

Name Andy Root G-17834
 By 524 Hwy 20 N
 Address Hines, OR 97738

Application No. G17834

Permit No. _____

Certificate No. _____

FEES PAID

Date	Amount	Receipt No.
4-11-14	5800.00	111692

Cert. Fee

FEES REFUNDED

Date	Amount	Receipt No.
11/14/19	\$450.00	VP050236

Priority April 11, 2014

County HARNEY WM# 10

RELATED FILES

ASSIGNMENTS

DEVELOPMENT

Date

Completion _____

Extended to _____

Final Proof received _____

Proposed Cert. Mailed _____

Date

To Whom

Address

REMARKS FO Date 11/15/2019 withdrawn
S.O.V 114, Page 3916

MAP LOCATION _____

KS 4/14/2014

FRENCH Kim R

From: Scott <Scott@apeands.com>
Sent: Tuesday, July 05, 2016 9:27 AM
To: dwight.w.french@state.or.us
Cc: FRENCH Kim R; Sharon Davis
Subject: Irrigation Permit Applications G-17834 & G-17902
Attachments: T_12257map.pdf; T_12359map.pdf; T_12267map.pdf

Good Morning Dwight:

I received copies of the two letters you sent to Andy Root regarding his applications that have been on administrative hold over the last year. Both applications fall under option #24, as Mr. Root has applied for transfers to move other rights onto the same lands applied for in G-17834 and G-17902.

Permit Application G-17834 (Weaver Springs Farm):

Permit Amendment application T-12257 proposes to amend part of Permit G-16461 to cover Pivots 37 (partial), 38, & 39 from the same wells as G-17834. *APPROVED 10/8/18*

Permanent Transfer T-12354 proposes to move rights to cover Pivots 33, 34, 35, 36, & 37 (partial) from the same wells as G-17834. *APPROVED 6/22/17 - does not cover these pivots*

Permit Application G-17902 (Rattlesnake Creek Farm):

Permit Amendment Application T-12267 proposes to cover the three pivot fields in Sections 31-32 from the same wells as G-17902. *APPROVED 10/8/18*

The mini pivot in the NE ¼ of Section 30 and the field in the SW ¼ of Section 4 remain uncovered.

I believe the correct action for Mr. Root to take at this time, based on your letter regarding OAR 690-512, would be to place both applications on administrative hold (Option 1) until such time that Mr. Root knows his transfer applications are approved.

Once the Draft Final Orders are made for the transfers, and are agreeable to both the department and Mr. Root, I believe the permit applications can be withdrawn. In order to receive back his application fees, less the GW study for \$250, will Mr. Root need to withdraw before the Final Order is recorded or can he wait until afterward? I fear that once the Final Orders are made that the permit applications will be cancelled, due to overlapping rights.

No action has been taken recently by Mr. Root because he has been waiting to find out the results from his transfer applications. He has no intention of withdrawing either right unless the lands in questions have been covered by water rights.

Thank you for your attention to this matter.

Sincerely,

Scott Montgomery, Owner/Principal
All Points Engineering and Surveying, Inc.
(541) 548-5833

T-12359 for Andy Root, Rattlesnake Creek Land and Cattle Co. and Christophe and Danielle Gregg - Issuance of Draft Preliminary Determination - Action Required!

HEARD Aria L * WRD [Aria.L.Heard@oregon.gov]

Sent: Tuesday, March 06, 2018 1:15 PM

To: Scott

Cc: JOHNSON JR * WRD [JR.Johnson@oregon.gov]



Oregon
Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

March 6, 2018

Applicant

Andy Root

Rattlesnake Creek Land & Cattle Company

524 Hwy 20 North

Hines, OR 97738

Applicant

Christopher & Danielle Gregg

29724 Hwy 20 West

Hines, OR 97738

SUBJECT: Water Right Transfer Application T-12359

Please find enclosed a draft of our Preliminary Determination regarding Transfer Application T-12359. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be DENIED. This draft is intended to provide you with an opportunity to comment on our findings and conclusions should you wish to do so and to withdraw or modify your application to resolve the issues that are prompting our decision to deny the application.

The draft Preliminary Determination proposes to deny the transfer because the proposed additional points of diversion would substantially interfere with other existing groundwater rights, resulting in injury to those rights. The issues that we have identified could be resolved by one of the following alternatives:

- Obtain consent to injury of water rights from all affected water right holders, or
- Priority date subordination of the right being transferred.

At this point, you may decide to continue processing the application (see below), or to send a letter requesting to withdraw the transfer application.

If you wish to proceed with your application, you must submit the following:

1. Describe how you will overcome the issues identified above and submit modifications or additional information as needed, or indicate whether you wish to protest a Preliminary Determination to deny the transfer.
2. A report of landownership for the lands to which the water right(s) are appurtenant (the FROM lands) will be required. **The report must be prepared by a title company and meet the criteria below.** (Reports may be called by various names, such as Customer Service Report, Property Analysis Report (PAR), List Pack, Lot Book Report, etc.)
 - a) The title company's report must either be:
 - i) prepared within 3 months of the draft Preliminary Determination showing current ownership, or
 - ii) prepared within 3 months of recording of a water right conveyance agreement, or
 - iii) prepared at any time, but showing ownership at the time a water right conveyance agreement was recorded.
 - b) The ownership report shall include:

- i) Date reflected by the ownership information
 - ii) List of owners at that time
 - iii) Legal description of the property where the water right to be transferred is currently located.
 - c) You will need to submit a notarized statement of consent from any landowner listed in the ownership report who is not already included in the transfer application, or other information such as a water right conveyance agreement, if applicable.
3. Notice of this transfer will need to be published in a newspaper with general circulation in the area where the water rights are currently located. You will be responsible for the charges. Please confirm the Burns Herald as the newspaper you prefer to publish in so we can get an accurate estimate of the cost.

What happens next...

Once the Preliminary Determination is issued a publication period is required. Because there are there is more than ¼ mile between the proposed new and the authorized point(s) of appropriation, the Department will publish notice of the transfer in a local newspaper having a general circulation in the area of the water right at least once per week for two consecutive weeks. You are responsible for sending a check to cover the cost of publication prior to the issuance of the Preliminary Determination and publication of notice (see below).

Conditions to your water right...

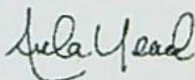
If you modify the application so as to allow approval, conditions may need to be added to the transfer. The Department will notify you of any required conditions prior to issuing the Preliminary Determination.

Issuance of the Preliminary Determination will occur shortly after we receive

1. your written response modifying the application to resolve the issues that we have identified or by requesting that we proceed with processing of the application
2. report of ownership information.

If we do not receive your response to withdraw the application or the items listed above by April 6, 2018, a Preliminary Determination may be issued denying the application as incomplete.

Please do not hesitate to contact me at 503-986-0806 or arla.l.heard@oregon.gov, if I may be of assistance.



Sincerely,

Arla Heard
Transfer Specialist
Transfer and Conservation Section

Enclosure

cc: Transfer Application file T-12359
J.R. Johnson, District #10 Watermaster (via e-mail)
Scott Montgomery, Agent for the applicant (via e-mail at scott@apeands.com)

Arla L. Heard
Water Rights Transfer Specialist
Transfer and Conservation Section
Oregon Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
Direct: 503-986-0806

arla.l.heard@oregon.gov

RECEIVED

APR 09 2018

OWRD



All Points Engineering and Surveying, Inc.

P.O. Box 767 (CRR)
Terrebonne, OR 97760
(541) 548-5833 PH
(541) 585-4602 FX
Scott@APEandS.com

April 3, 2018

Attn: Arla Heard, Transfer Case Worker
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1266

SUBJECT: Withdrawal of Chris and Dani Gregg from Transfer Application T-12359 and acceptance of conditions from Rattlesnake Creek Land and Cattle, LLC

Dear Ms. Heard:

As agent for Rattlesnake Creek Land and Cattle, LLC and Chris and Dani Gregg, I have been asked to reply for both in regard to our teleconference with Lisa Jaramillo on March 9th.

Rattlesnake Creek Land and Cattle, LLC is willing to accept the additional conditions recommended by the OWRD Groundwater Section. However, the Gregg's would like to respectively withdraw from the transfer, as they aren't willing to accept the additional conditions. Please advise me as to how we need to move forward to complete this transfer application.

If you have any questions, please don't hesitate to call at 541-548-5833.

Sincerely,

A handwritten signature in black ink, appearing to read 'Scott Montgomery', followed by a horizontal line.

Scott Montgomery
All Points Engineering and Surveying
P.O. Box 767
Terrebonne, OR 97760
scott@apeands.com
PH: 541-548-5833
FAX: 541-585-4602



All Points Engineering and Surveying, Inc.

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Scott Montgomery
All Points Engineering and Surveying
P.O. Box 767
Terrebonne, OR 97760
scott@apeands.com
PH: 541-548-5833
FAX: 541-585-4602

STATE OF OREGON

COUNTY OF

HARNEY

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

ORVILLE R. CHEEK, SR.

of PO Box 424, Hines, State of Oregon 97738, has made
proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of
a well

a tributary of Harney Lake for the purpose of
irrigation of 157.8 acres

under Permit No. G-6251 and that said right to the use of said waters has been perfected in
accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from:
October 25, 1974
that the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed
1.58 cubic feet per second

or its equivalent in case of rotation, measured at the point of diversion from the well.
The well is located in the NW 1/4 NW 1/4, Section 22, T25S, R31E, WM; 1,280 feet
South and 30 feet East from NW Corner, Section 22

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

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

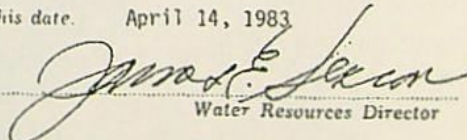
A description of the place of use under the right hereby confirmed, and to which such right
is appurtenant, is as follows:

40.0 acres NE 1/4 NW 1/4
37.8 acres NW 1/4 NW 1/4
40.0 acres SW 1/4 NW 1/4
40.0 acres SE 1/4 NW 1/4
Section 22
Township 25 South, Range 31 East, WM

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

WITNESS the signature of the Water Resources Director, affixed

this date, April 14, 1983


Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 46, page 51515

Patricia



did not complete & return
form, instead had agent
send email putting app on
hold saying Transfers are in
process - 10 - do 12257 &
13354 cover all the same
ground? NO

FRENCH Kim R

From: Scott <Scott@apeands.com>
Sent: Friday, June 26, 2015 8:28 AM
To: FRENCH Kim R
Subject: RE: G-17902 and G-17834

Kim,

I spoke with Andy Root this morning regarding this permit mitigation. He confirmed what my assumption was regarding how to assign the Neinke rights (6.19 cfs to G-17902 & 4.28 cfs to G-17834). Please let me know if you have any questions or need any more info.

Thanks and have a great day!

Scott

From: FRENCH Kim R [<mailto:kim.r.french@state.or.us>]
Sent: Wednesday, June 17, 2015 11:23 AM
To: Scott
Subject: RE: G-17902 and G-17834

NOT APPLIED
AS OFFSET
OR MITIGATION
SEE 7/5/16
EMAIL

That's what I thought, but I figured it was better for them to decide rather than me.

Let me know when you know

Thanks!

Kim French | Water Right Application Caseworker
Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301
Ph: 503 986-0816 | Fax: 503 986-0901
Email: kim.r.french@wrdd.state.or.us | Web: <http://www.wrdd.state.or.us>

From: Scott [<mailto:Scott@apeands.com>]
Sent: Wednesday, June 17, 2015 11:21 AM
To: FRENCH Kim R
Cc: Sharon Davis
Subject: RE: G-17902 and G-17834

Kim,

I haven't spoken with Andy Root about this yet. But I've cc'd Sharon Davis to pass the word on to him. My assumption is that G-17902 to cover 169.9 acres primary and 325.0 acres supplemental (Homeplace) will request 6.19 cfs to cover all POU with a rate of 1/80 cfs per acre. G-17834 (Leathers Pivots 33-39) will request the remainder or 4.282 cfs to cover 277 acres with a rate of 1/65 cfs per acre. We don't want to leave either water right deficient.

Thanks,

Scott Montgomery, Owner/Principal
All Points Engineering and Surveying, Inc.
(541) 548-5833

From: FRENCH Kim R [<mailto:kim.r.french@state.or.us>]
Sent: Wednesday, June 17, 2015 11:06 AM

To: Scott
Subject: G-17902 and G-17834

Hi Scott,

I received the letter from Don Nienke, cancelling some of the acreage under this permit G-16980 as "mitigation" for the two above-mentioned applications for Andy Root (Rattlesnake Creek Land & Cattle).

Don's is cancelling 771.9 acres from permit G-16980, which leaves him a rate of 7.33 CFS. The.

I need to know how the remaining 10.47 CFS is to be divided between G-17902 and G-17834. G-17902 requested 4.62 CFS for irrigation of 277.0 acres and G-17902 requested 6.415 CFS for irrigation of a total of 494.4 acres.

Please let me know so I can continue processing these applications.

Thanks,

Kim French | Water Right Application Caseworker

Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301

Ph: 503 986-0816 | Fax: 503 986-0901

Email: kim.r.french@wrdd.state.or.us | Web: <http://www.wrd.state.or.us>



Oregon

Kate Brown, Governor

Water Resources Department

Eastern Region
Baker County Courthouse
1995 3rd Street, Suite 180
Baker City, OR 97814
Phone: (541) 523-8224
Fax: 1-866-214-3493
www.wrd.state.or.us

Date: 3June15

To: Kim French

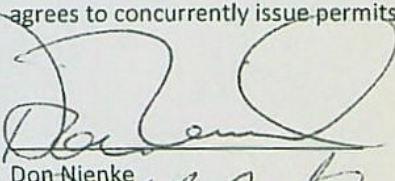
Re: Offset/Mitigation of Permitted Water Rights

Pursuant to the discussion at the meeting held in the offices of ACW Inc. on May 26, 2015, this letter has been developed to document an informal process to facilitate the voluntary cancellation of a specific number of permitted water right acres for the purpose of the Oregon Water Resources Department (OWRD) to reissue the exact same amount of water righted acres to another individual, thus allowing for a change in the place of use without enlarging the total acreage being irrigated with ground water.

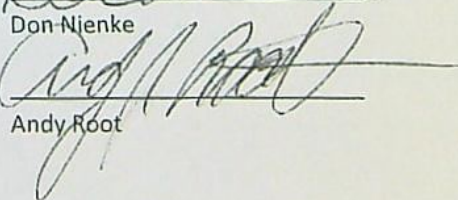
The undersigned, Don Nienke and Andy Root, have agreed to a personal business transaction whereby 771.9 acres from permit G 16980, held by Don Nienke, will be voluntarily cancelled contingent upon OWRD concurrently issuing permits to Andy Root covering 277 acres as applied for under Application G 17834 and 494.9 acres as applied for under Application G 17902.

The enclosed maps show the acres from permit G 16980 which will be voluntarily cancelled, highlighted in red, and the location of the two new places of use as applied for by Andy Root. Each map is accompanied by a list of the acreages involved in the mitigation effort.

Don Nienke agrees to the voluntary cancellation of the above described acres if and only if OWRD agrees to concurrently issue permits for the above described lands held by Andy Root.


Don Nienke

Date 6-4-2015


Andy Root

Date 6-4-15

State of OREGON

County of Harney

This instrument was acknowledged before me June 4th, 20 15

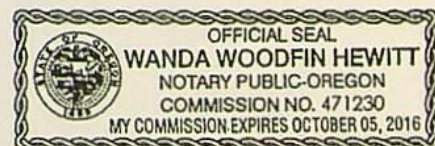
by Wanda Woodfin Hewitt

Notary Public – State of Oregon

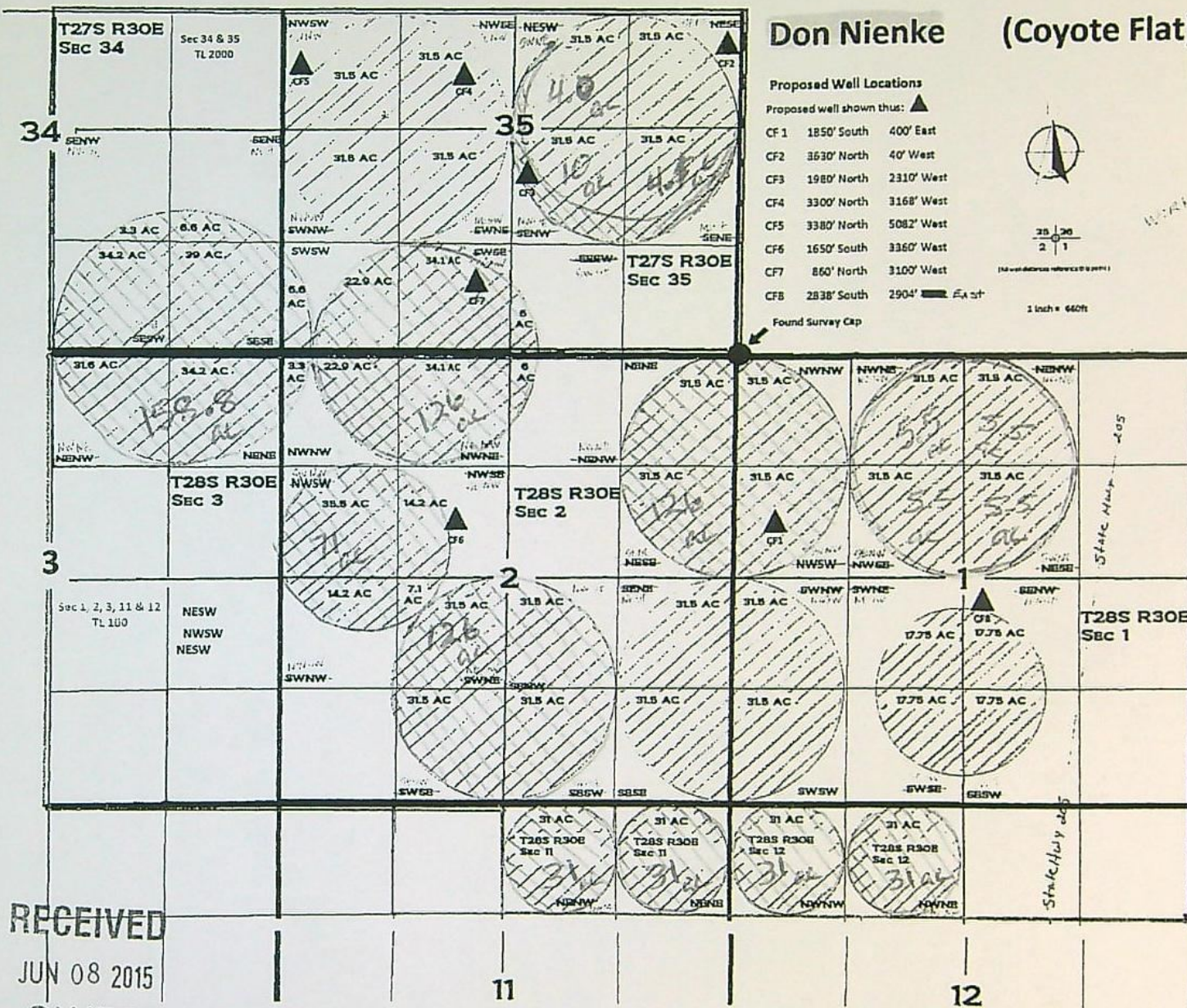
RECEIVED

JUN 08 2015

OWRD



Permit G 16980



ACRES FOR VOLUNTARY CANCELLATION FROM PERMIT G 16980

NE ¼ SE ¼	6.6 ACRES
NW ¼ SE ¼	3.3 ACRES
SW ¼ SE ¼	34.2 ACRES
SE ¼ SE ¼	39.0 ACRES

SECTION 34

SW ¼ SW ¼	29.5 ACRES
SE ¼ SW ¼	34.1 ACRES
SW ¼ SE ¼	6.0 ACRES
SW ¼ NE ¼	4.0 ACRES
NW ¼ SE ¼	10.0 ACRES
NE ¼ SE ¼	4.1 ACRES

SECTION 35

TOWNSHIP 27 SOUTH, RANGE 30 EAST, W.M.

NW ¼ NE ¼	5.5 ACRES
SW ¼ NE ¼	5.5 ACRES
NE ¼ NW ¼	5.5 ACRES
SE ¼ NW ¼	5.5 ACRES
NW ¼ NW ¼	31.5 ACRES
SW ¼ NW ¼	31.5 ACRES

SECTION 1

TOWNSHIP 28 SOUTH, RANGE 30 EAST. W.M.

NE ¼ NE ¼	31.5 ACRES
NW ¼ NE ¼	6.0 ACRES
SE ¼ NE ¼	31.5 ACRES
NE ¼ NW ¼	34.1 ACRES
NW ¼ NW ¼	26.2 ACRES
SW ¼ NW ¼	35.5 ACRES
SE ¼ NW ¼	14.2 ACRES
NE ¼ SW ¼	38.6 ACRES
NW ¼ SW ¼	14.2 ACRES
SE ¼ SW ¼	31.5 ACRES
NW ¼ SE ¼	31.5 ACRES
SW ¼ SE ¼	31.5 ACRES

SECTION 2

NE ¼ NE ¼	34.2 ACRES
NW ¼ NE ¼	31.6 ACRES

SECTION 3

NE ¼ NE ¼	31.0 ACRES
NW ¼ NE ¼	31.0 ACRES

SECTION 11

RECEIVED
JUN 08 2015
OWRD

ACCRES FOR VOLUNTARY CANCELLATION ON PERMIT G 16980

NE 1/4 NW ¼ 31.0 ACRES

NW ¼ NW ¼ 31.0 ACRES

SECTION 12

TOWNSHIP 28 SOUTH, RANGE 30 EAST, W.M.

TOTAL ACRES FOR CANCELLATION 771.9 ACRES

RECEIVED

JUN 08 2015

OWRD

NEW PLACE OF USE AS PER APPLICATION G 17902.

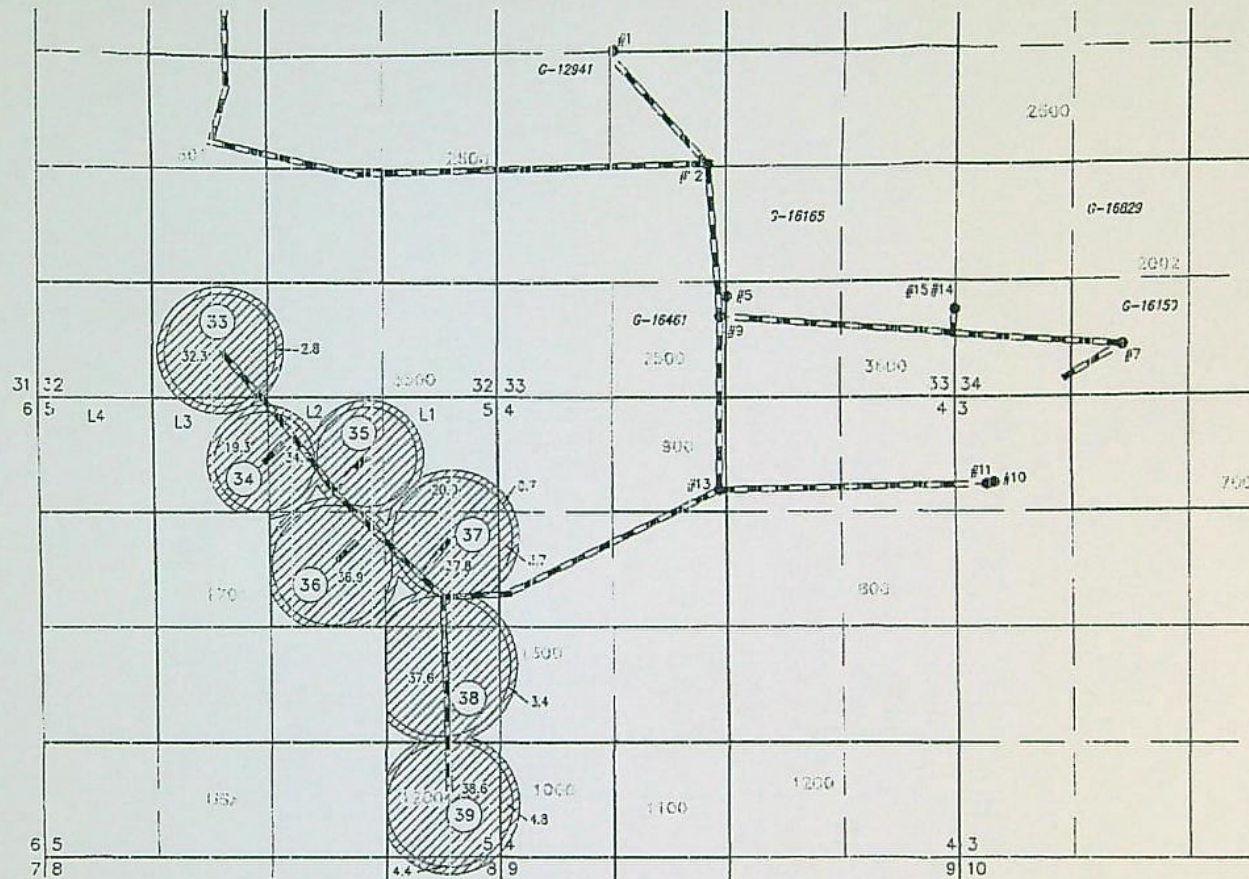
<u>QQ</u>	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NE ¼ NE ¼	25.0 ACRES	6.4 ACRES
	SECTION 30	
NE ¼ NE ¼	7.4 ACRES	2.9 ACRES
SE ¼ NE ¼	3.0 ACRES	22.7 ACRES
NE ¼ SE ¼		34.0 ACRES
NW ¼ SE ¼		7.6 ACRES
SW ¼ SE ¼	3.7 ACRES	4.3 ACRES
SE ¼ SE ¼	11.8 ACRES	19.9 ACRES
	SECTION 31	
NE ¼ NW ¼	1.0 ACRES	2.0 ACRES
NW ¼ NW ¼	9.2 ACRES	
NW ¼ NW ¼		15.9 ACRES
SW ¼ NW ¼		40.0 ACRES
SE ¼ NW ¼		12.1 ACRES
NE ¼ SW ¼	19.7 ACRES	2.6 ACRES
NW ¼ SW ¼	2.7 ACRES	29.9 ACRES
SW ¼ SW ¼		23.6 ACRES
SE ¼ SW ¼	25.8 ACRES	1.7 ACRES
	SECTION 32	
TOWNSHIP 22 SOUTH, RANGE 32.5 EAST, W.M.		
NE ¼ SW ¼	28.6 ACRES	11.4 ACRES
NW ¼ SW ¼	20.2 ACRES	19.8 ACRES
SW ¼ SW ¼	2.8 ACRES	37.2 ACRES
SE ¼ SW ¼	9.0 ACRES	31.0 ACRES
	SECTION 4	
TOWNSHIP 23 SOUTH, RANGE 32.5 EAST, W.M.		

TOTAL ACRES = 494.9

RECEIVED
JUN 08 2015
OWRD

MAP TO ACCOMPANY APPLICATION
TO ADD POINTS OF APPROPRIATION AND
PLACE OF USE FOR
RATTLESNAKE LAND & CATTLE

TAX LOTS 2500, 3000, & 2002
IN SECTIONS 32, 33 & 34, TOWNSHIP 25 SOUTH, RANGE 30 EAST, W.M.
& TAX LOTS 800, 900, 1000, 1100, 1200, & 1300
IN SECTION 3, 4, 5, & 6, TOWNSHIP 26 SOUTH, RANGE 30 EAST, W.M.
HARNEY COUNTY, OREGON



- #1
WELL #1 (HARN 1014)
1317' SOUTH & 1315' EAST FROM THE NW
CORNER SECTION 31.
- #5
WELL #5 (HARN 51148)
4195' SOUTH & 2572' WEST FROM THE NE
CORNER SECTION 31.
- #7
WELL #7 (HARN 51272)
4725' SOUTH & 1877' EAST FROM THE NW
CORNER SECTION 31.
- #9
WELL #9 (HARN 51448)
4423' SOUTH & 2750' WEST FROM THE NE
CORNER SECTION 33.
- #10
WELL #10 (HARN 51765)
985' SOUTH & 451' EAST FROM THE NW
CORNER SECTION 3.
- #11
WELL #11 (HARN 51760)
1005' SOUTH & 375' EAST FROM THE NW
CORNER SECTION 1.
- #12
WELL #12 (HARN 51817) PROPOSED
2690' SOUTH & 2390' WEST FROM THE NE
CORNER SECTION 33.
- #13
WELL #13 (HARN 51445)
1090' SOUTH & 2105' WEST FROM THE NE
CORNER SECTION 4.
- #14
WELL #14 (HARN 51871)
1000' NORTH & 10' WEST FROM THE SE
CORNER SECTION 33.
- #15
WELL #15 (HARN 51970)
1000' NORTH & 37' WEST FROM THE SE
CORNER SECTION 33.

