

Name G-16272
By JUDY POITRAS
Address 16436 STATELINE RD
TOUCHET WA 99360

Application No. G16272
Permit No. G15823
Certificate No. _____

FEES PAID

Date	Amount	Receipt No.
<u>7-2-04</u>	<u>750.00</u>	<u>68413</u>
<u>10-01-09</u>	<u>500.00</u>	<u>98053</u>
<u>8-8-11</u>	<u>750.00</u>	<u>103590</u>

_____ C/S

Priority _____

County _____ WM# _____

RELATED FILES

DEVELOPMENT

Date

Completion 10-1-09

Extended to 10-1-2015

Final Proof received _____

Proposed Cert. Mailed _____

ASSIGNMENTS

Date	To Whom	Address
<u>8/8/2011</u>	<u>MARK WAGONER</u> <u>371 BALD ROAD</u> <u>TOUCHET WA 99360</u>	

REMARKS

T- 11453 POA V. 09 207

MAP LOCATION _____

PUMP TEST
10-27-17
APPROVED



Oregon
Kate Brown, Governor

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

October 27, 2017

MARK WAGONER
371 BALD ROAD
TOUCHET WA 99360

GW

The Department has accepted the pump test results for the following permitted well(s):

Application	Water Right	Permitted Well	Tested Well	Test Date	Test Status	Exemption	Well Name
G 16272	Permit G 17013 *	UMAT 56882	UMAT 56882	07/12/2011	Approved	None	WAGONER IRRIGATION

Please contact me if you have any questions.

Sincerely,

Joe Kemper
503-986-0912
Groundwater Section

cc: GW Pump Test File



Oregon Water Resources Department
PUMP TEST FORM COVER SHEET



gwptid: 2015

Well Owner:

Name Judy POETRAS & BARBARA BROWN
Address 16436 STATELINE Road
County WALLA WALLA
City, State, Zip TOUCHET, WN 99360

Well Location:

Twship 6 (N or S), Range 33 (E or W)
Section 14 1/4, 1/4, 1/4 SE NW
Well Depth 181 Date Drilled 6-11 To 7-14-11
Owners Well No. (if any) _____

Water Right Information:

Application No. G-16272 Permit No. G-15823 Certificate No. _____
Does this pump test apply to more than one water right? NO If Yes, fill out numbers below:
App. No. _____ Permit No. _____ Cert. No. _____
App. No. _____ Permit No. _____ Cert. No. _____

Pump Test:

Test conducted by: Mike HARDING Well Owner? NO (Y/N)
Company HARDING DRILLING Co.
Address 2604 So 3rd Date of Test 7-12-11
City, State, Zip WALLA WALLA, WN 99362

Method of Discharge Measurement: ORIFICE PIPE
Method of Water Level Measurement: ELECTRIC TAPE
Depth of Air Line (if used) _____
Pump Type: Submersible Pump
Was pump test conducted during normal use of the well? NO- Testing New Well (Y/N)
Description of point from which water level was measured: GROUND LEVEL

Are you aware of any wells, other than domestic or stock wells, pumping within 1000 feet of the tested well during the test or within 24 hours prior to the test? NO (Y/N). If yes, give approximate distances to each and approximate pumping rate of each. If possible, indicate if they were turned on or off during the test: _____

Is there a lake, stream or other surface water body within 1/4 mile of the tested well? NO (Y/N)
If yes, give approximate distance from the well and approximate elevation difference between the surface water and the well head. Approximate distance: _____ Approximate elevation difference: _____
Is well elevation above or below the surface water body? _____

Static water level measurements: (Three measurements at least 20 minutes apart are required in the hour before pumping begins):

Time: <u>7:30 AM</u>	Depth to Water: <u>86'</u>
Time: <u>7:50 AM</u>	Depth to Water: <u>86'</u>
Time: <u>8:10 AM</u>	Depth to Water: <u>86'</u>

Discharge Measurements: (A discharge measurement is required at the start of pumping and once an hour during the test):

Time: <u>8:30</u>	Discharge Rate: <u>225 GPM</u>
Time: <u>9:30</u>	Discharge Rate: <u>275 GPM</u>
Time: <u>10:30</u>	Discharge Rate: <u>285 GPM</u>
Time: <u>11:30</u>	Discharge Rate: <u>295 GPM</u>
Time: <u>12:30</u>	Discharge Rate: <u>310 GPM</u>
Time: <u>3:00</u>	Discharge Rate: <u>315 GPM</u>

RECEIVED

JUL 29 2011

WATER RESOURCES DEPT
SALEM, OREGON

Pump turned on: Date: 7-12-11 Time: 8:30 Pump turned off: Date: 7-12-11 Time: 3:00
Total pumping time: 6 hours, 30 minutes.

Note: Well must be idle for at least 16 hours prior to the test.

8 hrs Mark Wegener - State Line Ref OK side 7-11-11

START	gpm	Pumping Level	
9:40	90	88'	58° clear
9:41	90	89'	
9:42	90	89'	
9:43	90	89'	
9:44	90	89'	
9:45	90	89'	
9:50	90	89'	
9:55	133	90	
10:00	133	90	
10:05	157	94	
10:10	157	95	clear
10:25	157	95	Little cloudy nose
10:40	157	95	
10:50	175	95	" "
11:00	"	98	clearer, true men
11:20	200	100	" " "
11:40	200	102	" "
12:00	"	"	" "
12:05	226	105	little colored " "
1:00	226	106	" " "
1:05	245	108	
1:30	245	109	" " "
1:35	275	114	little sand in clear 1/2 cup on 5 gal bucket
1:55	280	115	" "
2:30	280	116	1 cup sand
3:30	280	116	Better 2BLS sand looks clear
4:00	280	116	" 04:00
4:00	300	117	1 1/4 cup sand 4:00
4:45	300	119	" "
5:45	293	122	1 1/2 C sand
6:00	293	122	" "

RECEIVED

JUL 29 2011

WATER RESOURCES DEPT
SAFETY OFFICE

ATTN.
MARK
NORTON

Recovery Time DAY 1

7 hrs

:00	122'
:01	93'
:02	91'
:03	89'
:04	88'
:05	88'
:10	87'
:20	87'

7-12-11

in 5 gal Buckets

SWL 86'	START	GPM	Pump level	
Tues 7-12	8:30	225	106	Dirty But NO SAND
	9:00	"	"	Clearing
	9:15	250	109	
	9:40	275	114	Few grains clear no sand
	10:20	275	114	" no more clear
	10:20	285	117 1/2	
	11:00	281	117	
	11:30	295	119	Lightly Colored
	12:00	295	121	clearing
	12:20	305	124	Little cloudy (TRK sand)
	1:00	310	124	2 TRK sand
	2:00	310	124	1/3 cup sand
	2:30	315	129	
	3:00	314	133	1/2 C sand

Recovery Day 2

133
97
36

:00	133 133	:05	90
:01	97	:06	90
:02	93	:10	89
:03	91	:15	88.5
:04	90	:20	88
		:40	86

RECEIVED

JUL 29 2011

WATER RESOURCES DEPT
SALEM, OREGON



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department
North Mall Office Building
725 Summer St. NE, Suite A
Salem, OR 97301
Phone: 503-986-0900
FAX: 503-986-0904
www.oregon.gov/owrd

April 3, 2013

MARK WAGONER
371 BALD RD
TOUCHET, WA 99360

REFERENCE: Permit Amendment Application T-11453

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

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

If you have any questions related to the approval of this permit amendment, you may contact your caseworker by telephone at (503) 986-0886 or by e-mail at Patrick.K.Starnes@wrds.state.or.us

Sincerely,

Codi Holmes
Water Rights Services Support
Transfer and Conservation Section

cc: Tony G. Justus, Watermaster Dist. # 5

Enclosure



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

In the Matter of Permit Amendment)	FINAL ORDER
T-11453, Umatilla County)	APPROVING A CHANGE IN POINT OF
)	APPROPRIATION

Authority

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

Applicant

MARK WAGONER
371 BALD RD
TOUCHET, WA 99360

Findings of Fact

Background

1. On July 30, 2012, MARK WAGONER filed an application to change the point of appropriation under Permit G-15823. The Department assigned the application number T-11453.
2. On August 8, 2011, the Department approved an assignment of the permit to Mark Wagoner.
3. On August 24, 2010, the Department approved an extension of time for complete application of water to October 1, 2015.
4. Permit Amendment Application T-11453 proposes to move the authorized point of appropriation approximately 1430 feet from the permitted point of appropriation to:

Twp	Rng	Mer	Sec	GLot	Measured Distances
6 N	33 E	WM	14	3	WELL 2 - 291 FEET NORTH AND 434 FEET WEST FROM THE C¼ CORNER OF SECTION 14

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

5. The applicant has submitted a more correct description of the place of use as:

IRRIGATION					
WITHIN THE STATE OF OREGON					
Twp	Rng	Mer	Sec	GLot	Acres
6 N	33 E	WM	14	1	18.0
6 N	33 E	WM	14	2	28.0
6 N	33 E	WM	14	3	15.3
6 N	33 E	WM	14	4	1.5
6 N	33 E	WM	14	5	5.5
6 N	33 E	WM	14	6	32.7
6 N	33 E	WM	14	7	3.6
6 N	33 E	WM	14	8	0.5
6 N	33 E	WM	14	11	1.0
6 N	33 E	WM	14	12	0.1
WITHIN THE STATE OF WASHINGTON					
6 N	33 E	WM	14	1	49.9
6 N	33 E	WM	14	2	17.3
6 N	33 E	WM	15	4	27.0
TOTAL					200.4

6. Notice of the application for the permit amendment was published in the Department's weekly notice on August 7, 2012, and in the Valley Herald newspaper on March 13 and 22, 2013, pursuant to ORS 540.520(5). No comments were filed in response to the notices.

Permit Amendment Review Criteria

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

Conclusions of Law

The change in point of appropriation proposed by Permit Amendment Application T-11453 is consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

1. The change in point of appropriation proposed by Permit Amendment Application T-11453 is approved.
2. Permit G-17013, in the name of MARK WAGONER, is issued to replace Permit G-15823, and incorporates the amendment approved by this order, the extension of time, and the assignment. Permit G-15823, in the name of MARK WAGONER, is no longer of any force or effect.
3. The quantity of water diverted at the new point of appropriation shall not exceed the quantity of water lawfully available at the original point of appropriation.

4. Prior to water use from the proposed point of appropriation, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.

The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

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

5. Water shall be acquired from the same aquifer as the original point of appropriation.
6. All other terms and conditions of Permit G-17013 remain the same.

Dated at Salem, Oregon this 29th day of March, 2013.

E. Timothy Wall for

Dwight French, Water Right Services Administrator, for
PHILLIP C. WARD, DIRECTOR

Mailing Date: APR 04 2013

STATE OF OREGON

COUNTY OF UMATILLA

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

MARK WAGONER
371 BALD ROAD
TOUCHET, WA 99360

This superseding permit is issued to describe an amendment for a change in point of appropriation proposed under Permit Amendment Application T-11453 and approved by Special Order Vol. 89, Page 201, entered MARK 29, 2013, to describe an extension of time for complete application of water approved August 24, 2010, and an assignment to a new permittee approved August 8, 2011. This permit supersedes Permit G-15823.

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

APPLICATION FILE NUMBER: G-16272

SOURCE OF WATER: WELL 2 IN RAYMOND GULCH BASIN

PURPOSE OR USE: IRRIGATION USE ON 200.4 ACRES

MAXIMUM RATE: 0.89 CUBIC FOOT PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: JULY 2, 2004

WELL LOCATION:

Twp	Rng	Mer	Sec	GLot	Measured Distances
6 N	33 E	WM	14	3	WELL 2 - 291 FEET NORTH AND 434 FEET WEST FROM THE C ¹ / ₄ CORNER OF SECTION 14

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

IRRIGATION WITHIN THE STATE OF OREGON					
Twp	Rng	Mer	Sec	GLot	Acres
6 N	33 E	WM	14	1	18.0
6 N	33 E	WM	14	2	28.0
6 N	33 E	WM	14	3	15.3
6 N	33 E	WM	14	4	1.5
6 N	33 E	WM	14	5	5.5
6 N	33 E	WM	14	6	32.7
6 N	33 E	WM	14	7	3.6
6 N	33 E	WM	14	8	0.5
6 N	33 E	WM	14	11	1.0
6 N	33 E	WM	14	12	0.1

IRRIGATION WITHIN THE STATE OF WASHINGTON					
6 N	33 E	WM	14	1	49.9
6 N	33 E	WM	14	2	17.3
6 N	33 E	WM	15	4	27.0
TOTAL					200.4

Permit Amendment T-11453 Conditions

The quantity of water diverted at the new point of appropriation (Well 2) shall not exceed the quantity of water lawfully available at the original point of appropriation (Well 1).

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

Extension Conditions

The last extension of time was approved on August 24, 2010. Any future extensions of time requests will be denied.

Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2014**.

- A. At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;
- B. The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

Measurement, recording and reporting conditions:

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

STANDARD CONDITIONS

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may not be valid.

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

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

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

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

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

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

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

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

Complete application of the water to the use shall be made on or before October 1, 2009. If the water is not completely applied before this date, and the water user wishes to continue development under the permit, the water user must submit an application for extension of time, which may be approved based upon the merit of the application.

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

Issued March 29, 2013


Dwight French, Water Right Services Administrator, for
PHILLIP C. WARD, DIRECTOR

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

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

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

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

G-16272

Gerry Clark

From: John Warinner <johnw@watersolving.com>
Sent: Tuesday, November 29, 2011 2:31 PM
To: 'Gerry Clark'; 'Kelly Starnes'
Subject: RE: Water Right Permit G-15823

Thank you both for addressing my question.
JohnW

From: Gerry Clark [<mailto:gerald.e.clark@state.or.us>]
Sent: Tuesday, November 29, 2011 2:29 PM
To: John Warinner; Kelly Starnes
Subject: RE: Water Right Permit G-15823

John,

I agree with Kelly. In general, the permit amendment is the best path for a water user to follow when they want to gain Department approval of a change to some element of a permit. If the water user does the permit amendment, they will know, at this time, whether the change that they made, or are proposing to make, to the permit is acceptable rather than finding out years from now that the change was not acceptable.

Although a permit amendment is not required, it may be in the best interest of the water user as it provides them with some certainty related to the location of the developed well. If a permit amendment is not requested, the Claim and new well location would be evaluated in the future and a determination regarding the new location made at that time. If there was a problem with the location, the water user would need to address the issue at that time.

Please be aware that the permit contains a condition that generally states that if the number, location, source, or construction of any wells deviates from that proposed in the permit application or required by permit conditions, this permit may not be valid.

Please let me know if you have any additional questions.

Gerry

Gerry Clark
Water Right Services Division
Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301

Phone: 503-986-0811
Fax: 503-986-0901

WRD Home Page: www.wrd.state.or.us

From: Kelly Starnes
Sent: Wednesday, November 23, 2011 10:59 AM

To: John Warinner
Cc: Gerry Clark
Subject: RE: Water Right Permit G-15823

Hi John -

I would recommend filing for and getting approved, a permit amendment to change the well before filing the CBU. The permit has a completion date of 10/1/2015 so a permit amendment can be done.

Kelly

From: John Warinner [<mailto:johnw@watersolving.com>]
Sent: Wednesday, November 23, 2011 10:12 AM
To: Kelly Starnes; Gerry Clark
Cc: Jim Chambers
Subject: Water Right Permit G-15823

Gerry and/or Kelly –

A landowner recently contacted me regarding the referenced water right permit.

I have attached a copy of the water right permit, application map and well log.

At the landowner's request, I contacted Jim Chambers (OWRD Assistant Watermaster) to clarify what needs to be done.

Jim advised me that the actual location of the well does not match the location specified on the permit – and that we need to apply for a permit amendment to correct the authorized location of the POA.

Bob Maynard (OWRD well inspector) provided the following GPS coordinates for the constructed well: N 45.999620, W - 118.654490.

In the context of a past project, I am fairly sure that one of you (Gerry or Kelly) told me that it was OPTIONAL to file a Permit Amendment to change the authorized point of appropriation on a permit... that it could be done EITHER through a Permit Amendment (if the landowner wanted certainty of the authorization before drilling the well, or if there were additional changes to be made to the water right) or through the Claim of Beneficial Use (if there were no other changes required to the water right).

Please clarify this for me...

If the landowner is ready to file a Claim of Beneficial Use for the water right permit, should we proceed directly with that?

Or must we first apply for a Permit Amendment and then file the Claim of Beneficial Use?

Thank you,
JohnW

John Warinner, PE, CWRE
FOUNTAINHEAD
1204 Alvarado Terrace
Walla Walla, WA 99362
(509) 529-2646 office
(509) 520-4103 mobile
johnw@watersolving.com

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **103590**

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

INVOICE # _____

RECEIVED FROM: Barbara Brown
BY: _____

APPLICATION	G 110272
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 112416 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D \$ 7500

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 46116

0407 COPY & TAPE FEES \$ _____
0410 RESEARCH FEES \$ _____
0408 MISC REVENUE: (IDENTIFY) Assignment \$ 7500
TC162 DEPOSIT LIAB. (IDENTIFY) _____ \$ _____
0240 EXTENSION OF TIME _____ \$ _____

WATER RIGHTS:

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

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **103590**

DATED: 8-8-11

BY: LSB

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

I. Judy Poitras Barbara Brown
(Name of Applicant / Permit / Transfer Holder / License Holder / GR Certificate of Registration)
16436 Stateline Road, Touchet WA 99360 509-520-0701
(Mailing Address) (City) (State) (Zip) (Phone #)

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

Application # G 16272 ; Permit # G 15823 ; Transfer # _____
-OR-
License # _____ ; GR Statement # _____ ; GR Certificate of Registration # _____

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

Mark Wagoner
(Name of New Owner)
371 Bald Road Touchet WA 99360 509-520-1230
(Mailing Address) (City) (State) (Zip) (Phone #)

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

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

Witness my hand this 2nd day of August 2011.

Applicant/Permit Holder Barbara Brown

Applicant/Permit Holder Judy Poitras

DO NOT WRITE IN THIS BOX

- This certifies assignment and record change at Oregon Water Resources Department effective 8:00a.m. on date of receipt at Salem, Oregon.
- Fee receipt # 103590
- For Director by Jerry Sauter, Program Analyst in Water Rights Division

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

Last updated: August 21, 2009

Request for Assignment

WR

I forgot to put check in when I mailed original document.

Barbara Brown

RECEIVED
AUG 08 2011
WATER RESOURCES DEPT
SALEM, OREGON

10/2/11
ASS/61N-7/8/2011



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department

North Mall Office Building

725 Summer St. NE, Suite A

Salem, OR 97301

Phone 503-986-0900

FAX 503-986-0904

August 9, 2011

Barbara Brown
16436 Stateline Rd.
Touchet, Washington 99360

Reference: Application G-16272, Permit G-15823

The assignment from Judy Poitras and Barbara Brown to Mark Wagoner has been recorded in the records of the Water Resources Department.

Our records have been changed accordingly and the original request is enclosed. Receipt number 103590 covering the recording fee of \$75 is also enclosed.

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

Sincerely,

Jerry Sauter
Water Rights Program Analyst
Water Right Services Division

Enclosure: Receipt 103590

cc: Watermaster 5
Mark Wagoner
Data Center, OWRD (Complete Copy of Assignment Request)
Hydrographics
File





Oregon

John A. Kitzhaber, MD, Governor

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

August 4, 2011

Judy Poitras and Barbara Brown
16436 Stateline Road
Touchet, Washington 99360

Reference: Application G-16272, Permit G-15823

The requested assignment could not be performed as the statutory recording fee of \$75 was not included.

I am returning your request and check.

Sincerely,

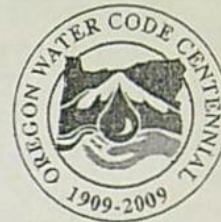
Jerry Sauter
Water Rights Program Analyst
Water Right Services Division

Enclosure: request and check

cc file



Oregon Water Resources Department
Water Rights Division



Water Rights Application
Number G-16272

Final Order
Extension of Time for Permit Number G-15823

Appeal Rights

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

Application History

Permit G-15823 was issued by the Department on January 13, 2005. The permit called for complete application of water to beneficial use by October 1, 2009. On October 1, 2009 Judy Poitras and Barbara Brown submitted to the Department an Application for Extension of Time for Permit G-15823. In accordance with OAR 690-315-0050(2), on June 22, 2010, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 1, 2015. The protest period closed August 6, 2010, in accordance with OAR 690-315-0060(1). No protest was filed.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

CONDITIONS

1. **Last Extension Condition**

This is to be the last extension of time granted for Permit G-15823. Any future extensions of time requests will be denied.

2. Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by October 1, 2014. *A form will be enclosed with your Final Order.*

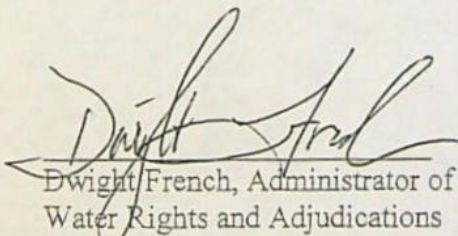
- (a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;
- (b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

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

Order

The extension of time for Application G-16272, Permit G-15823, therefore, is approved subject to conditions contained herein. The deadline for applying water to full beneficial use is extended to October 1, 2015.

DATED: August 24, 2010


Dwight French, Administrator of
Water Rights and Adjudications
for
Phillip C. Ward, Director

-
- If you have any questions about statements contained in this document, please contact Scott Kudlemyer at (503) 986-0813.
 - If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900
-

Mailing List for Extension FO Copies

Note: Include a copy of the "Important Notice" document along with the original copy of the Final Order being sent to the permit holder.

FO Date: August 24, 2010

Copies Mailed

**Application G-16272
Permit G-15823**

By: OS
On: 8/23/10

Original mailed to permit holder

Judy Poitras and Barbara Brown
16436 Stateline Rd
Touchet, WA 99360

Copies sent to:

1. WRD - App. File G-16272/ Permit G-15823
2. WRD - Watermaster District 5, Tony Justus
3. WRD - NCR Regional Manager, Mike Ladd
4. WRD - Support Staff, Salem

Fee paid as specified under ORS 536.050 to receive copy:

5. None

Receiving via e-mail (10 AM day of signature date)

6. None

If Progress Reports are included:

Add record to Progress Report tracking sheet.xls Done: by sa Date 8/16/10

CASEWORKER: SBK

Final Order: Permit G-15823

Page 1 of 1

Oregon Water Resources Department
Water Rights Division



Application for Extension of Time

In the Matter of the Application for an Extension of Time)
for Permit G-15823, Water Right Application G-16272.) PROPOSED FINAL ORDER
in the name of Judy Poitras and Barbara Brown.)

