Nunn, Ronald C. Name By <u>3853 Leonard Red (1-8-13)</u> Address <del>3853 Leonard Roa</del> d <del>451 Willow Love</del> Grants Pass, OR 97527	Permit Certificate	No. <u>G114</u> No. <u>G107</u> No. <u>.</u>	· <u>88</u>	Date 103-85 11-9-87 2-14-91 extension <u>11-3-97</u> 9-24-99	FEES PAID Amount 300 - 100 -	Receipt No. 47711 53746 71447 17214 33184 ED
Date filed October 3, 1985 Priority October 3, 1985 Action suspended until C 2033 Onlegt DB	Date	To Whom	ASSIGNMENT	Date	Amount	Check No.
Return to applicant						
CONSTRUCTION FEB 2 8 1989 Date for beginning OCT 1 1989 Date for completion OCT 1 1989 Extended to 10 1-91 10-1-92 $10-1-97$ 10-1-09 $10/1/2033Date for application of water OCT 1 1990Date for application of water DOCT 1 1990Extended to 10 - 1-91 10-1-92 10-1-9710-1-09$ $10/1/2033PROSECUTION OF WORKForm "A" filed April 28, 1988Form "B" filed$	Ext. BC 10. C Remm Cle C Rem. 500	CT 26 1990 20 Sent J 28, 1991 N 21, 1992 -92 on 12.29- 28 Sent J-1 t 10/14/97	92 Order, U 8-93	<u>  -8- </u> ;	Fees Rid	1110425
FINAL PROOF						
Blank mailed						
Proof received						

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SP\*70900-119

Date certificate issued .....

	÷ /
	Form A (690-9-77) Application No. G-11443
383	NOTICE OF BEGINNING OF CONSTRUCTION
8 16	I, Ronald C. Nunn , the holder of Permit No. G-10788
28	to appropriate the public waters of the state of Oregon, began the actual construction of the works described
ddv	therein on the third day of October , 1984.
-	Pomorka, UFILLED WELLS NOS . LA / OT 200 VE 02LES LULLOWED UV THEVET
	The appropriator must state the manner of beginning of construction, the amount of work completed and the type of equipment tion of transmission piping & distribution system to serve 34 units.Plus acquired for the water system up to the date of this statement, and any additional information which shows a substantial beginning of construction is
	acquired for the water system up to the date of this statement, and any additional information which shows a substantial beginning of construction as transmission to serve 4 existing and 109 proposed units, plus 1-33,000 gal.
	authorized by your permit. Capacity water storage tank, & tri-plex distribution pumps.
	IN WITNESS WHEREOF, I have hereunto set my hand this day of April
	(Signature of Applicant) 3853 Leonard Road, Grants Pass, OR
	Fill out, detach and mail to the Water Resources Department, Salem, OR 97310, when construction work is begun.
	SP*35567-690

NECENED

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# **Oregon Water Resources Department**

Water Right Services Division

Water Rights Application Number G-11443

# Final Order Extension of Time for Permit Number G-10788 Permit Holder: Ronald C. Nunn

Permit Information <u>Application File G-11443</u> Permit G-10788 Basin: 15 – Rogue / Watermaster District 14 Date of Priority: October 3, 1985

#### Authorized Use of Water

Source of Water: Wells 1, 2, & 3 within the Rogue River Basin Purpose of Use: Domestic and Commercial (specified) Maximum Rate: 0.56 Cubic Feet per Second (cfs), being 0.31 cfs for Domestic Use and 0.25 for Commercial Use

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

#### Appeal Rights

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

#### Application History

Permit G-10788 was issued by the Department on February 29, 1988. The permit called for completion of construction by October 1, 1989 and complete application of water to beneficial use by October 1, 1990. On November 8, 2013, Ronald C. Nunn submitted to the Department an Application for Extension of Time for Permit G-10788. In accordance with OAR 690-315-0050(2), on March 4, 2014, the Department issued a Proposed Final Order proposing to extend the time to complete construction to 2033 and the time to fully apply water to beneficial use to

Final Order: Permit G-10788

Page 1 of 3

October 1, 2033. The protest period closed April 18, 2014, in accordance with OAR 690-315-0060(1). No protest was filed.

#### Findings of Fact

The Department adopts and incorporates by reference the findings of fact in the Proposed Final Order dated March 4, 2014.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, any comments received, and information within the file, the permit may be extended subject to the following conditions:

# CONDITIONS

#### 1. Last Extension Condition

This is to be the last extension of time granted for Permit G-10788. Any future extensions of time requests will be denied.

#### 2. Checkpoint Condition

The permit holder must submit completed Progress Report Forms to the Department by October 1, 2018, October 1, 2023, and October 1, 2028. *Forms are enclosed with this 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.

## CONCLUSION OF LAW

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

## Order

The extension of time for Application G-11443, Permit G-10788, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended to from October 1, 2009 to October 1, 2033. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2009 to October 1, 2033.

DATED: April 25, 2014

Dwight/W. Erench, Administrator, Water Right Services Division, for PHILLIP C. WARD, DIRECTOR

- If you have any questions about statements contained in this document, please contact Ann Reece at (503) 986-0834.
- If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900

Oregon Water Resources Department 725 Summer Street NE, Suite A



Salem Oregon 97301-1266

# Extension of Time Progress Report Form For Checkpoints

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: Ronald C. Nunn

Application G-11443 Permit G-10788

Report Due no later than October 1, 2018 DO NOT SUBMIT PRIOR TO 30 DAYS BEFORE DUE DATE

# **Progress Report Form for 2018**

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 G-10788. FAILURE TO SUBMIT THIS REPORT WILL MOST LIKELY RESULT IN ANY FUTURE EXTENSION BEING DENIED.

INSERT DATES	LIST ALL WORK ACCOMPLISHED and FINANCIAL INVESTMENTS For the period of time between October 1, 2013 and October 1, 2018	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), or

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

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

INCOMPLETE REORTS WILL BE RETURNED. AN ANSWER IS <u>REQUIRED</u> IN EACH ITEM. USE N/A FOR ITEM 3 IF THE USE IS NOT IRRIGATION.

Signature

Date

		Fc	r OWRD use only	
	Diligence Shown	🗆 Yes 🗆 No	Date Public Noticed:	
Reviewed by:	Transie Barris	Date:		



Oregon Water Resources Department 725 Summer Street NE, Suite A

Salem Oregon 97301-1266

# Extension of Time Progress Report Form

For Checkpoints

# TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: Ronald C. Nunn

Application G-11443 Permit G-10788

# Report Due no later than October 1, 2023 DO NOT SUBMIT PRIOR TO 30 DAYS BEFORE DUE DATE

# **Progress Report Form for 2023**

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 G-10788. FAILURE TO SUBMIT THIS REPORT WILL MOST LIKELY RESULT IN ANY FUTURE EXTENSION BEING DENIED.

INSERT DATES	LIST ALL WORK ACCOMPLISHED and FINANCIAL INVESTMENTS For the period of time between October 1, 2018 and October 1, 2023	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), or

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

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

INCOMPLETE REORTS WILL BE RETURNED. AN ANSWER IS <u>REQUIRED</u> IN EACH ITEM. USE N/A FOR ITEM 3 IF THE USE IS NOT IRRIGATION.

Signature			Date	
Diligence Shown Reviewed by:	🗆 Yes 🗌 No	For OWRD use only Date Public Noticed: Date:		



Oregon Water Resources Department 725 Summer Street NE, Suite A

Salem Oregon 97301-1266

# Extension of Time Progress Report Form For Checkpoints

# TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: Ronald C. Nunn

Application G-11443 Permit G-10788

# Report Due no later than October 1, 2028 DO NOT SUBMIT PRIOR TO 30 DAYS BEFORE DUE DATE

# Progress Report Form for 2028

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 G-10788. FAILURE TO SUBMIT THIS REPORT WILL MOST LIKELY RESULT IN ANY FUTURE EXTENSION BEING DENIED.

INSERT DATES	LIST ALL WORK ACCOMPLISHED and FINANCIAL INVESTMENTS For the period of time between October 1, 2023 and October 1, 2028	FINANCIAL INVESTMENT
	roi me perioù oi mile between oetober 1, 2020 and oetober 1, 2020	

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), or

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

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

INCOMPLETE REORTS WILL BE RETURNED. AN ANSWER IS <u>REQUIRED</u> IN EACH ITEM. USE N/A FOR ITEM 3 IF THE USE IS NOT IRRIGATION.

Signature			Date	
Diligence Shown Reviewed by:	🗆 Yes 🗋 No	For OWRD use only Date Public Noticed: Date:		

# Mailing List for Extension FO Copies

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

FO Date: April 25, 2014

**Copies Mailed** 

Application G-11443 Permit G-10788

By: <u>Bh)</u> On: <u>4/25/14</u>

Original mailed to permit holder

Ronald C. Nunn 3853 Leonard Rd Grants Pass, OR 97527

## Copies sent to:

1. WRD - App. File G-11443/ Permit G-10788

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

2. None

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

- WRD Watermaster District 14, Kathy Smith \*NOTE: Send to Tony Justus only, if denied. Other WMs do <u>not</u> require notifications (7/2013), unless otherwise requested.
- 4. WRD SW Regional Manager, Larry Menteer \*NOTE:Send FO's Region Managers ONLY if denied.

# If Progress Reports are included:

(DONE BY EXTENSION SPECIALIST) Add record to Progress Report tracking sheet.xls Done: by <u>ALM</u> Date <u>4-24-2014</u>

## CASEWORKER: ALR

Final Order: Permit G-10788

Page 1 of 1

# **Oregon Water Resources Department**

Water Right Services Division

## Application for Extension of Time

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In the Matter of the Application for an Extension of Time ) for Permit G-10788, Water Right Application G-11443 in the name of Ronald C. Nunn

PROPOSED FINAL ORDER

# **Permit Information**

## Application File G-11443 Permit G-10788

Basin: 15 - Rogue / Watermaster District 14 Date of Priority: October 3, 1985

#### Authorized Use of Water

Source of Water: Wells 1, 2, & 3 within the Rogue River Basin Purpose of Use: Domestic and Commercial (specified) Maximum Rate: 0.56 Cubic Feet per Second (cfs), being 0.31 cfs for Domestic Use and 0.25 for Commercial Use

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

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

This Proposed Final Order applies only to Permit G-10788, water right Application G-11443.

Final Order: Permit G-10788

# 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, 2009 to October 1, 2033.
- Grant an extension of time to apply water to full beneficial use from October 1, 2009 to October 1, 2033.
- Make the extension subject to certain conditions set forth below.

## ACRONYM QUICK REFERENCE

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

<u>Units of Measure</u> cfs – cubic feet per second

# AUTHORITY

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

**ORS 537.630(1)** 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; the well or other means of developing and securing ground water shall be completed; or the right perfected. In determining the extension, the Department shall give due weight to the considerations described under ORS 539.010(5) and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right.

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

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

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

Final Order: Permit G-10788

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

# FINDINGS OF FACT

### Background

- Permit G-10788 was granted by the Department on February 29, 1988. The permit authorizes the use of up to 0.56 cfs, being 0.31 cfs for domestic use and 0.25 cfs for commercial use<sup>1</sup> of water from Wells 1, 2, & 3 within the Rogue River. The permit specified construction of the water system was to be completed by October 1, 1989, and complete application of water was to be made on or before October 1, 1990.
- Four prior permit extensions have been granted for Permit G-10788. The most recent extension request resulted in the completion dates for construction and full application of water being extended from October 1, 1997 to October 1, 2009.
- 3. The permit holder submitted an "Application for Extension of Time" to the Department on November 8, 2013, requesting the time to complete construction of the water system and the time to apply water to full beneficial use under the terms and conditions of Permit G-10788 be extended from October 1, 2009 to October 1, 2033.
- 4. Notification of the Application for Extension of Time for Permit G-10788 was published in the Department's Public Notice dated November 19, 2013. No public comments were received regarding the extension application.

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

The time limits to complete construction and/or apply water to full beneficial use may be extended if the Department finds that the permit holder has met the requirements set forth under OAR 690-315-0040. This determination shall consider the applicable requirements of ORS  $537.230^2$ ,  $537.248^3$ ,  $537.630^4$  and/or  $539.010(5)^5$ .

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

 On November 8, 2013, the Department received a completed Application for Extension of Time and the fee specified in ORS 536.050 from the permit holder.

<sup>&</sup>lt;sup>1</sup> To include three laundromats, two restaurants, one grocery store, one drug store, and one 10,000 sqft office building.

<sup>&</sup>lt;sup>2</sup>ORS 537.230 applies to surface water permits only.

<sup>&</sup>lt;sup>3</sup>ORS 537.248 applies to reservoir permits only.

<sup>&</sup>lt;sup>4</sup>ORS 537.630 applies to ground water permits only.

<sup>&</sup>lt;sup>5</sup>ORS 539.010(5) applies to surface water and ground water permits. Final Order: Permit G-10788

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

 Actual construction of the well began prior to the February 28, 1989 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.

- As of November 8, 2013, the remaining work to be completed consists of extending the water line, installing back flows, adding booster pumps; and 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, 2033, to complete construction of the water system and to accomplish the application of water to beneficial use under the terms and conditions of Permit G-10788 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)]

- Work was accomplished within the time allowed in the permit or previous extension as follows:
  - a. Construction of the well and water system began prior to the February 28, 1989 deadline specified in the permit.
  - Work was completed (specified in the Application for an Extension of Time) during the original development time frame under Permit G-10788.
  - d. During the most recent extension period, being from October 1, 1997 to October 1, 2009, the following was accomplished:
    - Installed a holding tank;
    - Installed booster pumps;
    - Installed water lines;
    - Installed a meter;
    - Replaced seals and bearings;
    - Repaired the supply line; and

Final Order: Permit G-10788

Replaced the electrical service.

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

- The following beneficial use of water was made during the permit or previous extension time limits:
  - a. Since the issuance of Permit G-10788 on February 29, 1988, a maximum rate of 0.43 cfs of water has been appropriated from the Well 2 for domestic and commercial use. Domestic water has been supplied to 174 families and commercial water has been supplied to one office, and 0.3 acres have been irrigated under the commercial use.

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

- 11. The water right permit holder's conformance with the permit or previous extension conditions.
  - The Department has considered the permit holder's compliance with conditions, and did not identify any concerns.

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

- 12. Financial investments made toward developing the beneficial water use.
  - a. As of November 8, 2013, the permit holder has invested approximately \$131,123 which is approximately 33 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional \$265,000 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 November 8, 2013, the permit holder has invested approximately \$131,123 which is approximately 33 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional \$265,000 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 G-10788.

# 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

Final Order: Permit G-10788

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limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d); or the habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife [OAR 690-315-0040(4)(a-c)].

- a. The amount of water available to satisfy other affected water rights and scenic waterway flows was determined at the time of issuance of Permit G-10788; furthermore, water availability for other affected water rights and scenic waterway flows after the permit was issued is determined at such time that such application for a new water right is submitted. The points of appropriation for Permit G-10788, located within the Rogue River Basin, are not located within a limited or critical ground water area. The points of appropriation are above the Rogue River scenic waterway. They are located within an area ranked "high" for stream flow restoration needs as determined by the Department in consultation with the Oregon Department of Fish and Wildlife, and is located within a Sensitive, Threatened or Endangered Fish Species Area as identified by the Department in consultation with Oregon Department of Environmental Quality as a water quality limited stream.
- 16. Economic investment in the project to date [OAR 690-315-0040(4)(d)].
  - a. As of November 8, 2013, the permit holder has invested approximately \$131,123.
- 17. Other economic interests dependent on completion of the project [OAR 690-315-0040(4)(e)].
  - a. None have been identified.
- 18. <u>Other factors relevant to the determination of the market and present demand for water</u> and power [OAR 690-315-0040(4)(f)].
  - a. None have been identified.
- 19. OAR 690-315-0050(5) provides for extension orders to include, but are not limited to, any condition or provision needed to ensure future diligence, and/or mitigate the effects of the subsequent development on competing demands on the resource. The Department determined the need to place a "Last Extension Condition" on this extension of time in order to ensure diligence is exercised in the development and perfection of the water use permit. This condition is specified under Item 1 of the "Conditions" section of this PFO.
- 20. 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 2 of the "Conditions" section of this PFO to meet this condition.

Final Order: Permit G-10788

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

21. Use and income from the permitted water development will likely result in reasonable returns upon the investment made to date.

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

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

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

23. Unforeseen events extended the length of time needed to fully develop and perfect Permit G-10788, in that poor economy that restricted the permit holder's ability to complete development of the project in a timely manner.

# CONCLUSIONS OF LAW

- 1. The applicant is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.630(1).
- 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).
- The applicant complied with begin actual construction timeline requirements pursuant to ORS 537.630 as required by OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).
- 4. Completion of construction and full application of water to beneficial use can be accomplished by October 1, 2033<sup>6</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).

<sup>&</sup>lt;sup>6</sup>Pursuant to ORS 537.630(4), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and a new or revised claim of beneficial use as deemed appropriate by the Department.

- As authorized in OAR 690-315-0050(5) and as described in Finding 19 above, the Department has established, as specified in the "Conditions" section of this PFO (Item 1), a "Last Extension Condition" in order to ensure future diligence is exercised in the development and perfection of Permit G-10788.
- As required by OAR 690-315-0050(6) and as described in Finding 20 above, the Department has established, as specified in the "Conditions" section of this PFO (Item 2), progress checkpoints in order to ensure future diligence is exercised in the development and perfection of Permit G-10788.

#### 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 G-10788 from October 1, 2009 to October 1, 2033.

Extend the time to apply water to beneficial use under Permit G-10788 from October 1, 2009 to October 1, 2033.

Subject to the following conditions:

## CONDITIONS

#### 1. Last Extension Condition

This is to be the last extension of time granted for Permit G-10788. Any future extensions of time requests will be denied.

#### 2. Checkpoint Condition

The permit holder must submit completed Progress Report Forms to the Department by October 1, 2018, October 1, 2023, and October 1, 2028. Forms 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;

Page 8 of 10

(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 4, 2014

Dwight M 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

- 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 <u>April 18, 2014</u>, 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;
  - 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:
    - Upon review of the issues, the Director finds there are significant disputes related to the proposed agency action; or.

Page 9 of 10

- 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 Ann Reece at (503) 986-0834.
- If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Patricia McCarty at 503-986-0819.
- If you have any questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0801.

•	Address any correspondence to :	Water Right Services Division		
		725 Summer St NE, Suite A		
	Fax: 503-986-0901	Salem, OR 97301-1266		

# Mailing List for Extension PFO Copies

PFO Date: March 4, 2014

Application G-11443 Permit G-10788

**Copies Mailed** 

By: BO ق On:

#### Original mailed to Applicant:

Ronald C. Nunn 3853 Leonard Rd Grants Pass, OR 97527

#### Copies sent to:

- 1. WRD App. File G-11443/ Permit G-10788
- 2. Agent or CWRE representing the Permit Holder

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

3. None

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

4. WRD - Watermaster District 14, Kathy Smith

## CASEWORKER: ALR

Final Order: Permit G-10788

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

Water Use Permits (OAR 690-315-0010 through OAR 690-315-0060)

Application: <u>G-114</u>	43 Permit: <u>G- 10788</u> Permit Amendment? No ⊠Yes	T pending approved				
	Permit Holder's Name: <u>Ronald C. Nunn</u> Permit Holder's Mailing Address: <u>3853 Leonard Rd, Grants Pass, OR</u> 97527 email					
POD Location: Tow		1 23 1/41/4 NWSE, SENW, SWNE				
		Watermaster: Kathy Smith				
Drainage Basin: 15	County: Josephine Watermaster District: 14	watermaster. <u>Katify Shiftir</u>				
Date Permit was is	sued: 2/29/1988 Priority Date: 10/3/1985	Date of PN: <u>11/19/2013</u>				
Source: Wells 1, 2.	, and 3 wighin the Rogue River Basin					
Use: Domestic supp	plies for 308 families and commercial uses					
"Q": 0.56 cfs, being	g 0.25 for commercial use and 0.31 cfs for domestic us	se				
Orig "A" Date: 2/2	<u>Orig "B" Date: 10/1/1989</u>	Orig "C" Date: <u>10/1/1990</u>				
Extension request rec'd: <u>11/8</u>	Last Authorized "B" Date: <u>10/1/2009</u>	Last Authorized "C" Date: <u>10/1/2009</u>				
Request Number (	Proposed 1, 2, 3): <u>5th</u> "B" Date: <u>10/1/2033</u> C Date	<b>Proposed</b> e: <u>10/1/2033</u>				
Conditions of Permit: Condition Condition						
Met? Not Met?	, Permit Cond	dition				
	install meter					
	keep record of water use					
	progress report in 2002 progress report in 2007					
<ul> <li>Factors to consider in determining "Reasonable Diligence" [OAR 690-315-0040(3)]:</li> <li>Yes No</li> <li>Work was accomplished within the time allowed in the permit or previous extension</li> <li>Water right permit holder conformed with the permit or previous extension conditions</li> <li>Financial investments were made toward developing the beneficial water use.</li> <li>Amount Invested to date: \$131,123 Estimated Remaining Cost: \$265,000</li> <li>Beneficial use made of the water during the permit or previous extension time limits</li> <li>Permit holder has beneficially used 0.43 ⊠cfs gpm af of the total permitted quantity of water on 0.3 acres</li> </ul>						

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

¢ 14

# r Application # G-11443Permit # (3-10788 Public Notice Route Slip ... New Application Extension of Time Per Division 315 Rules... (Extensions received on July 1, 2001 or after) WRIG... Money Receipted on: 1/8/13 • Extension Specialist .... Added to tracking spreadsheet After fee is receipted and app info is added to spreadsheet, route to... Codi Holmes... Publish on Public Notice (initial 30-day comment): Date of notice 1/19/15 X Update WRIS Database X 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

STATE OF OREGON           WATER RESOURCES DEPARTMENT           725 Summer St. N.E. Ste. A           SALEM, OR 97301-4172           INVOICE #           (503) 986-0900 / (503) 986-0904 (fax)					
RECEIVED FROM: 12 )11/ 11 COTTO	APPLICATION	6-11442			
BY: Gouth	PERMIT	1			
	TRANSFER				
CASH: CHECK:# OTHER: (IDENTIFY)	TOTAL REC'D	\$576.00			
1083 TREASURY 4170 WRD MISC CASH AC	CT				
0407 COPIES		S			
OTHER: (IDENTIFY)		S			
0243 I/S Lease 0244 Muni Water Mgmt. Plan 0245	Cons. Water	_			
4270 WRD OPERATING AC	CT				
MISCELLANEOUS					
0407 COPY & TAPE FEES 4611		\$			
0410 RESEARCH FEES		\$			
0408 MISC REVENUE: (IDENTIFY)		\$			
TC162 DEPOSIT LIAB. (IDENTIFY)		\$			
0240 EXTENSION OF TIME		\$575.00			
WATER RIGHTS: EXAM FEE	1	RECORD FEE			
0201 SURFACE WATER \$	0202	\$			
0203 GROUND WATER \$	0204	\$			
0205 TRANSFER \$					
WELL CONSTRUCTION EXAM FEE		LICENSE FEE			
0218 WELL DRILL CONSTRUCTOR \$	0219	S			
LANDOWNER'S PERMIT	0220	\$			
OTHER (IDENTIFY)					
0536 TREASURY 0437 WELL CONST. START	T 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		\$			
	1	Ľ			
TREASURY OTHER / RDX					
FUND TITLE					
OBJ. CODE VENDOR #					
DESCRIPTION		\$			
	1				
RECEIPT: 110425 DATED: 18.13 BY	Idreh				
Distribution – White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal					





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

November 19, 2013

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 #:** <u>G-11443</u> (Permit <u>G-10788</u>). Your application will be reviewed in the future. Following the review, you will receive a Proposed Final Order either approving or rejecting the extension of time request. A 45-day protest period begins upon issuance of the Proposed Final Order. After the protest period closes, a Final Order is issued.

If you are interested in having your application reviewed sooner, you may pay to have your file processed immediately, using the Reimbursement Authority program, which is described at: <a href="http://www.wrd.state.or.us/OWRD/mgmt\_reimbursement\_authority.shtml">http://www.wrd.state.or.us/OWRD/mgmt\_reimbursement\_authority.shtml</a>

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 Michele McAleer at (503) 986-0825. 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: <u>www.wrd.state.or.us</u>.



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 <u>each</u> 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, Ronald C. NU	しれ へ。 DER [OAR 690-315-0020(1) and (3)(a	<i>)]</i>	
3853 Leonard R	d, Gr <u>ants</u> Pass, STATE	<u>OK</u> ZIP	97527
(541) 476-152 PHONE	5	E-MAIL ADDRESS	RECEIVED BY OWRD
the permit holder of:	Application Number G-11	443	NOV 08 2013
	Permit Number GC	≥ <u>7</u> 88' 90-315-0020(3)(b)]	SALEM, OR

#### 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, 2007, be extended to October 1, 2037,

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:



**M** 

X

apply water to full beneficial use under the terms and conditions of the permit, which time now expires on October 1, 2009, be extended to October 1, 2033.

Last Revised July 1, 2013

Application for Extension of Time for a Water Right Permit 1 of 10 WRSD

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.

3

- 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

# \$575 STATUTORY FEE TO:

Water Resources DepartmentAttn: Water Right Permit Extensions725 Summer Street NE, Suite ASalem, Oregon 97301NOV 0 8 2013



## SALEM, OR

- 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: <u>http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml#other</u>
- 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 (attached), 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: <u>http://www.wrd.state.or.us/OWRD/LAW/index.shtml</u>.

- 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 Services Division.
- Once an Application for an 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 <u>http://www.wrd.state.or.us</u> (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.).

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

 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: 198

Details of construction: WELL DEILEN

# RECEIVED BY OWRD

NOV 08 2013

## SALEM, OR

WRSD

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



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

Condition No."	Date Satisfied	Describe How Permit Condition Has Been Satisfied				
1	2003	INSTALLED METER				
	ON GO into	RECORD GROUND WATER WILLDRAWN				
	2003	PROGRISS REPORT				
	10-4-13	PROGRESS REPORT				

# **CHART-A**

*Condition No:* Hand-number each condition on a copy of your permit (and, if applicable, any permit amendment and/or prior extension). Include a copy of your hand-numbered permit with the application.

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

# CHART-B

Condition Date Will No.** Comply	A PARTY PARTY PARTY AND A PART	Explain Why Each Permit Condition Has NOT Been Satisfied
		RECEIVED BY OWRD
		NOV 0-8 2013
		SALEM, OR

\* Condition No: Hand-number each condition on a copy of your permit (and, if applicable, any permit amendment and/or prior extension. Include a copy of your hand-numbered permit with the application.

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

- Provide evidence of physical progress made toward completion of the water system, and 3. of progress made toward making beneficial use of water within the permitted time period (CHART-C); and if applicable, within the time period of the most recent extension granted (CHART-D).
  - 3-A) CHART-C (below) must be completed for all Application for Extension of Time requests. Use chronological order.

	CHARI-C	
DATE	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED	COST*
2-29-88	List any work done before the permit was issued – eg. well drilled. 1984 - WELL DRILLED (Z)	5000 ==
2	1987 - PUMP INSTAllED	2000
	17983 - TOMP INSTATION	1000
DATE	WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED and PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER List work/actions done during the permitted time period.	COST*
2-28-89	Date the permit was signed - find date above signature on last page of permit.	
	<u>a</u>	
	Date the permit specified "Actual Construction Work" shall begin ("A-Date") -not all permits contain this date.	
	RECEIVED BY OWRD	
	NOV 0 8 2013	
	SALEM, OR	
10/1/89	Date the permit specified complete application of water to the use shall be made ("C-Date") - all permits contain this date.	
	CHART-C (continued)	
DATE         WORK ACCOMPLISHED AFTER "C-DATE"           DATE         COMPETE ONLY IF THIS IS YOUR 1st APPLICATION FOR AN           EXTENSION OF TIME:         List work done after the date specified in the permit for complete application of water up to the date of this Application for Extension of Time.		
2001	SEALS, 7, BEANYS	128700
2002	Clouister 3 meter	21755
2007	REPARED SUPPLY LINOT	34/25-5
2010	REPIRED Eletrical Services	2235
	Total Cost for Chart-C 16122,50	

# CHART-C

\* If exact cost is not known, you must provide your best estimate. Last Revised July 1, 2013 Application for Extension of Time for a Water Right Permit

Sec. Bo

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

	CHARI-D	
	WORK ACCOMPLISHED DURING	N. S. S. R.
DATE	THE LAST EXTENSION PERIOD	COST
	List all work done during the last authorized extension period.	All and and
	"Extended From" date for complete application of water used	
10/1/97	in the 1 <sup>st</sup>	
	(or the most recent) Application for Extension of Time.	
<i>N</i>	By 2003 Holding Truk Booston Pumps WATER CINES	118,000
	WATER CINES	
10/1/09	"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 <u>AFTER</u> THE LAST EXTENSION PERIOD EXPIRED 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.	COST*
	Dowesta WATER. 174 UNITS (FAMILIAS) Communical water 1 UNITE (office)	
	CHAMINS (CHAMINS)	
	Communal WATER UNITE OFFICE)	
	1	
	Total Cost of Chart-D //5,000=	<u>.</u>

CHART-D

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

	[OAR 690-315-0020(3)(f)]
Cost of project to date: <u>13/,/22</u> (The total combined cost from CHART-C and CHART-D)	RECEIVED BY OWRD
	NOV 08 2013

Last Revised July 1, 2013

4.

Application for Extension of Time for a Water Right Permit 6 of 10 SALEM, OFRSD

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

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

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

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

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

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

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

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

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

Well # as Water identified User's on Permit Well #	1.0	IF DRILLED					
	Has this well been drilled?	Well Log Number e.g. MORR 50473	Well Tag Number c.g. # 27566 or N/A	Is the actual drilled location authorized on this permit or on a permit amendment? (See 5-C below)	Maximum instantaneous rate used from this well under <u>this</u> <u>permit</u> only (CFS or GPM)	Is this well authorized or utilized under any OTHER water rights?	If yes, provide the Permit, Certificate, or Transfer No.
	Yes 🖾 No 🗌			Yes 🛛 No 🗌	0	Yes 🗌 No 🖾	-
	Yes 🗹 No 🗌	JOSEILGAN		Yes Z	. \$3 CFS	Yes 🗌 No 💆	-
	Yes 🗌 No 🗌			Yes  No		Yes 🗌 No 🗌	-
	Yes D No D			Yes 🗌 No 🔲	.43 CFS	Yes 🗌 No 🗌	
	User's	User's well been drilled? Yes Ano Ano Yes No Ano Ano Ano Ano Ano Ano Ano Ano Ano An	Water User's Well #     Has this well been drilled?     Number e.g. MORR 50473       Yes	Water User's Well #     Has this well been drilled?     Number c.g. MORR 50473     Number c.g. # 27566 or N/A       Yes	Water User'sHas this well been drilled?Well Log NumberWell Tag NumberIs the actual drilled location authorized on this permit or on a permit amendment?Water User's Well #Has this e.g. drilled?C.g. $S0473$ C.g. or N/AIs the actual drilled location authorized on this permit or on a permit amendment? (See 5-C below)YesYesYesYesNo $\mathcal{I}OSC_{IIGTY}$ YesNoYesNoYesNoYesNoYesNoYesYesYesNoYesYesYesNo	Water     Has this     Well Log Number     Well Tag Number     Is the actual drilled location authorized on this permit or on a permit amendment?     Maximum instantaneous rate used       Water     Has this     e.g.     c.g.     authorized on this permit or on a permit amendment?     Maximum instantaneous rate used       Well #     drilled?     MORR     # 27566 or N/A     on a permit (See 5-C below)     under this permit only       Yes     No     Yes     No     O       Yes     No     Yes     Yes     O       Yes     No     Yes     Yes     Yes       No     Jossin/GPT     Yes     Yes     Yes       No     Yes     Yes     No     Yes       No     Yes     Yes     No     Yes       No     Yes     No     No     No	Water       Has this       Well Log       Well Tag       Is the actual drilled       Maximum instantaneous rate used       Is this well authorized on this permit or on a permit amendment?         Water       Has this       e.g.       e.g.       e.g.       e.g.       or utilized       or utilized         Well #       drilled?       50473       or N/A       (See 5-C below)       OTHER       water         Yes       No       Ves       Yes       Yes       Yes       Yes       Yes       No       Yes       Yes       No       Yes       Yes       Yes       No       Yes       No       Yes       No       No       Yes       No       No       Yes       No       No </td

CHART-E

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

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

 Well #\_\_\_\_: Actual location: \_\_\_\_
 RECEIVED BY OWRD

 Well #\_\_\_\_: Actual location: \_\_\_\_
 NOV 0 8 2013

 SALEM, OR

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

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

Total acres irrigated to date: <u>30</u>

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

 Well #\_\_\_\_\_
 Acres\_\_\_\_\_
 Well #\_\_\_\_\_
 Acres\_\_\_\_\_

 Well #\_\_\_\_\_
 Acres\_\_\_\_\_
 Well #\_\_\_\_\_
 Acres\_\_\_\_\_

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

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

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
	wither Line Ext	150,00000 30,00000 45 00000
	BACK Flow 5 INSTALLAS	30,000 **
	Adding Boostac Pags	45 000 00
	Adding Booster Pages General P Genes TO syd	NOBOO
	/	
	Date intend to apply water to full beneficial use	
Year: 2033	under the terms and conditions of this permit.	
	Total Cost	265,000 00

# CHART-F

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

8. Estimated remaining cost to complete the project: 265,000 (The total cost from CHART-F)

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

- 9. List the reasons why the project was not constructed, and/or water was not beneficially used within permit time limits. Provide supporting information for the reason(s) that best fits your circumstances (A, B, C or D).
  - 9-A) The project is of a size and scope that was originally planned to be phased in over a time frame longer than the one allowed in the permit.

- THE SIZE & SCOPE of PROJECT WOULD Not Allow TO FINISH Also ECOMPECEIVED BY OWRD Recine NOV 08 2013

Application for Extension of Time for a Water Right Permit 8 of 10 SALEM, OR

- 9-B) The financial resources needed to develop the project precluded completion of the project within authorized time frames.
- 9-C) Good faith attempts to comply with permit conditions and/or acquire permits from other agencies, or otherwise comply with government regulations, delayed completion of the project.
- 9-D) Acts of God or other unforeseen events delayed full development of the water system and use of water within the authorized time frames.
- Justify the time requested to complete the project and/or apply the water to full beneficial use. Your justification should combine information from your answers from Questions 2-B, 7, 8, and 9 of this Application for Extension of Time, and should also include any other information or evidence to establish that the requested amount of time is sufficient and that you will be able to complete the project within the amount of time requested.
- 11. Provide any other information you wish OWRD to consider while evaluating your Application for Extension of Time.

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.

mael Signature

11-6-

# RECEIVED BY OWRD

Last Revised July 1, 2013

Application for Extension of Time for a Water Right Permit 9 of 10 NOV 0 8 2013 WRSD

# EXTENSION REIMBURSEMENT AUTHORITY PROJECT R12117-11 FOR APPLICATION G-11443 PERMIT G-10788

# **Reimbursement Authority Process**

# **Itemized Estimate Sheet**

for

# Extensions

	Est. Time (hr)	Individual	Est. Cost	Date	Act. Time (hr)	Actual Cost	Difference
1. Review Extension Request (Completeness Checklist)		Ann	\$0		0.5	\$46	\$46
2. Preparation of deficiency letter		Craig	\$0		0.0	\$0	\$0
3. Ground Water Review		Mike Z	\$0		0.0	\$0	\$0
4. Proposed Final Order		Ann	\$0		2.5	\$229	\$229
4a. Peer review		Ann	\$0		0.5	\$37	\$37
4b. Peer review		Dwight	\$0		0.1	\$12	\$12
5.Final Order		Craig	\$0		0.5	\$36	\$36
6. Project Management		Craig	\$0		0.8	\$69	\$69
7. Water right data record update		Cody	\$0		0.5	\$29	\$29
Total			\$0			\$457	\$457

500-457 < 50

Application # : G-11443

Permit #: G-10788

Name of RA Applicant: RA#

Nunn

<u>R12117-11</u>

# **Reimbursement Authority Process**

# **Itemized Estimate Sheet**

for

## Extensions

	Est. Time (hr)	Individual	Est. Cost	Date	Act. Time (hr)
1. Review Extension Request (Completeness Checklist)	0.30	Crafgun	\$27	12-5	.5
2. Preparation of deficiency letter		Craig	\$0		
3. Ground Water Review	0.00	Mike Z	\$0		
4. Proposed Final Order	3.00	Craig Ann	\$275	12-9	2.5
4a. Peer review	0.50	Ann	\$37	3-4	.5
4b. Peer review	0.10	Dwight	\$12	4-25	. )
5.Final Order	1.00	CraigAm	\$71	12-9	.5
6. Project Management	0.50	Craig	\$46	12-9	.75huz-
7. Water right data record update	0.50	Cody	\$29	4-25	.5
Total	5.90		\$497		

Transfer #

Notes:

\$500



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

December 9, 2013

Ronald Nunn 1151 Willow Lane Grants Pass, OR 97527

RE: Reimbursement Authority Signed Contracts R12117-11 involving application G-11443

Mr. Nunn,

Enclosed is a copy of the fully executed Applicant's Agreement signed by the required parties and a receipt for the monies paid for this project. This agreement details the terms and conditions under which a work order is issued for the expedited services that you requested.

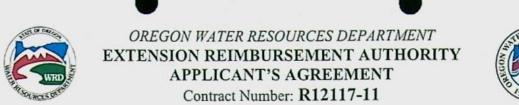
If you have any questions concerning the agreement or the program, please contact me at 503-986-0823.

Sincerely,

R. Craig Kohanek

R. Craig Kohanek Senior Water Rights Analyst Ronald.c.kohanek@wrd.state.or.us

Attachment: Receipt #110650





This Agreement is between the Oregon Water Resources Department, hereafter OWRD, and Ronald C. Nunn hereafter Applicant, hereafter known together as the parties.

	//			
1	OWRD Information	Applicant's Information	Applicant's Representative	
	Project Contact: R. Craig Kohanek	Name: Ronald C. Nunn	Name:	
	Reimbursement Authority	Title: Owner	Title:	
	Oregon Water Resources Department	Company:	Company:	
	725 Summer Street, NE	Address: 1151 Willow Lane	Address:	
	Salem, OR 97301-1271	Grants Pass, OR 97527		
	Phone: 503-986-0823	Phone: 541-660-0150	Phone:	
	Email: Ron.c.kohanek@wrd.state.or.us	Email:	Email:	

- 1. Purpose. The purpose of this Agreement is to expedite the processing of the Water Right Extension Application. (Application Number: G-11443)
- Authority. ORS 536.055 authorizes the OWRD to enter into a voluntary agreement with any
  applicant, permittee or regulated entity (collectively Applicant) for expediting or enhancing a
  regulatory process. In making this agreement, OWRD shall require the applicant to pay the full cost of
  expedited process.
- Restrictions. Ronald C. Nunn and OWRD agree that this Agreement shall not be construed to restrict in any way the decisions and actions by OWRD. OWRD shall be free to exercise independent judgment consistent with existing laws and regulations.
- 4. Effective Date and Duration. Unless otherwise terminated by non-deposit of funds by the Applicant, this Agreement shall become effective on the date on which both parties have signed the Agreement and the full deposit of the estimated cost of the proposed service has been received by OWRD.
- 5. Consideration. Ronald C. Nunn shall pay OWRD in advance for actual costs incurred by OWRD. Ronald C. Nunn agrees to pay the full amount of <u>\$500</u> to OWRD prior to commencement of any work stated in this Agreement. This payment will be placed in an account administered by OWRD and drawn upon as costs are actually incurred. If the actual cost of performing the work is less than payments received, OWRD will refund the unspent balance. If the actual cost of processing exceeds the estimate, the Applicant can either elect to terminate this Agreement or amend the Agreement to reflect the increase in cost. The costs stated in this Agreement do not include the statutory application processing and filing fees.
- Confidentiality. Ronald C. Nunn agrees that any information provided to or acquired by OWRD under this Agreement will be subject to the Oregon Public Records Law and shall be considered public records.
- 7. Indemnity. Applicant shall defend, save, hold harmless, and indemnify the State of Oregon, OWRD, and their officers, employees, and agents from and against all claims, suits, actions, losses, damages, liabilities, costs and expenses of any nature resulting from or arising out of, or relating to the activities of Applicant or its representatives, officers, employees, contractors, or agents under this Agreement or with respect to the expedited service. The Applicant acknowledges that the Oregon Water Resources Department cannot and does not guarantee a favorable review under the subject regulatory process.

PCA 47126

Revised: April 2013





- 8. Termination. Applicant may request to terminate this agreement only in writing at anytime during the process. The Applicant agrees to pay for the work done by the Reimbursement Authority personnel up until the time of the written termination request. OWRD, upon receiving such written termination request from the Applicant, will refund any unspent balance after paying the Reimbursement Authority personnel for the work done.
- Funds Authorized and Available. By its execution of this Agreement, Applicants certifies that sufficient funds are authorized and available to cover the expenditures contemplated by this Agreement.
- 10. Duration of Estimate. The Estimate of Time to complete the work (including the required public notice and protest periods) is no later than one-hundred twenty (120) days once this Agreement has been fully executed and payment of the estimated cost deposited. However, this estimate is contingent on the Applicant's expeditious resolution of any deficiency and may be affected by the Department's work load. This Estimate of Time may become null and void after thirty (30) days from the date the Applicant's Agreement is mailed. If the Applicant's Agreement is not received by the Department within thirty (30) days of mailing the Agreement, the Applicant may need to re-apply for a new estimate.
- 11. Completion Date. OWRD, by the execution of this Agreement does not guarantee the completion date indicated in this Agreement. Completion date is only an estimate and may be affected by the Department's workload, issues arising from the processing of the requested services and Applicant's timely response to requests for additional information.
- Captions. The captions or headings in this Agreement are for the convenience only and in no way define limit or describe the scope or intent of any provision of this Agreement.
- 13. Amendment and Merger. The terms of this Agreement shall not be waived, altered, modified, supplemented or amended in any manner whatsoever, except by written instrument signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements or representations, oral or written, not specified herein regarding this Agreement.
- 14. Signatures. All parties, by the authorized representative's signature below, hereby acknowledge that they have read this Agreement, understand it and agree to be bound by its terms and conditions.

Applicant: Name: Ronald C Nunn Title: Owner Company: Date:

For OWRD: R. Craig Kohanek Name: R. Craig Kohanek Water Rights and Adjudication Division Date: 12-9-2013

Mail signed Agreement to:

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

#### PCA 47126

R12117-11

Revised: April 2013

RECEIPT # 110650	STATE OF ATER RESOURC 725 Summer S SALEM, OR S (503) 986-0900 / (50	ES DEPARTN it. N.E. Ste. A 97301-4172	MENT INVOICE #	
RECEIVED FROM: 11)11	1) esta	105	APPLICATION	G-11443
BY: SOL	th	in the second se	PERMIT	
CASH: CHECK:#	OTUED (IDENITIES)		TRANSFER	
CASH: CHECK:#		[	TOTAL REC'D	\$ 500.00
1083 TREASURY	4170 WRD M	ISC CASH AC	CCT	
0407 COPIES 471	26 3121	17-11		S
0408 OTHER:	(IDENTIFY) BEIM	Dusanel	# EUTI).	\$ 500.00
0243 I/S Lease 02	44 Muni Water Mgmt. Pla	in 0245	Cons. Water	_
	4270 WRD O	PERATING A	ССТ	
MISCELLANEO	JS			
0407 COPY & TAPE F	EES			\$
0410 RESEARCH FEE	S			\$ \$
0408 MISC REVENUE				s
TC162 DEPOSIT LIAB.				S
0240 EXTENSION OF			_	
WATER RIGHTS		EXAM FEE		RECORD FEE
0201 SURFACE WATE		S	0202	S
0203 GROUND WATE	R	\$	0204	<b>\$</b>
0205 TRANSFER		S		LICENSE FEE
WELL CONSTRU		EXAM FEE \$	0219	S
0218 WELL DRILL CO LANDOWNER'S		3	0220	s
OTHER	(IDENTIFY)			
0536 TREASURY	0437 WELL 0	CONST. STAR	T FEE	
0211 WELL CONST S	TART FEE	\$	CARD #	
0210 MONITORING W	ELLS	S	CARD #	
OTHER	(IDENTIFY)			
0607 TREASURY	0467 HYDRO	ACTIVITY	LIC NUMBER	
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	E FEE (FW/WRD)			\$
HYDRO APPLIC		_		\$
		(00)	The second second	
TREASURY	OTHER	TRDX		
FUND	_ TITLE			
OBJ. CODE	VENDOR #	a nor		
DESCRIPTION	States and			\$
RECEIPT: 110650	DATED 12.	5.13 BY:	Alchat	4
	y - Customer, Yellow Cop		0 100	y - Fiscal





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

November 22, 2013

Ronald C. Nunn 1151 Willow Lane Grants Pass, OR 97712

RE: Reimbursement Authority Certificate Estimate for R12117-11 involving application G-11443.

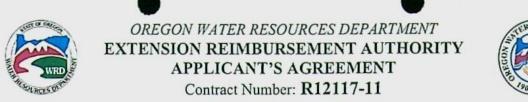
Please find the attached estimate and agreement to process your application. If the proposed agreement is acceptable to you, please return a signed copy to our office along with the payment of the estimated cost to process the application.

If you have any question, please call me at 503-986-0823.

Sincerely,

R. Craig Khanel

R. Craig Kohanek Senior Water Rights Analyst





This Agreement is between the **Oregon Water Resources Department**, hereafter OWRD, and Ronald C. Nunn hereafter Applicant, hereafter known together as the parties.

1	/			N N
l	OWRD Information	Applicant's Information	Applicant's Representative	
	Project Contact: R. Craig Kohanek	Name: Ronald C. Nunn	Name:	
	Reimbursement Authority	Title: Owner	Title:	
	Oregon Water Resources Department	Company:	Company:	
	725 Summer Street, NE	Address: 1151 Willow Lane	Address:	
	Salem, OR 97301-1271	Grants Pass, OR 97527		
	Phone: 503-986-0823	Phone: 541-660-0150	Phone:	
1	Email: Ron.c.kohanek@wrd.state.or.us	Email:	Email:	

- 1. Purpose. The purpose of this Agreement is to expedite the processing of the Water Right Extension Application. (Application Number: G-11443)
- Authority. ORS 536.055 authorizes the OWRD to enter into a voluntary agreement with any
  applicant, permittee or regulated entity (collectively Applicant) for expediting or enhancing a
  regulatory process. In making this agreement, OWRD shall require the applicant to pay the full cost of
  expedited process.
- Restrictions. Ronald C. Nunn and OWRD agree that this Agreement shall not be construed to restrict in any way the decisions and actions by OWRD. OWRD shall be free to exercise independent judgment consistent with existing laws and regulations.
- 4. Effective Date and Duration. Unless otherwise terminated by non-deposit of funds by the Applicant, this Agreement shall become effective on the date on which both parties have signed the Agreement and the full deposit of the estimated cost of the proposed service has been received by OWRD.
- 5. Consideration. Ronald C. Nunn shall pay OWRD in advance for actual costs incurred by OWRD. Ronald C. Nunn agrees to pay the full amount of <u>\$500</u> to OWRD prior to commencement of any work stated in this Agreement. This payment will be placed in an account administered by OWRD and drawn upon as costs are actually incurred. If the actual cost of performing the work is less than payments received, OWRD will refund the unspent balance. If the actual cost of processing exceeds the estimate, the Applicant can either elect to terminate this Agreement or amend the Agreement to reflect the increase in cost. The costs stated in this Agreement do not include the statutory application processing and filing fees.
- Confidentiality. Ronald C. Nunn agrees that any information provided to or acquired by OWRD under this Agreement will be subject to the Oregon Public Records Law and shall be considered public records.
- 7. Indemnity. Applicant shall defend, save, hold harmless, and indemnify the State of Oregon, OWRD, and their officers, employees, and agents from and against all claims, suits, actions, losses, damages, liabilities, costs and expenses of any nature resulting from or arising out of, or relating to the activities of Applicant or its representatives, officers, employees, contractors, or agents under this Agreement or with respect to the expedited service. The Applicant acknowledges that the Oregon Water Resources Department cannot and does not guarantee a favorable review under the subject regulatory process.

