





**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT #

**8738**

158 12TH ST. N.E.

SALEM, OR 97310-0210

378-8455 / 378-8130 (FAX)

INVOICE # \_\_\_\_\_

RECEIVED FROM: Taylor Ranch INC.  
BY: \_\_\_\_\_

APPLICATION	72060
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 24-12 ☐ OTHER: (IDENTIFY) \_\_\_\_\_

TOTAL REC'D \$ 429.75

**0417 WRD MISC CASH ACCT**

ADJUDICATIONS

\$

PUBLICATIONS / MAPS

\$

OTHER: (IDENTIFY) \_\_\_\_\_

\$

OTHER: (IDENTIFY) \_\_\_\_\_

\$

**REDUCTION OF EXPENSE**

CASH ACCT.

\$

PCA AND OBJECT CLASS

VOUCHER #

**0427 WRD OPERATING ACCT**

PCA # 66111

**MISCELLANEOUS**

0407 COPY & TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY) \_\_\_\_\_

\$

TC165 DEPOSIT LIAB. (IDENTIFY) \_\_\_\_\_

\$

**WATER RIGHTS:**

**EXAM FEE**

**RECORD FEE**

0201 SURFACE WATER

\$

0202

\$ 310.00

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$

0206

\$

**WELL CONSTRUCTION**

**EXAM FEE**

**LICENSE FEE**

0218 WELL DRILL CONSTRUCTOR

\$

0219

\$

LANDOWNER'S PERMIT

0220

\$

OTHER (IDENTIFY) \_\_\_\_\_

**0437 WELL CONST. START FEE**

0211 WELL CONST START FEE

\$

CARD #

0210 MONITORING WELLS

\$

CARD #

OTHER (IDENTIFY) \_\_\_\_\_

**0539 LOTTERY PROCEEDS**

1302 LOTTERY PROCEEDS

\$

**0467 HYDRO ACTIVITY**

**LIC NUMBER**

0233 POWER LICENSE FEE (FW/WRD)

\$

0231 HYDRO LICENSE FEE (FW/WRD)

\$

HRDRO APPLICATION

\$

RECEIPT #

**8738**

DATED: 11-22-96

BY: D. Bushnell

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



**MCCARTY Patricia E \* WRD**

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**From:** MCCARTY Patricia E \* WRD  
**Sent:** Thursday, October 04, 2018 1:58 PM  
**To:** kmoore@dunncarney.com  
**Cc:** MCCARTY Patricia E \* WRD  
**Subject:** Taylor Westside Ranch, Inc. water permit extensions

Dear Ms. Moore,

A little over a year ago you filed protests to the Proposed Orders on Mr. Taylor's permit extensions. Since that time I have attempted to reach a settlement with your client through working with the watermaster and the agent, Darryl Anderson. There has apparently been no recent activity on the part of your client, or the agent, on this matter. I understand that, at this point, the option for a settlement is low because it's not clear that your client can get access to the water sources to install measuring devices. If a settlement is not possible, the protests will be referred for hearing, unless the request for a hearing is withdrawn. However, I don't have an estimate on when that referral will occur. Unfortunately, there are quite a few cases ahead of these.

Please let me know if Mr. Taylor is still interested in resolving this through settlement or if he would prefer to wait for the case to be referred for hearing.

Sincerely,  
Patricia McCarty  
Protest Program Coordinator  
Oregon Water Resources Department  
503-986-0820



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

**Application for Extension of Time**

In the Matter of the Application for an Extension of Time  
for Permit S-53024, Water Right Application S-72060  
in the name of Taylor Westside Ranch Inc.

) PROPOSED  
) FINAL ORDER  
) TO DENY

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**Permit Information**

Application:	S-72060
Permit:	S-53024
Basin:	Goose and Summer Lakes / Watermaster District 12
Date of Priority:	December 3, 1991
Source of Water:	Taylor's Reservoir, constructed under Permit R-11248 and enlarged under Application R-72059, Permit R-12119, tributary to the North Fork Cox Creek
Purpose of Use:	Supplemental irrigation of 614.4 Acres
Maximum Volume:	409.0 Acre-Feet (AF) per year of stored water only

*Moss Flats*

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***Please read this Proposed Final Order in its entirety.***

*In summary, the Department proposes to:*

- Deny an extension of time to complete construction of the water system from October 1, 2010, to October 1, 2018.
- Deny an extension of time to apply water to full beneficial use from October 1, 2010, to October 1, 2018.

This Extension of Time request is being processed in accordance with Oregon Revised Statute 537.230 and 539.010(5), and Oregon Administrative Rule Chapter 690, Division 315



## **ACRONYM QUICK REFERENCE**

Department – Oregon Water Resources Department

PFO – Proposed Final Order

AF – acre-feet

Agent – Darryl Anderson, Anderson Engineering

## **AUTHORITY**

**Generally, see ORS 537.230 and OAR Chapter 690 Division 315.**

**ORS 537.230(3)** provides 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 or the right perfected. In determining the extension, the Department shall give due weight to the considerations described under ORS 539.010(5) and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right.

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

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

## **FINDINGS OF FACT**

1. On December 11, 1996, Permit S-53024 was issued by the Department. The permit authorizes the storage of up to 409.0 AF of water in Taylors Reservoir constructed under Permit R-11248, and enlarged under Permit R-12119, tributary to the North Fork Cox Creek, tributaries of Cox Creek, to be appropriated under Application S-72060, Permit S-53024, for supplemental irrigation of 614.4 acres. The permit specified actual construction was to begin by December 11, 1997, and construction of the water system was to be completed by October 1, 1998, and complete application of water was to be made on or before October 1, 1999.
2. On March 19, 2001, an assignment from Taylor Ranch, Inc., to Taylor Westside Ranch, Inc. was recorded in the records of the Water Resources Department for S-53024.
3. On December 12, 2008, the Department issued a Proposed Final Order of Certification to cancel Permit S-53024 because satisfactory proof of beneficial use was not received.



4. One prior permit extension has been granted for Permit S-53024. The most recent extension resulted in the completion dates for construction being extended from October 11, 1998, to October 1, 2010 and full application of water being extended from October 1, 1999, to October 1, 2010.
5. On April 20, 2017, Darryl Anderson (Agent), agent for Taylor Westside Ranch Inc., submitted an "Application for Extension of Time" to the Department, requesting the time to complete construction of the water system extended from October 1, 2010, to October 1, 2018, and the time to apply water to full beneficial use under the terms of Permit S-53024 be extended from October 1, 2010, to October 1, 2018.
6. Notification of the Application for Extension of Time for Permit S-53024 was published in the Department's Public Notice dated April 25, 2017. No public comments were received regarding the extension application.

#### **Review Criteria [OAR 690-315-0040]**

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

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

7. On April 20, 2017, 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)]**

8. Actual construction of the water system began prior to permit issuance. The Application states, construction of Taylor Reservoir, which is the source of water under Permit S-53024, began in 1991 with diversions and outlet structures.
9. According to the Application for a Permit to Construct a Reservoir submitted to the Department on December 3, 1991, "Taylor Reservoir has been constructed".

Based on Findings of Fact (FOF) 8 and 9, the Department has determined the permit holder has satisfied the condition requiring beginning of actual construction of the water works.

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

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

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

*In order to make a finding of "good cause" to approve the extension, the Department shall consider whether the applicant has demonstrated "reasonable diligence" in previous performance under the permit. OAR 690-315-0040(2)(a). In determining "reasonable*



diligence", the Department shall consider, but is not limited to, the following factors: a) The amount of construction completed within the time allowed in the permit or previous extension; b) The amount of beneficial use made of the water during the permit or previous extension time limits; c) Water right holder conformance with the permit or previous extension conditions; and d) Financial investments made toward developing the beneficial use of water.

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

*The amount of construction completed within the time allowed in the previous extension.<sup>1</sup>*

10. The Application identifies work was accomplished prior to permit issuance and during the original development time period, being December 11, 1996, to October 1, 1999. The work included construction of Taylor Reservoir and installation of diversions and outlet structures from 1991 to 1992, and improvement to Taylor Reservoir to support additional storage capacity in 1998.
11. The previous Application for Extension of Time, received by the Department on January 20, 2009, identified the only remaining work to be accomplished under Permit S-53024 consisted of installation of an inline flow meter, weir or other suitable measuring device and that it would be installed by June 2009.
12. The Application does not provide evidence of progress made towards completion of construction of the water development, which includes the installation of an in-line flow meter, weir or other suitable measuring device, and application of water to full beneficial use as allowed in the time period specified in the previous extension time period, being October 1, 1998, to October 1, 2010.

Based on FOF 11 and 12, the Department cannot find evidence of work accomplished towards the complete application of water to beneficial use under Permit S-53024 during the most recent extension of time period, being October 1, 1999, to October 1, 2010. The Department has determined the permit holder has not been diligent in completing construction by not installing an in-line flow meter, weir or other suitable measuring device, or perfecting the water use permit.

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

*The water right permit holder's conformance with the permit conditions.*

13. In the previous Application for Extension of Time submitted to the Department on January 20, 2009, the permit holder stated that the installation of the in-line flow meter was not completed, and that "installation of the flow meter will proceed rapidly and only require minimal amount of time to complete and fulfill the requirements of the permit".

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<sup>1</sup> "Actual Construction" is defined in OAR 690-315-0020(3)(d)(A) and (B) as physical work performed toward completion of the water system which demonstrates the water right permit holder's good faith and intention to complete the project with reasonable diligence. Actual construction does not include planning a diversion system, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, surveying, clearing land or planting crops.



14. The Department has considered the permit holder's compliance with conditions, and has identified the following concerns: (1) the record does not show that an in-line flow meter or other suitable measuring device has been installed.

**Failure to comply with permit conditions constitutes illegal use of water. 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.**

Based on FOF 14, the Department has determined the permit holder has not complied with all terms and conditions, as required by Permit S-53024, therefore, has not been diligent in developing or perfecting the water use permit.

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

*The amount of beneficial use made of the water during the permit time limits.*

15. The Application states a maximum volume of 409.0 AF of water has been used from Taylor Reservoir for supplemental irrigation of 614.0 acres
16. According to the permit holder delay of full beneficial use of water under Permit S-53024 was due, in part, to confusion over the metering requirements.

Based on FOF 15, the Department has determined that beneficial use of water has not yet been demonstrated under this permit because not all permit conditions were satisfied by October 1, 2010.

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

17. The Applications states, from 1990 to 1998, the permit holder has invested about \$10,000, which is about 78 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional \$2,775 investment is needed for the completion of this project.
18. The Application does not identify any financial investment made in the development of the permit during the previous Extension of Time period, being October 1, 1999, to October 1, 2010.

Based on FOF 18, the Department has determined that no financial investment has been made towards the development of Permit S-53024 during the previous extension of time period, being October 1, 1999, to October 1, 2010.

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

The Application does not provide evidence that work has been accomplished towards completion of the water system or a financial investment has been made during the previous extension of time period; the permit holder has not demonstrated compliance with permit conditions; and beneficial use of water has not been demonstrated. Based on FOF 11 through 14 and 18, the



Department has determined the applicant has not demonstrated reasonable diligence in previous performance under Permit S-53024.

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

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

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

**The amount of water available to satisfy other affected water rights and scenic waterway flows [OAR 690-315-0040(4)(a)]**

19. A review of the amount of water available to satisfy other affected water rights and scenic waterway flows was determined at the time of issuance of Permit S-53024; furthermore, water availability for other affected water rights and scenic waterway flows after the permit was issued is determined when an Application for a new water right is submitted.
20. Current Water Availability Analysis shows that 1,402 AF of water is available from Taylor Reservoir constructed under Permit R-11248 and enlarged under Permit R-72059.

**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) [OAR 690-315-0040(4)(b)]**

21. The point of diversion is located on an unnamed stream, a tributary of North Fork Cox Creek, and is not located within a Withdrawn Area.
22. North Fork Cox Creek is not located within or above a state or federal scenic waterway.
23. The point of diversion is in a location listed by the Department of Environmental Quality as a water quality limited stream; North Fork Cox Creek, River Mile 0 to 4.5 is listed under Water Quality Limited for temperature.



**The habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife [OAR 690-315-0040(4)(c)]**

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

**Economic interests dependent on completion of the project [OAR 690-315-0040(4)(d)]**

25. The Application states an approximate total of \$10,000 has been invested in the project between 1992 and 1998.

**Other economic interests dependent on completion of the project [OAR 690-315-0040(4)(e)]**

26. The Application did not identify economic interests other than those of the applicant's that may be dependent on completion of the project.

**Other factors relevant to the determination of the market and present demand for water and power [OAR 690-315-0040(4)(f)]**

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

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

28. The Application states that income or use of the water project will provide a fair and reasonable return on the investment.

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

29. The Application states that income or use of the water project will provide a fair and reasonable return on the investment.

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

30. The Application did not identify unforeseen events.

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

31. The Application did state a denial of the extension would result in the ranching operation being severely impacted.



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

32. Based on Findings of Fact 11 through 14 and 18, above, the Department finds that the Applicant has not demonstrated good faith.

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

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

33. As of April 20, 2017, the permit holder states the remaining work to be completed consists of completing construction of the water system, which includes installation of a measurement device, and applying water to full beneficial use. The permit holder requested the previous extension of time, which was approved October 6, 2009, to accomplish the installation of an in-line flow meter, weir, or other suitable device.

The Department cannot find that the applicant can complete the project or apply water to full beneficial use within the time requested for the extension because the applicant did not pursue application of the water to its beneficial use with due diligence during the previous Extension of Time period being October 1, 1999, to October 1, 2010.

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

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

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

**CONCLUSIONS OF LAW**

1. The applicant has submitted a complete extension application form and the fee specified in ORS 536.050, as required by OAR 690-315-0040(1)(a).
2. The applicant did not comply with begin actual construction timeline requirements pursuant to ORS 537.230 as required by OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).
3. The Application established that there has been no construction, no financial investment or reasonable diligence towards development of the permit during the previous Extension of



Time period, being October 1, 1999, to October 1, 2010. The permit holder has not shown that good cause exists for an extension of time to complete construction and apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).

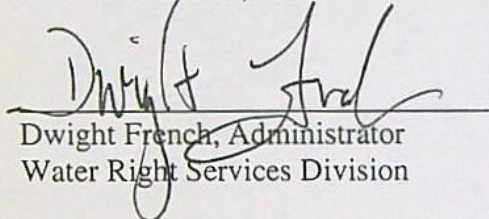
## PROPOSED ORDER

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

Deny the time to complete construction of the water system under Permit S-53024 from October 1, 2010, to October 1, 2018.

Deny the time to apply water to beneficial use under Permit S-53024 from October 1, 2010, to October 1, 2018.

DATED: June 20, 2017

  
Dwight French, Administrator  
Water Right Services Division

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

### Proposed Final Order Hearing Rights

1. Under the provisions of OAR 690-315-0100(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 4, 2017, being 45 days from the date of publication of the proposed final order in the Department's weekly notice.
2. A written protest shall include:
  - a. The name, address and telephone number of the petitioner;
  - b. A description of the petitioner's interest in the proposed final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented;
  - c. A detailed description of how the action proposed in the proposed final order would adversely affect or aggrieve the petitioner's interest;
  - d. A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;
  - e. Any citation of legal authority supporting the petitioner, if known;
  - f. Proof of service of the protest upon the water right permit holder, if petitioner is other than the water right permit holder; and



- g. The applicant or non-applicant protest fee required under ORS 536.050.
- 3. Within 60 days after the close of the period for requesting a contested case hearing, the Director shall:
  - a. Issue a final order on the extension request; or
  - b. Schedule a contested case hearing if a protest has been submitted, and:
    - 1) Upon review of the issues, the Director finds there are significant disputes related to the proposed agency action; or
    - 2) The applicant submits a written request for a contested case hearing within 30 days after the close of the period for submitting protests.

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

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- If you have any questions about statements contained in this document, please contact Jeffrey D. Pierceall at (503) 986-0804.
  - If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Patricia McCarty at 503-986-0820.
  - If you have any questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0801.
  - Address any correspondence to :      Water Right Services Division  
725 Summer St NE, Suite A  
Salem, OR 97301-1266  
Fax: 503-986-0901
-



STATE OF OREGON

COUNTY OF LAKE

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

TAYLOR RANCH, INC.  
HCR 64-BOX 415  
LAKEVIEW, OREGON 97630

PHONE: (541) 947-2869

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

APPLICATION FILE NUMBER: S-72060

SOURCE OF WATER: TAYLORS RESERVOIR, CONSTRUCTED UNDER PERMIT R-11248 AND ENLARGED UNDER APPLICATION R-72059, PERMIT R-12119, TRIBUTARY TO THE NORTH FORK COX CREEK

PURPOSE OR USE: SUPPLEMENTAL IRRIGATION OF 614.4 ACRES

MAXIMUM RATE/VOLUME ALLOWED: 409.0 ACRE-Feet PER YEAR OF STORED WATER ONLY

PERIOD OF USE: APRIL 1 THROUGH SEPTEMBER 30

DATE OF PRIORITY: DECEMBER 3, 1991

POINT OF DIVERSION LOCATION: NE 1/4 NW 1/4, SECTION 36, T36S, R19E, W.M.; 147 FEET SOUTH & 2127 FEET EAST FROM NW CORNER, SECTION 36

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 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SE 1/4	SE 1/4	0.8 ACRE
SECTION 21		
SW 1/4	SW 1/4	28.9 ACRES
SECTION 22		
SW 1/4	NW 1/4	0.5 ACRE
NW 1/4	SW 1/4	21.2 ACRES
SW 1/4	SW 1/4	40.0 ACRES
SE 1/4	SW 1/4	18.6 ACRES
SECTION 26		
NE 1/4	NE 1/4	7.2 ACRES
NW 1/4	NE 1/4	12.0 ACRES
SW 1/4	NE 1/4	30.4 ACRES
SE 1/4	NE 1/4	7.0 ACRES
NW 1/4	NW 1/4	27.1 ACRES
SW 1/4	NW 1/4	10.2 ACRES

Application S-72060 Water Resources Department

PERMIT 53024

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JAN 20 2009

WATER RESOURCES DEPT  
SALEM, OREGON

ADDITIONAL Conditions See Vol 8 p 901



SE 1/4 NW 1/4	34.6 ACRES
NE 1/4 SW 1/4	18.5 ACRES
NW 1/4 SW 1/4	2.4 ACRES
SE 1/4 SW 1/4	3.4 ACRES
NE 1/4 SE 1/4	40.0 ACRES
NW 1/4 SE 1/4	39.0 ACRES
SW 1/4 SE 1/4	30.1 ACRES
SE 1/4 SE 1/4	40.0 ACRES

## SECTION 27

NE 1/4 NE 1/4	1.2 ACRES
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## SECTION 28

NE 1/4 NE 1/4	40.0 ACRES
NW 1/4 NE 1/4	37.0 ACRES
SW 1/4 NE 1/4	38.0 ACRES
SE 1/4 NE 1/4	36.0 ACRES

## SECTION 34

NE 1/4 NW 1/4	11.2 ACRES
NW 1/4 NW 1/4	33.5 ACRES
SW 1/4 NW 1/4	5.0 ACRES

## SECTION 35

TOWNSHIP 37 SOUTH, RANGE 20 EAST, W.M.

## Measurement, recording and reporting conditions:

- ① A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- ② 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.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The required screens and fishways are to be in place and functional, and the fishway must be

Application S-72060 Water Resources Department

PERMIT 53024

RECEIVED

JAN 20 2009

WATER RESOURCES DEPT  
SALEM, OREGON



approved by Oregon Department of Fish and Wildlife before diversion of any water.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

STANDARD CONDITIONS

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

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

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

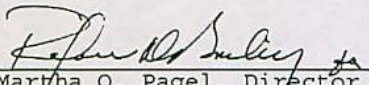
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

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

Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued December # , 1996

  
Martha O. Pagel, Director  
Water Resources Department

RECEIVED

JAN 20 2009

WATER RESOURCES DEPT  
SALEM, OREGON

Application S-72060 Water Resources Department  
Basin 13 Volume 7, North Fork Cox Creek

PERMIT 53024  
District 12





# Oregon

Kate Brown, Governor

## Water Resources Department

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

June 20, 2017

TAYLOR WESTSIDE RANCH  
21732 HIGHWAY 395  
LAKEVIEW, OR 97630

REFERENCE: Application S-72060 / Permit S-53024

Dear Permit Holder:

On April 20, 2017, the Water Rights Section received your 2009 written progress report for Permit S-53024. Receipt of the progress report was published on the Department's weekly Public Notice, dated April 24, 2017. The Department did not receive any public comment on the progress report.

After reviewing your Diligence Progress Report, the Department determined that diligence toward completion of the project and compliance with the terms and conditions of the permit and extension is questionable.

Please be aware that the deadline for completion of construction was October 1, 2010, and the deadline for full beneficial use of water under Permit S-53024 is October 1, 2010. Because diligence is questionable, an additional extension of time for Permit S-53024 will likely not be approved by the Department.

If you have any questions, please feel free to contact me by telephone at (503) 986-0827.

Sincerely,

Jeffrey D. Pierceall  
Water Right Services Division, Extensions

cc: Appl S-72060  
Watermaster District District 8 - Rick Lusk



**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT # **123215**

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

INVOICE # \_\_\_\_\_

RECEIVED FROM: **ANDERSON ENGINEERING & SURVEYING, INC.**

APPLICATION	*SEE BELOW
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # **X 32348** OTHER: (IDENTIFY) ☐

TOTAL REC'D **\$2,300.00**

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES	\$
OTHER: (IDENTIFY)	\$
0243 I/S Lease	
0244 Muni Water Mgmt. Plan	
0245 Cons. Water	

**4270 WRD OPERATING ACCT**

**MISCELLANEOUS 46111**

0407 COPY & TAPE FEES	\$
0410 RESEARCH FEES <i>4c 575<sup>00</sup></i>	\$
0408 MISC REVENUE: (IDENTIFY)	\$
TC162 DEPOSIT LIAB. (IDENTIFY)	\$
0240 EXTENSION OF TIME	\$

**WATER RIGHTS:**

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

**WELL CONSTRUCTION**

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

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:

**123215**

DATED:

**4/20/17**

BY:

*[Signature]*



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



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

**Criteria for a Permit Extension of Time**

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

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

**1) Construction has begun:**

**A. For Groundwater Permits**

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

**B. For Surface Water or Reservoir Permits**

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

The Department will also confirm that:

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

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

Instructions are in Attachment A.

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SALEM, OR



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

I, Taylor Westside Ranch, Inc.

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

21732 Highway 395

ADDRESS

Lakeview

CITY

OR

STATE

97630

ZIP

541-947-2869

PHONE

E-MAIL ADDRESS

the permit holder of:

Application Number S-72060

Permit Number S-53024

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

do hereby request that the time in which to:

☐ complete construction (of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water), which time now expires on Month: Day: Year:, be extended to October 1, 2018, [OAR 690-315-0020(3)(i)]

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

and/or the time in which to:

☒ apply water to full beneficial use under the terms and conditions of the permit, which time now expires on Month: 10 Day: 1 Year: 2010, be extended to October 1, 2018.  
[OAR 690-315-0020(3)(i)]

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

C. J. Taylor 4/17/17  
Signature Date  
C. J. Taylor  
Printed Name Title

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

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- This completed Application for Extension of Time.
- Statutory fee of \$575.
- Signature page (Second page of this Application for Extension of Time).
- All supporting documentation and/or evidence referenced in the Application for Extension of Time.

**MAIL COMPLETED APPLICATION**  
along with the Supporting documents and/ or evidence

**\$575 STATUTORY FEE TO:**

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



**GENERAL TIPS:**

- Permit holders of **municipal or quasi-municipal water use permits DO NOT use this form**. The correct form is APPLICATION FOR EXTENSION OF TIME FOR MUNICIPAL AND QUASI-MUNICIPAL WATER USE PERMITS, available at the following link:  
[http://www.oregon.gov/owrd/PUBS/docs/forms/fillable\\_muni\\_quasi\\_ext\\_app\\_form\\_2014.doc](http://www.oregon.gov/owrd/PUBS/docs/forms/fillable_muni_quasi_ext_app_form_2014.doc)
- Request the reasonable amount of time necessary to fully complete construction of the water project and/or to fully use the permitted quantity of water under the terms and conditions of your permit. Should this request be approved, it will be OWRD's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.
- A separate APPLICATION FOR EXTENSION OF TIME must be submitted for each permit. OAR 690-315-0020(2).
- An instruction sheet, INSTRUCTIONS FOR COMPLETING AN APPLICATION FOR EXTENSION OF TIME FOR A WATER RIGHT PERMIT (Attachment A), provides details that will help you answer each item on the application. Permit extensions are evaluated under OAR Chapter 690, Division 315. These rules may be viewed at: [http://arcweb.sos.state.or.us/pages/rules/oars\\_600/oar\\_690/690\\_315.html](http://arcweb.sos.state.or.us/pages/rules/oars_600/oar_690/690_315.html)
- You may provide OWRD with any additional information or evidence that will aid us in making our decision. Please note that OWRD may require other information that is necessary to evaluate the application. OAR 690-315-0020(3)(n).
- After careful review of the Application for Extension of Time, you may contact OWRD at (503) 986-0900, to ask questions and request assistance from a Permit Extensions Specialist in the Water Rights Services Division.
- An Application for an Extension of Time will be reviewed for completeness. OWRD will return any incomplete or deficient applications to the applicant. OAR 690-315-0040(1)(a).

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**Reference Materials Needed to Complete this Application:**

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

**Questions to complete this application for an Extension of Time**

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

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

**For Groundwater Permits**

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

☐ Yes ☐ No

Date construction began Month: \_\_\_\_\_ Day: \_\_\_\_\_ Year: \_\_\_\_\_

Details of construction and attach documentation: \_\_\_\_\_

**For Surface/Reservoir Permit**

Has construction of the water system begun? ☒ Yes ☐ No

Date construction began Month: \_\_\_\_\_ Day: \_\_\_\_\_ Year: 1991

Details of construction and attach documentation: Taylor Reservoir was constructed under Permit R-11248 in 1991-1992 with diversions and outlet structures to feed irrigation systems for the place of use (Permit S-51079). The reservoir was expanded under permit R-12119 to provide for additional storage capacity to support supplemental irrigation under this permit (S-53024). All construction activities were completed within the time period required by the permit.

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

CHART-A

Permit Conditions in this Permit		Have Completed or Met?	Date satisfied/ or will be satisfied
Checkbox	Ground water Check those included on this permit		
<input type="checkbox"/>	Installation of a meter/totalizing flow meter	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of annual water usage report	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of initial static water level measurement	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of annual static water level measurements in the month required	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of Seven consecutive static water level measurements in the month required	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Special well construction standards	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of a monitoring plan	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Surface Water or Reservoir</b>			
<input checked="" type="checkbox"/>	Installation of a meter/ totalizing flow meter/ in-line meter	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	October 2017
<input type="checkbox"/>	Installation a staff gauge	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of a fish screen	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of a fish by-pass device	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of a fish passage	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of an outlet gate/pipe/ conduit	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input checked="" type="checkbox"/>	Submittal of a letter from ODFW that fish screen, fish by-pass device, and or fish passage is not required	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	July 2009 – see attached letter from ODFW
<input type="checkbox"/>	Submit as-built plans and specification	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of a letter from an engineer prior to storage	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	

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

The only permit condition that has not been complied with is the installation of a meter. All other permit conditions were complied with prior to the date specified in the permit for complete application of water. The permit holder overlooked the meter requirement. Since being made aware of the meter requirement the permit holder has had difficulty constructing and installing an appropriate meter device. Numerous construction contractors were contacted during Fall 2016, but no one was available to construct or install the weir. A contractor was retained in March 2017, and the weir has now been constructed. The weir has not been installed yet as the weather conditions are still too wet to access the property. The weir will be installed and the final permit condition met no later than October 1, 2017. Once the weir has been installed a Claim of Beneficial Use will be completed to finalize the permit. The permit holder has already obtained a CWRE to complete the Claim.

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

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

CHART-B

DATE	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List any work done before the permit was issued – eg. well drilled.</i>	COST*
DATE	WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED and PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER <i>List work/actions done during the permitted time period.</i>	COST*
12/11/1996	Date the permit was signed - find date above signature on last page of permit.	
12/11/1997	The permit specified "Actual Construction Work" shall begin ("A-Date")	
1998	Improvements to Taylor Reservoir to support additional capacity	\$10,000.00
10/1/1999	Date the permit specified complete application of water to the use shall be made- all permits contain this date.	
DATE	WORK ACCOMPLISHED AFTER the date the permit specified complete application of water <i>COMPLETE ONLY IF THIS IS YOUR 1st APPLICATION FOR AN EXTENSION OF TIME: List work done after the date specified in the permit for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
Total Cost for Chart-B		\$10,000.00



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

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

**CHART-C**

DATE	WORK ACCOMPLISHED DURING THE LAST EXTENSION PERIOD <i>List all work done during the last authorized extension period.</i>	COST*
10/1/1999	"Extended From" date for complete application of water used in the 1 <sup>st</sup> (or the most recent) Application for Extension of Time.	
7/2009	Discussion with ODFW regarding fish passage requirements for Reservoir – letter obtained from ODFW stating no fish passage requirements for Reservoir	
10/1/2010	"Extended To" date for complete application of water resulting from the 1 <sup>st</sup> (or the most recent) Application for Extension of Time.	
DATE	WORK ACCOMPLISHED AFTER THE LAST EXTENSION PERIOD EXPIRED <i>List all work done after the last authorized date for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
3/2017	Determination of appropriate measuring device – construction of weir	\$1,225.00
Total Cost of Chart-C		\$1,225.00

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

5. Cost of project to date: \$11,225.00

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

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

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

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

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

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

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

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

Acre-feet stored to date = 409 AF

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

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

**CHART-D**

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

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

If yes, identify Transfer No. T-\_\_\_\_\_

Has the Permit Amendment been approved? Yes ☐ No ☐

If yes, on what date was the Permit Amendment approved? N/A

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

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

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

a) Total acres irrigated to date: 614

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

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Year	Acres	Year	Acres	Year	Acres
1999	614	2000	614	2001	614
2002	614	2003	614	2004	614
2005	614	2006	614	2007	614
2008	614	2009	614	2010	614
2011	614	2012	614	2013	614
2014	614	2015	614	2016	614

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

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

(POD/POA)#1 Acres 614 (POD/POA) #        Acres       

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

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

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

CHART-E

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
June – October 2017	Install weir to comply with measuring permit condition	\$1,500.00
Year: 2018	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
Total Cost		\$1,500.00

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

11. Estimated remaining cost to complete the project: \$1,500.00

(The total cost from CHART-E)

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

**12. Provide a summary of your plan to complete construction, meeting all permit conditions and apply the water to beneficial use:** *(List all tasks or steps needed to complete the project, the date when each task will be completed, and the cost associated with each task; attach additional pages if necessary.)* The only permit condition that has not been satisfied is the installation of a weir to meet the measuring condition. The original reservoir was constructed in 1991-1992 along with the necessary outlet structures and diversions to utilize the water. The reservoir was expanded in 1998 to provide for additional supplemental irrigation. Beneficial use of the water was made prior to the original permit deadline of October 1, 1999. The only permit condition that was not satisfied was the installation of a measuring device. The permit holder has retained a contractor and the weir was constructed in early 2017. Weather conditions have prevented the installation of the weir. As soon as conditions allow, the weir will be installed. This is scheduled for completion in May 2017. Once the weir is installed, a Claim of Beneficial Use will be completed. The permit holder has already retained a CWRE to complete the Claim.

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

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

The only permit condition that still needs to be satisfied is the installation of the weir to meet the measurement condition. The weir is already constructed and the contractor is just waiting for ground conditions to be dry enough to install it. This is expected to happen in May 2017. Once the weir is constructed a Claim of Beneficial Use will need to be completed. The permit holder has already retained a CWRE and this is expected to be completed by Fall 2017. The permit holder will have no trouble completing all the conditions by the requested extension date of October 1, 2018.