Permit Information

Application File G-16272 Permit G-15823

Basin: 7 – Umatilla / Watermaster District 5

Date of Priority: July 2, 2004

Authorized Use of Water

Source of Water: One well within the Raymond Gulch Basin

Purpose of Use: Irrigation Use on 200.4 Acres

Maximum Rate: 0.89 Cubic Feet per Second (cfs)

This Extension of Time request is being processed in accordance with Oregon
Administrative Rule Chapter 690, Division 315

*Please read this Proposed Final Order in its entirety as it contains
additional conditions not included in the original permit.*

This Proposed Final Order applies only to Permit G-15823, water right Application G-16272.
A copy of Permit G-15823 is enclosed as Attachment 1.

Summary of Proposed Final Order for Extension of Time

The Department proposes to:

- Grant an extension of time to apply water to full beneficial use from October 1, 2009 to October 1, 2015.
- Make the extension subject to certain conditions set forth below.

ACRONYM QUICK REFERENCE

Department – Oregon Department of Water Resources
PFO – Proposed Final Order

Units of Measure

cfs – cubic feet per second
gpm – gallons per minute

AUTHORITY

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

ORS 537.630(1) provide in pertinent part that the Oregon Water Resources Department (Department) may, for good cause shown, order an extension of time within which: irrigation or other works shall be completed; the well or other means of developing and securing ground water shall be completed; or the right perfected. In determining the extension, the Department shall give due weight to the considerations described under ORS 539.010(5) and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right.

ORS 539.010(5) provides in pertinent part that the Water Resources Director, for good cause shown, may extend the time within which the full amount of the water appropriated shall be applied to a beneficial use. This statute instructs the Director to consider: the cost of the appropriation and application of the water to a beneficial purpose; the good faith of the appropriator; the market for water or power to be supplied; the present demands therefore; and the income or use that may be required to provide fair and reasonable returns upon the investment.

OAR 690-315-0040 provides in pertinent part that the Water Resources Department shall make findings to determine if an extension of time may be approved to complete construction and/or apply water to full beneficial use.

OAR 690-315-0050(5) states that extension orders may include, but are not limited to, any condition or provision needed to: ensure future diligence; mitigate the effects of the subsequent development on competing demands on the resource; and periodically document the continued need for the permit.

OAR 690-315-0050(6) requires the Department, for extensions exceeding five years, to establish checkpoints to determine if diligence is being exercised in the development and perfection of the water use permit. Intervals between checkpoints will not exceed five year periods.

FINDINGS OF FACT

Background

1. Permit G-15823 was granted by the Department on January 13, 2005. The permit authorizes the use of up to 0.89 cfs of water from one well in Raymond Gulch Basin for irrigation use on 200.4 acres. The permit specified complete application of water was to be made on or before October 1, 2009.
2. The permit holder submitted an "Application for Extension of Time" to the Department on October 1, 2009 requesting the time to apply water to full beneficial use under the terms and conditions of Permit G-15823 be extended from October 1, 2009 to October 1, 2015. This is the first permit extension requested for Permit G-15823.
3. Notification of the Application for Extension of Time for Permit G-15823 was published in the Department's Public Notice dated . No public comments were received regarding the extension application.

Review Criteria [OAR 690-315-0040]

The time limits to complete construction and/or apply water to full beneficial use may be extended if the Department finds that the permit holder has met the requirements set forth under OAR 690-315-0040. This determination shall consider the applicable requirements of ORS 537.230¹, 537.248², 537.630³ and/or 539.010(5)⁴.

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

4. On October 1, 2009 the Department received a completed Application for Extension of Time and the fee specified in ORS 536.050 from the permit holder.

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

5. Senate Bill 300 (1999 legislation) eliminates the requirement that holders of new surface water and ground water permits start construction on water projects within one year after the Department issues the permit. Senate Bill 300 applies to any application for a permit filed after October 23, 1999.

¹ORS 537.230 applies to surface water permits only.

²ORS 537.248 applies to reservoir permits only.

³ORS 537.630 applies to ground water permits only.

⁴ORS 539.010(5) applies to surface water and ground water permits.

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

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

6. As of October 1, 2009 the remaining work to be completed consists of drilling a well, installing the pump and mainlines and applying water to full beneficial use.
7. Given the amount of development left to occur, the Department has determined that the permit holder's request to have until October 1, 2015 to accomplish the application of water to beneficial use under the terms and conditions of Permit G-15823 is both reasonable and necessary.

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

The Department's determination of good cause shall consider the requirements set forth under OAR 690-315-0040(2).

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

The Department's determination of reasonable diligence shall consider the requirements set forth under OAR 690-315-0040(3)(a-d). In accordance with OAR 690-315-0040(3), the Department shall consider, but is not limited to, the following factors when determining whether the applicant has demonstrated reasonable diligence in previous performance under the permit:

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

8. Work was accomplished within the time allowed in the permit or previous extension as follows:
 - a. Construction of the well was not completed prior to October 1, 2009.
 - b. No work on the water system infrastructure was completed (specified in the Application for an Extension of Time) during the original development time frame under Permit G-15823.

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

9. The following beneficial use of water was made during the permit or previous extension time limits:
 - a. Since the issuance of Permit G-15823 on January 13, 2005 no water has been appropriated from the undrilled well.
 - b. Delay of full beneficial use of water under Permit G-15823 was due in part to several business and personal difficulties encounter by the permit holder over the last several years.

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

10. The water right permit holder's conformance with the permit or previous extension conditions.
 - a. The Department has considered the permit holder's compliance with conditions, and has identified the following concern: the record does not show that a meter or other suitable measuring device has been installed.
 - b. Failure to comply with permit conditions constitutes illegal use of water. The use of water under this permit, therefore, has not yet been demonstrated. In order to legally perfect the use of water under this permit, the permit holder must demonstrate that all conditions of the permit have been satisfied.

Financial Investments [OAR 690-315-0040(3)(d)]

11. Financial investments made toward developing the beneficial water use.
 - a. As of October 1, 2009 the permit holder has invested approximately \$2558 which is approximately 3 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional \$75,000 investment is needed for the completion of this project.

Cost to Appropriate and Apply Water to a Beneficial Purpose [OAR 690-315-0040(2)(b)]

12. As of October 1, 2009 the permit holder has invested approximately \$2558 which is approximately 3 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional \$75,000 investment is needed for the completion of this project.

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

13. The Department has found good faith of the appropriator under Permit G-15823.

The Market and Present Demands for Water [OAR 690-315-0040(2)(d-e)]

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

14. The amount of water available to satisfy other affected water rights and scenic waterway flows; special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d); or the habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife [OAR 690-315-0040(4)(a-c)].

- a. The amount of water available to satisfy other affected water rights and scenic waterway flows was determined at the time of issuance of Permit G-15823; furthermore, water availability for other affected water rights and scenic waterway flows after the permit was issued is determined at such time that such application for a new water right is submitted. The point of appropriation for Permit G-15823, located within the Raymond Gulch Basin, is not located within a limited or critical ground water area. Raymond Gulch is not located within or above any state or federal scenic waterway, is located within an area ranked "low" for stream flow restoration needs as determined by the Department in consultation with the Oregon Department of Fish and Wildlife, and is located within a Sensitive, Threatened or Endangered Fish Species Area as identified by the Department in consultation with Oregon Department of Fish and Wildlife. Raymond Gulch is not listed by the Department of Environmental Quality as a water quality limited stream.
15. Economic investment in the project to date [OAR 690-315-0040(4)(d)].
 - a. As of October 1, 2009 the permit holder has invested approximately \$2558
16. Other economic interests dependent on completion of the project [OAR 690-315-0040(4)(e)].
 - a. None have been identified.
17. Other factors relevant to the determination of the market and present demand for water and power [OAR 690-315-0040(4)(f)].
 - a. None have been identified.
18. OAR 690-315-0050(6) requires the Department to place a checkpoint condition on this extension of time in order to ensure diligence is exercised in the development and perfection of the water use permit. A "Checkpoint Condition" is specified under Item 1 of the "Conditions" section of this PFO to meet this condition.
19. OAR 690-315-0050(5) provides for extension orders to include, but are not limited to, any condition or provision needed to ensure future diligence, and/or mitigate the effects of the subsequent development on competing demands on the resource. The Department has determined the need to place a "Last Extension Condition" on this extension of time in order to ensure diligence is exercised in the development and perfection of the water use permit. This condition, specified under Item 2 of the "Conditions" section of this PFO, was determined to be necessary due to lack of progress in perfecting this water right.

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

20. Use and income from the permitted water development results in reasonable returns upon the investment made to date.

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

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

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

22. Unforeseen events extended the length of time needed to fully develop and perfect Permit G-15823, in that the permit holders were faced with several business and personal difficulties over the last several years which precluded them from having the funding necessary to complete the project.

CONCLUSIONS OF LAW

1. The applicant is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.630(1).
2. The applicant has submitted a complete extension application form and the fee specified in ORS 536.050, as required by OAR 690-315-0040(1)(a).
3. The applicant complied with begin actual construction timeline requirements pursuant to ORS 537.630 as required by OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).
4. Full application of water to beneficial use can be accomplished by October 1, 2015⁵, as required by OAR 690-315-0040(1)(c).
5. The Department has considered the reasonable diligence and good faith of the appropriator, the cost to appropriate and apply water to a beneficial purpose, the market and present demands for water to be supplied, the financial investment made and fair and reasonable return upon the investment, the requirements of other governmental agencies, and unforeseen events over which the permit holder had no control, whether denial of the extension will result in undue hardship to the applicant and whether there are no other reasonable alternatives for meeting water use needs, any other factors relevant to a determination of good cause, and has determined that the applicant has shown that good cause exists for an extension of time to apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).
6. As required by OAR 690-315-0050(6) and as described in Finding 19 above, the Department has established, as specified in the "Conditions" section of this PFO (Item 2),

⁵Pursuant to ORS 537.630(4), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and a new or revised claim of beneficial use as deemed appropriate by the Department.

progress checkpoints in order to ensure future diligence is exercised in the development and perfection of Permit G-15823.

7. As authorized in OAR 690-315-0050(5) and as described in Finding 18 above, the Department has established, as specified in the "Conditions" section of this PFO (Item 1), a "Last Extension Condition" in order to ensure future diligence is exercised in the development and perfection of Permit G-15823.

Proposed Order

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

Extend the time to apply water to beneficial use under Permit G-15823 from October 1, 2009 to October 1, 2015.

Subject to the following conditions:

CONDITIONS

1. **Last Extension Condition**

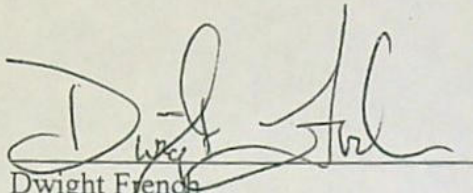
This is to be the last extension of time granted for Permit G-15823. Any future extensions of time requests will be denied.

2. **Checkpoint Condition**

The permit holder must submit a completed Progress Report Form to the Department by October 1, 2014. *A form will be enclosed with your Final Order.*

- (a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;
- (b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

DATED: June 22, 2010


Dwight French
Administrator
Water Rights & Adjudications Division

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

Proposed Final Order Hearing Rights

1. Under the provisions of OAR 690-315-0100(1) and 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may submit a written protest to the proposed final order. The written protest must be received by the Water Resources Department no later than August 6, 2010, being 45 days from the date of publication of the proposed final order in the Department's weekly notice.
2. A written protest shall include:
 - a. The name, address and telephone number of the petitioner;
 - b. A description of the petitioner's interest in the proposed final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented;
 - c. A detailed description of how the action proposed in the proposed final order would adversely affect or aggrieve the petitioner's interest;
 - d. A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;
 - e. Any citation of legal authority supporting the petitioner, if known;
 - f. Proof of service of the protest upon the water right permit holder, if petitioner is other than the water right permit holder; and
 - g. The applicant or non-applicant protest fee required under ORS 536.050.
3. Within 60 days after the close of the period for requesting a contested case hearing, the Director shall:
 - a. Issue a final order on the extension request; or
 - b. Schedule a contested case hearing if a protest has been submitted, and:
 - 1) Upon review of the issues, the Director finds there are significant disputes related to the proposed agency action; or
 - 2) The applicant submits a written request for a contested case hearing within 30 days after the close of the period for submitting protests.

-
- If you have any questions about statements contained in this document, please contact Scott Kudlemyer at 503-986-0813.
 - 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 503-986-0819.
 - If you have any questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0801.
 - Address any correspondence to : Water Rights and Adjudications Division
725 Summer St NE, Suite A
Salem, OR 97301-1266
- Fax: 503-986-0901
-

Mailing List for Extension PFO Copies

PFO Date: June 22, 2010

Application G-16272
Permit G-15823

Copies Mailed

By: 

On: 

Original mailed to Applicant:

Judy Poitras and Barbara Brown
16436 Stateline Rd
Touchet, WA 99360

Copies sent to:

1. WRD - App. File G-16272/ Permit G-15823
2. WRD - Watermaster District 5, Tony Justus

Fee paid as specified under ORS 536.050 to receive copy:

3. None

Receiving via e-mail (10 AM Tuesday of signature date)

4. None

CASEWORKER: SBK

Proposed Final Order: Permit G-15823

Page 1 of 1

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-16272

Final Order

Application History

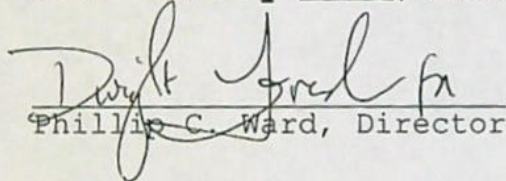
On July 2, 2004, JUDY POITRAS AND BARBARA BROWN submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on November 9, 2004. The protest period closed December 24, 2004, and no protest was filed.

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

Order

Application G-16272 therefore is approved as proposed by the Proposed Final Order, and Permit G-15823 is issued as limited by the conditions proposed by the Proposed Final Order.

DATED January 13, 2005


Phillip C. Ward, Director

Appeal Rights

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

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

This document was prepared by Jerry Gainey. If you have any questions about any of the statements contained in this document I am the most likely the best person to answer your questions. You can reach me at 503-986-0812.

If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Mike Reynolds at 503-986-0820.

If you have other questions about the Department or any of its programs please contact our Water Rights Information Group at 503-986-0801.

Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1271; Fax: 503-986-0901.

STATE OF OREGON

COUNTY OF UMATILLA

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

JUDY POITRAS AND BARBARA BROWN
16436 STATELINE RD
TOUCHET, WA 99360

(509) 394-2496

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

APPLICATION FILE NUMBER: G-16272

SOURCE OF WATER: A WELL IN RAYMOND GULCH BASIN

PURPOSE OR USE: IRRIGATION USE ON 200.4 ACRES

MAXIMUM RATE: 0.89 CUBIC FOOT PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: JULY 2, 2004

WELL LOCATION: SE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 14, T6N, R33E, W.M.; 173 FEET NORTH & 500 FEET WEST FROM C1/4 CORNER, SECTION 14

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

IRRIGATION WITHIN THE STATE OF OREGON

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 17.5 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 29.8 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 1.6 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 0.1 ACRE
NE $\frac{1}{4}$ NW $\frac{1}{4}$ 17.6 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 1.6 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 5.5 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 31.4 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 1.0 ACRE
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 0.1 ACRE

SECTION 14

TOWNSHIP 6 NORTH, RANGE 33 EAST, W.M.

IRRIGATION WITHIN THE STATE OF WASHINGTON

WALLA WALLA COUNTY

NE ¼ NW ¼ 4.0 ACRES

NW ¼ NW ¼ 18.7 ACRES

SW ¼ NW ¼ 28.6 ACRES

SE ¼ NW ¼ 13.8 ACRES

SECTION 14

NE ¼ NE ¼ 16.2 ACRES

SE ¼ NE ¼ 12.9 ACRES

SECTION 15

TOWNSHIP 6 NORTH, RANGE 33 EAST, W.M.

Measurement, recording and reporting conditions:

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

STANDARD CONDITIONS

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may not be valid.

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

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

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

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

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

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

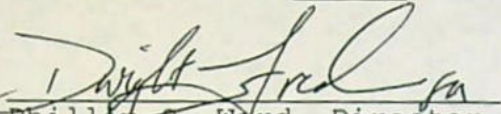
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

Complete application of the water to the use shall be made on or before October 1, 2009. If the water is not completely applied before this date, and the water user wishes to continue development under the permit, the water user must submit an application for extension of time, which may be approved based upon the merit of the application.

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

Issued January 13, 2005


Phillip C. Ward, Director
Water Resources Department

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

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

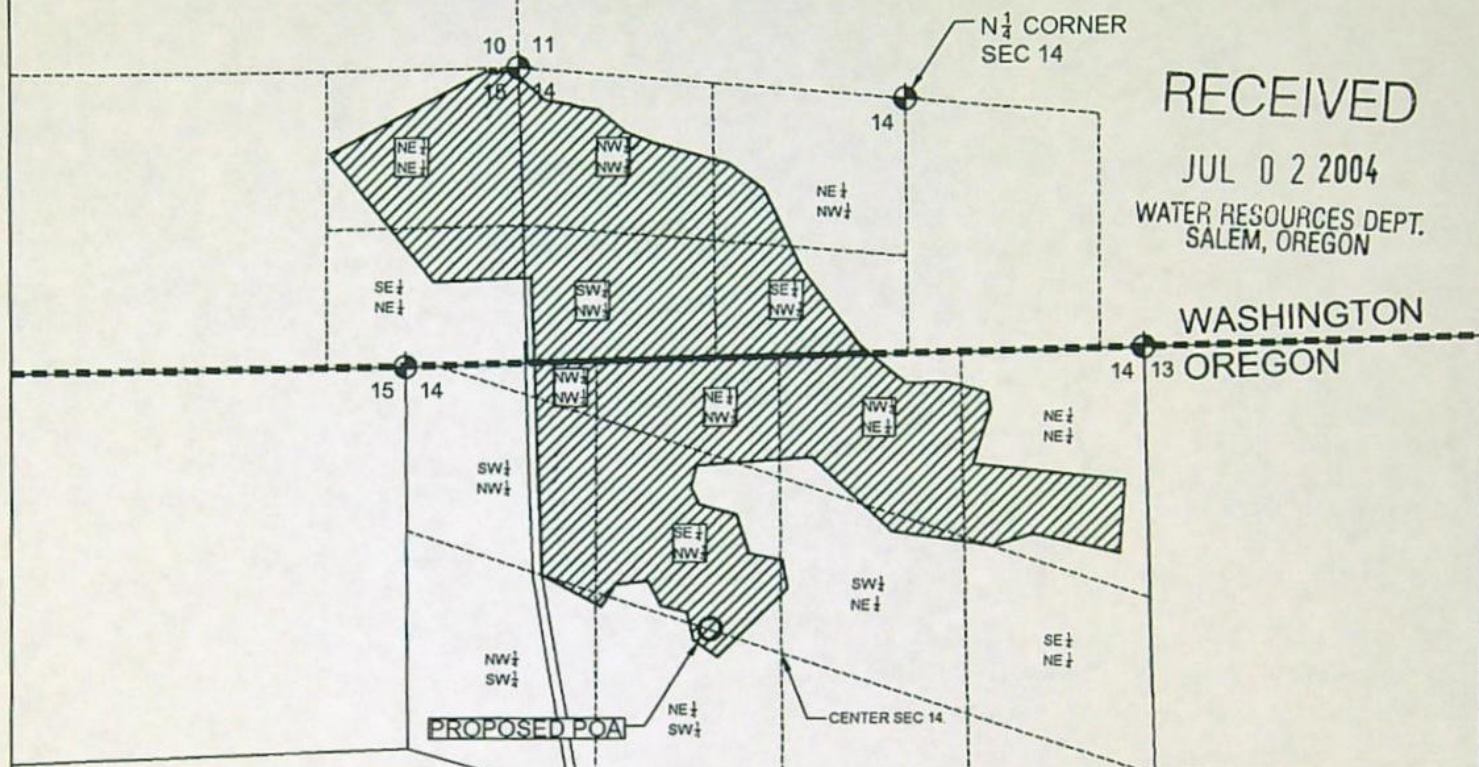
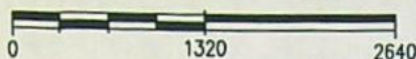
REAL ESTATE TRANSACTIONS: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether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

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

APPLICATION MAP T6N, R33E, WM



SCALE: 1 inch = 1320 feet



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WASHINGTON
OREGON

- PROPOSED POA, 173 FT NORTH, 500 FT WEST FROM,
CENTER OF SEC 14, T6N, R33E, WM.

WATER TO BE USED FOR AGRICULTURAL IRRIGATION.

