep 2013

Protest Deadline Date: 08 Nov 2013

Reviewer's Name: Michael M. [Signature]

Date: 10 Sep 2013

T-109105
approved APOA

INV 113,000

Rem - 50,000

163,000

wells 3/4/5/7 10⁰⁰10

adds 2,789,10

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 # **106724**

INVOICE # _____

RECEIVED FROM: Ash Grove Cement
 BY: Company

APPLICATION G16790
 PERMIT _____
 TRANSFER _____

CASH: CHECK: # 319005 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 500.00

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 \$ 500.00

WATER RIGHTS:

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

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **106724**

DATED: 9/4/12 BY: [Signature]

Ash Grove Cement Company
 P.O. Box 25900
 Overland Park, KS 66225
 (913) 451-8900

Page 1 of 1
 Check No: 319065
 Vendor No. 82515

INVOICE NO.	INVOICE DATE	GROSS AMOUNT	DISCOUNT	NET AMOUNT
12WATERRIGHTPERMIT	8/22/2012	500.00		500.00
RECEIVED BY OWRD				
SEP 04 2012				
SALEM, OR				
TOTALS		500.00		500.00

U.S. Pat. no. 6,095,407

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

- This completed Application for Extension of Time.
- Statutory fee of \$500.
- Signature page (last page of this Application for Extension of Time).
- All supporting documentation and/or evidence referenced in the Application for Extension of Time.

MAIL COMPLETED APPLICATION

RECEIVED BY OWRD

along with the

SEP 04 2012

\$500 STATUTORY FEE TO:

SALEM, OR

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



GENERAL TIPS:

- Permit holders of municipal or quasi-municipal water use permits DO NOT use this form. The correct form is *Application for Extension of Time for Municipal and Quasi-Municipal Water Use Permits*, available at the following link:
<http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml#other>
- Request the reasonable amount of time necessary to fully complete the water construction project and/or to fully use the permitted quantity of water under the terms and conditions of your permit. Should this request be approved, it will be OWRD's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.
- A separate Application for Extension of Time must be submitted for each permit. OAR 690-315-0020(2).
- An instruction sheet (Instructions for Filling Out Extension of Time Application for Permits) provides details that will help you answer each question on the application. Permit extensions are evaluated under OAR Chapter 690, Division 315. These rules may be viewed at:
<http://www.wrd.state.or.us/OWRD/LAW/index.shtml>.

- You may provide OWRD with any additional information or evidence that will aid us in making our decision. Please note that OWRD may require other information that is necessary to evaluate the application. OAR 315-0020(3)(n).
- After careful review of the Application for Extension of Time, you may contact OWRD at (503) 986-0900, to ask questions and request assistance from a Permit Extensions Specialist in the Water Rights and Adjudications Division.
- Once an Application for Extension of Time is received by OWRD, it will be reviewed for completeness. OWRD will return any incomplete or deficient applications to the applicant. OAR 690-315-0040(1)(a).

Reference Materials Needed to Complete this Application:

- The water right permit. If needed, a copy of the water right permit can be downloaded from the Department's Website at <http://www.wrd.state.or.us> (find the link to the Water Rights Information System (WRIS)). Or, a copy of the permit (or other documents) may be requested by water right application number from the Water Rights Division at 503-986-0900 (copy fees will apply).
- Documentation which demonstrates compliance with permit conditions (for example, well construction logs; static water level measurement reports; annual water use reports; ODFW fish screen certification; a plan to monitor the effect of water use on ground water aquifers utilized under the permit; etc.).

Answer the Following Questions to Complete this Application for Extension of Time

- [OAR 690-315-0020(3)(d)]
1. Did the actual construction of the water system/well drilling begin within the time specified in the permit? Yes No



TIP: Not all permits specify a date by which construction was to begin.

Date construction began is: 2008

Details of construction: The first well was drilled and came up dry. Permit was modified to include additional well locations. Funding was approved for 2012 to begin drilling the next well.

RECEIVED BY OWRD

SEP 04 2012

SALEM, OR

2. Permits typically contain standard or special conditions that must be satisfied to lawfully develop and use permitted water. In the development of this water right, have you satisfied the conditions contained in your permit? Yes No

2-A) Describe how you have complied with each condition contained in the original permit [and, if applicable, each condition contained in any order approving a permit amendment and/or a final order approving a prior extension of time]. Include the date when the condition was satisfied.



TIP: The instruction sheet for the Application for Extension of Time provides an explanation of the typical conditions that must be addressed in this question.

CHART-A

Condition No. **	Date Satisfied	Describe How Permit Condition Has Been Satisfied
1		Flow meters were installed prior to obtaining the permit
3		Water used is maintained, but reports have not been requested
4	3/14/2010	Water Monitoring plan was developed and submitted
8		Wells were constructed prior to obtaining the permit.

** Condition No: Hand-number each condition on a copy of your permit (and, if applicable, permit amendment and prior extension).

2-B) If you have NOT complied with all applicable conditions, explain the reasons why and indicate with a date certain (in the near future) when compliance will occur.

CHART-B

Condition No.**	Date Will Comply	Explain Why Each Permit Condition Has NOT Been Satisfied
		RECEIVED BY OWRD
		SEP 04 2012
		SALEM, OR

** Condition No: Hand-number each condition on a copy of your permit (and, if applicable, permit amendment and prior extension).

3. Provide evidence of physical progress made toward completion of the water system, and of progress made toward making beneficial use of water within the permitted time period (CHART-C); and if applicable, within the time period of the most recent extension granted (CHART-D).

3-A) CHART-C (below) must be completed for all Application for Extension of Time requests. Use chronological order.

CHART-C

DATE	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List any work done before the permit was issued – eg. well drilled.</i>	COST*
	NA	
DATE	WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED <i>and PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER</i> <i>List work/actions done during the permitted time period.</i>	COST*
	Date the permit was signed - find date above signature on last page of permit.	
	November 29, 2007	
	Date the permit specified "Actual Construction Work" shall begin ("A-Date") -not all permits contain this date.	
8/1/2008	Attempted to Drill Well #5 - came up dry. This also includes the water lines & storage tank for water storage	\$113,000
	RECEIVED BY OWRD	
	SEP 04 2012	
	SALEM, OR	
10/1/13	Date the permit specified complete application of water to the use shall be made ("C-Date") - all permits contain this date.	

CHART-C (continued)

DATE	WORK ACCOMPLISHED AFTER "C-DATE" <i>COMPETE ONLY IF THIS IS YOUR 1st APPLICATION FOR EXTENSION OF TIME: List work done after the date specified in the permit for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
	None	
Total Cost for Chart-C		\$113,000.00

* If exact cost is not known, you must provide your best estimate.

3-B) If this is not your 1st Application for Extension of Time request, fill out CHART-D below (in addition to CHART-C above). Use *chronological order*.

CHART-D

DATE	WORK ACCOMPLISHED DURING THE LAST EXTENSION PERIOD <i>List all work done during the last authorized extension period.</i>	COST*
10/1/	"Extended From" date for complete application of water used in the 1 st (or the most recent) Application for Extension of Time.	
10/1/	"Extended To" date for complete application of water resulting from the 1 st (or the most recent) Application for Extension of Time.	

CHART-D (Continued)

DATE	WORK ACCOMPLISHED AFTER THE LAST EXTENSION PERIOD EXPIRED <i>List all work done after the last authorized date for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
Total Cost of Chart-D		\$0.00

* If exact cost is not known, you must provide your best estimate.

[OAR 690-315-0020(3)(f)]

4. **Cost of project to date: \$113,000.00**
(The total combined cost from CHART-C and CHART-D)

RECEIVED BY OWRD

SEP 04 2012

5. Provide evidence of the maximum rate (or duty, if applicable) of water diverted for beneficial use under this permit and/or prior extensions of time (if any) made to date.



TIP: Report the rate used to date. Unless full beneficial use has been made, this rate will be less than the rate authorized on the permit.

5-A) For Surface Water Permit Extensions (e.g. S-XXXX or R-XXXX):



TIP: Report the rate in the same units of measurement as specified in the permit.

Maximum rate used to date = 0 cfs (cubic feet per second) or,

Maximum rate used to date = _____ gpm (gallons per minute) or,

Acre-feet stored to date = _____ AF

RECEIVED BY OWRD

SEP 04 2012

5-B) For Ground Water Permit Extensions (e.g. G-XXXX):



TIP: Include information from ALL wells that pertain to this permit, including drilled wells not currently used.

SALEM, OR

CHART-E

Well # as identified on Permit	Water User's Well #	Has this well been drilled?	IF DRILLED					If yes, provide the Permit, Certificate, or Transfer No.
			Well Log Number e.g. MORR 50473	Well Tag Number e.g. # 27566 or N/A	Is the actual drilled location authorized on this permit or on a permit amendment? (See 5-C below)	Maximum instantaneous rate used from this well -- under this permit only (CFS or GPM)	Is this well authorized or utilized under additional water rights?	
Well #3	702.W P1	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Bake 1474	0	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	0.22 cfs	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	G-16250 T-10902
Well #4	721.W P1	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	na	0	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	0.22 cfs	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	G-16250 T-10902
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
Total instantaneous rate from all wells utilized under this permit						0.66 cfs		

5-C) If the drilled location of a well is not authorized on this permit, please specify its location below, or provide a map showing its location. Has or will a permit amendment application been/be filed? Yes No

If a Permit Amendment Application has been filed: Transfer No. T-_____

Well #_____: Actual location: _____

Well #_____: Actual location: _____

RECEIVED BY OWRD

SEP 04 WRAD

SALEM, OR

[OAR 690-315-0020(3)(e)(C)]

6. Provide the total number of acres irrigated to date under this permit (if applicable).

Total acres irrigated to date: NA

Ground Water Permits: Please specify which wells are being utilized for this irrigation.

Well # _____ Acres _____ Well # _____ Acres _____

Well # _____ Acres _____ Well # _____ Acres _____

[OAR 690-315-0020(3)(j)]

7. Provide a summary of your future plans and schedule to complete the construction of the water system, and/or apply water to full beneficial use under the terms and conditions of the permit.

CHART-F

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
7/1/2012	Drill another well in one of the permitted locations	\$50,600
Year: 2012	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
Total Cost		50,600

[OAR 690-315-0020(3)(g)]

8. Estimated remaining cost to complete the project: 50,600
(The total cost from CHART-F)

[OAR 690-315-0020(3)(h)]

9. List the reasons why the project was not constructed, and/or water was not beneficially used within permit time limits. Provide supporting information for the reason(s) that best fits your circumstances (A, B, C or D).

9-A) The project is of a size and scope that was originally planned to be phased in over a time frame longer than the one allowed in the permit.

NA

RECEIVED BY OWRD

SEP 04 2012

WRAD

SALEM, OR

9-B) The financial resources needed to develop the project precluded completion of the project within authorized time frames.

The first well that was drilled for this project came up dry. Additional resources were necessary to drill another well. The additional resources were allocated for 2012.

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

NA

9-D) Acts of God or other unforeseen events delayed full development of the water system and use of water within the authorized time frames.

No water was located during the drilling of Well #5

[OAR 690-315-0020(3)(k)]

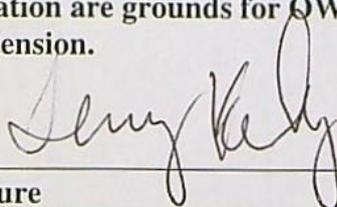
10. Justify the time requested to complete the project and/or apply the water to full beneficial use. Your justification should combine information from your answers from Questions 2-B, 7, 8, and 9 of this Application for Extension of Time, and should also include any other information or evidence to establish that the requested amount of time is sufficient and that you will be able to complete the project within the amount of time requested.

Since there are no records of aquifers in this area, we are only hoping to hit water on the next drilling attempt. The capital amount approved is for only one attempt to reach a water source.

11. Provide any other information you wish OWRD to consider while evaluating your Extension of Time Application.

From 2009 until now we have exhausted other avenues to see if we can get by with the wells we currently have. They have proven to not supply an adequate amount of water and Well # 4 does not recover properly, so that well may need to be refurbished.

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



Signature

Date

8/22/2012

RECEIVED BY OWRD

Application # G-16790

Permit # G-16250

Public Notice Route Slip ... New Application Extension of Time
per Division 315 Rules... (Extensions received on July 1, 2001 or after)

◆ WRIG...

Money Received on: 9.4.2012

◆ Extension Specialist ...

Added to tracking spreadsheet

After fee is receipted and app is added to spreadsheet, route to...

◆ Codi Holmes...

Publish on Public Notice (initial 30-day comment): Date of notice 9/11/12

Update WRIS Database

In the "PNotice Date" field... Enter the date the Extension Application was published on the Public Notice.

In the "Ext Filed" field... Enter the date the Extension Application was received.

Yes or No: Return file to Extension Specialist after PN JOANS



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

September 10, 2012

REFERENCE: Application for Extension of Time

Dear Extension of Time Applicant:

The Water Right Services Division has received your application for an extension of time for **APPLICATION FILE #: G-16790 (Permit G-16250)**. Your application will be reviewed in the future. Following the review, you will receive a Proposed Final Order either approving or rejecting the extension of time request. A 45-day protest period begins upon issuance of the Proposed Final Order. After the protest period closes, a Final Order is issued.

If you are interested in having your application 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

You may continue the use of water under your water right until the Water Resources Department formally takes action on your extension application. If your permit includes conditions, water use reporting, water level measurement reporting, etc., you are required to comply with the conditions.

Any additional development that occurs after the expired completion date, identified on the permit or an extension order, can only be claimed upon an approved extension application.

If you have questions concerning your extension of time application, please contact Jerry Gainey (503) 986-0812. For general information about the Water Resources Department, you may contact the Water Resources' Customer Service Group at (503) 986-0801 or you may access the Department's website at: www.wrd.state.or.us.

ASH GROVE CEMENT COMPANY



WESTERN REGION
33060 SHIRTTAIL CREEK ROAD, P.O. BOX 287
DURKEE, OREGON 97905
PHONE (541) 877-2411 FAX (541) 877-2246

August 30, 2012

RECEIVED BY OWRD

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

SEP 04 2012

SALEM, OR RECEIVED BY OWRD

RE: Water Right File Permit G-16250/Application G16790

SEP 04 2012

To Whom It May Concern:

SALEM, OR

Please find enclosed our permit extension request. We conducted a water survey on the five potential sites in this permit earlier this year and they showed to be dry. We will need to extend this permit so that we can then submit a permit modification to add another well site. I have also included a check in the amount of \$500.00 for the Permit extension fee of the water right.

If you have any questions, please feel free to contact me at 541-877-2640.

Thanks for your help in this matter.

Sincerely,

A handwritten signature in blue ink that reads "Norma C. Job". The signature is written in a cursive style.

Norma C. Job
Environmental Manager
Ash Grove Cement Company – Durkee Plant

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Permit Amendment) CORRECTING FINAL ORDER
T-10902, Baker County, Oregon)

Authority

ORS 537.211 establishes the process in which a water right permit holder may submit a request to change the point of appropriation and/or place of use authorized under an existing water right permit.

Applicant

Ash Grove Cement Company
Attn Norma Job
P. O. Box 287
Durkee, Oregon 97905

Findings of Fact

1. On June 11, 2009, Ash Grove Cement Company filed an application for an additional point of appropriation under Permit G-16250. The Department assigned the application number T-10902.
2. On October 13, 2009, the Department issued an order approving T-10902. The order was recorded at Special Order Volume 79, Pages 67 to 70.
3. The order incorrectly listed the measured distances of one of the proposed wells, Well 9, from the SW Corner of Section 16. The order said:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
12 S	43 E	WM	10	SE SE	WELL 9 - 243 FEET NORTH AND 316 FEET WEST FROM THE SW CORNER OF SECTION 10

4. The correct measured distances, as shown in the permit amendment application map is:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
12 S	43 E	WM	10	SE SE	WELL 9 - 243 FEET NORTH AND 316 FEET WEST FROM THE SE CORNER OF SECTION 10

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 137-004-080 and OAR 690-01-005 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.

Now, therefore, it is ORDERED:

1. The order approving T-10902 as recorded Special Order Volume 79, Pages 67 to 70 is corrected to describe the correct measured distances for proposed additional Well 9.
2. All other provisions of Special Order Volume 79, Pages 70 to 54 remain in effect.

Dated at Salem, Oregon this 11th day of February, 2010.

William E. Febr
Ar Phillip C. Ward
Director

Mailing date: FEB 17 2010

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
12 S	43 E	WM	15	NE NE	WELL 3 (BAKE 1474) - 130 FEET SOUTH AND 430 FEET WEST FROM THE NE CORNER OF SECTION 15
12 S	43 E	WM	11	NW SW	WELL 4 - 1650 FEET NORTH AND 660 FEET EAST FROM THE SW CORNER OF SECTION 11
12 S	43 E	WM	10	SE SE	PROPOSED WELL 5 - 400 FEET NORTH AND 275 FEET WEST FROM THE SE CORNER OF SECTION 10

Authorized Place of Use:

MINING AND INDUSTRIAL USE				
Twp	Rng	Mer	Sec	Q-Q
12 S	43 E	WM	10	NE NE
12 S	43 E	WM	10	NW NE
12 S	43 E	WM	10	SW NE
12 S	43 E	WM	10	SE NE
12 S	43 E	WM	10	SE NW
12 S	43 E	WM	10	NE SW
12 S	43 E	WM	10	NW SW
12 S	43 E	WM	10	SW SW
12 S	43 E	WM	10	SE SW
12 S	43 E	WM	10	NE SE
12 S	43 E	WM	10	NW SE
12 S	43 E	WM	10	SW SE
12 S	43 E	WM	10	SE SE
12 S	43 E	WM	11	NE NW
12 S	43 E	WM	11	NW NW
12 S	43 E	WM	11	SW NW
12 S	43 E	WM	11	SE NW
12 S	43 E	WM	11	NE SW
12 S	43 E	WM	11	NW SW
12 S	43 E	WM	11	SW SW
12 S	43 E	WM	11	SE SW
12 S	43 E	WM	11	NW SE
12 S	43 E	WM	11	SW SE
12 S	43 E	WM	14	NW NW
12 S	43 E	WM	15	NE NE
12 S	43 E	WM	15	NW NE
12 S	43 E	WM	15	NE NW
12 S	43 E	WM	15	NW NW
12 S	43 E	WM	16	NE NE
12 S	43 E	WM	16	NW NE
12 S	43 E	WM	16	SW NE
12 S	43 E	WM	16	SE NE

3. Permit Amendment Application T-10902 proposes additional points of appropriation located:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
12 S	43 E	WM	11	NW SW	WELL 6 - 2006 FEET NORTH AND 1295 FEET EAST FROM THE SW CORNER OF SECTION 11
12 S	43 E	WM	11	NE SW	WELL 7 - 1926 FEET NORTH AND 1338 FEET EAST FROM THE SW CORNER OF SECTION 11
12 S	43 E	WM	11	NE SW	WELL 8 - 2094 FEET NORTH AND 1251 FEET EAST FROM THE SW CORNER OF SECTION 11
12 S	43 E	WM	10	SE SE	WELL 9 - 243 FEET NORTH AND 316 FEET WEST FROM THE SW CORNER OF SECTION 10
12 S	43 E	WM	15	NE NE	WELL 10 - 657 FEET SOUTH AND 303 FEET WEST FROM THE NE CORNER OF SECTION 15

4. Notice of the application for the permit amendment was published in the Department's weekly notice on June 16, 2009, and in the Baker City Herald newspaper on September 23, 30, and October 7, 2009, pursuant to ORS 540.520(5). No comments were filed in response to the notices.

Permit Amendment Review Criteria

5. The change would not result in injury to other water rights.
6. The change does not enlarge the permit.
7. The change does not alter any other terms of the permit.

Conclusions of Law

The additional points of appropriation proposed by Permit Amendment Application T-10902 are consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

The change and subsequent use of water shall be subject to the following conditions:

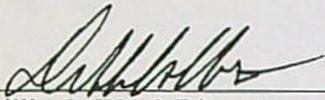
1. The combined quantity of water diverted at the new points of appropriation, together with that diverted at the old points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.
2. Prior to water use from the proposed points of appropriation, the permittee shall install meter(s) or other suitable measuring device(s) as approved by the Director. The permittee shall maintain the meter(s) or measuring device(s) in good working order.

The permittee shall allow the watermaster access to the meter(s) or measuring device(s); provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

3. Water shall be acquired from the same aquifer as the original points of appropriation.
4. All other terms and conditions of Permit G-16250 remain the same.
5. Permit G-16250, in the name of ASH GROVE CEMENT CO., is amended as described herein.