PCA 47126

- 8. Termination. Applicant may request to terminate this agreement only in writing at anytime during the process. The Applicant agrees to pay for the work done by the Reimbursement Authority personnel up until the time of the written termination request. OWRD, upon receiving such written termination request from the Applicant, will refund any unspent balance after paying the Reimbursement Authority personnel for the work done.
- Funds Authorized and Available. By its execution of this Agreement, Applicants certifies that sufficient funds are authorized and available to cover the expenditures contemplated by this Agreement.
- 10. Duration of Estimate. The Estimate of Time to complete the work (including the required public notice and protest periods) is no later than one-hundred twenty (120) days once this Agreement has been fully executed and payment of the estimated cost deposited. However, this estimate is contingent on the Applicant's expeditious resolution of any deficiency and may be affected by the Department's work load. This Estimate of Time may become null and void after thirty (30) days from the date the Applicant's Agreement is mailed. If the Applicant's Agreement is not received by the Department within thirty (30) days of mailing the Agreement, the Applicant may need to re-apply for a new estimate.
- 11. Completion Date. OWRD, by the execution of this Agreement does not guarantee the completion date indicated in this Agreement. Completion date is only an estimate and may be affected by the Department's workload, issues arising from the processing of the requested services and Applicant's timely response to requests for additional information.
- Captions. The captions or headings in this Agreement are for the convenience only and in no way
  define limit or describe the scope or intent of any provision of this Agreement.
- 13. Amendment and Merger. The terms of this Agreement shall not be waived, altered, modified, supplemented or amended in any manner whatsoever, except by written instrument signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements or representations, oral or written, not specified herein regarding this Agreement.
- 14. Signatures. All parties, by the authorized representative's signature below, hereby acknowledge that they have read this Agreement, understand it and agree to be bound by its terms and conditions.

Applicant: \_\_\_\_\_\_ Name: Ronald C. Nunn Title: Owner Company: Date: \_\_\_\_\_

Mail signed Agreement to:

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

PCA 47126

R12117-11

Revised: April 2013



### REGON WATER RESOURCES DEPACIMENT EXTENSION REIMBURSEMENT AUTHORITY ESTIMATE APPLICATION



ORS 536.055 authorizes the Oregon Water Resources Department to expedite or enhance regulatory processes voluntarily requested under the agreement.

The purpose of this application is to obtain estimates of the cost and time required to process a Water Right Extension Request. There is a non-refundable application fee of \$125.00 per request.

	REQUEST TYPE			FILE NUMBER			
	X		Extension Request	Application N Permit Numbe		<u>6-114</u> 43 <u>6-10</u> 788	
		App	licant Information		Applicant's	s Representative/Con	ntact
Name:		RO	ONALD C. N	UNN			
Title (or	ptional):	1-	OWNER				
Address	s:	11	51W, 11ow La	ANE			
		G	POre 97	527			

I certify that I (check one):

E-Mail Address:

Phone:

have previously filed an application for Extension of Time for a Water Right Permit.

660-0150

am attaching the application for Extension of Time for a Water Right Permit and have included the appropriate application fee.

I understand the following:

- That upon receipt of my non-refundable application fee in the amount of <u>\$ 125.00</u>, OWRD will, within fourteen (14) days, notify me in writing of the estimates of cost and time frame for the expedited service.
- · That this fee covers the reimbursement authority staff to evaluate and provide the estimate for processing of the request.
- · That upon receiving the estimate I may agree or decline to enter into a formal contract to pay the estimated cost in advance to initiate the expedited service.
- · An incomplete or inaccurate application for Extension of Time for a Water Right Permit may delay the process and increase the cost to process my request.
- · Expedited processing does not guarantee a favorable review of my request.

You may request a one-hour conference with OWRD staff. The conference would only occur after you have signed the contract and paid the estimated cost of processing your application. Please indicate your preference (check one):

I do not want to schedule a one-hour conference with OWRD staff.

I want to schedule a one-hour conference with OWRD staff to discuss my project. I understand that I will be billed for this time, and that it may affect my total costs.

Send completed Application and payment to: **Oregon Water Resources Department Extension Reimbursement Authority Program** 725 Summer St. NE, Suite A Salem, OR 97301-1271

541-

I certify that I am the (check one):

Applicant Applicant's Representative Other (Please specify)

Name: ONAL Signature:

OWRD USE ONLY: Reimbursement Authority Number: R12 117 11

RECEIPT #	10558 7	25 Summer St. SALEM, OR 97	S DEPARTM	IENT	
RECEIVED FROM	" WILDW e	stat	25	APPLICATION	G-11443
BY:	South			PERMIT	
CASH: CI	HECK:# OTHER:	(IDENTIFY)		TRANSFER	
	X28380_		[	TOTAL REC'D	\$126.00
1083	TREASURY 417	0 WRD MI	SC CASH AC		
0407	COPIES COPIES P	m-Preimt		H Auth.	\$ 125.00
0243 I/S Le	ase 0244 Muni W	later Mgmt. Plan	n 0245	Cons. Water	_
	427		PERATING AG	CCT	
	MISCELLANEOUS				
0407	COPY & TAPE FEES				\$
0410	RESEARCH FEES				\$
0408	MISC REVENUE: (IDENT	TFY)			\$
TC162	DEPOSIT LIAB. (IDENTIF	Y)			S
0240	EXTENSION OF TIME				\$
	WATER RIGHTS:		EXAM FEE	]	RECORD FEE
0201	SURFACE WATER		\$	0202	S
0203	GROUND WATER		\$	0204	\$
0205	TRANSFER		\$		
	WELL CONSTRUCTION		EXAM FEE		LICENSE FEE
0218	WELL DRILL CONSTRUCT	TOR	\$	0219	\$
0210	LANDOWNER'S PERMIT			0220	\$
	OTHER (IDE)	NTIFY)			199
0536	TREASURY 043	7 WELL C	ONST. STAR	T FEE	
0211	WELL CONST START FEE		S	CARD #	
0210	MONITORING WELLS		S	CARD #	
	OTHER (IDE	NTIFY)			
0607	TREASURY 046	7 HYDRO	ACTIVITY	LIC NUMBER	
0233	POWER LICENSE FEE (F	W/WRD)			\$
0231	HYDRO LICENSE FEE (F	W/WRD)		-	\$
	HYDRO APPLICATION				\$
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725 Summer St. N.E. Ste. A SALEM, OR 97301-4172       INVOICE #         RECEIVED FROM: WILLOW COLOURS (503) 986-0900 / (503) 986-0904 (fax)         RECEIVED FROM: WILLOW COLOURS (503) 986-0904 (fax)         PERMIT         BY:         CASH: CHECK:# OTHER: (IDENTIFY)         TOTAL REC'D \$ 36.000	
PERMIT PERMIT TRANSFER CASH: CHECK:# OTHER: (IDENTIFY)	
BY: TRANSFER TRANSFER	
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0243 I/S Lease 0244 Muni Water Mgmt. Plan 0245 Cons. Water	
4270 WRD OPERATING ACCT	
MISCELLANEOUS	-
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TC162 DEPOSIT LIAB. (IDENTIFY)S	
0240 EXTENSION OF TIME	
WATER RIGHTS: EXAM FEE RECORD FE	E
0201 SURFACE WATER \$ 0202 \$	_
0203 GROUND WATER \$ 0204 \$	
0205 TRANSFER \$	-
WELL CONSTRUCTION	-
0218 WELL DRILL CONSTRUCTOR S 0219 5 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 S	
TREASURY OTHER / RDX	
FUND TITLE	
OBJ. CODE VENDOR #	
DESCRIPTION \$	
RECEIPT: 110558 DATED: 11-21-13 BY: MChatter Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal	-

### **Craig Kohanek**

From: Sent: To: Cc: Subject: Mishelle Sumption Thursday, November 21, 2013 3:07 PM Morgan Graham; Sandra Todd Salem Opeifa; Craig Kohanek; Ann Reece RE: CERTIFICATE REQUEST

Morgan,

Your project # is R12117 11 PCA 47126.

Thank you!

Mishelle

From: Morgan Graham Sent: Thursday, November 21, 2013 2:58 PM To: Sandra Todd Cc: Salem Opeifa; Craig Kohanek; Mishelle Sumption; Ann Reece Subject: CERTIFICATE REQUEST

Hello,

Applicant: RONALD NUNN

Related to Application # G- 11443

Receipt # 110558

Thank you!

Morgan

### **Craig Kohanek**

From: Sent: To: Cc: Subject: Morgan Graham Thursday, November 21, 2013 3:00 PM Sandra Todd Salem Opeifa; Craig Kohanek; Mishelle Sumption; Ann Reece EXTENSION REQUEST

CORRECTION, On Application G-11443 (Email I just sent) Is an Extension Request not Certificate.

Morgan

### **Craig Kohanek**

.

From: Sent: To: Cc: Subject: Morgan Graham Thursday, November 21, 2013 2:58 PM Sandra Todd Salem Opeifa; Craig Kohanek; Mishelle Sumption; Ann Reece CERTIFICATE REQUEST

Hello,

Applicant: RONALD NUNN

Related to Application # G- 11443

Receipt # 110558

Thank you!

Morgan

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

JOSE. 11697

PLEASE TYPE or PRINT IN INK

# RECEIVED 365/6W-236

OCT 81984

orth or South)

Block

Township

(for official use only) WATER RESOURCES DEPT 0) LOCATION DEWELL'by legal description:

64

(Range is East or West)

23

. of

WM.

1-1 0	WNER:

(1) OWNER:	(10) LOCAE
Name Ron Nunn	County_JOS
Address 3853 Leonard Rd.	Township
City Grants Pass State OR	Tax Lot 3400 Lot.
(2) TYPE OF WORK (check):	MAILING ADDRESS
New Well Deepening C Reconditioning Abandon	_istates_
If abandonment, describe material and procedure in Item 12.	
(3) TYPE OF WELL: (4) PROPOSED USE (check):	(11) WATER
Rotary Air 🖾 Driven 🗌 Domestic 🖾 Industrial 🗍 Municipal 🗍	Depth at which wate
Rotary Mud Dug I Irrigation Withdrawal Reinjection	Static level
Cable Bored D Piezometric Grounding Test	Artesian pressure
	(12) WELL
(5) CASING INSTALLED: Steel IX Plastic I Threaded Welded St	Depth drilled
6     Diam. from     +2     ft     to     108     ft     Gauge     .250	Formation: Describe and nature of each stu
Diam. fromft. toft. Gauge	formation. Report en water-bearing strata
LINER INSTALLED: Steel D Plastic D	
Threaded Welded	
"Diam. from fl. to fl. Gauge	Brown Cla
(6) PERFORATIONS: Perforated?  Yes No	
Size of perforations in. by in.	Brown Cla Granite
RECEIVED BY OWRD, perforations from ft. to ft.	GLAUT-CE-
A to A	Brown Cla
	BT GALL OTC
(7) SCREENS: Well screen installed?  Yes X No	Tan Clay,
Manufacturer's Name	
Type SALEM, OR Model No.	Brown Cla
Diam Slot Size Set from ft. to ft.	Tongo Che
Diam Slot Size Set from ft. to ft.	Large Gra
(8) WELL TESTS: Drawdown is amount water level is lowered below static level	
Was a pump test made? 🛛 Yes 😰 No If yes, by whom?	
gal./min. with ft. drawdown after hrs.	Ac
Air test 105 gal./min. with drill stem at 105n. 1 hrs.	
Bailer test gal./min. with ft. drawdown after hrs.	
Artesian flow g.p.m.	
perature of water 57 Depth artesian flow encountered ft.	Date work started_
(9) CONSTRUCTION: Special standards: Yes D No 🖳	Date well drilling m
Well seal-Material used	(unbonded) Wa
Well sealed from land surface to 30 ft.	This well wa
Diameter of well bore to bottom of sear	information repo
Diameter of well bore below seal6_ in.	[Signed]
Amount of sealing material 9	
How was cement grout placed :	(bonded) Water
	Bond
Was pump installed? NO Type HP Depth ft.	On behalf of
Was a drive shoe used? I Yes No Plugs Size: location ft.	
Did any strata contain unusable water? 🛛 Yes 🖄 No	This well w
Type of Water? Surface depth of strata 8'-15'	best of my know
Method of sealing strata off Cemented	(Signed)
Was well gravel packed? Ves El No Size of gravel:	
Was well gravel packed? Ves El No Size of gravel:	(Dated)
Gravel placed from ft. to ft.	(Dated)

AILING ADDRESS OF WELL (or nearest address) Well #2, Willow istates Mobile Home Park 1) WATER LEVEL of COMPLETED WELL: epth at which water was first found ft. 100 ft. below land surface. Date 1 atic level **L84** 9 lbs. per square inch. Date tesian pressure 2) WELL LOG: Diameter of well below casing . ft. Depth of completed well ft. epth drilled 125 125

Josephine NW 4 SE4 of Section\_

Range

Subdivisio

rmation: Describe color, texture, grain size and structure of materials; and show thickness id nature of each stratum and aquifer penetrated, with at least one entry for each change of rmation. Report each change in position of Static Water Level and indicate principal ater-bearing strata.

MATERIAL	From	То	SWL
Brown Clay	0	6	
Brown Cla <del>t, Decomposed</del> Granite	.6	18	
Brown Clay, Meduim Gravel	18	-30	
Tan Clay, Large Gravel	-30	100	
Brown Clay	100	109	
Large Gravel, Sandy	109	125	9'
Aquifer	109	121	105 GPM
Date work started 10/2/84 /complete	ed 1	0/3/	84
Date well drilling machine moved off of well	10	13/8	4 19
(unbonded) Water Well Constructor Certific This well was constructed under my direct sup information reported above are true to my best known [Signed]	ervision. owledge	Materia and belie	ls used and ef.
(bonded) Water Well Constructor Certificati Bond 2394665 Issued by: West (Sur On behalf of Paquin Drilling (type or print name of W	tern rety Compa	CO CONTRACTORIO DE LA	
This well was drilled under y jurisdiction a best of my knowledge and belin:	and this :	report is	true to the

(Water Well Constructor)

WATER RESOURCES DEPARTMENT, SALEM, OREGON 97310 within 30 days from the date of well completion.

10/4/84

SP\*46866-690

The original and first copy of this report are to be filed with the

### Oregon Water Resources Department Water Rights Division

Water Rights Application Number G-11443

Final Order Extension of Time for Permit Number G-10788

### Appeal Rights

Under the provisions of ORS 536.075, 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. ORS 183.484.

### Application History

On November 3, 1997, Ronald C. Nunn submitted an application to the Department for an extension of time for permit number G-10788. The Department issued Permit number G-10788 on February 29, 1988. The permit called for completion of construction of the water development project by October 1, 1989 and complete application of water to the full beneficial use by October 1, 1990. In accordance with OAR 690-320-0010(8), on July 25, 2000, the Department issued a Proposed Final Order proposing to extend the time to complete development of the water development project to October 1, 2009, and/or the time to fully apply water to beneficial use to October 1, 2009. The protest period closed March 17, 2000. No protest was filed.

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

The permittee must submit a written progress report to the Department by October 1, of the years 2002 and 2007. The report must be received by the Department not sooner than 90 days prior to the due date. The permittee's report must describe in detail the work done each year since the last extension was granted or the last progress report submitted. The report shall include:

- a) The amount of construction completed;
- b) The amount of beneficial use of water being made, including the total volume of water used, water used relative to the specific authorizations (types of use, acres irrigated, etc.) contained in the permit, and the percent of the total allowable water use that this

represents;

 A review of the permittee's compliance with terms and conditions of the permit and/or previous extension; and

· · ·

 Financial investments made toward developing the beneficial water use.

The Department will review the progress report to determine whether the permittee is exercising diligence towards completion of the project and complying with the terms and conditions of the permit and extension.

Failure to submit a progress report by the due date above will result in cancellation of the undeveloped portion of the permit by the Department pursuant to ORS 537.260 or 537.410 to 537.450. Within one year after cancellation, the permittee must submit a final proof survey pursuant to ORS 537.230 and 537.250.

If the Department finds that diligence is questionable, the Department may:

- request the permittee to submit additional information with which to evaluate diligence;
- b) apply additional conditions and performance criteria for perfection of the right; or
- c) cancel the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410 to 537.450. The Department will grant the permittee a hearing on the cancellation, if one is requested.

In determining whether the permittee has been diligent, the Department will consider information submitted to the Department by the permittee and any information submitted during the 30-day public comment period following public notice of submittal of the progress report.

If information is received through the public notice process indicating that the applicant has not been diligent toward completing the project, and if the director determines there are significant disputes related to the use of water, the Department will conduct a hearing.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.230, 537.248, 537.630 and 539.010(5) (as appropriate).

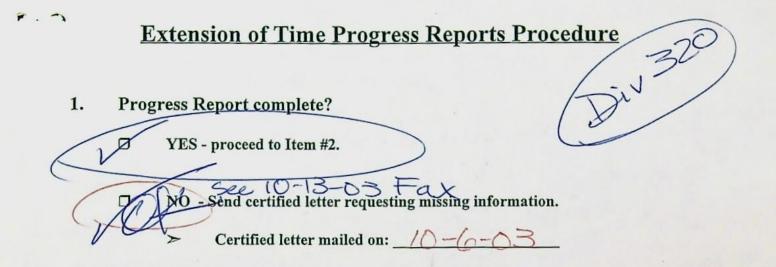
### Order

The extension of time for Application G-11443, Permit Number

G-10788, therefore, is approved. The deadline for completing construction is extended to October 1, 2009. The deadline for applying water to full beneficial use is extended to October 1, 2009.

DATED January 9 , 2001 Paul R. Cleary Director

PLACED IN U.S. MAII JAN 10% 1.16 1 OREGON WATER RESOURCES DEPT



- 2. Published on the Department's Public Notice, dated: <u>11/4/03</u>
- 3. Return File to Filing Cabinet after published on the Public Notice.

# Extension of Time Checkpoint Progress Report <u>PUBLIC NOTICE INFORMATION</u>

Permit Holder:	Ronald C. Nunn
Mailing Address:	1151 Willow Lane, Grants Pass, OR 97527
Application #:	-11443 Permit #: <u>G-10788</u>
County:	Josephine Desci 11-2)
Quantity of Water:	O. 56 cfs (being: @ 0.31 cfs for Domestic Uses)
Source of Water:	Five Wells in the Roque River Basin
Permitted Use:	Imestic Use for 308 families & Commercial Use
Current Authorized I	0111000

unn G-11443/Permit # G-Appl # **Progress Report Review** The amount of construction completed; -increased service to domestic users. 10-13-03 The amount of beneficial use of water being made, including the total volume of water used, water used relative to the specific authorizations (types of use, acres irrigated, etc.) contained in the permit, and the percent of the total allowable water - Used 0.21 cfs for Comm. use that this represents; See 10-13-03 - Used 0.28 cfs for Domestic A review of the permittee's compliance with terms and conditions of the permit - Meter installed. and/or previous extension; and Financial investments made toward developing the beneficial water use. \$ 115,000,000 for wells, holding tank, pumps of distribution pipt. igence Shown Reviewed by: Date:

690-10-PG1-0

B+C date ext to

18



STATE OF OREGON

1



County of JOSEPHINE

### PERMIT TO APPROPRIATE THE PUBLIC WATERS

This is to certify that I have examined APPLICATION G-11443 and do hereby grant the same SUBJECT TO EXISTING RIGHTS and the following limitations and conditions:

This permit is issued to Ronald C. Nunn of 3853 Leonard Road of Grants Pass, Oregon 97527, phone 479-4178, for use of the waters from five wells,

for the PURPOSE of domestic supplies for 308 families and commercial uses to include three laundromats, two restaurants, one grocery store, one drug store, and one office building of 10,000 square-feet, being 0.31 cubic foot per second for \* that the PRIORITY OF THE RIGHT dates from October 3, 1985,

and is limited to the amount of water which can be applied to beneficial use and shall not exceed 0.56 CUDic foot per Second,

measured at the point of diversion from the Wells , or its equivalent in case of rotation with other water users.

The well is to be LOCATED: Well 1 - 375 feet South and 300 feet East from the Center 1/4 Corner of Section 23; being within the NW 1/4 SE 1/4 of Section 23; Well 2 - 340 feet South and 473 feet East from the Center 1/4 Corner of Section 23, being within the NW 1/4 SE 1/4 of Section 23; Well 3 - 150 feet North and 355 feet East \*\* A description of the PLACE OF USE under the permit, and to which such right is appurtenant, is as follows:

Township 36 South, Range 6 West, WM Section 23 NW 1/4 SE 1/4 Domestic SE 1/4 NW 1/4 SW 1/4 NE 1/4 Commercial & Domestic

This permit shall be further limited to appropriation of water only to the extent that it does not impair or substantially interfere with prior surface water rights as well as prior ground water rights of others.

- domestic uses and 0.25 cfs for commercial uses.
- \*\* from the Center 1/4 Corner of Section 23, being within the SW 1/4 NE 1/4 of Section 23; Well 4 - 625 feet North and 286 feet West from the Center 1/4 Corner of Section 23, being within the SE 1/4 NW 1/4 of Section 23; Well 5 -465 feet North and 161 feet West from the Center 1/4 Corner of Section 23, being within the SE 1/4 NW 1/4 of Section 23, all in Township 36 South, Range 6 West, WM, in the County of Josephine.

The well shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works constructed shall include an air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the well at all times. The permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

Actual construction work shall begin on or before February 28, 1989, and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1989. Extended to October 1, 1991, 10-1-12, 10-1-17

Complete application of the water to the proposed use shall be made on or before October 1, 1990 Extended to October 1, 1991 , 10 - 92

Witness my hand thig9th day of February , 1988 .

/s/ WILLIAM H. YOUNG WATER RESOURCES DIRECTOR

PERMIT

G10783

This permit is for the beneficial use of water. 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 that the land use you propose may not be allowed if it is not in keeping with the goals and the acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

APPLICATION G-11443



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: RONALD C NUNN

Application G-11443 Permit G-10788

Report Due no later than October 1, 2007

# **Progress Report Form for 2007**

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 G-10788

	INSERT DATES	LIST ALL WORK ACCOMPLISHED and FINANCIAL INVESTMENTS For the period of time between October 1, 2002 and October 1, 2007	FINANCIAL INVESTMENT
	C8-10-2001	New Seals and barRings	1,287.00
*	10-01-2002	Installed cholinator and meter	2,175.50
		Repaired Supply line	3,425.00
1		Replaced electrical Service	2,235.00
	06-18-2011	Replaced booster Jump	2,642.00
Poulod	07-08-2012	Replaced broken gate vaule	859.00
2	12-18-2012	Replaced broken water supply line	425.00

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

Well has been constructed to State standards 1295 Willow have, GRANTS Pass, OR 97527

Enclosed Well hog

Meter has been installed

RECEIVED BY OWRD

OCT 0 9 2013

SALEM, OR

3. Total number of acres irrigated to date= <u>.30</u> (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.

Report the rate in the same units of measurement as

Maximum rate used to date = .43 cfs (cubic feet per second) Maximum rate used to date = .43 gpm (gallons per minute) Acre-feet stored to date = .43 gpm (gallons per minute) 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

atter reating

Date 10 - 4 - 2013

	For OWRD use only	
Diligence Shown 🛛 Yes 🎘 No Reviewed by: AL R	Date Public Noticed: 10-29-2013 Date: 12-3-2013	
Reviewed by:	Date:	

Route Slip Extensio	on of Time	Progress	Report
---------------------	------------	----------	--------

Extension Specialist: Progress Report Review
Date Report was Due: $10/1/2007$ (= "Deadline Date" for the corresponding ECP work flow record in
Date Report Received: 10/9/2013
Report Complete: 🛛 YES
NO – Send letter requesting missing information. letter mailed on:
Support Staff: Publish on the Department's Public Notice
□315 🖾 320 OAR Division under which Progress Report was required
Publish on Public Notice Date: $\frac{10/29/13}{13}$
Description of the second seco
<ul> <li>(Fill in Extension Checkpoint 'Completed Date' in appropriate "ECP" work flow record and</li> </ul>
<ul> <li>add record for Checkpoint Public Notice ("EP2) (Note: "Begin date = Date report was due)</li> </ul>
Return file to Ann Reece.
Extension Specialist: Prepare Progress Report Confirmation Letter See <u>progress report procedures.doc</u> (date / mail out after 30 day comment period) Verv Date Confirmation Letter Needed: <u>Not</u> herded - lxtensin regest file I
Update Progress Report Worksheet.xls
Send to permit holder + anyone who made comments after 30 day public notice CC: Watermaster File $G - 11443$

PUBLIC NOTICE INFORMATION

Permit Holder's Name: <u>RONALD C NUNN</u> Attn: \_\_\_\_\_

Application: G- 11443

Permit: <u>G- 10788</u>

County: Josephine

Source: 5 wells within the Rogue River Basin

Use: Domestic use for 308 families including

Л	A DATA CARACTERIST	ompleteness Checklist for Permit Extension of Time Application num completeness criteria for Extension of Time Applications are set forth in OAR 690-086-0020(3) for NON-Municipal or NON-Quasi-Municipal permits and in OAR 690-086-0070(3) for Municipal or Quasi-Municipal permits.
Ø	1.	Pull the permit file. If a copy of the permit is not in the file, pull up an image of the permit in WRIS.
Ø	2.	Is the permit to be extended Non-Cancelled according to WRIS and the permit file? <u>985</u> If the permit has been cancelled, the Extension Application <u>cannot</u> be accepted.
/		
	3.	Is the extension applicant's name and mailing address supplied?
		If yes, is the applicant a permit holder of record (i.e., permit issued or assigned to them)?
		If the extension applicant is <b>NOT</b> a permit holder of record, a " <i>Request for Assignment</i> " must be accepted and processed <u>before</u> the Extension Application can be processed.
		If an Assignment has <b>not</b> yet occurred, and is <b>not</b> submitted with the Extension of Time Application, the application <u>cannot</u> be accepted.
		* <i>NOTE:</i> The applicant <b>may</b> submit a complete " <i>Request for Assignment</i> ," at the same time, which <b>must</b> include the statutory fee of \$85 for the assignment, required proof of ownership, or signature of previous permit holder, in addition to all necessary items required for the Extension of Time Application so that <b>both applications can be accepted</b> .
D/	4.	Is the appropriate Extension of Time Application used?
		If the wrong application form is used, the Extension Application <u>cannot</u> be accepted.
		<ul> <li>If a Municipal or Quasi-Municipal permit, use: "Application for Extension of Time for Municipal and Quasi-Municipal Water Use Permits."</li> </ul>
		<ul> <li>If a NON-Municipal or NON-Quasi-Municipal permit, use: "Application for Extension of Time for a Water Right Permit (Non-Municipal / Non-Quasi-municipal Water Use)."</li> </ul>
	5.	Are the requested date(s) for extension identified (Page 1)?
		Check the permit to see if it includes a "B-Date" and/or a "C-Date."
		"B-Date" = date by which construction of the water delivery system for the permit is to be completed.
		"C-Date" = date by which full beneficial use of water under the permit is to be accomplished.
		<b>NOTE:</b> For permits with <u>both</u> a "B-Date and a "C-Date," the applicant will likely request an extension of both dates ( <i>i.e.</i> , to complete construction of the water delivery/distribution system and to apply water to full beneficial use). Unless, of course, construction of the water delivery system is complete. In which case, the applicant would likely only request an extension of the "C-Date" ( <i>i.e.</i> , to apply water to full beneficial use).
		For permits with <u>only</u> a "C-Date," the applicant will only be requesting an extension of the date in which to apply water to full beneficial use.
Ø	6.	Is the Extension Application signed (with an original signature) by permit holder(s) of record or an authorized agent?
		(If signed by agent, documentation from the permit holder(s) granting authorization for the agent to sign on their behalf must be provided or be present and current in the permit file.)
		If <b>not</b> signed by a permit holder of record or authorized agent, the Extension Application <u>cannot</u> be accepted.
		<b>NOTE:</b> If the permit covers land that has been subdivided and assigned to different, individual parties we only need signatures of the permit holder(s) of record for the portion of the permit

involved in the Extension of Time Application.

## **7.** Are all questions on the application answered?

(NOTE: Supporting documentation such as: copies of the permit, well log(s), annual water use reports, static water level measurement reports, evidence demonstrating construction/work/water use accomplished, etc. may be included.)

## The tables below are informational only. No need to check off.

### NON-Municipal or NON-Quasi-Municipal Permit Extension Applications:

<ul> <li>Ques. #1 - Information provided on beginning of construction ("A" Date) under the permit.</li> </ul>		Ques. #5-C - Well location information provided <u>and</u> whether a permit amendment is necessary.
<ul> <li>Ques. #2 - Information provided on compliance with permit conditions.</li> </ul>	•	Ques. #6 - Information provided on number of acres irrigated, if applicable.
<ul> <li>Ques. #3 - Description provided of progress made in developing the permit.</li> </ul>	•	Ques. #7 - Description provided of remaining work left to be accomplished to perfect the permit.
<ul> <li>Ques. #4 - Monetary investment made in the project to date provided.</li> </ul>	•	Ques. #8 - Description provided of estimated cost to complete the project associated with the permit.
<ul> <li>Ques. #5-A - Max amount of water beneficially used to date for a SW permit indicated.</li> </ul>	•	Ques. #9 - Explanation provided of why the permit has not been fully developed/perfected.
<ul> <li>Ques. #5-B - Well construction information provided and max amount of water beneficially used to date for a GW permit indicated.</li> </ul>	•	Ques. #10 - Justification provided of why the requested time is necessary to complete project.

### Municipal/Quasi-Municipal Permit Extension Applications:

<ul> <li>Ques. #2 – For Quasi-Municipal permits only. information provided on beginning of construction ("A" Date) under the permit.</li> </ul>	<ul> <li>Ques. #8 - Estimate provided of current peak water demand of the population served and the methodology used to make the estimate.</li> </ul>
<ul> <li>Ques. #3 – For Municipal permits issued on or after June 29, 2005, information provided on beginning of construction ("A" Date).</li> </ul>	<ul> <li>Ques. #9 - Explanation provided of why the permit has not been fully developed/perfected.</li> </ul>
<ul> <li>Ques. #4 - Description provided of progress made in developing the permit <u>and</u> financial expenditures made in the project to date.</li> </ul>	<ul> <li>Ques. #10-A - Estimate provided of demand projection for the permit, the methodology used to make the estimate <u>and</u> anticipated date for full beneficial use of the permit.</li> </ul>
<ul> <li>Ques. #5-A &amp; #5-B - Information provided on compliance (or non-compliance) with permit conditions.</li> </ul>	<ul> <li>Ques. #10-B – For extension requests greater than 50 years, documentation provided that the demand projection is consistent with the lands and uses proposed to be served by the permit holder.</li> </ul>
<ul> <li>Ques. #6-A - Max amount of water beneficially used to date for a SW permit indicated.</li> </ul>	Ques. #11 – Estimate of costs to complete the project and a summary     of future schedule to complete construction / perfect the water right.
<ul> <li>Ques. #6-B - Well construction information provided and max amount of water beneficially used to date for a GW permit indicated.</li> </ul>	<ul> <li>Ques. #12 - Justification provided of why the requested time is necessary to complete project and/or apply water to full beneficial use.</li> </ul>
<ul> <li>Ques. #6-C - Well location information provided and whether a permit amendment is necessary.</li> </ul>	<ul> <li>Ques. #14- A copy of any agreements regarding use of the undeveloped portion of the permit and maintaining the persistence of fish, if applicable.</li> </ul>
<ul> <li>Ques. #7 – Estimate provided of current population served under the permit <u>and</u> the methodology used to make the estimate.</li> </ul>	<ul> <li>Attachment A – A tabular inventory of the water supplier's water rights and any other water use authorizations.</li> </ul>

8. Has the \$575 fee been paid? \_\_\_\_\_

N

\*If applicable, has the \$85 fee for the Assignment been paid?

(As of July 1, 2013, the Extension of Time fee is \$575, and Request for Assignment fee is \$85)

If the fee has **NOT** been paid, the application <u>cannot</u> be accepted. \*\*NOTE: If the fee is the only item missing, contact the applicant to see if they can submit the fee with the next few days. If the applicant commits to submitting the fee within one week, hold the Extension Application, and explain to them that if it is not received the application will be returned (as we are required to keep any application, regardless of how complete, if retained by the Department as long as two weeks.

9. If after completing this checklist, it is not clear whether the application can be accepted, please route both the money slip and Extension Application to Michele McAleer, or <u>Anne Reece for municipal and quasi-municipal applications</u>. One will either: 1) accept the application; 2) return the application; or 3) prepare a deficiency letter.

Auda Martin Reviewed by: \_

Date: 11/8/13

S:\groups\wr\Customer Service Group\templates\Permit Extension-Checklist-8-19-2013.doc

Dan C. Boteler 16792 Water Gap Rd. (P.O. Box 90) Williams, OR 97544-0090 September 13, 1999 Page 1 of 4 pages.

SEP 2 4 1999

Mr. Ron C. Nunn Nunn Investments 3853 Leonard Road Grants Pass, Oregon 97527

### WATER RESOURCES DEPT. SALEM, OREGON

Re: Proposed answers to Items 1 thru 9 of the Application For Extension of Time (For renewing your initial groundwater right of 0.56 CFS,dated 02-29-88) from the Oregon Water Resources Director.

Dear Ron:

Following are proposed answers or words similar, for the nine items and their subsections contained in the "Application For Extension of Time" for your initial groundwater right for your existing community water system, originally issued on Februsry 02, 1988 by the then Director of Oregon's Dept. of Water REsources.

- 1. Yes. The well drilling and the water system construction was begun within the time specified in the permit, i.e. on or before Februsry 28, 1989.
- 2. Yes. Construction of diversion and appropriation works, initial distribution system and the use of water was accomplished before the permit date of October 01, 1990.
- 2-A). Time sensitive conditions listed on the original permit are as follows:
  - (a) Place(s) of usage of water right are as was listed in the permit.
  - (b) There has been no change in the location of the two wells that were originally drilled and placed in service, Wells Nos. 1 and 2.
  - (c) Actual construction of all parts of the water system, excepting future extensions from the original distribution system, was completed before October 01, 1989.
  - (d) Complete application of the full water rightto the proposed use by October 01, 1990.
- 2-B). All of the time-sensitive permit conditions have been met, with the exception of the complete development of all residences and commercial establishments originally listed in the permit. Theirnumbers and types have been altered due to various economic conditions and demands. Demands for mobile homes has decreased while those for single family houses and apartments have increased.
- 3. Yes, I have accomplished the following described works, purchases and installation of equipment necessary to the use of water under said permit.
- 3-A) Within the past year I have purchased and installed the following additional components of the water system:
  - (a) Extension of water system laterals and services to <u>NO</u> dwelling units (and/or commercial facitities.)
- 3-B) (a) Originally I drilled, pump tested two "deep"wells and installed submersible pumps, piping and controls at each well.
  - (b) I have constructed a 33,000 gallon capacity ground level concrete water storage tank, into which the two wells pump water.

To: Mr. Ron C. Nunn 09-13-99

- 3-B) (c) I have constructed a Triplex, multiple pump pressurized pumping system to pump water under adequate pressure from the water storage tank into the water distribution system. I have constructed a water distribution system to supply potable water to all of the above listed domestic and commercial buildings, which are fed and pressurized from the Triplex pumping facility.
- 3-C) At the present time at peak demands, I am using approximately 95% (ninetyfive percent) of the 0.56 Cubic Feet per second (CFS)initial quantity of the groundwater right.
- Cost of project to date ? \$95,000.00
   Estimated remaining cost to cómplete theproject? \$15,000.00
- 5. List reasons, if any, why water was not beneficially used within permit time limits, under appropriate categories as follows:
- 5-A) Initially the planned water system was designed to serve a total of 145(?) mobile home spaces within two mobile home parks, on both sides of Willow Lane in the Redwood area of the projected Urban Growth Area of the City of Grants Pass, Oregon, in JOsephine County. It was also designed to serve a number of new apartment buildings, recreation rooms, offices, restaurants, laundromats and a couple of stores. However, due to changes in the economic conditions over the years, including a greater demand for apartments and homes for rent or sale, plus intensive competition among restaurants and stores, some changes in actual development were required.

The greatest recent demand has been for apartments and single family homes. That demand is expected to continue, especially if economic prosperity and lower interest rates continue to exist.

With the exception of the extension of water piping for mains, laterals and services, all of the basic water system facilities were constructed prior to the issuance of the initial groundwater right on 02-09-88. Any forseeable capitol expenses will likely only be for the replacement oe upgrading of pumps, pumping systems and controls (with the possible future construction of an additional water storage tank, and the drilling of additional wells, if needed.)

- 5-B) Financing.
- 5-C) Did other permit requirements, wetlands regulations, etc. delay construction in any way? NO
  - D) Did "Acts of God", such as weather or other natural phenominon cause any delays in construction and/or development, as specified under the Water Right Permit"? NO Explain any other reasons for delays that were not "Acts of God" and do not fit into categories A, B, or C.
- 6. Identify the economic market or markets to which beneficial water is responding under this permit? The present market for this potable water system supply is principally to serve the present 191 domestic residences, and commercial buildings with an ample and a safe supply of potable water source, known as the "Redwood Aquifer". At the time of the issuance of the initial groundwater permit, that source was reported to have a potentially available supply far in excess of the amount that was being used.

514

, To: Mr. Ron C. Nunn 09-13-99 From: Dan C. Boteler Page 3 of 4 pages.

6-A) Changes in the market since the permit was issued.

Changes have occurred that make potential future emphasis on greater domestic used for family residences. The residential population in this area has increased tremendously during the past ten years, woth the potential to do so for the forseeable projected future.

Regarding the continued use of existing dependable and safe community water systems, the City of Grants Passafter annexation of some property areas has permitted the continued use of such systems for domestic use, while requiring the installation of a separate water distribution system using City water, for fire protection only.

None of the lumber or plywood mills or other industrial operations that have ceased operations in Grants Pass have ever been served from the groundwater right of this community water system.

- 6-B) Yes. The proliferation of mobile home park spaces and housing subdivisions throughout this area since 1989 has reduced demand for construction of new facilities that would otherwise have been built and then served by this community water system and its groundwater right. However, this project and its water system has been operational prior to 1989, although to a lesser extent and usage.
- 7. There are competing demands for drinking water provided by the City of Grants Pass from its surface source (The Rogue River.) via its water filtration plant. However, that water has been allocated to and used by each domestic and commercial development that has been connected to that water source. This area of the Redwood District of the Grants Pass Urban Growth Boundary does not have access to City water at this time, nor is there any definitive time when it will be made available.
- 7-A) Since the groundwater permit was issued in 1989, <u>191</u> new residences have been constructed, as well as additional commercial services.
- 7-B) At the present time there are no alternative sources of water that could serve the domestic and commercial uses for which this initial groundwater right was issued in 1989. The only possible alternative sources would be from newly drilled individual wells, which is not a realistic alternative.
- 7-C) We are unaware of any adverse effects on our groundwater source to date, caused by changes in water use within this area. Most surrounding wells are drilled to shallow depths, under direct influence from surface water, while our deeper wells are considered to be drawing from the deeper "Redwood Aquifer" of this area.

8.

Water cost included in rents for Mobile Home Parks, Apartments and Duplex's.

9. No. The groundwater right permit for which we are (I am) requesting an extension is the sole known groundwater right for this property. The current water right is sufficient for present needs. If, however, future development should result in a demand for a domestic water supply to serve over 300 families, the present groundwater right may not be sufficient to supply all domestic and commercial needs at peak demands.

To: Mr. Ron C. Nunn 09-14-99

From: Dan C. Boteler Page 4 of 4 pages

9. Continued.

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If the extension of the present groundwater right were to be denied, there would be no alternative source of apotable water supply to serve the 191 single family dwellings, nor for any of the other commercial developments now in use.

Nan C. Boteler Clonaed Que





Water Resources Department North Mall Office Building 725 Summer Street NE, Suite A Salem, OR 97301-1266 503-986-0900 FAX 503-986-0904

June 6, 2008

RONALD C NUNN 1151 WILLOW LANE GRANTS PASS, OR 97527

REFERENCE: Application G-11443 / Permit G-10788

Dear Permit Holder:

On 1/9/2001, the Department issued a Final Order approving an Extension of Time for Permit G-10788. This Final Order included a condition that required the permit holder to submit a written progress report to the Department by October 1, 2007.

This letter is being sent to you because the Department has not yet received the progress report that was due on October 1, 2007.

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, 2009. Failure to submit a written progress report may jeopardize continued development of your permit beyond October 1, 2009, as 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, - lece

Ann Reece Extensions Water Rights and Adjudications Division

Enclosure

cc: Application G-11443 Watermaster District 14 – Katherine Smith

# RECEIVED

## SEP 2 4 1999 APPLICATION FOR EXTENSION OF TIME TO THE WATER RESOURCES DIRECTOR OF OREGOSALEM, OREGON

I, Konald C. NUNN 541-479-4178 Home 1151 Willow LANE GRANTS Pass ORE 97527 541-476-1525 OFFice

owner of record, or duly authorized agent, of Application No611443, Permit No. 610788, do hereby request that the time in which to:

[] complete the 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,  $\underline{1999}$ , be extended to October 1,  $\underline{2009}$ ,

and/or the time in which to:

y accomplish beneficial use of water to the full extent under the terms of the permit, which time now expires on October 1, <u>1999</u>, be extended to October 1, <u>2009</u>.

NOTE: The extension of time requested should be long enough to finish the project. Should this request be approved, it will be the Department's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.

Enclosed is an instruction sheet to assist you in completing the information on the permit extensions application form. Oregon Water Law and Administrative Rules requires this information to be considered by the Water Resources Department when reviewing a permit extension. All items must be completed or the application will be returned. Please feel free to provide the Department with any additional information that would aid us in making our decision. Please use additional sheets of paper as needed to fully respond to the questions.

After reviewing the application form and the instruction sheet, if you have any questions, please contact the Department at 1-800-624-3199, or locally in the Salem vicinity at (503) 378-3739, and request assistance from the Water Rights Division, permit extensions personnel.

1-Did water system construction/well drilling begin within the time specified in the permit [yes/no]?

2-Has construction of diversion/appropriation works, distribution system, and use of water, if any, been accomplished consistent with the limitations and conditions of this permit [yes/no]?

lbv

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## SEP 2 4 1999

A) Please describe how you have complied with each applicable permit condition (NOTE: the instruction sheet for permit extension applications provides some direction as to what is a SALEM, OREGON "applicable" condition at time of permit extension review).

B) If you have not complied with all applicable conditions, please explain the reasons why and indicate a date certain, in the near future, by which time you will be in compliance with applicable conditions.

. 1

3-I have accomplished the following described works, purchases and installation of equipment necessary to the use of water under said permit:

A) Within the past year or, if a prior extension was authorized, during the last permit extension period:

B) Prior to the past year or, if a prior extension was authorized, prior to the last extension period:

C) I have accomplished beneficial use of water under the permit to the extent of (amount of water used or acres irrigated):

4-Cost of project to date \_\_\_\_\_. Estimated remaining cost to complete the project \_\_\_\_\_.

5-Please list the reasons why the project was not constructed, and/or water not beneficially used within permit time limits under the appropriate categories below. Please provide supporting information for each reason identified.

A) The project is of a size and scope that the original intent was to phase it in over a period longer than the timeframes allowed in the permit.

B) Financing and/or cash-flow needs to develop the project precluded completion of the project within authorized timeframes.

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

D) Acts of God or other unforeseen events delayed full development of the water system and use of water.

6-Please identify the economic market or markets to which beneficial use of water under the permit is responding.

A) Has there been any change in this market since the permit was issued?

B) Have these changes, if any, affected the economic feasibility of your project?

7-Are there other present competing demands for water in your community?

A) Has there been any change in these demands for water since the permit was issued?

B) Are you aware of alternative sources of water that may be able to satisfy the competing demands?

•

C) Are you aware of any adverse affects on your source of water that may have been caused by recent changes in use of water in your community?

8-Will the income or use from the water development project authorized by this permit provide reasonable returns against the investment in the project?

9-If the extension request is denied, is the current level of water use economically feasible?

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

Thomas Signature

MAIL COMPLETED APPLICATION AND STATUTORY FEE OF \$ 100 TO:

WATER RIGHT PERMIT EXTENSIONS WATER RESOURCES 158 12TH ST NE SALEM, OREGON 97310

m:\exchange\leep\extfrm98 revised: June 21, 1999

# Oregon Water Resources Department Water Rights Division

Water Right Permit Extension Application for Permit Number G 10788

Water Right Application Number G 11443

## **Proposed Final Order**

# Please read this Proposed Final Order in it's entirety, it contains additional conditions, not included in the original permit.

This Proposed Final Order applies only to permit number G 10788.

#### Summary of Recommendation

The Department proposes to: grant the extension for complete construction of the water system from October 1, 1997 to October 1, 2009, and grant the extension for complete application of water from October 1, 1997 to October 1, 2009.

## Application History

Permit no. G 10788 was granted by the Water Resources Department on FEBRUARY 29, 1988. The permit authorizes use of 0.56 CFS of water from 5 WELLS for DOMESTIC USE FOR 308 FAMILIES AND COMMERCIAL in the ROGUE RIVER basin. It specified that construction must be completed by October 1, 1989, and water applied to full beneficial use by October 1, 1990. A copy of permit no. G 10788 is attached.

On SEPTEMBER 24, 1999, the Department received an application from RONALD NUNN for an extension of time to complete construction and to apply water to full beneficial use. The applicant has requested until October 1, 2009 to complete construction of the water system and until October 1, 2009 to apply water to full beneficial use. This is the FOURTH permit extension request.

#### **Findings of Fact**

ORS 537.230(2) and 537.630 (1) allows the Department to grant an extension of time to perfect a water right for good cause. In evaluating good cause, the Department has considered the written record in the permit application file in relation to the requirements

Page 1 of 5

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	JUL 2 5 2000
REGI	N WATER RESOURCES DEP

of ORS 537.230(2), ORS 537.630 (1) and ORS 539.010(5) and makes the following findings.

- 1. The applicant is legally entitled to apply for an extension on this permit.
- The applicant has submitted a completed permit extension form and the required fee.
- The water project development made to date has been accomplished in accordance with the terms and conditions contained in the permit.
- 4. Progress in perfecting the permit is being held up by local economic conditions that dictate at what point in time the 308 residences and commercial use allowed under this permit will occur. At this time 191 families are being served. At the rate of growth due to favorable economic conditions the permittee estimates the complete application of water will take place by October 1, 2009.
- The applicant has pursued perfection of the right in good faith and with reasonable diligence.
  - a) Work on the water development project completed to date includes construction of two wells and the water system. Water is being applied to 191 residences and 0.21 cfs to commercial use..
  - b) The applicant has invested approximately \$ 95,000 of an estimated total water system project cost of \$ 110,000.
  - c) The work remaining to be completed consists of the remaining construction of the water delivery system and complete application of water.
- 6. Based on the written record, the Department finds there is good cause to approve the extension request. The applicant has pursued perfection of the right in good faith and with reasonable diligence.
- 7. Due to the reasons outlined above in item 4 and the water development progress to date, the Department finds that the length of time requested for completion of construction and the length of time requested for completion of the application of water should be extended to October 1, 2009 as requested by the applicant.

## Conclusions of Law

- 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, and ORS 537.630.
- The applicant has submitted an extension application form and the fee required by ORS 536.050(1)(L).
- 3. The applicant has pursued perfection of the right in good faith and prosecuted construction with reasonable diligence.
- The applicant has shown good cause for the untimely completion of the water development project and complete application of water to full beneficial use pursuant to ORS 537.230(2), and ORS 537.630 (1).

 The permit extension should be approved until October 1, 2009 to complete construction and until October 1, 2009 to complete the application of water.

## Conditions

The permittee must submit a written progress report to the Department by October 1, of the years 2002, and 2007. The report must be received by the Department not sooner than 90 days prior to the due date. The permittee's report must describe in detail the work done each year since the last extension was granted or the last progress report submitted. The report shall include:

- a) The amount of construction completed;
- b) The amount of beneficial use of water being made, including the total volume of water used, water used relative to the specific authorizations (types of use, acres irrigated, etc.) contained in the permit, and the percent of the total allowable water use that this represents;
- c) A review of the permittee's compliance with terms and conditions of the permit and/or previous extension; and
- d) Financial investments made toward developing the beneficial water use.

The Department will review the progress report to determine whether the permittee is exercising diligence towards completion of the project and complying with the terms and conditions of the permit and extension.

Failure to submit a progress report by the due date above will result in cancellation of the undeveloped portion of the permit by the Department pursuant to ORS 537.260 or 537.410 to 537.450. Within one year after cancellation, the permittee must submit a final proof survey pursuant to ORS 537.230 and 537.250. The Department will take into consideration annual reports submitted under OAR 690, Division 86 or ORS 537.099, and any other report that demonstrates diligence. Other reports, however, are not a substitute for the progress reports and anything submitted must clearly show that diligence towards perfecting the water right permit is being attempted.