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

**14a. Will a denial of the extension result in undue hardship?** *(Describe the hardship and the effects.)* This permit provides supplemental irrigation of 614 acres. This irrigation is vital for pasture/crop production that is necessary to maintain the cattle operation which provides the sole source of income for the Taylor Westside Ranch. Without this permit the ranching operation would be severely impacted.

**14b. Are there any other reasonable alternatives that exist for meeting your water use needs?** *(Explain in detail)* There are no other alternatives for irrigating the acreage included in this permit. Irrigation is needed to produce quality crops and maintain pasture levels for livestock.

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

15. Was the delay in the timely completion of this water development project and/or timely application of water to full beneficial use caused by any additional government requirements, other than the conditions contained within the permit, which significantly delayed the completion and perfection of this right? *(Explain in detail, including how much time did this delay the project; list dates.)* No

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

16. Describe any unforeseen events which contributed to the delay of completion of this project that you had no control over. *(Explain in detail what the unforeseen events were and how much time was spent addressing the unforeseen events.)* The permit holder completed the construction necessary to beneficially use the water within the permit time frame. However, there was significant confusion regarding the additional requirements. Once the permit holder fully understood the measuring requirement, they did attempt to meet the requirement. However, the permit holder was not able to construct and install the weir themselves, and had difficulty obtaining a contractor to perform the work. Once a contractor was retained the weir structure was built, but cannot be installed until weather conditions allow access to the Reservoir site.

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

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

The permit holder completed the necessary construction to beneficially use the water within the permit time frame. However, there was confusion regarding the measurement requirements that delayed completion of this condition.

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

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

The permit holder was able to complete the construction necessary to use the water within the time specified under the permit. Water was beneficially used within the required time and has continued to be beneficially used. There was some confusion regarding the measurement requirement and the Claim of Beneficial Use requirements. The permit holder now understands what is necessary to complete the permit conditions and has been attempting to

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complete the measurement condition since July 2016. However, they have experienced difficulty obtaining a contractor to complete the construction and installation of the weir. Now that the contractor has been retained and the weir constructed, the installation will be complete as soon as weather conditions allow. A CWRE has already been retained to complete the Claim of Beneficial Use once the weir is installed. The permit holder will have no problem completing the work within the requested extension period. Granting this extension will allow the permit holder to continue beneficial use of the water to maintain their ranching operations.

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

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

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

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

**Attach permit, and documentation to the application**

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APR 20 2017

SALEM, OR



STATE OF OREGON

COUNTY OF LAKE

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

TAYLOR RANCH, INC.

HCR 64-BOX 415

LAKEVIEW, OREGON 97630

PHONE: (541) 947-2869

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

APPLICATION FILE NUMBER: S-72060

SOURCE OF WATER: TAYLORS RESERVOIR, CONSTRUCTED UNDER PERMIT R-11248 AND ENLARGED UNDER APPLICATION R-72059, PERMIT R-12119, TRIBUTARY TO THE NORTH FORK COX CREEK

PURPOSE OR USE: SUPPLEMENTAL IRRIGATION OF 614.4 ACRES

MAXIMUM RATE/VOLUME ALLOWED: 409.0 ACRE-FEET PER YEAR OF STORED WATER ONLY

PERIOD OF USE: APRIL 1 THROUGH SEPTEMBER 30

DATE OF PRIORITY: DECEMBER 3, 1991

POINT OF DIVERSION LOCATION: NE 1/4 NW 1/4, SECTION 36, T36S, R19E, W.M.; 147 FEET SOUTH & 2127 FEET EAST FROM NW CORNER, SECTION 36

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 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SE 1/4	SE 1/4	0.8 ACRE
SECTION 21		
SW 1/4	SW 1/4	28.9 ACRES
SECTION 22		
SW 1/4	NW 1/4	0.5 ACRE
NW 1/4	SW 1/4	21.2 ACRES
SW 1/4	SW 1/4	40.0 ACRES
SE 1/4	SW 1/4	18.6 ACRES
SECTION 26		
NE 1/4	NE 1/4	7.2 ACRES
NW 1/4	NE 1/4	12.0 ACRES
SW 1/4	NE 1/4	30.4 ACRES
SE 1/4	NE 1/4	7.0 ACRES
NW 1/4	NW 1/4	27.1 ACRES
SW 1/4	NW 1/4	10.2 ACRES

Application S-72060 Water Resources Department

PERMIT 53024

ASSIGNED OFFICE FILE NO. 8 FEB 90

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SE 1/4 NW 1/4	34.6 ACRES
NE 1/4 SW 1/4	18.5 ACRES
NW 1/4 SW 1/4	2.4 ACRES
SE 1/4 SW 1/4	3.4 ACRES
NE 1/4 SE 1/4	40.0 ACRES
NW 1/4 SE 1/4	39.0 ACRES
SW 1/4 SE 1/4	30.1 ACRES
SE 1/4 SE 1/4	40.0 ACRES

## SECTION 27

NE 1/4 NE 1/4	1.2 ACRES
---------------	-----------

## SECTION 28

NE 1/4 NE 1/4	40.0 ACRES
NW 1/4 NE 1/4	37.0 ACRES
SW 1/4 NE 1/4	38.0 ACRES
SE 1/4 NE 1/4	36.0 ACRES

## SECTION 34

NE 1/4 NW 1/4	11.2 ACRES
NW 1/4 NW 1/4	33.5 ACRES
SW 1/4 NW 1/4	5.0 ACRES

## SECTION 35

TOWNSHIP 37 SOUTH, RANGE 20 EAST, W.M.

## Measurement, recording and reporting conditions:

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

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The required screens and fishways are to be in place and functional, and the fishway must be

Application S-72060 Water Resources Department

PERMIT 53024

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approved by Oregon Department of Fish and Wildlife before diversion of any water.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

STANDARD CONDITIONS

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

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

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

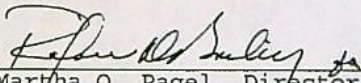
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

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

Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued December # , 1996

  
Martha O. Pagel, Director  
Water Resources Department

Application S-72060 Water Resources Department  
Basin 13 Volume 7, North Fork Cox Creek

PERMIT 53024  
District 12

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# Oregon

Theodore R. Kulongoski, Governor

## Department of Fish and Wildlife

Klamath Watershed District  
High Desert Region  
1850 Miller Island Road West  
Klamath Falls, Oregon 97603  
(541) 883-5732  
FAX (541) 883-5521



Dwight French  
Water Resources Department  
North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271

July 14, 2009

RE: Permit S-12119, Application S-72059  
Permit S-53024, Application S-72060

Dear Mr. French:

The purpose of this letter is to confirm that I have conducted a field review of the diversions under Application # S-72059 and S-72060 and find the following:

Application S-72059, permit S-53024, for the storage of water from an unnamed tributary of North Fork Cox Creek into a reservoir does not need screening at the Point of Diversion where water from Unnamed Tributary of North Cox Creek is diverted into a canal for storage in the reservoir. While fish species can enter the canal and reservoir at the POD, the gradient and design of the diversion allows fish reenter the creek at any time that water is available. Also, bypass devices are not needed at the diversion for this reason, nor are they needed on the face of the reservoir. Water and fish exiting the reservoir are returned to the unnamed tributary of North Fork Cox Creek.

Screening is required at the POD named 76 Cox Creek Diversion, downstream of the reservoir where water is diverted for Permit 51079. The diversion is located in the Northeast corner of Section 17, Township 37S, and Range 20E. The Oregon Department of Fish and Wildlife is willing to work with the landowner on designing and implementing the screen. However it is ultimately the landowners' responsibility to have the screen in place. Additionally, the screen is eligible for the cost-share program through ODFW.

Thank you for the opportunity to comment. Please feel free to contact me if you have any questions.

Sincerely,

*Shannon Hurn*

Shannon M. Hurn  
Assistant District Fish Biologist  
Oregon Department of Fish and Wildlife

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APR 20 2017

SALEM, OR



ROB THORNTON BUILDERS

95983 HILLCREST LN.  
LAKEVIEW, OR 97630

# Invoice

Date	Invoice #
3/25/2017	3692

Bill To
DARRYL ANDERSON 21547 NEW IDAHO ROAD LAKEVIEW, OR 97630

*Taylor Westside Ranch -*

P.O. No.	Terms	Project

Description	Qty	Rate	Amount
Wier	0.5	55.00	27.50
Wier	5	55.00	275.00
	7.5	55.00	412.50
	1	55.00	55.00
weir	0	55.00	0.00
weir	0.5	55.00	27.50
weir	0.5	55.00	27.50
	1	55.00	55.00
	1.5	55.00	82.50
pro build		106.50	106.50
concrete		96.00	96.00
weir steel		60.00	60.00
Total Reimbursable Expenses			262.50
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		Total	\$1,225.00
		Payments/Credits	\$0.00
		Balance Due	\$1,225.00

*already posted*



# Water Use Report Based on Water Right



Permit: S 53024 \*

 TAYLOR WESTSIDE RANCH INC.; TAYLOR, CORNELIUS 21732 HWY 395  
LAKEVIEW, OR 97630

Records per page: 10

## Acre-feet (AF) of Water Used

Water Year <sup>n</sup>	Report ID	Facility	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Total Water Used	Irrigated Acres
2016	51222	USE FROM TAYLORS RES	0.00	0.00	0.00	0.00	0.00	0.00	50.00	100.00	150.00	50.00	10.00	0.00	360.00	614.00
2008	51222	USE FROM TAYLORS RES	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
2007	51222	USE FROM TAYLORS RES	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
2004	51222	USE FROM TAYLORS RES	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
2003	51222	USE FROM TAYLORS RES	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
2002	51222	USE FROM TAYLORS RES	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	

\*The water year is named for the calendar year in which it ends. Example: the 2014 water year begins Oct. 1, 2013 and ends Sep. 30, 2014.

- Water use is reported by point of diversion (POD), rather than by water right.
- If a POD is shared with multiple water rights, it is not feasible to separate out the amount used under the water right being queried from water used by other rights using this same POD.
- Monthly amounts indicate:
  - For diverted rights, the total amount diverted during the month;
  - For storage rights, the amount generally stored in the reservoir/pond during the month, as represented by the volume of water impounded on approximately the same day each month.
- Water Use amounts have all been converted to "acre-feet" (AF), regardless of the original measurement unit reported. One AF is the volume of water that will cover an acre of ground one foot deep = 325,850 gallons.
- Zeroes indicate that a report was received, stating that no water was used during those months; if a year is not listed, no report of water use was received for that year.

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**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT # **124179**

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

INVOICE # \_\_\_\_\_

RECEIVED FROM: DUNN CARNEY  
BY: \_\_\_\_\_

APPLICATION	<u>572060</u>
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 526012 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 410.00

**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 47235

0407 COPY & TAPE FEES	\$	
0410 RESEARCH FEES	\$	
0408 MISC REVENUE: (IDENTIFY)	\$	
TC162 DEPOSIT LIAB. (IDENTIFY)	\$	
0240 EXTENSION OF TIME	\$	
<b>WATER RIGHTS:</b>		
0201 SURFACE WATER	EXAM FEE \$	0202 \$
0203 GROUND WATER	EXAM FEE \$	0204 \$
0205 TRANSFER	EXAM FEE \$	
<b>WELL CONSTRUCTION</b>		<b>RECORD FEE</b>
0218 WELL DRILL CONSTRUCTOR	EXAM FEE \$	0219 \$
LANDOWNER'S PERMIT		0220 \$
<u>0223</u> OTHER (IDENTIFY) <u>PROTEST FEES</u>		<u>\$410.00</u>

**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: **124179** DATED: 8-4-17 BY: [Signature]

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

Request Number: 36739  
Check Date: Aug 03/17

Check Number: 526012

Payee: Oregon Water Resources Department  
Invoice # 081703-3  
Inv Date 8/3/2017  
Invoice Narrative

Memo  
Fee for protest application

Inv Total  
\$410.00

Invoice Totals: 410.00

**DUNN CARNEY**  
LLP

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**Kate L. Moore**  
Admitted in  
Oregon and Washington  
kmoore@dunnearney.com  
Direct 503.417.5375

August 4, 2017

**Via Hand Delivery**

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

Re: **Application for an Extension of Time for Permit S-53024 (Application S-72060) in the name of Taylor Westside Ranch, Inc. - Applicant's Protest to Proposed Final Order**

This Protest is filed pursuant to OAR 690-315-0100(1) and 690-315-0060 on behalf of the applicant, Taylor Westside Ranch, Inc., with respect to the above-referenced Proposed Final Order (PFO) issued by the Oregon Water Resources Department. Taylor Westside Ranch, Inc. ("Protestant" or "Applicant") also requests a contested case hearing.

A check in the amount of \$410 is enclosed for the protest filing fee; however, Applicant/Protestant argues that this fee should not be necessary for this protest. OAR 690-315-0060(2)(g) states that the protest must include "[t]he protest fee required under ORS 536.050, *if petitioner is other than the water right permit holder.*" In this case, the petitioner is the water right permit holder.

This firm will be the attorneys of record for Applicant, and I will be the primary contact.

**1. Name, Address and Telephone Number of Applicant/Protestant**

Taylor Westside Ranch, Inc.  
c/o Neil Taylor  
21732 Hwy 395  
Lakeview, OR 97630  
(541) 947-2869

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**2. Interest in the PFO**

Protestant is the applicant for the proposed water right extension and therefore is directly affected by the PFO.





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Water Right Services Division  
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**3. Description of how the PFO would adversely affect Applicant's interest.**

Applicant holds multiple related water rights, including **Permit S-53024**, the subject of this protest. Permit S-53024 is for supplemental irrigation of 614.4 acres from Taylor Reservoir. Other related water rights for which extensions were also requested include **Permit R-11248** (for storage in Taylor Reservoir of supplemental irrigation water under Permit S-51079); **Permit R-12119** (for storage of water in Taylor Reservoir); and **Permit S-51079** (for irrigation of 30.3 acres with water from White Rock Reservoir and supplemental irrigation of 575.3 acres with water from Taylor Reservoir).

As outlined in the application, Applicant has invested significant resources over the years in developing these water rights, including but not limited to the initial construction of the reservoir.

**4. Detailed description of how the PFO is in error or deficient and the proposed correction, with citation of legal authority.**

Applicant/Protestant provides below a discussion regarding the applicable criteria, identifying the provisions of the PFO that we believe to be in error or deficient, and including citation to legal authority where appropriate. The issues identified below are those reasonably ascertainable at this time, but the Protestant reserves the right to amend the issues as may be determined necessary.

***The applicable criteria to review the extension application [OAR 690-315-0040].***

OWRD correctly cited the relevant criteria for OWRD's review of an extension application in OAR 690-315-0040. The primary criteria are whether (a) the applicant has submitted a completed application; (b) the applicant began construction of the project within the time required; (c) the applicant can complete the project within the time period requested for the extension; and (d) there is good cause in approving the extension.

The Department confirms that Applicant has satisfied (a) and (b) above; however it raises question regarding the time period requested and whether there is good cause in approving the extension. We believe all four of the criteria weigh in favor of approving the extension and that the PFO is therefore in error.

***Applicant can complete the Project within the time period requested [OAR 690-315-0040(1)(c)].***

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The relevant criteria states that the Department shall find "[t]he applicant can complete the project within the time period requested for the extension." OAR 690-315-0040(1)(c). The PFO concludes that the Department "cannot find that the applicant can complete the project or apply water to full beneficial use within the time requested for the extension because [Applicant] did not pursue application of water to its beneficial use with due diligence during the previous Extension of Time period." PFO, pg. 8. This alone is not grounds to conclude that the Applicant cannot complete the project in the requested time period.

Applicant explained in the application that it had scheduled a contractor to install a measurement device at Taylor Reservoir before or during the summer of 2017. This task has now been completed (see attached photograph). Applicant has already engaged a CWRE to assist with the Claim of Beneficial Use. Thus, with the exception of confirmation paperwork, the work has been completed in the requested timeframe. Applicant is also working with ODFW to design and install a fish screen at the Cox Creek Diversion. Further demonstrating Applicant's diligence related to its water rights at this point in time, a measuring weir for White Rock Reservoir relevant to related water rights, is currently being constructed and will be installed by September 2017. As a result, the PFO is in error by stating that the project cannot be completed within the time period requested for the extension.

***There is good cause to approve the extension [OAR 690-315-0040(1)(d)].***

The relevant criteria states that the Department shall find, "[t]here is good cause to approve the extension." OAR 690-315-0040(1)(d). The regulations provide criteria for the Department to "consider" in evaluating whether good cause exists. No single criteria is determinative, and the Department's evaluation is not limited to consideration of the listed criteria. OAR 690-315-0040(2). The PFO is deficient in its failure to give consideration to all of the relevant criteria, instead relying on a single factor over all others.

- (a) *The applicant has demonstrated reasonable diligence in previous performance under the permit.*

The regulations provide a list of criteria for the Department to consider in determining "reasonable diligence." OAR 690-315-0040(3). The Department's evaluation is not limited to these factors, nor should any one of these factors alone be determinative. A discussion of the criteria in OAR 690-315-0040(3) demonstrates that the PFO is deficient and in error regarding its evaluation of reasonable diligence.

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The criteria for consideration include (a) the amount of construction completed within the time allowed in the permit or previous extension; (b) the amount of beneficial use made of the water during the permit or previous extension time limits; (c) conformance with the permit or previous extension conditions, and (d) financial investments made toward developing the beneficial water use. The PFO is deficient in that it ignored the Department's findings other than those related to Applicant's failure to complete construction during the prior extension period. While this is a factor for consideration, it is only one among many, including what was done during the original permit time limits.

With the exception of installation of the measurement device, Applicant fully constructed the water system prior to expiration of the time period required by the permit. These efforts were discussed in the extension application, and include construction of Taylor Reservoir and the related diversion works. That the meter was not installed during the first extension period does not negate those earlier substantial efforts, which should be accorded significant weight.

The water was applied to beneficial use prior to the previous extension time period, and has continued to be applied to full beneficial use, as described in the extension application.

Furthermore, the financial investment in constructing the water system was significant (approx. \$10,000 just for improvements to Taylor Reservoir, not including its original construction), particularly when looked at in comparison to the remaining costs at the time of the application to install the measurement devices (approx. \$1,225). Despite the significant past investments, the PFO only gave weight to the finding that no investment was made during the prior extension period. This is inconsistent with the regulations, which ask that the Department "consider" the "[f]inancial investments made toward developing the beneficial water use," not just those during the extension period. OAR 690-315-0040(3)(d).

Contrary to the PFO, these factors weigh in favor of granting an additional extension.

*(b) The cost to appropriate and apply the water to a beneficial purpose.*

The Department must also consider the cost to appropriate and apply the water to a beneficial purpose in evaluating whether there is good cause to approve the extension. OAR 690-315-0040(2)(b). As discussed above, the cost that has already been invested into this water right far outweighs the remaining cost, particularly now that the measurement device has been installed. As noted above, the PFO concludes that the investment at the time of the extension application was about \$10,000, much more than the remaining costs to complete the project. However, the Department singularly focuses

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on the lack of investment during the previous extension period in reaching its conclusions. As discussed herein, Applicant is prepared to make this investment to fully comply with the permit conditions.

*(c) The good faith of the appropriator.*

The good faith of the appropriator is another factor to be considered in evaluating whether there is good cause to approve the extension. OAR 690-315-0040(2)(c). The Department relies on findings 11-14 and 18 to conclude that Applicant has not demonstrated good faith. These findings again focus solely on Applicant's failure to install the measurement device during the extension period, ignoring its other findings, including findings demonstrating the substantial efforts made to develop this water right prior to that first extension request.

Applicant has additionally demonstrated good faith to complete construction since submittal of its application. In the application, Applicant indicated that it had retained a contractor to construct and install the weir in May 2017; as noted above, that weir has now been installed at the Taylor Reservoir outlet. Also as noted above, Applicant has been working with ODFW to design and install the fish screen on Cox Creek and has taken steps to install another weir at the White Rock Reservoir outlet (to comply with related water rights permits).

*(d,e) The market for water or power to be supplied and the present demands for water or power to be supplied.*

OAR 690-315-0040(4)(a)-(f) provides a list of criteria to be considered by the Department in its evaluation of the market and the present demand for water or power. The only findings in the PFO suggesting any potential concern related to these criteria were that the points of diversion are in a location listed by the Department of Environmental Quality as water quality limited for temperature and that the area is within a Sensitive, Threatened or Endangered Fish Species Area. The Department found no concern with any other water use designations or with water availability, and only a "moderate" ranking for stream flow restoration needs.

Other criteria for consideration of the market and present demands include the economic investment in the project to date, which as discussed above was significant. The Department found that no other economic interests were dependent on completion of the project. As noted in the application, however, Applicant relies on this water for supplemental irrigation to support its ranching operation. The water is vital for pasture/crop production that is necessary to maintain the cattle operation, which provides

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the sole source of income for Taylor Westside Ranch. The loss of the ability to use this water would have severe adverse impacts on the ranching operation.

No additional factors were considered. Contrary to the PFO, the findings above weigh in favor of granting the extension.

- (f) *The income or use that may be required to provide fair and reasonable returns on investment.*

The Department found that income or use of the water project will provide a fair and reasonable return on investment, providing no grounds for denying the application.

- (g) *Whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of right.*

The PFO found that the Application did not identify other governmental requirements as a cause for the delay in the full development of this project. While the need to work with ODFW on the fish screening is not the sole cause of past delays, it is among the reasons why Applicant has requested an extension to October 2018. Applicant is currently working with ODFW to design and install the fish screen; given the difficulties of this task, including challenges due to accessibility, construction will likely not be complete until summer or early fall of 2018. Again, this criteria does not justify denial of the extension request.

- (h) *Any unforeseen events over which the water right permit holder had no control and which delayed development under the permit.*

In addition to the explanations provided in the Application for the delays in completing construction, Mr. Neil Taylor who manages Taylor Westside Ranch has had other unforeseen events complicate his ability to comply with the permit conditions. Mr. Taylor had to hire a new full-time ranch employee after discovering the former employee had been failing to complete many of his tasks. Over the last several years, Mr. Taylor, who himself is 87-years old, has been caretaking for his wife through her cancer treatments and other ailments. She just recently moved to a nursing home. Both of these unforeseen life events consumed Mr. Taylor's time and energy, and were a distraction from focusing on his water rights permits.

- (i) *Whether denial of the extension will result in undue hardship to the applicant and that there are no other reasonable alternatives for meeting water use needs.*

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The Department found that a denial of the extension would result in the ranching operation being severely impacted. It is not evident; however, that the Department has given this finding any weight.

***Proposed Correction***

Ultimately, the PFO denied the extension request on the basis that the permit holder has not shown good cause for an extension of time. In reaching that conclusion, only certain findings of the PFO were given weight, namely that Applicant failed to make use of the prior extension period to complete construction. However, as explained above, other factors weigh in favor of allowing the relatively short extension that has been requested to complete development of the water right.

Applicant proposes a correction to the PFO, finding that based on full consideration of the criteria, including recent installation of the Taylor Reservoir weir, the permit holder has shown good cause to allow the extension through October 1, 2018. Although this extension request does not exceed five years, Applicant is willing to work with the Department to establish checkpoints to determine if diligence is being exercised in the perfection of the water use permit.

**Conclusion**

This protest is filed by Taylor Westside Ranch, Inc. to comply with the requirements of OAR 690-315-0060 and to request a contested case hearing. It is our hope the protest can be resolved through dispute resolution that will not require the need for a hearing. Accordingly, Applicant reserves the right to withdraw the request for hearing.

Very truly yours,

Kate L. Moore

KLM:kah

cc: Dave Vandenberg

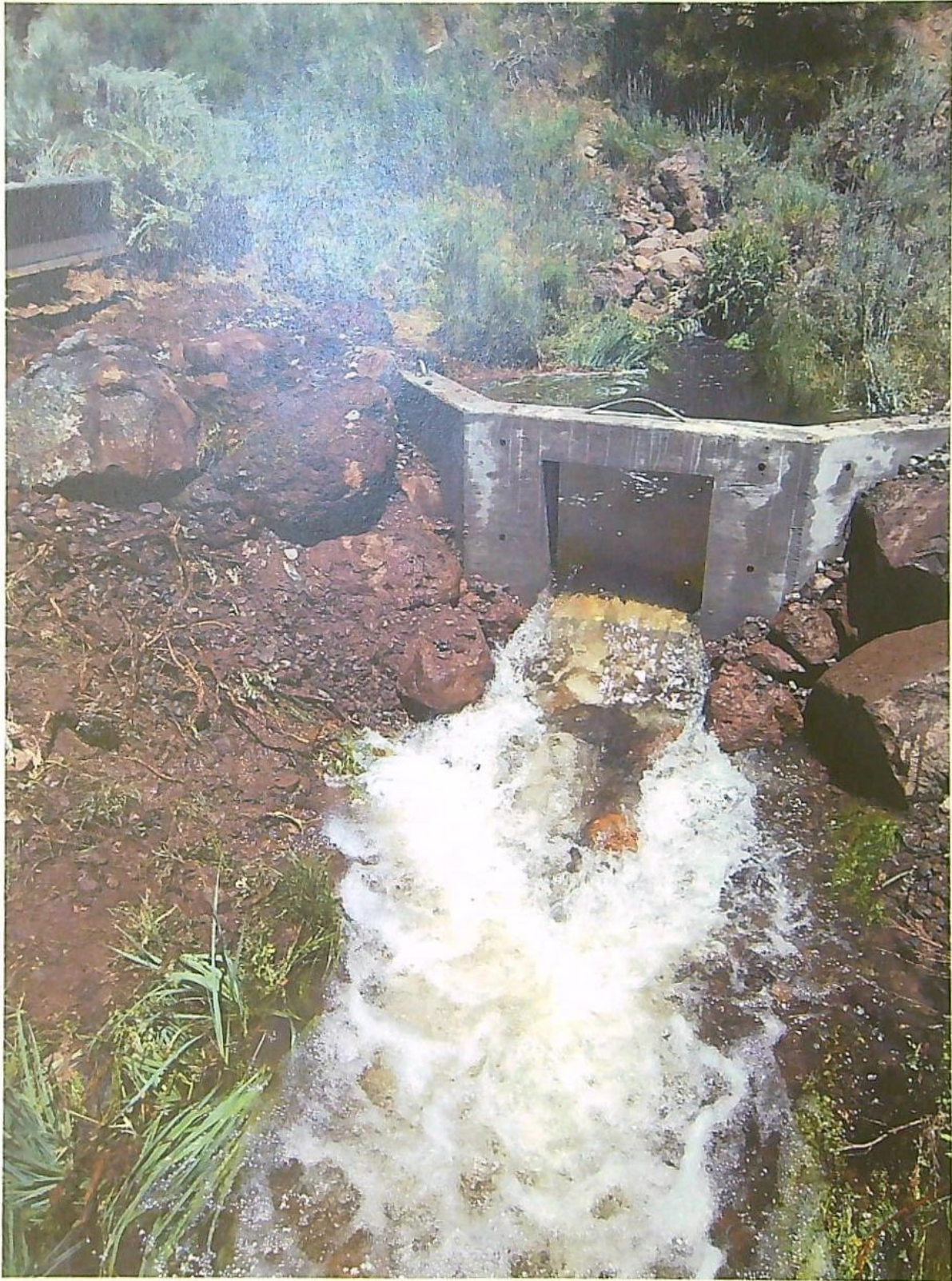
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**RECEIVED**  
AUG 04 2017  
OWRD





## Taylor Reservoir Outlet Measuring Weir



**RECEIVED**

AUG 04 2017

OWRD





# Oregon

Kate Brown, Governor

## Water Resources Department

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

August 14, 2016

Kate L. Moore  
Dunn Carney Allen Higgins & Tongue LLP  
Suite 1500, 851 SW Sixth Avenue  
Portland, OR 97204

Re: Receipt of protests on Applications for Extension of Time for Permits R-11248, R-12119, S-53024 and S-51079 in the name of Taylor Westside Ranch Inc.

Dear Ms. Moore,

The protests on the Proposed Final Orders for the above applications were received on August 4, 2017. Enclosed are receipts #124177 for check #526010, #124178 for check #526011, #124179 for check #526012, and #124180 for check #526013, all in the amount of \$410.00, in payment of the fee to file a protest to each of the Proposed Final Orders on the above applications.

I will review the protests and contact you regarding the concerns raised. The protests request a contested case hearing. I will prepare the referral documents for a hearing. However, in the meantime, if it is possible to resolve the issues raised in the protests a settlement agreement may eliminate the requirement to hold a hearing.

Please contact me directly with any questions.

Sincerely,

Patricia McCarty  
Protest Program Coordinator  
Water Right Services Division  
503-986-0820  
[patricia.e.mccarty@oregon.gov](mailto:patricia.e.mccarty@oregon.gov)





## Mailing List for Extension PFO Copies

PFO Date: June 20, 2017

Copies Mailed

Application: S-72060

By: SP

Permit: S-53024

On: 6-20-17

### Original mailed to Applicant:

Taylor Westside Ranch Inc.  
21732 Highway 395  
Lakeview, OR 97630

### Copies sent to:

1. WRD - App. File S-72059/ Permit S-53024
2. Agents Anderson Engineering & Surveying, Inc.  
Darryl Anderson  
P.O. Box 28  
Lakeview, OR 97630

### Fee paid as specified under ORS 536.050 to receive copy:

3. None

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

4. WRD - Watermaster District 12, Brian Mayer

CASEWORKER: JDP





## Oregon Water Resources Department Attribute Report

Report Date: Apr 25, 2017

### General:

TRSQQ:	WM36.00S19.00E26NESE WM36.00S19.00E35NENE WM36.00S19.00E26SESE WM36.00S19.00E25SWSW WM36.00S19.00E36NWNW WM36.00S19.00E35NWNE WM36.00S19.00E26SWSE
DLC:	-
Latitude:	42.4121693416
Longitude:	-120.4374646367
Buffer (ft):	1000
Elevation (ft):	5790
Basin Name:	Goose & Summer Lakes
Basin Plan:	1-Goose Lake
County:	Lake
WM District:	12
WM Region:	SOUTH CENTRAL
ODFW Region, District:	High Desert, Klamath District
Irrigation District AOI:	-



Irrigation District, Other:	-
Dams (Permit):	-
Water Rights:	<u>Platcard for WM36.00S19.00E26</u> <u>Platcard for WM36.00S19.00E35</u> <u>Platcard for WM36.00S19.00E26</u> <u>Platcard for WM36.00S19.00E25</u> <u>Platcard for WM36.00S19.00E36</u> <u>Platcard for WM36.00S19.00E35</u> <u>Platcard for WM36.00S19.00E26</u>
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#### Rules:

Withdrawn Authority:	-
Groundwater Retricted:	-
GW Retricted Subunit:	-
GW ODEQ Management Area:	-
GW Umatilla Muni Wells (5mile):	-
Rule 4D:	-
Division 33 (Area, Watershed, species):	<b>STATEWIDE</b> , <i>Thomas Creek</i> , Modoc Sucker, Goose Lake Sucker, Redband Trout



Water Quality Limited Pollutant:	<b>North Fork Cox Creek</b> R. Mile: 0 to 4.5 HUC4: 18020001 Pollutant: Temperature Season: NaN Uses: Salmonid fish rearing Status: 303(d) Action: No 2010 action
Is in Deschutes Study Area:	-
Deschutes Zone Impact:	-
Deschutes Zone Overlay:	-
Scenic Water Way:	-

#### Hydrography:

OWRD Streamcode:	13004000200060020120 - N Fk Cox Cr
Waterbody Name:	-
HUC 10:	1802000102
HUC Watershed:	Thomas Creek
WAB Wshed Order:	6
WAB Analysis:	<u>COX CR &gt; CAMP CR - AB BAUERS CR</u>
Streamflow:	OWRD Opportunities: Very good ODFW Needs: Moderate Combined Priority: Not a priority
Gaging Station Data:	-



## Sources:

### *General*

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

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

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

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

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### *Hydrography*

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

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. Unknown. n.d.