Dated at Salem, Oregon this 13th day of October, 2009.



Phillip C. Ward, Director

Mailing Date: OCT 14 2009

Gerry Clark

From: Rick Lusk
Sent: Monday, June 18, 2012 10:53 AM
To: Gerry Clark
Subject: RE: Ash Grove - Proving up on T-10902

Gerry,

Thanks for the quick turn around on this. I will convey the information to Norma Job.

Rick Lusk

From: Gerry Clark
Sent: Monday, June 18, 2012 10:05 AM
To: Rick Lusk
Subject: RE: Ash Grove - Proving up on T-10902

Rick,

Since this "T" file is a permit amendment, they will be proving up on the permit. If they want to add an additional well that was not part of the original permit or the permit amendment, I would recommend a permit extension of time and then another permit amendment to add the new well location to the permit.

Let me know if you have any additional quesitons.

Gerry

Gerry Clark
Water Right Services Division
Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301

Phone: 503-986-0811
Fax: 503-986-0901

From: Rick Lusk
Sent: Monday, June 18, 2012 9:55 AM
To: Gerry Clark
Subject: Ash Grove - Proving up on T-10902

Gerry,

I have been in contact this morning with Norma Job of Ash Grove (541-877-2640) regarding T-10902. Ash Grove had an outfit do some testing to determine if the proposed well locations for T-10902 would produce water. Their consultant reported the 5 proposed well locations would not produce water. Ash Grove will not be able to prove up on T-10902 at the proposed well locations, they don't want to drill dry holes.

Secondly, the consultant showed them another location, not a proposed site, where a well might be constructed and provide water. That location was not disclosed to me. What is the most efficient way for Ash Grove to legally drill in this new location?

I have attached a scanned image indicating the 5 proposed locations within the big boundary of the cement plant.

If you have questions or need clarification, please contact me.

Thanks,

Rick Lusk
Assistant Manager, ER
Watermaster District 8
1995 3rd Street, Suite 180
Baker City, OR 97814
541-523-8224
Rick.M.LUSK@wrd.state.or.us

G-16790

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Permit Amendment) CORRECTING FINAL ORDER
T-10902, Baker County, Oregon)

Authority

ORS 537.211 establishes the process in which a water right permit holder may submit a request to change the point of appropriation and/or place of use authorized under an existing water right permit.

Applicant

Ash Grove Cement Company
Attn Norma Job
P. O. Box 287
Durkee, Oregon 97905

Findings of Fact

1. On June 11, 2009, Ash Grove Cement Company filed an application for an additional point of appropriation under Permit G-16250. The Department assigned the application number T-10902.
2. On October 13, 2009, the Department issued an order approving T-10902. The order was recorded at Special Order Volume 79, Pages 67 to 70.
3. The order incorrectly listed the measured distances of one of the proposed wells, Well 9, from the SW Corner of Section 16. The order said:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
12 S	43 E	WM	10	SE SE	WELL 9 - 243 FEET NORTH AND 316 FEET WEST FROM THE SW CORNER OF SECTION 10

4. The correct measured distances, as shown in the permit amendment application map is:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
12 S	43 E	WM	10	SE SE	WELL 9 - 243 FEET NORTH AND 316 FEET WEST FROM THE SE CORNER OF SECTION 10

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 137-004-080 and OAR 690-01-005 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.

Now, therefore, it is ORDERED:

1. The order approving T-10902 as recorded Special Order Volume 79, Pages 67 to 70 is corrected to describe the correct measured distances for proposed additional Well 9.
2. All other provisions of Special Order Volume 79, Pages 70 to 54 remain in effect.

Dated at Salem, Oregon this 11th day of February, 2010.

William E. Febru

Ar Phillip C. Ward
Director

Mailing date: FEB 17 2010

G-16790

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Permit Amendment)
T-10902, Baker County) **FINAL ORDER**
) APPROVING ADDITIONAL POINTS
) OF APPROPRIATION

Authority

ORS 537.211 establishes the process in which a water right permit holder may submit a request to change the point of appropriation and/or place of use authorized under an existing water right permit.

Applicant

Ash Grove Cement Company
Attn Norma Job
P O Box 287
Durkee OR 97905

Findings of Fact

Background

1. On June 11, 2009, Ash Grove Cement Company filed an application for additional points of appropriation under Permit G-16250. The Department assigned the application number T-10902.

2. The permit to be amended is as follows:

- Permit:** G-16250 in the name of ASH GROVE CEMENT CO.
- Use:** MINING AND INDUSTRIAL USE
- Priority Date:** FEBRUARY 5, 2007
- Quantity:** 0.66 CUBIC FOOT PER SECOND (CFS), BEING 0.22 CFS FROM EACH WELL
- Period of Use:** YEAR ROUND
- Source:** WELLS 3, 4, AND 5 within the BURNT RIVER BASIN

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 137-004-080 and OAR 690-01-005 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.

Authorized Points of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
12 S	43 E	WM	15	NE NE	WELL 3 (BAKE 1474) - 130 FEET SOUTH AND 430 FEET WEST FROM THE NE CORNER OF SECTION 15
12 S	43 E	WM	11	NW SW	WELL 4 - 1650 FEET NORTH AND 660 FEET EAST FROM THE SW CORNER OF SECTION 11
12 S	43 E	WM	10	SE SE	PROPOSED WELL 5 - 400 FEET NORTH AND 275 FEET WEST FROM THE SE CORNER OF SECTION 10

Authorized Place of Use:

MINING AND INDUSTRIAL USE				
Twp	Rng	Mer	Sec	Q-Q
12 S	43 E	WM	10	NE NE
12 S	43 E	WM	10	NW NE
12 S	43 E	WM	10	SW NE
12 S	43 E	WM	10	SE NE
12 S	43 E	WM	10	SE NW
12 S	43 E	WM	10	NE SW
12 S	43 E	WM	10	NW SW
12 S	43 E	WM	10	SW SW
12 S	43 E	WM	10	SE SW
12 S	43 E	WM	10	NE SE
12 S	43 E	WM	10	NW SE
12 S	43 E	WM	10	SW SE
12 S	43 E	WM	10	SE SE
12 S	43 E	WM	11	NE NW
12 S	43 E	WM	11	NW NW
12 S	43 E	WM	11	SW NW
12 S	43 E	WM	11	SE NW
12 S	43 E	WM	11	NE SW
12 S	43 E	WM	11	NW SW
12 S	43 E	WM	11	SW SW
12 S	43 E	WM	11	SE SW
12 S	43 E	WM	11	NW SE
12 S	43 E	WM	11	SW SE
12 S	43 E	WM	14	NW NW
12 S	43 E	WM	15	NE NE
12 S	43 E	WM	15	NW NE
12 S	43 E	WM	15	NE NW
12 S	43 E	WM	15	NW NW
12 S	43 E	WM	16	NE NE
12 S	43 E	WM	16	NW NE
12 S	43 E	WM	16	SW NE
12 S	43 E	WM	16	SE NE

3. Permit Amendment Application T-10902 proposes additional points of appropriation located:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
12 S	43 E	WM	11	NW SW	WELL 6 - 2006 FEET NORTH AND 1295 FEET EAST FROM THE SW CORNER OF SECTION 11
12 S	43 E	WM	11	NE SW	WELL 7 - 1926 FEET NORTH AND 1338 FEET EAST FROM THE SW CORNER OF SECTION 11
12 S	43 E	WM	11	NE SW	WELL 8 - 2094 FEET NORTH AND 1251 FEET EAST FROM THE SW CORNER OF SECTION 11
12 S	43 E	WM	10	SE SE	WELL 9 - 243 FEET NORTH AND 316 FEET WEST FROM THE SW CORNER OF SECTION 10
12 S	43 E	WM	15	NE NE	WELL 10 - 657 FEET SOUTH AND 303 FEET WEST FROM THE NE CORNER OF SECTION 15

4. Notice of the application for the permit amendment was published in the Department's weekly notice on June 16, 2009, and in the Baker City Herald newspaper on September 23, 30, and October 7, 2009, pursuant to ORS 540.520(5). No comments were filed in response to the notices.

Permit Amendment Review Criteria

5. The change would not result in injury to other water rights.
6. The change does not enlarge the permit.
7. The change does not alter any other terms of the permit.

Conclusions of Law

The additional points of appropriation proposed by Permit Amendment Application T-10902 are consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

The change and subsequent use of water shall be subject to the following conditions:

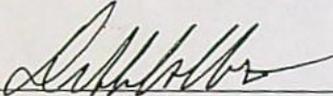
1. The combined quantity of water diverted at the new points of appropriation, together with that diverted at the old points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.
2. Prior to water use from the proposed points of appropriation, the permittee shall install meter(s) or other suitable measuring device(s) as approved by the Director. The permittee shall maintain the meter(s) or measuring device(s) in good working order.

The permittee shall allow the watermaster access to the meter(s) or measuring device(s); provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

3. Water shall be acquired from the same aquifer as the original points of appropriation.
4. All other terms and conditions of Permit G-16250 remain the same.
5. Permit G-16250, in the name of ASH GROVE CEMENT CO., is amended as described herein.

Dated at Salem, Oregon this 13th day of October, 2009.



Phillip C. Ward, Director

Mailing Date: OCT 14 2009



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

February 27, 2008

(503) 986-0844

Ms. Norma C. Job, Environmental Manager
Ash Grove Cement Company
33060 Shirttail Creek Road, P. O. Box 287
Durkee, OR 97905

Re: Permit G-16250 Water Level Measurement Plan

Dear Ms. Job:

I received your letter and revised water-level measurement plan, dated February 14, 2008. I can approve of the plan. I look forward to receiving your annual water-level data. The plan may be amended, if necessary, upon request or as directed.

Please call me at the above number if you have any questions or concerns.

Sincerely,

Michael J. Zwart
Hydrogeologist

ASH GROVE CEMENT COMPANY



WESTERN REGION

33060 SHIRTTAIL CREEK ROAD, P.O. BOX 287
DURKEE, OREGON 97905
PHONE (541) 877-2411 FAX (541) 877-2246

February 14, 2008

Michael J. Zwart
Water Rights Section
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

RE: Water Right G-16250 Monitoring Plan

Dear Mr. Zwart:

I have included as part of this letter, the revised Water Right G-16250 Monitoring Plan per a condition of the Water Right. This plan is replacing the plan submitted under the Limited License 1024 submitted on October 8, 2007.

Please let me if you have any questions or concerns with this revised plan.

Sincerely,

Norma C. Job
Environmental Manager
541-877-2640

RECEIVED

FEB 19 2008

WATER RESOURCES DEPT
SALEM, OREGON

ASH GROVE CEMENT COMPANY



WESTERN REGION

33060 SHIRTTAIL CREEK ROAD, P.O. BOX 287
DURKEE, OREGON 97905
PHONE (541) 877-2411 FAX (541) 877-2246

Water Right G - 16250 Monitoring Plan / C-16790
February 14, 2008

- 1.) Ash Grove will monitor the SWL of each of the wells on at least an annual basis.
- 2.) The reference level will be the static water level measurement taken in March of 2008 on each of the two wells. The new well once drilled will be measured the following March after installation.
- 3.) Ash Grove will report the measurement using the following identifiers
Well #3 - Bake 1474 (702.WP1)
Well #4 - 721.WP1
Well #5 - 702.WP2 once drilled along with the drill log number
- 4.) The measurement point will be at ground level, the measurement will be done using a tape with an electric sounder.
- 5.) The measurement will be done in hundredths of a foot.
- 6.) The measurement will be taken during normal operating conditions at the plant, but when the pump is not operating. (It is not possible to stop the pumping from the wells for any length of time since it is used 24 hours a day, 7 days a week)
- 7.) The person doing the measurements will be the Plant's Environmental Manager or designee who has been trained on the equipment.
- 8.) The Static Water Level measurements will be submitted to the Ground Water and Hydrology section by April 15th of each year for the March reading of the static water level measurements.

RECEIVED

FEB 19 2008

WATER RESOURCES DEPT
SALEM OREGON

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-16790

Final Order

Application History

On February 5, 2007, Ash Grove Cement Co., submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on September 4, 2007. The protest period closed October 5, 2007, and no protest was filed.

Proposed use would not impair or be detrimental to the public interest, but the Department's continuing evaluation reveals that the Proposed Final Order requires modification to correctly describe Well 3.

The Proposed Final Order described Well 3 as:

Well 3 (BAKE 1479)

Well 3 as modified in the attached draft permit is:

Well 3 (BAKE 1474)

Order

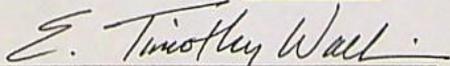
Application G-16790 therefore is approved as proposed by the Proposed Final Order, and Permit G-16250 is issued as limited by the conditions proposed by the Proposed Final Order.

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.

DATED November 29, 2007



for Phillip C. Ward, Director
Water Resources Department

STATE OF OREGON

COUNTY OF BAKER

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

ASH GROVE CEMENT CO.
PO BOX 287
DURKEE, OR 97905

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

APPLICATION FILE NUMBER: G-16790

SOURCE OF WATER: WELL 3 (BAKE 1474), WELL 4, AND PROPOSED WELL 5 IN
BURNT RIVER BASIN

PURPOSE OR USE: MINING; INDUSTRIAL USE

MAXIMUM RATE: 0.66 CUBIC FOOT PER SECOND (CFS), BEING 0.22 CFS FROM
EACH WELL

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: FEBRUARY 5, 2007

WELL LOCATIONS:

WELL 3 (BAKE 1474): NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 15, T12S, R43E, W.M.;
130 FEET SOUTH AND 430 FEET WEST FROM NE
CORNER, SECTION 15

WELL 4: NW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 11, T12S, R43E, W.M.;
1650 FEET NORTH AND 660 FEET EAST FROM SW
CORNER, SECTION 11

PROPOSED WELL 5: SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 10, T12S, R43E, W.M.;
400 FEET NORTH AND 275 FEET WEST FROM SE
CORNER, SECTION 10

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE $\frac{1}{4}$ NE $\frac{1}{4}$
NW $\frac{1}{4}$ NE $\frac{1}{4}$
SW $\frac{1}{4}$ NE $\frac{1}{4}$
SE $\frac{1}{4}$ NE $\frac{1}{4}$
SE $\frac{1}{4}$ NW $\frac{1}{4}$
NE $\frac{1}{4}$ SW $\frac{1}{4}$

NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
SECTION 10

NE ¼ NW ¼
NW ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
NW ¼ SE ¼
SW ¼ SE ¼
SECTION 11

NW ¼ NW ¼
SECTION 14

NE ¼ NE ¼
NW ¼ NE ¼
NE ¼ NW ¼
NW ¼ NW ¼
SECTION 15

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
SECTION 16

TOWNSHIP 12 SOUTH, RANGE 43 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 or other suitable measuring device as approved by the Director at each point of appropriation. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private

structure, the watermaster shall request access upon reasonable notice.

- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used, and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water-use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

The water user shall develop a plan to monitor and report the impact of water use under this permit on water levels within the aquifer that provides water to the permitted well(s). The plan shall be submitted to the Department within one year of the date the permit is issued and shall be subject to the approval of the Department. At a minimum, the plan shall include a program to periodically measure static water levels within the permitted well(s) or an adequate substitute such as water levels in nearby wells. The plan shall also stipulate a reference water level against which any water-level declines will be compared. If a well listed on this permit (or replacement well) displays a total static water-level decline of 25 or more feet over any period of years, as compared to the reference level, then the water user shall discontinue use of, or reduce the rate or volume of withdrawal from the well(s). Such action shall be taken until the water level recovers to above the 25-foot decline level or until the Department determines, based on the water user's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit.

STANDARD CONDITIONS

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 not be valid, 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 wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

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 the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

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

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

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

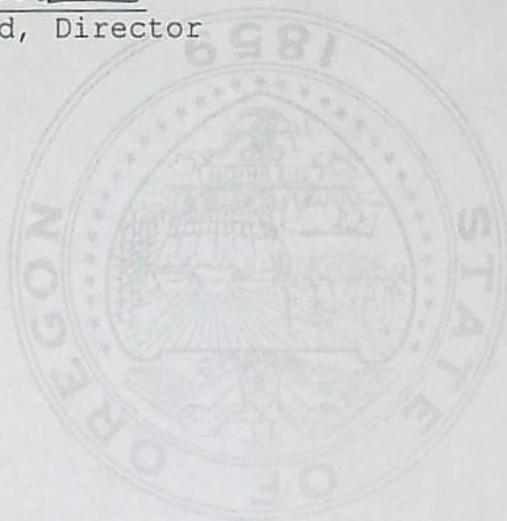
The use of water shall be limited when it interferes with any prior surface or ground water rights.

Completion of construction and complete application of the water to the use shall be made on or before October 1, 2012. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

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

Issued November 29, 2007

E. Timothy Wall.
for Phillip C. Ward, Director



Mailing List for FO Copies

Application #G-16790

Original mailed to applicant with claim of beneficial use form:

ASH GROVE CEMENT CO.
PO BOX 287
DURKEE OR 97905

Copies sent to:

1. WRD - File # G-16790
2. WRD - Ken Stahr

<p>Copies Mailed</p> <p>By: <u>MS</u> (SUPPORT STAFF)</p> <p>on: <u>11/30/07</u> (DATE)</p>
--

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

3. WRD - Watermaster District #: 8
4. WRD - Regional Manager: Ivan Gall

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

5. Thomas J. Hanley CWRE #241: Hanley Engineering, Inc., PO Box 701, Baker City, OR 97814

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

- 1.

CASEWORKER : Brook Geffen

Authorized Well #1 Located
240' S. & 1240' E. from
the NW Cor. Sec. 11

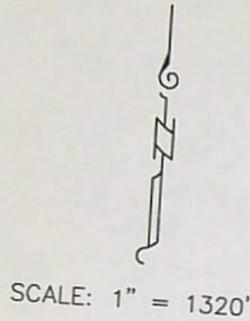
Authorized Well #2 Located
250' S. & 1340' E. from
the NW Cor. Sec. 11

T. 12 S., R. 43 E., W.M.

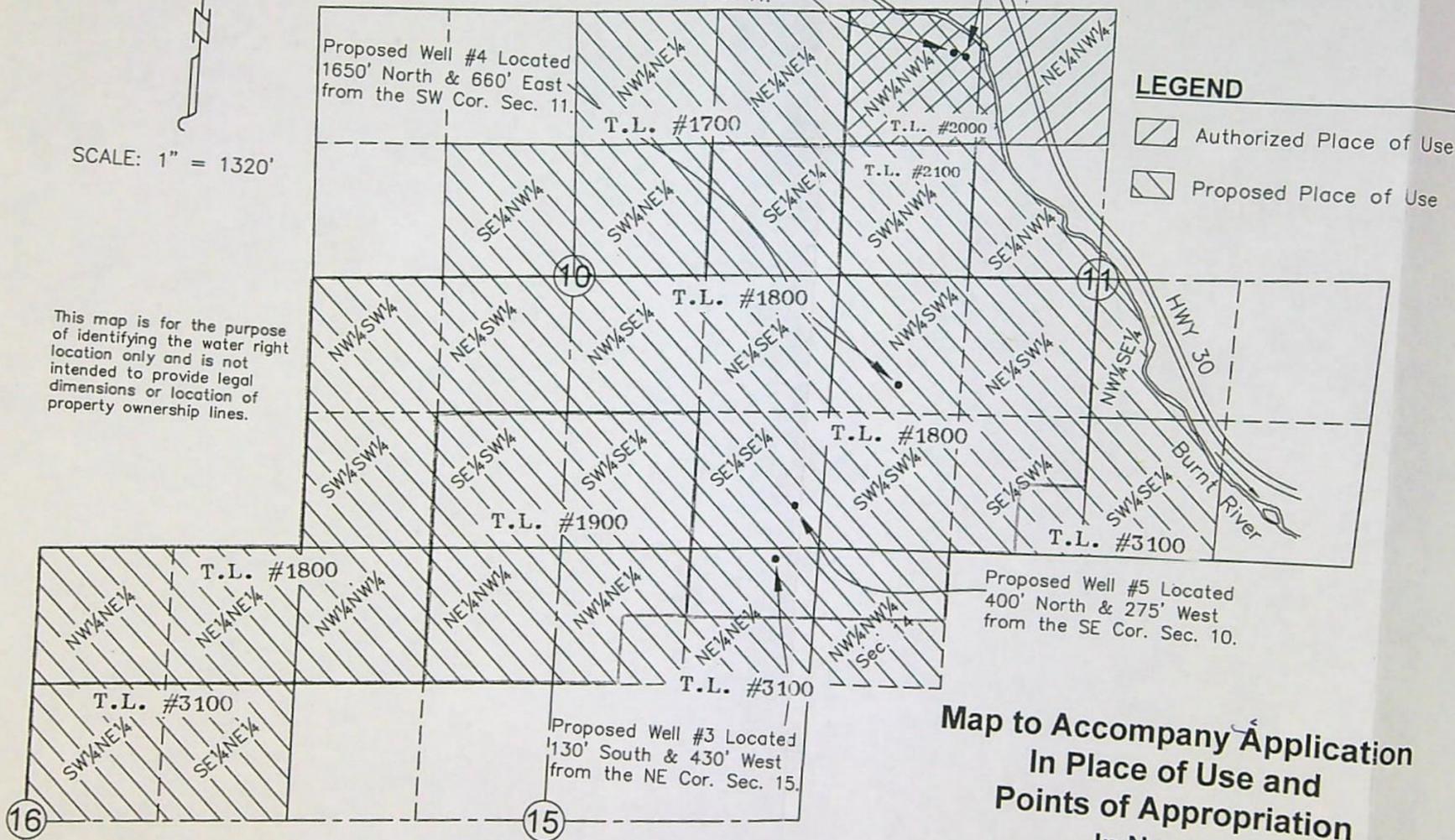
Proposed Well #1 Located
350' S. & 1030' E.
from the NW Cor. Sec. 11.