PROJECT No. 14-017

PREPARED AT THE REQUEST OF:
ANDY ROOT
524 HIGHWAY 20 N
HINES, OR 97738

ALL POINTS ENGINEERING
& SURVEYING, INC.



P.O. BOX 767 (CRR)
TERREBONNE, OREGON 97760
(541) 548-5833 PH
(541) 585-4602 FX
www.APEandS.com

1 OWNER'S PIVOT NUMBER

BURIED STEEL PIPE



277.0 ACRES PRIMARY IRRIGATION FROM
WELLS 1, 5, 7, 9-15, AS SHOWN.

THIS MAP IS FOR THE PURPOSE OF LOCATING A WATER
RIGHT ONLY AND HAS NO INTENT TO PROVIDE LEGAL
DIMENSIONS OR THE LOCATION OF PROPERTY LINES

RECEIVED BY OWRD

APR 11 2014

SALEM, OR

G-17834

NEW PLACE OF USE AS PER APPLICATION G 17834.

SE $\frac{1}{4}$ SW $\frac{1}{4}$	32.3 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$	2.8 ACRES

SECTION 32

TOWNSHIP 25 SOUTH, RANGE 30 EAST, W.M.

NW $\frac{1}{4}$ NW $\frac{1}{4}$	0.7 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$	3.7 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$	3.4 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$	4.8 ACRES

SECTION 4

NE $\frac{1}{4}$ NE $\frac{1}{4}$	20.0 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$	34.7 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$	36.9 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$	37.8 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$	19.3 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$	37.6 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$	38.6 ACRES

SECTION 5

NW $\frac{1}{4}$ NE $\frac{1}{4}$	4.4 ACRES
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SECTION 8

TOWNSHIP 26 SOUTH, RANGE 30 EAST, W.M.

TOTAL ACRES = 277

RECEIVED

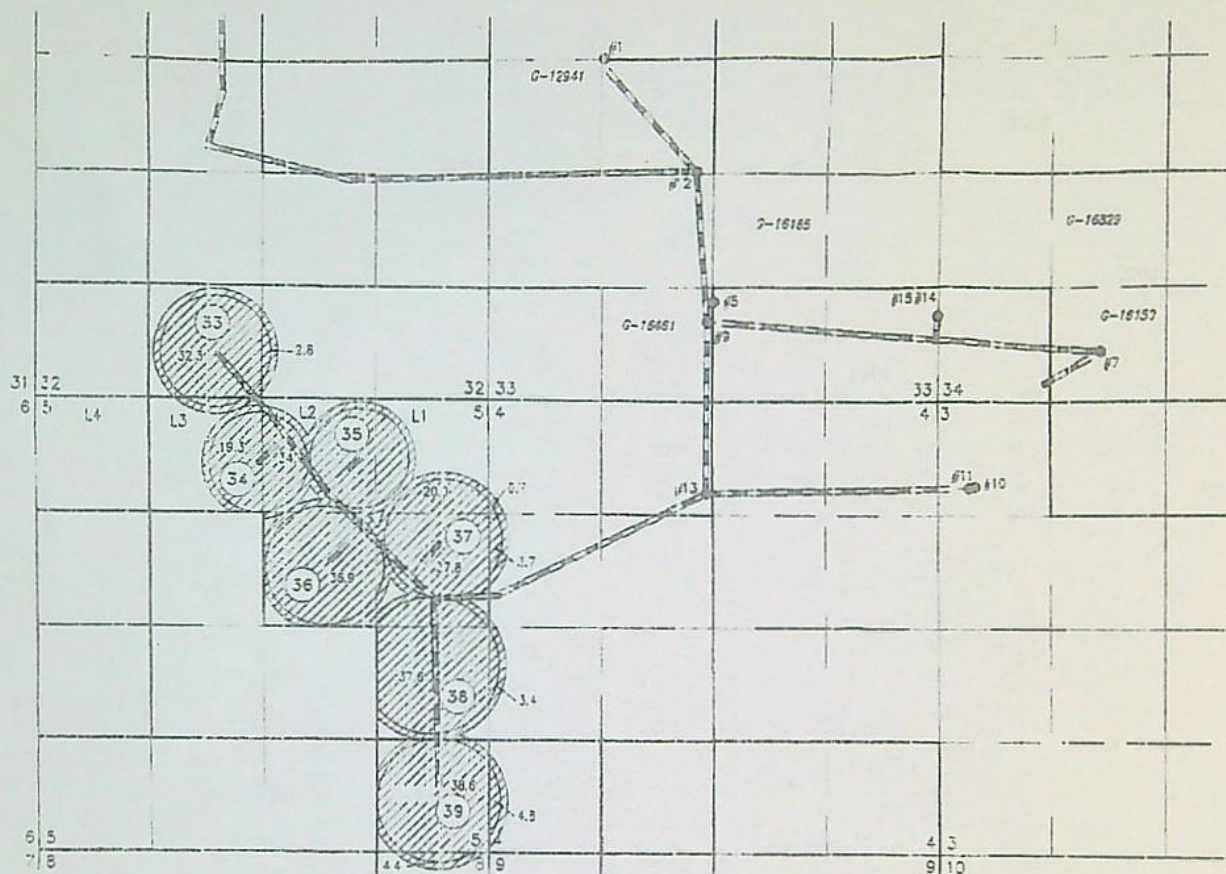
JUN 08 2015

OWRD

Application G 17834

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TO ADD POINTS OF APPROPRIATION AND
PLACE OF USE FOR
RATTLESNAKE LAND & CATTLE

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IN SECTIONS 32, 33 & 34, TOWNSHIP 28 SOUTH, RANGE 30 EAST, M.N.
& TAX LOTS 900, 1000, 1100, 1200, & 1300
IN SECTION 3, 4, 5, & 6, TOWNSHIP 26 SOUTH, RANGE 30 EAST, M.N.
HARNEY COUNTY, OREGON



- #1
WELL #1 (HARN 1014)
1317' SOUTH & 1303' EAST FROM THE NW
CORNER SECTION 32.
- #2
WELL #2 (HARN 51145)
4195' SOUTH & 2672' WEST FROM THE NE
CORNER SECTION 32.
- #3
WELL #3 (HARN 51272)
4725' SOUTH & 1577' EAST FROM THE NW
CORNER SECTION 32.
- #4
WELL #4 (HARN 51448)
4425' SOUTH & 2750' WEST FROM THE NE
CORNER SECTION 32.
- #5
WELL #5 (HARN 51785)
285' SOUTH & 451' EAST FROM THE NW
CORNER SECTION 32.
- #6
WELL #6 (HARN 51780)
1005' SOUTH & 375' EAST FROM THE NW
CORNER SECTION 32.
- #7
WELL #7 (HARN 51817) PROPOSED
2690' SOUTH & 2390' WEST FROM THE NE
CORNER SECTION 32.
- #8
WELL #8 (HARN 51448)
1080' SOUTH & 2705' WEST FROM THE NE
CORNER SECTION 32.
- #9
WELL #9 (HARN 51871)
1000' NORTH & 10' WEST FROM THE SE
CORNER SECTION 32.
- #10
WELL #10 (HARN 51970)
1000' NORTH & 33' WEST FROM THE SE
CORNER SECTION 32.

1 OWNER'S PIVOT NUMBER

— BURIED STEEL PIPE —

277.0 ACRES PRIMARY IRRIGATION FROM
WELLS 1, 5, 7, 9-15, AS SHOWN.

THIS MAP IS FOR THE PURPOSE OF LOCATING A WATER
RIGHT ONLY AND HAS NO INTENT TO PROVIDE LEGAL
DIMENSIONS OR THE LOCATION OF PROPERTY LINES

PROJECT No. 14-017

PREPARED AT THE REQUEST OF:

ANDY POOT
524 HIGHWAY 20 N
HINES, OR 97738

ALL POINTS ENGINEERING
& SURVEYING, INC.

P.O. BOX 767 (CRR)
TERREBONNE, OREGON 97760
(541) 548-5833 PH
(541) 585-4602 FX
www.APEandS.com

RECEIVED

JUN 08 2015

OWRD

RECEIVED BY OWRD

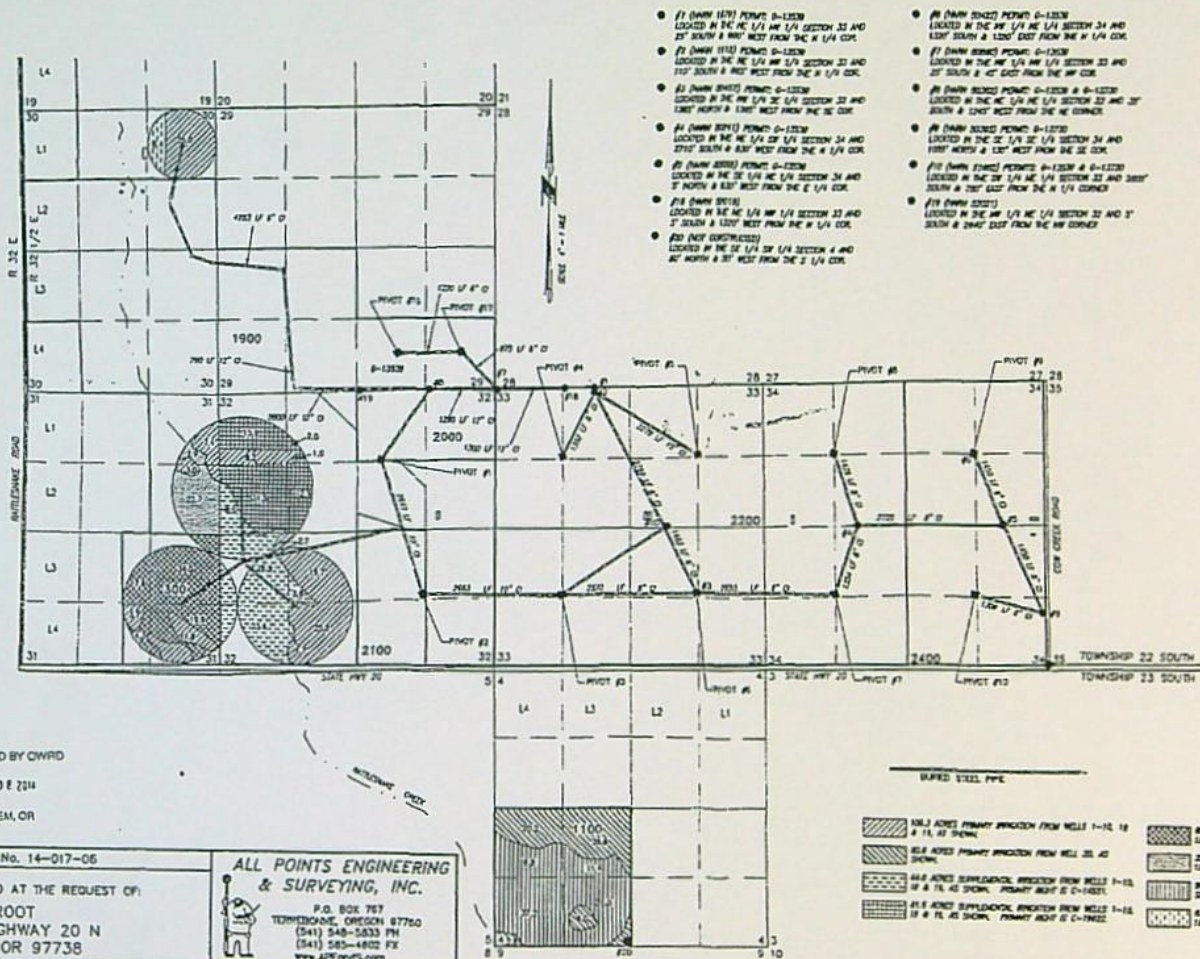
APR 11 2016

SALEMAN 13P

G-17834

247 1075 300 1000 1075 1075 2000 2000 2000
 IN SECTION 26-34 TOWNSHIP 22 NORTH RANGE 22.5 EAST NW 4
 248 LOT 100 IN SECTION 4 TOWNSHIP 22 NORTH RANGE 22.5 EAST SW
 HARRY CRAFT, OWNER

Application G 17902




RECEIVED BY OWRD
AUG 02 2014
SALEM, OR

PROJECT No. 14-017-05

PREPARED AT THE REQUEST OF:
ANDY ROOT
524 HIGHWAY 20 N
HINES, OR 97738

ALL POINTS ENGINEERING
& SURVEYING, INC.



P.O. BOX 767
TUMACACI, OREGON 97760
(541) 548-5633 PH
(541) 585-4802 FX
www.APEandS.com

RECEIVED
JUN 08 2015
OWRD

THIS MAP IS FOR THE PURPOSE OF LOCATING A WATER RIGHT ONLY AND HAS NO INTENT TO PREJUDICE LITIGATION OR THE LOCATION OF PROPERTY LINES

FRENCH Kim R

From: Scott <Scott@apeands.com>
Sent: Tuesday, July 05, 2016 9:27 AM
To: dwight.w.french@state.or.us
Cc: FRENCH Kim R; Sharon Davis
Subject: Irrigation Permit Applications G-17834 & G-17902
Attachments: T_12257map.pdf; T_12359map.pdf; T_12267map.pdf

Good Morning Dwight:

I received copies of the two letters you sent to Andy Root regarding his applications that have been on administrative hold over the last year. Both applications fall under option #24, as Mr. Root has applied for transfers to move other rights onto the same lands applied for in G-17834 and G-17902.

Permit Application G-17834 (Weaver Springs Farm):

Permit Amendment application T-12257 proposes to amend part of Permit G-16461 to cover Pivots 37 (partial), 38, & 39 from the same wells as G-17834. **APPROVED 10/8/18**

Permanent Transfer T-12354 proposes to move rights to cover Pivots 33, 34, 35, 36, & 37 (partial) from the same wells as G-17834. **APPROVED 6/22/17**

Permit Application G-17902 (Rattlesnake Creek Farm):

Permit Amendment Application T-12267 proposes to cover the three pivot fields in Sections 31-32 from the same wells as G-17902. **APPROVED 10/8/18**

The mini pivot in the NE ¼ of Section 30 and the field in the SW ¼ of Section 4 remain uncovered.

I believe the correct action for Mr. Root to take at this time, based on your letter regarding OAR 690-512, would be to place both applications on administrative hold (Option 1) until such time that Mr. Root knows his transfer applications are approved.

Once the Draft Final Orders are made for the transfers, and are agreeable to both the department and Mr. Root, I believe the permit applications can be withdrawn. In order to receive back his application fees, less the GW study for \$250, will Mr. Root need to withdraw before the Final Order is recorded or can he wait until afterward? I fear that once the Final Orders are made that the permit applications will be cancelled, due to overlapping rights.

No action has been taken recently by Mr. Root because he has been waiting to find out the results from his transfer applications. He has no intention of withdrawing either right unless the lands in questions have been covered by water rights.

Thank you for your attention to this matter.

Sincerely,

Scott Montgomery, Owner/Principal
All Points Engineering and Surveying, Inc.
(541) 548-5833



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

www.wrd.state.or.us

May 6, 2016

Dear Andy Root;

On April 15, 2016, the revised Oregon Administrative Rule 690-512 for the Malheur Lake Basin Program was adopted. These rules provide greater flexibility for addressing pending groundwater applications in the Greater Harney Valley while the Department is conducting a groundwater study to better understand groundwater resources. These rules were developed in consultation with a local rules advisory committee.

Copies of the final rules are included with this letter and are also available on the Department's website at: <http://www.oregon.gov/owrd/pages/law/oar.aspx> (Scroll down to 690-512).

Your application is within the Greater Harney Valley Groundwater Area of Concern (GHVGAC), and you have three options on how to proceed:

4. You may put your application on administrative hold and pursue the cancellation of enough permitted or certificated groundwater rights to offset the use described in your groundwater application. **You have until April 15, 2019 to pursue this option.** After April 15, 2019, if you were not able to get your pending application approved, **you may request that the Department put your application on administrative hold and wait for the results of the groundwater study to be completed.** The study should be completed by the end of 2020.
5. You may withdraw your application now and receive a refund of all but \$225 of the fees you have paid to the Department.
6. If you own or can acquire active water rights that would be subject to transfer, you may pursue a transfer of water rights to transfer to all of part of the acreage described in your pending application. To pursue this option, you will need to move forward with option 1 or 2.

Please complete the following page and return it to the Department and let us know how you would like to proceed. If you do not let us know how you would like to proceed by August 1, 2016, we will need to assume that you would like your application to be processed according to the former rules which would result in the Department proposing to deny your application. You may request more time to decide what to do if you need it.

If you have any questions, please contact me at 503-986-0819 or dwight.w.french@state.or.us.

Thank you,

Dwight French
Water Right Services Division Administrator

Greater Harney Valley Groundwater Area of Concern

Malheur Lakes Basin

Applicant Name Andy Root Application # G-17834

- ☐ 1. Please put my application on administrative hold while I pursue cancellation of groundwater permits and certificates to offset the amount of water I am requesting with my pending application. I understand that any permit issued will be subject to conditions listed under OAR 690-512-0200(7)(a-c). I understand that I cannot use groundwater as described in my application unless the application is approved and a permit is issued.
- ☐ 2. I would like to withdraw the application and receive a refund of all but \$225 of the fees paid towards this application.

Signed _____

Signed _____

Anyone who signed the original application should sign this form.



Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

www.wrd.state.or.us

June 24, 2016

Dear Andy Root;

On April 15, 2016, the revised Oregon Administrative Rule 690-512 for the Malheur Lake Basin Program was adopted. These rules provide greater flexibility for addressing pending groundwater applications in the Greater Harney Valley while the Department is conducting a groundwater study to better understand groundwater resources. These rules were developed in consultation with a local rules advisory committee.

On May 6, 2016, the Department sent a letter letting you know that your application is within the Greater Harney Valley Groundwater Area of Concern (GHVGAC), and gave you three options on how to proceed. As of this date, we have not gotten a response from you.

This is a reminder of your options for proceeding with your application:

4. You may put your application on administrative hold and pursue the cancellation of enough permitted or certificated groundwater rights to offset the use described in your groundwater application. **You have until April 15, 2019 to pursue this option.** After April 15, 2019, if you were not able to get your pending application approved, you may request that the Department put your application on administrative hold and wait for the results of the groundwater study to be completed. The study should be completed by the end of 2020.
5. You may withdraw your application now and receive a refund of all but \$225 of the fees you have paid to the Department.
6. If you own or can acquire active water rights that would be subject to transfer, you may pursue a transfer of water rights to transfer to all of part of the acreage described in your pending application. To pursue this option, you will need to move forward with option 1 or 2.

Please complete the following page and return it to the Department and let us know how you would like to proceed. If you do not let us know how you would like to proceed by August 1, 2016, we will need to assume that you would like your application to be processed according to the former rules which would result in the Department proposing to deny your application. You may request more time to decide what to do if you need it.

If you have any questions, please contact me at 503-986-0819 or dwight.w.french@state.or.us.

Thank you,

Dwight French

Water Right Services Division Administrator

Greater Harney Valley Groundwater Area of Concern
Malheur Lakes Basin

Applicant Name Andy Root Application # G-17834

- ☐ 1. Please put my application on administrative hold while I pursue cancellation of groundwater permits and certificates to offset the amount of water I am requesting with my pending application. I understand that any permit issued will be subject to conditions listed under OAR 690-512-0200(7)(a-c). I understand that I cannot use groundwater as described in my application unless the application is approved and a permit is issued.
- ☐ 2. I would like to withdraw the application and receive a refund of all but \$225 of the fees paid towards this application.

Signed _____

Signed _____

Anyone who signed the original application should sign this form.



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 2, 2015

RATTLESNAKE CREEK LAND & CATTLE
ANDY ROOT
524 HWY 20 N
HINES, OR 97738

Reference: Files **G-17834** and G-17902

Dear Applicant:

On October 30, 2015, the Water Resources Department received correspondence from your agent, Scott Montgomery, requesting an additional 180-day administrative hold on processing the above-referenced applications.

The Department has determined that a longer administrative hold is reasonable and necessary and has approved your request. The Department will not take any action on this application until **April 30, 2016**, unless you request that we continue processing sooner.

If you need to request additional time, your request will need to show justification for why additional time is reasonable and necessary, that substantial progress is being made towards being ready to proceed with application processing, and a specific time line which identifies when you anticipate being ready to continue with the application process.

If you have any questions, please contact Kim French at kim.r.french@wrdd.state.or.us or 503-986-0816.

Sincerely,

E. Timothy Wallin
Water Rights Program Manager

cc: File
WM #10
Scott Montgomery - scott@apeands.com

FRENCH Kim R

From: Scott <Scott@apeands.com>
Sent: Friday, October 30, 2015 9:21 AM
To: FRENCH Kim R
Subject: Permit Applications G-17834 & G-17902

Dear Ms. French:

On behalf of Andy Root, the owner and applicant of G-17834 and G-17902, and as agent of the same permit applications, I request to have both permits extend their time period on administrative hold.

My sincere thanks,

*Scott Montgomery, Owner/Principal
All Points Engineering and Surveying, Inc.
(541) 548-5833*

FRENCH Kim R

From: Scott <Scott@apeands.com>
Sent: Friday, July 10, 2015 9:43 AM
To: FRENCH Kim R
Cc: Sharon Davis
Subject: Permit Applications G-17834 & G-17902

Good Morning Kim,

Acting as the agent for Andy Root and Rattlesnake Land & Cattle, LLC, I would like to remove the administrative hold on Permit Applications G-17834 and G-17902. I request this in order to allow the mitigation process to proceed.

Thank you for your attention to this matter and please don't hesitate to contact me with any concerns or questions.

Sincerely,

*Scott Montgomery, Owner/Principal
All Points Engineering and Surveying, Inc.
(541) 548-5833*



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, 2015

ANDY ROOT
524 HWY 20 N
HINES, OR 97738

Reference: File G-17834

Dear Applicant:

On April 10, 2015, the Department received a letter from your agent, Scott Montgomery, requesting an additional 180-day administrative hold on processing the above-referenced application to allow you time to obtain acceptable mitigation for this application.

The Department has determined that a longer administrative hold is reasonable and necessary and has approved your request. The Department will not take any action on this application until October 10, 2015, unless you request we proceed sooner.

If you need to request additional time, your request will need to show justification for why additional time is reasonable and necessary, that substantial progress is being made towards being ready to proceed with application processing, and a specific time line which identifies when you anticipate being ready to continue with the application process.

If you have any questions, please contact Kim French at kim.r.french@wrд.state.or.us or 503-986-0816.

Sincerely,

E. Timothy Wallin
Water Rights Program Manager

cc: File
WM #10
Scott Montgomery, All Points Engineering & Surveying Inc, PO Box 767, Terrebonne,
OR 97760

FRENCH Kim R

From: Scott <Scott@apeands.com>
Sent: Friday, April 10, 2015 3:05 PM
To: FRENCH Kim R
Cc: Sharon Davis
Subject: Permit Application G-17834

Good Afternoon Ms. French-Gorsky:

As the listed agent for application G-17834 and as requested to me by the applicant, Andy Root, I'm requesting that this application be put on administrative hold. The application has been previously on administrative in order to give Mr. Root time to look over options. In the time since the original administrative hold was accepted no viable options to remedy the situation have been discovered. Therefore, more time is needed to try to mitigate a mutually acceptable resolution.

In my experience during the last four years it appears that new water rights in the Harney Basin have gone from available to not available; however, the basin hasn't been officially closed. Applicants have had to rely on word-of-mouth regarding whether or not an application will be approved or denied based on the results from others' application decisions. No official word has come from Oregon Water Resources Department to guide them as to whether water is available or not until they spend the time and money to apply in their area. In my opinion, this apparent uncertainty coming from the department is making applicants and potential applicants uncertain as well about their options.

We would appreciate it greatly if another administrative hold was granted for the above mentioned application in order to allow Mr. Root some more time to work on a resolution. Thank you for your help with this matter.

Sincerely,

*Scott Montgomery, Owner/Principal
All Points Engineering and Surveying, Inc.
(541) 548-5833*



Oregon

John A. Kitzhaber, MD, Governor

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

May 19, 2014

ANDY ROOT
524 HWY 20 NORTH
HINES, OR 97738

Reference: File G-17834

Dear Applicant:

On May 16, 2014, the Water Resources Department received a letter from your agent, Scott Montgomery, requesting a 180-day administrative hold on processing the above-referenced application to give you time to explore mitigation options.

The Department will not take any action on this application until **November 16, 2014**, unless you request that we continue processing sooner. If you need to request additional time, you will need to show justification for why additional time is reasonable and necessary, that substantial progress is being made towards being ready to proceed with application processing, and a general time line, which identifies when you anticipate being ready to continue with the application process.

Feel free to contact me at kim.r.french-gorski@wrp.state.or.us or 503-986-0816 with questions.

Sincerely,

Kim French-Gorski
Water Right Application Caseworker

cc: WM# 10
File
Scott Montgomery, All Points Engineering & Surveying, PO Box 767, Terrebonne, OR
97760

FRENCH-GORSKI Kim R

From: Scott <scott@apeands.com>
Sent: Friday, May 16, 2014 11:25 AM
To: 'FRENCH-GORSKI Kim R'
Cc: 'Sharon Davis'
Subject: Permit Application G-17834

Kim,

I've consulted with Andy Root regarding this permit application and the likelihood that OWRD will deny this permit. Mr. Root has instructed me to have this permit application put on administrative hold until we can mitigate the application to an approved status.

Thanks,

*Scott Montgomery, Owner/Principal
All Points Engineering and Surveying, Inc.
(541) 548-5833*

FRENCH Kim R

From: Scott <Scott@apeands.com>
Sent: Friday, June 26, 2015 8:28 AM
To: FRENCH Kim R
Subject: RE: G-17902 and G-17834

Kim,
I spoke with Andy Root this morning regarding this permit mitigation. He confirmed what my assumption was regarding how to assign the Neinke rights (6.19 cfs to G-17902 & 4.28 cfs to G-17834). Please let me know if you have any questions or need any more info.
Thanks and have a great day!
Scott

From: FRENCH Kim R [<mailto:kim.r.french@state.or.us>]
Sent: Wednesday, June 17, 2015 11:23 AM
To: Scott
Subject: RE: G-17902 and G-17834

NOT APPLIED
AS OFFSET
OR MITIGATION
SEE 7/5/16
EMAIL

That's what I thought, but I figured it was better for them to decide rather than me.

Let me know when you know

Thanks!

Kim French | Water Right Application Caseworker
Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301
Ph: 503 986-0816 | Fax: 503 986-0901
Email: kim.r.french@wrdd.state.or.us | Web: <http://www.wrd.state.or.us>

From: Scott [<mailto:Scott@apeands.com>]
Sent: Wednesday, June 17, 2015 11:21 AM
To: FRENCH Kim R
Cc: Sharon Davis
Subject: RE: G-17902 and G-17834

Kim,
I haven't spoken with Andy Root about this yet. But I've cc'd Sharon Davis to pass the word on to him. My assumption is that G-17902 to cover 169.9 acres primary and 325.0 acres supplemental (Homeplace) will request 6.19 cfs to cover all POU with a rate of 1/80 cfs per acre. G-17834 (Leathers Pivots 33-39) will request the remainder or 4.282 cfs to cover 277 acres with a rate of 1/65 cfs per acre. We don't want to leave either water right deficient.
Thanks,

*Scott Montgomery, Owner/Principal
All Points Engineering and Surveying, Inc.
(541) 548-5833*

From: FRENCH Kim R [<mailto:kim.r.french@state.or.us>]
Sent: Wednesday, June 17, 2015 11:06 AM

To: Scott

Subject: G-17902 and G-17834

Hi Scott,

I received the letter from Don Nienke, cancelling some of the acreage under this permit G-16980 as "mitigation" for the two above-mentioned applications for Andy Root (Rattlesnake Creek Land & Cattle).

Don's is cancelling 771.9 acres from permit G-16980, which leaves him a rate of 7.33 CFS. The.

I need to know how the remaining 10.47 CFS is to be divided between G-17902 and G-17834. G-17902 requested 4.62 CFS for irrigation of 277.0 acres and G-17902 requested 6.415 CFS for irrigation of a total of 494.4 acres.

Please let me know so I can continue processing these applications.

