

ASSIGNED

Name Alan Withers
 By Withers Ranch, Inc.
 Address 28580 Highway 31
Paisley, Oregon 97636

Date filed December 13, 1990
 Priority
 Action suspended until PPD
 Return to applicant
 Date of approval

CONSTRUCTION

Date for beginning APR 22 1992
 Date for completion OCT 1 1993
 Extended to
 Date for application of water OCT 1 1994
 Extended to

PROSECUTION OF WORK

Form "A" filed
 Form "B" filed
 Form "C" filed 10-28-92 12/20/94

FINAL PROOF

Blank mailed
 Proof received
 Date certificate issued

Application No. S- 71044 *WAF*
 Permit No. S- 51218
 Certificate No.

LAKE
 Stream Index, Page No. 13

See File R- 71043

Date	To Whom	Address ph. 943.3943	Volume	Page
1-26-95 <i>and</i>	NW Farm Credit Svcs. ACH. P.O. # 148 Alan Withers/Withers Ranch, Inc.	K-Falls 97601 38348 WITHERS RANCH RD PAISLEY OR 97636	7	3017

ASSIGNMENTS**REMARKS**

MAPS IN C-29 #21
CWRE-128 sent 11-2-92
B sent 10-13-93

FEES PAID

Date	Amount	Receipt No.
12-13-90	\$200	69987
4-15-91	\$484.00	73151
Assign - 1-26-95	\$10.-	1213.74

FEES REFUNDED

Date	Amount	Check No.

Form C (690-9-77)

IMPORTANT—This form is a notice to the Water Resources Director that permittee is ready to make final proof to the extent to which the water has actually been applied to the intended use under the terms of the permit. Permittee is cautioned that Certificate of Water Right will be issued based on the extent of the quantity and use as determined by the final proof inspection and survey which will be made in response to the filing of this Form C.

NOTE: In the case of an irrigation permit, this Form C should not be mailed to the Water Resources Department until all of the land described in the permit, which it is intended to irrigate under this permit at any time, has actually been irrigated.

Fill out, detach and mail to the Water Resources Department, Salem, OR 97310, when all of the water has been applied.

Application No. 71044

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

Alan Withers of Withers Ranch, Inc. the holder of Permit No. 51218

I have appropriated the public waters of the state of Oregon, completely applied the waters to a beneficial use in accordance with the terms of said permit, on the 1ST day of SEPTEMBER, 1994.

Remarks: None.

IN WITNESS WHEREOF, I have hereunto set my hand this 15 day of Dec, 1994.

Withers Ranch Inc. by Alan D. Withers, Pres. 28580 Hwy 31 Paisley OR 97636

(Signature of Applicant)

(Address)

RECEIVED

DEC 20 1994

WATER RESOURCES DEPT.
SALEM, OREGON

APPLICATION
CHECK-OFF LIST

~~RECEIPT POSTED~~
~~STREAM INDEXED & STREAM CODED~~
~~CONTENTS MARKED/STAMPED~~
~~SCENIC WATERWAY NOTED~~
~~FILE FOLDER TYPED~~
~~CALENDAR CARD TYPED~~
~~MAPS COPIED~~
~~APPLICATION COPIED~~
~~ACK-LETTER TYPED~~

S-71044

ALAN WITHERS

WITHERS RANCH, INC

38348 WITHERS RANCH RD

PAISLEY OR 97636

S-71044

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S-71044

ALAN WITHERS

WITHERS RANCH, INC

38348 WITHERS RANCH RD

PAISLEY OR 97636



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

December 3, 2014

ALAN WITHERS
WITHERS RANCH, INC.
38348 WITHERS RANCH RD
PAISLEY, OR 97636

NORTHWEST FARM CREDIT SERVICES ACA
300 KLAMATH AVENUE, SUITE 200
KLAMATH FALLS, OR 97601

Reference: Application S-71044, Permit S-51218

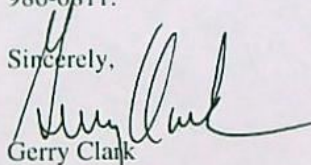
The Department has been reviewing the Claim of Beneficial Use (Claim) report, received on February 17, 1995, for the above referenced surface water application. Permit S-51218 described the use of stored water from Withers Lake Reservoir for supplemental irrigation of 183.6 acres. Information in the file describes that submittal of the final proof survey map was pending the proof of Permit S-45595, which authorized primary irrigation of the same lands. The Department issued Certificate 82694 on November 28, 2006 finalizing lands described in Permit S-45595. The Department is prepared to issue a certificate for Permit S-51218; however the Department has identified an issue that must be resolved before the issuance of a certificate.

The Department does not have a Final Proof Survey map on file for Permit S-51218, showing the place of use for supplemental irrigation. In order to proceed in finalizing a certificate, the Department is requesting a current map identifying the areas involved with supplemental irrigation.

To assist you in preparing a Final Proof Survey Map, please see a copy of the April 18, 1995 letter from Darryl Anderson, the Certified Water Right Examiner (CWRE) who prepared the Claim report, along with a copy of Certificate 82694 and the associated final proof survey map.

Please contact the Department and let us know how you wish to proceed. If you have any questions please contact me at 503-986-0811.

Sincerely,



Gerry Clark
Certificate Section

enclosures

Cc: WM #12

File

Darryl Anderson, CWRE, Anderson Engineering & Surveying, Inc.

What to do
With these
2 files?
C



Anderson Engineering & Surveying

Professional Engineers & Land Surveyors

RECEIVED

APR 19 1995

WATER RESOURCES DEPT.
SALEM, OREGON

April 18, 1995

Water Resources Department
Commerce Building
158 12th Street NE
Salem, OR 97310-0210

ATTN: Dallas Miller, Water Right Section

RE: File 71044

Dear Mr. Miller:

We received your letter dated April 5th concerning the final proof survey for Alan Withers of Paisley, Oregon. This final proof application made by Mr. Withers was to supplement existing irrigation areas with water from Withers Reservoir. The original application for primary surface water from Withers Creek was made under Permit #45595 in 1981. This permit has never been proved or a certificate issued. The application for Permit #45595 is in error as the section is shifted a quarter mile to the west. Please note that this was noted in the final proof survey map.

I would rather not change the final proof survey map to show supplemental and primary use areas since the original Permit #45595 has not been surveyed for final proof. I believe once the final proof is done on this permit, it will show that the areas we have indicated as supplemental are in fact supplemental. None of the areas are primary. If possible perhaps the final proof could be held in abeyance until Permit #45595 is proofed and corrected. At that time if changes are required to our final proof map they can be made at that time.

Please call me if you have any questions.

Sincerely,

Darryl Anderson
P.E., P.L.S., C.W.R.E.

cc: Alan Withers
Dennis Glender, Lake County Watermaster

HC 64 Box 24 • P.O. Box 28
Lakeview, Oregon 97630
(503)947-4407
FAX 947-2321

539 SW 7th Street • P.O. Box 419
Redmond, Oregon 97756
(503)923-4307
FAX 923-4308

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate at any time before it has issued, and after the time has expired for the completion of the appropriation under the permit, or within three months after issuance of the certificate.

STATE OF OREGON

COUNTY OF LAKE

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

NW FARM CREDIT SVCS, ACA
PO BOX 148
KLAMATH FALLS OR 97601

WITHERS RANCH, INC.
28580 HWY 31
PAISLEY OR 97636

confirms the right to use the waters of WITHERS CREEK, HAMPTON CREEK, AND HADLEY CREEK a tributary of SUMMER LAKE, for IRRIGATION OF 314.6 ACRES AND STOCK WATER.

This right was perfected under Permit 45595. The date of priority is DECEMBER 4, 1980. This right is limited to 7.86 CUBIC FEET PER SECOND (CFS), BEING 0.05 CFS EACH FOR STOCK WATER FROM WITHERS CREEK, HAMPTON CREEK, AND HADLEY CREEK, AND 4.57 CFS FOR IRRIGATION FROM WITHERS CREEK, 3.08 CFS FOR IRRIGATION FROM HAMPTON CREEK, AND 0.21 CFS FOR IRRIGATION FROM HADLEY CREEK, from January 1 of each year through the irrigation season and stock use, or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion (POD) are located as follows:

WITHERS CREEK POD 1: SW 1/4 SE 1/4, SECTION 10, T 33 S, R 17 E, W.M.; 890 FEET NORTH AND 2360 FEET WEST FROM SE CORNER, SECTION 10.

WITHERS CREEK POD 2: NW 1/4 NE 1/4, SECTION 10, T 33 S, R 17 E, W.M.; 1250 FEET SOUTH AND 1330 FEET WEST FROM NE CORNER, SECTION 10.

HAMPTON CREEK: NW 1/4 NE 1/4, SECTION 10, T 33 S, R 17 E, W.M.; 550 FEET SOUTH AND 2600 FEET WEST FROM NE CORNER, SECTION 10.

HADLEY CREEK: NW 1/4 SW 1/4, SECTION 11, T 33 S, R 17 E, W.M.; 1930 FEET NORTH AND 380 FEET EAST FROM SW CORNER, SECTION 11.

The amount of water used for irrigation together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second (CFS) (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year, provided further that during the irrigation season the water for stock shall be a part of that diverted for irrigation and shall not at any time exceed 0.05 CFS from each source.

A description of the place of use to which this right is appurtenant is as follows:

NW 1/4 NE 1/4	0.3 ACRE & STOCK USE
SW 1/4 NE 1/4	1.6 ACRES & STOCK USE
NE 1/4 NW 1/4	9.4 ACRES & STOCK USE
SW 1/4 NW 1/4	35.6 ACRES & STOCK USE
SE 1/4 NW 1/4	32.4 ACRES & STOCK USE
NE 1/4 SW 1/4	0.1 ACRE & STOCK USE
NW 1/4 SW 1/4	2.1 ACRES & STOCK USE
SW 1/4 SW 1/4	6.4 ACRES & STOCK USE

SECTION 2

NE 1/4 NE 1/4	8.1 ACRES & STOCK USE
NW 1/4 NE 1/4	1.7 ACRES & STOCK USE
SW 1/4 NE 1/4	6.0 ACRES & STOCK USE
SE 1/4 NE 1/4	37.2 ACRES & STOCK USE
NE 1/4 SE 1/4	34.4 ACRES & STOCK USE
NW 1/4 SE 1/4	9.6 ACRES & STOCK USE
SW 1/4 SE 1/4	24.4 ACRES & STOCK USE
SE 1/4 SE 1/4	24.8 ACRES & STOCK USE

SECTION 3

NE 1/4 NE 1/4	10.8 ACRES & STOCK USE
NW 1/4 NE 1/4	18.8 ACRES & STOCK USE
SW 1/4 NE 1/4	1.6 ACRES & STOCK USE
SE 1/4 NE 1/4	0.3 ACRE & STOCK USE
NE 1/4 SE 1/4	23.6 ACRES & STOCK USE
NW 1/4 SE 1/4	17.2 ACRES & STOCK USE

SECTION 10

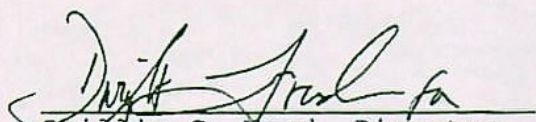
NW 1/4 NW 1/4	8.2 ACRES & STOCK USE
---------------	-----------------------

SECTION 11

TOWNSHIP 33 SOUTH, RANGE 17 EAST, W.M.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

WITNESS the signature of the Water Resources Director, affixed NOV 28 2006

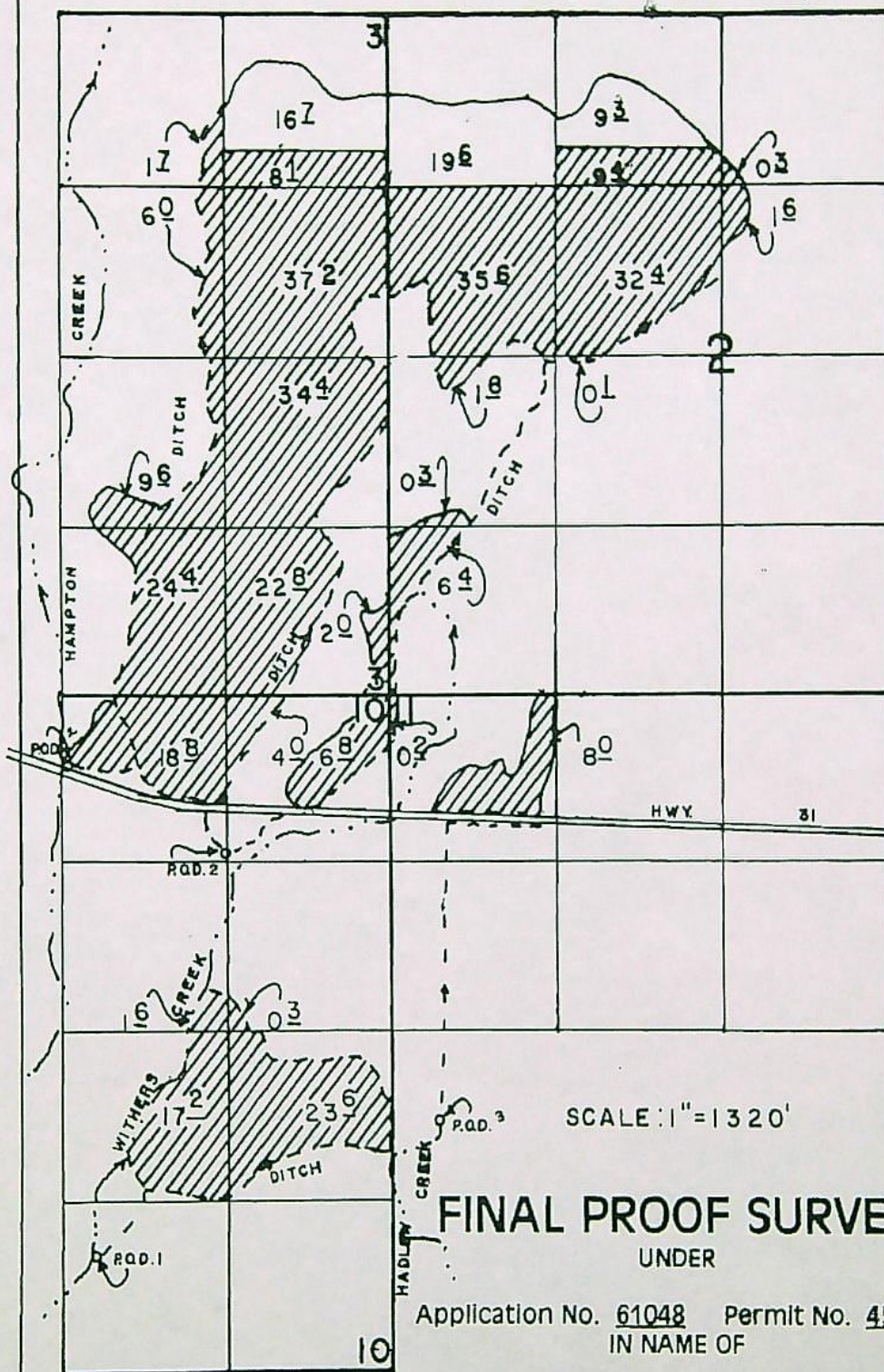

Phillip C. Ward, Director
Water Resources Department



Recorded in State Record of Water Right Certificates numbered 82694.

S-61048.JWG

T. 33 S., R. 17 E., W.M.



P.O.D. 890' N & 2360' W FROM SE COR. OF SEC 10.
P.O.D. 1250' S & 1330' W FROM NE COR. OF SEC 10.
P.O.D. 1930' N & 380' E FROM SW COR. OF SEC 11.
P.O.D. 550' S & 2600' W FROM NE COR. OF SEC 10.

