

Name Robert & Carla M. Sanders ~~G-17920~~
Attn: Stacy L. Davies G-17921
By 31437 Hwy 205
Address Frenchglen, OR 97736

Priority SEPTEMBER 9, 2014
County HARNEY WM# 10

RELATED FILES

DEVELOPMENT

Date

Completion November 10, 2021

Extended to _____

Final Proof received _____

Proposed Cert. Mailed _____

Application No. G17921
Permit No. G-171698
Certificate No. _____

Date

DENIED _____

MISFILED _____

WITHDRAWN _____

CANCELLED _____

Volume Page

FEES PAID

Date	Amount	Receipt No.
<u>9/9/14</u>	<u>3100.00</u>	<u>115398</u>
<u>10-20-10</u>	<u>300.00</u>	<u>121010</u>
	Cert. Fee	

FEES REFUNDED

Date	Amount	Receipt No.

ASSIGNMENTS

Date	To Whom	Address

REMARKS

MAP LOCATION _____

KS 9/10/2014

Mailing List for FO Copies

Application #G-17921

Original mailed to applicant with claim of beneficial use form:

ROBERT SANDERS
31437 HWY 205
FRENCHGLEN OR 97736

Copies sent via Email to:

1. WRD - Watermaster District #: 10
2. Agent - Stacy Davies, ROARINGSRINGSRANCH@GMAIL.COM

Copies sent to:

1. WRD - File # G-17921

Copies Mailed By: <u>SP</u> (SUPPORT STAFF) on: <u>11-10-16</u> (DATE)
--

CASEWORKER : Barbara Poage

Oregon Water Resources Department
Water Right Services Division

Water Rights Application
Number G-17921

Final Order

Appeal Rights

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

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

Findings of Fact

1. On September 9, 2014, Robert T. Sanders submitted an application to the Department for a water use permit.
2. The Department issued a Proposed Final Order on June 28, 2016.
3. The protest period closed August 12, 2016, and no protest was filed.

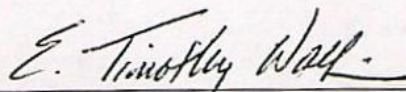
Conclusions of Law

1. The proposed use would not impair or be detrimental to the public welfare, safety and health pursuant to ORS 537.621(2).

Order

Application G-17921 therefore is approved as described in the Proposed Final Order, and Permit G-17698 is issued as limited by the conditions therein.

DATED November 10, 2016



E. Timothy Wallin, Water Rights Program Manager
for Thomas M. Byler, Director

This document was prepared by Barbara Poage. If you have any questions about any of the statements contained in this document I can be reached at 503-986-0859.

If you have previously filed a protest and want to know its status, please contact Patricia McCarty at 503-986-0820.

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

Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266, Fax: 503-986-0901.

STATE OF OREGON

COUNTY OF HARNEY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ROBERT T SANDERS
31437 HWY 205
FRENCHGLEN, OR 97736

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

APPLICATION FILE NUMBER: G-17921

SOURCE OF WATER: SANDERS #1 WELL AND SANDERS #2 WELL IN SOLOMON CANYON BASIN

PURPOSE OR USE: IRRIGATION OF 250.0 ACRES

MAXIMUM RATE: 4.17 CUBIC FEET PER SECOND

PERIOD OF USE: APRIL 15 THROUGH OCTOBER 15

DATE OF PRIORITY: SEPTEMBER 9, 2014

WELL LOCATIONS:

SANDERS #1 WELL: SW $\frac{1}{4}$ SE $\frac{1}{4}$ SECTION 20, T32S, R32E, W.M.; 125 FEET NORTH AND 2,773 FEET EAST FROM SW CORNER, SECTION 20

SANDERS #2 WELL: NE $\frac{1}{4}$ SW $\frac{1}{4}$ SECTION 29, T32S, R32E, W.M.; 2,750 FEET SOUTH AND 1,746 FEET EAST FROM NW CORNER, SECTION 29

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 13.0 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 2.3 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 21.0 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 39.4 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 1.0 ACRE
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 14.3 ACRES
SECTION 20

NW ¼ NE ¼ 4.1 ACRES
SW ¼ NE ¼ 14.8 ACRES
NE ¼ NW ¼ 28.4 ACRES
NW ¼ NW ¼ 7.4 ACRES
SW ¼ NW ¼ 18.0 ACRES
SE ¼ NW ¼ 39.0 ACRES
NE ¼ SW ¼ 30.5 ACRES
NW ¼ SW ¼ 9.7 ACRES
NW ¼ SE ¼ 7.1 ACRES

SECTION 29

TOWNSHIP 32 SOUTH, RANGE 32 EAST, W.M.

Measurement devices, and recording/reporting of annual water use conditions:

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

Static Water Level Conditions:

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

The permittee shall report an initial March static water-level measurement once well construction is complete and annual measurements thereafter. Annual measurements are required whether or not the well is used. The first annual measurement will establish a reference level

against which future measurements will be compared. However, the Director may establish the reference level based on an analysis of other water-level data. The Director may require the user to obtain and report additional water levels each year if more data are needed to evaluate the aquifer system.

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

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

The Department may require the discontinuance of groundwater use, or reduce the rate or volume of withdrawal, from the well(s) if any of the following events occur:

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

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

Dedicated Measuring Tube Condition:

Wells with pumps shall be equipped with a minimum 3/4-inch diameter, unobstructed, dedicated measuring tube pursuant to Figure 200-5 in OAR 690-200. If a pump has been installed prior to the issuance of this permit, and if static water levels and pumping levels can be measured using an electrical tape, then the installation of the measuring tube can be delayed until such time that water levels cannot be measured or the pump is repaired or replaced.

Well Construction Conditions:

The well(s) shall be constructed to develop groundwater only from the predominantly volcanic/basalt bedrock unit underlying the predominantly basin fill unit. The well(s) shall be continuously cased and continuously sealed a minimum of five (5) feet into the predominantly volcanic/basalt bedrock beneath the predominantly basin fill unit. The well(s) may not be completed in such a manner to allow groundwater to be developed from the overlying basin fill.

If during well construction, it becomes apparent that the well can be constructed to eliminate interference with nearby shallow wells or hydraulically connected streams in a manner other than specified in this permit, the permittee can contact the Department Hydrogeologist for this permit or the Groundwater/Hydrology Section Manager to request approval of such construction. The request shall be in writing, and shall include a rough well log and a proposed construction design for approval by the Department. The request can be approved only if it is received and reviewed prior to placement of any permanent casing and sealing material. If the well is constructed first and then the request made, the requested modification will not be approved. If approved, the new well depth and construction specifications will be incorporated into any certificate issued for this permit.

Observation Well Condition:

The permittee shall construct one (1) minimum six-inch diameter observation well to penetrate the same aquifer as the production wells. The well shall meet the Department's minimum well-construction standards, and shall be cased and sealed to the same depth as the production wells. The well shall be constructed at a location approved by the Department for the purpose of instrumentation with continuous water-level monitoring equipment. The landowner or permittee shall provide access to Department staff to install and maintain the monitoring equipment. The well shall not be used for any other purpose while the Department is monitoring water levels. The well shall be completed prior to water use under the terms of any permit issued.

Well Identification Tag Condition:

Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.

STANDARD CONDITIONS

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

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may be subject to cancellation, unless the Department authorizes the change in writing.

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

The well(s) shall be constructed and maintained in accordance with the General Standards for the Construction and Maintenance of Water Supply Wells in Oregon. The works shall be equipped with a usable access port adequate to determine water-level elevation in the well at all times.

If the riparian area is disturbed in the process of developing a point of appropriation, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

The use may be restricted if the quality of downstream waters decreases to the point that those waters no longer meet state or federal water quality standards due to reduced flows.

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

Prior to receiving a certificate of water right, the permit holder shall submit to the Water Resources Department the results of a pump test meeting the Department's standards for each point of appropriation (well), unless an exemption has been obtained in writing under OAR 690-217. The Director may require water-level or pump-test data every ten years thereafter.

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

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

Construction of the well shall be made within five years of the date of permit issuance. The deadline to begin construction may not be extended. This permit is subject to cancellation proceedings if the begin construction deadline is missed.

Complete application of the water shall be made within five years of the date of permit issuance. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after making beneficial use of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Issued *NOVEMBER 10 2016*

E. Timothy Wallin

E. Timothy Wallin, Water Rights Program Manager
for Thomas M. Byler, Director

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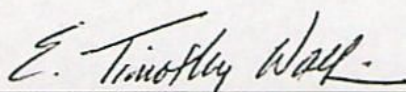
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This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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

Construction of the well shall be made within five years of the date of permit issuance. The deadline to begin construction may not be extended. This permit is subject to cancellation proceedings if the begin construction deadline is missed.

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Within one year after making beneficial use of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Issued

NOVEMBER 10 2016



E. Timothy Wallin, Water Rights Program Manager
for Thomas M. Byler, Director

NOTES

1. This map was prepared for the purpose of identifying the location of water rights only and is not intended to provide legal dimensions or locations of property ownership lines.

WATER RIGHT
APPLICATION G-17921
TAX LOTS 1102 & 1103
 Section 20 & 29, T.32S., R.32E., W.M.
 Harney County, Oregon

LEGEND

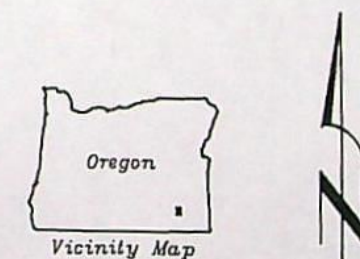
 Roaring Springs Boundary
 Tax Lot Boundary

Area by Qtr-Qtr

SEC	Tax Lot	Qtr-Qtr	Area (Ac)
20	1102	NW-SW	2.3
		NE-SW	13.0
		NW-SE	1.0
		SW-SE	14.3
		SE-SW	39.4
		SW-SW	21.0
Sub-Total			91.0
29	1103	NW-NW	7.1
			0.3
		NE-NW	23.0
			5.4
		NW-NE	3.9
			0.2
		SW-NW	18.0
		SE-NW	39.0
		SW-NE	14.8
		NW-SW	9.7
		NE-SW	30.5
		NW-SE	7.1
Sub-Total			159.0
Total			250.0



EXPIRES:
 RENEWS: 12-31-2016



0' 1320' 2640'
 SCALE: 1" = 1320' (Qtr Mile)

Water Right Application G-17921 Map
 Roaring Springs Ranch
 Harney County, Oregon

NEWTON
 CONSULTANTS INC.
 Earth, Water and Rock Specialists
 Ph: 541 504-9960 Fax: 541 504-9961

DESIGNED BY
 S. Yankey

DRAWN BY
 S. Schenck

DATE
 JAN 2016

PROJECT NO
 1172-101

FIGURE
 1

G-17921/G-17698

Rec'd 01/19/2016

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **121660**

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

INVOICE # _____

RECEIVED FROM: Roaring Springs Ranch, INC.
BY: _____

APPLICATION	G-17921
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 23189 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 300.00

1083 TREASURY 4170 WRD MISC CASH ACCT

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

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

4270 WRD OPERATING ACCT

MISCELLANEOUS 40111

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

WATER RIGHTS:		EXAM FEE		RECORD FEE
0201 SURFACE WATER	\$	0202	\$	
0203 GROUND WATER	\$	0204	\$	<u>300.00</u>
0205 TRANSFER	\$			
WELL CONSTRUCTION		EXAM FEE		LICENSE FEE
0218 WELL DRILL CONSTRUCTOR	\$	0219	\$	
LANDOWNER'S PERMIT		0220	\$	

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT: **121660**

DATED: 10-20-10 BY: Felicia B.

FO Checklist

Application #: G-17921 Applicant: ROBERT SANDERS

☒ Name and/or address has changed or been assigned ☐ Yes ☒ No

If new: _____

☒ Respond to significant comments, issues, or disputes related to the proposed use of water. ☒ N/A ☐ Yes

☒ Affected landowner(s) have been notified ☒ N/A ☐ Yes ☐ No, send a letter to landowners before FO issuance.

☒ Verify names/addresses of affected landowners, and those who commented and/or paid \$25 fee. ☒ N/A ☐ Yes

☒ PFO conclusions require modification due to typos, errors or omission of conditions ☐ Yes ☒ No

If so: _____

☒ If PFO requires modification, use FO MOD appeal rights ☒ N/A ☐ Yes

S:\groups\wr\Resource Center\language\fo\appeal rights - fo mod

☒ Within North Umpqua settlement or Tenmile Lake and issuing permit, spreadsheet has been updated ☒ N/A ☐ Yes

☒ SWW ☒ N/A ☐ Yes - If GW and interference, cc: Shawn Ortiz-Turner

☒ WMCP required ☒ N/A ☐ Yes - cc: Lisa Jaramillo

☒ Fees

\$300 Rec'd

EXAM FEE REQUIRED	_____	RECORDING FEE REQUIRED	_____
EXAM FEE PAID	_____	RECORDING FEE PAID	_____
STILL OWED	<u>Ø</u>	STILL OWED	<u>Ø</u>

___ FO w/ draft permit; still needed:

- ___ fees
- ___ easement
- ___ st water contract
- ___ approved dam plans & specs
- ___ land use approval
- ___ well construction approval

☒ FO w/ permit # G-17690

___ FO to deny
refund \$ _____

Name: h2

Date: 10/13/2016

Peer Reviewer: _____

PFO Checklist

Application #: G-17921 Applicant: ROBERT SANDERS

☒ IR requested add'l info ☒ No ☐ Yes acreage discrepancy, rate, limit & duty
☒ Have conflicts been addressed? ☐ NA ☐ No ☒ Yes 250.0 w/ Affidavit to Diminish underlying
☒ IR date 4/3/2015 Noticed on 4/16/2015 Comment Deadline 5/6/2015
☒ Electronic/written comments? ☒ No ☐ Yes _____ Comment eval? ☐ No ☐ Yes ☒ NA
☒ Allowed Use/Rate/Season IR 250.0 4.17 cfs APR 15-OCT 15 Limit 1/100 Duty 3.0

Make specific finding in PFO if ☐ Rate/Limit higher-than-standard ☐ Duty higher-than-standard

☒ Confirm POD/POU are correct per the map

☒ Is second gw review necessary? ☐ NA ☒ No ☐ Yes Complete? ☐ No ☐ Yes Add'l fees ☐ necessary ☐ collected ☐ needed

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

well _____ has PSI with No PSI

GW conditions FN FP FT FK Large farm + obs well

☒ Conditions _____

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

☒ SW availability ☒ NA ☐ 80% ☐ 50% _____

☒ DIVISION 33 ☒ NA ☐ No ☐ UPPER COLUMBIA (not allowed 4/15 - 9/30)
☐ LOWER COLUMBIA
☐ STATEWIDE

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

☒ Application was filed prior to 10/23/99 ☒ No ☐ Yes (If Yes, add A date requirement)

☒ Land Use ☒ allowed outright ☐ decision obtained ☐ being pursued ☐ not being pursued (add text box - deny)

☒ Needed before permit ☒ NA ☐ fees ☐ evidence of well repair ☐ LU ☐ easement ☐ plans/specs ☐ storage contract

☒ Changes from IR determinations Affidavit of diminishment

250.0 acres

4.17 cfs

all IR, not IR & IS

Notes

✓ Copy to Reg Manager _____ WM #10 CWRE _____ Agent Stacy Davies

✓ Fees 4,43 CFS Base 1150-
_____ AF Up to 1 CFS 300-
4 Add'l CFS 1200-
Up to 20 AF _____
_____ Add'l AF @ \$1 _____
Add'l 1 POD(POA) use + 300-
Exam Fee Required = 2950- Rec Fee Req'd 450-
Exam Fee Paid (2950-) Rec Fee Paid (150-)
Still Owed 0 Owed before permit 300

EXAM FEE REQUIRED	_____	RECORDING FEE REQUIRED	_____
EXAM FEE PAID	_____	RECORDING FEE PAID	_____
STILL OWED	<u>0</u>	STILL OWED	<u>300-</u>

Name: Barbara Park Date: 9/2/2015

Peer Reviewer: _____

The purpose of this checklist is to be used as a working document by Department staff to aid in the production of the related Initial Review, Proposed Final Order, or Final Order. It is not intended to be a complete record of all factors which were considered to produce the document, nor is it intended to serve any purpose other than that stated above. The related Initial Review, Proposed Final Order, or Final Order is intended to stand alone as the record of factors considered in its production.

IR CHECKLIST

Application #: G-17921 Applicant: ROBERT SANDERS

Use(s): IRRIGATION OF 229.22 ACRES Priority Date: September 9, 2014

✓ Requested Use/Rate/Season IR 250.0ac / 4.43 cfs at 3.43 g/s APR 15 - OCT 15 Limit 1/80 ⁵⁶ Duty 5.0

Allowed Use/Rate/Season IR 77.05ac IS 152.17ac / 2.86 cfs APR 15 - OCT 15 Limit 1/80 Duty 3.0

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

☐ classify as surface water well _____ has PSI with NO PSI

GW conditions std std 7B 7F 7N 7P 7T 7K + TFM OBS WELL

✓ Conditions _____

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

use at least Medium for: Siltcoos Lake, stored water contract, and Sandy Basin ground water

use Large for: Tenmile Lake, NU or other temp control, and gov. entities; Large-7g, Large-7i for 7g/7i

use Large-TFM: HC exceptions; and if GW in South Salem Hills, or 10+ acres in Stage Gulch CGWA

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

✓ Use is ☐ allowed ☐ not allowed ☐ limited ☒ OAR ☐ Compact 690-512-0040

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

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

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

✓ DIVISION 33 ☒ NA ☐ No ☐ UPPER COLUMBIA (not allowed 4/15 - 9/30)
☐ LOWER COLUMBIA
☐ STATEWIDE

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

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

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

☒ Yes Cert 36760 & Cert 11584

✓ Use is supplemental, checked for primary rights w/ diff source ☐ NA ☒ Yes limits not specified

✓ App w/in a District boundary ☒ No ☐ Yes, cc: _____

✓ Land use ☒ allowed outright ☐ not allowed ☐ being pursued ☐ not being pursued ☐ decision obtained ☐ N/A

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

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

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

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

Application #: G-17921 Applicant: ROBERT SANDERS

☒ Authorized agent specified ☐ NA ☐ needed ☒ Yes Stacy Davies
Leaning Springs Ranch@gmail.com

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

☐ city _____ ☐ DEQ, greg geist ☐ DOGAMI & DSL
(w/in 5-mile muni wells) (POA in 1N, 3E, S 20, 21, 28, 29) (mining)

☒ Fees 4.43 CFS Base 1150
_____ AF Up to 1 CFS 300
4 Add'l CFS 1200
Up to 20 AF _____
_____ Add'l AF @ \$1 _____
Add'l 1 POD/POA use + 300
Exam Fee Required = 2950 Rec Fee Req'd 450
Exam Fee Paid (2950) Red Fee Paid (150)
Still Owed Ø Owed before permit 300 **

* App states 4.42 cfs
4.43 cfs
+ individual well
rates @ 2.23 cfs
1.70 cfs
= 3.93 cfs

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

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

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

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

___ Scanned images exist for application form and map

** \$300 owed as recording fee
+ \$300 will be due as (possible) additional use, IS

Name: Barbara Park Date: 4/10/2015

Peer Reviewer: _____

The purpose of this checklist is to be used as a working document by Department staff to aid in the production of the related Initial Review, Proposed Final Order, or Final Order. It is not intended to be a complete record of all factors which were considered to produce the document, nor is it intended to serve any purpose other than that stated above. The related Initial Review, Proposed Final Order, or Final Order is intended to stand alone as the record of factors considered in its production.

