

ALAN WITHERS
WITHERS, GINGER
28580-HIGHWAY 31
PAISLEY, OR

42642 Hwy 31
97636 - 9704

FILE#: S 71291

Application No.

71291

Permit No.

53483

Certificate No.

Stream Index, Page No.

13

FEES PAID

Date	Amount	Receipt No.
2-14-91	200.00	71413
9-4-98	550.00	24322

Cert. Fee

FEES REFUNDED

Date	Amount	Check No.
------	--------	-----------

Date filed

Priority

Action suspended until

FPD 4/25/02

Return to applicant

Date of approval

CONSTRUCTION

Date for beginning

Date for completion

Extended to

Date for application of water

Extended to

PROSECUTION OF WORK

Form "A" filed

Form "B" filed

Form "C" filed

FINAL PROOF

Blank mailed

Proof received

Date certificate issued

ASSIGNMENTS

Date

To Whom

Address

Volume

Page

REMARKS

NO WAB

OVERSIZE IN VAULT COBU MAP 905

APPLICATION CHECK-OFF LIST

RECEIPT POSTED		
ACK LETTER SENT	<u>KB</u>	<u>2/22/91</u>
	INT	DATE
STREAM INDEXED & STREAM CODED		
CONTENTS MARKED/STAMPED		
SCENIC WATERWAY NOTED		
FILE FOLDER/CALENDAR CARD TYPED		
APPLICATION COPIED		
MAPS COPIED		



Oregon
Kate Brown, Governor

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

DATE MAILED:

NOTICE

Reference: Application S-71291 Permit S-53483

Enclosed is a proposed certificate of water right and map. The map and proposed certificate represent the extent water was used within the terms of the permit based upon Claims of Beneficial Use, prepared by a Certified Water Right Examiner, that either you or a previous permit holder submitted.

The certificate is the final step in the water right process. The Department encourages you to review these proposals. If you do not agree with the proposed certificate, Oregon Administrative Rule 690-330-010 (2) allows the permittee or landowner 60 days from the mailing date of this notice to request the Department to reconsider the contents of the proposed certificate.

If you agree with the proposed certificate, no response to this notice is required. Sometime after comment period, the recorded certificate of water right will be mailed to the permit holder of record.

If your name is not listed on the proposed certificate, and you are the current landowner, and would like to have the final certificate issued in your name, you may apply through the Department to have the permit assigned to you. If you have any questions about the assignment process, please contact Jerry Sauter at 503-986-0817.

If you have any questions please contact Gerry Clark at 503-986-0811.

Sincerely,

Dwight French
Water Right Services Administrator

STATE OF OREGON
COUNTY OF LAKE
CERTIFICATE OF WATER RIGHT

*Check
ownership
mail prop*

THIS CERTIFICATE ISSUED TO

ALAN WITHERS
GINGER WITHERS
38348 WITHERS RANCH RD
PAISLEY OR 97636

confirms the right to use the waters of HADLEY CREEK, A TRIBUTARY OF SUMMER LAKE for IRRIGATION OF 198.45 ACRES AND SUPPLEMENTAL IRRIGATION of 32.5 ACRES.

This right was perfected under Permit S-53483. The date of priority is FEBRUARY 14, 1991. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 5.87 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the point of diversion.

5.77

The period of use is March 1 through October 31.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
33 S	17 E	WM	10	SE SE	POD 1 - 1334 FEET NORTH AND 574 FEET WEST FROM SE CORNER, SECTION 10
33 S	17 E	WM	15	NE NE	POD 2 - 510 FEET SOUTH AND 353 FEET WEST FROM NE CORNER, SECTION 15
33 S	17 E	WM	15	NE SE	POD 3 - 4103 FEET SOUTH AND 868 FEET WEST FROM NE CORNER, SECTION 15

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, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

A description of the place of use is as follows:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
33 S	17 E	WM	10	SE NE	23.0 ✓
33 S	17 E	WM	10	NE SE	29.8 ✓
33 S	17 E	WM	10	SE SE	0.2 ✓
33 S	17 E	WM	11	SW SW	1.05 ✓
33 S	17 E	WM	11	SE SW	13.2 ✓
33 S	17 E	WM	11	SW SE	15.4 ✓

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and 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 within three months after issuance of the certificate.

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
33 S	17 E	WM	11	SE SE	22.8 ✓
33 S	17 E	WM	14	NE NE	21.6 ✓
33 S	17 E	WM	14	NW NE	24.1 ✓
33 S	17 E	WM	14	NE NW	28.2 ✓
33 S	17 E	WM	14	NW NW	19.1 ✓

198.45

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
33 S	17 E	WM	11	SW NW	13.6 ✓
33 S	17 E	WM	11	NW SW	17.4 ✓
33 S	17 E	WM	11	SW SW	1.5 ✓

32.5

Measurement, recording and reporting conditions:

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

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

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

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

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

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

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

Issued _____

Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

Mailing List for Certificate

Scheduled Mailing Date:

Application: S-71291

Permit: S-53483

Certificate: *****

Permit/Certificate Holder:

ALAN WITHERS
38348 WITHERS RANCH RD
PAISLEY OR 97636

Copies Mailed	
by: _____	(STAFF)
on: _____	
(DATE)	

Copies of Final Certificate to be sent to:

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

Other persons to receive copies: (include map):