SCALE: 1" = 1320'

FINAL PROOF SURVEY

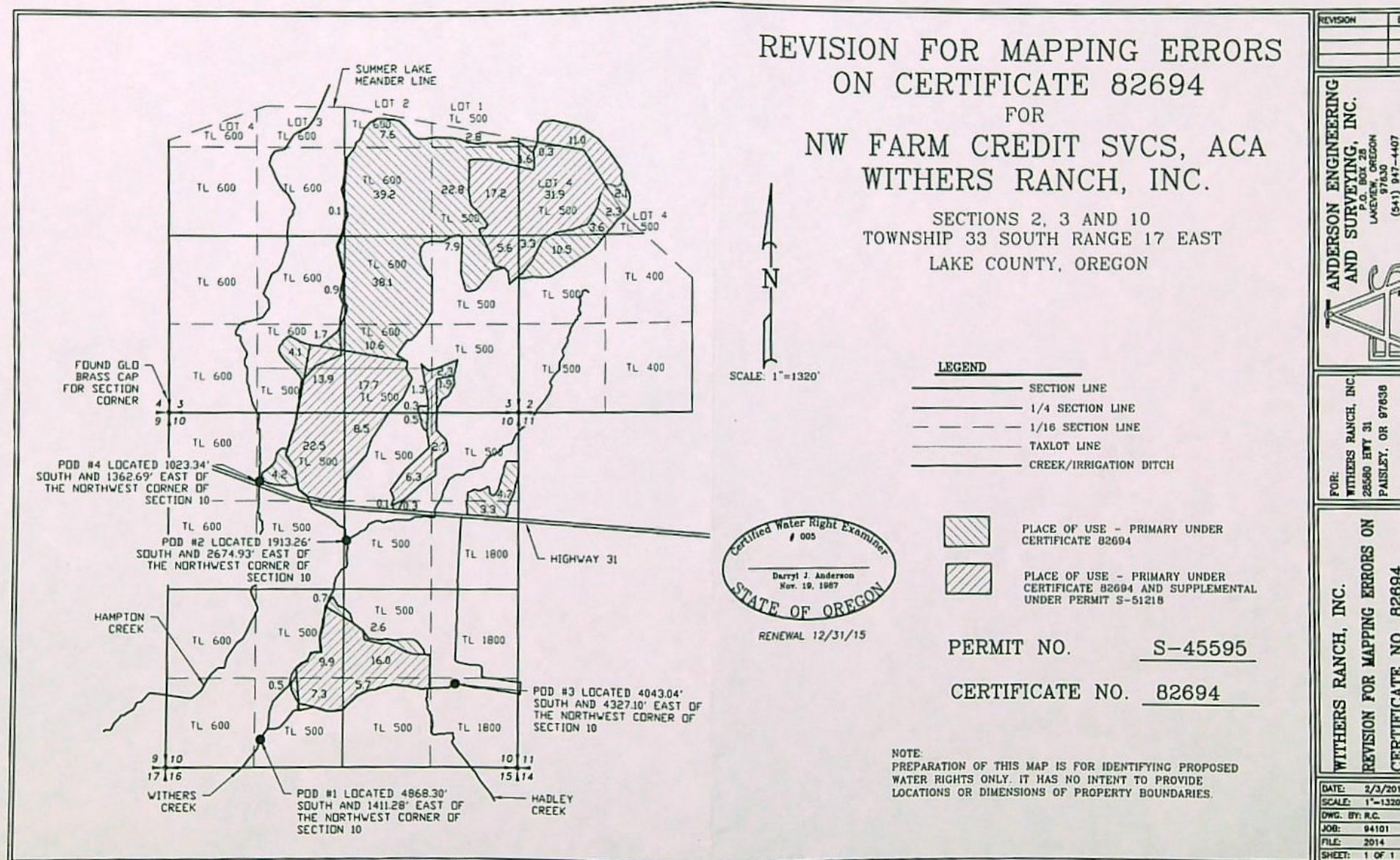
UNDER

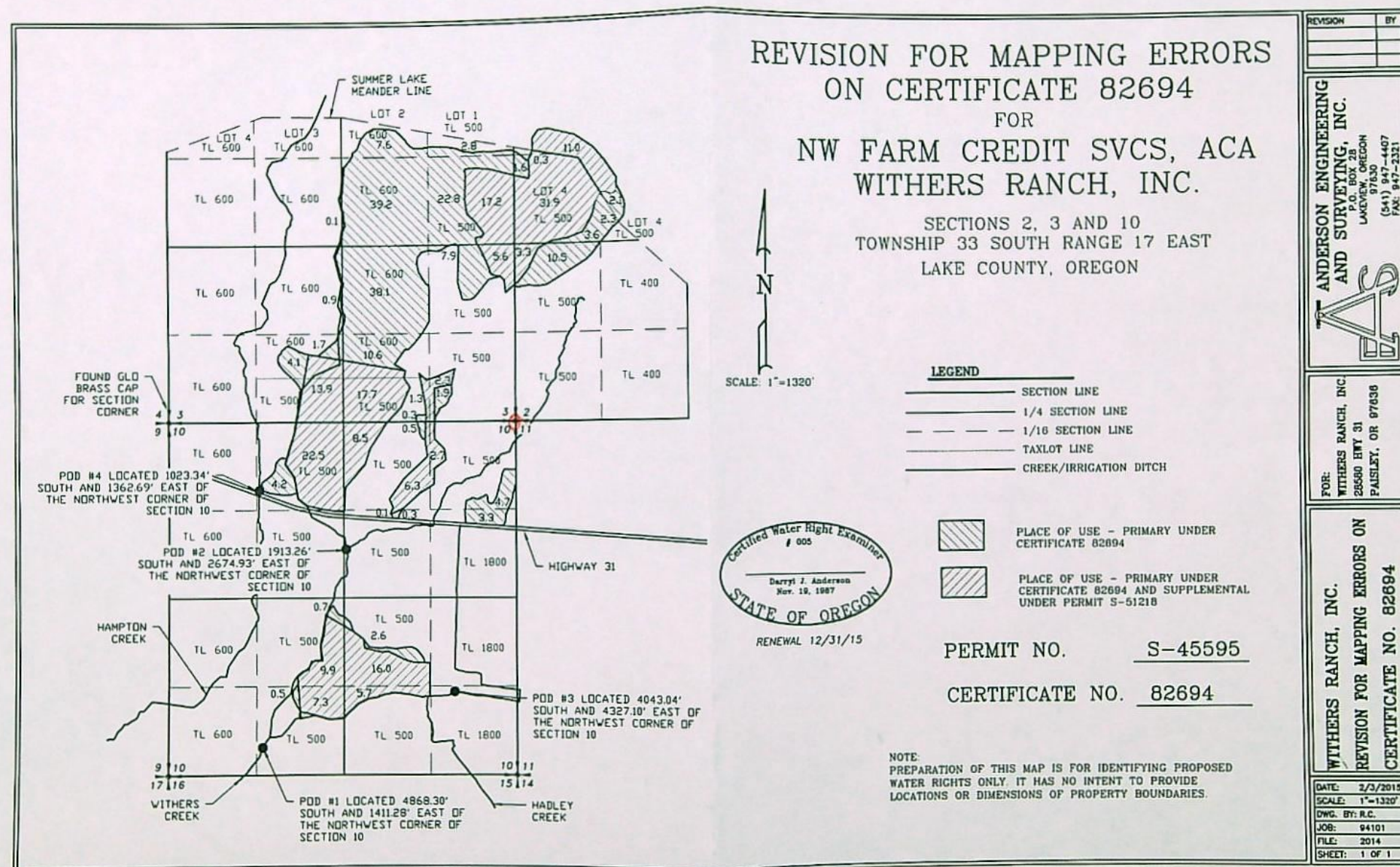
Application No. 61048 Permit No. 45595
IN NAME OF

WITHERS RANCH, INC

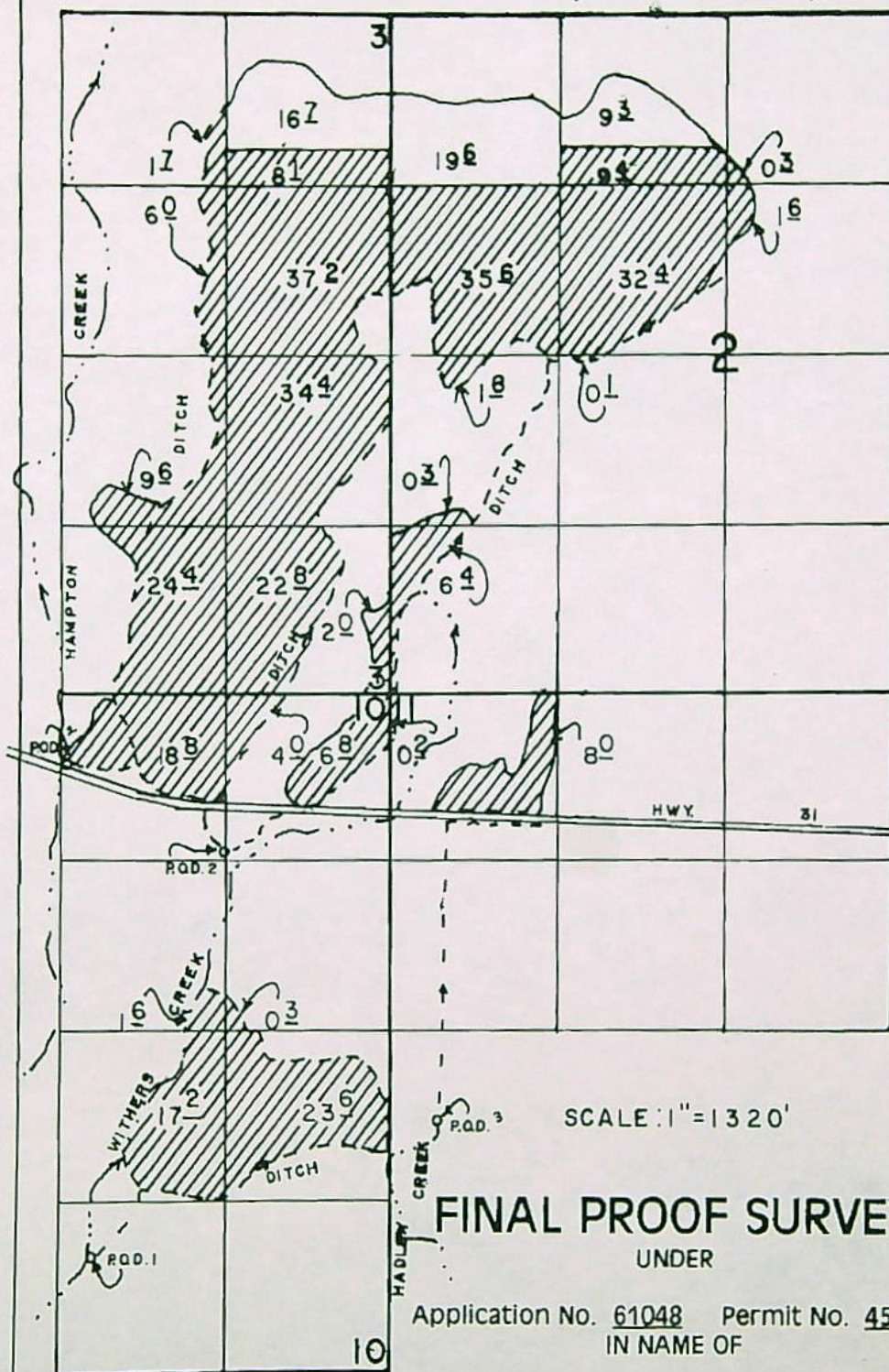
Surveyed APRIL 13, 1994, by R.M. SUTTERFIELD

314.6 AC





T. 33 S., R. 17 E., W.M.



P.O.D. 1. 890' N & 2360' W FROM SE COR. OF SEC 10.
 P.O.D. 2. 1250' S & 1330' W FROM NE COR. OF SEC 10.
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FINAL PROOF SURVEY UNDER

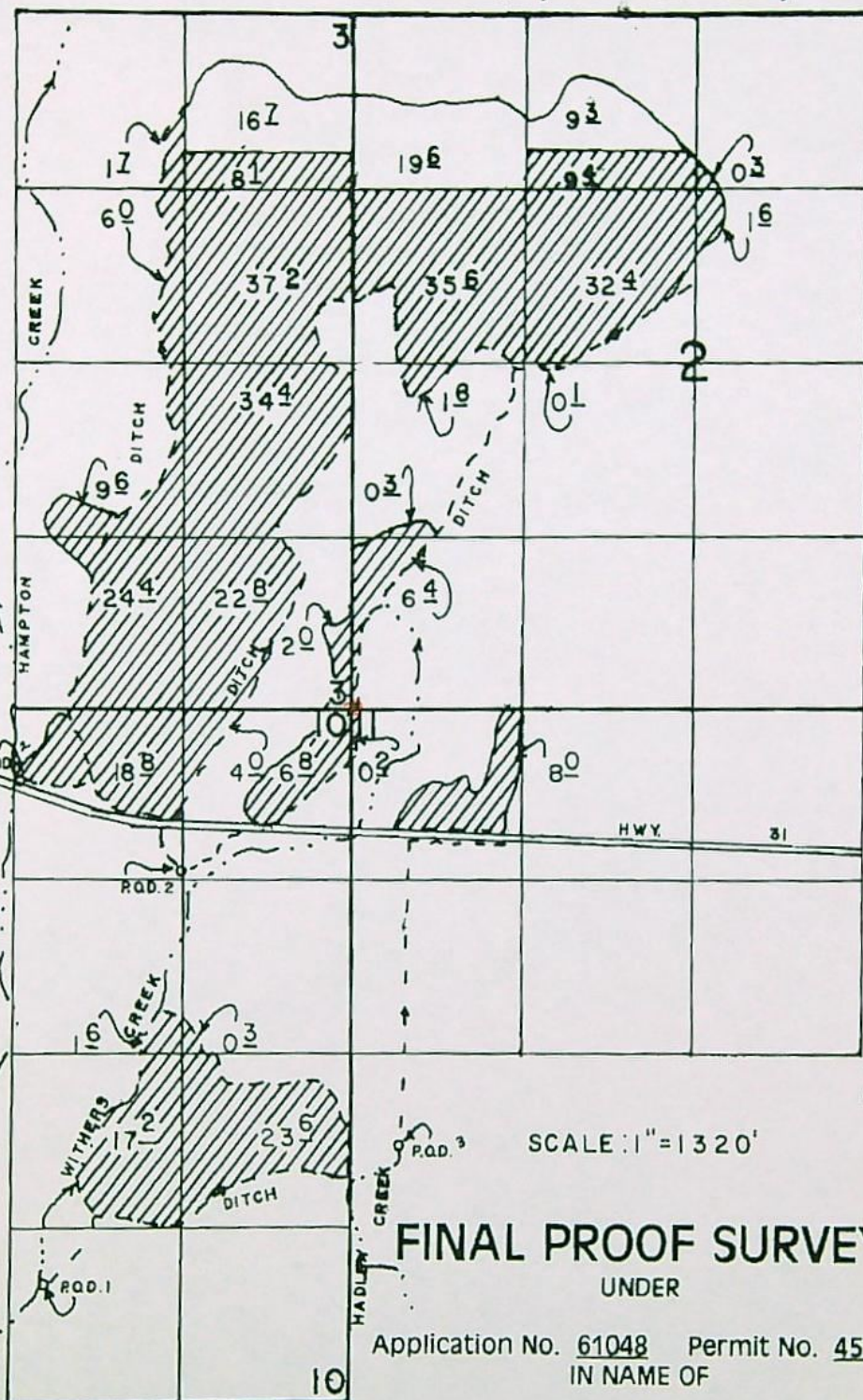
Application No. 61048 Permit No. 45595
 IN NAME OF

WITHERS RANCH, INC

Surveyed APRIL 13, 1994, by R.M. SUTTERFIELD

3/14/94 PC

T. 33 S., R. 17 E., W.M.



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 P.O.D. 2. 1250' S & 1330' W FROM NE COR. OF SEC 10.
 P.O.D. 3. 1930' N & 380' E FROM SW COR. OF SEC 11.
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FINAL PROOF SURVEY UNDER

Application No. 61048 Permit No. 45595
 IN NAME OF

WITHERS RANCH, INC

Surveyed APRIL 13, 1994, by R.M. SUTTERFIELD

314.6 AC

MEMO – 2014-2015 Certificate Project Proof to Satisfaction (Aug 7, 2014)

Application # <u>S 71044</u>	Permit # <u>S 51218</u>	Transfer #
WRD Reviewer <u>Corey Courchene</u>	Date <u>11-4-14</u>	
WRD Peer Reviewer <u>Kerry</u>	Date <u>12-1-14</u>	

Research

- ☒ Organize file in chronological order
- ☒ Pull CBU Report & Map(s), Application Map, relevant Permit, Certificate, or Transfer Order, most recent Assignments,
Extension Orders, SWL Measurements, Fish Screen Certification Documents, Water Use Reports & ~~Pump Tests~~
- ☒ Search for Water Right Location using Interactive Mapper. Identify Tax Lots & check for Area of Interest (AOI)
- ☒ Water Organization identified using AOI? ☒ No ☐ Yes
If "Yes" cc: _____ & Add to Mailing List
- ☒ Print Tax Lot Map from ormap.net for the original Place of Use, and confirm Current Ownership & Address with County Assessor Verified by phone w/ Assessor 11-4-14
If there is a new owner, Add to Mailing List, including the owner(s) name & tax lot number
- ☒ Print Platcard & check for Place of Use Conflict? ☒ No ☐ Yes
If "Yes", provide copy of certificate & relevant map
- ☒ Print BLM Cadastral Survey
- ☒ Does Claim Map identify correct DLC, Gov't Lots, QQ's? ☐ No ☒ Yes
If "No", either _____ WRD amend map OR _____ prepare Order of Certification

Reviewing Claim

Have conditions on relevant permit, certificate, or transfer order been complied with? Yes, No, OR N/A

- N/A Fish Conditions
- N/A Meter/measuring device
- N/A Water Use Reporting
- N/A Pump Test (post December 19, 1988)
- N/A Other Conditions _____
- N/A SWL
- Yes C-Date 9-1-94 C form

• 12-3-14 WRD sent letter requesting FPS map for Permit S 51218.

- N/A Run Capacity Calculator and Print Findings (for pump, sprinklers, pipes, ditches, as appropriate) –
Not enough info to calculate

NOTES:

- A 4-22-92 TL 500, 600, 1800 owned by Withers Ranch
- B 10-1-93 TL 400 owned by USA (BLM?) Assessor could not
- C 10-1-94 confirm agency

CWRE Station 5 to 6 CFS

$$5 \times 1.98 \times 244 \text{ days} = 2415.6 \text{ AF/year (Mar 1 - Oct 31)}$$

$$5 \times 1.98 \times 182 \text{ days} = 1801.8 \text{ AF/year (Apr 1 - Sep 30)}$$

meets capacity makes proof - beneficial use

Determination

___ I've determined that the permit/transfer was fully developed as authorized and that a **FINAL** Certificate should be issued.

___ I've determined that the permit/transfer was not fully developed as authorized and that a **PROPOSED** Certificate should be issued. A proposed Certificate should be issued for the following reason(s):

___ I've determined that beneficial use was NOT made within the terms and conditions and that a **Proposed Order of Certification** (denial) should be issued. A proposed Order of Certification should be issued for the following reason(s):

Processing

___ Stamp PROPOSED or Assign CERT# _____ or ORDER OF CERTIFICATION (circle one)

___ Draft Certificates or Proposed Order of Certifications are available in the Application directory.

___ Prepare Mailing List. Include Applicant(s); Receiving Landowner(s); Current Owner(s); Water Organizations; CWRE. Indicate records to be marked.