Point of Diversion Characteristics

Right:	App: G 17921 *
Name:	ROBERT SANDERS

TRSQQ: 32.00S-32.00E-29-NWNE

County: Harney

Basin: Malheur Lake

WM District: 10

WM Region: E

Withdrawn Area:

WAB:

Priority WAB:

Rule 4D:

Groundwater Restricted Area:

Scenic Water Way:

Division 33:

Water Quality Limited:

TRSQQ: 32.00S-32.00E-29-NWSE

County: Harney

Basin: Malheur Lake

WM District: 10

WM Region: E

Withdrawn Area:

WAB:

Priority WAB:

Rule 4D:

Groundwater Restricted Area:

Scenic Water Way:

Division 33:

Water Quality Limited:

DIVISION 512

MALHEUR LAKE BASIN PROGRAM PROVISION

690-512-0040

Water Availability

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

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

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

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

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

(a) Instream water rights;

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

(c) Permits for use of water legally stored.

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

Stat. Auth.: ORS 536.300 & 536.340

Stats. Implemented:

Hist.: WRD 3-1985, f. & cert. ef. 3-28-85; WRD 23-1990, f. & cert. ef. 12-14-90; Administrative Renumbering 1-1993, Renumbered from 690-080-0120; WRD 2-2009, f. 6-18-09, cert. ef. 7-1-09

Place of Use Conflict Report

The following rights have acreage in the same quarter-quarter as App: G 17921 *

underly

Right Name

Decree App Permit Cert Priority Status Use T-R-S-QQ DLC Gov't Lot Acres

CERT:11584 OR * MELVIN H KUNDERT

S-8232 S-5345 11584 1/6/1922 NC IR 32.00S-32.00E-29-NWNE 40.0000

IR 32.00S-32.00E-29-SWNE 40.0000

~~CERT:33514 OR * ALLIED LAND & LIVESTOCK CO.~~

~~S-22102 S-17418 33514 11/20/1946 NC~~

CERT:36760 OR * M H KUNDERT

S-34507 S-27104 36760 12/12/1960 NC IR 32.00S-32.00E-29-SENE 15.2000

IR 32.00S-32.00E-29-NENE 39.0000

IR 32.00S-32.00E-20-NWSE 25.2000

IR 32.00S-32.00E-20-SWSE 22.4000

IR 32.00S-32.00E-20-NESW 32.0000

IR 32.00S-32.00E-20-SESW 39.4000

IS 32.00S-32.00E-29-SWNE 7.6000

IS 32.00S-32.00E-29-NWNE 22.4000

} conflict

} conflict

AC Sec 29
0.56 NWNE
+ 1.54
10.45 SWNE

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935
26.87 p

conflict

Water Rights Platcard Report

Meridian: Willamette Township: 32

South Range: 32

East Section: 29

Records
per 100
Page:

Search

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Learn about * View Map

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): Q(160):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unkown QQ
Select Cert:11584 OR * Additional Info: MELVIN H KUNDERT App: S8232 Permit: S5345 Cert: 11584 <i>Dry Crk & Dry Crk Reservoir</i>		1/6/1922	IRRIGATION					40 *	40 *	20														
Select Cert:36760 OR * Additional Info: M H KUNDERT App: S34507 Permit: S27104 Cert: 36760		12/12/1960	IRRIGATION								39 *				15.2 *									
Select App: G17921 * Additional Info: ROBERT SANDERS App: G17921		9/9/2014	IRRIGATION					100% 2.1	100% 18.45		100% 22.09	1.68 P	7.63 P	40.94 P	13.4 P	0.34 P				2.72 P				
Select Cert:33514 OR * Additional Info: ALLIED LAND & LIVESTOCK CO. App: S22102 Permit: S17418 Cert: 33514		11/20/1946	LIVESTOCK																					
Select Cert:36760 OR * Additional Info: M H KUNDERT App: S34507 Permit: S27104 Cert: 36760		12/12/1960	SUPPLEMENTAL IRRIGATION (Suppl'mtl)					22.4	7.6															

Acreage Legend: 12.25 Regular
acreage

12.25 Acreage is on a
canceled right

(12.25) Acreage is part of a transfer and
has not been proven up on yet
(inchoate)

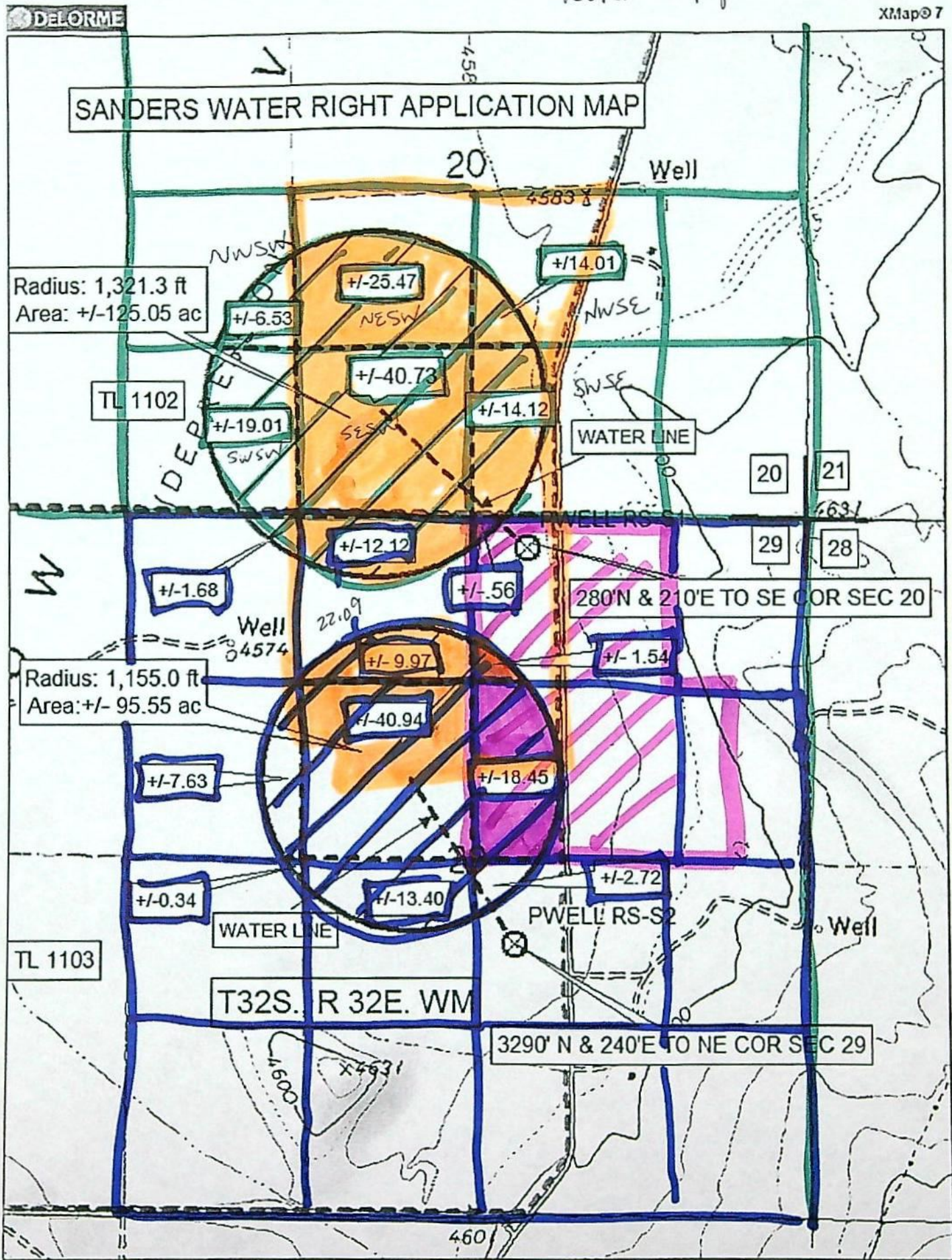
[12.25] Acreage has been
suspended

* Acreage is not
specified

Primary acreage = 77.05 - 51.51
Supp acreage = 152.17
57.84

WORK COPY

XMap© 7



Data use subject to license.

RECEIVED BY OWRD

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www.delorme.com

SEP 09 2014

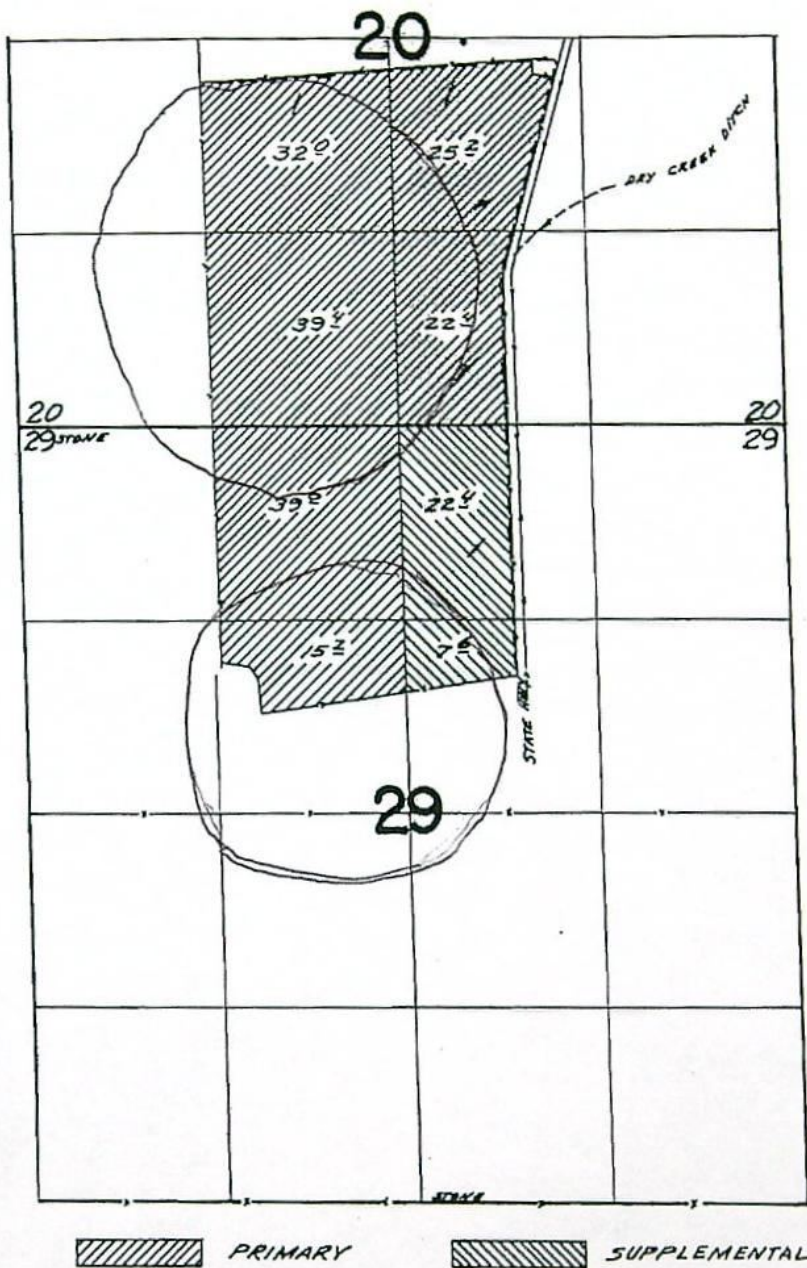


Date Zoom 12.4

G-17921

SALEM, OR

T.32 S. R.32 E.W.M.



FINAL PROOF SURVEY

UNDER

Application No. 34507... Permit No. 27104...
IN NAME OF

M. H. KUNDERT

Surveyed Aug 7, 1968, by J. Garner

Cert 36760

Water Right Conditions
Tracking Slip

Groundwater/Hydrology Section

FILE # # L-17921

ROUTED TO: WATER RIGHTS

TOWNSHIP/

RANGE-SECTION: 32/32-29

CONDITIONS ATTACHED?: ☒ yes [] no

REMARKS OR FURTHER INSTRUCTIONS:

Reviewer: BOSCHMANN

3/27, 2015

SUBJECT: Scenic Waterway Interference Evaluation

The source of appropriation is within or above a Scenic Waterway

Use the Scenic Waterway condition (condition 7J)

Per ORS 390.835, the Groundwater Section is unable to calculate groundwater interference with surface water that contributes to a scenic waterway; therefore, the Department is unable to find that there is a preponderance of evidence that the proposed use will measurably reduce the surface flows necessary to maintain the free-flowing character of a scenic waterway.

Calculate interference as the monthly fraction of the annual consumptive use and fill in the table below. If interference cannot be calculated, per criteria in 390.839, do not fill in the table but check the "unable" option above, thus informing the Water Rights Section that the Department is unable to make a Preponderance of Evidence finding.

Exercise of this permit is calculated to reduce monthly flows in the _____ Scenic Waterway by the following amounts, expressed as a proportion of the annual consumptive use pumped from the well.

[illegible]

PUBLIC INTEREST REVIEW FOR GROUNDWATER APPLICATIONS

TO: Water Rights Section Date 3/27/2015

FROM: Groundwater Section Gerald H. Grondin (Darrick E. Boschmann)
Reviewer's Name

SUBJECT: Application G- 17921 Supersedes review of N.A.
Date of Review(s)

PUBLIC INTEREST PRESUMPTION: GROUNDWATER

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

A. GENERAL INFORMATION: Applicant's Name: Robert & Carla M Sanders County: Harney

- A1. Applicant(s) seek(s) 4.42* cfs from 2 well(s) in the Malheur Lake Basin,
Catlow Valley subbasin Quad Map: Frenchglen
- A2. Proposed use: Irrigation (250 acres primary) Seasonality: **April 15th to October 15th (184 days)
- A3. Well and aquifer data (attach and number logs for existing wells; mark proposed wells as such under logid):

Well	Logid	Applicant's Well #	Proposed Aquifer*	Proposed Rate(cfs)	Location (T/R-S QQ-Q)	Location, metes and bounds, e.g. 2250' N, 1200' E fr NW cor S 36
1	Proposed	PWELL RS-S1	Bedrock	***2.23	32/32-29 NW-NE	****/ 1280'S, 2185'W fr NE cor S 29
2	Proposed	PWELL RS-S2	Bedrock	***1.7	32/32-29 NW-SE	****/ 13290'S, 2215'W fr NE cor S 29
3						
4						
5						

* Alluvium, CRB, Bedrock

Well	Well Elev ft msl	First Water ft bls	SWL ft bls	SWL Date	Well Depth (ft)	Seal Interval (ft)	Casing Intervals (ft)	Liner Intervals (ft)	Perforations Or Screens (ft)	Well Yield (gpm)	Draw Down (ft)	Test Type
1	4579	?	?	?	900	?	?	?	?	?	?	?
2	4578	?	?	?	900	?	?	?	?	?	?	?

Use data from application for proposed wells.

A4. Comments: _____

The proposed wells are in Harney County in the northern Catlow Valley, about 5 miles southwest of the town of Frenchglen. The area is surficially mapped as Qal (alluvium) by Evans and Geisler (2001). Underlying the Quaternary deposits at an unknown depth are Tertiary welded tuffs and basalt bedrock. Based on local well logs it is likely that, at the proposed depth, the proposed wells will penetrate through the predominantly basin fill unit into the underlying predominantly volcanic/basalt bedrock.

***Note:** The total maximum rate requested on the application is 1985 gpm (4.42 cfs) which is more than the 1/80th cfs/acre that is typically allowed (250/80 = 3.125 cfs). Additionally, the application requests an annual volume of 1263 acre-feet, which is more than the 3 acre-feet per acre that is typically allowed for irrigation of 250 acres (250 x 3 = 750 AF).

****Note:** The period of use requested on the application is April 15th to October 15th (184 days), which is not the typical irrigation season for this area of March 1st to October 31st (245 days). This review assumes the period of use requested in the application was the intent of the applicant.

*****Note:** The sum of the well specific rates listed for the two proposed wells totals 3.93 cfs, which is again more than the 1/80th cfs/acre that is typically allowed (250/80 = 3.125 cfs). Additionally, the total of the well specific rates listed is not equivalent to the total maximum rate requested of 4.42 cfs.

******Note:** The metes and bounds for all wells provided on the application map are denoted as feet 'TO' instead of feet 'FROM' the referenced corner. These values are adjusted in the table above to reflect the standard notation of feet 'FROM' the referenced corner.

†Note: The metes and bounds provided on the application map for proposed Well 1 indicate SE corner Section 20 as the reference corner, which puts the proposed well in a location that is inconsistent with what is indicated on the map. For the purposes of this review it is assumed that this was an incorrect reference corner. It appears the applicant inadvertently used the intersection of the section line with the tax lot boundary (MapTaxlot 32S32E000001103) for the reference corner. The metes and bounds cited in the table above are approximated based on the application map, and are used for the purposes of this review.

†Note: The metes and bounds provided on the application map for proposed Well 2 indicate NE corner Section 29 as the reference corner, which puts the proposed well in a location that is inconsistent with what is indicated on the map. For the purposes of this review it is assumed that this was an incorrect reference corner. It appears the applicant inadvertently used the intersection of the section line with the tax lot boundary (MapTaxlot 32S32E000001103) for the reference corner. The metes and bounds cited in the table above are approximated based on the application map, and are used for the purposes of this review.

- A5. ☒ **Provisions of the Malheur Lake** Basin rules relative to the development, classification and/or management of ground water hydraulically connected to surface water ☐ are, or ☒ are not, activated by this application. (Not all basin rules contain such provisions.)

Comments: _____

OAR 690-512-0040

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

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

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

This review does not find a potential for substantial interference with surface water.

- A6. ☐ Well(s) # _____, _____, _____, _____, _____, tap(s) an aquifer limited by an administrative restriction.

Name of administrative area: _____

Comments: _____

Currently no administrative area.