Proposed Well #2 Located
380' S. & 1150' E.
from the NW Cor. Sec. 11.

Proposed Well #4 Located
1650' North & 660' East
from the SW Cor. Sec. 11.



This map is for the purpose
of identifying the water right
location only and is not
intended to provide legal
dimensions or location of
property ownership lines.



LEGEND
 Authorized Place of Use
 Proposed Place of Use

**Map to Accompany Application
In Place of Use and
Points of Appropriation
In Name of
Ash Grove Cement Co.
Reference: T-8344
July, 2006
Revised Jan., 2007
T-10235**

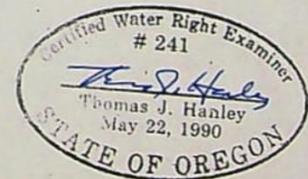
Note: Wells #3, #4 and #5 are included
only for a new groundwater permit
application and are not related
to the water transfer T-10235

HANLEY ENGINEERING, INC.
2043 MAIN STREET
BAKER CITY, OREGON

RECEIVED

FEB 05 2007

WATER RESOURCES DEPT
SALEM, OREGON



app no G-16790 Permit no G-16250

PFO Checklist

Application #: G-16790 Applicant: NORMA JOB ASH GROVE CEMENT CO

Shortcomings preventing PFO? Y / N Should process continue? Y / N

IR Date July 6, 07 Public Notice Date July 10, 07 Comments received? Y / N

Was additional information requested in the IR? Y / N If so, do we now have enough info to do the PFO? Y / N

Was the application filed after 10/23/99? Y / N (If not, add A date requirement)

B.O.R. or Doug Co. project Y / N Contract in file? N contract # _____

IR identifies as DEQ 303d? Y / N / NA Comments received? Y / N _____

Is second gw review necessary? Y / N / NA Complete? Y / N

Water Availability OK / REDONE / NA _____

Have conflicts been addressed? Y / N / NA _____

Changes from IR determinations _____

Copy to _____

<input checked="" type="checkbox"/> Fees	<u>Base Fee</u>	<u>Water Amount (Q)</u>	
	\$150 / \$250 <input checked="" type="checkbox"/> \$300 / \$500	1" CFS/AF	<u>200</u>
		_____ Addl @ _____ + _____	
	<u>300</u> (base)	+ <u>200</u> (Q)	= <u>500</u> (total exam fee)

EXAM FEE REQUIRED	<u>500</u>	RECORDING FEE REQUIRED	\$175 / \$250 / <input checked="" type="checkbox"/> \$300
EXAM FEE PAID	- <u>500</u>	RECORDING FEE PAID	- <u>300</u>
STILL OWED	_____	STILL OWED	_____

Name: Brook Geffen Date: 8/9/2007 Peer Reviewer: jmc

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.

Brook Geffen

From: Tim Wallin
Sent: Tuesday, July 10, 2007 9:24 AM
To: Brook Geffen
Cc: Timmie.C.BRANDT@wrd.state.or.us; Jonnine Skaug
Subject: RE: IR - G-16790, ASH GROVE CEMENT CO, NORMA JOB, 7/13/2007, POWDER BASIN, PROPOSED WELL 3; PROPOSED WELL 4; AND PROPOSED WELL 5 IN BURNT RIVER BASIN

Brook – if it's 0.22 cfs from 3 wells, then the Q must be 0.66. please make sure the individual Qs add up to the total Q.

Otherwise OK

From: Brook Geffen
Sent: Monday, July 09, 2007 12:23 PM
To: timothy.WALLIN@wrd.state.or.us
Subject: IR - G-16790, ASH GROVE CEMENT CO, NORMA JOB, 7/13/2007, POWDER BASIN, PROPOSED WELL 3; PROPOSED WELL 4; AND PROPOSED WELL 5 IN BURNT RIVER BASIN

Propose to issue

<S:\groups\wr\apps\G\16701-16800\16790\G-16790-ir.wpd>

IR CHECKLIST

Application #: G-16790 Applicant: NORMA JOB ASH GROVE CEMENT CO

Use(s): MINING; MANUFACTURING USES Priority Date: February 5, 2007

If municipal or quasi-municipal: reviewed by Bill Fujii Y / N NA Construction will be completed within 20 years.

Is the application complete? Y / N

Prohibited by ORS 538? Y N If so, do not do an IR; return the application & fees to the applicant.

GW Review surface classification triggered PSI with stream: _____

- will not will likely be available ...without injury... and/or within the capacity of the resource
- will, if properly conditioned, avoid injury to existing ground water rights or to the ground water resource 7A
- The well is located in GWLA or CGWA or T1N R3E Sec 20, 21, 28, 29. (If checked, include a basin map noting POD.)

WM Dist (NWR - 1 2 16 18 20) (NCR - 3 4 5 21) (ER - 6 8 9 10) (SCR - 11 12 17) (SWR - 13 14 15 19)

DIVISION 33 Y / N / NA Rock Lake
(If Y, attach basin map w/ pod) Above Bonneville (if checked not allowed April 15 - September 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 Champoege Creek (including Mission & Case Creeks)

Is there a conflict? Y / N / NA Industrial

- If conflict, are rights from a different source?
- If supplemental, check for primary right on same land
- will this be making up a deficiency in rate?

Allowed under Basin Program Y / N Limitations? Y / N _____

303D Y / N / NA IN GEOGRAPHIC UMATILLA Y / N BOTTLED WATER Y / N
(cc: DEQ Regional Manager) (cc: CTUIR) (cc: DOA Food Safety Division)

Rate _____ Rate Max _____ Req _____
Duty _____ Season Allowed _____ Req _____

Land use: OK needs approval county notified NA
Still need Land Use form for TL3100

Storage Contracts: USBOR Army Corps of Engineers Douglas County NA
contract # _____

Agent: Has the applicant authorized someone to act as an agent? Y N

Conditions: Medium, 7A

- Small ≤ 0.1 CFS, ≤ 9.2 AF, Medium > 0.1 and < 1.5 CFS, > 9.2 and < 100 AF, Large ≥ 1.5 CFS, ≥ 100 AF
- Use "Medium" when the source is Siletco Lake Sandy Basin ground water, or stored water with a contract.
- Use "Large" when permit has 7I, temp control (including NU) or HC above a SWW, Tenmile Lake, or when the applicant is a government entity
- Use "Large with totalizing flow meter" for IR permits in South Salem Hills or IR over 10 Ac. in Stage Gulch CGWA

Application #: G-16790 Applicant: NORMA JOB ASH GROVE CEMENT CO

Is the stream withdrawn? Y / N / (NA) season allowed _____

Basin Maps have been checked (Y) / N River Mile _____

SWW ABOVE WITHIN (NA) Name _____ (If above or within, notify Parks.)

Is the source a high priority for streamflow restoration? Y / N / (NA)

Letter format (Good) Limited Bad Bad w/ HC Opportunity

If in North Umpqua settlement reach, did you update the spreadsheet(s)? Y / N (NA)

CWRE, representative, etc. to notify? (Y) ~~(N)~~ Thomas J. Hanley #241

Addn'l info req'd? (Y) / N Need TL 3100 landuse
(If Y, send certified)

Attachments included? Y / (N) / NA _____

E-mailed Tim, including note if negative? Y / N

Fees

Base Fee	Water Amount (Q)
\$100 / \$150 \$250 / <u>(\$300)</u>	1 st CFS/AF <u>200</u>
	_____ Addl CFS/AF @ _____ + _____
<u>300</u> (base)	<u>200</u> (Q) = <u>500</u> (total exam fee)

	EXAM FEE REQUIRED <u>500</u>
	EXAM FEE PAID <u>500</u>
	STILL OWED <u>-</u>

Name: Brook Gelf Date: 6/11/2007 Peer Reviewer: [Signature]

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.

Sections

TOWNSHIP	TWP_CHAR	RANGE	RNG_CHAR	SECTION	LINK1
12	S	43	E	10	Well log images
12	S	43	E	9	Well log images
12	S	43	E	11	Well log images
12	S	43	E	14	Well log images
12	S	43	E	15	Well log images
12	S	43	E	16	Well log images

Records Found: 6

County

COUNTY	FIPS
Baker	41001

Records Found: 1

Basins

BASIN_NUM	BASIN_NAME
9	Powder

Records Found: 1

WaterMaster Districts

OBJECTID	DISTRICT_N	REGION	WATERMASTE	ADDRESS	CITY	ZIP_CODE	VOICE
7	8	E	Rick Lusk	1995 Third St, Suite 180	Baker City	97814	541-523-82

Records Found: 1

WAB

GAGE	BASIN	LINK1	LINK2
30920215	9	Water Availability: 50% 80%	Peak Flow Analysis
72168	9	Water Availability: 50% 80%	Peak Flow Analysis
30920213	9	Water Availability: 50% 80%	Peak Flow Analysis

Records Found: 3

Groundwater Restricted Records Found: 0

Divison 33 Area

DIV33
In a Div33 area

Records Found: 1

Rule 4D Records Found: 0

Place of Use (Powder)

SNP_ID	WR_TYPE	WR_STATUS	CLAIM_CHAR	CLAIM_NBR	DECREE	APP_CHAR	APP_NBR	PERM_CH
Details	SW	NC		0		IS	72168	
Details	SW	NC		0		S	52981	S

Records Found: 2

DIVISION 509

POWDER BASIN PROGRAM

[NOTE: The Powder Basin is delineated on State Water Resources Board Map 9.6, available from the agency.]

690-509-0000

Classifications

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

(a) That 65,000 acre-feet annually of unappropriated water of Eagle Creek and its tributaries at or above stream mile 21 be classified for domestic, livestock, municipal, irrigation, recreation, wildlife, and fish life purposes.

(b) That 265,000 acre-feet annually of natural flows of Snake River water at or near stream mile 9 of Powder River (arm of Brownlee Reservoir) lying within Section 25, Township 9 South, Range 45 East, Willamette Meridian, be classified for domestic, livestock, municipal, irrigation and industrial purposes.

(c) That 87,000 acre-feet annually of natural flows of Snake River water at or near stream mile 327 of Snake River lying within Section 8, Township 14 South, Range 45 East, Willamette Meridian, be classified for domestic, livestock, municipal, irrigation, and industrial purposes.

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

(e) Stored water may be used for any beneficial purpose subject to the reservation of water under OAR 690-509-0110 through 0160.

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

(3) Structures or works for the utilization of the waters in accordance with the aforementioned classifications are also declared to be prejudicial to the public interest unless planned, constructed, and operated in conformity with applicable provisions of ORS 536.310 and any such structures or works are further declared to be prejudicial to the public interest which do not give cognizance to the multiple-purpose concept.

(4) Notwithstanding a determination water is unavailable for appropriation, permits for domestic and livestock purposes from the Burnt River and tributaries may be issued to water-use applicants:

(a) In amounts not to exceed a cumulative total of 2.5 cubic feet per second of live-flow, and

(b) Provided water-use applicants cannot acquire access to a viable source of water supplied by a community water system, irrigation district, or other water supply organization.

(5) Applications filed prior to March 8, 1996, shall be processed under the classification in effect at the time of the application.

Stat. Auth.: ORS 536

Stats. Implemented: ORS 536.220 & ORS 536.310

Hist.: WRB 43, f. 7-10-70; WRD 1-1981, f. & cert. ef. 4-20-81; Administrative Renumbering 9-1993, Renumbered from 690-080-0090; WRD 4-1996, f. & cert. ef. 3-15-96; WRD 3-2000, f. & cert. ef. 5-26-00

Water Right Conditions
Tracking Slip

Groundwater/Hydrology Section

FILE ## G-16790

ROUTED TO: Water Rights

TOWNSHIP/

RANGE-SECTION: 12S/43E-10, 11, 15

CONDITIONS ATTACHED? yes no

REMARKS OR FURTHER INSTRUCTIONS:

Reviewer: Mike Zwart

PUBLIC INTEREST REVIEW FOR GROUND WATER APPLICATIONS

TO: Water Rights Section Date May 24, 2007

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

SUBJECT: Application G- 16790 Supersedes review of N/A
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: Ash Grove Cement Co. County: Baker

A1. Applicant(s) seek(s) 0.6684 cfs from three well(s) in the Powder Basin,
Burnt River subbasin Quad Map: Durkee

A2. Proposed use: Industrial/Mining Seasonality: Year round

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	BAKE 1474	3	Bedrock	0.2228	12S/43E-15 NE-NE	130' S, 430' W fr NE cor S 15
2	No Log	4	Bedrock	0.2228	12S/43E-11 NW-SW	1650' N, 660' E fr SW cor S 11
3	Proposed	5	Bedrock	0.2228	12S/43E-10 SE-SE	400' N, 275' W fr SE cor S 10
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
3	3095	150	106	6/13/79	180	0-30	0-38	10-150	120-150	35	74	Air
4	2945	?	114	10/25/06	251	?	?	0-251	195-251	?		
5	3025	100	100±		300±	0-18	0-300		100-300			

Use data from application for proposed wells.

A4. **Comments:** Drawdown estimated from air test. Well #4 information, what little there is, is from a recent downhole video log, which revealed PVC liner to the bottom of the well. Based on the location of the wells, it is assumed that the well #4 develops the same formation as well #3. Based on the log for well #3, it is not clear that the wells will produce the desired quantity. Well # 5 is proposed to be constructed similarly.

A5. **Provisions of the Powder** 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: _____

A6. Well(s) # _____, _____, _____, _____, _____, tap(s) an aquifer limited by an administrative restriction. Name of administrative area: _____
 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) 7A _____;
 - 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: _____

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
All	Fractured and likely metamorphosed pre-Tertiary rocks	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>

Basis for aquifer confinement evaluation: The reported water-bearing zone is well below the static water level of well 3 and likely also well 4, based on the perforated interval documented by the video log.

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
3	1	Cottonwood Gulch	2989	3020	400	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3	2	Shirrtail Creek	2989	2620	3600	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3	3	Burnt River	2989	2510	4000	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4	1	Cottonwood Gulch	2831	2880	250	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4	2	Shirrtail Creek	2831	2600	3500	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4	3	Burnt River	2831	2520	2400	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5	1	Cottonwood Gulch	2925	3010	200	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5	2	Shirrtail Creek	2925	2620	3500	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5	3	Burnt River	2925	2510	2600	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Basis for aquifer hydraulic connection evaluation: The likely fracture-dominated permeability of the aquifer makes the finding of hydraulic connection problematic. Numerous springs are identified in bedrock at elevations similar to and lower than the wells, but these are more than a mile northwest of the site. Locally, the only identified spring is at the head of Cottonwood Gulch at elevation 3480. At lower elevations, the aquifer likely discharges indirectly to alluvial deposits or directly to springs, creeks and the Burnt River where alluvium is absent. The specific locations where discharge occurs depends on the orientation of the fracture system. Since no local lower elevation springs are identified locally and there is limited information regarding this aquifer, I am not making a finding of hydraulic connection with nearby surface water sources.

Water Availability Basin the well(s) are located within: Burnt R > Snake R at mouth (72168); Shirrtail Cr > Burnt R at mouth (30920213).

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?
		<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>

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?
	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>

Comments: This section does not apply.

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													
(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.

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.

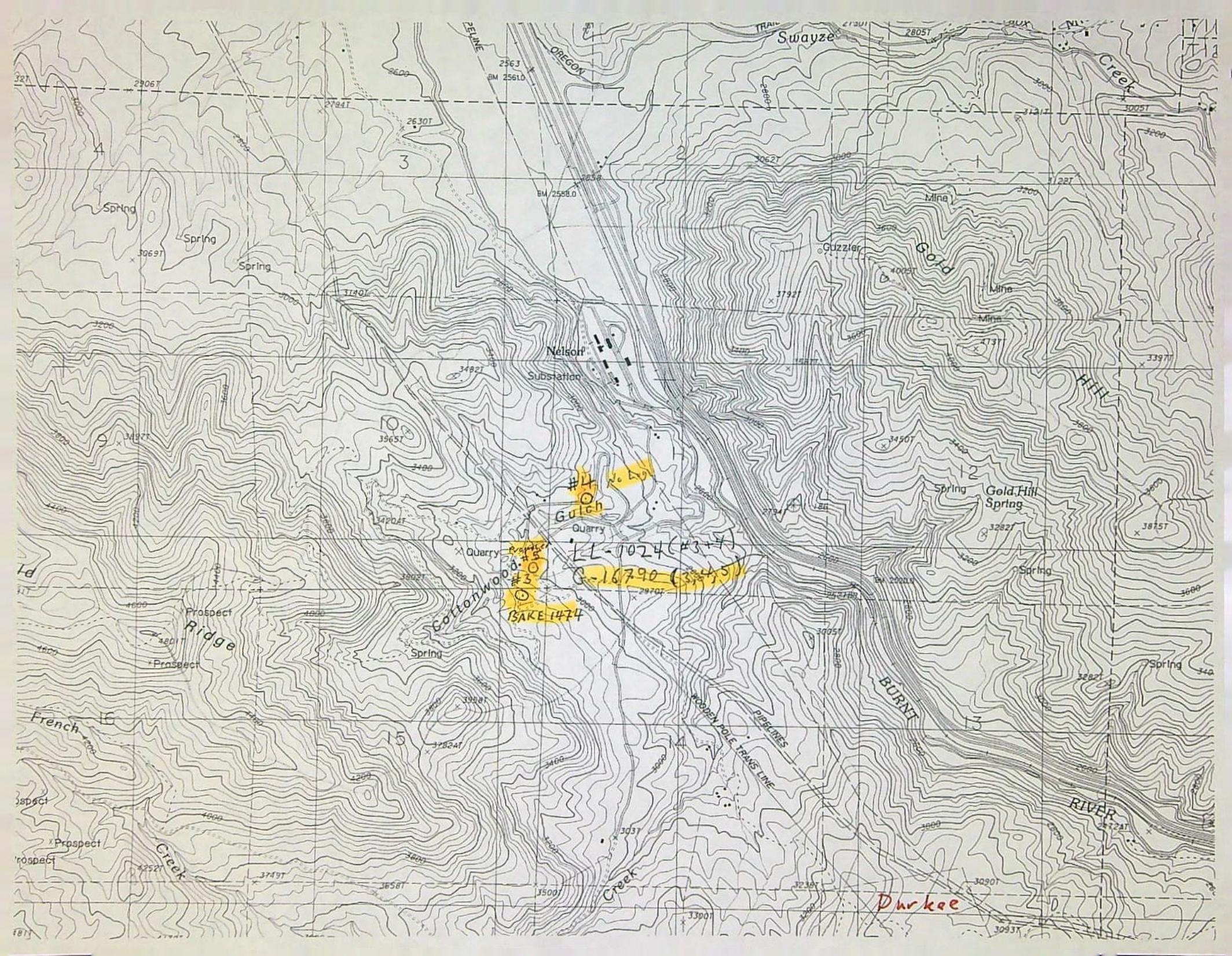
D6. **Route to the Enforcement Section.** I recommend withholding issuance of the permit until evidence of well reconstruction is filed with the Department and approved by the Enforcement Section and the Ground Water Section.

THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL

D7. 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).**



Swayze

Creek

Gold

HILL

Gold Hill Spring

Nelson Substation

Gulch

SAKE 1474

L-1024 (#3+4)

G-16790 (3,4,5)

BURN

RIVER

Durkee

Creek

Ridge

Cottonwood

French

Creek

PELINE TRAIL

OREGON

TRAIL

WOODEN POLE TRANS LINE

PIPELINES

327

29067

27947

26307

2563

BM 2561.0

41301

28057

31217

30057

31227

3200

3200

30697

3000

31407

BM 2558.0

30627

3000

37927

3608

40057

3200

33977

34827

3000

31100

3000

34507

3400

3000

3000

34927

39657

3400

34207

38027

3000

3000

29707

BM 2520.0

29707

32827

3600

4000

4000

38027

3000

3000

3000

30057

2800

3000

3000

3600

3807

3807

39507

3000

3000

3000

30057

2800

3000

32827

340

3807

3807

37827

3000

3400

3000

30057

3000

3000

32827

340

3807

3807

3807

3000

3400

3000

30057

3000

3000

32827

340

42527

37497

36587

3800

3500

3037

3000

3000

32827

340

37497

36587

3800

3500

3037

3000

3000

30907

340

37497

36587

3800

3500

33007

3000

3000

30937

340

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-16790

Proposed Final Order

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

Application History

On February 5, 2007, ASH GROVE CEMENT CO. submitted an application to the Department for the following water use permit:

- Amount of Water: 0.66 CUBIC FOOT PER SECOND (CFS) (300 GALLONS PER MINUTE)
- Use of Water: MINING; INDUSTRIAL USES
- Source of Water: WELL 3 (BAKE 1479), WELL 4, AND PROPOSED WELL 5 IN BURNT RIVER BASIN
- Area of Proposed Use: Baker County within SECTION 10, 11, 14, 15, and 16, TOWNSHIP 12 SOUTH, RANGE 43 EAST, W.M.

On July 6, 2007, the Department mailed the applicant notice of its Initial Review, determining that "The use of 0.67 CFS from Well 3 (BAKE 1479); Well 4; and Well 5 (being 0.22 CFS from each well) in Burnt River Basin for industrial use is allowable year-round." The applicant did not notify the Department to stop processing the application within 14 days of that date.

On July 10, 2007, 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 groundwater areas
- the Scenic Waterway requirements of ORS 390.835
- applicable statutes, administrative rules, and case law
- any general basin-wide standard for flow rate and duty of water allowed
- the need for a flow rate and duty higher than the general standard
- any comments received

Findings of Fact

The Powder Basin Program allows MINING; INDUSTRIAL USES.

WELL 3 (BAKE 1479); WELL 4; AND PROPOSED WELL 5 IN BURNT RIVER BASIN ARE not within or above a State Scenic Waterway.

The Initial Review erroneously stated that the proposed application was for manufacturing uses. The Draft Permit reflects the accurate uses as mining and industrial.

Groundwater Findings Under OAR 690-09

The Department determined, consistent with OAR 690-09-0040(4), that the proposed ground water use will not have the potential for substantial interference with the nearby surface water sources.

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

The Department finds that the amount of water requested, 0.66 CFS, is an acceptable amount.

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

The Initial Review determined the use of 0.67 CFS of water in Burnt River Basin for industrial use is allowable year-round. The value, 0.67 CFS is erroneous. The correct quantity of water allowable year-round is reflected in the draft permit, being 0.66 CFS.

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 Powder 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.

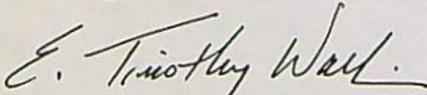
The Department therefore concludes that water is available in the amount necessary for the proposed use; the proposed use will not result in injury to existing water rights; and the proposed use would ensure the preservation of the public welfare, safety and health as described in ORS 537.525.

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 September 4, 2007



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 **October 5, 2007**. 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; and
- If you are not the applicant, the protest fee of \$350 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 **October 19, 2007**. 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 \$100.00. If a hearing is scheduled, an additional fee of \$250.00 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.

This document was prepared by Brook Geffen. 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 503-986-0853.

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 the Protest Coordinator 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 BAKER

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

ASH GROVE CEMENT CO
PO BOX 287
DURKEE, OR 97905

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

APPLICATION FILE NUMBER: G-16790

SOURCE OF WATER: WELL 3 (BAKE 1479), WELL 4, AND PROPOSED WELL 5 IN
BURNT RIVER BASIN

PURPOSE OR USE: MINING; INDUSTRIAL USES

MAXIMUM RATE: 0.66 CUBIC FOOT PER SECOND (CFS), BEING 0.22 CFS FROM EACH
WELL

PERIOD OF USE: YEAR-ROUND

DATE OF PRIORITY: FEBRUARY 5, 2007

WELL LOCATIONS:

WELL 3 (BAKE 1479)	NE ¼ NE ¼, SECTION 15, T12S, R43E, W.M.; 130 FEET SOUTH AND 430 FEET WEST FROM NE CORNER, SECTION 15
WELL 4	NW ¼ SW ¼, SECTION 11, T12S, R43E, W.M.; 1650 FEET NORTH AND 660 FEET EAST FROM SW CORNER, SECTION 11
WELL 5	SE ¼ SE ¼, SECTION 10, T12S, R43E, W.M.; 400 FEET NORTH AND 275 FEET WEST FROM SE CORNER, SECTION 10

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
SE ¼ NW ¼

NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼
SE ¼ SE ¼
SECTION 10

NE ¼ NW ¼
NW ¼ NW ¼
SW ¼ NW ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
NW ¼ SE ¼
SW ¼ SE ¼
SECTION 11

NW ¼ NW ¼
SECTION 14

NE ¼ NE ¼
NW ¼ NE ¼
NE ¼ NW ¼
NW ¼ NW ¼
SECTION 15

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
SECTION 16

TOWNSHIP 12 SOUTH, RANGE 43 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 or other suitable measuring device as approved by the Director at each point of appropriation. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or

measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used, and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water-use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

The water user shall develop a plan to monitor and report the impact of water use under this permit on water levels within the aquifer that provides water to the permitted well(s). The plan shall be submitted to the Department within one year of the date the permit is issued and shall be subject to the approval of the Department. At a minimum, the plan shall include a program to periodically measure static water levels within the permitted well(s) or an adequate substitute such as water levels in nearby wells. The plan shall also stipulate a reference water level against which any water-level declines will be compared. If a well listed on this permit (or replacement well) displays a total static water-level decline of 25 or more feet over any period of years, as compared to the reference level, then the water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s). Such action shall be taken until the water level recovers to above the 25-foot decline level or until the Department determines, based on the water user's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit.

STANDARD CONDITIONS

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 not be valid, 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 wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

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 the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

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

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

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

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

Completion of construction and complete application of the water to the use shall be made on or before October 1, 2012. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

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

Issued August _____, 2007

DRAFT - THIS IS NOT A PERMIT

for Phillip C. Ward, Director

Application G-16790 Water Resources Department

PERMIT DRAFT

Authorized Well #1 Located
240' S. & 1240' E. from
the NW Cor. Sec. 11

Authorized Well #2 Located
250' S. & 1340' E. from
the NW Cor. Sec. 11

T. 12 S., R. 43 E., W.M.

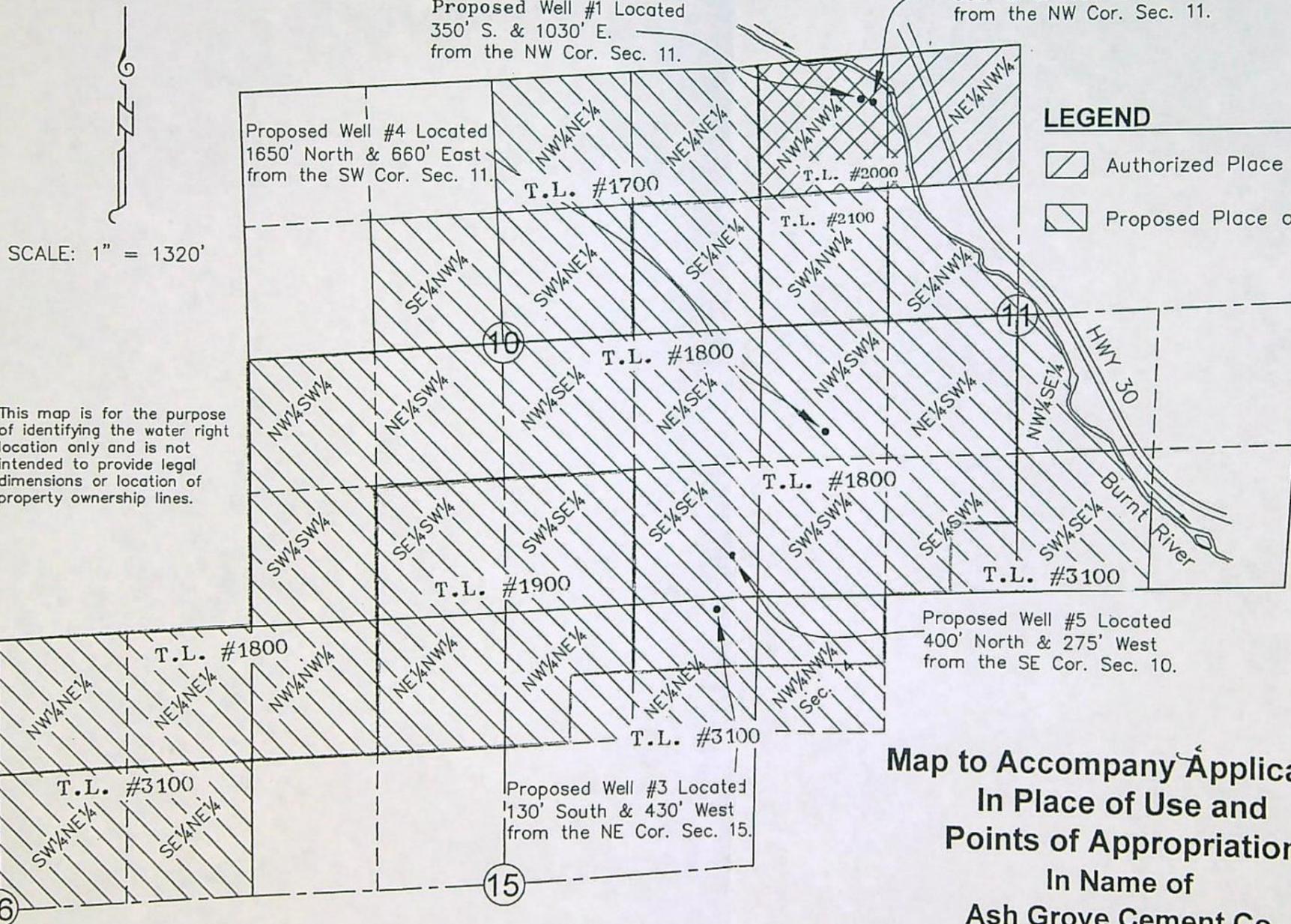
Proposed Well #1 Located
350' S. & 1030' E.
from the NW Cor. Sec. 11.

Proposed Well #2 Located
380' S. & 1150' E.
from the NW Cor. Sec. 11.

Proposed Well #4 Located
1650' North & 660' East
from the SW Cor. Sec. 11.

LEGEND

-  Authorized Place of Use
-  Proposed Place of Use



SCALE: 1" = 1320'

This map is for the purpose
of identifying the water right
location only and is not
intended to provide legal
dimensions or location of
property ownership lines.

Proposed Well #5 Located
400' North & 275' West
from the SE Cor. Sec. 10.

Proposed Well #3 Located
130' South & 430' West
from the NE Cor. Sec. 15.

**Map to Accompany Application
In Place of Use and
Points of Appropriation
In Name of
Ash Grove Cement Co.**

Reference: T-8344
July, 2006

Revised Jan., 2007
T-10235

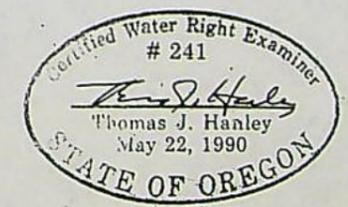
RECEIVED

FEB 05 2007

WATER RESOURCES DEPT
SALEM, OREGON

HANLEY ENGINEERING, INC.
2043 MAIN STREET
BAKER CITY, OREGON

Note: wells #3, #4 and #5 are included
only for a new groundwater permit
application and are not related
to the water transfer T-10235



app no G-16790

Mailing List for PFO Copies

Application #G-16790

PFO Date September 4, 2007

Original mailed to applicant:

~~NORMA JOB ASH GROVE CEMENT CO., PO BOX 287, DURKEE, OR 97905~~

Copies sent to:

- ~~1. WRD - File # G-16790~~
- ~~2. WRD - Water Availability: Ken Stahr~~

Copies Mailed
By: <u>TCB</u>
(SUPPORT STAFF)
on: <u>9/4/07</u>
(DATE)

IR, Map, and Fact Sheet Copies sent to:

- ~~3. WRD - Regional Manager: Jerry Rodgers~~
- ~~4. WRD - Watermaster # 8: Rick Lusk~~

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

- ~~5. Thomas J. Hanley CWRE #241: Hanley Engineering, Inc., PO Box 701, Baker City, OR 97814~~

Caseworker: Brook Geffen

COPYSHT.IR



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: Ash Grove Cement Company
 Mailing Address: PO Box 287
 City: Durkee State: OR Zip: 97814 Day Phone: 541-523-3907

This application is related to a Measure 37 claim. Yes No

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	¼ ¼	Tax Lot #	Plan Designation (e.g. Rural Residential/RR-5)	Water to be:	Proposed Land Use:
12 S	43E	11, 15, 16		3100		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	

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

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 or Ground Water Registration Modification

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

Estimated quantity of water needed: 0.67 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 mining

Briefly describe: used in the process of manufacturing cement

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

RECEIVED

JUL 19 2007

WATER RESOURCES DEPT
 SALEM, OREGON

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): RCZO Sect. 314

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:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> 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.

Observe setbacks

Name: Holly Kerns Title: Planner
 Signature: Holly Kerns Phone: 541-523-8219 Date: 7/16/07
 Government Entity: Baker County Planning Dept.

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: ~~Ash Grove~~ Ash Grove Cement

City or County: Baker Staff contact: Holly Kerns

Signature: Holly Kerns Phone: 523-8219 Date: 7/16/07

Hand Delivered

SALEM, OREGON
 WATER RESOURCES DEPT.
 Last updated 12/22/06 WR
 JUL 19 2007

RECEIVED

ASH GROVE CEMENT COMPANY



WESTERN REGION
33060 SHIRTTAIL CREEK ROAD, P.O. BOX 287
DURKEE, OREGON 97905
PHONE (541) 877-2411 FAX (541) 877-2246

July 17, 2007

State of Oregon
Water Resources Department
Attn: Brook Geffen
725 Summer Street NE, Suite A
Salem, OR 97301-1271

RE: File G-16790

Dear Ms. Geffen:

Please find enclosed the additional information that was requested. I have also included a check in the amount of \$300.00 for the recording fee of the water right.

If you have any questions, please feel free to contact me at 541-877-2640.

Thanks for your help in this matter.

Sincerely,

A handwritten signature in blue ink that reads "Norma C. Job".

Norma C. Job
Environmental Manager
Ash Grove Cement Company – Durkee Plant

RECEIVED

JUL 19 2007

WATER RESOURCES DEPT
SALEM, OREGON



Oregon

Theodore R. Kulongoski, Governor

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

July 6, 2007

ASH GROVE CEMENT CO
ATTN: NORMA JOB
PO BOX 287
DURKEE, OR 97905

Reference: File G-16790

Dear Norma Job:

**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 use of 0.67 cubic foot per second (CFS) of water from Well 3 (BAKE 1479); Well 4; and Well 5 (being 0.22 CFS from each well) in Burnt River Basin for year-round industrial use.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The use of water from Well 3 (BAKE 1479); Well 4; and Well 5 in Burnt River Basin for industrial use is allowable under the Powder Basin Program.
4. If properly conditioned, the proposed uses of ground water will avoid injury to existing ground water rights and the resource.
5. The Department has determined, based upon OAR 690-09, that the proposed ground water use will not have the potential for substantial interference with any surface water source.
6. The Department has determined there are deficiencies with the application. Please refer to the **Additional Information Required** section below for specific information.

Summary of Initial Determinations

The use of 0.67 CFS from Well 3 (BAKE 1479); Well 4; and Well 5 (being 0.22 CFS from each well) in Burnt River Basin for industrial use is allowable year-round.

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

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

Additional Information Required:

Your Land Use Information Form only includes land use approval for Tax Lots 1700, 1800, 1900, 2000, 2100. Additional information is required to process your application. Please provide the following items:

- A completed Land Use Information Form or a receipt signed and dated by a Baker County official for the property described as Tax Lot 3100, Sections 11, 15, and 16, Township 12 South, Range 43 East. The Land use Form or receipt shall be dated within the preceding 6 months from when it is received by the Department.

Please submit this information no later than August 9, 2007. If you are unable to submit the information listed above, you may request an administrative hold for up to an additional 180 days. You must submit the request in writing, stating how much more time you will need and why you need additional time. If an administrative hold is granted, your application will not be processed further until the requested information is received or the extended deadline has passed.

To Proceed With Your Application:

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

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$50 processing charge per application.) To accomplish this you must notify the Department in

writing by Friday, July 20, 2007. 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 or other suitable measuring device as approved by the Director at each point of appropriation. The permittee shall maintain the meter or measuring device in good working order.
 - B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
 - C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used, and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water-use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.
2. The water user shall develop a plan to monitor and report the impact of water use under this permit on water levels within the aquifer that provides water to the permitted well(s). The plan shall be submitted to the Department within one year of the date the permit is issued and shall be subject to the approval of the Department. At a minimum, the plan shall include a program to periodically measure static water levels within the permitted well(s) or an adequate substitute such as water levels in nearby wells. The plan shall also stipulate a reference water level against which any water-level declines will be compared. If a well listed on this permit (or replacement well) displays a total static water-level decline of 25 or more feet over any period of years, as compared to the reference level, then the water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s). Such action shall be taken until the water level recovers to above the 25-foot decline level or until the Department determines, based on the water user's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit.

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 503-986-0808 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: Brook Geffen, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266. Our fax number is 503-986-0901.