___ Record marking:	App _____	Permit _____	Cert _____
	App _____	Permit _____	Cert _____
	App _____	Permit _____	Cert _____
	App _____	Permit _____	Cert _____

NOTES:

cc:

TL 1800

Daniel + Elizabeth Withers

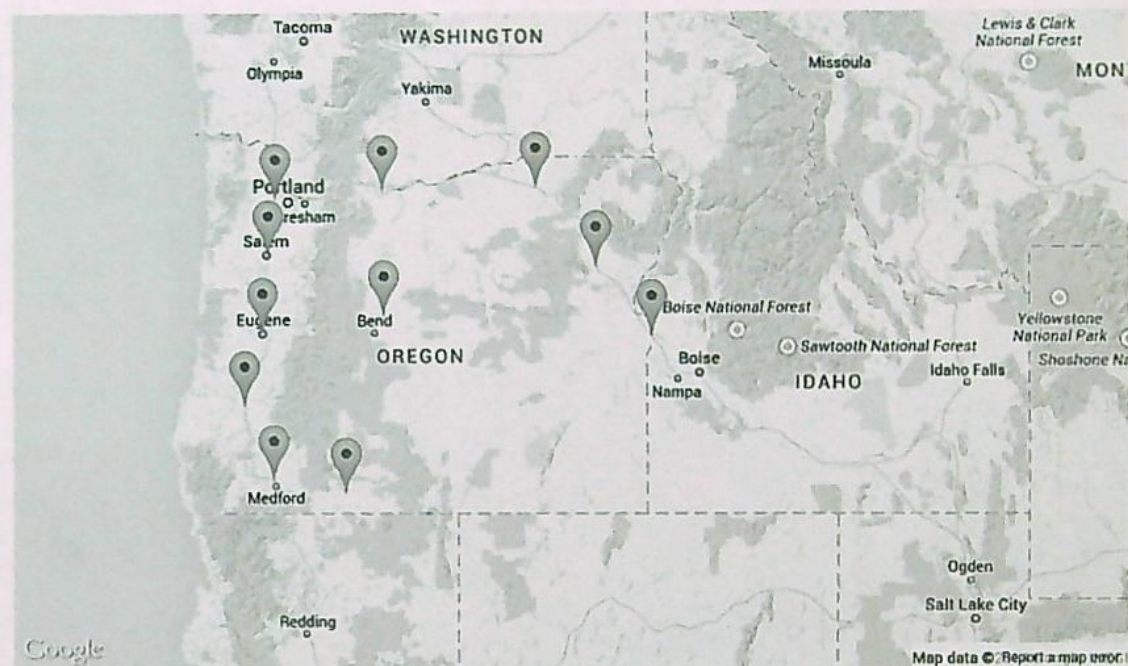
TL 400

US Dept of Interior

BLM

1301 S. "G" Street

Lakeview, OR 97630


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3370 10th Street, Suite B
Baker City, OR 97814
Tel: 541.524.2920
Toll free: 800.443.9314
Fax: 541.524.2925

Eugene

2911 Tennyson Avenue, Suite 301
PO Box 72300
Springfield, OR 97475
Tel: 541.685.6140

Beaverton

2345 NW Amberbrook Drive, Suite 100
Beaverton, OR 97006
Tel: 503.844.7920
Toll free: 800.213.8555
Fax: 503.844.7924

Klamath Falls

300 Klamath Avenue, Suite 200
Klamath falls, OR 97601
Tel: 541.850.7500
Fax: 541.850.7505

Central Point

650 E Pine Street, Suite 106A
PO Box 3520
Central Point, OR 97502
Tel: 541.665.6100
Toll free: 800.310.3208
Fax: 541.665.6105

Ontario

308 SE 10th Street
Ontario, OR 97914
Tel: 541.823.2660
Toll free: 800.597.7173

Toll free: 800.755.6343

Fax: 541.685.6141

Pendleton

12 SW Nye Avenue

Pendleton, OR 97801

Tel: 541.278.3300

Toll free: 800.880.4318

Fax: 541.278.3305

Salem

650 Hawthorne Avenue SE, Suite 210

PO Box 13309

Salem, OR 97309

Tel: 503.373.3000

Toll free: 800.426.9994

Fax: 503.373.3005

Redmond

3113 S Highway 97, Suite 100

PO Box 607

Redmond, OR 97756

Tel: 541.504.3500

Toll free: 800.954.2126

Fax: 541.504.3505

The Dalles

3591 Klindt Drive, Suite 110

The Dalles, OR 97058

Tel: 541.298.3400

Toll free: 800.452.8575

Fax: 541.298.3405

Fax: 541.823.2665

Roseburg

2222 NW Kline Street

Roseburg, OR 97471

Tel: 541.464.6700

Fax: 541.464.6705

STATE OF OREGON

COUNTY OF LAKE

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ALAN WITHERS WITHERS RANCH, INC.
28580 HIGHWAY 31
PAISLEY, OREGON 97636

503-943-3943

to use the waters of WITHERS LAKE RESERVOIR CONSTRUCTED UNDER APPLICATION R-71043, PERMIT R-11369, a tributary of SUMMER LAKE, for SUPPLEMENTAL IRRIGATION OF 183.6 ACRES.

This permit is issued approving Application 71044. The date of priority is DECEMBER 13, 1990. The use is limited to not more than 38.55 stored water only, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

NE 1/4 NE 1/4, SECTION 28, T 33 S, R 17 E, W.M.; 1534.36 FEET NORTH AND 20.93 FEET WEST FROM W 1/4 CORNER, SECTION 28.

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

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

A description of the proposed place of use under this permit is as follows:

FROM APP MAP:

SW 1/4 NE 1/4	✓ 3.5 ACRES	-GL8
NE 1/4 NW 1/4	✓ 3.0 ACRES	-GL7
NW 1/4 NW 1/4	✓ 0.1 ACRE	-GL4
SW 1/4 NW 1/4	✓ 18.5 ACRES	-
SE 1/4 NW 1/4	✓ 34.5 ACRES	-
NE 1/4 SW 1/4	✓ 3.0 ACRES	-GL3
NW 1/4 SW 1/4	✓ 3.5 ACRES	-
SW 1/4 SW 1/4	✓ 3.0 ACRES	-
SECTION 2		
NE 1/4 SE 1/4	✓ 1.5 ACRES	-
NW 1/4 SE 1/4	✓ 0.2 ACRE	-
SW 1/4 SE 1/4	✓ 19.0 ACRES	-
SE 1/4 SE 1/4	✓ 27.3 ACRES	-
SECTION 3		
NE 1/4 NE 1/4	✓ 11.5 ACRES	-
NW 1/4 NE 1/4	✓ 15.0 ACRES	-
SW 1/4 NE 1/4	✓ 1.0 ACRE	-
NE 1/4 SE 1/4	✓ 18.5 ACRES	-
NW 1/4 SE 1/4	✓ 19.5 ACRES	-
SECTION 10		
NW 1/4 NW 1/4	✓ 1.0 ACRE	-
SECTION 11		

TOWNSHIP 33 SOUTH, RANGE 17 EAST, W.M.

Actual construction work shall begin on or before April 22, 1992, and shall be completed on or before October 1, 1993. Complete application of the water to the use shall be made on or before October 1, 1994.

C date = 10-1-94

Application 71044

Water Resources Department

PERMIT 51218

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

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

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

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

Issued this date, APRIL 22, 1991.

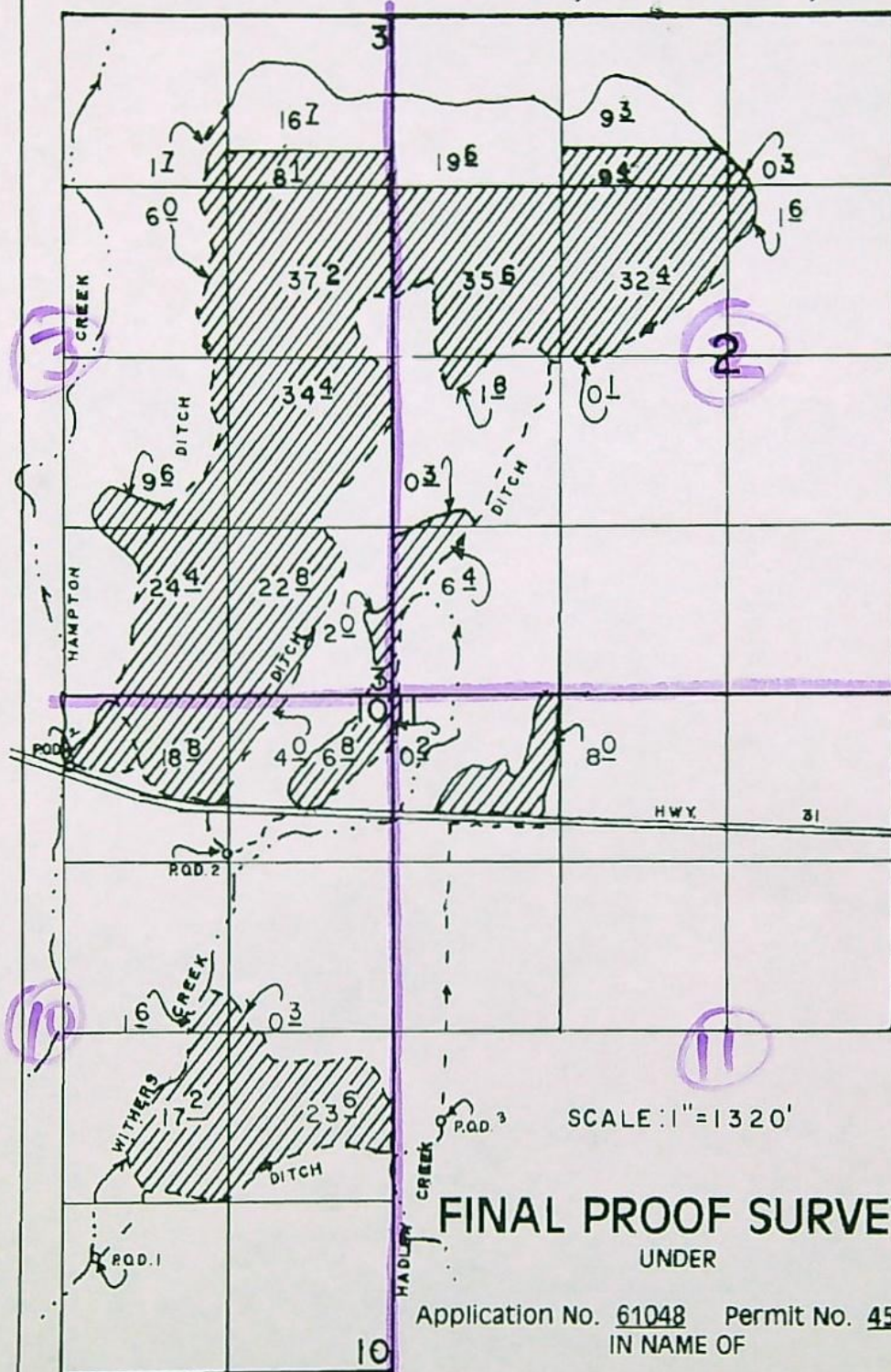
/s/ WILLIAM H. YOUNG

Water Resources Department
William H. Young
Director

primary acres under
Permit S - 45595 → Cert 82694

Issued 11-28-06

T. 33 S., R. 17 E., W.M.



P.O.D. 1.890' N & 2360' W FROM SE
COR. OF SEC 10.
P.O.D. 1.250' S & 1330' W FROM NE
COR. OF SEC 10.
P.O.D. 1930' N & 380' E FROM SW
COR. OF SEC 11.
P.O.D. 550' S & 2600' W FROM NE
COR. OF SEC 10.

SCALE: 1" = 1320'

FINAL PROOF SURVEY

UNDER

Application No. 61048 Permit No. 45595
IN NAME OF

C 314.6 AC
82694

WITHERS RANCH, INC

Surveyed APRIL 13, 1994, by R.M. SUTTERFIELD

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate at any time before it has issued, and after the time has expired for the completion of the appropriation under the permit, or within three months after issuance of the certificate.

STATE OF OREGON

COUNTY OF LAKE

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

NW FARM CREDIT SVCS, ACA
PO BOX 148
KLAMATH FALLS OR 97601

WITHERS RANCH, INC.
28580 HWY 31
PAISLEY OR 97636

confirms the right to use the waters of WITHERS CREEK, HAMPTON CREEK, AND HADLEY CREEK a tributary of SUMMER LAKE, for IRRIGATION OF 314.6 ACRES AND STOCK WATER.

This right was perfected under Permit 45595. The date of priority is DECEMBER 4, 1980. This right is limited to 7.86 CUBIC FEET PER SECOND (CFS), BEING 0.05 CFS EACH FOR STOCK WATER FROM WITHERS CREEK, HAMPTON CREEK, AND HADLEY CREEK, AND 4.57 CFS FOR IRRIGATION FROM WITHERS CREEK, 3.08 CFS FOR IRRIGATION FROM HAMPTON CREEK, AND 0.21 CFS FOR IRRIGATION FROM HADLEY CREEK, from January 1 of each year through the irrigation season and stock use, or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion (POD) are located as follows:

WITHERS CREEK POD 1: SW 1/4 SE 1/4, SECTION 10, T 33 S, R 17 E, W.M.; 890 FEET NORTH AND 2360 FEET WEST FROM SE CORNER, SECTION 10.

WITHERS CREEK POD 2: NW 1/4 NE 1/4, SECTION 10, T 33 S, R 17 E, W.M.; 1250 FEET SOUTH AND 1330 FEET WEST FROM NE CORNER, SECTION 10.

HAMPTON CREEK: NW 1/4 NE 1/4, SECTION 10, T 33 S, R 17 E, W.M.; 550 FEET SOUTH AND 2600 FEET WEST FROM NE CORNER, SECTION 10.

HADLEY CREEK: NW 1/4 SW 1/4, SECTION 11, T 33 S, R 17 E, W.M.; 1930 FEET NORTH AND 380 FEET EAST FROM SW CORNER, SECTION 11.

The amount of water used for irrigation together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-FORTIETH of one cubic foot per second (CFS) (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year, provided further that during the irrigation season the water for stock shall be a part of that diverted for irrigation and shall not at any time exceed 0.05 CFS from each source.

A description of the place of use to which this right is appurtenant is as follows:

NW 1/4 NE 1/4	0.3 ACRE & STOCK USE
SW 1/4 NE 1/4	1.6 ACRES & STOCK USE
NE 1/4 NW 1/4	9.4 ACRES & STOCK USE
SW 1/4 NW 1/4	35.6 ACRES & STOCK USE
SE 1/4 NW 1/4	32.4 ACRES & STOCK USE
NE 1/4 SW 1/4	0.1 ACRE & STOCK USE
NW 1/4 SW 1/4	2.1 ACRES & STOCK USE
SW 1/4 SW 1/4	6.4 ACRES & STOCK USE

SECTION 2

NE 1/4 NE 1/4	8.1 ACRES & STOCK USE
NW 1/4 NE 1/4	1.7 ACRES & STOCK USE
SW 1/4 NE 1/4	6.0 ACRES & STOCK USE
SE 1/4 NE 1/4	37.2 ACRES & STOCK USE
NE 1/4 SE 1/4	34.4 ACRES & STOCK USE
NW 1/4 SE 1/4	9.6 ACRES & STOCK USE
SW 1/4 SE 1/4	24.4 ACRES & STOCK USE
SE 1/4 SE 1/4	24.8 ACRES & STOCK USE

SECTION 3

NE 1/4 NE 1/4	10.8 ACRES & STOCK USE
NW 1/4 NE 1/4	18.8 ACRES & STOCK USE
SW 1/4 NE 1/4	1.6 ACRES & STOCK USE
SE 1/4 NE 1/4	0.3 ACRE & STOCK USE
NE 1/4 SE 1/4	23.6 ACRES & STOCK USE
NW 1/4 SE 1/4	17.2 ACRES & STOCK USE

SECTION 10

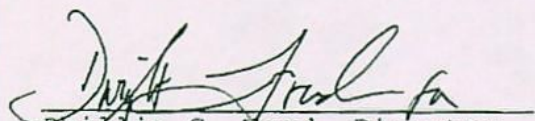
NW 1/4 NW 1/4	8.2 ACRES & STOCK USE
---------------	-----------------------

SECTION 11

TOWNSHIP 33 SOUTH, RANGE 17 EAST, W.M.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

WITNESS the signature of the Water Resources Director, affixed NOV 28 2006


Phillip C. Ward, Director
Water Resources Department



Recorded in State Record of Water Right Certificates numbered 82694.

S-61048.JWG

portion of application map.

App map - App R-71043
Apps-71044

T 32 S

RANGE 17 E

T 33 S

SCALE 1" = 1320'

LEGEND



LAND RESERVED FROM RESERVOIR

PRIMARY IRRIGATION PERMIT

SUPPLEMENTAL FROM WITHERS

Application No. R-71043 & 710
Permit No. R11369 & 5.

PREPARED FOR:

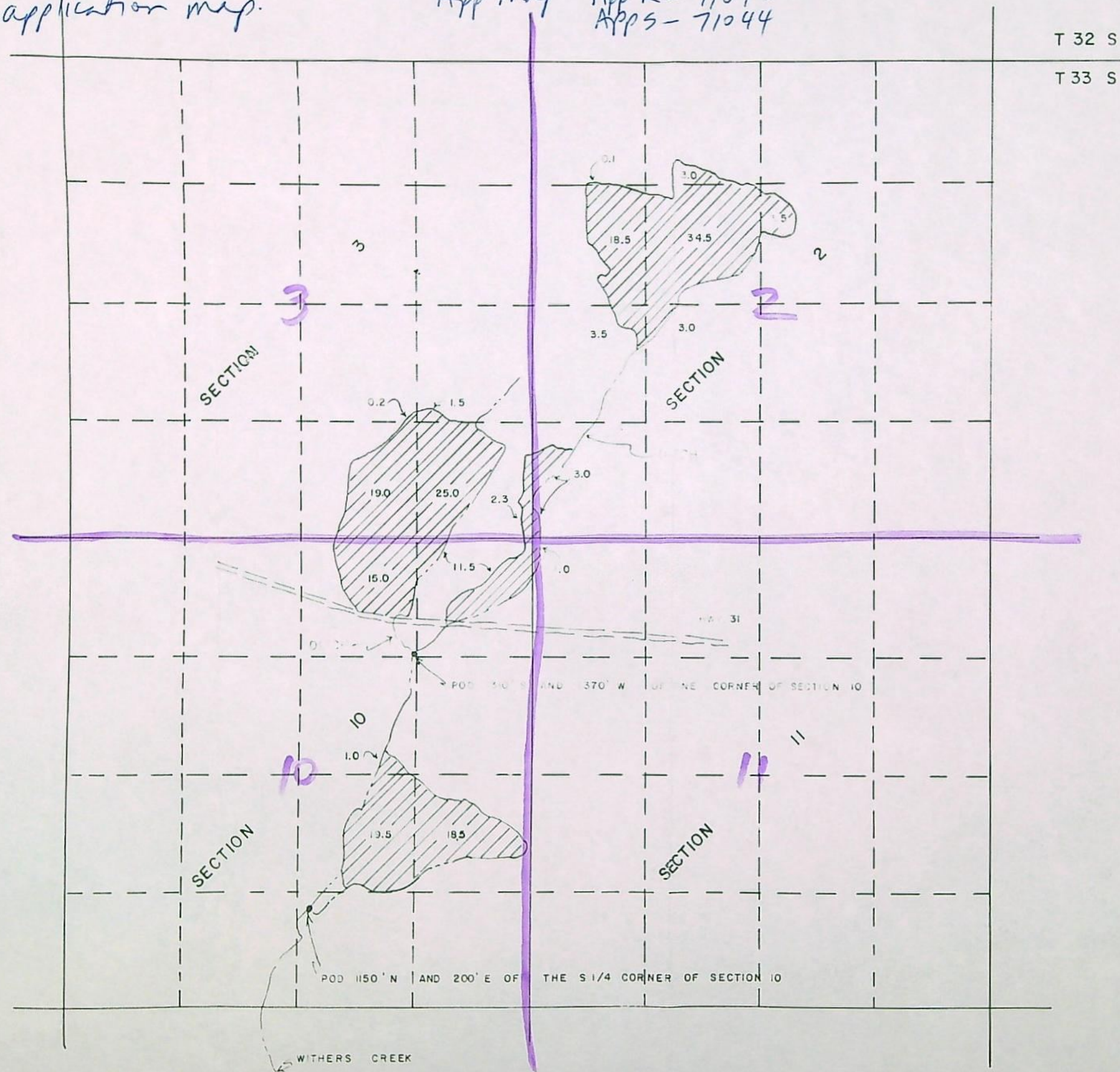
WITHERS RANCH INC.
MC 64 BOX 220
HAISLEY, OREGON 97036

PREPARED BY

ANDERSON ENGINEERING & SURVEYING

FOR IDENTIFYING ONLY

LAKE / RESERVOIR
WEST OF THE 1/4
28
EAST



STATE OF OREGON

COUNTY OF LAKE

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ALAN WITHERS WITHERS RANCH, INC.
28580 HIGHWAY 31
PAISLEY, OREGON 97636

503-943-3943

to use the waters of WITHERS LAKE RESERVOIR CONSTRUCTED UNDER APPLICATION R-71043, PERMIT R-11369, a tributary of SUMMER LAKE, for SUPPLEMENTAL IRRIGATION OF 183.6 ACRES.