1. Darryl J Anderson, CWRE, Anderson Engineering & Surveying

COBLU MAP 905

FINAL PROOF MAP - REVISED 4/21/15

FOR: APPLICATION NO. S-71291

UNDER PERMIT NO. 53483

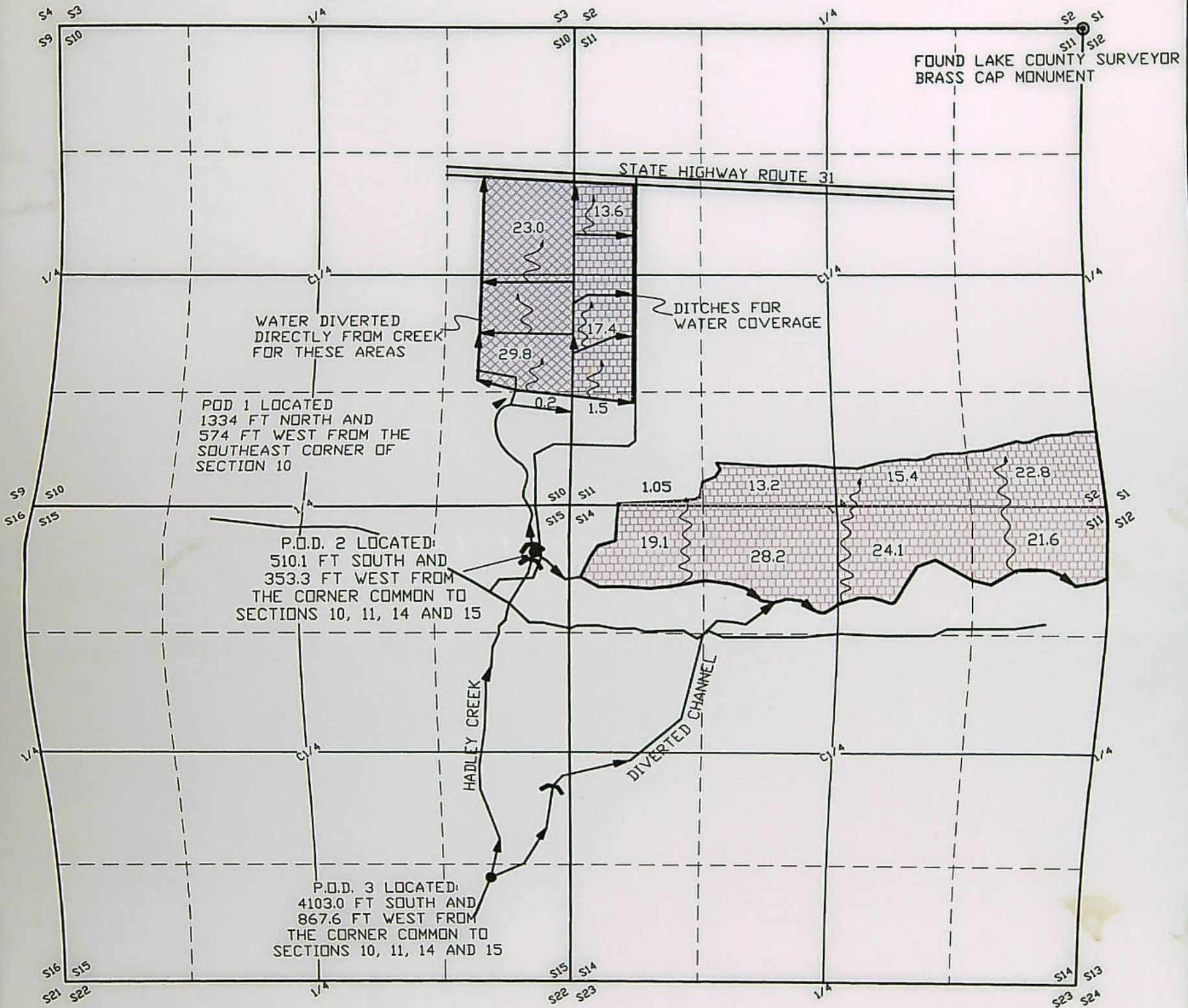
DATE OF PRIORITY: FEBRUARY 14, 1991

SOURCE OF WATER: HADLEY CREEK, A TRIBUTARY OF SUMMER LAKE

OWNER: ALAN AND GINGER WITHERS

LOCATED IN THE SECTION 10, 11 AND 14
TOWNSHIP 33 SOUTH, RANGE 17 EAST, WILLAMETTE MERIDIAN
LAKE COUNTY, OREGON

SCALE: 1"=1320'



LEGEND

- SECTION LINE
- 1/4 SECTION LINE
- 1/16 SECTION LINE

EXISTING FENCE

- LAND SURVEY MONUMENT
- POINT OF DIVERSION AS SHOWN
- EXISTING FLOW GAUGE (WEIR)



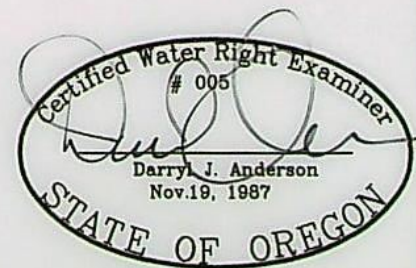
PRIMARY USAGE
198.45 ACRES IS BEING USED



SUPPLEMENTAL USAGE TO CERTIFICATE C-22838
32.5 ACRES IS BEING USED

SEE ACCOMPANYING
SITE REPORT

RECEIVED BY CARD
APR 27 2015
SALEM, OR



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

RENEWAL 12/31/15

DATE: 4/17/02
SCALE: 1"=1320'
DWG. BY: [blank]
JOB: 2001.72
FILE: 2015-029
SHEET: 1 OF 1

FINAL PROOF MAP
APPLICATION NO. S-71291
PERMIT NO. 53483

FOR:
ALAN AND GINGER WITHERS
42642 HIGHWAY 31
PAISLEY, OREGON 97638



ANDERSON ENGINEERING
AND SURVEYING, INC.
P.O. BOX 28
LAKEVIEW, OREGON 97630
(541) 947-4407 FAX: 947-2321
www.andersonengineering.com

REVISION
BY

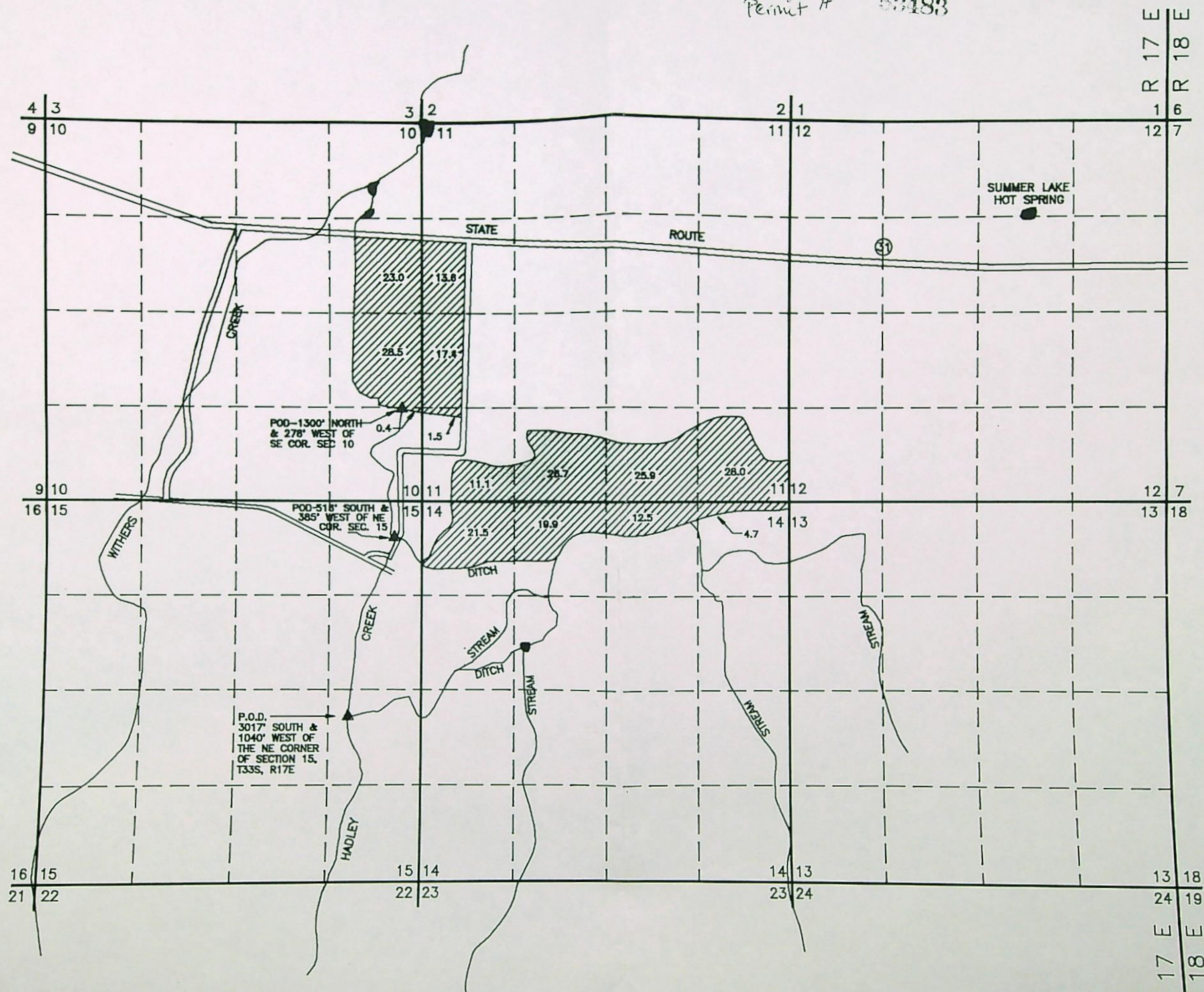
App 71291

Application # 71291
Permit # 53483

1" = 1320'