Thanks,

Kim French | Water Right Application Caseworker

Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301

Ph: 503 986-0816 | Fax: 503 986-0901

Email: kim.r.french@wrdd.state.or.us | Web: <http://www.wrd.state.or.us>

October 18, 2019

HAND DELIVERED

Elizabeth E. Howard

Admitted in Oregon, Washington and
North Dakota

T: 503-796-2093

C: 503-312-8765

ehoward@schwabe.com

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

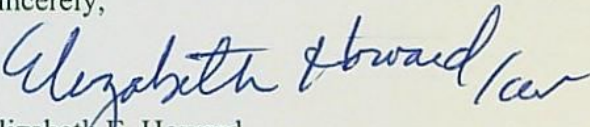
RE: Protest of Proposed Final Order to Deny on Application G-17834
Our File No. 134187-250323

Dear Sir or Madam:

Please find enclosed the Protest of the Proposed Final Order to Deny Application G-17834. This protest is being submitted on behalf of Andy Root, the applicant and Silver Sage Farms LLC, the current owner of the real property.

Please deduct the \$410 protest fee from our Schwabe Williamson & Wyatt account.

Sincerely,



Elizabeth E. Howard

EEH:cw

Enclosure

cc: Client

PDX\134187\250323\EEH\26382337.1

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OCT 18 2019

OWRD

OCT 18 2019

BEFORE THE OREGON WATER RESOURCES DEPARTMENT

OWRD

In the Matter of Water Right Application G-17834 in the name of Andy Root	PROTEST OF PROPOSED FINAL ORDER TO DENY
--	--

This protest is filed on behalf of Andy Root, the applicant of record, and Silver Sage Farms LLC, the current owner of the real property described in Application G-17834 (each individually a "Protestant" and collectively the "Protestants"), pursuant to ORS 537.621, OAR 690-310-0160 and OAR 690-002-0030.

Protestants hereby request a contested case hearing.

BACKGROUND

On April 11, 2014, Protestant Andy Root applied for authorization to divert 4.62 cubic feet per second ("cfs") of groundwater from ten wells for primary irrigation of 277.0 acres. On May 9, 2014, the Oregon Water Resources Department ("OWRD") issued an Initial Review stating that "it appears unlikely you will be issued a permit unless a suitable mitigation proposal is provided prior to issuance of the Proposed Final Order."

On June 24 and May 6, 2016, the OWRD sent letters to Mr. Root stating that Application G-17834 could be placed on hold until OWRD completed a groundwater study, which was expected to be completed by the end of 2020.

On July 5, 2016, Mr. Root's agent and certified water rights examiner, Scott Montgomery, informed OWRD via email that Mr. Root was pursuing a water right transfer to cover the proposed place of use described in Application G-17834 (Transfer Application T-12359). Mr. Montgomery's email requested that Application G-17834 be placed on administrative hold until after the transfer was approved. To date, OWRD has not approved the transfer and has not completed the groundwater study.

On January 4, 2017, OWRD hydrogeologist Darrick Boschmann completed a groundwater review for Transfer T-12359. The review found that the proposal to add wells at a location approximately 12 miles from the authorized well "will result in an incremental increase in interference with groundwater rights near that location" and "[t]he proposed use will very likely result in additional water level declines in the Weaver Springs area." However, the review concluded that the water user could address these concerns through priority date subordination and certain permit conditions relating to water use measurement and water level declines.

On March 6, 2018, OWRD issued a draft preliminary determination for Transfer T-12359 proposing to deny the transfer. The accompanying cover letter stated that the grounds for the proposed denial could be addressed by either obtaining consent to injury from all affected water right holders or by subordinating the priority date of the right being transferred. Based on that

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letter, Mr. Root understood that he could address OWRD's concerns through priority date subordination alone, without obtaining consent to injury from other water right holders.

On April 3, 2018, Mr. Montgomery notified OWRD via letter that one of the original co-applicants for Transfer T-12359 wanted to withdraw their portion of the application and that Mr. Root wanted to continue to pursue approval of his portion of the application. The letter stated that Mr. Root "is willing to accept the additional conditions recommended by the OWRD Groundwater Section."

On May 31, 2018, Mr. Montgomery submitted revised application materials to OWRD. On September 17, 2018, the caseworker for Transfer T-12359, Arla Davis, notified Mr. Montgomery's office that the amended application needed to be re-reviewed by OWRD's groundwater section. On October 19, 2018, Mr. Montgomery emailed Ms. Heard to check the status of the transfer. He notified her that the property was being sold and stated that he had informed the buyer, Protestant Silver Sage Farms LLC, that the "original transfer was going to be approved with conditions" and that he expected a "similar review and decision" after the re-review.

On November 6, 2018, Mr. Root sold the real property described in the Application to Protestant Silver Sage Farms LLC. The sale included water rights proposed for transfer under T-12359. Mr. Root sold the water rights subject to transfer in reliance on OWRD's representations that the transfer could be approved with conditions relating to subordination, measurement and water level declines.

On June 7, 2019, OWRD hydrogeologist Darrick Boschmann completed the re-review for Transfer T-12359. The re-review included several changes from the original review. Among other things, the re-review added that "[a]ll existing groundwater users in this area will be negatively impacted by any increased authorized groundwater pumping" and found that no conditions could address the potential impacts. On June 28, 2019, Mr. Boschmann explained these changes in an email to the caseworker, Ms. Heard: "I chose not to include the conditions on this re-review because I did not want to give the impression that approving this transfer with these conditions would in any way mitigate the impacts of the additional groundwater pumping in this area."

On September 3, 2019, OWRD issued a Proposed Final Order ("PFO") proposing to deny the Application G-17834, which was supposed to remain on administrative hold until OWRD approved Transfer T-12359 or completed the groundwater study. Handwritten notes in OWRD's file for Application G-17834 indicate that an OWRD employee working on that application may have mistakenly believed that Transfer T-12359 had been approved.

For reasons described in this Protest, the PFO is in error and deficient and Application G-17834 should be kept on administrative hold until Transfer T-12359 is finally decided. Alternatively, if Transfer T-12359 is denied, Protestants should have an opportunity to provide a suitable mitigation proposal consistent with the Initial Review for Application G-17834.

ELEMENTS OF PROTEST

The elements of a protest, as required by 690-310-0160 and 690-002-0030, are addressed below:

2 – PROTEST OF PROPOSED FINAL ORDER TO DENY APPLICATION G-17834

PDX\134187\250323\SD\26370340.3

1. **Protestant Name and Address and Telephone Number (OAR 690-310-0160(1)(a); OAR 690-002-0030(1)(c))**

Andy Root 524 Hwy 20 N Hines, OR 97738 541-589-0107	Silver Sage Farms LLC 18555 SW Teton Ave Tualatin OR 97062 503-303-0360
--	--

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OCT 18 2019

2. **Description of the Protestant's Interest in the PFO (OAR 690-310-0160(1)(b))**

Protestant Root is the applicant of record. Protestant Silver Sage Farms LLC is the recent purchaser and current owner of the land described in Application G-17834. The parties' purchase and sale agreement anticipated that the land would have water. Without water, the land is substantially less valuable than the price that was paid for the land. Both parties are therefore directly and adversely affected by the PFO to deny Application G-17834.

Protestants each have a vested interest in keeping Application G-17834 on hold until Transfer T-12359 is finally decided. If OWRD denies the transfer, Protestants have an interest in providing mitigation as allowed in the Initial Review for Application G-17834.

3. **Detailed Description of How the Action Proposed in the PFO Would Impair or Be Detrimental to the Protestant's Interest (OAR 690-310-0160(1)(c))**

Protestant Andy Root sold the real property in question to Protestant Silver Sage Farms, who intends to make economic use of the property by irrigating crops. The parties relied on OWRD's representation regarding T-12359 and agreement to place Application G-17834 on hold, and anticipated receiving final water right approval, when they entered into a purchase and sale agreement. Without water rights, the land is substantially less valuable. Denial of the application would impair or be detrimental to Protestant Silver Sage Farms' planned economic use of the property and to Protestant Root's financial interests and potential exposure as seller of the property with water rights.

4. **Detailed Description of How the PFO is in Error or Deficient and How to Correct the Alleged Error or Deficiency (OAR 690-310-0160(1)(d)); Statement of Facts Sufficient to Show that the Protestant is Entitled to the Relief or Action Requested and Statement of Specific Relief or Action Requested (OAR 690-002-0030(1)(a) & (b)).**

Protestants hereby incorporate by reference the Background Section of this Protest. The PFO is in error and deficient for the following reasons:

A. OWRD Prematurely Issued the PFO for an Application that Should Have Remained on Administrative Hold

Based on communications with OWRD employees, Protestants reasonably expected OWRD to keep Application G-17834 on hold until OWRD approved Transfer T-12359 or completed the groundwater study. Protestants also reasonably expected OWRD to

OCT 18 2019

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approve Transfer T-12359 with conditions relating to subordination, measurement and water level declines. Instead, OWRD prematurely removed the administrative hold on Application G-17834, issued a PFO to deny the application and is now threatening to deny Transfer T-12359.

Handwritten notes in OWRD's file for Application G-17834 indicate that the caseworker may have mistakenly believed that Transfer T-12359 had been approved and that removing the administrative hold and issuing a PFO would be proper in light of such approval. Removing the hold and issuing the PFO was a mistake. OWRD should have contacted Protestant Andy Root or his agent Scott Montgomery before taking those steps. There is no evidence in the record that OWRD tried to do so.

B. The Initial Review Allowed for Mitigation

The Initial Review allowed Mr. Root to provide a "suitable mitigation proposal" to secure approval of Application G-17834. If OWRD denies Transfer T-12359, Protestants should have an opportunity to provide mitigation consistent with the Initial Review. Protestants did not relinquish that right.

C. OWRD Must Act Consistent With its Representations, on which Protestants Relied

Based on representations made by OWRD employees, Protestants reasonably expected OWRD to keep Application G-17834 on hold until OWRD approved Transfer T-12359 or completed the groundwater study. Protestants also reasonably expected OWRD to approve Transfer T-12359 with conditions relating to subordination, measurement and water level declines. Or, if OWRD denies Transfer T-12359, Protestants reasonably expected to have an opportunity to provide mitigation as represented in the Initial Review. OWRD should have acted consistent with its representations. Protestants are harmed by OWRD's failure to do so.

5. Citation of Legal Authority to Support the Protest, if Known (OAR 690-310-0160(1)(e); OAR 690-002-0030(1)(d))

Legal authority known to the Protestant at this time:

ORS 537.615 to 537.628 relating to applications for the use of groundwater.

OAR Chapter 690 Division 512 relating to the Malheur Lake Basin Program.

OAR Chapter 690 Division 310 relating to water right application processing.

OAR Chapter 690 Division 002 relating to protests and contested case hearings.

6. Protest Fee (OAR 690-002-0030(1))

Please deduct the protest fee of \$410.00 for the Protestant/Applicant from Schwabe, Williamson & Wyatt's account with the Oregon Water Resources Department.

7. **Request for Contested Case Hearing (OAR 690-310-0170(2)(b))**

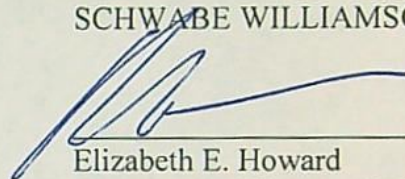
Protestant/Applicant hereby requests a contested case hearing.

CONCLUSION

For reasons stated above, OWRD should withdraw the PFO and keep Application G-17834 on hold until Protestants have received approval of Transfer T-12359. Alternatively, if the transfer is denied, Protestants should have an opportunity to provide mitigation as provided in the Initial Review for Application G-17834.

DATED: October 18, 2019

SCHWABE WILLIAMSON and WYATT



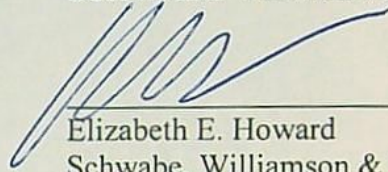
Elizabeth E. Howard
Schwabe, Williamson & Wyatt
1211 SW Fifth Ave., Suite 1900
Portland, OR 97204
Telephone: 503-796-2093
Facsimile: 503-796-2900
E-mail: ehoward@schwabe.com
Of Attorneys for Protestant

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OCT 18 2019
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CERTIFICATE OF SERVICE

I certify that on October 18, 2019, I hand delivered the original PROTEST OF PROPOSED FINAL ORDER TO DENY APPLICATION G-17834 to the Oregon Water Resources Department at 725 Summer St. NE, Suite A, Salem, Oregon 97301.

SCHWABE WILLIAMSON and WYATT



Elizabeth E. Howard
Schwabe, Williamson & Wyatt
1211 SW Fifth Ave., Suite 1900
Portland, OR 97204
Telephone: 503-796-2093
Facsimile: 503-796-2900
E-mail: ehoward@schwabe.com
Of Attorneys for Protestant

RECEIVED
OCT 18 2019
OWRD

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

Water Right Application G-17834 in the)
name of ANDY ROOT)
)

PROPOSED FINAL ORDER
TO DENY

Summary: The Department proposes to issue an order denying Application G-17834 because groundwater will not likely be available within the capacity of the resource, and the proposed use of groundwater will cause injury to existing groundwater rights.

Authority

The application is being processed in accordance with Oregon Revised Statute (ORS) 537.615 through 537.628, and 390.826, and Oregon Administrative Rule (OAR) Chapter 690, Divisions 5, 8, 9, 33, 300, 310, 400, 410 and the Malheur Lake Basin Program OAR 690-512. These statutes and rules can be viewed on the following website: <https://www.oregon.gov/OWRD/programs/policylawandrules/Pages.default.aspx>.

The Department's main website can be found at: <https://www.oregon.gov/OWRD>.

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 if:

- a. The proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and ORS 536.340 or given a preference under ORS 536.310(12);
- b. Water is available;
- c. The proposed use will not injure other water rights; and
- d. The proposed use complies with the rules of the Commission. ORS 537.621(2); OAR 690-310-0150(2)(b)

All four criteria must be met for a proposed use to be presumed to ensure the preservation of the public welfare, safety and health. When the criteria are met and the presumption is established the Department must further evaluate the proposed use, any comments received, information available in its files or received from other interested agencies, and any other available information to determine whether the presumption is overcome. OAR 690-310-0140

If the Department determines that the presumption is not established, the Department shall determine whether the proposed use will impair or adversely affect the public welfare, safety and health under ORS 537.525 and may either:

- a. Propose denial of the application upon a finding that the use will impair or adversely affect the public welfare, safety and health; or
- b. Make specific findings to demonstrate that even though the presumption is not established, the proposed use will not impair or adversely affect the public welfare, safety and health and propose approval of the application with appropriate modifications or conditions. OAR 690-310-0140(2)

FINDINGS OF FACT

Application History

1. On April 11, 2014, Andy Root filed a complete application for the following water use:

Source	WELL 1 (HARN 1094), WELL 5 (HARN 51146/L26615), WELL 7 (HARN 51272/L72702), WELL 9 (HARN 51448/L93552), WELL 10 (HARN 51765/L102536), WELL 11 (HARN 51760/L102534), WELL 12 (HARN 51817/L107659), WELL 13 (HARN 51445/L104470), WELL 14 (HARN 51871/L109033), AND WELL 15 (HARN 51970/L11173) IN HARNEY LAKE BASIN
Use	IRRIGATION OF 277.0 ACRES
Rate	4.62 CUBIC FEET PER SECOND (CFS)
County	HARNEY COUNTY
Place of Use	SECTION 32, TOWNSHIP 25 SOUTH, RANGE 30 EAST, W.M., AND SECTIONS 4, 8, AND 8, TOWNSHIP 26 SOUTH, RANGE 30 EAST, W.M.

2. On May 9, 2014, the Department mailed the applicant notice of its Initial Review, determining that "...the appropriation of 4.62 cubic feet per second (CFS) of water from Well 1 (HARN 1094), Well 5 (HARN 51146/L26615), Well 7 (HARN 51272/L72702), Well 9 (HARN 51448/L93552), Well 10 (HARN 51765/L102536), Well 11 (HARN 51760/L102534), Well 12 (HARN 51817/L107659), Well 13 (HARN 51445/L104470), Well 14 (HARN 51871/L109033), and Well 15 (HARN 51970/L11173) in Harney Lake Basin for irrigation of 277.0 acres is not allowable, and it appears unlikely that you will be issued a permit." The applicant did not notify the Department to stop processing the application within 14 days of that date.
3. On May 13, 2014, 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 obtaining future notices and a copy of the Proposed Final Order.
4. The application was put on several administrative holds, the last of which expired on April 30, 2016.

Presumption Criteria (a) - Consistency with Basin Program

5. The proposed use is allowed under Malheur Lake Basin Program OAR 690-512-0010. ORS 537.621(3)(b); OAR 690-310-0150(2)(b)

Presumption Criteria (b) - Water Availability

6. An assessment of groundwater availability has been completed by the Department's Groundwater Section. A copy of this assessment is in the file. Groundwater will not likely be available within the capacity of the resource, and the proposed use of groundwater will cause injury to existing groundwater rights. ORS 537.621(3)(c); OAR 690-310-0150(2)(c)
7. Pursuant to OAR 690-512-0020(4)(d), the Department may find that water is available if confirmed offset water was provided by April 15, 2019.
8. Confirmed offset water was not provided by April 15, 2019.

Presumption Criteria (c) - Injury Determination

9. The proposed use, if authorized, will injure other water rights. ORS 537.621(3)(d); OAR 690-310-0150(2)(e)

Presumption Criteria (d) - Whether the use complies with rules of the Commission

10. Documentation has been submitted from the relevant land-use planning jurisdiction that indicates the proposed use is allowed outright. ORS 537.621(3)(b); OAR 690-310-0150(2)(b)
11. The Department has determined that the proposed groundwater use will not have the potential for substantial interference with surface water. The Division 9 (Ground Water Interference with Surface Water) review is in the file and can be viewed on the Department's website. ORS 537.621(3)(b); OAR 690-009-0040(4)
12. The proposed groundwater use is not within a designated critical groundwater area. ORS 537.620(4)(a), 537.621(3)(a); OAR 690-310-0150(2)(a)
13. No written comments were received by the close of the comment period. OAR 690-310-0140(3)(a)
14. The proposed use does not comply with rules of the Water Resources Commission not otherwise described above.

Determination of Presumption and whether the proposed use will impair or adversely affect the public welfare, safety and health under ORS 537.525

15. Because two of the four criteria is not met (groundwater is not available and the proposed use of groundwater will cause injury) the presumption is not established. OAR 690-310-0140(1)
16. Because the presumption is not established the proposed use will impair or adversely affect the public welfare, safety and health under ORS 537.525, OAR 690-310-0140(2)

Other Criteria and Requirements

17. The proposed use is not within or above a state scenic waterway. ORS 537.620(4)(a), 537.621(3)(a); OAR 690-310-0150(2)(a)
18. The amount requested, 4.62 CFS, is necessary for the proposed use. ORS 537.621(3)(c); OAR 690-310-0150(2)(d)
19. The applicant proposed methods to measure the amount of water appropriated, prevent damage to aquatic life and riparian habitat, prevent discharge of contaminated water to a surface stream, or to prevent damage to public uses of any affected surface waters. These measures are adequate at this time. OAR 690-310-0150(2)(j)

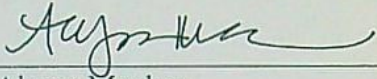
CONCLUSIONS OF LAW

The proposed use will impair or adversely affect the public welfare, safety and health.

PROPOSED ORDER

The Department recommends issuing an order denying Application G-17834.

DATED September 3, 2019

A handwritten signature in black ink, appearing to read 'Alyssa Mucken', written over a horizontal line.

Alyssa Mucken
Water Rights Section Manager, for
Thomas M. Byler, Director
Oregon Water Resources Department

Protests

Under the provisions of ORS 537.153(7) (for surface water) or ORS 537.621(8) (for groundwater), you can protest this Proposed Final Order. Protests must be received by the Water Resources Department no later than **October 18, 2019**. 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 the 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;
- To affect the Department's determination that the proposed use in this application will, or will not, ensure the preservation of the public welfare, safety and health as described in ORS 537.525, ORS 537.621(2)(b) requires that a protest demonstrate, by a preponderance of evidence any of the following: (a) One or more of the criteria for establishing the presumption are, or are not, satisfied; or (b) The specific aspect of the public welfare, safety and health under ORS 537.525 that would be impaired or detrimentally affected, and specifically how the identified aspect of the public welfare, safety and health under ORS 537.525 would be impaired or be adversely affected;
- If you are the applicant, a protest fee of \$410 required by ORS 536.050; and
- If you are not the applicant, a protest fee of \$810 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.

Requests for Standing

Under the provisions of ORS 537.153(7) (for surface water) or ORS 537.621(8) (for groundwater), 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 18, 2019**. 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 \$230. If a hearing is scheduled, an additional fee of \$580 must be submitted along with a petition for party status.

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

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

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

You 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 private organization if the Department determines that appearance of a person by an authorized representative will not hinder the orderly and timely development of the record in this case.

Notice Regarding Servicemembers: Active duty service members have a right to stay proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll free telephone number.

-
- If you have any questions about statements contained in this document, please contact Kim French at 503-986-0816 or Kim.R.French@oregon.gov.
 - If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Patricia McCarty at 503-986-0820.
 - If you have any questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0900.
 - Address any correspondence to : Water Right Services Division
725 Summer St NE, Suite A
Salem, OR 97301-1266
Fax: 503-986-0901
-

Mailing List for PFO Copies

Application G-17834

PFO Date September 3, 2019

Original mailed via CERTIFIED MAIL to applicant:

ANDY ROOT
524 HWY 20 N
HINES OR 97738

Copies Mailed

By: TM
(SUPPORT STAFF)

on: 9/4/2019
(DATE)

Sent via auto email:

1. Agent - Scott Montgomery - scott@apeands.com
2. WRD - Watermaster JR Johnson -# 10

Protest/Standing Dates
checked
10/18/19

Copies sent to:

1. WRD - File # G-17834

Application Specialist: K

SENDER: COMPLETE THIS SECTION

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

G-17834
Andy Root
524 Hwy 20 N.
Hines, OR. 97738



9590 9402 4402 8248 9814 71

2. Article Number (Transfer from service label)

708 0680 0002 0041 6128

PS Form 3811, July 2015 PSN 7530-02-000-9053

TM/PFO

COMPLETE THIS SECTION ON DELIVERY

A. Signature

x Andy Root

- ☐ Agent
☐ Addressee

B. Received by (Printed Name)

HOYT

C. Date of Delivery

9/6/19

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

RECEIVED

SEP 09 2019

OWRD

3. Service Type

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

- ☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

Mailing List for Withdrawn Special Order Copies

Application # G-17834

Original filed in Volume 114 Page 396

Copies Mailed

By: TM
(support staff)

On: 11/20/2019
(date)

Copies sent to:

1. Applicant: Andy Root, 524 Hwy 20 N, Hines, OR 97738
2. WRD – File G-17834
3. WRD – Watermaster # 1810
4. Elizabeth Howard, Schwabe, Williamson & Wyatt, 1211 SW 5th Ave, Suite 1900, Portland, OR 97204
- ✓ 5. Agent – Scott Montgomery – scott@apeands.com

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

In the Matter of a Withdrawal of Final Order for)
Water Right Application G-17834, in the name of)
ANDY ROOT) ORDER

Findings of Fact

1. On April 11, 2014, Andy Root filed an application for a permit to appropriate the waters of the State of Oregon to the Oregon Water Resources Department.
2. On September 3, 2019, a Proposed Final Order to deny was mailed to the applicant.
3. On October 18, 2019, the applicant filed a protest to the Proposed Final Order.
4. On November 15, 2019, a Final Order to deny was issued in error.

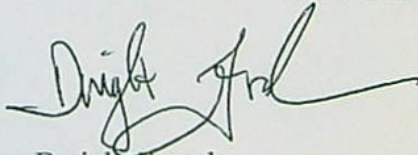
Conclusions of Law

1. The Director of the Water Resources Department concludes that the November 15, 2019 Final Order to deny for Application G-17834 shall be withdrawn.

Now, therefore, it is ORDERED:

The Final Order, dated November 15, 2019, for Application G-17834 is withdrawn and is of no further force or effect.

Dated at Salem, Oregon NOV 25 2019.



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

Mailing date: NOV 26 2019

WATER RESOURCES DEPARTMENT
REQUEST FOR DISTRIBUTION OF FUNDS

TO: Fiscal Services Section

DATE: November 8, 2019

FROM: Kim French

RE: Request for Refund

APPLICATION: G 17834

RECEIPT #: 111692

Please prepare a refund in the amount of \$450, made payable to:

Name: ACW Inc dba Andy's Custom Work

Address: 524 Hwy 20 N

City: Hines, OR 97738

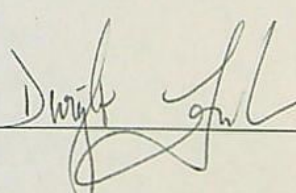
46111
0204

These funds are being paid or refunded as a result of (check one):

- ☐ Request for file to be Withdrawn
- ☐ Excess fees were collected for application
- ☐ Protest filing fees
- ☐ Standing fees
- ☒ Permit recording fees – Application denied
- ☐ Other: _____

I have reviewed this distribution request and have determined the request to be justified as to the purpose indicated above. Fiscal Services is hereby authorized to process the requested distribution.

Authorized Signature: _____



Date: 11-7-19

Mailing List for FO Copies

Application #G-17834

Original mailed to applicant:

ANDY ROOT
524 HWY 20 N
HINES OR 97738

Copies Mailed
By: <u>TM</u> (SUPPORT STAFF)
on: <u>11/15/2019</u> (DATE)

Sent via auto email:

1. Agent – Scott Montgomery - scott@apeands.com
2. WRD – Watermaster District #10, JR Johnson

Copies sent to:

1. WRD – File G-17834

Application Specialist: Kim French



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.Oregon.gov/OWRD

November 15, 2019

ANDY ROOT
524 HWY 20 N
HINES OR 97738

REFERENCE: APPLICATION G-17834

Dear Applicant:

Please find an enclosed check in the amount of \$450.00. This refund is for a permit recording fee that was submitted for the application referenced above.

If you have any questions, please contact me at Kim.R.French@oregon.gov or 503 986-0816.

Sincerely,

Kim French
Water Right Application Specialist

cc: file

enclosure

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

Water Right Application G-17834 in the name)
of ANDY ROOT)

FINAL ORDER

Summary: Order denying Application G-17834.

Authority

The application was processed in accordance with Oregon Revised Statute (ORS) 537.615 through 537.628, and 390.826, and Oregon Administrative Rule (OAR) Chapter 690, Divisions 5, 8, 9, 33, 300, 310, 400, 410 and the Malheur Lake Basin Program (OAR 690-512). These statutes and rules can be viewed on the following website: <https://www.oregon.gov/OWRD/programs/policylawandrules/Pages.default.aspx>.

The Department's main page is <https://www.oregon.gov/OWRD>.

This Final Order is issued pursuant to ORS 537.625 and OAR 690-310-0200.

FINDINGS OF FACT

1. On April 11, 2014, Andy Root submitted an application to the Department for a water use permit.
2. On September 3, 2019, the Department issued a Proposed Final Order recommending denial of the application because groundwater will not likely be available within the capacity of the resource, and the proposed use of groundwater will cause injury to existing groundwater rights. The protest period closed October 18, 2019 and no protest was filed.
3. The findings of fact in the Proposed Final Order are incorporated herein.

CONCLUSIONS OF LAW

1. The conclusions of law in the Proposed Final Order are incorporated herein.
2. The proposed use will not ensure the preservation of the public welfare, safety and health.

NOTE: 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.

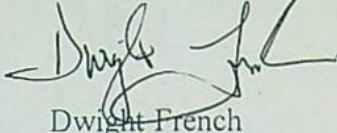
NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is a Final Order in other than contested case. This order is subject to judicial review under ORS 536.075 and 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 OAR 137-004-0080 you may 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.

ORDER

Application G-17834 is therefore denied.

DATED NOV 15 2019



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 Kim French at Kim.R.French@oregon.gov or 503-986-0816.
 - 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.
-



Oregon

Kate Brown, Governor

Water Resources Department

Eastern Region

Baker County Courthouse

1995 3rd Street, Suite 180

Baker City, OR 97814

Phone: (541) 523-8224

Fax: 1-866-214-3493

www.wrd.state.or.us

Date: 3June15

To: Kim French

Re: Offset/Mitigation of Permitted Water Rights

Pursuant to the discussion at the meeting held in the offices of ACW Inc. on May 26, 2015, this letter has been developed to document an informal process to facilitate the voluntary cancellation of a specific number of permitted water right acres for the purpose of the Oregon Water Resources Department (OWRD) to reissue the exact same amount of water righted acres to another individual, thus allowing for a change in the place of use without enlarging the total acreage being irrigated with ground water.

The undersigned, Don Nienke and Andy Root, have agreed to a personal business transaction whereby 771.9 acres from permit G 16980, held by Don Nienke, will be voluntarily cancelled contingent upon OWRD concurrently issuing permits to Andy Root covering 277 acres as applied for under Application G 17834 and 494.9 acres as applied for under Application G 17902.