This permit is issued approving Application 71044. The date of priority is DECEMBER 13, 1990. The use is limited to not more than 38.55 stored water only, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

NE 1/4 NE 1/4, SECTION 28, T 33 S, R 17 E, W.M.; 1534.36 FEET NORTH AND 20.93 FEET WEST FROM W 1/4 CORNER, SECTION 28.

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

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

A description of the proposed place of use under this permit is as follows:

SW 1/4 NE 1/4	3.5 ACRES	✓
NE 1/4 NW 1/4	3.0 ACRES	✓
NW 1/4 NW 1/4	0.1 ACRE	✓
SW 1/4 NW 1/4	18.5 ACRES	✓
SE 1/4 NW 1/4	34.5 ACRES	✓
NE 1/4 SW 1/4	3.0 ACRES	✓
NW 1/4 SW 1/4	3.5 ACRES	✓
SW 1/4 SW 1/4	3.0 ACRES	✓
SECTION 2		
NE 1/4 SE 1/4	1.5 ACRES	✓
NW 1/4 SE 1/4	0.2 ACRE	✓
SW 1/4 SE 1/4	19.0 ACRES	✓
SE 1/4 SE 1/4	27.3 ACRES	✓
SECTION 3		
NE 1/4 NE 1/4	11.5 ACRES	✓
NW 1/4 NE 1/4	15.0 ACRES	✓
SW 1/4 NE 1/4	1.0 ACRE	✓
NE 1/4 SE 1/4	18.5 ACRES	✓
NW 1/4 SE 1/4	19.5 ACRES	✓
SECTION 10		
NW 1/4 NW 1/4	1.0 ACRE	✓
SECTION 11		
TOWNSHIP 33 SOUTH, RANGE 17 EAST, W.M.		

183.6

Actual construction work shall begin on or before April 22, 1992, and shall be completed on or before October 1, 1993. Complete application of the water to the use shall be made on or before October 1, 1994.

Application 71044

Water Resources Department

PERMIT 51218

PAGE TWO

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

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

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

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

Issued this date, APRIL 22, 1991.

/s/ WILLIAM H. YOUNG

Water Resources Department
William H. Young
Director

Application 71044
Basin 13
71044.SCB

Water Resources Department
Volume 2 Summer Lake & Misc.
MGMT.CODE 3FW

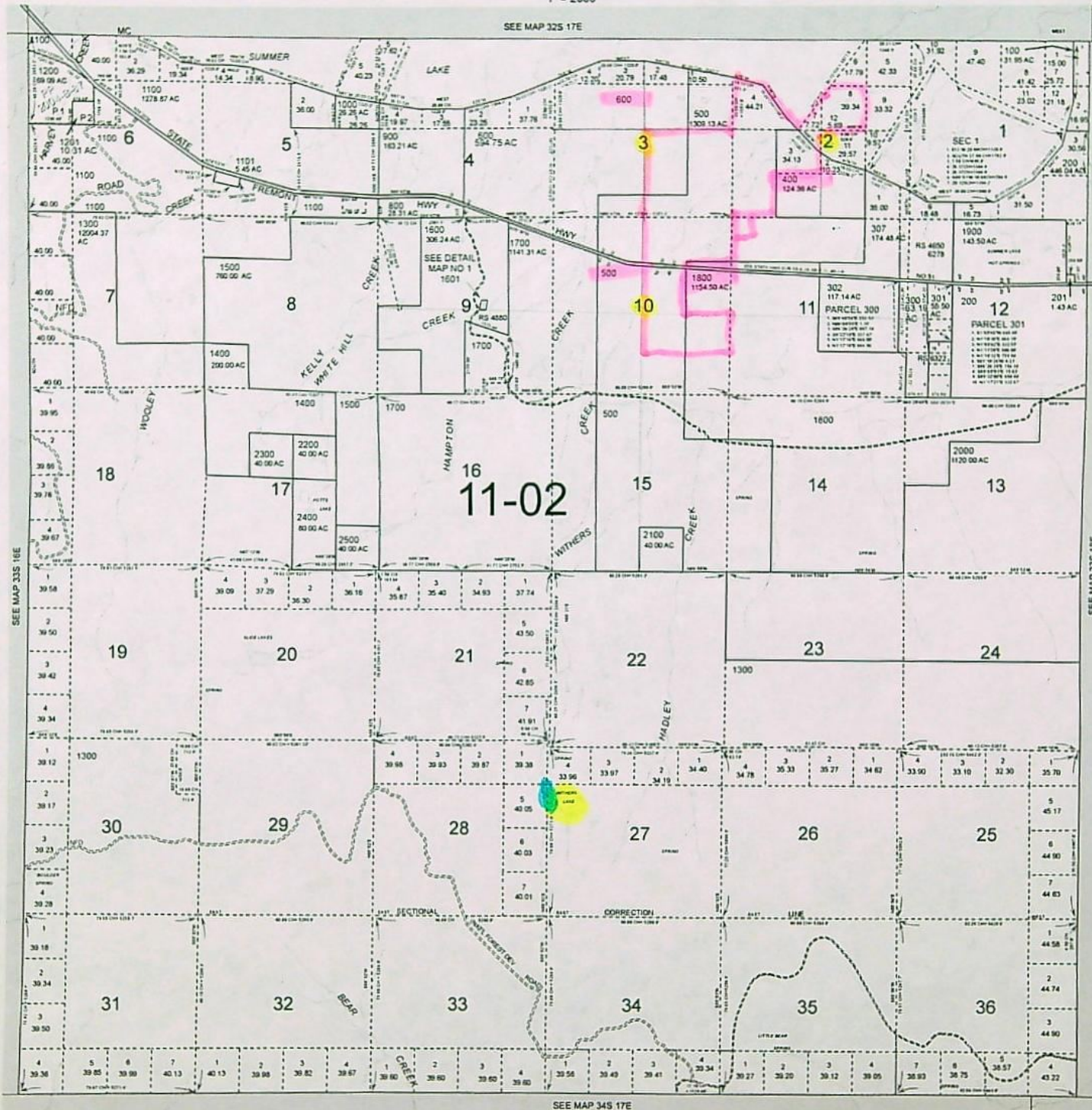
PERMIT 51218
District 12

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

T.33S. R.17E. W.M.
LAKE COUNTY
1" = 2000'

33S17E

LCATDWC - 2013-03-12 13:41



CANCELLED
303 THRU
306
700

33S17E

Oregon Water Resources Department
Water Rights Mapping Tool[User Guide](#)[OWRD Only](#)

725 Summer St NE, Salt



Search

Identify Non-Water Right Features

Tax Lots

Identify Tax Lots

[OR Map](#)☐ Off
☒ On

County: Lake
Taxlot: 33517E000000500
Owner1: WITHERS RANCH INC
Owner2:
Owner Address: 38438 WITHERS RANCH ROAD
PAISLEY OR 97636
Site Address: 38172 WITHERS RANCH RD
PAISLEY 97636
Acres: Null
TRSQC: WM33.00S17.00E0XXXX
Effective Date: January 1, 2014

Note: Tax lot information provided here is for general inquiry purposes. It may not be up to date or may not be an official record. Please contact the respective county tax assessor's office for more current and specific information.

It is recommended to zoom to a detailed extent before inquiry.

Tools

Legend

Layers

Print

Bookmarks



POD

POU

Irrigation Districts AOI

WR By Time

All Fields

Search...

#	ID (select)	WRIS	Zoom	Water Right	Water Type	First Name	Last Name	Company	Use Desc.	Priority Date	Supp. Duty	Rate cfs	Rate

Search took 0 sec

0



Oregon Water Resources Department Water Rights Mapping Tool

[User Guide](#)
[OWRD Only](#)

725 Summer St NE, Salt



Search

Identify Non-Water Right Features

Tax Lots

Identify Tax Lots

[OR Map](#)
☐ Off
☒ On

County: Lake

Taxlot: 33517E000000500

Owner1: WITHERS RANCH INC

Owner2:

Owner Address: 38438 WITHERS RANCH ROAD
PAISLEY OR 97636

Site Address: 38172 WITHERS RANCH RD
PAISLEY 97636

Acres: Null

TRISQ: WM33.00S17.00E0XXX

Effective Date: January 1, 2014

Note: Tax lot information provided here is for general inquiry purposes. It may not be up to date or may not be an official record. Please contact the respective county tax assessor's office for more current and specific information.

It is recommended to zoom to a detailed extent before inquiry.

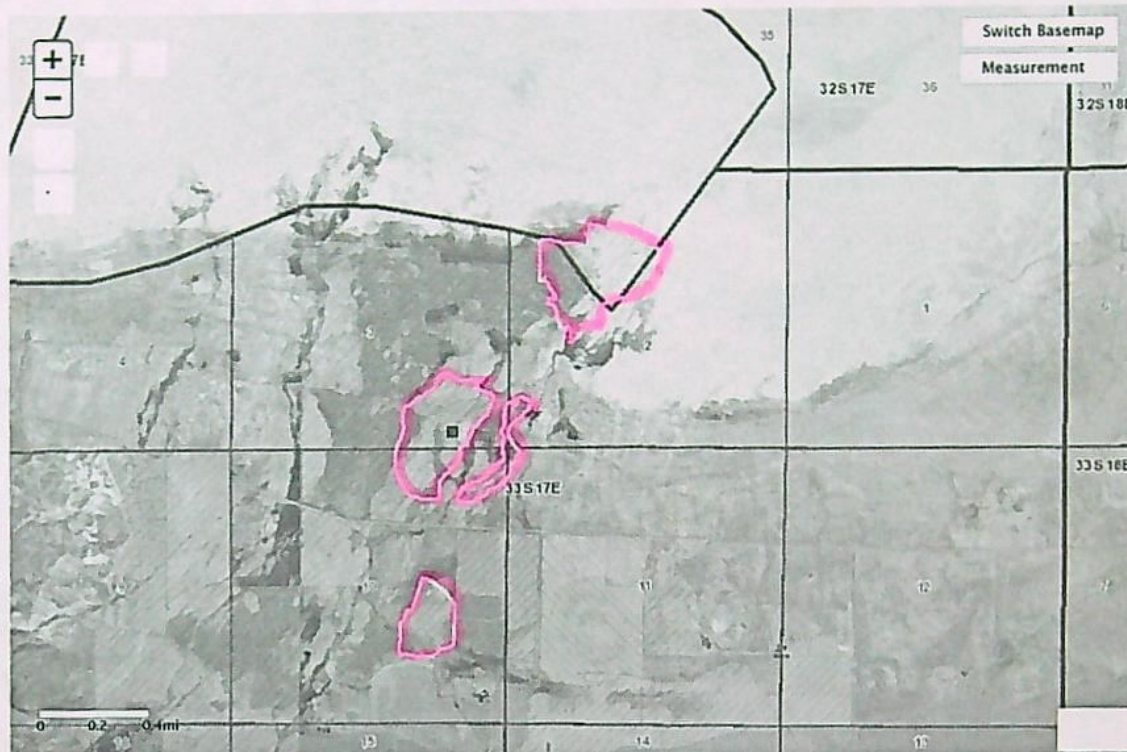
Tools

Legend

Layers

Print

Bookmarks



POD

POU

Irrigation Districts AOI

WR By Time

All Fields

Search...

#	ID (select)	WRIS	Zoom	Water Right	Water Type	First Name	Last Name	Company	Use Desc.	Priority Date	Supp. Duty	Rate cfs	Rate

Search took 0 sec

0



LAKE COUNTY

Property Account Summary

Account No.: 8549 Alternate Property Number: 33S18E000000201
Account Type: Real Property
TCA: 1102
Situation Address: UNDETERMINED SITUS ADDRESS
UNDETERMINED CITY OR
Legal: SECTION 0 TOWNSHIP 33S RANGE 18E QUARTER PRCL 201 MapTax Lot: 33S18E000020100

Parties:

Role	Name & Address
Contract Buyer	WITHERS DANIEL R & ELIZABETH 38438 WITHERS RANCH ROAD PAISLEY OR 97636
Owner	WITHERS ALAN G & V GINGER 38438 WITHERS RANCH ROAD PAISLEY OR 97636
Taxpayer	WITHERS DANIEL R & ELIZABETH 38438 WITHERS RANCH ROAD PAISLEY OR 97636

Property Values:

Value Name	2011	2010	2009
AVR Total	\$8,860	\$8,602	\$8,353
TAV Total	\$8,860	\$8,602	\$8,353
Real Mkt Land	\$71,520	\$74,400	\$75,960
Real Mkt Bldg	\$0	\$0	\$0
Real Mkt Total	\$71,520	\$74,400	\$75,960

Property Characteristics:

Tax Year	Characteristic	Value
2011	Property Tax Deferral	Potential Additional Tax Liability
	Neighborhood	3: 1102
	Land Class Category	550: Farm Zone EFU Unimp
	Acreage	120.000
	Change property ratio	5XX Farm & Forest

Exemptions:

(End of Report)

600 Withers

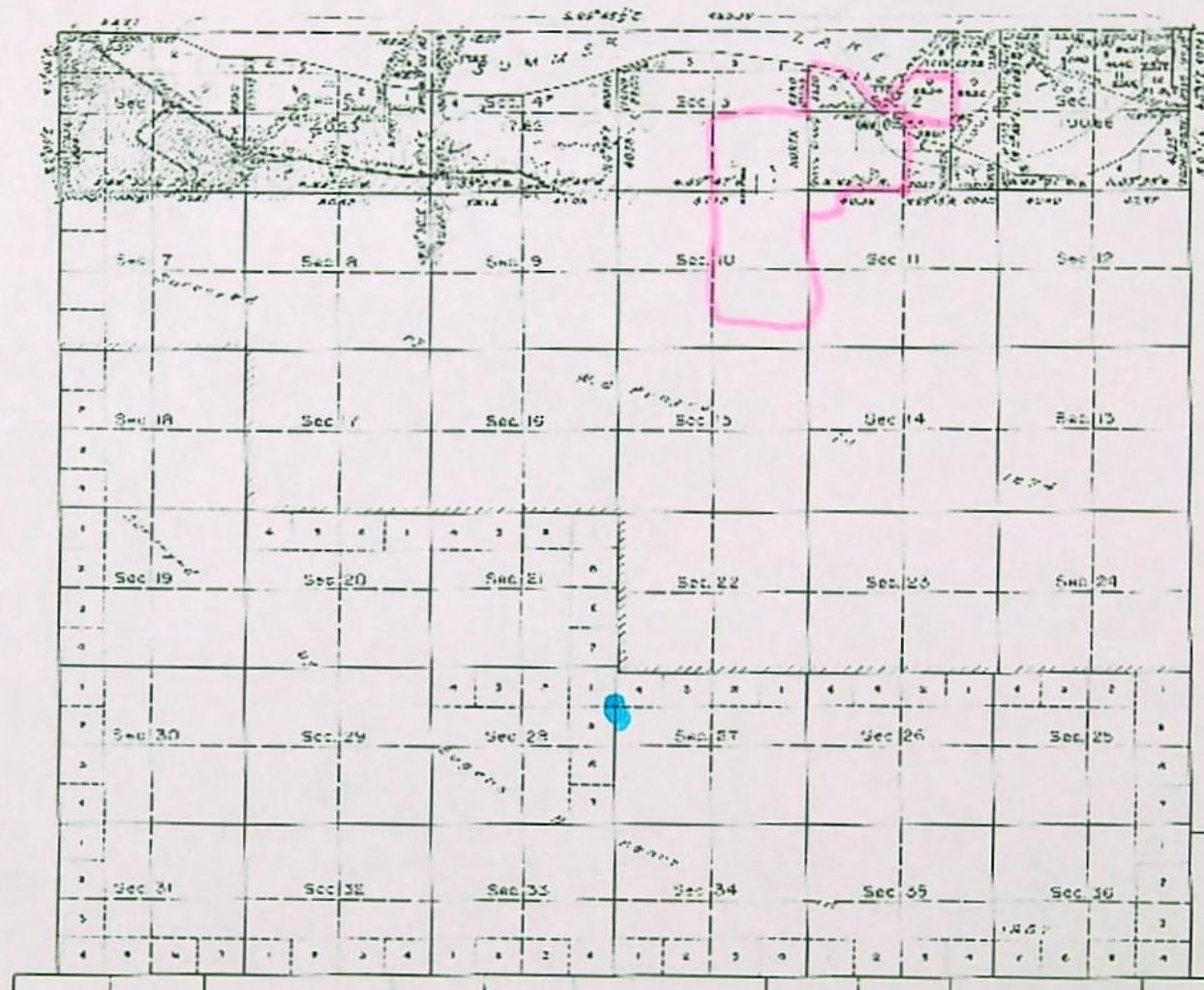
400 - USA BLM

500 - Withers

1800 - Daniel + Elizabeth Withers
~~1800~~

TOWNSHIP N° 33 SOUTH, RANGE N° 17 EAST, OF THE WILLAMETTE MERIDIAN, OREGON.