Sincerely,



Brook Geffen
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

G-16790
WAB 9-NA
POU 9-NA
GW - NO PSI

APPLICATION FACT SHEET

Application File Number: G-16790

Applicant: NORMA JOB ASH GROVE CEMENT CO

County: Baker

Watermaster: 8

Priority Date: February 5, 2007

Source: WELL 3 (BAKE 1474); WELL 4; AND WELL 5 IN BURNT RIVER BASIN

Use: INDUSTRIAL

Quantity: 0.67 CUBIC FOOT PER SECOND (300 GALLONS PER MINUTE)

Basin Name & Number: Powder, #9

Stream Index Reference: Volume 3A BURNT R MISC

Well Location(s):

WELL 3 (BAKE 1474): NENE, SECTION 15, T12S, R43E, W.M.; 130 FEET SOUTH AND 430 FEET WEST FROM NE CORNER, SECTION 15

WELL 4: NWSW, SECTION 11, T12S, R43E, W.M.; 1650 FEET NORTH AND 660 FEET EAST FROM SW CORNER, SECTION 11

WELL 5: SESE, SECTION 10, T12S, R43E, W.M.; 400 FEET NORTH AND 275 FEET WEST FROM SE CORNER, SECTION 10

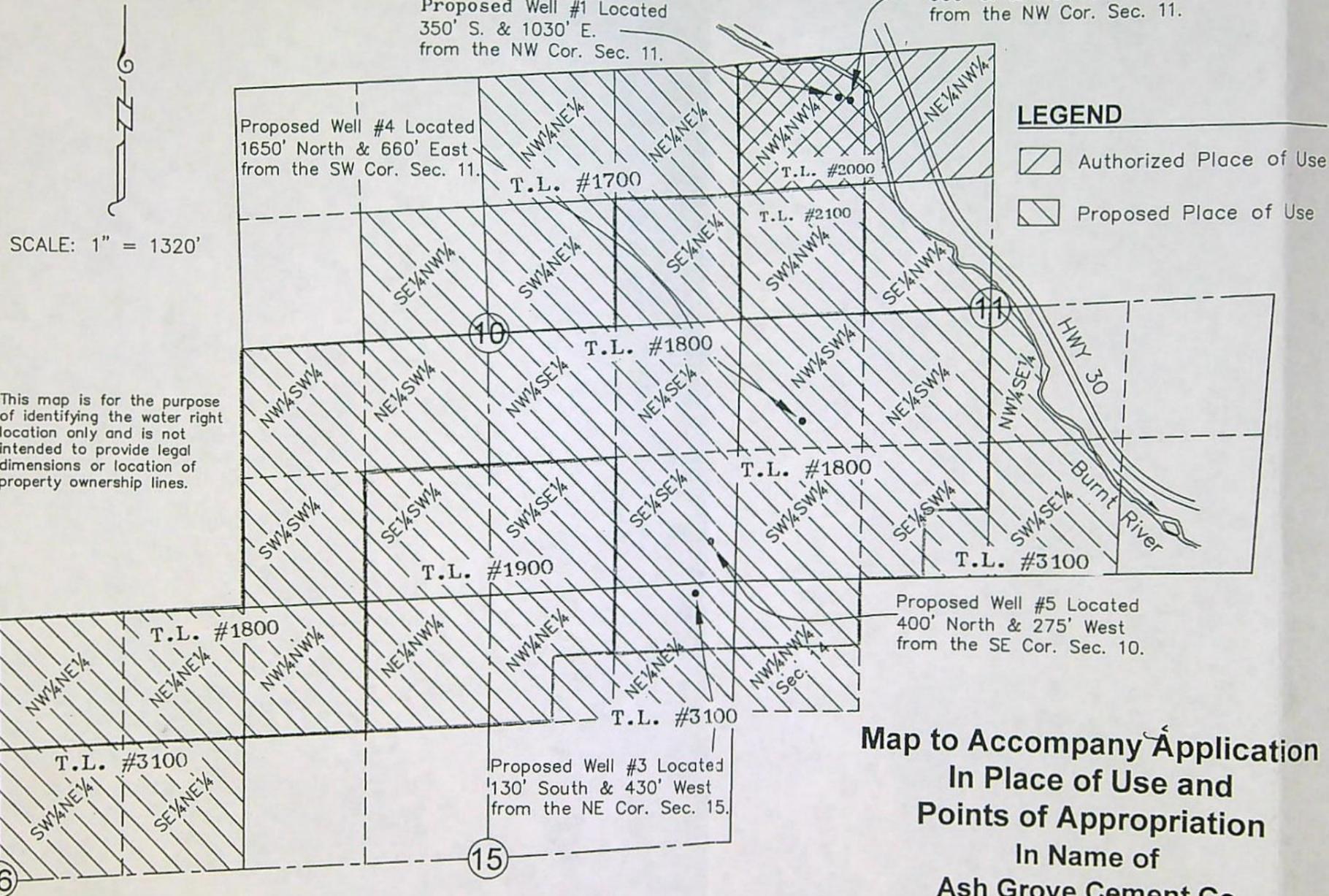
Place of Use:

NE ¼ NE ¼
NW ¼ NE ¼
SW ¼ NE ¼
SE ¼ NE ¼
SE ¼ NW ¼
NE ¼ SW ¼
NW ¼ SW ¼
SW ¼ SW ¼
SE ¼ SW ¼
NE ¼ SE ¼
NW ¼ SE ¼
SW ¼ SE ¼

Authorized Well #1 Located
240' S. & 1240' E. from
the NW Cor. Sec. 11

Authorized Well #2 Located
250' S. & 1340' E. from
the NW Cor. Sec. 11

T. 12 S., R. 43 E., W.M.



SCALE: 1" = 1320'

This map is for the purpose of identifying the water right location only and is not intended to provide legal dimensions or location of property ownership lines.

LEGEND

- Authorized Place of Use
- Proposed Place of Use

**Map to Accompany Application
In Place of Use and
Points of Appropriation
In Name of
Ash Grove Cement Co.
Reference: T-8344
July, 2006
Revised Jan., 2007
T-10235**

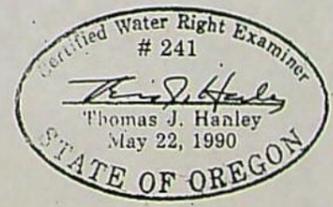
RECEIVED

FEB 05 2007

WATER RESOURCES DEPT
SALEM, OREGON

HANLEY ENGINEERING, INC.
2043 MAIN STREET
BAKER CITY, OREGON

Note: Wells #3, #4 and #5 are included only for a new groundwater permit application and are not related to the water transfer T-10235



app no G-16790

Mailing List for IR Copies

Application #G-16790

IR Date: ^{7/6}~~June 22~~, 2007

Original mailed to applicant:

~~NORMA JOB ASH GROVE CEMENT CO, PO BOX 287, DURKEE, OR 97905~~

Copies sent to:

- ~~1.~~ WRD - File # G-16790
- ~~2.~~ WRD - Water Availability: Ken Stahr

Copies Mailed By: <u>KB</u> (SUPPORT STAFF) on: <u>6/21/07</u> (DATE)

IR, Map, and Fact Sheet Copies sent to:

- ~~3.~~ WRD - Regional Manager: Jerry Rodgers
- ~~4.~~ WRD - Watermaster # 8: Rick Lusk

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

- ~~5.~~ Thomas J. Hanley CWRE #241: Hanley Engineering, Inc., PO Box 701, OR 97814

Caseworker: Brook Geffen

COPYSH.T.I.R

**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 # **86112**

INVOICE # _____

RECEIVED FROM: Ash Grove Cement
BY: _____ Company

APPLICATION	G-16790
PERMIT	
TRANSFER	

CASH: CHECK:# 9523 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 500.00

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 <u>PCA-46111</u>		
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	\$ <u>500.00</u>
0205	TRANSFER	\$
WELL CONSTRUCTION		
0218	WELL DRILL CONSTRUCTOR	\$
	LANDOWNER'S PERMIT	\$
_____	OTHER (IDENTIFY)	\$

EXAM FEE
\$
\$ <u>500.00</u>
\$
EXAM FEE
\$

RECORD FEE	
0202	\$
0204	\$
LICENSE FEE	
0219	\$
0220	\$

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **86112**

DATED: 2-5-07 BY: _____

**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 # **88798**

INVOICE # _____

RECEIVED FROM: Ash Grove Cement Company
BY: _____

APPLICATION	G 16790
PERMIT	
TRANSFER	

CASH: CHECK:# 9750 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 300.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$ _____
OTHER: (IDENTIFY) \$ _____
0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS

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

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE \$ _____	0202 RECORD FEE \$ _____
0203 GROUND WATER	EXAM FEE \$ _____	0204 RECORD FEE \$ <u>300.00</u>
0205 TRANSFER	EXAM FEE \$ _____	

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **88798**

DATED: 7/19/07 BY: J. Pasdike



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: NA
First Last

Mailing address: _____

City State Zip

Phone: _____
Home Work Other

*Fax: _____ *E-Mail address: _____

B. Organizations

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

Name of organization: Ash Grove Cement Company

Name and title of person applying: Norma Job, Environmental Manager

Mailing address of organization: PO Box 287

Durkee OR 97905
City State Zip

Phone: 541-877-2411 ext 2640
Day Evening

*Fax: 541-877-2246 *E-Mail address: norma.job@ashgrove.com

* Optional information

For Department Use		
App. No. <u>G-16790</u>	Permit No. _____	Date _____

RECEIVED

Last updated: 6/7/2005

Ground Water **FEB 05 2007**

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
WR
AUG 30 2006
WATER RESOURCES DEPT
SALEM, OREGON

2. PROPERTY OWNERSHIP

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

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

Name of nearest surface water body: Burnt River

Distance from well(s) to nearest stream or lake: 1) Well #3 - 4400'

2) Well #5 - approximate 4000' 3) Well #4 - approx 3500' 4) _____

If distance from surface water is less than one mile, indicate elevation difference between nearest surface water and well head. 1) Well #3 - 550'

2) Well #5 - approximate 483' 3) Well #4 - 402' 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: Well 3 See well log, Well #5 - Unknown, Well #4 - see video log submitted with limited license request

Address: Well #5 - Unknown driller at this time

Completion date: Well #5 - Unknown at this time - Not drilled yet. Well #4 completed around 1980

Well #4 completed around 1980

RECEIVED

FEB 05 2007

RECEIVED

AUG 30 2006

WATER RESOURCES DEPT SALEM, OREGON

WATER RESOURCES DEPT SALEM, OREGON

G-16790

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
3	8"	Welded 250 gage, PVC 200 Gage	150	120-150	30'	106'	150	3/4 inch tapped hole	180
5	8"	Steel	300	100-300	18'	100'	100'	3/4 inch tapped hole	300 estimate
4	6"	Steel	See video	From AS-251	See video	114'	100'	3/4 inch tapped hole	251'

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:

NA

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**

RECEIVED

FEB 05 2007

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

AUG 30 2006

WATER RESOURCES DEPT
SALEM, OREGON

G-116790

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)
3		industrial	100	50 mill gal	100
5		industrial	100	50 mill gal	100
4		industrial	100	50 mill gal	100

C. Maximum Rate of Use Requested

What is the maximum, instantaneous rate of water that will be used? 300
(The fees for your application will be based on this amount.) 200 gpm (100 gpm from each well) or no more than 288,000 gallons per day. 432,000

D. Period of Use

Indicate the time of year you propose to use the water: _____ Year Round
(For seasonal uses like irrigation give dates when water use would begin and end, e.g. March 1–October 31.)

E. Acreage

If you will be applying water to land, please give the total number of acres where water will be applied or used: _____ see application map
(This number should be consistent with your application map.)

5. WATER MANAGEMENT

A. Diversion

What equipment will you use to pump water from your well(s)?

- Pump (give horsepower and pump type): _____ Varies between 0.5 HP and 5 HP
- 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 2" Length go 2 various location in quarry & approx 1 m to plant
- Other (describe) _____

RECEIVED

Ground Water/4

FEB 05 2007

WATER RESOURCES DEPT
 SALEM, OREGON

RECEIVED

AUG 30 2006

WATER RESOURCES DEPT
 SALEM, OREGON

G-16790

C. Application/Distribution Method

What equipment will you use to apply water to your place of use? NA - if not, the water spray and water truck

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

D. Conservation

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

NA - if not, then flow regulated nozzles, mag chloride used to minimize water use for road spray - dust suppression
PLC control on water spray systems to provide water when needed.

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: October 2006 for Well #5 or as soon as permit is issued

Proposed date construction will be completed: October 2006 for Well #5 or asap

Proposed date beneficial water use will begin: October 2006 for Well #5 or asap

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.

Water from ^{these 5} this well will be used through out Section 10, Section 11, N1/2 Section 15, NE 1/4 Section 16,

NW 1/4 NW 1/4 Section 14 of T12S R43E WM 11
NW 1/4, NW 1/4

Okay as NW 1/4

RECEIVED

Ground Water/5 FEB 05 2007

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

AUG 30 2006

WATER RESOURCES DEPT
SALEM, OREGON

G-16790

8. MAP REQUIREMENTS

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

9. SIGNATURE

By my signature below I confirm that I understand:

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

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

Terry Kerby

(Terry Kerby)

8/23/06

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

Date

Plant Manager

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.

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

RECEIVED

Ground Water/6 FEB 05 2007

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

AUG 30 2006

WATER RESOURCES DEPT
SALEM, OREGON

6-16790



Oregon Water Resources Department

FORM R FOR WATER USED FOR MINING PURPOSES

1. What type of mining operation is planned?

Aggregate Industrial Minerals Placer

Metal (flotation processing) Metal (chemical processing - heap leach)

Other (Specify) mining and processing Ash Grove Cement products

2. What are the proposed uses of water?

Gravel washing Dewatering Make-up for milling operation

Heap leach Dust control Domestic

Other (Specify) Industrial use for the manufacture process

3. Does the mine operation require dewatering?

No (Skip to question no. 4) Yes

At what rate will the water be produced? _____ gpm cfs

How will the water be discharged? Recirculated Off-site

4. Will ponds or dams be constructed?

No (Skip to question no. 5) Yes

Approximate pond depth: _____ Depth to ground water: _____ Amount stored: _____

5. Will a pond (or ponds) be left after reclamation has been completed?

No (Skip to question no. 6) Yes List information for each pond.

Source: _____ Use: _____ Size: _____ Depth: _____

Use the reverse side of this form for additional ponds.

6. Will monitoring or observation wells be constructed on site?

No (Skip to question no. 7) Yes How many? _____

Label these well locations on your permit application map.

RECEIVED
AUG 30 2006
WATER RESOURCES DEPT
SALEM, OREGON

7. Attach a copy of the map submitted to the Department of Geology and Mineral Industries (DOGAMI) showing locations of all intermittent water courses, perennial streams, springs, wetlands, and wells.

RECEIVED
FEB 05 2007

WATER RESOURCES DEPT
SALEM, OREGON

G-16790



Oregon Water Resources Department

FORM Q
FOR COMMERCIAL AND INDUSTRIAL WATER USES

1. Describe the goods and services you plan to provide:

portland cement

2. How will the water be used?

In the production of portland cement and domestic water for restrooms and showers

3. What is the maximum amount of water that will be used on any given day:

300 cfs gpm

4. Are there periods of the day, week, month, or year that the water will not be used?
(e.g. no use December-March)

No Yes If so, when? _____

5. Is there a particular time or period of day, week, month, or year when the use of water is absolutely essential for the project to continue? (e.g. vegetable processing, Oct. 15-Nov. 15)

No Yes If so, when? through out the whole year, more during the summer months for dust control measures.

6. Are there periods of the day week, month, or year where the amount of water used will be less than at peak times?

No Yes If so, when? winter water demands historically have been less than summer months

RECEIVED

FEB 05 2007

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

Last revision: April 9, 1996

AUG 30 2006

WATER RESOURCES DEPT
SALEM, OREGON

G-16790



Oregon Water Resources Department Land Use Information Form

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. WRD will use this and other information to evaluate the water use application. 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, or exchange 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.

To Be Completed By Applicant

This section must be completed by the individual or group that is filing an application with the Water Resources Department. Attach a copy of the map from the application to this form.

A. Applicant

Name: Ash Grove Cement Company
 Address: PO Box 287
 City: Durkee State: OR Zip: 97905 Day Phone: 541-877-2411

B. Land and Location

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

Tax Lot I.D.	Plan Designation (e.g. Rural Residential/RR-5)	Water to be: (check all that apply)	Proposed Land Use
2000 2100		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
1800		<input checked="" type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
2100		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
1900		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
1700		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	

List counties and cities where water is proposed to be diverted, conveyed, or used. _____

C. Description of Proposed Use

Indicate the type of application to be filed with the Water Resources Department.
 Water Use Permit Water Right Transfer Allocation of Conserved Water Exchange

Indicate the intended use of water and describe the key characteristics of the project.
 Commercial Industrial Instream Irrigation
 Municipal Quasi-municipal Domestic (indicate number of households) _____

Other Mining
 Briefly describe: used in the process of manufacturing Portland cement

Indicate the source of the water to be used.
 Reservoir/Pond Ground Water Surface Water

Indicate the estimated quantity of water the use will require: 200 ~~300~~ 300 CFS GPM Acre-Feet (source)

Last revised: 04/06/04

Receipt for Request for Land Use Information

State of Oregon
 Water Resources Department
 725 Summer Street NE, Suite A
 Salem, OR 97301-1271
 (503) 986-0900

RECEIVED

FEB 05 2007

WATER RESOURCES DEPT
 SALEM, OREGON

G-16790

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 this case, only the city planning agency must complete this form. Please request additional forms as needed or feel free to copy.

A. Allowed Use

Check the appropriate box below and provide requested information.

Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 314.01. Go to section B "Approval" below.

Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below.

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Check the item that applies: Land Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued

Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action/land use decision and accompanying findings are sufficient.)

B. Approval

Please provide printed name and written signature.

Name: TERRY DREVER GEE Date: 8/22/04
 Title: Planning Assistant Phone: (541) 523-8219
 Signature: Terry Drever Gee

C. Additional Comments

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

Note: If this form cannot be completed while the applicant waits, sign and detach the receipt stub as instructed below. You will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

GOOD UNTIL 2-22-2007

Receipt for Request for Land Use Information

Name of applicant: _____

This receipt must be signed by a local government representative and returned to the applicant at the time they present this form. This receipt must be included with the application filed with the Water Resources Department if the local government cannot provide the requested land use information while the applicant waits.

City or County: _____

Staff contact: _____ Phone: _____

Signature: _____ Date: _____



Oregon Water Resources Department Land Use Information Form

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. WRD will use this and other information to evaluate the water use application. 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, or exchange 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.

To Be Completed By Applicant

This section must be completed by the individual or group that is filing an application with the Water Resources Department. Attach a copy of the map from the application to this form.

A. Applicant

Name: Ash Grove Cement Company
 Address: PO Box 287
 City: Durkee State: OR Zip: 97905 Day Phone: 541-877-2411

B. Land and Location

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

Tax Lot I.D.	Plan Designation (e.g. Rural Residential/RR-5)	Water to be: (check all that apply)	Proposed Land Use
2000		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
1800		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
2006		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
2120		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
1906		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
1700		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	

List counties and cities where water is proposed to be diverted, conveyed, or used. _____

C. Description of Proposed Use

Indicate the type of application to be filed with the Water Resources Department.

Water Use Permit Water Right Transfer Allocation of Conserved Water Exchange

Indicate the intended use of water and describe the key characteristics of the project.

Commercial Industrial Instream Irrigation
 Municipal Quasi-municipal Domestic (indicate number of households) _____

Other Mining

Briefly describe: used in the process of manufacturing Portland cement

Indicate the source of the water to be used.

Reservoir/Pond Ground Water Surface Water

Indicate the estimated quantity of water the use will require: 200 ^(source) CFS GPM Acre-Feet

Last revised: 04/06/04

Receipt for Request for Land Use Information

State of Oregon
 Water Resources Department
 725 Summer Street NE, Suite A
 Salem, OR 97301-1271
 (503) 986-0900

RECEIVED

FEB 05 2007

WATER RESOURCES DEPT
 SALEM, OREGON

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 this case, only the city planning agency must complete this form. Please request additional forms as needed or feel free to copy.

A. Allowed Use

Check the appropriate box below and provide requested information.

Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 314.01. Go to section B "Approval" below.

Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below.

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Check the item that applies: Land Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued

Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action/land use decision and accompanying findings are sufficient.)

B. Approval

Please provide printed name and written signature.

Name: TERRY DREVER GEE Date: 8/22/04

Title: Planning Assistant Phone: (541) 523-8219

Signature: Terry Drever Gee

C. Additional Comments

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

Note: If this form cannot be completed while the applicant waits, sign and detach the receipt stub as instructed below. You will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD 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

Name of applicant: _____

This receipt must be signed by a local government representative and returned to the applicant at the time they present this form. This receipt must be included with the application filed with the Water Resources Department if the local government cannot provide the requested land use information while the applicant waits.

City or County: _____

Staff contact: _____ Phone: _____

Signature: _____ Date: _____

ELKHORN TITLE COMPANY

1725 Main Street Baker City, Oregon 97814
(541)523-6477 FAX (541)523-9372

Ash Grove Cement Company
Attn: Norma Job
P O Box 287
Durkee OR 97905

LOT BOOK SERVICE
September 18, 2006
Order No. 00016664

RE: ASH GROVE

We have searched our Tract Indices as to the following described property:

See EXHIBIT "A" attached;

and as of September 14, 2006, at 8:00 a.m.:

We find that the last instruments of record run to

ASH GROVE CEMENT COMPANY, successor by merger to OREGON PORTLAND CEMENT COMPANY as to PARCELS I and II;

ASH GROVE CEMENT COMPANY, successor by merger to OREGON PORTLAND CEMENT COMPANY as to an undivided 1/2 interest in PARCELS III and IV;

AMALGAMATED SUGAR COMPANY, as to an undivided 1/4 interest in PARCELS III and IV;

JAMES W. THOMPSON, also known as Jim Thompson, EUGENE R. THOMPSON, also known as Gene Thompson, and JOAN BOYER, as tenants in common, as to an undivided 1/4 interest in PARCEL III;

JAMES W. THOMPSON, also known as Jim Thompson, EUGENE R. THOMPSON, also known as Gene Thompson, and JOAN BOYER, as tenants in common, as to an undivided 7/32 interest in PARCEL IV;

LYLE SUITTER, EARL SUITTER, JESSIE CHRISTIE formerly known as JESSIE WACASTER, also known as JESSIE BUTTERFIELD, and LOLA GIRRARD, now known as LOLA SUITTER, as tenants in common, as to an undivided 3/160 interest in PARCEL IV; and

TIMOTHY L. GALLAGHER, PATRICK GALLAGHER, NANCY GALLAGHER and LYNNE STITT, as tenants in common, as to an undivided 1/80th interest in PARCEL IV.