The enclosed maps show the acres from permit G 16980 which will be voluntarily cancelled, highlighted in red, and the location of the two new places of use as applied for by Andy Root. Each map is accompanied by a list of the acreages involved in the mitigation effort.

Don Nienke agrees to the voluntary cancellation of the above described acres if and only if OWRD agrees to concurrently issue permits for the above described lands held by Andy Root.


Don Nienke

Date 6-4-2015


Andy Root

Date 6-4-15

State of OREGON

County of Harney

RECEIVED

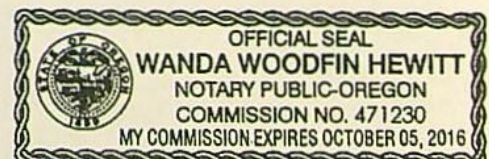
JUN 08 2015

OWRD

This instrument was acknowledged before me June 4th, 20 15

by Wanda Woodfin Hewitt

Notary Public – State of Oregon



G HVGAC

Final Order Checklist for Standard Applications

Reminder: use a different colored pen for changes and Date and Initial changes.

Application #: G-17834 Applicant: ANDY ROOT

Basin # 12

Name and/or address changed or assignment received? ☒ No ☐ YesPFO Date 8/3/19 ✓ Protest Period Ended 10/18/19 ✓Well construction meets minimum standards? ☒ NA ☐ Yes ☐ No (deny)PFO conclusions require modification due to typos, errors or omission of conditions: ☒ No ☐ Yes

If so: _____

If PFO requires modification; include FO MOD hearing rights ☐ NA ☐ YesMunicipal Use? ☒ NA ☐ for MU - **change construction finding to 20 years in Permit**Copy to: ☐ NCR ☒ WM10 ☐ SW Section (If SW, GW w/PSI, or SWW (include copy of yellow sheet))☒ Agent scott@apeands.com _____☐ CWRE _____☐ A.L.O. _____☐ Commenter(s) _____☐ WMCP Yes cc: Kerri Cope☐ Ann Reece (if application is for an Irrigation District)Was a standing paid for? ☒ No ☐ Yes (if yes and no protest, refund standing fee) _____

EXAM FEE REQUIRED _____

RECORDING FEE REQUIRED _____

EXAM FEE PAID _____

RECORDING FEE PAID _____

STILL OWED _____

STILL OWED _____

FO w/Draft permit: still need _____ FO w/ Permit # _____

FO to deny

Refund \$ 450

Recording Fees

Easement

Storage Water Contract

Approved Dam Plans & Specs

Land Use Approval

Kim FRENCH

Name: UNAVAILABLE Date Completed: 10/24/19 Peer Reviewer: _____ Date: _____Manager: amm Date: 11/7

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IGHVAC

PFO Checklist for Standard Application

Reminder: use a different colored pen for changes and Date and Initial changes.

Application # G-17834 Applicant: ANDY ROOT

Basin # 12 WM 1010

IR requested additional information? ☒ NA ☐ Yes

Add'l info received? ☒ NA ☐ Yes

IR Date 5/9/14 Noticed on 5/13/14 Comment Deadline 6/12/14

Electronic /Written comments? ☒ No ☐ Yes Comment Eval? ☒ NA ☐ No ☐ Yes

Allowed Use/Rate/Season NOT ALLOWED W/D OFFSET Limit: _____ Duty: _____

GW Rev ☐ NA ☐ will likely be available ☒ will not likely be available ☐ will, if conditioned

☒ No PSI ☐ Yes PSI WELL _____ Has PSI with _____

PSI caused from: ☐ 1/4 mile ☐ > 5CFS ☐ Instream Q ☐ > 1% of 80% ☐ Interference > 25%

Groundwater Conditions: 7N

Well construction meets minimum standards? ☒ NA (proposed well) ☐ Yes ☐ No (propose to deny)

Conditions
☐ Small ≤ 0.1 CFS ≤ 9.2 AF ☐ Medium > 0.1 CFS but < 0.25 CFS. > 9.2 AF but < 100 AF ☒ Large ≥ 0.25 CFS ≥ 100 AF

SWW ☒ NA ☐ above ☐ within _____ If GW, add 7J ☐

SW availability ☒ NA ☐ 80% ☐ 50% _____

Division 33 ☒ NA ☐ No
☐ UPPER COLUMBIA (not allowed 4/15 - 9/30) OAR 690-033-0120 (DIV331)
☐ LOWER COLUMBIA OAR 690-033-0220 (DIV332)
☐ STATEWIDE OAR 690-033-0330 (DIV333)
☐ UPPER COLUMBIA AND STATEWIDE (DIV334)
☐ LOWER COLUMBIA AND STATEWIDE (DIV335)

Land Use ☒ allowed outright ☐ decision obtained ☐ being pursued ☐ not being pursued

MU or QM: ☒ NA ☐ change construction condition to 20 years in Draft Permit

Needed before permit: ☒ NA ☐ Fees ☐ LU ☐ easement ☐ plans/ specs ☐ storage contract

Changes from IR determinations

ADMIN HOLD 5/16/14 - 11/16/14, 4/10/15 - 7/10/15, 10/30/15 - 4/30/16

Notes OFFSET NOT PROVIDED BY 4/15/19

Specialist: KIM FRENCH Date: 8/6/19 Peer Reviewer: hp Date: 8/26/19
Manager: _____ Date: _____

Copy to:

☐ NCR ☒ WM 10

☒ Agent SCOTT MONTGOMERY

☐ CWRE

☐ A.L.O.

☐ Commenter(s)

☐ SW Section (If SW, GW w/PSI, or SWW (include copy of yellow sheet))

EXAM FEE REQUIRED	<u>5250</u>	RECORDING FEE REQUIRED	<u>450</u>
EXAM FEE PAID	<u>5250</u>	RECORDING FEE PAID	<u>450</u>
STILL OWED	<u>0</u>	STILL OWED	<u>0</u>

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IR CHECKLIST

Application #: G-17834 Applicant: ANDY ROOT

Use(s): IRRIGATION USE ON 277.0 ACRES Priority Date: April 11, 2014

✓ Requested Use/Rate/Season IR-277AC; 4.62CFS; 3/1-10/31 Limit _____ Duty _____

Allowed Use/Rate/Season NO WATER AVAIL Limit _____ Duty _____

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

☐ classify as surface water well _____ has PSI with _____

GW conditions 7N

✓ Conditions _____

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

use at least Medium for: Siltcoos Lake, stored water contract, and Sandy Basin ground water
use Large for: Tenmile Lake, NU or other temp control, and gov. entities; Large-7g, Large-7i for 7g/7i
use Large-TFM: HC exceptions; and if GW in South Salem Hills, or 10+ acres in Stage Gulch CGWA

✓ ORS 538 prohibits use ☒ No ☐ Yes (stop processing and return app and fees)

✓ Use is ☒ allowed ☐ not allowed ☐ limited ☒ OAR ☐ Compact 690-56-

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

✓ SW availability ☒ NA ☐ 80% ☐ 50% _____ WID: _____

☐ Use DWF's 6/21/05 non-standard W/A memo if the source is: trib to Drews Res, Snake R, Columbia R, North Umpqua R below Rock Cr, or within drainages of Lost R, Chehalem Cr, or Champoege Cr (including Mission Cr and Case Cr)

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

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

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

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

☒ Yes 255 30E 32-2.8AC + 265 30E 4-0.7AC - CONFLICT w/ 6-16983

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

✓ App w/in a District boundary per http://apps.wrd.state.or.us/apps/gis/wr_irrigation/ ☒ No ☐ Yes, cc: _____

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

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

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

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

✓ Forms ☒ NA ☐ HC except ☐ spring description other _____

Application #: G-17834 Applicant: ANDY ROOT

☒ Authorized agent specified ☐ NA ☐ needed ☒ Yes SCOTT MONT EMERY

☒ Copy to ☐ SWR ☒ WM # 10 ☐ a.l.o. ☐ CRIFC ☐ NOAA & USFWS (4d)
☐ ER ☒ agent ☐ DOA (div 33) ☐ USFWS ☐ DOA Food Safety Div (bottled h2o)
☐ NCR ☐ CWRE ☐ CTUIR ☐ NW Planning Council

☐ city _____
(w/in 5-mile muni wells)

☐ DEQ, greg geist
(POA in 1N, 3E, S 20, 21, 28, 29)

☐ DOGAMI & DSL
(mining)

☒ Fees 4.62 CFS Base 11.50

 AF Up to 1 CFS 300

3.62 Add'l CFS 1200

Up to 20 AF

 Add'l AF @ \$1

Add'l 9 POD/POA use + 2700

Exam Fee Required = 5250

Rec Fee Req'd 450

Exam Fee Paid 5250

Red Fee Paid 450

Still Owed

Owed before permit

☒ App/map meet min. req ☒ Yes ☐ No ☐ ALO info ☐ map ☐ legal _____
(If not, send IR certified)

☒ Req'd before PFO ☒ NA ☐ LU approve/pursue ☐ ALO info ☐ exam fees

☒ Req'd before permit ☒ NA ☐ recording fees ☐ well repair ☐ LU ☐ easement ☐ plans/specs ☐ storage contract

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

☒ Scanned images exist for application form and map

Name: Kim French-Gorski

Date: 4/23/2014

Peer Reviewer: _____

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Point of Diversion Characteristics

Right:	App: G 17834 *
Name:	ANDY ROOT

TRSOO: 25.00S-30.00E-33-NENW

County: Harney
Basin: Malheur Lake
WM District: 10
WM Region: E
Withdrawn Area:
WAB:
Priority WAB:
Rule 4D:
Groundwater Restricted Area:
Scenic Water Way:
Division 33:
Water Quality Limited:

TRSOO: 25.00S-30.00E-33-NESW

County: Harney
Basin: Malheur Lake
WM District: 10
WM Region: E
Withdrawn Area:
WAB:
Priority WAB:
Rule 4D:
Groundwater Restricted Area:
Scenic Water Way:
Division 33:
Water Quality Limited:

TRSOO: 25.00S-30.00E-33-SESE

County: Harney
Basin: Malheur Lake
WM District: 10
WM Region: E
Withdrawn Area:
WAB:
Priority WAB:
Rule 4D:
Groundwater Restricted Area:
Scenic Water Way:
Division 33:
Water Quality Limited:

TRSOO: 25.00S-30.00E-33-SESW

County: Harney
Basin: Malheur Lake
WM District: 10
WM Region: E
Withdrawn Area:
WAB:
Priority WAB:

Rule 4D:
Groundwater Restricted Area:
Scenic Water Way:
Division 33:
Water Quality Limited:

TRSOQ: 25.00S-30.00E-34-SESW

County: Harney
Basin: Malheur Lake
WM District: 10
WM Region: E
Withdrawn Area:
WAB:
Priority WAB:
Rule 4D:
Groundwater Restricted Area:
Scenic Water Way:
Division 33:
Water Quality Limited:

TRSOQ: 26.00S-30.00E-03-NWNW

County: Harney
Basin: Malheur Lake
WM District: 10
WM Region: E
Withdrawn Area:
WAB:
Priority WAB:
Rule 4D:
Groundwater Restricted Area:
Scenic Water Way:
Division 33:
Water Quality Limited:

TRSOQ: 26.00S-30.00E-04-NENW

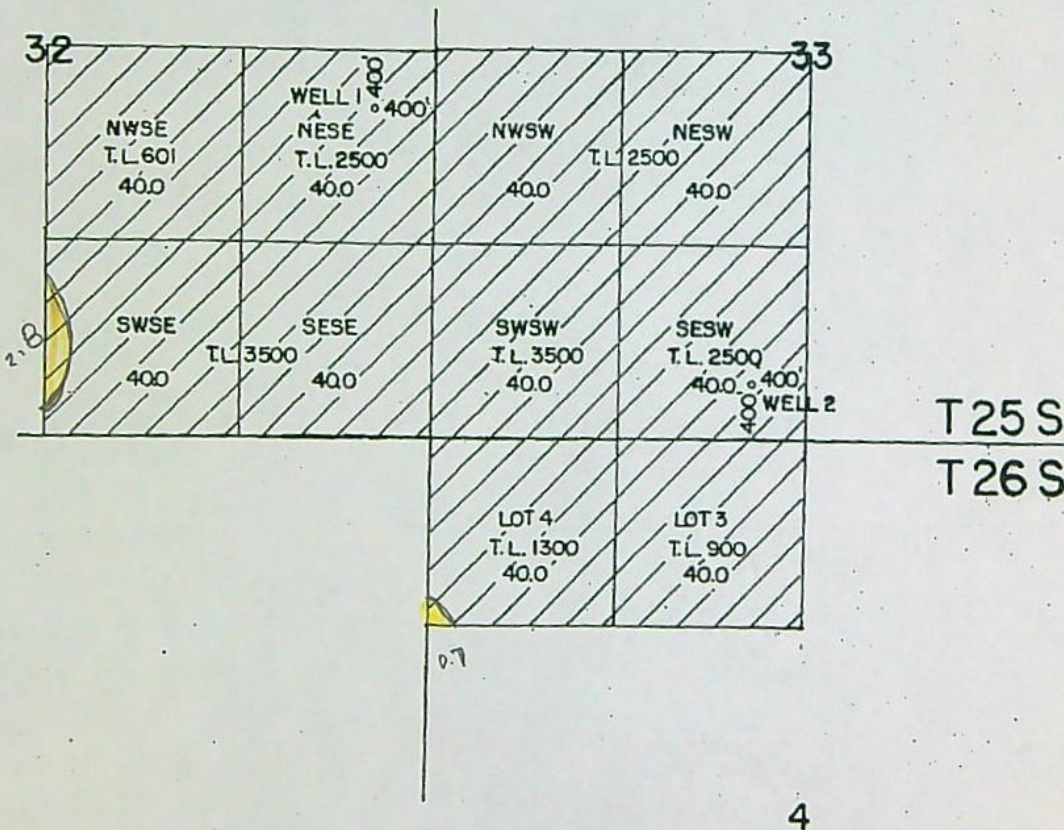
County: Harney
Basin: Malheur Lake
WM District: 10
WM Region: E
Withdrawn Area:
WAB:
Priority WAB:
Rule 4D:
Groundwater Restricted Area:
Scenic Water Way:
Division 33:
Water Quality Limited:

T 25 S, R 30 E, WM
T 26 S,

RECEIVED

JUN 02 2008

WATER RESOURCES DEPT
SALEM, OREGON

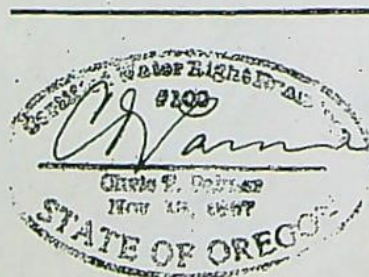


corrected
5.30-08
B.H. Boel

RECEIVED

DEC 17 2007

WATER RESOURCES DEPT
SALEM, OREGON



RENEW 1-1-2009

RATTLESNAKE CREEK LAND & CATTLE CO., LLC

WATER RIGHT APPLICATION MAP

Scale: 4" = 1 MILE

Date: DEC. 2007

Job: 2058

Dsn:

Dm: CHRIS

Ckd:

MAP's

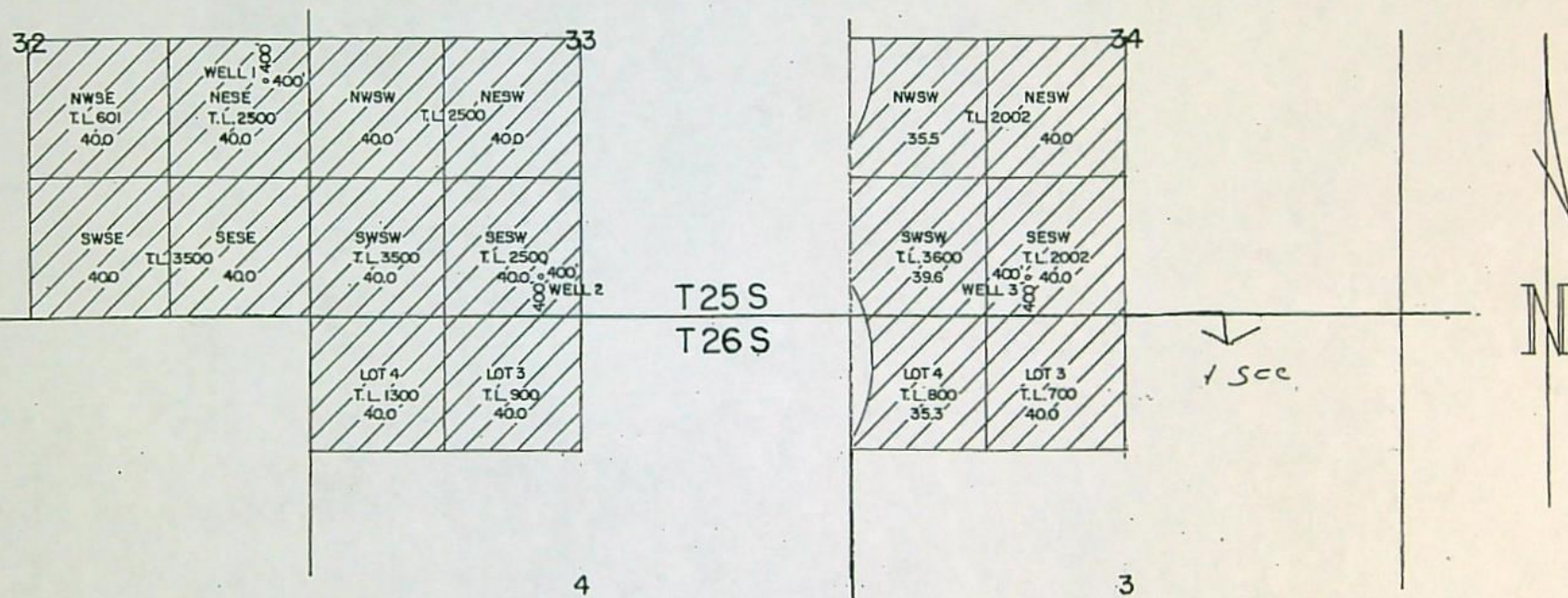
M.A. PALMER & SONS, INC.
ENGINEERING & SURVEYING
711 Penderosa Village • Box 61
Burns, Oregon 97720

Sht. No.

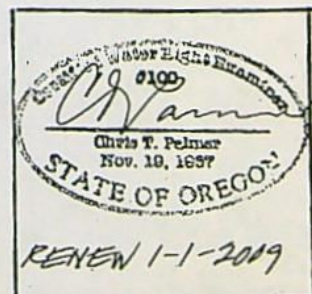
of 1

G-16983

T 25 S,
T 26 S, R 30 E, WM



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



RATTLESNAKE CREEK LAND & CATTLE CO., LL
WATER RIGHT APPLICATIC

Scale: 4" = 1 MILE

Date: DEC. 2007

Dsn:

Dm: CHRIS





Ckd:

MAP's

M.A. PALMER & SONS,
ENGINEERING & SURVEY
711 Ponderosa Village • Box
Burns, Oregon 97720

Place of Use Conflict Report

The following rights have acreage in the same quarter-quarter as App: G 17834 *

Right	Name	Decree	App	Permit	Cert	Priority	Status	Use	T-R-S-QQ	DLC	Gov't Lot	Acre	
<u>PERMIT: G 16461 *</u>	ANDY ROOT		G-16983	G-16461		12/17/2007	NC	IR	26.00S-30.00E-04-NWNW		4	40.0000	1.07
								IR	25.00S-30.00E-32-SWSE			40.0000	2.8
<u>PERMIT: G 16829 *</u>	RATTLESNAKE CREEK LAND AND CATTLE CO. LLC		G-17146	G-16829		11/24/2008	NC	IR	26.00S-30.00E-04-SWNW			14.0000	
<u>APP: G 17561 *</u>	ANDY ROOT		G-17561			6/7/2012	NC	IR	26.00S-30.00E-04-NWSW			7.7000	

WATER RESOURCES DEPARTMENT

DIVISION 512

MALHEUR LAKE BASIN PROGRAM PROVISION

690-512-0040

Water Availability

(1) Except as provided in section (3) of this rule, the Department shall not accept an application for permit, or issue a permit, for any use of surface water, or of groundwater the use of which has the potential to substantially interfere with surface water, in the Malheur Lake Basin unless the applicant shows, by a preponderance of evidence, that unappropriated water is available to supply the proposed use at the times and in the amounts requested. The evidence provided shall be prepared by a qualified hydrologist or other water resources specialist and shall include:

(a) Streamflow measurements of gage records from the source or, for use of groundwater, the stream in hydraulic connection with the source; or

(b) An estimate of water availability from the source or, for use of groundwater, the stream in hydraulic connection with the source which includes correlations with streamflow measurements or gage records on other, similar streams and considers current demands for water affecting the streamflows.

(2) The criteria used in determining if the use of groundwater has the potential to substantially interfere with surface water shall be those established in OAR chapter 690, division 9.

(3) This rule shall not apply to issuance of:

(a) Instream water rights;

(b) Permits for storage of water between March 1 and May 31; or

(c) Permits for use of water legally stored.

(d) Permits for Multipurpose Storage under OAR 690-512-0100.

PUBLIC INTEREST REVIEW FOR GROUND WATER APPLICATIONS

TO: Water Rights Section Date April 18, 2014

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

SUBJECT: Application G- 17834 Supersedes review of _____
Date of Review(s)

PUBLIC INTEREST PRESUMPTION: GROUNDWATER

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

A. **GENERAL INFORMATION:** Applicant's Name: Andy Root County: Harney

A1. Applicant(s) seek(s) 4.62 cfs from ten well(s) in the Malheur Lake Basin,
subbasin Quad Map: Northwest & Northeast Harney Lake

A2. Proposed use: Irrigation, 277 acres Seasonality: March 1 to October 31

A3. Well and aquifer data (attach and number logs for existing wells; mark proposed wells as such under logid):

Well	Logid	Applicant's Well #	Proposed Aquifer*	Proposed Rate(cfs)	Location (T/R-S QQ-Q)	Location, metes and bounds, e.g. 2250' N, 1200' E fr NW cor S 36
1	HARN 51448	9	Volcanic Seds.	4.62	25S/30E-33 SE-SW	4423' S, 2750' W fr NE cor S 33
2	HARN 51765	10	Volcanic Seds.	4.62	26S/30E-3 NW-NW	985' S, 455' E fr NW cor S 3
3	HARN 51760	11	Volcanic Seds.	4.62	26S/30E-3 NW-NW	1005' S, 375' E fr NW cor S 3
4	HARN 51817	12	Volcanic Seds.	4.62	25S/30E-33 SE-NW	2605' S, 2450' E fr NW cor S 33**
5	HARN 51445	13	Volcanic Seds.	4.62	26S/30E-4 NE-NW	1090' S, 2705' W fr NE cor S 4
6	HARN 51871	14	Volcanic Seds.	4.62	25S/30E-33 SE-SE	1000' N, 10' W fr SE cor S 33
7	HARN 51970	15	Volcanic Seds.	4.62	25S/30E-33 SE-SE	1000' N, 30' W fr SE cor S 33
8	HARN 1094	1	Volcanic Seds.	4.62	25S/30E-33 NE-NW	1317' S, 1355' E fr NW cor S 33
9	HARN 51146	5	Volcanic Seds.	4.62	25S/30E-33 SE-SW	4195' S, 2672' W fr NE cor S 33
10	HARN 51272	7	Volcanic Seds.	4.62	25S/30E-34 SE-SW	4725' S, 1877' E fr NW cor S 34

* Alluvium, CRB, Bedrock

Well	Well Elev ft msl	First Water ft bls	SWL ft bls	SWL Date	Well Depth (ft)	Seal Interval (ft)	Casing Intervals (ft)	Liner Intervals (ft)	Perforations Or Screens (ft)	Well Yield (gpm)	Draw Down (ft)	Test Type
1	4152	107	86	05/02/08	200	0-20	0-92	None	None	4000	10	P
2	4162	104	104	02/11/11	167	0-18	0-60	None	None	2800	2	P
3	4162	104	104	01/28/11	195	0-24	0-102	None	None	2800	5	P
4	4135	88	88	10/21/11	170	0-18	0-108	None	None	1000		Air
5	4159	100	92	02/10/08	280	0-35	0-35	None	None	1000	140	P
6	4138	94	94	08/15/12	232	0-18	0-94	None	None	800		Air
7	4138	107	107	08/24/13	310	0-18	0-183	None	None	1000		Air
8	4129	75	70	02/01/10	170	0-18	0-107	None	None	1000		Air
9	4148	117	74	01/18/05	125	0-105	0-105	None	None	1000		Air
10	4165	349	98	04/30/06	375	0-64	0-77	None	None	550	102	P

Use data from application for proposed wells.

A4. Comments: _____

A5. ☒ Provisions of the Malheur Lake 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) 7N (provided that the above findings are overcome);
 - ii. ☐ The permit should be conditioned as indicated in item 2 below.
 - iii. ☒ The permit should contain special condition(s) as indicated in item 3 below;

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

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

- B3. Ground water availability remarks: The Region Manager recommends use of Condition 7N in the Harney Valley. These wells are within an area known as Weaver Springs, which has experienced significant groundwater development for irrigation in recent years. As a result of this, the Department has been collecting quarterly water-level data at selected wells in the Weaver Springs area for several years. These data have disclosed a pattern of year-to-year groundwater level declines. This is significant, given the fact that several existing groundwater permits in the area have yet to be developed. In addition, other recent applications are pending in the area. Thus, the water-level declines are likely to increase in time as these existing and pending rights are more fully developed. Issuance of a permit for the amounts proposed here will likely result in water-level declines at the proposed wells that would exceed the limits set forth in recommended permit condition 7N. The use of the proposed wells would also likely result in an increased rate of water-level declines and possibly also substantial interference at existing and proposed wells with senior rights.

Special Permit Condition: The permittee shall construct one minimum six-inch diameter observation well to penetrate the same aquifer as the production wells. The well shall meet the Department's minimum well construction standards and shall be cased and sealed to the same depth as the production wells. The well shall be constructed at a location approved by the Department for the purpose of instrumentation with continuous water-level monitoring equipment. The landowner or permittee shall provide access to Department staff to install and maintain the monitoring equipment. The well shall not be used for any other purpose while the Department is monitoring water levels. The well shall be completed prior to water use under the terms of any permit issued.

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	Late Tertiary to Quaternary basalt and volcanoclastic sedimentary rocks	<input type="checkbox"/>	<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"/>

Basis for aquifer confinement evaluation: Water levels in these and nearby wells are coincident with or somewhat above the depths where groundwater was first encountered. Regionally, this aquifer is likely unconfined and discharges to Harney or Malheur Lakes.

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
						<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"/>
						<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"/>

Basis for aquifer hydraulic connection evaluation: There are no surface water sources within 1 mile of the applicant's wells. The head relationship suggests an inefficient hydraulic connection with Harney Lake. However, Harney and Malheur Lakes are recognized in the literature as discharge areas for the groundwater resource.

Water Availability Basin the well(s) are located within: No WAB data in this area.