B. GROUND WATER AVAILABILITY CONSIDERATIONS, OAR 690-310-130, 400-010, 410-0070

B1. Based upon available data, I have determined that ground water* for the proposed use:

- a. ☐ is over appropriated, ☐ is not over appropriated, or ☒ cannot be determined to be over appropriated during any period of the proposed use. * This finding is limited to the ground water portion of the over-appropriation determination as prescribed in OAR 690-310-130;
- b. ☐ will not or ☐ will likely be available in the amounts requested without injury to prior water rights. * This finding is limited to the ground water portion of the injury determination as prescribed in OAR 690-310-130;
- c. ☐ will not or ☐ will likely to be available within the capacity of the ground water resource; or
- d. ☒ will, if properly conditioned, avoid injury to existing ground water rights or to the ground water resource:
 - i. ☒ The permit should contain condition #(s) 7B, 7E, 7N, 7P, 7K, flow meter;
 - ii. ☐ The permit should be conditioned as indicated in item 2 below.
 - iii. ☒ The permit should contain special condition(s) as indicated in item 3 below;

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

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

B3. Ground water availability remarks: _____

There are two State Observation Wells in the Catlow Valley. The state observation well with long term data closest to the proposed wells is State Observation Well 1151 (HARN 900) located in T33S/R31E-sec 8ac; about 7 miles from the proposed wells; which has a period of record from 1987-2014. The other is State Observation Well 1150 (HARN 1683) located in T33S/R31E-sec 31dde; about 10 miles southwest from the proposed wells; which has a period of record from 1987-2008. Water level trends in both wells indicate some level of decline over the period of record (see attachment); however the relative contribution of climate and groundwater withdrawals to this decline cannot be determined. Notably however, state observation well 1151 (HARN 900) is in proximity to an area of relatively higher groundwater pumpage, and records a somewhat greater overall decline.

The proposed wells under this application are in the vicinity of existing groundwater rights. The potential increase in drawdown at the closest permitted POD to the proposed wells (POD 2 for file G-17582; priority date 9/4/2012) resulting from pumping of the proposed wells was calculated using the Theis Equation (see attachments). At the requested well specific rates, over the requested period of use (184 days), the results show a combined drawdown of 17.45 feet. The transmissivity used in this calculation is the maximum transmissivity derived from specific capacity data from wells in nearby sections (6,000 ft²/day; see attachment). When a more intermediate transmissivity value is used (3000 ft²/day), the results show a combined drawdown of 28.77 feet. Additionally, if the entire duration of the typical irrigation season for this area is used (245 days), the calculated drawdown is correspondingly higher.

B1.b.: Due to the pumping rates and annual volumes requested, permit condition 7N is recommended if this permit is issued (see below). Condition 7N states that "The water user shall discontinue use of, or reduce the rate of or volume of withdrawal from, the well(s) if...Hydraulic interference leads to a decline of 25 or more feet in any neighboring well with senior priority." The calculations cited above indicate that interference with the closest permitted POD to the proposed wells (POD 2 for file G-17582; priority date 9/4/2012) will be very near or over 25 feet, which could automatically trigger condition 7N.

If a permit is issued, the following conditions are recommended:

7B: Interference Condition

7F: Proposed Well location Condition

7N: Annual Measurement and Decline Condition

7P: Well Tag Condition

7T: Dedicated Measuring Tube Condition for all POA wells

Flow meter condition: Use the water rights "large" permit condition requiring a totalizing flow meter and reporting

7K: The proposed wells shall be constructed to develop groundwater only from the predominantly volcanic/basalt bedrock unit underlying the predominantly basin fill unit. The wells shall be continuously cased and continuously sealed a minimum of five (5) feet into the predominantly volcanic/basalt bedrock beneath the predominantly basin fill unit. The wells may not be completed in such a manner that they allow ground water to be developed from the overlying basin fill. If during well construction, it becomes apparent that the wells can be constructed to eliminate interference with nearby shallow wells or hydraulically connected streams in a manner other than specified in this permit, the permittee can contact the Department Hydrogeologist for this permit or the Ground Water/Hydrology Section Manager to request approval of such construction. The request shall be in writing, and shall include a rough well log and a proposed construction design for approval by the Department. The request can be approved only if it is received and reviewed prior to placement of any permanent casing and sealing material. If the well is constructed first and then the request made, requested modification will not be approved. The new well depth and construction specifications will be incorporated into any certificate issued for this permit.

Special Permit Condition:

The permittee shall construct one (1) minimum six-inch diameter observation well to penetrate the same aquifer as the production wells. The well shall meet the Department's minimum well construction standards and shall be cased and sealed to the same depth as the production wells. The well shall be constructed at a location approved by the Department for the purpose of instrumentation with continuous water-level monitoring equipment. The landowner or permittee shall provide access to Department staff to install and maintain the monitoring equipment. The well shall not be used for any other purpose while the Department is monitoring water levels. The well shall be completed prior to water use under the terms of any permit issued.

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

Well	Aquifer or Proposed Aquifer	Confined	Unconfined
1	bedrock	☐	☒
2	bedrock	☐	☒
		☐	☐
		☐	☐
		☐	☐

Basis for aquifer confinement evaluation: _____

Some local well logs report static water levels that are somewhat above the depth that groundwater was first encountered. It is unknown however how continuous any overlying fine grained material is, and given the minimal head difference reported in local well logs it is likely that the regional aquifer is unconfined to weakly semiconfined.

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

Well	SW #	Surface Water Name	GW Elev ft msl	SW Elev ft msl	Distance (mi)	Hydraulically Connected?			Potential for Subst. Interfer. Assumed?	
						YES	NO	ASSUMED	YES	NO
All	1	Roaring Springs	4480±	4635	~7 mi	☐	☒	☐	☐	☒
All	2	Rock Creek	4480±	4588	~14 mi	☐	☒	☐	☐	☒
All	3	Donner und Blitzen R.	4480±	4190-4825	~6 mi	☐	☒	☐	☐	☒
						☐	☐	☐	☐	☐
						☐	☐	☐	☐	☐
						☐	☐	☐	☐	☐
						☐	☐	☐	☐	☐
						☐	☐	☐	☐	☐
						☐	☐	☐	☐	☐

Basis for aquifer hydraulic connection evaluation: _____

This evaluation considers perennial reaches of surface water only (see memo by Ivan Gall, 1/15/2008).

The groundwater elevation cited above is derived from the 7/6/2013 static water level reported on the water well report for HARN 51967 located in 32S/31E-25.

According to Waring (1909) Roaring Springs "come forth well up on the face of the scarp, not from the edge of the valley alluvium as they would if they rose along fault fissures." Further, Waring notes that these springs "issue from a coarse tuffaceous bed". These observations suggest that the source water for these springs is likely from recharge on the slopes of Steens Mountain to the east, rather than from groundwater flow from within the Catlow Valley.

The nearest perennial reach of Rock Creek is the sink of this stream located ~14 miles to the west. At this location the elevation of Rock Creek is well above the estimated groundwater elevation at the location of the proposed wells. Groundwater at the proposed locations does not appear to provide baseflow to this reach of Rock Creek.

The Donner und Blitzen River is located to the northeast across a hydrologic surface water divide separating the Catlow Valley from the Blitzen Valley, and ultimately, Malheur Lake. The gentle west/northwest dips of the volcanic rock strata at this divide are one indication that a groundwater divide may also exist here. It is not known with certainty whether a groundwater divide does exist here, but until data becomes available to demonstrate otherwise, it is assumed that this is the case.

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

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

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

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

	SW #		Qw > 5 cfs?	Instream Water Right ID	Instream Water Right Q (cfs)	Qw > 1% ISWR?	80% Natural Flow (cfs)	Qw > 1% of 80% Natural Flow?	Interference @ 30 days (%)	Potential for Subst. Interfer. Assumed?
			☐			☐		☐		☐
			☐			☐		☐		☐
			☐			☐		☐		☐
			☐			☐		☐		☐

Comments: _____

C3a./C3b. No analysis here. All wells are more than 1 mile from perennial reaches of hydraulically connected surface water.

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

Non-Distributed Wells													
Well	SW#	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
Distributed Wells													
Well	SW#	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
		%	%	%	%	%	%	%	%	%	%	%	%
Well Q as CFS													
Interference CFS													
(A) = Total Interf.													
(B) = 80 % Nat. Q													
(C) = 1 % Nat. Q													
(D) = (A) > (C)		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
(E) = (A / B) x 100		%	%	%	%	%	%	%	%	%	%	%	%

(A) = total interference as CFS; (B) = WAB calculated natural flow at 80% exceed. as CFS; (C) = 1% of calculated natural flow at 80% exceed. as CFS; (D) = highlight the checkmark for each month where (A) is greater than (C); (E) = total interference divided by 80% flow as percentage.

Basis for impact evaluation:

No analysis. There is no WAB data available. Additionally, available data indicate that Roaring Springs, Rock Creek, and the Donner und Blitzen River do not appear to be hydraulically connected to groundwater at the proposed wells. Further, other surface water bodies in the vicinity of the proposed POA well are intermittent, and lie at elevations well above the groundwater elevation in this area.

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

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

C6. SW / GW Remarks and Conditions _____

C1. 690-09-040 (1)

It is determined that all wells will produce water from an unconfined aquifer.

C2. 690-09-040 (2) (3)

It is determined that all wells are not hydraulically connected to Roaring Springs, Rock Creek, or the Donner und Blitzen River.

C3a./C3b. No analysis here. All wells are more than 1 mile from perennial reaches of hydraulically connected surface water.

C4a. 690-09-040 (5)

No analysis. There is no WAB data available. Additionally, available data indicate that Roaring Springs, Rock Creek, and the Donner und Blitzen River do not appear to be hydraulically connected to groundwater at the proposed wells. Further, other surface water bodies in the vicinity of the proposed POA well are intermittent, and lie at elevations well above the groundwater

If a permit is issued, the following conditions are recommended:

7B: Interference Condition

7F: Proposed Well location Condition

7N: Annual Measurement and Decline Condition

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7T: Dedicated Measuring Tube Condition for all POA wells

Flow meter condition: Use the water rights "large" permit condition requiring a totalizing flow meter and reporting

7K: The proposed wells shall be constructed to develop groundwater only from the predominantly volcanic/basalt bedrock unit underlying the predominantly basin fill unit. The wells shall be continuously cased and continuously sealed a minimum of five (5) feet into the predominantly volcanic/basalt bedrock beneath the predominantly basin fill unit. The wells may not be completed in such a manner that they allow ground water to be developed from the overlying basin fill. If during well construction, it becomes apparent that the wells can be constructed to eliminate interference with nearby shallow wells or hydraulically connected streams in a manner other than specified in this permit, the permittee can contact the Department Hydrogeologist for this permit or the Ground Water/Hydrology Section Manager to request approval of such construction. The request shall be in writing, and shall include a rough well log and a proposed construction design for approval by the Department. The request can be approved only if it is received and reviewed prior to placement of any permanent casing and sealing material. If the well is constructed first and then the request made, requested modification will not be approved. The new well depth and construction specifications will be incorporated into any certificate issued for this permit.

Special Permit Condition:

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References Used:

Evans, J. G., & Geisler, T. M. (2001). Geologic field-trip guide to Steens Mountain Loop Road. Harney County, Oregon: US Geological Survey and US Department of the Interior.

OWRD water well reports, water level data, and/or hydrographs

Walker, G.W., and Repenning, C.A., 1965, Reconnaissance geologic map of the Adel quadrangle, Lake, Harney, and Malheur Counties, Oregon: U.S. Geological Survey, Miscellaneous Geologic Investigations Map I-446, scale 1:250,000

Waring, Gerald Ashley, 1909, Geology and water resources of the Harney Basin region, Oregon: Govt. Print. Off., Water Supply Paper 231, 93 p.

Memo by Ivan Gall, 1/15, 2008

D. WELL CONSTRUCTION, OAR 690-200

D1. Well #: _____ Logid: _____

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

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

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

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

Transmissivity from Specific Capacity

Transmissivity from Specific Capacity using the Theis Equation
(Adapted from Vorhis (1979))

Theis Equation:

$$T = [Q / (4 * s * pi)] [W(u)]$$

$$u = (r^2 * S) / (4 * T * t)$$

$$W(u) = (-\ln u) - (0.5772157) + (u/1 * 1!) - (u^2/2 * 2!) + (u^3/3 * 3!) -$$

$$(u^4/4 * 4!) + \dots$$

T = transmissivity (L²/T) s = drawdown (L) r = radial distance (L) S = storage coefficient (dimensionless) t = time (T) pi = 3.141592654 u = dimensionless
W(u) = well function

Note: Transmissivity is derived using an iterative process. The calculations use a known or assumed Storage Coefficient (S) provided by the user. Specific Capacity (Q/s) is used to first approximate the Transmissivity (T) used to calculate u in the first Theis equation iteration. The Transmissivity of the previous iteration is used to calculate u in a given Theis equation iteration. Total Theis Equation iterations = 25 iterations. Can accept answer if difference in calculated Transmissivity (T(diff)) for the last 2 iterations is < 0.0001. Can accept answer if u in the last iteration is < 7.1

Note: Well efficiency is not included in the calculations

Note: An intermediate storage coefficient of 0.001 is used in all calculations.

References:

Theis, C.V. 1935. The relation between the lowering of the piezometric surface and the rate and duration of discharge of a well using ground water storage. American Geophysical Union Transactions, 16 annual meeting, vol. 16, pg. 519-524.
Vorhis, R.C. 1979. Transmissivity from pumped well data. Well Log, National Water Well Association newsletter, vol. 10, no. 11, Dec. 1979, pg. 50-52.

Application: G-17921

Basin: Malheur lake

SPECIFIC CAPACITY CALCULATION

Well Log ID	Pumping Rate (Q) (gpm)	Drawdown (s) (ft)	Specific Capacity (gpm/ft)
HARN 1677	1850	85	21.7647
HARN 1668	1350	170	7.9412
HARN 910	1600	147	10.8844
HARN 1843	800	140	5.7143
HARN 50623	900	203	4.4335
HARN 51959	2400	130	18.4615

MIN: 4.43

MAX: 21.76

AVE: 11.53

STDEV: 7.07

TRANSMISSIVITY/HYDRAULIC CONDUCTIVITY CALCULATION

Well Log ID	T/R-S Q-Q	Time (t) (hours)	Well Diameter (d) (inches)	T (diff)	u	Transmissivity (T) (ft ² /day)	Transmissivity (T) (gpd/ft)
HARN 1677	33/31-4	36	16	0.0000E+00	1.26E-08	5871.66	43923.05
HARN 1668	33/31-9	24	16	0.0000E+00	5.67E-08	1959.54	14658.35
HARN 910	33/31-8	40	16	0.0000E+00	2.35E-08	2832.38	21187.70
HARN 1843	33/31-9	24	16	0.0000E+00	8.06E-08	1379.30	10317.89
HARN 50623	33/31-4	13	16	0.0000E+00	2.04E-07	1007.15	7534.02
HARN 51959	33/31-9	5	16	0.0000E+00	1.23E-07	4336.54	32439.60

Note:

MIN: 1007.15 7534.02

MAX: 5871.66 43923.05

AVE: 2897.76 21676.77

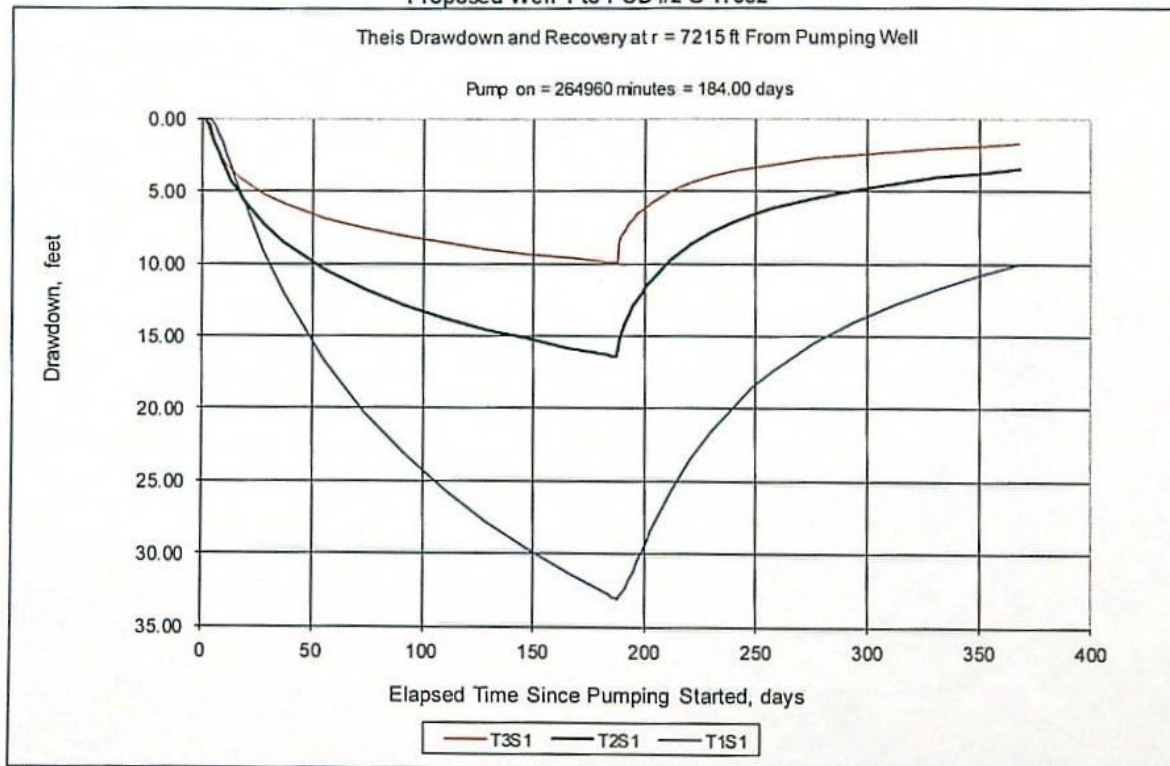
STDEV: 1880.36 14066.09

Theis Time-Drawdown Worksheet v.3.00

Calculates Theis nonequilibrium drawdown and recovery from a pumping well for 3 different T values and radial distance, r, from a pumping well for 3 different T values and 2 different S values.
 Written by Karl C. Wozniak September 1992. Last modified December 30, 2014

Input Data:	Var Name	Scenario 1	Scenario 2	Scenario 3	Units	
Total pumping time	t		184		d	
Radial distance from pumped well:	r		7215.00		ft	Q conversions
Pumping rate	Q		2.23		cfs	1,000.82 gpm
Hydraulic conductivity	K	40	120	240	ft/day	2.23 cfs
Aquifer thickness	b		25		ft	133.80 cfm
Storativity	S 1		0.00100			192,672.00 cfd
	S 2		0.00100			4.42 af/d
Transmissivity Conversions	T f2pd	1,000	3,000	6,000	ft ² /day	
	T ft2pm	0.6944	2.0833	4.1667	ft ² /min	
	T_gpd/ft	7,480	22,440	44,880	gpd/ft	