DEPENDENT RESURVEY OF LANDS BORDERING SUMMER LAKE AND
PROTRACTOR OF AREAS IN THE LAKE BED.

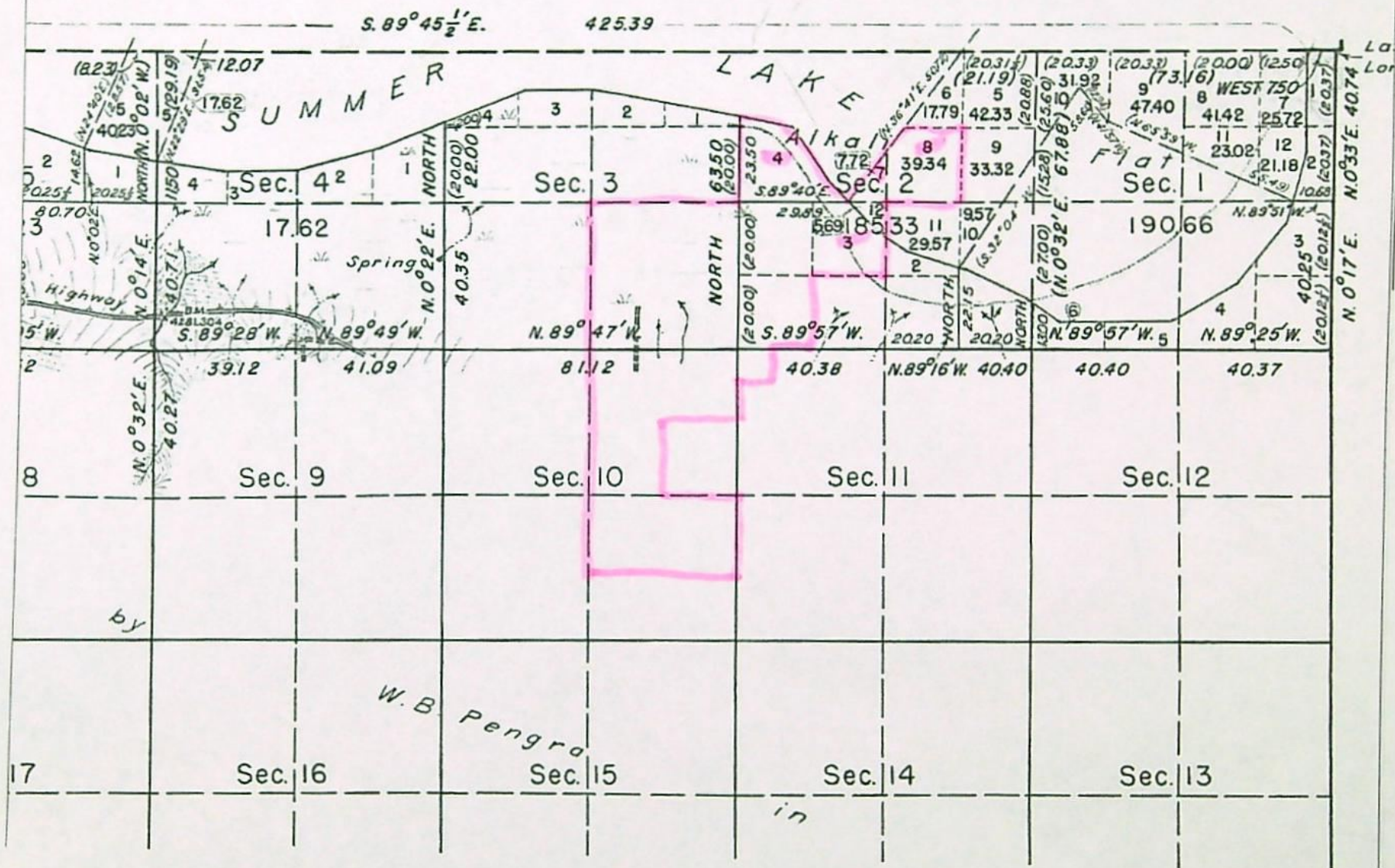


THIS PLAT BELONGS TO
DEPENDENT RESURVEY OF
LANDS BORDERING SUMMER
LAKE AND THE PROTRACTOR
OF AREAS WITHIN THE
LAKE BED. REFERENCE IS
MADE TO THE PLAT 4000
DECEMBER 11, 1974 AND
JUNE 25, 1974 FOR THE
ADJUSTING OF AREAS AND
OBTAINED DESCRIPTIONS
VARIOUS SMALLER AREAS
EXCEPT SMALLER AREAS
UNDER SURVEY.

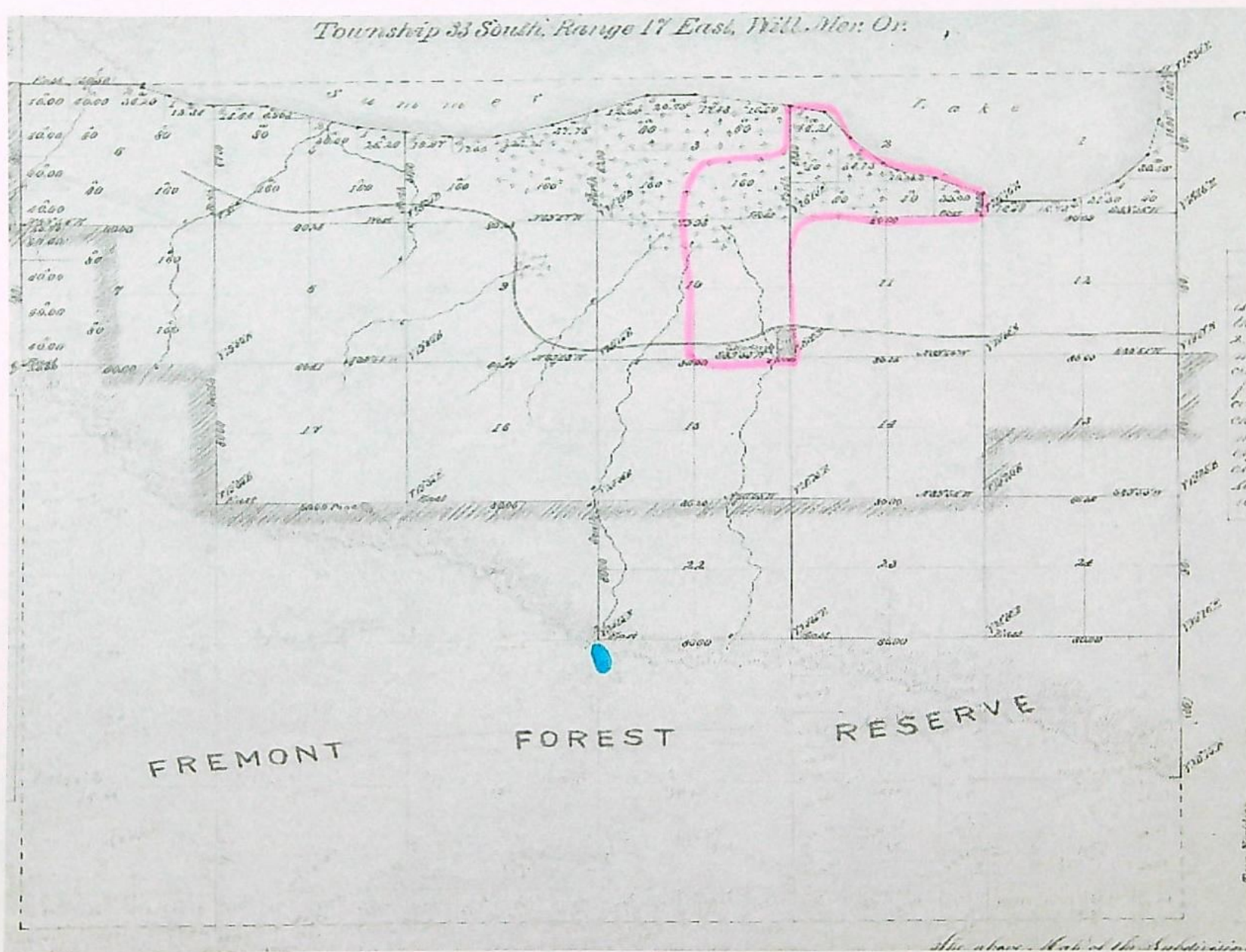
RECORDED AUTHORITY
THE COMMISSIONER'S 14
1274551 "N" DATES DEC
12, 1940.

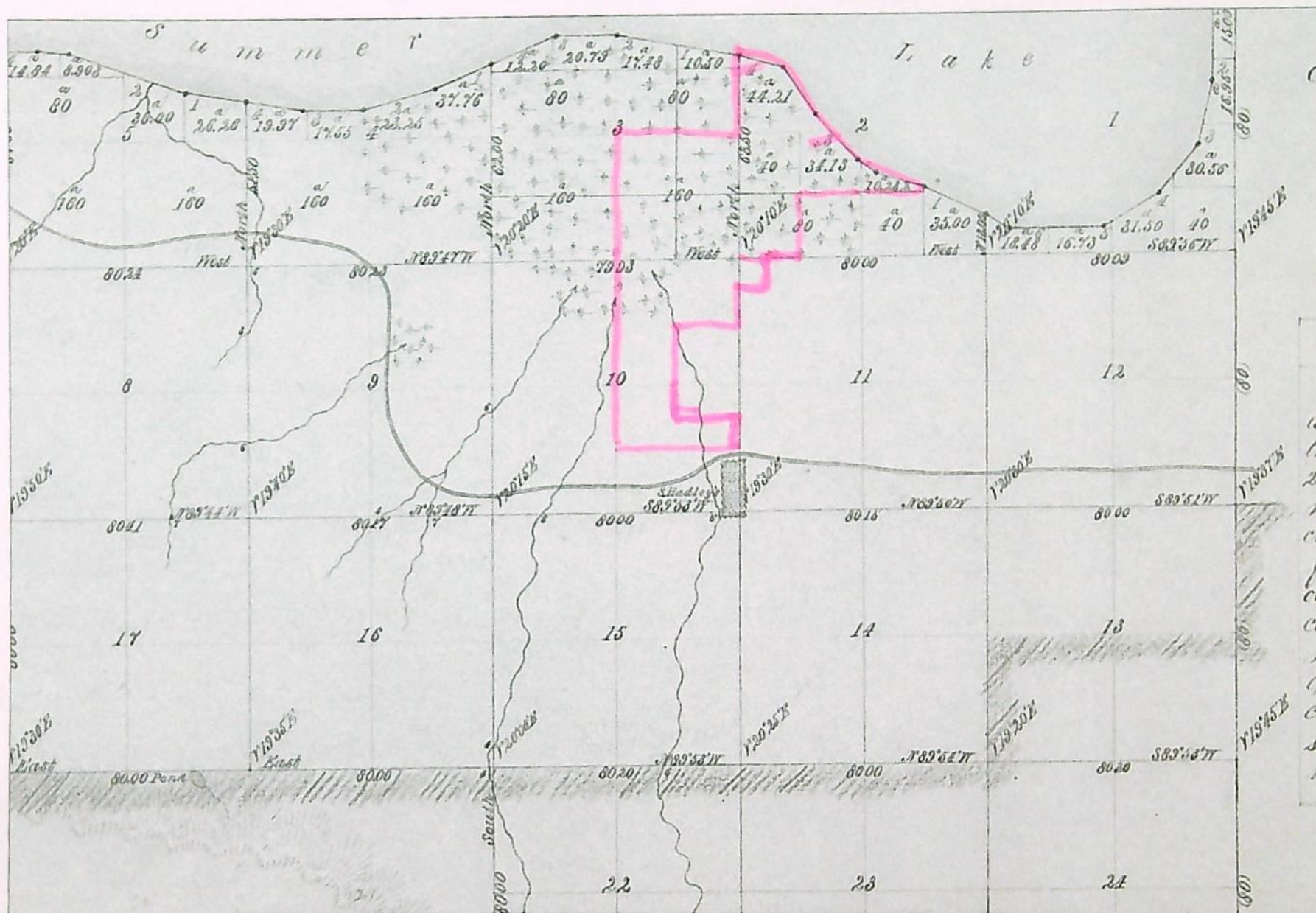
THE NUMBER PORTION
4000 AND 4000 COVER
TWOSE COMMISSIONS OF
MINE, FIS, OREAN AND

IDENT RESURVEY OF LANDS BORDERING SUMMER LAKE AND
PROTRACTION OF AREAS IN THE LAKE BED.



Township 33 South, Range 17 East, Will. Mer. Or.





Water Rights Platcard Report

Meridian: Willamette Township: 33 South Range: 17 East Section: 2 Records per 999 Page: Search Platcards Maps! 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	Unknown QQ
Select Cert: 82694 OR *		12/4/1980	IRRIGATION					0.3	1.6		9.4		35.6	32.4	0.1	2.1	6.4							
Additional Info: App: S61048 Permit: S45595 Cert: 82694																								
Select Cert: 82694 OR *		12/4/1980	LIVESTOCK					*	*		*		*	*	*	*	*							
Additional Info: App: S61048 Permit: S45595 Cert: 82694																								
Select Permit: S 51218 *		12/13/1990	SUPPLEMENTAL IRRIGATION (Supp'tmtl)						3.5		3	0.1	18.5	34.5	3	3.5	3							
Additional Info: ALAN WITHERS App: S71044 Permit: S51218																								

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

NCR

Water Rights Platcard Report

Meridian: Willamette Township: 33 South Range: 17 East Section: 3 Records per 999 Page: Search Platcards Maps! Learn about * View Map

NCR

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	Unknown QQ
Select Cert:82694 OR *		12/4/1980	IRRIGATION					8.1	1.7	6	37.2									34.4	9.6	24.4	24.8	
Additional Info:																								
App: S61048 Permit: S45595 Cert: 82694																								
Select Permit: S 51218 *		12/13/1990	SUPPLEMENTAL IRRIGATION (Suppl'mtl)																	1.5	0.2	19	27.3	
Additional Info:																								
ALAN WITHERS App: S71044 Permit: S51218																								
Select Cert:82694 OR *		12/4/1980	LIVESTOCK					*	*	*	*									*	*	*	*	
Additional Info:																								
App: S61048 Permit: S45595 Cert: 82694																								
Select Cert:8399 OR *		4/25/1919	SUPPLEMENTAL IRRIGATION (Suppl'mtl)												40	40			40					
Additional Info:																								
C WITHERS App: S6085 Permit: S3781 Cert: 8399																								

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

Water Rights Platcard Report

Meridian: Willamette Township: 33 South Range: 17 East Section: 10 Records per 999 Page: Search Platcards Maps! Learn about * View Map

NCR

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40):	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unknown QQ
Select Permit: S 51218 *		12/13/1990	SUPPLEMENTAL IRRIGATION (Suppl'mtl)					11.5	15	1														18.5	19.5			
Additional Info: ALAN WITHERS App: S71044 Permit: S51218																												
Select Cert: 82694 OR *		12/4/1980	LIVESTOCK					*	*	*	*													*	*			
Additional Info: App: S61048 Permit: S45595 Cert: 82694																												
Select App: P 78911 *		12/27/1994	LIVESTOCK					*							*				*									
Additional Info: WITHERS RANCH INC App: P78911																												
Select Permit: S 53483 *		2/14/1991	IRRIGATION								23													28.5		0.4		
Additional Info: ALAN WITHERS App: S71291 Permit: S53483																												
Select Cert: 8399 OR *		4/25/1919	SUPPLEMENTAL IRRIGATION (Suppl'mtl)								40				40			40	40									
Additional Info: C WITHERS App: S6085 Permit: S3781 Cert: 8399																												
Select Claim: SW 94 *		3/20/1878	LIVESTOCK																								*	
Additional Info: CHARLES WITHERS Claim: SW94																											*	
Select Claim: SW 94 *		3/20/1878	DOMESTIC																								*	
Additional Info: CHARLES WITHERS Claim: SW94																											*	
Select Claim: SW 94 *		3/20/1878	IRRIGATION								1.4		2.32	25.6				34.6	19.4									
Additional Info: CHARLES WITHERS Claim: SW94																												
Select Cert: 82694 OR *		12/4/1980	IRRIGATION					10.8	18.8	1.6	0.3							17.2						23.6				
Additional Info: App: S61048 Permit: S45595 Cert: 82694																												