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

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Elevation (ft):	5790
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Deschutes Zone Overlay:	-
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HUC Watershed:	Thomas Creek
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Gaging Station Data:	-



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Report Date: Apr 25, 2017

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### ***Hydrography***

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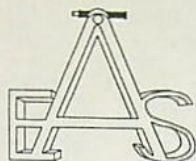
*Priority Watersheds for Streamflow Restoration.* Oregon Water Resources Dept. and the Oregon Dept. of Fish & Wildlife.. January 15, 2004.

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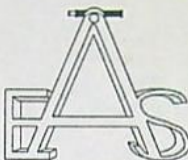


ANDERSON

ENGINEERING & SURVEYING, INC.



PO Box 28  
17681 Hwy 395  
Lakeview, Oregon 97630  
541-947-4407  
541-947-2321 FAX



# TRANSMITTAL LETTER

*Returned to Appl 7-12-16*

Oregon Water Resources Department

725 Summer Street, Suite A

Salem, Oregon 97301

DATE: 7/7/2016	JOB NO: 2016-027
ATTENTION:	
RE: (5) Applications for Extension of Time	

WE ARE SENDING YOU ATTACHED:

☐ PRINTS ☐ PLANS

☐ OTHER \_\_\_\_\_

COPIES	DATE	DESCRIPTION
1		Application R-72059 / Permit R-12119
1		Application S-72060 / Permit 53024
1		Application R-70065 / Permit R-11248
1		Application G-13576 / Permit G-13087
1		Application 70066 / Permit 51079
1		Check # 1149 - \$2,875.00

THESE ARE TRANSMITTED AS CHECKED BELOW:

☐ FOR APPROVAL ☒ FOR REVIEW AND COMMENT

☐ AS REQUESTED ☐ FOR SIGNATURE

☐ OTHER \_\_\_\_\_

REMARKS \_\_\_\_\_

RECEIVED BY OWRD

JUL 11 2016

SALEM, OR

COPY TO Neil Taylor w/ Attachments

SIGNED Barb Thompson

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



# Extension PFO Checklist for Other than Muni or Quasi-Municipal

## Water Use Permits

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

Application: S-72060 Permit: 58024 Permit Amendment? No ☐ Yes ☐ T- ☐ pending ☐ approved

Permit Holder's Name: Taylor Westside Ranch, Inc

Permit Holder's Mailing Address: \_\_\_\_\_

email \_\_\_\_\_

Phone Number: 541-947-2869

Agent/CWRE Anderson Eng.

Drainage Basin: 13 County: Lake Watermaster District: 12 Watermaster: \_\_\_\_\_  
Goose & Sun Lake

Date Permit was issued: 12-11-1996 Priority Date: 12-3-1991 Date of PN: 7-19-2016

Source: Taylor's Reservoir (see permit)

Use: 409.0 AF

"Q": Sup Irr of 614.4

Orig "A" Date: 12-11-1997 Orig "B" Date: Oct. 1, 1998 Orig "C" Date: Oct 1, 1999

Extension request received: 7-11-16 Last Authorized Date: 10-1-2010 "C" Date: 10-1-2010

Request Number (1, 2, 3...): 2 Proposed "B" Date: 10-1-2018 Proposed C Date: 10-1-2018

### Conditions of Permit:

Condition Met?	Condition Not Met?	Permit Condition
✓		Begin construction:
	✓	meter
	✓	AWUR
✓		Fish screen
	✓	checkpoint

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

Yes No

- ☐ ☒ Work was accomplished within the time allowed in the permit or previous extension
- ☐ ☒ Water right permit holder conformed with the permit or previous extension conditions
- ☐ ☒ Beneficial use made of the water during the permit or previous extension time limits

- Permit holder has beneficially used 409 cfs/gpm/af of the total permitted quantity of water on 614 acres

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

- Amount Invested to date: \$ 30,000 Estimated Remaining Cost: \$ 3,500

GW REVIEW: Y N \_\_\_\_\_

MITIGATION REVIEW: Y N \_\_\_\_\_

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



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? 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](http://www.rivers.gov/wildriverslist.html)
- ☐ ☒ within a critical or limited Ground Water Area? Name of area \_\_\_\_\_
- ☒ ☐ within a sensitive, threatened or endangered species area source: "/gisdata/dev/projects/salmon/div33map.aml"
- ☒ ☐ in a waterbody listed on the DEQ Section 303(d) List of Water Quality Limited Areas? Date added to list \_\_\_\_\_
- ☒ ☐ within an area ranking low / moderate / high / Highest (circle one) for stream flow restoration needs Source: OWRD "Streamflow Restoration Maps (by region)"

Needs"

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

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

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

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

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

☐ 5-year Progress Report Checkpoints (Years: \_\_\_\_\_)

☐ Other: \_\_\_\_\_

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

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

NOTES:

Extension "PFO" Dates

Mailing / Issuance Date: \_\_\_\_\_ Protest Deadline Date: \_\_\_\_\_ FO Issuance Date: \_\_\_\_\_

Reviewer's Name: \_\_\_\_\_ Date: \_\_\_\_\_



**Oregon Water Resources Department  
Attribute Report**

Report Date: Jul 12, 2016

**General:**

TRSQQ:	WM36.00S19.00E25SESW WM36.00S19.00E36NENW WM36.00S19.00E25SWSE WM36.00S19.00E25SWSW WM36.00S19.00E36NWNE WM36.00S19.00E36NWNW
DLC:	-
Latitude:	42.4103036449
Longitude:	-120.4274963982
Buffer (ft):	1000
Elevation (ft):	5666
Basin Name:	Goose & Summer Lakes
County:	Lake
WM District:	12
WM Region:	SOUTH CENTRAL
ODFW Region, District:	High Desert, Klamath District
Irrigation District AOI:	-
Irrigation District, Other:	-
Dams (Permit):	Moss Flat <a href="#">R-11248</a>
Water Rights:	<a href="#">Platcard for WM36.00S19.00E25</a> <a href="#">Platcard for WM36.00S19.00E36</a> <a href="#">Platcard for WM36.00S19.00E25</a> <a href="#">Platcard for WM36.00S19.00E25</a> <a href="#">Platcard for WM36.00S19.00E36</a> <a href="#">Platcard for WM36.00S19.00E36</a>
Well Logs:	<a href="#">Logs for WM36.00S19.00E25</a> <a href="#">Logs for WM36.00S19.00E36</a> <a href="#">Logs for WM36.00S19.00E25</a> <a href="#">Logs for WM36.00S19.00E25</a> <a href="#">Logs for WM36.00S19.00E36</a> <a href="#">Logs for WM36.00S19.00E36</a>

**Rules:**

Withdrawn Authority:	-
Groundwater Retricted:	-



GW Retricted Subunit:	-
GW ODEQ Management Area:	-
GW Umatilla Muni Wells (5mile):	-
Rule 4D:	-
Division 33 (Area, Watershed, species):	STATEWIDE, <i>Thomas Creek</i> , Modoc Sucker, Goose Lake Sucker, Redband Trout
Water Quality Limited Pollutant:	<b>North Fork Cox Creek</b> R. Mile: 0 to 4.5 HUC4: 18020001 Pollutant: Temperature Season: NaN Uses: Salmonid fish rearing Status: 303(d) Action: No 2010 action
Is in Deschutes Study Area:	-
Deschutes Zone Impact:	-
Deschutes Zone Overlay:	-
Scenic Water Way:	-

#### Hydrography:

OWRD Streamcode:	13004000200060020120 - N Fk Cox Cr
Waterbody Name:	-
HUC 10:	1802000102
HUC Watershed:	Thomas Creek
WAB Wshed Order:	6 3
WAB Analysis:	<u>COX CR &gt; CAMP CR - AB BAUERS CR</u> <u>WILLOW CR &gt; CHEWAUCAN R - AT MOUTH</u>
Streamflow:	OWRD Opportunities: Very good ODFW Needs: Moderate Combined Priority: Not a priority  OWRD Opportunities: Fair ODFW Needs: Moderate Combined Priority: Not a priority
Gaging Station Data:	-

#### Sources:

##### *General*

*Oregon Public Land Survey Quarter-quarters. Bureau of Land Management, Oregon Water Resources*



Department.. n.d. 1:24,000.

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

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

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

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

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

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

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

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

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

### **Rules**

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

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

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

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

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

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

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

*Oregon Water Quality Assessment 2010.* This data set was assembled by the Oregon Department of Environmental Quality, Water Quality Division, Standards and Assessments Section. GIS data prepared by the Watershed Management Section, Drinking Water Program.. August 16, 2013.

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

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

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

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

### **Hydrography**

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



. Unknown. n.d.

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

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

---

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

---

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

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



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

Criteria for a Permit Extension of Time

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

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

1) Construction has begun:

A. For Groundwater Permits

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

B. For Surface Water or Reservoir Permits

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

The Department will also confirm that:

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

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

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Instructions are in Attachment A.



. Unknown. n.d.

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

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

---

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

---

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

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

I, Taylor Westside Ranch, Inc.; Cornelius Taylor

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

21732

ADDRESS

Lakeview

CITY

OR

STATE

97630

ZIP

5419472869

PHONE

E-MAIL ADDRESS

the permit holder of:

Application Number S-72060

Permit Number S-53024

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

do hereby request that the time in which to:

☒ complete construction (of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water), which time now expires on **Month: 10 Day: 1 Year: 2010**, be extended to October 1, 2018, [OAR 690-315-0020(3)(i)]

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

and/or the time in which to:

☒ apply water to full beneficial use under the terms and conditions of the permit, which time now expires on **Month: 10 Day: 1 Year: 2010**, be extended to October 1, 2018.  
[OAR 690-315-0020(3)(i)]

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

C. J. Taylor  
Signature

July 6, 2016  
Date

C. J. Taylor  
Printed Name

Pres.  
Title

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

- This completed Application for Extension of Time.
- Statutory fee of \$575.
- Signature page (Second page of this Application for Extension of Time).
- All supporting documentation and/or evidence referenced in the Application for Extension of Time.

**MAIL COMPLETED APPLICATION**  
along with the Supporting documents and/ or evidence

**\$575 STATUTORY FEE TO:**

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



**GENERAL TIPS:**

- Permit holders of **municipal or quasi-municipal water use permits DO NOT use this form**. The correct form is APPLICATION FOR EXTENSION OF TIME FOR MUNICIPAL AND QUASI-MUNICIPAL WATER USE PERMITS, available at the following link:  
[http://www.oregon.gov/owrd/PUBS/docs/forms/fillable\\_muni\\_quasi\\_ext\\_app\\_form\\_2014.doc](http://www.oregon.gov/owrd/PUBS/docs/forms/fillable_muni_quasi_ext_app_form_2014.doc)
- Request the reasonable amount of time necessary to fully complete construction of the water project and/or to fully use the permitted quantity of water under the terms and conditions of your permit. Should this request be approved, it will be OWRD's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.
- A separate APPLICATION FOR EXTENSION OF TIME must be submitted for each permit. OAR 690-315-0020(2).
- An instruction sheet, INSTRUCTIONS FOR COMPLETING AN APPLICATION FOR EXTENSION OF TIME FOR A WATER RIGHT PERMIT (Attachment A), provides details that will help you answer each question on the application. Permit extensions are evaluated under OAR Chapter 690, Division 315. These rules may be viewed at:  
[http://arcweb.sos.state.or.us/pages/rules/oars\\_600/oar\\_690/690\\_315.html](http://arcweb.sos.state.or.us/pages/rules/oars_600/oar_690/690_315.html)
- You may provide OWRD with any additional information or evidence that will aid us in making our decision. Please note that OWRD may require other information that is necessary to evaluate the application. OAR 315-0020(3)(n).

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- After careful review of the Application for Extension of Time, you may contact OWRD at (503) 986-0900, to ask questions and request assistance from a Permit Extensions Specialist in the Water Rights Services Division.
- An Application for an Extension of Time will be reviewed for completeness. OWRD will return any incomplete or deficient applications to the applicant. OAR 690-315-0040(1)(a).

**Reference Materials Needed to Complete this Application:**

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

**Questions to complete this application for an Extension of Time**

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

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

**For Groundwater Permits**

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

☐ Yes ☒ No

Date construction began Month: \_\_\_\_\_ Day: \_\_\_\_\_ Year: \_\_\_\_\_

Details of construction and attach documentation: \_\_\_\_\_

**For Surface/Reservoir Permit**

Has construction of the water system begun? ☒ Yes ☐ No

Date construction began Month: \_\_\_\_\_ Day: \_\_\_\_\_ Year: 1991

Details of construction and attach documentation: Taylor Reservoir constructed (permit R-70065) with diversions and outlet structures feeding White Rock Reservoir, which in turn feeds irrigation systems for the place of use per this permit.

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

CHART-A

Permit Conditions in this Permit		Have Completed or Met?	Date satisfied/ or will be satisfied
Checkbox	Ground water Check those included on this permit		
<input type="checkbox"/>	Installation of a meter/totalizing flow meter	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of annual water usage report	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of initial static water level measurement	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of annual static water level measurements in the month required	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of Seven consecutive static water level measurements in the month required	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Special well construction standards	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of a monitoring plan	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	<b>Surface Water or Reservoir</b>		
<input checked="" type="checkbox"/>	Installation of a meter/ totalizing flow meter/ in-line meter	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	10/1/2018
<input type="checkbox"/>	Installation a staff gauge	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of a fish screen	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of a fish by-pass device	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of a fish passage	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of an outlet gate/pipe/ conduit	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input checked="" type="checkbox"/>	Submittal of a letter from ODFW that fish screen, fish by-pass device, and or fish passage is not required	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	7/14/2009
<input type="checkbox"/>	Submit as-built plans and specification	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of a letter from an engineer prior to storage	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	

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

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

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

**CHART-B**

DATE	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List any work done before the permit was issued – eg. well drilled.</i>	COST*
10/1/1992	irrigation system was installed under permit S-51079	\$30,000.00
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*
12/11/1996	Date the permit was signed - find date above signature on last page of permit.	
12/11/1997	The permit specified "/Actual Construction Work"	
10/1/1999	Date the permit specified complete application of water to the use shall be made- all permits contain this date.	
DATE	WORK ACCOMPLISHED AFTER the date the permit specified complete application of water <u>COMPLETE ONLY IF THIS IS YOUR 1st APPLICATION FOR AN 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*
	na	
Total Cost for Chart-B		\$30,000.00

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



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

**CHART-C**

DATE	WORK ACCOMPLISHED DURING THE LAST EXTENSION PERIOD <i>List all work done during the last authorized extension period.</i>	COST*
	"Extended From" date for complete application of water used in the 1 <sup>st</sup> (or the most recent) Application for Extension of Time.	
	na	
	"Extended To" date for complete application of water resulting from the 1 <sup>st</sup> (or the most recent) Application for Extension of Time.	
DATE	WORK ACCOMPLISHED AFTER THE LAST EXTENSION PERIOD EXPIRED <i>List all work done after the last authorized date for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
	na	
Total Cost of Chart-C		

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

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5. Cost of project to date: \$30,000.00

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

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

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

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

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

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

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

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

Acre-feet stored to date = 409 AF

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

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

CHART-D

Well # as identified on Permit	Water User's Well #	Has this well been drilled?	IF DRILLED					
			Well Log Number e.g. MORR 50473	Well Tag Number e.g. # 27566 or N/A	Is the actual drilled location authorized on this permit or on a permit amendment? (See 8 below)	Maximum instantaneous rate used to date from this well -- under <u>this permit only</u> (CFS or GPM)	Is this well authorized or utilized under any OTHER water rights?	If yes, provide the Permit, Certificate, or Transfer No.
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	-
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	-
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	-
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	-
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	-
Total instantaneous rate from all wells utilized under this permit								

8. If the drilled location of a well is not authorized on this permit, please specify its location below, or provide a map showing its location.

Has or will a Permit Amendment Application been/be filed? Yes ☐ No ☒

If a Permit Amendment Application has been filed: Transfer No. T-na

Well #na Actual location: na Well #na Actual location: na

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

9. Provide the total number of acres irrigated to date under this permit (if applicable). List by year, the number of acres irrigated each year since permit issuance, and provide a copy of the application map identifying the acres irrigated. \_\_\_\_\_

Total acres irrigated to date: 614

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)(i)(j)]

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

CHART-E

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
10/1/2018	Installation of measuring device (weir)	\$3,500.00
Year: 2018	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
Total Cost		\$3,500.00

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

11. Estimated remaining cost to complete the project: \$3,500.00  
(The total cost from CHART-E)

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

12. Describe the reasons why the construction was not completed, and/or water was not beneficially used within permit time limits. Provide supporting information for the reason(s) that best fits your circumstances. Include any additional unforeseen events and/or other governmental regulation or requirements.

Final proof was completed before flow meter could be installed.

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

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

Installation of flow meter (weir) will proceed rapidly and only require a minimal amount of time to complete and fulfill requirements of the permit.

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

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

na

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**Attach permit, and documentation to the application.**



STATE OF OREGON

COUNTY OF LAKE

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

TAYLOR RANCH, INC.

HCR 64-BOX 415

LAKEVIEW, OREGON 97630

PHONE: (541) 947-2869

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

APPLICATION FILE NUMBER: S-72060

SOURCE OF WATER: TAYLORS RESERVOIR, CONSTRUCTED UNDER PERMIT R-11248 AND ENLARGED UNDER APPLICATION R-72059, PERMIT R-12119, TRIBUTARY TO THE NORTH FORK COX CREEK

PURPOSE OR USE: SUPPLEMENTAL IRRIGATION OF 614.4 ACRES

MAXIMUM RATE/VOLUME ALLOWED: 409.0 ACRE-FEET PER YEAR OF STORED WATER ONLY

PERIOD OF USE: APRIL 1 THROUGH SEPTEMBER 30

DATE OF PRIORITY: DECEMBER 3, 1991

POINT OF DIVERSION LOCATION: NE 1/4 NW 1/4, SECTION 36, T36S, R19E, W.M.; 147 FEET SOUTH & 2127 FEET EAST FROM NW CORNER, SECTION 36

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 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SE 1/4	SE 1/4	0.8 ACRE
	SECTION 21	
SW 1/4	SW 1/4	28.9 ACRES
	SECTION 22	
SW 1/4	NW 1/4	0.5 ACRE
NW 1/4	SW 1/4	21.2 ACRES
SW 1/4	SW 1/4	40.0 ACRES
SE 1/4	SW 1/4	18.6 ACRES
	SECTION 26	
NE 1/4	NE 1/4	7.2 ACRES
NW 1/4	NE 1/4	12.0 ACRES
SW 1/4	NE 1/4	30.4 ACRES
SE 1/4	NE 1/4	7.0 ACRES
NW 1/4	NW 1/4	27.1 ACRES
SW 1/4	NW 1/4	10.2 ACRES

Application S-72060 Water Resources Department

PERMIT 53024

RECEIVED BY OWRD 8 JUL 91

RECEIVED BY OWRD

JUL 11 2016

SALEM, OR



SE 1/4 NW 1/4	34.6 ACRES
NE 1/4 SW 1/4	18.5 ACRES
NW 1/4 SW 1/4	2.4 ACRES
SE 1/4 SW 1/4	3.4 ACRES
NE 1/4 SE 1/4	40.0 ACRES
NW 1/4 SE 1/4	39.0 ACRES
SW 1/4 SE 1/4	30.1 ACRES
SE 1/4 SE 1/4	40.0 ACRES

## SECTION 27

NE 1/4 NE 1/4	1.2 ACRES
---------------	-----------

## SECTION 28

NE 1/4 NE 1/4	40.0 ACRES
NW 1/4 NE 1/4	37.0 ACRES
SW 1/4 NE 1/4	38.0 ACRES
SE 1/4 NE 1/4	36.0 ACRES

## SECTION 34

NE 1/4 NW 1/4	11.2 ACRES
NW 1/4 NW 1/4	33.5 ACRES
SW 1/4 NW 1/4	5.0 ACRES

## SECTION 35

TOWNSHIP 37 SOUTH, RANGE 20 EAST, W.M.

## Measurement, recording and reporting conditions:

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

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The required screens and fishways are to be in place and functional, and the fishway must be

Application S-72060 Water Resources Department

PERMIT 53024

RECEIVED BY OWRD

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SALEM, OR



approved by Oregon Department of Fish and Wildlife before diversion of any water.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

STANDARD CONDITIONS

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

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

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

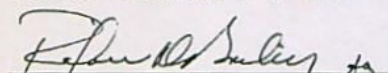
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

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

Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued December 11, 1996

  
Martha O. Pagel, Director  
Water Resources Department

Application S-72060 Water Resources Department  
Basin 13 Volume 7, North Fork Cox Creek

PERMIT 53024  
District 12

RECEIVED BY OWRD

JUL 11 2016

SALEM, OR





# Oregon

Kate Brown, Governor

## Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone (503) 986-0900

Fax (503) 986-0904

www.wrd.state.or.us

July 12, 2016

Anderson Engineering and Surveying

Barb Thompson

PO Box 28

Lakeview, OR 97630

Reference: App R-72059 (Permit R-12119); App S-72060 (Permit S-53024); App R-70065 (Permit R-11248); App G-13576 (Permit G-13087); and App S-70066 (Permit S-51079)

Dear Barb:

On July 11, 2016, the Department received extension of time applications for the five permits referenced above and a check to cover the fees of \$2,875.

- Permits R-12119; S-53024; R-11248; and S-51079 were all granted previous extensions which included a condition that the permit holder must submit a Progress Report by the date prescribed in their respective Extension Final Orders. The Progress Report is to include information on the work accomplished during the time frame requested. To date, the Department has not received the required Progress Reports for these permits. ***Failure to submit a written progress report may jeopardize continued development of your permit. Furthermore, future extensions are evaluated on past due diligence, and consequently may not be granted.*** I have included with this correspondence a copy of the Progress Report Forms provided to the permit holder with the Final Orders approving the previous extensions. Please complete and return these to the Department.
- Furthermore, the applications submitted for Permits S-53024, S-51079, and G-13087 do not fully answer or provide the required documentation requested in Question #9. Question #9 states "Provide the total number of acres irrigated to date under this permit (if applicable). List by year, the number of acres irrigated each year since permit issuance, and provide a copy of the application map identifying the acres irrigated."
- Additionally, all five of the above referenced permits had previous extensions granted, however the new extension applications do not indicate any work accomplished during the previous extension time period. OAR 690-315-0040 states in part; (2)(a) "In order to make a finding of good cause to approve the extension, the Department shall consider;" "the applicant demonstrated reasonable diligence..." (3)(a) "In determining

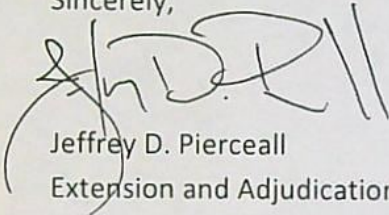




reasonable diligence in subsection (2)(a), the Department shall consider, but is not limited to, the following factors:" "The amount of construction completed within the time allowed in the permit or previous extension".

Because the Department has not received the required Progress Reports and the Applications for Extensions of Time do not indicate any work accomplished during the previous extension and are incomplete, I am returning your applications as they will not likely be approved at this time. Please submit the enclosed Progress Report Forms, complete updated applications indicating the work accomplished during the most recent Extension of Time and the additional information requested so the Department may begin processing your request.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey D. Pierceall", with a large, stylized flourish at the end.

Jeffrey D. Pierceall  
Extension and Adjudication Specialist





**Oregon**  
Kate Brown, Governor

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

April 21, 2017

REFERENCE: Application for Extension of Time

Dear Extension of Time Applicant:

The Water Right Services Division has received your application for an extension of time for **APPLICATION FILE #: S-72060 (Permit S-53024)**. Your application will be reviewed in the future. Following the review, you will receive a Proposed Final Order either approving or rejecting the extension of time request. A 45-day protest period begins upon issuance of the Proposed Final Order. After the protest period closes, a Final Order is issued.

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

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

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



ANDERSON  
ENGINEERING & SURVEYING, INC.



PO Box 28  
17681 Hwy 395  
Lakeview, Oregon 97630  
541-947-4407  
541-947-2321 FAX



# TRANSMITTAL LETTER

Oregon Water Resources Department

725 Summer Street, Suite A

Salem, Oregon 97301

DATE: 4/18/2017	JOB NO: 2015-026
ATTENTION: Water Right Permit Extensions	
RE: Extension of Time Applications	
R-11248, R-12119, S-53024, S-51079	

WE ARE SENDING YOU ATTACHED:

☐ PRINTS ☐ PLANS

☐ OTHER \_\_\_\_\_

COPIES	DATE	DESCRIPTION
1		Permit R-11248
1		Permit R12119
1		Permit S-53024
1		Permit S-51079
1		Check #32348 - \$2,300.00

THESE ARE TRANSMITTED AS CHECKED BELOW:

☐ FOR APPROVAL ☒ FOR REVIEW AND COMMENT

☐ AS REQUESTED ☐ FOR SIGNATURE

☐ OTHER \_\_\_\_\_

RECEIVED BY OWRD

APR 20 2017

SALEM, OR

REMARKS

We are submitting 4 extension applications on behalf of Taylor Westside Ranch. Please contact Darryl Anderson at 541-947-4407 or darryla@andersonengineering.com if you have any questions about these extension applications. Thank you!

COPY TO

SIGNED Carmen Tague

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



Application: S-72060

Permit: 53021

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

Applicant/Permit

Holder(s)

Taylor Nestside Ranch, LLC ✓

☒ WRIG...Money Receipted on: \_\_\_\_\_

☐ Extension Specialist ...

☐ Added to tracking spreadsheet

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

☒ Stacy Phillips...

☒ VIA Recent Assignment (Check WRIS for Update)

☒ Publish on Public Notice (initial 30-day comment): Date of notice 4-25-17

☒ Update WRIS Database

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

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

☒ Yes or ☐ No: Return file to Extension Specialist after PN

Jeffrey

NOTES:





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

# Extension of Time Progress Reporting Form For Checkpoints

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: Taylor Westside Ranch, Inc

Application S-72060  
Permit S-53024

Report Due no later than October 1, 2010

## Progress Report Form for 2010

As authorized in ORS 690-315-0050(6), this progress report is required in order to ensure diligence is exercised in the development and perfections of Permit S-53024

INSERT DATES	LIST ALL WORK ACCOMPLISHED and FINANCIAL INVESTMENTS For the period of time between October 1, 1999 and October 1, 2010	FINANCIAL INVESTMENT
7/2009	obtain letter from ODFW - fish passage not required	

2. Compliance with terms and conditions of the permit and/or previous extension.

RECEIVED BY OWRD

APR 20 2017

SALEM, OR

3. Total number of acres irrigated to date = 614 (if applicable)

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

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 = 409 AF

Report the rate in the same units of measurement as specified in the permit, being cfs (cubic feet per second), gpm (gallons per minute) or AF (acre-feet). Do not provide daily, monthly or annual water volume totals.

Signature C. J. Taylor Date 4/17/17

For OWRD use only

Diligence Shown ☐ Yes ☒ No

Date Public Noticed: 4-28-17

Reviewed by: [Signature]

Date: 4-21-17



## Route Slip.....Extension of Time Progress Report

### 1. Extension Specialist: Progress Report Review

Date Report was Due: 10/1/2010 (= "Deadline Date" for the corresponding ECP work flow record in WRIS)

Date Report Received: 4/20/2017

Report Complete: ☒ YES

☐ NO – Send letter requesting missing information.  
☐ letter mailed on: \_\_\_\_\_

### 2. Support Staff: Publish on the Department's Public Notice

☒ 315 ☐ 320 OAR Division under which Progress Report was required

☒ Publish on Public Notice Date: 4-25-17

☒ Update workflow in WRIS

o (Fill in Extension Checkpoint 'Completed Date' in appropriate "ECP" work flow record and

o add record for Checkpoint Public Notice ("EPR" or "EP2")

☒ Return file to Jeffrey D. Pierceall.

### 3. Extension Specialist: Prepare Progress Report Confirmation Letter

See progress report procedures.doc

(date / mail out after 30 day comment period)

Date Confirmation Letter Needed: 6/5/2017

☐ Update Progress Report Worksheet.xls

☐ Send to permit holder + anyone who made comments after 30 day public notice  
CC: Watermaster \_\_\_\_\_

File \_\_\_\_\_

## PUBLIC NOTICE INFORMATION

Permit Holder's Name: Taylor Westside Ranch, LLC Attn:

Application: S-72060

Permit: S-53024

County: Lake

Source: Taylor's Reservoir, constructed under Permit R-11248 and enlarged under R-72059, tributary to the North Fork Cox Creek

Use: Supplemental irrigation of 614.4 acres





**ANDERSON ENGINEERING AND SURVEYING, INC.**  
PROFESSIONAL ENGINEERS AND LAND SURVEYORS

17681 Hwy. 395, Lakeview, Oregon 97630  
(541) 947-4407 Fax (541) 947-2321  
[www.andersonengineering.com](http://www.andersonengineering.com)

April 18, 2017

Neil Taylor  
Taylor Westside Ranch, Inc.  
21732 Hwy 395  
Lakeview, OR 97630

RE: Permits R-11248, R-12119, S-51079, S-53024, G-13087

Dear Neil;

We have prepared Extension of Time Applications for Permits R-11248, R-12119, S-51079, S-53024. These are being sent to Oregon Water Resources Department.

Permit G-13087 is ready to be proofed and a Claim of Beneficial use filed. We will be scheduling this work in May.

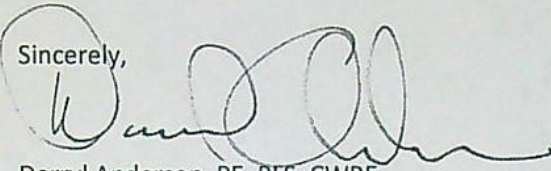
Permits R-11248, R-12119, S-51079, and S-53024 all require the installation of measurement devices. Permit S-51079 also requires fish screening at the Cox Creek Diversion. We have been in contact with Rich Kilbane at Oregon Department of Fish and Wildlife (ODFW) regarding the fish screening requirements. The screen is required at the diversion on Cox Creek which diverts water to your fields and White Rock Reservoir. There is still funding available to help with the screen installation, but Mr. Kilbane will need to look at the site. As soon as it is dry enough to inspect the diversion I will meet Mr. Kilbane at the site. We will then design a screen system for the diversion. At that point we can determine the amount of funding ODFW can supply.

Measurement weirs are required at Taylor Reservoir, White Rock Reservoir and the diversion on Cox Creek. We are obtaining pre-fabricated weirs for the reservoirs and they will be installed later this spring, once conditions are dry enough. The weir system at the main diversion on Cox Creek will be incorporated with the fish screen design.



We will update you as the work progresses. Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Darryl Anderson', with a large, stylized initial 'D'.

Darryl Anderson, PE, PLS, CWRE

cc: Jerry Sauter, Oregon Water Resources Department  
Rich Kilbane, Oregon Department of Fish and Wildlife  
Jeffery Pierceall, Oregon Water Resources Department  
Gerald Clark, Oregon Water Resources Department  
Brian Mayer, Lake County Watermaster



**PIERCEALL Jeffrey D \* WRD**

---

**From:** PIERCEALL Jeffrey D \* WRD  
**Sent:** Monday, April 03, 2017 12:55 PM  
**To:** 'darryla@andersonengineering.com'  
**Subject:** Taylor Westside Ranch extensions  
**Attachments:** Taylor-letter.pdf

Darryl,

On July 11, 2016, Anderson Eng. submitted five Extension of Time Applications for Taylor Westside Ranches. These five Extension Applications were returned as incomplete with a letter (see attached) indicating what needed to be completed. As of today, the Department has not received new applications or the additional information that had been requested. All of these permits are past their completion dates, and are in danger of being canceled. Please provide updated Extension Applications and the additional information requested by May 3, 2017, or the Department may begin cancellation of these permits.