Recalculate Use the Recalculate button if recalculation is set to manual

Proposed Well 1 to POD #2 G-17582

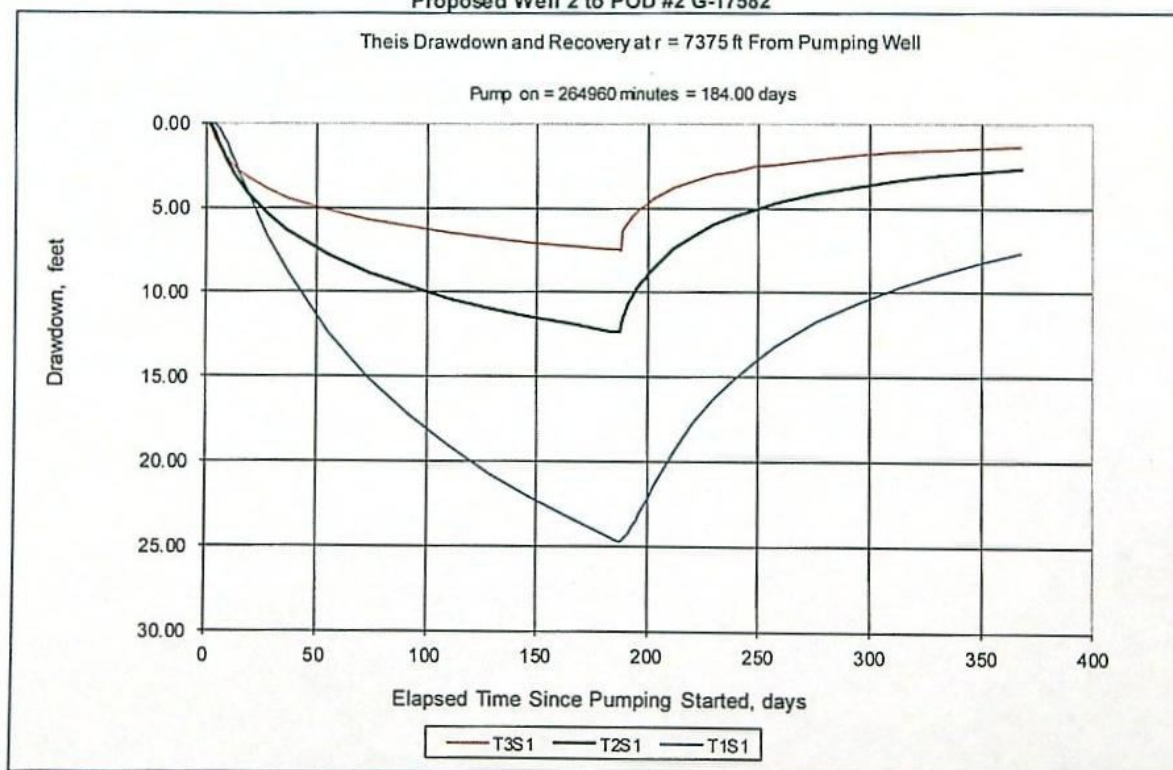
Max Drawdown T1S1: 33.11 feet
 Max Drawdown T2S1: 16.42 feet
 Max Drawdown T3S1: 9.95 feet

Theis Time-Drawdown Worksheet v.3.00

Calculates Theis nonequilibrium drawdown and recovery from a pumping well for 3 different T values and radial distance, r, from a pumping well for 3 different T values and 2 different S values.
 Written by Karl C. Wozniak September 1992. Last modified December 30, 2014

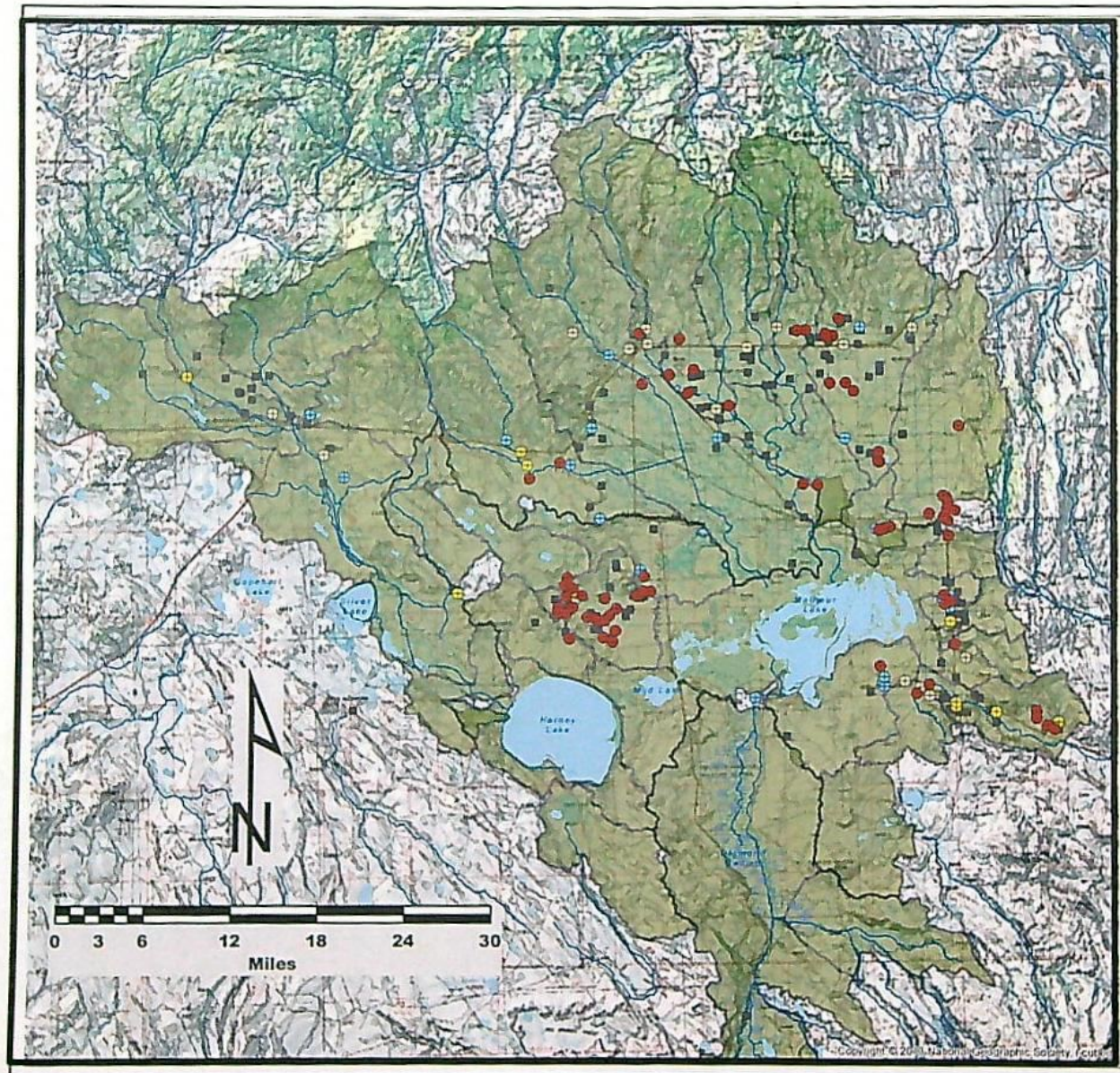
Input Data:	Var Name	Scenario 1	Scenario 2	Scenario 3	Units	
Total pumping time	t		184		d	
Radial distance from pumped well:	r		7375.00		ft	Q conversions
Pumping rate	Q		1.70		cfs	762.96 gpm
Hydraulic conductivity	K	40	120	240	ft/day	1.70 cfs
Aquifer thickness	b		25		ft	102.00 cfm
Storativity	S 1		0.00100			146,880.00 cfd
	S 2		0.00100			3.37 af/d
Transmissivity Conversions	T ft2pd	1,000	3,000	6,000	ft2/day	
	T ft2pm	0.6944	2.0833	4.1667	ft2/min	
	T gpd/ft	7,480	22,440	44,880	gpd/ft	

Recalculate Use the Recalculate button if recalculation is set to manual

Proposed Well 2 to POD #2 G-17582

Max Drawdown T1S1: 24.77 feet
 Max Drawdown T2S1: 12.35 feet
 Max Drawdown T3S1: 7.50 feet





Greater Harney Valley Groundwater Level Trends

Plate Greater Harney Valley Area

Gerald H. Grondin
Oregon Water Resources Department
March 2015

Legend

- Harney_Valley_GW_Trend_Wells_post_1990s_data_decline
- ⊕ Harney_Valley_GW_Trend_Wells_post_1990s_data_no_decline
- ⊕ Harney_Valley_GW_Trend_Wells_post_1990s_data_uncertain_trend
- ⊕ Harney_Valley_GW_Trend_Wells_pre_2000_data_only
- Located Wells
- Harney_Valley_wab_areas
- Harney_Valley_hydro_unit_areas_(no_wab)

E-2

Standard Application Completeness Checklist

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

Yes ☒ No ☐

This is the checklist used by WRD staff

Application G-17921 County HARNEY Priority Date 9-9-14Township 32S Range 32E Section 20 d 29Amount 1985 gpm ~ 4.4 CFS Use IR of 250 ac WM Dist. # 10Applicant Name ROBERT & CARLA SANDERSReceipt No. 113398 Caseworker Assigned: ☐ Barbe ☒ Kim☒ Contact info: Applicant/Organization Name and Mailing Address☒ Signature (in ink) of all applicants or the applicant's authorized agent (include title or authority if for an organization or corporation).☒ Property ownership: Does the applicant own all the land for the proposed project? Y N

If No:

☐ The affected landowner's name and mailing address must be listed☐ A signed statement declaring the existence of either written authorization or an easement permitting access to land crossed by the proposed ditch canal or other work must be submitted.☒ For a SW Application: Source of water must be indicated.☐ If the source is stored water, is the stored water component filled out and does the applicant own the reservoir or include a non-expired agreement for stored water? (ORS 537.400)

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

☐ If for stored water not under contract, is the source authorized under a permit, certificate, or decree?Permit or Certificate issued? Y / N Permit or Certificate # _____☒ For a GW Application: Well Development Tables completed and/or a well log report included (if existing)☒ Proposed water use 2 wells - proposed☒ Amount of water from each source in GPM, CFS, or AF 1985 gpm ~ 4.4 CFS (per pg. 5 of gw app.)☒ Period of use indicated April 15 - Oct 15☒ If for supplemental irrigation, primary acreage or underlying permit or certificate number listed
(Primary and Supplemental Irrigation counts as 2 uses) IR of 250 ac☒ Water Management Section (Estimates if the water system has not been designed)☒ Resource Protection Section (N/A for Groundwater)☒ For all standard reservoir applications: Preliminary plans and specifications including dam height, width, crest width and surface area for each reservoir.☒ Project schedule (If system is already completed, indicate "existing.")

☒ Supplemental data sheets enclosed (if needed)

- ☐ Form M (Municipal or Quasi-Municipal)
- ☐ Spring Description Sheet (if source is a spring)

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

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

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

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

- ☒ Township, Range, Section
- ☒ Location of main canals, ditches, pipelines or flumes (if POA/POD is outside of POU)
- ☒ Place of use, 1/4-1/4's and tax lot clearly identified
- ☒ Even map scale not less than 4" = 1 mile (1" = 1320 ft.); examples: 1" = 100 ft., 1" = 200 ft.
- ☒ Location of *each* diversion point, well or dam by reference to a recognized public land survey corner. Multiple wells shall be uniquely labeled, and identified on well logs if existing.
- ☒ Reference corner on map
- ☒ North Directional Symbol
- ☒ Number of acres per 1/4-1/4 if for irrigation, nursery, or agriculture
- ☒ For a standard reservoir application to store ≥ 9.2 acre feet AND having a dam height ≥ 10 feet, map must be prepared by a CWRE

☐ Fees:

Base Fee

\$ 1150

Permit Recording Fees

\$ 450

1st CFS @ \$300

\$ 300

Mitigation Fee

\$

add'l CFS @ \$300 ea

\$ 1200

AF up to 20 AF @ \$30 ea

\$

Rec Fee Total

\$ 450

add'l AF @ \$1 ea

\$

Rec Fee Paid

\$ 150

add'l ☐ pod ☒ use @ \$300 ea

\$ 300

add'l res @ \$125 ea

\$

Exam Fee Total

\$ 2950

Exam Fee Paid

\$ 2950

Amount Returned

\$

Reviewed by:

KJK

Date:

9-10-14

Oregon Water Resources Department
Water Right Services Division

Water Rights Application
Number G-17921

Prior to the issuance of a permit, the Department must receive permit recording fees in the amount of \$300.00. Please include the application number on a check made out to the Oregon Water Resources Department.

Proposed Final Order

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

Findings of Fact

1. On September 9, 2014, Robert T. Sanders submitted an application to the Department for the following water use permit:
 - Amount of Water: 4.43 cubic feet per second (CFS)
 - Use of Water: irrigation of 250.0 acres
 - Source of Water: Sanders #1 Well and Sanders #2 Well in Solomon Canyon Basin
 - Area of Proposed Use: Harney County within Section 20 and Section 29, Township 32 South, Range 32 East, W.M.
2. On July 3, 2015, the Department mailed the applicant notice of its Initial Review, determining that "The appropriation of 3.82 CFS from Sanders #1 Well and Sanders #2 Well in Solomon Canyon Basin, being 1.28 CFS for primary irrigation of 77.05 acres and 2.54 CFS for supplemental irrigation of 152.17 acres, may be allowable during the full period requested, April 15 through October 15 of each year, contingent upon resolution of the underlying water right conflicts." The applicant did not notify the Department to stop processing the application within 14 days of that date.
3. On July 7, 2015, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about obtaining future notices and a copy of the Proposed Final Order. No written comments were received within 30 days.
4. On January 19, 2016, the applicant submitted an amended map as requested in the Initial Review, identifying the 250.0 acres proposed for irrigation. The application shall be limited to the standard allowable rate for irrigation of 250.0 acres, being 1/60th CFS per acre, or 4.17 CFS.

5. A portion of the lands proposed under this application is covered by existing water rights as evidenced by Certificate 36760 and Certificate 11584. The applicant intends to diminish the conflicting portions of Certificate 36760 and Certificate 11584 prior to issuance of any permit under application G-17921.

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

- any applicable basin program
 - applicable statutes, administrative rules, and case law
 - the amount of water available
 - the rate and duty for the proposed use
 - any general basin-wide standard for flow rate and duty of water allowed
 - the need for a flow rate and duty higher than the general standard
 - pending senior applications and existing water rights of record
 - any applicable comprehensive plan or zoning ordinance
 - recommendations by other state agencies
 - the Scenic Waterway requirements of ORS 390.835
 - designations of any critical groundwater areas
 - any comments received
6. The Malheur Lake Basin Program allows irrigation (OAR 690-512-0040).
 7. An assessment of groundwater availability has been completed by the Department's Groundwater/Hydrology section. A copy of this assessment is in the file. Groundwater will likely be available within the capacity of the resource, and if properly conditioned, the proposed use of groundwater will avoid injury to existing groundwater rights.
 8. Groundwater Findings Under OAR 690-009
The Department determined, consistent with OAR 690-009-0040(4), that the proposed groundwater use will not have the potential for substantial interference with surface water.

In making this determination, the Department considered whether:

- A. There is a hydraulic connection from the proposed well(s) to any surface water sources.
- B. The point of appropriation is a horizontal distance less than one-fourth mile from the surface water source;
- C. The rate of appropriation is greater than five cubic feet per second, if the point of appropriation is a horizontal distance less than one mile from the surface water source;
- D. The rate of appropriation is greater than one percent of the pertinent adopted minimum perennial streamflow or instream water right with a senior priority date, if one is applicable, or of the discharge that is equaled or exceeded 80 percent of

time, as determined or estimated by the Department, and if the point of appropriation is a horizontal distance less than one mile from the surface water source;

- E. The groundwater appropriation, if continued for a period of 30 days, would result in stream depletion greater than 25 percent of the rate of appropriation, if the point of appropriation is a horizontal distance less than one mile from the surface water source.

According to the Department's rules, the potential for substantial interference is assumed if A and either B or C or D or E are met. For this application, the Department determined that there is no potential for substantial interference, because either A is not met, or B, C, D or E are not met, or both.

9. Sanders #1 Well and Sanders #2 Well in Solomon Canyon Basin are not within or above a State Scenic Waterway.
10. The Department finds that no more than 4.17 CFS would be necessary for the proposed use. The amount of water allowed shall be restricted to 4.17 CFS.
11. Documentation has been submitted from the relevant land-use planning jurisdiction that indicates the proposed use is allowed outright.
12. The proposed groundwater use is not within a designated critical groundwater area.

Conclusions of Law

1. Under the provisions of ORS 537.621, the Department must presume that a proposed use will ensure the preservation of the public welfare, safety and health if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.
2. The proposed use requested in this application is allowed in the Malheur Lake Basin Program.
3. Water is available for the proposed use.
4. The proposed use will not injure other water rights.
5. No proposed flow rate and duty of water higher than the general basin-wide standard is needed.

6. The application is in compliance with the State Agency Coordination Program regarding land use.
7. The proposed use complies with rules of the Water Resources Commission not otherwise described above.
8. For these reasons, the required presumption has been established.
9. Under the provisions of ORS 537.621, once the presumption has been established, it may be overcome by a preponderance of evidence that either:
 - A. One or more of the criteria for establishing the presumption are not satisfied; or
 - B. The proposed use would not ensure the preservation of the public welfare, safety and health as demonstrated in comments, in a protest . . . or in a finding of the department that shows:
 - a. The specific aspect of the public welfare, safety and health under ORS 537.525 that would be impaired or detrimentally affected; and
 - b. Specifically how the identified aspect of the public welfare, safety and health under ORS 537.525 would be impaired or be adversely affected.
10. In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use would impair or be detrimental to the public interest.
11. The Department therefore concludes that the proposed use would ensure the preservation of the public welfare, safety and health as described in ORS 537.525.
12. When issuing permits, ORS 537.628(1) authorizes the Department to include limitations and conditions which have been determined necessary to protect the public welfare, safety, and health. The attached draft permit is conditioned accordingly.

Recommendation

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

DATED June 28, 2016

E. Timothy Wallin

E. Timothy Wallin, Water Rights Program Manager
for Thomas M. Byler, Director

Protests

Under the provisions of ORS 537.153(7) (for surface water) or ORS 537.621(8) (for groundwater), you can protest this Proposed Final Order. Protests must be received in the Water Resources Department no later than **August 12, 2016**. Protests must be in writing, and must include the following:

- Your name, address, and telephone number;
- A description of your interest in the Proposed Final Order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
- A detailed description of how the action proposed in the Proposed Final Order would impair or be detrimental to your interest;
- A detailed description of how the Proposed Final Order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known;
- To affect the department's determination that the proposed use in this application will, or will not, ensure the preservation of the public welfare, safety and health as described in ORS 537.525, ORS 537.621(2)(b) requires that a protest demonstrate, by a preponderance of evidence any of the following: (a) One or more of the criteria for establishing the presumption are, or are not, satisfied; or (b) The specific aspect of the public welfare, safety and health under ORS 537.525 that would be impaired or detrimentally affected, and specifically how the identified aspect of the public welfare, safety and health under ORS 537.525 would be impaired or be adversely affected;
- If you are the applicant, the protest fee of \$350 required by ORS 536.050; and
- If you are not the applicant, the protest fee of \$700 required by ORS 536.050 and proof of service of the protest upon the applicant.
- If you are the applicant, a statement of whether or not you are requesting a contested case hearing. If you do not request a hearing, the Department will presume that you do not wish to contest the findings of the Proposed Final Order.

Requests for Standing

Under the provisions of ORS 537.153(7) (for surface water) or ORS 537.621(8) (for groundwater), persons other than the applicant who support a Proposed Final Order can request standing for purposes of participating in any contested case proceeding on the Proposed Final Order or for judicial review of a Final Order.