T 33 S

T 33 S



NOTE: PREPARATION OF
WATER RIGHTS OR
DIMENSIONS

FINAL PROOF MAP

FOR: APPLICATION NO. S-71291

UNDER PERMIT NO. 53483

DATE OF PRIORITY: FEBRUARY 14, 1991

SOURCE OF WATER: HADLEY CREEK, A TRIBUTARY OF SUMMER LAKE

OWNER: ALAN AND GINGER WITHERS

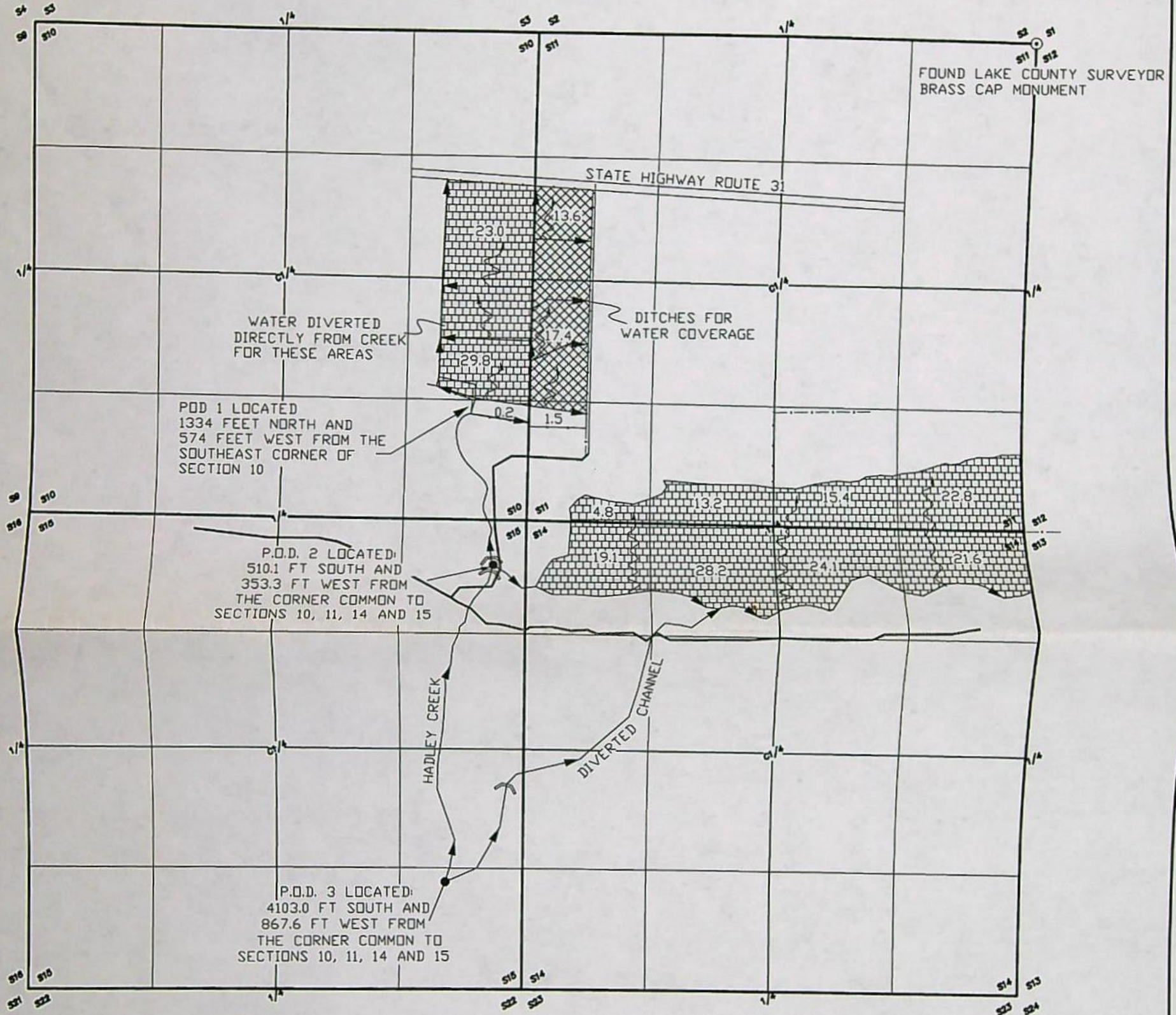
LOCATED IN THE SECTIONS 10, 11 AND 14,
TOWNSHIP 33 SOUTH, RANGE 17 EAST, WILLAMETTE MERIDIAN,
LAKE COUNTY, OREGON

RECEIVED

APR 25 2002

WATER RESOURCES DEPT.
SALEM, OREGON

SCALE: 1"=1320'



LEGEND

SECTION LINE

1/4 SECTION LINE

1/16 SECTION LINE

EXISTING FENCE

○ LAND SURVEY MONUMENT

● POINT OF DIVERSION AS SHOWN

~ EXISTING FLOW GAUGE (WEIR)



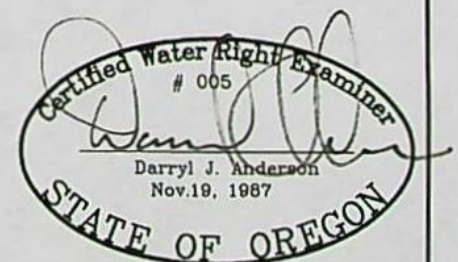
PRIMARY USAGE
202.2 ACRES IS BEING USED



SUPPLEMENTAL USAGE TO CERTIFICATE: C-22838
32.5 ACRES IS BEING USED

SEE ACCOMPANYING
SITE REPORT

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



RENEWAL 12/31/2003

PREPARED FOR:
ALAN AND GINGER WITHERS

42642 HIGHWAY 31
PAISLEY, OREGON 97630

ANDERSON ENGINEERING
AND SURVEYING, INC.

17681 HWY 395
LAKEVIEW, OREGON 97630
(541) 947-4407
FAX 947-2321

852 SW 15TH STREET
REDMOND, OREGON 97756
(541) 923-4307
FAX 923-4308

DATE: APRIL 17, 2002
SCALE: 1"=1320'
JOB: WITHERS F.P.
DWG. BY:
FILE: 2001.72
SHEET 1 OF 1

REVISION
BY

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

Application # <u>571291</u>	Permit # <u>553483</u>	Transfer #
WRD Reviewer <u>C. Holmes</u>	Date <u>2/19/15</u>	
WRD Peer Reviewer	Date	

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.com. Add to Mailing List, including the original Place of Use and original Certificate of Ownership & Address with County Assessor. If there is a new owner, Add to Mailing List, including the original Place of Use and original Certificate of Ownership & lot number
- ☒ Print Platcard & check for Platcard. If "Yes", provide cc _____
- ☒ Print BLM Cadastral Survey
- ☒ Does Claim Map identify correct boundary? If "No", either _____

Reviewing Claim

Have conditions on relevant permit been met? OR N/A

- N/A Fish Conditions
- YES Meter/measuring device - 45
- YES Water Use Reporting 6.25
- N/A Pump Test (post December 1, 2000)
- N/A Other Conditions
- N/A SWL -
- YES C-Date OCT 1, 2000

☒ Run Capacity Calculator: Attached: File (appropriate) GH CAL.

NOTES:

MAP: 32.5 SUPP 1 RP

Supp for Cert 22838 -

* Note in file to

wm for an app

File does not have any documentation from wm.

Letter letting them know they are claiming 3.75 acres more as primary than they were permitted for (some how explain because it looks like they are taking the 3.75 supplemental acres - changing it to primary they can not do this). We need them to provide us w/a modified map reflecting only the 198.45 acres primary they were permitted for). Because the foot print has changed so much we can not make a correct determination where to exclude the 3.75 acres.