PLACE OF USE (WASHINGTON)

NE 1/4, NW 1/4, SEC 14 = 4.0 AC
NW 1/4, NW 1/4, SEC 14 = 18.7 AC
SW 1/4, NW 1/4, SEC 14 = 28.6 AC
SE 1/4, NW 1/4, SEC 14 = 13.8 AC
NE 1/4, NE 1/4, SEC 15 = 16.2 AC
SE 1/4, NE 1/4, SEC 15 = 12.9 AC

TOTAL FOR WA = 94.2 AC

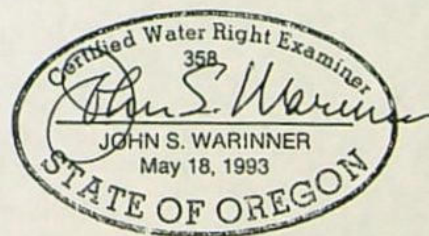
PLACE OF USE (OREGON)

NE 1/4, NE 1/4, SEC 14 = 17.5 AC
NW 1/4, NE 1/4, SEC 14 = 29.8 AC
SW 1/4, NE 1/4, SEC 14 = 1.6 AC
SE 1/4, NE 1/4, SEC 14 = 0.1 AC
NE 1/4, NW 1/4, SEC 14 = 17.6 AC
NW 1/4, NW 1/4, SEC 14 = 1.6 AC
SW 1/4, NW 1/4, SEC 14 = 5.5 AC
SE 1/4, NW 1/4, SEC 14 = 31.4 AC
NE 1/4, SW 1/4, SEC 14 = 1.0 AC
NW 1/4, SW 1/4, SEC 14 = 0.1 AC

TOTAL FOR OR = 106.2 AC

Permittee Signature

*Barbara Brown
Judy Poitras*

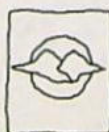


APPLICATION MAP

For Permit To Use Groundwater
As Supplemental Water Source
For Agricultural Irrigation

IN THE NAME OF
Barbara Brown and Judy Poitras

Project Name:
Barbara Brown
Judy Poitras
Milton-Freewater, OR
Date:
23 JUNE 2004



**Fountainhead
Irrigation, Inc.**

PO Box 2197 Walla Walla, WA 99362
Phone (509) 529-2646 Fax (509) 522-5251

app no. G-16272 Permit no. G15823

Extension PFO Checklist for
Other than Muni or Quasi-Municipal

Water Use Permits

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

Application: G- 16272 Permit: G- 15823 Permit Amendment? No ☒ Yes ☐ T- ☐ pending ☐ approved

Permit Holder's Name: Judy Poitras and Barbara Brown

Permit Holder's Mailing Address: 16436 Stateline Rd, Touchet WA 99360 email brownb@touchet.org

Phone Number: 509-520-0701

POD Location: Township 6 N Range 33 E Section 14 $\frac{1}{4}$ SE NW

Drainage Basin: 7 County: Umatilla Watermaster District: 5 Watermaster: Tony Justus

Date Permit was issued: 1/13/2005

Priority Date: 7/2/2004

Date of PN: 10/13/2009

Source: One well in Raymond Gulch Basin

Use: irrigation use on 200.4 acres

"Q": 0.89 cfs

Orig "A" Date: _____

Orig "B" Date: 10/1/

Orig "C" Date: 10/1/2009

Extension
request rec'd: 10/1/2009

Last Authorized
"B" Date: 10/1/

Last Authorized
"C" Date: 10/1/2009

Request Number (1, 2, 3...): 1

Proposed
"B" Date: 10/1/

Proposed
C Date: 10/1/2015

Conditions of Permit:

Condition Met?	Condition Not Met?	Permit Condition
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Install Meter (well not drilled yet)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	General well construction standards (well not drilled yet)
<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	

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

Yes No

- ☒ ☐ Work was accomplished within the time allowed in the permit or previous extension
☐ ☒ Water right permit holder conformed with the permit or previous extension conditions
☒ ☐ Financial investments were made toward developing the beneficial water use.

• Amount Invested to date: \$2,558 Estimated Remaining Cost: \$75,000

- ☐ ☒ Beneficial use made of the water during the permit or previous extension time limits

• Permit holder has beneficially used 0 ☒ cfs ☐ gpm ☐ af of the total permitted quantity of water on 0 acres

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

*Last extension due
to lack of progress*
[Signature]

Application: - Permit: - Township Range Section

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

Identify the closest surface water or localized water basin. _____
Ground Water Permits: Is the POA located...
Surface Water Permits: Is the POD located...

- Yes No
- ☐ ☒ above a state scenic waterway? Name Source: OWRD "Areas Above State Scenic Waterways" Map
- ☐ ☒ within a stream segment designated as a federal wild and scenic river? Source: www.rivers.gov/wildriverslist.html
- ☒ ☐ within a sensitive, threatened or endangered species area Source: "/>

Application # 6-16272

Permit # 6-15823

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

♦ WRIG...

Money Received on: 10/7/05

♦ Extension Specialist...

☒ Added to tracking spreadsheet

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

♦ Jonnine Skaug...

☒ Publish on Public Notice (initial 30-day comment): Date of notice 10/13/09

☒ Update WRIS Database

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

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

Last ext?
☒ Yes

or No: Return file to Extension Specialist after PN

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **98053**

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

INVOICE # _____

RECEIVED FROM: Barnes Farm Account

BY: _____

APPLICATION	G-116272
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 6759 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D \$ 500.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$ _____

OTHER: (IDENTIFY) \$ _____

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES \$ _____

0410 RESEARCH FEES \$ _____

0408 MISC REVENUE: (IDENTIFY) \$ _____

TC162 DEPOSIT LIAB. (IDENTIFY) \$ _____

0240 EXTENSION OF TIME \$ 500.00

WATER RIGHTS:

0201 SURFACE WATER \$ _____ 0202 \$ _____

0203 GROUND WATER \$ _____ 0204 \$ _____

0205 TRANSFER \$ _____

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR \$ _____ 0219 \$ _____

LANDOWNER'S PERMIT 0220 \$ _____

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ _____ CARD # _____

0210 MONITORING WELLS \$ _____ CARD # _____

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

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

HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION \$ _____

RECEIPT: **98053**

DATED: 10-1-04 BY: JK



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

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

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

*A separate extension application must be submitted for each permit as per
OAR 690-315-0020(2).*

*This application and a summary of review criteria and procedures that are generally applicable to this
application are available at <http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml>.*

I, Judy Poitras and Barbara Brown
NAME OF PERMIT HOLDER [OAR 690-315-0020(1) and (3)(a)]

16436 Stateline Road Touchet WA 99360
ADDRESS CITY STATE ZIP

509.520.0701
PHONE

brownb@touchet.org
E-MAIL ADDRESS

the permit holder of: Application Number G-116272

Permit Number G-15823
[OAR 690-315-0020(3)(b)]

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do hereby request that the time in which to:

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☒ complete construction (of diversion/appropriation works and/or purchase and installation of the
equipment necessary to the use of water), which time now expires on October 1, 2009, be
extended to October 1, 2014

☐ N/A (Check this box if the permit does not specify a date by when construction must be completed.)

and/or the time in which to:

☐ apply water to full beneficial use under the terms and conditions of the permit, which time now
expires on October 1, 2010, be extended to October 1, 2015 (or 1 year more than
the above date that
you request)

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

- This completed Application for Extension of Time.
- Statutory fee of \$500.
- Signature page (last page of this Application for Extension of Time).
- All supporting documentation and/or evidence referenced in the Application for Extension of Time.

MAIL COMPLETED APPLICATION

along with the

\$500 STATUTORY FEE TO:

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

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GENERAL TIPS:

- Permit holders of municipal or quasi-municipal water use permits DO NOT use this form. The correct form is *Application for Extension of Time for Municipal and Quasi-Municipal Water Use Permits*, available at the following link:
<http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml#other>
- Request the reasonable amount of time necessary to fully complete the water construction project and/or to fully use the permitted quantity of water under the terms and conditions of your permit. Should this request be approved, it will be OWRD's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.
- A separate Application for Extension of Time must be submitted for each permit. OAR 690-315-0020(2).
- An instruction sheet (Instructions for Filling Out Extension of Time Application for Permits) provides details that will help you answer each question on the application. Permit extensions are evaluated under OAR Chapter 690, Division 315. These rules may be viewed at:
<http://www.wrd.state.or.us/OWRD/LAW/index.shtml>.

- You may provide OWRD with any additional information or evidence that will aid us in making our decision. Please note that OWRD may require other information that is necessary to evaluate the application. OAR 315-0020(3)(n).
- After careful review of the Application for Extension of Time, you may contact OWRD at (503) 986-0900, to ask questions and request assistance from a Permit Extensions Specialist in the Water Rights and Adjudications Division.
- Once an Application for Extension of Time is received by OWRD, it will be reviewed for completeness. OWRD will return any incomplete or deficient applications to the applicant. OAR 690-315-0040(1)(a).

Reference Materials Needed to Complete this Application:

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

Answer the Following Questions to Complete this Application for Extension of Time

- [OAR 690-315-0020(3)(d)]
1. Did the actual construction of the water system/well drilling begin within the time specified in the permit? ☐ Yes ☒ No



TIP: Not all permits specify a date by which construction was to begin.

Date construction began is: n/a

Details of construction: n/a

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2. Permits typically contain standard or special conditions that must be satisfied to lawfully develop and use permitted water. In the development of this water right, have you satisfied the conditions contained in your permit? ☐ Yes ☐ No

- 2-A) Describe how you have complied with each condition contained in the original permit [and, if applicable, each condition contained in any order approving a permit amendment and/or a final order approving a prior extension of time]. Include the date when the condition was satisfied.



TIP: The instruction sheet for the Application for Extension of Time provides an explanation of the typical conditions that must be addressed in this question.

CHART-A

Condition No.**	Date Satisfied	Describe How Permit Condition Has Been Satisfied
		n/a well was not drilled

** Condition No: Hand-number each condition on a copy of your permit (and, if applicable, permit amendment and prior extension).

- 2-B) If you have NOT complied with all applicable conditions, explain the reasons why and indicate with a date certain (in the near future) when compliance will occur.

CHART-B

Condition No.**	Date Will Comply	Explain Why Each Permit Condition Has NOT Been Satisfied

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** Condition No: Hand-number each condition on a copy of your permit (and, if applicable, permit amendment and prior extension).

3. Provide evidence of physical progress made toward completion of the water system, and of progress made toward making beneficial use of water within the permitted time period (CHART-C); and if applicable, within the time period of the most recent extension granted (CHART-D).

3-A) CHART-C (below) must be completed for all Application for Extension of Time requests. Use chronological order.

CHART-C

DATE	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List any work done before the permit was issued - eg. well drilled.</i>	COST*
8-19-04	Fountainhead Irrigation - John Warner - prepare map for well permit	705
2-26-04	Watermark Survey Report - Aquifer survey to evaluate the groundwater in this property.	1103
DATE	WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED and PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER <i>List work/actions done during the permitted time period.</i>	COST*
1-13-05	Date the permit was signed - find date above signature on last page of permit.	750
2-3-05	consult with Mike Harding - Harding well drilling for cost estimate of proposed well	
	Date the permit specified "Actual Construction Work" shall begin ("A-Date") - not all permits contain this date.	
2-3-05	well site chosen from Watermark Survey estimate from Mike Harding	
4-8-05	consult with Bill Dean - Walla Walla River Farms	
5-10-05	consult with farmer, Mark Wagoner, who leases our farm; discussed cost of installing irrigation system.	
6-05	consult with Widner Electric on pumping system.	
10/1/2009	Date the permit specified complete application of water to the use shall be made ("C-Date") - all permits contain this date.	

CHART-C (continued)

DATE	WORK ACCOMPLISHED AFTER "C-DATE" <u>COMPLETE ONLY IF THIS IS YOUR 1st APPLICATION FOR EXTENSION OF TIME:</u> List work done after the date specified in the permit for complete application of water up to the date of this Application for Extension of Time.	COST*
	n/a	
Total Cost for Chart-C		

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

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

CHART-D

DATE	WORK ACCOMPLISHED DURING THE LAST EXTENSION PERIOD <i>List all work done during the last authorized extension period.</i>	COST*
10/1/	"Extended From" date for complete application of water used in the 1 st (or the most recent) Application for Extension of Time.	
	<i>n/a</i>	
10/1/	"Extended To" date for complete application of water resulting from the 1 st (or the most recent) Application for Extension of Time.	

CHART-D (Continued)

DATE	WORK ACCOMPLISHED AFTER THE LAST EXTENSION PERIOD EXPIRED <i>List all work done after the last authorized date for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
	<i>n/a</i>	
Total Cost of Chart-D		

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

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

4. Cost of project to date: \$ 2,558
(The total combined cost from CHART-C and CHART-D)

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

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



TIP:

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

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



TIP:

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

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

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

Acre-feet stored to date = _____ AF

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



TIP:

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

CHART-E

Well # as identified on Permit	Water User's Well #	Has this well been drilled?	IF DRILLED					
			Well Log Number e.g. MORR 50473	Well Tag Number e.g. # 27566 or N/A	Is the actual drilled location authorized on this permit or on a permit amendment? (See 5-C below)	Maximum instantaneous rate used from this well -- under <u>this permit</u> only (CFS or GPM)	Is this well authorized or utilized under additional water rights?	If yes, provide the Permit, Certificate, or Transfer No.
G-1923		Yes <input type="checkbox"/>			Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	-
		No <input checked="" type="checkbox"/>			No <input type="checkbox"/>		No <input type="checkbox"/>	-
		Yes <input type="checkbox"/>			Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	-
		No <input type="checkbox"/>			No <input type="checkbox"/>		No <input type="checkbox"/>	-
		Yes <input type="checkbox"/>			Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	-
		No <input type="checkbox"/>			No <input type="checkbox"/>		No <input type="checkbox"/>	-
		Yes <input type="checkbox"/>			Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	-
		No <input type="checkbox"/>			No <input type="checkbox"/>		No <input type="checkbox"/>	-
Total instantaneous rate from all wells utilized under this permit								

- 5-C) If the drilled location of a well is not authorized on this permit, please specify its location below, or provide a map showing its location. Has or will a permit amendment application been/be filed? Yes ☐ No ☐

n/a
If a Permit Amendment Application has been filed: Transfer No. T-_____

Well # _____: Actual location: _____

Well # _____: Actual location: _____

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

6. Provide the total number of acres irrigated to date under this permit (if applicable).

Total acres irrigated to date: n/a

Ground Water Permits: Please specify which wells are being utilized for this irrigation.

Well # _____ Acres _____ Well # _____ Acres _____

Well # _____ Acres _____ Well # _____ Acres _____

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

7. Provide a summary of your future plans and schedule to complete the construction of the water system, and/or apply water to full beneficial use under the terms and conditions of the permit.

CHART-F

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
Feb. 2010	Drill well	30,000
March 2010	Pump installation	12,000
March 2010	Tower to well	15,000
April 2010	Install mainline	2,000
Year: 2010	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
Total Cost		59,000

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

8. Estimated remaining cost to complete the project: 59,000 - 25,000
(The total cost from CHART-F)

depends on how project proceeds

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

9. List the reasons why the project was not constructed, and/or water was not beneficially used within permit time limits. Provide supporting information for the reason(s) that best fits your circumstances (A, B, C or D).

9-A) The project is of a size and scope that was originally planned to be phased in over a time frame longer than the one allowed in the permit.

n/a

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SALEM, OREGON

- 9-B) The financial resources needed to develop the project precluded completion of the project within authorized time frames.

see attached

- 9-C) Good faith attempts to comply with permit conditions and/or acquire permits from other agencies, or otherwise comply with government regulations, delayed completion of the project.

n/a

- 9-D) Acts of God or other unforeseen events delayed full development of the water system and use of water within the authorized time frames.

see attached

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

10. Justify the time requested to complete the project and/or apply the water to full beneficial use. Your justification should combine information from your answers from Questions 2-B, 7, 8, and 9 of this Application for Extension of Time, and should also include any other information or evidence to establish that the requested amount of time is sufficient and that you will be able to complete the project within the amount of time requested.

✓ Current leasee of property has offered to help us with the cost of the project. Need time to coordinate.

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

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

Lindy Lortas
Barbara Brown
Signature

09-28-09
Date

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SALEM, OREGON

9-B) 9-D) In 2004 when we applied for a well permit, we had every intention of drilling immediately, as a well would allow us to further diversify our crops and improve the value of our farm land. We hired John Warner with Fountainhead to create a property map for us as there was no map available from either Umatilla or Walla Walla County (our property straddles both counties). We also had numerous discussions with Bill Dean, Walla Walla River Farms, who represented a group of farmers interested in growing onions on our property. This group was going to help us finance our well in order to grow onions on part of our farm. Mike Harding gave us an estimate on our well and it seemed as if we were "good to go".

Then Bill Dean backed out (without informing us for several months). Judy was diagnosed with and suffered from an autoimmune disease which was not only time-consuming to both of us because of the care involved but was also costly as well. In addition, the disease resulted in a complete loss of energy for her, which meant everyone had to "pitch in." There was little time or money for anything else (like a well). When it seemed like things were calming down, Barbara's husband, Kevin, wanted a divorce as he had found someone new. It was necessary to retain a lawyer, which was very expensive, and pay her husband \$35,000 in order to settle the divorce and retain her retirement for later years. This lengthy process was both physically and emotionally draining. Barbara has taught school for 22 years.

In addition to the divorce Barbara also had to pay several thousand dollars veterinary bills for a very valuable horse that had been injured.

Earlier this year it was necessary for Judy's daughter to file for divorce as her husband who had been sober for six years began drinking again. The expense of a lawyer and the added expenses necessary to help her daughter provide clothes, school supplies, etc. for her three children drained the family resources.

However, it appears as though the overall financial outlook for farming is improving, and we will have the resources necessary to drill a well. A well will allow us to further diversity our crops and increase production. Our farmer, Mark Wagoner, has offered to help us finance the well and is most anxious to get the process started.

Please consider this a request to extend the permit to drill a well on our property. Thanks for your time and consideration.

Barbara Brown
Judy Coitras

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SALEM, OREGON



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

October 13, 2009

REFERENCE: Application for Extension of Time

Dear Extension of Time Applicant:

The Water Rights Section has received your application for an extension of time for **APPLICATION FILE#: G-16272 (PERMIT#: G-15823)**. Your application will be reviewed in the near future. Following the review, you will receive a Proposed Final Order either approving or rejecting the extension of time request. A 45-day protest period begins upon issuance of the Proposed Final Order. After the protest period closes, a Final Order is issued.

If you have questions concerning your extension of time application, please contact Scott Kudlemyer at (503) 986-0813. For general information about the Water Resources Department, you may contact the Water Resources' Customer Service Group at (503) 986-0801 or you may access the Department's Internet home page at: "www.wrd.state.or.us".

Walla Walla River Farms

April 8, 2005

Barnes family,

As you are aware, Walla Walla River Farms is very interested in entering into a long-term lease agreement with you for the purpose of growing onions in 2006 and beyond. To make this possible, we are prepared to finance the installation of a well on your property. Because we were not able to confirm a permit for water until it was too late for any onions to be planted in 2005, we decided to wait until after our current onion season is completed to begin this project.

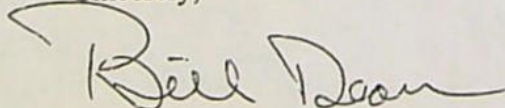
I have discussed a tentative plan with Mike Harding that specifies our desire to drill a well in September of 2005. This should allow enough time to complete the project including well drilling, power and pump installation and any additional infrastructure needs.

WWRF will need to recover the investment cost over a reasonable time period via a reduced rental arrangement with you. The market rate for sweet onion ground is \$300 per acre per year. What we had in mind was that you would charge us a reduced rate (such as \$100 per acre) for a limited period (such as three years). This would be only on the acres on which we would be growing onions. Because of the greater availability of water, you may be able to charge a higher rental to the tenants on the balance of the land. It may also make sense for WWRF to rent the entire farm from you and be responsible for finding sub-tenants for the ground which is not being used for onions. We are flexible in negotiating this with you and are interested in your ideas on this matter.

After you have had time to digest the above, let's talk about it. We will then have a lease agreement drafted for your review so that this arrangement can be formally documented.

I look forward to speaking with you in the near future.

Sincerely,



Bill Dean
General Manager - WWRF

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WATER RESOURCES DEPT
SALEM, OREGON

PO Box 1137
3037 Melrose
Walla Walla, WA 99362
Phone: 509.525.2010
Fax: 509.525.2014

Cellular 520-2330

Estimate

Statements Not Paid In 30 Days Are Subject To 1% Interest Per Month.

20733



National Water Surveying

Electro-Seismic Technology

P. O. Box 832

Elgin, Oregon 97827

1-866-263-1193

www.findwellwater.com

FINAL REPORT

Completed By: Kelly Baker

Sounding date: 2/26/04

Report completed: 3/18/04

Agreement Number(s): 1355

Location: 47801 Stateline Rd, Milton-Freewater, Oregon

Client: Kevin Brown

Barbara Brown

Local Information

The rock type(s) in this area are described in well reports and on available geologic maps as primarily sedimentary (mainly clay and sand). The surface material appeared to be sand in and around the farmed fields. Based primarily on this information, certain velocity values were established using known velocity models for this type of formation.

This survey was conducted with the Groundflow™ 2500 Electro-Seismic Survey System. The tests were made with a hammer and plate (325± foot) and buffalo source (1625+ foot) sounding systems using 1.0 meter long copper clad steel electrodes. Outside of some loosely packed surface material at some of the test sites no major complications to data collection was encountered.

The purpose of this survey was to attempt to locate a usable source of water for a high-yield irrigation well.

The level of tortuosity (stress on the ability of the water to flow through a specific rock formation) is not normally considered by the equipment we use because of the possible variations in the tortuosity measurements found in most rock formations. The higher the tortuosity the more stress on the flow of the water in the aquifer. It is assumed by NWAS that fractured bedrock will likely have a higher level of tortuosity than unconsolidated rock formations like sand, gravel, and cobble formations.

Please note that all rock formation information was either obtained from geologic maps provided by the State of Oregon DNR or the USGS and/or local well logs obtained from the State of Oregon Dept. of Ecology. NWAS and its franchises do not profess to be geologists or hydro geologists. Other than the data collected by the EKS system we use, all information is obtained from sources that are generally available to the public mainly through government agencies.

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SALEM, OREGON

Test Results

There were 8 sites tested on the property collected in one straight linear profile running south to north as chosen by the owner. The location of the tests was chosen as proximity to the pumping station and power.

Data completed in an organized pattern provides us with comparable data which helps us increase our accuracy with depth and yield "estimations". Data collected in other than an organized pattern or with separations greater than NWAAS recommendations are considered preliminary. If preliminary data is collected, NWAAS recommends further testing prior to the implementation of a drilling program. Some areas that have a lower percentage of successful wells may need more sites tested to either find a usable amount of water and/or have better accuracy as it relates to yield estimations.

Conditions needed to collect data are always discussed with the customer prior to the survey, when these conditions are not met or appear sporadically then even in organized groups it may be difficult to collect acceptable comparison data. Data collection conditions at the sites tested were within NWAAS minimum data collection standards for normal data collection procedures.

It should be noted that the yield estimations made by our equipment involve many assumptions and should only be used as a guide for drilling locations. Previous yield estimations made have been nearly exact in some instances and have also been lower than what was actually obtained once drilling was completed but estimations are still just that "estimations".

Prior to drilling the owner should ensure that the drill operator has substantial experience with the drilling equipment that he or she operates and the property owner should be present when drilling occurs. It should be noted that drilling always causes some damage to the aquifer which should be considered prior to drilling in a low yield aquifer. This report should be used as a guide along with the drillers experience with drilling in the area.

NorthWest Aquifer Surveying Inc. does not recommend drilling into an area with an estimated yield of 6gpm or less due factors in the drilling process that can at times significantly affect the final yield of a low yield area. With the aquifer in a constant state of change, it is possible that the NWAAS estimates could be adversely affected by a significant change in the aquifer in a relatively short period of time. It is because of this possibility that NorthWest Aquifer Surveying, INC suggests that if the client chooses to drill a well at any of the NWAAS surveyed locations that the well be drilled within 90 days of the completed survey.