If the Department finds that diligence is questionable, the Department may:

- a) request the permittee to submit additional information with which to evaluate diligence; or
- b) apply additional conditions and performance criteria for perfection of the right; or
- c) cancel the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410 to 537.450. The Department will grant the permittee a hearing on the cancellation, if one is requested.

In determining whether the permittee has been diligent, the Department will consider information submitted to the Department by the permittee and any information submitted during the 30-day public comment period following public notice of submittal of the progress report.

If information is received through the public notice process indicating that the applicant has not been diligent toward completing the project, and if the director determines there are significant disputes related to the use of water, the Department will conduct a hearing.

#### Recommendation

The Department proposes to issue an order to:

extend the permit time to complete construction from October 1, 1997 to October 1, 2009 and

extend the permit time to complete application of water from October 1, 1997 to October 1, 2009.

DATED: JULY 25, 2000

Dwight French Water Rights Section Manager

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

## Protest Rights and Comments

- Under the provisions of OAR 690-320-0010(8) you have the right to protest this proposed final order. Your protest must be in writing and must include the following:
  - Your name, address and telephone number;
  - b) Your interest in this proposed final order, and if you claim to represent the public interest, a precise statement of the public interest represented;
  - c) A detailed description of how the action in the proposed final order would impair or be detrimental to your interest;
  - A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;
  - e) Any citation of legal authority supporting your protest, if known; and
  - f) The \$25 protest fee required under ORS 536.050 (1)(j).
- 2. Each person submitting a protest shall raise all reasonably ascertainable issues and all reasonably available arguments supporting the person's position by the close of the comment period.
- The Water Resources Department must receive written protests or written comments no later than <u>SEPTEMBER 8, 2000</u>.
- 4. After the close of the comment and protest period, the Director will either issue a final order, or schedule a contested case hearing if the Director finds there are significant disputes related to the use of water.

This document was prepared by Dallas Miller. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me toll free within Oregon at 1-800-624-3199 extension 272. Outside of Oregon you can dial 1-503-378-8455.

If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Brendalee Wilson. Her extension number is 276.

If you have other questions about the Department or any of its programs please contact our Water Rights Information Group at extension 201. Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 158 12th ST. NE Salem, OR 97310, Fax: (503)378-2496.

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

December 5, 2003

RONALD C NUNN 1151 WILLOW LANE GRANTS PASS, OR 97527

REFERENCE: Application #G-11443 (Permit #G-10788)

Dear Permit Holder:

The Water Rights Section received your written progress report for Permit #G-10788 (Application #G-11443). Receipt of the progress report was published on the Department's weekly Public Notice, dated November 4, 2003. The Department did not receive any public comment on the progress report.

Additionally, the Department determined that diligence toward completion of the project and compliance with the terms and conditions of the permit and extension has been demonstrated.

Your next written progress report for Permit #G-10788 is due by October 1, 2007. The report must be received by the Department not sooner than 90 days prior to the due date.

If you have any questions, please feel free to contact me by telephone at (503) 986-0808.

Sincerely Lisa J. Juy

Water Rights Specialist Water Rights Section

cc: Appl #G-11443 (Permit #G-10788) Bruce Sund, Watermaster District #14

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on the reverse side	<ul> <li>SENDER:</li> <li>Complete items 1 and/or 2 for additional services.</li> <li>Complete items 3, and 4a &amp; b.</li> <li>Print your name and address on the reverse of this form so the return this card to you.</li> <li>Attach this form to the front of the mailpiece, or on the back does not permit.</li> <li>Write "Return Receipt Requested" on the mailpiece below the art</li> <li>The Return Receipt will show to whom the article was delivered a delivered.</li> </ul>	if space 1. Addressee's Address
ADDRESS completed	3. Article Addressed to: G-11443 RONALD C NUNN 1151 WILLOW LN GRANTS PASS, OR 97527 Marcia K. Muth	4a. Article Number         202203000         4b. Service Type         Registered         Insured         Certified         COD         Express Mail         Receipt for Merchandise         7. Date of Delivery         0//0/3         8. Addressee's Address (Only if requested
Is your RETURN	<u>MARC: A KUNN</u> 6. Signature (Agent) PS Form <b>3811</b> , December 1991 ±U.S. GPO: 1993–35	2-714 DOMESTIC RETURN RECEIPT

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UNITED STATES POSTAL SERVICE

**Official Business** 

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WATER RESOURCES DEPARTMENT 725 SUMMER STREET NE SUITE A SALEM OR 97301-1271

PENALTY FOR PRIVATE

USE TO AVOID PAYMENT OF POSTAGE, \$300





Theodore R. Kulongoski, Governor CERTIFIED MAIL Return Receipt Requested Water Resources Department Commerce Building 158 12th Street NE Salem, OR 97301-4172 503-378-3739 FAX 503-378-8130

October 6, 2003

Ronald C. Nunn 1151 Willow Lane Grants Pass, OR 97527

REFERENCE: Application #G-11443 (Permit #G-10788)

Dear Permit Holder:

The Department is currently in the process of evaluating your written progress report for the above referenced water use permit. Based upon continued review, however, the Department has determined some items are not sufficiently addressed. In order to comply with the extension of time condition to submit a progress report, the following information must be received by the Department:

1. Your progress report indicates that 0.21 cfs of water has been used for Commercial purposes. What is the maximum instantaneous rate of water used to date for Domestic Use as allowed under the permit?

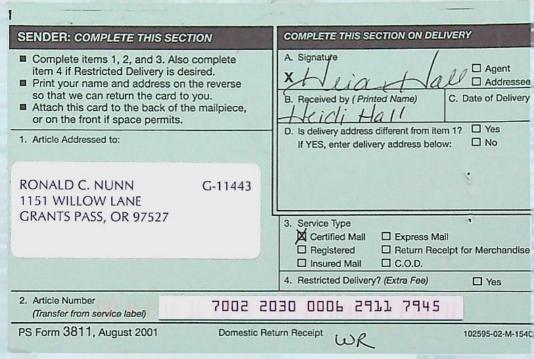
Please submit this information by Wednesday, November 5, 2003.

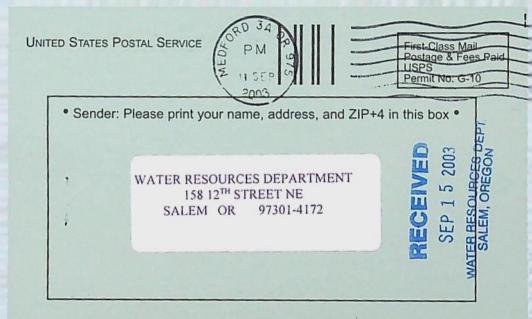
Failure to submit the requested information by this deadline may result in the Department pursuing actions to cancel the undeveloped portion of the permit pursuant to ORS 537.260 or ORS 537.410 to 537.450. Within one year after cancellation, the permittee must submit a Claim of Beneficial Use and Final Proof Survey, pursuant to ORS 537.230 and 537.250, for the portion of the permit developed as October 1, 2002.

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 have any questions concerning the Department's request for additional information, you may contact me by telephone at (503) 986-0808.

Sincerely Water Rights Specialist Application #G-11443 (Permit #G-10788) CC: Bruce Sund, Watermaster District #14





Rehahadhdhamadhdachadhlaadhdadhdhdhadhadhd





Water Resources Department Commerce Building

Return Receipt Requested

Commerce Building 158 12th Street NE Salem, OR 97301-4172 503-378-3739 FAX 503-378-8130

September 5, 2003

Ronald C. Nunn 1151 Willow Lane Grants Pass, OR 97527

REFERENCE: Application File #G-11443 (Permit #G-10788)

Dear Permit Holder:

On January 9, 2001, the Department issued a Final Order approving an Extension of Time for Permit #G-10788. The Final Order extended the time in which to complete construction of the water system and to accomplish beneficial use of water to the full extent under the terms of Permit #G-10788 from October 1, 1997, to October 1, 2009.

The Final Order approving the Extension of Time also included the following condition that requires:

The permittee must submit a written progress report to the Department by October 1 of the years 2002 and 2007. The report must be received by the Department not sooner than 90 days prior to the due date. The permittee's report must describe in detail the work done each year since the last extension was granted or the last progress report submitted.

The report shall include:

- a) The amount of construction completed;
- b) The amount of beneficial use of water being made, including the total volume of water used, water used relative to the specific authorizations (types of use, acres irrigated, etc.) contained in the permit, and the percent of the total allowable water use that this represents;
- c) A review of the permittee's compliance with terms and conditions of the permit and/or previous extension; and
- d) Financial investments made toward developing the beneficial water use.

Failure to submit a progress report by the due date above will result in cancellation of the undeveloped portion of the permit by the Department pursuant to ORS 537.260 or ORS 537.410 to 537.450. Within one year after cancellation, the permittee must submit a Claim of Beneficial Use and Final Proof Survey, pursuant to ORS 537.230 and 537.250, for the portion of the permit developed as of October 1, 2002.

3

To date, the Department has not received this progress report from you. In order to maintain the ability to continue developing water under this permit, you should submit this progress report immediately. For your reference, I have enclosed a copy of the Extension of Time Final Order containing this condition.

If you have any questions concerning this matter, please feel free to contact me by telephone at 503-378-8455, extension 272.

Sincellety Lisa J. Juul, Water Rights Specialist

Water Rights Section

Enclosure

7

cc: Application File #G-11443 (Permit #G-10788) Bruce Sund, Watermaster Dist. #14

## Oregon Water Resources Department Water Rights Division

Water Rights Application Number G-11443

Final Order Extension of Time for Permit Number G-10788

#### Appeal Rights

Under the provisions of ORS 536.075, 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. ORS 183.484.

#### Application History

On November 3, 1997, Ronald C. Nunn submitted an application to the Department for an extension of time for permit number G-10788. The Department issued Permit number G-10788 on February 29, 1988. The permit called for completion of construction of the water development project by October 1, 1989 and complete application of water to the full beneficial use by October 1, 1990. In accordance with OAR 690-320-0010(8), on July 25, 2000, the Department issued a Proposed Final Order proposing to extend the time to complete development of the water development project to October 1, 2009, and/or the time to fully apply water to beneficial use to October 1, 2009. The protest period closed March 17, 2000. No protest was filed.

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

The permittee must submit a written progress report to the Department by October 1, of the years 2002 and 2007. The report must be received by the Department not sooner than 90 days prior to the due date. The permittee's report must describe in detail the work done each year since the last extension was granted or the last progress report submitted. The report shall include:

- a) The amount of construction completed;
- b) The amount of beneficial use of water being made, including the total volume of water used, water used relative to the specific authorizations (types of use, acres irrigated, etc.) contained in the permit, and the percent of the total allowable water use that this

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represents;

- A review of the permittee's compliance with terms and conditions of the permit and/or previous extension; and
- Financial investments made toward developing the beneficial water use.

The Department will review the progress report to determine whether the permittee is exercising diligence towards completion of the project and complying with the terms and conditions of the permit and extension.

Failure to submit a progress report by the due date above will result in cancellation of the undeveloped portion of the permit by the Department pursuant to ORS 537.260 or 537.410 to 537.450. Within one year after cancellation, the permittee must submit a final proof survey pursuant to ORS 537.230 and 537.250.

If the Department finds that diligence is questionable, the Department may:

- request the permittee to submit additional information with which to evaluate diligence;
- b) apply additional conditions and performance criteria for perfection of the right; or
- c) cancel the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410 to 537.450. The Department will grant the permittee a hearing on the cancellation, if one is requested.

In determining whether the permittee has been diligent, the Department will consider information submitted to the Department by the permittee and any information submitted during the 30-day public comment period following public notice of submittal of the progress report.

If information is received through the public notice process indicating that the applicant has not been diligent toward completing the project, and if the director determines there are significant disputes related to the use of water, the Department will conduct a hearing.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.230, 537.248, 537.630 and 539.010(5) (as appropriate).

#### Order

The extension of time for Application G-11443, Permit Number

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G-10788, therefore, is approved. The deadline for completing construction is extended to October 1, 2009. The deadline for applying water to full beneficial use is extended to October 1, 2009.

DATED January 9 , 2001 Paul R. Cheary Director

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PLACED IN U.S. MAIL JAN 10; 2 OREGON WATER RESOURCES DEPT

Ms Lisa J. Juul Water Rights Specialist Water Rights Section 725 N.E. Summer St. Suite "A" Salem, Oregon 97301-1271

Reference: Application #G-11443 (Permit #G-10788)

Dear Ms Lisa Juul:

This letter is in reply to your of 10/06/2003.

The present maximum instantaneous rate of water for Domestic usage to date is 0.28 CFS or 125 GPM. That equals 90 percent of our domestic water right of 0.31 CFS or 139 GPM, under the above listed ground Water Right Permit, #G-10788.

I trust that the above listed amount of instantaneous Domestic water usage rate satisfies the questions contained in you letter of 10/06/2003 to me about items not addressed in my letter to you of 09/23/2003.

Sincerely,

Ronald C. Nunn

Ronald C. Nunn 1151 Willow Lane Grants Pass, Oregon 97527 541-476-1525

September 23, 2003

\*

Oregon Water Resources Department Water Rights Division Commerce Building 158 12<sup>th</sup> Street NE Salem, Oregon 97301-4172

Attention: Lisa J. Juul Water Rights Specialist Reference: Application File #G-11443 (Permit #G-10788)

- A.) We are working on 16 Duplex's, 32 Additional hook-ups and we have filled 40 Mobile Home Spaces since my last extension.
- B.) 1 Commercial Office
  - 2 Recreation Rooms
    - 33 Mobile Home Spaces I
    - 60 Mobile Home Space II
    - 17 Apartments Willow Heights
    - 16 Houses
    - 40 Mobile Home Spaces I
    - 32 Units/Duplex's
  - 213 and 0.21 cfs to commercial use
  - C.) Water meter is installed on 4/25/2000 reading was 00000000. Meter Reading is 54006700 since installation.
- D.) Financial investment of approximately 115,00.00 for Wells, Holding Tank, Pumps, and Distribution Pipe as of this date.

Enclosed is are copy of the Permit to Appropriate The Public Waters.

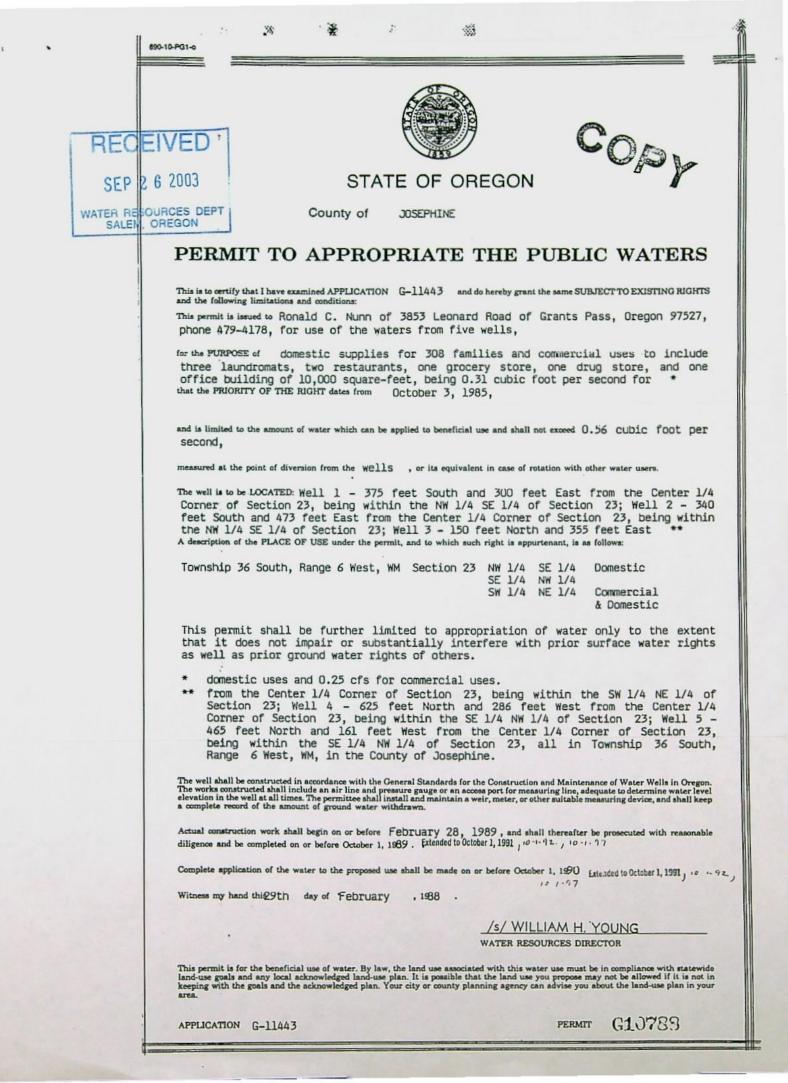
If you have any further questions please contact me at my office at 5441-476-1525 or my cell phone #541-660-0150,

Sincerely,

Ronald C. Nunn

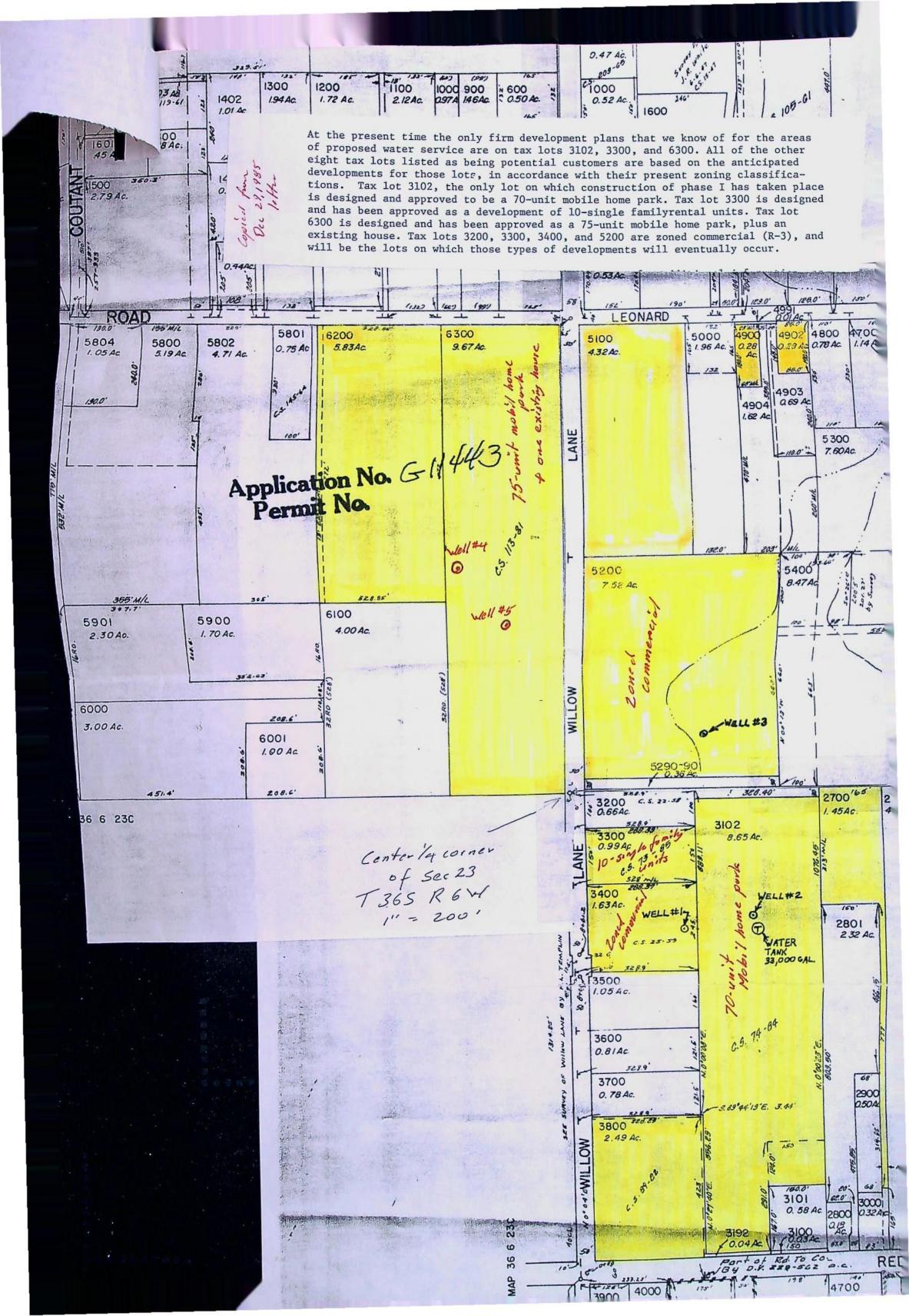
Ponold C











Jim 5/ 5/ 86 TIME 2:30 DATE \_\_\_\_ WHILE YOU WERE OUT Junet Jones CALLED or Rep - George Trakern officer PHONE \_ 378-5669 (479-71 A TELEPHONED IN PERSON TO SEE YOU 1 PLEASE CALL WANTS TO SEE YOU WILL CALL AGAIN RETURNED YOUR CALL MESSAGE Inquiring about status 01 6-11443 She may not be in after 2:45 TAKEN BY

Water Resources Department Commerce Building 158 12<sup>th</sup> Street NE Salem, OR 97310-0219 (503) 378-3739 FAX (503) 378-8130

RE: Water Resources Departments's File #G-11443 (Permit -10788), Ground Water Right. Their letter dated March 07, 2000.

Dallas Miller

Item I. Provide a rate amount (in GPM or CFS) for your peak use. Also identify how much water is used for domestic purposes and how much for commercial purposes.

According to our records on 10-28-1997, which we used in our calculations of 09-15-1999. We had a total of 191 single family units, including 133 mobile home spaces, 46 apartments, and 12-houses. I also listed one commercial office and two recreation rooms as commercial service connections.

For residences, at an average water consumption per day of 450 gallons., and a maximum consumption assumed to be three times the average, or 1,350 GPD, the total consumption on average are" 85,950 GPD and 257,850 GPD for average and assumed maximum water consumption.

Since our maximum allowed permit use is 0.56 CFS or 361,993 GPD, the 257,850 maximum residential consumption represents 71.24% of maximum permit water right for Domestic supplies or residential use.

For our Commercial water right of 0.25 CFS or 112.2 GPM or 161,604 GPD, your three commercial services -1-office +2-Recreation Buildings, maximum usages figured is approximately 95-GPM or 136,800 GPD (gallons per day), or 84.65% of the maximum commercial water right of 0.25 CFS or 112.2 GPM.

Item II: The total number of families (single family residences) served under this permit (191)

was given in our last previous answer last autumn. According to our records our commercial services include our office, plus two recreation rooms each at our two mobile home parks.

Item III: Our diversion works shall include an access port for a measuring line, adequate to

determine the well (s) water level at all times (anytime, as I interpret it.) This satisfies the requirement to install a suitable measuring device to keep a (complete) record of the amount of groundwater withdrawn.

As of May 2, 2000 I called and spoke to Dallas Miller regarding the water meter which had not been in production long enough to give us an accurate reading of maximum daily consumption.

Sincerely,

Ronald C. Nunn

Porned Com

Ronald C. Nunn 1151 Willow Lane Grants Pass, Oregon 97527 May 2, 2000

Water Resources Department Commerce Building 158 12<sup>th</sup> Street NE Salem, OR 97310-0219 (503) 378-3739 FAX (503) 378-8130 RECEIVED

MAY 0 5 2000

WATER RESOURCES DEPT. SALEM, OREGON

RE: Water Resources Departments's File #G-11443 (Permit -10788), Ground Water Right. Their letter dated March 07, 2000.

Dallas Miller

Item I. Provide a rate amount (in GPM or CFS) for your peak use. Also identify how much water is used for domestic purposes and how much for commercial purposes.

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Ronald C. Nunn





NUNN'S INVESTMENT 1151 WILLOW LN GRANTS PASS, OR 97527

Water Resources Department Commerce Building 58 12 m Steet N.E. 2000, OREGON 97310 - 021997301/4172

611443

# RECEIVED

APR 1 4 2000

WATER RESOURCES DEPT. SALEM, OREGON

April 12, 2000

Ronald C. Nunn 1151 Willow Lane Grants Pass, Oregon 97527

ATTENTION: Dallas Miller Water Right Permit Extensions 158 12<sup>th</sup> Street NE Salem, Oregon 97310

I am writing in regards to my phone conversation with Dallas Miller concerning my Application for Extension of Time. I am requesting a 35 day extension to complete my Application forms.

Sincerely,

Ronald C. Junn

Ronald C. Nunn 1151 Willow Lane Grants Pass, Oregon 97527 Office 541-476-1525 Fax 541-476-8557 NUNN'S INVESTMENT 1151 WILLOW LN. PANTS PASS. OR 97527

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Dallas miller Water Rights Permit Ext. 158 12th Street N.E. 57301/4172 Midulul Mary 1190-100 G 11443

April 12, 2000

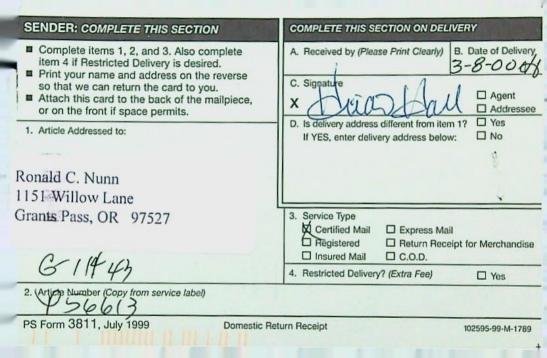
Ronald C. Nunn 1151 Willow Lane Grants Pass, Oregon 97527

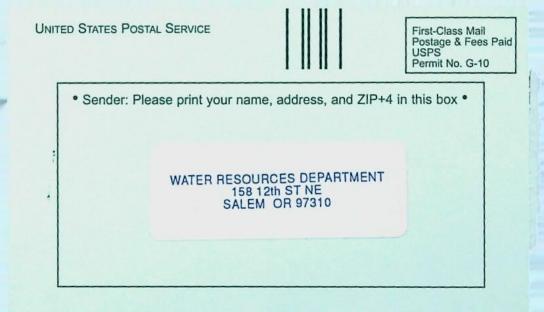
ATTENTION: Dallas Miller Water Right Permit Extensions 158 12<sup>th</sup> Street NE Salem, Oregon 97310

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Sincerely, Sonald C. Junn

Ronald C. Nunn 1151 Willow Lane Grants Pass, Oregon 97527 Office 541-476-1525 Fax 541-476-8557









Water Resources Department Commerce Building 158 12th Street NE Salem, OR 97310-0210 (503) 378-3739 FAX (503) 378-8130

# CERTIFIED MAIL Return Receipt Requested

March 7, 2000

Ronald C. Nunn 1151 Willow Lane Grants Pass, Oregon 97527

RE: File # G-11443 (Permit G-10788)

Dear Mr. Nunn:

The Department is currently in the process of evaluating your request for an extension on the above referenced permit and the additional information you have provided. However, based upon continued review, the Department has determined that additional information is still necessary in order to evaluate your extension request. The following information must be received:

- Please provide a rate amount for your peak use in gallons per minute or cubic feet per second. Also, please identify how much water is used for domestic purposes and how much for commercial purposes.
- Your last extension request was granted with the condition that for any future extension requests you would need to identify the total number of families served under this permit and provide a list of the commercial users. You have identified the number of families served under this permit but have not yet provided a list of the commercial users. I have enclosed a copy of you last extension approval for your review.
- In addition, your permit required that your diversion works be constructed to include an air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the well(s) at all times. You were also required to install and maintain a weir, meter or other suitable measuring device, and to keep a complete record of the amount of groundwater withdrawn. Please describe to the department how you have met these conditions. I have enclosed a copy of your permit for your review.

3

Please submit this information by April 7, 2000. Failure to submit the requested information by this deadline may result in the proposed rejection 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.

Should you have any questions regarding your extension request or the required materials listed above, please call Dallas Miller at (503) 378-8455, extension 272, or toll free within Oregon at 1-800-624-3199.

Sincerely,

. ...

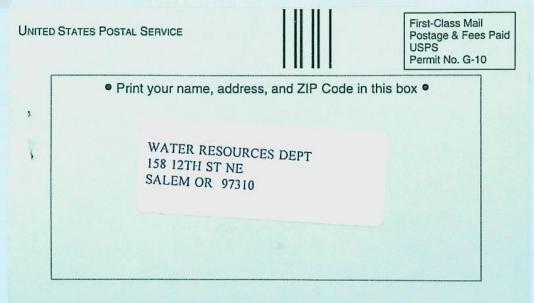
1 Laura K. Snedaker

Senior Water Rights Technician

cc: Bruce Sund, Watermaster District #14

SENDER: Complete items 1 and/or 2 for additional services. Complete items 3, 4a, and 4b. Print your name and address on the reverse of this form so that card to you. Attach this form to the front of the mailpiece, or on the back if sp permit. Write "Roturn Receipt Requested" on the mailpiece below the a The Return Receipt will show to whom the article was delivered delivered.	1.      Addressee's Address       pace does not     2.        inticle number.     Restricted Delivery		
RONALD NUNN 1151 WILLOW LN GRANTS PASS OR 97527 G11443 WR'S	4a. Article Number 56 550 4b. Service Type Registered Cortified Express Mail Insured Return Receipt for Merchandise COD		
RONAL CNUNN 5. Received By: (Print Name	7. Date of Delivery 9-2-99		
5. Received By: (Print Name 6. Signature (Addressee or Agent)	8. Addressee's Address (Only if requested and fee is paid)		
PS Form 3811, December 1994	102595-99-B-0223 Domestic Return Receipt		

Thank you for using Return Receipt Service.



Helmhallmallimliml





Water Resources Department Commerce Building 158 12th Street NE Salem, OR 97310-0210 (503) 378-3739 FAX (503) 378-8130

### CERTIFIED MAIL Return Receipt Requested

September 1, 1999

Ronald C. Nunn 1151 Willow Lane Grants Pass, Oregon 97527

RE: File # G-11443 (Permit G-10788)

Dear Mr. Nunn:

The Department is currently in the process of evaluating your request for an extension on the above referenced permit. However, based upon continued review, the Department has determined that additional information is necessary in order to evaluate your extension request. The following information must be received:

- You have identified in your request for extension that water use has begun under the permit. Please identify to what extent that you have used water beneficially.
- Your last extension request was granted with the condition that any future requests for extensions would need to include some additional information. This condition required that you identify the total number of families served under this permit and that you provide a list of the commercial users. The peak amount of water used and the number of wells on-line also needed to be identified.
- In addition, please provide some more detailed information explaining why the project has not been completed with the time limits allowed by your permit and previous extension.

Also, please provide some detailed information describing why an extension until October 1, 2008, is necessary in order for you to complete the use of water under this permit.

Please submit this information by **October 4**, **1999**. Failure to submit the requested information by this deadline **may** result in the proposed rejection of your extension request.

3

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.

Should you have any questions regarding your extension request or the required materials listed above, please call Dallas Miller at (503) 378-8455, extension 272, or toll free within Oregon at 1-800-624-3199.

Sincerely,

1

Laura K. Snedaker Senior Water Rights Technician

cc: Bruce Sund, Watermaster District #14

	EXTENSION REVIEW CHECKLIST
	Application #: 6 11443/ Permit #: 6 10788
Р	OD Location: T <u>365</u> R GW Sec 23 Stream Basin: Rogue R.
	County
<u> </u>	Has the applicant filled out the updated extension application form YN If no, has certified request for new form been sent? Y / N
V2.	Shortcomings based on review of updated extension form (information needed before PFO can be completed) Y/N
	Shortcomings based on review of updated extension form (information needed before PFO can be completed) Y/N home much water for each use? I'st of commercial
	Weell construction? Users
/	meter ( 11 3 - 97 Habasé seguet (a first): 4 th
3.	Extension request received: $1 - 3 - 91$ Number of request (ie first): 9 Permit Issued: $2 - 29 - 88$ Use: $Dom(308) + Comm Use$
4.	Source: 5 Weells
-5.	a: 0.56 cfs, buing 0.31 cfs for Comm & 0.25 cfs for lon
V7	Original B Date:     10-1-89     Original C Date:     10-1-92
8.	Last Approved B Date: 10-1-97 Last Approved C Date: 10-1-97
9.	Proposed B Date: $10 - 1 - 09$ Proposed C Date: $10 - 1 - 09$
_10,	Amount Invested: 595,000 remaining \$15,000
	The water project development made to date has been accomplished in accordance with the terms and conditions
	contained in the permit (Y) N: conditions identified in proplant
	requir
/	
12.	Progress in perfecting the permit is being held up by <u>changes in a company</u> is <u>company</u> is <u>company</u> is <u>changes</u> in the <u>company</u> is <u>changes</u> in the <u>company</u> to changes, <u>in the changes</u> in <u>changes</u> in <u>chan</u>
	to develop, decreque in deemand for makile have partique
	has sing facilitied due to proliteration of m.n. parts &
13.	The applicant has / has not pursued perfection of the right in good faith and with reasonable diligence.
14.	Work on the water development project completed to date includes: 181 dow with
15	The work remaining to be completed consists of
_15.	additional Warter Storage tank remaining dom &
	The work remaining to be completed consists of: additional Water Storage tank, remaining dom & com developments
16.	Based on the written record, the Department finds there is / is not good cause to approve the extension request.
17	Conditions
_17.	
Name:	LKS Date: 1-21-00 Revised 1/20/00

1991 - Extrems ion Request (93 double wiche M.H. 75% Dom completer (33 appartments 4 single Form 40% Comm Complete 75%(1) Dom. Complete 93M.H. 40% Comm. Complete 1992 - Extremsion Reques 1993 - Extremsion Request 753 Dom (153 M.H. 7530 Dom (40 appartments + SFD 40% Comm 1997 - Extension Request Dom (191 residunces

Comm

December 14, 1993

W A T E R R E S O U R C E S D E P A R T M E N T

× .

RONALD C NUNN 1151 WILLOW LANE GRANTS PASS OR 97527

#### REFERENCE: File G-11443

We have received your application for extension of the time limits to complete construction and make complete application of water under Permit G-10788. We also have your check in the amount of \$100.

The application indicates reasonable diligence toward completion of the proposed project. The time limits to complete construction and make complete application of water are extended to October 1, 1997. The order approving the extension was entered December 2, 1993.

Any future requests for additional time will have to note the total number of families served and list the commercial users. The peak amount of water used and the number of wells on-line should also be addressed.

If you have any questions, please contact the Water Rights Section at 378-3739.

TES:jh



3850 Portland Rd NE Salem, OR 97310 (503) 378-3739 FAX (503) 378-8130

690-10-116 File N	· J-1144.3
Application for Extension of Time	RECEIVED
TO THE WATER RESOURCES DIRECTOR OF OREGON	NOV 0 3 1997 WATER RESOURCES DEP
I, <u>Ronald C. Nunn</u>	SALEM, OREGON
Name <u>1151 Willow Lane</u> <u>Nailing Address</u>	<u> </u>
Grants Pass, Oregon 975	27
record owner of water permit No. $G - 10788$ , do hereby request the CV complete the construction of works and/or purchase and installation of the equation of	ipment necessary to
the use of water, which time now expires on October 1, $19_{,}97$ be extended and/or the time in which to	(2008)
accomplish beneficial use of water to the full extent now intended under the terms of s now expires on October 1, 1997, be extended to October 1, 1955	aid permit, which time
I have accomplished the following described works and/or purchase and inst	allation of equipment
necessary to the use of water under said permit:	
(1) within the past year <u>40 new mobile spaces last year</u> .	
(2) prior to this past year	
· · · ·	
	i
(3) and have accomplished beneficial use of water to the extent of (IF FOR IRRIGATION	, STATE HOW MANY
ACRES HAVE BEEN IRRIGATED)	
(It addition the pace is required, attach separate sheet) (It addition the pace is required, attach separate sheet) (It signing for a corporation please (dentify your tide)	
Dated	No. 1 Star
MAIL COMPLETED APPLICATION AND STATUTOR OF \$100.00 FOR EACH PERMIT TO:	Y FEE
Water Resources Department 3850 Portland Road N.E. Salem, Oregon 97310	

RECEIVED

NOV 0 3 1997 WATER RESOURCES DEPT. SALEM, OREGON

1. -

October 28, 1997

Ronald C. Nunn 1151 Willow Lane Grants Pass, OR 97527 (541) 476-1525 or 479-4178

Commercial Office
 Recreation Rooms
 Mobile Home Spaces I
 Mobile Home Spaces II
 Apartment Willow Heights
 Apartments Willow Apts.
 Houses

RE	CEIPT #	33184 SALEM, O	CES DEPARTN 'H ST. N.E. R 97310-0210 178-8130 (FAX)	MENT INVOICE #	
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RECEIPT # 33184 SALEM, OR 97310-0210 378-8455 / 378-8130 (FAX)								
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October 29, 1998

Water Resources Department Commerce Building 158 12th Street NE Salem, OR 97310-0210 (503) 378-3739 FAX (503) 378-8130

FTLE#: G 1144.3

RONALO C NUNN

3853 LEONARD RD GRANIS PASS, OR 97526

Dear Water Right Permit Extension Applicant:

The Water Resources Commission has adopted new administrative rules that govern the processing of permit extension requests. New rules were necessary to make the permit extension process consistent with advice received from the Attorney General's office last summer. Many permit holders held their extension requests until the new rules are in place. Because of the Attorney General's advice, extensions will no longer be limited to one year in length for most permits and five years for municipalities and irrigation districts. You should request to extend your permit for the amount of time necessary to fully complete your project and put the water to beneficial use. Should the permit extension be approved, it is the Department's expectation that it will be the last extension granted.

In order to help staff to complete the processing of your extension application, we will need you to fill out the enclosed form. The new rules require that the Department consider this information when determining whether or not to approve an extension request. It is important for you to complete a response to all items on the form. If additional space is needed for your responses, please use a separate sheet of paper.

Please send the completed form at your earliest convenience to the following address:

Dallas Miller Water Right Permit Extensions Water Resources Department 158 12<sup>th</sup> Street NE Salem, Oregon 97310

I would be happy to send you a copy of the new permit extension rules, upon request. If you have any questions, please contact me at 1-800-624-3199 extension 272. If I am not available, you may contact either Pat Lee (ext. 276) or Dwight French (ext 268).

Sincerely,

mille

Dallas Miller Water Rights Specialist

. 0510 NUMBER

Check 100 00 Mo Cash

Surface Application

Reservoir Application

\_\_ Ground Water Application

Transfer Application

**PFO** Request

Research

Hydroelectric Fees

Copying

Assignment

Extension of Time

Protest

Other

time Dallas G-11443

November 4, 1997



WATER RESOURCES DEPARTMENT

RONALD NUNN 1151 WILLOW LANE GRANTS PASS, OR 97527

Reference File G 11443, Permit G 10788

Dear Extension Applicant:

We have received your request for extension of time limits under your permit.

Because of action taken by the Oregon Attorney Generals Office the Water Resources Department is working on new administrative rules affecting the extension process. Anticipating this change in the rules, we will hold your application until the new rules are in effect. We feel that processing your request under the new rules may be to your advantage. We anticipate that the rules will be adopted in March 1998.

If you must have an extension of time before that date, we may be able to process it if you can provide a statement that you can complete the project within one year.

Your patience is appreciated and we will process your request as soon as possible. Enclosed is receipt 17214 for the \$100 fee submitted.

If you have questions please contact me at the address below or phone 1-800-624-3199 ext. 272.

Sincerely,

iles myille

Dallas Miller Natural Resource Specialist 2

Watermaster Dist 14



Commerce Building 158 12th Street NE Salem, OR 97310-0210 (503) 378-3739 FAX (503) 378-8130

RECEIPT # 17214 STATE OF OREGON WATER RESOURCES DEPARTMENT 158 12TH ST. N.E. INVOICE # SALEM, OR 97310-0210 378-8455 / 378-8130 (FAX)							
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8	80.109	MISC REVENUE: (IDENTIFY)	Exuns	un	\$ 100.00
5	20.000	OTHER (P-6): (IDENTIFY)			S
		WATER RIGHTS:	EXAM FEE		RECORD FEE
8	42.001	SURFACE WATER	s	842.002	\$
	42.003	GROUND WATER	s	842.004	S
	42.005	TRANSFER	s	842.006	\$
		WELL CONSTRUCTION	EXAM FEE		LICENSE FEE
8	42.022	WELL DRILL CONSTRUCTOR	\$	842.023	s
8	42.016	WELL DRILL OPERATOR	S	842.019	S
		LANDOWNER'S PERMIT		842.024	S
10	06-00-0	WELL CONST START FE	E		
_	42.013	WELL CONST START FEE	s	CARD #	
	42.015	MONITORING WELLS	s	CARD #	
4	5-00-0	LOTTERY PROCEEDS		i jornio a	
1	64.000	LOTTERY PROCEEDS			S
0	7-00-0	HYDRO ACTIVITY	LIC NUMBER	A.S. A.	
8	42.011	POWER LICENSE FEE(FW/WRD)			S
	42.115	HYDRO LICENSE FEE(FW/WRD)			\$
		HYDRO APPLICATION			S

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690-10-116			File No.	-11443
	Application for E	xtension of	Time	METERAET
				FEB 2 5 1993
to the water ri	SOURCES DIRECTOR O	FOREGON	WAT	ER RESOURCES DE SALEM, OREGON
I,	Ronald C. Nunn	ame	••	OREGON
	1151 Willow Lane	ane		
	Mailing Grants Pass,	Oregon	97527	
	City	State		
ecord owner of water p	ermit No. <u>G-10788</u>	do hereby	request that the t	me in which to:
Fcomplete the constr	uction of works and/or purch	ase and installation	of the equipmen	t necessary to
	which time now expires on O			
and/or the time in wh				
	l use of water to the full extent no			mit, which time
now expires on Octo	per 1, 1992, be extended to Octo	ober 1, 19937 Lenn	9-27-53	20
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-	vater under said permit:			
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v

AN C. BOTELER ENGINEERING, INC

16792 Water Gap Road Williams, Oregon 97544 Phone (503) 846-6330 February 12, 1991

.

Mr. Ron C. Nunn 3853 Leonard Road Grants Pass, Oregon. 97527

Re: Ground Water Rights Application for Extension of Time to 10-01-91.

Dear Ron:

After again reading through the Application for Extension of Time from the Water Resources Department, following are my suggested answers, based on the assumption that your only improvements and additions to your pre-existing water system during the past year (1990) were in the form of extensions of laterals and service pipelines to the new mobile home spaces, apartments and single family dwellings.

In your application for extension of time you need to check both of the first two paragraphs, and insert in each the expiration date of October 1, 1990 and "be extended to" date of October 1, 1991.

Item (1) within the past year I have added 60 double-wide mobile home spaces, 6 2-bedroom, 2-bath apartments and single family dwellings to the existing community water system, including the necessary lateral and service pipelines and appurtenances to serve said dwelling units from the pre-existing community water system.

Item (2) prior to this past year I had wells Nos. 1 and 2 drilled and submersible well pumps installed in well No. 1

I Also constructed a 33,000 gallon concrete storage reservoir for potable water, A pressurized distribution pumping system consisting of three centrifugal pumps, transmission pipelines from the pumping system to the distribution systems to the two mobile home parks, the apartment buildings, the single family homes, and the commercial services, as well as all of the necessary appurtenances and control equipment necessary to make the community water system functional.

To this water system I previously connected <u>33</u> mostly double-wide mobile home spaces, <u>27</u> 2 and 3 bedroom, 2-bath apartments and single family dwellings, one office and two recreation rooms.

Item (3) and have accomplished beneficial use of water to the extent of 75 % of the Domestic and 40% of the Commercial of the water right.

The above is my suggestion, and can be modified if you see fit. The reason that I reduced the amount of domestic water use to 75% of the allowable, is that the capacity of your original three centrifugal pumps of the distribution pressurized pumping system was rated at 100-gpm at about 55 psig. 104 gpm is 75% of the 0.31 Cubic ft. per second(CFS) listed as your maximum Water Right for "Domestic" purposes. 40% of your commercial water right of 0.26 CFS is 40% of 117 gpm or 47 gpm.

In order to better prove your complete usage of your existing ground water right by the end of the one year extension, I would recommend the following:

1. If you haven't already done so, install a submersible pump of 40 to 50 gpm capacity in your existing second well, pump test it for at least 4-hours, and connect it into your existing water system . You will first need to sample the water from this well for inorganic primary & secondary analyses and coliform bacti absence, in order to verify the potability of the water from that second well.

To: Water Resources Department From: Dan C. Boteler

Re: Ground Water Right Permit No. G-10788, File No. 11443, Ronald C. Nunn, Owner March 02, 1992

The ground water right for Mr. Nunn was determined by your Department on the basis of average water demand or use, and not on the maximum daily or instantaneous demand. Each of those are significantly greater than is the average daily demand. On the basis of one of the latter cases, Mr. Nunn's water well could be pumping at or close to the full domestic water right of 139-GPM.

Enclosed are a completed Application for Extension of Time for Mr. Nunn's ground water right, together with his check in the amount of \$100.00, for the listed fee for the extension of time of one year, to the end of 1992, for accomplishing the beneficial use of both his domestic and his commercial water right pottions.

If you have any further questions, please contact Mr. Nunn or myself.

Sincerely,

Dan C. Boteler

Dan C. Boteler, PE Consulting Engineer

1: 5 WELLS O. JE CFS GRP POM 308 - Comm 3-LAUNDRY MATS Z - RESTANRANTS 1- GROCGEY STOLE 1- DEUG STORES Z. ZWELLS DRILLED 1-OFFICE BLUG 33 MORILE HEMES, 60 APTS SERVED 1-OFFICE BLDG 3. NO SPECIAL CONDITIONS 4. 5. 75% 6. POOR ECONOMY 7 NO 8 00 9. CITI OF FRANTS PASS DOGS NOT PLAN TO SERVE THIS AREA. 10. 20 11-12 NO INFO A-27 when p.97 NO LETTERS FROM W.W. ANY FUTURE REQUESTS FOR ADDITIONT THE LETTER SHOULD SHE THE TOTAL & OF FAMILIES THE PEAK AMOUNT SERVED \$ LIST THE COMMERCIAL USERS. QUANT M OF WATER A & NUMBER OF DRILLED WELLS.ON LINE SHOWD USED ALSO BE ADDRESSED,

479-4178 Hours 476-1525 HORK

#### EXTENSION CHECKLIST

FILE DOCUMENT - FOR OFFICE USE ONLY

APPLICATION NO: 6-11443 PERMIT NO: 6-10788 DATE: 9-16-93

- What service area or base was anticipated by the applicant at the time the permit was granted?
- 2. What water right development steps has the permittee completed to date?
- 3. Is the permittee currently meeting all conditions of the permit?
- 4. What is the current use of water under the permit?
- 5. What percent of the total allowable use under the permit does the current use represent?
- 6. Have there been any unforseen events (over which the permittee has no control) which could reasonably have delayed development under the permit?
- 7. Has there been any change in the market for either water or power since the permit was granted which could have affected the development program under the permit?
- 8. Has there been any change in demand for water or power since the permit was granted?
- 9. If the extension request is denied, is the current level of water use under the permit economically feasible?
- 10. Is there an alternate source of water available at this time?

.

- 11. Has use of water under the permit caused an adverse impact on the surface/ground water resource in the area?
- 12. Have there been claims of injury to other water right holders or water users in the area?

**REMARKS:** 

11

EXT-CL 82593

STATE OF OREGON										
WATER RESOURCES DEPARTMENT										
RECEIPT # 96482 3850 PORTLAND ROAD NE										
50402 SALEM, OR 97310										
378-8455/378-8130 (FAX)										
DECEIVED FROM (1) I TATAC OF LI APPLICATION C 11443										
BY: WHOW ESTATES JOITH PERMIT										
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CASH: CHECK: # OTHER: (IDENTIFY)										
	TOTAL REC'D \$ 1000									
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842.010	ADJUDICATIONS				S					
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842.016	WELL DRILL OPERATOR			2.019	s					
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RECEIVED OCT - 7 1993 WATER RESOURCES DEPT. SALEM, OREGON

September 27, 1993

Oregon Water Resources Department Mr. Tom Shook WEater Rights Division 3850 Portland Road, N.E. Salem, Oregon 97310

Dear Tom Shook:

Due to our telephone conversation I am asking for an automatic extention for five years of ground water rights, for Ronald C. Nunn, Owner of water rights, File No. G-11443, Permit No. G-10788.