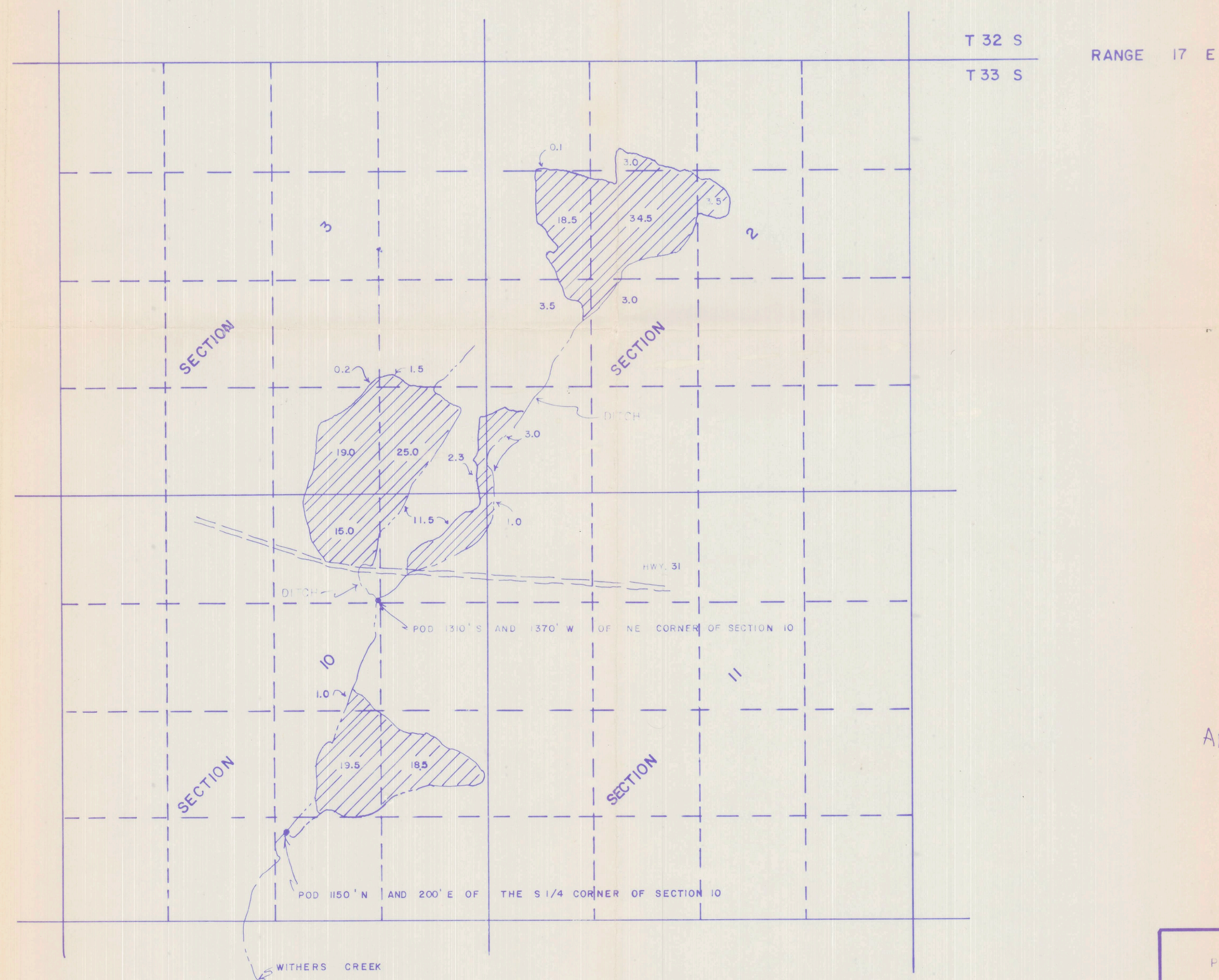
Acreage Legend: 12.25 Regular acreage 12.25 Acreage is on a canceled right (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate) [12.25] Acreage has been suspended * Acreage is not specified

NER

Platcards Maps!
[Learn about](#) * [View Map](#)

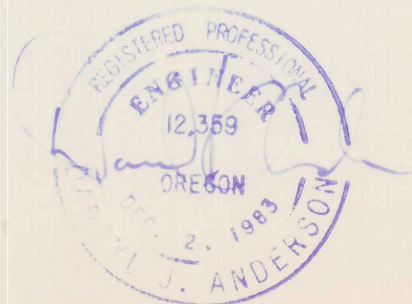
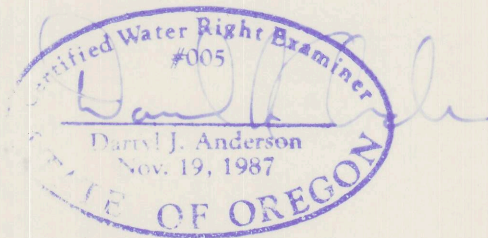
Acreage Legend:	12.25 Regular acreage	12.25 Acreage is on a canceled right	(12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate)	[12.25] Acreage has been suspended	* Acreage is not specified
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MAP TO ACCOMPANY APPLICATION TO APPROPRIATE
SURFACE WATER FROM WITHERS LAKE / RESERVOIR



NOTE: PREPARATION OF MAP IS FOR IDENTIFYING
PROPOSED WATER RIGHTS ONLY

POINT OF DIVERSION FROM WITHERS LAKE/RESERVOIR
IS 1534.36' NORTH AND 20.93' WEST OF THE 1/4
CORNER COMMON TO SECTIONS 27/28
TOWNSHIP 33 SOUTH RANGE 17 EAST



SCALE 1" = 1320'

LEGEND

LANDS TO BE IRRIGATED FROM WITHERS LAKE /
RESERVOIR

PRIMARY IRRIGATION PERMIT NO. 45595

SUPPLEMENTAL FROM WITHERS LAKE / RESERVOIR

Application No. R-71043 & 71044
Permit No. R11369 & 51218

PREPARED FOR:
WITHERS RANCH INC.
HC 64 BOX 220
PAISLEY, OREGON 97636

PREPARED BY

ANDERSON ENGINEERING & SURVEYING
P.O. BOX 28
618 SOUTH FIRST STREET
LAKEVIEW, OREGON 97630 (503) 947-4407

NOVEMBER 1990

SHEET 1 OF 1



Anderson Engineering & Surveying

Professional Engineers & Land Surveyors

RECEIVED

APR 19 1995

WATER RESOURCES DEPT.
SALEM, OREGON

April 18, 1995

Water Resources Department
Commerce Building
158 12th Street NE
Salem, OR 97310-0210

ATTN: Dallas Miller, Water Right Section

RE: File 71044

Dear Mr. Miller:

We received your letter dated April 5th concerning the final proof survey for Alan Withers of Paisley, Oregon. This final proof application made by Mr. Withers was to supplement existing irrigation areas with water from Withers Reservoir. The original application for primary surface water from Withers Creek was made under Permit #45595 in 1981. This permit has never been proved or a certificate issued. The application for Permit #45595 is in error as the section is shifted a quarter mile to the west. Please note that this was noted in the final proof survey map.

I would rather not change the final proof survey map to show supplemental and primary use areas since the original Permit #45595 has not been surveyed for final proof. I believe once the final proof is done on this permit, it will show that the areas we have indicated as supplemental are in fact supplemental. None of the areas are primary. If possible perhaps the final proof could be held in abeyance until Permit #45595 is proofed and corrected. At that time if changes are required to our final proof map they can be made at that time.

Please call me if you have any questions.

Sincerely,

Darryl Anderson
P.E., P.L.S., C.W.R.E.

cc: Alan Withers
Dennis Glender, Lake County Watermaster

HC 64 Box 24 • P.O. Box 28
Lakeview, Oregon 97630
(503)947-4407
FAX 947-2321

539 SW 7th Street • P.O. Box 419
Redmond, Oregon 97756
(503)923-4307
FAX 923-4308

Anderson Engineering & Surveying

P.O. BOX 28 • HC 64 BOX 24
LAKEVIEW, OR 97630



Dallas Miller
Water Right Section
Water Resources Department
Commerce Building
158 12th Street NE
Salem, OR 97310-0210



April 5, 1995

ATTN: ALAN WITHERS, PRESIDENT
WITHERS RANCH INC.
28580 HIGHWAY 31
PAISLEY, OR 97636

REFERENCE: File 71044

On FEBRUARY 17, 1995, we received the Claim of Beneficial Use and map submitted for Permit 51218 in your name.

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

Sincerely,

Dallas S. Miller JLB

DALLAS S. MILLER
Water Rights Specialist

DSM:tcb

cc: DARRYL J. ANDERSON, CWRE



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

April 5, 1995

WATER
RESOURCES
DEPARTMENT

ALAN WITHERS
28580 HIGHWAY 31
PAISLEY, OREGON 97636

REFERENCE: File 71044

During our review of the claim and map for Permit 51218, the following problems were noted:

The map shows the areas of use in locations different from those on the permit and application map. The problem with this is that much of the irrigated area shown is not supplemental because no water right exists under much of the areas shown.

It will be necessary to change the map to show which is primary and which is supplemental and how many acres of each are in each "40".

We are returning the map and claim. You are responsible for correcting the above discrepancies. Please submit the corrected claim and map within ninety (90) days.

If you have any questions, please call the Water Rights Section at 378-8455

Sincerely

Dallas Miller
Dallas Miller
Water Rights Section

cc: Darryl Anderson

*This APPLICATION
AND Permit 45595
Same lands as SWR-14*



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

February 22, 1995

WATER
RESOURCES
DEPARTMENT

NORTHWEST FARM CREDIT SERVICES ACA
PO BOX 148
KLAMATH FALLS OR 97601

REFERENCE: File 61048 & 71044

The assignment of Permit 45595 and 51218 from Alan Withers, Withers Ranch, Inc. to you and Alan Withers, Withers Ranch, Inc. has been recorded in the records of the Water Resources Department.

Our records have been changed accordingly and the original is enclosed along with our receipts number 121319 & 121374 covering the recording fee of \$20 you submitted.

Sincerely,

THOMAS E. SHOOK
Water Rights Specialist

TES:jh

Enclosure

cc: Alan Withers, Withers Ranch, Inc.



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

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **121374**

158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)

INVOICE # _____

RECEIVED FROM: Farm Credit Services

BY: _____

APPLICATION	71044
PERMIT	51218
TRANSFER	

CASH: ☐ CHECK: # ☒ 2422 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 30.-

01-00-0 WRD MISC CASH ACCT

842.010	ADJUDICATIONS	\$
831.087	PUBLICATIONS / MAPS	\$
830.650	PARKING FEES Name / month	\$
	OTHER: (IDENTIFY)	\$

REDUCTION OF EXPENSE

CASH ACCT. \$
VOUCHER #

COST CENTER AND OBJECT CLASS

03-00-0 WRD OPERATING ACCT

MISCELLANEOUS

840.001	COPY FEES	\$
850.200	RESEARCH FEES	\$
880.109	MISC REVENUE: (IDENTIFY) <u>assignment</u>	\$ <u>10.-</u>
520.000	OTHER (P-6) (IDENTIFY)	\$

WATER RIGHTS:

842.001	SURFACE WATER	EXAM FEE	842.002	RECORD FEE
842.003	GROUND WATER	\$	842.004	\$
842.005	TRANSFER	\$	842.006	\$

WELL CONSTRUCTION

842.022	WELL DRILL CONSTRUCTOR	EXAM FEE	842.023	LICENSE FEE
	LANDOWNER'S PERMIT	\$	842.024	\$

OTHER (IDENTIFY) _____

06-00-0 WELL CONST. START FEE

842.013	WELL CONST START FEE	\$	CARD #
	MONITORING WELLS	\$	CARD #
	OTHER (IDENTIFY)		

45-00-0 LOTTERY PROCEEDS

864.000	LOTTERY PROCEEDS	\$
---------	------------------	----

07-00-0 HYDRO ACTIVITY

842.011	POWER LICENSE FEE (FW/WRD)	LIC NUMBER	\$
842.115	HYDRO LICENSE FEE (FW/WRD)		\$
	HYDRO APPLICATION		\$

RECEIPT # **121374**

DATED: 1-26-95

BY: D. Branstetter

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



Farm Credit Services

JAN 26 1995

WATER RESOURCES
SALEM, OREGON

900 Klamath Avenue
P.O. Box 148
Klamath Falls, Oregon 97601
503/882-5551 FAX 503/884-2074

January 24, 1995

Water Resources Director
3850 Portland Road, N.E.
Salem, OR 97310

RE: Assignment of Water Permits:

Dear Sir:

Enclosed please find two (2) assignments of Water Permits to be processed by your office.

We are in the process of making a loan to Mr. Daniel R. Withers. Mr. Alan Withers and Withers Ranch, Inc. are pledging additional property as collateral. Part of the water rights for the additional property are these two permits. We will need the permits assigned to them plus Northwest Farm Credit Services, ACA. Please notify all parties of all future correspondence regarding these permits.

I have enclosed a check for \$20.00 for your expenses. If you should need any further information, please do not hesitate to call.

Sincerely,

Margaret John
Customer Service Representative

Enc.

January 9, 1995

WATER
RESOURCES
DEPARTMENT

ALAN WITHERS
WITHERS RANCH INC
28580 HWY 31
PAISLEY OR 97636

REFERENCE: File 71044

We have received your notice that complete application of water has been made under Permit 51218.

In order to obtain a certificate of water right, you are required by law to hire a certified water right examiner to conduct the final proof survey of the completed use. This must be done within one year after the use is reported as being complete or within one year after the beneficial use date allowed in the permit, whichever occurs first. Accordingly, the map and claim of beneficial use must be received in this office on or before October 1, 1995. A list of certified examiners is enclosed for your information.

The Department requires that the CWRE has a copy of the permit or transfer order to compile the claim of beneficial use. All permit conditions need to be addressed in the claim and map you submit.

Upon receipt of the map and claim of beneficial use, the information will be reviewed and a brief field inspection may be conducted by a representative of this office. Following that, a proposed certificate of water right will be mailed to you for review.

In the meantime, the permit you hold is valid evidence of your right to use the water.

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

Sincerely,

THOMAS E. SHOOK
Water Rights Specialist

TES:jh

enclosure

cc: Anderson Engineering & Surveying



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

October 26, 1994

ALAN WITHERS
WITHERS RANCH INC
28580 HWY 31
PAISLEY OR 97636

WATER
RESOURCES
DEPARTMENT

REFERENCE: File 71044

The date for the complete application of water to a beneficial use for your water use Permit 51218 was October 1, 1994. To date we have not received notice that your project was completed.

If the project was completed, you should promptly submit the notice of complete application of water. If you were unable to complete the project within the time allowed, you may wish to request an extension of the time limits. Forms will be furnished upon request.

In order to obtain a certificate of water right, you are required by law to hire a certified water right examiner to conduct the final proof survey of the completed use. This must be done within one year after the use is reported as being complete or within one year after the beneficial use date allowed in the permit, whichever occurs first. Accordingly, the map and claim of beneficial use must be received in this office on or before October 1, 1995. A list of certified water right examiners is enclosed for your information.

Upon receipt of the map and claim of beneficial use, the information will be reviewed and a brief field inspection may be conducted by a representative of this office. Following that, a proposed certificate of water right will be mailed to you for review.

If you are no longer interested in the project, please let us know. We will provide forms for you to authorize the cancellation of the permit.

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

Sincerely,

THOMAS E. SHOOK
Water Rights Specialist

TES:jh

Enclosure



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

FINAL PROOF SURVEY
CLAIM OF BENEFICIAL USE AND SITE REPORT

RECEIVED

FEB 17 1995

WATER RESOURCES DEPT.
SALEM, OREGON

GENERAL INFORMATION

Permit/Certificate Holder: Withers Ranch Inc
28580 Highway 31
Paisley, OR 97636
Permit #51218
Application 71044

WATER SOURCE

The water source is Withers Lake/Reservoir in the Withers Creek drainage within the Summer Lake Basin.

LOCATION OF AREA INVOLVED

Withers Reservoir is located in Section 28, Township 33 South, Range 17 East, W.M.. The irrigated areas are located in Sections 2, 3, and 10 in Township 33 South, Range 17 East, W.M., Lake County, Oregon.

DIVERSION POINT

Diversion Point #1 is located as shown on the map. The concrete weir on Withers Creek diverts water into the ditch.

Diversion Point #2 is located as shown on the map. This diversion point is an 18" culvert with a slide gate for regulation of water.

USE OF WATER

The water is being used to irrigate crop and pasture land.

DESCRIPTION

The irrigation system for irrigating the lands as shown on the attached map is currently in place as per permit #51218. This claim of beneficial use covers the water from the Withers Lake/Reservoir which is used as a supplemental source for these lands.

Withers Reservoir collects run-off from the surrounding area and is stored until needed, water is then diverted from the reservoir down Withers Creek.. At Diversion Point #1 the water is diverted into a 4 foot wide by 2 foot deep ditch that runs along the Southerly edge of the piece of land in the South half of Section 10.

RECEIVED

FEB 17 1995

WATER RESOURCES DEPT.
SALEM, OREGON

PAGE 2

At Diversion Point #2 the water is diverted into two ditches that feed the remaining areas as shown on the map. All areas shown on the map are being flood irrigated and used for pasture and hay production.

Flows from the two diversion points vary. Maximum flow is approximately 5 to 6 cubic feet per second.

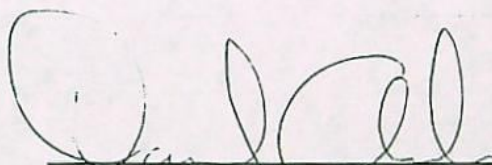
SURVEY TIE

Survey monuments were found as shown on the attached map.

CERTIFICATION

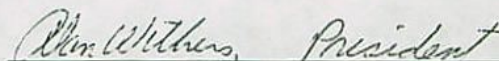
The final proof survey and inspection of the use as found to be completed under the terms and conditions of the Permit #51218 was completed on January 17, 1994, and the facts contained in this report and accompanying Final Proof Map are correct to the best of my knowledge.

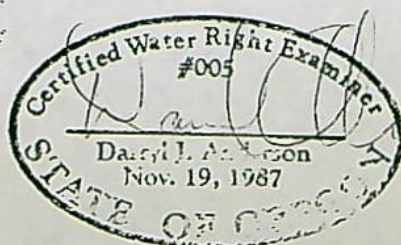
2/4/95
Date


Darryl J. Anderson
Certified Water Right Examiner

I, Alan Withers of Withers Ranch, Inc., agree to the findings of the CWRE and do submit this site report and map as our claim of beneficial use of the water as provided under the terms and conditions of Permit #51218.

2/13/95
Date


Alan Withers, Withers Ranch, Inc.



EXPIRES DEC 31 '95

STATE OF OREGON
COUNTY OF LAKE
PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ALAN WITHERS WITHERS RANCH, INC.
28580 HIGHWAY 31
PAISLEY, OREGON 97636

503-943-3943

to use the waters of WITHERS LAKE RESERVOIR CONSTRUCTED UNDER APPLICATION R-71043, PERMIT R-11369, a tributary of SUMMER LAKE, for SUPPLEMENTAL IRRIGATION OF 183.6 ACRES.

This permit is issued approving Application 71044. The date of priority is DECEMBER 13, 1990. The use is limited to not more than 38.55 stored water only, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

NE 1/4 NE 1/4, SECTION 28, T 33 S, R 17 E, W.M.; 1534.36 FEET NORTH AND 20.93 FEET WEST FROM W 1/4 CORNER, SECTION 28.

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

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

A description of the proposed place of use under this permit is as follows:

SW 1/4 NE 1/4	3.5 ACRES
NE 1/4 NW 1/4	3.0 ACRES
NW 1/4 NW 1/4	0.1 ACRE
SW 1/4 NW 1/4	18.5 ACRES
SE 1/4 NW 1/4	34.5 ACRES
NE 1/4 SW 1/4	3.0 ACRES
NW 1/4 SW 1/4	3.5 ACRES
SW 1/4 SW 1/4	3.0 ACRES
SECTION 2	
NE 1/4 SE 1/4	1.5 ACRES
NW 1/4 SE 1/4	0.2 ACRE
SW 1/4 SE 1/4	19.0 ACRES
SE 1/4 SE 1/4	27.3 ACRES
SECTION 3	
NE 1/4 NE 1/4	11.5 ACRES
NW 1/4 NE 1/4	15.0 ACRES
SW 1/4 NE 1/4	1.0 ACRE
NE 1/4 SE 1/4	18.5 ACRES
NW 1/4 SE 1/4	19.5 ACRES
SECTION 10	
NW 1/4 NW 1/4	1.0 ACRE
SECTION 11	
TOWNSHIP 33 SOUTH, RANGE 17 EAST, W.M.	