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

Application # <u>571291</u>	Permit # <u>553483</u>	Transfer #
WRD Reviewer <u>C. Holmes</u>	Date <u>2/19/15</u>	
WRD Peer Reviewer	Date	

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
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
YES Meter/measuring device - SHAW
YES Water Use Reporting SHAW
N/A Pump Test (post December 19, 1988)
N/A Other Conditions _____
N/A SWL -
YES C-Date OCT 1, 2003

"A" 10/28/1999
 "C" ~~10/1/2003~~
 1999 - 2005 / 2008 - 2013

1RR 198.45
 Supp 36.25

☒ Run Capacity Calculator and Print Findings (for pump, sprinklers, pipes, ditches, as appropriate)
 Attached: FLOOD IRRIGATE: GERRY HELDEN W/ ROUGH CAL.

NOTES:

MAP: 32.5 SUPP 1RR 202.2 1RR PERMITTED FOR 198.45 1RR
Supp for Cert 22838 - YES 36.25 SUPP

* Note in file to WITHERS States need documentation from
wm for an approved "other suitable measuring device"
File does not have any documentation from wm.

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):

LIMIT PRIMARY TO 198.45 ACRES

CONFIRM PER CDBU SUPPLEMENTAL TO 32.5 ACRES

☐ 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:

4.30.15: Revised map indicates a portion that should be Supplemental as primary & vice versa. See reference maps of original final proof survey map

CLAIM OF BENEFICIAL USE AND SITE REPORT
FOR APPLICATION NO. S-71291
PERMIT NO. 53483 POINT OF DIVERSION & PLACE OF USE
LOCATED IN SECTIONS 10, 11 AND 14
TOWNSHIP 33 SOUTH, RANGE 17 EAST, W.M.
IN LAKE COUNTY, OREGON

GENERAL INFORMATION

Permit/Certificate Holder:

Alan and Ginger Withers
Withers Ranch Inc.
42642 Highway 31
Paisley, Oregon 97636
Water Right Application: S-71291
Water Right Permit: 53483

WATER SOURCE

Surface Water from Hadley Creek, a tributary of Summer Lake.

LOCATION OF AREA THAT WATER IS BEING BENEFICIALLY USED

234.7 Acres located in the East ½ of the East ½ of Section 10, West ½ of the West ½, and the South ½ of the South ½ of Section 11, and in the North ½ of the North ½ of Section 14, all being in Township 33 South, Range 17 East of the Willamette Meridian, Lake County, Oregon.

POINTS OF DIVERSION (POD)

POD No. 1 is situated in the Northeast ¼ of the Southeast ¼, Section 10, Township 33 South, Range 17 East, W.M.; 1,334' North and 574' West from the Southeast Corner of said Section 10. POD No. 2 is situated in the Northeast ¼ of the Northeast ¼, Section 15, Township 33 South, Range 17 East, W.M.; 510' South and 353' West from the Northeast Corner of said Section 15. POD No. 3 is situated in the Southeast ¼ of the Southeast ¼, Section 15, Township 33 South, Range 17 East, W.M.; 4103' South and 868' West from the Northeast Corner of said Section 15.

USE OF WATER

Use of water is for irrigation of crops (alfalfa, hay). Applicant is irrigating a total of 234.7 acres, (as shown on the accompanying Final Proof Map). Applicant is using approximately 5.8 C.F.S. (see attached: Calculation Sheet of Mannings Equations for the open channel flows). The configuration of the place of use, and points of diversions are noted on the accompanying Final Proof Map.

DESCRIPTION OF WATER DELIVERY SYSTEM

Water is diverted from Hadley Creek as shown on the accompanying Final Proof Map. Water is transported (under the force of gravity) by existing ditches varying in dimension from 2' to 3' wide by 1' to 2' deep. Flows are controlled by weirs and other diversion structures placed in the ditches at strategic locations as shown on the accompanying Final Proof Map and Photographs. The ditches are routed across the high sides of the fields. Water is then let out of the ditches to flood irrigate the noted areas.

RECEIVED

APR 25 2002

WATER RESOURCES DEPT.
SALEM, OREGON

FINAL PROOF SURVEY REPORT FOR APPLICATION NO. S-71291 PERMIT NO. 53483
PAGE 2

SURVEY TIE

Section lines were determined from a Lake County Surveyor Brass Disk Survey Monument marking the Northeast corner of Section 11, Township 33 South, Range 17 East, Willamette Meridian, Lake County, Oregon, as noted on the accompanying Final Proof Map.

PICTURES

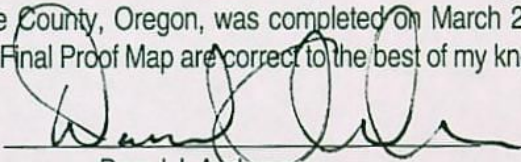
Attached pictures show the Points of Diversion, Irrigated Fields, Ditches and weirs and related work.

CERTIFICATION

The final proof survey and inspection of the use as found to be completed under the terms and conditions of Water Right Application S-71291, Permit 53483 situated in Sections 10, 11 and 14 being in Township 33 South, Range 17 East, Willamette Meridian, Lake County, Oregon, was completed on March 20, 2002 and the facts contained in this report and accompanying Final Proof Map are correct to the best of my knowledge.

Date

4/15/2002

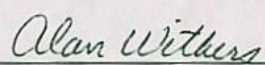

Darryl J. Anderson

Certified Water Right Examiner No. 005

We, Alan & Ginger Withers, agree to the findings of the CWRE and do submit this site report and map as my claim of beneficial use of the water as provided under the terms and conditions of Water Right Application S-71291, Permit No. 53483.

Date

04-19-02


Alan Withers

Date

04-19-02


Ginger Withers

RECEIVED

APR 25 2002

WATER RESOURCES DEPT.
SALEM, OREGON

STATE OF OREGON

COUNTY OF LAKE

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ALAN AND GINGER WITHERS
28580 HWY 31
PAISLEY, OREGON 97636

(541) 943-3943

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: S-71291

SOURCE OF WATER: HADLEY CREEK, A TRIBUTARY OF SUMMER LAKE

PURPOSE OR USE: IRRIGATION OF 198.45 ACRES AND SUPPLEMENTAL IRRIGATION OF 36.25 ACRES

MAXIMUM RATE ALLOWED: 5.87 CUBIC FEET PER SECOND

→ 202.2

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: FEBRUARY 14, 1991

POINT OF DIVERSION (POD) LOCATIONS: SE 1/4 SE 1/4, SECTION 10, NE 1/4 NE 1/4, NE 1/4 SE 1/4, SECTION 15, T33S, R17E, W.M.; POD 1 - 1300 FEET NORTH AND 278 FEET WEST FROM THE SE CORNER OF SECTION 10; POD 2 - 518 FEET SOUTH AND 385 FEET WEST, POD 3 - 3017 FEET SOUTH AND 1040 FEET WEST, BOTH FROM THE NE CORNER OF SECTION 15

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-FORTIETH 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.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

	PRIMARY	SUPPLEMENTAL
SE 1/4 NE 1/4	23.0 ACRES	
NE 1/4 SE 1/4	28.5 ACRES	29.8
SE 1/4 SE 1/4	0.4 ACRES	0.2
SECTION 10		
SW 1/4 NW 1/4		13.6 ACRES
NW 1/4 SW 1/4		17.4 ACRES
SW 1/4 SW 1/4	11.1 ACRES	1.5 ACRES
SE 1/4 SW 1/4	22.95 ACRES	3.75 ACRES
SW 1/4 SE 1/4	25.9 ACRES	
SE 1/4 SE 1/4	28.0 ACRES	
SECTION 11		

Application S-71291 Water Resources Department

PERMIT 53483

These added together =
App map shows 26.7

NE 1/4 NE 1/4 4.7 ACRES
 NW 1/4 NE 1/4 12.5 ACRES
 NE 1/4 NW 1/4 19.9 ACRES
 NW 1/4 NW 1/4 21.5 ACRES

SECTION 14

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

21.6
 24.1
 28.2
 19.1
 } 93.0

Measurement, recording and reporting conditions:

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

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

STANDARD CONDITIONS

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

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

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

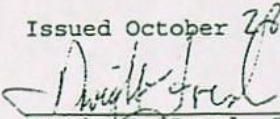
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

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

Actual construction work shall begin by October 29, 1999. Complete application of water to the use shall be made on or before October 1, 2003. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued October 28, 1998


Martha O. Pagel, Director
Water Resources Department

Application S-71291 Water Resources Department
Basin 13 Volume 2, Summer Lake

PERMIT 53483
District 12

STATE OF OREGON

COUNTY OF LAKE

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ALAN AND GINGER WITHERS
28580 HWY 31
PAISLEY, OREGON 97636

(541) 943-3943

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: S-71291

SOURCE OF WATER: HADLEY CREEK, A TRIBUTARY OF SUMMER LAKE

PURPOSE OR USE: IRRIGATION OF 198.45 ACRES AND SUPPLEMENTAL IRRIGATION OF 36.25 ACRES

less 32.5 ACRES

MAXIMUM RATE ALLOWED: 5.87 CUBIC FEET PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: FEBRUARY 14, 1991

POINT OF DIVERSION (POD) LOCATIONS: SE 1/4 SE 1/4, SECTION 10, NE 1/4 NE 1/4, NE 1/4 SE 1/4, SECTION 15, T33S, R17E, W.M.; POD 1 - 1300 FEET NORTH AND 278 FEET WEST FROM THE SE CORNER OF SECTION 10; POD 2 - 518 FEET SOUTH AND 385 FEET WEST, POD 3 - 3017 FEET SOUTH AND 1040 FEET WEST, BOTH FROM THE NE CORNER OF SECTION 15

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-FORTIETH 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.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
SE 1/4 NE 1/4	23.0 ACRES	
NE 1/4 SE 1/4	28.5 ACRES	
SE 1/4 SE 1/4	0.4 ACRE	
SECTION 10		
SW 1/4 NW 1/4		13.6 ACRES
NW 1/4 SW 1/4		17.4 ACRES
SW 1/4 SW 1/4	11.1 ACRES	1.5 ACRES
<u>SE 1/4 SW 1/4</u>	22.95 ACRES	<u>3.75 ACRES</u>
SW 1/4 SE 1/4	25.9 ACRES	
SE 1/4 SE 1/4	28.0 ACRES	
SECTION 11		

NE 1/4 NE 1/4 4.7 ACRES
 NW 1/4 NE 1/4 12.5 ACRES
 NE 1/4 NW 1/4 19.9 ACRES
 NW 1/4 NW 1/4 21.5 ACRES

SECTION 14

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

Measurement, recording and reporting conditions:

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

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

STANDARD CONDITIONS

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

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

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

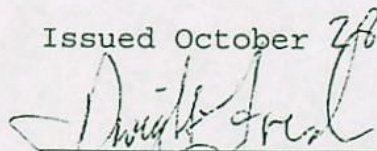
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

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

Actual construction work shall begin by October 28, 1999. Complete application of water to the use shall be made on or before October 1, 2003. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued October 28, 1998



Martha O. Pagel, Director
Water Resources Department

Ditch Capacity Calculator

using Manning's Formula

Data Entry (fill in underlined blanks)

Top Width = 2 feet
Bottom Width = 2 feet
Depth = 1 feet
Fall = 1 per 1000 feet of distance
Grade = 0.001, or 0.1%
Roughness Coefficient (n) = 0.025

Results calculated

Area of cross-section = 2 square feet
Wetted Perimeter = 4 feet
Hydraulic Radius = 0.5
Velocity = 1.184 feet per second

Calculated Ditch Capacity = 2.4 cubic feet per second

Type of Conduit and Description	Roughness Coefficient	
	Min.	Max
Pipe		
Cast Iron, Coated	0.01	0.014
Cast Iron, Uncoated	0.011	0.015
Wrought Iron, Galvanized	0.013	0.017
Wrought Iron, Black	0.012	0.015
Steel, Riveted and Spiral	0.013	0.017
Corrugated	0.021	0.0255
Wood Stave	0.01	0.014
Neat Cement Surface	0.01	0.013
Concrete	0.01	0.017
Vitrified Sewer Pipe	0.01	0.017
Clay, Common Drainage Tile	0.011	0.017
Lined Channels		
Metal, Smooth Semicircular	0.011	0.015
Metal, Corrugated	0.0228	0.0244
Wood, Planed	0.01	0.015
Wood, Unplaned	0.011	0.015
Neat Cement-Lined	0.01	0.013
Concrete	0.012	0.018
Cement Rubble	0.017	0.03
Vegetated, Small Channels, Shallow Depths		
Bermuda Grass; Long - 13", Green	0.042	
Bermuda Grass; Long - 13", Dormant	0.035	
Bermuda Grass; Short - 3", Green	0.034	
Bermuda Grass; Short - 3", Dormant	0.034	
Unlined Channels		
Earth; Straight and Uniform	0.017	0.025
Dredged	0.025	0.033
Winding and Sluggish	0.0225	0.03
Stoney Bed, Weeds on Bank	0.025	0.04
Earth Bottom, Rubble Sides	0.028	0.035
Rock Cuts; Smooth and Uniform	0.025	0.035
Rock Cuts; Jagged and Irregular	0.035	0.045

HOLMES Codi N

From: MAYER Brian M
Sent: Friday, February 20, 2015 10:55 AM
To: HOLMES Codi N
Subject: RE: S-71291 Withers- CoBU

Codi from the pictures they look fine. Look like contracted rectangular weirs. I either have ratings for them or can develop one for them.

From: HOLMES Codi N
Sent: Friday, February 20, 2015 10:47
To: MAYER Brian M
Subject: S-71291 Withers- CoBU

Hey Brian,

I'm working on claims of beneficial use. I'm currently working on S-71291, Permit S-53488 for Alan Withers. He permit states to install a meter or 'other suitable measuring device' as approved by the watermaster. Are the weirs installed suitable measuring devices for this permit? I have included a copy of the claim including pictures.

Thanks,

Codi Holmes

Natural Resource Specialist 1
Oregon Water Resources Dept
725 Summer St NE, Suite A
Salem, OR 97301
503-986-0807

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

LCATDWC - 2013-03-12 13:41



33S17E

Water Rights Platcard Report

Meridian: Township: Range: Section: Records per Page: [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 Claim:SW 94 *		3/20/1878	DOMESTIC																					*
Additional Info: CHARLES WITHERS Claim: SW94				nc																				
Select Permit: S 53483 *		2/14/1991	IRRIGATION								23									28.5			0.4	
Additional Info: ALAN WITHERS App: S71291 Permit: S53483				working																				
Select Claim:SW 94 *		3/20/1878	IRRIGATION								1.4		2.32	25.6			34.6	19.4						
Additional Info: CHARLES WITHERS Claim: SW94				nc																				
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				NORTH OF Hwy nc																				
Select App: P 78911 *		12/27/1994	LIVESTOCK					*								*		*						
Additional Info: WITHERS RANCH INC. App: P78911				nc																				
Select Claim:SW 94 *		3/20/1878	LIVESTOCK																					*
Additional Info: CHARLES WITHERS Claim: SW94				nc																				
Select Cert:82694 OR *		12/4/1980	LIVESTOCK					*	*	*	*								*	*				
Additional Info: App: S61048 Permit: S45595 Cert: 82694				nc nc																				
Select Permit: S 51218 *		12/13/1990	SUPPLEMENTAL IRRIGATION (Suppl'mtl)					11.5	15	1									18.5	19.5				
Additional Info: ALAN WITHERS				nc																				