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**WATER RESOURCES DEPT
SALEM, OREGON**

Client Information

The client was familiar with our equipment and process. He had similar work performed previously. Local information of wells in the area show well depths to be within 350 feet and the water is found before the clay zone. A calibration test was performed on an existing high-yield well just east of the property on Butler Grade Road. Research showed other wells in the area with one being now a dry hole and abandoned, one with too low a yield to develop for irrigation and the last one with 180gpm but pumps sand.

Test Results (continued)

Our yield estimations were based, in part upon assumptions of static level or water table in the area. In this area the static levels vary from 50-100 feet from the surface. This is a critical variable for yield estimation and is based primarily on research of the local well logs provided by the state which is often limited at best. Yield estimations were primarily obtained by using the proprietary software available to NWS and measuring from the estimated static level of 55 feet to the estimated well depth which is specified at each test site.

Site 1kb1 was near the canal and near the pumping station and indicated that the base of the aquifer was at approximately 270 to 300 feet and had an estimated yield of 200gpm or more.

Site 2kb1 was located 96.5 feet north of 1kb1 and indicated that the base of the aquifer was at approximately 270 to 300 feet and had an estimated yield of 400gpm or more.

Site 3kb1 was located 90.7 feet north of 2kb1 and indicated that the base of the aquifer was at approximately 270 to 300 feet and had an estimated yield of 400gpm or more.

Site 4kb1 was located 90.4 feet north of 3kb1 and indicated that the base of the aquifer was at approximately 280 to 310 feet and had an estimated yield of 300gpm or more.

Site 5kb1 was located 91 feet north of 4kb1 and indicated that the base of the aquifer was at approximately 280 to 310 feet and had an estimated yield of 300gpm or more.

Site 6kb1 was located 92 feet north of 5kb1 and indicated that the base of the aquifer was at approximately 270 to 300 feet and had an estimated yield of 200gpm or more.

Site 7kb1 was located 92.9 feet north of 6kb1 and indicated that the base of the aquifer was at approximately 270 to 320 feet and had an estimated yield of 200gpm or more.

Site 8kb1 was located 95.4 feet north of 7kb1 and indicated that the base of the aquifer was at approximately 280 to 320 feet and had an estimated yield of 200gpm or more.

NWAS depth estimations should be used as a maximum depth to drill. If the NWAS estimated yield is obtained at a lesser depth than what was estimated NWAS does not recommend drilling any deeper.

All sites tested did not have yield estimations high enough to increase our certainty of a successful drilling program above 60%. The terms "or less" and "of less than" mean that the estimated yield could be as little as zero gallons per minute.

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SALEM, OREGON

Additional Information

Please call if you have any questions. All estimations are based on 6 inch casings.

Research revealed only 9 recorded well logs for the area of Stateline and Butler Grade Rd. The well logs indicated that depth of wells in this area ranged from 185 feet to approximately 300 feet. The lowest reported yield of these 9 recorded wells was less than 50gpm and the highest recorded yield was 450gpm. The 9 recorded logs do not represent all of the wells drilled in this area as proven by our inability to locate the well log for the irrigation well used for the calibration test.

CALIBRATION: A calibration sounding was collected at a nearby neighboring well. NWAS used information obtained from the well owner to more accurately determine the amount of water found on this survey. The well reported a depth of 280 feet with a static level of 60 feet and an estimated flow of approximately 600 to 700gpm.

Part of the well development usually includes a lengthy flow test (often 4 to 12 hours in length) to clean up all the sediment contaminated fluid and air that may have been induced into the surrounding formation by the drilling process. The flow test may need to be longer for lower yield water bearing zones.

GROUND FLOW

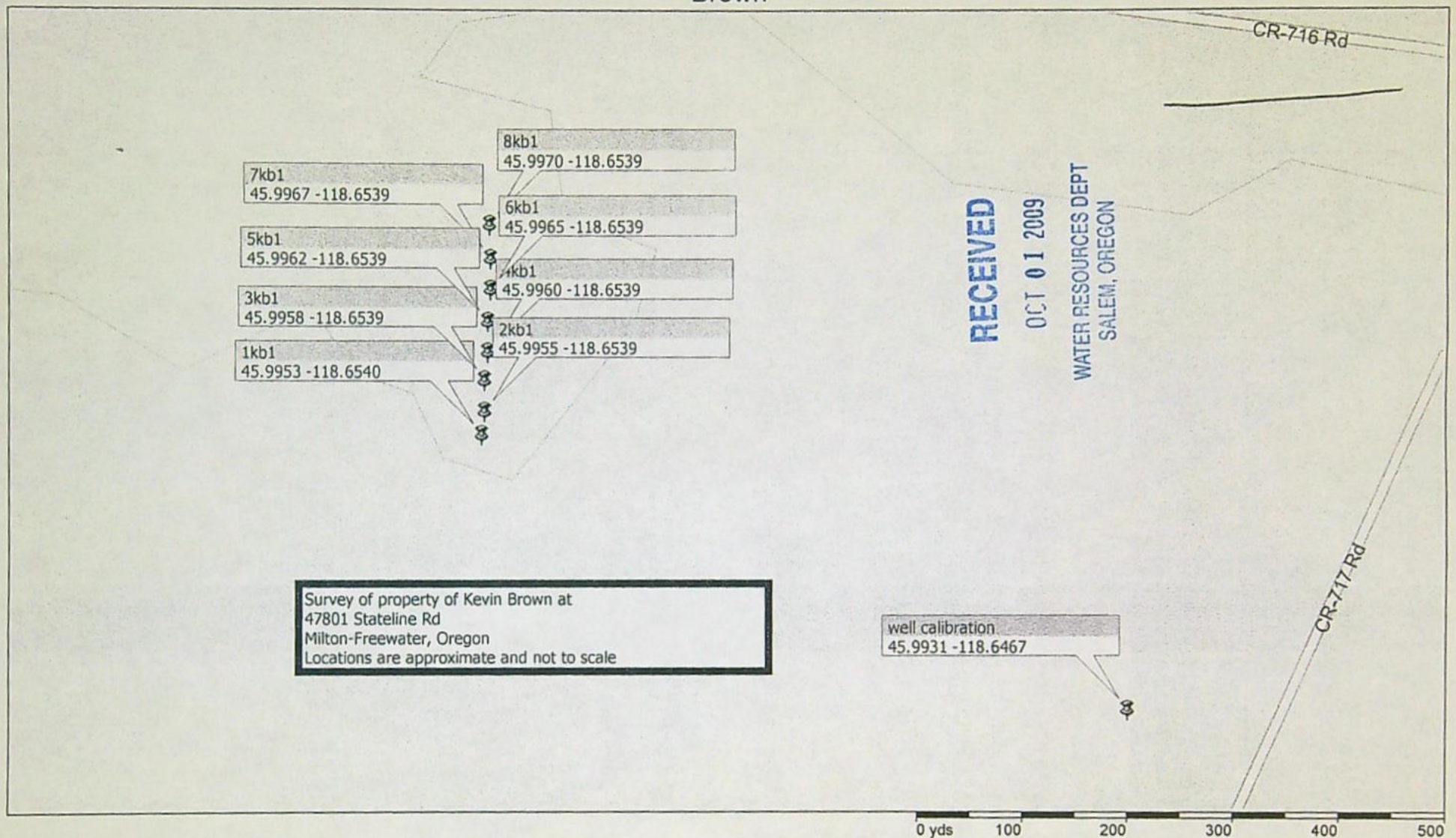
Please visit www.findwellwater.com and click on the link to view detailed information on how the EKS equipment we use works. Any known limitations of this technology are also available on this web site.

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WATER RESOURCES DEPT
SALEM, OREGON

Brown



TOUCHET 1.5 MI.

2 470 000

14

SO

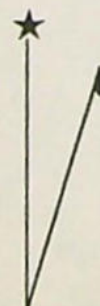


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SALEM, OREGON

Well
568



17° E

Name: SMELTZ
Date: 3/9/2004
Scale: 1 inch equals 444 feet

Location: 045.9958421° N 118.6536672° W
Caption: Kevin Brown

FO CHECKLIST

Application #: G-16272 Applicant: JUDY POITRAS AND BARBARA BROWN PFO week: 485 FO week: 441

☒ Has applicant name and/or address changed, or has the file been assigned? Y / (N)
If new: _____

NO Were comments received? If so, from whom and when? _____
Respond to significant comments, issues, or disputes related to the proposed use of water

☒ Verify names and mailing addresses of all commentors, affected landowners and those who paid \$10 fee on PFO cc: list.

☒ Have affected landowner(s) been notified? Y / N / (NA) If not, do not issue FO. Send a letter to affected landowner(s).

☒ Has ODFW asked for screening condition and rate ≤ 0.5 CFS? Y / N / (NA) If yes, include fish screening form.

☒ Are requested GW conditions included in permit? (Y) / N / NA If not, add condition(s) _____

☒ Do PFO conclusions require modification due to typos or errors? Y / (N) What and why? _____

☒ Fees

Base Fee

Water Amount (Q)

\$100 / \$150
\$250 / \$300

1st CFS/AF

200

0 Addl @ 0 + 0

300
(base)

+

200
(Q)

=

500
(total exam fee)

EXAM FEE REQUIRED	<u>500</u>	RECORDING FEE REQUIRED	<u>\$175 / \$250</u>
EXAM FEE PAID	<u>500</u>	RECORDING FEE PAID	<u>250</u>
STILL OWED	<u>0</u>	STILL OWED	<u>0</u>

FO type ___ DENIAL

☒ FO w/ Permit # G-15823

___ FO w/o permit

___ lacks fees

___ lacks easement

___ lacks approved dam plans & specs

Name: Jerry Gainey Date: 12/29/2004

Peer Reviewer: Kerry

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PFO CHECKLIST

Application G-16272 Name JUDY POITRAS & Barbara Brown PFO week 485

Shortcomings preventing PFO? Y / ☒ Should process continue? ☒ / N

IR Date 9/24/04 Public Notice Date 9/28/04 Comments received? Y / ☒

Was additional information requested in the IR? ☒ / N If so, do we now have enough info to do the PFO? ☒ / N

Was the application filed after 10/23/99? ☒ / N (If not, add A date requirement)

B.O.R. or Doug Co. project Y / ☒ Contract in file? N contract # _____

IR identifies as DEQ 303d? Y / N / ☒ Comments received? Y / N _____

Is second gw review necessary? Y / ☒ NA Complete? Y / N

Water Availability OK / REDONE / ☒

Have conflicts been addressed? Y / N / ☒

Changes from IR determinations _____

Copy to Same as IR

Fees	Base Fee	Water Amount (Q)
	\$100 / \$150	1 st CFS/AF
	\$250 / \$300	<u>200</u>
		<u>0</u> Addl @ <u>0</u> + <u>0</u>
	<u>300</u> (base)	<u>200</u> (Q)
		= <u>500</u> (total exam fee)

EXAM FEE REQUIRED	<u>500</u>	RECORDING FEE REQUIRED	<u>\$175/\$250</u>
EXAM FEE PAID	<u>-500</u>	RECORDING FEE PAID	<u>-250</u>
STILL OWED	<u>0</u>	STILL OWED	<u>0</u>

Name: J. Gajewski Date: 10/29/04 Peer Reviewer: [Signature]

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IR CHECKLIST

App G-16272 Name Judy Porters & Barbara Brown

Use(s) IR - 200.4 AC Priority Date(s) 7/2/04
(If quasi/muni, reviewed by Bill Fujii?)

✓ Is the application complete? Y / N No Land Use form signed by Umatilla Co

✓ Prohibited by ORS 538? Y / N If so, do not do an IR; return app & fees to applicant.

✓ GW Review ☐ surface classification triggered ☐ Is there PSI? stream name _____

- ☐ will not ☒ will likely be available ...without injury... and/or within the capacity of the resource
☐ will; if properly conditioned, avoid injury to existing ground water rights or to the ground water resource
☐ Well located in GWLA or CGWA or TIN R3E Sec 20, 21, 28, 29? Y / N (If Y, include basin map noting POD)

✓ WM Dist (NWR - 1 2 16 18 20) (NCR - 3 4 5 21) (ER - 6 8 9 10) (SCR - 11 12 17) (SWR - 13 14 15 19)
swr cc: dave jarrett

✓ DIVISION 33 Y / N / NA
(If Y, attach basin map w/ pod) ☐ Above Bonn ☐ If above, not allowed April 15 - September 30?
☐ Below Bonn ☐ Statewide

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

- ☐ wab in Lost River Basin? If so, use 7-13-04 table for watershed ID # 31420404.
☐ wab in Chehalem, Champoeg, Mission or Case Creeks? If so, use 9-12-95 memo written by Dave Jarrett.

✓ Is there a conflict? Y / N NA _____

- ☐ If conflict, are rights from a different source?
☐ If supplemental, ☐ check for primary right on same land
☐ will this be making up a deficiency in rate?

✓ Allowed under Basin Program Y / N Limitations? Y / N OAR 690-507

✓ 303D Y / N / NA IN GEOGRAPHIC UMATILLA Y / N BOTTLED WATER Y / N
(cc: DEQ Regional Manager) (cc: CTUIR) (cc: DOA Food Safety Division)

✓ Rate 1.80 Rate Max 2.5 CFS Req 3/1 - 0.85

Duty 3.0 AF Season Allowed _____ Req 3/1 - 10/31

✓ Land use approval OK needs approval from Umatilla Co. has OK from Walla Walla Co in Wash.

✓ B.O.R. or Doug Co. project Y / N contract # _____

✓ Does the applicant intend to begin use within 5 years? Y / N
(If not, bring to supervisor's attention.)

✓ Statement allowing someone to act as authorized agent? Y / N / NA

Conditions: _____
Small ≤ 0.1 CFS, ≤ 9.2 AF, Medium > 0.1 or < 1.5 CFS, > 9.2 or < 100 AF, Large ≥ 1.5 CFS, ≥ 100 AF
use at least Medium for human consumption (SWW), siltcoos lake, livestock SWW, Galesville/BOR
uses that require Large: GW condition 7I, temp control (NU), gov. entity and tenmile lake

Peer Review
Amata

App C-16272 Name Judy Portras & Barbara Brown

☒ Is the stream withdrawn? Y / N / ☒ NA season allowed _____

☒ Basin Maps have been checked Y / ☒ N River Mile _____

☒ SWW ABOVE WITHIN ☒ NO (if so, notify state parks & record app # in book) Name _____

☒ Is the use located within Oregon Streamflow Restoration Area? Y / N / ☒ NA

☒ Letter format ☒ Good Limited Bad Bad w/ HC Opportunity

☒ If Initial Review is negative, did you notify the applicant? Y / N / ☒ NA

☒ CWRE, representative, etc. to notify? ☒ Y / N JOHN S. Warriner, CWRE #358

☒ Addn'l info req'd? ☒ Y / N Land Use Form completed by Umatilla Co.
(If Y, send certified)

☒ Attachments included? ☒ Y / N / NA Land Use Form

☒ Fees

Base Fee

Water Amount (Q)

\$100 / \$150
\$250 / \$300

1st CFS/AF

200

0 Addl CFS/AF @ 0 + 0

300 +
(base)

200
(Q)

= 500.00
(total exam fee)

Need land use form signed by
Umatilla Co. Planning Dept.
~~Not w/in 5 mile radius of any city.~~
~~No Analysis for application - part of use~~
~~w/in state of Washington.~~

EXAM FEE REQUIRED	<u>500</u>
EXAM FEE PAID	<u>500</u>
STILL OWED	<u>0</u>

Name: J. Gainer Date: 9/16/04 Peer Reviewer: _____

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Platcard Report

Township 6.0N Range 33.0E Section 14

	App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot	NE				NW				SW				SE				Govt Lot	DLC
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
i	G367 05/14/1956	G302 -		WD xfr#: T9207 lot: 1			2.2 IR WD															
	05/14/1956			WD xfr#: T9207 lot: 2			1.4 IR WD															
	05/14/1956			WD xfr#: T9207 lot: 6								4.4 IR WD										
	05/14/1956			WD xfr#: T9207 lot: 7														33.8 IR WD				
	05/14/1956			WD xfr#: T9207 lot: 8													36.4 IR WD					
	05/14/1956			WD xfr#: T9207 lot: 9																33.7 IR WD		
	05/14/1956			WD xfr#: T9207 lot: 10															38.9 IR WD			
	05/14/1956			WD xfr#: T9207 lot: 11												37.4 IR WD						
	05/14/1956			WD xfr#: T9207 lot: 12											3.1 IR WD							
i	G367 05/14/1956	G302 -		xfr#: T8308 lot: 9																3.0 IR		

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Platcard Report

Township 6.0N Range 33.0E Section 14

					NE				NW				SW				SE				Govt Lot	DLC
App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
i G367 05/14/1956	G302 28725		CN <u>see transfers</u> lot: 1					2.2 IR CN														
05/14/1956			CN <u>see transfers</u> lot: 2				1.4 IR CN															
05/14/1956			CN <u>see transfers</u> lot: 6									4.4 IR CN										
05/14/1956			CN <u>see transfers</u> lot: 7															33.8 IR CN				
05/14/1956			CN <u>see transfers</u> lot: 8														36.4 IR CN					
05/14/1956			CN <u>see transfers</u> lot: 9																	33.7 IR CN		
05/14/1956			CN <u>see transfers</u> lot: 10																38.9 IR CN			
05/14/1956			CN <u>see transfers</u> lot: 11													37.4 IR CN						
05/14/1956			CN <u>see transfers</u> lot: 12												3.1 IR CN							
i G367 05/14/1956	G302 80554		CN xfr#: T8308 lot: 1					2.2 IR CN														

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Platcard Report

Township 6.0N Range 33.0E Section 14

	App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot	NE				NW				SW				SE				Govt Lot	DLC
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
i	G367 05/14/1956	G302 80554		CN xfr#: T8308 lot: 2			1.4 IR CN															
	05/14/1956			CN xfr#: T8308 lot: 6								4.4 IR CN										
	05/14/1956			CN xfr#: T8308 lot: 7														33.8 IR CN				
	05/14/1956			CN xfr#: T8308 lot: 8												35.9 IR CN						
	05/14/1956			CN xfr#: T8308 lot: 9																33.2 IR CN		
	05/14/1956			CN xfr#: T8308 lot: 10															38.9 IR CN			
	05/14/1956			CN xfr#: T8308 lot: 11												37.4 IR CN						
	05/14/1956			CN xfr#: T8308 lot: 12											3.1 IR CN							
i	G367 05/14/1956	G302 80643		lot: 1				2.2 IR														
	05/14/1956			lot: 2			1.4 IR															

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Phillip C. Ward, Acting Director

Platcard Report

Township 6.0N Range 33.0E Section 14

	App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot	NE				NW				SW				SE				Govt Lot	DLC
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
i	G367 05/14/1956	G302 80643		lot: 6									4.4 IR									
	05/14/1956			lot: 7														33.8 IR				
	05/14/1956			lot: 8													35.9 IR					
	05/14/1956			lot: 9																33.2 IR		
	05/14/1956			lot: 10														38.9 IR				
	05/14/1956			lot: 11												34.24 IR						
	05/14/1956			lot: 12											2.3 IR							
i	G367 05/14/1956	G302 80644		CN lot: 1				2.2 IR CN														
	05/14/1956			CN lot: 2			1.4 IR CN															
	05/14/1956			CN lot: 6									4.4 IR CN									

Page: [First](#) [Previous](#) [1](#) [2](#) [3](#) [4](#) [5](#) [Next](#) [Last](#)

[Return to Platcard Query Screen](#)

Phillip C. Ward, Acting Director

Oregon Water Resources Department • 725 Summer ST NE, Suite A • Salem, OR 97301 • Phone: 503-986-0900 • Fax: 503-986-0903

Run Time: 2 seconds

Platcard Report

Township 6.0N Range 33.0E Section 14

	App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot	NE				NW				SW				SE				Govt Lot	DLC
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
i	G367 05/14/1956	G302 80644		CN lot: 7														33.8 IR CN				
	05/14/1956			CN lot: 8													35.9 IR CN					
	05/14/1956			CN lot: 9																33.2 IR CN		
	05/14/1956			CN lot: 10															38.9 IR CN			
	05/14/1956			CN lot: 11												34.24 IR CN						
	05/14/1956			CN lot: 12											2.3 IR CN							
i	G14898 01/05/1999	G13717 -		<u>see transfers</u>																2.3 IR		
	01/05/1999			<u>see transfers</u> lot: 1																	7.3 IR	
i	G16272 07/02/2004	- -			17.5 IS (s)	29.8 IS (s)	1.6 IS (s)	0.1 IS (s)	17.6 IS (s)	1.6 IS (s)	5.5 IS (s)	31.4 IS (s)	1.0 IS (s)	0.1 IS (s)								