Actual construction work shall begin on or before April 22, 1992, and shall be completed on or before October 1, 1993. Complete application of the water to the use shall be made on or before October 1, 1994.

Application 71044

Water Resources Department

PERMIT 51218

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

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

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

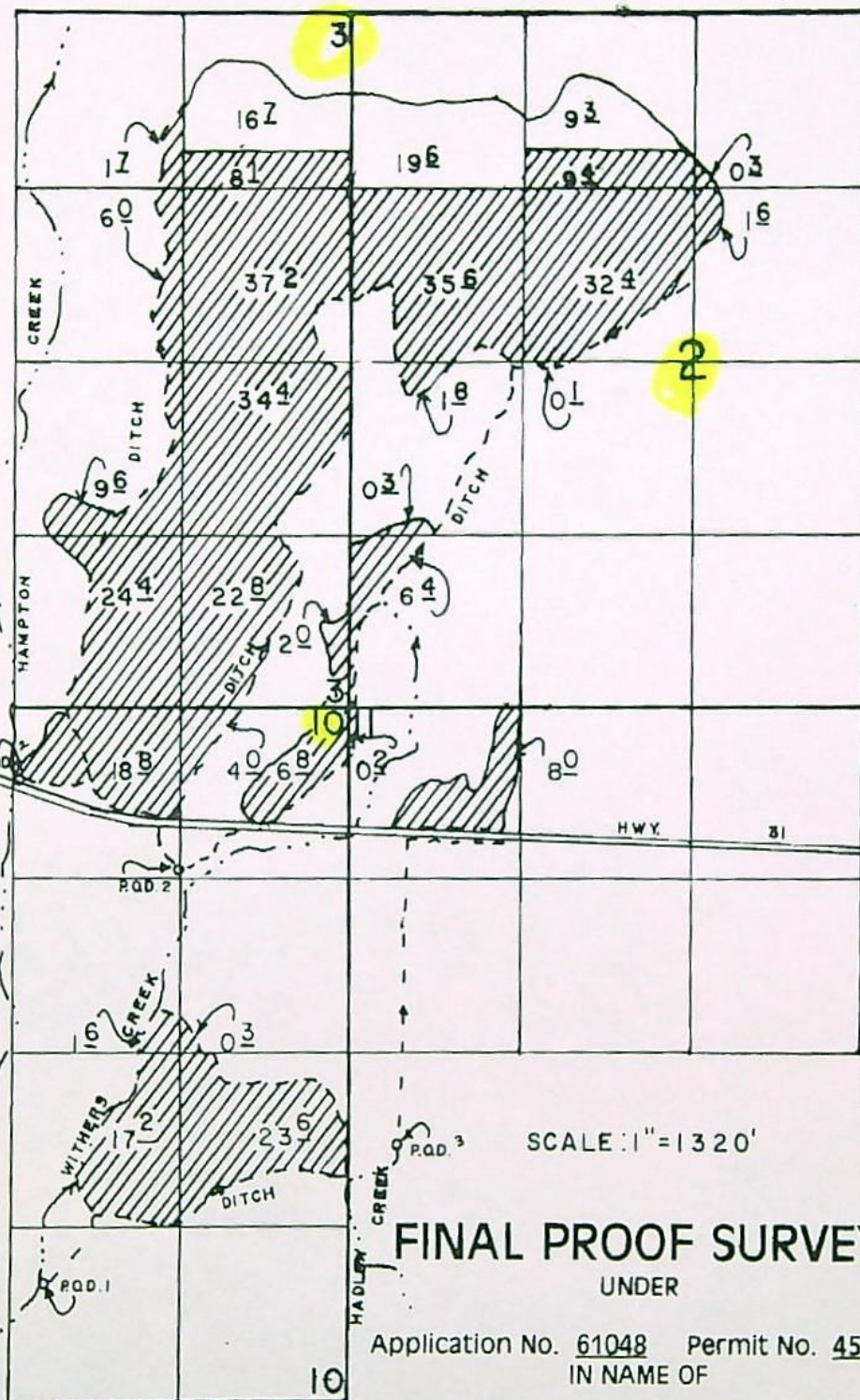
The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

Issued this date, APRIL 22, 1991.

/s/ WILLIAM H. YOUNG

Water Resources Department
William H. Young
Director

T. 33 S., R. 17 E., W.M.



P.O.D. 890' N & 2360' W FROM SE COR. OF SEC 10.
 P.O.D. 1250' S & 1330' W FROM NE COR. OF SEC 10.
 P.O.D. 1930' N & 380' E FROM SW COR. OF SEC 11.
 P.O.D. 550' S & 2600' W FROM NE COR. OF SEC 10.

SCALE: 1" = 1320'

FINAL PROOF SURVEY UNDER

Application No. 61048 Permit No. 45595
 IN NAME OF

WITHERS RANCH, INC

Surveyed APRIL 13, 1994, by R.M. SUTTERFIELD

314.6 PL
 CA # 82694

FINAL PROOF SURVEY
CLAIM OF BENEFICIAL USE AND SITE REPORT

RECEIVED

FEB 17 1995
WATER RESOURCES DEPT.
SALEM, OREGON

GENERAL INFORMATION

Permit/Certificate Holder: Withers Ranch Inc
28580 Highway 31
Paisley, OR 97636
Permit #51218
Application 71044

WATER SOURCE

The water source is Withers Lake/Reservoir in the Withers Creek drainage within the Summer Lake Basin.

LOCATION OF AREA INVOLVED

Withers Reservoir is located in Section 28, Township 33 South, Range 17 East, W.M.. The irrigated areas are located in Sections 2, 3, and 10 in Township 33 South, Range 17 East, W.M., Lake County, Oregon.

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Diversion Point #1 is located as shown on the map. The concrete weir on Withers Creek diverts water into the ditch.

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USE OF WATER

The water is being used to irrigate crop and pasture land.

DESCRIPTION

The irrigation system for irrigating the lands as shown on the attached map is currently in place as per permit #51218. This claim of beneficial use covers the water from the Withers Lake/Reservoir which is used as a supplemental source for these lands.

Withers Reservoir collects run-off from the surrounding area and is stored until needed, water is then diverted from the reservoir down Withers Creek.. At Diversion Point #1 the water is diverted into a 4 foot wide by 2 foot deep ditch that runs along the Southerly edge of the piece of land in the South half of Section 10.

RECEIVED

FEB 17 1995

WATER RESOURCES DEPT.
SALEM, OREGON

PAGE 2

At Diversion Point #2 the water is diverted into two ditches that feed the remaining areas as shown on the map. All areas shown on the map are being flood irrigated and used for pasture and hay production.

Flows from the two diversion points vary. Maximum flow is approximately 5 to 6 cubic feet per second.

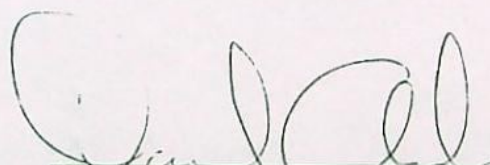
SURVEY TIE

Survey monuments were found as shown on the attached map.

CERTIFICATION

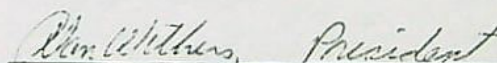
The final proof survey and inspection of the use as found to be completed under the terms and conditions of the Permit #51218 was completed on January 17, 1994, and the facts contained in this report and accompanying Final Proof Map are correct to the best of my knowledge.

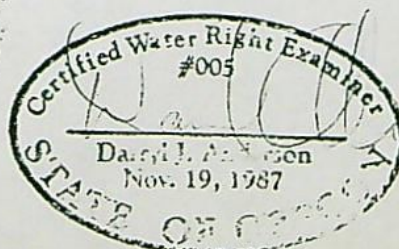
2/4/95
Date


Darryl J. Anderson
Certified Water Right Examiner

I, Alan Withers of Withers Ranch, Inc., agree to the findings of the CWRE and do submit this site report and map as our claim of beneficial use of the water as provided under the terms and conditions of Permit #51218.

2/13/95
Date


Alan Withers, Withers Ranch, Inc.



EXPIRES DEC 31 '95

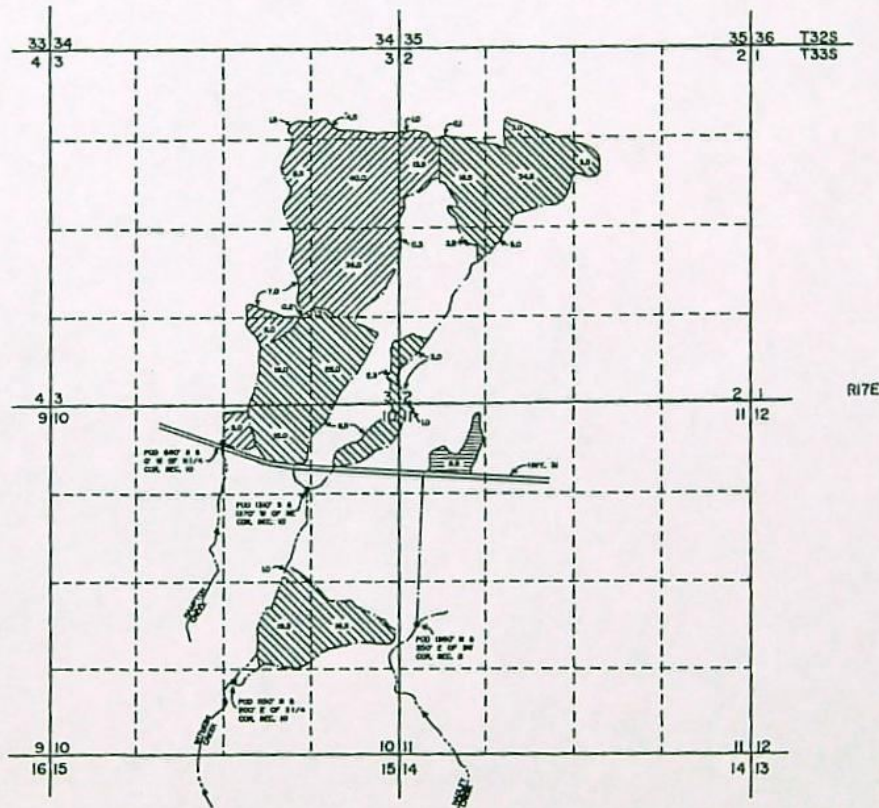
MAP TO ACCOMPANY REGISTRATION STATEMENT
CLAIMING A RIGHT TO APPROPRIATE SURFACE
WATER

SWR-14

PERMIT NO. 45595

CERT. NO.

NOTE: ALL INFORMATION REQUIRED TO PRODUCE
THIS MAP WAS FURNISHED BY THE APPLICANT.



SCALE 1" = 1320'

LEGEND

- SECTION LINE
- - - SECTIONAL SUBDIVISION LINE
- IRRIGATED LANDS FROM HAMPTON CREEK AS PER PERMIT NO. 45595
- IRRIGATED LANDS FROM HADLEY CREEK AS PER PERMIT NO. 45595
- IRRIGATED LANDS FROM WITHERS CREEK AS PER PERMIT NO. 45595
- EXISTING CREEK
- EXISTING IRRIGATION DITCH

NOTE: PREPARATION OF THIS MAP IS FOR IDENTIFYING
PROPOSED WATER RIGHTS ONLY. IT HAS NO INTENT
TO PROVIDE LOCATIONS OR DIMENSIONS OF PROPERTY
BOUNDARIES.

PREPARED FOR:
WITHERS RANCH INC.
HC 64 BOX 220
PAISLEY, OREGON 97636

PREPARED BY:
ANDERSON ENGINEERING & SURVEYING
P.O. BOX 28
610 SOUTH FIRST STREET
LAKEVIEW, OREGON 97630
(503) 947-4407

MARCH, 1990

SHEET 1 OF 1



October 29, 1992

WITHERS RANCH, INC.
ALAN WITHERS
28580 HWY 31
PAISLEY, OR 97636

REFERENCE FILES: R-71043 AND 71044

We received a notice of complete application of water to a beneficial use for permit R-11369 from you on November 5, 1991. We advised you of the additional report that was needed. Similar statements were received on October 28, 1992.

Based on the information you have provided, the terms of both permits, R-11369 and 51218, have been met. You have used 38.55 acre feet of water to irrigate the 183.6 acres described in your permits.

You must now hire a certified water right examiner to submit the claim of beneficial use report, signed by both of you, within one year. The report will have to be in our office on or before October 28, 1993.

Please ignore our letters dated November 7, 1991 and August 13, 1992.

Sincerely,

Thomas E. Shook
Water Right Specialist



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

STATE OF OREGON

COUNTY OF LAKE

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ALAN WITHERS WITHERS RANCH, INC.
28580 HIGHWAY 31
PAISLEY, OREGON 97636

503-943-3943

to use the waters of WITHERS LAKE RESERVOIR CONSTRUCTED UNDER APPLICATION R-71043, PERMIT R-11369, a tributary of SUMMER LAKE, for SUPPLEMENTAL IRRIGATION OF 183.6 ACRES.

This permit is issued approving Application 71044. The date of priority is DECEMBER 13, 1990. The use is limited to not more than 38.55 stored water only, or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

NE 1/4 NE 1/4, SECTION 28, T 33 S, R 17 E, W.M.; 1534.36 FEET NORTH AND 20.93 FEET WEST FROM W 1/4 CORNER, SECTION 28.

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

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

A description of the proposed place of use under this permit is as follows:

SW 1/4 NE 1/4	3.5 ACRES
NE 1/4 NW 1/4	3.0 ACRES
NW 1/4 NW 1/4	0.1 ACRE
SW 1/4 NW 1/4	18.5 ACRES
SE 1/4 NW 1/4	34.5 ACRES
NE 1/4 SW 1/4	3.0 ACRES
NW 1/4 SW 1/4	3.5 ACRES
SW 1/4 SW 1/4	3.0 ACRES

SECTION 2

NE 1/4 SE 1/4	1.5 ACRES
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SECTION 3

NE 1/4 NE 1/4	11.5 ACRES
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NW 1/4 SE 1/4	19.5 ACRES

SECTION 10

NW 1/4 NW 1/4	1.0 ACRE
---------------	----------

SECTION 11

TOWNSHIP 33 SOUTH, RANGE 17 EAST, W.M.

Actual construction work shall begin on or before April 22, 1992, and shall be completed on or before October 1, 1993. Complete application of the water to the use shall be made on or before October 1, 1994.

Application 71044

Water Resources Department

PERMIT 51218

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

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

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

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

Issued this date, APRIL 22, 1991.

/s/ WILLIAM H. YOUNG

Water Resources Department
William H. Young
Director

TOWNSHIP <u>33 S</u> RANGE <u>17 E</u> W. M.																SECTION <u>2</u>		
NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT. IF OTHER THAN 40 ACRES																61048 SWR-14 71044 ^{supp}	45595	

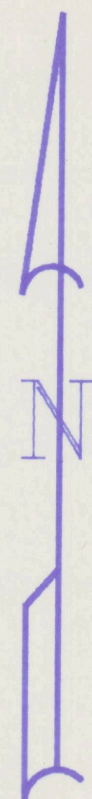
TOWNSHIP <u>33 S</u> RANGE <u>17 E</u> W. M.																SECTION <u>3</u>		
NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
LOT 1	LOT 2	LOT 3	LOT 4	LOT 1	LOT 2	LOT 3	LOT 4	LOT 1	LOT 2	LOT 3	LOT 4	LOT 1	LOT 2	LOT 3	LOT 4			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT IF OTHER THAN 40 ACRES																6085 61048 SWR-14 71044 ^{supp}	3781	8399

TOWNSHIP <u>33 S</u> RANGE <u>17 E</u> W. M.																SECTION <u>11</u>		
NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
TOTAL ACREAGE IN SUBDIVISION AS SHOWN ON GOVERNMENT PLAT																U-205 32210 61048 SWR-14 71044 ^{supp}	U-198	22838

TOWNSHIP <u>33 S</u> RANGE <u>17 E</u> W. M.																SECTION <u>10</u>		
NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT IF OTHER THAN 40 ACRES																6085 U-205 R-13805 43573 61048 SWR-14 71044 ^{supp}	3781	8399

APPLICATION NO. R-71043 & 71044
PERMIT NO. R-11369 & 51218

MAP TO ACCOMPANY APPLICATION TO APPROPRIATE
SURFACE WATER FROM WITHERS LAKE/RESERVOIR



SCALE: 1"=1320'



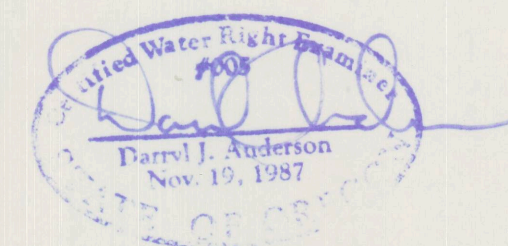
T 33 S

R 17 E

LEGEND

- SECTION LINE
- - - 1/4 SECTION LINE
- - - 1/16 SECTION LINE
- ▨ WITHERS LAKE

NOTE: PREPARATION OF THIS MAP IS FOR IDENTIFYING PROPOSED
WATER RIGHTS ONLY. IT HAS NO INTENT TO PROVIDE LOCATIONS
OR DIMENSIONS OF PROPERTY BOUNDRIES..



PREPARED FOR:

WITHERS RANCH INC.
HC 64 BOX 220
PAISLEY, OREGON 97636

PREPARED BY:

ANDERSON ENGINEERING AND SURVEYING
618 SOUTH FIRST STREET
P.O. BOX 28
LAKEVIEW, OREGON 97630
(503) 947-4407 FAX 947-2321

MARCH 1991

SHEET 1 OF 1

Application No. 71044

DEC 13 1990

WATER RESOURCES DEPT.
SALEM, OREGON

Application for a Permit to Appropriate Surface Water

Applicant(s) Alan Withers - Withers Ranch, Inc.