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"/>
		<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													
		%	%	%	%	%	%	%	%	%	%	%	%
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 appear to meet current well construction standards based upon:

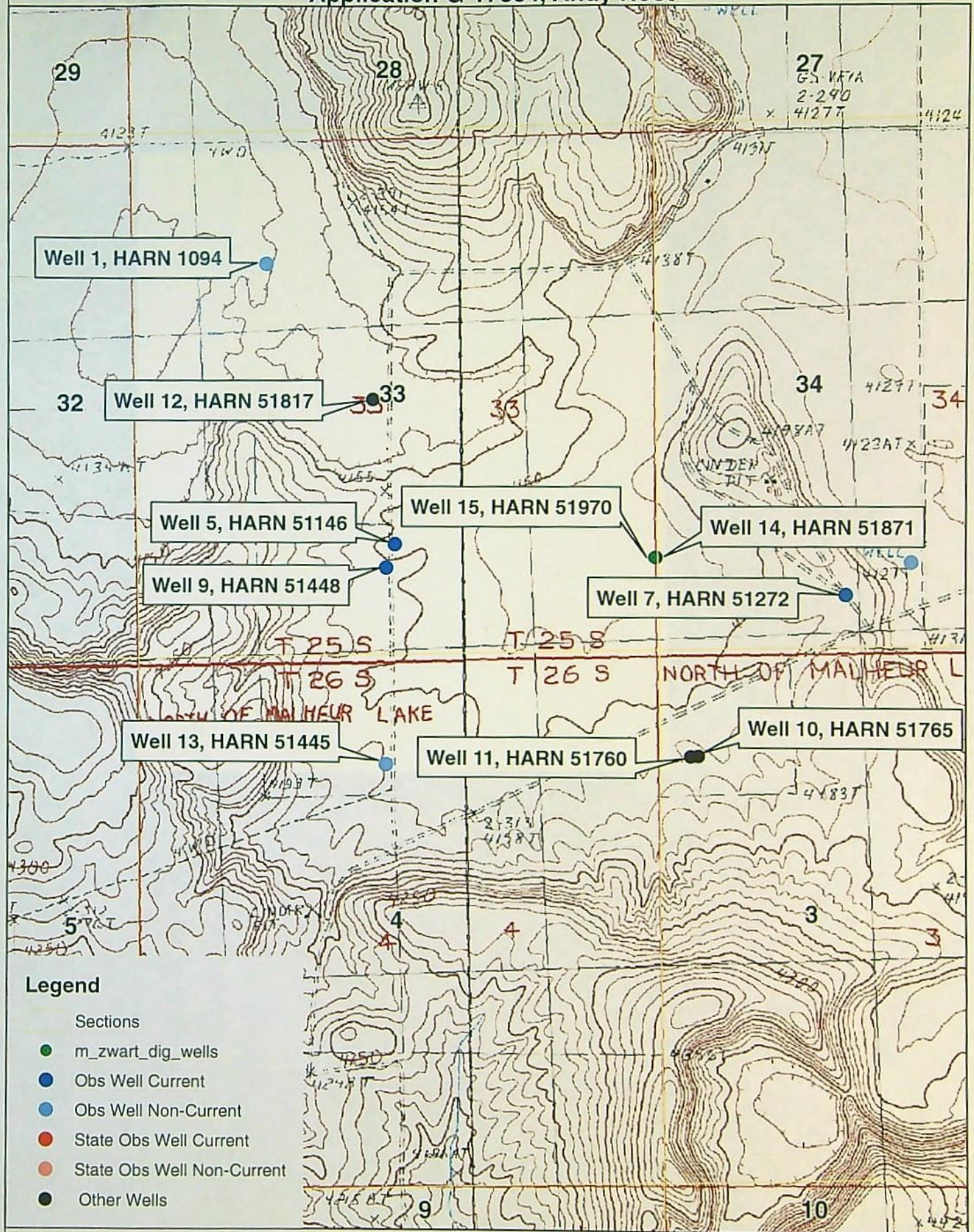
- a. ☐ review of the well log;
- b. ☐ field inspection by _____;
- c. ☐ report of CWRE _____;
- d. ☐ other: (specify) _____

D3. THE WELL construction deficiency or other comment is described as follows: _____

D4. ☐ Route to the Well Construction and Compliance Section for a review of existing well construction.

Water Availability Tables

Application G-17834, Andy Root



0 0.5 1 Miles

Water Right Conditions Tracking Slip

Groundwater/Hydrology Section

FILE # # G-17834
ROUTED TO: Water Rights - Kim
TOWNSHIP/
RANGE-SECTION: 25S/30E - 33+34
26S/30E - 3+4

CONDITIONS ATTACHED?: ☒ Yes ☐ No

REMARKS OR FURTHER INSTRUCTIONS:

Reviewer: Mike Zwart

WATER RESOURCES DEPARTMENT

MEMO

April 18, 2014

TO: Application G- 17834

FROM: GW: Mike Zwart
(Reviewer's Name)

SUBJECT: Scenic Waterway Interference Evaluation

- ☐ YES
The source of appropriation is within or above a Scenic Waterway
- ☒ NO
- ☐ YES
Use the Scenic Waterway condition (Condition 7J)
- ☒ NO
- ☐ Per ORS 390.835, the Groundwater Section is **able** to calculate ground water interference with surface water that contributes to a Scenic Waterway. The calculated interference is distributed below.
- ☐ Per ORS 390.835, the Groundwater Section is **unable** to calculate ground water interference with surface water that contributes to a scenic waterway; **therefore, the Department is unable to find that there is a preponderance of evidence that the proposed use will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway.**

DISTRIBUTION OF INTERFERENCE

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

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

[illegible]

E-2

Standard Application Completeness Checklist

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

This is the checklist used by WRD staff

Yes No

Application G-17834 County Harney Priority Date 4/11/14
 Township 25 S Range 30 E Section 32, 33, 34
26 S 30 E 3, 4, 5, 8
 Amount 1.73 cfs Use IRRIGATION WM Dist. # 10
 Applicant Name ANDY ROOT
 Receipt No. 111692 Caseworker Assigned: ☐ Mary ☒ Kim ☐ Jeana

☒ Contact info: Applicant/Organization Name and Mailing Address

☒ Signature (in ink) of all applicants or the applicant's authorized agent (include title or authority if for an organization or corporation).

☒ Property ownership: Does the applicant own all the land for the proposed project? Y / N

If No:

☐ The affected landowner's name and mailing address must be listed

☐ A signed statement declaring the existence of either written authorization or an easement permitting access to land crossed by the proposed ditch canal or other work must be submitted.

☒ For a SW Application: Source of water must be indicated.

☐ If the source is stored water, is the stored water component filled out and does the applicant own the reservoir or include a non-expired agreement for stored water? (ORS 537.400)

NOTE: A surface water application cannot be filed at the same time as a Reservoir or Alt Reservoir if it will be for the use of the stored water under the PROPOSED Reservoir application, Exp. Secondary (E2).

☐ If for stored water not under contract, is the source authorized under a permit, certificate, or decree?

Permit or Certificate issued? Y / N Permit or Certificate # _____

☒ For a GW Application: Well Development Tables completed and/or a well log report included (if existing)

☒ Proposed water use

☒ Amount of water from each source in GPM, CFS, or AF

☒ Period of use indicated

☒ If for supplemental irrigation, primary acreage or underlying permit or certificate number listed
 (Primary and Supplemental Irrigation counts as 2 uses)

☒ Water Management Section (Estimates if the water system has not been designed)

☒ Resource Protection Section (N/A for Groundwater)

☒ For all standard reservoir applications: Preliminary plans and specifications including dam height, width, crest width and surface area for each reservoir.

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

☒ Supplemental data sheets enclosed (if needed)

☐ Form M (Municipal or Quasi-Municipal)

☐ Spring Description Sheet (if source is a spring)

☒ A completed **Land-Use Form** or receipt signed and dated by the appropriate planning department officials. *Please be certain that the Land-Use form lists all lands involved and all uses proposed. Date of signature must be within the past 12 months.*

☒ A **Legal Description** of all the properties involved where water is diverted, crossed, and used. The Legal description includes a metes and bounds or other government survey description. A copy of the deed, land sales contract or title insurance policy can provide this information, or applicant may submit a lot book report prepared by a title company. Copies of tax bills are not acceptable.

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

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

☒ Township, Range, Section

☒ Location of main canals, ditches, pipelines or flumes (if POA/POD is outside of POU)

☒ Place of use, 1/4-1/4's and tax lot clearly identified

☒ Even map scale not less than 4" = 1 mile (1" = 1320 ft.); examples: 1" = 100 ft., 1" = 200 ft.

☒ Location of *each* diversion point, well or dam by reference to a recognized public land survey corner. Multiple wells shall be uniquely labeled, and identified on well logs if existing.

☒ Reference corner on map

☒ North Directional Symbol

☒ Number of acres per 1/4-1/4 if for irrigation, nursery, or agriculture

☒ For a standard reservoir application to store ≥ 9.2 acre feet AND having a dam height ≥ 10 feet, map must be prepared by a CWRE

☒ **Fees:**

Base Fee See attached \$ _____

1st CFS or AF \$ _____

Addtl CFS/AF _____ = \$ _____

Addtl Use/POD/POA _____ = \$ _____

Addtl Reservoir _____ = \$ _____

Other _____ = \$ _____

Exam Fee Total \$ _____

Permit Recording Fees \$ _____

Mitigation Fee \$ _____

Amount Paid \$ _____

Total Due \$ _____

Amount Returned \$ _____

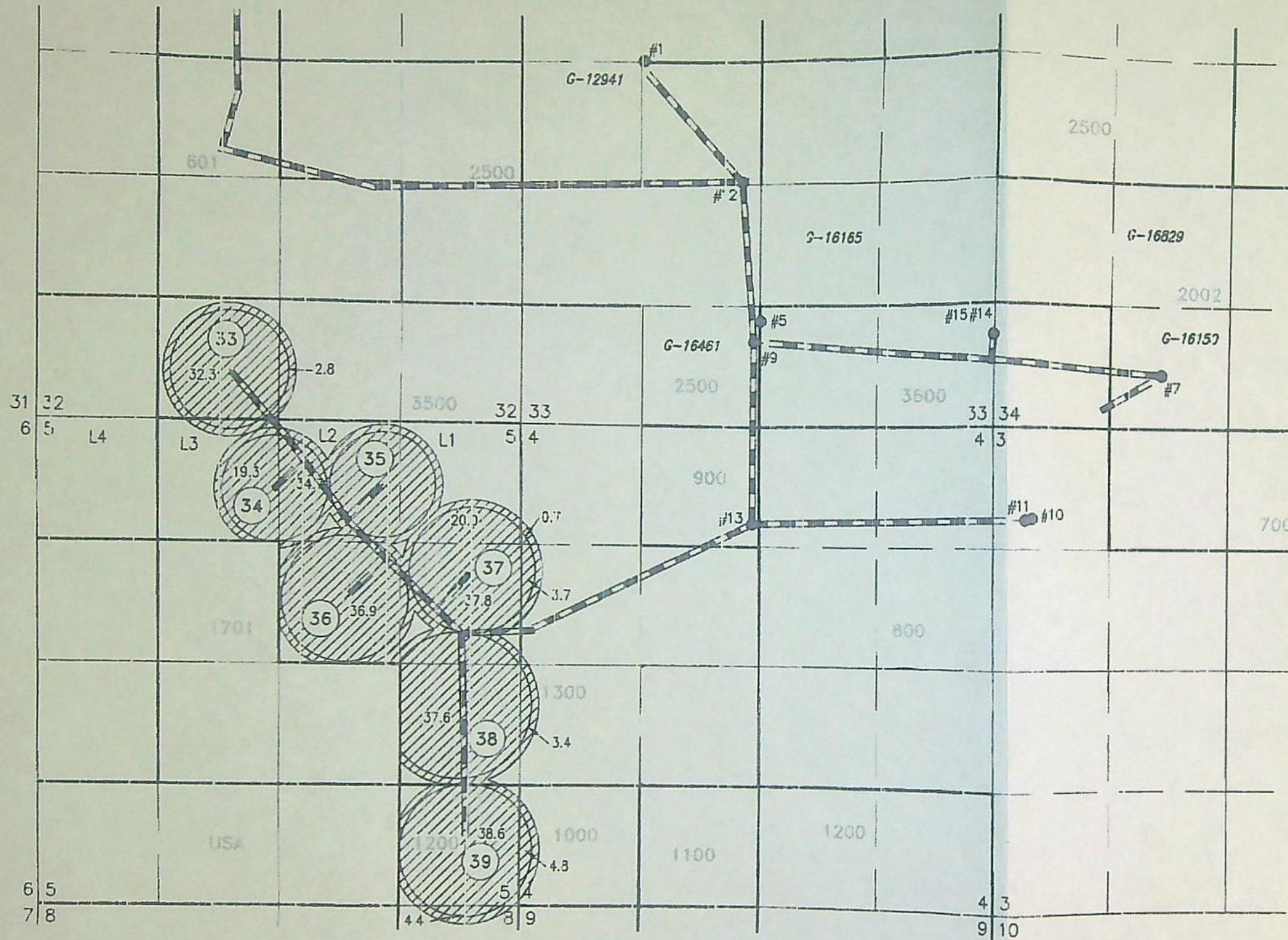
Reviewed by: Scott CSG

Date: 4/14/14

Application G 17834

MAP TO ACCOMPANY APPLICATION TO ADD POINTS OF APPROPRIATION AND PLACE OF USE FOR RATTLESNAKE LAND & CATTLE

TAX LOTS 2500, 3600, & 2002
IN SECTIONS 32, 33 & 34, TOWNSHIP 25 SOUTH, RANGE 30 EAST, W.M.
& TAX LOTS 800, 900, 1000, 1100, 1200, & 1300
IN SECTION 3, 4, 5, & 8, TOWNSHIP 26 SOUTH, RANGE 30 EAST, W.M.
HARNEY COUNTY, OREGON



SCALE 1" = 1 MILE

- #1
WELL #1 (HARN 1094)
1317' SOUTH & 1315' EAST FROM THE NW
CORNER SECTION 31.
- #5
WELL #5 (HARN 51146)
4195' SOUTH & 2672' WEST FROM THE NE
CORNER SECTION 31.
- #7
WELL #7 (HARN 51272)
4725' SOUTH & 1877' EAST FROM THE NW
CORNER SECTION 34.
- #9
WELL #9 (HARN 51448)
4423' SOUTH & 2730' WEST FROM THE NE
CORNER SECTION 33.
- #10
WELL #10 (HARN 51765)
985' SOUTH & 451' EAST FROM THE NW
CORNER SECTION 3.
- #11
WELL #11 (HARN 51760)
1005' SOUTH & 375' EAST FROM THE NW
CORNER SECTION 3.
- #12
WELL #12 (HARN 51817) PROPOSED
2690' SOUTH & 2390' WEST FROM THE NE
CORNER SECTION 33.
- #13
WELL #13 (HARN 51445)
1090' SOUTH & 2705' WEST FROM THE NE
CORNER SECTION 34.
- #14
WELL #14 (HARN 51871)
1000' NORTH & 110' WEST FROM THE SE
CORNER SECTION 33.
- #15
WELL #15 (HARN 51970)
1000' NORTH & 30' WEST FROM THE SE
CORNER SECTION 33.

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APR 11 2014

SALEM OR

PROJECT No. 14-017

PREPARED AT THE REQUEST OF:

ANDY ROOT
524 HIGHWAY 20 N
HINES, OR 97738

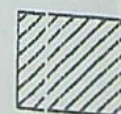
ALL POINTS ENGINEERING
& SURVEYING, INC.



P.O. BOX 767 (CRR)
TERREBONNE, OREGON 97760
(541) 548-5833 PH
(541) 585-4602 FX
www.APEandS.com

1 OWNER'S PIVCT NUMBER

BURIED STEEL PIPE



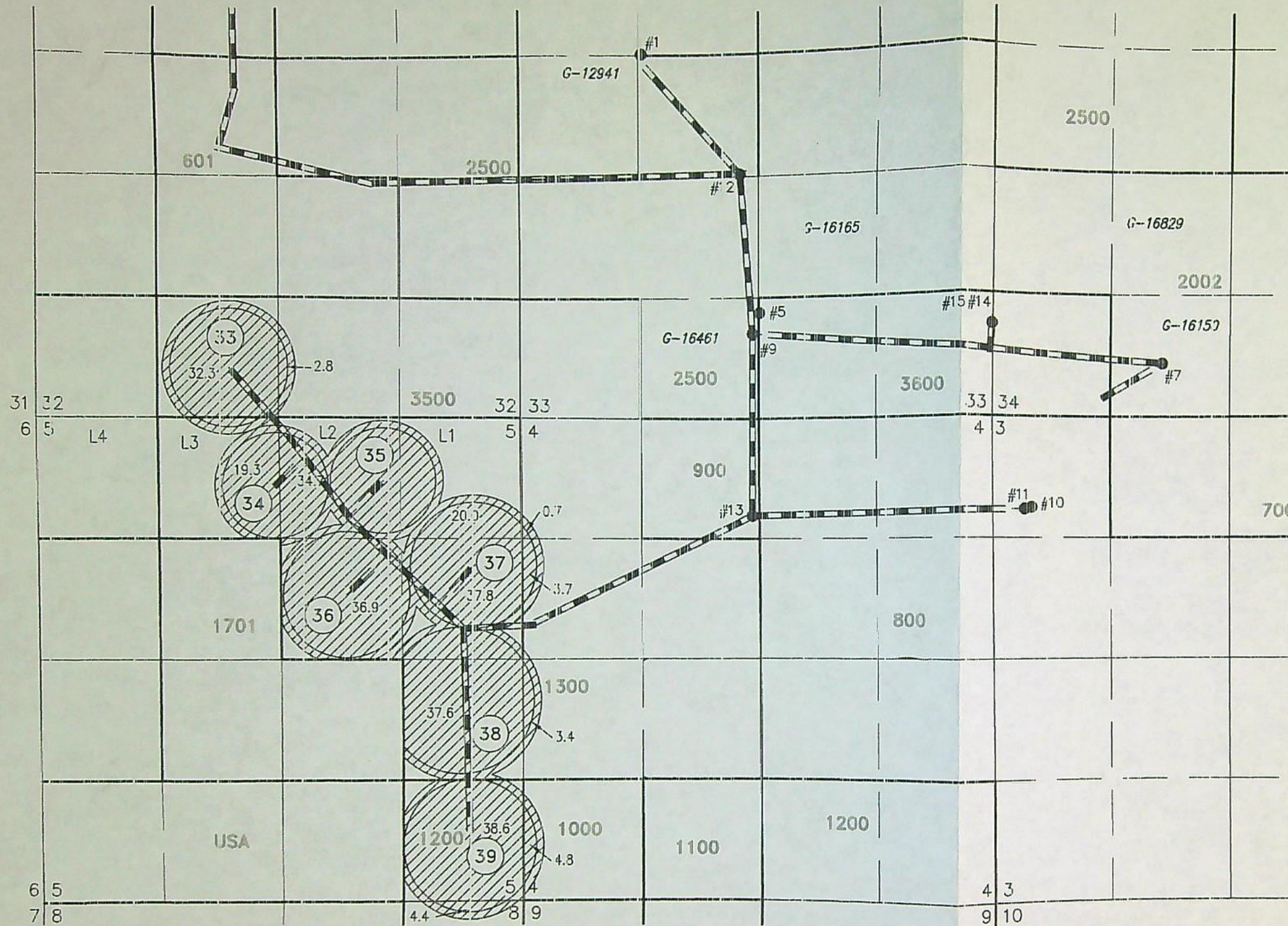
277.0 ACRES PRIMARY IRRIGATION FROM
WELLS 1, 5, 7, 9-15, AS SHOWN.

THIS MAP IS FOR THE PURPOSE OF LOCATING A WATER
RIGHT ONLY AND HAS NO INTENT TO PROVIDE LEGAL
DIMENSIONS OR THE LOCATION OF PROPERTY LINES

G-17834

MAP TO ACCOMPANY APPLICATION TO ADD POINTS OF APPROPRIATION AND PLACE OF USE FOR RATTLESNAKE LAND & CATTLE

TAX LOTS 2500, 3600, & 2002
IN SECTION 32, 33 & 34, TOWNSHIP 25 SOUTH, RANGE 30 EAST, W.M.
& TAX LOTS 800, 900, 1000, 1100, 1200, & 1300
IN SECTION 3, 4, 5, & 8, TOWNSHIP 26 SOUTH, RANGE 30 EAST, W.M.
HARNEY COUNTY, OREGON



SCALE 4" = 1 MILE

- #1
WELL #1 (HARN 10914)
1317' SOUTH & 1335' EAST FROM THE NW
CORNER SECTION 33.
- #5
WELL #5 (HARN 51146)
4195' SOUTH & 2672' WEST FROM THE NE
CORNER SECTION 33.
- #7
WELL #7 (HARN 51272)
4725' SOUTH & 1877' EAST FROM THE NW
CORNER SECTION 34.
- #9
WELL #9 (HARN 51448)
4423' SOUTH & 2750' WEST FROM THE NE
CORNER SECTION 33.
- #10
WELL #10 (HARN 51765)
985' SOUTH & 455' EAST FROM THE NW
CORNER SECTION 3.
- #11
WELL #11 (HARN 51760)
1005' SOUTH & 375' EAST FROM THE NW
CORNER SECTION 3.
- #12
WELL #12 (HARN 51817) PROPOSED
2690' SOUTH & 2390' WEST FROM THE NE
CORNER SECTION 33.
- #13
WELL #13 (HARN 51445)
1090' SOUTH & 2705' WEST FROM THE NE
CORNER SECTION 4.
- #14
WELL #14 (HARN 51871)
1000' NORTH & 10' WEST FROM THE SE
CORNER SECTION 33.
- #15
WELL #15 (HARN 51970)
1000' NORTH & 30' WEST FROM THE SE
CORNER SECTION 33.

PROJECT No. 14-017

PREPARED AT THE REQUEST OF:

ANDY ROOT
524 HIGHWAY 20 N
HINES, OR 97738

**ALL POINTS ENGINEERING
& SURVEYING, INC.**



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1 OWNER'S PIVCT NUMBER

BURIED STEEL PIPE



277.0 ACRES PRIMARY IRRIGATION FROM
WELLS 1, 5, 7, 9-15, AS SHOWN.

THIS MAP IS FOR THE PURPOSE OF LOCATING A WATER
RIGHT ONLY AND HAS NO INTENT TO PROVIDE LEGAL
DIMENSIONS OR THE LOCATION OF PROPERTY LINES

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SALEM, OR

G-17034

NEW PLACE OF USE AS PER APPLICATION G 17834.

SE $\frac{1}{4}$ SW $\frac{1}{4}$	32.3 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$	2.8 ACRES

SECTION 32

TOWNSHIP 25 SOUTH, RANGE 30 EAST, W.M.

NW $\frac{1}{4}$ NW $\frac{1}{4}$	0.7 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$	3.7 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$	3.4 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$	4.8 ACRES

SECTION 4

NE $\frac{1}{4}$ NE $\frac{1}{4}$	20.0 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$	34.7 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$	36.9 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$	37.8 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$	19.3 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$	37.6 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$	38.6 ACRES

SECTION 5

NW $\frac{1}{4}$ NE $\frac{1}{4}$	4.4 ACRES
-----------------------------------	-----------

SECTION 8

TOWNSHIP 26 SOUTH, RANGE 30 EAST, W.M.

TOTAL ACRES = 277

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Permit G 16980

Don Nienke (Coyote Flat)

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FEB 9 2012

WATER RESOURCES DEPT
SALINITY DIVISION

WORK COPY



35 36
2 1

(All well distances reference to point 1)

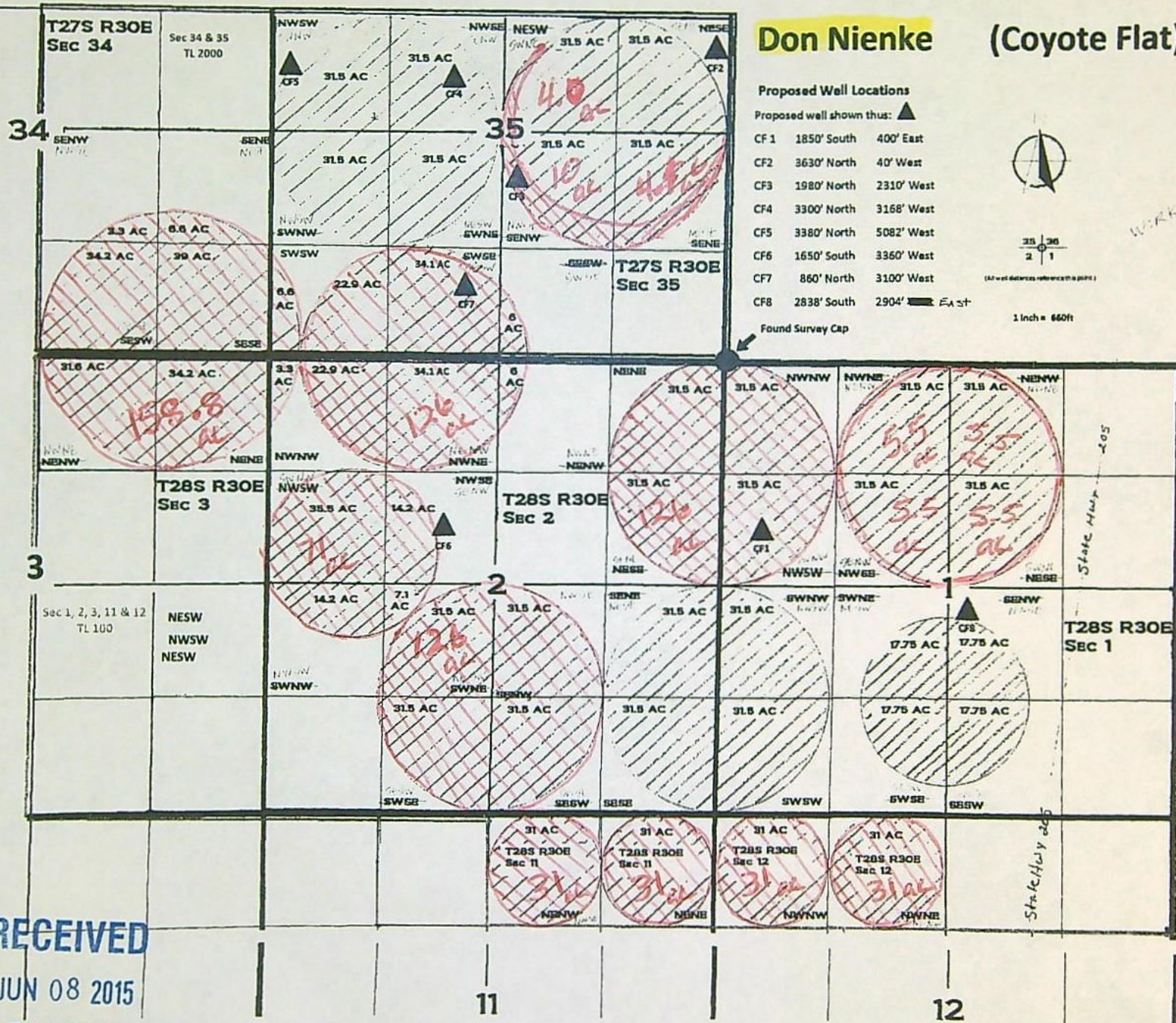
1 inch = 660ft

Proposed Well Locations

Proposed well shown thus: ▲

- CF1 1850' South 400' East
- CF2 3630' North 40' West
- CF3 1980' North 2310' West
- CF4 3300' North 3168' West
- CF5 3380' North 5082' West
- CF6 1650' South 3360' West
- CF7 860' North 3100' West
- CF8 2838' South 2904' East

Found Survey Cap



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G1731

ACRES FOR VOLUNTARY CANCELLATION FROM PERMIT G 16980

NE ¼ SE ¼	6.6 ACRES
NW ¼ SE ¼	3.3 ACRES
SW ¼ SE ¼	34.2 ACRES
SE ¼ SE ¼	39.0 ACRES

SECTION 34

SW ¼ SW ¼	29.5 ACRES
SE ¼ SW ¼	34.1 ACRES
SW ¼ SE ¼	6.0 ACRES
SW ¼ NE ¼	4.0 ACRES
NW ¼ SE ¼	10.0 ACRES
NE ¼ SE ¼	4.1 ACRES

SECTION 35

TOWNSHIP 27 SOUTH, RANGE 30 EAST, W.M.

NW ¼ NE ¼	5.5 ACRES
SW ¼ NE ¼	5.5 ACRES
NE ¼ NW ¼	5.5 ACRES
SE ¼ NW ¼	5.5 ACRES
NW ¼ NW ¼	31.5 ACRES
SW ¼ NW ¼	31.5 ACRES

SECTION 1

TOWNSHIP 28 SOUTH, RANGE 30 EAST. W.M.

NE ¼ NE ¼	31.5 ACRES
NW ¼ NE ¼	6.0 ACRES
SE ¼ NE ¼	31.5 ACRES
NE ¼ NW ¼	34.1 ACRES
NW ¼ NW ¼	26.2 ACRES
SW ¼ NW ¼	35.5 ACRES
SE ¼ NW ¼	14.2 ACRES
NE ¼ SW ¼	38.6 ACRES
NW ¼ SW ¼	14.2 ACRES
SE ¼ SW ¼	31.5 ACRES
NW ¼ SE ¼	31.5 ACRES
SW ¼ SE ¼	31.5 ACRES

SECTION 2

NE ¼ NE ¼	34.2 ACRES
NW ¼ NE ¼	31.6 ACRES

SECTION 3

NE ¼ NE ¼	31.0 ACRES
NW ¼ NE ¼	31.0 ACRES

SECTION 11

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ACCRES FOR VOLUNTARY CANCELLATION ON PERMIT G 16980

NE 1/4 NW 1/4 31.0 ACRES

NW 1/4 NW 1/4 31.0 ACRES

SECTION 12

TOWNSHIP 28 SOUTH, RANGE 30 EAST, W.M.

TOTAL ACRES FOR CANCELLATION 771.9 ACRES

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NEW PLACE OF USE AS PER APPLICATION G 17902.