Check
82694
P. 51218

App: S71044 Permit: S51218																			
<u>Select</u>	Cert:8399 OR *	4/25/1919	SUPPLEMENTAL IRRIGATION (Suppl'mtl)					40				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						

Meridian: Township: Range: Section: Records per Page:

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	Unknow QQ
Select Permit: S 53483 *		2/14/1991	IRRIGATION															11.1	22.95				25.9	28
Additional Info: ALAN WITHERS App: S71291 Permit: S53483				working																				
Select Cert:22838 OR *		8/21/1946	IRRIGATION											33.5	15.2	40	40	15	16.3					
Additional Info: JOHN V WITHERS App: U205 Permit: U198 Cert: 22838				related/primary																				
Select Cert:38460 OR *		3/24/1958	IRRIGATION							14.7										0.1	33.2			
Additional Info: JOHN M MURPHY App: S32210 Permit: S25415 Cert: 38460				nc																				
Select Cert:82694 OR *		12/4/1980	IRRIGATION									8.2												
Additional Info: App: S61048 Permit: S45595 Cert: 82694				nc																				
Select Cert:82694 OR *		12/4/1980	LIVESTOCK									*												
Additional Info: App: S61048 Permit: S45595 Cert: 82694				nc																				
Select Permit: S 51218 *		12/13/1990	SUPPLEMENTAL IRRIGATION (Suppl'mtl)									1												
Additional Info: ALAN WITHERS App: S71044 Permit: S51218				nc																				
Select Permit: S 53483 *		2/14/1991	SUPPLEMENTAL IRRIGATION (Suppl'mtl)											13.6			17.4	1.5	3.75					
Additional Info:				working																				

ALAN WITHERS App: S71291 Permit: S53483											
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: Township: Range: Section: Records per Page:

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

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	Unkown QQ
Select Permit: S 53483 *		2/14/1991	IRRIGATION				4.7	12.5			19.9	21.5											
Additional Info: ALAN WITHERS App: S71291 Permit: S53483							WORKING																
Select App: P 78910 *		12/27/1994	LIVESTOCK					*															
Additional Info: ALAN G WITHERS App: P78910							nc																
Select Cert:38101 OR *		5/27/1966	LIVESTOCK											*									
Additional Info: JOHN V WITHERS App: R42270 Permit: R4791 Cert: 38101							nc																
Select Cert:38102 OR *		5/27/1966	LIVESTOCK											*									
Additional Info: JOHN V WITHERS App: R42269 Permit: R4814 Cert: 38102							nc																
Select Cert:38103 OR *		5/27/1966	LIVESTOCK				*																
Additional Info: JOHN V WITHERS App: R42271 Permit: R4815 Cert: 38103							nc																

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)

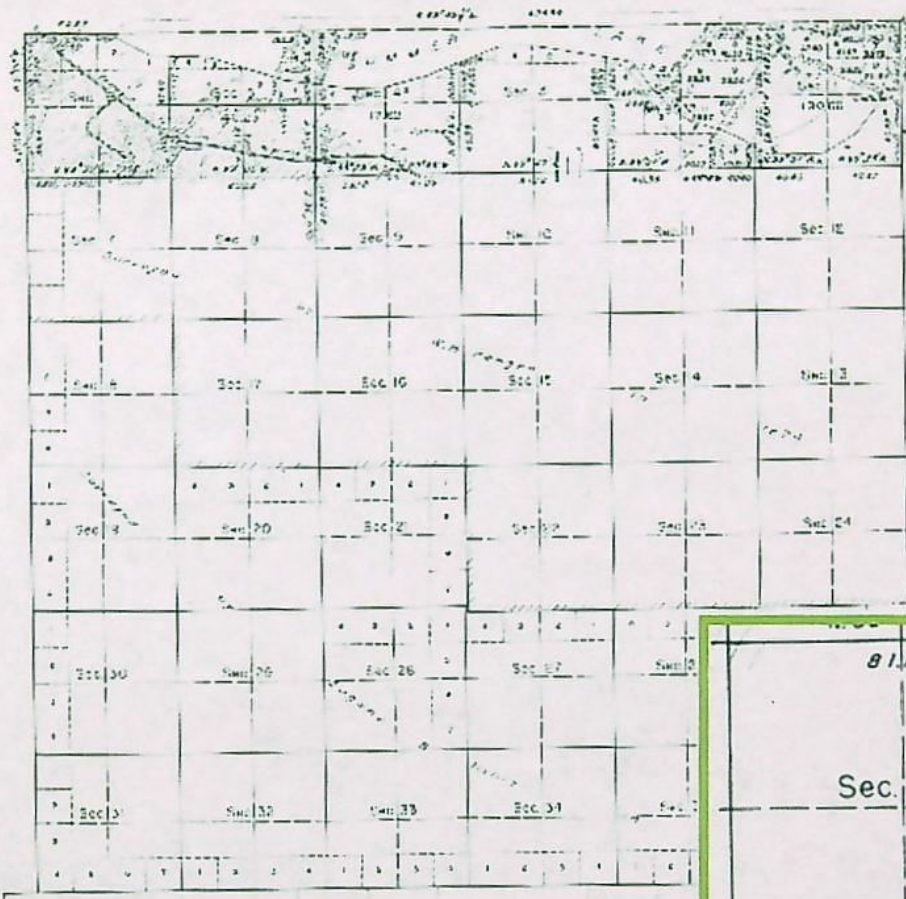
[12.25] Acreage has been suspended

* Acreage is not specified

2/20/2015

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

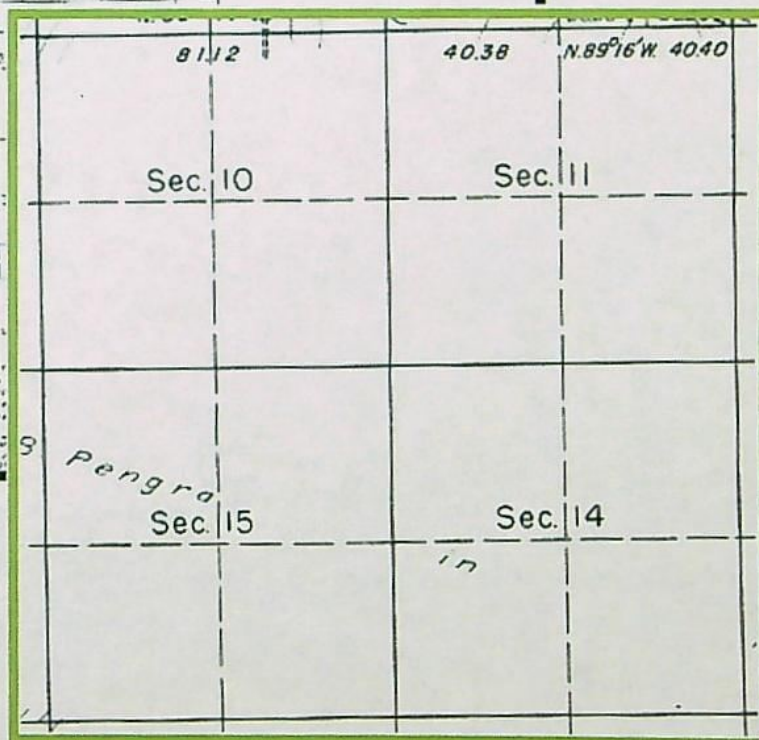
DEPENDENT RESURVEY OF LANDS BORDERING SUMNER LAKE AND
PROJECTION OF AREAS IN THE LAKE BED.



THIS PLAT REPRESENTS A
DEPENDENT RESURVEY OF THE
LANDS BORDERING SUMNER
LAKE AND THE PROJECTION
OF AREAS IN THE LAKE BED
IN THE TOWNSHIP N° 33 SOUTH
RANGE N° 17 EAST OF THE
WILLAMETTE MERIDIAN. THE
PLAT WAS MADE BY THE
SPECIAL AGENT IN CHARGE
OF THE LANDS OFFICE
AT PORTLAND, OREGON, IN
1940.