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

**Reference:**

G-13576  
S-72060  
R-70065  
R-70066  
R-72059





# Oregon

Kate Brown, Governor

## Water Resources Department

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

*NOTE: For water rights information and useful forms, please see our web site at*  
[www.oregon.gov/OWRD](http://www.oregon.gov/OWRD)

June 7, 2016

Certified mail number 7016 0340 0000 2325 9893

Return receipt requested

TAYLOR WESTSIDE RANCH INC.; TAYLOR, CORNELIUS  
21732 HWY 395  
LAKEVIEW, OR 97630

Reference: Application S-72060, Permit S-53024

Dear Permit Holder:

This letter is in regard to your water use permit as referenced above. Your permit required you to complete the development of your water use by October 1, 2010.

In order for the Department to consider issuance of a certificate of water right, you are required by law to hire a certified water right examiner to prepare and submit a claim of beneficial use that includes a final proof survey map of the development. The map and claim of beneficial use were to have been submitted to our Department within one year of October 1, 2010. The fee for submitting a claim of beneficial use is \$175.00. Please see the enclosed 'Resource Sheet' for our current database of CWRE's.

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

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

**If you have not submitted either a Claim of Beneficial Use or a request for an extension of time for your permit within 60 days of the date of this letter (August 5, 2016) the Department may issue a Final Order to cancel your permit without further notice. If the Department issues a Final Order to cancel your permit, and you request reconsideration of the final order and reinstatement of your permit, there is a \$450.00 reinstatement fee that is charged in addition to the claim of beneficial use or extension of time fee.**

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

Sincerely,

Jerry Sauter  
Water Rights Program Analyst

Enclosures (1)

cc: File S-72060

OWRD Watermaster District 12





Oregon

John A. Kitzhaber, MD, Governor

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

June 22, 2011

TAYLOR WESTSIDE RANCH  
ATTN: NEIL TAYLOR  
21732 HIGHWAY 395  
LAKEVIEW OR, 97630

REFERENCE: Application S-72060 / Permit R-53024

Dear Permit Holder:

On April 27, 2010, the Department issued a Final Order approving an Extension of Time for Permit R-53024. This Final Order included a condition that required the permit holder to submit a written progress report to the Department by October 1, 2010.

This letter is being sent to you because the Department has not yet received the progress report that was due on October 1, 2010.

For your convenience, I have enclosed a **Progress Report Form** for you to fill out and submit. In order to maintain the ability to continue developing water under this permit, you should submit your overdue progress report immediately.

As per your most recent extension, the date by which water must be applied to full beneficial use within the terms and conditions of your permit is October 1, 2010. *Failure to submit a written progress report may jeopardize continued development of your permit beyond October 1, 1999. Furthermore, future extensions are evaluated on past due diligence, and consequently may not be granted.*

If you have any questions concerning this matter, you may contact me by telephone at (503) 986-0827.

Sincerely,

Ann Reece

Extensions

Water Rights Services Division

Enclosure

cc: Application S-72060  
Watermaster District 8 – Rick Lusk





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

**Extension of Time  
Progress Report Form  
For Checkpoints**

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: TAYLOR WESTSIDE RANCH

Application S-72060

Permit R-53024

Report Due no later than October 1, 2010

DO NOT SUBMIT PRIOR TO 30 DAYS BEFORE DUE DATE

**Progress Report Form for 2010**

As authorized in ORS 690-315-0050(6), this progress report is required in order to ensure diligence is exercised in the development and perfection of Permit R-53024

INSERT DATES	LIST ALL WORK ACCOMPLISHED and FINANCIAL INVESTMENTS For the period of time between October 1, 2009 and October 1, 2010	FINANCIAL INVESTMENT

2. Compliance with terms and conditions of the permit and/or previous extension.

3. Total number of acres irrigated to date= \_\_\_\_\_ (if applicable)

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

Maximum rate used to date = \_\_\_\_\_ cfs (cubic feet per second)

Maximum rate used to date = \_\_\_\_\_ gpm (gallons per minute)

Acre-feet stored to date = \_\_\_\_\_ AF

Report the rate in the same units of measurement as specified in the permit, being cfs (cubic feet per second), gpm (gallons per minute) or AF (acre-feet). Do not provide daily, monthly or annual water volume totals.

Signature \_\_\_\_\_ Date \_\_\_\_\_

*For OWRD use only*

Diligence Shown ☐ Yes ☐ No

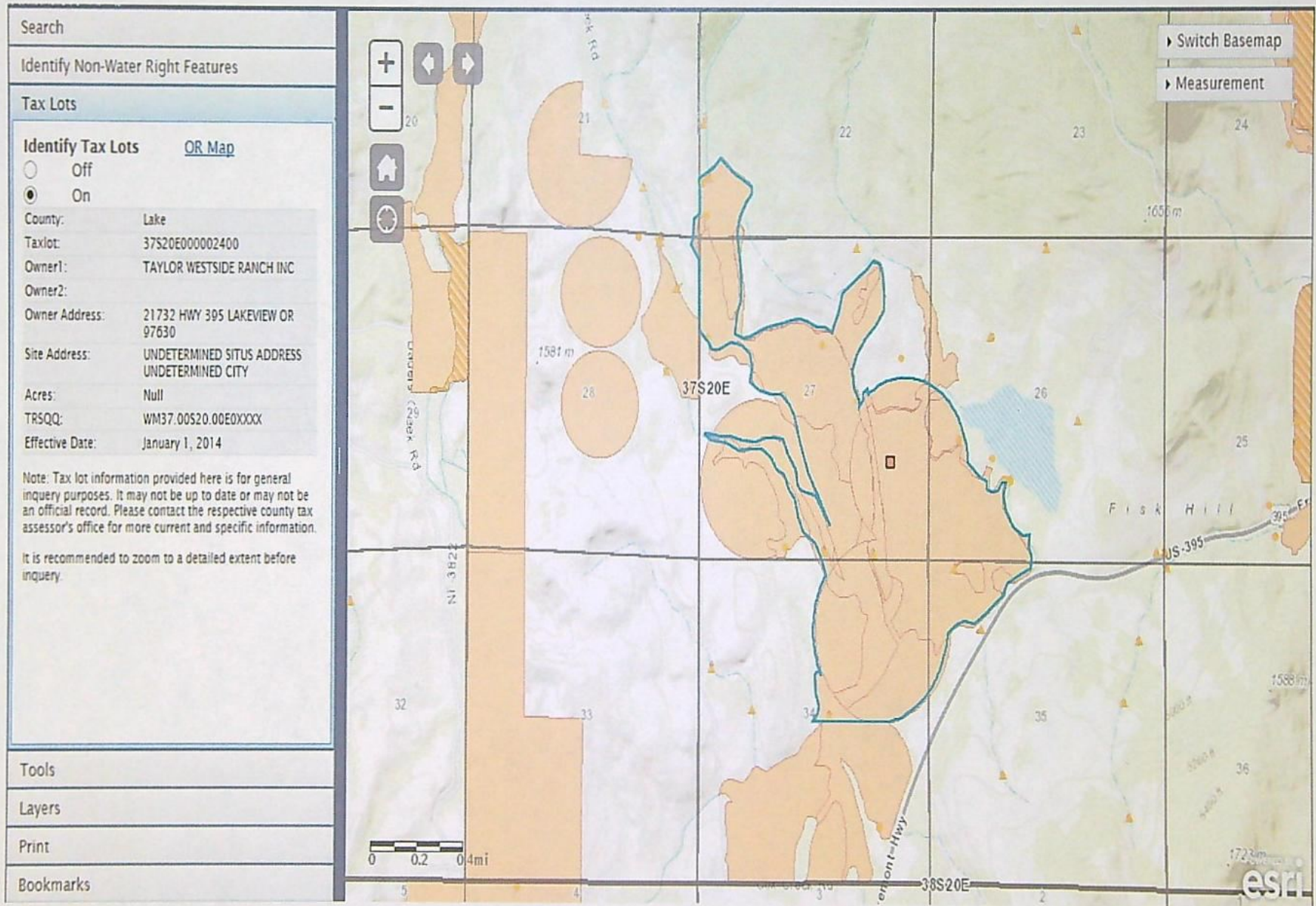
Date Public Noticed: \_\_\_\_\_

Reviewed by: \_\_\_\_\_

Date: \_\_\_\_\_



R-70065, S-70066, S-72060





0 500 1,000 2,000 Feet

## SEE MAP 36S 20E

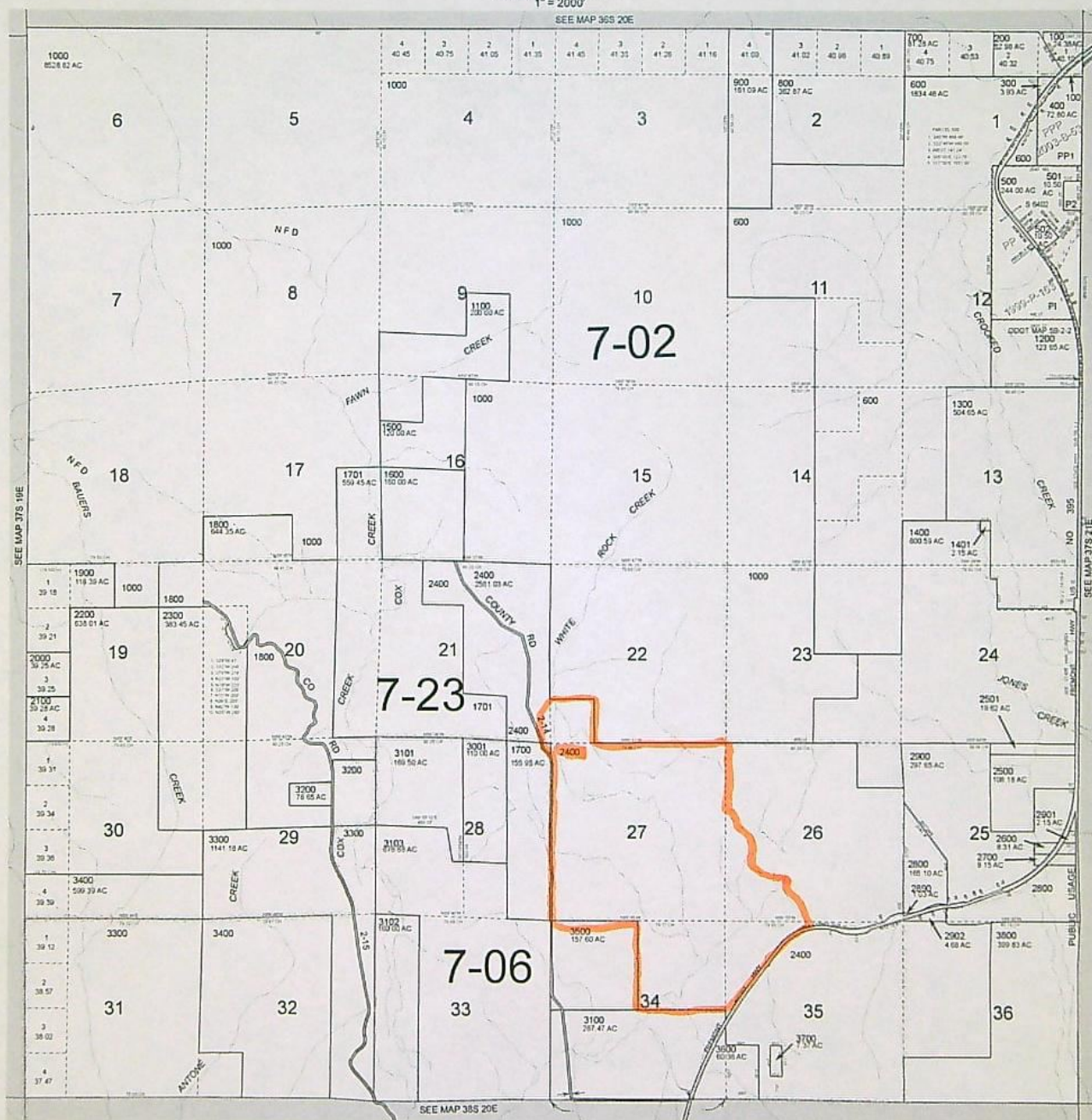
SEE MAP 36S 20E

SEE MAP 36S 20E

SEE MAP 36S 20E

LCATDWC - 2014-09-04 10:35

CANCELLED  
1301  
3000



37S20E

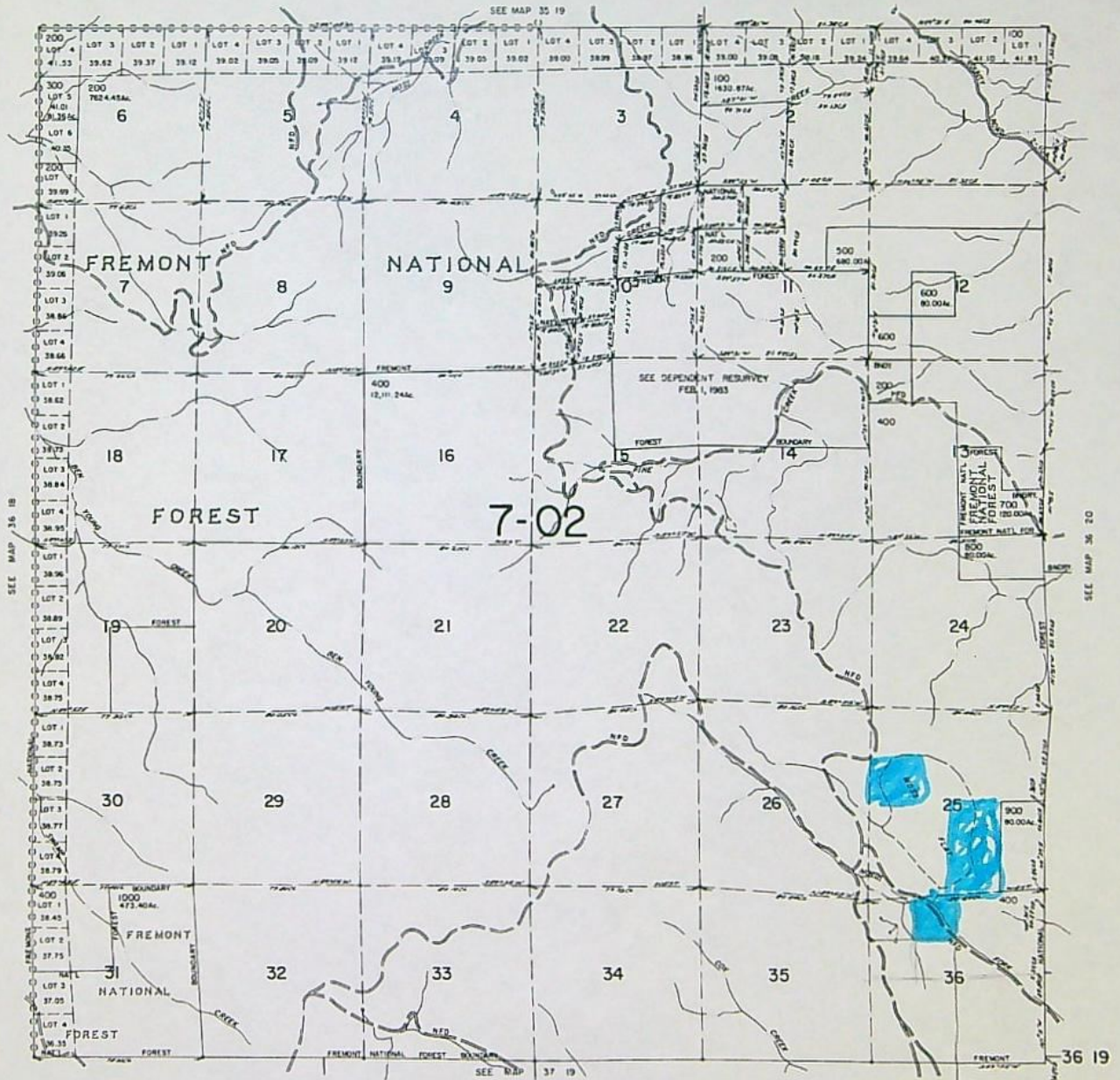


THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY

T.36S. R.19E. W.M.  
LAKE COUNTY

36 19

1" = 2000'





PERMIT STATUS REVIEW BY Corey Courchane DATE 9-24-15 FILE # 5-72060

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

no Extension pending \_\_\_\_\_

no Assignment is pending \_\_\_\_\_

no Cancellation has been requested \_\_\_\_\_

no Dept. has already sent a certified 60-Day Compliance letter (date \_\_\_\_\_, # \_\_\_\_\_)

Was **60 days notice** allowed? Y N If No, How Much Time ? \_\_\_\_\_

Was mail deliverable as addressed? Y N date \_\_\_\_\_

If mail returned, online/www check ? Y N date \_\_\_\_\_ successful ? Y N

Re-send Cert. Letter ? Y N date \_\_\_\_\_

Send cancellation order Y N

no Claim of beneficial use and final proof map (COBU) have been received by Department

Date information received \_\_\_\_\_

2. IF NONE OF THE ABOVE APPLY

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

"C" DATE 10-1-10 BASIN NUMBER 13 WM # 12

CWRE or AGENT Anderson Engineering and Survey

3. AOI Yes \_\_\_\_\_ NO ☒ If Yes, name of AOI \_\_\_\_\_

S:\groups\wr\PERMIT C jdc-date-checklist.doc

Send letter  
9-24-15  
cc



Oregon Water Resources Department  
Water Rights Division



Water Rights Application  
Number S-72060

**Final Order**  
**Extension of Time for Permit Number S-53024**

**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 S-53024 was issued by the Department on December 11, 1996. The permit called for completion of construction by October 1, 1998 and complete application of water to beneficial use by October 1, 1999. On January 20, 2009 Taylor Westside Ranch submitted to the Department an Application for Extension of Time for Permit S-53024. In accordance with OAR 690-315-0050(2), on March 2, 2009 the Department issued a Proposed Final Order proposing to extend the time to complete construction to October 1, 2010 and the time to apply water to full beneficial use to October 1, 2010. The protest period closed on April 16, 2009 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. Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by October 1, 2010. *A form will be enclosed with your Final Order.*

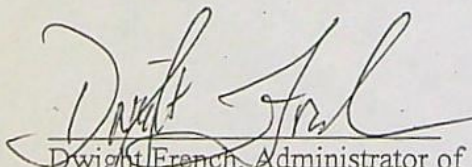
- (a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder 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 537.230, 539.010(5) and OAR 690-315-0040(2).

### Order

The extension of time for Application S-72060, Permit S-53024, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended to October 1, 2010. The deadline for applying water to full beneficial use is extended to October 1, 2010.

DATED: April 27, 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

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

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**FO Date:** April 27, 2010

**Copies Mailed**

**Application S-72060**  
**Permit S-53024**

By: MS  
On: 4/29/10

**Original mailed to permit holder**

Taylor Westside Ranch, Inc.  
21732 Highway 395  
Lakeview, OR 97630

**Copies sent to:**

1. WRD - App. File S-72060/ Permit S-53024
2. WRD - Watermaster District 17,
3. WRD - George Robison, Dam Safety
4. Anderson Engineering and Survey, PO Box 28, Lakeview, OR 97630
5. ~~WRD - Support Staff, Salem~~


**Fee paid as specified under ORS 536.050 to receive copy:**

6. None

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

7. None

**If Progress Reports are included:**

 Add record to Progress Report tracking sheet.xls Done: by SA Date 4/26/10

CASEWORKER: SBK



**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 S-53024, Water Right Application S-72060        )  
in the name of Taylor Westside Ranch, Inc.                 )    **PROPOSED FINAL ORDER**

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**Permit Information**

**Application File S-72060    Permit S-53024**

Basin: 13 – Goose & Summer Lakes / Watermaster District 12

Date of Priority: December 3, 1991

**Authorized Use of Water**

Source of Water:       Taylors Reservoir, constructed under Permit R-11248 and  
                              enlarged under Application R-72059, Permit R-12119,  
                              tributary to North Fork Cox Creek  
Purpose of Use:        Supplemental Irrigation of 614.4 Acres  
Maximum Rate:        409.0 Acre Feet (AF)

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**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 S-53024, Water Right Application S-72060.  
A copy of Permit S-53024 is enclosed as Attachment 1.



## Summary of Proposed Final Order for Extension of Time

### The Department proposes to:

- Grant an extension of time for complete construction of the water system from October 1, 1998 to October 1, 2010.
- Grant an extension of time to apply water to full beneficial use from October 1, 1999 to October 1, 2010.
- 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  
AF – acre-feet

### AUTHORITY

Generally, see ORS 537.230 and OAR Chapter 690 Division 315.

ORS 537.230(3) 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 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(6) allows 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 S-53024 was granted by the Department on December 11, 1996 and assigned on March 19, 2001. The permit authorizes the use of up to 409.0 AF of water from Taylors Reservoir, constructed under permit R-11248 and enlarged under Application R-72059, Permit R-12119, tributary to North Fork Cox Creek, for supplemental irrigation of 614.4 acres. The permit specified construction of the water system was to be completed by October 1, 1998, and complete application of water was to be made on or before October 1, 1999.
2. The permit holder submitted an "Application for Extension of Time" to the Department on January 20, 2009 requesting the time to complete construction of the water system extended from October 1, 1998 to October 1, 2010 and the time to apply water to full beneficial use under the terms of Permit S-53024 be extended from October 1, 1999 to October 1, 2010. This is the first permit extension requested for Permit S-53024.
3. Notification of the Application for Extension of Time for Permit S-53024 was published in the Department's Public Notice dated January 5, 2010. No public comments were received regarding the extension application.
4. On December 29, 2009 Shannon Hurn, Assistant District Fish Biologist from ODFW submitted documentation on behalf of the permit holder stating fish screening is not need at the point of diversion for Permit S-53024.

### **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 537.230<sup>1</sup>, 537.248<sup>2</sup> and/or 539.010(5)<sup>3</sup>.*

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

5. On January 20, 2009 the Department received a completed Application for Extension of Time and the fee specified in ORS 536.050 from the permit holder.

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<sup>1</sup>ORS 537.230 applies to surface water permits only.

<sup>2</sup>ORS 537.248 applies to reservoir permits only.

<sup>3</sup>ORS 539.010(5) applies to surface water and ground water permits.



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

6. Actual construction of the water system began prior to the December 11, 1997 deadline specified in the permit.

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

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

7. As of January 20, 2009 the remaining work to be completed consists of installing a water meter, completing construction of the water system and applying water to full beneficial use.
8. Given the amount of development left to occur, the Department has determined that the permit holder's request to have until October 1, 2010, to complete construction of the water system and to accomplish the application of water to beneficial use under the terms and conditions of Permit S-53024 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)]**

9. Work was accomplished within the time allowed in the permit or previous extension as follows:
  - a. Construction of the water system began prior to the December 11, 1997 deadline specified in the permit.
  - b. Work was completed (specified in the Application for an Extension of Time) during the original development time frame under Permit S-53024.

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

10. The following beneficial use was made of the water during the permit or previous extension time limits:
  - a. Since the issuance of Permit S-53024 on December 11, 1996, the permit holder has diverted 409.0 AF of water from the Taylors Reservoir, constructed under Permit R-11248 and enlarged under Application R-72059, Permit R-12119, tributary to North Fork Cox Creek for supplemental irrigation of 614.4 acres.



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

11. The water right permit holder's conformance with the permit or previous extension conditions.
  - a. The Department has considered the permit holder's compliance with conditions, and 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 storage of water. In order to legally perfect the storage 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)]

12. Financial investments made toward developing the beneficial water use.
  - a. As of January 20, 2009 the permit holder has invested approximately \$30,000 which is approximately 91 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional \$3,000 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)]

13. As of January 20, 2009 the permit holder has invested approximately \$30,000 which is approximately 91 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional \$3,000 investment is needed for the completion of this project.

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

14. The Department has found good faith of the appropriator under Permit S-53024.

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

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

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



- a. The amount of water available to satisfy other affected water rights and scenic waterway flows was determined at the time of issuance of Permit S-53024; 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 diversion is located at Taylors Reservoir, constructed under Permit R-11248, enlarged under Application R-72059, Permit R-12119, tributary to North Fork Cox Creek. Taylors Reservoir is not located within or above any state or federal scenic waterway, is located within an area ranked "moderate" for stream flow restoration needs as determined by the Department in consultation with 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. The area in which Taylors Reservoir was constructed is listed by the Department of Environmental Quality as a water quality limited area.
16. Economic investment in the project to date [OAR 690-315-0040(4)(d)].
  - a. As of January 20, 2009 the permit holder has invested approximately \$30,000
17. Other economic interests dependent on completion of the project [OAR 690-315-0040(4)(e)].
  - a. None have been identified.
18. Other factors relevant to the determination of the market and present demand for water and power [OAR 690-315-0040(4)(f)].
  - a. None have been identified.
19. 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.

**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



S-53024, in that the permit holders completed the final proof survey before a flow meter was installed. Additionally, difficulties regarding the need for fish screening at the point of diversion added to the delay the permit holder faced in completing 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 537.230(3).
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 537.230 as required by OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).
4. Completion of construction and full application of water to beneficial use can be accomplished by October 1, 2010<sup>4</sup>, 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 1), progress checkpoints in order to ensure future diligence is exercised in the development and perfection of Permit S-53024.

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<sup>4</sup>Pursuant to ORS 537.230(3), 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.



### Proposed Order

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

Extend the time for complete construction of the water system under Permit S-53024 from October 1, 1998 to October 1, 2010.

Extend the time to apply water to beneficial use under Permit S-53024 from October 1, 1999 to October 1, 2010.

Subject to the following conditions:

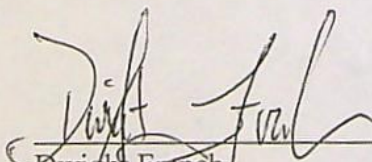
### CONDITIONS

1. Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by October 1, 2010. *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: March 9, 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.*



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 **April 16, 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 503-986-0820.
  - If you have any questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0801.
  - 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:**

**Application S-72060**  
**Permit S-53024**

**Copies Mailed**

By: MS  
On: 2/17/10

### Original mailed to Applicant:

Taylor Westside Ranch  
21732 Highway 395  
Lakeview, OR 97630

### Copies sent to:

1. WRD - App. File S-72060/ Permit S-53024
2. WRD - Watermaster District 17,
3. Anderson Engineering and Survey, PO Box 28, Lakeview, OR 97630

### Fee paid as specified under ORS 536.050 to receive copy:

4. None

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

5. None

CASEWORKER: SBK

Proposed Final Order: Permit S-53024

Page 1 of 1



Extension PFO Checklist for  
**Other than Muni or Quasi-Municipal**

Water Use Permits

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

Application: S- 72060 Permit: S- 53024 Permit Amendment? No ☒ Yes ☐ T- ☐ pending ☐ approved

Permit Holder's Name: Taylor Westside Ranch

Permit Holder's Mailing Address: 21732 Highway 395 La View OR 97630

Phone Number: 541-947-2869

POD Location: Township 36 SOUTH Range 19 EAST Section 36  $\frac{1}{4}$  NENW

Drainage Basin: 13 County: Lake Watermaster District: 12 Watermaster: Brian Mayer

Date Permit was issued: 12/11/1996

Priority Date: 12/3/1991

Date of PN: 1/5/10 *en*

Source: Taylor's Reservoir, Constructed under Permit R-11248, Tributary to North Fork Cox Creek

Use: Supplemental Irrigation of 614.2 Acres, April 1 through Sept 30.

"Q": 409.0 AF per year of stored water only

Orig "A" Date: 12/11/1997

Orig "B" Date: 10/1/1998

Orig "C" Date: 10/1/99

Extension  
request rec'd: 1/20/2009

Last Authorized  
"B" Date: 10/1/

Last Authorized  
"C" Date: 10/1/

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

Proposed  
"B" Date: 10/1/2010

Proposed  
C Date: 10/1/

Conditions of Permit:

Condition Met?	Condition Not Met?	Permit Condition
<input type="checkbox"/>	<input checked="" type="checkbox"/>	In-line flow meter
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Reasonable Rotation System
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<i>Fish Screening - not needed as per ODFWE-mail dated 12/21/09</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>Monthly water use reported annually</i>
<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: \$30,000 Estimated Remaining Cost: \$3,000
- ☒ ☐ Beneficial use made of the water during the permit or previous extension time limits
  - Permit holder has beneficially used 409.0 ☐ cfs ☐ gpm ☒ af of the total permitted quantity of water on 614.4 acres

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



Application: S- 70066 Permit: S- 51079 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. Cox Creek 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](http://www.rivers.gov/wildriverslist.html)

☒ ☐ within a sensitive, threatened or endangered species area Source: "/gisdata/dev/projects/salmon/div33map.aml"

☐ ☒ within a critical or limited Ground Water Area? Name of area \_\_\_\_\_

☐ ☒ within a Withdrawn Area? Name of area \_\_\_\_\_

☐ ☐ in a waterbody listed on the DEQ Section 303(d) List of Water Quality Limited Areas? Date added to list \_\_\_\_\_

☒ ☐ within an area ranking ☐ low / ☒ moderate / ☐ high / ☐ highest for stream flow restoration needs Source: OWRD "Streamflow Restoration Needs" Maps (by region)

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

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

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

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

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

☒ 5-year Progress Report Checkpoints (Years: 2010)

☐ Other: \_\_\_\_\_

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

☐ **COBU Requirement - Surface/Ground Water - on or prior to July 9, 1987**

"For permits applied for or received on or before July 9, 1987, upon complete development of the permit, you must notify the Department that the work has been completed and either: (1) Hire a water right examiner certified under ORS 537.798 to conduct a survey, the original to be submitted as required by the Water Resources Department, for issuance of a water right certificate; or (2) Continue to appropriate water under the water right permit until the Water Resources Department conducts a survey and issues a water right certificate under ORS 537.250 or 537.625."

☒ **COBU Requirement - Surface Water - post July 9, 1987**

"Pursuant to ORS 537.230(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use."

☐ **COBU Requirement - Ground Water - post July 9, 1987**

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

**NOTES:**

Hold processing for resolution of fish screens issue. SK

**Extension "PFO" Dates**

Mailing / Issuance Date: \_\_\_\_\_ Protest Deadline Date: \_\_\_\_\_

Reviewer's Name: \_\_\_\_\_ Date: \_\_\_\_\_



**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT # **95394**

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

INVOICE # \_\_\_\_\_

RECEIVED FROM: Neil Taylor Ranch  
BY: \_\_\_\_\_

APPLICATION	<u>see below</u>
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 5959 ☒ OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 1400.00

**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 \$ \_\_\_\_\_ 46111  
0410 RESEARCH FEES \$ \_\_\_\_\_  
0408 MISC REVENUE: (IDENTIFY) \$ \_\_\_\_\_  
TC162 DEPOSIT LIAB. (IDENTIFY) \$ \_\_\_\_\_  
0240 EXTENSION OF TIME R70065, R70066, R72059, R72060 \$ 1400.00

**WATER RIGHTS:**

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

**WELL CONSTRUCTION**

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

OTHER (IDENTIFY) \_\_\_\_\_

**0536 TREASURY 0437 WELL CONST. START FEE**

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

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

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

**TREASURY OTHER / RDX**

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

RECEIPT: **95394**

DATED: 1/20/09 BY: X. Beep





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, Taylor Westside Ranch, Inc.

FIRST NAME OF PERMIT HOLDER

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

21732 Highway 395

ADDRESS

Lakeview

CITY

Oregon

STATE

97630

ZIP

541-947-2869

PHONE

EMAIL ADDRESS

the permit holder of:

Application Number S - 72060

**RECEIVED**

JAN 20 2009

Permit Number S - 53024

WATER RESOURCES DEPT  
SALEM, OREGON

☒ do hereby request that the time in which to:

complete construction (of diversion/appropriation works and/or purchase and installation of the  
equipment necessary to the use of water), which time now expires on October 1, 1999, be  
extended to October 1, 2010,

☐ 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, 1999, be extended to October 1, 2010.