<u>QQ</u>	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NE ¼ NE ¼	25.0 ACRES	6.4 ACRES
	SECTION 30	
NE ¼ NE ¼	7.4 ACRES	2.9 ACRES
SE ¼ NE ¼	3.0 ACRES	22.7 ACRES
NE ¼ SE ¼		34.0 ACRES
NW ¼ SE ¼		7.6 ACRES
SW ¼ SE ¼	3.7 ACRES	4.3 ACRES
SE ¼ SE ¼	11.8 ACRES	19.9 ACRES
	SECTION 31	
NE ¼ NW ¼	1.0 ACRES	2.0 ACRES
NW ¼ NW ¼	9.2 ACRES	
NW ¼ NW ¼		15.9 ACRES
SW ¼ NW ¼		40.0 ACRES
SE ¼ NW ¼		12.1 ACRES
NE ¼ SW ¼	19.7 ACRES	2.6 ACRES
NW ¼ SW ¼	2.7 ACRES	29.9 ACRES
SW ¼ SW ¼		23.6 ACRES
SE ¼ SW ¼	25.8 ACRES	1.7 ACRES
	SECTION 32	
TOWNSHIP 22 SOUTH, RANGE 32.5 EAST, W.M.		
NE ¼ SW ¼	28.6 ACRES	11.4 ACRES
NW ¼ SW ¼	20.2 ACRES	19.8 ACRES
SW ¼ SW ¼	2.8 ACRES	37.2 ACRES
SE ¼ SW ¼	9.0 ACRES	31.0 ACRES
	SECTION 4	
TOWNSHIP 23 SOUTH, RANGE 32.5 EAST, W.M.		

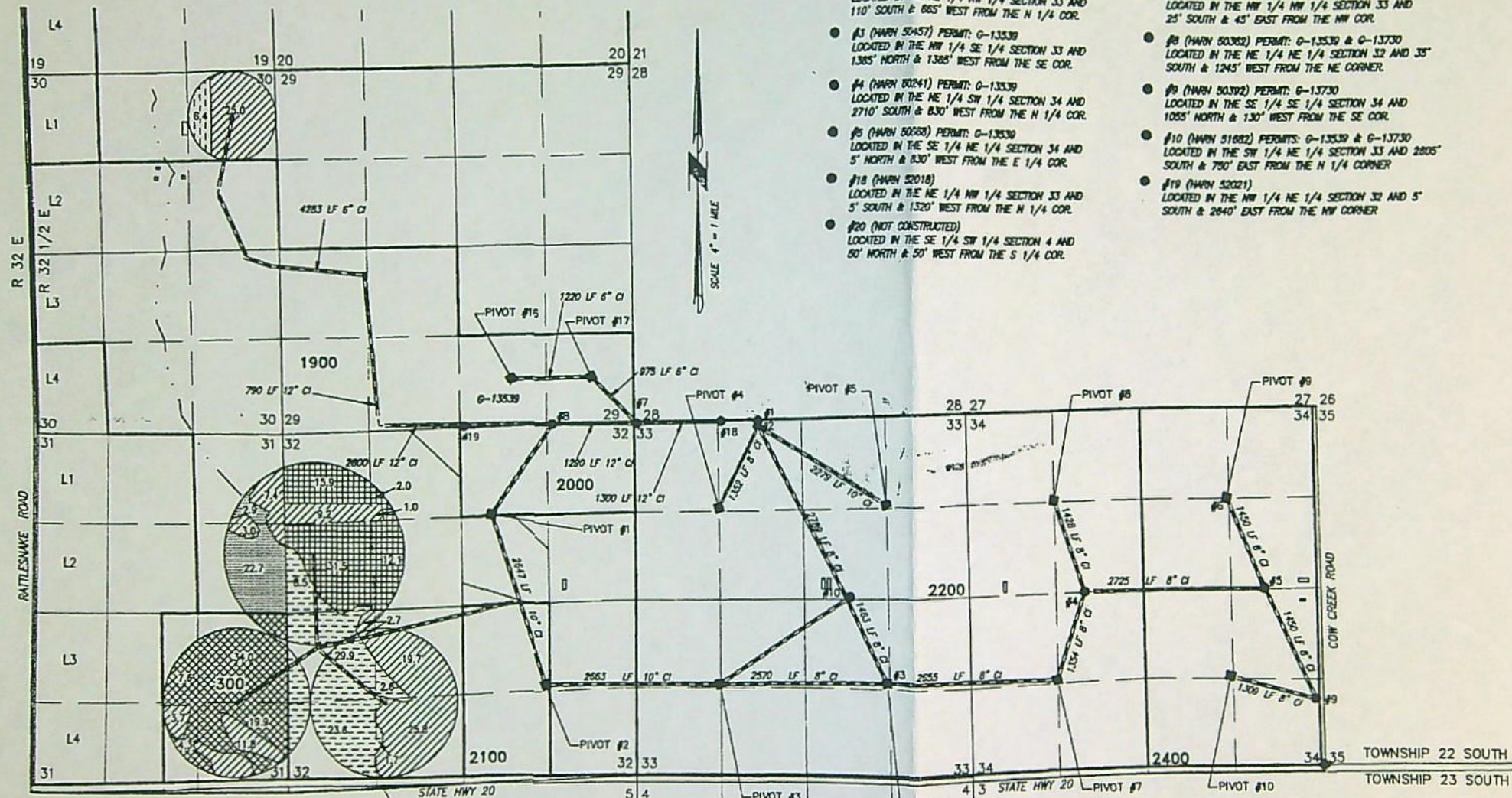
TOTAL ACRES = 494.9

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MAP TO ACCOMPANY APPLICATION TO ADD POINTS OF APPROPRIATION AND PLACE OF USE FOR ANDY ROOT

TAX LOTS 300, 1900, 2000, 2100, 2200, & 2400
IN SECTIONS 29-34, TOWNSHIP 22 SOUTH, RANGE 32.5 EAST, W.M. &
TAX LOT 1100 IN SECTION 4, TOWNSHIP 23 SOUTH, RANGE 32.5 EAST, W.M.
HARNEY COUNTY, OREGON

Application G 17902



- #1 (HARN 1879) PERMIT: G-13539
LOCATED IN THE NE 1/4 NW 1/4 SECTION 33 AND
25' SOUTH & 680' WEST FROM THE N 1/4 COR.
- #2 (HARN 1812) PERMIT: G-13539
LOCATED IN THE NE 1/4 NW 1/4 SECTION 33 AND
110' SOUTH & 685' WEST FROM THE N 1/4 COR.
- #3 (HARN 50457) PERMIT: G-13539
LOCATED IN THE NW 1/4 SE 1/4 SECTION 33 AND
1385' NORTH & 1385' WEST FROM THE SE COR.
- #4 (HARN 80241) PERMIT: G-13539
LOCATED IN THE NE 1/4 SW 1/4 SECTION 34 AND
2710' SOUTH & 830' WEST FROM THE N 1/4 COR.
- #5 (HARN 80268) PERMIT: G-13539
LOCATED IN THE SE 1/4 NE 1/4 SECTION 34 AND
5' NORTH & 830' WEST FROM THE E 1/4 COR.
- #18 (HARN 52018)
LOCATED IN THE NE 1/4 NW 1/4 SECTION 33 AND
5' SOUTH & 1320' WEST FROM THE N 1/4 COR.
- #20 (NOT CONSTRUCTED)
LOCATED IN THE SE 1/4 SW 1/4 SECTION 4 AND
60' NORTH & 50' WEST FROM THE S 1/4 COR.
- #6 (HARN 50422) PERMIT: G-13539
LOCATED IN THE NW 1/4 NE 1/4 SECTION 34 AND
1320' SOUTH & 1320' EAST FROM THE N 1/4 COR.
- #7 (HARN 50280) PERMIT: G-13539
LOCATED IN THE NW 1/4 NW 1/4 SECTION 33 AND
25' SOUTH & 45' EAST FROM THE NW COR.
- #8 (HARN 50382) PERMIT: G-13539 & G-13730
LOCATED IN THE NE 1/4 NE 1/4 SECTION 32 AND 35'
SOUTH & 1245' WEST FROM THE NE CORNER.
- #9 (HARN 50392) PERMIT: G-13730
LOCATED IN THE SE 1/4 SE 1/4 SECTION 34 AND
1085' NORTH & 130' WEST FROM THE SE COR.
- #10 (HARN 51682) PERMIT: G-13539 & G-13730
LOCATED IN THE SW 1/4 NE 1/4 SECTION 33 AND 2805'
SOUTH & 750' EAST FROM THE N 1/4 CORNER.
- #19 (HARN 52021)
LOCATED IN THE NW 1/4 NE 1/4 SECTION 32 AND 5'
SOUTH & 2840' EAST FROM THE NW CORNER.

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AUG 08 2014

SALEM, OR

PROJECT No. 14-017-06

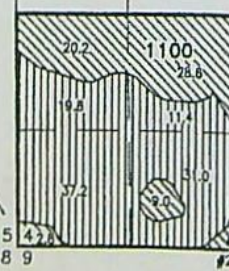
PREPARED AT THE REQUEST OF:

ANDY ROOT
524 HIGHWAY 20 N
HINES, OR 97738

**ALL POINTS ENGINEERING
& SURVEYING, INC.**



P.O. BOX 767
TERREBONNE, OREGON 97760
(541) 548-5833 PH
(541) 585-4802 FX
www.APEandS.com



- 108.3 ACRES PRIMARY IRRIGATION FROM WELLS 1-10, 18 & 19, AS SHOWN.
- 80.8 ACRES PRIMARY IRRIGATION FROM WELL 20, AS SHOWN.
- 64.8 ACRES SUPPLEMENTAL IRRIGATION FROM WELLS 1-10, 18 & 19, AS SHOWN. PRIMARY RIGHT IS C-14581.
- 61.5 ACRES SUPPLEMENTAL IRRIGATION FROM WELLS 1-10, 18 & 19, AS SHOWN. PRIMARY RIGHT IS C-19922.

- 65.8 ACRES SUPPLEMENTAL IRRIGATION FROM WELLS 1-10, 18 & 19, AS SHOWN. PRIMARY RIGHT IS C-14584.
- 25.8 ACRES SUPPLEMENTAL IRRIGATION FROM WELLS 1-10, 18 & 19, AS SHOWN. PRIMARY RIGHT IS C-14585.
- 89.4 ACRES SUPPLEMENTAL IRRIGATION FROM WELL 20, AS SHOWN. PRIMARY RIGHT IS C-19922.
- 8.4 ACRES SUPPLEMENTAL IRRIGATION FROM WELLS 1-10, 18 & 19, AS SHOWN. PRIMARY RIGHT IS C-14573.

THIS MAP IS FOR THE PURPOSE OF LOCATING A WATER
RIGHT ONLY AND HAS NO INTENT TO PROVIDE LEGAL
DIMENSIONS OR THE LOCATION OF PROPERTY LINES

RECEIVED
JUN 08 2015
OWRD



Oregon

John A. Kitzhaber, MD, Governor

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

May 9, 2014

ANDY ROOT
524 HWY 20 N
HINES, OR 97738

Reference: File G-17834

Dear Applicant:

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

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

Initial Review Determinations:

1. The application proposed the appropriation of 4.62 cubic feet per second (CFS) of water from Well 1 (HARN 1094), Well 5 (HARN 51146/L26615), Well 7 (HARN 51272/L72702), Well 9 (HARN 51448/L93552), Well 10 (HARN 51765/L102536), Well 11 (HARN 51760/L102534), Well 12 (HARN 51817/L107659), Well 13 (HARN 51445/L104470), Well 14 (HARN 51871/L109033), and Well 15 (HARN 51970/L11173) in Harney Lake Basin for irrigation of 277.0 acres March 1 through October 31 of each year.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The appropriation of water from Well 1 (HARN 1094), Well 5 (HARN 51146/L26615), Well 7 (HARN 51272/L72702), Well 9 (HARN 51448/L93552), Well 10 (HARN 51765/L102536), Well 11 (HARN 51760/L102534), Well 12 (HARN 51817/L107659), Well 13 (HARN 51445/L104470), Well 14 (HARN 51871/L109033), and Well 15 (HARN 51970/L11173) in Harney Lake Basin for irrigation is allowable under the Malheur Lake Basin Program.
4. Ground water will not likely be available within the capacity of the resource and/or without injury to existing ground water rights.

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

Summary of Allowable Water Use

Because not all items above are favorable, the appropriation of 4.62 cubic feet per second (CFS) of water from Well 1 (HARN 1094), Well 5 (HARN 51146/L26615), Well 7 (HARN 51272/L72702), Well 9 (HARN 51448/L93552), Well 10 (HARN 51765/L102536), Well 11 (HARN 51760/L102534), Well 12 (HARN 51817/L107659), Well 13 (HARN 51445/L104470), Well 14 (HARN 51871/L109033), and Well 15 (HARN 51970/L11173) in Harney Lake Basin for irrigation of 277.0 acres is not allowable, and it appears unlikely that you will be issued a permit unless a suitable mitigation proposal is provided prior to issuance of the Proposed Final Order. At this time, you must decide whether to proceed or to withdraw your application as described below.

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

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$225 processing charge per application). To accomplish this you must notify the Department in writing by **Friday, May 16, 2014**. For your convenience you may use the enclosed "STOP PROCESSING" form.

To Proceed With Your Application:

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

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

1. Measurement devices, and recording/reporting of annual water use 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 device in good working order.
- B. The permittee shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The permittee shall keep a complete record of the volume of water diverted each month, and shall submit a report which includes water-use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

2. Static Water Level Conditions

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

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

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

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

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

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

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

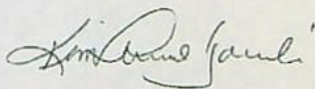
3. The permittee shall construct one minimum six-inch diameter observation well to penetrate the same aquifer as the production wells. The well shall meet the Department's minimum well construction standards and shall be cased and sealed to the same depth as the production well. The well shall be constructed at a location approved by the Department for the purpose of instrumentation with continuous water-level monitoring equipment. The landowner or permittee shall provide access to Department staff to install and maintain the monitoring equipment. The well shall not be used for any other purpose while the Department is monitoring water levels. The well shall be completed prior to water use under the terms of this permit.
4. Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.

The 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 503-986-0816 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: Kim French-Gorski, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266. Our fax number is 503-986-0901.

Sincerely,



Kim French-Gorski
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

G-17834
WAB 12-No PSI
POU 12-No PSI
GW

APPLICATION FACT SHEET

Application File Number: G-17834

Applicant: ANDY ROOT

County: Harney

Watermaster: 10

Priority Date: April 11, 2014

Source: WELL 1 (HARN 1094), WELL 5 (HARN 51146/L26615), WELL 7 (HARN 51272/L72702), WELL 9 (HARN 51448/L93552), WELL 10 (HARN 51765/L102536), WELL 11 (HARN 51760/L102534), WELL 12 (HARN 51817/L107659), WELL 13 (HARN 51445/L104470), WELL 14 (HARN 51871/L109033), AND WELL 15 (HARN 51970/L11173) IN HARNEY LAKE BASIN

Use: IRRIGATION OF 277.0 ACRES

Quantity: 4.62 CUBIC FEET PER SECOND

Basin Name & Number: Malheur Lake, #12

Stream Index Reference: Volume 1A HARNEY L & MISC

Point of Diversion or Well Location(s):

WELL 1 (HARN 1094): NENW, SECTION 33, T25S, R30E, W.M.; 1317 FEET SOUTH AND 1355 FEET EAST FROM NW CORNER, SECTION 33

WELL 5 (HARN 51146/L26615): SESW, SECTION 33, T25S, R30E, W.M.; 4195 FEET SOUTH AND 2672 FEET WEST FROM NE CORNER, SECTION 33

WELL 7 (HARN 51272/L72702): SESW, SECTION 34, T25S, R30E, W.M.; 4725 FEET SOUTH AND 1877 FEET EAST FROM NW CORNER, SECTION 34

WELL 9 (HARN 51448/L93552): SESW, SECTION 33, T25S, R30E, W.M.; 4423 FEET SOUTH AND 2750 FEET WEST FROM NE CORNER, SECTION 33

WELL 10 (HARN 51765/L102536): NWNW, SECTION 3, T26S, R30E, W.M.; 985 FEET SOUTH AND 455 FEET EAST FROM NW CORNER, SECTION 3

WELL 11 (HARN 51760/L102534): NWNW, SECTION 3, T26S, R30E, W.M.; 1005 FEET SOUTH AND 375 FEET EAST FROM NW CORNER, SECTION 3

WELL 12 (HARN 51817/L107659): NESW, SECTION 33, T25S, R30E, W.M.; 2690 FEET SOUTH AND 2890 FEET WEST FROM NE CORNER, SECTION 33

WELL 13 (HARN 51445/L104470): NENW, SECTION 4, T26S, R30E, W.M.; 1090 FEET SOUTH AND 2705 FEET WEST FROM NE CORNER, SECTION 4

WELL 14 (HARN 51871/L109033): SESE, SECTION 33, T25S, R30E, W.M.; 1000 FEET NORTH AND 10 FEET WEST FROM SE CORNER, SECTION 33

WELL 15 (HARN 51970/L11173): SESE, SECTION 33, T25S, R30E, W.M.; 1000 FEET NORTH AND 30 FEET WEST FROM SE CORNER, SECTION 33

Place of Use:

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 32.3 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 2.8 ACRES
SECTION 32
TOWNSHIP 25 SOUTH, RANGE 30 EAST, W.M.

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 0.7 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 3.7 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 3.4 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 4.8 ACRES
SECTION 4

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 20.0 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 34.7 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 36.9 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 37.8 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$ 19.3 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$ 37.6 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 38.6 ACRES
SECTION 5

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 4.4 ACRES
SECTION 8
TOWNSHIP 26 SOUTH, RANGE 30 EAST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, May 23, 2014

PUBLIC NOTICE DATE: Tuesday, May 13, 2014

30 DAY COMMENT DEADLINE DATE: Thursday, June 12, 2014

Mailing List for IR Copies

Application #G-17834

IR Date: May 9, 2014

Original mailed to applicant:

ANDY ROOT, 524 HWY 20 N, HINES, OR 97738

SENT VIA EMAIL:

1. Agent - scott@apeands.com
2. WRD - Watermaster # 10

Copies sent to:

1. WRD - File # G-17834

IR, Map, and Fact Sheet Copies sent to:

2. WRD - Regional Manager: EASTERN
3. Department of Agriculture

Copies Mailed
By: <u>BW</u>
(SUPPORT STAFF)
on: <u>5/9/14</u>
(DATE)

Caseworker: Kim French-Gorski

\\COPYSH.T.IR

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # 111692

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

INVOICE # _____

RECEIVED FROM: ACW, Inc. dba
BY: Andy's Custom work

APPLICATION G-17834
PERMIT _____
TRANSFER _____

CASH: ☐ CHECK: # 23381 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 5800.00

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 \$ _____ RECORD FEE \$ _____
0203 GROUND WATER \$ 5350.00 0204 \$ 450.00
0205 TRANSFER \$ _____

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR EXAM FEE \$ _____ LICENSE FEE \$ _____
LANDOWNER'S PERMIT 0219 \$ _____
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: 111692

DATED: 4-11-14 BY: [Signature]

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

ACW, INC. DBA ANDY'S CUSTOM WORK
Oregon Water Resources Department
5530 - License & Dues

3/24/14

23381

5,800.00

RECEIVED BY OWRD

APR 11 2014

SALEM, OR

Business Checking- I New Application for Ground Water Permit- Leath

5,800.00

Application for a Permit to Use Ground Water



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

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant Information

NAME ANDY ROOT			PHONE (HM)
PHONE (WK) 541-573-3615	CELL		FAX
ADDRESS 524 Hwy 20 N			
CITY HINES	STATE OR	ZIP 97738	E-MAIL *

Organization Information

NAME		PHONE	FAX
ADDRESS		CELL	
CITY	STATE	ZIP	E-MAIL *

Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.

AGENT / BUSINESS NAME SCOTT D. MONTGOMERY		PHONE 541-548-5833	FAX 541-585-4602
ADDRESS PO BOX 767		CELL 541-420-0401	
CITY TERREBONNE	STATE OR	ZIP 97760	E-MAIL * SCOTT@APEANDS.COM

Note: Attach multiple copies as needed

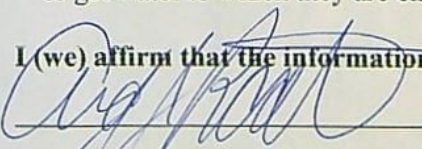
* By providing an e-mail address, consent is given to receive all correspondence from the department electronically. (paper copies of the final order documents will also be mailed.)

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.
- I cannot use water legally until the Water Resources Department issues a permit.
- Oregon law requires that a permit be issued before beginning construction of any proposed well, unless the use is exempt. Acceptance of this application does not guarantee a permit will be issued.
- 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 cancelled.
- The water use must be compatible with local comprehensive land-use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water-right holders to get water to which they are entitled.

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I (we) affirm that the information contained in this application is true and accurate.



Andy Root, Owner

Applicant Signature

Print Name and title if applicable

Date

APR 11 2014

SALEM, OR

3-24-14

Applicant Signature

Print Name and title if applicable

Date

For Department Use

Revised 2-1-2013

App. No. G-17834

Permit No.

Date

Ground Water

WR

SECTION 2: PROPERTY OWNERSHIP

Please indicate if you own all the lands associated with the project from which the water is to be diverted, conveyed, and used.

☒ Yes

☒ There are no encumbrances.

☐ This land is encumbered by easements, rights of way, roads or other encumbrances.

☐ No

☐ 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 irrigation and/or domestic use only (ORS 274.040).

☐ Water is to be diverted, conveyed, and/or used only on federal lands.

List the names and mailing addresses of all affected landowners (*attach additional sheets if necessary*).

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.

SECTION 3: WELL DEVELOPMENT

WELL NO.	NAME OF NEAREST SURFACE WATER	IF LESS THAN 1 MILE:	
		DISTANCE TO NEAREST SURFACE WATER	ELEVATION CHANGE BETWEEN NEAREST SURFACE WATER AND WELL HEAD
1	Harney Lake		
5	Harney Lake		
7	Harney Lake		
9	Harney Lake		
10	Harney Lake		
11	Harney Lake		
12	Harney Lake		
13	Harney Lake		
14	Harney Lake		
15	Harney Lake		

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APR 11 2014

Please provide any information for your existing or proposed well(s) that you believe may be helpful in evaluating your application. For existing wells, describe any previous alteration(s) or repair(s) not documented in the attached well log or other materials (*attach additional sheets if necessary*).

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APR 11 2014

SALEM, OR
WR

RECEIVED

APR 14 2014

WATER RESOURCES DEPT

CLATSOP COUNTY

SECTION 3: WELL DEVELOPMENT, CONTINUED

Corrected

Total maximum rate requested: 4.62 cfs (each well will be evaluated at the maximum rate unless you indicate well-specific rates and annual volumes in the table below).

The table below must be completed for each source to be evaluated or the application will be returned. If this is an existing well, the information may be found on the applicable well log. (If a well log is available, please submit it in addition to completing the table.) If this is a proposed well, or well-modification, consider consulting with a licensed well driller, geologist, or certified water right examiner to obtain the necessary information.

OWNER'S WELL NAME OR NO.	PROPOSED	EXISTING	WELL ID (WELL TAG) NO. & OR WELL LOG ID NO.	FLOWING ARTESIAN	CASING DIAMETER	CASING INTERVALS (IN FEET)	PERFORATED OR SCREENED INTERVALS (IN FEET)	SEAL INTERVALS (IN FEET)	MOST RECENT STATIC WATER LEVEL & DATE (IN FEET)	PROPOSED USE			
										SOURCE AQUIFER***	TOTAL WELL DEPTH	WELL- SPECIFIC RATE (GPM)	ANNUAL VOLUME (ACFE-FEET)
1	<input type="checkbox"/>	<input checked="" type="checkbox"/>	L102506	<input type="checkbox"/>	14"	1 to 107		0 to -18	33' (2010)	Cinder, Sandstone	170'		
5	<input type="checkbox"/>	<input checked="" type="checkbox"/>	L26615	<input type="checkbox"/>	16" 14"	+2 to 38 -25 to - 105		0 to -105	74' (2005)	Cinder, Sandstone, Clay	125'		
7	<input type="checkbox"/>	<input checked="" type="checkbox"/>	L72702	<input type="checkbox"/>	14"	+3 to 77		0 to -44	98' (2006)	Cinder, Sandstone, Clay	375'		
9	<input type="checkbox"/>	<input checked="" type="checkbox"/>	L107672	<input type="checkbox"/>	14"	2 to 110		0 to -18	103' (2012)	Cinder, Sandstone, Clay	188'		
10	<input type="checkbox"/>	<input checked="" type="checkbox"/>	L102536	<input type="checkbox"/>	14"	1.5 to 60		0 to -18	104' (2011)	Cinder, Sandstone, Clay	167'		
11	<input type="checkbox"/>	<input checked="" type="checkbox"/>	L102534	<input type="checkbox"/>	14"	2 to 102		0 to -24	104' (2011)	Cinder, Clay	195'		
12	<input type="checkbox"/>	<input checked="" type="checkbox"/>	L10765	<input type="checkbox"/>	14"	2 to 108		0 to -18	88' (2011)	Cinder, Clay	170'		
13	<input type="checkbox"/>	<input checked="" type="checkbox"/>	L104470	<input type="checkbox"/>	14"	0 to 35		0 to -35	92' (2008)	Clay, Sandstone	280'		
14	<input type="checkbox"/>	<input checked="" type="checkbox"/>	L109033	<input type="checkbox"/>	14"	2 to 94		0 to -18	94' (2012)	Cinder, Sandstone, Clay	232'		
15	<input type="checkbox"/>	<input checked="" type="checkbox"/>	L111173	<input type="checkbox"/>	14"	2 to 183		0 to -18	107' (2013)	Cinder, Sandstone, Clay	310'		

6504279

APES

SECTION 3: WELL DEVELOPMENT, CONTINUED

in correct

Total maximum rate requested: 1.73 (each well will be evaluated at the maximum rate unless you indicate well-specific rates and annual volumes in the table below).

The table below must be completed for each source to be evaluated or the application will be returned. If this is an existing well, the information may be found on the applicable well log. (If a well log is available, please submit it in addition to completing the table.) If this is a proposed well, or well-modification, consider consulting with a licensed well driller, geologist, or certified water right examiner to obtain the necessary information.

OWNER'S WELL NAME OR NO	PROPOSED	EXISTING	WELL ID (WELL TAG) NO.* OR WELL LOG ID**	FLOWING ARTESIAN	CASING DIAMETER	CASING INTERVALS (IN FEET)	PERFORATED OR SCREENED INTERVALS (IN FEET)	SEAL INTERVALS (IN FEET)	MOST RECENT STATIC WATER LEVEL & DATE (IN FEET)	PROPOSED USE			
										SOURCE AQUIFER***	TOTAL WELL DEPTH	WELL- SPECIFIC RATE (GPM)	ANNUAL VOLUME (ACFE-FEET)
1	<input type="checkbox"/>	<input checked="" type="checkbox"/>	L102506	<input type="checkbox"/>	14"	1 to 107		0 to -18	33' (2010)	Cinder, Sandstone	170'		
5	<input type="checkbox"/>	<input checked="" type="checkbox"/>	L2665	<input type="checkbox"/>	16" 14"	+2 to 38 -25 to - 105		0 to -105	74' (2005)	Cinder, Sandstone, Clay	125'		
7	<input type="checkbox"/>	<input checked="" type="checkbox"/>	L72702	<input type="checkbox"/>	14"	+3 to 77		0 to -44	98' (2006)	Cinder, Sandstone, Clay	375'		
9	<input type="checkbox"/>	<input checked="" type="checkbox"/>	L107672	<input type="checkbox"/>	14"	2 to 110		0 to -18	103' (2012)	Cinder, Sandstone, Clay	188'		
10	<input type="checkbox"/>	<input checked="" type="checkbox"/>	L102536	<input type="checkbox"/>	14"	1.5 to 60		0 to -18	104' (2011)	Cinder, Sandstone, Clay	167'		
11	<input type="checkbox"/>	<input checked="" type="checkbox"/>	L102534	<input type="checkbox"/>	14"	2 to 102		0 to -24	104' (2011)	Cinder, Clay	195'		
12	<input type="checkbox"/>	<input checked="" type="checkbox"/>	L10765	<input type="checkbox"/>	14"	2 to 108		0 to -18	88' (2011)	Cinder, Clay	170'		
13	<input type="checkbox"/>	<input checked="" type="checkbox"/>	L104470	<input type="checkbox"/>	14"	0 to 35		0 to -35	92' (2008)	Clay, Sandstone	280'		
14	<input type="checkbox"/>	<input checked="" type="checkbox"/>	L109033	<input type="checkbox"/>	14"	2 to 94		0 to -18	94' (2012)	Cinder, Sandstone, Clay	232'		
15	<input type="checkbox"/>	<input checked="" type="checkbox"/>	L11173	<input type="checkbox"/>	14"	2 to 183		0 to -18	107' (2013)	Cinder, Sandstone, Clay	310'		

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- 61-17034
- * Licensed drillers are required to attach a Department-supplied Well Tag, with a unique Well ID or Well Tag Number to all new or newly altered wells. Landowners can request a Well ID for existing wells that do not have one. The Well ID is intended to serve as a unique identification number for each well.
 - ** A well log ID (e.g. MARI 1234) is assigned by the Department to each log in the agency's well log database. A separate well log is required for each subsequent alteration of the well.
 - *** Source aquifer examples: Troutdale Formation, gravel and sand, alluvium, basalt, bedrock, etc.