We also find the following apparent monetary incumbrances WITHIN TEN YEARS prior to the effective date hereof:

1. Loan and Security Agreement, including the terms and provisions thereof, between County of Baker, Oregon, and Oregon

RECEIVED

FEB 05 2007

WATER RESOURCES DEPT
SALEM, OREGON

G-16790

Portland Cement Company, borrower, dated July 1, 1980, to secure payment of \$5,000,000.00, contained in Indenture of Trust between County of Baker, Oregon, and First National Bank of Oregon, as Trustee, dated July 1, 1980, recorded August 12, 1980, in Deeds 80 33 043. (AFFECTS PARCELS I, II, and EMMA NO. 1 of PARCEL III)

2. Loan and Security Agreement, including the terms and provisions thereof, between County of Baker, Oregon, and Oregon Portland Cement Company, borrower, dated July 1, 1980, to secure payment of \$1,200,000.00, contained in Indenture of Trust between County of Baker, Oregon, and First National Bank of Oregon, as Trustee, dated July 1, 1980, recorded August 12, 1980, in Deeds 80 33 155. (AFFECTS PARCELS I, II, and EMMA NO. 1 of PARCEL III)
3. Loan and Security Agreement, including the terms and provisions thereof, between County of Baker, Oregon, and Oregon Portland Cement Company, borrower, dated July 1, 1980, to secure payment of \$1,000,000.00, contained in Indenture of Trust between County of Baker, Oregon, and First National Bank of Oregon, as Trustee, dated July 1, 1980, recorded August 12, 1980, in Deeds 80 33 261. (AFFECTS PARCELS I, II, and EMMA NO. 1 of PARCEL III)

We have also searched our General Index for judgments and state and federal tax liens against the above named grantees and find the following: NONE.

We also find the following unpaid taxes and city liens:

Taxes for 2006-2007: A lien not yet payable.

NOTE: Taxes for 2005-2006 PAID as follows:

PARCEL I:

\$770,232.42 PAID. (535 12453 2000 #7028)

PARCEL II:

\$ 31.47 PAID. (535 12453 2100)

PARCEL III:

\$ 7.86 PAID. (507 1243 1800 U1 #7019; SPLIT CODE)
\$ 223.78 PAID. (507 1243 1800 U1 #14859; SPLIT CODE;
assessed to ASH GROVE CEMENT COMPANY)
\$ 3.94 PAID. (507 1243 1800 U2 #7020; SPLIT CODE)

RECEIVED

FEB 05 2007

WATER RESOURCES DEPT
SALEM, OREGON

Continuation Page
File No.: 00016664

\$ 111.88 PAID. (535 1243 1800 U2 #14860; SPLIT CODE;
assessed to AMALGAMATED SUGAR COMPANY)
\$ 3.94 PAID. (535 1243 1800 U3 #7021; SPLIT CODE)
\$ 111.88 PAID. (535 1243 1800 U3 #14861; SPLIT CODE;
assessed to EUGENE THOMPSON et al)

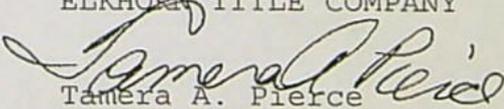
PARCEL IV:

\$ 56.91 PAID. (535 1243 1900 U1 #7023;
assessed to ASH GROVE CEMENT COMPANY)
\$ 29.63 PAID. (535 1243 1900 U2 #7024;
assessed to AMALGAMATED SUGAR COMPANY)
\$ 26.08 PAID. (535 1243 1800 U3 #7025;
assessed to EUGENE THOMPSON et al)
\$ 1.19 PAID. (535 1243 1800 U4 #7026;
assessed to LOLA SUITTER)
\$ 1.19 PAID. (535 12453 1800 U5 #7027;
assessed to MARTIN P. GALLAGHER)
\$ 1.19 PAID. (535 12453 1800 U7 #16427;
assessed to LYLE SUITTER)
\$ 1.19 PAID. (535 12453 1800 U8 #16441;
assessed to EARL N. SUITTER)
\$ 1.19 PAID. (535 12453 1800 U9 #1.19;
assessed to JESSIE L. CHRISTIE)

NOTE FOR INFORMATIONAL PURPOSES ONLY: Assessor's Nos. 535 12 43
1700 7010 and 3100 #15587 are assessed to the United States of
America, Bureau of Land Management.

THIS IS NOT A TITLE REPORT, since no examination has been made of
the title to the above described property. Our search for apparent
incumbrances was limited to our tract indices, and therefore above
listings do not include additional matters which might have been
disclosed by an examination of the record title. The liability in
connection with this Lot Book Service is expressly limited to the
sum paid therefor, and the issuing company will not otherwise be
responsible for errors and omissions therein. The charge for this
service will not include supplemental reports.

ELKHORN TITLE COMPANY


Tamera A. Pierce
Title Officer

TAP/s

RECEIVED

FEB 05 2007

WATER RESOURCES DEPT
SALEM, OREGON

EXHIBIT "A"

PARCEL I:

All that portion of the North half of the Northwest quarter, and the Southeast quarter of the Northwest quarter of Section 11, lying West of the Oregon-Washington Railroad and Navigation Company right of way, in Township 12 South, Range 43 East of the Willamette Meridian, in the County of Baker and State of Oregon; EXCEPTING THEREFROM all that conveyed to the Oregon-Washington Railroad and Navigation Company, recorded on March 22, 1945, in Deed Book 136, page 371.

PARCEL II:

That portion of the EMMA NO. 2 COMBINED PLACER CLAIM in the Southwest quarter of the Northwest quarter, of Section 11, Township 12 South, Range 43 East of the Willamette Meridian, County of Baker and State of Oregon, described in United States Patent therefor dated November 8, 1954, recorded November 26, 1954, in Deed Book 163, page 787.

EXCEPTING THEREFROM any veins or lodes of quartz, or other rock in place bearing gold, silver, cinnabar, lead, tin, copper, or other valuable deposits within land above described which may have been discovered or known to exist on or prior to January 28, 1953, reserved in United States Patent dated November 8, 1954, recorded November 26, 1954, in Deed Book 163, page 787.

PARCEL III:

EISENHOWER NO. 2 PLACER CLAIM, EISENHOWER NO. 3 PLACER CLAIM, EMMA NO. 1 COMBINED PLACER CLAIM, EMMA NO. 3 COMBINED PLACER CLAIM and a portion of EMMA NO. 2 COMBINED PLACER CLAIM, embracing a portion of Sections 10, 11, 14, 15 and 16, Township 12 South, Range 43 East of the Willamette Meridian, County of Baker and State of Oregon, described in United States Patent therefor dated November 8, 1954, recorded November 22, 1954, in Deed Book 163, page 787, as follows:

EISENHOWER NO. 2 PLACER CLAIM, consisting of the Northwest quarter of the Northwest quarter of Section 15, the West half of the Southwest quarter, and the Northeast quarter of the Southwest quarter of Section 10, in Township 12 South, Range 43 East of the Willamette Meridian, in the County of Baker and State Oregon.

EISENHOWER NO. 3 PLACER CLAIM, consisting of the North half of the Northeast quarter of Section 16, Township 12 South, Range 43 East of the Willamette Meridian, in the County of Baker and State of Oregon.

EMMA NO. 1 COMBINED PLACER CLAIM, consisting of the North half of

RECEIVED

FEB 5 2007

WATER RESOURCES DEPT
SALEM, OREGON

EXHIBIT "A" - continued
File No.: 00016664

the Southwest quarter, the North half of the Southeast quarter of the Southwest quarter, and the Southwest quarter of the Southeast quarter of the Southwest quarter of Section 11, Township 12 South, Range 43 East of the Willamette Meridian, in the County of Baker and State of Oregon.

All that portion of the EMMA NO. 2 COMBINED PLACER CLAIM lying in the North half of the Southeast quarter, and the Southeast quarter of the Northeast quarter of Section 10, Township 12 South, Range 43 East of the Willamette Meridian, in the County of Baker and State of Oregon.

EMMA NO. 3 COMBINED PLACER CLAIM, consisting of the Southeast quarter of the Southeast quarter of Section 10; the Southwest quarter of the Southwest quarter of Section 11; the North half of the Northwest quarter of the Northwest quarter of Section 14, and the North half of the Northeast quarter of the Northeast quarter of Section 15, Township 12 South, Range 43 East of the Willamette meridian, in the County of Baker and State of Oregon.

EXCEPTING THEREFROM any veins or lodes of quartz, or other rock in place bearing gold, silver, cinnabar, lead, tin, copper, or other valuable deposits within land above described which may have been discovered or known to exist on or prior to January 28, 1953, reserved in United States Patent dated November 8, 1954, recorded November 22, 1954, in Deed Book 163, page 787.

PARCEL IV:

EISENHOWER NO. 1 PLACER CLAIM, consisting of The Southeast quarter of the Southwest quarter, and the Southwest quarter of the Southeast quarter, of Section 10, and The Northeast quarter of the Northwest quarter; the North half of the Northwest quarter of the the Northeast quarter, and the Southwest quarter of the Northwest quarter of the Northeast quarter, of Section 15, in Township 12 South, Range 43 East of the Willamette Meridian, in the County of Baker and State of Oregon, described in United States Patent therefor dated November 8, 1954, recorded November 22, 1954, in Deed Book 163, page 787.

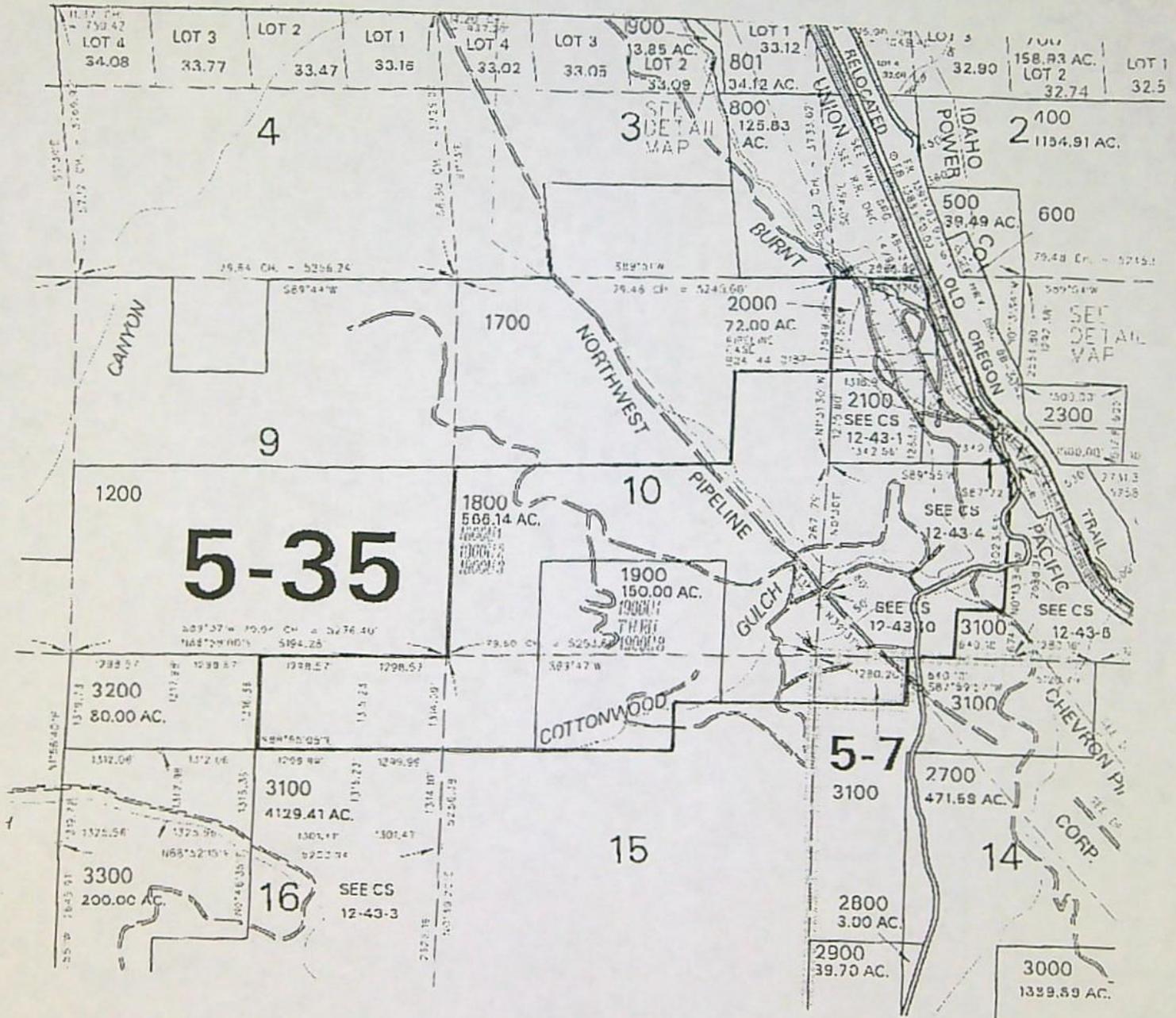
EXCEPTING THEREFROM any veins or lodes of quartz, or other rock in place bearing gold, silver, cinnabar, lead, tin, copper, or other valuable deposits within land above described which may have been discovered or known to exist on or prior to January 28, 1953, reserved in United States Patent dated November 8, 1954, recorded November 22, 1954, in Deed Book 163, page 787.

RECEIVED

FEB 05 2007

WATER RESOURCES DEPT
SALEM, OREGON

Elkhorn Title Company



5-35

RECEIVED

FEB 05 2007

WATER RESOURCES DEPT
SALEM, OREGON

Map # 12 43



This sketch is for location purposes only, and no warranties are implied as to variations, if any, in dimensions or location as revealed by an accurate survey.



ASH GROVE CEMENT COMPANY

OCT 30 2006



WESTERN REGION
33060 SHIRTTAIL CREEK ROAD, P.O. BOX 287
DURKEE, OREGON 97905
PHONE (541) 877-2411 FAX (541) 877-2246

Terry Kerby
Plant Manager

October 20, 2006

Amalgamated Sugar Company
P.O. Box 1520
Odgen, UT 84402

Gentlemen:

During the past years we have made many significant changes to the Durkee Quarry operation. As part of our ongoing sustainability initiative, and in conformance with our Company Environmental Policy, we have determined it important to develop additional water resources in the quarry area to provide water for dust control and other quarrying activities. As a partial owner of the mining claims on which the quarry exists, we are required by the State of Oregon, Water Resources Division to obtain your consent to drill a new well as well as obtain and use water rights on the Quarry property. The new well is being drilled on the Emma No. 3 claim. By this letter, I am requesting your consent to submit an application for water rights to the quarry claims as well as drilling a new well.

I have enclosed a form for you to complete and return in the enclosed self-addressed stamped envelope. Please return it to me by November 17, 2006 as we face a lengthy permitting process.

If you have any questions regarding the matter, please contact Norma Job, my Environmental Manager, or me at 541-877-2411 or by e-mail at norma.job@ashgrove.com or terry.kerby@ashgrove.com.

I thank you in advance for your cooperation in this matter.

Sincerely,

A handwritten signature in blue ink that reads "Terry Kerby". The signature is fluid and cursive.

Terry Kerby
Plant Manager

RECEIVED

FEB 05 2007

WATER RESOURCES DEPT
SALEM, OREGON

I, The Amalgamated Sugar Company LLC, grant Ash Grove Cement Company consent to apply and use water on the Eisenhower No. 1, Eisenhower No. 2, Eisenhower No. 3, Emma No. 1, Emma No. 2, and Emma No. 3 Claims. I also grant consent to drill the new well on the Emma No. 3 Claim. Amalgamated Sugar Company owns an interest in the Eisenhower No. 1, Eisenhower No. 2, Eisenhower No. 3, Emma No. 1, Emma No. 2 and Emma No. 3 Claims.

Signed by

John C. McCreedy

Print Name and Title

John C. McCreedy General Counsel

Date Signed

12/8/06

RECEIVED

FEB 05 2007

WATER RESOURCES DEPT
SALEM, OREGON

ASH GROVE CEMENT COMPANY



WESTERN REGION
33060 SHIRTTAIL CREEK ROAD, P.O. BOX 287
DURKEE, OREGON 97905
PHONE (541) 877-2411 FAX (541) 877-2246

Terry Kerby
Plant Manager

October 20, 2006

Mrs. Wilma Suitter
1923 18th Street
Baker City, OR 97814

Dear Mrs. Suitter:

During the past years we have made many significant changes to the Durkee Quarry operation. As part of our ongoing sustainability initiative, and in conformance with our Company Environmental Policy, we have determined it important to develop additional water resources in the quarry area to provide water for dust control and other quarrying activities. As a partial owner of the mining claims on which the quarry exists, we are required by the State of Oregon, Water Resources Division to obtain your consent to obtain and use water rights on the Quarry property. By this letter, I am requesting your consent to submit an application for water rights to the quarry claims.

I have enclosed a form for you to complete and return in the enclosed self-addressed stamped envelope. Please return it to me by November 17, 2006 as we face a lengthy permitting process.

If you have any questions regarding the matter, please contact Norma Job, my Environmental Manager, or me at 541-877-2411 or by e-mail at norma.job@ashgrove.com or terry.kerby@ashgrove.com.

I thank you in advance for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink that reads "Terry Kerby". The signature is fluid and cursive.

Terry Kerby
Plant Manager

RECEIVED

FEB 05 2007

WATER RESOURCES DEPT
SALEM, OREGON

I, Jessie Christie, grant Ash Grove Cement Company consent to apply and use water on the Eisenhower No. 1 Claim. I own an interest in the Eisenhower No. 1 claim.

Signed by

Jessie Christie

Print Name and Title

Jessie Christie

Date Signed

11-8-06

RECEIVED

FEB 05 2007

WATER RESOURCES DEPT
SALEM, OREGON

I, EUGENE R. THOMPSON grant Ash Grove Cement Company consent to apply and use water on the Eisenhower No. 1, Eisenhower No. 2, Eisenhower No. 3, Emma No. 1, Emma No. 2, and Emma No. 3 Claims. I also grant consent to drill the new well on the Emma No. 3 Claim. I own an interest in the Eisenhower No. 1, Eisenhower No. 2, Eisenhower No. 3, Emma No. 1, Emma No. 2 and Emma No. 3 Claims.

Signed by

Eugene R. Thompson

Print Name and Title

EUGENE R. THOMPSON

Date Signed

10-24-06

RECEIVED
FEB 05 2007
WATER RESOURCES DEPT
SALEM, OREGON

I, Janet Boyer, grant Ash Grove Cement Company consent to apply and use water on the Eisenhower No. 1, Eisenhower No. 2, Eisenhower No. 3, Emma No. 1, Emma No. 2, and Emma No. 3 Claims. I also grant consent to drill the new well on the Emma No. 3 Claim. I own an interest in the Eisenhower No. 1, Eisenhower No. 2, Eisenhower No. 3, Emma No. 1, Emma No. 2 and Emma No. 3 Claims.

Signed by

Janet Louise Boyer

Print Name and Title

part owner

Date Signed

Oct-31-06

RECEIVED

FEB 05 2007

**WATER RESOURCES DEPT
SALEM, OREGON**

I, James W Thompson, grant Ash Grove Cement Company consent to apply and use water on the Eisenhower No. 1, Eisenhower No. 2, Eisenhower No. 3, Emma No. 1, Emma No. 2, and Emma No. 3 Claims. I also grant consent to drill the new well on the Emma No. 3 Claim. I own an interest in the Eisenhower No. 1, Eisenhower No. 2, Eisenhower No. 3, Emma No. 1, Emma No. 2 and Emma No. 3 Claims.

Signed by

James W Thompson

Print Name and Title

JAMES W THOMPSON

Date Signed

10/24/06

RECEIVED

FEB 05 2007

**WATER RESOURCES DEPT
SALEM, OREGON**

I, Virginia J. Sutter grant Ash Grove Cement Company consent to apply and use water on the Eisenhower No. 1 Claim. I own an interest in the Eisenhower No. 1 claim.

Signed by

Virginia J. Sutter

Print Name and Title

VIRGINIA J SUTTER

Date Signed

October 31, 2006

RECEIVED

FEB 05 2007

**WATER RESOURCES DEPT
SALEM, OREGON**

I, Lola Switter, grant Ash Grove Cement Company consent to apply and use water on the Eisenhower No. 1 Claim. I own an interest in the Eisenhower No. 1 claim.

Signed by

Lola Switter

Print Name and Title

Lola Switter, Partial Owner of mining claims

Date Signed

10-27-06

RECEIVED

FEB 05 2007

WATER RESOURCES DEPT
SALEM, OREGON

I, WILMA SUITTER, grant Ash Grove Cement Company consent to apply and use water on the Eisenhower No. 1 Claim. I own an interest in the Eisenhower No. 1 claim.