S

S



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 \$350.
- 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 \$350

### 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://www1.wrd.state.or.us/pdfs/muni\\_quasi\\_ext\\_app\\_form\\_6\\_20\\_08.pdf](http://www1.wrd.state.or.us/pdfs/muni_quasi_ext_app_form_6_20_08.pdf)
- 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: 1991

Details of construction:

Taylor Reservoir constructed (permit R-70065) with diversions and outlet structures feeding White Rock Reservoir, which in turn feeds irrigation systems for the place of use per this permit.

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



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]

- 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
3	1998	system conforms to reasonable rotation system

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

- 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
1 & 2	6/09	In-line flow meter installation not completed before the final proof was performed

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

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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).

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*
1992	Irrigation system was installed under permit S-51079	30,000

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*
12/11/1996	The permit was signed - find date above signature on last page of permit.	
12/11/1997	The permit specified "Actual Construction Work" shall begin ("A-Date") - not all permits contain this date.	
10/1/1999	The permit specified complete application of water to the use shall be made ("C-Date")- all permits contain this date.	

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### CHART-C (continued)

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

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



- 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 <sup>st</sup> (or the most recent) Application for Extension of Time.	
	NA	
10/1/____	"Extended To" date for complete application of water resulting from the 1 <sup>st</sup> (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*
	NA	
Total Cost of Chart-D		NA

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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: 30,000  
(The total combined cost from CHART-C and CHART-D)



5. Provide the maximum rate, or duty, of water diverted for beneficial use under this permit, made to date.



**TIP:** Report the rate in the same units of measurement as specified in the permit, being cfs (cubic feet per second), gpm (gallons per minute) or AF (acre-feet - usually only specified on a reservoir water right). Do not provide daily, monthly or annual water volume totals.

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

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

Acre-feet to date = 409.00 AF

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

Total acres irrigated to date: 614.4

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-E

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
6/2009	In-line flow meter installation	3,000
Year: 2009	Intend to apply water to full beneficial use under the terms and conditions of this permit.	
Total Cost		3,000

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8. Estimated remaining cost to complete the project: 33,000  
(The total cost from CHART-E)



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).*

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

NA

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

NA

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

NA



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

The final proof was completely in haste before the flow meter could be installed.

- [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, 3-A, 3-B, 7 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.

Installation of the flow meter will proceed rapidly and only require a minimal amount of time to complete and fulfill the requirements in the permit.

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

NA

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

Signature

*C. J. Taylor*

Date

*1-15-09*



Application # S-72060

Permit # S-53024

**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: 1/20/09

♦ 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 1/16/09 JS
- ☒ Update WRIS Database
- ☒ In the "PNotice Date" field... Enter the date the Extension Application was published on the Public Notice.
- ☐ In the "Ext Filed" field... Enter the date the Extension Application was received.

Yes or No:

Return file to Extension Specialist after PN





# 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

January 5, 2010

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#: S-72060 (PERMIT#: S-53024)**. 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](http://www.wrd.state.or.us)".



STATE OF OREGON

COUNTY OF LAKE

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

TAYLOR RANCH, INC.  
HCR 64-BOX 415  
LAKEVIEW, OREGON 97630

PHONE: (541) 947-2869

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

APPLICATION FILE NUMBER: S-72060

SOURCE OF WATER: TAYLORS RESERVOIR, CONSTRUCTED UNDER PERMIT R-11248 AND ENLARGED UNDER APPLICATION R-72059, PERMIT R-12119, TRIBUTARY TO THE NORTH FORK COX CREEK

PURPOSE OR USE: SUPPLEMENTAL IRRIGATION OF 614.4 ACRES

MAXIMUM RATE/VOLUME ALLOWED: 409.0 ACRE-FEET PER YEAR OF STORED WATER ONLY

PERIOD OF USE: APRIL 1 THROUGH SEPTEMBER 30

DATE OF PRIORITY: DECEMBER 3, 1991

POINT OF DIVERSION LOCATION: NE 1/4 NW 1/4, SECTION 36, T36S, R19E, W.M.; 147 FEET SOUTH & 2127 FEET EAST FROM NW CORNER, SECTION 36

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 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SE 1/4	SE 1/4	0.8 ACRE
SECTION 21		
SW 1/4	SW 1/4	28.9 ACRES
SECTION 22		
SW 1/4	NW 1/4	0.5 ACRE
NW 1/4	SW 1/4	21.2 ACRES
SW 1/4	SW 1/4	40.0 ACRES
SE 1/4	SW 1/4	18.6 ACRES
SECTION 26		
NE 1/4	NE 1/4	7.2 ACRES
NW 1/4	NE 1/4	12.0 ACRES
SW 1/4	NE 1/4	30.4 ACRES
SE 1/4	NE 1/4	7.0 ACRES
NW 1/4	NW 1/4	27.1 ACRES
SW 1/4	NW 1/4	10.2 ACRES



SE 1/4 NW 1/4	34.6 ACRES
NE 1/4 SW 1/4	18.5 ACRES
NW 1/4 SW 1/4	2.4 ACRES
SE 1/4 SW 1/4	3.4 ACRES
NE 1/4 SE 1/4	40.0 ACRES
NW 1/4 SE 1/4	39.0 ACRES
SW 1/4 SE 1/4	30.1 ACRES
SE 1/4 SE 1/4	40.0 ACRES

## SECTION 27

NE 1/4 NE 1/4	1.2 ACRES
---------------	-----------

## SECTION 28

NE 1/4 NE 1/4	40.0 ACRES
NW 1/4 NE 1/4	37.0 ACRES
SW 1/4 NE 1/4	38.0 ACRES
SE 1/4 NE 1/4	36.0 ACRES

## SECTION 34

NE 1/4 NW 1/4	11.2 ACRES
NW 1/4 NW 1/4	33.5 ACRES
SW 1/4 NW 1/4	5.0 ACRES

## SECTION 35

TOWNSHIP 37 SOUTH, RANGE 20 EAST, W.M.

## Measurement, recording and reporting conditions:

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

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The required screens and fishways are to be in place and functional, and the fishway must be



approved by Oregon Department of Fish and Wildlife before diversion of any water.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

#### STANDARD CONDITIONS

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

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

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

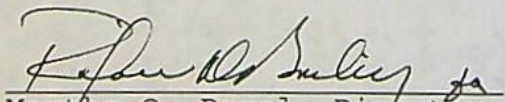
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

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

Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued December 11, 1996

  
Martha O. Pagel, Director  
Water Resources Department



BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

Order of Certification

)  
)  
)

FINAL ORDER

**Findings of Fact**

1. Application 72060, in the name of Taylor Ranch Inc, was received December 12, 1991. Permit 53024 was issued December 11, 1996, approving the application.
2. Permit 53024 allowed the use of 409.0 acre-feet of water from Taylor Reservoir, stored under Permit R-12119, a tributary of the North Fork Cox Creek for Supplemental Irrigation of 614.4 acres. The date for the complete application of water was set for October 1, 1999.
3. On March 19, 2001, the permit was assigned to Taylor Westside Ranch Inc.
4. ORS 537.230(4) provides, "...upon completion of beneficial use as required under this section, the permittee shall hire a water right examiner certified under ORS 537.798 to survey the appropriation. Within one year after application of water to a beneficial use or the beneficial use date allowed in the permit, the permittee shall submit a map of the survey as required by the Water Resources Department, which shall accompany the request for a water right certificate submitted to the department under ORS 537.250."
5. ORS 537.260 provides, "...whenever the time within which any appropriation under a permit should have been perfected has expired and the owner of the permit fails or refuses within three months thereafter to submit to the Water Resources Department proof of completion of the appropriation as required by ORS 537.230 and 537.250, the department may, after 60 days' notice by registered mail or by certified mail with return receipt, order the cancellation of the permit.
6. The Department has not received the required Claim of Beneficial Use. The permit should be cancelled.

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

This is an order in other than a 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.



7. An Order of Certification cancelled Permit R-12119, which allowed storage of water for use under Permit 53024. Since there is no longer a source of stored water for Permit 53024, the permit serves no purpose and should be cancelled.
8. The permit required the water user to install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The required screens and fishways are to be in place, functional, and approved by an Oregon Department of Fish and Wildlife before diversion of any water.
9. Water use under Permit 51079 is through the same water delivery system as Permit 53024. Fish screens are not visible in photographs included with the Claim of Beneficial Use for Permit 51079, submitted September 16, 2008. It appears fish screens are not installed.
10. Based on advice from the Oregon Attorney General's office, an extension of time may not be approved to allow for the installation of the required fish screen or by-pass device.
11. The Department has not received correspondence from ODFW that the fish protection conditions placed on this permit are not necessary.
12. Satisfactory proof of beneficial use was not received. The use allowed by Permit 53024 is lost. The permit should be cancelled.

Now, therefore, it is **ORDERED**:

Permit 53024 is cancelled and of no further force or effect.

Issued \_\_\_\_\_.

**PROPOSED**

\_\_\_\_\_  
Phillip C. Ward, Director  
Water Resources Department



Mailing List for Certificate  
Scheduled Mailing Date:

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

Application: 72060  
Permit: 53024  
Certificate: Prop Order

bCopies Mailed

*Connie Vance*  
(STAFF)

on:

DEC 12 2008

(DATE)

**Permit/Certificate Holder:**

TAYLOR WESTSIDE RANCH INC.  
21732 HIGHWAY 395  
LAKEVIEW OREGON 97630

**Copies of Final Certificate to be sent to:**

1. Watermaster (Proposed Cert): 12
2. Data Center (include copy of map)
3. Water Availability
4. Vault
5. File

**Other persons to receive copies: (include map):**

Darryl Anderson, CWRE

*Kyle Gorman #12*

**Mail with File R-72059**

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"><li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li><li>■ Print your name and address on the reverse so that we can return the card to you.</li><li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li></ul>	A. Signature <i>C.J. Taylor</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee
1. Article Addressed to:  72059-72060 TAYLOR WESTSIDE RANCH INC 21732 HWY 395 LAKEVIEW OR 97630	B. Received by (Printed Name) <i>C.J. Taylor</i> C. Date of Delivery <i>12-16-08</i>
	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No
	<b>RECEIVED</b> <b>DEC 17 2008</b>
	3. Service type <input type="checkbox"/> Registered <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured Mail <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> C.O.D.
2. Article Number (Transfer from service label)	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes
PS Form 3811, February 2004	7006 2150 0000 4124 5560 Domestic Return Receipt <i>CR CV</i> 102595-02-M-1540





# 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

**CERTIFIED MAIL—RETURN RECEIPT REQUESTED**

**MAILED:** DEC 1 2 2008

**NOTICE**

Reference: Permit R-12119 Application R-72059  
Permit 53024 Application 72060

Enclosed are proposed orders of certification. The orders propose to cancel Permits R-12119 and 53024.

If you do not agree with the proposed order, Oregon Administrative Rule 690-330-010 (2) allows the permittee or landowner 60 days from the mailing date of this notice to request the Department to reconsider the contents of the proposed order.

If you agree with the proposed order no response to this notice is required. Sometime after the 60 day period, the recorded order will be mailed to the permittee.

If you have any questions please contact Gerry Clark at 503-986-0811.

Sincerely,

Dwight French  
Administrator  
Water Rights Division



**Jerry Gainey**

**From:** Scott Kudlemyer  
**Sent:** Tuesday, December 29, 2009 9:03 AM  
**To:** Gerry Clark; Jerry Gainey  
**Subject:** FW: Taylor Westside Ranch

**Attachments:** MossFlatDiagram.hurn.12-22-09.bmp

The latest from Shannon concerning Taylor Ranch.....

Scott

R- 72059  
 S- 72060

---

**From:** Shannon Hurn [mailto:shannon.m.hurn@state.or.us]  
**Sent:** Monday, December 21, 2009 5:28 PM  
**To:** Scott Kudlemyer  
**Subject:** RE: Taylor Westside Ranch

Hi Scott,

No, fish can voluntarily swim back out the diversion ditch channel, or if the reservoir goes dry exit the reservoir out the headgate and end up back in the stream channel. Attached is a diagram to help. It is all very low gradient, and basically is a wet meadow with a reservoir built in the corner of it. I also suspect while the unnamed tributary is fish bearing (redband trout) it receives very little use by fish in this area or above.

Yes, stored water had been used for irrigation, but I am not sure how you would prove this.

-Shannon

Shannon M. Hurn  
 District Fish Biologist  
 Malheur Watershed District  
 541-573-6582

---

**From:** Scott Kudlemyer [mailto:kudlemsb@wrdd.state.or.us]  
**Sent:** Monday, December 14, 2009 11:57 AM  
**To:** Shannon Hurn  
**Subject:** Taylor Westside Ranch

Hi Shannon

We're still having some concerns about Permit S-53024. We've narrowed it down to a couple of key questions I'm hoping you can answer for us. Your answers will help decide which avenues to pursue, the questions are as follows.

1. Since fish can enter the reservoir constructed under Permit S-53024 should the POD from the reservoir be screened?
2. Has any of the stored under Permit R-12119 been used for irrigation

Thanks so much for your help on this, I know it's been a hassle for quite a while but I think we're getting close to deciding what to do.

Scott Kudlemyer

12/29/2009



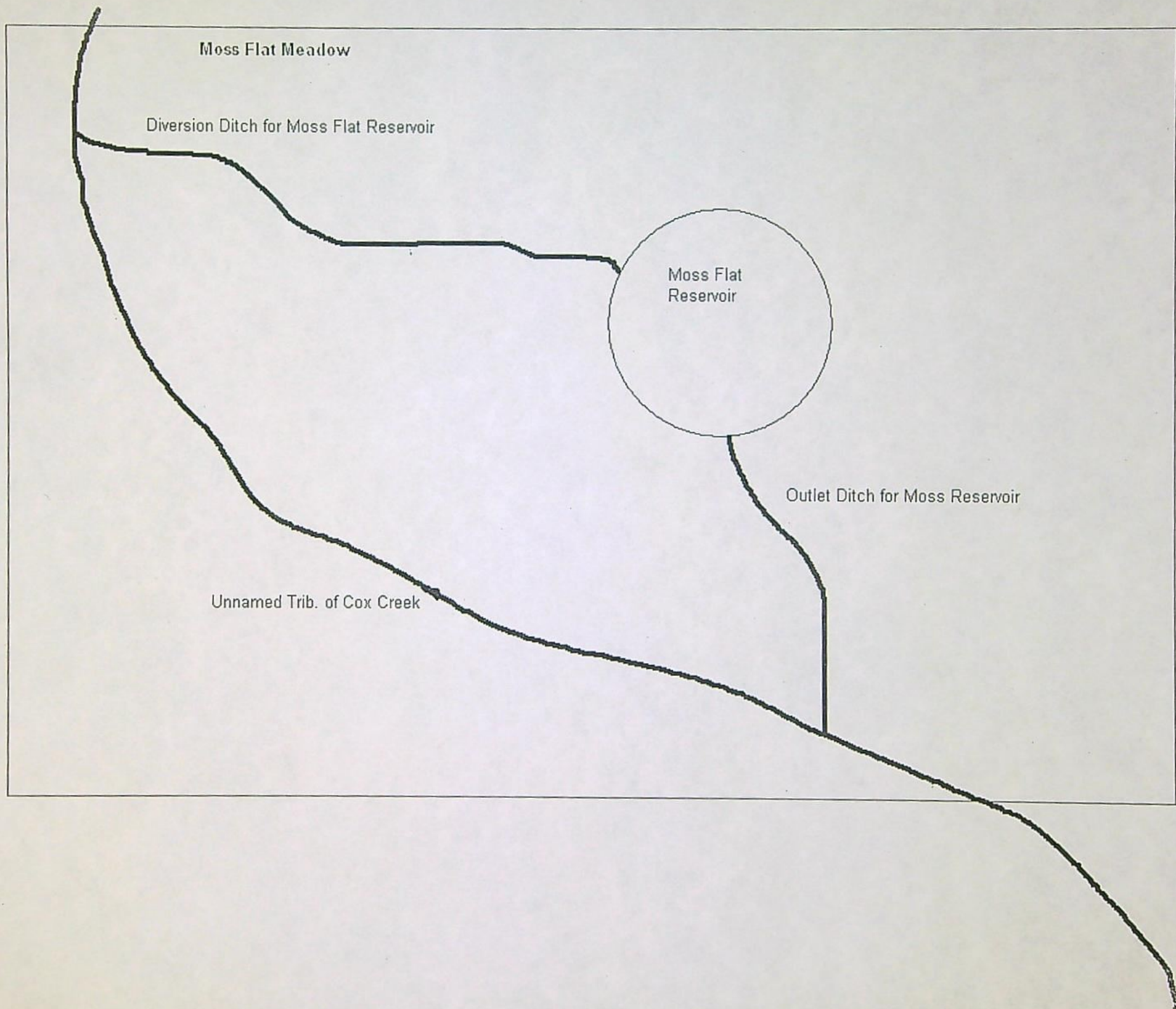
Moss Flat Meadow

Diversion Ditch for Moss Flat Reservoir

Moss Flat  
Reservoir

Outlet Ditch for Moss Reservoir

Unnamed Trib. of Cox Creek







# Oregon

Theodore R. Kulongoski, Governor

## Department of Fish and Wildlife

Klamath Watershed District  
High Desert Region  
1850 Miller Island Road West  
Klamath Falls, Oregon 97603  
(541) 883-5732  
FAX (541) 883-5521



Dwight French  
Water Resources Department  
North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271

July 14, 2009

RE: Permit S-12119, Application S-72059  
Permit S-53024, Application S-72060

*Needs no screen*

*needs screen @ POD, no screen as of 12/5/09*

Dear Mr. French:

The purpose of this letter is to confirm that I have conducted a field review of the diversions under Application # S-72059 and S-72060 and find the following:

Application S-72059, permit S-53024, for the storage of water from an unnamed tributary of North Fork Cox Creek into a reservoir does not need screening at the Point of Diversion where water from Unnamed Tributary of North Cox Creek is diverted into a canal for storage in the reservoir. While fish species can enter the canal and reservoir at the POD, the gradient and design of the diversion allows fish reenter the creek at any time that water is available. Also, bypass devices are not needed at the diversion for this reason, nor are they needed on the face of the reservoir. Water and fish exiting the reservoir are returned to the unnamed tributary of North Fork Cox Creek.

*Permit S-53024 is POD permit 51079 As per Shannon Hurn 12/3/09*

Screening is required at the POD named 76 Cox Creek Diversion, downstream of the reservoir where water is diverted for Permit 51079. The diversion is located in the Northeast corner of Section 17, Township 37S, and Range 20E. The Oregon Department of Fish and Wildlife is willing to work with the landowner on designing and implementing the screen. However it is ultimately the landowners' responsibility to have the screen in place. Additionally, the screen is eligible for the cost-share program through ODFW.

Thank you for the opportunity to comment. Please feel free to contact me if you have any questions.

Sincerely,

*Shannon Hurn*

Shannon M. Hurn  
Assistant District Fish Biologist  
Oregon Department of Fish and Wildlife





# 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

February 3, 2009

Taylor Westside Ranch, Inc.  
21732 Highway 395  
Lakeview, OR 97630

REFERENCE: Application # S-72059 - Permit S-12119  
Application # S-72060 - Permit S-53024

Dear Mr. Taylor,

The Department is currently in the process of evaluating your Applications for Extension of Time on the above referenced permits. Your permits state that "the required fish screen(s) are to be in place and functional prior to the diversion of any water." Based upon our review of the record, extension application, and recent letter from ODFW, the Department has determined that the conditions of the permit were not met, therefore, the following information must be received in order to continue the evaluation of your extension requests:

1. If the fish screening and fishways were not installed prior to the diversion of any water, as required by permit conditions, **you will need to submit documentation from the Oregon Department of Fish and Wildlife stating that they have determined that the fish screens and fishways are not necessary on your diversions.** Per advice from the Attorney General, dated February 7, 2002, failure to comply with fish screening/fishway conditions cannot be cured with an extension of time.

Please submit this information by **June 30, 2009**. Failure to submit the requested information by this deadline will likely result in the proposed denial of your extension request.

*If you need to request additional time to submit the information requested above, a written request must be received in the Salem office of the Department by the deadline above. The Department will evaluate timely requests and determine whether or not the request may be granted.*

If you should have any questions, please contact me at (503) 986-0813.

Sincerely,

Scott Kudlemyer  
Extensions Specialist

cc:  
Darryl Anderson - Anderson Engineering  
Ryan Conn - Anderson Engineering  
Shannon Hurn - ODFW  
Brian Mayer, Watermaster Dist, # 12  
App # R-72059 (Permit R-12119)





# Oregon

Theodore R. Kulongoski, Governor

## Department of Fish and Wildlife

Lakeview Field Station  
Klamath Watershed District  
101 N "D" Street  
PO Box 1214  
Lakeview, OR 97630  
(541) 947-2950  
FAX (541) 947-4632



Dwight French  
Water Resources Department  
North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271

January 15, 2009

Dear Mr. French,

I have received notification from Brian Mayer (Lake County watermaster), Darryl Anderson (Anderson Engineering) and water resources staff that the supplement water right on Moss Reservoir, permit # 53024, application # S-72060 is in danger of being terminated because of failure by the applicant to provide fish passage and screening. Mr. Anderson is applying for an extension on this decision for the Taylor Westside Ranch Inc. He and the landowner, Mr. Neil Taylor would like to have more time to work with ODFW to meet the requirements of screening and passage on the water right.

I am writing to recommend that the extension be permitted. I have reviewed pictures, diagrams, and locations of the reservoir, the canal inlet, and the outlet of the reservoir back into Cox Creek. However, I would like time to go into the field and review the actual structure to insure that the designs are accurate. It will be late spring/early summer before weather conditions allow me to access the site. I will work with the landowner and Mr. Anderson to properly meet all necessary screening and passage requirements upon my field review.

Sincerely,

Shannon Hurn

Shannon Hurn  
Assistant District Fish Biologist

cc:

Darryl Anderson - Anderson Engineering  
Brian Mayer - Lake County Watermaster  
Alan Ritchey - ODFW  
Greg Apke - ODFW  
Rick Kepler - ODFW  
Roger Smith - ODFW

**RECEIVED**

**JAN 23 2009**

**WATER RESOURCES DEPT  
SALEM, OREGON**





# Oregon

Theodore R. Kulongoski, Governor

## Department of Fish and Wildlife

Lakeview Field Station  
Klamath Watershed District  
101 N "D" Street  
PO Box 1214  
Lakeview, OR 97630  
(541) 947-2950  
FAX (541) 947-4632



Dwight French  
Water Resources Department  
North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271

January 15, 2009

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Sincerely,

Shannon Hurn

Shannon Hurn  
Assistant District Fish Biologist

cc:

Darryl Anderson - Anderson Engineering  
Brian Mayer - Lake County Watermaster  
Alan Ritchey - ODFW  
Greg Apke - ODFW  
Rick Kepler - ODFW  
Roger Smith - ODFW

**RECEIVED**

JAN 23 2009

WATER RESOURCES DEPT  
SALEM, OREGON



ANDERSON

ENGINEERING & SURVEYING, INC.



PO Box 28  
17681 Hwy 395  
Lakeview, Oregon 97630  
(541) 947-4407  
(541) 947-2321 FAX



# TRANSMITTAL LETTER

Water Resources Department  
Water Right Permit Extensions  
Mer Street NE, Suite A  
Oregon 97301

DATE: 1/14/2009 JOB NO: 2008-97

ATTENTION: Larry Nunn

RE: Taylor Ranch Water Right Time Extensions

WE ARE SENDING YOU ATTACHED:

☐ PRINTS ☐ PLANS

☐ OTHER \_\_\_\_\_

DATE	DESCRIPTION
	Time Extensions - Permit # R11248, S51079, R12119, S53024
	Fee Check

THESE ARE TRANSMITTED AS CHECKED BELOW:

☐ FOR APPROVAL

☐ FOR REVIEW AND COMMENT

☐ AS REQUESTED

☐ FOR SIGNATURE

☐ OTHER \_\_\_\_\_

RECEIVED

JAN 20 2009

WATER RESOURCES DEPT  
SALEM, OREGON

Call Ryan Conn 541-947-4407 with any questions!!

SIGNED Barb Thompson

If enclosures are not as noted please notify us at once



ANDERSON  
ENGINEERING & SURVEYING, INC.



PO Box 28  
17681 Hwy 395  
Lakeview, Oregon 97630  
(541) 947-4407  
(541) 947-2321 FAX



# TRANSMITTAL LETTER

Oregon Water Resources Department

725 Summer Street NE  
Suite A  
Salem, Oregon 97301-1271

DATE: 1/21/2009	JOB NO: 2008-151
ATTENTION: Larry Nunn	
RE:	Taylor Westside Ranch
	Water Right Extensions

WE ARE SENDING YOU ATTACHED:

☐ PRINTS      ☐ PLANS

☐ OTHER \_\_\_\_\_

COPIES	DATE	DESCRIPTION
		Letter from the Oregon Department of Fish & Wildlife 1/15/2009

THESE ARE TRANSMITTED AS CHECKED BELOW:

☐ FOR APPROVAL      ☐ FOR REVIEW AND COMMENT

☐ AS REQUESTED      ☐ FOR SIGNATURE

☐ OTHER \_\_\_\_\_

REMARKS \_\_\_\_\_

**RECEIVED**

JAN 23 2009

WATER RESOURCES DEPT  
SALEM, OREGON

COPY TO \_\_\_\_\_

SIGNED Barb Thompson

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



2001

Oregon Water Resources Department  
October 2001 through September 2002  
Annual Water Use - Monthly Quantities Form

2002

WRD

Facility					
POD-ID	382 35	51221	51222		
October - 2001					
November - 2001					
December - 2001					
January - 2002					JAN 21 2003
February - 2002					
March - 2002					
April - 2002					
May - 2002					
June - 2002	15 <sup>47</sup> Af	Parshal flume	Parshal flume		
July - 2002	39 <sup>67</sup> Af	to be installed	to be installed		
August - 2002	39 <sup>67</sup> Af	Spring 2003	Spring 2003		
September - 2002	19 <sup>83</sup> Af				
TOTAL *	114 <sup>64</sup> Af				

Apps  
G 13576  
R 72059  
72060

\* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: well - McCrometer flowmeter  
est 01-06/06-10. If use is irrigation, total number acres irrigated 80  
I certify this information is true and accurate to the best of my knowledge.

Dennis R. Glender  
Signature

Agent  
Title

Glender's Hydro Tech Services  
Reporting Entity

1/14/2003  
Date

DENNIS R. GLENDER  
Name - Please Print

Please complete and mail to: Water Resources Department; Water Use Reporting Program;  
158 12<sup>th</sup> Street NE; Salem, OR 97310-0210





## OREGON WATER RESOURCES DEPARTMENT SUMMARY OF WATER RIGHTS FOR WATER USE REPORT

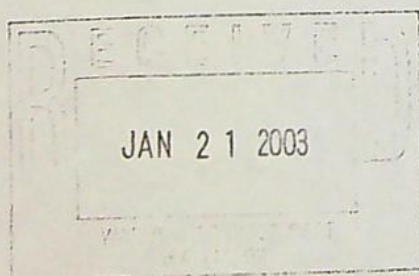


Dear Water User: It is a new water year! All water use reports for October 2001 to September 2002 are requested to be submitted by January 1, 2003. This information is important for water management in Oregon. Please complete the form on the reverse side for the water rights listed below. If you have questions, or need more time please, contact me at 503-378-8455 ext. 333. Thank you for your attention to this matter. Mary Grainey

*Taylor Westside Ranch Inc*  
~~TAYLOR RANCH INC.~~  
*21732 Hwy 395* ~~HC 64 BOX 415~~  
LAKEVIEW OR 97630

USER-ID 28689

POD-ID	FACILITY	CERT	PERMIT	APPL	PRIORITY	USE	L/S	TWP	RANGE	SEC	Q/Q	RATE	SOURCE	TRIBUTARY TO						
38235		0	G	13087	G	13576	12/17/1993	IC	L	37	S	20	E	7	SESW	5.32	C	C	A WELL	COX CR
51221		0	R	12119	R	72059	12/3/1991	IS	L	36	S	19	E	36	NENW	409	A	S	UNN STR/TAYLORS	COX CR
51222		0	S	53024	S	72060	12/3/1991	IS	L	36	S	19	E	36	NENW	409	A	S	TAYLORS RES	N FK COX CR



USER-ID

28689



From: "Linda Tippet" <Linda.L.TIPPETT@wrд.state.or.us>  
To: "Jonnine Fuss" <Jonnine.L.FUSS@wrд.state.or.us>  
Cc: "Susan Douthit" <Susan.M.DOOUTHIT@wrд.state.or.us>  
Subject: Permit 53024  
Date: Thu, 7 Oct 2004 10:47:35 -0700  
X-Mailer: Microsoft Outlook IMO, Build 9.0.6604 (9.0.2911.0)  
Importance: Normal  
X-Spam-Checker-Version: SpamAssassin 2.63 (2004-01-11) on  
kettle.wrд.state.or.us  
X-Spam-Status: No, hits=0.0 required=5.0 tests=none autolearn=ham version=2.63  
X-Spam-Level:

Good Day,

While preparing to map permit 53024 (app 72060), I discovered 0.6 acres in the NWSE of Section 27 not accounted for on the document. The permit lists a total of 39 acres and the map shows a total of 39.6.

Please advise on how to proceed from here.

Thank You,

Linda L. Tippet  
Water Rights Specialist I

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

503-986-0860  
503-986-0902 fax





## OREGON WATER RESOURCES DEPARTMENT SUMMARY OF WATER RIGHTS FOR WATER USE REPORT

Dear Water User: Water year 2003 has ended! All water use reports for October 2002 to September 2003 are requested to be submitted. We are a little late this year due to our efforts to develop a website from which you may submit your data, if you so choose. If you would like to test the new site go to the web address listed below. You will not need to mail in this completed form. This information is important for water management in Oregon. Please, complete the form on the reverse side for the water rights listed below by March 1, 2004. If you have questions, or need more time please, contact me at 503-986-0833. Thank you for your attention to this matter.  
Mary Grainey



<http://stamp.wrd.state.or.us/apps/wr/wateruse/wateruse.php>

TAYLOR WESTSIDE RANCH  
21732 HWY 395  
LAKEVIEW OR 97630

User-ID 28689  
Password: 28689

38235	0 G 13087 G 13576 12/17/1993 IC L 37 S 20 E 7 SESW	5.32 C C A WELL	COX CR
51221	0 R 12119 R 72059 12/3/1991 IS L 36 S 19 E 36 NENW	409 A S UNN STR/TAYLORS RES	COX CR
51222	0 S 53024 S 72060 12/3/1991 IS L 36 S 19 E 36 NENW	409 A S TAYLORS RES	N FK COX CR

USER-ID 28689

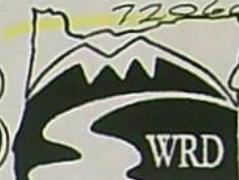


2002

Oregon Water Resources Department  
October 2002 through September 2003  
Annual Water Use - Monthly Quantities Form

USER-ID 28689

2003



Facility					
POD-ID	38235	5/221	5/222		
October - 2002					
November - 2002					
December - 2002					
January - 2003					
February - 2003					
March - 2003					
April - 2003					
May - 2003					
June - 2003	154	Porchall Flume	Porchall Flume		
July - 2003	3967	to be installed	to be installed		
August - 2003	3967	Spring 2004	Spring 2004		
September - 2003	50				
TOTAL *	9974 act				

RECEIVED

MAR 15 2004

WATER RESOURCES DEPT  
SALEM, OREGON

\* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: Well - McCometer flow meter C# 01-06106-10. If use is irrigation, total number acres irrigated 80 from well

I certify this information is true and accurate to the best of my knowledge.