Thank you for calling and bringing this matter to my attention.

Sincerely,

28 Ronald C. Nunn

January 21, 1993

# RECEIVED

JAN 2 5 1993

WATER RESOURCES DEPT. SALEM, OREGON

Oregon Water Resources Department Mr. William N. Young, Director Water Rights Division 3850 Portland Road, N.E. Salem, Oregon 97310

Re: Ground water rights: File No. G-11443, Permit No. G-10788; Ronald C. Nunn, Owner of water rights; application for a one year extension for full beneficial use.

Dear Sir/Madam:

We have enclosed the engineers letter from February 12, 1991. We have purchased 17 permits in December 1992 for duplexes. Which equals 34 more units and are asking for a one year extension, and enclosing a \$100.00 check for the extension.

Sincerely,

Konald C. Munn

January 26,1993 \$100.00 96482



W A T E R R E S O U R C E S D E P A R T M E N T

March 11, 1992

Ronald C. Nunn 1151 Willow Lake Grants Pass OR 97527

REFERENCE: File G-11443

We received your application for extension of the time limits to complete construction and make complete application of water under Permit G-10788. We also have your check for \$100 for which our receipt number 84108 is enclosed.

The application indicates reasonable diligence toward completion of the proposed project. Therefore, the time limits to complete construction and make complete application of water are extended to October 1, 1992.

If you have any questions, please contact the Water Rights Section at 378-3739.

TES: jh

Enclosure



3850 Portland Rd NE Salem, OR 97310 (503) 378-3739 FAX (503) 378-8130 690-10-116

File No.	G-11443
rile NO.	

## Application for Extension of Time

TO THE WATER RESOURCES DIRECTOR OF OREGON

MAR - 6 1992

RECEIVED

I. Ronald C. Nunn

WATER RESOURCES DEPT.

1151 Willow Lane

Mailing Address

Name

Grants Pass , Oregon 97527 , City State Zip

record owner of water permit No.  $\underline{6 - 10788}$ , do hereby request that the time in which to:

- S complete the construction of works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, 1991, be extended to October 1, 1992; and/or the time in which to
- ☑ accomplish beneficial use of water to the full extent now intended under the terms of said permit, which time now expires on October 1, 19\_91, be extended to October 1, 19\_92.

I have accomplished the following described works and/or purchase and installation of equipment necessary to the use of water under said permit:

(1) within the past year I have connected one more water service to one house.

Please see the attached letter for details of reasons why I believe that the requested extension of time for accomplishing beneficial use of my ground water right should be approved.

(2) prior to this past year <u>I drilled two wells 125-ft. deep and installed a 5-Hp submersible pump</u> in the well with the greater capacity, a 33,000 gallon concrete water storage tank, <u>a tri-plex distribution pumping system from the storage tank into the water distribu-</u> tion system. The water transmission and distribution systems serve two mobile home <u>parks, 17 apartments, 12 houses, 2 recreation rooms and one office. Total water</u>; services, both domestic and commercial, total 126, thru 1991.

(3) and have accomplished beneficial use of water to the extent of (IF FOR IRRIGATION, STATE HOW MANY

ACRES HAVE BEEN IRRIGATED) I have accomplished beneficial use of the water right to the extent of 75+% of the Domestic and 40% of the Commercial water right.

If additional space is required, attach separate shoet)
Aprile 2
(If signing for a Corporation please identify your title)
J
Dated March 02, 1992
MAIL COMPLETED APPLICATION AND STATUTORY FEE
OF \$100.00 FOR EACH PERMIT TO:
7-7-71
Water Resources Department

Re# 84108

### DAN C. BOTELER ENGINEERING, INC.

16792 Water Gap Road Williams, Oregon 97544 Phone (503) 846-6330

March 02, 1992

MAR - 6 1992

RECEIVED

WATER RESOURCES DEPT. SALEM, OREGON

Oregon Water Resources Department Mr. William N. Young, Director Water Rights Division 3850 Portland Road, N.E. Salem, Oregon 97310

Re: Ground water right: File No. G-11443, Permit No. G-10788; Ronald C. Nunn, Owner of water right; application for a one year extension for full beneficial use.

Dear Sir/Madam:

This letter and "Application for Extension of Time" for Mr. Nunn's ground water right are in response to your form letter of January 21, 1992 addressed to Mr. Ronald C. Nunn at 1151 Willow Lane, Grants Pass, Oregon 97527, with reference to his ground water right, File No. G-11443, Permit No. G-10788, and your enclosed form No. 690-10-116, Application for Extension of Time.

When Mr. Nunn's Application for Extension of Time was filed in 1990, stating that he anticipated that full beneficial use of his ground water right would be accomplished by October 01, 1991, he did not anticipate the impending depression in the economy of Oregon, particularly in Southwestern Oregon, during the interim period. As an example of that depression, the first phase of a 78-lot subdivision in Grants Pass that was completed in October, 1991 had only six lots sold by the end of 1991! As a result of this depressed economy, I understand that Mr. Nunn has only added one house to his water system during 1991.

However, his short-term plans are to add additionally 45 mobile homes, 28-apartments, and six houses to his existing water system. If the economy and demand warrant it, he anticipates adding a part or all of those water services during 1992. When those additional services are added, that should bring the beneficial use of his ground water right for domestic uses at or close to the 100% level.

Other services can and will be added as demand occurs, for both domestic and commercial water services.

Just as with the nearby City of Grants Pass' surface water rights, and surface water and ground water rights for many of Oregon's water districts and municipalities, each water supplier must have surplus water rights in order to serve additional

customers within the respective service area, as the area to be served expands or is further developed. Since the City of Grants Pass' present expansion policy for its water system utilization appears to be towards the north and south of the City and not to the westerly, it is likely that many years will pass before the City would be able to serve water to the area now served by Mr. Nunn's water system . The alternative would be to have each individual lot therein served by individual wells. That is neither desirable nor does it constitute an efficient use of the ground water resources within the Redwood Aquifer. That is the aquifer from which Mr. Nunn's water system is being served at the present time.

When demand warrants the need, an additional well or wells will be drilled in order to increase the water supply to Mr. Nunn's system. At the present time the existing water system, as originally designed, provides an adequate supply of safe, potable drinking water to its customers. That in itself represents a conservation approach to the use of water, one of the Oregon Water Resources Department's present goals.

## RECEIVED

MAR - 6 1992

To: Water Resources Department From: Dan C. Boteler Re: Ground Water Right Permit No. G-10788, File No. 11443, Ronald C.SNunn, Owner OM March 02, 1992

The ground water right for Mr. Nunn was determined by your Department on the basis of average water demand or use, and not on the maximum daily or instantaneous demand. Each of those are significantly greater than is the average daily demand. On the basis of one of the latter cases, Mr. Nunn's water well could be pumping at or close to the full domestic water right of 139-GPM.

Enclosed are a completed Application for Extension of Time for Mr. Nunn's ground water right, together with his check in the amount of \$100.00, for the listed fee for the extension of time of one year, to the end of 1992, for accomplishing the beneficial use of both his domestic and his commercial water right portions.

If you have any further questions, please contact Mr. Nunn or myself.

Sincerely, Dan C. Boteler

Dan C. Boteler,PE Consulting Engineer



## Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3739

February 19, 1991

Ronald C. Nunn 1151 Willow Lane Grants Pass, Oregon 97527

#### REFERENCE: File G-114432

We received your application for extension of the time limits to complete construction and make complete application of water under Permit G-10788. We also have your check for \$100.00 for which our receipt number 71447 is enclosed.

The application indicates reasonable diligence toward completion of the proposed project. Therefore, the time limits to complete construction and make complete application of water are extended to October 1, 1991.

Sincerely,

STEVEN P. APPLEGATE Water Rights Manager

SPA:cam

Enclosure

690-10-116			File No. <u>G</u> -	11++3
A	pplication for Ex	tension of T	Time REA	China.
to the water resc	URCES DIRECTOR OF	OREGON	Ec.	ru
I,Ronal	d C. Nunn		WATER	4 1931
1151	Willow Lane	÷	SALEM, C	URCES DEPT
Gran	Mailing &	Oregon	97527	
	hit No. $G - 1078$ on of works and/or purchatch time now expires on Oc	se and installation o		ecessary to
and/or the time in which		•		
•	e of water to the full extent no 1, 19 <u>40</u> , be extended to Octo		terms of said permit,	which time
I have accomplished necessary to the use of wate (1) within the past year	the following described wo er under said permit: ee attached	orks and/or purchase	and installation of	equipment
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				;
(2) prior to this past year _	see attached			
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ACRES HAVE BEEN IRE	beneficial use of water to the IGATED) I have accommon of the Domestic and	plished beefic	ial use of wa	ter to the
right.				
	(l'additional space la requi	tired, attach separate sheet)	intify your title)	
	Dated _ 1-13 -	91		
	3850 Po			or bic to

Item (1) within the past year I have added <u>60</u> double-wide mobile home spaces, <u>6</u> 2-bedroom, 2-bath apartments and single family dwellings to the existing community water system, including the necessary lateral and service pipelines and appurtenances to serve said dwelling units from the pre-existing community water system.

Item (2) prior to this past year I had wells Nos. 1 and 2 drilled and submersible well pumps installed in well No. 1

I Also constructed a 33,000 gallon concrete storage reservoir for potable water, A pressurized distribution pumping system consisting of three centrifugal pumps, transmission pipelines from the pumping system to the distribution systems to the two mobile home parks, the apartment buildings, the single family homes, and the commercial services, as well as all of the necessary appurtenances and control equipment necessary to make the community water system functional.

1

1

To this water system I previously connected <u>33</u> mostly double-wide mobile home spaces, <u>27</u> 2 and 3 bedroom, 2-bath apartments and single family dwellings, one office and two recreation rooms.

RECEIVED We would like a recieption we paid the fee of Showing \$100.00 for our records. Thank you -Ronald C. June 1131 Willow Lane Grants Pass, OR 97527

### Abstract of Permit

This is to certify that I have examined APPLICATION G-11443 and do hereby grant the same SUBJECT TO EXISTING RIGHTS and the following limitations and conditions:

This permit is issued to Ronald C. Nunn of 3853 Leonard Road of Grants Pass, Oregon 97527, phone 479-4178, for use of the waters from five wells,

for the PURPOSE of domestic supplies for 308 families and commercial uses to include three laundromats, two restaurants, one grocery store, one drug store, and one office building of 10,000 square-feet, being 0.31 cubic foot per second for \* that the PRIORITY OF THE RIGHT dates from October 3, 1985,

and is limited to the amount of water which can be applied to beneficial use and shall not exceed 0.56 CUbic foot per second,

measured at the point of diversion from the Wells , or its equivalent in case of rotation with other water users.

The well is to be LOCATED: Well 1 - 375 feet South and 300 feet East from the Center 1/4 Corner of Section 23, being within the NW 1/4 SE 1/4 of Section 23; Well 2 - 340 feet South and 473 feet East from the Center 1/4 Corner of Section 23, being within the NW 1/4 SE 1/4 of Section 23; Well 3 - 150 feet North and 355 feet East \*\* A description of the PLACE OF USE under the permit, and to which such right is appurtenant, is as follows:

Township 36	South,	Range 6	West,	WM	Section	23	2000	1/4 1/4			Domestic
							SW .	1/4	NE	1/4	Commercial & Domestic

This permit shall be further limited to appropriation of water only to the extent that it does not impair or substantially interfere with prior surface water rights as well as prior ground water rights of others.

\* domestic uses and 0.25 cfs for commercial uses.

\*\* from the Center 1/4 Corner of Section 23, being within the SW 1/4 NE 1/4 of Section 23; Well 4 - 625 feet North and 286 feet West from the Center 1/4 Corner of Section 23, being within the SE 1/4 NW 1/4 of Section 23; Well 5 -465 feet North and 161 feet West from the Center 1/4 Corner of Section 23, being within the SE 1/4 NW 1/4 of Section 23, all in Township 36 South, Range 6 West, WM, in the County of Josephine.

The well shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works constructed shall include an air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the well at all times. The permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

Actual construction work shall begin on or before February 28, 1989, and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1989, 10-1-92

Complete application of the water to the proposed use shall be made on or before October 1, 1990 , 10-1-92

Witness my hand thi 29th day of February , 1988

BCex+ 10-1.92

#### WATER RESOURCES DIRECTOR

This permit is for the beneficial use of water. 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 that the land use you propose may not be allowed if it is not in keeping with the goals and the acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

G10783

RECEIVED

### FEB 2 5 1993

Feb. 17, 1993

- all man

WATER RESOURCES DEPT. SALEM, OREGON

Enclosed: This is a copy of the letter sent to applie for Extension of Time. I received the application after I had mailed following application for your files.

Sincerely, lun 0 Ron Nunn

January 21, 1993

2 50

Oregon Water Resources Department Mr. William N. Young, Director Water Rights Division 3850 Portland Road, N.E. Salem, Oregon 97310

Re: Ground water rights: File No. G-11443, Permit No. G-10788; Ronald C. Nunn, Owner of water rights; application for a one year extension for full beneficial use.

!

· · · ·

Dear Sir/Madam:

We have enclosed the engineers letter from February 12, 1991. We have purchased 17 permits in December 1992 for duplexes. Which equals 34 more units and are asking for a one year extension, and enclosing a \$100.00 check for the extension.

Sincerely,

Ronald C. Nunn

· · · · ·	· · · · · · · · · · · · · · · · · · ·
WILLOW ESTATES SC 'H 1151 WILLOW LANE 503 4. J25 GRANTS PASS, OR 97527	1530
	1/21/ 1993 24-12/1230 122 1993 122 1230
Torder of a walk power	20/105 Dollars
First Stank Gl Dregon, N.A. South Grants Pase Branch Instants Bank Brants Pase, Oregon 97528-0178	Amald Concere
	,''00000 10000.''
Records have been redacted or withheld p specified in ORS 192.345(27).	pursuant to the exemption for financial transfer records

I found this in file 6.14443

RECEIVED

NOV 1 7 1998

ON OF TIMEALEM, OREGON

### APPLICATI(

#### TO THE WATER RESOURCES DIRECTOR OF OREGON

I, RONALD C	NUNN -			0 1170 1
1151 Willow	LANE OCANT	-sPass One	97517 541-476	9-4178 None
ADDRESS	CITY	STATE	ZIP PHONE	

record owner of application No. <u>G-11443</u> permit No. <u>G-10788</u>, do hereby request that the time in which to:

[] complete the construction of works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1,  $19\underline{98}$ , be extended to October 1, 2009, and/or the time in which to

[] accomplish beneficial use of water to the full extent under the terms of the permit, which time, now expires on October 1, 1998, be extended to October 1, 2008.

The extension of time requested should be long enough to finish the project. Should this request be approved, it will be the Department's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.

1-Did water system construction/well drilling begin within the time specified in the permit [yes/no]? yes

2-Have you put any water to use under this permit [yes/no]? <u>Yes</u> If yes, has that use been made consistent with the terms and conditions of the permit [yes/no]?<u>Yes</u> If no, please explain. Which terms and/or conditions have not been completely fulfilled at this time.\_\_\_\_\_

3-I have accomplished the following described works, purchases and installation of equipment necessary to the use of water under said permit. (a) within past year <u>Add 40 New Units to the</u> <u>Mobile Home Park</u>

(b) prior to this past year 141 Units

### RECEIVED

#### NOV 1 7 1998

# APPLICATION FOR EXTENSION OF TIME ALEM, OREGON

TO THE	WATER RESC	URCES DIRECTO	R OF ORE	GON	
I, RONALd	C NUNI	J —			70 1000
1151 Willo	W LANE (	grANTSPUSS O	re 97527	541-476-152	5 offic
ADDRESS	CI	TY STATE .		PHONE	

record owner of application No. <u>G-11443</u> permit No. <u>G-10788</u>, do hereby request that the time in which to:

[] complete the construction of works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1,  $19\underline{98}$ , be extended to October 1, 2009, and/or the time in which to

[] accomplish beneficial use of water to the full extent under the terms of the permit, which time, now expires on October 1, 1998, be extended to October 1, 2008.

The extension of time requested should be long enough to finish the project. Should this request be approved, it will be the Department's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.

1-Did water system construction/well drilling begin within the time specified in the permit [yes/no]?

2-Have you put any water to use under this permit [yes/no]? <u>Yes</u> If yes, has that use been made consistent with the terms and conditions of the permit [yes/no]?<u>Yes</u> If no, please explain. Which terms and/or conditions have not been completely fulfilled at this time.\_\_\_\_\_

3-I have accomplished the following described works, purchases and installation of equipment necessary to the use of water under said permit. (a) within past year Add 40 New Units to the Mobile Home Park

(b) prior to this past year 141 Units

page 1 of 3

<sup>©</sup> and have accomplished beneficial use of water to the extent of (amount of water used or acres irrigated) NoNe

5-Have there been any unforeseen events which delayed development of water system? No This water system was to

be pot in in stages as the economy allowed

6-Have there been any significant government requirements that have delayed the completion of construction or application of water ? [please explain] <u>NO</u>

7-What reasons was the project not completed within permit time limits? <u>Because of it's Size and The economy Not</u> demanding development of all property At this time

8-Has there been any change in the <u>demand</u> for water or power since permit was issued? (please explain) NO

9-Has there been any change in the <u>market</u> for water or power since the permit was issued? (please explain) <u>No</u>

# RECEIVED

NOV 1 7 1998

WATER RESOURCES DEPT. 10-Will the income or use from this project provide readers of the BREGON returns against the investment in this project? (please explain) NO With additional services as we add future ON We 1 mill in the have a Return 11-If the extension request is denied, is the current level of water use economically feasible? (please explain) Roperty is still being developed 12-Is there an alternative source of water available [yes/no please explain ]? No The area is all on wells. 13-Has the use of water under the permit caused an adverse impact on the surface/groundwater resource in the area ? (please explain) NO We have done Major that show No adverse impact tests ON apea SURLounding

All items must be completed or the application will be returned. Please feel free to provide the Department with any additional information you might have that would aid us in making our decision. Please use an additional sheet of paper, if needed.

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

Signature ma

MAIL COMPLETED APPLICATION 'TO: WATER RIGHT PERMIT EXTENSIONS WATER RESOURCES 158 12TH ST NE SALEM, OREGON 97310

page 3 of 3

SENDER:	I also wish to receive the
<ul> <li>Complete items 1 and/or 2 for additional services.</li> <li>Complete items 3, and 4a &amp; b.</li> </ul>	following services (for an extra
<ul> <li>Print your name and address on the reverse of this form so this</li> </ul>	
return this card to you.	1007.
· Attach this form to the front of the mailpiece, or on the back i	if space 1. Addressee's Address
does not permit.	
Write "Return Receipt Requested" on the mailpiece below the art	Z. LI HOStiloted Delivery
<ul> <li>The Return Receipt Fee will provide you the signature of the persito and the date of delivery.</li> </ul>	Consult postmaster for fee.
3. Article Addressed to:	4a. Article Number
Ronald C. Nunn	P-56483
-1151 Willow Lane	4b. Service Type
	Registered Insured
Grants Pass, Oregon 97527	XX Certified COD
4	Express Mail Return Receipt for Merchandise
	7. Date of Delivery
10 10 20 80 10 10 10 10 10 10 10 10 10 10 10 10 10 1	55
5. Signature (Addressee)	8 Addressee's Address (Only if requested
Mallent minio	and fee is paid)
6. Signature (Agent)	
N 1 27-97	
PS Form 3811, November 1990 + U.S. GPO: 1991-287	7-066 DOMESTIC RETURN RECEIPT
6-11443 Can	

### UNITED STATES POSTAL SERVICE

**Official Business** 



3

0 1

Print your name, address and ZIP Code here WATER RESOURCES DEPT. 3850 PORTLAND KOAD N.c. SALEM, ORLGON 97310

Oregon

W A T E R R E S O U R C E S D E P A R T M E N T

January 21, 1992

Ronald C. Nunn 1151 Willow Lane Grants Pass, OR 97527

REFERENCE: File G-11443

According to the terms of your Permit G-10788 complete application of water was to have been made by October 1, 1991.

Complete application of water means use of the water for the beneficial purpose described in the permit to the full extent intended. (In the case of irrigation, it means beneficial irrigation of the lands the permittee <u>intends</u> to cover.) This may be a smaller amount than the permit allowed. If the water has been used, you should promptly submit notice describing the extent of completion as set forth in the letter accompanying your permit and also in our postal card of October 28, 1991.

ORS 537.260 provides that: "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 Director proof of completion of the appropriation as required by ORS 537.230 and 537.250, the Water Resources Director may, after 60 days notice by registered mail, order the cancellation of the permit."

You are hereby notified that, unless proof of beneficial use is received within 60 days from the date of this letter, the permit may be canceled without further notice.

If you are no longer interested in the project described by the permit, we would appreciate being advised. If the property involved has been sold and any part of the project was completed, you should assign the permit to the new owner. An assignment form will be furnished upon request.

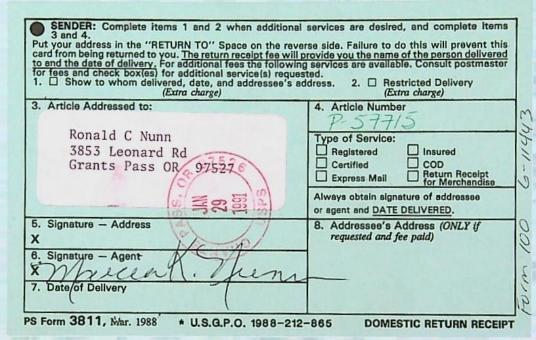
If additional information is needed, please contact the Water Rights Section.

CERTIFIED - RETURN RECEIPT REQUESTED

3



3850 Portland Rd NE Salem, OR 97310 (503) 378-3739 FAX (503) 378-8130



#### UNITED STATES POSTAL SERVICE

#### **OFFICIAL BUSINESS**

#### SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.



PENALTY FOR PRIVATE USE, \$300

1. d



Print Sender's name, address, and ZIP Code in the space below.

WATER RESOURCES DEPARTMENT 3850 PORTLAND ROAD NE SALEM OR 97310



3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3739

1-30-91

January 24. 1991

Ronald ( 3853 Le( Grants ]

REFEREN(

Jalked w/ Mr. Junn a this date the requested an Ext. Appli - Mailed to hum Accordi of wate:

Complet benefic intende irrigat be a sma used, y

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for the L extent neficial This may has been xtent of

completion as set forth in the letter accompanying your permit and also in our postal card of October 26, 1990.

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If additional information is needed, please contact the Water Rights Section.

tle

CERTIFIED - RETURN RECEIPT REQUESTED



3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3739

January 24, 1991

Ronald C Nunn 3853 Leonard Rd Grants Pass OR 97527

REFERENCE: File G-11443

According to the terms of your Permit G-10788 complete application of water was to have been made by October 1, 1990.

Complete application of water means use of the water for the beneficial purpose described in the permit to the full extent intended. (In the case of irrigation, it means beneficial irrigation of the lands the permittee <u>intends</u> to cover.) This may be a smaller amount than the permit allowed. If the water has been used, you should promptly submit notice describing the extent of completion as set forth in the letter accompanying your permit and also in our postal card of October 26, 1990.

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If additional information is needed, please contact the Water Rights Section.

tle

CERTIFIED - RETURN RECEIPT REQUESTED



3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3066

December 2, 1988

Kim L. Jordan, Esq. 228 Northwest B Street Grants Pass, Oregon 97526

Dear Mr. Jordan:

We apologize for our delay in answering your recent letters concerning Mr. Small's water right and filing fee. We sent all the material used in our previous letters to the Attorney General's office for review and advice.

In your letters, you said that you assumed that the recording fee would reserve "the right to request a refund of any inapplicable portion of this permit fee in the event it is determined through resolution of Mr. Nunn's application that the permit fees for mobile home parks should be computed on a basis other than on the basis of multifamily residential systems." Our counsel advised us that it is unlikely that the letter effectively reserved a right to refund in the event of such a determination. The contingency upon which Mr. Small attempted to reserve a right of refund, however, did not arise so the fees were never re-calculated. Had the legislature not changed the fee structure prior to the time Mr. Nunn's permit was issued, Mr. Nunn would have been obligated to pay fees calculated exactly as Mr. Small's were. We regret that we must reject your claim.

We have again reviewed our records and we have reached the same conclusions as before.

If you have additional questions or feel that this is not satisfactory, please contact our Assistant Attorney General, Anne Squier at 378-4620.

We have enclosed Ms. Squier's letter for your information.

Sincerely,

William H. Young

Director

Enclosure: Copy of Letter from Assistant Attorney General cc. Anne Squier, Assistant Attorney General

DAVE FROHNMAYER ATTORNEY GENERAL



### DEPARTMENT OF JUSTICE

GENERAL COUNSEL DIVISION Justice Building Salem, Oregon 97310 Telephone: (503) 378-4620

201 1 7 1938

November 17, 1988

WATER RESOURCES DEPT. SALEM, OREGON

Jake Szramek Manager Application and Permit Section Water Resources Department 3850 Portland Road NE Salem, OR 97310

Re: Correspondence <u>re</u> Mr. Small Permit Fees DOJ File No. 690-022-G0027-86

Dear Mr. Szramek: Joke -

I have reviewed the correspondence you provided me regarding the fees charged Mr. Small for action on Application Gl1593 and issuance of Permit Gl0698. Mr. Jordan's letter of August 5, 1988 challenges a number of matters set out in the Director's letter of July 19, 1988. I agree that the Water Resources Department's prior correspondence in this matter has already appropriately addressed the issues, and the brief letter you propose as a response to Mr. Jordan is appropriate.

I offer the following observations:

1. The July 19 letter accurately sets forth the fees required for a permit for the uses set out in Mr. Small's application. The assessment of \$5475 for 216 domestic uses is consistent with the fee schedule in ORS 536.050(2)(d), as in effect until September, 1987. In September, 1987, the new fee schedule for domestic uses instituted by Oregon Laws 1987, chapter 815, section 8 went into effect.

2. The Director accurately stated that if Mr. Small had not received his permit until after September, 1987, the permit recording fee would have been greatly reduced. Mr. Jordan suggests that the Director's understanding of the reason why Mr. Small wanted the permit issued in March or April of 1987 is Jake Szramek November 17, 1988 Page 2

inaccurate. Even if that is so, it is not relevant to the question of what fees the department was entitled to charge prior to the effective date of the new fee schedule. The size of the fee was not determined based on the applicant's reasons for wanting the permit; it was based on the uses of water applied for.

3. While it may be true that early in 1987, Mr. Samll and/or Mr. Nunn argued that fees for their developments should be assessed under then-effective ORS 536.050(2)(e) (any other use) instead of 536.050(2)(d), that argument did not prevail. This is not a situation in which one interpretation of the fee schedule was applied to Mr. Small, and a different one to Mr. Nunn. If Mr. Nunn paid lower fees, it is because his application was approved and the permit issued after the effective date of the 1987 legislative change in the fee schedules. At that time, the department had no discretion to assess Mr. Nunn at the higher rate.

Mr. Jordan's letters fail to account for the fundamental difference between Mr. Small's situation and that of Mr. Nunn. Mr. Small completed his application and tendered the necessary fees while the "old" fee structure was in place. Mr. Nunn did not do so until after the amended fee statute took effect.

4. It is accurate to state that a permit is required before water may be put to use. ORS 537.130(2). Mr. Small paid the required fee and received a permit, so as to be able to put his system "'on line' on March 31, 1987." (Kim L. Jordan letter of March 31, 1987 to William Young). Mr. Small received and has the benefit of the permit for which those fees were paid.

5. Finally, and perhaps most important, Mr. Jordan's March 31, 1987 letter accompanying tender of the check for the permit recording fee purported to reserve "the right to request a refund of any inapplicable portion of this permit fee in the event it is determined through resolution of Mr. Nunn's application that the permit fees for mobile home parks should be computed on a basis other than on the basis of multi-family residential systems." It is highly questionable whether this letter effectively reserved a right to refund in the event of such a determination. However, assuming for purposes of discussion that it did so, no refund is now due in any case. The contingency upon which Mr. Jordan attempted to reserve a right of refund did not occur. No determination that the fees should be computed on a different basis was ever made. Had the Jake Szramek November 17, 1988 Page 3

legislature not changed the fee structure prior to the time Mr. Nunn's permit was issued, Mr. Nunn would have been obligated to pay fees calculated exactly as were Mr. Small's. Therefore, Mr. Jordan's August 5, 1988 demand for return of the tender is without basis.

Mr. Small is of course free to seek recourse in some other forum as to his other criticisms of the way in which the Department handled his application. However, refund of any portion of his recording fee is neither demanded by the facts, nor within the authority of the Department.

Please feel free to request that any further correspondence regarding this matter be directed to me.

Sincerely,

Inne

Anne W. Squier Assistant Attorney General

AWS:ljp 0847G cc: John Bordon, Deputy Director Water Resources Department



3850 PORTLAND ROAD NE, SALEM, OREGON 97310 July 19, 1988 PHONE 378-2982

Kim L Jordan 228 Northwest B Street Grants Pass, OR 97526

Dear Mr. Jordan:

We apologize for the delay in responding to your letter, but we needed to review the letter that you enclosed regarding the cost for Mr. Small's permit, the legislative fee change, Mr. Nunn's permit and the constitutional question posed in your letter to Representative Trahern to determine the present facts.

According to your letter on behalf of Mr. Small, the following concerns need clarification:

1. Until the water right permit is issued, water usage could be cancelled at any time.

2. The other applicant, Mr. Nunn, would need to comply within thirty days or the application would be dismissed and would need to be resubmitted.

3. The right to claim a refund on the final determination of the fee schedule and the check was a conditional tender of the licensing fees.

4. The history of Mr. Nunn's application and what happened to the 30-day filing notice.

5. The issue of filing fees and the notion of equal treatment of the fees and discriminatory preference.

Mr. Small applied for a permit on October 23, 1986 (Application G11593). Fees required for applications are a fee for examining the application, known as the examination fee, and a fee for filing and recording the permit, known as the permit recording fee. Mr. Small paid the \$200 examination fee on October 22, 1986, and the \$5,575 permit recording fee on April 1, 1987. The permit recording fee had to be paid in order to issue the permit. Permit G10698 was issued on April 23, 1987, but only after the fees were submitted. It is our understanding that Mr. Small needed the permit in order to secure financing for his project. If he had waited until after the legislative session, the permit recording fee would have been greatly reduced. Kim Jordan Page 2 July 19, 1988

Mr. Small paid a permit recording fee according to the fee schedule that was in effect. The fee schedule is set by law and can be found under ORS 536.050 (d) 1986 and reads as follows: "For domestic purposes, \$100 for the first household unit and \$25 for each additional household unit."

Your letter suggests that this is unfair because another applicant, Mr. Nunn, filed for the same type of use and paid substantially less, only \$425 in examination and permit recording fees. Your contention is that Mr. Small was penalized by obeying the law and following the proper procedure, while Mr. Nunn, who waited and possibly delayed, paid considerably less and still maintains the priority date.

The Water Resources Department (WRD) has no discretion under the statutes to forego or modify fees. A permit cannot be issued unless the full examination and permit recording fees have been received. This condition is true for all applications received by the WRD. The permit recording fee is an earned fee upon issuance of the permit. Mr. Small was notified of the proper permit recording fee and paid the fee in effect at that time.

Mr. Nunn paid less because the permit recording fees were reduced by the 1987 Legislature. Those reduced fees took effect on September 27, 1988. ORS 536.050 (d) 1988 now reads: "For domestic purposes, \$125 for the first second-foot or fraction thereof and \$60 for each additional second-foot." This change greatly reduced the fee required. The proposed change was undertaken at the request of Sunriver. In February 1987, Sunriver served 2,195 units and were going to add 200 units per year for ten years and eventually add 2,100 more units. Based upon calculated fees of \$56,000, Sunriver decided to seek legislative change. The fee changes took effect September 28, 1987. Based on their current application, the new permit recording fee for Sunriver would be \$545.

The following is an excerpt from opinions of the Attorney General that explains agency responsibility:

"The general rule is that a statute speaks from the time it becomes effective. <u>State v. Hecker</u> (1924) 109 Or 520, 221 P 808. Unless a statute is so classified by the legislature retroactive operation is not favored. 2 Sutherland Statutory Construction, 3d ed, 2201." As stated in opinions Kim Jordan Page 3 July 19, 1988

> of the Attorney General, 1946-1948, p.326: The general rule of statutory construction is that a statute will be construed as having a prospe ctive operation only unless it plainly indicates an intent that shall operate retrospectively...<u>State v.</u> <u>Slusher</u>, 119 Or. 141."

> "Subsection (3) of ORS 536.050 provides that a one dollar fee shall be paid in advance for examining the application and for filing and recording the permit." As stated in opinions of the AG 1928-1930, p.87, at p.88.

> "The statute under consideration does not come within the scope of the rule prohibiting the enactment of laws which destroy or adversely affect vested rights, or which impair the validity of contracts. The mere filing of an application for a permit to appropriate water under said statute does not confer any vested right upon the applicant, neither does it create any contractual relations between the state and the applicant. It is merely a statute relating to matters of procedure, and, therefore, according to the general rule applies to things and conditions existing at the time of its passage."

> "The fee paid in advance under ORS 536.050 (3) prior to its amendment was to examine an application and to file and record a permit to appropriate water. Thus, when the fee was paid, all the conditions necessary were fulfilled which entitled the applicant to the benefits of that statute. This is not a case where conditions remain to be fulfilled. Nor is this a case where a person possesses a continuing status which may be affected by subsequent legislation. Here the entire transaction is completed on behalf of the applicant when the fee is paid and the application filed. For these reasons, it is my opinion that applications filed prior to August 9, 1961, which have not been approved prior to said date are subject only to the fees provided in ORS 536.050 (3)."

Ann Squier, the WRD's assistant attorney general, advised us by phone that pending applications for multiple domestic use could come under the new fee if the permit is issued after September 27, 1987. She stated the older priority date did not make any difference since the bill was intended to remedy the high fee charged. Kim Jordan Page 4 July 19, 1988

The current concern is with the fee paid by the applicant, Mr. Small. If the law were not modified, fees would have remained the same. The higher fees would have been invoked in both cases. Since the law was modified, Mr. Nunn was required to pay the fee currently in effect at the time his permit was issued. If Mr. Small could have waited for his permit, he would have been charged the lower fee. However, there was a letter in the file stating that Mr. Small's community water system goes "on line" March 31, 1987. In order to use water, a permit was needed.

In Mr. Small's case, it appears he needed the water for the required use and could not wait for any possible legislative changes. Mr. Nunn waited and, to his benefit, was subject to the lower fee. The permit recording fee is not earned until the permit is issued. As a result, the proper fee must be received by the WRD before a permit is issued.

Even though the fee difference appears to be unfair to Mr. Small, the WRD acted according to statute. Mr. Nunn complied with departmental requirements to maintain his priority date and submitted the proper fees in effect at the time his permit was issued. As previously mentioned, the WRD has no authority to suspend, modify or refund fees that are correct at the time of permit issuance because those fees are determined by statute.

Finally, Mr. Small was correct in stating that until a permit is issued, water cannot be used with an application. If water is used without benefit of a permit, the watermaster can shut off the water system.

The WRD reviewed Mr. Nunn's application and it appeared to be in satisfactory form to be considered for approval. The permit was issued.

Nunn's application was carefully reviewed and minimum requirements were met before a permit was issued. In the processing of Mr. Nunn's application, it appears that some mis-understanding existed about how water rights are issued. This confusion resulted in additional correspondence between the applicant's agent and WRD in order to clarify matters and get the application in satisfactory form. Kim Jordan Page 5 July 19, 1988

Finally, as we interpret the constitutional question, equality of privileges and immunities of citizens as defined in Article I, Section 20, Oregon Constitution,we believe that both parties were treated fairly under the law and under normal operating procedures of the department. The only real problem as we see it is that of fees collected by the Water Resources Department. The only advice I can offer is to bring the fee schedule to the attention of the Legislature and inform them that the only one to ever pay this high fee was your client.

Sincerely,

). Borden for W. H. Young

WILLIAM H. YOUNG Director

cc: Bill T. Small Senator George E. Trahern

WHY:wpc 0003M GEORGE E. TRAHERN JOSEPHINE COUNTY DISTRICT 49

···· Ł.

REPLY TO ADDRESS INDICATED:

House of Representatives Salem, Oregon 97310-1347

Grants Pass, Oregon 97527



RECEIVED

COMMITTEES Member: Revenue and School Finance Environment and Energy

MAR 21 1988

HOUSE OF REPRESENTATIVES EM. OREGON SALEM, OREGON

97310-1347

March 14, 1988

Wm. H. Young, Director Water Resources Dept. 3850 Portland Rd, N.E. Salem, OR 97310 RE: Bill T. Small File 85-129

Dear Bill:

Thank you for the response dated February 12th.

I have attached a copy of Mr. Jordan's latest letter, where he raises a couple of questions tht he feels have not been answered. Rather that re-write the issues, perhaps you could respond to him directly?

Sincerely, Solde E. Trahern

# RECEIVED

MAR 21 1988

WATER RESOURCES DEPT. SALEM, OREGON

ATTORNEY AT LAW

228 NORTHWEST B STREET GRANIS PASS, OREGON 97526 TELEPHONE: (503) 474-1041

March 2, 1988

The Honorable George E. Trahern Oregon State Representative District 49 4011 Williams Highway Grants Pass, Oregon 97527

Dear George:

RE: Bill T. Small Our File No. 85-129

I have read with interest the letter of February 12, 1988 from William H. Young, Director of the Water Resources Department to yourself concerning Mr. Small.

For your information, I am enclosing a copy of my letter of March 31, 1987 to the Water Resources Department. I had previously supplied a copy of this letter, but you may not have retained it in your files.

Mr. Small wishes me to stress to you that his only reason for directing me to send the check for payment in March, 1987 was a conversation he had just had a few days previously with Mr. Wayne Overcash indicating that until the water right permit was issued, his water usage could be cancelled at any time.

At that time, Mr. Small directly questioned Mr. Overcash concerning the water right application of Mr. Nunn which had been pending for over two years. Mr. Overcash flatly told Mr. Small at that time that Mr. Nunn would, within a matter of days, be sent a notice that his application was to be submitted in full compliance within 30 days or his, Mr. Nunn's, application would be dismissed and he would have to "start all over again". Mr. Small voiced concern that by paying he might be conceding a point which Mr. Nunn would reserve by not complying. Mr. Overcash's response was, as I have said, to point out that Mr. Small's water usage could be terminated at any time and that Mr. Nunn would be given a deadline. The Honorable George E. Trahern March 2, 1988 Page Two

In the letter which I sent to the Water Resources Department, we clearly reserved the right to claim a refund based on the final determination of fee schedules. If the Water Resources Department was unwilling to accept the tender of our filing fee on this basis it should have rejected it.

Mr. Small wishes me to stress to you, and as you can see by carbon copy of this letter I am notifying Mr. Young, that the Water Resources Department has not dealt with Mr. Nunn's application as it flatly stated to Mr. Small it would do. Furthermore, the Water Resources Department is now trying to avoid the results of accepting the conditional tender of Mr. Small's licensing fees. It is these arbitrary actions on the part of the Water Resources Department, on the one hand ignoring the conditions of Mr. Small's tender and on the other hand, going back on its stated position with respect to the application of Mr. Nunn, that has caused Mr. Small to assert that he has not been given "equal protection of law" by the Water Resources Department.

As I am sure you can understand, Mr. Small views this arbitrary discrimination on the part of Water Resources Department in its treatment of applicants, as being a very serious breach.

From Mr. Young's letter, we now understand that Mr. Nunn's application has been completed and accepted. Will you please find out for us what happened to the "30 day deadline" that Mr. Overcash told Mr. Small would be imposed, as of February or early March, 1987, to the application of Mr. Nunn.

As I have stated earlier, Mr. Small has no complaint against Mr. Nunn. Mr. Small's complaint is to the arbitrary discrimination between his application and the application of Mr. Nunn by the Water Resources Department. All of the protestations of the Water Resources Department notwithstanding, the Department knew perfectly well that Mr. Small had made a conditional tender of his filing fee, conditioned upon the eventual handling of Mr. Nunn's application. The Water Resources Department cannot now claim" compliance with law" against the present position of Mr. Small when it has clearly not required "compliance with law" in the case of another applicant from Josephine County. If you can assist us in obtaining a response from the Water Resources Department to this issue, we would appreciate it. The Honorable George E. Trahern March 2, 1988 Page Three

Mr. Young's letter to you entirely avoids answering Mr. Small's charge that Mr. Nunn received discriminatory preference from the Water Resources Department. That is the only thing Mr. Small has ever complained of. Either the Water Resources Department must treat Mr. Small as it treated Mr. Nunn, or it must treat Mr. Nunn it has treated Mr. Small. The only reason that Mr. Nunn's application was delayed for approval until after the change of the law is because the Water Resources Department, in a course of surprising negligence, allowed his application to remain unapproved for several years. For the Water Resources Department to ignore its own internal standards for so long a time and then retroactively assert those standards to rebut the claim of Mr. Small is most distressing and even shocking. Mr. Small understands that his is the only mobile home park ever to pay the "full" residential water system fee (amounting to over \$5,000.00) for a 214 unit mobile home park.

Mr. Small demands refund of the difference between the fees he paid and the fees Mr. Nunn has paid, based on violation of Article 1 Section 20 of the Oregon Constitution.

Very truly yours,

Kim Ha Kim L. Jordan

KLJ:mh enclosure

cc: Bill T. Small William H. Young

# DAN C. BOTELER ENGINEERING, INC.

16792 Water Gap Road Williams, OR 97544



SANITARY & CHEMICAL ENGINEERING

Dan C. Boteler, PE Chemical Engineer Phone: (503) 846-6330

# RECEIVED

APR 28 1988

WATER RECOURCES DEPT. SALEM. OREGON

<sup>TO</sup> Ronald C. Nunn	AT 3853 Leonard Road Grants Pass, Oregon 97527
SUBJECT Return completed & signed "Notice of Construction" to the Oregon Water Res	Beginning of 04-05-88
Dear Ron:	"Notice of Beginning of Construction ch 21, 1988, with priority date of wo existing wells). hat appears to be necessary, so icant", plus the date in April that e addressed to the Water Resources notice to them. o the existing water system; tri-ple orage tank, plus the transmission ,Phase II, & Cangilose's development
DATE SIGNED	
WIK-KOPY REPLY/MEMO - Triplicate SEND WHITE AND YELLOW COPIES -	- FILE PINK COPY - WHITE COPY WILL BE RETURNED WITH REPL



3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3066

March 21, 1988

Ronald C. Nunn 3853 Leonard Road Grants Pass, OR 97527

REFERENCE: File G-11443

ENCLOSED: Permit G-10788

## PLEASE READ THE FOLLOWING INSTRUCTIONS CAREFULLY

Your permit has been recorded in this office, but you should hold the original permit as evidence of your water right. If the land is sold, an assignment to the new owner must be recorded in this office. Assignment blanks will be furnished upon request.

The permit fixes time limits for beginning of construction, completion of construction and complete application of water to beneficial use. The law requires that you begin actual construction within one year from the date of issuance of the permit or your right will be lost. The Water Resources Director is authorized to extend the time for completion of construction and for complete application of water upon proper showing, but has no authority to extend the time limit for beginning of construction.

Forms A, B and C may be attached for submitting (A) Notice of Beginning of Construction, (B) Notice of Completion of Construction and (C) Notice of Complete Application of Water. If your application has stated that construction has already been started, or that construction work is completed, or that complete application of water has been made, only the required forms will be attached.

The start of the drilling operation or other means of constructing the well will be considered as beginning of construction. If no canal system or other permanent type of distribution works is employed, the acquisition and installation of all the machinery or equipment necessary for the project will be considered as completion of construction.

When complete application of water has been made, Form C should be submitted as the first step in proof of appropriation. When proof satisfactory to the Water Resources Director has been made, the right will be confirmed by issuance of a certificate. The certificate will limit the right to the extent that water has been applied to beneficial use in accordance with the terms of the permit.

The permit requires that an access port or other installation be provided to allow the measurement of the water level within the well at any time. Sketches of suggested methods of installation are attached.

Sincerely,

WILLIAM H. YOUNG

WILLIAM H. YOUN Director

WHY:wpc enclosures



3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3066

February 12, 1988

The Honorable George E. Trahern Oregon State Representative House of Representatives Salem, Oregon 97310

Dear Representative George E. Trahern:

I am sorry for the delay in responding to your letter, but we needed to review Mr. Small's permit, the changes in the law for fees and Mr. Nunn's application to determine the current facts.

According to Kim L. Jordan's letter, on behalf of Mr. Small, the following concerns are evident in the letter and require clarification:

- Mr. Small complied with the law in a timely manner and was required to pay the higher fees, but Mr. Nunn who waited is allowed to pay reduced fees and maintain his priority date which seems unfair.
- 2. Will the department (WRD) issue a permit to Mr. Nunn with retroactive priority date and, if issued, has Mr. Nunn complied with all requirement of WRD? Has the WRD overlooked certain deficiencies in the application?

Mr. Small applied for a permit on October 22, 1986 (Application G-11593). He paid \$200 for the examination fee on October 22, 1986, and paid \$5,575 for the permit recording fee on April 1, 1987. The permit recording fee had to be paid in order to issue the permit. The permit (G-10698) was issued on April 23, 1987.

Mr. Small paid fees according to the fee schedule that was in effect. The fee schedule is set by law and could be found under ORS 536.050 (d) 1986 and read as follows: For domestic purposes, \$100 for the first household unit and \$25 for each additional household unit. George E. Trahern Oregon State Representative February 12, 1988 Page two

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Mr. Jordan's letter suggests that this is unfair because another applicant, Mr. Nunn, filing for the same type of use, will pay only \$425 in examination and permit recording fees. Mr. Jordan contends that his client, Mr Small, was penalized by obeying the law and following the proper procedure, but Mr Nunn, who waited, pays considerably less and maintains the priority date.

The department has no discretion under the statutes to forego or modify fees. A permit cannot be issued unless the full permit recording fees have been received. This condition is true for all applications received by the WRD. The permit recording fee is an earned fee upon issuance of the permit. Mr. Nunn was notified of the proper fee and paid the fee currently in effect.

Mr. Nunn paid less because the filing fees were reduced by the 1987 Legislature. Those reduced fees took effect on September 27, 1988. ORS 536.050 (d) 1988 now reads: For domestic purposes, \$125 for the first second foot or fraction thereof and \$60 for each additional second foot.

Agency responsibility in these matters is covered in State v. Hecker, (1924) 109 Or. 520, 221 P. 808., and State v. Slusher, 119 Or. 141. See also Opinions of the Attorney General, 1928-1930, p. 87, at p.88, and Opinions of the Attorney General, 1960-1962, at p. 255.

Ann Squire, the department's assistant attorney general, advised us by phone that pending applications for multiple domestic use would come under the new fee, if the permit is issued after September 27, 1987. She stated the older priority date did not make any difference since the bill was intended to remedy the high fee charged. The permit recording fee is not earned until the permit is issued. Both parties seem to have been aware of the possible fee modification changes which were initiated by Sunriver.

In Mr. Small's case, it appears the applicant needed the water for the required use and did not wish to wait for any possible legislative changes. Mr. Nunn waited and, to his benefit, is now subject to the lower fee. The final fee is determined by the WRD, checked against the amount paid and if the fee is not enough, the difference is requested. As a result, the proper fee must be received by the WRD before a permit is issued. George E. Trahern Oregon State Representative February 12, 1988 Page three

Even though the fee difference appears to be unfair to Mr. Small, the department acted according to statute. Mr. Nunn has complied with requirements to maintain his priority date and has submitted the proper fees currently in effect for a permit to be issued. As previously mentioned, the WRD has no authority to suspend, modify or refund fees that are correct at the time of permit issuance because those fees are determined by statute.

The WRD has reviewed Mr. Nunn's application and it appears to be in satisfactory form to be considered for approval.

I understand Mr. Small's concerns that he paid the higher fees, then the fee structure was changed which allowed Mr. Nunn to pay the lower fee. The Water Resources Department, however, cannot modify or refund the difference between the old and new fees because the fee schedule is defined by statute. I can assure Mr. Small that Mr. Nunn's application was reviewed carefully and that minimum requirements are met before a permit is issued. In the processing of Mr. Nunn's application, it appears that cooperation was lacking and maybe some misunderstanding existed. As a result, additional correspondence was required between the applicant's agent for Mr. Nunn and the department in order to clarify matters and get the application in satisfactory form.

Sincerely,

Bill

WILLIAM H. YOUNG Director

WHY/JS:tcb

cc: Kim L. Jordan Bill T. Small

1 of 3 pages.