NAME OF LANDOWNER	ACRES	DATE OF SURVEY	DATE OF PLAT
WILLIAM H. HARRIS	10.00	JANUARY 22, 1941	AUG 1, 1941
WILLIAM H. HARRIS	10.00	JANUARY 22, 1941	AUG 1, 1941
WILLIAM H. HARRIS	10.00	JANUARY 22, 1941	AUG 1, 1941
WILLIAM H. HARRIS	10.00	JANUARY 22, 1941	AUG 1, 1941
WILLIAM H. HARRIS	10.00	JANUARY 22, 1941	AUG 1, 1941
WILLIAM H. HARRIS	10.00	JANUARY 22, 1941	AUG 1, 1941
WILLIAM H. HARRIS	10.00	JANUARY 22, 1941	AUG 1, 1941
WILLIAM H. HARRIS	10.00	JANUARY 22, 1941	AUG 1, 1941
WILLIAM H. HARRIS	10.00	JANUARY 22, 1941	AUG 1, 1941
WILLIAM H. HARRIS	10.00	JANUARY 22, 1941	AUG 1, 1941

THIS PLAT IS A
DEPENDENT RESURVEY
OF THE LANDS
BORDERING SUMNER
LAKE AND THE
PROJECTION OF
AREAS IN THE
LAKE BED.

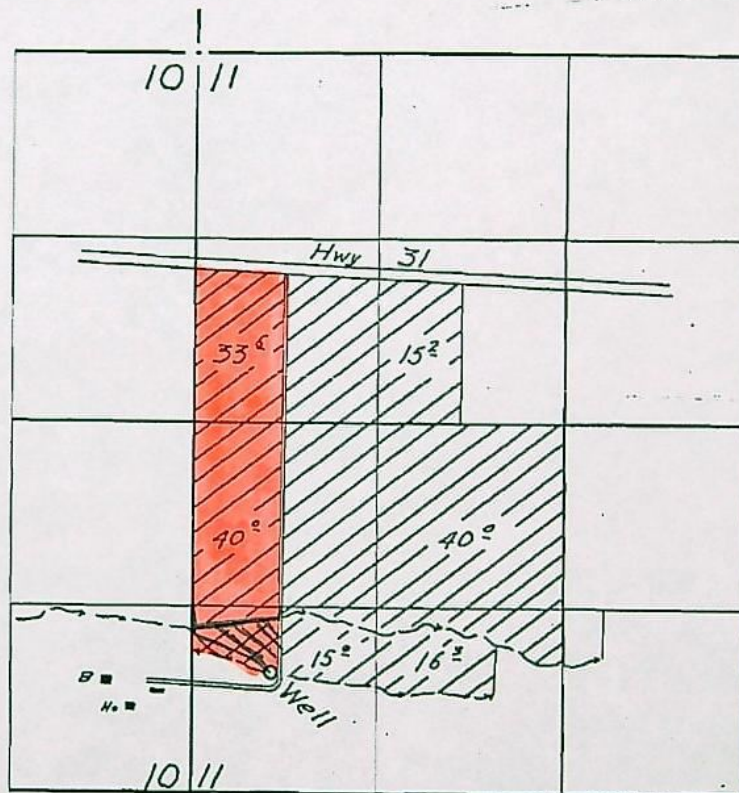


U-205
198
22838

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

Supp

≈ 41%
≈ 43%



FINAL PROOF SURVEY
UNDER

Application No. U-205... Permit No. U-198...
IN NAME OF

JOHN V. WITHERS

Surveyed 8 October 1955, by Robert H. King

CHZ - 59K-84

STATE OF OREGON
COUNTY OF LAKE
CERTIFICATE OF WATER RIGHT

This Is to Certify, That JOHN V. WITHERS

of Paisley, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of a well

a tributary of irrigation for the purpose of

under Permit No. U-198 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from August 21, 1946

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 2.0 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 11, Township 33 South, Range 17 East, W. M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-fortieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 4 acre feet per acre for each acre irrigated during the irrigation season of each year,

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

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

33.5 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$
15.2 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$
40.0 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$
40.0 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$
15.0 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$
16.3 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$

Section 11
Township 33 South, Range 17 East, W. M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this 12th day of July, 19 57.

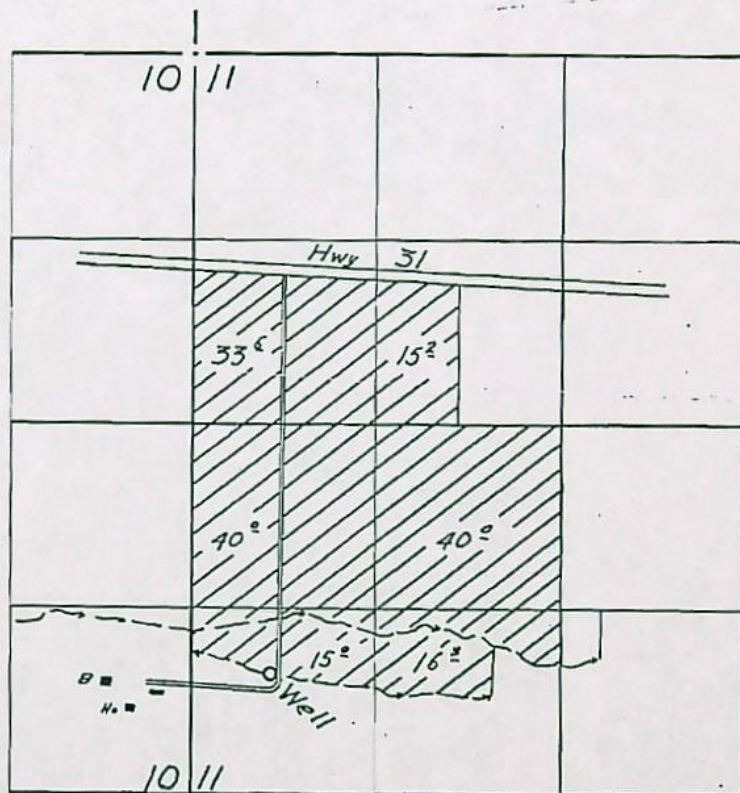
LEWIS A. STANLEY

State Engineer

Recorded in State Record of Water Right Certificates, Volume 16, page 22838.