Signed by *Wilma Smitter*

Print Name and Title
WILMA SUITTER

Date Signed
OCTOBER 23, 2006

RECEIVED

FEB 05 2007

WATER RESOURCES DEPT
SALEM, OREGON

I, Timothy L. Gallagher grant Ash Grove Cement Company consent to apply and use water on the Eisenhower No. 1 Claim. I own an interest in the Eisenhower No. 1 claim.

Signed by Timothy L. Gallagher

Print Name and Title Timothy L. Gallagher

Date Signed 11/19/06

RECEIVED

FEB 05 2007

WATER RESOURCES DEPT
SALEM, OREGON

I, NANCY E GALLAGHER, grant Ash Grove Cement Company consent to apply and use water on the Eisenhower No. 1 Claim. I own an interest in the Eisenhower No. 1 claim.

Signed by Nancy E Gallagher

Print Name and Title Nancy E Gallagher

Date Signed 11-2-06

RECEIVED

FEB 05 2007

WATER RESOURCES DEPT
SALEM, OREGON

I, Lynne Callagher, grant Ash Grove Cement Company consent to apply and use water on the Eisenhower No. 1 Claim. I own an interest in the Eisenhower No. 1 claim.

Signed by Lynne Callagher

Print Name and Title
Lynne Callagher, Pres, Telecom/Telematique Inc.

Date Signed 10/27/2006

RECEIVED

FEB 05 2007

WATER RESOURCES DEPT
SALEM, OREGON

I, PATRICK R. GALLAGHER, grant Ash Grove Cement Company consent to apply and use water on the Eisenhower No. 1 Claim. I own an interest in the Eisenhower No. 1 claim.

Signed by Patrick R. Gallagher

Print Name and Title
PATRICK R. GALLAGHER, OWNER

Date Signed
11-7-2006

RECEIVED
FEB 05 2007
WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED

AUG 30 2006

WATER RESOURCES DEPT.
SALEM, OREGON

0 1,000 2,000
feet



307 acres
disturbed by mining

RECEIVED

FEB 05 2007

WATER RESOURCES DEPT
SALEM, OREGON

DOGAMI ID#: 01-0053

Permittee: Ash Grove Cement Company

Site Name: Durkee Quarry

Photo Source / Date: D. Shear / 10-22-05

Prepared By / Date: N. Collins / 5-31-06

app no G-16790

File Name: S:\01Baker\01-0053\01-0053 GIS Aerial.CVX

Oregon Dept. of Geology and Mineral Industries
Mineral Land Regulation and Reclamation Program

This aerial image and map may contain minor distortions and/or errors and should not be used in place of a detailed site survey or for legal purposes.



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

WATER WELL REPORT

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

RECEIVED

STATE OF OREGON
(Please type or print)

Bake
1474

State Well No. 12s/43E-159a

State Permit No.

JUL 30 1979 (Do not write above this line)

(1) OWNER:

Name Water Resources Dept
Address 50 Box 5 Duane, Ore. 97905

(10) LOCATION OF WELL:

County Baker Driller's well number
NE 1/4 NE 1/4 Section 15 T. 12S R. 43E W.M.
Bearing and distance from section or subdivision corner

(2) TYPE OF WORK (check):

New Well Deepening Reconditioning Abandon

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary Driven
Cable Jetted
Dug Bored

(4) PROPOSED USE (check):

Domestic Industrial Municipal
Irrigation Test Well Other

CASING INSTALLED:

Threaded Welded
8" Diam. from 2 ft. to 3.0 ft. Gage 150
6" Diam. from 10 ft. to 150 ft. Gage 100
900" Diam. from _____ ft. to _____ ft. Gage _____

PVC
900

PERFORATIONS:

Perforated? Yes No.

Type of perforator used _____
Size of perforations 1/16 in. by 8 in.
PVC 120 perforations from _____ ft. to _____ ft.
perforations from 120 ft. to 150 ft.
perforations from _____ ft. to _____ ft.

(7) SCREENS:

Well screen installed? Yes No

Manufacturer's Name _____
Type _____ Model No. _____
Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.
Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.

(8) WELL TESTS:

Drawdown is amount water level is lowered below static level

Was a pump test made? Yes No If yes, by whom?
Yield: gal./min. with _____ ft. drawdown after _____ hrs.
"air" "35 gpm" at 150
Ballor test gal./min. with _____ ft. drawdown after _____ hrs.
Artesian flow g.p.m.
Temperature of water 54 Depth artesian flow encountered _____ ft.

(9) CONSTRUCTION:

Well seal—Material used Portland Cement
Well sealed from land surface to 30 30 ft.
Diameter of well bore to bottom of seal 14 in.
Diameter of well bore below seal 8 in.
Number of sacks of cement used in well seal 18 sacks
How was cement grout placed? pump in a 20'
with mud pump

Was a drive shoe used? Yes No Plugs _____ Size: location _____ ft.
Did any strata contain unusable water? Yes No

Method of sealing strata off _____

Was well gravel packed? Yes No Size of gravel: _____
Gravel placed from _____ ft. to _____ ft.

(11) WATER LEVEL: Completed well.

Depth at which water was first found 150 ft.
Static level 906 ft. below land surface. Date 6-13-79
Artesian pressure _____ lbs. per square inch. Date _____

(12) WELL LOG:

Diameter of well below casing 8"

Depth drilled 180 ft. Depth of completed well 180 ft.

Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
sandy soil	0	3	
brown clay and boulders	3	10	
boulders per gravel	10	15	
dark grey shale	15	45	
rock			
shale with brown clay	45	60	
blue clay	60	67	X
black and green rock	67	90	
fracture void	90	91	
black brown and green rock	91	107	
rock black, green	107	153	
fractured rock green	153	160	1060
black brown, lime strata			
lime strata	160	180	

Work started 6-8 1979 Completed 6-13 1979
Date well drilling machine moved off of well 6-13 1979

Drilling Machine Operator's Certification:

This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.

[Signed] Johnny J. Hoff Date 6-14, 1979
(Drilling Machine Operator)

Drilling Machine Operator's License No. 1157

Water Well Contractor's Certification:

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

Name Johnny J. Hoff (Type or print)
(Person, firm or corporation)

Address Rt. 1 Box 428 Pruzette, Ida.

[Signed] Johnny J. Hoff (Water Well Contractor)

Contractor's License No. 682 Date 6-14, 1979

RECEIVED

RECEIVED

FEB 03 2007

AUG 30 2006

6-16790



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Baker Field Office
P.O. Box 947
Baker City, Oregon 97814

IN REPLY REFER TO:

3809 (OR-035)
OR 47531
OR 52528

Norma Job
Environmental Manager
Ashgrove Cement Co.
P.O. Box 287
Durkee, OR 97905

Dear Ms. Job:

The Bureau of Land Management (BLM) gives Ashgrove Cement Co. authorization to apply well water for dust suppression on the following mining claims located on BLM administered public lands according to the terms of this letter:

Nelson 1	ORMC6558	12 S., R.43 E. sec 10
Nelson 3	ORMC6559	12 S., R.43 E. sec 14, 15
Nelson 4	ORMC6560	12 S., R.43 E. sec 11
Ike 5	ORMC4924	12 S., R.43 E. sec 16
Ike 6	ORMC4925	12 S., R.43 E. sec 16
AGCD 1	ORMC158045	12 S., R.43 E. sec 14
AGCD 2	ORMC158046	12 S., R.43 E. sec 10

The analyses provided to BLM by Ashgrove Cement Co. (Attachment 1) are believed to be representative of the well water intended to be applied to the public lands and indicates the analyzed inorganic chemicals and coliform bacteria are within current established EPA limits.

However, as a safeguard, direct introduction of the well water into streams should be avoided.

This authorization will become void if at any time the water quality does not meet EPA standards, is found to cause unnecessary or undue degradation, or found to be otherwise detrimental or deleterious to the environment.

RECEIVED

FEB 05 2007

WATER RESOURCES DEPT
SALEM, OREGON

G-16790

Page 2

Sincerely,

Nancy K. Lull

Nancy K. Lull
Field Manager
Baker Area Field Office

1 Attachment

Ashgrove well water analyses (pp 3)

cc: Watermaster, Water Resources Department, Eastern Regional Office, 1995 3rd St.,
Baker City, Oregon, 97814, w/attachment

RECEIVED

FEB 05 2007

**WATER RESOURCES DEPT
SALEM, OREGON**

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

T.12S. R.43E. W.M.
BAKER COUNTY

1"=2000'

SEE MAP 11S 43E

12S 43E

CANCELLED NO.
2200
2700A1
4600M1

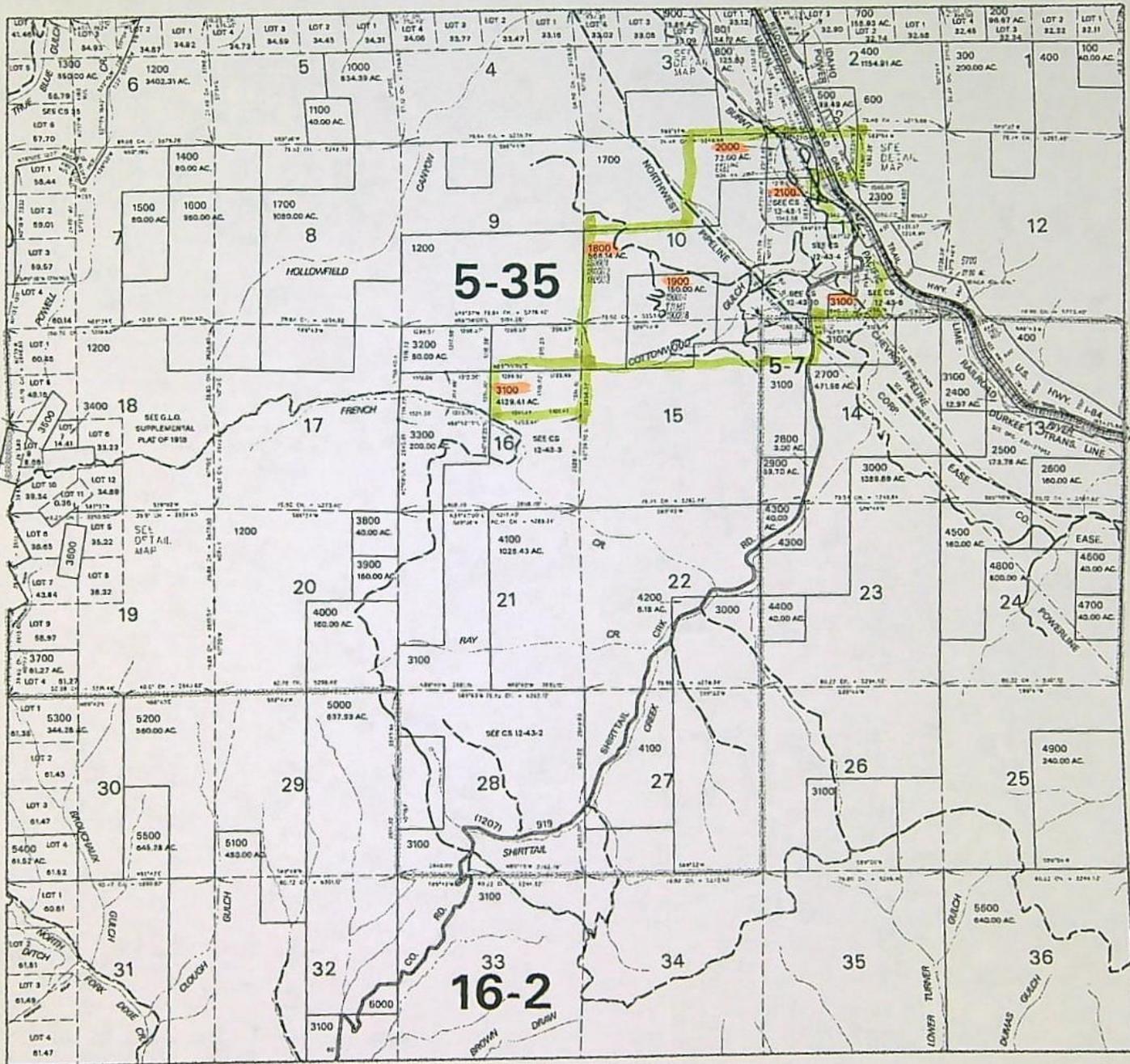


SEE MAP 12S 42E

RECEIVED

FEB 05 2007

WATER RESOURCES DEPT
SALEM, OREGON



SEE MAP 12S 44E

SEE MAP 13S 43E

REVISED: DJ
06/24/05

12S 43E

app no G-16790

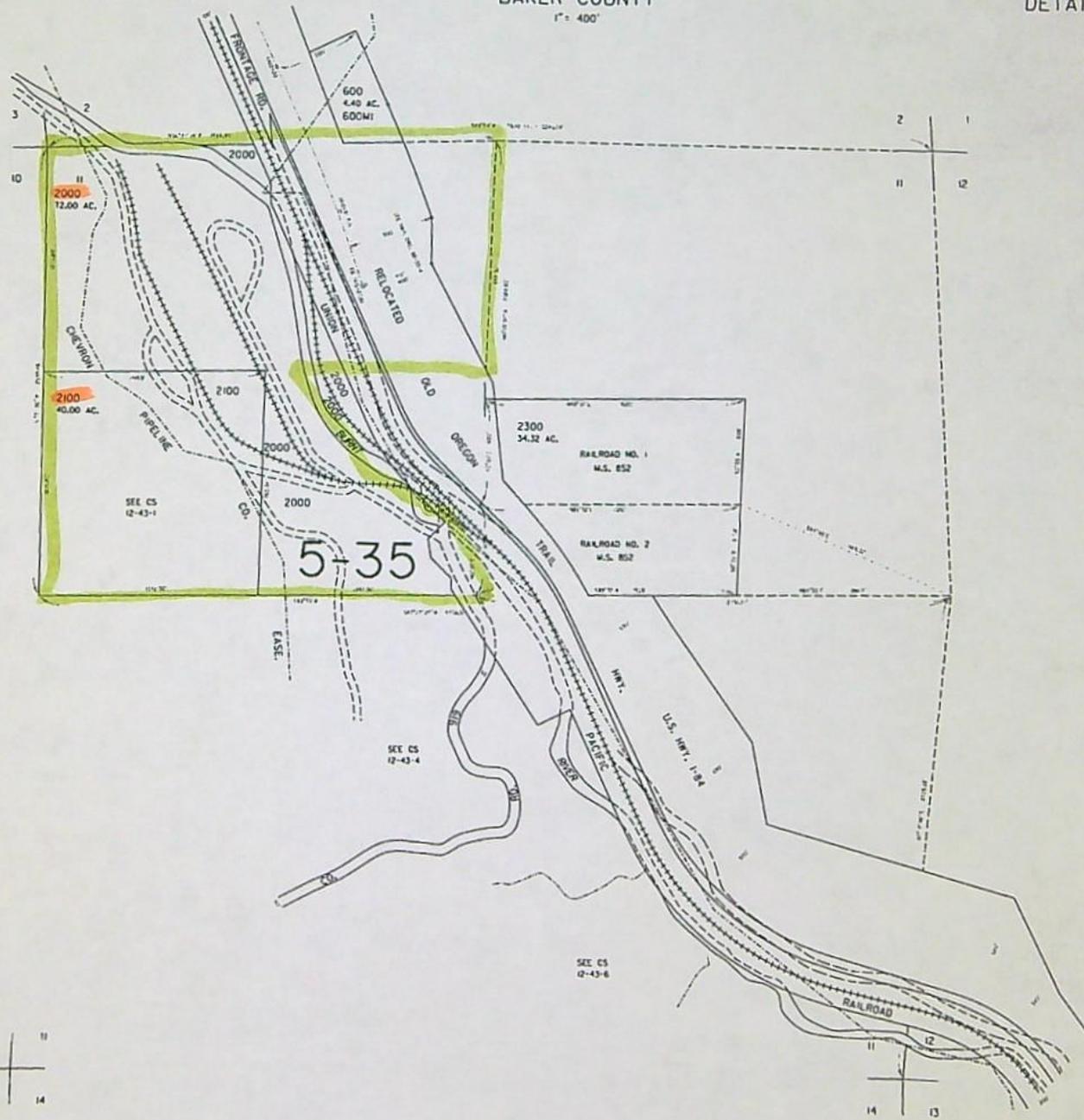
THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

DETAIL MAP OF T.12S. R.43E. W.M.
BAKER COUNTY

1" = 400'

12 43
DETAIL MAP 1

CANCELLED NO.
2200



RECEIVED
FEB 05 2007
WATER RESOURCES DEPT
SALEM, OREGON

10 11
15 14

14 13

12 43
DETAIL MAP 1
REVISED 7-9-97, GW

App no G-16790

Standard Application Completeness Checklist

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

Application	<u>G 16790</u>	Township	<u>12 S</u>
Priority Date	<u>FEB 5 2007</u>	Range	<u>43 E</u>
Use(s)	<u>COMM</u> <u>INDUS</u> <u>MINING</u>	Section	<u>10</u> <u>11</u> <u>15</u> <u>16</u>
Rate	<u>0.668</u> <u>CFS</u> <u>300</u> <u>GPM</u>	POp Loc.	<u>SEE MAP</u>
County	<u>BAKER</u>	POU Loc.	<u>SEE MAP</u>

Applicant/Organization Name, Mailing Address and Telephone Number, application signed in ink. *NORMA JOB* SIGNED BY *TERRY KIRBY*

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)

Property ownership indicated.

- 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 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 2, Section 3 and/or Page 3, Section 2) or a well log report. *ASSISTED @ WDM OFFICE* *RICK CUSIK & CARRIE JONES*

Proposed use of water. If supplemental, list primary water right acreage if applicable.

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) 300 GPM

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 reservoir applications storing more than 9.2 acre feet, and a dam height of more than 10 feet, preliminary plans and specifications for dam and impoundment are required.
- If the above is statement is checked, the map must be prepared by a CWRE.

All applicants (or the authorized agent with title or authority if for an organization or corporation), must sign the application in ink.

OK You must include a Legal description of the property involved that 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.

OK A completed Land-Use Form or receipt signed and dated by the appropriate planning department officials. Date of signature must be within the past 6 months. WITHIN 6 MONTHS

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

- Township, Range, Section
- Location of main canals, ditches, pipelines or flumes
- 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
- North Directional Symbol CWRE T J HANCEY
- Number of acres per 1/4, 1/4, if irrigation, nursery, or agriculture
- Other REPAIRED PER RETURN LETTER
- Reference corner on map
- Each point of diversion coordinate

Fees: Amount of water requested 0.668 CFS 390 GPM

Base Fee \$ _____	Total Exam Fee \$ <u>520</u>
1st CFS/AF _____	Total Paid \$ <u>520</u>
_____ Addtn'l @ _____ = _____	Amount Due \$ <u>0</u>
Reviewed by <u>HJM</u>	Date <u>FEB 6, 2007</u>
<u>J. SAUTER</u>	

ASH GROVE CEMENT COMPANY



WESTERN REGION
33060 SHIRTTAIL CREEK ROAD, P.O. BOX 287
DURKEE, OREGON 97905
PHONE (541) 877-2411 FAX (541) 877-2216

February 1, 2007

State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271

To Whom It May Concern:

Please find enclosed the new groundwater water right request along with the additional information that was requested. I have also included the same check that was returned with the application.

Carrie Jones and Rick Lusk out of the Baker City, OR office helped me complete these applications. If you have any questions, please feel free to contact me at 541-877-2640. Carrie said to mention that you can also call them with any questions as well.

Thanks for your help in this matter.

Sincerely,

Norma C. Job
Environmental Manager
Ash Grove Cement Company – Durkee Plant

Carrie Jones → Rick Lusk
out of Baker City, OR
helped me with these
applications. Please
contact me or them with
any questions regarding
this application. Thanks,
Norma Job
Ash Grove Cement

RECEIVED

FEB 05 2007

WATER RESOURCES DEPT
SALEM, OREGON

G-16790

Standard Application Completeness Checklist

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

Application _____	Township _____
Priority Date _____	Range _____
Use(s) _____	Section _____
Rate _____	POD Loc. _____
County _____	POU Loc. _____

Applicant/Organization Name, Mailing Address and Telephone Number, application signed in ink.

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)

Property ownership indicated.

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 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 2, Section 3 and/or Page 3, Section 2) or a well log report.

Proposed use of water. If supplemental, list primary water right acreage if applicable.