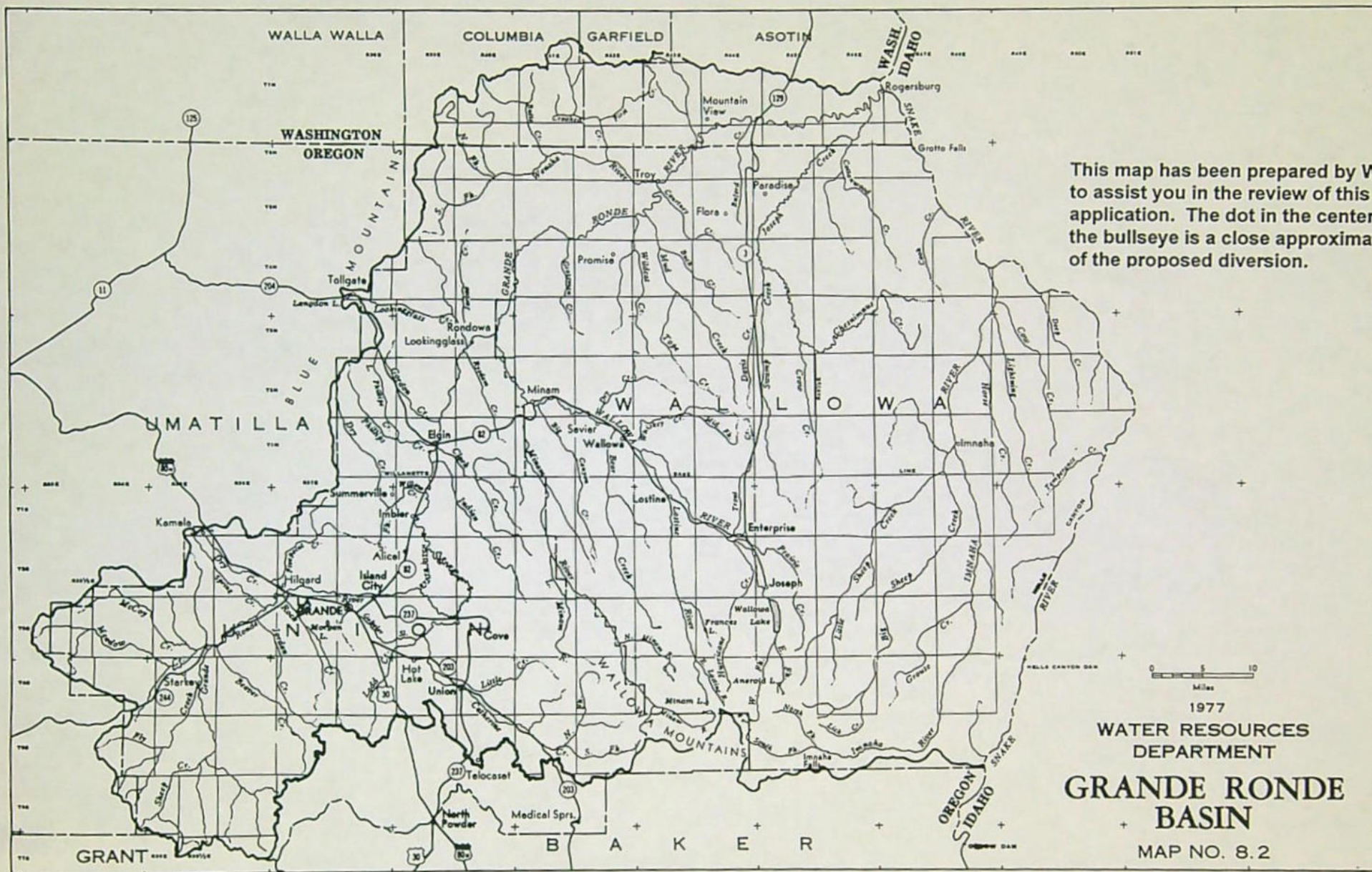
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[Return to Platcard Query Screen](#)

Phillip C. Ward, Acting Director

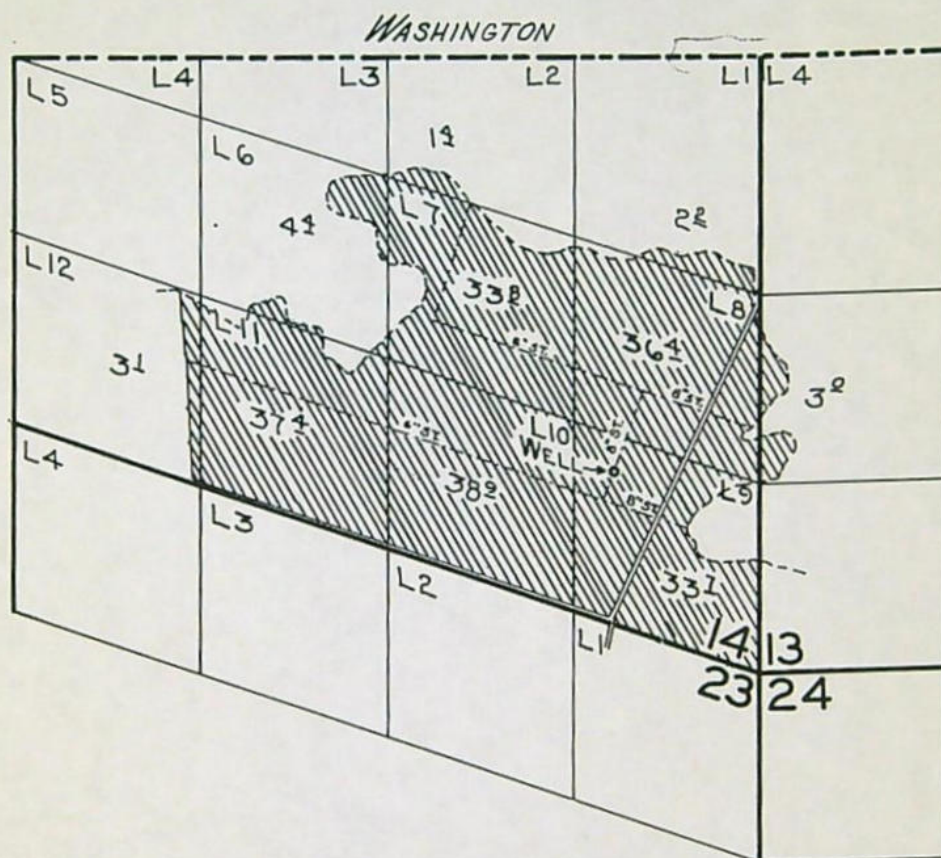
Oregon Water Resources Department • 725 Summer ST NE, Suite A • Salem, OR 97301 • Phone: 503-986-0900 • Fax: 503-986-0903

Run Time: 1 seconds



This map has been prepared by WRD to assist you in the review of this application. The dot in the center of the bullseye is a close approximation of the proposed diversion.

T.6N.R.33E.W.M.



FINAL PROOF SURVEY
UNDER

Application No. G.367... Permit No. G.302...
IN NAME OF

E.C. BURLINGAME JR.

Surveyed JULY 20, 1960, by M. BISH.....

1960-D
NZ.5F.114

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-16272

Proposed Final Order

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

Application History

On July 2, 2004, Judy Poitras and Barbara Brown submitted an application to the Department for the following water use permit:

- Amount of Water: 0.89 cubic foot per second (CFS)
- Use of Water: Irrigation use on 200.4 acres
- Source of Water: A well in Raymond Gulch Basin
- Area of Proposed Use: Umatilla County, State of Oregon, within Section 14, Township 6 North, Range 33 East, W.M.; Section 14, Section 15 Township 6 North, Range 33 East, W.M. within the State of Washington

On September 24, 2004, the Department mailed the applicant notice of its Initial Review, determining that "The use of 0.89 cubic foot per second from a well in Raymond Gulch Basin for irrigation use on 200.4 acres is allowable from March 1 through October 31 of each year." The applicant did not notify the Department to stop processing the application within 14 days of that date.

On September 28, 2004, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about both obtaining future notices and a copy of the proposed final order.

No written comments were received within 30 days.

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

- comments by or consultation with another state agency
- any applicable basin program
- any applicable comprehensive plan or zoning ordinance
- the amount of water available
- the rate and duty for the proposed use
- pending senior applications and existing water rights of record
- designations of any critical groundwater areas
- the Scenic Waterway requirements of ORS 390.835

- applicable statutes, administrative rules, and case law
- any general basin-wide standard for flow rate and duty of water allowed
- the need for a flow rate and duty higher than the general standard
- any comments received

Findings of Fact

The Umatilla Basin Program allows the use of water for irrigation.

A well in Raymond Gulch Basin is not within or above a State Scenic Waterway.

The Groundwater Section finds, per OAR 390.835(9), there is not a preponderance of evidence that the proposed use of groundwater will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife.

Groundwater Findings Under OAR 690-09

The Department determined, consistent with OAR 690-09-0040(4), that the proposed ground water use will not have the potential for substantial interference with the nearby surface water sources.

In making this determination, the Department considered whether:

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

According to the Department's rules, the potential for substantial interference is assumed if (a) and either (b) or (c) or (d) or (e)

are met. For this application, the Department determined that there is no potential for substantial interference, because either (a) is not met, or (b), (c), (d) or (e) are not met, or both.

An assessment of groundwater availability has been completed by the Department's Groundwater/Hydrology section. A copy of this assessment is in the file. The proposed use of groundwater will likely be available in the amounts requested without injury to prior rights and/or within the capacity of the resource.

The Department finds that the amount of water requested, 0.89 CFS, is an acceptable amount.

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

Conclusions of Law

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

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

Water is available for the proposed use.

The proposed use will not injure other water rights.

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

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

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

For these reasons, the required presumption has been established.

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

- (a) One or more of the criteria for establishing the presumption are not satisfied; or
- (b) The proposed use would not ensure the preservation of the

public welfare, safety and health as demonstrated in comments, in a protest . . . or in a finding of the department that shows:

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

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

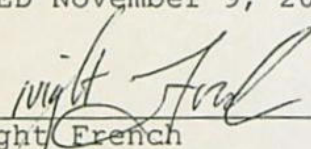
The Department therefore concludes that water is available in the amount necessary for the proposed use; the proposed use will not result in injury to existing water rights; and the proposed use would ensure the preservation of the public welfare, safety and health as described in ORS 537.525.

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

Recommendation

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

DATED November 9, 2004


Dwight French
Water Rights Section Manager

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

Protest Rights and Standing

Under the provisions of 537.621(7), you have the right to protest this proposed final order. Your protest must be in writing, and must include the following:

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

- A detailed description of how the action proposed in this proposed final order would impair or be detrimental to your interest;
- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known; and
- If you are not the applicant, the protest fee of \$250 required by ORS 536.050 and proof of service of the protest upon the applicant.
- If you are the applicant, a statement of whether or not you are requesting a contested case hearing. If you do not request a hearing, the Department will presume that you do not wish to contest the findings of the proposed final order.
- If you do not protest this Proposed Final Order and if no substantive changes are made in the final order, you will not have an opportunity for judicial review, protest or appeal of the final order when it is issued.

Requests for Standing

Under the provisions of 537.621(6), persons other than the applicant who support a proposed final order may request standing for purposes of participating in any contested case proceeding on the proposed final order or for judicial review of a final order. A request for standing shall be in writing, include a statement that the requester supports the proposed final order, and a statement of how the requester would be harmed if the proposed final order is modified. The fee required at the time of submitting this request is \$50.00. If a hearing is scheduled, an additional fee of \$200.00 must be submitted along with a request for intervention. Forms to request standing are available from the Department.

Your protest or request for standing must be received in the Water Resources Department no later than **December 24, 2004**.

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

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

This document was prepared by Jerry Gainey. If you have any questions about any of the statements contained in this document I am the person to answer your questions. You can reach me at 503-986-0812.

If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Renee Moulun at 503-986-0824.

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

Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1271, Fax: 503-986-0901.

Gaineyjw- WEEK 485

DRAFT

This is not a permit.
STATE OF OREGON

DRAFT

COUNTY OF UMATILLA

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

JUDY POITRAS AND BARBARA BROWN
16436 STATELINE RD
TOUCHET, WA 99360

(509) 394-2496

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

APPLICATION FILE NUMBER: G-16272

SOURCE OF WATER: A WELL IN RAYMOND GULCH BASIN

PURPOSE OR USE: IRRIGATION USE ON 200.4 ACRES

MAXIMUM RATE: 0.89 CUBIC FOOT PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: JULY 2, 2004

WELL LOCATION: SE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 14, T6N, R33E, W.M.; 173 FEET NORTH &
500 FEET WEST FROM C1/4 CORNER, SECTION 14

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

IRRIGATION WITHIN THE STATE OF OREGON

NE $\frac{1}{4}$ NE $\frac{1}{4}$	17.5 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$	29.8 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$	1.6 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$	0.1 ACRE
NE $\frac{1}{4}$ NW $\frac{1}{4}$	17.6 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$	1.6 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$	5.5 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$	31.4 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$	1.0 ACRE
NW $\frac{1}{4}$ SW $\frac{1}{4}$	0.1 ACRE

SECTION 14

TOWNSHIP 6 NORTH, RANGE 33 EAST, W.M.

IRRIGATION WITHIN THE STATE OF WASHINGTON

WALLA WALLA COUNTY

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 4.0 ACRES

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 18.7 ACRES

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 28.6 ACRES

SE $\frac{1}{4}$ NW $\frac{1}{4}$ 13.8 ACRES

SECTION 14

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 16.2 ACRES

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 12.9 ACRES

SECTION 15

TOWNSHIP 6 NORTH, RANGE 33 EAST, W.M.

Measurement, recording and reporting conditions:

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

STANDARD CONDITIONS

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may not be valid.

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

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

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

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

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

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

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

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

Complete application of the water to the use shall be made on or before October 1, 2009. If the water is not completely applied before this date, and the water user wishes to continue development under the permit, the water user must submit an application for extension of time, which may be approved based upon the merit of the application.

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

Issued _____, 2004

DRAFT - THIS IS NOT A PERMIT

Phillip C. Ward, Acting Director
Water Resources Department

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

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

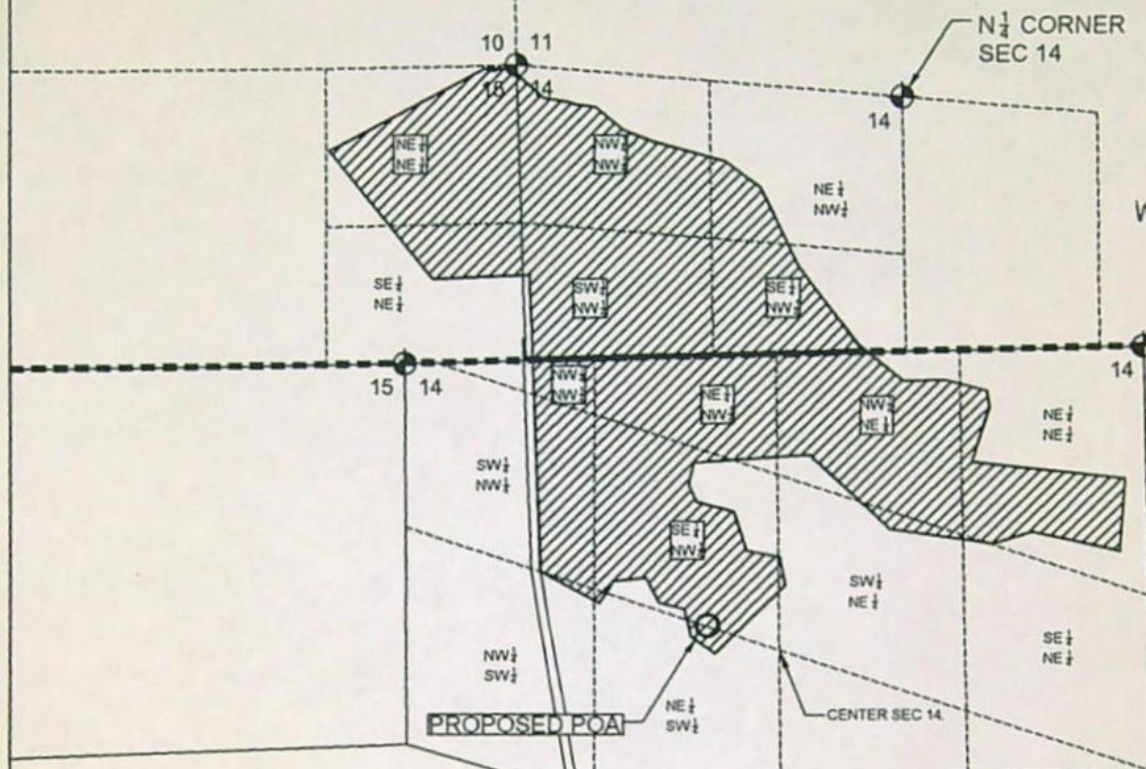
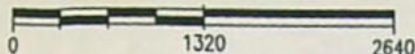
REAL ESTATE TRANSACTIONS: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether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

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



APPLICATION MAP
T6N, R33E, WM

SCALE: 1 inch = 1320 feet



RECEIVED

JUL 02 2004

WATER RESOURCES DEPT.
SALEM, OREGON

WASHINGTON
OREGON

- PROPOSED POA, 173 FT NORTH, 500 FT WEST FROM,
CENTER OF SEC 14, T6N, R33E, WM.

WATER TO BE USED FOR AGRICULTURAL IRRIGATION.

PLACE OF USE (WASHINGTON)

NE 1/4, NW 1/4, SEC 14 = 4.0 AC
NW 1/4, NW 1/4, SEC 14 = 18.7 AC
SW 1/4, NW 1/4, SEC 14 = 28.6 AC
SE 1/4, NW 1/4, SEC 14 = 13.8 AC
NE 1/4, NE 1/4, SEC 15 = 16.2 AC
SE 1/4, NE 1/4, SEC 15 = 12.9 AC

TOTAL FOR WA = 94.2 AC

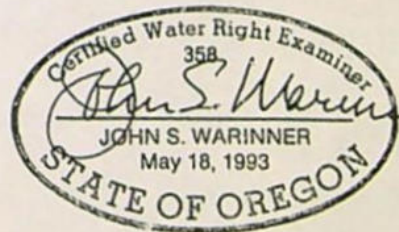
PLACE OF USE (OREGON)

NE 1/4, NE 1/4, SEC 14 = 17.5 AC
NW 1/4, NE 1/4, SEC 14 = 29.8 AC
SW 1/4, NE 1/4, SEC 14 = 1.6 AC
SE 1/4, NE 1/4, SEC 14 = 0.1 AC
NE 1/4, NW 1/4, SEC 14 = 17.6 AC
NW 1/4, NW 1/4, SEC 14 = 1.6 AC
SW 1/4, NW 1/4, SEC 14 = 5.5 AC
SE 1/4, NW 1/4, SEC 14 = 31.4 AC
NE 1/4, SW 1/4, SEC 14 = 1.0 AC
NW 1/4, SW 1/4, SEC 14 = 0.1 AC

TOTAL FOR OR = 106.2 AC

Permittee Signature

Barbara J. Brown
Judith Poitras



APPLICATION MAP

For Permit To Use Groundwater
As Supplemental Water Source
For Agricultural Irrigation

IN THE NAME OF
Barbara Brown and Judy Poitras

Project Name:
Barbara Brown
Judy Poitras
Milton-Freewater, OR
Date:
23 JUNE 2004



**Fountainhead
Irrigation, Inc.**

PO Box 2197 Walla Walla, WA 99362
Phone (509) 529-2646 Fax (509) 522-5251

app no. G-16272

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

G-16272

JUDY POITRAS
16436 STATELINE RD
TOUCHET WA 99360

2. Article Number

(Transfer from service label)

7004 1160 0007 0796 8545

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Leticia Ojal

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

9-29-04

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

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

September 24, 2004

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

JUDY POITRAS AND BARBARA BROWN
16436 STATELINE RD
TOUCHET, WA 99360

(509)394-2496

Reference: File G-16272

Dear Ms. Poitras and Ms. Brown:

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

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

Initial Review Determinations:

1. The proposed use is not prohibited by law or rule except where otherwise noted below.
2. The use of water from a well in Raymond Gulch Basin for Irrigation use on 200.4 acres is **allowable** under OAR 690-507, the Umatilla Basin Program.
3. The Department has determined, based upon OAR 690-09, that the proposed groundwater use will not have the potential for substantial interference with the nearest surface water source.
4. The Department has also determined, based upon available data, that the use of groundwater will likely be available in the amounts requested without injury to prior rights and/or within the capacity of the resource.
5. The Department has noted there is no land use form completed by the Umatilla County Planning Department for lands to be irrigated within the state of Oregon. A land use form

from Walla Walla County, Washington was included. Please refer to the **ADDITIONAL INFORMATION REQUIRED** section below for specific information.

Summary of Initial Determinations

The use of 0.89 cubic foot per second from a well in Raymond Gulch Basin for irrigation use on 200.4 acres is allowable from March 1 through October 31 of each year.

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

Additional Information Required:

Additional information is required to process your application. Please provide the following item(s):

- Land use information as outlined in the Department's Land Use Planning Procedures Guide described in OAR 690-005-0035(4) or a receipt signed and dated by a local government official acknowledging the land use information request was received by the local planning Department, OAR 690-310-0040(1)(a)(L). A completed land use form from the Umatilla County Planning Department for lands to be irrigated within the state of Oregon.

Please submit this information no later than October 28, 2004. If you are unable to submit the information listed above, you may request an administrative hold for up to an additional 180 days. You must submit the request in writing, stating how much more time you will need and why you need additional time. If an administrative hold is granted, your application will not be processed further until the requested information is received or the extended deadline has passed.

If we do not receive the items requested above or a request for an administrative hold from processing by this date, we may reject your application consistent with ORS 537.153 or ORS 537.621. If your application is rejected, any fees submitted in excess of the examination fee will be refunded; however, the examination fee is non-refundable and will not be returned. In addition, the priority date associated with your application will be lost.

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

To Proceed With Your Application:

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

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$50 processing charge per application.) To accomplish this you must notify the Department in writing by **Friday, October 8, 2004**. For your convenience you may use the enclosed "STOP PROCESSING" form.

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

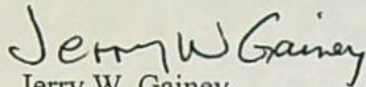
1. Measurement, recording and reporting conditions:
 - A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
 - B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
 - C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.
2. The priority date for this application is July 2, 2004.

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.oda.state.or.us/nrd/water_quality/index.html to learn more about the plans and how they may affect your proposed water use.

If you have any questions:

Questions about the status of your application, processing timelines, or your upcoming Proposed Final Order should be directed to our Water Right Information Group at 503-986-0801. Feel free to call me at 503-986-0812 if you have any questions regarding the contents of this letter. Please have your application number available if you call. Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1271, Fax: 503-986-0901.