## DAN C. BOTELER ENGINEERING, INC.

16792 Water Gap Road Williams, Oregon 97544 Phone (503) 846-6330 December 30, 1987

# RECEIVED

JAN - 4 1988

WATER RESOURCES DEPT.

SALEM, OREGON

Mr. Wayne J. Overcash Water Rights Specialist Water Resources Department 3850 Portland Road, NE Salem, Oregon 97310

Reference: File G-11443; ground water right application, Ronald C. Nunn

Dear Mr. Overcash:

Thank you for your letter of 12-23-87 and the enclosed receipt for fees of \$125.00. The following is in reply to your letter of that date.

As you may recall, the original application for this ground water right in the requested amount of 1.0 cubic foot per second (CFS) was received by your office on 10-03-85. In response to that application you asked for various types of additional information, including the amounts of water that would be expected to be used in each quarter section, including the amounts allocated for "domestic" and "commercial" uses. You also requested exacting details about locations of future wells and how much water would be produced from each well, including the sizes and capacities of each proposed pump, etc. All of that information was provided to you on the basis of my design,

as a qualified professional engineer with more than 20-years experience in designing water systems of various sizes and complexities. That design was for the kind of water system (and required water right) that would eventually be needed in order to supply the originally proposed total area of 45.61 acres of land within the Urban Growth Boundary of Grants Pass,whenever that area would develop within the forseeable time when full appropriation of the requested ground water right would be needed.

In your letter of 12-23-87 you, for the very first time, suggest that a ground water right of only 0.3 CFS is needed, in order to supply water to an anticipated total of 297 single family dwelling units(D.U.'s). Where you obtained that information I do not know, but it has no factual relevance to the design of the proposed water system to serve the area of the application, and the amount of ground water right that is, therefore, necessary in order to operate said system within the applicable laws of the State of Oregon governing the use of water rights and the adequacy of public water systems.

A water system must be designed so as to be able to adequately supply the needs (water use demands) of all of its customers at all times, including during times of peak demands. Therefore, the source(s) of supply, and the water rights that have been granted to said system, must be adequate to at all times supply the maximum, not the average, water demands. An adequate supply of stored, treated water is used to supplement instantaneous and hourly high demands, but the cost would be prohibitive to maintain a storage capacity capable of supplying the difference between the average daily demand and the maximum daily demand for water, the latter which often occurs over a period of several days or more.

If the allocated water right is for the average daily water demand,

then when a demand that exceeds that amount occurs the system is in violation of the law by virtue of exceeding the amount of water usage allowed by its water right. Surely you can understand that.

The following local example of water consumption and the attached water demand graphs will serve to issustrate my point:

The City of Grants Pass has 6,013 water service connections and serves a total population of 15,500 persons, most of them on small urban lots within the City limits. The City's maximum daily water demand during the summer months is over 8-million gallons per day. That amounts to 432 gallons per day per capita, or 1,330 GPD per service. 1,330 GPD/service x 297 services = 395,010 GPD or 0.61 CFS.

The water demands for the part of the Redwood District of the Urban Growth Boundary of Grants Pass, which Mr. Nunn's water system proposes to serve, is suburban in nature, and as such would require a higher maximum water demand per capita than occurs within the Grants Pass City limits.

As you have correctly assumed, an additional number of families will also be served by Mr. Nunn's water system on Tax Lot(TL) 2801. The initial plan of the owner and developer of TL 2801 is to construct a total of 11 single family units within the next two years, and has requested water service from Mr. Nunn. So, you can understand that the original estimate of 297 dwelling units to be served by Mr. Nunn's water system will increase by 11 units within the next two years. It is certainly conceivable that other properties within and on the periphery of the originally proposed water service area will eventually request service from this one water system. That is certainly far preferrable to a proliferation of numerous very small public water systems.

I would also like to point out that all of the tax lots, now totaling 37.37 acres (35.05 original +2.32"domestic" acres), that are listed to receive water for "domestic" uses from Mr. Nunn's system are zoned R-3, rural residential, in accordance with the land use development plan approved by the Oregon Land Conservation and Development Commission. That zoning allows for a maximum concentration of 17.5 dwelling units (D.U.'s) per acre. AT 17.5 D.U.'s per acre, 37.37 acres have an allowable potential to accommodate a total of 654 D.U.'s that could be served by Mr. Nunn's water system, plus the additional amount for "commercial" water uses on another 10.56 acres. This would occur without any changes in zoning to allow for an even denser population residency. Even 1.0 CFS of water right would be inadequate to supply a potential 654 single family dwelling units, and an additional ground water right would then be needed at some future time.

Enclosed are copies of three graphs of peak flow demand curves taken from pages 31 and 32 of the AWWA's Manual M-22, "Sizing Water Service Lines and Meters", 1975. The peak flow demands of those curves are based on the number of fixture units served. For a single family dwelling unit in this area I have determined that an average of 41-F.U.'s per D.U. is a reasonable unit. For 308 D.U.'s that equates to 12,628 F.U.'s. From Figure 4.3, which only includes in-house F.U.'s without any outside faucet usage, 12,000 F.U.'s equals 360 gpm or 0.80 CFS. Using Figure 4.5 and 12,000 F.U.'s, the water flow demand curve shows 370 gpm or 0.82 CFS for residential suburban domestic use, based on 35 psig pressure at the service meter. Higher pressures increase water demand and usage. · when when

These graphs may help you to understand the rationale of the request for a ground water right of 1.0 CFS for Mr. Nunn's proposed water system.

Therefore, we herewith request that you approve without further delay the 1.0 cubic foot per second of ground water right as originally requested. Also, that you include the additional 2.32 acres of land in Tax Lot 2801 in the NW¼ of the SE¼ of Section 23, Township 36 S., Range 6 W., W.M. of Josephine County into the original application. Please add an additional 11 dwelling units for TL-2801 to the original 297 dwelling units that were proposed to be served from the "domestic" uses portion of the 1.0 CFS ground water right requested.

If you have any further questions regarding this matter please contact me as soon as possible so that we can resolve this matter as rapidly as possible.

Thank you for your helpful assistance.

Sincerely,

Jan C. Boteler

Dan C. Boteler, PE Consulting Engineer

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P.C. Ron C. NUMA

Dan C. Boteler Engineering, Inc. P. O. Box 90 Williams, OR. 97544





MR WAYNE J. OVERCASH WATER RIGHTS SPECIALIST WATER RESOURCES DEFATIMENT 3850 PORTLAND POAD, N.E. SALEM, OREGON 97310



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### SIZING WATER SERVICE LINES AND METERS

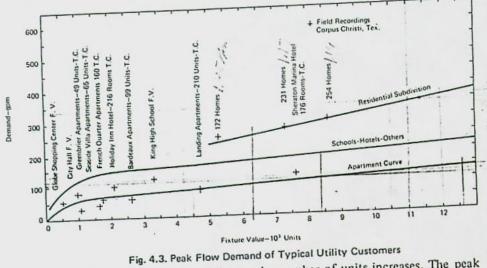
TABLE 4.3		
Plumbing Fixture	Value	

	Fixture Value	
	Based on 35 psi	
Fixture Type	at Meter Outlet	
Bathtub		
Bedpan washers		
Combination sink and tray		
Dental unit	1	
Dental lavatory		
Drinking fountain (cooler)		
Drinking fountain (public)		
Kitchen sink: 1/2-in. connection	3	
3/4-in. connection		
Lavatory: 3/8-in. connection		
1/2-in. connection		
Laundry tray: 1/2-in. connection		
3/4-in. connection		
Shower head (shower only)		
Service sink: 1/2-in. connection		
3/4-in. connection		
Urinal: Pedestal flush valve	•••••••••••••••••••••••••••••••	
Wall or stall		
Wall or stall		
Trough (2-ft unit)		
Wash sink (each set of faucets)		
Water closet: Flush valve		
Tank type		
Dishwasher: 1/2-in. connection		
3/4-in. connection		
Washing machine: 1/2-in. connection		
3/4-in. connection		
1-in. connection		
Hose connections (wash down): 1/2-in		
3/4-in		
Hose (50-ft length-wash down): 1/2-in	6	
5/8 in	9	
3/4 in		

value of a number of units by simply multiplying the single value times the number of fixtures in the customer's use to get a total value. The list of plumbing items in Table 4.3 represents those most commonly used; however, the estimator will eventually encounter special equipment that will need to be evaluated. Since the fixture flow requirements in gallons per minute and the fixture values are the same in Table 4.3, the engineer can list the demand in gallons per minute for the special equipment, along with the other fixtures, to obtain one total.

### Demand

After the fixture values have been determined, the results can be applied to a graph to obtain the customer demand in gallons per minute at 35 psi at the meter outlet. The maximum water flow of any one fixture is above the average of any one of a number of fixtures when operated in a customer's service. This is because the probability of all y 41 F.v.'s = 2B dra, Art (2 & 20)



fixtures operating at one time diminishes as the number of units increases. The peak rate of water used by fixtures of a residence and the combining of several units are shown in Fig. 4.2. As units are added, the average peak flow rate increases at a lower rate, as shown in Fig. 4.3.

The following is an example of estimating the probable domestic demand for a small apartment complex:

Customer: 160-unit apartment Pressure at meter outlet: 35 psi Fixture Fixtures: Value Factor 615 3 205 Tank Water Closets х 518 259 Lavatories: 3/8-in. х 552 138 Dishwashers: 1/2-in. x 50 5 10 Washing Machines: 1/2-in. x 495 3 165 Kitchen Sinks: 1/2-in. x 1 296 8 x 162 Bathtubs 3 5 2 6 Total . . 25

Fixture Value: 3 526

From Fig. 4.5, probable demand = 80 gpm Adjust to utility delivery pressure, from Table 4.2: 80 x 1 = 80 gpm

Irrigation has not been included in the example since the demand curves in Fig. 4.2 and 4.3 cover only domestic use. The example is taken from an actual case where the demand was 67 gpm, which is slightly lower than the theoretical demand of 80 gpm. Wash-down demand when garden hoses are used can be obtained from Fig. 4.1 for three sizes of hose and for pressures at the house piping from 10 to 100 psi.

The number and type of fixtures in a small residence are usually known; however, surveys for large estate-type homes and public and commercial buildings require

13/1 1.

32

# SIZING WATER SERVICE LINES AND METERS

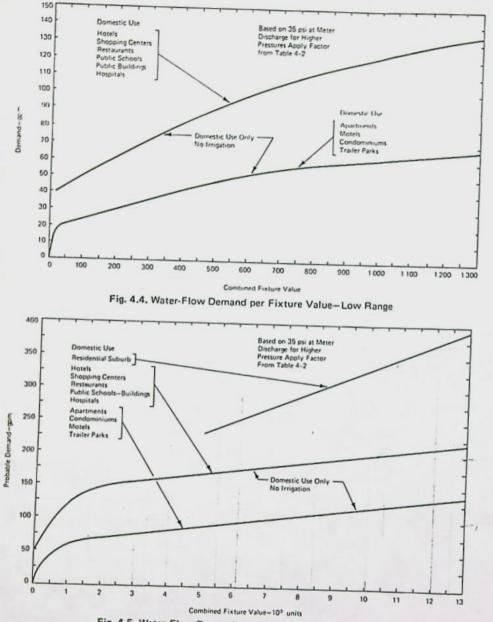


Fig. 4.5. Water-Flow Demand per Fixture Value-High Range

detailed lists of fixtures before estimates can be prepared. If the structure is in the planning stage, the mechanical engineer or architect is the best source of information, and, if construction is underway, the plumbing contractor or the building permits section of the city will have the information. Field trips by the estimator are often necessary to assist the customer as well as to properly assess the project when

### ESTIMATING THE CUSTOMER'S PEAK DEMAND

plumbing problems occur due to expansion or other causes in existing structures.

### Continuous-Demand Use

Water use by equipment requiring continuous flows, some hospital fixtures, and plant processes must be added to the irrigation and domestic demand. The estimator must rely on the engineer, architect, plumbing contractor, or manufacturer of the equipment to obtain this flow data. Continuous-water-use equipment often results in high bills and low pressures when the customer is negligent in proper maintenance.

#### Procedure for Estimating Customer Demand

1. Determine:

Design pressure at meter outlet. Type of customer to be served. Number and type of fixtures.

- Determine the combined fixture value: Multiply the approximate fixture values in Table 4.3 times the number of each type of fixture to obtain the combined value.
- From Fig. 4.4 or 4.5, determine the probable customer peak water demand in US gpm at 35-psi pressure available at the meter outlet.
- 4. If the utility's design pressure at the meter outlet is greater than 35 psi, adjust the probable peak flow at 35 psi to the utility's design pressures by multiplying by the appropriate factor from Table 4.2 (see p. 29).

Peak water demand at 35 psi x factor = adjusted demand

5. Irrigation demand:

Determine: Area of irrigable turf. Type of irrigation. Squares (of 100 sq ft) x Squares (of 100 sq ft) x sprinkler capacity = gpm demand

Sprinkler Capacities				
Type of Sprinkler	Precipitation Rate in./hr	Demand per Square (100 sq ft) gpm		
Spray heads	1	1.04		
Rotary	1/4	0.26		
Snap valves	1/4	0.26		

TABLE 44

If hose and sprinklers are to be used, then multiply the number of sprinklers that it is practical to use by the sprinkler demand shown in Table 4.1 (see p. 26). For discharge through water hose with 3/4-in. house piping and 3/4-in. hose bib with open discharge see Table 4.5.

- Total customer peak demand can now be determined by adding the following: Domestic Demand Irrigation Demand
  - Continuous Load Total Demand

### Summary

The demand curves if Fig. 4.4 and 4.5 are identified for certain types of customers as listed on each curve; however, the engineer will find that the customer's piping and

Z=Pres Tanktyny; X= Print, ap. 1/m

378-3066

December 23, 1987

Dan C. Boteler, Consulting Engineer 16792 Water Gap Road Williams, OR 97544

REFERENCE: File G-11443

Pursuant to your letter of November 4, 1987, which was also signed by Ronald C. Nunn, I have made certain amendments to Mr. Nunn's Application G-11443 as authorized. These amendments are as follows:

(1) Amended Item 3 to list:

Domestic use in NW1/4 SE1/4 (TL 2700, 2801, 3102, 3300, 3400,& 3800)

Commercial and Domestic uses in SW1/4 NE1/4 (TL 4900, 4902, 5100, & 5200)

Domestic use in SE1/4 NW1/4 (TL 6200 & 6300)

all within Section 23, Township 36 S. Range 6 W. W.M.

(2) Amended Item 7 to note that

0.75 cfs of water to be used for domestic uses and 0.25 cfs of water to be used for commercial uses.

An amount of 0.01 cfs in general is sufficient for domestic supplies for 10 families. This amount is equal to approximately 4.5 gallons per minute or 6,463 gallons per day. Therefore, a permit approving the Application G-11443 would allow 0.3 cfs for domestic supplies for the 297 families based on the 0.01 cfs per 10 families. However, you have indicated that domestic use will also be in Tax Lot 2801 which has been added to the application. Will additional families be supplied in this area bringing the total to more than the 297 families presently noted on the application? If so, you could request that the application be amended to be supplied. I could add this information to the application upon receipt of your written authorization.

Our Receipt 53738 covering the additional fees of \$125.00 you submitted is enclosed.

Dan C. Botelev December 23, 1987 Page 2

The application is now in a form that may be considered for approval. However, since a permit, once issued, cannot be amended to increase the number of families to be supplied, we will hold action for 30 days from the date of this letter or your reply, before placing the application with the group to be considered for approval.

Sincerely,

WAYNE J. OVERCASH Water Rights Specialist

Enclosure

WJO:wpc 2612E

Page 1 of 2 pages.

# DAN C. BOTELER ENGINEERING, INC.

16792 Water Gap Road Williams, Oregon 97544 Phone (503) 846-6330

November 04, 1987

110V 9 1987

RECEIVED

WATER RESOURCES DEPT. SALEM. OREGON

Mr. Wayne J. Overcash Water Rights Specialist Water Resources Department 3850 Portland Road, N.E. Salem, Oregon 97310

Reference: File G-11443- Ronald C. Nunn, Ground Water Rights Application.

Dear Mr. Overcash:

Thank you for your welcome and informative letter of 10-27-87, in which you first of all advise me that the 1987 Session of the Oregon Legislature made a(significant) change in the water rights fees for domestic purposes, from \$25.00 per service connection to \$125.00 for the first cubic foot per second or fraction thereof. Also, that since Mr. Nunn has already paid \$300.00 towards the total fees of \$425.00, that only \$125.00 of additional fee is required. Accordingly, enclosed is Mr. Nunn's check for \$125.00 to complete the required fees.

In response to paragraphs five and six of your letter of 10-27-87, the following information is given:

For Item 7 of the original application: Based on the comparable land areas and the anticipated developments based on existing development codes for the Grants Pass Urban Growth Boundary, it is intended that 75 percent of the 1-CFS or 0.75 CFS of ground water will be used for "domestic" purposes, i.e. for providing water to mobile homes, apartments, individual residences. It is further intended that 25-percent of the 1-CFS, or 0.25 CFS of ground water will be used for "commercial" purposes, i.e. to serve restaurants, stores, laundromats, and office buildings, etc.

### For Item 3 of the original application:

For the NW 1/4 of the SE 1/4 of Section 23, T-36S-R6W, Tax Lots(TL) 2700,2801,3102, 3300,3400, and 3800, all will be "domestic" use. Tax Lot 2801 was added to the original area, as its owner and developer has requested water services from Mr. Nunn's system. The area of that parcel is an additional 2.32 acres.

For the SW 1/4 of the NE 1/4 of Section 23, for TL's 4900,4902,5100, and 5200, 70 percent of the water use there will be for "commercial" purposes, and 30 percent will be for "domestic" purposes.

For the SE 1/4 of the NW 1/4 of Section 23, for TL's 6200 and 6300, 100 percent of the ground water used there will be for "domestic" purposes. Of the total of 1-CFS of ground water to eventually be appropriated, it is anticipated that 0.40 CFS will be used in the NW 1/4 of the SE 1/4 of section 23 (180 GPM), that 0.35 CFS will be used in the SW 1/4 of the NE 1/4 of section 23,(157 GPM), and 0.25 CFS will be used in the SE 1/4 of the NW 1/4 of Section 23 (112 GPM).

On the assumption that the above information suffices for the remainder of that required to complete the original water rights application, following are the

Re: File G-11443- Ronald C. Nunn, Ground Water Right Application. (Cont'd.)

signatures of myself and Mr. Ronald C. Nunn, authorizing you to make the necessary informational additions to the original water right application, in order to complete same.

Thank you for your helpful assistance with this matter.

Ronald C. Nunn,

Owner

Sincerely,

x

Dan C. Boteler Consulting Engineer

PC: Ronald C. Nunn Watermaster, Jo. Co. File



## Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3066

October 27, 1987

Dan C. Boteler, Consulting Engineer 16792 Water Gap Road Williams, OR 97544

REFERENCE: File G-11443 - Ronald C. Nunn

We have been holding action on Application G-11443, which you submitted for Ronald C. Nunn, pending receipt of additional information to complete the application and additional fees.

Due to legislative action, a new fee schedule relative to domestic use became effective September 28, 1987. The fees for domestic purposes now amounts to \$125 for the first cubic foot per second or fraction thereof and \$60 for each additional cubic foot per second requested.

Therefore, the application as now prepared, requires the examination fee of \$200, a permit recording fee of \$100 for the commercial use, and a permit recording fee of \$125 for the domestic use; for a total of \$425. To date, \$300 has been credited to the file. Therefore, an additional \$125 is needed to complete the fees.

As mentioned in our earlier correspondence of December 17, 1986, the application describes uses of water under two catagories or purposes, being domestic for 297 families at houses and rental units and commercial use to include use of water at the laundromats, restaurants, stores, and office building.

Item 7 on the application needs to be further completed by stating the amount of water it is intended to appropriate for each of the two purposes, being an amount for commercial uses and an amount for domestic uses.

Also, the place of use for each purpose needs to be noted in Item 3 with reference to the proper quarter-quarters sections. We can amend the application to include the information needed if you will advise me of the place of use of water for each purpose and the amounts in gallons per minute to be appropriated for each use, along with giving me written authorization to include the information in the application.

We will continue to hold action on the application for a reasonable amount of time pending your reply.

Sincerely,

WAYNE J. OVERCASH Water Rights Specialist

1969E

#### DAN C. BOTELER ENGINEERING, INC.

16792 Water Gap Road Williams, Oregon 97544 Phone (503) 846-6330 December 27, 1986

# RECEIVED

DEC 30 1986

WATER RESOURCES DEPT. SALEM. OREGON

Mr. Larry W. Jebousek, Administrator Water Rights Division Water Resources Department 3850 Portland Road, NE Salem, Oregon 97310

Re: Application G-11443 for ground water rights for Mr. Ronald C. Nunn, Grants Pass, Oregon.

Dear Mr. Jebousek:

Thank you for your letter of December 17, 1986, together with a copy of an opinion from an assistant in the Office of the Oregon Attorney General, regarding their "legal opinion" on the interpretation of when the term "domestic application fees" should apply in water rights applications for a commercial enterprise.

In the first paragraph of your letter you state as follows: "...We received a letter-opinion dated December 5, 1986, clearly indicating that the domestic purpose fee is required, being \$100 for the first household unit and \$25 for each additional household unit. A copy of this letter-opinion is enclosed."

On page two, paragraph three of that letter-opinion the Assistant Attorney General so writing states as follows: "On its face, then, ORS 536,050 does appear to require that a separate \$25 charge be assessed for each additional household unit served under the present application, without limit. Further, I believe that there is ample room to define administrative the term "household unit" to include such variants as mobile homes or certain rental units. However, this is not to say that the statute must be so interpreted. ..."

The above, plus some additional comments that follow in the letteropinion of December 5th, do not "clearly indicate" what the final definition of a separate "household unit" is, especially relative to rental units. Even then, until the courts have definitively determined the meanings of the term "household unit", especially regarding the specific fee to be charged per dwelling unit on commercial ventures, or a future Oregon Legislature more clearly defines its intentions, the final answer has not arrived.

It is my understanding that Mr. Nunn will respond to your letter of December 17th, after adequate consultation with his attorney, since your request for an additional \$7,500. for a water right permit recording fee represents a considerable sum of money for a water right that a court may declare invalid at some future time. The Mono Lake, California Case is a case in point, although not an exception by any means. In a number of other Western States the previous interpretation of the permanence of a "water right" has been changed. The fact that a "water right" pre-dates any others is no longer a guarantee that said "water right" may be used indefinitely to its full extent, totally ignoring the water needs of society in general or specific individuals in areas surrounding the lands of the holder of the oldest "water rights". If such has not as yet occurred in Oregon to date it undoubtedly will occur at some future point in time.

Thank you again for your thoutful response.

Sincerely,

Dan C. Boteler

Dan C. Boteler Consulting Engineer

pc: Ronald C. Nunn Rep. George E. Trahern, Dist. 49 Bob Steimer, Watermaster, Dist 14. File December 17, 1986

Dan C. Boteler, PE Dan C. Boteler Engineering, Inc. 16792 Water Gap Road Williams, GR 97544

Dear Mr. Boteler:

Action on Application G-11443 you resubmitted for Ronald C. Nunn, together with the three sepia prints of the tax assessor's maps, has been withheld pending on an answer from the Attorney General's office regarding the required fees. We received a letter-opinion dated December 5, 1986, clearly indicating that the domestic purpose fee is required, being \$100 for the first household unit and \$25 for each additional household unit. A copy of this letter-opinion is enclosed.

In addition to the recording fees needed, there is still another matter needing attention before the application can be considered for approval.

Application G-11443 describes uses of water under two categories or purposes, being <u>commercial use</u> to include use of water at the laundromats, restaurants, stores, and office building and <u>group domestic use</u> for 297 familes houses and rental units. Item 7 on the application needs to be further completed by stating the amount of water it is intended to appropriate for each purpose, being an amount for the commercial use and an amount for group domestic use. Also, the place of use for each purpose needs to be noted in Item 3 with reference to the proper quarter-quarter section. Rather than return the application to you again, I can amend it for you if you will advise me of the place of use for each purpose and of the amounts in gallons per minute to be appropriated for each use and give me written authorizetion to amend the application.

If all the wells are to develop water in the same ground water aquifer, the amount to be used from each well for each use will not be needed.

The application requires the \$200 examination fee, a permit recording fee of \$100 for the commercial use and a permit recording fee of \$7500 for the domestic use for 297 families for a total of \$7800. To date, \$300 has been credited to the file. Therefore, \$7500 is needed to complete the fees.

378-8453

Dan C. Boteler, PE December 17, 1986 page two

Upon receipt of the additional permit recording fees and your reply regarding amounts of water to be appropriated for each purpose, we can proceed with the processing of the application towards the issuance of a permit.

Sincerely,

LARRY W. JEBOUSEK Administrator Water Rights Division

LWJ:wpc

cc: Ronald C. Nunn George E. Trahern, State Representative, District 49 Bob Steimer, Watermaster, District 14 7863D ROHNMAYER

WILLIAM F. GARY DEPUTY ATTORNEY GENERAL



#### DEPARTMENT OF JUSTICE

GENERAL COUNSEL DIVISION Justice Building Salem, Oregon 97310 Telephone: (503) 378-4620

December 5, 1986

DEO C 1986 WATER RESOURCES DEPT. SALEM. ORECON

Larry Jebousek, Administrator Water Rights Division Water Resources Department 3850 Portland Road NE Salem, OR 97310

Re: Domestic Application Fees DOJ File No. 690-002-G0027-86

Dear Mr. Jebousek:

You have asked clarification of what filing and recording fees should be charged where an application for appropriation specifies that water will be used for "Commercial Use," and yet lists apartments, mobile homes and rental units as among the structures to be supplied. Specifically, you inquire whether some or all of the uses listed in the application should be charged under the "domestic purposes" category, rather than included within a single "commercial use" filing charge.

Every application to appropriate water is charged \$200 for examination. ORS 536.050(1). Fee schedules for filing and recording permits are set by statute for five different categories of use: irrigation, power, storage, domestic and "any other purpose, \* \* \* including but not limited to municipal." ORS 536.050. The application at issue states that the use to which the water is to be applied is

"commercial, and includes rental units, store(s) restaurant, laundromats, recreational buildings, etc. 297 single family houses and rental units, 3-laundromats, 2-restaurants, 1-grocery store, 1-Drug store, 1-Office bldg. of 10,000 square feet \* \* \*" Larry Jebousek December 5, 1986 Page Two

A single application may contemplate more than one purpose, and must list each proposed use and the amount of water required for each of those uses. OAR 690-20-005. Thus, an application for irrigation and domestic purposes is charged separate fees for each. Clearly, the described application will be subject to a charge for the various commercial activities under the "any other purpose" category. Those charges are \$100 for the first second-foot or fraction thereof and \$50 for each additional second-foot. ORS 536.050(2)(e). Your question is whether the single family residences and rental units <u>must</u> be considered part of the "commercial use" or may be charged as for a "domestic purpose." For domestic purposes, the statute requires a fee of \$100 for the first household unit and \$25 for each additional household unit. ORS 536.050(2)(d).

Prior to the 1981 legislative session, filing and recording charges were assessed under four categories: irrigation purposes, power purposes, storage, and "for any other purpose." Applications for domestic use came under the "any other" category. House Bill 2222 (1981) was the vehicle for increasing fees, and also made two changes to the fee categories. The domestic use category was added, and, at the request of Eugene Water and Electric Board, 536.050(2)(e) was amended to read "for any other purpose, \* \* \* including but not limited to municipal \* \* \*." The latter addition was a clarification to ensure that EWEB and other municipal water suppliers would not be swept into the domestic purpose category and thus be charged for every household served. The application you are concerned with is made by a purely private party, as part of a commercial venture, and could not be considered a municipal use.

On its face, then, ORS 536.050 does appear to require that a separate \$25 charge be assessed for each additional household unit served under the present application, without limit. Further, I believe there is ample room to define administrative the term "household unit" to include such variants as mobile homes or certain rental units. However, this is not to say that the statute must be so interpreted. The commission has considerable discretion to limit the number of household units that may be included in an application for domestic use, and to determine whether each rental unit, duplex, apartment, etc., is to be considered a separate "household unit." Legislative history and related administrative actions which should be considered by the department and commission in any future undertaking to define "domestic purposes" in rulemaking can be addressed in a separate letter. Larry Jebousek December 5, 1986 Page Three

In the absence of such rulemaking, I believe that any nonmunicipal application under which water will be provided to household units may be included within the "domestic purposes" category for assessment of filing fees, whether or not that application also will serve other purposes such as irrigation or commercial uses.

Very truly yours,

Amel Squies

Anne W. Squier Assistant Attorney General

AWS:tla99/dom2.1/.3

# Route Slip



as req	uested	investigate		per conversation
approv	val	justify	V	prepare reply
comm	ent	necessary action		return with more detail
confer		initial and return		review and circulate
for yo	ur information	note and file	c	signature WHY

-		
FROM:	liom N. Curlo	Phone No.

## AGE E. TRAHERN

PLY TO ADDRESS INDICATED: House of Representatives Salem, Oregon 97310 XX 4011 Williams Hwy. Grants Pass, Oregon 97526



COMMITTEES Vice-Chairman: Revenue and School Finance Member: Environment and Energy

#### HOUSE OF REPRESENTATIVES SALEM, OREGON 97310

November 26, 1986

# RECEIVED

DEC 31986

WATER RESOURCES DEPT. SALEM, OREGON

William H. Young, Director Water Resources Department 555 13th STREET SALEM, OR 97310

RE: File G-11443

Dear Bill:

Sometime prior to March, 1986, Mr. Don C. Boteler, PE, consulting engineer, made application for ground water rights for 1-CFS on property owned by Mr. Ronald Nunn, 3853 Leonard Road, Grants Pass, OR.

Since that time, there has been some correspondence, between your office and Mr. Boteler concerning the application, and whether the application should be considered residential or commercial, as it is to serve a mobile home park. The classification could have substantial impact on the fees charged.

Mr. Boteler feels he has not received a final determination of the issue, and is unsure of how to proceed. Apparently, no one has responded to his letters of April 16 and June 9, 1986. Could you or one of your staff contact Mr. Boteler so that we can get this important project under way?

Sincerely, eorge E. Trahern

State Representative District 49

### STATE OF OREGON ROUTE SLIP

June 11, 1986 Date -

TO:

EO

JC

RI

Hayne

FROM: CHECK

- \_\_\_\_ Approval
- \_\_\_\_ Necessary Action
- ----- Prepare Reply
- ----- For My Signature
  - \_\_\_\_ Your Signature
  - \_\_\_ Comment
    - \_\_\_\_ Initial and Return

- \_\_\_\_ Investigate
- \_\_\_\_ Confer
  - ----- Per Telephone Conversation
- ----- For Your Information
- \_\_\_\_\_ As Requested
- \_\_\_\_\_ Note and File
- Return With More Details

COMMENTS:

To: Don C Boteler, PE CC: Ron Nunn : Rep. Trahern · Bobstiener

Re. G-11443

Fees Meeded for G-11443 Dear Mr. 20000 ex. fee Action on 1000 recording to be other uses ithhe he the Attorney 10000 recording tec 1 household 3 Domestic The require 740000 recording fee 296 house haves 3 Domestic Tettes opin 7800 Total at atting indicating theef the 25 for each house hold unit is required for this development. Uppen submission of the required for \$\$ \$750000 for Somestie use for 297 household units, the applicable be processed for issuance of a period.

Lel

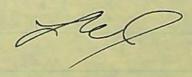
To: Don C Boteler, PE CC: Ron Nunn : Rep. Trahern Bob Strends

Re. G-11443

Dear Mr. Boteler

Action on Appl no 6-11443 has been withhet pending an answer from the Attorney Generlis office regarding the required fees. Enclosed is that letter opinion date Dec 5, 86 clearly cach house hold unit is required for this development.

Upon submission of the required for of \$ 750000 for somestic use for 297 household units, the appliesill be processed for issuance of a period.



#### DAN C. BOTELER ENGINEERING, INC.

16792 Water Gap Road Williams, Oregon 97544 Phone (503) 846-6330 JUN 1 1 1986

RECEIVED

June 9, 1986

WATER RESOURCES DEPT SALEM, OREGON

Mr. Wayne J. Overcash Senior Water Rights Examiner Water Resources Department 3850 Portland Road, NE Salem, Oregon 97310

Reference: File G-11443, Ground Water Right for Ronald C. Nunn

Dear Mr. Overcash:

This, together with the requested enclosure of the remarked maps, is my final reply on this subject matter of water right for 1-CFS of groundwater for Mr. Ronald C. Nunn of Grants Pass, per your file No. G-11443.

The exact locations of the existing and proposed wells on properties owned by Mr. Nunn for use in serving self-owned properties and other surrounding properties have been marked on the enclosed "well-traveled" maps.

My letter to you of April 16, 1986 has already explained the fact that the total amount of water right requested is 1-CFS(448.9 gpm) or 646,416 gallons per day. The fact that the estimated capacities of the five wells and the proposed well pumps for them could equal 565 gpm maximum capacities has nothing to do with the amount of the water right requested. After all, on any water system that serves a community or a water district, or any group of water services, the water demand is not continuously the same over a 24-hour period. My letter of May 28th to Mr. James Carver, Jr. also amplified on that aspect.

All of the water right being requested is for commercial use. Therefore, there is no need to designate amounts of water allocatable per well for commercial and/or domestic uses. The reasons why we consider all of the requested water right as for commercial uses are as follows:

- Mobile home park water systems differ from those of cities and water districts in that both the water system and all of the mobile home park are controlled and regulated by the Oregon Department of Commerce, which department regulates commercial ventures.
- The loans for development of the two mobile home parks that have already been approved, as well as the 10-unit single family development in Tax Lot 3300, are all commercial loans as commercial ventures.
- 3.According to Josephine County Ordinance 84-6, requiring a major pump test for new developments, mobile home parks are classed as commercial developments. A major pump test was required, and was completed in 1984, for the number one or primary well now existing on the property of Mr. Nunn at Willow Estates Mobile Home Park.

4. Tax Lots Nos. 3400 and 5200 are zoned as C-3 or "commercial property".

G'

I believe that it is unnecessary and superfluous to fill out a third application for ground water right. The first two applications together contain all of the information that is required per ORS's and OAR's of the Water Resources Department.

Your previously stated time frame of May 27th is moot, since the information that you supposedly sent me on March 26th never arrived.

If your interpretation of the above requirements and the designation of the requested water rights as commercial only are not in agreement with your decision in this matter please notify Mr. Nunn and myself. After that this matter will then be handled by Mr. Nunn's attorney, since such interpretation will then become a legal matter for clarification in that manner.

Regarding surface water right of record for irrigation, as described by Certificate 50650, I am not involved in that matter at this time. Construction of access roads, parking spaces and some buildings do not necessarily mean that such a water right, in whole or in part, is being abandoned. Considerable open space still exists for which a surface water right could be utilized.

> Sincerely, Dan C. Boler

Dan C. Boteler Consulting Engineer

pc: Ronald C. Nunn, Owner Bob Steimer, Watermaster, District 14, Jo. Co. Jo. Co. Planning James W. Carver, Jr., Water Resources Dept. File

Ronald C. Nunn, Owner

#### DAN C. BOTELER ENGINEERING, INC.

16792 Water Gap Road Williams, Oregon 97544 Phone (503) 846-6330

May 28, 1986

MAY 3 0 1986 WATER RESOURCES DEPT SALEM, GREGON

RECEIVED

Mr. James W. Carver, Jr. Hearings Supervisor Water Resources Department 3850 Portland Road, NE Salem, Oregon 97310

Re: Application G-11443, Nunn; water rights for ground water, Josephine Co.

Dear Mr. Carver:

This is in reply to your letter of April 28th, which included copies of pertinent OAR's and ORS's on water rights. Thank you for those enclosures.

To date I have received nothing in the mail from your Senior Water Rights Examiner, Mr. Overcash, regarding his letter of March 26th to me with enclosures. I talked with our local Postal Service carrier here in Williams, and she said that she does not remember ever seeing a mailing tube such as you described. Since that mailing tube(if it actually were mailed from your Salem Office) probably contained copies of blueprints of plans for Willow Estates Mobile Home Parks I and II, in 24" X 36" size, such a mailing tube could not and would not have fit into a roadside mailbox. The carrier said that she would not have left it if it did not fit in the box.

The "three maps" that Mr. Overcash wrote that he was returning to me-actually transparencies of three ½ section maps of section 23, T36S, R6W, Willamette Meridian- were enclosed in a manila envelope sent to Mr. Ron C. Nunn, the water system owner, at 3853 Leonard Road, Grants Pass, Oregon, together with a copy of the letter that was supposedly sent to me, of March 26, 1986.

I will respond to Mr. Overcash's letter shortly, regarding additional information he has requested. Meanwhile, please refer to Mr. Overcash Chapter 537.615, Item (2) (j) of the Water Laws of Oregon, specifying the "ESTIMATED capacity of each well and each well pump..."

The instantaneous capacity of any pump-well or otherwise-must necessarily be greater than the continuous running capacity for a 24-hour period, in order to be able to fully appropriate the total amount of water allocated for a 24-hour period of time, since the demands on a given water system vary from hour to hour and even minute to minute, over a 24-hour period. Therefore, in order to fully appropriate a given amount of a water right, say 1-CFS, for a given water system the total capacities of your pumps must exceed 1-CFS in GPM. Otherwise, you would have to have a horrendously large storage system in order to contain the excess pumpage during times of lower than maximum usage.

Sincerely, Dan C. Boteler

Dan C. Boteler, PE Consulting Engineer

pc: Ron C. Nunn File

Dan C. Boteler Engineering, Inc. P. O. Box 90 Williams, OR. 97544



# Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3066

April 28, 1986

Dan C. Boteler Boteler Engineering, Inc. 16792 Water Gap Road Williams, OR 97544

Dear Mr. Boteler:

Re: Application G-11443, Nunn

The requested copies of the statutes and administrative rules pertaining to completion of ground water applications are enclosed together with a copy of the brochure given out with application forms.

We have initiated tracer procedures with the Salem Post Office in regard to the mailing tube package mailed to you March 26, 1986. Please let us know as soon as you learn anything about the mailing on that end.

Sincerely, mes W. Carver Hearings Supervisor

cc: Bob Steimer, Watermaster

DAN C. BOTELER ENGINEERING, INC.

16792 Water Gap Road Williams, Oregon 97544 Phone (503) 846-6330

> CERTIFIED MAIL April 16, 1986

APR 1 8 1986 WATER RESOURCES DEPT SALEN, OREGON

Mr. Wayne J. Overcash Senior Water Rights Examiner Water Resources Department 3850 Portland Road, NE Salem, Oregon 97310

Reference: File No. G-11443, Ground Water Rights application for Mr. Ronald C. Nunn, 3853 Leonard Road, Grants Pass, Oregon 97527.

Dear Mr. Overcash:

This letter is in response to yours of March 26, 1986, which , together with any enclosures, I have failed to receive to date. This response is based on a copy of a copy of your letter of the above date that was received by Mr. Ronald Nunn. Your verification of a reliable record that your letter plus enclosures were actually sent to me is needed, so that I may refer the matter to the U.S. Postal Service for investigation.

Until such time that I receive again the maps previously sent to you it is impossible to add any of the additional information that you again request to them.

It is also quite apparent that you are "hung up" on bureaucratic nitpicking that has little to do with the actual needs or usages of the water requested in the ground water rights application. You also seem to be unable to accurately interpret simple numbers. In my last letter and revised application the anticipated water usage per day was listed as 646,000 gallons per day, which is equal to one cubic foot per second(1-CFS), which is what the original water right application requested. The total pumping capacities of each well or yields from the proposed and existing wells can be in excess(they actually should be in any practical system) of the anticipated and requested amount of water usage per day. The fact that 565 gpm is listed as the anticipated pumping capacities of the anticipated five wells has nothing to do with the fact that the actual anticipated daily usage is only 646,000 gallons, or an average rate of 449 gpm for a 24-hour period. All of the above was explained in my letter of December 29, 1985. No additional water rights are being requested, over and above the one CFS that was stated in the original water rights application for ground water, received by your Department on October 3, 1985.

In order to ascertain the validity of your interpretation of what kinds of water usage constitute "commercial" use and what constitutes "domestic" usage, please send me copies of the appropriate ORS's and OAR's of the Water Resources Department that refer to and clearly define these terms, and any other pertinent details that govern water rights in Oregon.

There are numerous methods commonly used and acceptable for determining "average", "peak", and "low" water demand, for both commercial and residential usages in the U.S. and in Oregon . They include methods and numbers used by the Oregon State Health Division, the DEQ, and the American Water Works Association (AWWA). However, each individual water system usually has its own water consumption peculiarities. You have already received two separate applications, each of which has contained additional information that you later requested in subsequent letters. Now you are requesting a third application be filed for the same water rights. It is quite apparent that the Water Resources Department is long overdue in having a printed set of definitive requirements containing all of the information that is really needed in order to file a water rights application. Your method of repeatedly requesting new and different information with each exchange of letters and applications is not cost effective in time or money, both for the applicants and the Water Resources Department(i.e. the tax dollars that fund your department).

Awaiting your reply regarding your letter and any enclosures that I have not received to date, as well as the other information requested, I remain,

Sincerely,

Dan C. Botele,

Dan C. Boteler, PE Consulting Engineer

pc: William F. Young, Director Water Resources Dept.

> George E. Trahern, State Rep., Dist. 49 Ronald C. Nunn File

378-3066

March 26, 1986

Dan C. Boteler, P.E. 16792 Water Gap Road Williams, OR 97544

Dear Mr. Botelers

REFERENCE: File G-11443

Based upon the information supplied in your recent letter of March 11, 1986, and information submitted earlier relative to Ronald C. Nunn's Application G-11443, we can proceed with the processing of the application with two classifications of uses, being 1) commercial use and 2) group domestic use.

The commercial use may include the uses of water at the laundromats, restaurants, stores and office building. The group domestic use (household uses) would be for the single family houses and rentel units.

Item 3 on the application will need to be completed by separately listing the place of use for each use and Item 7 will need to be completed by separately stating the amount of water to be appropriated from each well for each use.

You have noted separate amounts of water anticipated to be appropriated from each well in your earlier letter of December 29, 1985, totaling 565 gallons per minute. If it is intended to establish a right for the amounts from each well as noted in your earlier letter, these amounts will need to be stated in Item 6 of the application. We will also need information on how you arrived at the amount of water requested in order to justify the amounts of water that may be sllowed on a permit approving the application.

The supporting maps will need to be further completed by designating the areas where water will be used for 1) commercial uses, 2) group domestic use, or 3) combination commercial and group domestic uses. Also, the distances from the reference corner to each well site need to be shown on the maps.

Additional fees will be needed. The application requires the examination fee of \$200. Commercial use requires permit recording fees of \$100 for the first cubic foot per second and \$50 for each additional cubic foot per second or fraction. Domestic use requires permit recording fees of \$100 for the first household unit and \$25 for each additional household unit. To date, \$300 has been credited to the file.

It may be best to complete and submit the enclosed new application form as a superseding application. If the new form is submitted, it will also be necessary to return the original application in order to retain the priority date established.

Dan C. Boteler, P.E. March 26, 1986 Page 2

The part of the existing surface water right of record for irrigation described by Certificate 50650 appurtenant to lands involved in Mr. Nunn's application, remain valid so long as the right or any part is not lost through non-use or intentional abandonment. If any portion of the water right is not used for a period of five successive years, that portion would be forfeited. Also, construction of roads, parking areas, or building on lands covered by the irrigation right would be construed as intentional abandonment of the right at the time of construction. If the rights are still valid, an application for change in place of use from lands that will no longer be irrigated may be submitted prior to the right being considered abandoned.

I am returning your application and three maps for correction and completion. The application is endorsed so that in order to retain its priority date it must be received in this office on or before May 27, 1986.

Sincerely,

WAYNE J. OVERCASH Senior Water Rights Examiner

WJOwpc

enclosures

cc: Ronald C. Nunn Bob Steimer, Watermaster, District 14

3762D

### STATE OF OREGON ROUTE SLIP

Date March 17, 1986 LArry

TO:

FROM: CHECK

Jugac

\_\_\_\_\_ Approval

\_\_\_\_\_ Necessary Action

\_\_\_\_ Prepare Reply

----- For My Signature

\_\_\_\_ Your Signature

-X Comment

\_\_\_\_\_ Initial and Return

\_\_\_\_ Investigate

\_\_\_\_ Confer

- Per Telephone Conversation
- ----- For Your Information
- \_\_\_\_\_ As Requested

\_\_\_\_\_ Note and File

—— Return With More Details

COMMENTS:

We now have the ensurear to

the three questions. Under what

class of use or uses shall we porced? Group Dom - Comm. 81-125-1569

DAN C. BOTELER ENGINEERING, INC.

16792 Water Gap Road Williams, Oregon 97544 Phone (503) 846-6330

March 11, 1986

Mr. Wayne J. Overcash Senior Water Rights Examiner Water Resources Department 3850 Portland Road NE Salem, Oregon 97310 RECEIVED MAR 1 7 1986 WATER RESOURCES DEPT SALEM, GREGON

Reference: File G-11443

Dear Mr. Overcash:

This is in reply to your letter of February 27, 1986, in which you posed three questions. The three questions, with their answers as provided by Mr. Nunn, are as follows:

1. Is the entire area to be served water owned or under the control of Ronald C. Nunn, or are other ownerships involved?

Mr. Nunn only owns four of the eleven lots listed in the application, as follows: In 36 6 23-1 lot No. 5200 with 7.88 acres. In 36 6 23-2 lot No. 6300 with 9.67 acres. In 36 6 23-3 No lots. In 36 6 23-4 Lots Nos. 3102 with 8.46 acres and 3400 with 1.63 acres Total acreage owned by Mr. Nunn in the area proposed to be served by ground water from his water system is 27.64 acres, or 60.6% of the total of 45.61 acres that Mr. Nunn proposes to serve water to from his water system.

2.Is there to be a fire suppression system (fire hydrants) incorporated into the distribution system?

The answer to this is negative. Fire hydrants are not required in this area at the present time. Fire protection for this area is supplied by the Valley Fire Service of Grants Pass, which has a fire station within three miles of the area of this water system. However, with a 33,000 gallon capacity water tank at the present time and a second one as needed for eventual expansion throughout all of this area, the fire truck pumpers will be able to pump directly out of the reservoir(s) through their pumps to aid in fighting a fire, instead of having to return to the City of Grants Pass or their station, in order to refill their tankers.

3. Is there to be a specific charge for supplying water to various houses, stores, laundromats, restaurants, and office buildings?

The answer to this question is that there will be no specific charge levied to residences and businesses owned by Mr. Nunn, but that there will be a charge to such premises that are served on property not owned by Mr. Nunn. Such charges will be based on the amount of water that is used by each customer, as recorded by a meter attached to the service pipeline to the owner of each property or premises.

> Sincerely, Dan C. Boteler

Dan C. Boteler Consulting Engineer

pc: Ron C. Nunn, Owner Jo. Co. Watermaster, Bob Steimer File

378-3066

. 19 . ... C # % ..

February 27, 1986

Dan C. Boteler, PE 16792 Water Gap Road Williams, OR 97544

Dear Mr. Boteler:

REFERENCE: File G-11443

This is to acknowledge the Application G-11443 you resubmitted for Ronald C. Nunn along with the three supporting maps. Legal descriptions of properties, prints of three drawings showing information relative to part of the proposed development, and your letter of December 29, 1985, supplying additional information on the proposed development were also received.

In addition to the information supplied to date, in order to determine the classification of use or uses involved, we will need answers to three questions as follows:

- 1. Is the entire area to be served water owned or under control of Ronald C. Nunn, or are other ownerships involved?
- 2. Is there to be a fire suppression system (fire hydrants) incorporated into the distribution system?
- Is there to be a specific charge for supplying water to the various houses, stores, laundromats, restaurants, and office buildings?

Upon receipt of your reply, we will advise you of the additional matters needing your attention before the application can be considered for approval.

Sincerely,

WAYNE J. OVERCASH Senior Water Rights Examiner

WJOwpc

cc: Ronald C. Nunn

3186D

DAN C. BOTELER ENGINEERING, INC. Williams, Oregon 97544 16792 Water Gap Road Phone (503) 846-6330 RECEIVED DEC 31 1985 DEC 31 1985

December 29, 1985

Mr. Wayne J. Overcash Senior Water Rights Examiner Water Resources Department 3850 Portland Road NE Salem, Oregon 97310

Reference: File Number G-11443; Ground Water Rights Application for Mr. Ronald C. Nunn, 3853 Leonard Road, Grants Pass, Oregon 97527.