Requests for standing must be received in the Water Resources Department no later than **August 12, 2016**. Requests for standing must be in writing, and must include the following:

- The requester's name, mailing address and telephone number;
- If the requester is representing a group, association or other organization, the name, address and telephone number of the represented group;
- A statement that the requester supports the Proposed Final Order as issued;
- A detailed statement of how the requester would be harmed if the Proposed Final Order is modified; and
- A standing fee of \$200. If a hearing is scheduled, an additional fee of \$500 must be submitted along with a petition for party status.

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

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

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

You may be represented by an attorney at the hearing. Legal aid organizations may be able to assist a party with limited financial resources. Generally, partnerships, corporations, associations,

governmental subdivisions or public or private organizations are represented by an attorney. However, consistent with OAR 690-002-0020 and OAR 137-003-0555, an agency representative may represent a partnership, corporation, association, governmental subdivision or public or private organization if the Department determines that appearance of a person by an authorized representative will not hinder the orderly and timely development of the record in this case.

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

This document was prepared by Barbara Park. If you have any questions about any of the statements contained in this document I can be reached at 503-986-0859.

If you have questions about how to file a protest or a request for standing, please refer to the respective sections in this Proposed Final Order entitled "Protests" and "Requests for Standing". If you have previously filed a protest and want to know its status, please contact Patricia McCarty at 503-986-0820.

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

Water Rights Section, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266, Fax: 503-986-0901.

DRAFT

This is not a permit.

DRAFT

STATE OF OREGON

COUNTY OF HARNEY

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

ROBERT T SANDERS
31437 HWY 205
FRENCHGLEN, OR 97736

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

APPLICATION FILE NUMBER: G-17921

SOURCE OF WATER: SANDERS #1 WELL AND SANDERS #2 WELL IN SOLOMON CANYON BASIN

PURPOSE OR USE: IRRIGATION OF 250.0 ACRES

MAXIMUM RATE: 4.17 CUBIC FEET PER SECOND

PERIOD OF USE: APRIL 15 THROUGH OCTOBER 15

DATE OF PRIORITY: SEPTEMBER 9, 2014

WELL LOCATIONS:

SANDERS #1 WELL: SW $\frac{1}{4}$ SE $\frac{1}{4}$ SECTION 20, T32S, R32E, W.M.; 125 FEET NORTH AND 2,773 FEET EAST FROM SW CORNER, SECTION 20

SANDERS #2 WELL: NE $\frac{1}{4}$ SW $\frac{1}{4}$ SECTION 29, T32S, R32E, W.M.; 2,750 FEET SOUTH AND 1,746 FEET EAST FROM NW CORNER, SECTION 29

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 13.0 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 2.3 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 21.0 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 39.4 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 1.0 ACRE
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 14.3 ACRES
SECTION 20

NW $\frac{1}{4}$ NE $\frac{1}{4}$ 4.1 ACRES
 SW $\frac{1}{4}$ NE $\frac{1}{4}$ 14.8 ACRES
 NE $\frac{1}{4}$ NW $\frac{1}{4}$ 28.4 ACRES
 NW $\frac{1}{4}$ NW $\frac{1}{4}$ 7.4 ACRES
 SW $\frac{1}{4}$ NW $\frac{1}{4}$ 18.0 ACRES
 SE $\frac{1}{4}$ NW $\frac{1}{4}$ 39.0 ACRES
 NE $\frac{1}{4}$ SW $\frac{1}{4}$ 30.5 ACRES
 NW $\frac{1}{4}$ SW $\frac{1}{4}$ 9.7 ACRES
 NW $\frac{1}{4}$ SE $\frac{1}{4}$ 7.1 ACRES

SECTION 29

TOWNSHIP 32 SOUTH, RANGE 32 EAST, W.M.

Measurement devices, and recording/reporting of annual water use conditions:

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

Static Water Level Conditions:

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

The permittee shall report an initial March static water-level measurement once well construction is complete and annual measurements thereafter. Annual measurements are required whether or not the well is used. The first annual measurement will establish a reference level against which future measurements will be compared. However, the

Director may establish the reference level based on an analysis of other water-level data. The Director may require the user to obtain and report additional water levels each year if more data are needed to evaluate the aquifer system.

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

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

The Department may require the discontinuance of groundwater use, or reduce the rate or volume of withdrawal, from the well(s) if any of the following events occur:

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

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

Dedicated Measuring Tube Condition:

Wells with pumps shall be equipped with a minimum 3/4-inch diameter, unobstructed, dedicated measuring tube pursuant to Figure 200-5 in OAR 690-200. If a pump has been installed prior to the issuance of this permit, and if static water levels and pumping levels can be measured using an electrical tape, then the installation of the measuring tube can be delayed until such time that water levels cannot be measured or the pump is repaired or replaced.

Well Construction Conditions:

The well(s) shall be constructed to develop groundwater only from the predominantly volcanic/basalt bedrock unit underlying the predominantly basin fill unit. The well(s) shall be continuously cased and continuously sealed a minimum of five (5) feet into the predominantly volcanic/basalt bedrock beneath the predominantly basin fill unit. The well(s) may not be completed in such a manner to allow groundwater to be developed from the overlying basin fill.

If during well construction, it becomes apparent that the well can be constructed to eliminate interference with nearby shallow wells or hydraulically connected streams in a manner other than specified in this permit, the permittee can contact the Department Hydrogeologist for this permit or the Groundwater/Hydrology Section Manager to request approval of such construction. The request shall be in writing, and shall include a rough well log and a proposed construction design for approval by the Department. The request can be approved only if it is received and reviewed prior to placement of any permanent casing and sealing material. If the well is constructed first and then the request made, the requested modification will not be approved. If approved, the new well depth and construction specifications will be incorporated into any certificate issued for this permit.

Observation Well Condition:

The permittee shall construct one (1) minimum six-inch diameter observation well to penetrate the same aquifer as the production wells. The well shall meet the Department's minimum well-construction standards, and shall be cased and sealed to the same depth as the production wells. The well shall be constructed at a location approved by the Department for the purpose of instrumentation with continuous water-level monitoring equipment. The landowner or permittee shall provide access to Department staff to install and maintain the monitoring equipment. The well shall not be used for any other purpose while the Department is monitoring water levels. The well shall be completed prior to water use under the terms of any permit issued.

Well Identification Tag Condition:

Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.

STANDARD CONDITIONS

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

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may be subject to cancellation, unless the Department authorizes the change in writing.

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

The well(s) shall be constructed and maintained in accordance with the General Standards for the Construction and Maintenance of Water Supply Wells in Oregon. The works shall be equipped with a usable access port adequate to determine water-level elevation in the well at all times.

If the riparian area is disturbed in the process of developing a point of appropriation, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

The use may be restricted if the quality of downstream waters decreases to the point that those waters no longer meet state or federal water quality standards due to reduced flows.

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

Prior to receiving a certificate of water right, the permit holder shall submit to the Water Resources Department the results of a pump test meeting the Department's standards for each point of appropriation (well), unless an exemption has been obtained in writing under OAR 690-217. The Director may require water-level or pump-test data every ten years thereafter.

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

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

Construction of the well shall be made within five years of the date of permit issuance. The deadline to begin construction may not be extended. This permit is subject to cancellation proceedings if the begin construction deadline is missed.

Complete application of the water shall be made within five years of the date of permit issuance. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.

Within one year after making beneficial use of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Issued

DRAFT - THIS IS NOT A PERMIT

E. Timothy Wallin, Water Rights Program Manager
for Thomas M. Byler, Director

Mailing List for PFO Copies

Application #G-17921

PFO Date June 28, 2016

Original mailed via CERTIFIED MAIL to applicant:

ROBERT T SANDERS, 31437 HWY 205, FRENCHGLEN, OR 97736

SENT VIA EMAIL:

1. WRD - Watermaster # 10
2. Agent - Stacy Davies, ROARINGSRINGSRANCH@GMAIL.COM

Copies Mailed
By: <u>SP</u>
(SUPPORT STAFF)
on: <u>6-28-16</u>
(DATE)

Copies sent to:

1. WRD - File # G-17921

Protest/ Standing Dates checked

CASEWORKER : Barbara Park



January 15, 2016
Project No.: 1172-101

RECEIVED BY OWRD

Ms. Barbara Park
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301-1266

JAN 19 2016

SALEM, OR

Re: IR Response and Additional Information/Modifications G-17921

Dear Ms. Park:

Newton Consultants Inc. has prepared this response to the Initial Review, on behalf of Roaring Springs Ranch and Robert T. Sanders, in response to the July 3, 2015 Initial Review of the water-use permit application for G-17921. The following summarizes the Initial Review comments and responses.

OWRD Initial Review Determinations:

1. *The application proposed the appropriation of 1985.0 gallons per minute or 4.43 cubic feet per second (CFS) of water from Sanders #1 Well and Sanders #2 Well in Solomon Canyon Basin for irrigation of 250.0 acres April 15 through October 15 of each year.*

The applicant has no issues with this statement.

2. *The proposed use is not prohibited by law or rule except where otherwise noted below.*

The applicant has no issues with this statement.

3. *The appropriation of water from Sanders #1 Well and Sanders #2 Well in Solomon Canyon Basin is allowable under the Malheur Lake Basin Program (OAR 690-512-0040).*

The applicant has no issues with this statement.

4. *Ground water will likely be available within the capacity of the resource, and if properly conditioned, the proposed use of ground water will avoid injury to existing ground water rights.*

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

The applicant has no issues with this statement.

5. *The application requested 250.0 acres for irrigation however the provided map indicates 229.22 acres. In the absence of additional information, 229.22 acres will be used for the purposes of this Initial Review. If this acreage is not correct, please submit a revised map indicating the corrected acreage by Thursday, August 2, 2015.*

A revised map is provided in Attachment 1 that reflects 250 acres for the place of use.

6. *The application proposed a duty that is higher than the general basin-wide standard of 3.0 acre-feet (AF) per acre. In the absence of other information, if the application is approved, the allowed duty will be limited to 3.0 AF per acre.*

The applicant has no issues with this statement.

7. *The application proposed a water use limit that is higher than the general basin-wide standard. Oregon Revised Statute 537.621(4) allows the Department to authorize the requested limit except upon specific findings related to the application to support a determination that a lesser amount is needed. The Department has determined there is a need for the higher limit, being 1/60 CFS per acre. If the application is approved, the rate allowed will be limited to 3.82 CFS for irrigation of 229.22 acres.*

Assuming that OWRD approves the modified map for the irrigation of 250 acres (see Item 5 above), the applicant has no issues with this statement.

8. *Portions of the area proposed to be irrigated under this application are currently covered by existing irrigation water rights as evidenced by Certificate 36760 and Certificate 11584, which conflict with the application. Please see the Conflict Resolution Information section below for more information.*

The applicant has previously submitted Affidavits for the Partial Diminution of these water rights that conflict with portions of Certificates 36760 and 11584.

9. *Please refer to the Additional Information Required section below for specific information regarding deficiencies with the application.*

The applicant has no issues with this statement.

RECEIVED BY OWRD

JAN 19 2016

SALEM, OR

Summary of Initial Determinations

The appropriation of 3.82 CFS from Sanders #1 Well and Sanders #2 Well in Solomon Canyon Basin, being 1.28 CFS for primary irrigation of 77.05 acres and 2.54 CFS for supplemental irrigation of 152.17 acres, may be allowable during the full period requested, April 15 through October 15 of each year, contingent upon resolution of the underlying water right conflicts.

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

The applicant has no issues with this statement.

Additional Information Required

- The well location descriptions indicated on the maps are inconsistent with the requirements of OAR 690-310-0050(4)(a). Please provide maps that show the location of the wells by distance and bearing or by coordinates (distance north or south and distance east or west from (not to) the corner of a recognized public land survey corner. For purposes of this Initial Review, the locations that were used to review this application are listed in the Application Fact Sheet.*

A revised map is provided in Attachment 1.

- Please use well names that are consistent between the application and the provided map ("Sanders #1" and "Sanders #2" wells).*

This change has been completed. A revised map is provided in Attachment 1.

Conflict Resolution Information

Portions of the area proposed to be irrigated under this application, being a total of 150.84 acres, are currently covered by existing irrigation water rights as evidenced by Certificate 36760 and Certificate 11584, which conflict with the application.

If you would like the conflicting portion of this application to be supplemental to the existing certificates, the Department must receive a \$300.00 fee for the additional use and a revised map showing the place of use of both the primary and supplemental lands.

Please note the supplemental lands will be limited and/or jeopardized as follows:

- If the existing right is found to have been forfeited, the use which is supplemental to such certificate may also be canceled.*

RECEIVED BY UWHRD

JAN 19 2016

SALEM, OR

January 15, 2015

Page 4

IR Response and Additional Information/Modifications G-17921

Project No.: 1172-101

- *You may only use the supplemental right after the primary right becomes unavailable. Water from the primary source must be exhausted first.*
- *The season of use for the supplemental irrigation will be limited to that of the primary right.*

The applicant has previously submitted Affidavits for the Partial Diminution of these water rights that conflict with portions of Certificates 36760 and 11584.

If you have questions or wish to discuss this letter, please contact me.

Sincerely,

NEWTON CONSULTANTS, INC.



EXPIRES: 12-31-2016
RENEWS:

James Newton, R.G., EIT, C.W.R.E.
Senior Geologist/Engineer

RECEIVED BY OWRD

JAN 19 2016

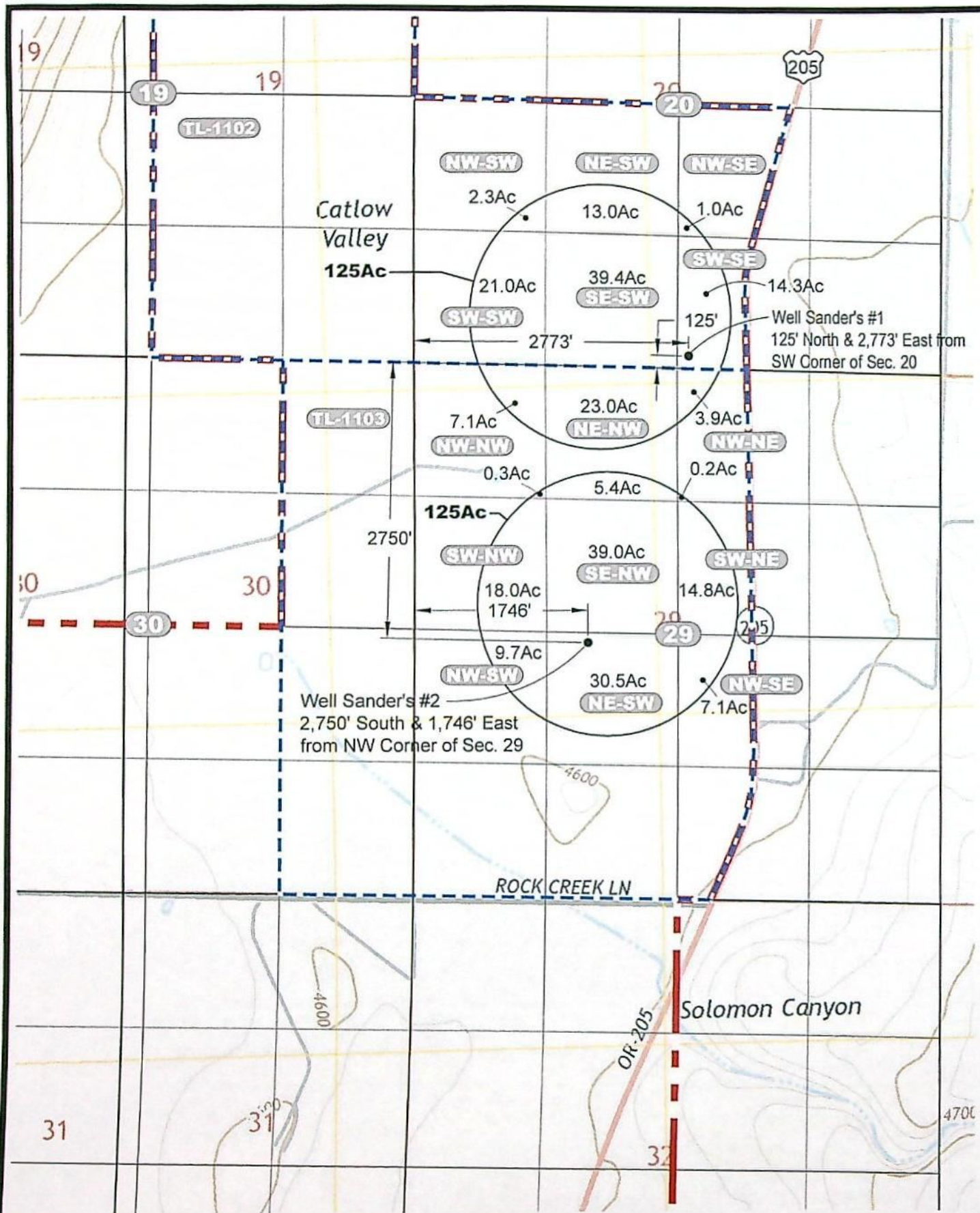
SALEM, OR

ATTACHMENT 1
CORRECTED MAP

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SALEM, OR



NOTES
 1. This map was prepared for the purpose of identifying the location of water rights only and is not intended to provide legal dimensions or locations of property ownership lines.

WATER RIGHT APPLICATION G-17921
TAX LOTS 1102 & 1103
 Section 20 & 29, T.32S., R.32E., W.M.
 Harney County, Oregon

LEGEND

 Roaring Springs Boundary
 Tax Lot Boundary

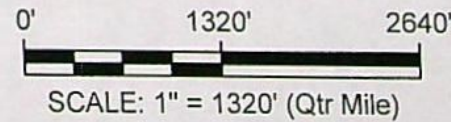
Area by Qtr-Qtr

SEC	Tax Lot	Qtr-Qtr	Area (Ac)
20	1102	NW-SW	2.3
		NE-SW	13.0
		NW-SE	1.0
		SW-SE	14.3
		SE-SW	39.4
		SW-SW	21.0
Sub-Total			91.0
29	1103	NW-NW	7.1
		NE-NW	0.3
		NE-NW	23.0
		NW-NE	5.4
		NW-NE	3.9
		SW-NW	0.2
		SE-NW	18.0
		SW-NE	39.0
		NW-SW	14.8
		NE-SW	9.7
Sub-Total			159.0
Total			250.0

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 JAN 19 2016
 SALEM, OR



EXPIRES:
 RENEWS: 12-31-2016



Water Right Application G-17921 Map
 Roaring Springs Ranch
 Harney County, Oregon





Oregon

Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

July 3, 2015

ROBERT T SANDERS
31437 HWY 205
FRENCHGLEN, OR 97736

Reference: File G-17921

Dear Applicant:

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

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

Initial Review Determinations:

1. The application proposed the appropriation of 1985.0 gallons per minute or 4.43 cubic feet per second (CFS) of water from Sanders #1 Well and Sanders #2 Well in Solomon Canyon Basin for irrigation of 250.0 acres April 15 through October 15 of each year.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The appropriation of water from Sanders #1 Well and Sanders #2 Well in Solomon Canyon Basin is allowable under the Malheur Lake Basin Program (OAR 690-512-0040).
4. Ground water will likely be available within the capacity of the resource, and if properly conditioned, the proposed use of ground water will avoid injury to existing ground water rights.