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

RECEIVED

FEB 05 2007

WATER RESOURCES DEPT
SALEM, OREGON

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

n/a Resource Protection Section (Page 6, Section 5).

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

n/a For reservoir applications storing more than 9.2 acre feet, and a dam height of more than 10 feet, preliminary plans and specifications for dam and impoundment are required.

If the above is statement is checked, the map must be prepared by a CWRE.

All applicants (or the authorized agent with title or authority if for an organization or corporation), must sign the application in ink.

norma job submitted it
jeremy ? signed it

You must include a **Legal description** of the property involved that 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.

A **completed Land-Use Form** or receipt signed and dated by the appropriate planning department officials. *Date of signature must be within the past 6 months.*

not sure of all tax lot #'s involved (see attached county map with my best guess) but this clearly includes more than just tax lot 1800

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

Township, Range, Section

Location of main canals, ditches, pipelines or flumes

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

North Directional Symbol

n/a Number of acres per 1/4, 1/4, if irrigation, nursery, or agriculture

Other _____

Reference corner on map

Each point of diversion coordinate

Fees: Amount of water requested 200 gpm = 0.44 cts

Base Fee \$ 300

Total Exam Fee \$ 500

1st CFS/AF 200

Total Paid \$ 500

_____ Addtn'l @ _____ = _____

Amount Due \$ 0

Reviewed by jmc

Date 8/21/04

* map shows (5) wells, application describes (2) wells

2
This map covers two different applications for the same property use. One was a water transfer Norma Job

Application Checklist

- Done* ○ Groundwater development section (Page 2, Section 3 and/or Page 3, Section 2) or a well log report. *Must be complete for well 5*
These are estimates we do not know since we have not drilled the well yet.
- Done* ○ All applicants (or the authorized agent with title or authority if for an organization or corporation), must sign the application in ink. *The title of the person signing the application must be noted.*
update your application that gives a space for this
- Done* ○ You must include a Legal description of the property involved that 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. *this one-out also includes our consent letters*
- Done* ○ A completed Land-Use Form or receipt signed and dated by the appropriate planning department officials. *The land use form states Taxlot 1800, but research indicates other Taxlots may be involved.*
- The map must meet all the minimum requirements of OAR 690-310-0050.
 - Done* ○ Location of main canals, ditches, pipelines or flumes. *Location of pipelines needed.*
 - Done* ○ Place of use, 1/4, 1/4's and tax lot clearly identified. *Taxlots not shown.*

Limited License Requirements

- **If source is groundwater...**are well log(s) or sufficient information for the Department to determine aquifer, well depth, well seal, open interval, etc. included? Was the intended aquifer identified?. If for multiple wells, each map location shall be clearly tied to a well log. *The Department will need this information for well 4.*

*Submitted
under another
cover letter
Nov 1, 06*

RECEIVED

FEB 05 2007

WATER RESOURCES DEPT
SALEM, OREGON

Waterwell Developing & Surveys

REDEVELOPING • COLOR VIDEOLOGGING • PHOTOLOGGING

Fed. ID #93-0883180

Fax 541-922-5049

P.O. Box 156 • Umatilla, OR 97882

(541) 922-6372

(541) 561-5139 cell

START CARD # _____ VIDEOLOG FIELD REPORT P.O. # _____

OWNER ASH Grove Cement Co WELL LOCATION _____

WELL NO. 4 TECHNICIAN _____ UNIT NO. _____ DATE 10-25-08

WELL HISTORY

Casing: 6" Steel Perforations: _____
4 1/2" PVC

Drilled _____ By _____ Type _____ Perf. Type _____

Pump: Type _____ Column _____ Bowls _____ Depth of Intake _____

Remarks _____

VIDEOLOG INFORMATION

SWL 114' TWD _____ Water Visibility _____ Date _____

Camera _____ Tape Format _____ Speed _____ Make _____

Videolog _____ Revideo _____ Reruns _____ PC Log to _____ Tape to _____

REMARKS

Steel casing w/ PVC liner to top of casing
cut @ top of casing

Perforations Skill saw cut @ 195' to bottom
251' Bottom of hole

RECEIVED

FEB 05 2007

WATER RESOURCES DEPT
SALEM, OREGON

Originators of **SONAR-JET**[®]
"WELL CLEANING WITH SOUND"

 **Downhole Inspection**
"TELEVISION AND STEREO"

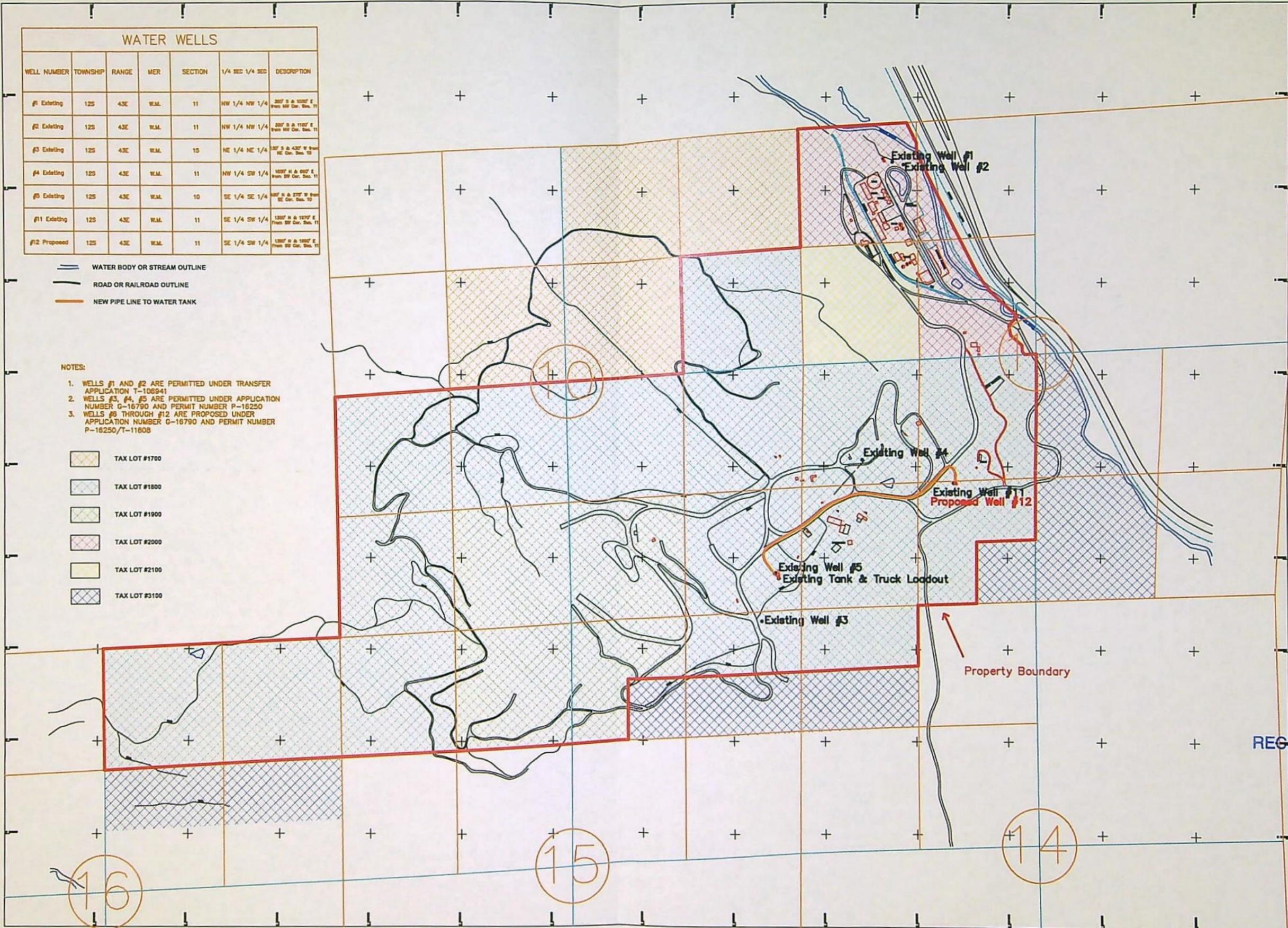
WATER WELLS

WELL NUMBER	TOWNSHIP	RANGE	MER	SECTION	1/4 SEC 1/4 SEC	DESCRIPTION
#1 Existing	12S	43E	W.M.	11	NW 1/4 NW 1/4	200' S & 1000' E, from NW Cor. Sec. 11
#2 Existing	12S	43E	W.M.	11	NW 1/4 NW 1/4	200' S & 1100' E, from NW Cor. Sec. 11
#3 Existing	12S	43E	W.M.	15	NE 1/4 NE 1/4	100' S & 400' W, from NE Cor. Sec. 15
#4 Existing	12S	43E	W.M.	11	NW 1/4 SW 1/4	1000' N & 600' E, from SW Cor. Sec. 11
#5 Existing	12S	43E	W.M.	10	SE 1/4 SE 1/4	100' N & 200' W, from SE Cor. Sec. 10
#11 Existing	12S	43E	W.M.	11	SE 1/4 SW 1/4	1300' N & 1000' E, from SW Cor. Sec. 11
#12 Proposed	12S	43E	W.M.	11	SE 1/4 SW 1/4	1300' N & 1000' E, from SW Cor. Sec. 11

-  WATER BODY OR STREAM OUTLINE
-  ROAD OR RAILROAD OUTLINE
-  NEW PIPE LINE TO WATER TANK

- NOTES:**
- WELLS #1 AND #2 ARE PERMITTED UNDER TRANSFER APPLICATION T-106941
 - WELLS #3, #4, #5 ARE PERMITTED UNDER APPLICATION NUMBER G-16790 AND PERMIT NUMBER P-16250
 - WELLS #8 THROUGH #12 ARE PROPOSED UNDER APPLICATION NUMBER G-10790 AND PERMIT NUMBER P-16250/T-11608

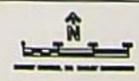
-  TAX LOT #1700
-  TAX LOT #1800
-  TAX LOT #1900
-  TAX LOT #2000
-  TAX LOT #2100
-  TAX LOT #3100



RECEIVED BY OWRD
 JAN 18 2017
 SALEM, OR

This map has been prepared using computerized data and is subject to change without notice. The user assumes all liability for any errors or omissions. The Oregon Department of Water Resources is not responsible for any errors or omissions.

Horizontal Distance Based on a True Scale



DURKEE PROPERTY
 ASH GROVE CEMENT COMPANY
 WATER WELL LOCATIONS

Drawn: JPF
 Date: 12-21-16
 Revision: 4

12572

G-16790

NEW APPLICATIONS (GROUND WATER, RESERVOIR, & SURFACE) ROUTE SLIP

RECEIPTING *2-6-07*
POST CARD SENT *FEB 6 2007 XJM*
DATA CENTER *2707*

GROUND WATER YES NO
ENFORCEMENT YES NO

WATER RIGHTS SUPPORT

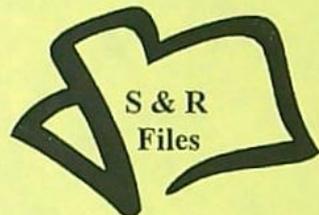
A "Standard Reservoir" storing 9.2 acre-feet or more of
Water & has a dam height of 10.0 feet or greater needs to
have a copy of the application & supplemental forms routed to "JOHN FALK"

Caseworker:

Alyssa Mucken	503-986-0853	<input type="checkbox"/>
Anita Huffman	503-986-0815	<input type="checkbox"/>
Brook Geffen	503-986-0808	<input checked="" type="checkbox"/>
Jeana Eastman	503-986-0859	<input type="checkbox"/>
Kerry Kavanagh	503-986-0816	<input type="checkbox"/>

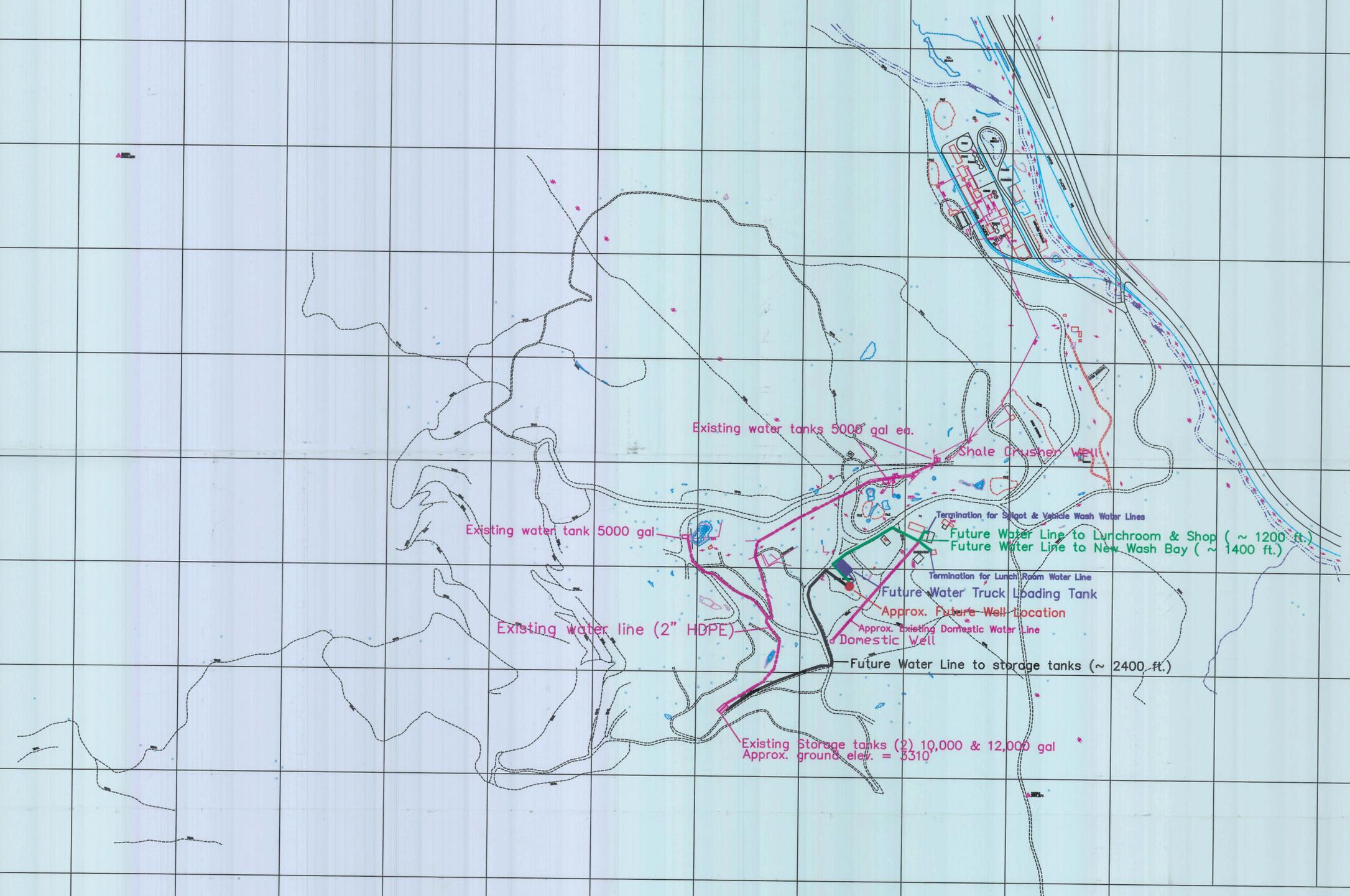


**ATTN: WATER RIGHTS
SUPPORT...>>>> Mark contents of file with
application number;
Update the WRIS Database with caseworkers name.
Route file to Caseworker.**



O.R.

RECEIVED
 FEB 05 2007
 WATER RESOURCES DEPT
 SALEM, OREGON



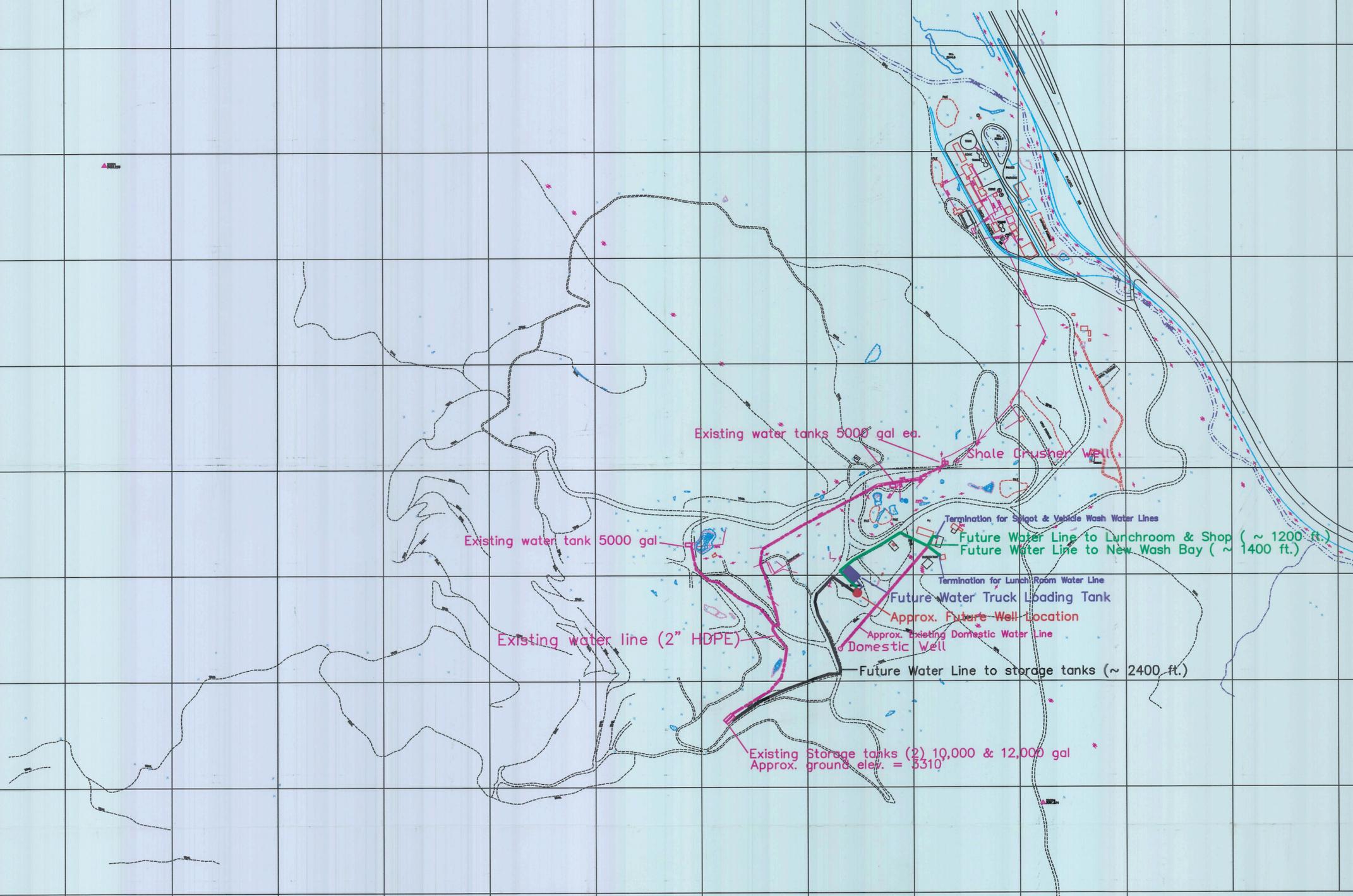
ASH GROVE CEMENT COMPANY

33080 SHIRTAIL CREEK RD. PLANT ENGINEERING: (541) 877-2411 ext. 2828
 DURKEE, OR 97905 FAX: (541) 877-2317

TITLE			SCALE 01
Quarry Well and Piping Approx. Locations			SCALE 02
ITEM	BY	DATE	N/A
DRAWN	LHP	11/15/06	DWG. NUM.
CHECKED			00001
APPROVED			REVISION

pp no G-16790
 8

RECEIVED
 FEB 05 200.
 WATER RESOURCES DEP
 SALEM, OREGON



ASH GROVE CEMENT COMPANY

33080 SHIRTAIL CREEK RD. PLANT ENGINEERING: (541) 877-2411 ext. 2828
 DURKEE, OR 97906 FAX: (541) 877-2317

TITLE: Quarry Well and Piping Approx. Locations SCALE: 01

ITEM	BY	DATE	SCALE 02
DRAWN	LHP	11/15/08	N/A
CHECKED			DWG. NUM. 00001
APPROVED			REVISION

App No G-16790