Dear Mr. Overcash:

I am replying to your letter of November 1, 1985 to Mr. Nunn, as the person who prepared the initial application for Mr. Nunn, requesting a ground water right of one cubic foot per second (CFS), for commercial use in serving a public water system recently inagurated by Mr. Nunn.

In your letter of November 1st you ask for a number of items of additional information, some of which are impossible to provide with extreme accuracy at this point in time. I have attempted to provide as much requested information as reasonably possible in this letter and in the main body of the application. The greatest problem in supplying information on future developments for which there exist no formalized plans as yet, is the same that is faced by any municipality, private company, or water district that has or is requesting water rights. How do you determine exactly where and what types of structures will actually be included in future developments within the areas to be served, where there aren't any firm plans for the actual developments in some or many of the areas of future service?

At the present time the only firm development plans that we know of for the areas of proposed water service are on tax lots 3102, 3300, and 6300. All of the other eight tax lots listed as being potential customers are based on the anticipated developments for those lots, in accordance with their present zoning classifications. Tax lot 3102, the only lot on which construction of phase I has taken place is designed and approved to be a 70-unit mobile home park. Tax lot 3300 is designed and has been approved as a development of 10-single familyrental units. Tax lot 6300 is designed and has been approved as a 75-unit mobile home park, plus an existing house. Tax lots 3200, 3300, 3400, and 5200 are zoned commercial (R-3), and will be the lots on which those types of developments will eventually occur.

The following are my attempts to answer your request for additional information, as stated chronologically in your letter of November 1st:

- 1. One copy each of the legal descriptions are enclosed for each lot listed. In past water rights applications legal descriptions were not requested.
- 2. The reason for the statement in item 1. of the initial application of "3 or more wells" as proposed sources is that until wells are actually drilled and pump-
- tested there is no accurate way of determining how many wells will be needed in order to provide sufficient water for a given use. That is also the reason for stating approximate locations for the proposed wells that are as yet to be drilled. There are specific minimum setback requirements of wells from certain other facilities of potential contamination specified by the DEQ, the Oregon Health Division, the Oregon Department of Commerce, and others, when wells are to be used

for public water systems. Until complete development plans are made and approved for all lots to be served, the exact locations of the wells after drilling cannot be determined. The well driller's log should show the exact location of each well that he or she drills. If it does not, then the reporting mechanism is faulty.

Amendments to the original application now list five potential wells and their anticipate locations, as best as can be determined at the present time. Since neither of the two existing wells was drilled in the exact locations on the original plans approved by the Oregon Health Division-who, incidentally, is the State Agency that approves plans for public water systems-it is unlikely that any future wells will be drilled in the exact locations shown. The likely locations of wells 4 and 5, based on required setbacks, are shown.

3. Anticipated ultimate groundwater requirements from each well are listed below. Both the pumping rate per minute and total daily usage may vary, depending on the eventual yields from wells 3,4, and 5, and the daily requirements.

Well No.		Anticipated Water Usage
	GPM	Gallons Per Day
1	100	140,000
2	40	50,000
3	225	200,000
4	100	128,000
5	100	128,000
Totals	565	646,000 (1-CFS)

If wells 3 and 4 should be capable of providing the quantities of water anticipated then well number 5 may not need to be drilled. Therefore, the actual quantities of water that may be obtainable from wells 3, 4, and 5 will vary if their anticipated yields are not as indicated.

- 4. Initially it is anticipated that the proposed water system to serve all tax lots will be pumped through one system of water piping, only part of which exists at the present time. However, as the system expands and an additional water storage tank is added two separate, but interconnecting, systems may be more cost-effective.
- 5. At the present time the best determination of the numbers and types of buildings expected to be served by Mr. Nunn's water system are as follows:

297-Rental units and single family houses. 3-Laundromats 2-Restaurants 1-Grocery store 1-Drug store 1- Office building of 10,000 square feet of office space.

6. Attached are one blue print copy each of approved plans for Willow Estates I and II Mobile Home Parks. Willow Estates I shows the layout of the existing water system, including wells Nos. 1 and 2 and the water tank. If additional wells Nos. 4 and 5 need to be drilled it is likely that they will be drilled at or near the locations shown on tax lot 6300 of the sepia that includes it, or the lot on which Willow Estates II is to be located. No other developments exist at the present time, with the exception of single houses on each of the other lots of the proposed areas of water service as they are developed. The review of plans for public water systems is a legislated function of the Oregon Health Division of the Department of Human Resources, not of the Water Resources Department.

7. Regarding existing surface water rights held by the Grants Pass Irrigation District.

Mr. Nunn has indicated that for the present time he intends to retain the existing water rights or allocations of surface water for irrigation only, held by the Grants Pass Irrigation District on the properties that he owns within the area of this application. They include tax lots 3102, 3400, 5200, and 6300. Information regarding retaining of water rights on other lots would need to be obtained from the Grants Pass Irrigation District or from the owners of the individual lots.

It seems to me that there appears to be some confusion between water rights for potable and non-potable uses. The later is the use to which the Grants Pass Irrigation District allocates its surface water rights. Since that surface water used for irrigations purposes is undoubtedly contaminated by an abundant concentration of fecal coliform and other pathogenic microorganisms, as well as chemicals such as pesticides and herbicides, there is considerable doubt that it should be even used as a raw water source to a potable water treatment plant, such as is the Grants Pass Water Filtration Plant.

The proposed uses of ground water that Mr. Nunn is applying for in his water rights application is strictly for potable uses to commercial and domestic establishments and buildings. Any irrigation uses would only be incidental to inside building uses, such as watering shrubs, etc. As such the waters to serve a public water system must meet strict potability requirements of the Oregon Health Division and the U.S. Environmental Protection Agency.

The area that is proposed to be served by Mr. Nunn has no other public water system at the present time, and is located at least three miles from the nearest water main of the City of Grants Pass. Since that city has water commitment to other areas of their Urban Growth Boundary it is unlikely that they can and will supply city water to the areas covered by this application in the forseeable future. The Redwood Aquifer, located underneath the areas of proposed service and from which the existing and proposed wells will draw, is, according to a report of the District 14 Watermaster's Office in Grants Pass dated April 8, 1980, a largely untapped source of ground water.

If you have any further questions please contact me at the address or telephone number listed in the letterhead.

Thank you for you assistance in completing the necessary requirements for this application for a ground water right for Mr. Ronald C. Nunn.

Sincerely,

Dan C. Boteler

Dan C. Boteler, PE Consulting Engineer

pc: Mr. Ron C. Nunn File Jo Co. Watermaster

-3-





#### Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3066

November 1, 1985

Ronald C. Nunn 3853 Leonard Road Grants Pass, OR 97527

REFERENCE: File Number G-11443

Dear Mr. Nunn:

Your application G-11443 describing the proposed use of one cubic foot per second from three wells for commercial uses which includes rental units, store(s), restaurant, laundromats, recreational buildings, etc. has, together with the sepia prints of the three tax assessor's maps and copies of two water well reports, been reviewed.

It will be necessary for you to make certain amendments to the application and maps before the application can be considered for approval. We will also need legal descriptions of the properties upon which the water will be used.

The legal descriptions are needed to verify the place of use and may be copied from the deeds, title insurance policies, or sales contracts.

Item 1 on the application needs to be completed by stating the number of wells to be in the development instead of stating "three or more".

The location of the wells need to be given in Item 2 without using approximate locations. A change in well location after the permit is issued may be allowed providing there are no injuries to existing rights and the same ground water zone is developed.

Item 6 will need to be further completed by stating the gallons of water per minute to be used from each well. The gallons of water that may be used per day from each well should also be noted.

It will also be necessary to note if the wells will supply all the areas and all the uses through a common pipe line system or if seperate wells will supply seperate uses or areas. If there is insufficient space in the application, you may supply the required information on a seperate sheet.

We will need additional information on the number and type of

Page 2

Copy



rental units, stores, restaurants and other commercial buildings. The term "etc" must not be used in Item 7. Instead, you need to state the specific use or uses to be made of the water.

The supporting maps will need to show more of the proposed development, such as building locations and the locations of main pipe lines.

According to our records most of the area within your proposed development is covered by a water right providing for the use of water for irrigation as described by the Certificate 50650 issued to the Grants Pass Irrigation District. You will need to advise us of what your intentions are in regard to the existing water rights.

I am returning your application along with the three maps for completion. Your receipt 47711 which was inadvertantly omitted from our earlier correspondence is also enclosed. The application is endorsed so that in order to retain its priority date it must be received in this office on or before January 2, 1986.

Sincerely,

WAYNE J. OVERCASH Senior Water Rights Examiner

WJO:kh

enclosure

NOTICES SENT TO: City of Grants Pass and Grants Pass Irrigation Dist.



Water Resources Department

MILL CREEK OFFICE PARK 555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-3066

## NOTICE OF FILING APPLICATION FOR A PERMIT File No. \_G-11443-TO APPROPRIATE WATER

Name Ronald C. Nunn

Address 3853 Leonard Road, Grants Pass, OR 97527

Water source three wells

commercial, and includes rental units, store(s) restaurant, laudromats, recreational Use buildings, etc.

wells #1 and #2 in NW4SE4 and Well #3 in SW4NE4 of section 23, Point of diversion Tp. 36S. R. 6W., W.M.

Amount of water 1.0 cfs

DESCRIPTION OF LAND TO BE IRRIGATED OR PLACE OF USE

Twp	Range Sec NE14			NW14					SW	14		SE1/4						
	nange	Sec	I NE'.	NWI	SW1:	SE"	NE'.	NW'	SW'	SE'.	NE"	NWI	SWIL	SE'	NE'.	NWI.I	SWIL	SE
36S	6W	23			comm					comm						comm		
																	1	
		•																
															-			
																	-	
-																		

Any person desiring to protest the approval of this application shall file a written protest in the office of the Director of the Water Resources Department at Salem, Oregon, within thirty days from the date of this notice.

A copy of the Rules for Administrative Procedures in Contested Cases Before the Director of the Water Resources Department of Oregon will be supplied free upon request.

Dated at Salem, Oregon, this 1st day of November , 19 85 .

WILLIAM H. YOUNG Water Resources Director

378-3066

October 8, 1985

4.4

Ronald C. Nunn 3853 Leonard Road Grants Pass, OR 97527

#### REFERENCE: File G-11443

We have received your application for use of water for commercial, domestic and recreational buildings along with supporting data and fees. Our Receipt 47711 is enclosed. Your application has been filed and assigned number G-11443.

Applications which are received in proper form for a permit, including maps, supporting data and fees, will receive a permit shortly after the mandatory 30-day waiting period. Applications which are defective, conflict with existing rights or require additional information will be reviewed in detail and will be returned for completion or correction within 45 days.

If your application is approved, the permit authorizing the project described in the application would be subject to prior rights and require that the well be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The permit would also require that a weir, meter, or other suitable measuring device be installed, if required by the Watermaster, and a log be kept recording the amount of ground water withdrawals. If you have any questions regarding these provisions or the Well Standards, please contact this office.

Sincerely,

RALPH H. JACKSON, Supervisor Application/Permit Section

RHJ:wpc

enclosure 0003/X 0608D

#### . BOTELER ENGINEERING, INC.

/92 Water Gap Road Williams, OR 97544



SANITARY & CHEMICAL ENGINEERING

Dan C. Boteler, PE Chemical Engineer Phone: (503) 846-6330

# RECEIVED

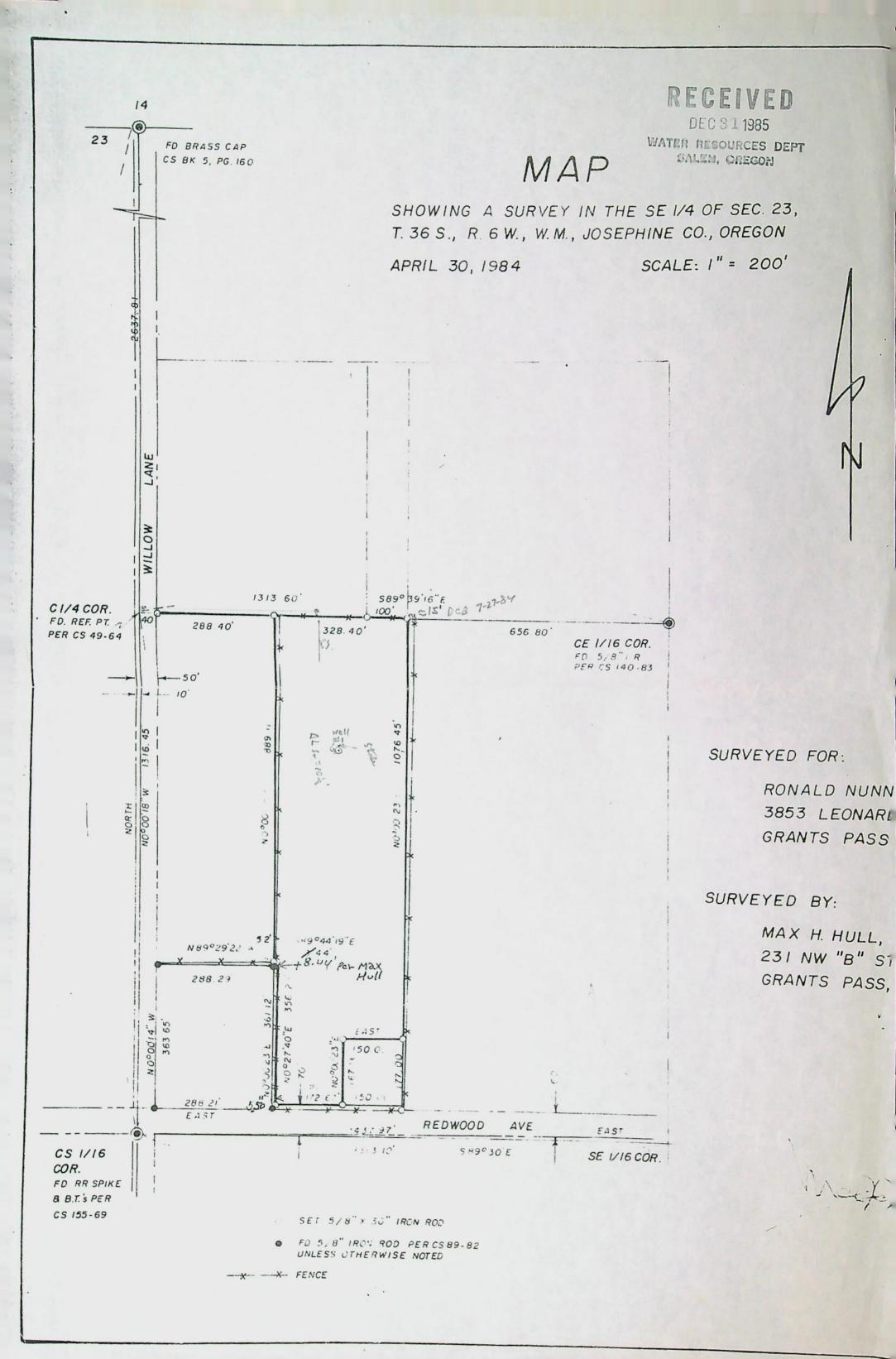
OCT - S 1985

WATER RESOURCE SALEM! ORL

SUBJECT Application for a permit to appropriate ground water for commercial use by Mr. Rona 1d C. Nunn. Dear Sir/Madam: Enclosed is an application by Mr. Ronald C. Nunn of Grants Pass requesting the appropriation of one C.F.S. of ground water for commercial use on the properties listed in the application and also on the the three reproduc able sepias of the County Assessor's ‡ section maps. Also enclosed is Mr. Nunn's check for \$300.00, in accordance with the fee schedule received from the Josephine County Watermaster's Office. Instead of cross-hatching the areas of the tax lots that are proposed to be served for potable water use, only the tax lot numbers have been listed on each of the sepias, in order to avoid excessive clutter on those maps. If you have any questions please contact Mr. Nunn and we will attempt to SIGNED Jam. C. M. Dan. C. Boteler, Consulting En PLEASE REPLY TO SIGNED Jam. C. M. Mo.	Water Resources Department AT 3850 Portland Road, N.E. Salem, Oregon 97310
Grants Pass requesting the appropriation of one C.F.S. of ground water for commercial use on the properties listed in the application and also on the the three reproduc able sepias of the County Assessor's is section maps. Also enclosed is Mr. Nunn's check for \$300.00, in accordance with the fee schedule received from the Josephine County Watermaster's Office. Instead of cross-hatching the areas of the tax lots that are proposed to be served for potable water use, only the tax lot numbers have been listed on each of the sepias, in order to avoid excessive clutter on those maps. If you have any questions please contact Mr. Nunn and we will attempt to SIGNED Jam C. Bater Dan C. Boteler, Consulting En PLEASE REPLY TO SIGNED Jam C. Bater Dan C. Boteler, Consulting En Permit No.	UBJECT Application for a permit to appropriate ground water
commercial use on the properties listed in the application and also on the the three reproduc able seplas of the County Assessor's 4 section maps. Also enclosed is Mr. Nunn's check for \$300.00, in accordance with the fee schedule received from the Josephine County Watermaster's Office. Instead of cross-hatching the areas of the tax lots that are proposed to be served for potable water use, only the tax lot numbers have been listed on each of the seplas, in order to avoid excessive clutter on those maps. If you have any questions please contact Mr. Nunn and we will attempt to PLEASE REPLY TO PLEASE REPLY TO SIGNED for C. Billing March 2010 SIGNED for C. Billing March 2010 PLEASE REPLY TO SIGNED for C. Billing March 2010 March 20	Dear Sir/Madam: Enclosed is an application by Mr. Ronald C. Nunn of
	commercial use on the properties listed in the application and also on the the three reproduc able sepias of the County Assessor's 1 section maps. Also enclosed is Mr. Nunn's check for \$300.00, in accordance with the fee schedule received from the Josephine County Watermaster's Office. Instead of cross-hatching the areas of the tax lots that are proposed to be served for potable water use, only the tax lot numbers have been listed on each of the sepias, in order to avoid excessive clutter on those maps. If you have any questions please contact Mr. Nunn and we will attempt to
ATE SIGNED	Application No. GH 443 Permit No.
K-KOPY REPLY/MEMO - Triplicate SEND WHITE AND YELLOW COPIES – FILE PINK COPY – WHITE COPY WILL BE RETURNED WITH REPL	



WITH REPL



. />	. KEUEIVE	D		
STATE OF OREGON (DUPL	ICATE 0CT - 3 1985	-		
WATER WELL REPORT	. / 01003.		••••••	
	OF PRINT IN INK SALEM, OREGON	DEPT	fficial use	only)
(1) OWNER:	(10) LOCATION OF WELL by leg			
Name RON NUNN	County JOSEPHINE NW SEW			
Address 3853 LEONARD Rd	Township, Range, Range	(Range is E	ast or West	, WM.
City GRANTS PASS State ORC	Tax Lat 3/02 Lat Black Subdivision	- Avena Armana ar		
(2) TYPE OF WORK (check):	MAILING ADDRESS OF WELL (or nearest address)	1/ #1	MI	dele
New Well 🛱 Deepening 🗆 Reconditioning 🗆 Abandon 🗆 If abandonment, describe material and procedure in Item 12.	OF Willow ESTATES MO PARK	Bil .	Hom	e
	(11) WATER LEVEL of COMPLE	TED H	TETT.	
(3) TYPE OF WELL: (4) PROPOSED USE (check):		Cil w	ELL:	
Rotary Air X Driven Domestic X Industrial Municipal	Depth at which water was first found	87		ft.
Rotary Mud Dug Irrigation Withdrawal Reinjection				10-3-84
Cable Dored D Piezometric Grounding Test	Artesian pressure lbs. pe	r square in	ch. Date	,
	(12) WELL LOG: Diameter of well belo	w casing		2
(5) CASING INSTALLED: Steel Threaded Welded Welded	Depth drilled 125 ft. Depth	of complete	ed well /	25 n.
$\frac{119}{19} \text{ ft}  \text{Gause}  \text{Welded}  \text{Welded}  \text{Welded}  \text{Welded}  \text{Here}$	Formation: Describe color, texture, grain size and structur and nature of each stratum and aquifer penetrated, with at			
	formation. Report each change in position of Static Wa			
	water-bearing strata.			
LINER INSTALLED: Steel Plastic Threaded Welded	MATERIAL	From	To	SWL
	CLAY, FINE GRAVEL	0	8	
		10		
(6) PERFORATIONS: Perforated? ☑ Yes □ No Size of perforations 1/4 in. by 1/8 in.	BROWN CLAY, Med GRAVEL	8	25	
204 perforations from 84 ft. to 97 ft.	BROWN CLAY LG GRAVEL			
perforations from ft. to ft.	SANAY	25	80	
perforations from ft. to ft.		63	00	
(7) SCREENS: Well screen installed?  Yes X No	GRAVEL, Med, SANdy			
Manufacturer's Name	Some DARK BROWN CLAY	80	100	11
Type	STATE DACK SIGUR CITY	100	100	-1_
Diam	CEMENTED GRAVEL	100	125	
Diam.         Site Size         Set from         It. to         It.           Diam.         Slot Size         Set from         ft. to         ft.	COMONTOD GRADON	100	105	
Drawdown is account with the barrel		-		
(8) WELL TESTS: Drawdown is amount water level is lowered below static level	AQUIFER	84	97	4500
Was a pump test made? 🗆 Yes 🖄 No If yes, by whom?		01		- ofpm
Yield: gal./min. with ft. drawdown after hrs.		- 11	. 111	5
· · · · · ·	Application No	5-11	44	3-
Air test 45 gal./min. with drill stem at 82 ft. / hrs.				
Bailer test gal./min. with ft. drawdown after hrs.	Permant No.	-		
Artesian flow g.p.m.				
Temperature of water 58 Depth artesian flow encountered ft.				
	Date work started 10-1-84 /complet	ed 16	)-7-	84
(9) CONSTRUCTION: Special standards: Yes D No 2	Date well drilling machine moved off of well //	1-7-	~	10 81
Well seal-Material used <u>Cement</u>		<u> </u>		1007
Well sealed from land surface to ft.	(unbonded) Water Well Constructor Certific			
Diameter of well bore to bottom of seal in.	This well was constructed under my direct su information reported above are true to my best kn	owledge	Materia	is used and
Diameter of well bore below seal	01 0 1			
Amount of sealing material Sacks Ø pounds	[Signed] BOD QUINN	. Date	0-2	., 1907
How was cement grout placed?	(bonded) Water Well Constructor Certificat	ion.		-
	Bond 2394665 Issued by: Weste	RN S	URE	TY Co.
	(number)	arety Company	ny Name)	
Was pump installed? Type HP Depth ft.	On behalf of PAQUIN DRIL	INg	LNO	
Was a drive shoe used? XYes I No Plugs	(type or print name of W	Contractor Sectores		
Did any strata contain unusable water? X Yes No	This well was drilled under my jurisdiction	and this	report is	true to the
Type of Water? SURFACE depth of strata 8 612	best of my knowledge and belief:	-		
Method of sealing strata off CEMENTEd	(Signed) Od Gun	$\mathcal{O}$		
Was well gravel packed? Ves XNo Size of gravel:	10 - Water Well Constru	ctor)		
Gravel placed from ft. to ft.	(Dated) / 0 - 4 - 84			
NOTICE TO WATER WELL CONSTRUCTOR	WATER RECOURCES DEDA DELASI			0.000
NUTICE TO WATER WELL CONSTRUCTOR	WATER RESOURCES DEPARTMENT,			SP*46866-690

NOTICE TO WATER WELL CONSTRUCTO The original and first copy of this report are to be filed with the

SALEM, OREGON 97310 within 30 days from the date of well completion.

. /.	. RECEIVED			*
CTUTE OF OPECON (DUF	LICATE ) OCT - 3 1985			
WATER WELL REPORT				
	WATER RESOURCES DEP	T		
	SALEM, OREGON	(for o	fficial use	only)
(1) OWNER:	(10) LOCATION OF WELL by lega	desc:	ription	a:
Name RON NUNN	County Josephine NW SEW	of Section	23	
Address 3853 LEONARD Rd	Township 3 6 5, Range			
City GRANTS PASS State ORC	(Township is North or South)	(Range is E	ast or West	)
	Tax Lot 3400 Lot Block Subdivision MAILING ADDRESS OF WELL (or nearest address) Well	1 # ;	2 41	illow
(2) TYPE OF WORK (check):	ESTATES Mobile Home	2. P	ARK	meto
New Well 🕱 Deepening 🗆 Reconditioning 🗆 Abandon 🗆 If abandonment, describe material and procedure in Item 12.				
	(11) WATER LEVEL of COMPLET	TEDW	FTT.	
(3) TYPE OF WELL: (4) PROPOSED USE (check): Rotary Air Z Driven Domestic X Industrial Municipal			ELL.	
Thermal:		land surfa	an Data	10/2/91
Rotary Mud Dug Irrigation Withdrawal Reinjection Other.		square in		10/ 3/ 07
Cable Bored Piezometric Grounding Test			1	
(5) CASING INSTALLED: Steel  Plastic	(12) WELL LOG: Diameter of well below Depth drilled /25 ft. Depth of			2.5 ft.
Threaded 🛛 Welded 🛣	Formation: Describe color, texture, grain size and structure			
6 Diam. from + 2 ft. to 108 ft. Gauge . 250	and nature of each stratum and aquifer penetrated, with at formation. Report each change in position of Static Wa	least one er	ntry for each	ch change of
* Diam. from ft. to ft. Gauge	water-bearing strata.	ter Level i	ind indica	tte principal
LINER INSTALLED: Steel Plastic Difference Welded	MATERIAL	From	To	SWL
	BROWN CLAY	0	6	3112
"Diam. from ft. to ft. Gauge	BROWN CIT		6	
(6) PERFORATIONS: Perforated?  Yes X No	BROWN CLAY, Decomposed			
Size of perforations in. by in.	GRANITE	6	18	
perforations from ft. to ft.				
perforations from ft. to ft.	BROWN CLAY, Med GRAVEL	18	30	
perforations from ft. to ft.	-			
(7) SCREENS: Well screen installed?  Yes No	TAN CLAY, LARGE GRAVEL	30	100	
Manufacturer's Name			1.0	
Type	BROWN CLAY	100	109	
Diam Slot Size	TADA ADDAL SALLI	100	170	
Diam	LARGE GRAVEL, SANdy	109	125	4
(8) WELL TESTS: Drawdown is amount water level is lowered below static level				
Was a pump test made?  Yes V No If yes, by whom?	AquiFER	109	121	105 GP
Yield: gal./min. with ft. drawdown after hrs.		101	101	105 619
· · · · · · · ·			5	tita
Air test 105 gal./min. with drill stem at 105 ft. 1 hrs.	Application	In (	11	44-3
Bailer test gal./min. with ft. drawdown after hrs.		10.0	>11	100
Artesian flow g.p.m.	Permit No.			
Temperature of water 57 Depth artesian flow encountered				
(9) CONSTRUCTION: Special standards: Yes D No Z	Date work started 10-2-84 /complet	ed_10	2-3-	84
Well seal-Material used Cement	Date well drilling machine moved off of well	10-3	3	1984
Well sealed from land surface to 30 ft.	(unbonded) Water Well Constructor Certific	ation (if	applica	ble):
Diameter of well bore to bottom of seal in.	This well was constructed under my direct sur	ervision.	Materia	ls used and
Diameter of well bore below seal	information reported above are true to my best kn	owledge a	and belie	f.
Amount of sealing material	[Signed] Bob QUINN	Date /	2/4	. 19 84
How was cement grout placed? Dumped	(bonded) Water Well Constructor Certificati	124-24-2		
	Bond 2394665 Issued by: Wester	en S	UPPT	v Co
	(number) Panin Driv(Su	rety Compa	ny Name)	,
Vas pump installed?	On behalf of PAQUIN DRILLIN (type or print name of W	9 I	NC	
Vas a drive shoe used? Xes 🗆 No Plugs Size: location ft.				
Did any strata contain unusable water? VYes No	This well was drilled under my jurisdiction a	and this r	report is	true to the
ype of Water? SURFACE depth of strata 8 to 15	best of my knowledge and belief:			
lethod of sealing strata off Cemented	(Signed) Bob Quinn			
Vas well gravel packed? 🛛 Yes 🕱 No Size of gravel:	(Dated)	tor)		
ravel placed from ft. to ft.	(Juice)			•••••••
NOTICE TO WATER WELL CONSTRUCTOR	WATER RESOURCES DEPARTMENT,			SP*46866-690

The original and first copy of this report are to be filed with the

1

-

> SALEM, OREGON 97310 within 30 days from the date of well completion.

1. Is the entire area owned or under control of the applicant, or are other ownerships involved?

Z. Is a fire suppression system (fire hydrauts) incorporated into the distribution system?

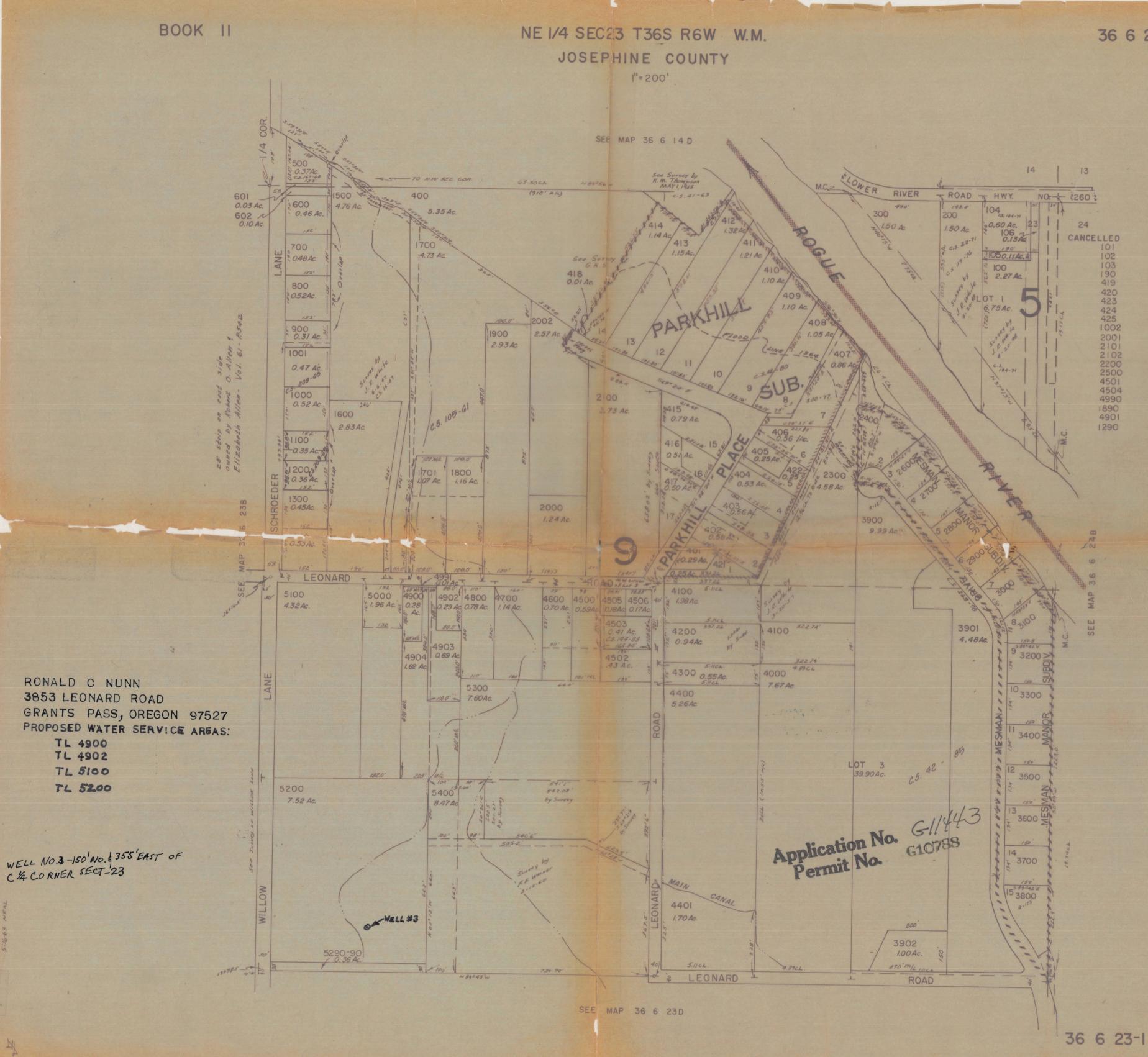
3. Is there to be a specific charge for supplying water to the various houses, stores etc.?

6-11443

862-2371

Mel Griffith G G. P. - Mobil Home Ron Nunn - Century Investment Willow Estates Mobil Home Park 1250 Willow Lane Z Wells

1285 Willow Lane



BOOK II

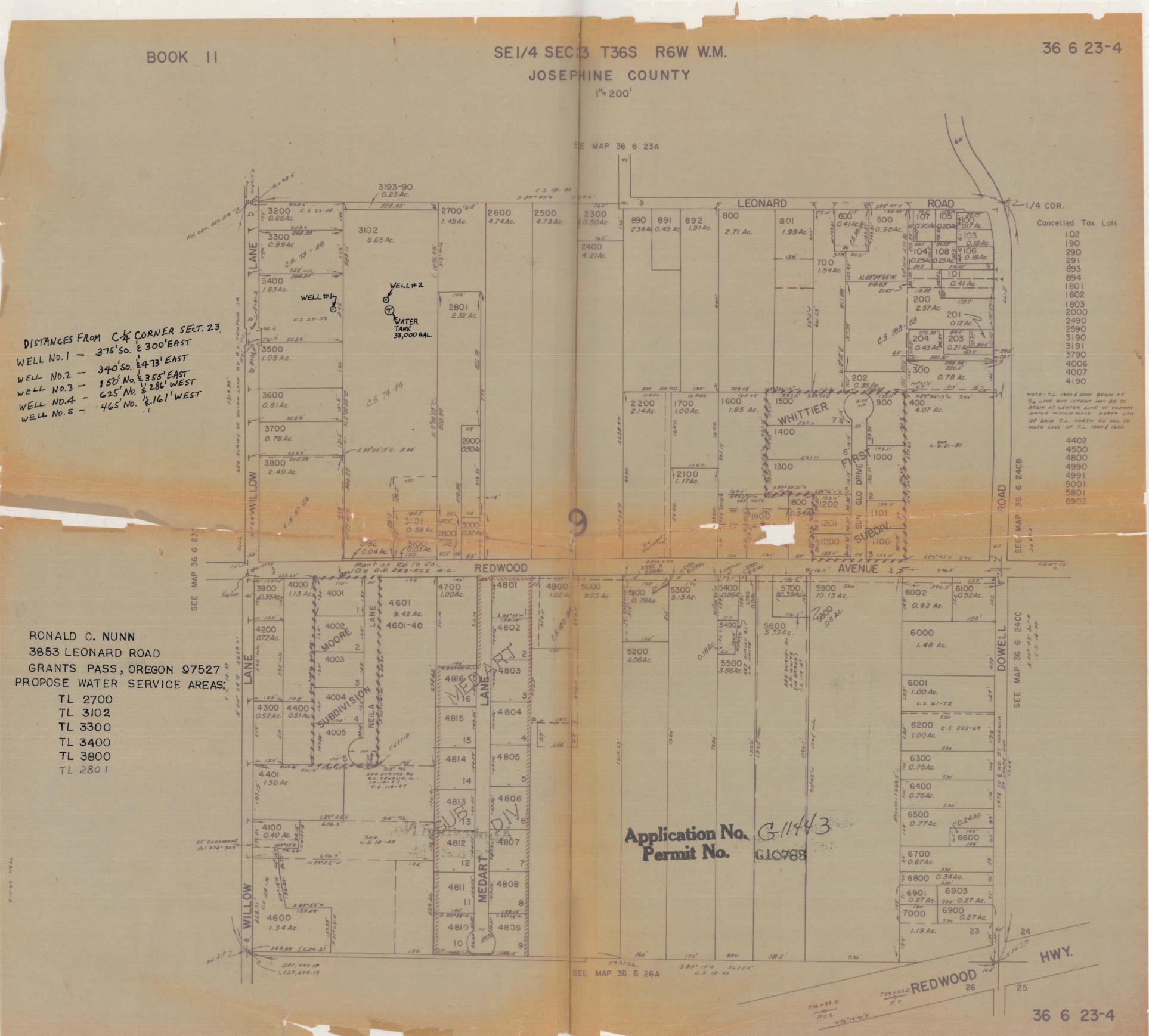
## NW 1/4 SEC. 23 T.365 R.6W. W.M. JOSEPHINE COUNTY

I"= 200'



36 6 23-2

36 6 23-2



36 6 23-4

Dan C. Boteler Engineering, Inc. P. O. Box 90 Williams, OR. 97544

and and a star and and





MR. WAYNE J. OVERCASH WATER RIGHTS SPECIALIST WATER RESOURCES DEPARTMENT 3850 PORTLAND ROAD, NE SALEM, OREGON 97310



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## RECEIVED

DEC 31 1985

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WATER RESOURCES DEPT

CLEG Mind here

10 309 13572

1= 1/4/31

By Comission expire

2700 36-6-23-4

85496 WARRANTY DEED TENANTS BY THE ENTIRETY

DROW ALL MEN BY THESE PRESENTS, That STEWAR L. B'RIETT & ROSA R. B'RNETT, husband and wife

hereinafter called the GRANTOR, for the consideration hereinafter stated to the GRANTOR hurband and vife, hereinafter called the GRANTESS, does hareby grant, bargain, sell and convey unto the GRANTESS, as temants by the entirety, the heirs of the survivor and their assigns, that certain real property, with the temements, hereditaments and appur-temaness theremits belonging or appertaining, situated in \_\_\_\_\_\_\_\_ County, Oregon, described as follows, to-wit: unty,

"The West Half of the West Half of the East Half of the Northwest Quarter of the

"The West Half of the West Half of the Sast Half of the Northwest Quarter of the Southeast Quarter of Section 23, Township 36 South, Hange 6 West of the Willamette Meridian, Josephine County, Oregon. LESS & EUCEPTING the following described premises: Beginning at a point on the North right of way like of the Redwood Highway, said point being 55 feet North of the Southwest corner of the East Half of the Northwest Quarter of the Southwast Quarter of said Section; themes Yasi 164 feet, more or less, to the Dast side of the West Half of the Wast Half of the Borthwast Quarter of the Southeast Quarter of Half of the Sast Half of the Borthwast Quarter of the Southeast Quarter of Half Section; theme North along said East side 165 feet; themes West Half of the rail Section; the main North along said East side, 777 feet; themes West 153 feet; themes South 942 feet to the place of beginning. Gash!

- SUBJECT TO:
  (1) These premises are situated within the boundaries of the Orants Pass Irrigation District and subject to the levies and assessments thereof, water and irrigation rights, easements for ditches and canals and regulations concerning the same,
  (2) Essent for roadway purposes disclosed by Instrument recorded in Vol. 113, page 365, Josephine County Deed Secords, 12 feet in width,
  (3) Rights of way for ditches.
  (4) 1507-75 real property taxes, a lien but not yet payable.

Application No. 9-11443 Permit No. 610788

TO HAVE AND TO HOLD the above described and granted premises unto the said GRANTERS, as tenants by the entirety, their heirs and assigns forever. And GRANTOR hereby covenants to and with GRANTERS and the heirs of the survivor and their assigns, that GRANTOR is lawfully seized in fee simple of the above granted premises, free from all encumbrances except as stated above, and that GRANTOR will warrant and forever defend the above granted premises and every part and parcel thereof against the lawful claims and demands of all persons mborscever, accept those claiming under any exceptions. under any encumbrances described above.

under any encumbrances described above. The true and actual consideration paid for this transfer, stated in terms of dol-lars, is 5.5,070.33 , «Endering, they intuing consideration, consideration, consideration inclusion which is performed of value given or professed which is perform the whole

#### (indicate which).

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1.

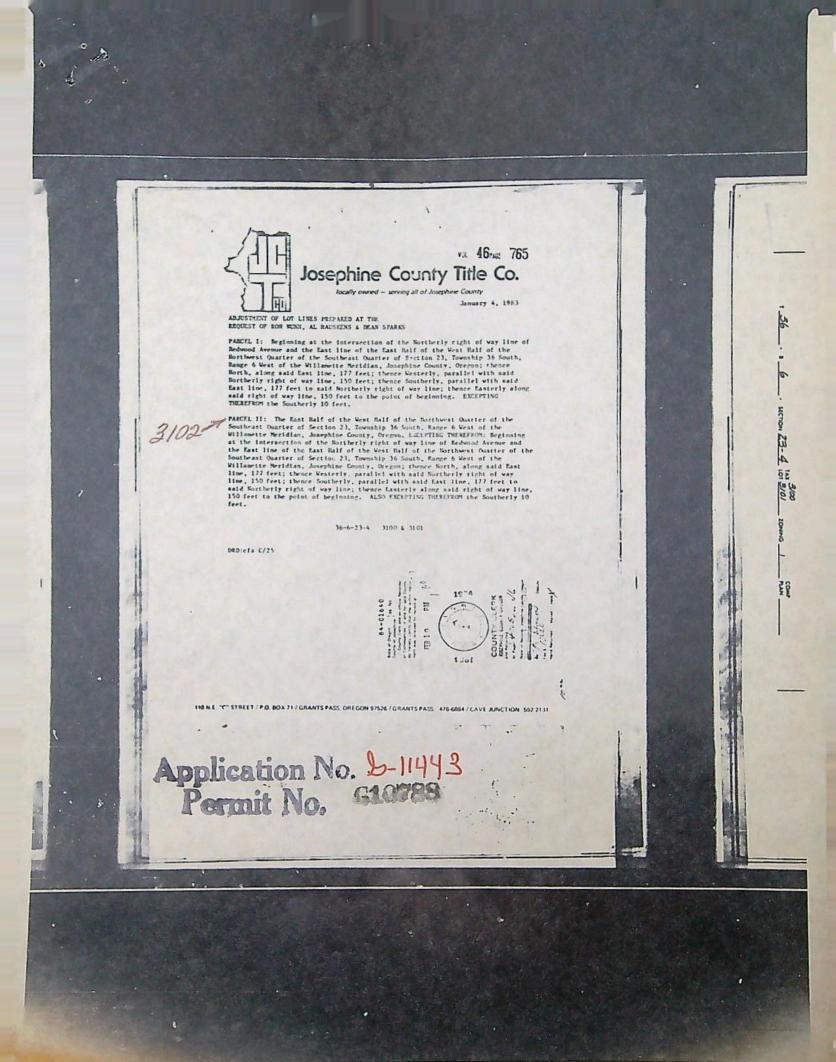
2700

23-4

(indicate which). In construing this deed and where the context so requires, the singular includes the plural and the masculine includes the feminine and the neuter. IN WITHERS WHEREOF, the GRANTOR has executed this instrument on the <u>19</u><sup>-k</sup> day of <u>JULY</u>, <u>1962</u>. With <u>1962</u>.

Note: The sentence between the symbols e, if not applicable, should be deleted. See Chapter 162, Oregon Laws 1967, as anended by the 1967 Special Section.

Sturt & Barnett Sector -Ross S. trnet+ STATE OF S OF \_\_\_\_\_\_, County of \_\_\_\_\_\_, County of \_\_\_\_\_\_ 1875,1.67 Josephine ,)as. JULT 5 303A A B. Bra ..... wife. voluntary act Before a 0 Ty Public for at a litre 2



E Ainor Fand Partition 36-6-23-170100/3102 va 46-10 764 36 PARDEL IT LOT LINE 8.98 Act ADJUSTMENT Ston 23-4 101 3/01 Faola 1"= 200' E 1/2 W/2 NW 450 STI DO COMPU L. IV -PARCEL 1 ·58 ACT RAN TOP FOR ROAD PUR REDWOOD AVENUE Permit No. 9-11443 G10788 NOTES. OTHER NOOD HAZARD TOR PLANNING USE OPAT 24- 454 SLIA -621 O Box III C USA OF BUT 02 1×89 -

## Application No. 5-11443 Permit No. G10788

va - 5 m 1883

3300 36-6-23-4

15002K Act. 19 360623-40-3 TL 2200-00-6 WALLANT DILD

KNOW ALL MEN BY THESE PRESENTS, That Hershel G Brinkley and Joyce Brinkley,

Southeast Quarter of Section 23, Township 36 South, Range 6 West of the Willamette Meridian, Josephine County, Oregon, run thence East on the North line of said legal sub-division 328.9 feet to the Northeast corner of the West Half of the West Half of the Northwest Quarter of the Southeast Quarter of Section 23, run thence South 100 feet, the true point of beginning; thence continue South 150 feet; thence run West 328.9 feet, more or less to the West line of said legal sub-division the same being the North and South center Section line; run thence North 150 feet; thence East 328.9 feet, more or less, to the point of beginning.

beginning. LESS AND EXCEPTING that portion conveyed to Josephine County in relocated Willow Lane Road by Deed recorded in Volume 210, Page 77, Josephine County Deed Records.

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns lorever. And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in lee simple of the above granted premises, free from all encumbrances except regulations and assessments of Grants Pass Irrigation District and Redwood Sanitary Sever Service District, reservation of an EASE reed Vol 95 Pg 548 JCDR, Redwood Sanitary Sever Assessment 1782 k03000 which the buyers herein agree to assume and pay grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims

and demands of all persons whomsoever, except those claiming under the above described encumbrances. The true and actual consideration paid for this transfer, stated in terms of dollars, is \$26,400.00......

OFlowever, the solual consideration consists of an includer other property or value given an promised which is the state consideration (indicate which)<sup>®</sup>(The summe between the spatial difference of the provideration (indicate which)<sup>®</sup>(The summe between the spatial difference of the provideration of the spatial difference of t

order of its board of directors.		Auge	1 D. Brink	ely
(H examined by a surgeouting, offic corporate anal)		Agyce prinkl	Bruke	ey
STATE OF ORECON,	}	TATE OF OREGON, C	County of	
County of Josephine September 22 198	<u> </u>	Personally appeara	d b	who, being duly eworn
Personally appeared the above name Harshel-G-Brinkley and J Brinkley	a	sch for himself and not	one for the other, did s	any that the former is the and that the latter is the
and acknowledged the I		said corporation and t	to the locegoing instrument was	s signed and sealed in be
OFRICTAL SEAL) Notary Public for Oregon	Caverbarg The	ult al said corporation b erm acknowledged said Belore me: otary Public for Oregoe ly commission expires:	instrument to be its vol	l of directors; and each o funiary act and dead, (OFFICIAL 
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TOTAL TANK THE PARTY

Application No. S-11443 Permit No. G10788 3400 36-6-23-4 4697 32-6-230 340 INCOMPACTOR 200 (1007 3-15,500,00) INCOMPACTOR 200 (1007

of the Yorthwast Quarter of the Southeast Quarter of Section 23, Township 36 South, Range 6 West of the Willamette Meridian, Josephine County, Oregen; thence North 495 feet to the Northwest corner of the Northwast Quarter of the Southeast Quarter of said Section 23; thence East 328.9 feet to the Northeast corner of the Wast Balf of the West Half of the Northwast Quarter of the Southeast Quarter of said Section 23; thence South 495 feet; thence Wast 322.9 feet, more or less, to the point of beginning. LECS & EXCEPTING the North 250 feet thereof. ALSO LESS & EXCEPTING that portion conveyed to Josephine County in relocated Willow Lane Read in Volume 210, Fega 76, Josephine County Deed Records.

I further transfer and convey unto the said Assignces all of my right, title and interest in and to said real property, and I have concurrently made my warranty deed so conveying said premises, and the Southern Gregon State Bank, in Grants Pass, Oregon, is instructed to receive these presents, together with said deed, and to deliver all documents to the Assignces upon their completion of this agreement.

By the acceptance hereof, Assignces assume and agree to pay the balance due on said agreement and to fully keep and parform its covenents and to hold the Assignor herein harmless from all liability in connection therewith.