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

5. The application requested 250.0 acres for irrigation however the provided map indicates 229.22 acres. In the absence of additional information, 229.22 acres will be used for the purposes of this Initial Review. If this acreage is not correct, please submit a revised map indicating the corrected acreage by **Thursday, August 2, 2015**.
6. The application proposed a duty that is higher than the general basin-wide standard of 3.0 acre-feet (AF) per acre. In the absence of other information, if the application is approved, the allowed duty will be limited to 3.0 AF per acre.

7. The application proposed a water use limit that is higher than the general basin-wide standard. Oregon Revised Statute 537.621(4) allows the Department to authorize the requested limit except upon specific findings related to the application to support a determination that a lesser amount is needed. The Department has determined there is a need for the higher limit, being 1/60 CFS per acre. If the application is approved, the rate allowed will be limited to 3.82 CFS for irrigation of 229.22 acres.
8. Portions of the area proposed to be irrigated under this application are currently covered by existing irrigation water rights as evidenced by Certificate 36760 and Certificate 11584, which conflict with the application. Please see the **Conflict Resolution Information** section below for more information.
10. Please refer to the **Additional Information Required** section below for specific information regarding deficiencies with the application.

Summary of Initial Determinations

The appropriation of 3.82 CFS from Sanders #1 Well and Sanders #2 Well in Solomon Canyon Basin, being 1.28 CFS for primary irrigation of 77.05 acres and 2.54 CFS for supplemental irrigation of 152.17 acres, may be allowable during the full period requested, April 15 through October 15 of each year, contingent upon resolution of the underlying water right conflicts.

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

Additional Information Required:

Additional information is required to process your application prior to issuance of any Proposed Final Order that may recommend approval. Please provide the following item(s):

- The well location descriptions indicated on the maps are inconsistent with the requirements of OAR 690-310-0050(4)(a). Please provide maps that show the location of the wells by distance and bearing or by coordinates (distance north or south and distance east or west **from** (not to) the corner of a recognized public land survey corner. For purposes of this Initial Review, the locations that were used to review this application are listed in the Application Fact Sheet.
- Please use well names that are consistent between the application and the provided map ("Sanders #1" and "Sanders #2" wells).

Please submit this information no later than Thursday, August 2, 2015. If you are unable to submit the information listed above, you may request an administrative hold for up to an additional 180 days. You must submit the request in writing, stating how much more time you will need and why you need additional time. If an administrative hold is granted, your application will not be processed further until the requested information is received or the extended deadline has passed.

If we do not receive the items requested above or a request for an administrative hold by this date, the Department will likely proceed with a Proposed Final Order recommending denial of the application.

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

Conflict Resolution Information:

Portions of the area proposed to be irrigated under this application, being a total of 150.84 acres, are currently covered by existing irrigation water rights as evidenced by Certificate 36760 and Certificate 11584, which conflict with the application.

If you would like the conflicting portion of this application to be supplemental to the existing certificates, the Department must receive a \$300.00 fee for the additional use and a revised map showing the place of use of both the primary and supplemental lands. Please note the supplemental lands will be limited and/or jeopardized as follows:

- If the existing right is found to have been forfeited, the use which is supplemental to such certificate may also be canceled.
- You may only use the supplemental right after the primary right becomes unavailable. Water from the primary source must be exhausted first.
- The season of use for the supplemental irrigation will be limited to that of the primary right.

If you would like this application to be the primary right, the Department must receive:

- A completed form authorizing cancellation of the conflicting portions of the existing right, along with a map describing those portions; or
- A completed affidavit of diminution of the conflicting portions of the existing right to reduce them to supplemental use, along with a map describing those portions; or
- A transfer application addressing the conflicting portions of the existing right; or
- Another means of dealing with the conflict between the existing right and the use proposed under this application.
- At the time of perfection, the permittee may request that the use be certificated as primary irrigation, if water has been used beneficially according to the terms and conditions of this permit, and if underlying primary water rights are simultaneously diminished or canceled.

Please submit this information no later than Thursday, August 2, 2015. If you are unable to submit the information listed above, you may request an administrative hold for up to an additional 180 days. You must submit the request in writing, stating how much more time you will need and why you need additional time. If an administrative hold is granted, your application will not be processed further until the requested information is received or the extended deadline has passed.

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

To Proceed With Your Application:

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

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$225 processing charge per application). To accomplish this you must notify the Department in writing by **Friday, July 17, 2015**. For your convenience you may use the enclosed "STOP PROCESSING" form.

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

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

2. Static Water Level Conditions

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

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

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

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

The Department may require the discontinuance of groundwater use, or reduce the rate or volume of withdrawal, from the well(s) if any of the following events occur:

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

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

- 3. **Dedicated Measuring Tube:** Wells with pumps shall be equipped with a minimum 3/4-inch diameter, unobstructed, dedicated measuring tube pursuant to figure 200-5 in OAR 690-200. If a pump has been installed prior to the issuance of this permit, and if static water levels and pumping levels can be measured using an electrical tape, then the installation of the measuring tube can be delayed until such time that water levels cannot be measured or the pump is repaired or replaced.
- 4. The well(s) shall be constructed to develop groundwater only from the predominantly volcanic/basalt bedrock unit underlying the predominantly basin fill unit. The well(s) shall be continuously cased and continuously sealed a minimum of five (5) feet into the predominantly volcanic/basalt bedrock beneath the predominantly basin fill unit. The well(s) may not be completed in such a manner to allow ground water to be developed from the overlying basin fill. If during well construction, it becomes apparent that the well can be constructed to eliminate interference with nearby shallow wells or hydraulically connected streams in a manner other than specified in this permit, the permittee can contact the Department Hydrogeologist for this permit or the Ground Water/Hydrology Section Manager to request approval of such construction. The request shall be in writing, and shall include a rough well log and a proposed construction design for approval by the Department. The request can be approved only if it is received and reviewed prior to placement of any permanent casing and sealing material. If the well is constructed first and then the request made, the requested modification will not be approved. If approved, the new well depth and construction specifications will be incorporated into any certificate issued for this permit.
- 5. The permittee shall construct one (1) minimum six-inch diameter observation well to penetrate the same aquifer as the production wells. The well shall meet the Department's minimum well construction standards and shall be cased and sealed to the same depth as the production wells. The well shall be constructed at a location approved by the Department for the purpose of instrumentation with continuous water-level monitoring equipment. The

landowner or permittee shall provide access to Department staff to install and maintain the monitoring equipment. The well shall not be used for any other purpose while the Department is monitoring water levels. The well shall be completed prior to water use under the terms of any permit issued.

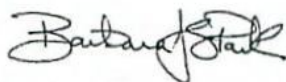
6. Prior to using water from any well listed on this permit, the permittee shall ensure that the well has been assigned an OWRD Well Identification Number (Well ID tag), which shall be permanently attached to the well. The Well ID shall be used as a reference in any correspondence regarding the well, including any reports of water use, water level, or pump test data.

The water source identified in your application may be affected by an Agricultural Water Quality Management Area Plan. These plans are developed by the Oregon Department of Agriculture (ODA) with the cooperation of local landowners and other interested stakeholders, and help to ensure that current and new appropriations of water are done in a way that does not adversely harm the environment. You are encouraged to explore ODA's Water Quality Program web site at <http://www.oregon.gov/ODA/programs/NaturalResources/Pages/AgWaterQuality.aspx> to learn more about the plans and how they may affect your proposed water use.

If you have any questions:

Feel free to contact me at Barbara.J.Park@wrdd.state.or.us or 503-986-0859 if you have any questions regarding the contents of this letter or your application. Please have your application number available if you call. General questions about water rights and water use permits should be directed to our customer service staff at 503-986-0801. When corresponding by mail, please use this address: Barbara Park, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266. Our fax number is 503-986-0901.

Sincerely,



Barbara Park
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

G-17921
WAB 12-no PSI
POU 12-
GW

APPLICATION FACT SHEET

Application File Number: G-17921

Applicant: ROBERT T SANDERS

County: Harney

Watermaster: 10

Priority Date: September 9, 2014

Source: SANDERS #1 WELL AND SANDERS #2 WELL IN SOLOMON CANYON BASIN

Use: IRRIGATION OF 229.22 ACRES

Quantity: 4.43 CUBIC FEET PER SECOND

Basin Name & Number: Malheur Lake, #12

Stream Index Reference: Volume 1 SOLOMAN CR & MISC

Well Location(s):

SANDERS #1 WELL: NWNE SECTION 29, T32S, R32E, W.M.; 280 FEET SOUTH AND 2185 FEET WEST FROM SE CORNER, SECTION 20

SANDERS #2 WELL: NWSE SECTION 29, T32S, R32E, W.M.; 3290 FEET SOUTH AND 2215 FEET WEST FROM NE CORNER, SECTION 29

Place of Use:

NE ¼	SW ¼	25.47	ACRES
NW ¼	SW ¼	6.53	ACRES
SW ¼	SW ¼	19.01	ACRES
SE ¼	SW ¼	40.73	ACRES
NW ¼	SE ¼	14.01	ACRES
SW ¼	SE ¼	14.12	ACRES

SECTION 20

NW ¼	NE ¼	2.10	ACRES
SW ¼	NE ¼	18.45	ACRES
NE ¼	NW ¼	22.09	ACRES
NW ¼	NW ¼	1.68	ACRES
SW ¼	NW ¼	7.63	ACRES
SE ¼	NW ¼	40.94	ACRES
NE ¼	SW ¼	13.40	ACRES
NW ¼	SW ¼	0.34	ACRE
NW ¼	SE ¼	2.72	ACRES

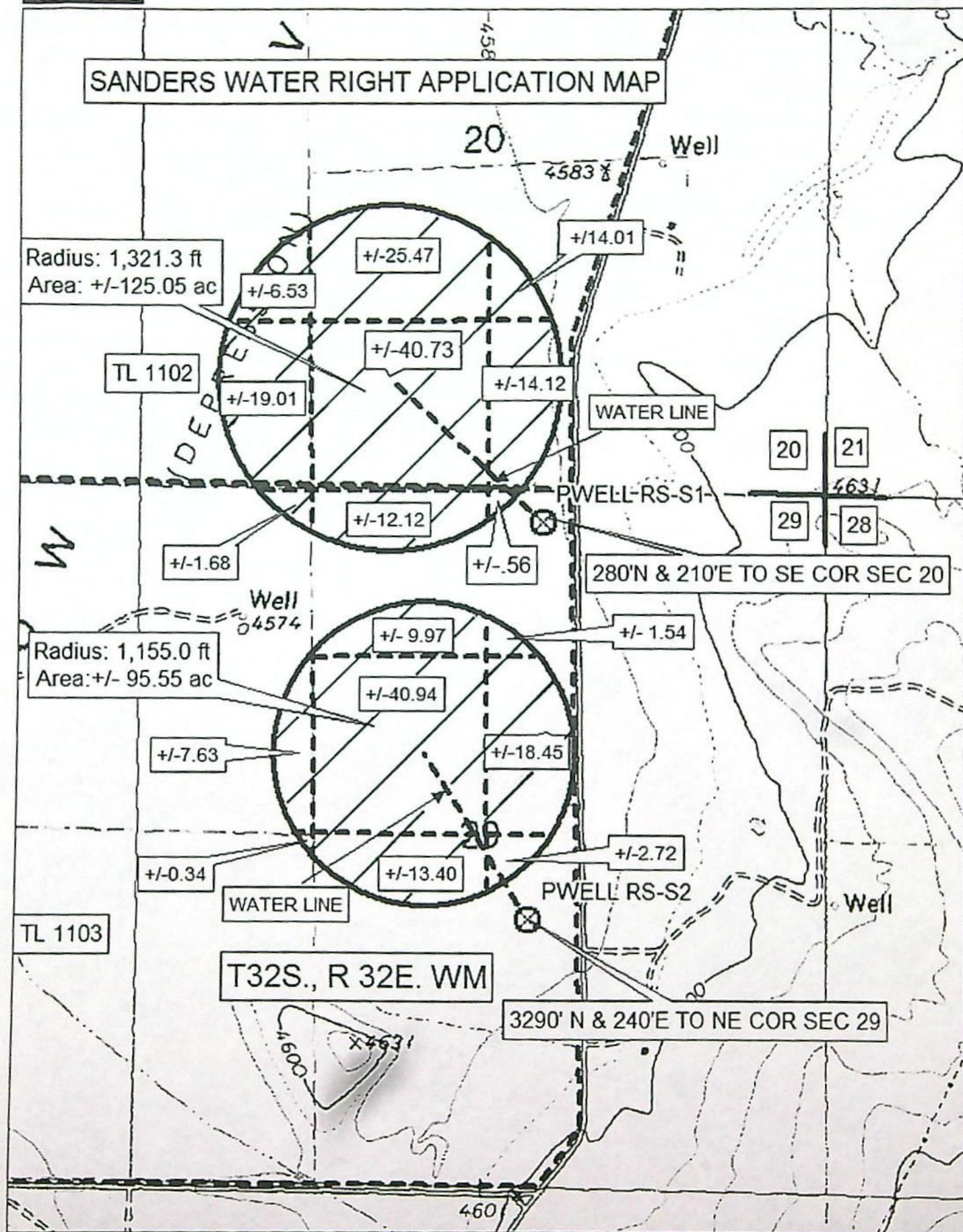
SECTION 29

TOWNSHIP 32 SOUTH, RANGE 32 EAST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, July 17, 2015

PUBLIC NOTICE DATE: Tuesday, July 7, 2015

30 DAY COMMENT DEADLINE DATE: Thursday, August 6, 2015



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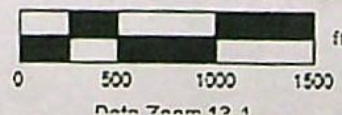
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www.dalme.com

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G-17921

SALEM, OR



Data Zoom 13.4

Mailing List for IR Copies

Application #G-17921

IR Date: July 3, 2015

Original and map mailed to applicant:

ROBERT SANDERS, 31437 HWY 205, FRENCHGLEN, OR 97736

SENT VIA EMAIL:

1. WRD - Watermaster # 10
2. Applicant - Robert Sanders, ROARINGSRINGSRANCH@GMAIL.COM
3. Agent - Stacy Davies, ROARINGSRINGSRANCH@GMAIL.COM

IR, Map, and Fact Sheet Copies sent to:

1. WRD - File # G-17921
2. Department of Agriculture

Mailed:
by KF
on 7/3/15

Caseworker: Barbara Park

COPYSH.T.IR

Application for a Permit to Use Ground Water



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

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SECTION 1: APPLICANT INFORMATION AND SIGNATURE

AUG 19 2014

Applicant Information

NAME ROBERT & CARLA M SANDERS		PHONE (HM) SALEM, OR 541-495-2263	
PHONE (WK) 541-495-2263	CELL 541-589-1896	FAX	
ADDRESS 31437 HWY 205			
CITY FRENCHGLEN	STATE OR	ZIP 97736	E-MAIL* ROARINGSRINGSRANCH@GMAIL.COM

Organization Information

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

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

AGENT / BUSINESS NAME STACY L DAVIES		PHONE 541-495-2263	FAX 541-495-2266
ADDRESS 31437 HWY 205		CELL 541-589-1896	
CITY FRENCHGLEN	STATE OR	ZIP 97736	E-MAIL* ROARINGSRINGSRANCH@GMAIL.COM

Note: Attach multiple copies as needed

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

SEP 09 2014

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application.
- I cannot use water legally until the Water Resources Department issues a permit.
- Oregon law requires that a permit be issued before beginning construction of any proposed well, unless the use is exempt. Acceptance of this application does not guarantee a permit will be issued.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land-use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water-right holders to get water to which they are entitled.

SALEM, OR

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

Applicant Signature

Robert T. Sanders V.P.
Print Name and title if applicable

8/18/2014
Date

Applicant Signature

Print Name and title if applicable

Date

For Department Use

App. No. G-17921

Permit No.

Date

AUG 19 2014

SALEM, OR

SECTION 2: PROPERTY OWNERSHIP

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

☒ Yes☒ There are no encumbrances.☒ This land is encumbered by easements, rights of way, roads or other encumbrances.☐ No☐ I have a recorded easement or written authorization permitting access.☐ I do not currently have written authorization or easement permitting access.☐ Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040).☐ Water is to be diverted, conveyed, and/or used only on federal lands.

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SALEM, OR

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

You must provide the legal description of: 1. The property from which the water is to be diverted, 2. Any property crossed by the proposed ditch, canal or other work, and 3. Any property on which the water is to be used as depicted on the map.

SECTION 3: WELL DEVELOPMENT

WELL NO.	NAME OF NEAREST SURFACE WATER	IF LESS THAN 1 MILE:	
		DISTANCE TO NEAREST SURFACE WATER	ELEVATION CHANGE BETWEEN NEAREST SURFACE WATER AND WELL HEAD
Sanders #1	Solomon Creek	1.3 miles	40 feet
Sanders #2	Solomon Creek	.8 miles	40 feet

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

WE will acquire the services of a geologist to help us identify the best location to drill wells. This application covers two pivots and the plan is to drill one well per pivot. We will hire the geologist and drill the wells following the approval of water rights. It is our intention to drill one well per pivot. Solomon creek is an ephemeral stream that only flows during spring snow melt and the very rare torrential rainstorm. I really wouldn't call it surface water but it is the nearest drainage.

SECTION 3: WELL DEVELOPMENT, CONTINUED

Total maximum rate requested: $248 \text{ acres} \times 8 \text{ gallon per minute} = 1985 \text{ gallons per minute}$ (each well will be evaluated at the maximum rate unless you indicate well-specific rates and annual volumes in the table below).

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

1234-1-19

OWNER'S WELL NAME OR NO.	PROPOSED	EXISTING	WELL ID (WELL TAG) NO.* OR WELL LOG ID**	FLOWING ARTESIAN	CASING DIAMETER	CASING INTERVALS (IN FEET)	PERFORATED OR SCREENED INTERVALS (IN FEET)	SEAL INTERVALS (IN FEET)	MOST RECENT STATIC WATER LEVEL & DATE (IN FEET)	PROPOSED USE			
										SOURCE AQUIFER***	TOTAL WELL DEPTH	WELL-SPECIFIC RATE (GPM)	ANNUAL VOLUME (ACRE-FEET)
sander s #1	☒	☐		☐	16	generally 3-500	as needed	as needed	200	Solomon Creek Catlow Valley	900	1000 (2,232 GFS)	716
sander s #2	☒	☐		☐	16	generally 3-500	as needed	as needed	200	Solomon creek CATlow Valley	900	764 1,700 GFS	547
	☐	☐		☐									
	☐	☐		☐									
	☐	☐		☐									
	☐	☐		☐									
	☐	☐		☐									
	☐	☐		☐									

* Licensed drillers are required to attach a Department-supplied Well Tag, with a unique Well ID or Well Tag Number to all new or newly altered wells. Landowners can request a Well ID for existing wells that do not have one. The Well ID is intended to serve as a unique identification number for each well.

** A well log ID (e.g. MARI 1234) is assigned by the Department to each log in the agency's well log database. A separate well log is required for each subsequent alteration of the well.