D.R. Glendon  
Signature

Agent  
Title

Glendens Hydro Tech Services  
Reporting Entity

3/12/2004  
Date

Dennis R. Glendon  
Name - Please Print

Please complete and mail to: Water Resources Department; Water Use Reporting Program;  
725 Summer Street NE, Suite A; Salem, OR 97301-1271





# Oregon

John A. Kitzhaber, M.D., Governor

## Water Resources Department

Commerce Building  
158 12th Street NE  
Salem, OR 97301-4172  
(503) 378-3739  
FAX (503) 378-8130

April 24, 2001

Taylor Westside Ranch, Inc  
c/o Cornelius Taylor  
HC 64 Box 415  
Lakeview, OR 97630

REFERENCE: File R-72059 & S-72060

The assignment of Permit R-12119 & S-53024 from Taylor Ranch Inc, to you has been recorded in the records of the Water Resources Department.

Our records have been changed accordingly and the original is enclosed. Receipt number 43749 & 43750 covering the recording fee of \$175 has been sent to Taylor Ranch.

Sincerely,

DALLAS S. MILLER  
Water Rights Specialist

DSM:jh

Enclosure

cc: Watermaster # 12  
Data Center, OWRD  
Taylor Ranch Inc, 39 North J Street, Lakeview, OR 97630



STATE OF OREGON  
WATER RESOURCES DEPARTMENT

RECEIPT # 43749

158 12TH ST. N.E.  
SALEM, OR 97310-0210  
378-8455 / 378-8130 (FAX)

INVOICE # \_\_\_\_\_

RECEIVED FROM: Taylor Westside Ranch

APPLICATION	
PERMIT	
TRANSFER	

H: ☒ CHECK: # 21-22 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 87.50

0417 WRD MISC CASH ACCT

ADJUDICATIONS	\$
PUBLICATIONS / MAPS	\$
OTHER: (IDENTIFY)	\$
OTHER: (IDENTIFY)	\$

REDUCTION OF EXPENSE

CASH ACCT. \$

PCA AND OBJECT CLASS

VOUCHER #

0427 WRD OPERATING ACCT

0407 MISCELLANEOUS COPY & TAPE FEES	\$
0410 RESEARCH FEES	\$
0408 MISC REVENUE: (IDENTIFY)	\$ <u>87.50</u>
TC162 DEPOSIT LIAB. (IDENTIFY)	\$

PCA # 66011  
Assign

WATER RIGHTS:	EXAM FEE	RECORD FEE
0201 SURFACE WATER	\$	\$
0203 GROUND WATER	\$	\$
0205 TRANSFER	\$	\$
WELL CONSTRUCTION	EXAM FEE	LICENSE FEE
0218 WELL DRILL CONSTRUCTOR	\$	\$
LANDOWNER'S PERMIT		\$

OTHER (IDENTIFY) \_\_\_\_\_

0437 WELL CONST. START FEE

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

OTHER (IDENTIFY) \_\_\_\_\_

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS \$

0467 HYDRO ACTIVITY

LIC NUMBER

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

HRDRO APPLICATION

DATED: 3-19-01 BY: [Signature]

STATE OF OREGON  
WATER RESOURCES DEPARTMENT

RECEIPT # 43750

158 12TH ST. N.E.  
SALEM, OR 97310-0210  
378-8455 / 378-8130 (FAX)

INVOICE # \_\_\_\_\_

RECEIVED FROM: Taylor Ranch

APPLICATION	
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 21-455 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 87.50

0417 WRD MISC CASH ACCT

ADJUDICATIONS	\$
PUBLICATIONS / MAPS	\$
OTHER: (IDENTIFY)	\$
OTHER: (IDENTIFY)	\$

REDUCTION OF EXPENSE

CASH ACCT. \$

PCA AND OBJECT CLASS

VOUCHER #

0427 WRD OPERATING ACCT

0407 MISCELLANEOUS COPY & TAPE FEES	\$
0410 RESEARCH FEES	\$
0408 MISC REVENUE: (IDENTIFY)	\$ <u>87.50</u>
(New) TC162 DEPOSIT LIAB. (IDENTIFY)	\$

PCA # 66011  
Assign

WATER RIGHTS:	EXAM FEE	RECORD FEE
0201 SURFACE WATER	\$	\$
0203 GROUND WATER	\$	\$
0205 TRANSFER	\$	\$
WELL CONSTRUCTION	EXAM FEE	LICENSE FEE
0218 WELL DRILL CONSTRUCTOR	\$	\$
LANDOWNER'S PERMIT		\$

OTHER (IDENTIFY) \_\_\_\_\_

0437 WELL CONST. START FEE

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

OTHER (IDENTIFY) \_\_\_\_\_

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS \$

0467 HYDRO ACTIVITY

LIC NUMBER

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

HRDRO APPLICATION

RECEIPT # \_\_\_\_\_ DATED: 3-19-01 BY: [Signature]

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



REQUEST FOR ASSIGNMENT

I, (permit holder, applicant) TAYLOR RANCH, INC  
HC 64 Box 415 LAKEVIEW, OREGON 97630 (541) 947-2869  
 (mailing address) (city) (state) (zip) (phone)

CHECK ONE

☒ - hereby assign all my interest in and to application/permit;  
☐ - hereby assign all my interest in and to a portion of application/permit  
 (include a map showing portion of application assigned);

☐ - hereby assign a portion of my interest in and to the entire application/permit;

Application # R-72059 R-11248  
S-72060, Permit # S-53024;

OR GR Statement # \_\_\_\_\_, GR Certificate of Registration # \_\_\_\_\_ as  
 filed in the office of the Water Resources Director, TO:  
c/o Cornelius J.

TAYLOR WESTSIDE RANCH, INC Taylor (541) 947-2869  
 (name of new owner) (phone #)

HC 64 Box 415 LAKEVIEW OREGON 97630  
 (address) (city) (state) (zip)

(Note: If there are other owners of the property described in this Application, Permit of Certificate of Groundwater Registration you must attach a list of their names and addresses to this form.)

I hereby certify that I have notified all other owners of the property described in this Application, Permit or Certificate of Registration of this request for assignment.

Witness my hand this 1 day of March, 2001.

applicant/permit holder Benny Taylor

applicant/permit holder C. Taylor

PLEASE DO NOT WRITE IN THIS BOX

STATE OF OREGON, }  
 } ss  
 County of Marion. }  
 I certify that the within was  
 received by me on the 19 day of  
Mar, 2001 at 8 o'clock  
Am., and was recorded in the  
 Miscellaneous Records, Vol. 8  
 Page 201  
 Water Resources Director

The completed assignment  
 must be submitted to the  
 Water Resources  
 Department together  
 with a recording fee of  
 \$25. Additional pages  
 will cost \$5 per page.

WATER RESOURCES DEPARTMENT  
 158 12TH STREET NE  
 SALEM, OREGON 97310-0210

RECEIVED

m:\groups\wr\support\janet\forms\assignment request

MAR 19 2001

WATER RESOURCES DEPT.  
 SALEM, OREGON



Application S-72060

COPY CHECK-OFF SHEET FOR PROPOSED FINAL ORDERS

CC: FILE # S-72060

KEN STAHR

WATERMASTER # 12

REGIONAL MANAGER: BOB MAIN

ODF&W - Lake County: LAKE COUNTY

CWRE (if agent): DARRYL J. ANDERSON

DEQ

OTHER STATE AGENCY IF NECESSARY:

DIVISION 33 LIST: COLUMBIA RIVER INTERTRIBAL FISH COMMISSION; U.S. FISH & WILDLIFE;  
(CHECK ONLY IF APPLICABLE) NORTHWEST POWER PLANNING COUNCIL & NATIONAL MARINE FISHERIES

POWER BUILDER UPDATER; FRONT COUNTER

OTHER ADDRESSES OF PEOPLE WHO PAID THE \$10 FEE:

---

---

---

---

---

PEOPLE WITH OBJECTIONS, COMMENTS OR REQUESTED COPY W/O \$10 (SEND THE \$10 LETTER):  
FREMONT SAWMILL, PO BOX, 1340, LAKEVIEW, OREGON 97630

---

---

---

---

CASEWORKER : LKS



Oregon Water Resources Department  
Water Rights Division

Water Rights Application  
Number S-72060

**Final Order**

*Application History*

On December 3, 1991, TAYLOR RANCH, INC. submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on July 9, 1996. The protest period closed August 23, 1996, and no protest was filed.

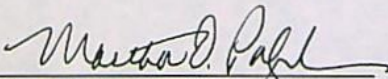
The proposed use would not impair or be detrimental to the public interest.

**Order**

Upon approval of Application R-72059 and payment of outstanding permit recording fees, Application S-72060 shall be approved as proposed by the Proposed Final Order and as provided on the attached draft permit.

Permit recording fees are required in the amount of \$1,310.00. Said fees are due and payable no later than 60 days from the date of this Final Order. Failure to pay the required permit recording fees within 60 days from the date of this Final Order will result in the proposed rejection of Application S-72060.

DATED September 11, 1996

  
Martha O. Page  
Director

*Appeal Rights*

Under the provisions of ORS 183.484, the applicant may appeal this order by filing a petition for review in the Circuit Court for Marion County or the circuit court for the county in which the applicant resides or has a principal business office. The petition for review must be filed within 60 days after the date this order is served.

PLACED IN U.S. MAIL

1996



STATE OF OREGON

COUNTY OF LAKE

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

TAYLOR RANCH, INC.  
HCR 64-BOX 415  
LAKEVIEW, OREGON 97630

PHONE: (541) 947-2869

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: S-72060

SOURCE OF WATER: TAYLORS RESERVOIR, CONSTRUCTED UNDER PERMIT R-11248 AND ENLARGED UNDER APPLICATION R-72059, PERMIT \_\_\_\_\_, TRIBUTARY TO THE NORTH FORK COX CREEK

PURPOSE OR USE: SUPPLEMENTAL IRRIGATION OF 614.4 ACRES

MAXIMUM RATE/VOLUME ALLOWED: 409.0 ACRE-FEET PER YEAR OF STORED WATER ONLY

PERIOD OF USE: APRIL 1 THROUGH SEPTEMBER 30

DATE OF PRIORITY: DECEMBER 3, 1991

POINT OF DIVERSION LOCATION: NE 1/4 NW 1/4, SECTION 36, T36S, R19E, W.M.; 147 FEET SOUTH & 2127 FEET EAST FROM NW CORNER, SECTION 36

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 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SE 1/4	SE 1/4	0.8 ACRE
	SECTION 21	
SW 1/4	SW 1/4	28.9 ACRES
	SECTION 22	
SW 1/4	NW 1/4	0.5 ACRE
NW 1/4	SW 1/4	21.2 ACRES
SW 1/4	SW 1/4	40.0 ACRES
SE 1/4	SW 1/4	18.6 ACRES
	SECTION 26	
NE 1/4	NE 1/4	7.2 ACRES
NW 1/4	NE 1/4	12.0 ACRES
SW 1/4	NE 1/4	30.4 ACRES
SE 1/4	NE 1/4	7.0 ACRES
NW 1/4	NW 1/4	27.1 ACRES



SW 1/4 NW 1/4	10.2 ACRES
SE 1/4 NW 1/4	34.6 ACRES
NE 1/4 SW 1/4	18.5 ACRES
NW 1/4 SW 1/4	2.4 ACRES
SE 1/4 SW 1/4	3.4 ACRES
NE 1/4 SE 1/4	40.0 ACRES
NW 1/4 SE 1/4	39.0 ACRES
SW 1/4 SE 1/4	30.1 ACRES
SE 1/4 SE 1/4	40.0 ACRES
SECTION 27	
NE 1/4 NE 1/4	1.2 ACRES
SECTION 28	
NE 1/4 NE 1/4	40.0 ACRES
NW 1/4 NE 1/4	37.0 ACRES
SW 1/4 NE 1/4	38.0 ACRES
SE 1/4 NE 1/4	36.0 ACRES
SECTION 34	
NE 1/4 NW 1/4	11.2 ACRES
NW 1/4 NW 1/4	33.5 ACRES
SW 1/4 NW 1/4	5.0 ACRES
SECTION 35	

TOWNSHIP 37 SOUTH, RANGE 20 EAST, W.M.

Measurement, recording and reporting conditions:

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

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.



The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The required screens and fishways are to be in place and functional, and the fishway must be approved by Oregon Department of Fish and Wildlife before diversion of any water.

#### STANDARD CONDITIONS

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

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

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

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

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

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

Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

{DATE}

DRAFT

Martha O. Pagel, Director  
Water Resources Department



## PFO ACCURACY CHECKLIST

Application #: S-72060

1. ☒ CHECK NAME(S)/COMPANY NAME
  - \* Assigned
  - \* Signature Name
  - \* Correct Name(s)/Company throughout PFO
  - \* Correct Address & Phone Number on Draft Permit
2. ☒ CHECK SOURCE AND TRIBUTARY
  - \* Consistent throughout PFO and Draft Permit
3. ☒ CHECK RATE OF USE
4. ☒ CHECK PRIORITY DATE & TR/IR DATES
5. ☒ CHECK POD IN DRAFT PERMIT
  - \* Check Map against permit
  - \* Check Township, Range and Section
6. ☒ CHECK POU IN PFO AND DRAFT PERMIT
  - \* Check Map against both
  - \* If Acres on Application do not agree with Map, use Map info
  - \* Check Township, Range and Section
7. ☒ ADD VOLUME NUMBER/NAME AT END OF DRAFT PERMIT
8. ☒ COMPLETE READ THROUGH OF PFO
  - \* Sentence Structure
  - \* Punctuation
  - \* Spelling, etc.

Name:  
LKS

Laura Smedaker

Date:

6-28-96



November 13, 1996

C.J. TAYLOR RANCH INC.  
HCR 64 - BOX 415  
LAKEVIEW, OREGON 97630-9605

RE: FILE NUMBERS: R-72059 & S-72060

Dear Applicant,

On September 11, 1996, Final Orders were sent from the Department requesting additional information necessary to complete your applications for water use. As of today, these items have not been received:

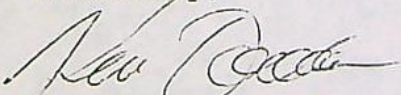
Permit recording fees are required in the amount of \$189.75 for application R-72059.

Permit recording fees are required in the amount of \$1310.00 for application S-72060.

Please submit these items by January 6, 1997. If we do not receive the items requested above by this date, we may reject your applications consistent with ORS 537.153. If your applications are 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 applications will be lost.

Should you have any questions regarding your applications or the required materials listed above, or if you need to request an extension of time, please call me personally at 1-800-624-3199, extension 269.

Sincerely,



Ken Dowden  
Water Rights Examiner

Enclosures

cc: file  
Watermaster Dist. 12



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



FILE # S 72060

# FO CHECKLIST

REVIEW DATE: 8/27/96

WEEK # 50

## PFO TO FO CONVERSION

INITIALS : JWG

In preparing the FO, you should check the following:

1. Y / ☒ N Were comments or protests received in response to the PFO?
2. ☐ If #1 = "Y", from whom were the comments received and when?
3. ☒ Verify names and addresses on the PFO CC list. ALL commentors (regardless of comment date), affected landowners (were they notified?), and those who paid the \$10 fee should be listed.
4. \$ 1,310 Verify payment of recording fees (circle the appropriate option)
  - (1) Issue FO w/permit if fees are paid -- Prepare refund request for excess fees, including standing fees if no protest is filed and no modifications are being made to the PFO
  - ☒ (2) Issue FO w/o permit if fees are lacking
5. Y / ☒ N Is the file lacking a signed oath of accuracy for the application?
6. Y / ☒ N Has ODFW asked for self certification on screening condition?
7. Y / ☒ N Is water use prohibited for one or more months of the normal use period?
8. Y / N If # 7 = "Y", is short season letter on file? Note: If short season letter is lacking prepare FO with Draft permit giving applicant 60 days to submit letter.
9. ☒ Y / N Is further processing possible? If not state reason: \_\_\_\_\_
10. ☐ Notify applicant of additional information or fees required prior to permit issuance (SEND CERTIFIED LETTER & use standard wording from M:\T\FO\TOOLS if possible)
11. ☐ Assign permit numbers to files with oath, fees, and no protests or other issues

		Route to: (circle one)	
DENIAL	FO w/o PERMIT	FO & PERMIT	COMMENTS
LARRY	JERRY	JEREMY	DOUG

Initials                     

Modify FO<sub>2</sub> as needed to:

12. 12 Respond to significant comments, issues, or disputes related to the proposed use of water (see notes, if any, listed above)
13. 13 Include or exclude permit conditions and management codes
14. 14 Correct PFO errors (such as POD or POU location (verify from map), Permit format)

Once FO document is completed:

15. Y Save WordPerfect document in M:\T\FO\WEEK<sup>50</sup> & delete duplicates
16. Y Print final draft of document and submit to team leader for review
17. Y / N Team leader review completed



Oregon Water Resources Department  
Water Rights Division

Water Rights Application  
Number S-72060

**Proposed Final Order**

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

*Application History*

On December 3, 1991, TAYLOR RANCH INC. submitted an application to the Department for the following water use permit:

- Amount of Water: 409.0 ACRE-FEET OF STORED WATER AND 15.36 CUBIC FEET PER SECOND (CFS)
- Use of Water: SUPPLEMENTAL IRRIGATION OF 614.6 ACRES
- Source of Water: TAYLORS RESERVOIR, CONSTRUCTED UNDER APPLICATION R-72059 AND PERMIT R-11248, A TRIBUTARY OF COX CREEK
- Area of Proposed Use: Lake County within SECTION 21, SECTION 22, SECTION 26, SECTION 27, SECTION 28, SECTION 34 AND SECTION 35, TOWNSHIP 37 SOUTH, RANGE 20 EAST, W.M.
- Water Delivery System: According to the applicant supplemental water will be conveyed to White Rock Reservoir and placed on irrigated acres.

On AUGUST 25, 1995, the Department mailed the applicant notice of its Initial Review, determining that the use of 15.36 CFS from Taylor Reservoir for Supplemental Irrigation is allowed from March 1 through October 31. The applicant did not notify the Department to stop processing the application within 14 days of that date.

On APRIL 2, 1996, 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
- the Scenic Waterway requirements of ORS 390.835
- applicable statutes, administrative rules, and case law
- any comments received

### *Findings of Fact*

The Goose & Summer Lakes Basin Program allows the following uses: SUPPLEMENTAL IRRIGATION OF 614.6 ACRES FROM STORED WATER ONLY. Cox Creek is a tributary of Thomas Creek. Thomas Creek and its tributaries are not classified for the use of live flow water for Irrigation.

Senior water rights exist on TAYLORS RESERVOIR, A TRIBUTARY OF NORTH FORK COX CREEK, or on downstream waters.

TAYLORS RESERVOIR, A TRIBUTARY OF NORTH FORK COX CREEK, is not within or above a State Scenic Waterway.

The period of allowed use is incorrectly identified in the Initial Review. Water is available for further appropriation for the period APRIL 1 THROUGH SEPTEMBER 30.

The Department finds that no more than 1536.5 ACRE-FEET, STORED WATER ONLY, would be necessary for the proposed use. The amount of water requested, 409.0 ACRE-FEET and 15.36 CFS, shall be restricted to 409.0 ACRE-FEET.

There is no evidence in the record of the presence of game fish at the described point of diversion.

An interagency team reviewed this proposed use for potential adverse impacts on declining fish populations. This team consisted of representatives from the Oregon Departments of Water Resources (WRD), Environmental Quality, Fish and Wildlife (DFW), and Agriculture. WRD and DFW representatives included both technical and field staff. The interagency team recommended no additional conditions on the use of stored water.

### *Conclusions of Law*

Under the provisions of ORS 537.153, the Department must presume that a proposed use will not impair or be detrimental to the public interest if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), 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 Goose & Summer Lakes Basin Plan.



No 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 rules of the Water Resources Commission.

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

For these reasons, the required presumption has been established.

Once the required presumption has been established, under the provisions of ORS 537.153(2) it may be overcome by a preponderance of evidence that either:

- (a) One or more of the criteria for establishing the presumption are not satisfied; or
- (b) The proposed use will impair or be detrimental to the public interest as demonstrated in comments, in a protest . . . or in a finding of the department that shows:
  - (A) The specific public interest under ORS 537.170(8) that would be impaired or detrimentally affected; and
  - (B) Specifically how the identified public interest would be impaired or detrimentally affected.

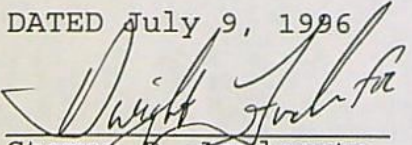
In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use will impair or be detrimental to the public interest.

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 will not impair or be detrimental to the public interest as provided in ORS 537.170.

#### Recommendation

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

DATED July 9, 1986

  
Steven R. Applegate  
Administrator  
Water Rights Division



## Protest Rights

Under the provisions of ORS 537.153(6) or 537.621(7), you have the right to submit a protest against this proposed final order. Your protest must be in writing, and must include the following:

- Your name, address, and telephone number;
- A description of your interest in the proposed final order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
- A detailed description of how the action proposed in this proposed final order would impair or be detrimental to your interest;
- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known; and
- If you are not the applicant, the \$200 protest fee required by ORS 536.050.
- If you are the applicant, a statement of whether or not you are requesting that a contested case hearing be held. If you do not request a hearing, the Department will presume that you do not wish for a hearing to be held.

Your protest must be received in the Water Resources Department no later than **August 23, 1996**.

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.

LKS



DRAFT

This is not a permit!!!

DRAFT

STATE OF OREGON

COUNTY OF LAKE

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

TAYLOR RANCH INC.  
HCR 64-BOX 415  
LAKEVIEW, OREGON 97630

PHONE: (541) 947-2869

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: S-72060

SOURCE OF WATER: TAYLORS RESERVOIR, CONSTRUCTED UNDER PERMIT R-11248 AND APPLICATION R-72059, TRIBUTARY TO THE NORTH FORK COX CREEK

PURPOSE OR USE: SUPPLEMENTAL IRRIGATION OF 614.6 ACRES

MAXIMUM RATE/VOLUME ALLOWED: 409.0 ACRE-FEET STORED WATER ONLY

PERIOD OF USE: APRIL 1 THROUGH SEPTEMBER 30

DATE OF PRIORITY: DECEMBER 3, 1991

POINT OF DIVERSION LOCATION: NE 1/4 NW 1/4, SECTION 36, T36S, R19E, W.M.; 147 FEET SOUTH & 2127 FEET EAST FROM NW CORNER, SECTION 36

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 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SE 1/4 SE 1/4 0.8 ACRE  
SECTION 21  
SW 1/4 SW 1/4 28.9 ACRES  
SECTION 22  
SW 1/4 NW 1/4 0.5 ACRE  
NW 1/4 SW 1/4 21.2 ACRES  
SW 1/4 SW 1/4 40.0 ACRES  
SE 1/4 SW 1/4 18.6 ACRES  
SECTION 26

Application S-72060 Water Resources Department

PERMIT DRAFT



NE 1/4 NE 1/4 7.2 ACRES  
NW 1/4 NE 1/4 12.0 ACRES  
SW 1/4 NE 1/4 30.4 ACRES  
SE 1/4 NE 1/4 7.0 ACRES  
NW 1/4 NW 1/4 27.1 ACRES  
SW 1/4 NW 1/4 10.2 ACRES  
SE 1/4 NW 1/4 34.6 ACRES  
NE 1/4 SW 1/4 18.5 ACRES  
NW 1/4 SW 1/4 2.4 ACRES  
SE 1/4 SW 1/4 3.4 ACRES  
NE 1/4 SE 1/4 40.0 ACRES  
NW 1/4 SE 1/4 39.8 ACRES  
SW 1/4 SE 1/4 30.1 ACRES  
SE 1/4 SE 1/4 40.0 ACRES

SECTION 27

NE 1/4 NE 1/4 1.2 ACRE

SECTION 28

NE 1/4 NE 1/4 40.0 ACRES  
NW 1/4 NE 1/4 37.0 ACRES  
SW 1/4 NE 1/4 38.0 ACRES  
SE 1/4 NE 1/4 36.0 ACRES

SECTION 34

NE 1/4 NW 1/4 11.2 ACRES  
NW 1/4 NW 1/4 33.5 ACRES  
SW 1/4 NW 1/4 5.0 ACRES

SECTION 35

TOWNSHIP 37 SOUTH, RANGE 20 EAST, W.M.

Measurement, recording and reporting conditions:

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



In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

The permittee shall install, maintain, and operate fish screening to prevent fish from entering the proposed diversion. The permittee shall also install a fishway at the obstruction that will provide adequate upstream and downstream passage for fish. The required screens and fishways are to be in place and functional, and the fishway must be approved by Oregon Department of Fish and Wildlife before diversion of any water.

#### STANDARD CONDITIONS

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

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

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

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

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

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



Application S-72060

Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued \_\_\_\_\_, 199\_

DRAFT - THIS IS NOT A PERMIT

Water Resources Department  
Director

Application S-72060    Water Resources Department  
Basin 13                Volume 7 North Fork Cox Creek  
LKS                      MGMT.CODE

PERMIT DRAFT  
District 12



AUGUST 25, 1995

WATER  
RESOURCES  
DEPARTMENT

TAYLORS RANCH INC  
606 SOUTH G ST  
LAKEVIEW, OREGON 97630

Reference: File S-72060

Dear Applicant:

This letter is to inform you of the status of your application for water use. Based on the information you have supplied, the Water Resources Department has reached the following conclusions:

Initial Review Determinations:

1. Your application is complete and not defective.
2. The proposed use is not prohibited by law or rule.
3. The use of water for SUPPLEMENTAL IRRIGATION OF 614.6 ACRES is allowed under OAR 513, the Goose & Summer Lakes Basin Program.
4. The use of 15.36 CUBIC FOOT PER SECOND for SUPPLEMENTAL IRRIGATION OF 614.6 ACRES is available MARCH 1 through OCTOBER 31.

**Summary of Allowable Water Use**

**The use of 15.36 cfs from Taylor Reservoir for supplemental irrigation is allowed from March 1 to October 31 of each year.**

Because of these favorable determinations to your application 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.



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



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 **SEPTEMBER 8, 1995**. For your convenience you may use the enclosed "STOP PROCESSING" form.

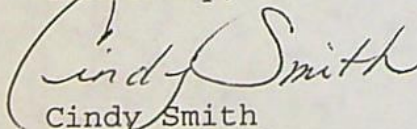
If A Permit Is Issued It Will Likely Include The Following Conditions:

1. You may be required to measure the amount of water used and report that use annually.
2. You may be required to install fish screens at the point of diversion to meet Oregon Department of Fish and Wildlife specifications for adequate protection of aquatic life.

If you have any questions:

Feel free to call me at (503) 378-8455 ext. 227 or 1 (800) 624-3199 if you have any questions. Please have your application number available if you call.

Sincerely,



Cindy Smith  
Initial Reviewer

cc: Regional Manager, Watermaster, Water Availability  
Section  
enclosures: Flow Chart of Water Right Process  
Stop Processing Form







4. **DESCRIPTION OF WATER DELIVERY SYSTEM:** Include dimensions and type of construction of diversion works, length and dimensions of supply ditches or pipelines, size and type of pump and motor. If for irrigation, describe the type of system (i.e., flood, wheel line, hand line, drip, other).

Supplemental water will be conveyed to White Rock Reservoir and placed on irrigated acres as per Certificates 26919, 26921 and Permits 34204, 28099, 6507, 40829, and 51079.

5. **PROJECT SCHEDULE:** (List month and year)

Proposed date construction work will begin \_\_\_\_\_

Proposed date construction work will be completed completed

Proposed date water use will be completed September 30, 1992

NOTE: A map prepared by a Certified Water Right Examiner (CWRE) and a complete legal description of the subject property are required under ORS 537.140 and OAR 690 as a part of your application. The legal description may be copied from your deed, title insurance policy, or land sales contract.

6. a) In the event any deficiencies are noted involving the application map enclosed herein, please return the map with instructions for correction to (check one):

Applicant ☒ CWRE Other (Identify in REMARKS section)

- b) In the event any deficiencies are noted involving the application, please return the application with instructions for correction to (check one):

Applicant ☒ CWRE Other (Identify in REMARKS section)

7. Are all lands involved (including the proposed diversion site, place of use, and access for conveying the water) under your ownership? No. If not, list in the REMARKS section below, or on an attached sheet, the names and mailing addresses of the legal owners of all property involved in the proposed development.



REMARKS: \_\_\_\_\_

Taylor Reservoir is on lands owned by Fremont Sawmill.

Please refer to agreement filed with Permit #51079 and R11248.

NOTE: The permit, when issued, is for the beneficial use of water without waste. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan. It is possible the land use you propose may not be allowed if it is not in keeping with the goals and acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

Taylor Ranch, Inc.  
Signature of Applicant *by C.F. Taylor*

11-26-91  
Date

\_\_\_\_\_  
Signature of Co-Applicant, if any

\_\_\_\_\_  
Date



-----  
FOR WATER RESOURCES DEPARTMENT USE ONLY

Dear Applicant:

I certify that I have examined the foregoing application, together with the accompanying information, and am returning it to you for:

\_\_\_\_\_

\_\_\_\_\_

In order to retain its tentative priority, this application must be returned with the requested corrections or additions on or before:

\_\_\_\_\_, 19\_\_\_\_.

WITNESS my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
*Water Resources Director*

By: \_\_\_\_\_

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the 3<sup>rd</sup> day of December, 1991, at 8:0 o'clock, A M.

APPLICATION NO: 72060

PERMIT NO: \_\_\_\_\_



Basin: Goose and Summer Lakes

Application # 5-72060

Applicant Name Taylor's Ranch Inc.

Date: May 14, 1996

AREA

☒ N Sensitive, threatened, endangered fish presence.

☐ Source Watershed

INFORMATION/CONDITIONS

1. Are there water quality concerns? ☒ Y ☐ N

Are there water quality concerns related to sensitive, threatened or endangered fish? ☒ Y ☐ N

Should the application be denied? ☒ Y ☐ N

Should the application be restricted? ☒ Y ☐ N

Jan	Feb	Mar	Apr	May	Jun 1-15	June 16-30	Jul	Aug	Sep 1-15	Sep 16-30	Oct	Nov	Dec
						X			X				

2. Are there adequate flows to protect sensitive, threatened or endangered fish? ☒ Y ☐ N

Should the application be denied? ☒ Y ☐ N

Should the application be restricted beyond water availability limitations? ☒ Y ☐ N

Jan	Feb	Mar	Apr	May	Jun 1-15	June 16-30	Jul	Aug	Sep 1-15	Sep 16-30	Oct	Nov	Dec

3. Domestic

Should domestic use be conditioned to human consumption? ☐ Y ☐ N

4. Fish Screening and Passage

- ☒ A. Requires fish screening and passage, with ODFW certification (applications > 0.5 cfs).  
☐ B. Requires fish screening and passage, without ODFW certification (applications < 0.5 cfs).  
☐ C. No dam or obstruction without a fishway.  
☐ M. Screening may be required.

5. Miscellaneous

- ☐ A. Reservoir Filling \_\_\_\_\_  
☐ B. Water Quality Permits \_\_\_\_\_  
☐ C. Return Flow \_\_\_\_\_  
☐ D. Time Limited Water Right \_\_\_\_\_  
☐ E. Other \_\_\_\_\_  
☐ F. Livestock Limitation \_\_\_\_\_

6. Measurement and Reporting

- ☐ A. Small diversions (<0.1 cfs or <9.2 ac/ft. may/may)  
☐ B. Medium diversions (0.1 cfs or >9.2 and <1.5 cfs or <100 ac/ft. shall/may)  
☐ C. Large diversions (1.5 cfs or >100 ac/ft. shall/shall)  
☐ T. Totalizing

FINDINGS

☐ Deny permit due to fishery concerns.

☒ Condition permit due to fishery concerns listed above.

☐ No sensitive, threatened or endangered fish present, therefore, no additional conditions.