15 Cay of Mirth 1978.

Silcocka Don P ASSIGNOR

D BY. 121273 liunn Marcia K. ASSIGNEES

36-6-23-4 3400

STATE OF OREGON, 50. County of Josephine. On this 15th, day of Mirch , 1978, personally appeared 1.1.4 . 1. AALT P. MART.M. THE PARTY AND .Vandee's Assignment -1the last for picking the

A 36 6 36 06 23 40 3800 00	DFFICIAL RECORD OF DESCRIPTIO OF REAL PROPERTY JOSEPHINE COUNTY ASSESSOR'S OFFICE 2						
ACCOUNT MA CON	FORMERLY	PART OF TL. NO	0				
LINE TITLE OWNER'S NAME	TYPE OF	DATE OF ENTRY ON THIS CARD	VOL PAGE REMAIN				
1 Richmond, Bertha F			81	592			
2 Holliday, Russell B. & Bertha E.	W.D.		165	39	3,2		
3 Exc. Willow Lane 0.34							
4 Exc. Redwood Hwy 0.3E					2.49		
5 Code CHange	R.S.D.	19961					
6 Compine T.h. 3190 + 0.06 Ac.	Decree	39943			2.55		
7 Combine T.L. 3790 +0.03Ac	Decree	39943 4-5-83			2.58		
B Acreage Charge - 0.09 Ac.		A2 131 10-18-83	6.5.8	9-82	2.49		
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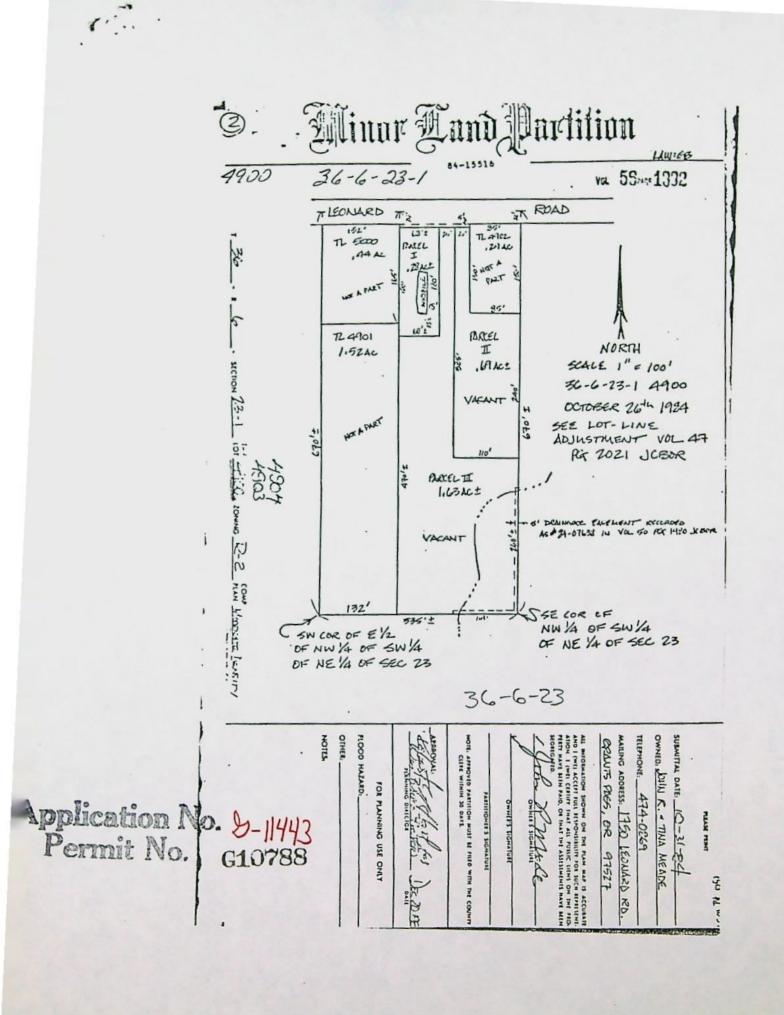
LINE LINE LINE LINE LINE LINE LINE LINE COURSE TO THIS POINT Sec 23 The S 423 ft of the WigWigNWigSE1 All in T36S R6W WM 6 Combine TL 3190 """ 3790

DESCRIPTION OF PROPERTY

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# Application No. 9-11443 Permit No.

1.



# Application No. 9-1/443 Permit No. G10785

Ch.

490

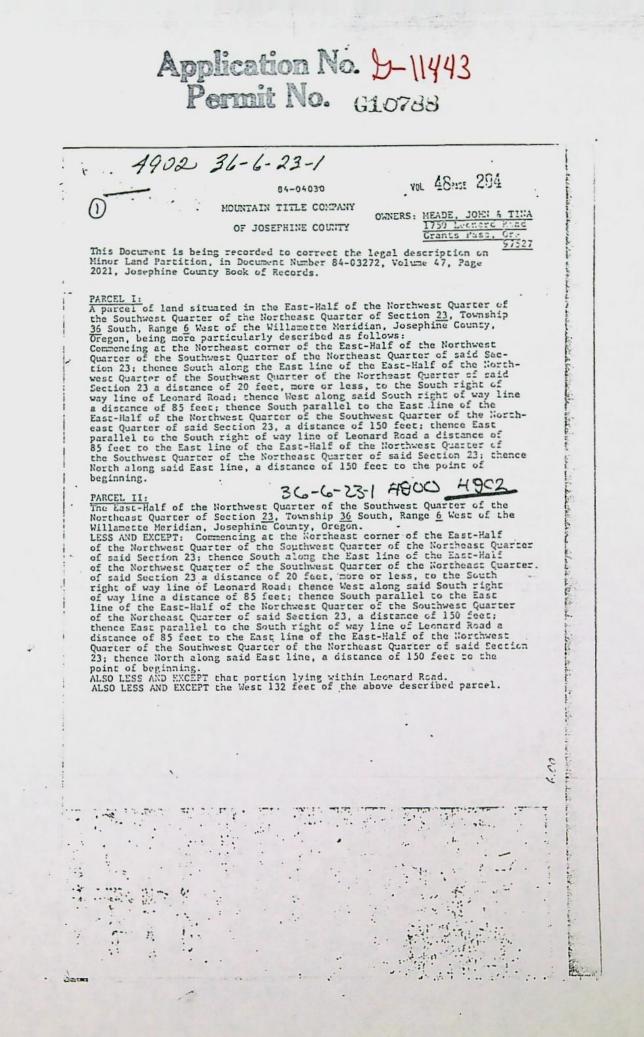
YOL 05 1: 1333

PARCE, I: A parcel of land situated in the East Half of the North-est Quarter of the South-est Quarter of the Northcast Quarter of Section 23, Township 36 South, Range 6 West of the Willamette Meridian, Josephine County, Oregon being more particularly described as follows: Beginning at a point on the North line of said East Half of the North-est Quarter of the Southwest Quarter of the North-ast Quarter being 132 feet East of the North-est corner thereof; thence South parallel to the West line of said East Half a distance of 20 feet, more or less, to the South right of way line of Leonard Road; thence continue South parallel to said West line a distance of 5 feet to the true point of beginning; thence East parallel to the North-line of said East Half of the North-est Quarter of the South-est Quarter of the North-est Quarter a distance of 68 feet, more or less, to a point 135 feet West of the East line thereof; thence South parallel to said East line a distance of 180 feet; thence West parallel to the North-line of said East line distance of 180 feet; thence West parallel to the North-line of said East Half of the North-est Quarter of the South-est Quarter of the North-line of said East Half of the North-est, to a point 132 feet East of the North-est Quarter a distance of 66 feet, more or less, to a point 132 feet East of the North-est Quarter a distance of 66 feet, more or less, to a point 132 feet East of the North-est Quarter a distance of 66 feet, more or less, to a point 132 feet East of the North-est Quarter a distance of 66 feet, more or less, to a point 132 feet East of the North-est Quarter a distance of 66 feet, more or less, to a point 132 feet East of the Next line of said East Half; thence North parallel to and 132 feet East of said West line a distance of 180 feet to the true point of beginning.

A parcel of land situated in the East Half of the Northwest Quarter of the Southwest Quarter of the Northeast Quarter of Section 23, Township 36 South, Range 6 West of the Willamette Meridian, Josephine County, Oregon, being more particularly described as follows: Beginning at the Northeast corner of the Northwest Quarter of the Southest Quarter of the Northeast Quarter of said Section 23; thence South along the East line thereof a distance of 20 feet, more or less, to the South right of way line of Leonard Road; thence West along said South right of way line a distance of 85 feet; thence South parallel to the East line of said Northwest Quarter of the Southwest Quarter of the Northeast Quarter a distance of 5 feet to the true point of beginning; thence West parallel to the North line of said Northwest Quarter of the Southwest Quarter of the Northeast Quarter a distance of 25 feet; thence South parallel to and 110 feet West of the East line of said Northwest Quarter of the Southwest Quarter of the Northeast Quarter a distance of 385 feet; thence East parallel to the North line of said Northwest Quarter of the Southwest Quarter of the Northeast Quarter a distance of 110 feet to the East line thereof; thence North along said East line a distance of 240 feet to a point 150 feet South of the South right of way line of Loorard Road; thence West parallel to said right of way line a distance of 85 feet; thence Worth parallel to the East line of said Northwest Quarter of the Southwest Quarter of the Northeast Quarter a distance of 145 feet to the true point of beginning.

PARCEL III: A parcel of land situated in the East Half of the Northwest Quarter of the Southwest Quarter of the Northeast Quarter of Section 23, Township 36 South, Range 6 West of the Willamette Meridian, Josephine County, Oregon, being more specifically described as follows: Beginning at the Northeast corner of said East Malf of the Northwest Quarter of the Southwest Quarter of the Northwest Quarter of Section 23; thence South along the East line thereof a distance of 20 feet, more or less, to the South right of way line of Leonard Road; thence West along said South right of way line a distance of 85 feet; thence South parallel to the East line of said East Half of the Northwest Quarter of the Southwest Quarter of the Northeast Quarter a distance of 5 feet; thence West parallel to the North line of said East Half a distance of 25 feet to the true point of beginning; thence continue West parallel to aid North line a distance of 25 feet; thence South parallel to the East line of said East Half of the Northwest Quarter of the Southwest Quarter of the Northeast Quarter a distance of 180 feet; thence West parallel to the North line of said East Half of the Northwest Quarter of the Southwest Quarter of the Northeast Quarter a distance of 68 feet, more or less, to a point 132 feet East of the West line of said East Holf; there South parallel to and 132 feet East of said West line a distance of 470 feet, more or less, to the South line of said East Half of the Northwest Quarter of the Southwest Quarter of the Northeast Quarter of said Section 23; thence East along said South line a distance of 203 feet, more or less, to the Southeast corner thereof; thence North along the East line thereof a distance of 260 feet, more or less to a point 390 feet South of the South right of way line of Leonard Road; thence West parallel to the North line of said East Half of the Northwest Quarter of the Southwest Quarter of the Northeast Quarter a distance of 110 feet; thence North a distance of 385 feet to the true point of beginning.





Application No. 9-11443 Permit No. G10788 -34-4-23-5100 59968 va 263 zu 936 VON 213 72(19) JOSEPHINE COUNTY TITLE CO. 507 N.E. SOLTH ST. - GRANTS PASS, OREGON C 5100 TT MIN --192115 36-6-236 KNOW ALL MEN BY THESE PRESENTS, That MARION D. CORBETT and METTY C. CORBETT. husband and wife. in consideration of NINE THOUSAND FIVE HUNDRED AND NO/100 Dollon, to \_\_\_\_\_\_ poid by \_\_\_\_\_ ROLLAND OTTERSON and MANIE OTTERSON. ..., husband and wife, gra to-wit: 1 ..... The Most Half of the Northwast Quarter of the Southwest Quarter of the Northeast Quarter of Section 25, Township 36 South, Range 6 Mest of the Millamette Verician, in Josephine County, Oregon. Less and Excepting a road 20 feet in width off the North side conveyed to Josephine County, Oregon in Josephine County, Cregon. Also Less and Except that portion conveyed to Josephine County of Willow Lane as described in Volume 211, Page 86, Josephine County Davd Records. PNONE 476-6884 ses unto the sold grantees, their heirs vfully seized in fee simple of the above and that ...... they ..... will and .. their ..... heirs, execut inoritor fend the above granted premises, and every part and parcel thereal, ago 0 t The lowful claims and de-Witness OUT Appir Witness 13 0 19.69 < cil (SEAL) (SEAL) Ē (SEAL) E STATE OF CORNECCUE, CALIFORNIA (SEAL) County of ORHACK On this 2/ St day of April 19.69 1.1. before me, the undersigned, a Notary Public in and for said County and State, personally approximation nemed JURION D. CORBETT and BETTY C. CORBETT, husband and wife ared the a to me to be the identical individual 3, described in and who associated the within ment, and acknowledged to me that they executed the same freely and voluntarily. IN TESTIMONY WHEREOF, I have hereunto set my hand and alliand my official 11.15 GARRETT PRENORVILLE, JR OF: anote conduits HOTATY PUBLIC ORANGE COUNTY CALINO など Notary Public for Oregon. a expires. WARRANTY "L"Builter -Aures a RETURN TO Init!! ĩ DEED COUNTY DUM S. CTTERSON THI INISA CHADION 405 926 -58 .69 Ja Vest Lautioner init gosso 1. TY CLERK 6 in. R VAL RNLS -PM 1000 Cont NCEXTO 263 2 -0 2 . 1 -5 -

Application No. 9-11443 Permit No. G10788 X5200 36-6-23-1 JOSEPHINE (AND SALE OFED JOSEPHINE (AND 84-13082 VOL: 54PAGE 1162 RONALD C. NUNN AND MARCIA K. NUNN KNOW ALL MEN BY THESE PRESENTS, That \_\_ granter NONE in consideration of . Dellers, THEM pard by JOSEPHINE COUNTY, A BODY POLITIC grantee NE hereby grant, bargain, sell and convey unto the said grantes -ITS do -\_heirs and The Southerly 30 feet of the following described property: The Southerst Quarter of the Southwest Quarter of the Northeast Quarter of Section 23, Township 36 South, Range 6 West of the Willanctte Heridian, Josephine County, Oregon. LESS & EXCEPT that portion described in Volume 217, Page 381, Josephine County Dead Records. ALSO LESS & EXCEPT that portion lying within Willow Lane. Also granting an easement for drainage and utility purposes over a strip of land 10 feet in width lying Northly of and adjacent to the Westerly 460 feet of the above described property. GRANTS PASS 476-G384 36-6-23-1 × 5200 ACCEPTED The second second second Engr. Dept. At Changerly Ey tershatany parts to be made ensure does not granned to be any particular any be made of the property described in the lettersness. A livres should chern with the appropriate a much among Planner Department to years) areas and Br and Anthon themin CAVE JUNCTION 592-2131 \_10-10-84 23:4 -To Have and to Hold, the above described and granted premises unto the said grantee \_\_\_\_\_ ITS heirs and assigns forever. THEIR hand S and seal Sthis 22 SEPTEMBER 1984 dow of Witness .... V (SEAL) (SEAL) > STATE OF OREGON. \$5. County of Josephine Canal a for said County and State, personally appeared the within named... RONALD.C...NINN, AND. MARCIA, K...NUNN. 100 . who ...... I ... known to me to be the identical individual...S. described in and who executed the within instrument, and acknowledged ... executed the same freely and voluntarily. to me that ..... THEY\_ IN TESTIMONY- WHEREOF, I have hereunto set my hand and CHEC ! seal the day and year last above written. 84-13082 D. U. Sur S. Alergie tor Oregon MO. My NOTAHY PUBLIC ... My Charper Septres Nov. 24, 1964 5 910 RETURN TO 1984 TTY CLERK ž Kin t 37 -Suv Ia Pw COUNTED COUNTY Among ITT anony 1/22 00117 . ... H 3 ----\$86T .

## 5200 34-4-23-1

#### EXHIBIT "A"

### vc. 341 -1153

The Southwest Quarter of the Southwest Quarter of the Northeast Quarter of Section 23, Township 36 South, Range 6 West of the Willamette Heridian, Josephine County, Oregon. LESS & EXCEPT that portion described in Volume 217, Page 381, Josephine County Deed Records. ALSO LESS & EXCEPT that portion lying within Willow Lane.

SUBJECT TO:

- These premises are situated in the Grants Pass Irrigation District and subject to the levies and assessments thereof, water and irrigation rights, easements for ditches and canals and regulations concerning the same.
- These premises are situated within the boundaries and are subject to the assessments, liens, charges and regulations of the Redwood Sanitary Service District.
- Right of way for ditches reserved by Grants Pass Irrigation District as disclosed by instrument recorded in Yolume 97, Page 37, Josephine County Deed Records.
- Right of way granted the California Oregon Power Company set forth in instrument recorded August 12, 1946, in Volume 119, Page 428, Josephine County Deed Records. (Specific location not given in recorded document.)
- 5) Easement for transmission and distribution of electricity granted the California Oregon Power Company set forth in Volume 189, Page 124, Josephine County Deed Records. (Specific location not given in recorded document.)
- Rights of the public over any portion lying within the limits of public roadways.



Exhibit "A"

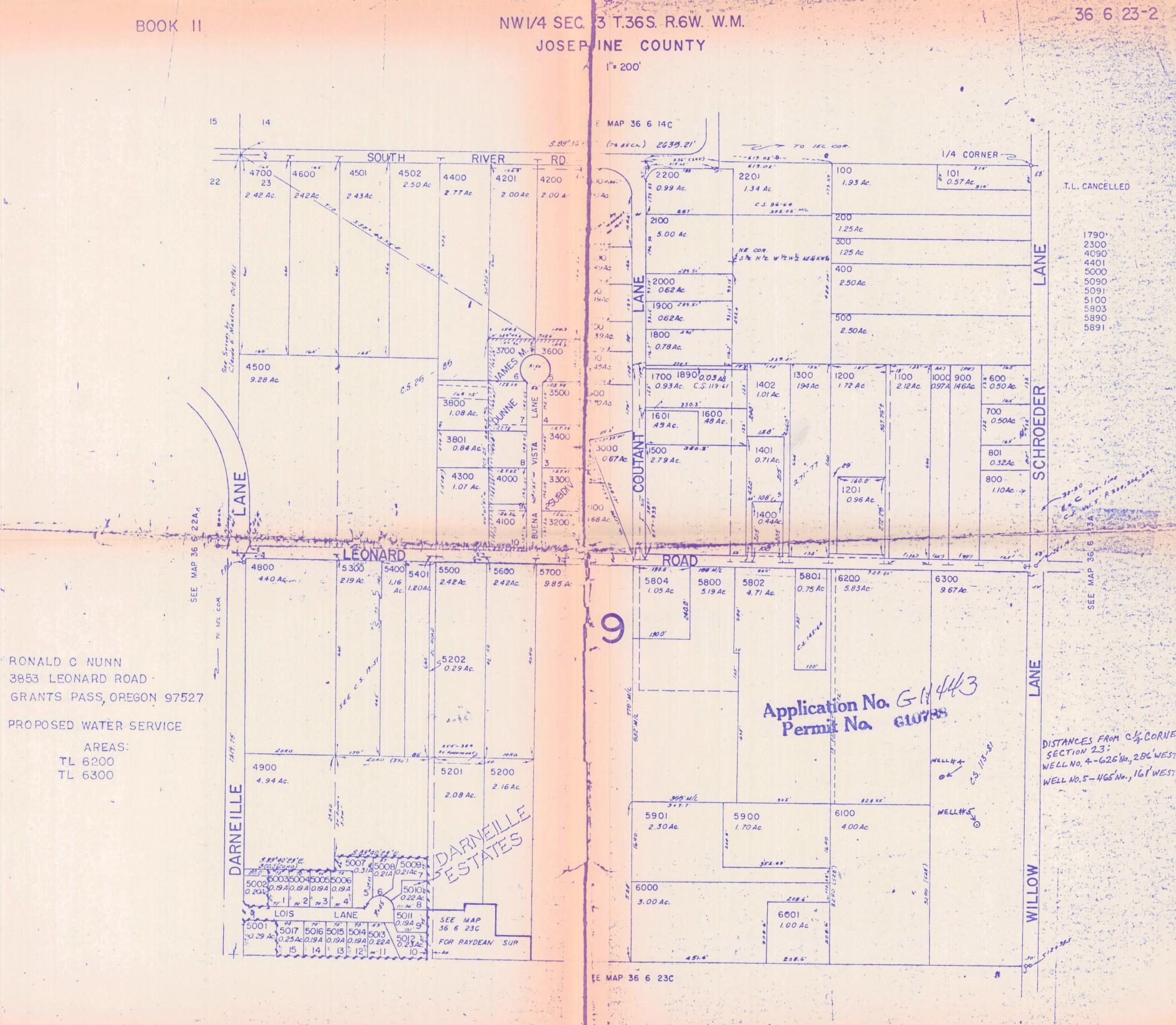
24.

Application No. 9-11443 Permit No. G10788

Application No. 9-11443 Permit No. G10788 TTEL PROTOCOL 6200 34-6-23-2 19610 14-24 17. 314 ma 1084 @ 359 11 361-23 B TL 6200 Cede 3 GPID 30-A NE 314 ME1084 C KNOW ALL MEN BY THESE PRESENTS. The JCHI C. SHENES and NANCY G. MAINS, husband and vire, break of the france, for the and ALITE '. FCLL.D, w paid by CHARLES L. CLLAD after stated to the fr , hundand and wile, hereinalter called the grantees, dors breeby grant, bargain, will and convey unto the transfers as tenants by the entirety, the heirs of the survivor and their ansigns, that certain real property, with the tenements, hereditaments and appurtmances thereunto belonging or ap-pertaining, sinuated in the Councy of J030phine State of Oregon, described as follows, to writ: is pact neuricips, contrast percents on on string son To Have and to Hold the above described and granted percesses unto the sa ty, their hears and avigns lowerer. And frantor hereby consensus to and with frantees and the beins of the survivor and their anigns, that frantor is lawfully word in her simple of the above franted permises, free from all encumbrances, EXCEPT a first mort-gage in favor of Lerraine "...hummurd (humsund decoundersed) in sum of 311,370.61, with interest frem Dec.1/75, which mruntees instance and incree to pay, and that frantor will warrant and herever defend the aid permises and every part and parcel thereof against the lawful claims and demands of all persons whomever, except those claiming under the above described encounderances. The new and actual consideration paid for this tranker, using intropy of dollars, is 3 30,200.00. "Monover, the actual consideration paid for this tranker, using intropy of dollars, is 3 30,200.00. "Monover, the actual consideration paid for this tranker, using intropy of dollars, is 3 30,200.00. A constraint in the constraint of the contrast so requires, the singular includes the plural and all in constraint this deed and where the contrast so requires, the singular includes the plural and all Come evente In conserving the been also been also been apply equally to corporations and to individuals. In Witness Wheread, the grantor has executed this instrument this Dead day of Describer , 19 75, or power grantor, it has caused its name to be signed and real alized by its officers, duly authorized thereto by tra shall be implied to make the provisions hereof apply equa il a corporate grantor, it has caused its nat order of its board of directors. Khncy G. Bornes ----STATE OF ORECON, C. December Jule . 1975 . 19 .. who, baing duty -JO'TI C. mark for hi hits and not not the the star has hit BARIES and init's G. DARES, HIS at and that the las wife, the burgering instrument in anid instrument was signed authority al its baard at dir the (OFTIC (OFFICIAL Natury Public for Oreg Cet. 17/76. -My es -----JOHN C. BARNES, et ur, 2587 Leonard Road, Gran.s Pass, STATE OF OREGON. Oregon, 97526 Line of Derman 11.26-10. Line of Cert and All Acceleration of the second secon Charles L. Pollard, et ux, Grants Fass, Oregon, 97526 \* -----Md EVELYN STEELE ESCROW CO. 322 H. W.Sixth, Grants Tass, Gregon 97526 75 -160 2 Charles L. Pollard and Alice E. Pollard, his vife, 2587 Leonard Roa G = 3 Grants Pass, 010100. 92526-A REAL PROPERTY OF THE PARTY OF The Contraction of the owner of the

Application No. 2-11443 Permit No. G10783 JOSEPHINE COUNTY TITLE CO. P.O. BOX 71, 507 N.E. GIN ST., GRANTS PASS, OREGON 1.42-12-33 P.O. BOX 71, 50 KT. SHI S.C. AVE JUNCTION, OREGON 5. C-XNOW ALL MEN BY THESE PRESENTS, That INROLD II. MCCLURE AND ERMA ANNUELLE MCCLURE RONALD C. NURN and Marcia Numn Husband and Wife as tenants by the to grantor paid by Entirety , hereinalter called the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee Theirs, successors and assigns, that certain real property, with the recompents, foreditaments and appurtenances thereunto belonging or appartaining, sit-usted in the Countr of JOSEPHINE usted in the County of \_\_\_\_ The East Half of the East Half of the Southeast Quarter of the Northwest Quarter of Section 23, Township 36 South, Range 6 West of the Willamette Marting, Josephine County, Oregon. ALSO LESS UND EXCEPT any portion lying within Villow Lane conveyed to Josephine County, Oregon, by instrument recorded in Volume 211, Page 242, Josephine County Deed Records. -See. 一 二语 2. To Have and to Hold the same unto the said grantee and grantee's heirs, su And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that Frantor is lawfully seized in fee simple of the above granted premises, free from ell encumbrances RULES AND REGULATIONS OF THE GRANTS PASS IRRIGATION DISTRICT AND RULES AND REGULATIONS. OF THE REDWOOD SEWER DISTRICT ..... and that grantor will warrant and forever defend the above granted premises and every part and parcel thereof against the lawlul claims and demands of all persons whomsoever, except those claiming under the above described encumbrances. The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 145,000.00 In construing this deed and where the context so requires, the singular includes the plural. WITNESS grantor's hand this 31 day of July , 19 8 , 19 81 Harald H. The Clure 200.000 Erma annabelle mc Cluse July ... .31. 19.81 STATE OF OREGON, County of .... Josephine. ) ==. Personally appeared the above named ...... HAROLD. H. .. HCCLURE\_AND\_ERMA, ANNBELLE. MCCLURE. THELR ...voluntary oct and deed. netrument to be .... Swan J.U. S.V. SWEARINGEN Relore Notary Public for Oregon 0 My commission expires .. Hy Cammission Expires Nov. 24, 1984 STATE OF OREGON. 42. County of 81+12353 1981 UNTY CLERK Ronald C. Nunn 3853 Leonard Road Grants Pass, Oregon 97526 ----23 SAme as Above 1861 By Deputy 3.50 NAME, ADDRESS, IN . .

. .



Application No. G-11443	D HM
Application NoQ. 11 1 1 9	Permit No RECEIVED
STATE OF OREGON WATER RESO	UBCES DEPARTMENT
Application for a Permit to Approx	OCT - 3 1985 opriate Ground Waterer Resources DEPT
Application for a Permit to Approp	SALEM. OREGON
I. Ronald C. Nunn	a second and a second
(Name of Applicant)	
of	Grants Pass (City)
State ofOregon	9–4178 do hereby
make application for a permit to appropriate the following descr	ribed ground waters of the State of Oregon:
<ol> <li>The development will consist of</li></ol>	<pre>d well to have a diameter of 8" and a depth of</pre>
Section List ¼ ½ of Se	List use and/or number Total *
11 # 1: 375' 5, 4 300' E. from 6 1/4 corner of Section 23	Section of acres to be irrigated Acreage
This NWG SEG PE	10.02
11 *2: 340' 5.4 473' E. from C'y corner of 5 to -	and Domesticuse 15.09
	Domestic 15.50
11"3: 150' N. + 355' E. from C'+ corner of Section 23 being within State were	45.61
The Area of Sec 22	
11 #4: 625 'N. \$ 286' 21 from 6 1/4 corner of Scitic 23 being within SEGNULA of Sci 23	or potable use to apartments, laundromats, units, commercial buildings, including
11#5: 465 'N. \$161' W from 6'4 corner of Section 23 being within SER W.	ts listed, based on the Josephine
County assessed being within SEANWER of Sec 23	

Form 690-3-0-1-77

мррисан	ion NoG.114 STATE OF C		ATER RE		S DEPARTMEN	RECEIVED
	Application	for a Per	mit to App	propriate	Ground Water	ER RESOURCES DEPT SALEM. OREGON
I,	Ronald C. Nunn		(Name of App			
of	3853 Leonard R	oad			Grants Pass	
	(	Mailing Address)			(City)	
State of	Oregon	, 97527 (Zip Code)	Phone No	479-4178		do hereby
1	The development will	consist of Th	ree to five	rotary dri	und waters of the Sta lled wells, two nes, infiltration galleries, etc.) to have a diamete	of which have

3. Location of area to be irrigated, or place of use if use other than irrigation.

Township	Range	Section	List ¼ ¼ of Section	List use and/or number of acres to be irrigated	Total Acreag
36 south	6 west	23		00,3800. <del>Commercial use</del> . Domestic use	15.02
36 south	6 west	23	TL-4900, 4902, 5100, SW ½ OF NE ½	5200. Commercial use. and Domestic use	15.09
36 south	6 west	23	TL-6200 & 6300. SE ½ OF NW ½	Domestic	15.50
					45.61

Note: "Commercial Use" will include water service for potable use to apartments, laundromats, mobile homes, recreational buildings, rental units, commercial buildings, including store(s), restaurant, etc.

\* Total Acrease is the total land area of the tax lots listed, based on the Josephine County Assessor's quarter section maps.

			11-21-22			-			5	A CONTRACTOR OF THE OWNER OWNER OF THE OWNER OWNE	-	
		1		1								-
Well	#1 was	cased	to 10	8-ft.;	well	#2 was	cased to	119-ft.	It is	anticipated	that	wells #3,

5. Depth to water table is estimated .84-10.9-ft Well drilled by .Bob..Quinn..of..Paquin..Drilling, Inc. for wells numbers 1 and 2 respectively.

Form 690-3-0-1-77

Please see additional details in attached letter of 12-29-85 from Dan C. Boteler Engineering, Inc. to Mr. Wayne J. Overcash. 6. The amount of water which the applicant intends to apply to beneficial use is .....one...... cubic feet

10.

7. The use to which the water is to be applied is .commercial, and includes rental units, store(s),

. Nov, 1987 308 297 single family houses & rental units restaurant, laundromats, recreational buildings, etc. 3-laundromats, 2-restaurants, 1-grocery store, 1-Drug store, 1-Office bldg. of 10,000 square feetif iffuce space. being 0.75 cfs for Domestic and 0.25 cfs for commercial uses. 8. If the flow to be utilized is artesian, the works to be used for the control and conservation of the supply when not in use must be described.

The groundwater flow is classed as non-artesian.

9. If the location of the well, or other development work is less than one-fourth mile from a natural stream channel, give the distance to the channel and the difference in elevation between the stream bed and the ground surface at the source of development.

The wells are and will be located approximately 1/2 mile southwest of the Rogue River.

#### DESCRIPTION OF WORKS

Include length and dimensions of supply ditch or pipeline, size and type of pump and motor, type of irrigation system to adequately describe the proposed distribution system.

(a) Wells: Well No. 1: Goulds 4-inch turbine bowl submersible pump, Series "T", model no. 45T03412,...3-hp,...10-stages,...presently...installed.at.107...depth; ...220V, ...1-ph.motor. For future use plan to install: One Goulds 4-inch flat bowl submersible, Series "J", ......model.No...70T05412,...5-hp,...10.stages:...220V,...1-ph.mator....

Well No.2: No pump at present. Plan to use the same pump or type of Goulds pump with 3-hp motor as presently in No. 1 well.

Well.No....3: (proposed):..Goulds..6-inch.turbine.bowl..submersible.pump...Series..."H",

model No. 225H10612, 10-hp, 3-stages, with a 220 V, 1-ph motor.
 Wells Nos. 4 & 5 to have pumps to Goulds model 70T05412, 5-hp4" flat bowl submersible.
 (b) Storage: Constructed one ground level concrete water tank of 33,000 gallons capacity.

(c) Distribution.Pumps:..One.PACOFLO.III.Triplex.Pressure.Booster.Pumps.System; includes.two 3-hp and one 2-hp centrifugal booster pumps in parellel, with a total rated capacity .....of. 100-gpm.at. 50. psig. system. pressure .... Pumps. are. designed to respond to demand, and are rated at 40%, 40%, and 20% of the total capacity of the system, and are ......automatically .. controlled .. by .. distribution .. system .. demands ... Sizes .. of .. existing .. pumps on Triplex booster system may be increased as system demand increases.

(d) Transmission piping systems: Well No. 1 to tank = Z20' 4-in. piping.

Well No. 2 to tank = 30' 4-in. piping. Well No. 3 to tank = 590' 4-in. piping. Tank to Triplex Pumps = 100' 4-in. piping. Triplex Pumps to distribution system TL-3102 = 60' 3-in. piping; to TL 3400 =240'-3" pipe; to TL 3300 = 300'-3" pipe; to TL 5200= 650'-4" pipe; to TL-6300 = 1,000'-4" pipe; to TL- 2700 = 20'-1" pipe.

11. Construction work will begin on or before...October 1, 1984.

12. Construction work will be completed on or before .. October..l. 1990. for complete development.

13. The water will be completely applied to the proposed use on or before.October 1, 1991.

14. If the ground water supply is supplemental to an existing supply, identify the supply and existing

water right .... The proposed use of this ground water supply for potable purposes is not supplemental to any existing water supply.

Application No. G-11443

Permit No.....

Remarks: 12. Construction works for well No. 1 should be completed by 10-31-85, and operational with the system as originally designed. Well No. 2 has been drilled & capped and will be used as need arises. Well No. 3 is not expected to be needed for another four years after initial operation of the water system. At some future point in time an additional water storage tank of 30,000 to 50,000 gallons capacity may be needed for full application of 1-cfs of ground water. Remarks: ..... The proposed application of this ground water source on TL's 3102, 3300, 2700, .and .. 6300 .. have .. already .. been .. approved .. by .. a .. hearings .. officer .. for .. Josephine .. County ;.. the required 24-hour pump test made of well No. 1, and the water system plans have been approved.by..the.Oregon.State.Health.Division. The attached sepias of maps of the three quarter sections from section 23 of T36 south, R6 west show the locations of the two existing wells and the anticipated location of well No. 3, the final exact location of which will depend on required setbacks as TL-5200 is developed. Location of existing water tank is also shown.Listed are tax lots to be served. This permit, when issued, is for the beneficial use of water. By law, the land use associated with this water use must be in compliance with Signature of Applica statewide land-use goals and any local acknowledged land-use plan. It is possible that the land use you propose may not be allowed if it is not in keeping with the goals and the acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area. This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for...... COMPLETION AND CORRECTION In order to retain its priority, this application must be returned to the Water Resources Director with ....., *19*.....86..... corrections on or before ..... DANNATY/24 May 27 \* Application was missont in mail - no loss of priority fames M. Canverse, 26th WITNESS my hand this ...... 15t. ..... day of ...... Nonether, March ......, 19.88.86...... WILLIAM H. YOUNG ...... Water Resources Director WATER RESOURCES DEPT DEPT WAYNE J. OVERCASH EGONE SALEM, OREGON 1985 RCES 0 n n n 3 115 0 41 0 Li.j HAT This instrument was first received in the office-of the Water Resources Director at Salem, Oregon, on the 19 o'clock day of at .M.

Application No. 0-11443

Permit No.....

### Permit to Appropriate the Public Waters of the State of Oregon

This is to certify that I have examined the foregoing application and do hereby grant the same, SUBJECT TO EXISTING RIGHTS INCLUDING THE EXISTING MINIMUM FLOW POLICIES ESTAB-LISHED BY THE WATER POLICY REVIEW BOARD and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and

well or source of appropriation, or its equivalent in case of rotation with other water users, from

The use to which this water is to be applied is Damestic sypalies for 308 families and commercial uses to include three lawodromuts, two restaurants

If for irrigation, this appropriation shall be limited to ...... of one cubic foot per

second or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed

..... acre feet per acre for each acre irrigated during the irrigation season of each year;

\* one grocery store one drug store, and one office building uf 10,000 square feet, being 0.31 af a for domestic uses and p.25 cfs for commercial uses les.

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

.....

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

The works constructed shall include an air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the well at all times.

The permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

Application No. Permit No. Without the the ty doubtened a Pe offet: I hat This 1 4: STATE OF OREGON WATER RESOURCES DEPARTM Application for a Permit to Appropriate Ground Waterer RESOURCES DEPT SALEM, OREGON TOTAL CLAR STORE CALL SOUTH AND DOOR CO HORE BEL Name of Applicant al Jon file I. Ronald C: Nunn of 3853 Leonard Road Control of Grants Pass (Mailing Address) (City) 97527 ..... Phone No.... 479-4178 State of Oregon ..... do hereby Cip Code) make application for a permit to appropriate the following described ground waters of the State of Oregon: un de officie 1. The development will consist of .... three or more rotary drilled wells, two of which have inside diameters of 6" and depths of 125-ft. Third well to have a diameter of 8" and a depth of 125-ft; or more. 2. The well or other source is to be located C-4 corner section 23. Well #2 (existing) is located 340' so. & 473' east from CW340 corner of 355' east from the C-4 corner of section 23. Wells numbers Ir and 2 are located in the NW2 of the SEZ, and well number 3 will be located 

Sec. 23. Tp. 36 south R. 6. west W. M., in the county of Josephine.

Township	Range	Section	List 14 14 of Section	List use and/or number Total of acres to be irrigated Acreag
36 south	6 west	23	TL-2700, 3102, 3300, 34	00,3800. Commercial use.
36 south	6 west	23 200 01	TL-4900, 4902, 5100, SW ½ OF NE ½	5200. Commercial use.
36 south	6 west	23	TL-6200 & 6300.	Commercial use. 15.50
				45.61

Note: "Commercial Use" will include water service for potable use to apartments, laundromato mobile homes, recreational buildings, rental units, commercial buildings, including store(s), restaurant, etc.

\* Total Acrease is the total land area of the tax lots listed, based on the Josephine County Assessor's quarter section maps.

Well #1 was cased to 108-ft.; well #2 was cased to 119-ft. It is anticipated that well 4. It is estimated that \_\_\_\_\_\_\_\_ feet of the well will require \_\_\_\_\_\_\_\_ casing. #3 will be drilled to approximately 150-ft. and require casing to #1<sup>md</sup>least 125-ft. 5. Depth to water table is estimated 84-109-ft Well drilled by Bob. Quinn of Paquin Drilling. Inc. for wells numbers 1 and 2 respectively.

Form 690-3-0-1-77

6. The amount of water which the applicant intends to apply to beneficial use is .....one...... cubic feet

per second or .449....... gallons per minute.

10.

7. The use to which the water is to be applied is commercial, and includes rental units, store(s), restaurant, laundromats, recreational buildings, etc.

8. If the flow to be utilized is artesian, the works to be used for the control and conservation of the supply when not in use must be described.

The groundwater flow is classed as non-artesian.

9. If the location of the well, or other development work is less than one-fourth mile from a natural stream channel, give the distance to the channel and the difference in elevation between the stream bed and the ground surface at the source of development.

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> Well No.2: No pump at present. Plan to use the same pump or type of Goulds pump with 3-hp motor as presently in No. 1 well.

- (b) Storage: Constructed one ground level concrete water tank of 33,000 gallons capacity.
- (c) <u>Distribution.Pimps:.One.PACOFLO.III.Triplex.Pressure.Booster.Pumps.System: includes.two</u> 3-hp and one 2-hp centrifugal booster pumps in parellel, with a total rated capacity of 100-gpm.at 50.psig.system.pressure. Pumps.are.designed to respond to demand, and are rated at 40%, 40%, and 20% of the total capacity of the system, and are .....automatically.controlled.by.distribution.system.demands...Sizes.of.existing.pumps on Triplex booster system may be increased as system demand increases.
- (d) <u>Transmission piping systems</u>: Well No. 1 to tank = 220' 4-in. piping. Well No. 2 to tank = 30' 4-in. piping. Well No. 3 to tank = 590' 4-in. piping. Tank to Triplex Pumps = 100' 4-in. piping. Triplex Pumps to distribution system TL-3102 = 60' 3-in. piping; to TL 3400 =240'-3" pipe; to TL 3300 = 300'-3" pipe; to TL 5200= 650'-4" pipe; to TL-6300/= 1,000'-4" pipe; to TL -2700'- 20'-1" pipe.
  - 11. Construction work will begin on or before. October 1, 1984.
  - 12. Construction work will be completed on or before .. October. 1. 1990. for complete development.
  - 13. The water will be completely applied to the proposed use on or before. October 1, 1991,

14. If the ground water supply is supplemental to an existing supply, identify the supply and existing water right ..... The proposed use of this ground water supply for potable purposes is not supplemental to sny existing water supply.

Remarks: 12. Construction works for well No. 1 should be completed by 10-31-85, and operational with the system as originally designed. Well No. 2 has been drilled & capped and will be used as need arises. Well No. 3 is not expected to be needed for another four years after initial operation of the water system. At some future point in time an additional water storage tank of 30,000 to 50,000 gallons capacity may be needed for full application of 1-cfs of ground water. Remarks:

The proposed application of this ground water source on TL's 3102, 3300, 2700, and 6300 have already been approved by a hearings officer for Josephine County; the required 24 hour pump test made of well No. 1, and the water system plans have been approved by the Oregon State Health Division.

The attached sepias of maps of the three quarter sections from section 23 of T36 south, R6 west show the locations of the two existing wells and the anticipated location of well No. 3, the final exact location of which will depend on required setbacks as TL-5200 Is developed. Location of existing water tank is also shown.Listed are tax lots to be served This permit, when issued is for the beneficial use of water. 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 that the land use you propose may not be allowed if it is not in keeping with the goals and the acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

This is to certify that I have examined the foregoing application, together with the accompanying maps

and data, and return the same for .....

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In order to retain its priority, this application must be returned to the Water Resources Director with.

corrections on or before....., 19

Section 3.

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..... Water Resources Director

anic and "hit not and the test for the test for the total and the test of the second of the second by the second for the secon

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the o'clock day of ..

Application No. 0.11443

# MEMORANDUM

12-8-

NOVEMBER 2, 1992

TO: Martha Pagel/Reed Marbut

FM: Tom Shook

Summary for proposed order regarding "Applications for Extension of Time" for several permits.

ALSEA PROPERTIES, INC. (LINCOLN COUNTY)

PERMIT G-6024 ISSUED IN 1975 ALLOWED 0.38 CFS (170 GPM) FROM A WELL FOR GRP DOM FOR 101 FAMILIES - PRESENT DATE FOR BC 10/1/92

THE APPLICANT SUBMITTED AND APPLICATION FOR EXTENSION OF TIME LIMITS TO OCTOBER 1, 1996. THIS IS THEIR FIFTH REQUEST.

DUE DILIGENCE:

WETLAND BOUNDARIES SURVEYED TO DETERMINE USEABLE LOTS, SEPTIC TANK LOCATIONS DECIDED, SIX HOMES HOOKED-UP TO THE SYSTEM DURING LAST EXTENSION PERIOD. RIVER FRONT PROPERTY IS NOW ACCEPTABLE FOR DEVELOPMENT AND SALES ARE EXPECTED TO CONTINUE. PRIOR: 6500 FEET OF PIPE LAID AND DELIVERING 50-60 GPM TO 68 FAMILIES.

FUJI ORCHARDS, INC. (UMATILLA COUNTY)

PERMIT G-10990 ISSUED '90 ALLOWED 3.34 CFS (1500 GPM) FROM A WELL FOR PRIMARY AND SUPPLEMENTAL IRRIGATION OF 319.5 ACRES - C DATE '92.

THE APPLICANT SUBMITTED AN APPLICATION FOR EXTENSION OF TIME LIMITS TO OCTOBER 1, 1993. THIS IS THEIR FIRST REQUEST.

DUE DILIGENCE:

WELL HAS BEEN DRILLED, IRRIGATION SYSTEM IS COMPLETE, AND 244 ACRES HAVE BEEN IRRIGATED. PERMIT REQUIRES THE APPLICANT TO SUBMIT STATIC WATER LEVELS AND THIS HAS BEEN DONE.

### DENNIS WHITE (WASHINGTON COUNTY)

PERMIT G-11081 ALLOWED 0.22 CFS (100 GPM) FROM A WELL FOR NURSERY OPERATIONS FOR 18.7 ACRES - B DATE '92.

THE APPLICANT SUBMITTED AN APPLICATION FOR EXTENSION OF TIME LIMITS TO OCTOBER 1, 1993 TO COMPLETE CONSTRUCTION AND 10/1/94 TO USE WATER. THIS IS THEIR FIRST REQUEST

DUE DILIGENCE:

WATER SYSTEM INSTALLED AND READY TO SERVE 14.3 ACRES BUT ONLY SEVEN ACRES FARMED SO FAR. ECONOMIC CONDITIONS HAVE PREVENTED THE COMPLETION OF THE PROJECT. ONLY THE DATE FOR COMPLETION OF CONSTRUCTION (B) SHOULD BE EXTENDED TO 10/1/93 AT THIS TIME.

GALICE SUBDIVISION WATER COMPANY (JOSEPHINE COUNTY)

PERMIT 49874 ISSUED '87 ALLOWED 0.03 CFS FROM SOUTH FORK ROCKY GULCH AND AN UNNAMED STREAM FOR GRP DOM FOR 23 FAMILIES - BC DATE '93.

THE APPLICANT SUBMITTED AN APPLICATION FOR EXTENSION OF TIME LIMITS TO OCTOBER 1, 1993. THIS IS THEIR FIRST REQUEST.

DUE DILIGENCE:

THE APPLICANT STATED THE PROJECT HAD BEEN COMPLETED WHEN WE FILED THE APPLICATION IN 1987. RECENTLY IT WAS DISCOVERED THAT ONE LOT HAD NOT BEEN COMPLETED. WATERMASTER BRUCE SUND ADVISED THE APPLICANT TO ASK FOR MORE TIME SINCE THE PROJECT WAS COMPLETE EXCEPT FOR THE HOME BUILT DURING THE SUMMER OF '92.

#### COOS COUNTY BOARD OF COMMISSIONERS

PERMIT 50938 ISSUED '90 ALLOWED 7 GPM FROM WINCHESTER CREEK FOR INDUSTRIAL USE. THE COOLING OF REFUSE INCINERATORS AND FIRE SUPPRESSIONS SYSTEM WILL TIE INTO EXISTING WATER SYSTEM - BC DATE '92.

THE APPLICANT SUBMITTED AN APPLICATION FOR EXTENSION OF TIME LIMITS TO OCTOBER 1, 1993 FOR COMPLETION OF CONSTRUCTION AND 10/1/94 FOR USE OF WATER. THIS IS THEIR FIRST REQUEST.

> SPECIAL CONDITIONS: IN EVENT OF LACK OF WATER OR IF EQUIPMENT MALFUNCTION RESTRICTS ACCESS TO THE PRIMARY SOURCE, THIS PERMIT MAY BE EXERCISED.

DUE DILIGENCE:

CONDUCTED PRELIMINARY SOLID WASTE STUDY TO DETERMINE FEASIBILITY AND COSTS OF CONSTRUCTION OF THE SYSTEM. HAVE BEGUN A LOCAL AND REGIONAL SOLID WASTE STUDY TO DETERMINE IF THIS WATER PERMIT WILL BE NECESSARY.

ONLY THE DATE FOR COMPLETION OF CONSTRUCTION (B) SHOULD BE EXTENDED TO 10/1/93 AT THIS TIME.

DONALD B. PIERCE (COOS COUNTY)

PERMIT 50770 ISSUED '89 ALLOWED 0.01 CFS (4.5 GPM) FROM AN UNNAMED STREAM FOR 1 ACRE IRRIGATION OF FRUIT TREES, GARDEN, AND LAWN - B DATE '91.

IN MAY '92, THE APPLICANT SUBMITTED AN APPLICATION FOR EXTENSION OF TIME LIMITS TO OCTOBER 1, 1992. THIS IS HIS FIRST REQUEST. DUE DILIGENCE:

HE HAS PURCHASED THE PUMP, INSTALLED A STILLING CULVERT WELL, AND HAS POWER TO THE AREA.

DAVID J. MOODY (MALHEUR COUNTY)

PERMIT 50651 ISSUED '89 ALLOWED 0.23 CFS ( 100 GPM) FROM CANYON CREEK FOR THE SUPPLEMENTAL IRRIGATION OF 18 ACRES - C DATE '92.

THE APPLICANT SUBMITTED AN APPLICATION FOR EXTENSION OF TIME LIMITS TO OCTOBER 1, 1993. THIS IS HIS FIRST REQUEST.

DUE DILIGENCE:

THE IRRIGATION SYSTEM IS COMPLETE BUT BECAUSE OF DROUGHT CONDITIONS, THERE HAS BEEN INSUFFICIENT WATER FOR THE PROJECT.

MOOREA WATER WORKS (DOUGLAS COUNTY)

PERMIT 50727 ISSUED '89 ALLOWED 0.125 CFS (45 GPM) FROM THE NORTH UMPQUA RIVER FOR THE IRRIGATION OF 10 ACRES -BC DATE '92.