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SALEM, OR

SECTION 4: WATER USE

USE	PERIOD OF USE	ANNUAL VOLUME (ACRE-FEET)
IR	1 Mar – 31 Oct	831.0

Exempt Uses: Please note that 15,000 gallons per day for single or group **domestic** purposes and 5,000 gallons per day for a single **industrial or commercial** purpose are exempt from permitting requirements.

For irrigation use only:

Please indicate the number of primary and supplemental acres to be irrigated (*must match map*).

Primary: 277.0 Acres Supplemental: Acres

List the Permit or Certificate number of the underlying primary water right(s):

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 831

• If the use is **municipal or quasi-municipal**, attach **Form M**

• If the use is **domestic**, indicate the number of households:

If the use is **mining**, describe what is being mined and the method(s) of extraction:

SECTION 5: WATER MANAGEMENT

A. Diversion and Conveyance

What equipment will you use to pump water from your well(s)?

☒ Pump (give horsepower and type): 10 turbine pumps w/motors of 60, 75, 200 & 250 hp

☐ Other means (describe):

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water. Water is proposed to be pumped from several wells in the piped irrigation system to existing center pivot sprinklers and the 7 proposed pivots.

B. Application Method

What equipment and method of application will be used? (c.g., drip, wheel line, high-pressure sprinkler)

Low pressure nozzles from center pivot sprinklers & high pressure end guns.

C. Conservation

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent damage to aquatic life and riparian habitat; prevent the discharge of contaminated water to a surface stream; prevent adverse impact to public uses of affected surface waters.

Piping the irrigation system in buried pipe and applying water by low pressure sprinklers from pivots will reduce ground scouring and runoff. A water use monitoring plan is currently in effect for all existing wells on water rights to report adverse effects to the basin.

SECTION 6: STORAGE OF GROUND WATER IN A RESERVOIR

If you would like to store ground water in a reservoir, complete this section (*if more than one reservoir, reproduce this section for each reservoir*).

Reservoir name: Acreage inundated by reservoir:

Use(s):

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SALEM, OR

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Volume of Reservoir (acre-feet): _____ Dam height (feet, if excavated, write "zero"): _____

Note: If the dam height is greater than or equal to 10.0' above land surface AND the reservoir will store 9.2 acre feet or more, engineered plans and specifications must be approved prior to storage of water.

SECTION 7: USE OF STORED GROUND WATER FROM THE RESERVOIR

If you would like to use stored ground water from the reservoir, complete this section (if more than one reservoir, reproduce this section for each reservoir).

Annual volume (acre-feet): _____

USE OF STORED GROUND WATER	PERIOD OF USE

SECTION 8: PROJECT SCHEDULE

Date construction will begin: 2014

Date construction will be completed: 2019

Date beneficial water use will begin: 2020

SECTION 9: WITHIN A DISTRICT

☐ Check here if the point of diversion or place of use are located within or served by an irrigation or other water district.

Irrigation District Name	Address	
City	State	Zip

SECTION 10: REMARKS

Use this space to clarify any information you have provided in the application (attach additional sheets if necessary). The number of wells requested is needed to augment the existing irrigation system. The owner used the system of wells piped together to ensure flexibility due to the reoccurrence of failing wells and is requesting the rate of 1/60 cfs per acre to have adequate flow to operate a 1/4 mile radius center pivot sprinkler.

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SALEM, OR

Land Use

Information Form



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

NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

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) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
 - b) The application involves a change in place of use only;
 - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; and
 - d) The application involves irrigation water uses only.

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

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SALEM, OR

Land Use Information Form



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

Applicant: Andy

First

Root

Last

Mailing Address: 524 Highway 20 N

Hines

City

OR

State

97738

Zip

Daytime Phone: 541-573-3645

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. 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:
25S	30E	32	SE SW			<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	IR
25S	30E	32	SW SE			<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	IR
26S	30E	5	NE NW			<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	IR
26S	30E	5	NW NE			<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	IR
26S	30E	5	NE NE			<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	IR
26S	30E	5	SW NE			<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	IR
26S	30E	5	SE NE			<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	IR
26S	30E	5	NE SE			<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	IR
26S	30E	5	SE SE			<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	IR
26S	30E	4	NW NW			<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	IR
26S	30E	4	SW NW			<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	IR
26S	30E	4	NW SW			<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	IR
26S	30E	4	SW SW			<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	IR
26S	30E	8	NE NE			<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	IR

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

APR 11 2014

Harney

SALEM, OR

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 ☐ Permit Amendment or Ground Water Registration Modification
☐ Limited Water Use License ☐ Allocation of Conserved Water ☐ Exchange of Water

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

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

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

Briefly describe:

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

See bottom of Page 3. →

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SALEM, OR
WR

Land Use Information Form



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

Applicant: Andy

First

Root

Last

Mailing Address: 524 Highway 20 N

Hines

City

OR

State

97736

Zip

Daytime Phone: 541-573-3645

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service area boundaries for the tax lot information requested below.

Township	Range	Section	1/4 1/4	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
25S	30E	32	SE SW			<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	IR
25S	30E	32	SW SE			<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	IR
26S	30E	5	NE NW			<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	IR
26S	30E	5	NW NE			<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	IR
26S	30E	5	NE NE			<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	IR
26S	30E	5	SW NE			<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	IR
26S	30E	5	SE NE			<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	IR
26S	30E	5	NE SE			<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	IR
26S	30E	5	SE SE			<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	IR
26S	30E	4	NW NW			<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	IR
26S	30E	4	SW NW			<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	IR
26S	30E	4	NW SW			<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	IR
26S	30E	4	SW SW			<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	IR
26S	30E	8	NE NE			<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	IR

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

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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 ☐ Permit Amendment or Ground Water Registration Modification
☐ Limited Water Use License ☐ Allocation of Conserved Water ☐ Exchange of Water

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

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

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

Briefly describe:

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

See bottom of Page 3. →

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For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

- ☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): HCZ 3.020 - EFW-2
- ☐ Land uses to be served by the 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 <small>Policy or Ordinance Section Reference</small>	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.

Name: Brenda McMullen, Planning Director

Signature: [Signature]

Phone: (541) 573-6655

Date: 4/7/2014

Government Entity: Harney County

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

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

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STATE OF OREGON

WATER SUPPLY WELL REPORT

(as required by ORS 537.765 & OAR 690-205-0210)

02-04-2010

WELL LABEL # L 102506

START CARD # 1009318

(1) LAND OWNER

Owner Well I.D. LEATHERS #1

First Name ANDY

Last Name ROOT

Company ACW

Address 524 N HWY 20

City HINES

State OR

Zip 97738

(2) TYPE OF WORK

☐ New Well ☐ Deepening ☐ Conversion☒ Alteration (repair/recondition) ☐ Abandonment

(3) DRILL METHOD

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

(4) PROPOSED USE

☐ Domestic ☒ Irrigation ☐ Community☐ Industrial/ Commercial ☐ Livestock ☐ Dewatering☐ Thermal ☐ Injection ☐ Other

(5) BORE HOLE CONSTRUCTION

Special Standard ☐ Attach copy

Depth of Completed Well 170.00 ft.

BORE HOLE

SEAL

sacks/

Dia	From	To	Material	From	To	Amt	lbs
18	0	18	Bentonite	0	18	40	S
14	18	170					

How was seal placed:

Method ☐ A ☐ B ☐ C ☐ D ☐ E☒ Other POURED DRY AND TAM

Backfill placed from ft. to ft. Material

Filter pack from ft. to ft. Material Size

Explosives used: ☐ Yes Type Amount

(6) CASING/LINER

Casing	Liner	Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd
<input checked="" type="checkbox"/>	<input type="checkbox"/>	14	<input checked="" type="checkbox"/>	1	107	.250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

(7) PERFORATIONS/SCREENS

Perforations Method

Screens Type Material

Perf/S	Casing/	Screen	Dia	From	To	Sern/slot	Slot	# of	Tele/
creen	Liner					width	length	slots	pipe size

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

☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)
1,000		170	1

Temperature 60 °F Lab analysis ☐ Yes ByWater quality concerns? ☐ Yes (describe below)

From	To	Description	Amount	Units
------	----	-------------	--------	-------

(9) LOCATION OF WELL (legal description)

County Harney Twp 25.00 S N/S Range 30.00 E E/W WM

Sec 29 SW 1/4 of the SE 1/4 Tax Lot 2600

Tax Map Number Lot

Lat " or DMS or DD

Long " or DMS or DD

☐ Street address of well ☒ Nearest address

28700 WEAVER SPRINGS RD

(10) STATIC WATER LEVEL

Date SWL (psi) + SWL (ft)

Existing Well / Predeepening	12-01-1986	<input checked="" type="checkbox"/>	33
Completed Well	02-01-2010	<input checked="" type="checkbox"/>	70

Flowing Artesian? ☐ Dry Hole? ☐

WATER BEARING ZONES

Depth water was first found 70

SWL Date	From	To	Est Flow	SWL (psi)	+ SWL (ft)
02-01-2010	75	170	1,000		<input checked="" type="checkbox"/> 70

(11) WELL LOG

Ground Elevation

Material	From	To
MULTI COLORED CINDER	80	160
SANDSTONE YELLOW	160	170

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SALEM, OR

Date Started 01-26-2010 Completed 02-01-2010

(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

Electronically Filed

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 1424 Date 02-04-2010

Electronically Filed

Signed TIMOTHY K RILEY (E-filed)

Contact Info (optional)

ORIGINAL - WATER RESOURCES DEPARTMENT

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

Q-17834

Form Version: 0.95

#5

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

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

WELL I.D. # L 26615
START CARD # 155763

(1) LAND OWNER Audy Root Well Number _____
Name Audy Root
Address 10.121 946
City Burns State OR Zip 97720

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

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

(4) PROPOSED USE:
☐ Domestic ☐ Community ☐ Industrial ☒ Irrigation
☐ Thermal ☐ Injection ☐ Livestock ☐ Other _____

(5) BORE HOLE CONSTRUCTION:
Special Construction approval ☐ Yes ☒ No Depth of Completed Well 125 ft.
Explosives used ☐ Yes ☒ No Type _____ Amount _____

HOLE			SEAL			
Diameter	From	To	Material	From	To	Sacks or pounds
70	0	38	Bent	0	38	27 Sacks
16	38	105	Cement	25	105	6 yds
14	105	125				

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

Backfill placed from _____ ft. to _____ ft. Material _____

Gravel placed from _____ ft. to _____ ft. Size of gravel _____

(6) CASING/LINER:

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing: 16	42	38	250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
14	25	18	250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liner:				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

(7) PERFORATIONS/SCREENS:

☐ Perforations Method _____
☐ Screens Type _____ Material _____

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

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

☐ Pump ☐ Bailor ☒ Air ☐ Flowing
Yield gal/min _____ Drawdown _____ Drill stem at _____ Time _____
1000 51 125 3 hr.

Temperature of water 63 Depth Artesian Flow Found _____

Was a water analysis done? ☒ Yes By whom _____

Did any strata contain water not suitable for intended use? ☐ Yes ☐ No

☐ Salty ☐ Muddy ☐ Odor ☐ Colored ☐ Other _____

Depth of strata: _____

(9) LOCATION OF WELL by legal description:

County Harney Latitude _____ Longitude _____
Township 25 S N or S Range 30 E E or W WM
Section 33 SW 1/4 NE 1/4
Tax Lot 3609 Lot _____ Block _____ Subdivision _____

Street Address of Well (or nearest address) 1 Mi West of Burns, OR
End of Wenden Springs Burns, OR

(10) STATIC WATER LEVEL:

74 ft. below land surface Date 1-18-05
Artesian pressure _____ lb. per square inch Date _____

(11) WATER BEARING ZONES:

Depth at which water was first found _____

From	To	Estimated Flow Rate	SWL
117	125	1000 f	74

(12) WELL LOG:

Ground Elevation _____

Material	From	To	SWL
Top Soil	0	8	-
Brown Sand			
stone	8	21	-
Brown Clay	21	90	-
stone			
Brown Fractured			
Basalt	90	100	-
Hard Gray			
Basalt	100	117	-
Red Brown			
Gray Cinders			
w/white			
clay (w/)	117	125	74
Hard Brown			
Basalt	125	130	74

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APR 11 2014

Date started 1-12-05 Completed 1-18-05

(unbonded) Water Well Constructor Certification SALEM, OR

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

WWC Number _____
Signed _____ Date _____

(bonded) Water Well Constructor Certification:

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

Signed Donald A. Root WWC Number 1521 Date 1-18-05

FEB 17 2005

HARN 51272

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

WELL I.D. # L 72702

START CARD # 169131

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

(1) LAND OWNER Andy Root Well Number _____
Name Andy Root
Address P.O. Box 46
City Burns State OR Zip 97720

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

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

(4) PROPOSED USE
☐ Domestic ☐ Community ☐ Industrial ☒ Irrigation
☐ Thermal ☐ Injection ☐ Livestock ☐ Other _____

(5) BORE HOLE CONSTRUCTION Special Construction: ☐ Yes ☒ No
Depth of Completed Well 375 ft.
Explosives used: ☐ Yes ☐ No Type _____ Amount _____

BORE HOLE				SEAL			
Diameter	From	To	Material	From	To	Material	Sacks or Pounds
18"	0	44	Best 0	44	24		
14"	44	240	Concrete	240	375		
12"	240	375					

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

Backfill placed from _____ ft. to _____ ft. Material _____
Gravel placed from _____ ft. to _____ ft. Size of gravel _____

(6) CASING/LINER

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing: 14"	43	77	250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Liner:				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Drive Shoe used ☐ Inside ☐ Outside ☒ None

Final location of shoe(s) _____

(7) PERFORATIONS/SCREENS

☐ Perforations Method _____
☐ Screens Type _____ Material _____

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

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

☒ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian

Yield gal/min	Drawdown	Drill stem at	Time
550	102	200	4 hr

Temperature of water 60 Depth Artesian Flow Found _____

Was a water analysis done? ☐ Yes By whom NO

Did any strata contain water not suitable for intended use? ☐ No ☐ Too little

☐ Salty ☐ Muddy ☐ Odor ☐ Colored ☐ Other _____

Depth of strata: _____

(9) LOCATION OF WELL (legal description)

County Harney
Tax Lot 2002 Lot _____
Township 2002 N or S Range 30 E or W WM
Section 34 SE 1/4 SW 1/4
Lat _____ " or _____ (degrees or decimal)
Long _____ " or _____ (degrees or decimal)

Street Address of Well (or nearest address) End of Weaver Springs Rd Burns, OR 97720

(10) STATIC WATER LEVEL

98 ft. below land surface. Date 4-30-06
_____ ft. below land surface. Date _____
Artesian pressure _____ lb. per square inch Date _____

(11) WATER BEARING ZONES

Depth at which water was first found 349

From	To	Estimated Flow Rate	SWL
349	371	500	98

(12) WELL LOG

Material	From	To	SWL
Top Soil	0	3	—
Clinders	3	26	—
Brown Sand	26	35	—
Stoney Basalt w/ clay seams	35	349	—
Green			
White Brown			
Blue Pumice	349	371	98
Green Clay	371	375	98

RECEIVED BY OWRD

APR 11 2014

Date Started 3-26-06 Completed 4-30-06

(unbonded) Water Well Constructor Certification SALEM, OR

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.

WWC Number _____ Date _____

Signed _____

RECEIVED

(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.

WWC Number 1521 Date 4-30-06

Signed Donald W. Reed

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

Revised Log # 7
HARN 51272
Harn 51272

WELL I.D.# 72702

START CARD # 169131

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

(1) LAND OWNER And. Root Well Number _____
Name And. Root
Address 0.0 Box 946
City Burns State Or Zip 97720

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

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

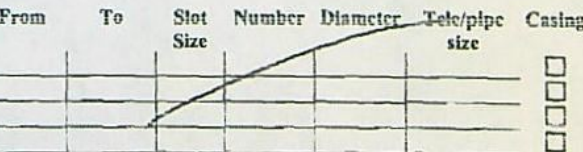
(4) PROPOSED USE
☐ Domestic ☐ Community ☐ Industrial ☒ Irrigation
☐ Thermal ☐ Injection ☐ Livestock ☐ Other

(5) BORE HOLE CONSTRUCTION Special Construction: ☐ Yes ☒ No
Depth of Completed Well 375 ft.
Explosives used: ☐ Yes ☐ No Type _____ Amount _____

BORE HOLE SEAL
Diameter From To Material From To Sacks or Pounds
18" 0 44 Bent 17 44 245 red
18 0 17 Cement 17 14
14 44 240
12 240 Cement 275
How was seal placed: Method ☐ A ☐ B ☒ C ☐ D ☐ E
☒ Other Pour down Dry Bentonite
Backfill placed from _____ ft. to _____ ft. Material _____
Gravel placed from _____ ft. to _____ ft. Size of gravel _____

(6) CASING/LINER
Diameter From To Gauge Steel Plastic Welded Threaded
Casing: 14 13 77 250 ☒ ☐ ☐ ☐
Liner: ☐ ☐ ☐ ☐ ☐ ☐

Drive Shoe used ☐ Inside ☐ Outside ☒ None
Final location of shoe(s) _____

(7) PERFORATIONS/SCREENS
☐ Perforations Method _____
☐ Screens Type _____ Material _____
From To Slot Number Diameter Tele/pipe Casing Liner
Size size size


(8) WELL TESTS: Minimum testing time is 1 hour
☒ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian
Yield gal/min 550 Drawdown 102 Drill stem at 200 Time 4 hrs

Temperature of water 60 Depth Artesian Flow Found _____
Was a water analysis done? ☐ Yes ☒ No
Did any strata contain water not suitable for intended use? NO ☐ Too little
☐ Salty ☐ Murky ☐ Colored ☐ Other _____
Depth of strata: _____

(9) LOCATION OF WELL (legal description)
County Harney
Tax Lot 2002 Lot _____
Township 25 N & S Range 30 E or W WM
Section 34 SE 1/4 SW 1/4
Lat _____ " or _____ (degrees or decimal)
Long _____ " or _____ (degrees or decimal)
Street Address of Well (or nearest address) _____

(10) STATIC WATER LEVEL
78 ft. below land surface. Date 4-30-06
_____ ft. below land surface. Date _____
Artesian pressure _____ lb. per square inch Date _____

(11) WATER BEARING ZONES
Depth at which water was first found 349
From To Estimated Flow Rate SWL
349 371 500 78

(12) WELL LOG
Ground Elevation _____
Material From To SWL
Top Soil 0 3
Red Clays 3 26
Brown Sand 26 35
Stone 35 349
Brown Basalt w/ Green Clay 35 349
Seam 349 371 98
White Brown 371 375 98
Blue Rippled Green Clay
RECEIVED BY OWRD
APR 11 2006
Date Started 3-26-06 Completed 4-30-06

(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.

WWC Number _____ Date _____
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.

WWC Number 1521 Date 9-15-06
Signed Donald M. Reed

HARN 51765

HARN 51765

Page 1 of 1

STATE OF OREGON

WATER SUPPLY WELL REPORT

(as required by ORS 537.765 & OAR 690-205-0210)

02-18-2011

WELL LABEL # L 102536

START CARD # 1012414

(1) LAND OWNER Owner Well ID well 21
 First Name Andy Last Name Root
 Company ACW
 Address PO Box 3
 City Burns State OR Zip 97720

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

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

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

(5) BORE HOLE CONSTRUCTION Special Standard ☐ Attach copy
 Depth of Completed Well 167.00 ft.

BORE HOLE			SEAL			sacks/lbs	
Dia	From	To	Material	From	To	Am	Lbs
18	0	18	Bentonite Chips	0	18	90	5
14	18	167					

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

☒ Other poured dr & tamped

Backfill placed from ft. to ft. Material

Filter pack from ft. to ft. Material Size

Explosives used: ☐ Yes Type Amount

(6) CASING/LINER

Casing	Liner	Dia	From	To	Gauge	Stl	Plate	Wld	Thrd
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	14	1.5	60	.250	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

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

Temp casing ☐ Yes Dia From To

(7) PERFORATIONS/SCREENS

Perforations Method

Screens Type Material

Per/S	Casing/	Screen			Sern/slot	Slot	# of	Tele/
creen	Liner	Dia	From	To	width	length	slots	pipe size

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

☒ Pump ☐ Bailor ☐ Air ☐ Flowing Artesian

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)
2.800	2	145	6

Temperature 60 °F Lab analysis ☐ Yes ☐ No

Water quality concerns? ☐ Yes (describe below)

From	To	Description	Amount	Units
------	----	-------------	--------	-------

(9) LOCATION OF WELL (legal description)

County Harney Twp 26.00 S N/S Range 30.00 E E/W WM

Sec 3 NW 1/4 of the NW 1/4 Tax Lot 800

Tax Map Number Lot

Lat " 0 " or DMS or DD

Long " 0 " or DMS or DD

☒ Street address of well ☐ Nearest address

09062 Weaver Spring Road

(10) STATIC WATER LEVEL

Existing Well / Predeepening Date SWL (psi) + SWL (ft)

Completed Well 02-11-2011 104

Flowing Artesian? ☐ Dry Hole? ☐

WATER BEARING ZONES Depth water was first found

SWL Date From To Est Flow SWL (psi) + SWL (ft)

02-11-2011 104 167 3.000 104

(11) WELL LOG

Ground Elevation

Material	From	To
Topsoil sand loam	0	1
Sand cinders	1	6
Clay cinders	6	60
Rock boulders	60	80
Cinders	80	95
Rock basalt black	95	130
Void	130	145
Cinders multi colored	145	160
Rock broken loose and caving	160	167

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APR 11 2014

MAY 12 2011

SALEM, OR

WATER RESOURCES DEPT
SALEM, OREGON

Date Started 02-03-2011 Completed 02-11-2011

(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

Electronically Filed

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 1424 Date 02-18-2011

Electronically Filed

Signed TIMOTHY K RILEY (E-filed)

Contact Info (optional)

ORIGINAL - WATER RESOURCES DEPARTMENT

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

Form Version: 0.95

G-17934

STATE OF OREGON

WATER SUPPLY WELL REPORT

(as required by ORS 537.765 & OAR 690-205-0210)

02-18-2011

WELL LABEL # L 102536

START CARD # 1012414

(1) LAND OWNER Owner Well I.D. well 21

First Name Andy Last Name Root
 Company ACW
 Address PO Box 3
 City Burns State OR Zip 97720

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

(3) DRILL METHOD

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

(4) PROPOSED USE ☐ Domestic ☒ Irrigation ☐ Community
☐ Industrial/ Commercial ☐ Livestock ☐ Dewatering
☐ Thermal ☐ Injection ☐ Other(5) BORE HOLE CONSTRUCTION Special Standard ☐ Attach copy

Depth of Completed Well 167.00 ft.

BORE HOLE			SEAL			sacks/	
Dia	From	To	Material	From	To	Amt	lbs
18	0	18	Bentonite Chips	0	18	90	S
14	18	167					

How was seal placed: Method ☐ A ☐ B ☐ C ☐ D ☐ E☒ Other poured dr & tamped

Backfill placed from ft. to ft. Material

Filter pack from ft. to ft. Material Size

Explosives used: ☐ Yes Type Amount

(6) CASING/LINER

Casing Liner	Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd
<input checked="" type="checkbox"/>	14	<input checked="" type="checkbox"/>	1.5	60	.250	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

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

(7) PERFORATIONS/SCREENS

Perforations Method

Screens Type Material

Perf/S creen	Casing/ Screen Liner	Screen Dia	From	To	Sern/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	Drawdown	Drill stem/Pump depth	Duration (hr)
2,800	2	145	6

Temperature 60 °F Lab analysis ☐ Yes ByWater quality concerns? ☐ Yes (describe below)

From	To	Description	Amount	Units
------	----	-------------	--------	-------

(9) LOCATION OF WELL (legal description)

County Harney Twp 26.00 S N/S Range 30.00 E E/W WM
 Sec 3 NW 1/4 of the NW 1/4 Tax Lot 800
 Tax Map Number Lot
 Lat " or DMS or DD
 Long " or DMS or DD
☒ Street address of well ☐ Nearest address

29062 Weaver Spring Road

(10) STATIC WATER LEVEL

Date SWL(psi) + SWL(ft)
 Existing Well / Predeepening
 Completed Well 02-11-2011 104
 Flowing Artesian? ☐ Dry Hole? ☐

WATER BEARING ZONES Depth water was first found

SWL Date	From	To	Est Flow	SWL(psi)	+ SWL(ft)
02-11-2011	104	167	3,000		<input checked="" type="checkbox"/> 104

(11) WELL LOG

Ground Elevation

Material	From	To
Topsoil sand loam	0	1
Sand cinders	1	6
Clay cinders	6	60
Rock boulders	60	80
Cinders	80	95
Rock basalt block	95	140
Void	140	145
Cinders multi colored	145	160
Rock broken loose and caving	160	167

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APR 11 2014

SALEM, OR

Date Started 02-03-2011 Completed 02-11-2011

(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

Electronically Filed

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 1424 Date 02-18-2011

Electronically Filed

Signed TIMOTHY K RILEY (E-filed)

Contact Info (optional)

ORIGINAL - WATER RESOURCES DEPARTMENT

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

Form Version: 0.95

G-17834

HARN 51760

HARN 51760

Page 1 of 1

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

02-02-2011

WELL LABEL # 1012534

START CARD # 1012537

(1) LAND OWNER

Owner Well ID: 18

First Name Andy Last Name Root
Company ACW
Address 524 N Hwy 20 PO Box 3
City Burns State Or Zip 97720

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

(3) DRILL METHOD

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

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

(5) BORE HOLE CONSTRUCTION

Special Standard ☐ (Attach copy)

Depth of Completed Well 195.00 ft.

BORE HOLE			SEAL			Amt	lbs
Dia	From	To	Material	From	To		
18	0	24	Bentonite	0	24	80	S
14	24	145					
12	145	198					

How was seal placed: Method ☐ A ☐ B ☐ C ☐ D ☐ E☒ Other Poured dry & tamp

Backfill placed from ft. to ft. Material

Filter pack from ft. to ft. Material Size

Explosives used: ☐ Yes Type Amount

(6) CASING/LINER

Casing	Liner	Dia	+	From	To	Gauge	Stl	Pstc	Wld	Thrd
<input checked="" type="checkbox"/>	<input type="checkbox"/>	14	<input checked="" type="checkbox"/>	2	102	250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<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"/>	<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"/>

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

(7) PERFORATIONS/SCREENS

Perforations Method

Screens Type Material

Perf's	Casing/Screen	Dia	From	To	Sem/slot width	Slot length	# of slots	Tele pipe size

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

☒ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)
2,800	5	145	6

Temperature 60 °F Lab analysis ☐ Yes ByWater quality concerns? ☐ Yes (describe below)

From	To	Description	Amount	Units

(9) LOCATION OF WELL (legal description)

County Harney Twp 26.00 S N/S Range 30.00 E E/W WM

Sec 3 NW 1/4 of the NW 1/4 Tax Lot 800

Tax Map Number Lot

Lat 0 or DMS or DD

Long 0 or DMS or DD

☒ Street address of well ☐ Nearest address

29062 Weaver Springs Road

(10) STATIC WATER LEVEL

Date SWL(psi) + SWL(ft)

Existing Well - Predeepening

Completed Well 01-28-2011 102

Flowing Artesian? ☐ Dry Hole? ☐

WATER BEARING ZONES

Depth water was first found 104

SWL Date	From	To	Net Flow	SWL(psi)	+ SWL(ft)
01-28-2011	104	198	3,000		104

(11) WELL LOG

Ground Elevation

Material	From	To
Topsoil sandy loam	0	1
Cinders sand	1	6
Cinders	6	12
Clay cinders	12	100
Cinders fine	100	121
Rock black	121	155
Cinders multi colored	155	180
Rock black	180	187
Cinders multi colored	187	195
Cobbles caving	195	198

RECEIVED BY OWRD

APR 11 2014

RECEIVED

MAY 14 2011

SALEM, OR

WATER RESOURCES DEPT
SALEM, OREGON

Date Started 01-21-2011 Completed 01-28-2011

(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

Electronically Filed

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 1424 Date 02-02-2011

Electronically Filed

Signed TIMOTHY K RILEY (E-Filed)

Contact info (optional)

ORIGINAL - WATER RESOURCES DEPARTMENT

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

Form Version: 0.95

G-17834

STATE OF OREGON

WATER SUPPLY WELL REPORT

(as required by ORS 537.765 & OAR 690-205-0210)

02-02-2011

WELL LABEL # L 102534

START CARD # 1012337

(1) LAND OWNER Owner Well ID: 18
 First Name Andy Last Name Root
 Company ACW
 Address 324 N Hwy 20 PO Box 3
 City Burns State Or Zip 97720

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

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

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

(5) BORE HOLE CONSTRUCTION Special Standard ☐ (Attach copy)
 Depth of Completed Well 195.00 ft.