# PFO CHECKLIST

Application #: 572060

Basin: Goose Summer WAB: \_\_\_\_\_

Township 37S Range 20E Section 21, 22, 26 1/4 1/4  
27, 28, 34 36

- ☒ A1. Public Interest Screen Criteria No
- ☒ 1. Is the file complete by the Completeness Checklist? Yes
- ☒ 2. Fees or other shortcomings (items needed before a permit and/or FO can be issued) No
- ☒ 3. Check file for indicators that the process should not continue until a later date (ie - protest, letter to file indicating hold, or other) None
- ☒ 4. A groundwater review has been evaluated for substantial interference with surface water (convert old gw conditions to the 7 series and add to the PFO, if necessary)
- ☒ a. Is second groundwater review necessary? (objection) No
- ☒ b. Is HB 1033 review complete? No
- ☒ 5. Is the source withdrawn or limited? - State Engineer, Legislative (ORS 538), etc. No
- ☒ 6. Is the Proposed Use located in or above a Scenic Waterway? No
- ☒ 7. Is the proposed use located in a TMDL Basin? (Tualatin, Yamhill, Pudding) No
- ☒ 8. Is the use allowed or limited by the Basin Program? Stored Water only
- ☒ 9. If source is groundwater, is the well located in a groundwater limited area? (If applicable, include map with POD) live flow not classified for Irr. -> Thomas Cr -> Trib.
- ☒ 10. Water Availability Data has been verified (50% before July 17, 1992; 80% live flow & 50% storage after July 17, 1992)
- ☒ 11. Rate 1/40 Duty 22 Irrigation Season April 1 -> Sept 30
- ☒ 12. Period of Allowed Use April 1 -> Sept 30
- ☒ 13. Is use from a B.O.R. project and if so, is a signed contract in the file? live flow
- ☒ 14. Division 33 has been addressed - if applicable (Above Bonn after July 17, 1992 & Below Bonn after April 8, 1994 or June 3, 1994) NA / Triage - no issue since 16 -> Sept 15
- ☒ 15. Have conflicts been identified, verified and/or addressed? None identified by I.R.
- ☒ 16. Is the use Small ( $\leq 0.1$  cfs,  $\leq 9.2$  AF), Medium ( $> 0.1$  or  $< 1.5$  cfs,  $> 9.2$  or  $< 100$  AF) or Large ( $\geq 1.5$  cfs,  $\geq 100$  AF)? 409 ac-ft
- ☒ 17. Check TR/IR for permit conditions not included in the Draft Permit attached to the PFO BS4A, 3B, POD
- ☒ 18. Fill out Accuracy Checklist 614.6 ac x 2.5 = 1536.5 ac-ft
- ☒ 19. Spell Check
- ☒ 20. Documents used in determination are attached and highlighted See I.R. info packet
- ☒ 21. Fill out PFO CC List (a.k.a. the Check-Off Sheet) - don't forget to check for other property owners.
- ☒ a. Does Ken Stahr need to be on the CC list (Rate, Duty and Period of Allowed Use changes) yes -> over
- ☒ 22. Final PFO report hard copy check (format, margins, etc.)
- ☒ 23. Final PFO has been saved to m:\t\pfo\done\week#\application #

Name: Laura Smedaker Date: 6-28-96



need address for Fremont Sawmill

6/26/96 - 8:15 left message

10:40 - Neil Taylor

~~for~~ Fremont Sawmill

PO Box 1340

Lakeview OR 97630



STATE OF OREGON

COUNTY OF LAKE

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

TAYLOR RANCH, INC.  
606 SOUTH G STREET  
LAKEVIEW, OREGON 97630

503-947-2869

to use the waters of WHITE ROCK RESERVOIR CONSTRUCTED UNDER PERMIT R-6507, NORTH FORK COX CREEK AND TAYLOR RESERVOIR TO BE CONSTRUCTED UNDER APPLICATION R-70065, PERMIT R-11248, tributaries of COX CREEK, for IRRIGATION OF 30.3 ACRES AND SUPPLEMENTAL IRRIGATION OF 575.3 ACRES.

This Permit is issued approving Application 70066. The date of priority is SEPTEMBER 14, 1989. The use is limited to not more than 0.38 CUBIC FEET PER SECOND FROM WHITE ROCK RESERVOIR FOR PRIMARY IRRIGATION AND 993 ACRE-Feet FROM TAYLOR RESERVOIR FOR SUPPLEMENTAL IRRIGATION, or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

WHITE ROCK RESERVOIR SE 1/4 SW 1/4, SECTION 26, T 37 S, R 20 E, W.M.;  
1310 FEET NORTH AND 1820 FEET EAST FROM SE CORNER, SECTION 27.

UNNAMED TRIBUTARY OF COX CREEK and  
TAYLOR RESERVOIR NE 1/4 NW 1/4, SECTION 36, T 36 S, R 19 E, W.M.;  
147 FEET SOUTH AND 2127 FEET EAST FROM NW CORNER, SECTION 36.

NORTH FORK COX CREEK SE 1/4 SE 1/4, SECTION 26, T 36 S, R 19 E, W.M.;  
547 FEET NORTH AND 702 FEET WEST FROM SE CORNER, SECTION 36.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-FORTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year from direct flow and storage. This right shall be limited to any deficiency in the available supply of any prior right existing for the same land.

The water user shall install and maintain an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted.

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

A description of the proposed place of use under the Permit is as follows:

PRIMARY FROM WHITE ROCK RESERVOIR & SUPPLEMENTAL FROM TAYLOR RESERVOIR

SW 1/4 NW 1/4 0.5 ACRE  
NW 1/4 SW 1/4 11.0 ACRES  
SECTION 26

SE 1/4 NE 1/4 6.4 ACRES  
NE 1/4 SE 1/4 6.8 ACRES  
NW 1/4 SE 1/4 2.2 ACRES  
SE 1/4 SE 1/4 3.4 ACRES  
SECTION 27

TOWNSHIP 37 SOUTH, RANGE 20 EAST, W.M.



## SUPPLEMENTAL FROM TAYLOR RESERVOIR

SE 1/4 SE 1/4 0.8 ACRE  
SECTION 21

SW 1/4 SW 1/4 28.9 ACRES  
SECTION 22

NW 1/4 SW 1/4 10.2 ACRES  
SW 1/4 SW 1/4 40.0 ACRES  
SE 1/4 SW 1/4 18.6 ACRES  
SECTION 26

NE 1/4 NE 1/4 7.2 ACRES  
NW 1/4 NE 1/4 12.0 ACRES  
SW 1/4 NE 1/4 30.4 ACRES  
SE 1/4 NE 1/4 0.6 ACRE  
NW 1/4 NW 1/4 27.1 ACRES  
SW 1/4 NW 1/4 10.2 ACRES  
SE 1/4 NW 1/4 34.6 ACRES  
NE 1/4 SW 1/4 19.5 ACRES  
NW 1/4 SW 1/4 2.4 ACRES  
SE 1/4 SW 1/4 3.4 ACRES  
NE 1/4 SE 1/4 33.2 ACRES  
NW 1/4 SE 1/4 37.6 ACRES  
SW 1/4 SE 1/4 23.8 ACRES  
SE 1/4 SE 1/4 33.9 ACRES  
SECTION 27

NE 1/4 NE 1/4 1.2 ACRES  
SECTION 28

NE 1/4 NE 1/4 40.0 ACRES  
NW 1/4 NE 1/4 36.0 ACRES  
SW 1/4 NE 1/4 38.0 ACRES  
SE 1/4 NE 1/4 36.0 ACRES  
SECTION 34

NE 1/4 NW 1/4 11.2 ACRES  
NW 1/4 NW 1/4 33.5 ACRES  
SW 1/4 NW 1/4 5.0 ACRES  
SECTION 35

TOWNSHIP 37 SOUTH, RANGE 20 EAST, W.M.

This project was considered and approved by the Water Resources Commission on September 21, 1990.

The water user shall install and maintain an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted to the satisfaction of the watermaster.

Actual construction work shall begin on or before SEPTEMBER 24, 1991, and shall be completed on or before October 1, 1992. Complete application of the water to the use shall be made on or before October 1, 1993.



This permit is for the beneficial use of water without waste. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

Issued this date, SEPTEMBER 24, 1990.

/s/ WILLIAM H. YOUNG

Water Resources Department  
William H. Young  
Director



OREGON WATER RESOURCES DEPARTMENT  
ADMINISTRATIVE RULES  
CHAPTER 690  
DIVISION 513  
GOOSE AND SUMMER LAKES BASIN PROGRAM

**Definitions**

690-513-010

As used in this rule, unless the context requires otherwise:

- (1) The Goose and Summer Lakes Basin and the Goose Lake, Warner Lakes, Chewaucan and Summer Lakes Subbasins are as shown by Water Resources Department Map No. 13.6S.
- (2) "Classification" or "classified" means the allowed and preferred beneficial use(s) of a given surface or ground water source for which future uses of water shall be permitted. Except as otherwise provided by the Commission, the Department shall not issue permits to appropriate, and no use shall be initiated of, any of the surface or ground waters of the Goose and Summer Lakes Basin for any uses except those for which the waters are classified. A classification does not affect uses existing on the date of adoption or alteration of the classification. A classification does not affect the transfer to another beneficial use of any water right with a priority date prior to August 5, 1988.
- (3) "Commission" means the Water Resources Commission.
- (4) "Department" means the Water Resources Department.
- (5) "Agriculture use" means the use of water for agricultural and forestry purposes other than irrigation and includes nursery operations use as defined in OAR Chapter 690, Division 11, protection of facilities and crops from fire, temperature control and other related miscellaneous uses.
- (6) "Domestic use" includes domestic use, domestic use expanded and commercial use as defined in OAR Chapter 690, Division 11 and other related miscellaneous uses.
- (7) "Fish Life use" includes use of diverted water to sustain fish confined to ponds and artificial impoundments and the use of stored water to supplement natural streamflows to improve habitat conditions.
- (8) "Ground water recharge" means the intentional addition of water to a ground water reservoir where consistent with OAR Chapter 690, Division 11.
- (9) "Industrial use" means the use of water in the manufacture of a product including other related miscellaneous uses.
- (10) "Instream use" means the public use of water where there is no diversion or other means of physical control over the water. Public uses include, but are not limited to, recreation; conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and any other ecological values; pollution abatement; or navigation.
- (11) "Irrigation use" means the application of water to crops or plants by artificial means to promote growth, nourish plants or leach minerals from croplands.



(12) "Mining use" means the use of water to extract metals or minerals including placer mining as defined in OAR Chapter 690, Division 11 and leaching operations.

(13) "Municipal use" means the delivery and use of water through the water service system of an incorporated municipality or a nonprofit corporation and includes quasi-municipal uses as defined in OAR Chapter 690, Division 11.

(14) "Pollution Abatement" means the diversion of waters into artificial or other natural channels to remove or dilute pollutants and use of stored water to augment natural streamflow to remove or dilute pollutants.

(15) "Power" means the use of water for electrical or mechanical power or for operation of a hydraulic ram where such uses are consistent with OAR Chapter 690, Division 51.

(16) "Recreation" means the diversion of water from natural water courses or use of stored waters to provide scenic or recreational values.

(17) "Stockwater use" means the physical diversion of water from the natural water course or storage of water for use by livestock or wildlife.

## **Policies**

690-513-020

The water resources of the Goose and Summer Lakes Basin are important for irrigation and instream aquatic life, fish life, recreation and wildlife uses. The waters also are used for domestic, municipal, industrial and stockwatering purposes. The protection and maintenance of water resources for these uses will promote the economic and general welfare of the people of the state. Therefore, it shall be the policy of the Commission to:

(1) Limit the potential for additional conflict over inadequate supplies of water and to enhance watershed conditions as needed to provide for instream and out-of-stream needs.

(2) Promote improvement of water quality and quantity through protection and improvement of watershed conditions, particularly those within riparian areas.

(3) Promote protection and restoration of the quality of surface and ground water supplies from the effects of past and future mining and waste disposal activities and to protect the public health where contamination has occurred.

(4) Promote the improvement of watershed conditions and facilities needed for enhanced fish and wildlife habitat and recreational opportunities.

(5) Cooperate with other states in the protection of existing users of water from reductions in the quantity or quality of supplies.

(6) Promote the development and use of geothermal resources where development is accomplished in a manner consistent with conservation of the resource and without harming current water right holders.

(7) Encourage the active involvement of basin residents in all decisions affecting the availability and quality of water in the area.



- (8) Ensure the perpetual availability of ground water resources by protecting the resource from the demands of future uses where necessary.

### Goose Lake Subbasin

690-513-030

- (1) Objectives. The objectives of the Commission in managing the surface and ground water resources of the Goose Lake Subbasin consistent with the provisions of the Goose Lake Compact are to:

- (a) Avoid additional conflicts over inadequate supplies of water from and protect the remaining instream flows in Thomas Creek.
- (b) Prevent the spread of the contaminated water originating at the uranium mill tailings site near Lakeview through regulation of well construction.

- (2) Classifications. Except as otherwise provided in this subsection, the surface and ground waters of the Goose Lake Subbasin are classified for agriculture, domestic, fish life, ground water recharge, industrial, instream, irrigation, mining, municipal, pollution abatement, power, recreation and stockwater uses.

- (a) Surface waters of Thomas Creek and tributaries below the point where Thomas Creek enters Section 15, Township 38S, Range 19E, except Cottonwood Creek, are classified for any beneficial use of stored water, domestic and stockwater uses.
- (b) Surface waters of Thomas Creek and tributaries above the point where Thomas Creek enters Section 15, Township 38S, Range 19E are classified for any beneficial use of stored water, domestic, instream and stockwater uses.
- (c) Ground water from alluvial aquifers within the Thomas Creek drainage above the point where Thomas Creek enters Section 15, Township 38S, Range 19E, is classified for domestic and stockwater uses only.
- (d) Ground water from any well within 1,000 feet of Thomas Creek, or a tributary, and taking water from an unconfined aquifer is classified for domestic and stockwater uses only. This paragraph only applies to wells within the following areas:
  - (A) Sections 28, 29 and 31-35; Township 37S; Range 20E.
  - (B) Sections 10-15, 21-27 and 34-36; Township 38S; Range 19E.
  - (C) Sections 2-11, 14-22 and 28-33; Township 38S; Range 20E.
  - (D) Sections 1-3 and 10-15; Township 39S; Range 19E.
  - (E) Sections 3-10, 15-22 and 27-34; Township 39S; Range 20E.

- (3) Reservoir Standards. Development of a reservoir may be permitted on any stream in the Goose Lake Subbasin, however, in addition to meeting any other standards required by the Commission, any person proposing development of a reservoir in the subbasin shall give due consideration to:



- (a) Alternative sizing of the project to achieve a reasonable economic development of the proposed site,
- (b) The potential for use of the reservoir, and any water which is stored and released, for multiple beneficial uses, and
- (c) The maintenance of natural flows downstream from the reservoir at levels sufficient to meet instream and out-of-stream needs.

#### **Warner Lakes Subbasin**

690-513-040

(1) Objectives. The objectives of the Commission in managing the surface and ground water resources of the Warner Lakes Subbasin are to:

- (a) Avoid additional conflicts over inadequate supplies of water from and protect the remaining instream flows in Deep and Camas, Honey and Snyder, and Twentymile Creeks.
- (b) Maintain water levels in Pelican and Crump Lakes.

(2) Classifications. Except as otherwise provided in this subsection, the surface and ground waters of the Warner Lakes Subbasin are classified for agriculture, domestic, fish life, ground water recharge, industrial, instream, irrigation, mining, municipal, pollution abatement, power, recreation and stockwater uses.

- (a) Except as provided in paragraphs (C) and (D) of this subsection, surface waters of Deep Creek and tributaries below the point where Deep Creek enters Section 20, Township 40S, Range 22E are classified for any beneficial use of stored water, domestic and stockwater uses.
- (b) Surface waters of Deep Creek and tributaries above the point where Deep Creek enters Section 20, Township 40S, Range 22E are classified for any beneficial use of stored water, domestic, instream and stockwater uses.
- (c) Surface waters of Burnt Creek and tributaries above the point where Burnt Creek enters the east 1/2 section, Section 5, Township 40S, Range 22E are classified for any beneficial use of stored water, domestic, instream and stockwater uses.
- (d) Surface waters of Willow Creek and tributaries above the point where Willow Creek enters Section 8, Township 40S, Range 22E are classified for any beneficial use of stored water, domestic, instream and stockwater uses.
- (e) Surface waters of Honey Creek and tributaries below the point where Honey Creek enters Section 28, Township 36S, Range 22E are classified for any beneficial use of stored water, domestic and stockwater uses.
- (f) Surface waters of Honey Creek and tributaries above the point where Honey Creek enters Section 28, Township 36S, Range 22E are classified for any beneficial use of stored water, domestic, instream and stockwater uses.
- (g) Surface waters of Twentymile Creek and tributaries are classified for any beneficial use of stored water, domestic and stockwater uses.



## INITIAL REVIEW CHECKLIST

APPLICATION #

22060

WAB # 080250

POU-WAB 080250

☒ ITEMS HAVE BEEN VERIFIED ON COMPLETENESS CHECKLIST  
☒ BASIN NAME/NUMBER IS CORRECT

DETERMINATION OF WHETHER USE IS OR IS NOT ALLOWED BY...

☒ BASIN PLAN

☒ LEGISLATIVE WITHDRAWAL (ORS 538)

☒ RULES

☒ SCENIC WATERWAY (OTHER THAN WA ORS 390.826)

☒ OTHER

☒ WATER AVAILABILITY (WA) HAS BEEN CHECKED

50 % BEFORE JULY 17, 1992; 80 % LIVE FLOW 50 % STORAGE  
AFTER JULY 17, 1992

☒ INSTREAM WATER RIGHT EXEMPTIONS ARE DOCUMENTED ON WATER  
AVAILABILITY SHEETS

☒ USE IS NOT FROM A BOR PROJECT OR A SIGNED CONTRACT IS IN  
THE FILE

☒ GROUND WATER REVIEW HAS BEEN EVALUATED FOR HYDRAULIC  
CONNECTION (USE WA DATABASE IF CONNECTED) AND REQUIRED  
CONDITIONS FROM THE REVIEW HAVE BEEN ADDED TO THE LETTER

DIVISION 33 HAS BEEN ADDRESSED...

☒ SEASON FOR DIRECT FLOW

☒ WATER QUALITY PARAGRAPH

☒ EFFICIENCY DESCRIPTION (BELOW BONN AND MORE THAN 1 CFS)

☒ PLAT CARDS HAVE BEEN CHECKED AND A COPY OF THE MAP SHOWING  
THE CONFLICT HAS BEEN ATTACHED

☒ SEASON (DECREE, BASIN PLAN, PERMIT, GENERIC)

☒ RATE & DUTY 1/40 (DECREE, BASIN PLAN, PERMIT, GENERIC)  
GROUND WATER ALWAYS GENERIC FOR RATE AND DUTY

☒ ALL DOCUMENTS USED IN EVALUATION ARE ATTACHED AND  
HIGHLIGHTED AND PACKET IS STAPLED TOGETHER

☒ SPELL CHECK HAS BEEN COMPLETED

☒ WATERMASTER # 12

☒ REGIONAL MANAGER (NW, SW, NC, SC, E)

☒ LETTER WAS SAVED FROM M:\T\IRWORK95 TO M:\T\IRSENT95

NAME

Cindy Smith

DATE

8/23/95



- (8) Ensure the perpetual availability of ground water resources by protecting the resource from the demands of future uses where necessary.

### Goose Lake Subbasin

690-513-030

- (1) Objectives. The objectives of the Commission in managing the surface and ground water resources of the Goose Lake Subbasin consistent with the provisions of the Goose Lake Compact are to:

- (a) Avoid additional conflicts over inadequate supplies of water from and protect the remaining instream flows in Thomas Creek.
- (b) Prevent the spread of the contaminated water originating at the uranium mill tailings site near Lakeview through regulation of well construction.

- (2) Classifications. Except as otherwise provided in this subsection, the surface and ground waters of the Goose Lake Subbasin are classified for agriculture, domestic, fish life, ground water recharge, industrial, instream, **irrigation**, mining, municipal, pollution abatement, power, recreation and stockwater uses.

- (a) Surface waters of Thomas Creek and tributaries below the point where Thomas Creek enters Section 15, Township 38S, Range 19E, except Cottonwood Creek, are classified for any beneficial use of stored water, domestic and stockwater uses.
- (b) Surface waters of Thomas Creek and tributaries above the point where Thomas Creek enters Section 15, Township 38S, Range 19E are classified for any beneficial use of stored water, domestic, instream and stockwater uses.
- (c) Ground water from alluvial aquifers within the Thomas Creek drainage above the point where Thomas Creek enters Section 15, Township 38S, Range 19E, is classified for domestic and stockwater uses only.
- (d) Ground water from any well within 1,000 feet of Thomas Creek, or a tributary, and taking water from an unconfined aquifer is classified for domestic and stockwater uses only. This paragraph only applies to wells within the following areas:

- (A) Sections 28, 29 and 31-35; Township 37S; Range 20E.
- (B) Sections 10-15, 21-27 and 34-36; Township 38S; Range 19E.
- (C) Sections 2-11, 14-22 and 28-33; Township 38S; Range 20E.
- (D) Sections 1-3 and 10-15; Township 39S; Range 19E.
- (E) Sections 3-10, 15-22 and 27-34; Township 39S; Range 20E.

- (3) Reservoir Standards. Development of a reservoir may be permitted on any stream in the Goose Lake Subbasin, however, in addition to meeting any other standards required by the Commission, any person proposing development of a reservoir in the subbasin shall give due consideration to:



## WATER AVAILABILITY TABLE

Basin: GOOSE AND SUMMER LAKE

Exceedance Level: 50

Water Availability Subbasin: 0802000000000000 (and Nested Subbasins)

Time: 13:47

Date: 08/23/1995

Item #	W.A. Subbasin	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
1	0800000000000000	YES	YES	YES	YES	YES	NO	NO	NO	NO	YES	YES	YES	YES
2	0802000000000000	YES	YES	YES	YES	YES	NO	NO	NO	NO	YES	YES	YES	YES

## STREAM NAMES

Basin: GOOSE AND SUMMER LAKE

Water Availability Subbasin: 0802000000000000 (and Nested Subbasins)

Time: 13:47

Date: 08/23/1995

WAB #	Stream Name	Tributary to
0800000000000000	THOMAS CR	GOOSE
0802000000000000	CAMP CR	THOMAS CR

## LIMITING WATER AVAILABILITY SUBBASINS

Water Availability Subbasin: 0802000000000000

Basin: GOOSE AND SUMMER LAKE

Exceedance Level: 50

Time: 13:47

Date: 08/23/1995

Month	Limiting Subbasin	Stream Name	Water Available?	Net Water Available
1	0802000000000000	CAMP CR	YES	17.1
2	0802000000000000	CAMP CR	YES	24.6
3	0802000000000000	CAMP CR	YES	55.9
4	0802000000000000	CAMP CR	YES	74.0
5	0800000000000000	THOMAS CR	YES	42.6
6	0800000000000000	THOMAS CR	NO	-72.1
7	0800000000000000	THOMAS CR	NO	-25.7
8	0800000000000000	THOMAS CR	NO	-9.5
9	0800000000000000	THOMAS CR	NO	-9.7
10	0800000000000000	THOMAS CR	YES	3.4
11	0802000000000000	CAMP CR	YES	11.1
12	0802000000000000	CAMP CR	YES	14.7
Stor	0802000000000000	CAMP CR	YES	14600.0



## DETAILED REPORT ON WATER AVAILABILITY

Basin: GOOSE AND SUMMER LAKE

Stream: THOMAS CR

&gt; GOOSE

Water Availability Subbasin: 0800000000000000

Exceedance Level: 50

Time: 13:47

Date: 08/23/1995

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Net Min. Flow 1/1/93	CU + Stor After 1/1/93	Net Min. Flow Now	Instream Water Rights	Net Water Available
1	56.50	16.80	39.70	0.00	39.70	0.00	39.70
2	79.70	23.80	55.90	0.00	55.90	0.00	55.90
3	263.00	54.00	209.00	0.08	209.00	0.00	209.00
4	302.00	86.00	216.00	0.37	216.00	0.00	216.00
5	219.00	175.00	43.60	1.00	42.60	0.00	42.60
6	66.60	139.00	-72.10	0.00	-72.10	0.00	-72.10
7	15.70	41.40	-25.70	0.00	-25.70	0.00	-25.70
8	9.10	18.60	-9.54	0.00	-9.54	0.00	-9.54
9	9.60	19.30	-9.69	0.00	-9.69	0.00	-9.69
10	14.40	11.00	3.37	0.00	3.37	0.00	3.37
11	25.00	4.80	20.20	0.00	20.20	0.00	20.20
12	46.20	13.10	33.10	0.00	33.10	0.00	33.10
Stor	66300	36100	37200	87	37100	0	37100

## DETAILED REPORT OF ISWRs

Basin: GOOSE AND SUMMER LAKE

Stream: THOMAS CR

&gt; GOOSE

Water Availability Subbasin: 0800000000000000

Time: 13:47

Date: 08/23/1995

ISWRs

APP # : 0 0 0 0 0 0 RESULTANT  
 STATUS:

1	0.0	0.0	0.0	0.0	0.0	0.0	0.0
2	0.0	0.0	0.0	0.0	0.0	0.0	0.0
3	0.0	0.0	0.0	0.0	0.0	0.0	0.0
4	0.0	0.0	0.0	0.0	0.0	0.0	0.0
5	0.0	0.0	0.0	0.0	0.0	0.0	0.0
6	0.0	0.0	0.0	0.0	0.0	0.0	0.0
7	0.0	0.0	0.0	0.0	0.0	0.0	0.0
8	0.0	0.0	0.0	0.0	0.0	0.0	0.0
9	0.0	0.0	0.0	0.0	0.0	0.0	0.0
10	0.0	0.0	0.0	0.0	0.0	0.0	0.0
11	0.0	0.0	0.0	0.0	0.0	0.0	0.0
12	0.0	0.0	0.0	0.0	0.0	0.0	0.0



## DETAILED REPORT ON WATER AVAILABILITY

Basin: GOOSE AND SUMMER LAKE

Stream: CAMP CR

&gt; THOMAS CR

Water Availability Subbasin: 0802000000000000

Exceedance Level: 50

Time: 13:47

Date: 08/23/1995

Month	Natural Stream Flow	CU + Stor Prior to 1/1/93	Net Min. Flow 1/1/93	CU + Stor After 1/1/93	Net Min. Flow Now	Instream Water Rights	Net Water Available
1	18.80	1.70	17.10	0.00	17.10	0.00	17.10
2	27.30	2.70	24.60	0.00	24.60	0.00	24.60
3	63.30	7.40	55.90	0.00	55.90	0.00	55.90
4	90.40	16.40	74.00	0.00	74.00	0.00	74.00
5	79.60	28.80	50.80	0.00	50.80	0.00	50.80
6	21.90	20.10	1.79	0.00	1.79	0.00	1.79
7	6.64	6.03	0.61	0.00	0.61	0.00	0.61
8	5.50	2.90	2.60	0.00	2.60	0.00	2.60
9	6.90	3.13	3.77	0.00	3.77	0.00	3.77
10	8.97	2.00	6.97	0.00	6.97	0.00	6.97
11	12.20	1.10	11.10	0.00	11.10	0.00	11.10
12	16.10	1.40	14.70	0.00	14.70	0.00	14.70
Stor	21400	5610	15800	0	15800	0	15800

## DETAILED REPORT OF ISWRs

Basin: GOOSE AND SUMMER LAKE

Stream: CAMP CR

&gt; THOMAS CR

Water Availability Subbasin: 0802000000000000

Time: 13:47

Date: 08/23/1995

-----ISWRs-----

APP # :           0           0           0           0           0           0           RESULTANT

STATUS:

1	0.0	0.0	0.0	0.0	0.0	0.0	0.0
2	0.0	0.0	0.0	0.0	0.0	0.0	0.0
3	0.0	0.0	0.0	0.0	0.0	0.0	0.0
4	0.0	0.0	0.0	0.0	0.0	0.0	0.0
5	0.0	0.0	0.0	0.0	0.0	0.0	0.0
6	0.0	0.0	0.0	0.0	0.0	0.0	0.0
7	0.0	0.0	0.0	0.0	0.0	0.0	0.0
8	0.0	0.0	0.0	0.0	0.0	0.0	0.0
9	0.0	0.0	0.0	0.0	0.0	0.0	0.0
10	0.0	0.0	0.0	0.0	0.0	0.0	0.0
11	0.0	0.0	0.0	0.0	0.0	0.0	0.0
12	0.0	0.0	0.0	0.0	0.0	0.0	0.0



TOWNSHIP <u>37 S</u> RANGE <u>20 E</u> W. M.																SECTION <u>28</u>		
NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
						10 8				0 8 21						Goose Lake		5253
1 <sup>2</sup>																27960	22110	26919
1 <sup>2</sup>																Supplemental 45364	33787	CANCELLED
1 <sup>2</sup>																49722	37122	
14 <sup>0</sup>																57456	43262	
	36 <sup>1</sup> 22 <sup>3</sup>			10 6				9 <sup>2</sup> 8 <sup>1</sup>					30 <sup>5</sup>			6-10275	6-9299	66559
1 <sup>2</sup>																Sup. 70066	51079	
1 <sup>2</sup>																Sup. 72060		

Application No. 72060  
Permit No.



NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
				Res	Res	Res	Res	Res			Res					R-27961	R-1481	26920
										10 <sup>2</sup>	40	18 <sup>6</sup>				27962	22111	26921
	Res			Res	Res	Res	Res	Res		10 <sup>2</sup>	40	18 <sup>6</sup>	Res	Res		R-34203	R-2982	2
																34204	28099	5
	Res			Res	Res	Res	Res	Res								R-45478	R-5338	CANCELLED
										10 <sup>2</sup>	40	18 <sup>6</sup>				45364	37787	
																Res R-37198	R-2705	36889
	Res			Res	Res	Res	Res	Res					Res	Res		R-49721		
										10 <sup>2</sup>	40	18 <sup>6</sup>				49722		
	Res			Res	Res	Res	Res	Res					Res			R-53813		2
										10 <sup>2</sup>	40	18 <sup>6</sup>				53814		4
																70066	51079	
																70066	51079	
																72060		

TOWNSHIP <u>37S</u> RANGE <u>20E</u> W. M. SECTION <u>27</u>																APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE				NW				SW				SE						
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
		21 <sup>6</sup>			13 <sup>9</sup>	10 <sup>2</sup>	34 <sup>6</sup>	11 <sup>3</sup>	2 <sup>4</sup>		3 <sup>4</sup>	0 <sup>2</sup>	25 <sup>2</sup>	14 <sup>6</sup>	1 <sup>2</sup>	27960	22110	26919
Res			Res													R-27961	R-1481	26920
		0 <sup>4</sup>	0 <sup>2</sup>									33	0 <sup>8</sup>		30 <sup>4</sup>	27962	22111	26921
			Res													R-34203	R-2982	2
7 <sup>2</sup>	12 <sup>2</sup>	8 <sup>4</sup>	0 <sup>4</sup>		13 <sup>2</sup>			7 <sup>2</sup>					11 <sup>6</sup>	9 <sup>2</sup>		34204	28099	5
		0 <sup>4</sup>	0 <sup>2</sup>									33	0 <sup>8</sup>		30 <sup>4</sup>	34204	28099	5
			Res													R-45478	R-5338	CANCELLED
7 <sup>2</sup>	1 <sup>4</sup>	2 <sup>8</sup>	6 <sup>4</sup>		27 <sup>1</sup>	10 <sup>2</sup>	34 <sup>6</sup>	18 <sup>6</sup>	2 <sup>4</sup>		3 <sup>4</sup>	33 <sup>2</sup>	36 <sup>2</sup>	23 <sup>8</sup>	30 <sup>4</sup>	45364	37787	CANCELLED
			Res													R-49721		
7 <sup>2</sup>	12 <sup>2</sup>	30 <sup>8</sup>	0 <sup>4</sup>		27 <sup>1</sup>	10 <sup>2</sup>	34 <sup>6</sup>	18 <sup>6</sup>	2 <sup>4</sup>		3 <sup>4</sup>	33 <sup>2</sup>	36 <sup>2</sup>	23 <sup>8</sup>	30 <sup>4</sup>	49722	37122	
			Res													R-53813	R-6507	2
		0 <sup>4</sup>														53814	40829	3
												33 <sup>2</sup>		20 <sup>4</sup>		53814	40829	4
			6 <sup>4</sup>									6 <sup>8</sup>	2 <sup>2</sup>		3 <sup>4</sup>	70066	51079	
7 <sup>2</sup>	12 <sup>2</sup>	30 <sup>4</sup>	6 <sup>6</sup>		27 <sup>1</sup>	10 <sup>2</sup>	34 <sup>6</sup>	19 <sup>6</sup>	2 <sup>4</sup>		3 <sup>4</sup>	33 <sup>2</sup>	37 <sup>6</sup>	23 <sup>8</sup>	33 <sup>2</sup>	70066	51079	
7 <sup>2</sup>	11 <sup>4</sup>	30 <sup>4</sup>	7 <sup>2</sup>		27 <sup>1</sup>	10 <sup>2</sup>	34 <sup>6</sup>	19 <sup>6</sup>	2 <sup>4</sup>		3 <sup>4</sup>	33 <sup>2</sup>	37 <sup>6</sup>	23 <sup>8</sup>	33 <sup>2</sup>	72060		

Application No. 71060  
Permit No.