THE APPLICANT SUBMITTED AN APPLICATION FOR EXTENSION OF TIME LIMITS TO OCTOBER 1, 1993. THIS IS THEIR SECOND REQUEST.

DUE DILIGENCE:

OVER 5300 FEET OF PIPE AND MANY SPRINKLER HEADS INSTALLED DURING THE PAST EXTENSION OF TIME PERIOD. PRIOR: A 20,000 GALLON TANK SET IN PLACE AND 5000 FEET OF PIPE LAID FROM 10 HP PUMP TO TANK AND 8500 FEET OF PIPE LAID FROM TANK TO LOTS. SIX ACRES HAVE BEEN IRRIGATED.

USERS STATED THAT A ONE YEAR EXTENSION WOULD BE ADEQUATE TO COMPLETE THE PROJECT.

TIM HANSON (COOS COUNTY)

PERMIT 50649 ISSUED '89 ALLOWED 0.112 CFS (45 GPM) FROM AN UNNAMED STREAM FOR DOM, LIVESTOCK, AND IRRIGATION OF 9 ACRES - C DATE '92.

THE APPLICANT SUBMITTED AN APPLICATION FOR EXTENSION OF TIME LIMITS TO OCTOBER 1, 1993. THIS IS HIS FIRST REQUEST.

DUE DILIGENCE:

PUMP AND PIPE LAID, INSTALLED HOLDING TANK AND LIVESTOCK WATERING TANK, COMPLETED USE FOR DOMESTIC PURPOSES AND LIVESTOCK.

RONALD C. NUNN (JOSEPHINE COUNTY)

PERMIT G-10788 ISSUED '88 ALLOWED 0.56 CFS (250 GPM) FROM FIVE WELLS FOR GRP DOM FOR 308 FAMILIES AND COMMERCIAL USES - BC DATE '91. IN MARCH OF '92, THE APPLICANT SUBMITTED AN APPLICATION FOR EXTENSION OF TIME LIMITS TO OCTOBER 1, 1992. THIS IS HIS SECOND REQUEST.

DUE DILIGENCE:

SIX LOTS SOLD AND ONE HOME BUILT AND CONNECTED TO SYSTEM DURING LAST EXTENSION PERIOD. PRIOR: 33,000 GALLON WATER TANK, 33 MOBILE HOMES, 27 APARTMENTS, 2 RECREATION ROOMS, AND 1 OFFICE CONNECTED TO COMMUNITY WATER SYSTEM. POOR ECONOMY CONTRIBUTED TO LACK OF DEVELOPMENT. SHORT TERM PLANS ARE TO ADD 51 HOMES AND 28 APARTMENTS TO SYSTEM. THE CITY OF GRANTS PASS' PRESENT EXPANSION POLICY DOES NOT INCLUDE THE AREA SERVED BY THIS PERMIT.

RUDOLPH M. BAUDER (COLUMBIA COUNTY)

PERMITS R-11164 AND 50760 ISSUED '89 ALLOWED THE STORAGE OF 15 ACRE FEET AND USE OF 0.05 CFS FROM WEST FORK CLATSKANIE RIVER FOR RECREATIONAL PURPOSES - BC DATE '92.

THE APPLICANT SUBMITTED AN APPLICATION FOR EXTENSION OF TIME LIMITS TO OCTOBER 1, 1993. THIS IS HIS SECOND REQUEST.

DUE DILIGENCE:

APPLICANT STATES 60% OF CONSTRUCTION COMPLETED. INSTALLED DRAIN CONDUIT PIPE WITH CUT-OFF COLLARS IN PLACE. DAM SAFETY STAFF: HOWARD HAS VISITED SITE THIS YEAR AND RECENTLY SPOKE WITH ENGINEER WHO SAID PIPEWAY HAS BEEN LAID AND FORMED FOR CONCRETE CUT-OFF COLLARS.

PRIOR: DUG CORE TRENCH AND BY PASS DITCH, STRIPPED TOPSOIL.

DARYL C. ROBISON ( CURRY COUNTY)

PERMITS R-11243 AND 51053 ISSUED '90 ALLOWED THE STORAGE OF 6 AC-FT AND USE OF 2.03 CFS (900 GPM) FROM AN UNNAMED STREAM AND RESERVOIR FOR CRANBERRY OPERATIONS ON 13.5 ACRES - B DATE '92.

THE APPLICANT SUBMITTED AN APPLICATION FOR EXTENSION OF TIME LIMITS TO OCTOBER 1, 1993. THIS IS HIS FIRST REQUEST.

DUE DILIGENCE:

TWO PUMPS INSTALLED AND PROJECT 75% COMPLETED. NINE ACRES FARMED. PROJECT IS EXPECTED TO BE COMPLETED BY OCTOBER '93.

KENNETH HUDSON (WASCO COUNTY)

PERMIT G-10879 ISSUED '89 ALLOWED 0.88 CFS (3909 GPM) FROM A WELL FOR THE IRRIGATION OF 70.7 ACRES - C DATE '92.

FRU657

THE APPLICANT SUBMITTED AN APPLICATION FOR EXTENSION OF TIME LIMITS TO OCTOBER 1, 1993. THIS IS HIS FIRST REQUEST.

DUE DILIGENCE:

. . . .

WELL HAS BEEN DRILLED AND POWERLINES TO SITE. PUMP HAS BEEN PURCHASED AND THE WATERMASTER, LARRY TOLL, ADVISED OFFICE STAFF THAT THERE IS AN ADEQUATE IRRIGATION SYSTEM May 16, 1996



W A T E R R E S O U R C E S D E P A R T M E N T

Ronald C. Nunn Nunn, Marcia K. & Telvina 3853 Leonard Rd Grants Pass, OR 97527

USER-ID: 26458

With regard to the pump test requirements for the following well(s) and associated water right(s):

POD-ID:	28557	WELL:	1	PERMIT:	G-10788	Applietch #
	28559		2			6-11443
	28561		3			6-11443
	28563		4			
	28565		5			

The Water Resource Department has reviewed and accepted the pump test results you submitted (POD-ID 28557, PERMIT G-10788). The Department requires no further testing of this well at this time. However, you will be required to submit a static water level measurement of the well on the ten-year anniversary of the test you conducted.

The Department has also reviewed your request for an exemption based on the results of the tested well. Our review indicates that the tested well and the well(s) proposed for exemption:

- are located within a five-mile radius and
- appear to be completed in the same water-bearing zone.

Therefore, the Department is granting the exemption. This means that the additional well(s) need not be tested. This exemption is valid only if both wells are owned by the same landowner.

We appreciate your cooperation in this program. If you have any questions, please contact Marilyn Baker at 378-8455, ext 289 or myself at the address or phone number listed below.

Sincerely,

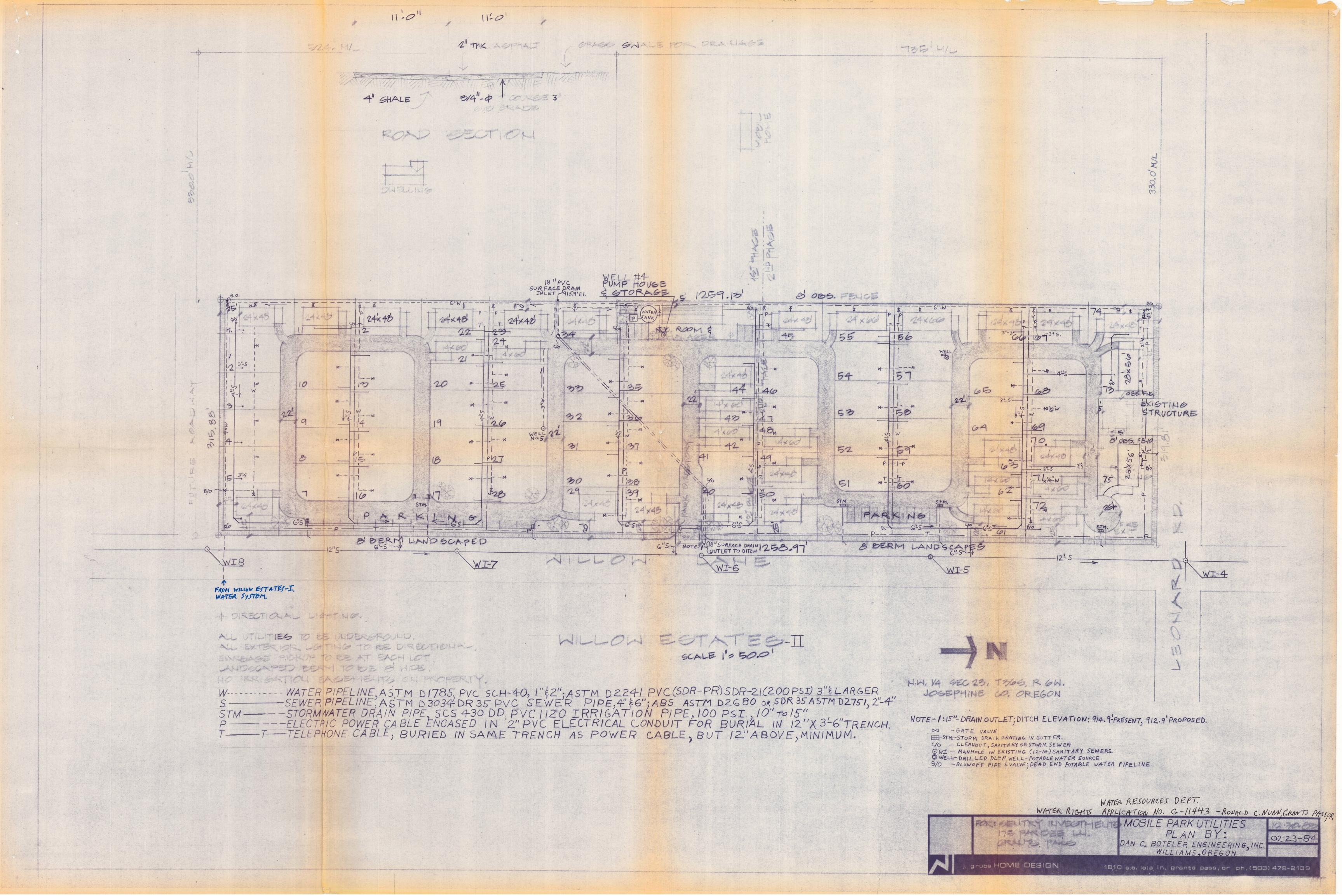
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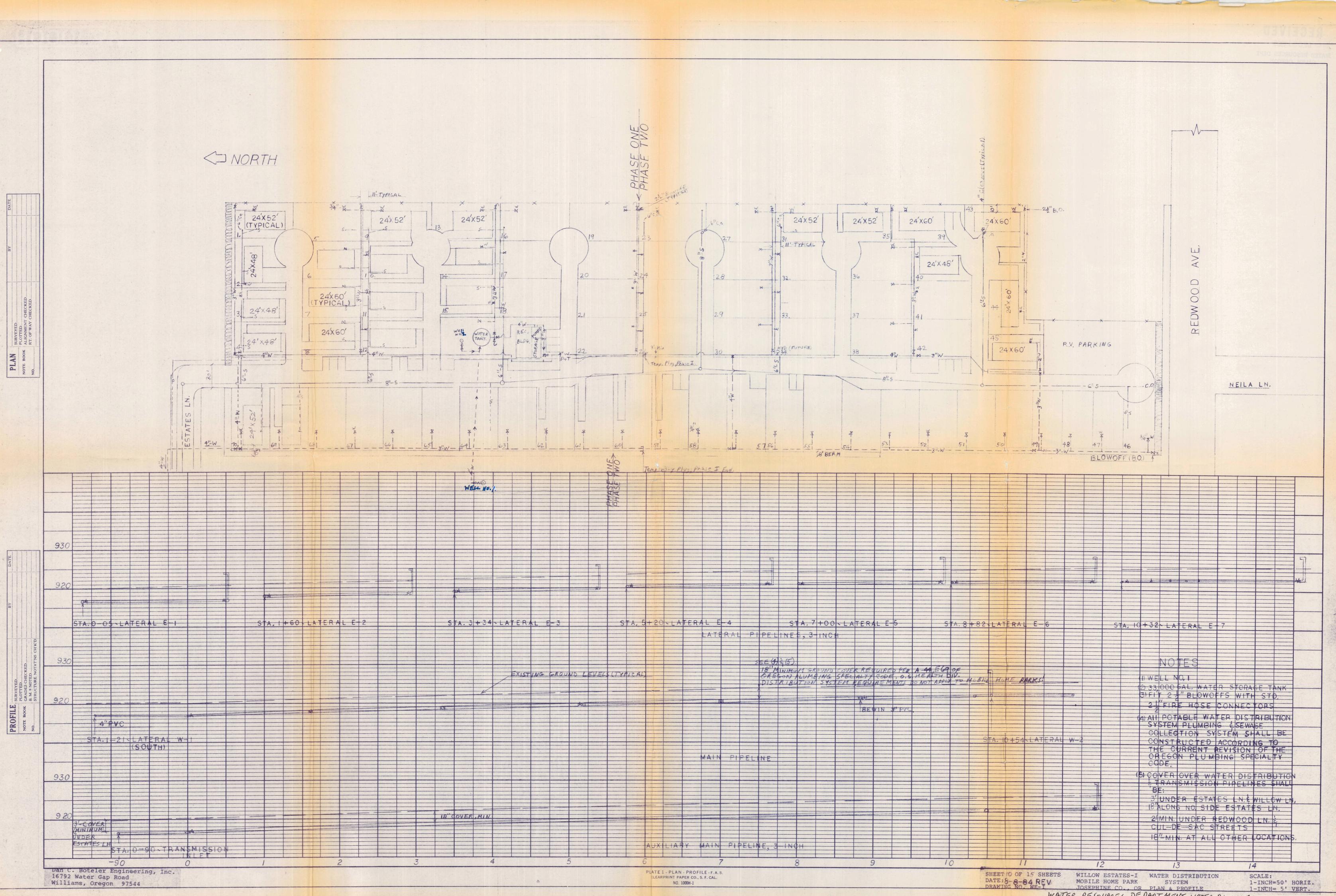
FRED LISSNER, Manager Groundwater/Hydrology Section

cc: Water Rights Section

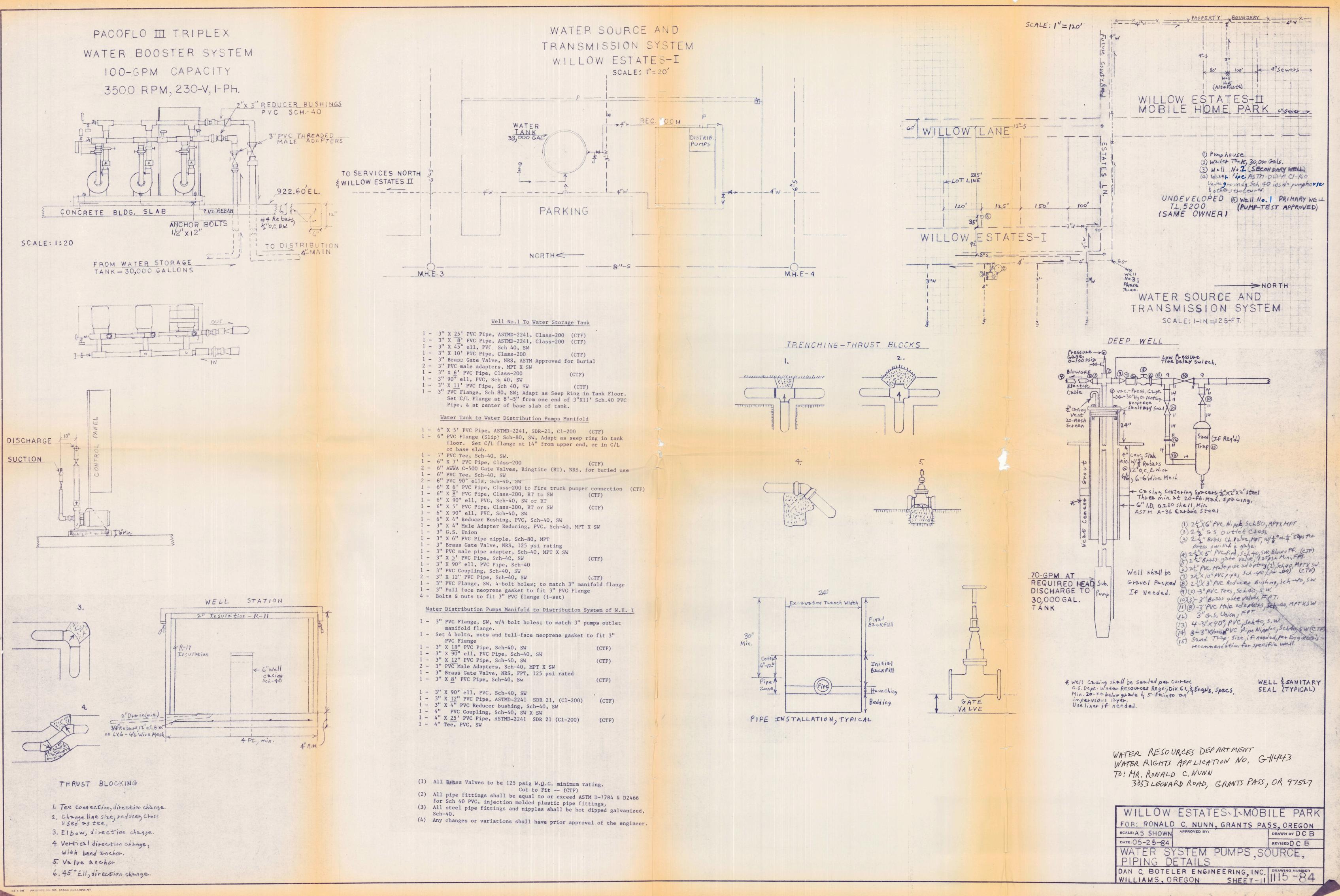


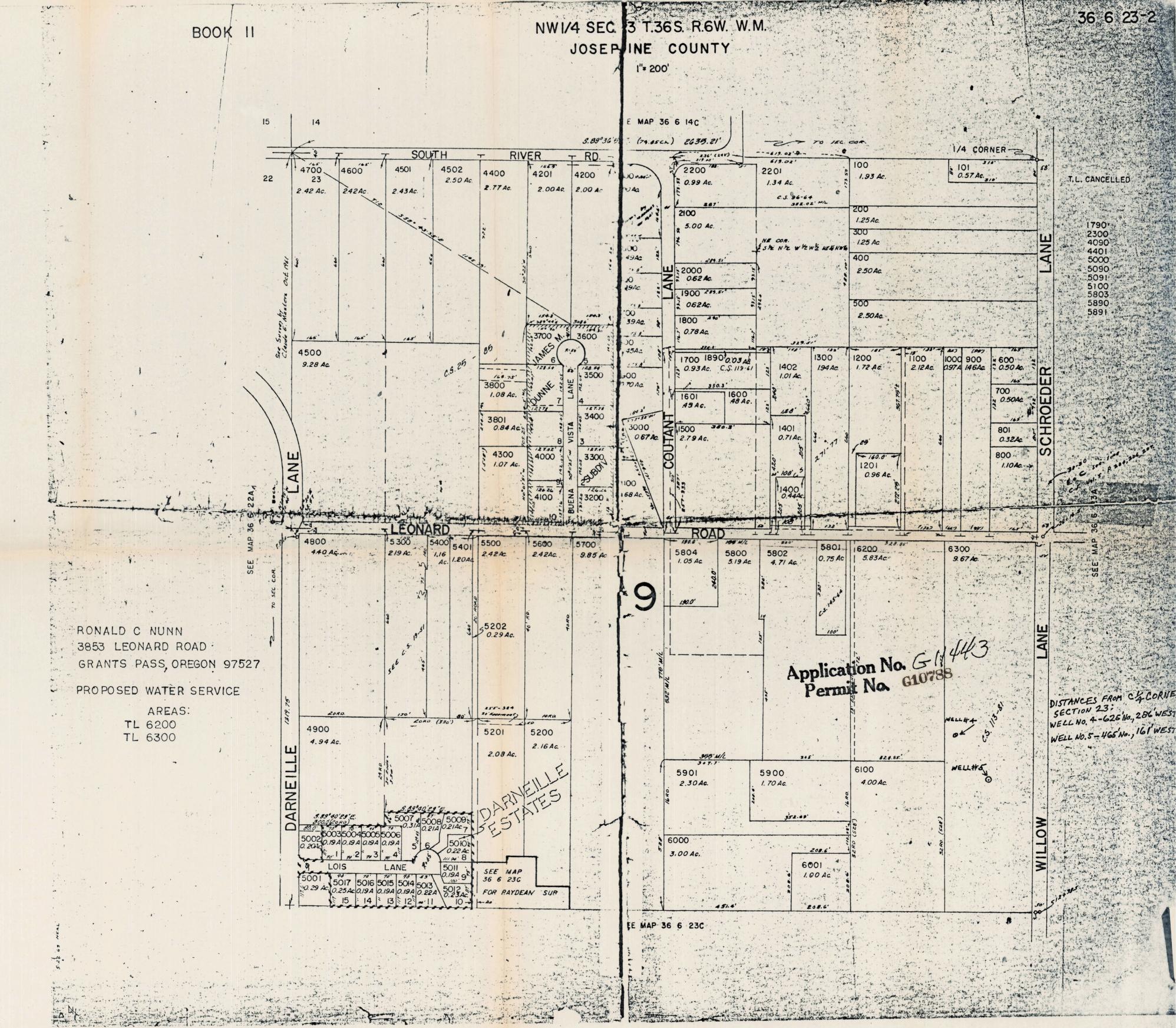
Commerce Building 158 12th Street NE Salem, OR 97310-0210 (503) 378-3739 FAX (503) 378-8130

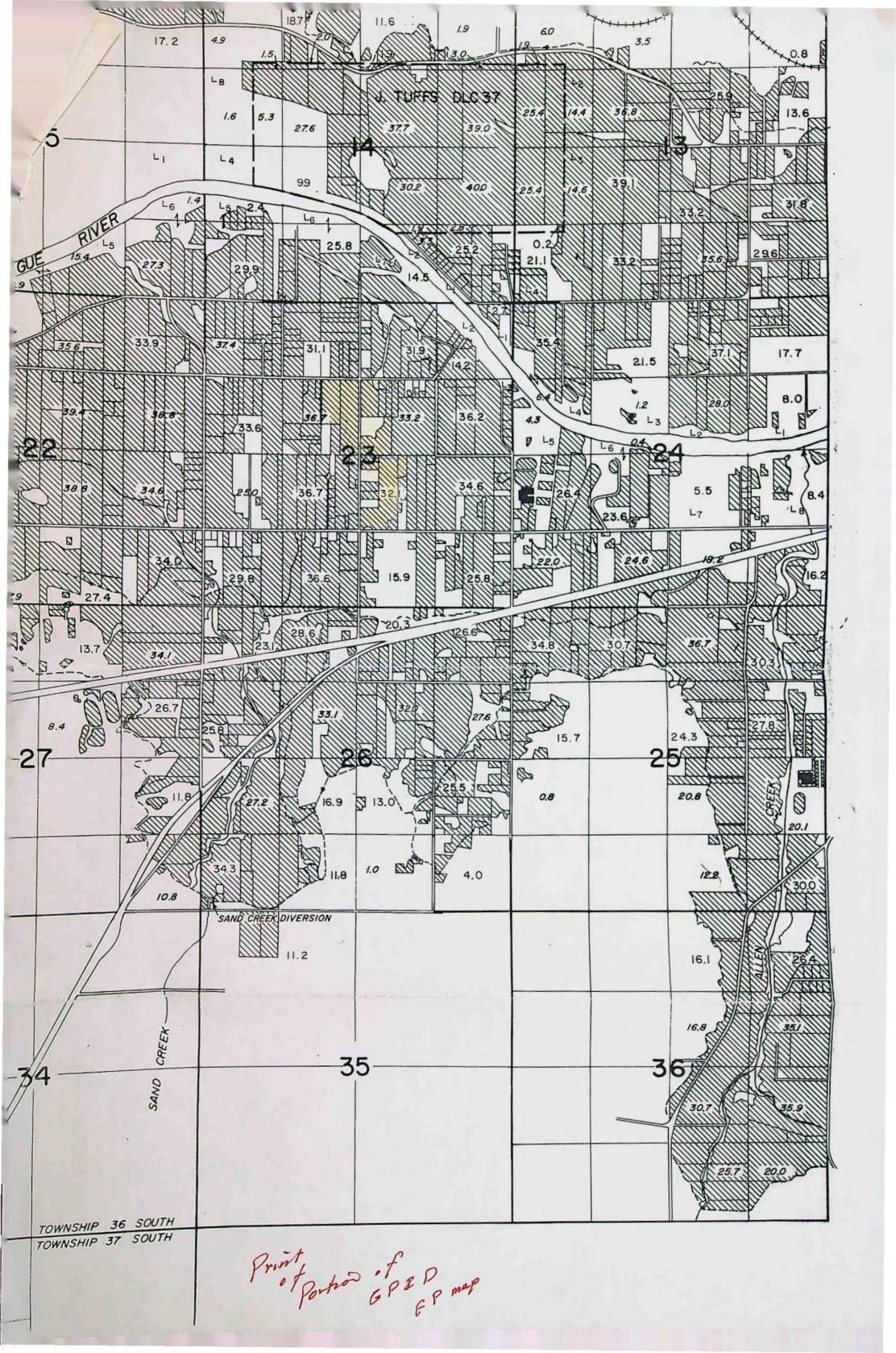


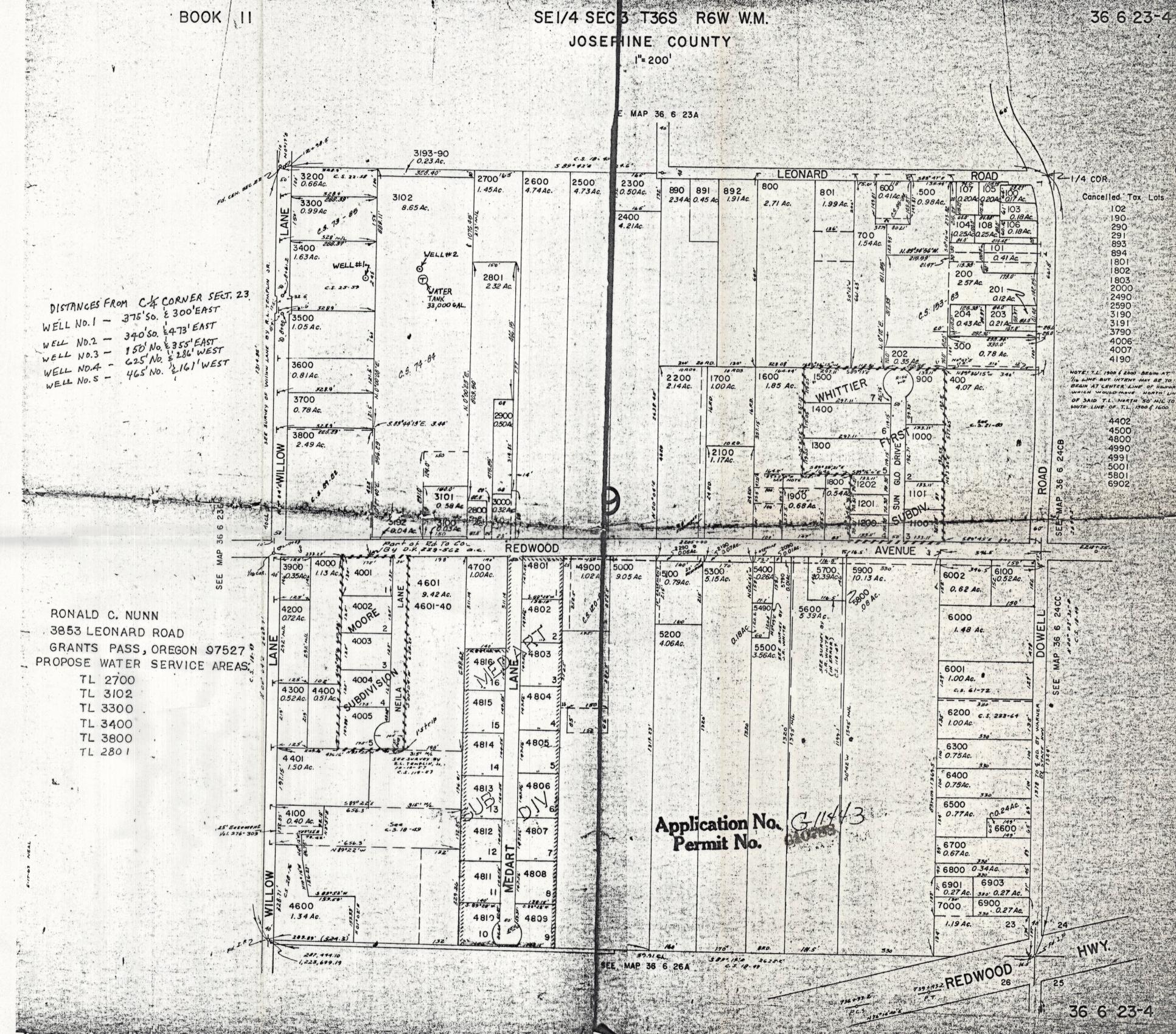


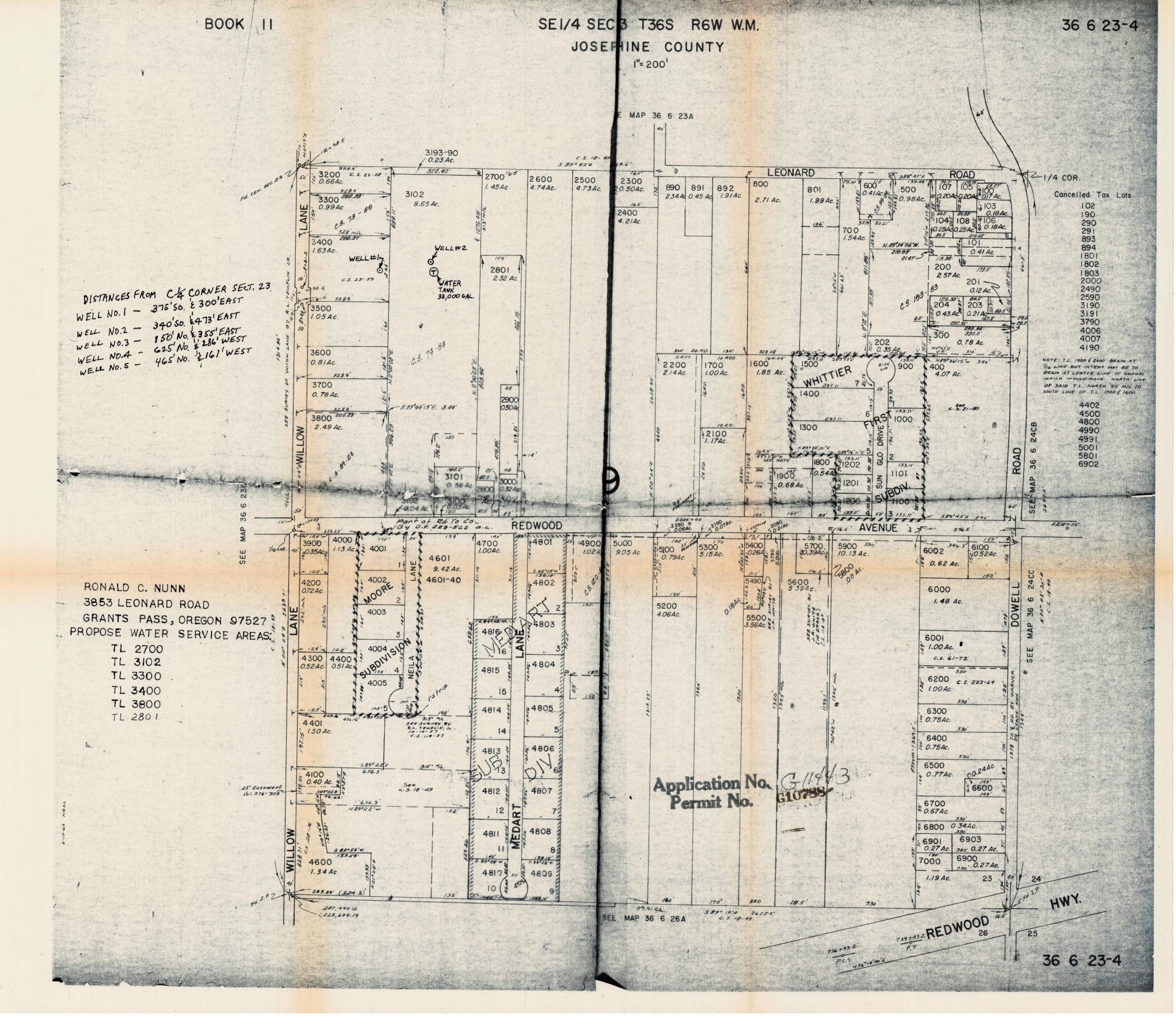
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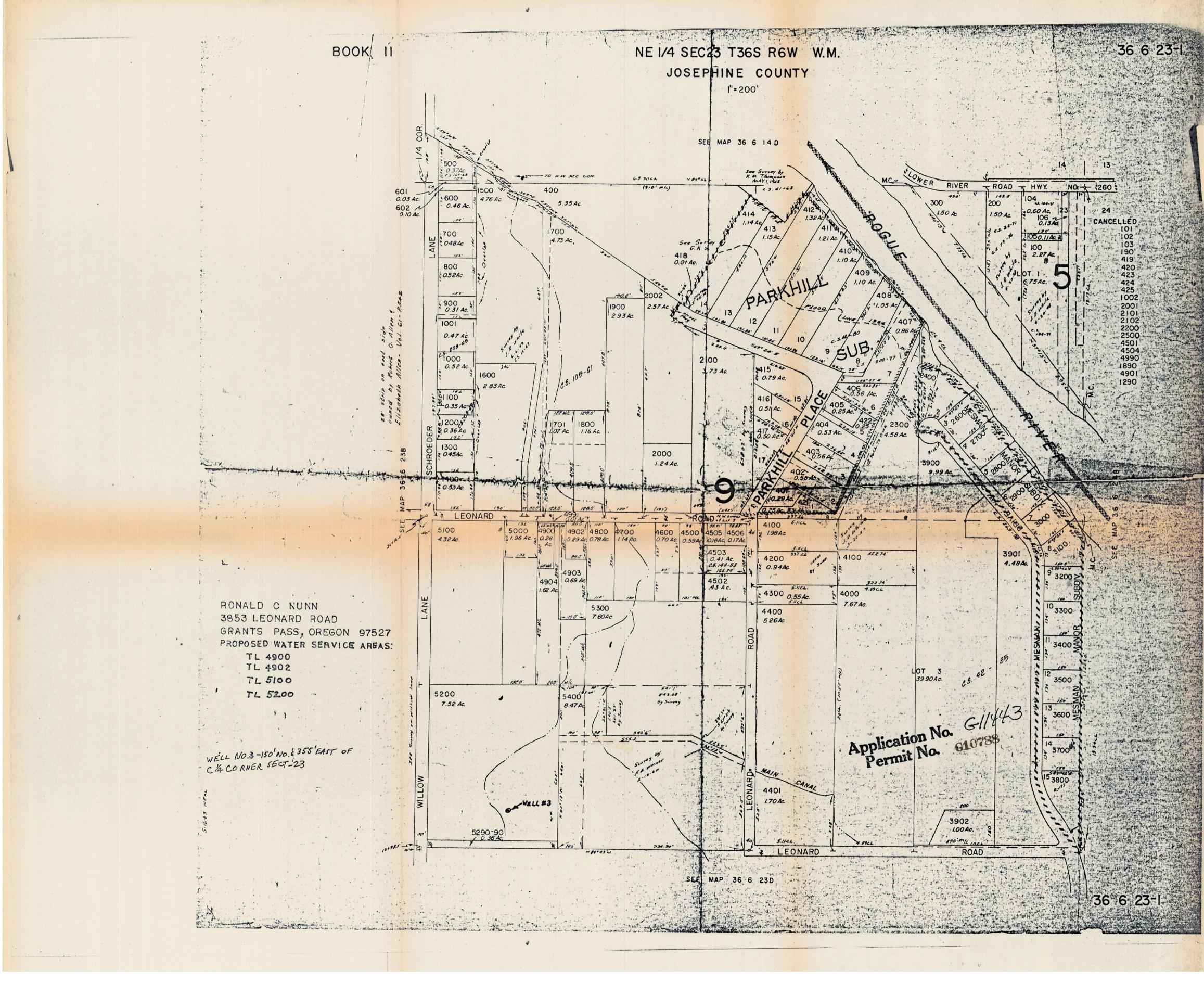


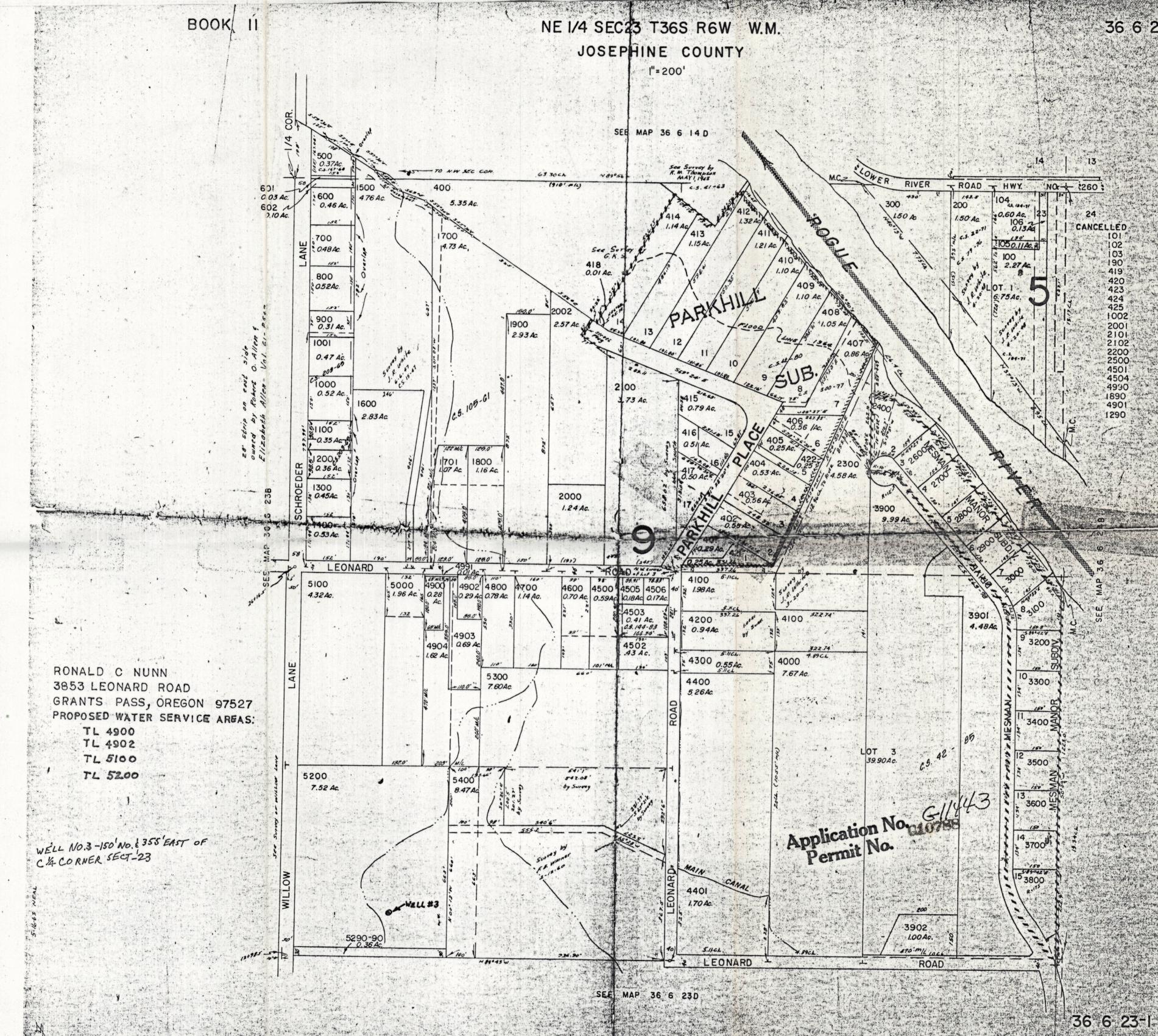




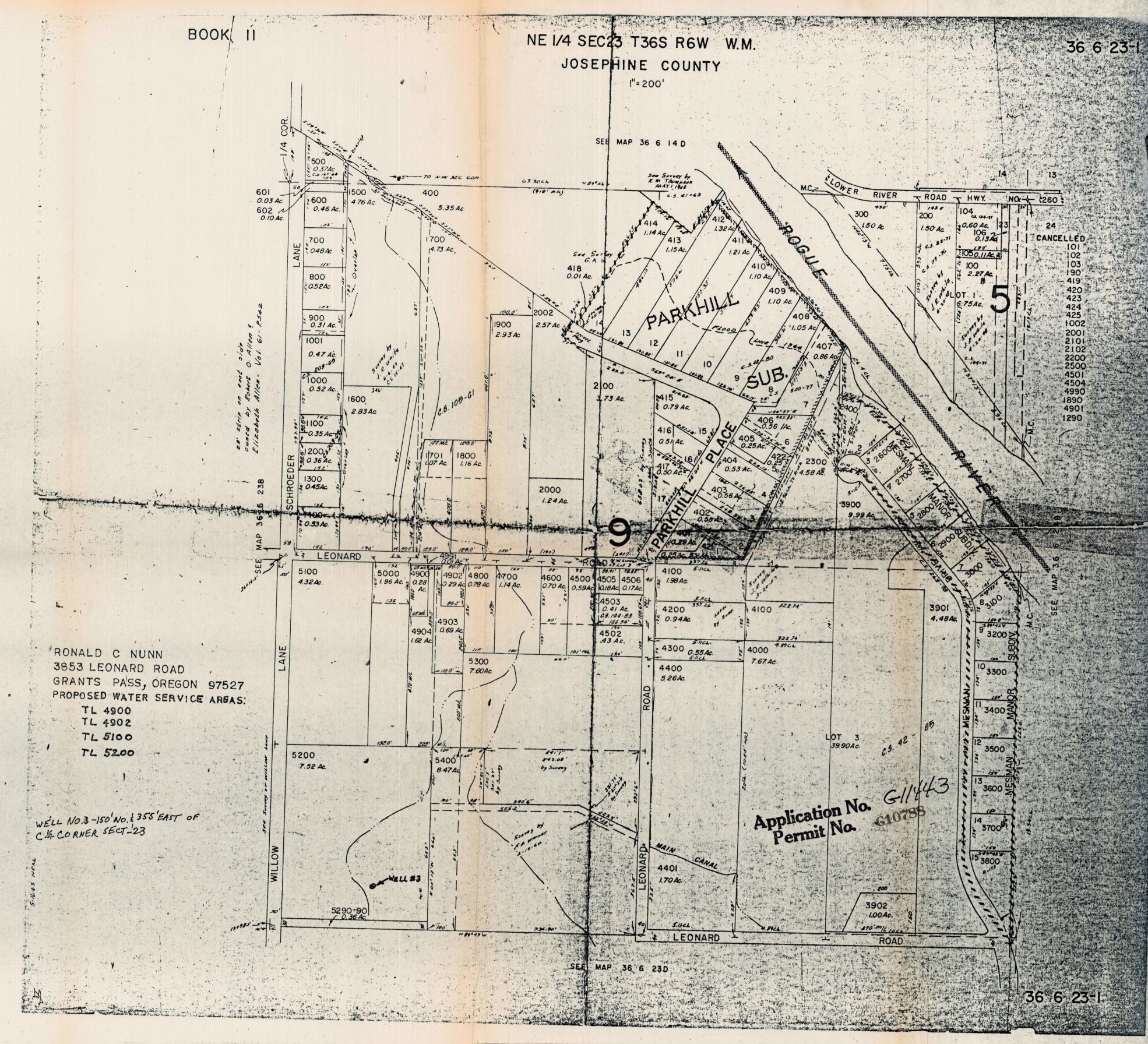


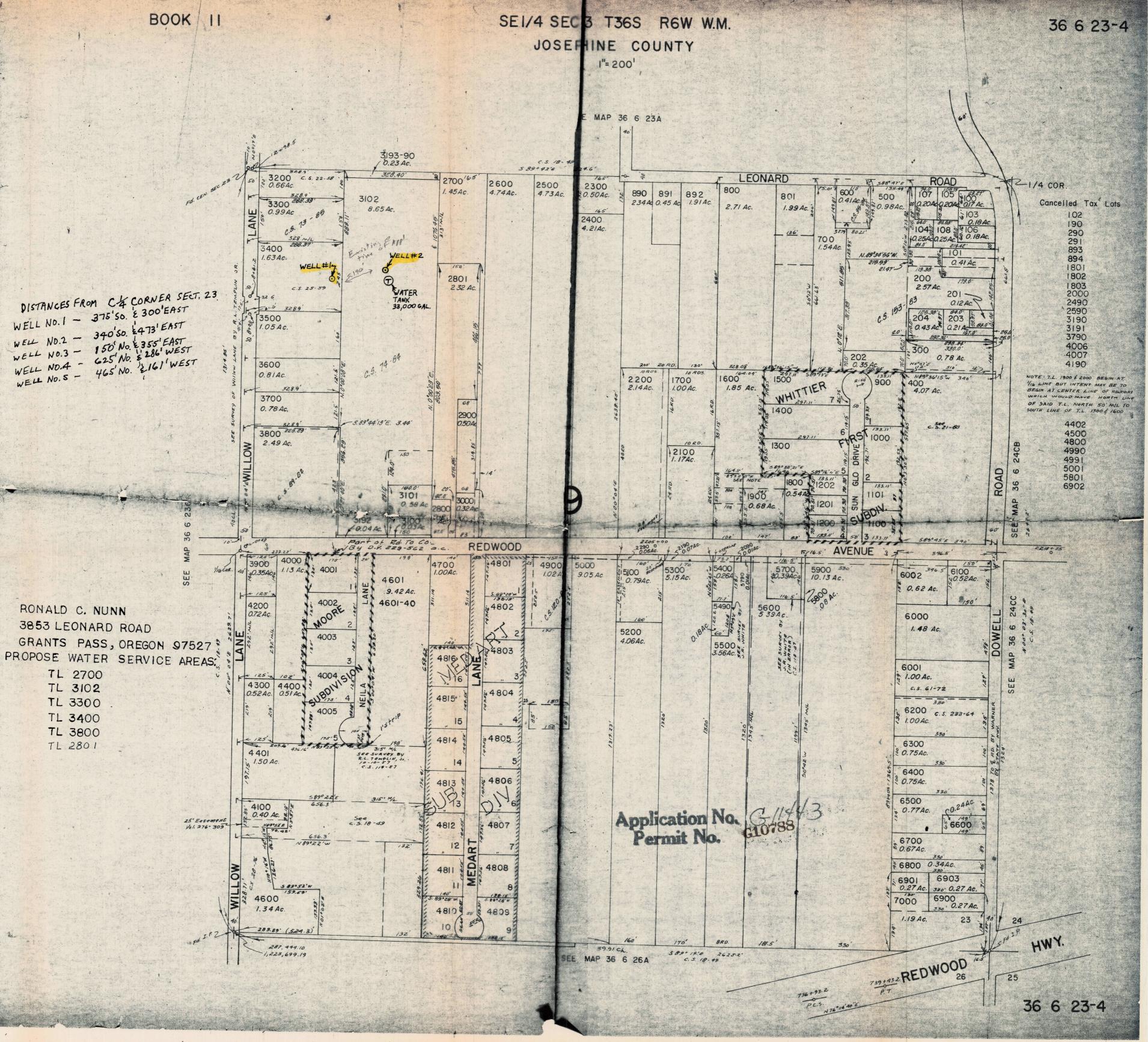






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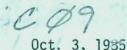


NUNN'S INVESTMENT 1151 WILLOW LN. GRANTS PASS, OR 97527





## Water resource Dept. 138 12th St. N.E. Salem, DR 97310-0210



Application No. G11443 Permit No. G10788

1151 Willow Jone NameNunn, Ronald C. 3853 Leonard Road Address Assigned ..... Address Beginning construction ... FEB. 2.8. 1989. 1 1989 Completion of construction Extended to <u>10-1-92</u>, <u>10-1-97</u>, <u>10-1-09</u> Complete application of water **DCT** 1 1990 Extended to 10-1-97, 10-1-97, 10-1-09 .....