Sincerely,



Jerry W. Gainey

Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

G-16272

wab 7-

pou 7-

gw a

APPLICATION FACT SHEET

Mail to: *Applicant, Watermaster, District Biologist (ODFW)*
If necessary, also mail to : Regional Water quality manager (DEQ), and DOA

Application File Number: G-16272

Applicant: JUDY POITRAS AND BARBARA BROWN

County: Umatilla

Watermaster: 5

Priority Date: July 2, 2004

Source: A WELL IN RAYMOND GULCH BASIN

Use: IRRIGATION USE ON 200.4 ACRES

Quantity: 0.89 CUBIC FOOT PER SECOND

Basin Name & Number: Umatilla, #7

Stream Index Reference: Volume 2 PINE CR MISC

Well Location: SENW, SECTION 14, T6N, R33E, W.M.; 173 FEET NORTH & 500 FEET
WEST FROM C1/4 CORNER, SECTION 14

Place of Use: NENW 4.0 ACRES, NWNW 18.7 ACRES, SWNW 28.6 ACRES, SENW 13.8
ACRES, SECTION 14; NENE 16.2 ACRES, SENE 12.9 ACRES, SECTION 15, TOWNSHIP 6
NORTH, RANGE 33 EAST, W.M., AS DEPICTED ON USGS TOUCHET QUAD MAP
WITHIN STATE OF WASHINGTON; NENE 17.5 ACRES, NWNE 29.8 ACRES, SWNE 1.6
ACRES, SENE 0.1 ACRE, NENW 17.6 ACRES, NWNW 1.6 ACRES, SWNW 5.5 ACRES,
SENW 31.4 ACRES, NESW 1.0 ACRE, NWSW 0.1 ACRE, SECTION 14, TOWNSHIP 6
NORTH, RANGE 33 EAST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, October 8, 2004

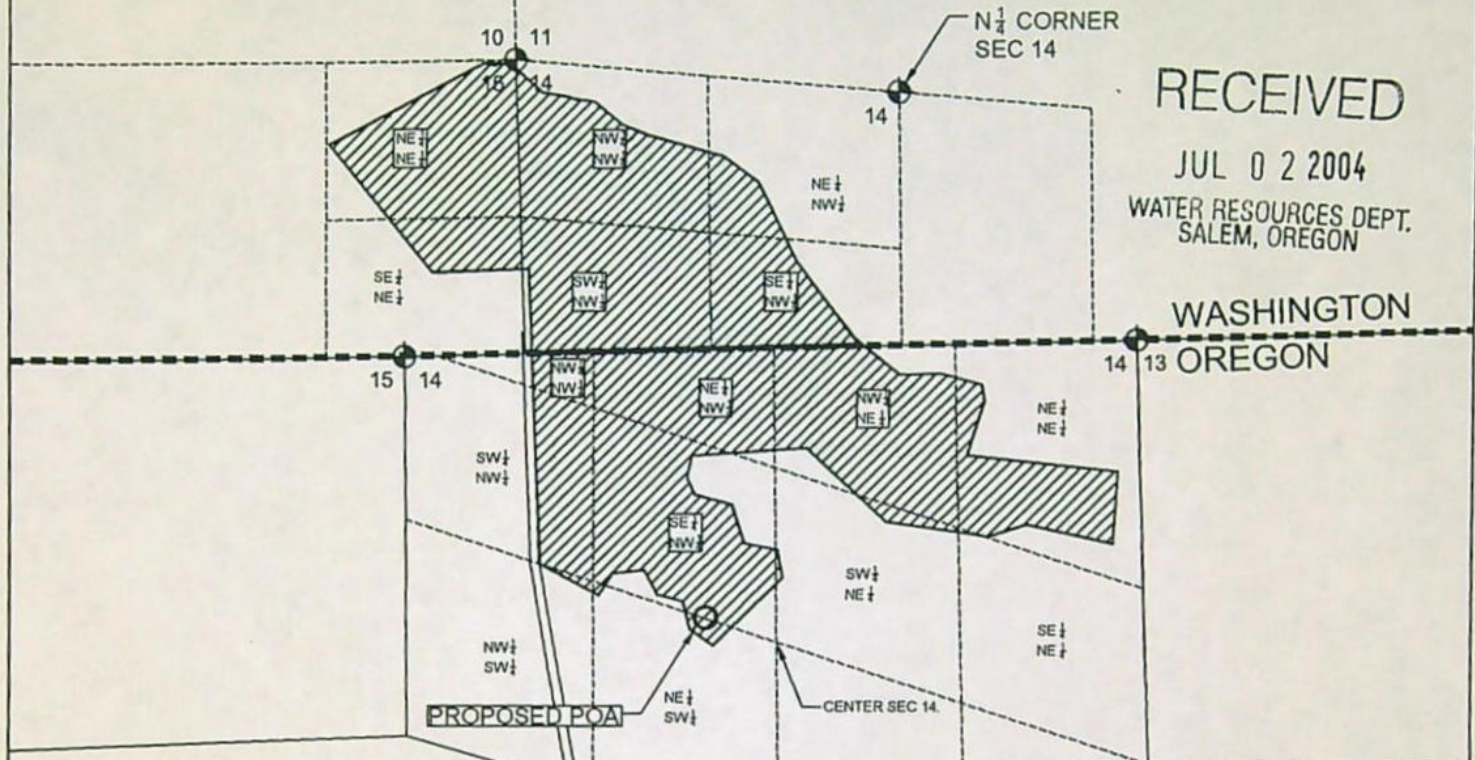
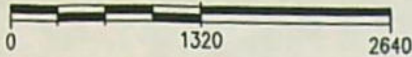
PUBLIC NOTICE DATE: Tuesday, September 28, 2004

30 DAY COMMENT DEADLINE DATE: Thursday, October 28, 2004

APPLICATION MAP T6N, R33E, WM



SCALE: 1 inch = 1320 feet



RECEIVED

JUL 02 2004

WATER RESOURCES DEPT.
SALEM, OREGON

WASHINGTON
OREGON

- PROPOSED POA, 173 FT NORTH, 500 FT WEST FROM,
CENTER OF SEC 14, T6N, R33E, WM.

WATER TO BE USED FOR AGRICULTURAL IRRIGATION.

PLACE OF USE (WASHINGTON)

NE 1/4, NW 1/4, SEC 14 = 4.0 AC
NW 1/4, NW 1/4, SEC 14 = 18.7 AC
SW 1/4, NW 1/4, SEC 14 = 28.6 AC
SE 1/4, NW 1/4, SEC 14 = 13.8 AC
NE 1/4, NE 1/4, SEC 15 = 16.2 AC
SE 1/4, NE 1/4, SEC 15 = 12.9 AC

TOTAL FOR WA = 94.2 AC

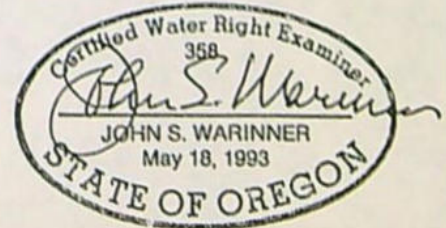
PLACE OF USE (OREGON)

NE 1/4, NE 1/4, SEC 14 = 17.5 AC
NW 1/4, NE 1/4, SEC 14 = 29.8 AC
SW 1/4, NE 1/4, SEC 14 = 1.6 AC
SE 1/4, NE 1/4, SEC 14 = 0.1 AC
NE 1/4, NW 1/4, SEC 14 = 17.6 AC
NW 1/4, NW 1/4, SEC 14 = 1.6 AC
SW 1/4, NW 1/4, SEC 14 = 5.5 AC
SE 1/4, NW 1/4, SEC 14 = 31.4 AC
NE 1/4, SW 1/4, SEC 14 = 1.0 AC
NW 1/4, SW 1/4, SEC 14 = 0.1 AC

TOTAL FOR OR = 106.2 AC

Permittee Signature

*Barbara J. Brown
Judy Poitras*



APPLICATION MAP

For Permit To Use Groundwater
As Supplemental Water Source
For Agricultural Irrigation

IN THE NAME OF
Barbara Brown and Judy Poitras

Project Name:
Barbara Brown
Judy Poitras
Milton-Freewater, OR
Date:
23 JUNE 2004



**Fountainhead
Irrigation, Inc.**

PO Box 2197 Walla Walla, WA 99362
Phone (509) 529-2646 Fax (509) 522-5251

app no. G-16272

Mailing List for IR Copies

Application #G-16272

IR Date: September 24, 2004

Original mailed to:

Applicant: JUDY POITRAS AND BARBARA BROWN, 16436 STATELINE RD, TOUCHET, WA 99360

Copies sent to:

- 1. WRD - File # G-16272
- 2. WRD - Water Availability: Ken Stahr

IR, Map, and Fact Sheet Copies sent to:

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

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

- 5. *Confederated Tribes of the Umatilla Indian Reservation, PO Box 638, 73239 Confederated Way, Pendleton, OR 97801.*
- 6. John S. Warinner, CWRE #358

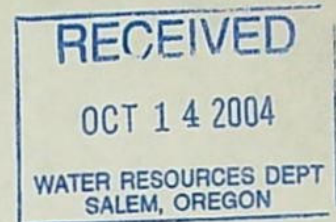
ID# JWG

COPYSHIRT

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

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

16436 Stateline Road
Touchet, WA 99360
October 10, 2004



Jerry Gainey
Water Right Application Caseworker
Water Rights Section
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1271

Dear Mr. Gainey

FILE G-16272

Please find enclosed the Oregon Land Use Information Form requested by your department to facilitate processing of our well application.

If there is any further paperwork needed to complete this process please notify me immediately.

Sincerely

A handwritten signature in cursive script that reads "Barbara Brown".

Barbara Brown

Enclosure



Oregon Water Resources Department Land Use Information Form

RECEIVED

OCT 14 2004

WATER RESOURCES DEPT
SALEM, OREGON

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. WRD will use this and other information to evaluate the water use application. THIS FORM IS NOT REQUIRED IF: 1) water is to be diverted, conveyed, and/or used only on federal lands; or 2) the application is for a water right transfer, allocation of conserved water, or exchange and all of the following apply: a) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm use zone.

To Be Completed By Applicant

This section must be completed by the individual or group that is filing an application with the Water Resources Department. Attach a copy of the map from the application to this form.

A. Applicant

Name: Barbara Brown, Judy Portas
Address: 16436 State Line Road
City: Tacoma State: WA Zip: 99360 Day Phone: 509-394-2496

B. Land and Location

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

Tax Lot I.D.	Plan Designation (e.g. Rural Residential/RR-5)	Water to be: (check all that apply)			Proposed Land Use
6N3B14 300	EFU	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	family
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	

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

Umatilla County

C. Description of Proposed Use

Indicate the type of application to be filed with the Water Resources Department.

☒ Water Use Permit ☐ Water Right Transfer ☐ Allocation of Conserved Water ☐ Exchange

Indicate the intended use of water and describe the key characteristics of the project.

☐ Commercial ☐ Industrial ☐ Instream ☒ Irrigation
☐ Municipal ☐ Quasi-municipal ☐ Domestic (indicate number of households) _____
☐ Other _____

Briefly describe: _____

Indicate the source of the water to be used.

☐ Reservoir/Pond ☐ Ground Water ☐ Surface Water _____ (source)

Indicate the estimated quantity of water the use will require: _____ ☐ CFS ☐ GPM ☐ Acre-Feet

Last revised: 04/06/04

Receipt for Request for Land Use Information

State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
(503) 986-0900

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In this case, only the city planning agency must complete this form. Please request additional forms as needed or feel free to copy.

A. Allowed Use

Check the appropriate box below and provide requested information.

☒ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 152.055. Go to section B "Approval" below.

☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below.

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Check the item that applies: Land Use Approval:	
Outright Use		<input type="checkbox"/> Obtained	<input type="checkbox"/> Being pursued
		<input type="checkbox"/> Denied	<input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained	<input type="checkbox"/> Being pursued
		<input type="checkbox"/> Denied	<input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained	<input type="checkbox"/> Being pursued
		<input type="checkbox"/> Denied	<input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained	<input type="checkbox"/> Being pursued
		<input type="checkbox"/> Denied	<input type="checkbox"/> Not being pursued

Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action/land use decision and accompanying findings are sufficient.)

B. Approval

Please provide printed name and written signature.

Name: Jamra Mabbett Date: 10/08/04
 Title: Planning Director Phone: 541-278-6246
 Signature: [Signature]

C. Additional Comments

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

Note: If this form cannot be completed while the applicant waits, sign and detach the receipt stub as instructed below. You will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

Receipt for Request for Land Use Information

Name of applicant: _____

This receipt must be signed by a local government representative and returned to the applicant at the time they present this form. This receipt must be included with the application filed with the Water Resources Department if the local government cannot provide the requested land use information while the applicant waits.

City or County: _____

Staff contact: _____ Phone: _____

Signature: _____ Date: _____

Water Right Conditions
Tracking Slip

Groundwater/Hydrology Section

FILE ## G-16272
ROUTED TO: Water Rights
TOWNSHIP/
RANGE-SECTION: 6N/33E-14 bd

CONDITIONS ATTACHED? ☐ yes ☒ no

REMARKS OR FURTHER INSTRUCTIONS:

Reviewer: Michael Zwart

PUBLIC INTEREST REVIEW FOR GROUND WATER APPLICATIONS

TO: Water Rights Section Date September 7, 2004

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

SUBJECT: Application G- 16272 Supersedes review of N/A
Date of Review(s)

PUBLIC INTEREST PRESUMPTION: GROUNDWATER

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

A. GENERAL INFORMATION: Applicant's Name: Judy Poitras & Barbara Brown County: Umatilla

- A1. Applicant(s) seek(s) 0.89 cfs from one well(s) in the Umatilla Basin,
Walla Walla subbasin Quad Map: Smeltz
- A2. Proposed use: Irrigation, 200.4 ac. (S) 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	Proposed	1	Alluvium	0.89	6N/33E-14 SE-NW	173' N, 500' W fr Ctr. S 14
2						
3						
4						
5						

* Alluvium, CRB, Bedrock

Well	Well Elev ft msl	First Water ft bls	SWL ft bls	SWL Date	Well Depth (ft)	Seal Interval (ft)	Casing Intervals (ft)	Liner Intervals (ft)	Perforations Or Screens (ft)	Well Yield (gpm)	Draw Down (ft)	Test Type
1	556	110	92	7/30/01	280	0-49	0-280	None	105-280	300	73	P

Use data from application for proposed wells.

A4. Comments: Nearby well UMAT 54343 is being used as a model for the construction of the well.

A5. ☒ Provisions of the Umatilla 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: _____

app no. G-16272

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

Well	Aquifer or Proposed Aquifer	Confined	Unconfined
1	Gravels of the Walla Walla River alluvial fan.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>

Basis for aquifer confinement evaluation: The SWL is above the depth where water was first found, but there is little evidence of a low-permeability bed above the aquifer. Therefore, the aquifer is likely only semi-confined.

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

Well	SW #	Surface Water Name	GW Elev ft msl	SW Elev ft msl	Distance (ft)	Hydraulically Connected?			Potential for Subst. Interfer. Assumed?	
						YES	NO	ASSUMED	YES	NO
1	1	South Ditch	464	568	100	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1	2	Raymond Gulch	464	555	3850	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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"/>	<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: The head relationship suggests a poor hydraulic connection with nearby stream reaches. Hydraulic connection may be at some undetermined downgradient reaches in Washington State.

Water Availability Basin the well(s) are located within: No WAB in this area. Just out of Raymond Gulch > Pine Cr at mouth (30710202).

C3a. 690-09-040 (4): Evaluation of stream impacts for each well that has been determined or assumed to be **hydraulically connected and less than 1 mile** from a surface water source. Limit evaluation to instream rights and minimum stream flows that are pertinent to that surface water source, and not lower SW sources to which the stream under evaluation is tributary. Compare the requested rate against the 1% of 80% natural flow for the pertinent Water Availability Basin (WAB). If Q is not distributed by well, use full rate for each well. Any checked ☒ box indicates the well is assumed to have the potential to cause PSI.

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

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

	SW #		Qw > 5 cfs?	Instream Water Right ID	Instream Water Right Q (cfs)	Qw > 1% ISWR?	80% Natural Flow (cfs)	Qw > 1% of 80% Natural Flow?	Interference @ 30 days (%)	Potential for Subst. Interfer. Assumed?
			<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
			<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
			<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
			<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>

Comments: This section does not apply.

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

Non-Distributed Wells													
Well	SW#	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
Distributed Wells													
Well	SW#	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
		%	%	%	%	%	%	%	%	%	%	%	%
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)

(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.

Basis for impact evaluation: This section does not apply.

C4b. 690-09-040 (5) (b) The potential to impair or detrimentally affect the public interest is to be determined by the Water Rights Section.

- C5. ☐ If properly conditioned, the surface water source(s) can be adequately protected from interference, and/or ground water use under this permit can be regulated if it is found to substantially interfere with surface water:
- ☐ The permit should contain condition #(s) _____;
 - ☐ The permit should contain special condition(s) as indicated in "Remarks" below;

C6. SW / GW Remarks and Conditions _____

References Used: Local well logs; local knowledge, review of file G-14898; Newcomb, 1951, Prelim. Rpt. On the GW Resources of the Walla Walla River Basin.

D. WELL CONSTRUCTION, OAR 690-200

D1. Well #: _____ Logid: _____

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

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

D3. THE WELL construction deficiency:

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

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

_____D5. THE WELL a. ☐ was, or ☐ was not constructed according to the standards in effect at the time of original construction or most recent modification.b. ☐ I don't know if it met standards at the time of construction.D6. ☐ Route to the Enforcement Section. I recommend withholding issuance of the permit until evidence of well reconstruction is filed with the Department and approved by the Enforcement Section and the Ground Water Section.**THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL**D7. ☐ Well construction deficiency has been corrected by the following actions: __________

(Enforcement Section Signature)

_____, 200_____.

D8. ☐ Route to Water Rights Section (attach well reconstruction logs to this page).

Water Resources Department

MEMO

September 7, 2004

TO: Application G- 16272
FROM: GW: Michael Zwart
(Reviewer's Name)
SUBJECT: Scenic Waterway Interference Evaluation

☐ Yes☒ No

The source of appropriation is within or above a Scenic Waterway

☐ Yes☒ No

Use the Scenic Waterway condition (Condition 7J).

PREPONDERANCE OF EVIDENCE FINDING: (Check box only if statement is true)

☒

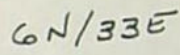
At this time the Department is unable to find that there is a preponderance of evidence that the proposed use of ground water will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife.

FLOW REDUCTION: (To be filled out only if Preponderance of Evidence box is not checked)

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.

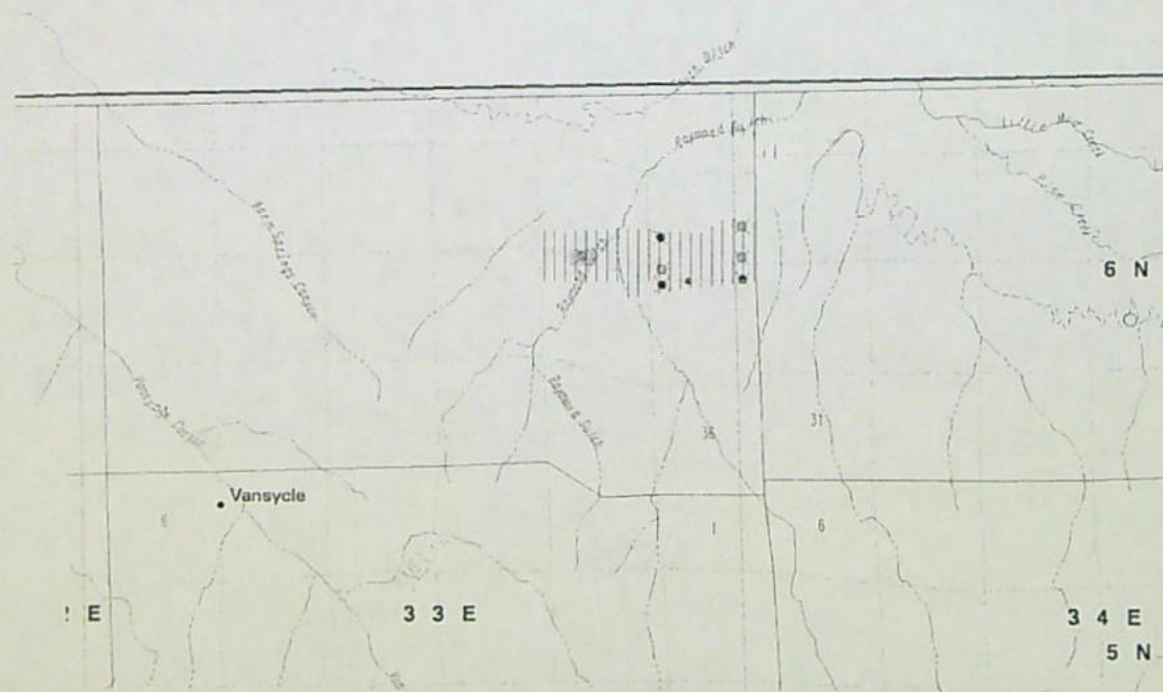
[illegible]

2276 11 SE
(LOWDEN)



Wells in the vicinity of application G 16272

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



WELL LOGS WITHIN 1 MILE OF APPLICATION G 16272

ABANDON: 16
 RECONDITIONED: 16
 REPAIRED: 12
 CONVERSION: 0
 DEEPENINGS: 8
 NEW CONSTRUCT: 140

COMMUNITY USE: 4
 DOMESTIC USE: 128
 INDUSTRIAL USE: 0
 INJECTION USE: 0
 IRRIGATION USE: 24
 THERMAL USE: 0
 LIVESTOCK USE: 4

PERMITTED WELLS WITHIN 1 MILE OF APPLICATION G 16272

\$RECNO	APPLICATION	PERMIT	CLAIM	LOC-QQ	USE_CODE
1	G 8422	G 7826		0 6.00N33.00E13NENE	IC
2	G 14898	G 13717		0 6.00N33.00E13NWNW	IR
3	G 8422	G 7826		0 6.00N33.00E13SENE	IC
4	G 16272	0		0 6.00N33.00E14SENW	IS
5	G 14898	G 13717		0 6.00N33.00E13NWSW	IR
6	0	G 406		0 6.00N33.00E13SESE	IR
6	G 3372	G 3107		0 6.00N33.00E13SESE	IR
6	G 6521	G 6366		0 6.00N33.00E13SESE	IR
7	G 14898	G 13717		0 6.00N33.00E13SWSW	IR

CONDITIONED WELLS WITHIN 5 MILES OF APPLICATION G 16272

\$RECNO	APPLICATION	PERMIT	LOC-QQ	CONDITION-CODE
1	G 13784	G 12069	6.00N34.00E22NESW	7BG
1	G 13784	G 12069	6.00N34.00E22NESW	7BR

APPLICATION G 16272 FALLS WITHIN THESE QUAD(S)

SMELTZ

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **68413**

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

INVOICE # _____

RECEIVED FROM: Barnes Farm Account
BY: Barbara Brown

APPLICATION	G16272
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 6499 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 750.00

1083 TREASURY 4170 WRD MISC CASH ACCT

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

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

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

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE	0202	RECORD FEE
0203 <u>GROUND WATER</u>	\$ <u>500.00</u>	0204	\$ <u>250.00</u>
0205 TRANSFER	\$		

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **68413**

DATED: 7/2/04 BY: Pena & Roe



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

Application for a Permit to Use Ground Water

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

1. APPLICANT INFORMATION

A. Individuals

Applicant: Judy Poitras
First Last
Barbara Brown
First Last
Mailing address: 16436 Stateline Road
Touche WA 99360
City State Zip
Phone: 509.394.2496 509.394.2352 (SCH. - NOT SUMMER)
Home Work Other
*Fax: 509.394.0314 *E-Mail address: bj.brown@hotmail.com

B. Organizations

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

Name of organization: n/a
Name and title of person applying: _____
Mailing address of organization: _____

City State Zip
Phone: _____
Day Evening
*Fax: _____ *E-Mail address: _____

* Optional information

For Department Use

App. No. G 16272 Permit No. _____ Date _____

Ground Water/A

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SALEM, OREGON

2. PROPERTY OWNERSHIP

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

☒ Yes (Skip to section 3 "Ground water Development.")