(Please print or type - use dark ink)

Mailing Address: 28580 Highway 31

Paisley

Oregon

97636

943 3943

City

State

Zip

Daytime Phone No.

I (We) make application for a permit to appropriate the following described waters of the State of Oregon:

1. **SOURCE OF WATER** for the proposed use: Withers Lake / Reservoir
a tributary of Summer Lake

2. **TOTAL AMOUNT OF WATER** to be applied to beneficial use: 4.6 cubic feet per second, OR gallons per minute. If water is to be used from more than one source, give the quantity of water from each:

3. **INTENDED USE(s) OF WATER:** Supplemental Irrigation

If for more than one use, give the quantity of water from each source for each use;

If for DOMESTIC use, state the number of households to be supplied;

If for MUNICIPAL OR QUASI-MUNICIPAL use, state the present population to be served, and an estimate of the future requirements; (List population projections, water needs, anticipated areas to be provided water.)

If for MINING use, state the nature (gold, silver, etc.) of the mines to be served:

If for IRRIGATION, or other land area use, state the TOTAL number of acres to be developed under each use:

Irrigation	183.6
------------	-------

Other (describe) _____

4. **DESCRIPTION OF WATER DELIVERY SYSTEM:** Include dimensions and type of construction of diversion works, length and dimensions of supply ditches or pipelines, size and type of pump and motor. If for irrigation, describe the type of system (i.e., flood, wheel line, hand line, drip, other).

Water will be released from the reservoir into Withers Creek.

Water will then follow Withers Creek and be diverted onto the irrigated areas as shown on the attached map. Once diverted from the creek the water will be transported in ditches. Please refer to Permit # 45595

5. **PROJECT SCHEDULE:** (List month and year)

Proposed date construction work will begin April 15, 1991

Proposed date construction work will be completed May 30, 1991

Proposed date water use will be completed April 30, 1991

NOTE: A map prepared by a Certified Water Right Examiner (CWRE) and a complete legal description of the subject property are required under ORS 537.140 and OAR 690 as a part of your application. The legal description may be copied from your deed, title insurance policy, or land sales contract.

6. a) In the event any deficiencies are noted involving the application map enclosed herein, please return the map with instructions for correction to (check one):

 Applicant X CWRE Other (Identify in REMARKS section)

- b) In the event any deficiencies are noted involving the application, please return the application with instructions for correction to (check one):

 Applicant X CWRE Other (Identify in REMARKS section)

7. Are all lands involved (including the proposed diversion site, place of use, and access for conveying the water) under your ownership? Yes. If not, list in the REMARKS section below, or on an attached sheet, the names and mailing addresses of the legal owners of all property involved in the proposed development.

[illegible]

Withers Ranch Inc.
by Alan G. Withers, Pres. 12-11-90
Signature of Applicant Date

Signature of Co-Applicant, if any _____ Date _____

FOR WATER RESOURCES DEPARTMENT USE ONLY

Dear Applicant:

I certify that I have examined the foregoing application, together with the accompanying information, and am returning it to you for:

In order to retain its tentative priority, this application must be returned with the requested corrections or additions on or before:

_____, 19____.

WITNESS my hand this _____ day of _____, 19____.

Water Resources Director

By: _____

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the 13th day of December, 19 90, at 8:00 o'clock, A. M.

APPLICATION NO: 71044

PERMIT NO: _____

RECEIVED

JAN - 7 1991

WM# 12

WATER AVAILABILITY REPORT-SURFACE WATER APPLICATION
WATER RESOURCES DEPT.
SALT LAKE COUNTYName of Applicant Alan Withers DBA Withers Ranch Application Number 71044
Inc.

1. To your knowledge, has the stream or basin that is the source for this application ever been regulated for prior rights?

Yes _____ No X

If yes, please explain.

2. Has the stream or basin that is the source for this application ever been regulated for minimum streamflows?

Yes _____ No X

If yes, please explain.

3. Do you observe this stream system during regular field work?

Yes _____ No X

If yes, what are your observations for the stream.

4. Based on your observations, would there be water available in the quantity and at time needed to supply the development proposed by this application.

Yes _____ No _____ Don't Know X

What would you recommend for conditions on a permit, that may be issued approving this application?

5. Any other recommendations you would like to make?

Signature B. R. Allen WM District # 12 Date 1-4-90

APPLICATION PROCESSING OUTLINE

Basin: _____

Sub-basin: _____

Fees paid: Examination fee: _____

Recording fees: _____

Total: _____

Application No. 71044
Permit No. _____

RATE AND DUTY _____ for irrigation

1. Check for minus information (OAR 590-11-020)

yes	no	
☒	☐	Name and mailing address of the applicant.
☒	☐	Source of the water.
☒	☐	Quantity of water to be appropriated.
☒	☐	Location of point of diversion to 1/4 1/4 Section.
☒	☐	Nature and place of use.
☒	☐	Name and mailing address of all legal owners of the properties involved.
☒	☐	Signature of the applicant
☒	☐	Examination fees.

If minus information not supplied, excepting legal owner information, then return to applicant with letter explaining deficiencies.

yes	no	
☒	☐	Water Resources Commission classification limits or restrictions -- If yes, note: _____
☒	☐	State Engineer's withdrawals -- If yes, note: _____
☒	☐	Legislative withdrawals -- If yes, note: _____
☒	☐	If policy statement is unclear check with Resources Management Division.
☒	☐	Scenic Waterway: _____
☒	☐	on _____ up-stream _____ w/in 1/4 mile
☒	☐	Notify Parks and Recreation Department
☒	☐	Out-of-basin diversion
☒	☐	Need to route to Geology Section due to:
☒	☐	well within one mile of a stream
☒	☐	well within restricted surface water area
☒	☐	wells with request for greater than 5 cfs
☒	☐	well is for heating &/or cooling
☒	☐	well constructed by land owner
☒	☐	well is artesian
☒	☐	artificial ground water recharge project
☒	☐	ground water area under study
☒	☐	Within Irrigation District: _____
☒	☐	Notify _____ Need excerpt from District
☒	☐	Legal description of property
☒	☐	Ownership statement
☒	☐	Other parties to Notify: _____
☒	☐	Water Resources Commission review if:
☒	☐	Request for greater than 5 cfs
☒	☐	Dam height greater than 10 feet
☒	☐	Storage of more than 9.2 acre-feet
☒	☐	Out-of-basin diversion
☒	☐	within or above a scenic waterway
☒	☐	conditional uses under basin program
☒	☐	requests for larger rate or duty than allowed
☒	☐	ground water recharge project
☒	☐	other substantial public interest issues
☒	☐	requests for review by an agency or person
☒	☐	Watermaster consent form sent with copy of draft permit
☒	☐	Watermaster comments received _____
☒	☐	Hydrographic section comments requested _____
☒	☐	Hydrographic section comments received _____
☒	☐	O.D.F.V. sent copy of application and map (except groundwater) requesting comment _____
☒	☐	O.D.F.V. comments received _____
☒	☐	Report from D.E.Q. received _____
☒	☐	Publish application information in weekly public notice.
☒	☐	Notify other owners of development
☒	☐	PROTESTED
☒	☐	filed _____
☒	☐	resolved _____

APPLICATION NO. R-71043 & 71044
PERMIT NO. R-11369 & 51218

MAP TO ACCOMPANY APPLICATION TO APPROPRIATE
SURFACE WATER FROM WITHERS LAKE/RESERVOIR



SCALE: 1"=1320'



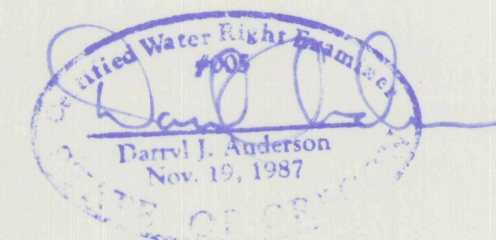
T 33 S

R 17 E

LEGEND

- SECTION LINE
- - - 1/4 SECTION LINE
- - - 1/16 SECTION LINE
- ▨ WITHERS LAKE

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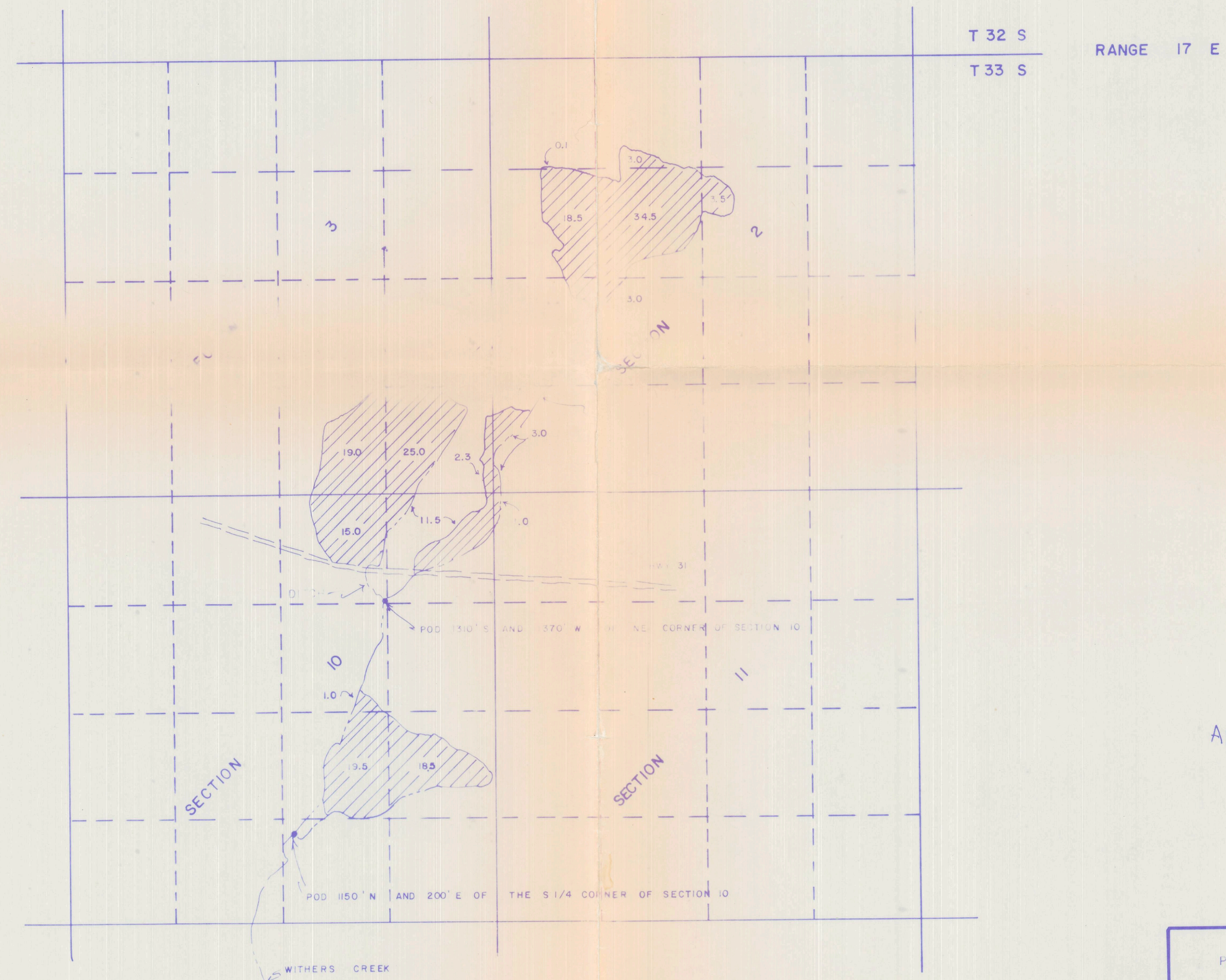
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MARCH 1991

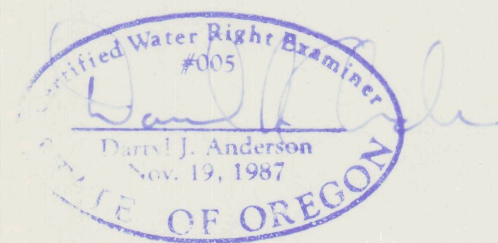
SHEET 1 OF 1

MAP TO ACCOMPANY APPLICATION TO APPROPRIATE SURFACE WATER FROM WITHERS LAKE / RESERVOIR



NOTE: PREPARATION OF MAP IS FOR IDENTIFYING
PROPOSED WATER RIGHTS ONLY

POINT OF DIVERSION FROM WITHERS LAKE / RESERVOIR
IS 1534.36' NORTH AND 20.93' WEST OF THE 1/4
CORNER COMMON TO SECTIONS 27/28
TOWNSHIP 33 SOUTH RANGE 17 EAST



LEGEND

- LANDS TO BE IRRIGATED FROM WITHERS LAKE / RESERVOIR
- PRIMARY IRRIGATION PERMIT NO. 45595
- SUPPLEMENTAL FROM WITHERS LAKE / RESERVOIR

Application No. R-71043 & 71044
Permit No.

PREPARED FOR:

WITHERS RANCH INC.
HC 64 BOX 220
PAISLEY, OREGON 97636

PREPARED BY:

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P.O. BOX 28
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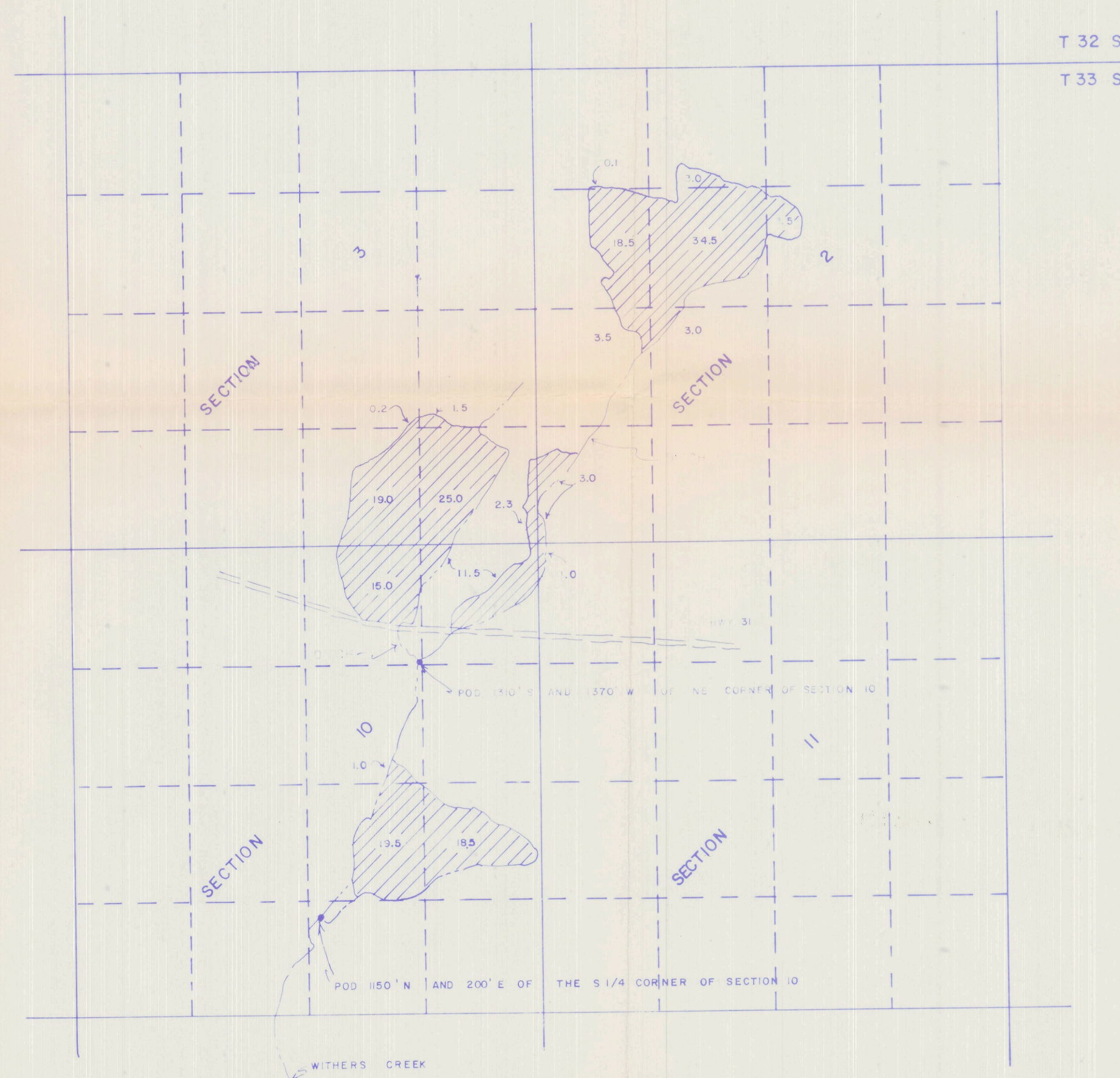
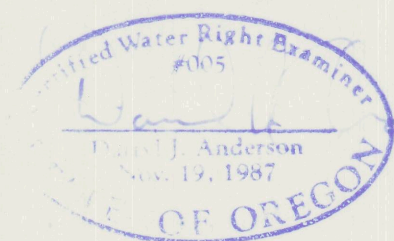
NOVEMBER 1990

SHEET 1 OF 1

MAP TO ACCOMPANY APPLICATION TO APPROPRIATE SURFACE WATER FROM WITHERS LAKE / RESERVOIR

NOTE: PREPARATION OF MAP IS FOR IDENTIFYING
PROPOSED WATER RIGHTS ONLY

POINT OF DIVERSION FROM WITHERS LAKE / RESERVOIR
IS 1534.36' NORTH AND 20.93' WEST OF THE 1/4
CORNER COMMON TO SECTIONS 2 & 10
TOWNSHIP 33 SOUTH RANGE 17 EAST



Application No. R-71043 & 71044
Permit No. R11369 & 51218

PREPARED FOR:
WITHERS RANCH INC.
RD 64 BOX 220
FAIRLEY, OREGON 97116

PREPARED BY:
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618 SOUTH FIRST STREET
LAKEVIEW, OREGON 97630 (503) 947-4407

NOVEMBER 1990

SHEET 1 OF 1

S-71044
NW FARM CREDIT SERVICES, ACA
300 KLAMTH AVENUE STE 200
KLAMATH FALLS OR 97601

S-71044
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NW FARM CREDIT SERVICES, ACA
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KLAMATH FALLS OR 97601