Application No. 72060

Permit No.

TOWNSHIP 37 S RANGE 20 E W. M.

SECTION 21

RANGE 20 E W. M.																SECTION 21		
NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
				16 <sup>1</sup>	6 <sup>2</sup>											08	Goose Lake	5231
																08	27960	22110
																08	45364	33787
																08	49722	37422
								27 <sup>4</sup>				29 <sup>2</sup>				08	G-10482	G9843
																08	70066	51079
																08	72060	

TOWNSHIP 37 S RANGE 20 E W. M.SECTION 22

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES																		
										13						27960	22110	26919 ✓
										27 <sup>1</sup>						34284	28099	5 ✓
										27 <sup>2</sup>						45364	33787	CANCELLED ✓
										28 <sup>2</sup>						48222	37122	✓
										28 <sup>3</sup>						70066	51079	✓
										29 <sup>9</sup>						72060		



Application No. 72060  
Permit No.

TOWNSHIP <u>37 S</u> RANGE <u>20 E</u> W. M.																SECTION <u>35</u>		
N E				N W				S W				S E				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
				11 <sup>2</sup>	33 <sup>3</sup>	0 <sup>4</sup>										27962	22111	26921
				11 <sup>2</sup>	33 <sup>3</sup>	0 <sup>4</sup>										34204	28099	5
				11 <sup>2</sup>	33 <sup>3</sup>	0 <sup>4</sup>										45364	33787	
				11 <sup>2</sup>	33 <sup>3</sup>	0 <sup>4</sup>										49722		
					0 <sup>2</sup>	4 <sup>6</sup>										53814	40829	3
				11 <sup>2</sup>	33 <sup>3</sup>	0 <sup>4</sup>										53814	40829	4
				11 <sup>2</sup>	33 <sup>3</sup>	5 <sup>0</sup>										54811		
				11 <sup>2</sup>	33 <sup>3</sup>	5 <sup>0</sup>										78666	51079	
				11 <sup>2</sup>	33 <sup>3</sup>	5 <sup>0</sup>										72060		

TOWNSHIP <u>37 S</u> RANGE <u>20 E</u> W. M.																SECTION <u>34</u>		
NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
9 <sup>6</sup>	14 <sup>0</sup>	3 <sup>0</sup>	7 <sup>1</sup>													27960	22110	26919 ✓
12																27962	22111	26921 ✓
17 <sup>3</sup>		18 <sup>0</sup>	2 <sup>2</sup>													34204	28099	5 ✓
12																34204	28099	5 ✓
												22 <sup>3</sup>	31 <sup>2</sup>	15	6 <sup>6</sup>	G-4112	G-3960	46055 ✓
28 <sup>0</sup>	14	21 <sup>0</sup>	9 <sup>2</sup>													45364	33787	6 ✓
28 <sup>0</sup>	14 <sup>0</sup>	21 <sup>0</sup>	9 <sup>2</sup>													49722	37122	✓
								5 <sup>3</sup>	7 <sup>3</sup>							54045	40421	2 ✓
11 <sup>4</sup>	23 <sup>0</sup>	17 <sup>0</sup>	26 <sup>7</sup>													53814	40829	3 ✓
28 <sup>0</sup>	13 <sup>0</sup>	17 <sup>0</sup>	9 <sup>2</sup>													53814	40829	4 ✓
								22 <sup>0</sup>	5 <sup>2</sup>	20 <sup>0</sup>	32 <sup>2</sup>	6 <sup>0</sup>	18 <sup>2</sup>			G-8825	G-8102	FAR 63 ✓
40 <sup>0</sup>	36 <sup>0</sup>	38 <sup>0</sup>	36 <sup>0</sup>													70066	51079	✓
40 <sup>0</sup>	36 <sup>0</sup>	38 <sup>0</sup>	36 <sup>0</sup>													72060		✓



## MEMORANDUM OF UNDERSTANDING

WHEREAS, Fremont Sawmill, a division of Ostrander Construction Company, an Oregon corporation, hereafter called "Fremont," has leased to Taylor Ranch, Inc., an Oregon corporation, hereafter called "Taylor," certain real property for the purpose of grazing livestock; and,

WHEREAS, the parties are desirous of making certain improvements to the property, including but not limited to the impounding of water on Moss Flat located in Section 25, Township 36 South, Range 19 East of the Willamette Meridian, which impounding of water would be beneficial in that it would allow utilization of the impounded water later in the grazing season for irrigation and stock watering purposes;

NOW, THEREFORE, IT IS AGREED as follows:

1. Fremont shall apply to the Water Resources Department of the State of Oregon for a permit to divert water from the North Fork of Cox Creek and impound such water along with other water in Moss Flat. Taylor shall apply to the Water Resources Department for a permit to utilize such impounded water for irrigation and stock watering purposes on Taylor's deed land at White Rock.

2. All costs and expenses in connection with these applications, including the improvements necessary to comply therewith, shall be the obligation of Taylor, ~~except Fremont~~ *B.E.*  
~~agrees to provide to Taylor those certain pipes and headgates~~ *C.J.T.*  
~~which Fremont now has in its possession with the intent that such~~



~~pipes and headgates shall be utilized as the control structure on the outlet of Moss Flat.~~

3. Upon the termination of the grazing lease between the parties for any reason whatsoever, the improvements and permits contemplated by this Memorandum of Understanding upon the leased premises shall remain with the leased premises, and the ownership thereof shall be solely in Fremont. In this regard, Taylor waives any claim for reimbursement for expenses incurred by Taylor in connection with such improvements and permits.

4. Fremont and Taylor agree to execute any and all documents necessary or desirable to enable the parties to carry out the intent of this Memorandum of Understanding. Fremont authorizes Taylor to make the improvements contemplated by the parties hereto; provided, however, that Fremont reserves the right to cancel Taylor's right to use Moss Flat as a reservoir site upon the termination of the grazing lease agreement between the parties.

5. The parties acknowledge that this Memorandum of Understanding is merely to show the preliminary intent of the parties and that a more formal document is expected to be entered into after the parties have acquired additional information in connection with the proposed project. B.E.

DATED this 10 day of April, 1989-1990 C.A.T.

FREMONT SAWMILL:

TAYLOR RANCH, INC.

by 

by 

by \_\_\_\_\_

by \_\_\_\_\_



my knowledge.  
Taylor Ranch Inc. by C. J. Taylor Sec. 8-16-95  
Name Title Date

Date \_\_\_\_\_

Date \_\_\_\_\_

Date \_\_\_\_\_

Date \_\_\_\_\_

WATER RESOURCES DEPT.  
SALEM, OREGON



August 7, 1995

C J TAYLOR  
TAYLOR RANCH, INC.  
HCR 64 BOX 415  
LAKEVIEW OR 97630-9605

RE: Applications R-72059 and S-72060

Dear Mr. Taylor,

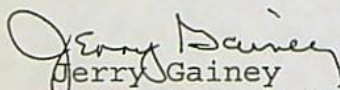
The Water Resources Department is currently reviewing your application for water use. Preliminary review indicates the following items were not included with your application:

- Sign and return the enclosed oath.

In order to expedite the processing of your application, we request that you submit these items by AUGUST 21, 1995. We have enclosed a stamped envelope for your use.

Should you have any questions regarding your application or the required materials listed above, please call me personally at 1-800-624-3199 extension 458.

Sincerely,

  
Jerry Gainey  
Completeness Team

enclosure

cc: general correspondence



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



# COMPLETENESS DETERMINATION CHECKLIST

COMPLETED

Application #	Review Date	Reviewer
- 72060	7/12/195	J. Hainey

A checkmark (✓) indicates that the item is incomplete or defective.

- ☐ 1. Examination fees.
- ☐ 2. Name and address of the applicant, and title if applicable.
- ☐ 3. Source of water.
- ☐ 4. Use of water.
- ☐ 5. Amount of water.
- ☐ 6. Location & description of delivery system.
- ☐ 7. Name(s) and address(es) of the owners of any lands involved, but not owned by the applicant.
- ☐ 8. A statement declaring the existence of written authorization or easement permitting access to lands involved, but not owned by the applicant.
- ☐ 9. Proposed dates of beginning and completion of construction, and complete application of water.
- ☐ 10. If for **municipal use**, the present population to be served and expected future water requirements.
- ☐ 11. If for **mining use**, the type of mines and methods of supplying & utilizing the water.
- ☐ 12. If for a **reservoir**:
  - ☐ a. The height of the dam.
  - ☐ b. The storage capacity.
  - ☐ c. The area submerged.
  - ☐ d. The maximum depth.
  - ☐ e. The construction method (earthfill, concrete, flashboard, etc.).
  - ☐ f. A description of the outlet conduit.
  - ☐ g. A description of the spillway.
- ☐ 13. If for **groundwater**, the horizontal distance from the well to the nearest surface water source (if within one mile), and the difference in land surface elevation between them.
- ☐ 14. If the application was made under HB 2107:
  - ☐ a. Name and address of each adjacent property owner and verification that each owner has been mailed a copy of the completed notice.
  - ☐ b. A description of the proposed water used and related project, the condition it will address, and the benefits that are expected to result from the project.
  - ☐ c. The number of reservoirs per application is appropriate as per OAR 690-11-049 (3)(b)
- ✓ ☐ 15. An oath that the application information is true and correct.
- ☐ 16. The signature of the applicant(s).
- ☐ 17. A satisfactory map of the proposed POD & POU.
- ☐ 18. A Land Use Information Form or receipt signed by appropriate planning official.



May 8, 1992

Steve Applegate  
Water Resources Department  
3850 Portland Road NE  
Salem, Oregon 97310



DEPARTMENT OF  
FISH AND  
WILDLIFE

Dear Steve:

Re: Water Right Application 72059 and 72060, Taylor Ranch Inc., Taylor's Reservoir Constructed Under Permit R-11248, and Store the Waters of an Unnamed Stream, a Tributary of North Fork Cox Creek. Supplemental Irrigation.

The Oregon Department of Fish and Wildlife (ODFW) has completed its review of this application. ODFW requests Water Resources Department (WRD) do a water availability analysis to determine if water is available to support this proposed appropriation. If you determine water is available, we recommend the following permit conditions:

The permittee shall appropriate water from this unnamed tributary of North Fork Cox Creek when the following instream flows (in cubic feet per second) are satisfied in North Fork Cox Creek at a point immediately downstream from the Cox Creek-North Fork Cox Creek confluence:

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2	3	3	6	6	3	1	1	1	1	2	2

(Data from Oregon State Game Commission Basin Investigations, Minimum Streamflow Requirements, Cox Creek, Appendix 1., Pg 32.)

The permittee shall install, operate and maintain all flow measuring devices required by the Water Resources Department.

When these Cox Creek minimum flows are not satisfied, reservoir inflow shall equal reservoir outflow.

Goose Lake Redband trout (a unique, isolated population of redband trout) are present in the Cox Creek system downstream from this proposed appropriation. Redband trout are listed as sensitive by state and federal Endangered Species Acts. Water diversions for irrigation



2501 SW First Avenue  
PO Box 59  
Portland, OR 97207  
(503) 229-5400



# WaterWatch

O F O R E G O N

RECEIVED

DEC 16 1991

WATER RESOURCES DEPT  
SALEM, OREGON

December 15, 1991

Stephen C. Brown  
Senior Water Rights Specialist  
Applications and Permits Section  
Water Resources Department  
3850 Portland Rd. N. E.  
Salem, OR 97310

Application for Permit #R72059 & 72060  
Taylor Ranch, Inc., Tributary of North Fork Fox Creek  
Lake Co., 409.0 ac ft, 15.36 cfs, Supplemental Irrigation

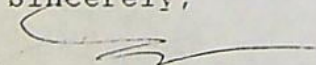
Most surface water in this area of the state is already seriously overappropriated. Existing water withdrawals have adversely affected the fish and wildlife resources of the region. WaterWatch has serious concerns about the availability of water to supply this proposed use without adversely impacting the public interest.

If the Water Resources Department determines that sufficient unappropriated water is available to supply this proposed use without adversely impacting the public interest, WaterWatch asks that the following conditions be included in the permit:

The applicant will install and maintain fish screening and bypass devices to the specifications of the Oregon Department of Fish and Wildlife prior to putting the water to beneficial use.

The applicant will measure both the rate and the duty of all water diverted.

Sincerely,



Jim Myron



December 6, 1991

TAYLORS RANCH INC.  
606 SOUTH G ST  
LAKEVIEW, OR 97630

REFERENCE: File(s) S-72060

We received your application(s) proposing to use water, along with supporting data and fees. Your receipt is enclosed unless you received it earlier. The application has been assigned the above referenced file number and will be reviewed in detail as time allows. If you need to call or write to us, be sure to reference the file number(s) listed above so we may assist you promptly.

Applications which are received in proper form with required maps, supporting data and fees can be considered for approval by issuance of permits following a mandatory 60-day waiting period and after public interest matters are resolved.

Processing of applications which require additional information will be delayed further. If you feel that a delay in the processing of your application will cause a hardship, please advise in writing.

If the application is approved, the use allowed by the permit will be subject to the Water Resources Commission's Basin Program statements, instream flow requirements, and demands of prior rights.

If you have any questions, please contact the Water Right Section at the telephone number referenced below.

cc: CWRE



---

3850 Portland Rd NE  
Salem, OR 97310  
(503) 378-3739  
FAX (503) 378-8130



**ANDERSON  
ENGINEERING & SURVEYING**

618 South 1st Street 344 SW 7th Street  
P.O. Box 28 REDMOND, OR 97756  
LAKEVIEW, OR 97630 (503) 923-4307  
(503) 947-4407 FAX (503) 923-4308  
FAX (503) 947-2321

**LETTER OF TRANSMITTAL**

TO Water Resources Department

3850 Portland Road NE

Salem, OR 97310

DATE	12/2/91	JOB NO.	8952
ATTENTION			
RE: Taylor Reservoir			

**Application No. 72060**  
**Permit No.**

WE ARE SENDING YOU ☒ Attached ☐ Under separate cover via \_\_\_\_\_ the following items:

- ☐ Shop drawings ☐ Prints ☐ Plans ☐ Samples ☐ Specifications  
☐ Copy of letter ☐ Change order ☐ \_\_\_\_\_

COPIES	DATE	NO.	DESCRIPTION
1			Reservoir Application
1			Surface Water Application
2			Checks #2088 and 2089 \$200.00 for each application
1			Original Mylar Map to Accompany application
1			Water Use Planning form (2 sheets)

THESE ARE TRANSMITTED as checked below:

- ☐ For approval ☐ Approved as submitted ☐ Resubmit \_\_\_\_\_ copies for approval  
☐ For your use ☐ Approved as noted ☐ Submit \_\_\_\_\_ copies for distribution  
☐ As requested ☐ Returned for corrections ☐ Return \_\_\_\_\_ corrected prints  
☐ For review and comment ☐ \_\_\_\_\_  
☐ FOR BIDS DUE \_\_\_\_\_ 19 \_\_\_\_\_ ☐ PRINTS RETURNED AFTER LOAN TO US

REMARKS

Please call if there are any questions.

COPY TO Neil Taylor

SIGNED: Darryl Anderson, P.E., P.L.S.



Application No. 72060 / R 72059  
Description of Water Use

Planning Official Initials: R.S.

## Permit No.

Note to Applicant: This sheet will provide local planning staff with a basic description of your proposed water use. Please fill out this sheet before bringing the attached land use form to your local planning office. It will help local planning offices complete your land use information form quickly.

Note to Local Planning Officials: Please initial this sheet. Do not separate it from the land use information form. If needed, please make a separate copy for your records.

Applicant Name: Neil Taylor  
Address: 606 South "G" Street  
Lakeview  
OR 97630  
Phone: (503) 947-2869

Please indicate what you will use the water for. Check all boxes that apply and fill in the blanks with key characteristics of the project

- ☒ Irrigation (crop type, golf course, nursery or greenhouse): \_\_\_\_\_
- ☐ Livestock (type of livestock, feedlot, slaughterhouse): \_\_\_\_\_
- ☐ Residential (# units, single or multi-family, # lots if partition or subdivision): \_\_\_\_\_
- ☐ Commercial (i.e., retail, office, restaurant, gas station, hotel, service, etc.): \_\_\_\_\_
- ☐ Industrial (i.e., factory, pulp mill, research and development, processing, etc.): \_\_\_\_\_
- ☐ Institutional (i.e., school, library, etc.): \_\_\_\_\_
- ☐ Mining (aggregate, metal, open pit, placer, etc.): \_\_\_\_\_
- ☐ Recreation (park, campsite, pond, etc.): \_\_\_\_\_
- ☐ Fish and Wildlife (pond, hatchery, etc.): \_\_\_\_\_
- ☐ Hydropower (dam, reservoir, power generating or transmitting facilities): \_\_\_\_\_
- ☐ Other (Name and list key characteristics): \_\_\_\_\_

Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
<input checked="" type="checkbox"/> Surface Water Name sources: <u>Taylor Reservoir</u>	<u>15.36</u> Cubic feet per second. ____ Gallons per minute: + ____ Acre-Feet
<input checked="" type="checkbox"/> Reservoir or pond	
<input type="checkbox"/> Ground Water	



# Land Use Information Form: Water Right Transfers, Use of Conserved Water, Exchanges

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 request for water use. **DO NOT FILL OUT THIS FORM IF:** 1) water is to be diverted, conveyed, and/or used only on federal lands; or 2) you are applying for a water right transfer involving: a) a change in the place of use with no structural changes, and b) irrigation uses located in irrigation districts or exclusive farm use zones.

Applicant's Name: Neil Taylor  
 Address: 606 South "G" Street  
 City: Lakeview State: OR Zip: 97630  
 Phone: (503) 947-2869 WRD Application No.: \_\_\_\_\_

Please provide information as requested below for all tax lots on or through which water will be diverted or used. (Attach extra sheets as necessary.) Applicants for municipal use may substitute existing and proposed service area boundaries for the tax lot information requested below.

Tax Lot or Local I.D.#	Plan Designation/Zoning (e.g. Rural Residential/RR-5)	Check All That Apply		
		Water Diverted	Water Conveyed	Water Used
<u>37-20-2400</u>	<u>Agricultural A-2</u>		<u>X</u>	<u>X</u>

The following section must be completed by all local planning departments responsible for the property(ies) listed above. Please ask the Department for extra forms, as needed.

## For Local Government Use Only

Local government planning officials are to complete the remainder of this form and return it to the applicant for inclusion in the application.

a) 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): 3.01. Go to section b) on reverse side.

☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below. **Note:** Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus any accompanying findings is sufficient.)

Type of Land Use Approvals Needed (e.g.: plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Please check the box that applies:		
		Already Obtained	Already Denied	Being Pursued Satisfactorily

(over)



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		Already Obtained	Already Denied	Being Pursued Satisfactorily

(over)



2

Date: 12-2-91

Phone: 947-6033

Signature: Kay and Susan

Continuations or Additional Comments:

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



DATE INITIALS

## MINIMUM REQUIREMENTS TO FILE

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Name and mailing address  
 Source of water  
 Quantity of water  
 Location of project  
 Use of water  
 Signature of applicant  
 Allowable use by policy  
 State Engineer withdrawal  
 Legislative withdrawal  
 Land use approved \_\_\_\_\_ pending \_\_\_\_\_

## FIELD OPERATIONS

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Application date stamped per money receipt date  
 Stream Indexed  
 Stream Code \_\_\_\_\_  
 Scenic Waterway \_\_\_\_\_

## Findings:

- 1) Concluded - Scenic-Reg Ack letter
- 2) Under Study - Scenic-Ack letter
- 3) Basin 2 - Willamette-Ack letter

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Plat Carded and copy made YES NO  
 Conflicts (well \_\_\_\_\_ surface \_\_\_\_\_) \_\_\_\_\_  
 Prior ISWR # \_\_\_\_\_  
 Within Irrigation District \_\_\_\_\_ (name)

## Notified

District excerpt received

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Entered in Paradox  
 Prepare six copies of Draft Permit  
 Send one copy to Data Center

## SUPPORT SERVICES

12/6  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Stamp contents with application number  
 Mail/Provide copies of draft permits to DEQ, ODFW,  
 PARKS, AND WATERMASTER  
 Mail ack letter (provided by Data Center) with  
 receipt to applicant, cc to CWRE and file  
 Place label on file and card  
 If dam is over 10 feet or storage exceeds 9.2 AC-FT,  
 route file to Dam Safety Section  
 Notify Irrigation District

## FIELD OPERATIONS

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

	YES	NO
Ownership Statement	_____	_____
Name and address of all owners	_____	_____
Other landowners notified	_____	_____
Legal Description	_____	_____
Need Commission review	_____	_____
Requests greater than 5.0 cfs	_____	_____
Dam height greater than 20 feet	_____	_____
Storage greater than 100 acre-feet	_____	_____
Out of Basin diversion	_____	_____
Groundwater recharge project	_____	_____
Other substantial public interest	_____	_____
GW comments received	resolved _____	_____
ODFW comments received	resolved _____	_____
DEQ comments received	resolved _____	_____
Interest Groups	_____	_____
Water availability received	_____	_____
Objections received	resolved _____	_____
Protest received	resolved _____	_____
Management Codes	_____	_____

EXAMINATION FEE:

RECORDING FEE:

TOTAL:

REFUND:

DEFICIENT:

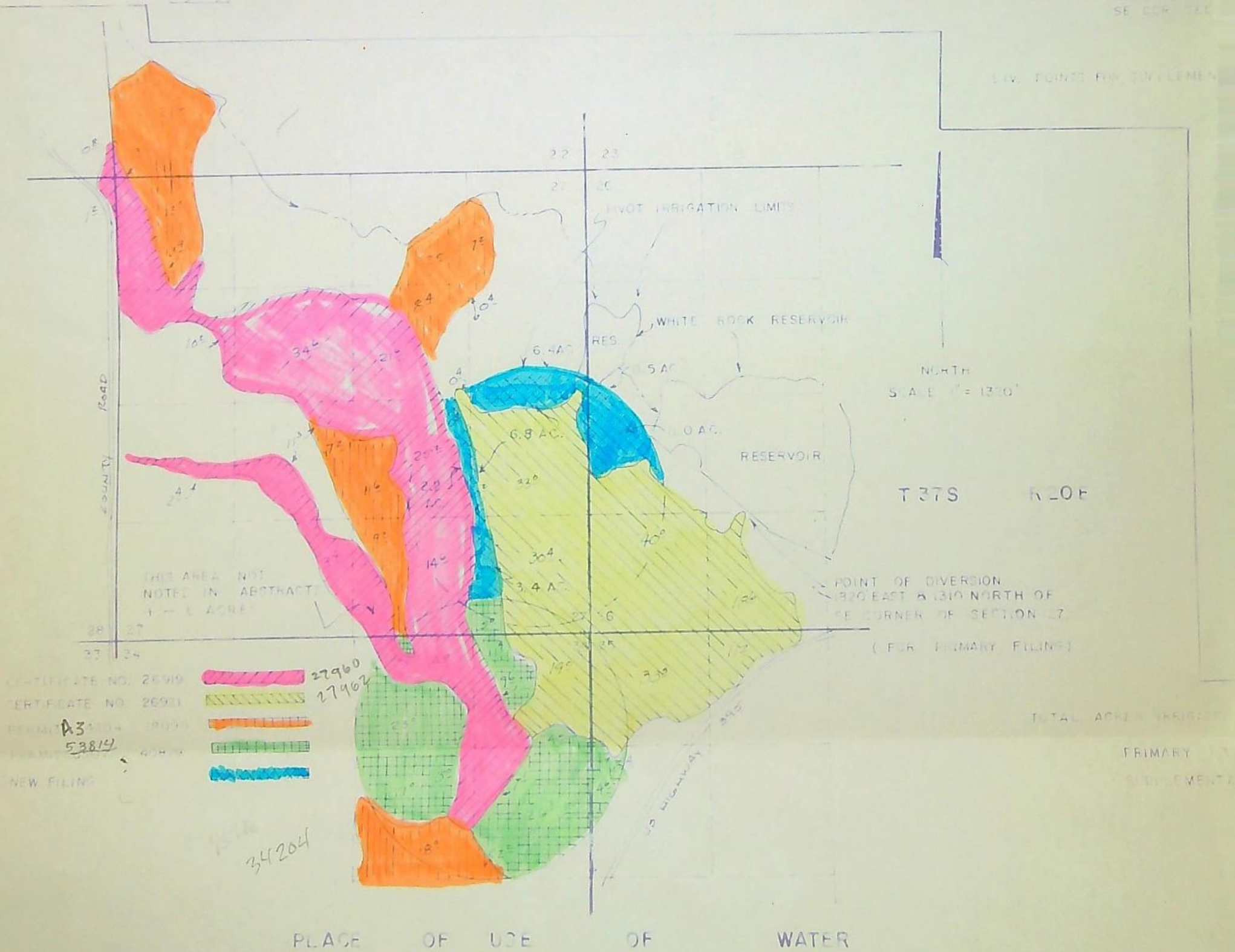
REMARKS:



AND APPROPRIATE

APPLICATION NO. R 70065 & 70066  
PERMIT NO.

### LEGEND



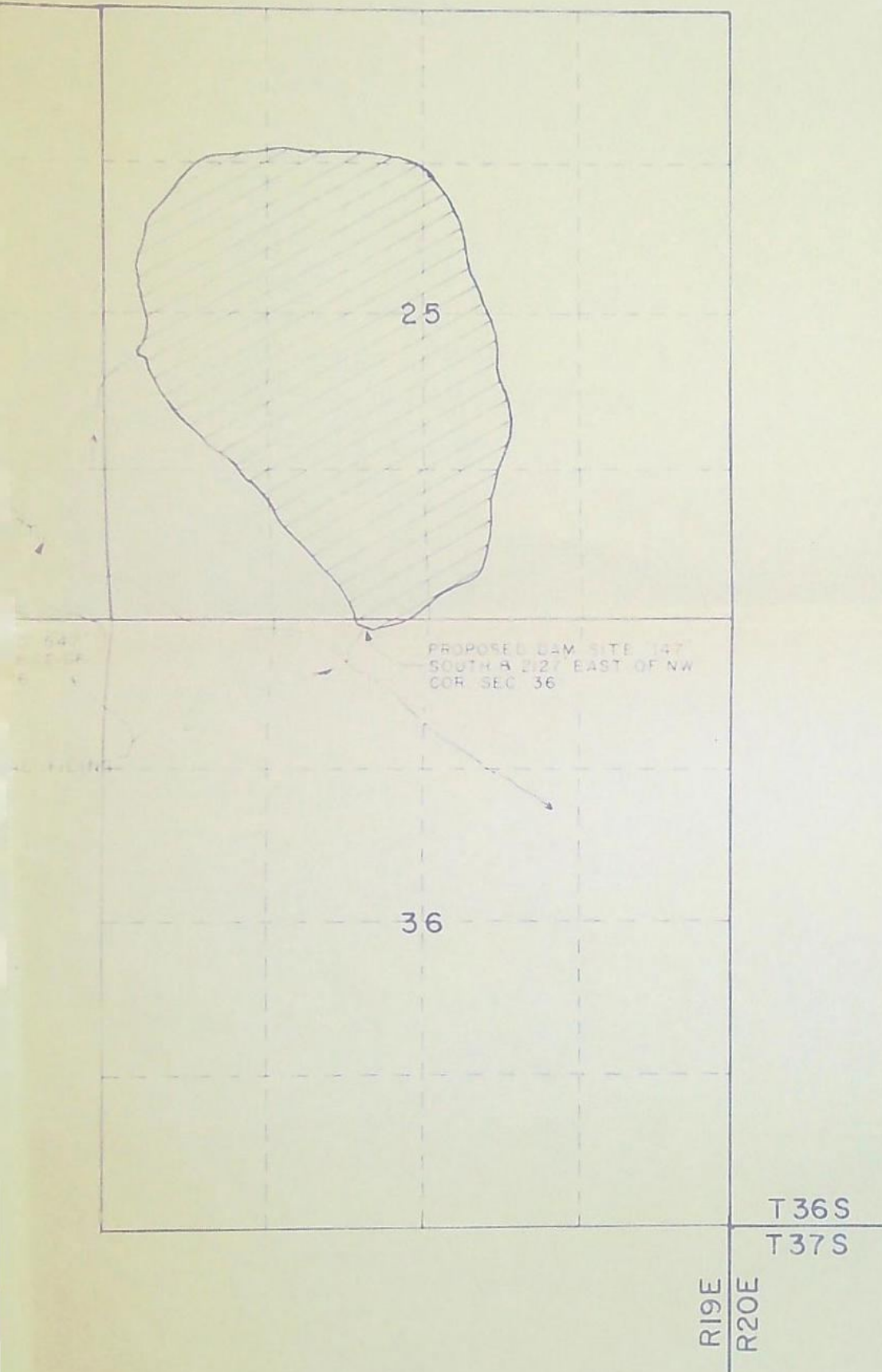


FOR PERMIT TO CONSTRUCT A RESERVOIR

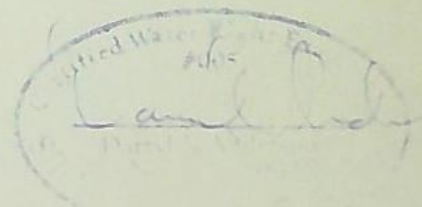
SURFACE WATER



Scale 1" = 1320'



TAYLOR RESERVOIR



PREPARED FOR:

Taylor Ranch

PREPARED BY:

Anderson Engineering & Surveying

618 So. 1st. St.

Lakeview, OR. 97630

(503) 947-4407

Sept. 1989



NUMBER 86683

Check 200 MO \_\_\_\_\_ Cash \_\_\_\_\_

- 
- ☒ Surface Application 200  
/ 0
- \_\_\_\_\_ Reservoir Application
- \_\_\_\_\_ Ground Water Application
- \_\_\_\_\_ Transfer Application
- \_\_\_\_\_ Power Claim
- \_\_\_\_\_ Hydroelectric Examination
- \_\_\_\_\_ Hydroelectric License
- \_\_\_\_\_ Copying
- \_\_\_\_\_ Assignment
- \_\_\_\_\_ Extension of Time
- \_\_\_\_\_ Other
- \_\_\_\_\_ P-6
- \_\_\_\_\_ Quadrangle
- \_\_\_\_\_ Basin
- \_\_\_\_\_ Protest
- \_\_\_\_\_ Constructors Examination
- \_\_\_\_\_ Constructors License
- \_\_\_\_\_ Adjudication