☐ No (Please check the appropriate box below.)

☐ I have a recorded easement or written authorization permitting access.

☐ I do not currently have written authorization or easement permitting access.

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

List the names and mailing addresses of all affected landowners.

n/a

3. GROUND WATER DEVELOPMENT

A. Well Information

Number of well(s): 1

Name of nearest surface water body: Walla Walla River

Distance from well(s) to nearest stream or lake: 1) 2 mi

2) _____ 3) _____ 4) _____

If distance from surface water is less than one mile, indicate elevation difference between nearest surface water and well head. 1) n/a

2) _____ 3) _____ 4) _____

B. Well Characteristics

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

Well(s) will be constructed by: Mike Harding

Address: 2608 S. 3rd Ave.

Walla Walla, WA 99362

Completion date: Will drill well upon approval of permit

Ground Water/2

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

Well No.	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
1	12"	12"	190			147			147

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

C. Artesian Flows

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

n/a

4. WATER USE

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

A. Type(s) of Use(s)

See list of beneficial uses provided in the instructions.

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

B. Amount of Water

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

Well No.	Source or aquifer	Type of use	Total rate of water requested (in gpm)	Total annual quantity (in gallons)	Production rate of well (in gpm)
1	gravels	irri	400	103,131,525	400

C. Maximum Rate of Use Requested

What is the maximum, instantaneous rate of water that will be used? 0.89 cfs
(The fees for your application will be based on this amount.)

D. Period of Use

Indicate the time of year you propose to use the water: March 1 - Oct. 31
(For seasonal uses like irrigation give dates when water use would begin and end, e.g. March 1-October 31.)

E. Acreage

If you will be applying water to land, please give the total number of acres where water will be applied or used: 200.4 ACRES
(This number should be consistent with your application map.)

5. WATER MANAGEMENT**A. Diversion**

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

- ☐ Pump (give horsepower and pump type): 40 hp submersible
☐ Other means (describe): _____

B. Transport

How will you transport water to your place of use?

- ☐ Ditch or canal (give average width and depth):
 Width _____ Depth _____
 Is the ditch or canal to be lined? ☐ Yes ☐ No
☒ Pipe (give diameter and total length):
 Diameter 8" Length 5000'
☐ Other (describe) _____

C. Application/Distribution Method

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

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

- | | | |
|--|--|---|
| <input type="checkbox"/> Flood | <input type="checkbox"/> High-pressure sprinkler | <input type="checkbox"/> Low pressure sprinkler |
| <input type="checkbox"/> Drip | <input type="checkbox"/> Water cannons | <input type="checkbox"/> Center pivot system |
| <input checked="" type="checkbox"/> Hand lines | <input type="checkbox"/> Wheel lines | |
| <input type="checkbox"/> Siphon tubes or gated pipe with furrows | | |
| <input type="checkbox"/> Other, describe _____ | | |

Distribution method

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

D. Conservation

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

Use of flow control nozzles, sprinklers
work best on alfalfa seed

6. PROJECT SCHEDULE

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

Proposed date construction will begin: Sept. 1, 2004

Proposed date construction will be completed: Sept. 30, 2004

Proposed date beneficial water use will begin: soon as possible

7. REMARKS

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

We need supplemental water for our farm
when there is no water in the Gardena
Farms Irrigation Canal (Wash. State). Typically
to plant one field per year to alfalfa seed
following a wheat crop. For place of
use tabulation (OR vs WA) See attach "A"

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SALEM, OREGON

8. MAP REQUIREMENTS

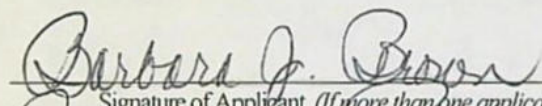
The Department cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section, and quarter/quarter section of the proposed well location and place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

9. SIGNATURE

By my signature below I confirm that I understand:

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

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


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

06-30-04
Date

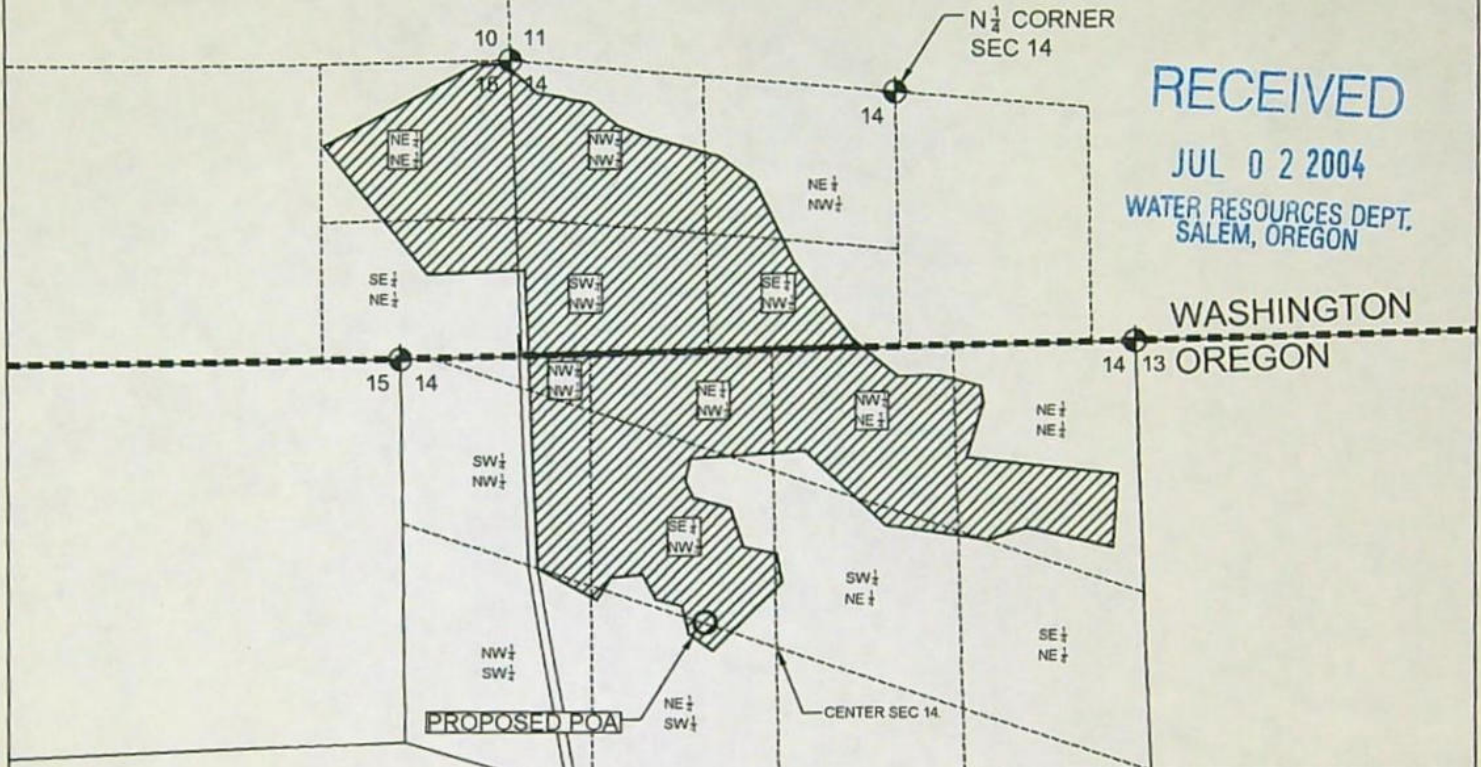
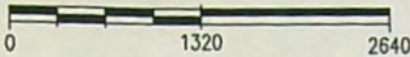
Before you submit your application be sure you have:

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

APPLICATION MAP T6N, R33E, WM



SCALE: 1 inch = 1320 feet



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SALEM, OREGON

WASHINGTON
OREGON

- PROPOSED POA, 173 FT NORTH, 500 FT WEST FROM,
CENTER OF SEC 14, T6N, R33E, WM.

WATER TO BE USED FOR AGRICULTURAL IRRIGATION.

PLACE OF USE (WASHINGTON)

NE 1/4, NW 1/4, SEC 14 = 4.0 AC
NW 1/4, NW 1/4, SEC 14 = 18.7 AC
SW 1/4, NW 1/4, SEC 14 = 28.6 AC
SE 1/4, NW 1/4, SEC 14 = 13.8 AC
NE 1/4, NE 1/4, SEC 15 = 16.2 AC
SE 1/4, NE 1/4, SEC 15 = 12.9 AC

TOTAL FOR WA = 94.2 AC

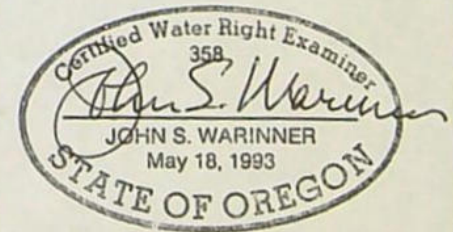
PLACE OF USE (OREGON)

NE 1/4, NE 1/4, SEC 14 = 17.5 AC
NW 1/4, NE 1/4, SEC 14 = 29.8 AC
SW 1/4, NE 1/4, SEC 14 = 1.6 AC
SE 1/4, NE 1/4, SEC 14 = 0.1 AC
NE 1/4, NW 1/4, SEC 14 = 17.6 AC
NW 1/4, NW 1/4, SEC 14 = 1.6 AC
SW 1/4, NW 1/4, SEC 14 = 5.5 AC
SE 1/4, NW 1/4, SEC 14 = 31.4 AC
NE 1/4, SW 1/4, SEC 14 = 1.0 AC
NW 1/4, SW 1/4, SEC 14 = 0.1 AC

TOTAL FOR OR = 106.2 AC

Permittee Signature

*Barbara J. Brown
Judy Poitras*



APPLICATION MAP

For Permit To Use Groundwater
As Supplemental Water Source
For Agricultural Irrigation

IN THE NAME OF
Barbara Brown and Judy Poitras

Project Name:
Barbara Brown
Judy Poitras
Milton-Freewater, OR
Date:
23 JUNE 2004



**Fountainhead
Irrigation, Inc.**

PO Box 2197 Walla Walla, WA 99362
Phone (509) 529-2646 Fax (509) 522-5251

app no. G-16272 Permit no. G15823

C:\SHARED\FOUNTAINHEAD\PROJECTS\2004\BARBARA BROWN WATER RIGHT\BROWN BASE.DWG



Oregon Water Resources Department

FORM I

FOR IRRIGATION WATER USE

1. Please indicate whether you are requesting a primary or supplemental irrigation water right.

☐ Primary ☒ Supplemental

If supplemental, please indicate the number of acres that will be irrigated for each type of use.

Primary: 106.2 Acres Oregon
Secondary: 94.2 Acres Washington

List the permit or certificate number of the primary water right:

No. _____

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

- | | | |
|------------------------|---|--|
| 1. <u>Alfalfa seed</u> | <input checked="" type="checkbox"/> Full season | <input type="checkbox"/> Partial season (from: _____ to _____) |
| 2. <u>wheat</u> | <input checked="" type="checkbox"/> Full season | <input type="checkbox"/> Partial season (from: _____ to _____) |
| 3. <u>Peas</u> | <input checked="" type="checkbox"/> Full season | <input type="checkbox"/> Partial season (from: _____ to _____) |
| 4. <u>Onions</u> | <input checked="" type="checkbox"/> Full season | <input type="checkbox"/> Partial season (from: _____ to _____) |

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

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

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

☐ Daily during daytime hours

☒ Daily during nighttime hours

☐ Two or three times weekly during daytime

☐ Two or three times weekly during nighttime

☐ Weekly, during daytime hours

☐ Weekly, during nighttime hours

☐ Other, explain: _____

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WATER RESOURCES DEPT.
SALEM, OREGON

app no. G-16272

16436 Stateline Road
Touchet, WA 99360
June 29, 2004

State of Oregon
Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1271

Dear Sir:

For the past two years we have tried to obtain the correct information to be granted a permit to use water on our property. We have visited with the staff in the Water Resources Department in Pendleton at least 15 times. Each time we were sent somewhere to obtain maps, deeds, etc. Before we sent our first application in, a staff member, Ken Dowden, spent about 5 hours with us helping us fill out the application. The application was rejected because some things had been left out.

After the permit was rejected we again visited the staff in the Pendleton office and it seems they didn't know what avenue to follow. The only one willing to help us was Molly and she suggested we consult a certified water rights examiner. The gentlemen on staff preferred to stay in their offices.

I am assuming that because our property straddles the Washington-Oregon border makes it more difficult.

We contacted John Warner at Fountainhead Irrigation, Inc. in Walla Walla, Washington and he made the map that is in this packet. He also reviewed our application and thought everything was complete.

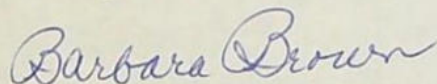
We inherited this property from our mother, Jean Barnes, in 2001 and necessary deeds are included.

Last year our alfalfa seed crop literally burned up from the sun because we had no water to irrigate it during July and August. The cost to us was approximately \$65,000.

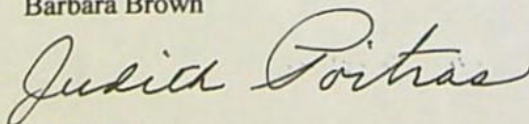
Hopefully, we have the necessary information to get this process completed.

Thanks you for your consideration.

Sincerely



Barbara Brown



Judith Poitras

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JUL 02 2004
WATER RESOURCES DEPT.
SALEM, OREGON

app no. G-16272

RECEIVED

RECEIVED UMAT 54343

Our well will be similar
in design to this well.OCT 14 2003
STATE OF OREGON

SEP 04 2001

WATER SUPPLY WELL REPORT WATER RESOURCES DEPT.

(As required by ORS 537.765)

SALEM, OREGON

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

WELL I.D. # L 47070

START CARD # 138360

(1) LAND OWNER Well Number _____
 Name SHANE K. DeRuwe
 Address 85021 Hudson Bay Road
 City Milton Freewater State ORE Zip 97142

(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 280 ft.
 Explosives used ☐ Yes ☒ No Type _____ Amount _____

HOLE SEAL
 Diameter From To Material From To
16 0 49 Bentonite 0 49 57 pounds
10 49 320

How was seal placed: Method ☐ A ☐ B ☐ C ☐ D ☐ E
☒ Other Poured
 Backfill placed from _____ ft. to _____ ft. Material _____
 Gravel placed from 320 ft. to 280 ft. Size of gravel 1/2 rounded

(6) CASING/LINER:
 Diameter From To Gauge Steel Plastic Welded Threaded
 Casing: 10 1 1/2 280 250 ☒ ☐ ☒ ☐
 Liner: _____ ☐ ☐ ☐ ☐

Drive Shoe used ☐ Inside ☒ Outside ☐ None
 Final location of shoe(s) 280

(7) PERFORATIONS/SCREENS:
☒ Perforations Method TURCH + Mills Knife
☐ Screens Type _____ Material _____
 From To Slot size Number Diameter Tele/pipe size Casing Liner
290 190 3/16" 180 10" ☒ ☐
180 105 3/16" 1200 10" ☒ ☐

(8) WELL TESTS: Minimum testing time is 1 hour
☒ Pump ☐ Bailer ☐ Air ☐ Flowing
 Yield gal/min Drawdown Drill stem at Time
250 45 _____ 1 hr.
300 73 _____ 30 hrs

Temperature of water 57° Depth Artesian Flow Found _____
 Was a water analysis done? ☐ Yes By whom _____
 Did any strata contain water not suitable for intended use? ☐ Too little
☐ Salty ☐ Muddy ☐ Odor ☐ Colored ☐ Other _____
 Depth of strata: _____

(9) LOCATION OF WELL by legal description:

County Umatilla Latitude _____ Longitude _____
 Township 6 or S Range 30 or W. WM.
 Section 13 SW 1/4 SW 1/4
 Tax Lot 310 Lot _____ Block _____ Subdivision _____
 Street Address of Well (or nearest address) Butler Grade Road

(10) STATIC WATER LEVEL:

92 ft. below land surface. Date 7-30-01
 Artesian pressure _____ lb. per square inch Date _____

(11) WATER BEARING ZONES:

Depth at which water was first found _____

From	To	Estimated Flow Rate	SWL
<u>110</u>	<u>178</u>	<u>300</u>	<u>92</u>
<u>192</u>	<u>213</u>	<u>100</u>	<u>92</u>
<u>261</u>	<u>273</u>	<u>200</u>	<u>92</u>

(12) WELL LOG:

Ground Elevation _____

Material	From	To	SWL
<u>10' soil</u>	<u>0</u>	<u>9</u>	
<u>Fine Gravel</u>	<u>8</u>	<u>9</u>	
<u>Silt</u>	<u>9</u>	<u>20</u>	
<u>Sand + Silt</u>	<u>20</u>	<u>49</u>	
<u>Gravel</u>	<u>49</u>	<u>114</u>	<u>110</u>
<u>Coarse Sand + Gravel</u>	<u>114</u>	<u>153</u>	<u>92</u>
<u>Gravel + a little Brown Clay</u>	<u>153</u>	<u>174</u>	
<u>Gravel</u>	<u>174</u>	<u>178</u>	
<u>Brown Clay + Gravel</u>	<u>178</u>	<u>192</u>	
<u>Gravel</u>	<u>192</u>	<u>213</u>	
<u>Gravel + a little Brown Clay</u>	<u>213</u>	<u>228</u>	
<u>Brown Clay + Gravel</u>	<u>228</u>	<u>261</u>	
<u>Gravel</u>	<u>261</u>	<u>273</u>	<u>92</u>
<u>Brown Clay + Gravel</u>	<u>273</u>	<u>294</u>	
<u>Blue Clay</u>	<u>294</u>	<u>320</u>	

Date started 6-14-01 WATER RESOURCES DEPT.

(unbonded) Water Well Constructor Certification

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

Signed _____ WWC Number _____
 Date _____

(bonded) Water Well Constructor Certification:

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

Signed Mike Harding WWC Number 1639
 Date 8-24-01

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

app no. G-16272

COPY

CLAIMING SUCCESSOR'S DEED

1. Conveyance. BARBARA BARNES BROWN and JUDITH BARNES POITRAS, as Claiming Successors of the Small Estate of JEAN M. BARNES, deceased, (Umatilla County Probate No. PR 010174) hereinafter called Grantors, convey to BARBARA BARNES BROWN an undivided 35% and JUDITH BARNES POITRAS an undivided 65%, as tenants in common, as the decedent's devisees under her Last Will and Testament, of that real property described in the attached Exhibit "A" which is referred to and made a part hereof.

2. Consideration. The true and actual consideration for this conveyance is \$0. This Deed is given pursuant to an Affidavit of Claiming Successor of Small Estate of Testate Estate entered in the Umatilla County Probate Court on October 26, 2001. The parties agree that BARBARA BARNES BROWN, and her successors and assigns, shall be entitled to the exclusive possession of so much of the property as is designated as Parcel II and is located north of Stateline Road and JUDITH BARNES POITRAS, and her successors and assigns, shall be entitled to the exclusive possession of so much of the property as is designated as Parcel I and is located south of Stateline Road and they, and their successors and assigns, will retain the right to possess their respective properties to the exclusion of the other until such time as said property can be divided into separate parcels and ownership consistent with said Will. At such time as the law allows partition, the parties will cooperate in completing partition of the property consistent with the Will. Real property taxes and other costs relating to the entirety of the subject property shall be paid by the owners in proportion to their respective interests.

3. Tax Statements. Until a change is requested, all tax statements are to be sent to the following address: Judith Poitras, 1627 Shelton Rd, Walla Walla, WA, Barbara Barnes, 16436 Stateline Rd. Touchet, WA 99360.

4. Property Use Disclaimer. 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.

Dated this 2nd day of July, 2002.

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WATER RESOURCES DEPT.
SALEM, OREGON

Barbara Barnes Brown
BARBARA BARNES BROWN,
Claiming Successor of the Small Estate of
Jean M. Barnes, Deceased.

Judith Barnes Poitras
JUDITH BARNES POITRAS,

Claiming Successor of the Small Estate of
Jean M. Barnes, Deceased.

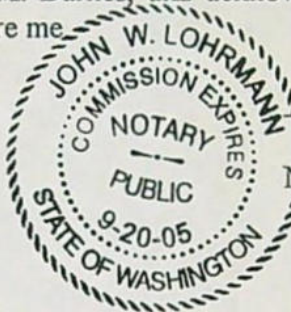
STATE OF WASHINGTON)

)ss.

County of Walla Walla.)

July 2
~~May~~ _____, 2002.

Personally appeared the above named BARBARA BARNES BROWN, Claiming Successor of the Small Estate of Jean M. Barnes, and acknowledged the foregoing instrument to be her voluntary act and deed. Before me



John W. Lohrmann
NOTARY PUBLIC FOR WA

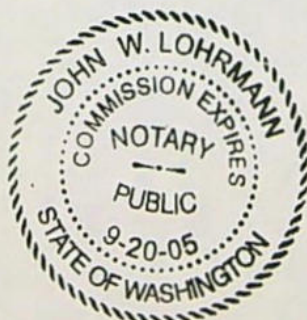
STATE OF WASHINGTON)

)ss.

County of Walla Walla.)

July 2
~~May~~ _____, 2002.

Personally appeared the above named JUDITH BARNES POITRAS, Claiming Successor of the Small Estate of Jean M. Barnes, and acknowledged the foregoing instrument to be her voluntary act and deed. Before me.