*** Source aquifer examples: Troutdale Formation, gravel and sand, alluvium, basalt, bedrock, etc.

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Revised 2/1/2012

SEP 09 2014

Ground Water/5

WR

AUG 19 2014

SALEM, OR

SALEM, OR

SECTION 4: WATER USE

USE	PERIOD OF USE	ANNUAL VOLUME (ACRE-FEET)
Irrigation	April 15 - October 15 ¹²⁴	300 716
Irrigation	April 15 - October 15 ²⁰⁴⁵	300 547

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

For irrigation use only:

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

Primary: 250 Acres Supplemental: Acres

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

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: ~~300~~ 1263

- If the use is **municipal or quasi-municipal**, attach **Form M**
 - If the use is **domestic**, indicate the number of households:
- If the use is **mining**, describe what is being mined and the method(s) of extraction:

SECTION 5: WATER MANAGEMENT

A. Diversion and Conveyance

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

☒ Pump (give horsepower and type): 150 and 100

☐ Other means (describe):

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water. A well on the edge of the pivot with a submersible pump and underground mainline to the center of the pivot.

B. Application Method

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

C. Conservation

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

We will use IWOB nozzles or other nozzle types that are efficient as pumping water is expensive. Leaks will be fixed quickly.

SECTION 6: STORAGE OF GROUND WATER IN A RESERVOIR

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

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AUG 19 2014

Reservoir name: _____ Acreage inundated by reservoir: _____

SEP 09 2014

Use(s): _____

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

SALEM, OR

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

SECTION 7: USE OF STORED GROUND WATER FROM THE RESERVOIR

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

Annual volume (acre-feet): _____

USE OF STORED GROUND WATER	PERIOD OF USE

SECTION 8: PROJECT SCHEDULEDate construction will begin: October 2014Date construction will be completed: October 2015Date beneficial water use will begin: May 2015**SECTION 9: WITHIN A DISTRICT**

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

Irrigation District Name	Address	
City	State	Zip

SECTION 10: REMARKS

Use this space to clarify any information you have provided in the application (*attach additional sheets if necessary*).

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AUG 19 2014

G-17821

20100766

SEP 09 2014

SALEM, OR

After recording return to:
 ROBERT T. SANDERS
 342 MATSON RD.
 KALAMA, WA 98625

Until a change is requested all tax statements
 shall be sent to the following address:

ROBERT T. SANDERS
 342 MATSON RD.
 KALAMA, WA 98625

Escrow No. BU0019764
 Title No. 0019764
 SWD r.012910

STATE OF OREGON
 County of Harney

I certify that the foregoing instrument was
 recorded on the 10th day of July, 2010, at 10:00 A.M. in the
 County Clerk's Office, Harney County, Oregon.
 By: [Signature] Deputy

STATUTORY WARRANTY DEED

KERRY THOMPSON SHULTZ and LINDA PHIPPS, as tenants in common, Grantor(s) hereby convey and warrant to ROBERT T. SANDERS and CARLA M. SANDERS, as tenants by the entirety, Grantee(s) the following described real property in the County of HARNEY and State of Oregon free of encumbrances except as specifically set forth herein:

Two parcels of land located in Sections 19, 20, 29 and 30, Twp. 32 S., R. 32 E., W.M., Harney County Oregon, more particularly described as follows:

Parcel 2 and Parcel 3 of Partition Plat No. 01-06-137, recorded June 4, 2001,
 Instrument No. 20010992, Harney County, Plat Records. SAVE & EXCEPT that portion of
 the SE1/4NW1/4 and the S1/2NE1/4, lying Westerly of State Highway 205.

FOR INFORMATION PURPOSES ONLY, THE MAP/TAX ACCT #(S) ARE REFERENCED HERE:

CODE # 16-2 ACCT. # 92721 MAP# 32S 32E TL 1102
 CODE # 16-2 ACCT # 92722 MAP# 32S 32E TL 1103

The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any:

The true and actual consideration for this conveyance is \$150,000.00.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.

Dated this _____ day of _____, 2010

Kerry Thompson Shultz
 KERRY THOMPSON SHULTZ
Linda Phipps
 LINDA PHIPPS

State of Oregon
 County of HARNEY

This instrument was acknowledged before me on _____, 2010 by KERRY THOMPSON SHULTZ and LINDA PHIPPS.

(Notary Public for Oregon)

My commission expires _____

see attachment

G-17921

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AUG 19 2014

SALEM, OR

Land Use Information Form



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

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SEP 09 2014

NOTE TO APPLICANTS

SALEM, OR

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

This form is NOT required if:

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply:
 - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
 - b) The application involves a change in place of use only;
 - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; and
 - d) The application involves irrigation water uses only.

NOTE TO LOCAL GOVERNMENTS

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

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AUG 19 2014

Land Use Information Form



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

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Applicant: Robert and Carla M.
First

SEP 09 2014

Last Sanders

RECEIVED BY OWRD

Mailing Address: 31437 HWY 205

SALEM, OR

AUG 19 2014

Frenchglen
City

OR
State

Zip

97736 Daytime Phone: 541-495-2263

SALEM, OR

A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
32 s	32 e	20	sw1/4 sw1/4 , se1/4s w1/4, ne1/4 sw1/4 ,nw1/ 4sw1/ 4, sw1/4 se1/4, nw1/4 se1/4,	1102	EFRU	☐ Diverted ☐ Conveyed ☒ Used	Farm
32s	32e	29	nw1/4 nw1/4 , ne1/4 nw1/4 , nw1/4 ne1/4	1103	EFRU	☐ Diverted ☐ Conveyed ☒ Used	farm
32s	32e	29	en1/4 nw1/4 ,sw1/ 4nw1/ 4,se1/ 4nw1/ 4,nw1/ 4ne1/ 4,sw1/ 4ne1/ 4,nw1/ 4se1/ 4,ne1/ 4sw1/ 4,sw1/ 4sw1/ /4	1103	EFRU	☐ Diverted ☐ Conveyed ☒ Used	Farm
						☐ Diverted ☐ Conveyed ☐ Used	

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

Harney County

B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- ☒ Permit to Use or Store Water ☐ Water Right Transfer ☐ Permit Amendment or Ground Water Registration Modification
☐ Limited Water Use License ☐ Allocation of Conserved Water ☐ Exchange of Water

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

Estimated quantity of water needed: 800 ☐ cubic feet per second ☐ gallons per minute ☒ acre-feet

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

Briefly describe:

WELLS TO BE DRILLED TO PROVIDE IRRIGATION WATER
VIA PIPING TO PIVOTS

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

See bottom of Page 3. →

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SALEM, OR

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AUG 19 2014

SALEM, OR

AUG 19 2014

For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

- ☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): NCZO 3.010
- ☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued

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

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Name: _____ Title: Bryce Mertz GIS CoordinatorSignature: Bryce Mertz Phone: 541-573-8195 Date: 8/7/14

SALEM, OR

Government Entity: Harvey County

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

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department

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

August 20, 2014

Roaring Springs Ranch, Inc.
985 NW 2nd
Kalama, WA 98625

RESUBMITAL
OF WR. APP
SANDERS

JK

Dear Robert and Carla Sanders:

The Water Resources Department has received your application to use water. At this time, however, we are unable to accept your application because the minimum filing requirements have not been met according to the Oregon Administrative Rules (OAR 690-310-0040 and 0050).

We are therefore returning the incomplete application and fees. You may resubmit the application with the additional required information and fees noted on the enclosed checklist.

Should you have any questions, please contact Water Right Customer Service at 503-986-0801.

Sincerely,

Jerry Satter
Water Rights Program Analyst

Cc: OWRD Fiscal

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SEP 09 2014

SALEM, OR

G-17821

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

Application Completeness Checklist

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

- ☐ Proposed water use
 - ☐ Amount of water from *each* source in GPM, CFS, or AF
- ☐ The **maps** must meet all the minimum requirements of OAR 690-310-0050.
 - ☐ Location of main canals, ditches, pipelines or flumes (if POA/POD is outside of POU)
 - ☐ Place of use, $\frac{1}{4}$ - $\frac{1}{4}$'s and tax lot clearly identified
 - ☐ Location of *each* diversion point, well or dam by reference to a recognized public land survey corner. Multiple wells shall be uniquely labeled, and identified on well logs if existing. (ie: Well 1: 1800 feet North and 3000 feet East from the SW corner of Section 29, T32S, R32E, WM)
 - ☐ Reference corner on map
 - ☐ Number of acres per $\frac{1}{4}$ - $\frac{1}{4}$ if for irrigation – with hatchuring
- ☐ On Robert and Carla Sanders app – Need Carla's signature if want to be on Permit
- ☐ **Fees: for Roaring Ranch App**

Base Fee	\$ 1150
1 st CFS or AF	\$ 300
Addtnl CFS/AF _____ 21 _____ =	\$ 6300
Addtnl Use/POD/POA _____ 7 _____ =	\$ 2100
Exam Fee Total	\$ 9850
Permit Recording Fees	\$ 450
Total Due	\$ 10300
- ☐ **Fees: for Robert and Carla Sanders**

Base Fee	\$ 1150
1 st CFS or AF	\$ 300
Addtnl CFS/AF _____ 4 _____ =	\$ 1200
Addtnl Use/POD/POA _____ 1 _____ =	\$ 300
Exam Fee Total	\$ 2950
Permit Recording Fees	\$ 450
Total Due	\$ 3400

*I DISCUSSED THIS
WITH*

OREGON

Water Resources Department

Apply for a Permit to Appropriate Ground Water and/or Store Ground Water

Today's Date: Wednesday, August 20, 2014

Base Application Fee for use of Ground, Surface and optionally Stored Water.		\$1,150.00
Number of proposed cubic feet per second (cfs) to be appropriated. (1 cfs = 448.83 gallons per minute)	4.4	\$1,500.00
Number of proposed Use's for the appropriated water. (i.e. Irrigation, Supplemental Irrigation, Pond Maintenance, Industrial, Commercial, etc) *	1	
Number of proposed Ground Water points of appropriation. (i.e. number of wells) (Include all injection wells, if applicable) **	2	\$300.00
Number of Acre Feet to be stored in a reservoir/pond from Ground Water.	0	
Number of Acre Feet to be appropriated from reservoir/pond (Only Applies to reservoir/pond constructed under Ground Water Application)	0	
Number of reservoirs.	0	
Permit Recording Fee. ***		\$450.00
* the 1st Water Use is included in the base cost. ** the 1st Ground Water point of appropriation is included in the base cost. *** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.	Recalculate	
Estimated cost of Permit Application		\$3,400.00

[Return to Fee Calculator Options page](#)
[OWRD Fee Schedule](#)

Fee Calculator Version B20130709

3400 is
correct
-bp

DISCUSSED
WITH KIM
+ AGREED IT
SHOULD BE
\$3,100

HKS

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SALEM, OR

G-1724

Minimum Requirements Checklist

Minimum Requirements (OAR 690-310-0040, OAR 690-310-0050 & ORS 537.615)

Include this checklist with the application

Check that each of the following items is included. The application will be returned if all required items are not included. If you have questions, please call the Water Rights Customer Service Group at (503) 986-0900.

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SALEM, OR

- ☒ SECTION 1: applicant information and signature
- ☒ SECTION 2: property ownership
- ☒ SECTION 3: well development
- ☒ SECTION 4: water use
- ☒ SECTION 5: water management
- ☐ NA SECTION 6: storage of groundwater in a reservoir
- ☐ NA SECTION 7: use of stored groundwater from the reservoir
- ☒ SECTION 8: project schedule
- ☐ NA SECTION 9: within a district
- ☐ NA SECTION 10: remarks

ADD FEES
↓
\$3,100 CHECK

Attachments:

- ☒ Land Use Information Form with approval and signature (*must be an original*) or signed receipt
- ☒ Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map. Example: A copy of the deed, land sales contract or title insurance policy.
- ☒ Fees - Amount enclosed: \$ ~~13,100.00~~ \$13,100.00
See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.

Provide a map and check that each of the following items is included:

- ☒ Permanent quality and drawn in ink
- ☒ Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
- ☒ North Directional Symbol
- ☒ Township, Range, Section, Quarter/Quarter, Tax Lots
- ☒ Reference corner on map
- ☒ Location of each well, and/or dam if applicable, by reference to a recognized public land survey corner (distances north/south and east/west). Each well must be identified by a unique name and/or number.
- ☒ Indicate the area of use by Quarter/Quarter and tax lot clearly identified
- ☒ Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
- ☒ Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)
- ☐ Other _____

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SALEM, OR

Minimum Requirements Checklist

Minimum Requirements (OAR 690-310-0040, OAR 690-310-0050 & ORS 537.615)

Include this checklist with the application

Check that each of the following items is included. The application will be returned if all required items are not included. If you have questions, please call the Water Rights Customer Service Group at (503) 986-0900.

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- ☒ SECTION 1: applicant information and signature
- ☒ SECTION 2: property ownership
- ☒ SECTION 3: well development
- ☒ SECTION 4: water use
- ☒ SECTION 5: water management
- ☐ **NA** SECTION 6: storage of groundwater in a reservoir
- ☐ **NA** SECTION 7: use of stored groundwater from the reservoir
- ☒ SECTION 8: project schedule
- ☐ **NA** SECTION 9: within a district
- ☐ **NA** SECTION 10: remarks

SEP 09 2014

SALEM, OR

Attachments:

- ☒ Land Use Information Form with approval and signature (*must be an original*) or signed receipt
- ☒ Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map. Example: A copy of the deed, land sales contract or title insurance policy.
- ☒ Fees - Amount enclosed: \$ ~~5,100.00~~ **\$13,100.00**
See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.

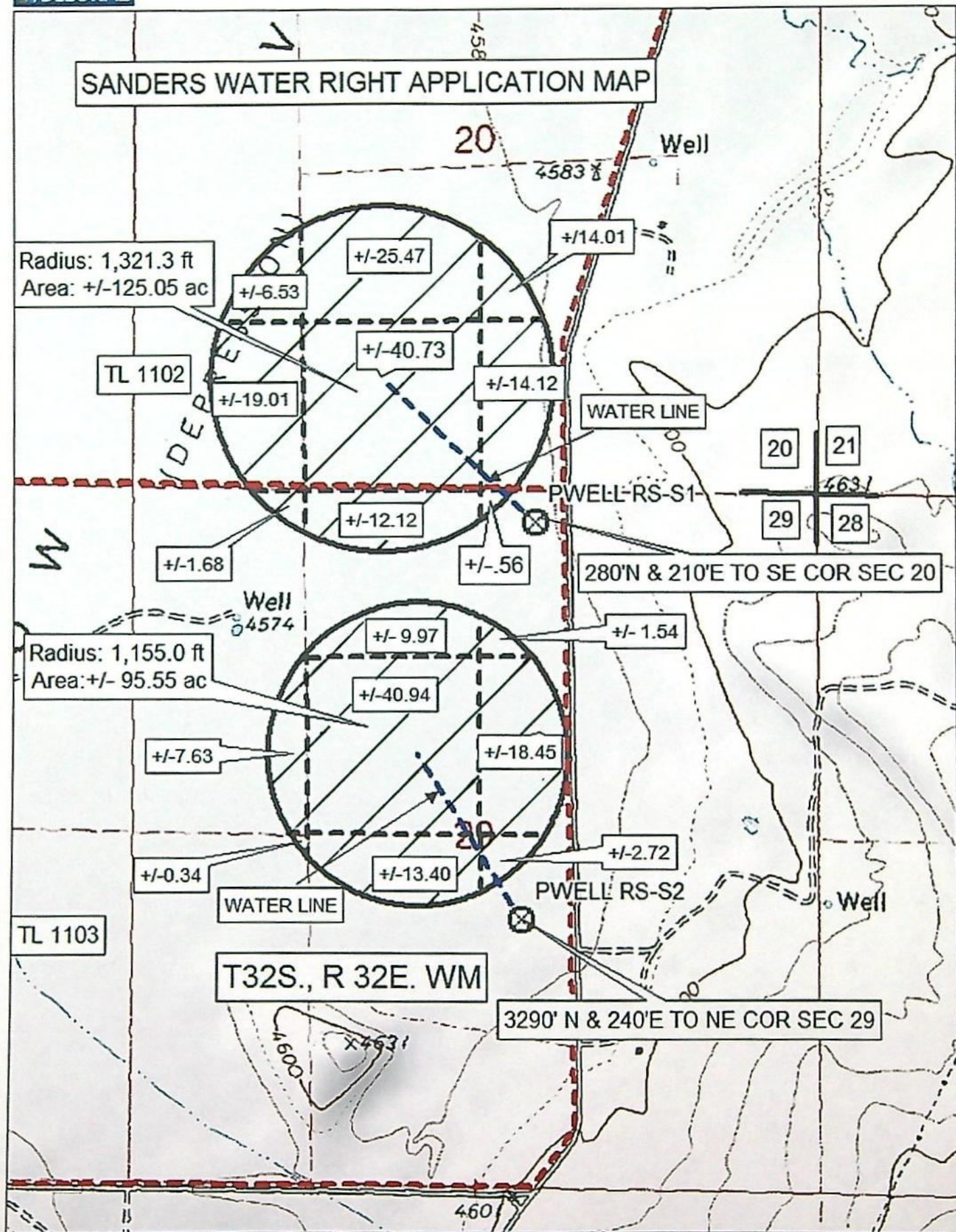
Provide a map and check that each of the following items is included:

- ☒ Permanent quality and drawn in ink
- ☒ Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
- ☒ North Directional Symbol
- ☒ Township, Range, Section, Quarter/Quarter, Tax Lots
- ☒ Reference corner on map
- ☒ Location of each well, and/or dam if applicable, by reference to a recognized public land survey corner (distances north/south and east/west). Each well must be identified by a unique name and/or number.
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- ☒ Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
- ☒ Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)
- ☐ Other _____

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SALEM, OR



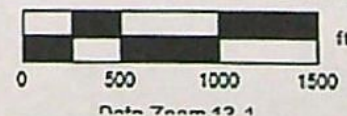
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www.delorme.com

SEP 09 2014



G-17921

SALEM, OR

Application for a Permit to Use Ground Water



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

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Water-Use Permit Application Processing

SEP 09 2014

1. Completeness Determination

SALEM, OR

The Department evaluates whether the application and accompanying map contain all of the information required under OAR 690-310-0040 and OAR 690-310-0050 (www.oregon.gov/owrd/law). The Department also determines whether the proposed use is prohibited by statute. If the Department determines that the application is incomplete, all fees have not been paid, or the use is prohibited by statute, the application and all fees submitted are returned to the applicant.

2. Initial Review

The Department reviews the application to determine whether water is available during the period requested, whether the proposed use is restricted or limited by rule or statute, and whether other issues may preclude approval of or restrict the proposed use. An Initial Review (IR) containing preliminary determinations is mailed to the applicant. The applicant has 14 days from the mailing date to withdraw the application from further processing and receive a refund of all fees paid minus \$200. The applicant may put the application on hold for up to 180 days and may request additional time if necessary.

3. Public Notice

Within 7 days of the mailing of the initial review, the Department gives public notice of the application in the weekly notice published by the Department at www.oregon.gov/owrd. The public comment period is 30 days from publication in the weekly notice.