BORE HOLE			SEAL			sacks/	
Dia	From	To	Material	From	To	Am	lbs
18	0	24	Bentonite	0	24	80	S
14	24	145					
12	145	198					

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

☒ Other Poured dry & tamp

Backfill placed from ft. to ft. Material

Filter pack from ft. to ft. Material Size

Explosives used: ☐ Yes Type Amount

(6) CASING/LINER

Casing	Liner	Dia	+	From	To	Gauge	Stl	Plate	Wld	Thrd
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	14	<input checked="" type="checkbox"/>	2	102	.250	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

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

Temp casing ☐ Yes Dia From To

(7) PERFORATIONS/SCREENS

Perforations Method

Screens Type Material

Perf/S	Casing/	Screen	Dia	From	To	Sern/slot	Slot	# of	Tele/
creen	Liner					width	length	slots	pipe size

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

☒ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)
2,800	5	145	6

Temperature 60 °F Lab analysis ☐ Yes By

Water quality concerns? ☐ Yes (describe below)

From	To	Description	Amount	Units
------	----	-------------	--------	-------

(9) LOCATION OF WELL (legal description)

County Harney Twp 26.00 S N/S Range 30.00 E E/W WM

Sec 3 NW 1/4 of the NW 1/4 Tax Lot 800

Tax Map Number Lot

Lat " 0 " or DMS or DD

Long " 0 " or DMS or DD

Street address of well Nearest address

29062 Weaver Springs Road

(10) STATIC WATER LEVEL

Date SWL(psi) + SWL(ft)

Existing Well / Predeepening			
Completed Well	01-28-2011		104

Flowing Artesian? ☐ Dry Hole? ☐

WATER BEARING ZONES

Depth water was first found 104

SWL Date	From	To	Est Flow	SWL(psi)	+ SWL(ft)
01-28-2011	104	198	3,000		104

(11) WELL LOG

Ground Elevation

Material	From	To
Topsoil sandy loam	0	1
Cinders sand	1	6
Cinders	6	12
Clay cinders	12	100
Cinders fine	100	121
Rock black	121	135
Cinders multi colored	135	180
Rock black	180	187
Cinders multi colored	187	195
Cobbles caving	195	198

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APR 11 2014

SALEM, OR

Date Started 01-21-2011 Completed 01-28-2011

(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

Electronically Filed

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 1424 Date 02-02-2011

Electronically Filed

Signed TIMOTHY K RILEY (E-filed)

Contact Info (optional)

ORIGINAL - WATER RESOURCES DEPARTMENT

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

Form Version: 0.95

G-17834

STATE OF OREGON

WATER SUPPLY WELL REPORT

(as required by ORS 537.765 & OAR 690-205-0210)

11-02-2011

WELL LABEL # L 107659

START CARD # 1015160

(1) LAND OWNER Owner Well I.D. Leathers Weaver Spr.

First Name _____ Last Name _____

Company ACW

Address PO Box 3

City Burns State Or Zip 97720

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

(3) DRILL METHOD

☒ Rotary Air ☐ Rotary Mud ☐ Cable ☐ Auger ☐ Cable Mud
☐ Reverse Rotary ☐ Other _____(4) PROPOSED USE ☐ Domestic ☒ Irrigation ☐ Community
☐ Industrial/ Commercial ☐ Livestock ☐ Dewatering
☐ Thermal ☐ Injection ☐ Other _____(5) BORE HOLE CONSTRUCTION Special Standard ☐ (Attach copy)

Depth of Completed Well 170.00 ft.

BORE HOLE			SEAL			sacks/	
Dia	From	To	Material	From	To	Amt	lbs
18	0	18	Bentonite Chips	0	18	30	S
14	18	170					

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

Backfill placed from _____ ft. to _____ ft. Material _____

Filter pack from _____ ft. to _____ ft. Material _____ Size _____

Explosives used: ☐ Yes Type _____ Amount _____

(6) CASING/LINER

Casing	Liner	Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd
<input checked="" type="checkbox"/>	<input type="checkbox"/>	14	<input checked="" type="checkbox"/>	2	108	.250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Shoe ☐ Inside ☐ Outside ☐ Other Location of shoe(s) _____Temp casing ☐ Yes Dia _____ From _____ To _____

(7) PERFORATIONS/SCREENS

Perforations Method _____
Screens Type _____ Material _____

Perf/S	Casing/	Screen	From	To	Screen slot	Slot	# of	Tele/
creen	Liner	Dia			width	length	slots	pipe size

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

☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian
Yield gal/min Drawdown Drill stem/Pump depth Duration (hr)

1,000		170	1
-------	--	-----	---

Temperature 59 °F Lab analysis ☐ Yes By _____Water quality concerns? ☐ Yes (describe below)

From	To	Description	Amount	Units
------	----	-------------	--------	-------

(9) LOCATION OF WELL (legal description)

County Harney Twp 25.00 S N/S Range 30.00 E E/W WM

Sec 33 SE 1/4 of the NW 1/4 Tax Lot 2600

Tax Map Number _____ Lot _____

Lat _____ " or _____ DMS or DD

Long _____ " or _____ DMS or DD

☐ Street address of well ☒ Nearest address

29062 Weaver Springs Road

Burns, Or. 97720

(10) STATIC WATER LEVEL

Date	SWL (psi)	+	SWL (ft)
Existing Well / Predeepening			
Completed Well	10-21-2011		88

Flowing Artesian? ☐ Dry Hole? ☐

WATER BEARING ZONES Depth water was first found 88

SWL Date	From	To	Est Flow	SWL (psi)	+	SWL (ft)
10-21-2011	88	170	1,000			88

(11) WELL LOG

Material	From	To
Topsoil Sandy Loam	0	2
Clay Sand	2	11
Clay Brown	11	32
Clay Cinders Brown	32	49
Cinders Black	49	165
Rock Basalt Black	165	170

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APR 11 2014

SALEM, OR

Date Started 10-18-2011 Completed 10-21-2011

(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 _____

Electronically Filed

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 1424 Date 11-02-2011

Electronically Filed

Signed TIMOTHY K RILEY (E-filed)

Contact Info (optional)

ORIGINAL - WATER RESOURCES DEPARTMENT

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

Form Version: 0.95

HARN 51445

#13

Ham

STATE OF OREGON

WATER SUPPLY WELL REPORT

(as required by ORS 537.765 & OAR 690-205-0210)

WELL LABEL # L 104470 51445

START CARD # 189552

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

(1) LAND OWNER

Owner Well I.D.

First Name _____ Last Name _____
 Company RATTLE SNAKE CREEK LAND SCATTERCO
 Address 524 Hwy 20
 City Albion State OR Zip 97338

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

(3) DRILL METHOD

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

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

(5) BORE HOLE CONSTRUCTION Special Standard: ☐ Yes (attach copy)
 Depth of Completed Well 280 ft.

BORE HOLE				SEAL				Amount	Soils/lbs
Dia	From	To	Material	From	To	Material	To		
20"	C	35	Gravel	C	35	Gravel	35	24	
14"	35	280							

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

Backfill placed from _____ ft. to _____ ft. Material _____

Filter pack from _____ ft. to _____ ft. Material _____ Size _____

Explosives used: ☐ Yes Type _____ Amount _____

(6) CASING/LINER

Casing	Linr	Dia	+	From	To	Gauge	Steel	Plastic	Welded	Thrd
X		14"	+	0	35	.250	X		X	

Shoe ☐ Inside ☐ Outside ☐ Other Location of shoe(s) _____
 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 ☐ Bailer ☐ Air ☐ Flowing Artesian

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

Temperature 50 °F Lab analysis ☐ Yes By _____

Water quality concerns? ☐ Yes (describe below)

From _____ To _____ Description _____ Amount _____ Units _____

From _____ To _____ Description _____ Amount _____ Units _____

From _____ To _____ Description _____ Amount _____ Units _____

From _____ To _____ Description _____ Amount _____ Units _____

From _____ To _____ Description _____ Amount _____ Units _____

From _____ To _____ Description _____ Amount _____ Units _____

From _____ To _____ Description _____ Amount _____ Units _____

From _____ To _____ Description _____ Amount _____ Units _____

From _____ To _____ Description _____ Amount _____ Units _____

From _____ To _____ Description _____ Amount _____ Units _____

From _____ To _____ Description _____ Amount _____ Units _____

From _____ To _____ Description _____ Amount _____ Units _____

(9) LOCATION OF WELL (legal description)

County Harn Twp 25 N or S Range 30 E or W W.M.
 Sec 33 NE 1/4 of the NE 1/4 Tax Lot 3700
 Tax Map Number _____ Lot _____

Lat _____ " or _____ DMS or DD
 Long _____ " or _____ DMS or DD

Street Address of Well (or nearest address) No A Hwy 55
45519nd

(10) STATIC WATER LEVEL

	Date	SWL (psi)	+	SWL (ft)
Existing Well/Predeepening	<u>2-10-08</u>			<u>92</u>
Completed Well				

Flowing Artesian? ☐ Yes Dry Hole? ☐ Yes

WATER BEARING ZONES Depth water was first found _____

SWL Date	From	To	Est Flow	SWL (psi)	+	SWL (ft)
<u>2-10-08</u>	<u>140</u>	<u>190</u>	<u>1000</u>			<u>92</u>

(11) WELL LOG

Ground Elevation _____

Material	From	To
<u>Top Soil</u>	<u>0</u>	<u>2</u>
<u>Sand Gravel</u>	<u>2</u>	<u>25</u>
<u>Black Sand Stone</u>	<u>25</u>	<u>90</u>
<u>Blown Clay</u>	<u>90</u>	<u>140</u>
<u>PUH 12 X CLAY</u>	<u>140</u>	<u>190</u>
<u>Tan Clay</u>	<u>190</u>	<u>275</u>
<u>Sand Gravel</u>	<u>275</u>	<u>280</u>

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APR 28 2008

APR 11 2014

WATER RESOURCES DEPT

SALEM, OREGON

SALEM, OR

Date Started 1-27-08 Completed 2-10-08

(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 _____

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 1654 Date 4-23-08

Signed _____

Contact Info. (optional)

G-17834

20032521

WARRANTY DEED

DENNY LAND & CATTLE CO., L.L.C., Grantor(s) hereby grant, bargain, sell, warrant and convey to:
 RATTLESNAKE CREEK LAND & CATTLE COMPANY, LLC, Grantee(s) and grantee's heirs, successors and assigns the following Described real property, free of encumbrances except as specifically set forth herein in the County of HARNEY and State of Oregon, to wit:

SEE EXHIBIT A WHICH IS MADE A PART HEREOF BY THIS REFERENCE

TAX: SEE ATTACHED EXHIBIT B

Grantor is lawfully seized in fee simple on the above granted premises and
 SUBJECT TO: all those items of record and those apparent upon the land, if any, as of the date of this deed and those shown below, if any:

and the grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true and actual consideration for this conveyance is \$1,200,000.00.

Until a change is requested, all tax statements shall be sent to Grantee at the following address: PO BOX 946, BURNS, OR 97720

Dated this 4th day of March, 2003

DENNY LAND & CATTLE CO., L.L.C., a California Limited Liability Company, by its Member-Managers:

By: GEORGE P. DENNY, III TRUST dated June 11, 1981, MEMBER

By: [Signature]
 George P. Denny, III, Trustee of the George P. Denny III Trust

By: DENNY TRUCKING CORP., a California Corporation, MEMBER

By: [Signature]
 George P. Denny, III, as its President

State of Massachusetts
 County of Suffolk

This instrument was acknowledged before me on 12 4 2003 by George P. Denny, III, as Trustee of the George P. Denny, III Trust dated June 11, 1981 as a MEMBER of DENNY LAND & CATTLE CO., L.L.C. and President of DENNY TRUCKING CORP., a California Corporation, as a MEMBER of DENNY LAND & CATTLE CO., L.L.C.

[Signature]
 (Notary Public)

My commission expires 12/2/05

ESCROW NO. 800016503

Return to:
 RATTLESNAKE CREEK LAND & CATTLE COMPANY, LLC
 PO BOX 946
 BURNS, OR 97720

STATE OF OREGON }
 County of Harney } ss
 I certify that the within instrument was received for record on the 04 day of MARCH 2003, at 2:26 P.M. and recorded at file number 20032521.
[Signature] Deputy
[Signature] County Clerk



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APR 11 2014

SALEM, OR

G77834

253000 5, 6, 12, 17, 8, 9, 10
7, 14, 11

INSTRUMENT # 2003 1521

EXHIBIT "A"

Land in Harney County, Oregon, as follows:

TITLE "A"

In Twp. 25 S., R. 30 E., W.M.:

Sec. 28: SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$.

Sec. 29: S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$.

Sec. 32: NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ S $\frac{1}{2}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$.

Sec. 33: W $\frac{1}{2}$, SE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$.

Sec. 34: A parcel of land located in the S $\frac{1}{2}$ of Sec. 34, more particularly described as follows:

Parcel No. 1 of Partition Plat No. 90-09-08, recorded September 6, 1990, Instrument No. 901262, Harney County, Plat Records.

SW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$, EXCEPTING THEREFROM right of way over the N $\frac{1}{2}$ NW $\frac{1}{4}$ conveyed to Harney County, Oregon, by deed recorded June 18, 1962, in Book 71, Page 355, Deed Records.

In Twp. 26 S., R. 30 E., W.M.:

Sec. 3: Government Lots 1, 2, 3 and 4, S $\frac{1}{2}$ N $\frac{1}{2}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$.

Sec. 4: Government Lots 1, 2, 3 and 4, S $\frac{1}{2}$ N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$.

Sec. 5: Government Lots 1, 2 and 3, S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$.

Sec. 8: E $\frac{1}{2}$ E $\frac{1}{2}$.

Sec. 9: All.

Sec. 10: NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$.

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SALEM, OR

G-17834

INSTRUMENT # 2003 2521

EXHIBIT "B"

ACCOUNT #	CODE #	MAP #	LOT #
59238	4-2	25S 30E	2002
23029	4-2	25S 30E	2500
23024	4-2	25S 30E	2600
23025	4-2	25S 30E	2700
23022	4-2	25S 30E	3200
23027	4-2	25S 30E	3300
23596	4-2	25S 30E	3400
23597	4-2	25S 30E	3500
23023	4-2	25S 30E	3600
23637	4-2	25S 30E	3700
45031	4-2	26S 30NE	700
45033	4-2	26S 30NE	800
45090	4-2	26S 30NE	900
47576	4-2	26S 30NE	1000
45035	4-2	26S 30NE	1200
45034	4-2	26S 30NE	1300
45046	4-2	26S 30NE	2200
47596	4-2	26S 30NE	2500

G-17834

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SALEM, OR



ALL POINTS
ENGINEERING & SURVEYING, INC.
P.O. Box 767 (CRR)
Terrebonne, Oregon 97760

TRANSMITTAL

To:
Oregon Water Resources Dept
725 Summer St NE, Suite A
Salem, OR 97301-1266

Date: 4/8/14 Job #14-017 Job 4
Attention: App for new permits
Re: App for new permit-Root

☒ Prints ☐ Plans ☐ Plat ☐ Specifications ☐ Change order ☐ Other

Hello

Attached is an Application for a Permit to use Groundwater for Andy Root.

If you have any questions please call or email me.

Copies	No.	Description
1	1	Application for new Ground Water Permit (10 pages letter bond)
1	2	Map (1 page letter bond)
1	3	Land Use Form (6 pages letter bond)
1	4	Check for \$5800.00
1	5	Well Logs (13 pages letter bond)
1	6	Deed (3 pages letter bond)

Signed: _____

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SALEM, OR

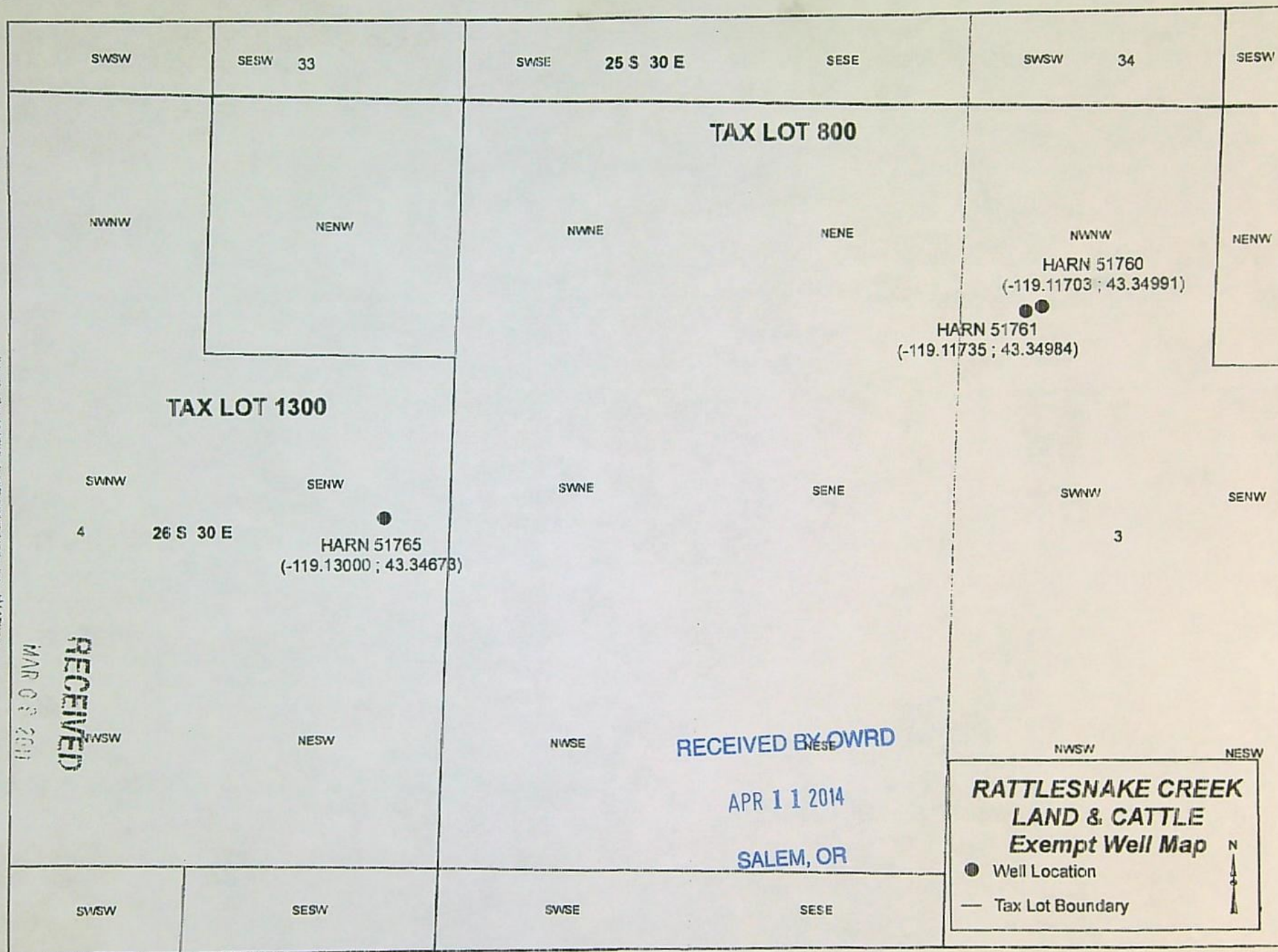
G-17034

LAND AND WATER RESOURCES DEPT
SALEM, OREGON

HARN 51765

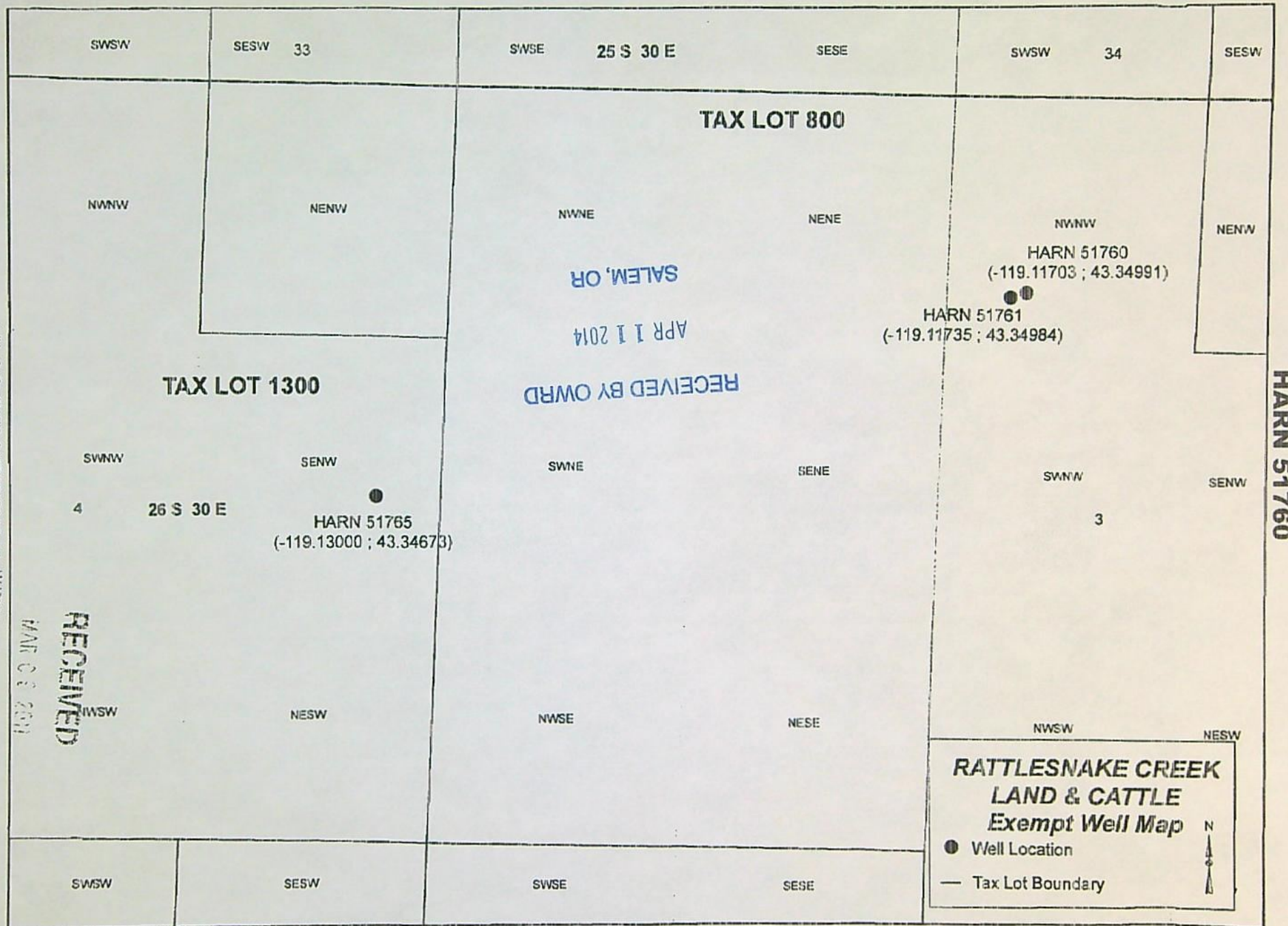
MAR 02 2011

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6-17834

LAND DIVISION OF THE OREGON DEPARTMENT OF LAND RESOURCES
SALEM, OREGON
6-17834



HARN 51760

OREGON

advanced

summary



Water Resources Department

**Apply for a Permit to Appropriate Ground Water
and/or Store Ground Water**

Today's Date: Monday, April 14, 2014

Base Application Fee for use of Ground, Surface and optionally Stored Water.		\$1,150.00
Number of proposed cubic feet per second (cfs) to be appropriated. (1 cfs = 448.83 gallons per minute)	4.62	\$1,500.00
Number of proposed Use's for the appropriated water. (i.e. Irrigation, Supplemental Irrigation, Pond Maintenance, Industrial, Commercial, etc) *	1	
Number of proposed Ground Water points of appropriation. (i.e. number of wells) (include all injection wells, if applicable) **	10	\$2,700.00
Number of Acre Feet to be stored in a reservoir/pond from Ground Water.	0	
Number of Acre Feet to be appropriated from reservoir/pond (Only Applies to reservoir/pond constructed under Ground Water Application)	0	
Number of reservoirs.	0	
Permit Recording Fee. ***		\$450.00
* the 1st Water Use is included in the base cost. ** the 1st Ground Water point of appropriation is included in the base cost. *** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.	Recalculate	
Estimated cost of Permit Application		\$5,800.00

[Return to Fee Calculator Options page](#)

Application for a Permit to Use Ground Water



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

Water-Use Permit Application Processing

1. Completeness Determination

The Department evaluates whether the application and accompanying map contain all of the information required under OAR 690-310-0040 and OAR 690-310-0050 (www.oregon.gov/owrd/law). The Department also determines whether the proposed use is prohibited by statute. If the Department determines that the application is incomplete, all fees have not been paid, or the use is prohibited by statute, the application and all fees submitted are returned to the applicant.

2. Initial Review

The Department reviews the application to determine whether water is available during the period requested, whether the proposed use is restricted or limited by rule or statute, and whether other issues may preclude approval of or restrict the proposed use. An Initial Review (IR) containing preliminary determinations is mailed to the applicant. The applicant has 14 days from the mailing date to withdraw the application from further processing and receive a refund of all fees paid minus \$200. The applicant may put the application on hold for up to 180 days and may request additional time if necessary.

3. Public Notice

Within 7 days of the mailing of the initial review, the Department gives public notice of the application in the weekly notice published by the Department at www.oregon.gov/owrd. The public comment period is 30 days from publication in the weekly notice.

4. Proposed Final Order Issued

The Department reviews any comments received, including comments from other state agencies related to the protection of sensitive, threatened or endangered fish species. Within 60 days of completion of the IR, the Department issues a Proposed Final Order (PFO) explaining the proposed decision to deny or approve the application. A PFO proposing approval of an application will include a draft permit, and may request additional information or outstanding fees required prior to permit issuance.

5. Public Notice

Within 7 days of issuing the PFO, the Department gives public notice in the weekly notice. Notice includes information about the application and the PFO. Protest must be received by the Department within 45 days after publication of the PFO in the weekly notice. Anyone may file a protest. The protest filing fee is \$350.00 for the applicant and \$700.00 for non-applicants. Protests are filed on approximately 10% of Proposed Final Orders. If a protest is filed, the Department will attempt to settle the protest but will schedule a contested case hearing if necessary.

6. Final Order Issued

If no protests are filed, the Department issues a Final Order consistent with the PFO. If the application is approved, a permit is issued that specifies the details of the authorized use and any terms, limitations or conditions that the Department deems appropriate.

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Minimum Requirements Checklist

Minimum Requirements (OAR 690-310-0040, OAR 690-310-0050 & ORS 537.615)

Include this checklist with the application

Check that each of the following items is included. The application will be returned if all required items are not included. If you have questions, please call the Water Rights Customer Service Group at (503) 986-0900.

- ☒ SECTION 1: applicant information and signature
- ☒ SECTION 2: property ownership
- ☒ SECTION 3: well development
- ☒ SECTION 4: water use
- ☒ SECTION 5: water management
- ☐ SECTION 6: storage of groundwater in a reservoir
- ☐ SECTION 7: use of stored groundwater from the reservoir
- ☒ SECTION 8: project schedule
- ☐ SECTION 9: within a district
- ☒ SECTION 10: remarks

Attachments:

- ☒ Land Use Information Form with approval and signature (*must be an original*) or signed receipt
- ☒ 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. Example: A copy of the deed, land sales contract or title insurance policy.
- ☒ Fees - Amount enclosed: \$5800
See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.

Provide a map and check that each of the following items is included:

- ☒ Permanent quality and drawn in ink
- ☒ Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
- ☒ North Directional Symbol
- ☒ Township, Range, Section, Quarter/Quarter, Tax Lots
- ☒ Reference corner on map
- ☒ Location of each well, and/or dam if applicable, by reference to a recognized public land survey corner (distances north/south and east/west). Each well must be identified by a unique name and/or number.
- ☒ Indicate the area of use by Quarter/Quarter and tax lot clearly identified
- ☒ Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
- ☒ Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)
- ☒ Other _____