John W. Lohrmann
NOTARY PUBLIC FOR WA

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EXHIBIT "A"

Parcel I:

Beginning at a point in Section 14, Township 6, North Range 33, E.W.M. in Umatilla County, Oregon, which point lies Easterly along the Oregon-Washington State Line 626 feet from the 15 mile Post on said State Line and Southerly 153.9 feet; from a marked stone on the intersection of the said State Line with the "Butler Grade" Road, said point of beginning, being at the intersection of two county roads; running thence along the center of a county road, South 73° 12' East 1629.7 feet; thence South 77° East 515.2 feet; and South 82° 45' East 1984.5 feet; thence South 3° 50' West 470.5 feet to the Northerly side of the irrigation ditch right of way; running thence along the said Northerly side of the ditch right of way North 77° 23' West 622.5 feet; thence South 72° 37' West 277.9 feet; thence North 81° 54' West 731.4 feet; thence North 47° 17' West 762.0 feet; thence South 86° 14' West 811.7 feet; thence South 11° 45' West 161.5 feet; thence South 25 East 130.1 feet; thence South 75° 10' East 266.3 feet; thence South 18° 48' East 287.3 feet; thence South 78° 38' East 240.3 feet; thence South 10° 40' East 200 feet; thence South 45° 40' West 685.1 feet; thence North 54° 47' West 203.2 feet; thence North 13° 32' West 200.8 feet; thence North 75° 46' West 190.5 feet; thence North 24° 18' West 198.4 feet; thence South 83° 51' West 288.2 feet; thence South 31° 27' West 182.6 feet; thence North 61° 46' West 473.6 feet; to the center of the "Butler Grade" Road; thence Northerly along the center of the said road North 39' East 1436.3 feet to the point of beginning. Excepting therefrom strips of land 20 feet wide lying along the North and West side of the above described tract used for road purposes. Situated in the County of Umatilla, State of Oregon.

Parcel II:

Lots Four Hundred Twenty-eight (428); Three Hundred Ninety-nine (399); Four Hundred (400); Four Hundred One (401); Four Hundred Thirty (430); Four Hundred Two (402); Four Hundred Three (403); Four Hundred Four (404); Four Hundred Five (405) of the Third Addition to Gardena Contoured Tracts, according to the official plat thereof of record in the office of the Auditor of Umatilla County, Oregon.

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Recording requested by:
John W. Lohrmann, Esq.
Lohrmann Law Offices
6½ N. Second, Suite 200
PO Box 946
Walla Walla, WA 99362

REAL ESTATE EXCISE TAX

SEP 13 2007

EXEMPT 100,379
WALLA WALLA COUNTY
TREASURER

PERSONAL REPRESENTATIVE'S DEED
Corrected

1. GRANTORS. The undersigned Grantors, Barbara Brown and Judith Poitras, are the duly appointed, qualified and acting co-personal representatives of the Estate of Jean M. Barnes, deceased.

2. ESTATE. Jean M. Barnes died on January 26, 2001, and Barbara Brown and Judith Poitras were appointed co-personal representatives on February 15, 2001, in the State of Washington Superior Court for Walla Walla County In the Matter of the Estate of Jean M. Barnes, deceased, Cause No. 01-4-00032-1.

3. NONINTERVENTION POWERS. By Order of Solvency entered February 15, 2001, in the above-mentioned matter, Grantors were authorized to settle the Estate without further court intervention or supervision.

4. WILL PROVISION; CONSIDERATION. Decedent's Will provides that the below-described real property is given to Barbara Brown. This conveyance is made in consideration of the direction in said Will.

5. CONVEYANCE. Grantors hereby convey and quitclaim to Barbara Brown, as her sole and separate property, the following-described property located in Walla Walla County, State of Washington, together with all after acquired title of the Grantors therein:

Tract 431 (formerly Tracts 431 and 394); 432; 385; 379 (formerly Tracts 379, 380, 381, and 382); 383 (formerly Tracts 383 and 384); 395; 396 (formerly Tracts 396, 397, and 398); and 429 of Gardena Contoured Tracts, as recorded in Volume 136, Book of Deeds at page 369, of the records of Walla Walla County, State of Washington.

Parcel Nos. 33-06-14-51-0379; 0383; 0385; 0395; 0396; 0429; 0431; 0432.

6. LIMITATION OF COVENANTS. Grantors expressly limit the covenants of this Deed to those expressed herein and excludes all covenants arising or to arise by statutory or other implication.

DATED this 30th day of August, 2002.

Barbara Brown
Barbara Brown

Judith Poitras
Judith Poitras
Co-Personal Representatives of the
Estate of Jean M. Barnes, deceased, and
not in their individual capacities.



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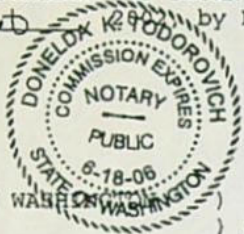
WATER RESOURCES DEPT.
SALEM, OREGON

app no. G-16272

STATE OF WASHINGTON)
) ss.
County of Walla Walla)

On this day personally appeared before me Barbara Brown, to me known to be the individual described in and who executed the within and foregoing instrument as personal representative of the Estate of Jean M. Barnes, deceased, and acknowledged that the same was signed as a free and voluntary act and deed for the uses and purposes therein mentioned.

SUBSCRIBED AND SWORN to before me this 30th day of August by Barbara Brown.

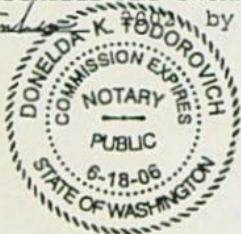


Donelda K. Todorovich
Notary Public
My commission expires: 6/18/06

STATE OF WASHINGTON)
) ss.
County of Walla Walla)

On this day personally appeared before me Judith Poitras, to me known to be the individual described in and who executed the within and foregoing instrument as personal representative of the Estate of Jean M. Barnes, deceased, and acknowledged that the same was signed as a free and voluntary act and deed for the uses and purposes therein mentioned.

SUBSCRIBED AND SWORN to before me this 11th day of September by Judith Poitras.



Donelda K. Todorovich
Notary Public
My commission expires: 6/18/06

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Walla Walla County, WA

2002-10336
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Oregon Water Resources Department Land Use Information Form

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the water use application. DO NOT fill out this form if water is to be diverted, conveyed, or used only on federal lands.

To Be Completed By Applicant

The following section includes information about proposed water use. This section must be completed by the individual or group that is filing an application for a water right with the Water Resources Department.

A. Applicant

Name: Barbara Brown - Judy Poitras
Address: 16436 Stateline Road
City: Touchelet, WA State: OR Zip: 99360 Day Phone: 509.394.2496

B. Land and Location

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

Tax Lot I.D.	Plan Designation (e.g. Rural Residential/RR-5)	Water to be: (check all that apply)		
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used
		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used

List counties and cities where water is proposed to be diverted, conveyed, or used. _____

C. Description of Water Use

Indicate what the water will be used for. Include the beneficial use (found in the instruction booklet for your water right application) and use the space below to describe the key characteristics of the project.

Beneficial Use(s): _____

Briefly describe: _____

D. Source

Indicate the source for the proposed water use:

☐ Reservoir/Pond ☐ Ground Water ☐ Surface Water _____ (source)

E. Quantity

Indicate the estimated quantity of water the use will require:

_____ ☐ CFS ☐ GPM ☐ Acre-Feet

Receipt for Request for Land Use Information

State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
(503) 986-0900

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SALEM, OREGON

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless your project will be located entirely within the city limits. In this case, only the city planning agency must complete this form. Please request additional forms as needed or feel free to copy.

A. Allowed Use

Check the appropriate box below and provide requested information.

- ☒ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): WVCC 17.12.10. Go to section B "Approval" below
(Applicants state for crop irrigation) zone: AR10
- ☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below.

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Check the item that applies: Land Use Approval:	
		<input type="checkbox"/> Obtained	<input type="checkbox"/> Being pursued
		<input type="checkbox"/> Denied	<input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained	<input type="checkbox"/> Being pursued
		<input type="checkbox"/> Denied	<input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained	<input type="checkbox"/> Being pursued
		<input type="checkbox"/> Denied	<input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained	<input type="checkbox"/> Being pursued
		<input type="checkbox"/> Denied	<input type="checkbox"/> Not being pursued

Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus accompanying findings is sufficient.)

B. Approval

Please provide printed name and written signature.

Name: Scott Revell Date: 6/29/04
 Title: Director Phone: 527-3285
 Signature: Scott Revell

C. Additional Comments

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

The Comprehensive Plan and zoning code permit farming activities. It is suggested that the applicant and Oregon Water Resources Dept. work w/ the Washington State Dept. of Ecology (Bill Neve WVCC area watermaster) concerning groundwater withdrawal. Bill's cell 527-4546

Note: If this form cannot be completed while the applicant waits, sign and detach the receipt stub as instructed below. You will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD will presume the land use associated with the proposed water right is compatible with local comprehensive plans. (See attached letter.)

Receipt for Request for Land Use Information

Name of water right applicant: _____

This receipt must be signed by a local government representative and returned to the applicant at the time they present this form. This receipt must be included in the application for a water right permit if the local government cannot provide the requested land use information while the applicant waits.

City or County: _____

Staff contact: _____ Phone: _____

Signature: _____ Date: _____

New Water Right Fee Schedule Effective October 1, 2003

This sheet represents changes to existing fees authorized under HB 2268. See ORS 536.050 for those application fees which were not changed.

Surface Water, Ground Water and Reservoir Applications

Examination Fee:	\$300, plus,
Surface Water and Groundwater Applications:	\$200* for first cubic foot per second (CFS) or fraction thereof, plus, \$100 for each additional CFS or fraction thereof.
For appropriating stored water:	\$20 for the first acre-foot (AF) up to 10 AF then, \$1 for each additional AF up to 1,000 AF then, \$1 for each additional AF.
Permit Recording Fee:	\$250, due only if a permit is to be issued. May be paid with examination fees or after final order is issued.

Transfers

Regular Transfers and Permit Amendments:

Minimum fee for 1 change:	\$350, plus,
Each additional type of change requested:	\$350, plus,
For a change in place of use or type of use or for a water exchange under ORS 540.533:	\$175 for each CFS, or fraction thereof requested in addition to the first CFS. (First CFS is included in the \$350 fee above.)
Submitting a Protest	\$250

Temporary Transfers

Minimum fee	\$175, plus,
For non-irrigation uses,	\$75 for the second CFS and each additional CFS or fraction thereof.
For irrigation uses,	\$1 (or 25 cents if submitted digitally) per acre of land irrigated.

- * If there is more than one use, take the CFS applied for each use and add it together. Take that number and apply the \$200 for the first CFS or fraction thereof and \$100 for each additional CFS or fraction thereof. This is in addition to the \$300 fee.

app no. G-16272

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MAP REQUIREMENTS FOR GROUNDWATER, SURFACE WATER AND STANDARD RESERVOIR APPLICATIONS

Your map will be used as a tool for processing the Initial Review and Proposed Final Order for a permit. A complete application includes a map that will be made part of the record. The map must meet the following requirements to avoid delays in processing your Initial Review:

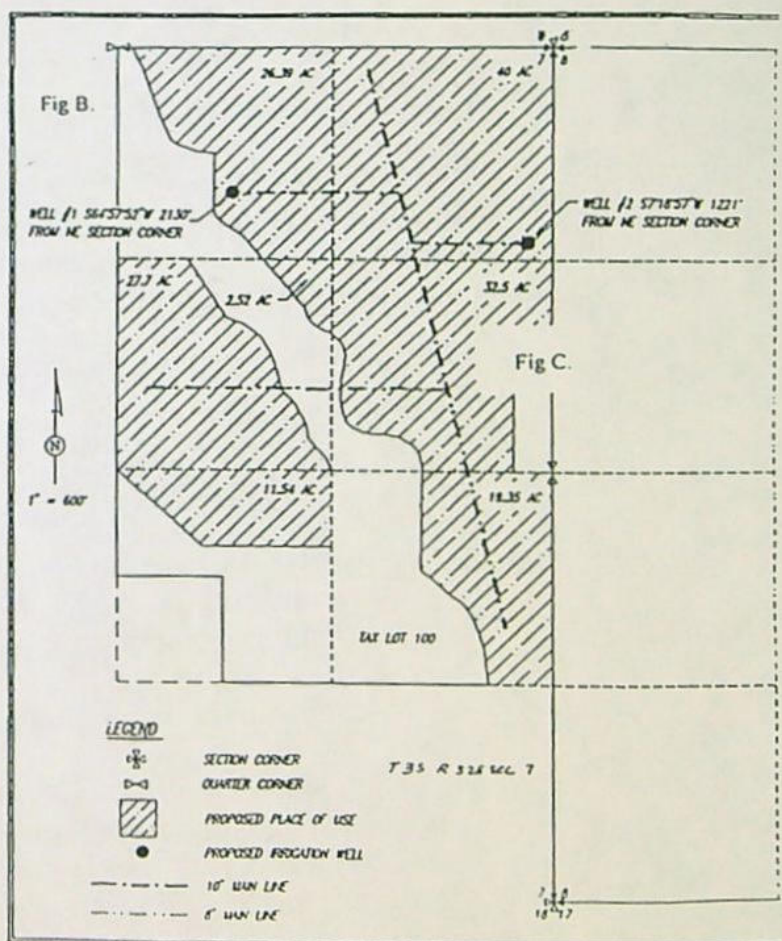
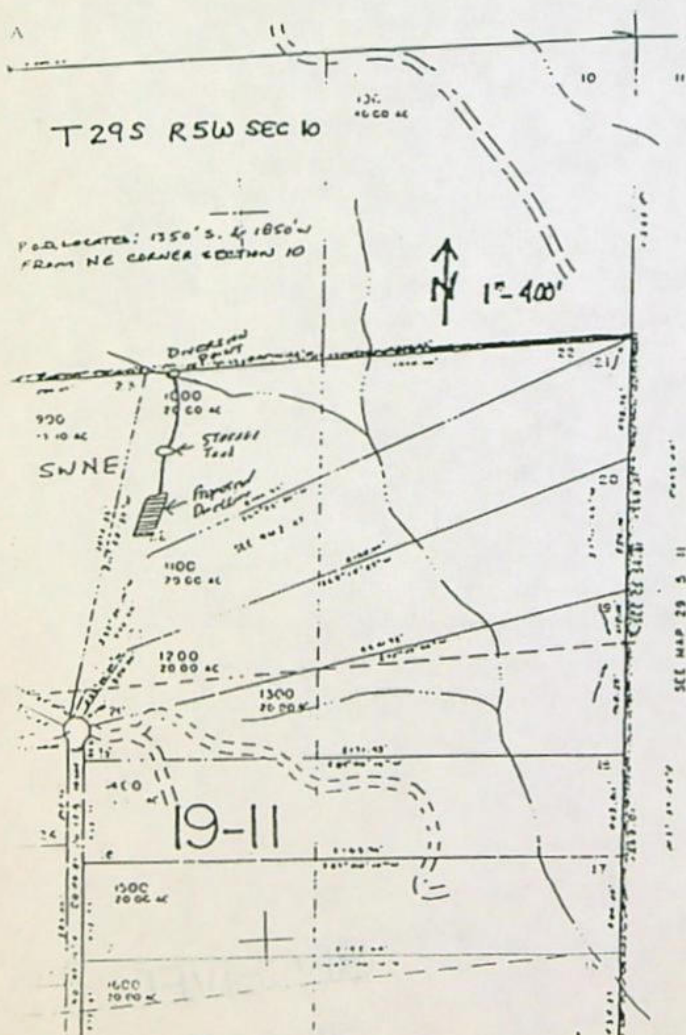
1. The application map must be drawn in ink so as to be easily reproduced. Do not use highlighter pen or any color ink other than black or blue.
2. The map must be no larger than 11 by 17 inches. If it is larger than 11"x17" you must submit four copies or the map must be drawn on tracing vellum or mylar. If submitting an assessors plat map, please provide 4 completed copies.
3. All maps must be drawn to a standard, even scale of not less than 4 inches = 1 mile (1"=1320'). Quad maps will not be accepted as the primary map.
4. All maps must have a North directional symbol.
5. A county assessor map or platted and recorded subdivision map may be submitted as the application map if all the required information is clearly shown. Title company maps or property survey maps will not be accepted unless they meet all required criteria.
6. Each copy of the map shall clearly show each of the following requirements that apply to the proposed appropriation:
 - ▶ The location of each diversion point, well or dam referenced to a recognized public land survey corner. Do not measure from the property line unless it is a section line. The locations may be shown by coordinates (fig. A) as the distance north or south and the distance east or west shown, or by distance and bearing (fig. B)
 - ▶ The location of main canals, ditches, pipelines or flumes.
 - ▶ The location of the place where water will be used identified by Township, Range, Section, Quarter-quarter Section and Tax Lot, along with a notation of the acreage of the proposed place of use, if appropriate.

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If for irrigation, the area to be irrigated in each quarter-quarter section must be indicated by hatchuring and the number of acres irrigated in each quarter-quarter section, donation land claim or government lot must be indicated (fig. C).

- If the proposed use is Municipal or Quasi-municipal, the map does not need to show tax lots, however, the district service boundary shall be indicated on the map.
- 7. If the application is for a reservoir storing more than 9.2 acre-feet and with a dam over 10 feet high, the map must be prepared by a Certified Water Rights Examiner.

An application submitted with a map that does not meet map requirements will not be accepted and will be returned without receiving a priority date.



MINIMUM APPLICATION REQUIREMENTS

All applications submitted to the Department must meet minimum requirements to be accepted for filing. Incomplete applications are returned without being accepted or receiving a priority date. In order to ensure an application will be accepted, the following information must be received at the time of filing:

Surface and Groundwater Applications

A complete application which includes:

- ☐ Name and mailing address of the applicant(s). If the applicant is a public agency, corporation or business, the Organizations section of the application must be completed.
- ☐ Property ownership must be listed. If the applicant does not own all the land where water will be diverted, transported and used, *the name and mailing address of each land owner must be given*. You may list this information on a separate sheet of paper.

If the application involves more than 25 landowners, it is not necessary to list them. The Department can allow for publication in your local newspaper. More information will be sent at Initial Review for this process.

If the applicant does not own all the lands, it must be indicated whether or not an easement or written authorization permitting access has been obtained. However, you do not need to provide the Department with a copy of the easement or written authorization at this time.

- ☐ For Groundwater applications, the number of wells, the distance from the well or sump to the nearest water source if less than 1 mile, and the difference in land surface elevation between them must be listed.

Additionally, the Well Characteristics must be completed. If the well has already been constructed, you may submit a copy of the well log. If no well log is available, or if the well has not yet been constructed, you may be able to get information on well characteristics from a licensed well constructor or from surrounding well logs.

- ☐ The amount of water proposed to be used must be indicated by gallons per minute (GPM), cubic feet per second (CFS) or by acre-feet (AF).

For groundwater applications, list the amount of water *you want to use* as well as the production rate of the well.

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- ☐ The Water Management section of the application must be completed. This includes the estimated capacity and horsepower of each pump; a description of the ditch, canal or pipeline; and a description of the proposed diversion and conveyance systems.
- ☐ For surface water applications, information on resource protection.
- ☐ The proposed dates for beginning and completion of construction and the date when the full amount of water you've applied for will be used. If the system is already in place, you may write that statement in the box.
- ☐ The application must be signed in ink.

Additional Information Required

- ☐ The correct supplemental sheet for your proposed use. Use Form I if the proposed use includes irrigation, nursery or cranberry uses. Form Q for commercial or industrial uses; Form R for mining; and Form M for Municipal or Quasi-municipal uses. There are no additional forms for Domestic uses.
- ☐ A completed land use information form *signed by the local planning official*.
- ☐ The metes and bounds legal description of the place of use and point of diversion. A copy of the deed, land sales contract or title insurance policy will show the legal description required. *A copy of your tax statement will not be accepted.*
- ☐ A map that meets the requirements of OAR 690-310-050 must be submitted. Refer to the Map Requirements Sheet for details.
- ☐ Examination fees as shown on the fee schedule.

In order for your application to be processed as quickly as possible, make sure all the above information is included when you submit the application. An Initial Review Report is usually completed within 45 days after an application has accepted by the Department.

Please refer to the Reservoir Requirements sheet If you will be submitting an application to construct a reservoir that stores more than 9.2 acre feet or has a dam over 10 feet high.

Season of Use for Irrigation

The law allows for certain times of the year to be designated as the irrigation season. This season varies from basin to basin for surface water rights or from wells determined to be hydraulically connected to surface water. The irrigation season for wells not hydraulically connected to surface water is March 1 through October 31.

A water right permit only allows the use of water as defined in the permit, which is also based upon your water right application. We are required to list the season of use for irrigation as the season you request. For example, if you request April 1 through September 30 as your proposed season, you will only be allowed to irrigate during that time. In a dry year crops may require irrigation in March or in October, but you could not irrigate outside the season allowed by the permit. Once a permit is issued, it cannot be amended to increase the season. A new permit must be filed for in that case.

If you are applying for a permit to use surface water, you may first check with your local Watermaster, or the Water Rights Information Group in Salem at 1-800-624-3199 ext. 499 to find out what irrigation season is allowed for the stream system you are applying on.

Legal Description of Property

The property legal description required by the Department can be found on your deed, land sale contract or title insurance policy. It is not found on your tax bill or maps. Generally the legal description looks like the following examples:

Lot 1, Block 3 of the Bumblebee Subdivision, Sec 12, T 8S R16E of the Willamette Meridian, Jefferson County, Oregon;

OR

Beginning at a point 100 rods South of the Northeast corner of Section 8, Township 3 South, Range 9 East of the Willamette Meridian; thence North 28 rods; thence West 31 rods; thence North 152 rods to the 1/16th Section line on the North side of the Southeast Quarter of the Southeast Quarter.....

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SALEM, OREGON

WELL CONSTRUCTION INFORMATION FOR NEW APPLICATIONS

OAR 690-310-040(b)(A) For any well already constructed, a copy of the well constructor's log, if available. If a well log is not available, or if the well is not already constructed, the proposed total depth, depth of casing and seal, and the anticipated perforation and open intervals.

You can obtain copies of well log reports from your local Watermaster's office or by calling the Well Log Section of the Water Resources Department in Salem. That number is (503)378-8455 extension 304, or toll-free in Oregon at 1-800-624-3199 extension 304.

If the well you are applying for has not been constructed, you should contact a licensed well constructor for more information on the proposed development.

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Oregon Water Resources Department

FORM Q

FOR COMMERCIAL, INDUSTRIAL,
AND QUASI-MUNICIPAL WATER USES

1. Describe the goods and services you plan to provide:

2. What is the maximum amount of water that will be used on any given day:

_____ ☐ cfs ☐ gpm

3. Are there periods of the day, week, month, or year that the water will not be used?
(e.g. weekends the plant is closed)

☐ No ☐ Yes If so, when? _____

4. Is there a particular time or period of day, week, month, or year when the use of water is
absolutely essential for the project to continue? (e.g. vegetable processing, Oct. 15-Nov. 15)

☐ No ☐ Yes If so, when? _____

5. Are there periods of the day week, month, or year where the amount of water used will be
less than at peak times?

☐ No ☐ Yes If so, when? _____

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Walla Walla Water Resource Inventory Area (WRIA) #32 Township/Range/Section