4. Proposed Final Order Issued

The Department reviews any comments received, including comments from other state agencies related to the protection of sensitive, threatened or endangered fish species. Within 60 days of completion of the IR, the Department issues a Proposed Final Order (PFO) explaining the proposed decision to deny or approve the application. A PFO proposing approval of an application will include a draft permit, and may request additional information or outstanding fees required prior to permit issuance.

5. Public Notice

Within 7 days of issuing the PFO, the Department gives public notice in the weekly notice. Notice includes information about the application and the PFO. Protest must be received by the Department within 45 days after publication of the PFO in the weekly notice. Anyone may file a protest. The protest filing fee is \$350.00 for the applicant and \$700.00 for non-applicants. Protests are filed on approximately 10% of Proposed Final Orders. If a protest is filed, the Department will attempt to settle the protest but will schedule a contested case hearing if necessary.

6. Final Order Issued

If no protests are filed, the Department issues a Final Order consistent with the PFO. If the application is approved, a permit is issued that specifies the details of the authorized use and any terms, limitations or conditions that the Department deems appropriate.

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AUG 19 2014

SALEM, OR



July 28, 2015
Project No.: 1172-101

Ms. Barbara Park
Oregon Water Resources Department
Water Rights Services Division
725 Summer Street N.E., Suite A
Salem, OR 97301

**REQUEST FOR ADDITIONAL TIME, APPLICATION G-17921
FOR ROBERT AND CARLA SANDERS, FRENCHGLEN, OREGON**

Dear Ms. Park,

This letter has been prepared by Newton Consultants, Inc. (Newton) on behalf Stacy Davies and Robert and Carla Sanders of Roaring Springs Ranch, Inc. (Applicants) regarding Oregon Water Resources Department (OWRD) groundwater permit application number G-17921 to request additional time to respond appropriately to the Initial Review letter. The Initial Review for application G-17921 indicated that there were mapping errors and existing water right certificates that conflict with the application. Newton will work with the Applicants to research and clarify these issues for the application.

Based on the above circumstances, we request an administrative hold of 180 days from additional processing to allow the Applicants sufficient time to complete the research needed to clarify the application issues.

If you have additional questions regarding the information contained in this letter, please feel free to contact me at (541) 504-9960, ext. 235 or by email at jnewton@newtonconsultants.com. Thank you for your help with this application.

Sincerely,

NEWTON CONSULTANTS, INC.

A handwritten signature in dark ink, appearing to read "James B. Newton", is written over the printed name.

James B. Newton, R.G., EIT, C.W.R.E.
Senior Geologist/Engineer

Cc: Stacy Davies

RECEIVED BY OWRD

JUL 31 2015

SALEM, OR

G:\1100\1172 Roaring Springs Ranch\101\Correspondence\20150723_G17921 Administrative Hold Request.doc

July 28, 2015
Project No.: 1172-101

Ms. Barbara Park
Oregon Water Resources Department
Water Rights Services Division
725 Summer Street N.E., Suite A
Salem, OR 97301

**REQUEST FOR ADDITIONAL TIME, APPLICATION G-17921
FOR ROBERT AND CARLA SANDERS, FRENCHGLEN, OREGON**

Dear Ms. Park,

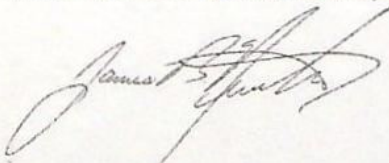
This letter has been prepared by Newton Consultants, Inc. (Newton) on behalf Stacy Davies and Robert and Carla Sanders of Roaring Springs Ranch, Inc. (Applicants) regarding Oregon Water Resources Department (OWRD) groundwater permit application number G-17921 to request additional time to respond appropriately to the Initial Review letter. The Initial Review for application G-17921 indicated that there were mapping errors and existing water right certificates that conflict with the application. Newton will work with the Applicants to research and clarify these issues for the application.

Based on the above circumstances, we request an administrative hold of 180 days from additional processing to allow the Applicants sufficient time to complete the research needed to clarify the application issues.

If you have additional questions regarding the information contained in this letter, please feel free to contact me at (541) 504-9960, ext. 235 or by email at jnewton@newtonconsultants.com. Thank you for your help with this application.

Sincerely,

NEWTON CONSULTANTS, INC.



James B. Newton, R.G., EIT, C.W.R.E.
Senior Geologist/Engineer

Cc: Stacy Davies

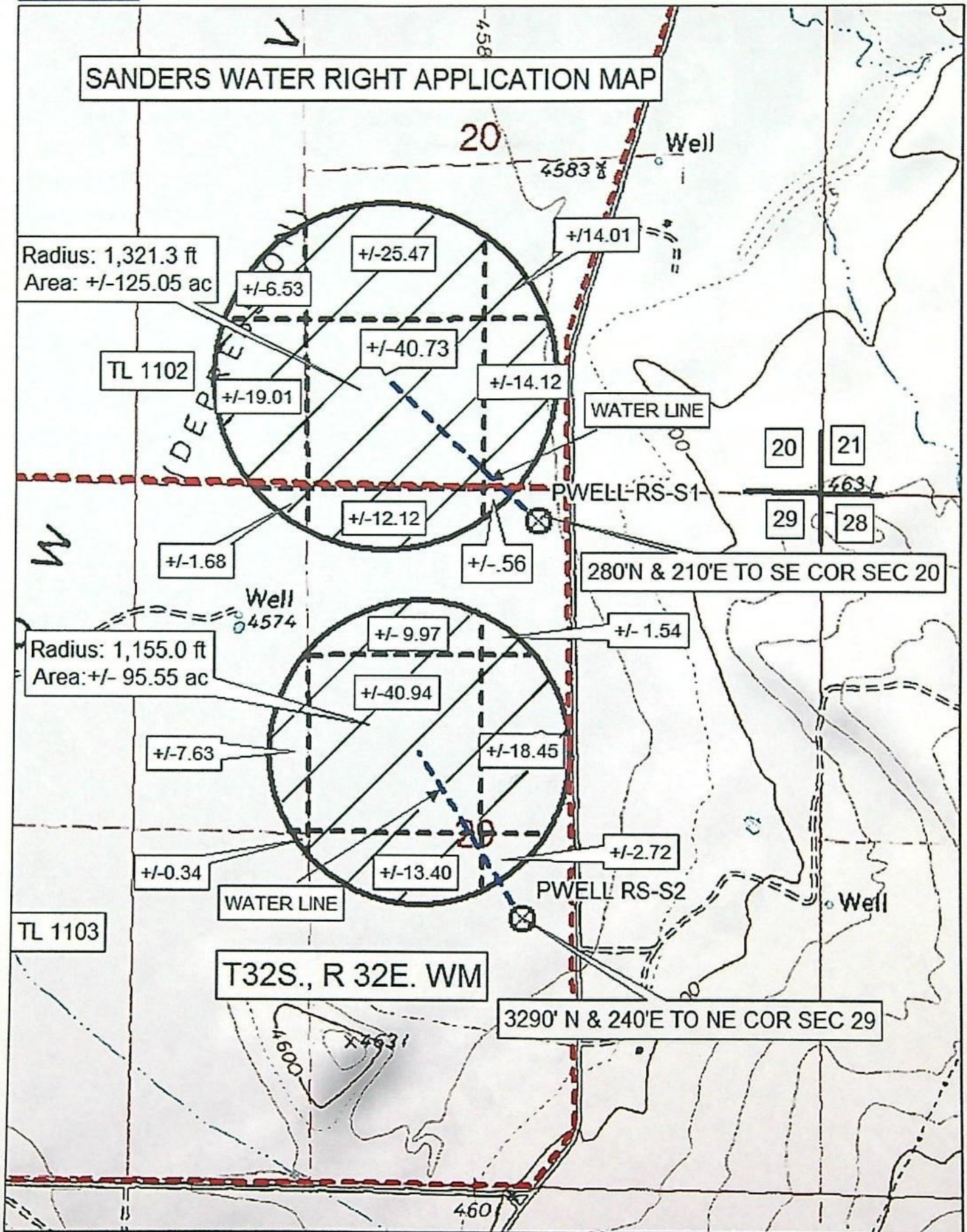
G:\1100\1172 Roaring Springs Ranch\101\Correspondence\20150723_G17921 Administrative Hold Request.doc

RECEIVED

SEP 03 2015

WATER RESOURCES DEPT
SALEM, OREGON

SANDERS WATER RIGHT APPLICATION MAP

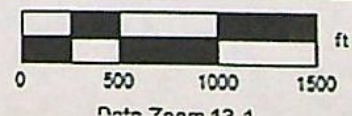


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www.delorme.com

SEP 09 2014



G-17921

SALEM, OR

SUPERSEDED

July 28, 2015
Project No.: 1172-101

Ms. Barbara Park
Oregon Water Resources Department
Water Rights Services Division
725 Summer Street N.E., Suite A
Salem, OR 97301

**REQUEST FOR ADDITIONAL TIME, APPLICATION G-17921
FOR ROBERT AND CARLA SANDERS, FRENCHGLEN, OREGON**

Dear Ms. Park,

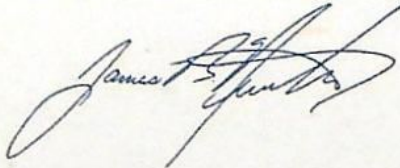
This letter has been prepared by Newton Consultants, Inc. (Newton) on behalf Stacy Davies and Robert and Carla Sanders of Roaring Springs Ranch, Inc. (Applicants) regarding Oregon Water Resources Department (OWRD) groundwater permit application number G-17921 to request additional time to respond appropriately to the Initial Review letter. The Initial Review for application G-17921 indicated that there were mapping errors and existing water right certificates that conflict with the application. Newton will work with the Applicants to research and clarify these issues for the application.

Based on the above circumstances, we request an administrative hold of 180 days from additional processing to allow the Applicants sufficient time to complete the research needed to clarify the application issues.

If you have additional questions regarding the information contained in this letter, please feel free to contact me at (541) 504-9960, ext. 235 or by email at jnewton@newtonconsultants.com. Thank you for your help with this application.

Sincerely,

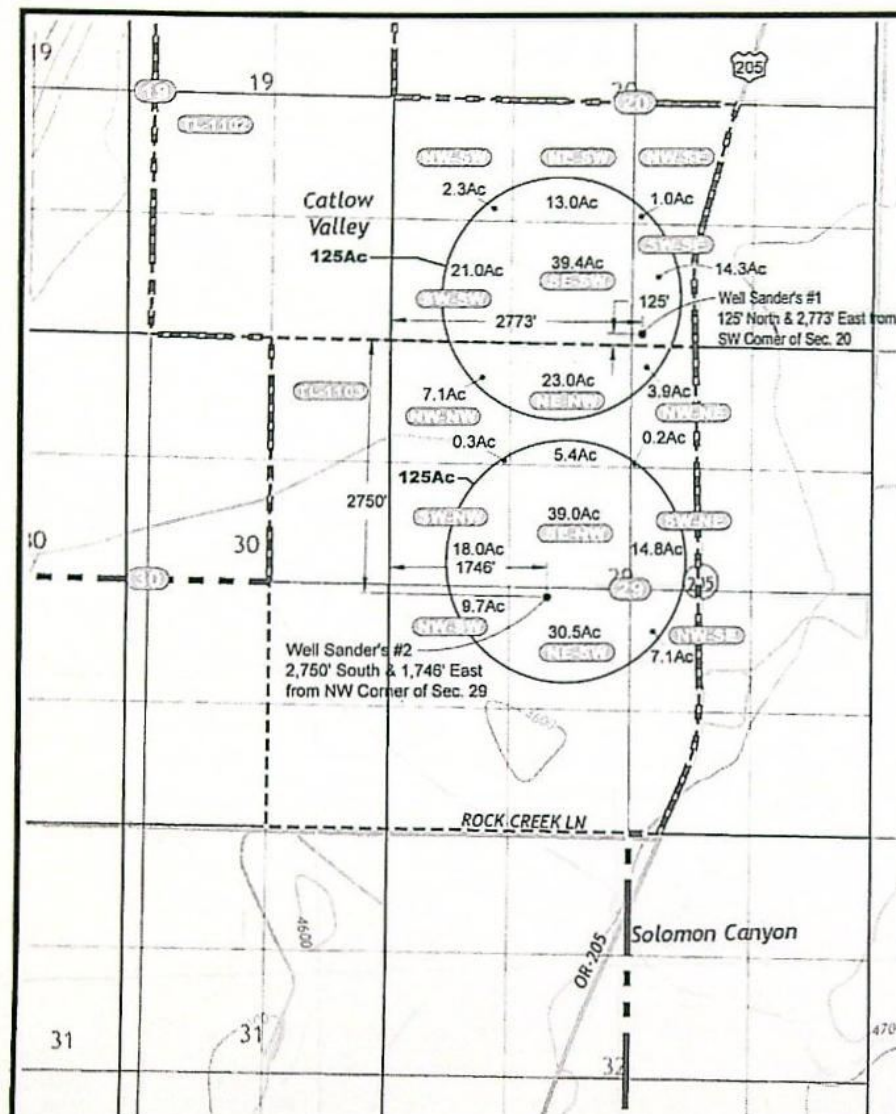
NEWTON CONSULTANTS, INC.



James B. Newton, R.G., EIT, C.W.R.E.
Senior Geologist/Engineer

Cc: Stacy Davies

G:\1100\1172 Roaring Springs Ranch\101\Correspondence\20150723_G17921 Administrative Hold Request.doc



NOTES

1. This map was prepared for the purpose of identifying the location of water rights only and is not intended to provide legal dimensions or locations of property ownership lines.

WATER RIGHT APPLICATION G-17921 TAX LOTS 1102 & 1103

Section 20 & 29, T.32S., R.32E., W.M.
Harney County, Oregon

LEGEND

Roaring Springs Boundary
 Tax Lot Boundary

Area by Qtr-Qtr

SEC	Tax Lot	Qtr-Qtr	Area (Ac)
20	1102	NW-SW	2.3
		NE-SW	13.0
		NW-SE	1.0
		SW-SE	14.3
		SE-SW	39.4
		SW-SW	21.0
		Sub-Total	91.0
29	1103	NW-NW	7.1
		NE-NW	0.3
		NE-NW	23.0
		NW-NE	5.4
		NW-NE	3.9
		NW-NE	0.2
		SW-NW	18.0
		SE-NW	39.0
		SW-NE	14.8
		NW-SW	9.7
		NE-SW	30.5
		NW-SE	7.1
		Sub-Total	159.0
		Total	250.0



EXPIRES: 12-31-2016
RENEWS: 12-31-2016



0' 1320' 2640'
SCALE: 1" = 1320' (Qtr Mile)

Water Right Application G-17921 Map
Roaring Springs Ranch
Harney County, Oregon



NEWTON
CONSULTANTS INC.
Earth, Water and Rock Specialists
Ph. 541 334-4995 Fax 541 334-9661

DESIGNED BY S. Yankey

DRAWN BY S. Schenck

DATE JAN 2016

PROJECT NO 1172-101

FIGURE 1

Need 11x17 color date stamped copy
from pdf mgr

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # 113398

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

INVOICE #

G-17920

RECEIVED FROM:

Rearing Springs Ranch

APPLICATION

G-17921

PERMIT

TRANSFER

BY:

CASH:

CHECK #

OTHER: (IDENTIFY)

☐

22912

☐

TOTAL REC'D

\$13400.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES

\$

OTHER: (IDENTIFY)

\$

0243 I/S Lease

0244 Muni Water Mgmt. Plan

0245 Cons. Water

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES

46111

*G-17920 Ex 9850.00
Rec 450.00*

\$

0410 RESEARCH FEES

*G-17921 Ex 2950.00
Rec 150.00*

\$

0408 MISC REVENUE: (IDENTIFY)

\$

TC162 DEPOSIT LIAB. (IDENTIFY)

\$

0240 EXTENSION OF TIME

\$

WATER RIGHTS:

1 @ 9850.00

EXAM FEE

RECORD FEE

0201 SURFACE WATER

1 @ 450.00

\$

0202

\$

0203 GROUND WATER

1 @ 2950.00

\$12800.00

0204

\$600.00

0205 TRANSFER

1 @ 150.00

\$

WELL CONSTRUCTION

EXAM FEE

LICENSE FEE

0218 WELL DRILL CONSTRUCTOR

\$

0219

\$

LANDOWNER'S PERMIT

0220

\$

OTHER (IDENTIFY)

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$

CARD #

0210 MONITORING WELLS

\$

CARD #

OTHER (IDENTIFY)

0607 TREASURY 0467 HYDRO ACTIVITY LIC. NUMBER

0233 POWER LICENSE FEE (FWWRD)

\$

0231 HYDRO LICENSE FEE (FWWRD)

\$

HYDRO APPLICATION

\$

TREASURY OTHER / RDX

FUND TITLE

OBJ. CODE VENDOR #

DESCRIPTION

\$

RECEIPT: 113398

DATED:

9/9/14

BY:

Chingate

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

SENDER: COMPLETE THIS SECTION

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

Robert T Sanders G-17921
 31437 Hwy 205
 Frenchglen, OR 97736



9590 9403 0447 5169 5167 62

2. Article Number (Transfer from service label)

7016 0340 0000 2326 1858

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Robert T. Sanders

☐ Agent

☒ Addressee

B. Received by (Printed Name)

ROBERT T. SANDERS

C. Date of Delivery

7/05/16

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below:

☐ No

RECEIVED

JUL 11 2016

OWRD

3. Service Type

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

☐ Priority Mail Express®

☐ Registered Mail™

☐ Registered Mail Restricted Delivery

☐ Return Receipt for Merchandise

☐ Signature Confirmation™

☐ Signature Confirmation Restricted Delivery

WR/SP

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

- Sender: Please print your name, address, and ZIP+4® in this box •

Oregon Water Resources Department
725 Summer St NE, STE A
Salem, OR 97301

USPS TRACKING#



9590 9403 0447 6124 8167 82

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **121660**

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

INVOICE # _____

RECEIVED FROM: Roaring Springs
BY: Ranch, INC.

APPLICATION	G-17921
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 23789 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 300.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$
OTHER: (IDENTIFY) \$

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

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

WATER RIGHTS:

	EXAM FEE		RECORD FEE
0201 SURFACE WATER	\$	0202	\$
0203 GROUND WATER	\$	0204	\$ <u>300.00</u>
0205 TRANSFER	\$		

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **121660**

DATED: 10-20-10 BY: [Signature]

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

G-17921
Robert and Carla Sanders
Attn: Stacy Davies
31437 Hwy 205
Frenchglen, OR 97736

2. Article Number

(Transfer from service label)

7014 2120 0004 5993 5440

PS Form 3811, February 2004

Domestic Return Receipt **WR KF**

COMPLETE THIS SECTION ON DELIVERY

A. Signature

Stacy Davies by Addressee ☐ Agent ☒ Addressee

B. Received by (Printed Name)

STACY DAVIES

C. Date of Delivery

7/13/15

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

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

4. Restricted Delivery? (Extra Fee)

☐ Yes

102595-02-M-1540

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

- Sender: Please print your name, address, and ZIP+4 in this box •

Oregon Water Resources Department

Attention: Kate Fitzgerald

725 Summer St. NE, Suite A

Salem, OR 97301

RECEIVED

JUL 17 2015

OWRD