U-205
198
22838

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



FINAL PROOF SURVEY

UNDER

Application No. U-205.... Permit No. U-198....
IN NAME OF

JOHN V. WITHERS

Surveyed 8 October 1955, by *Robert H. Reed*

CHZ - 59K-84 ✓

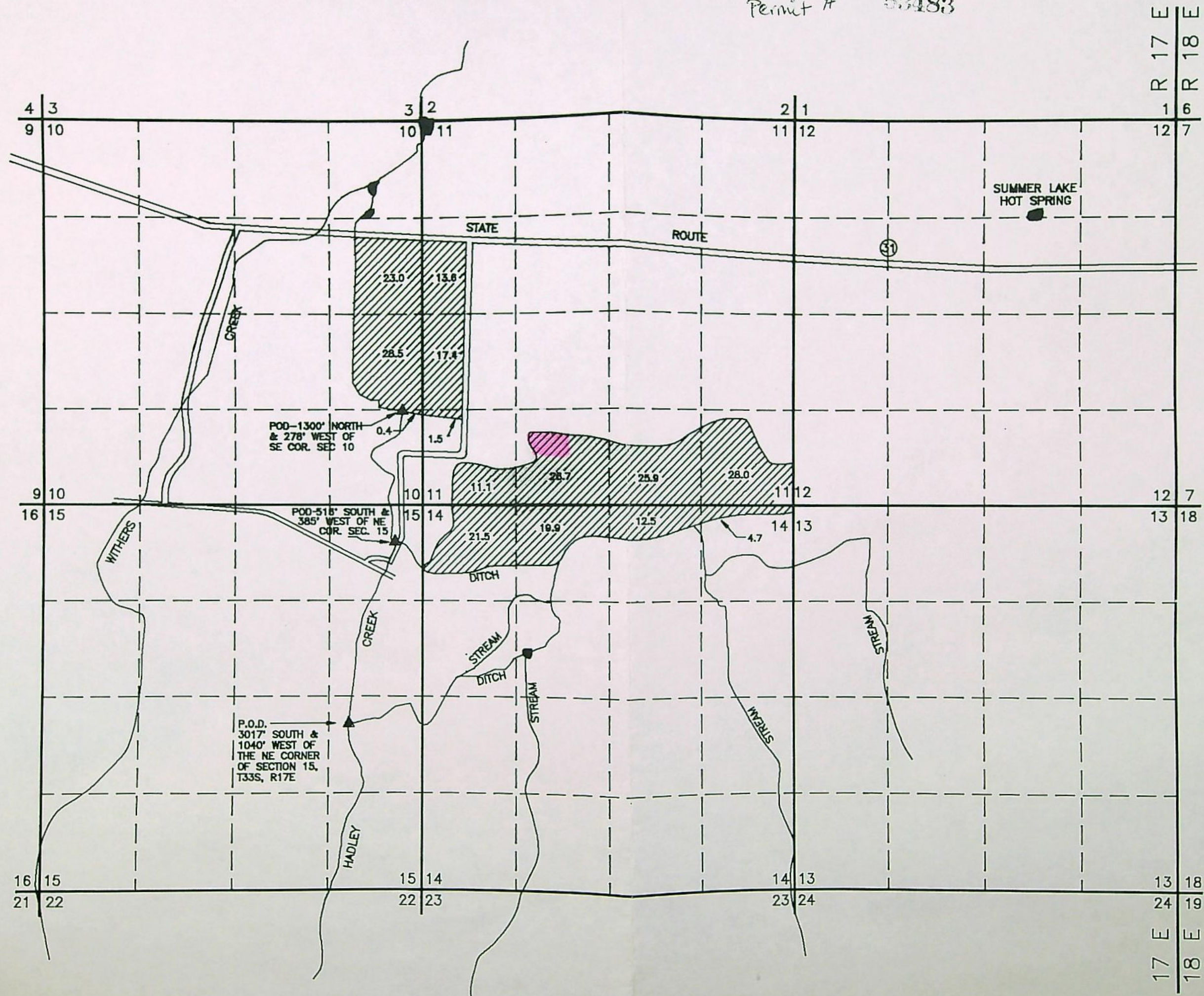
App 71291

Application # 71291
Permit # 53483

1"=1320'

T 33 S

T 33 S



LE(

NOTE: PREPARATION OF
WATER RIGHTS ON
OR DIMENSIONS C

FINAL PROOF MAP

FOR: APPLICATION NO. S-71291

UNDER PERMIT NO. 53483

DATE OF PRIORITY: FEBRUARY 14, 1991

SOURCE OF WATER: HADLEY CREEK, A TRIBUTARY OF SUMMER LAKE

OWNER: ALAN AND GINGER WITHERS

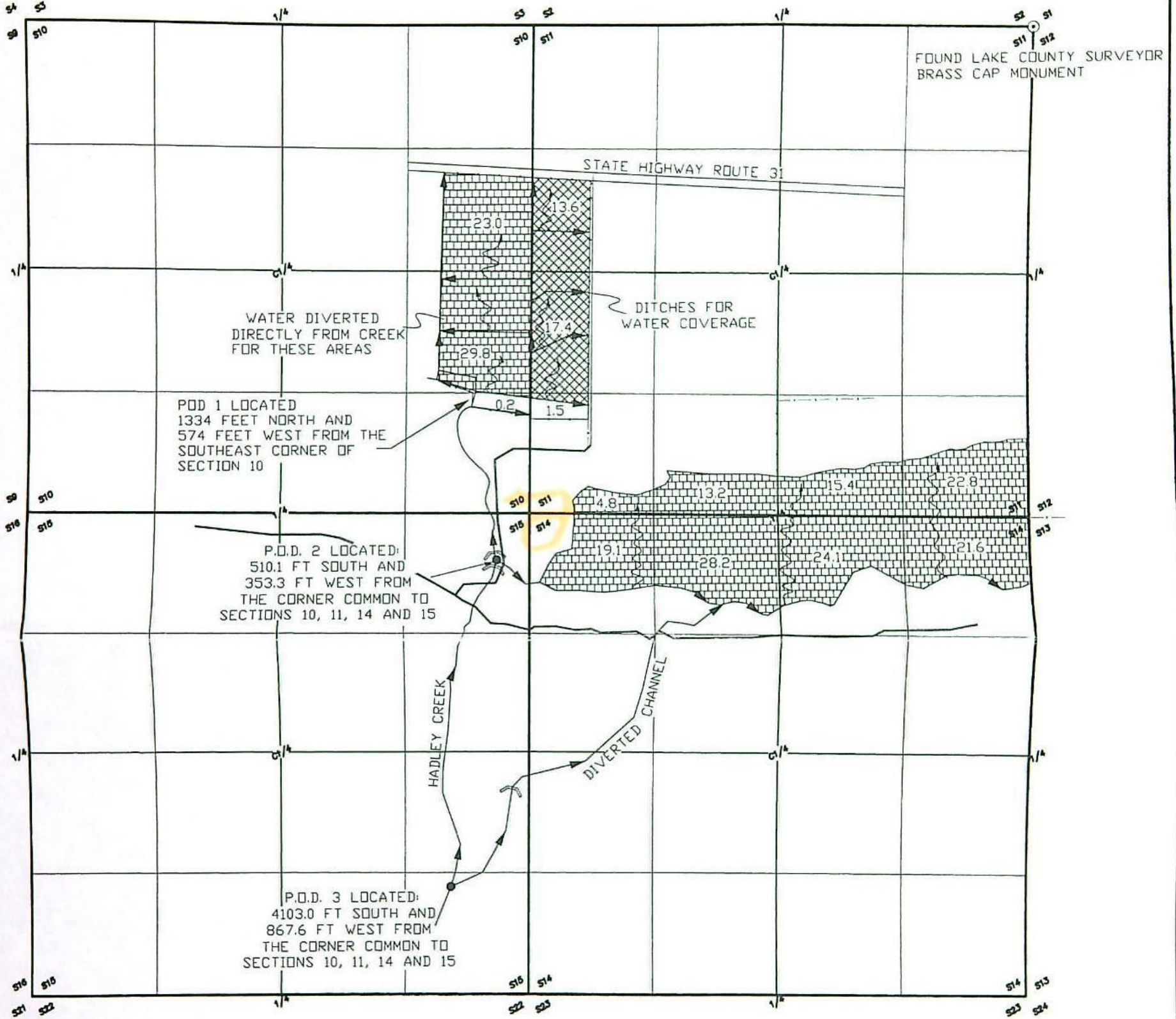
RECEIVED

APR 25 2002

WATER RESOURCES DEPT
SALEM, OREGON

LOCATED IN THE SECTIONS 10, 11 AND 14,
TOWNSHIP 33 SOUTH, RANGE 17 EAST, WILLAMETTE MERIDIAN,
LAKE COUNTY, OREGON

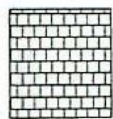
SCALE: 1"=1320'



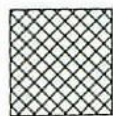
LEGEND

- SECTION LINE
- 1/4 SECTION LINE
- 1/16 SECTION LINE
- EXISTING FENCE

- LAND SURVEY MONUMENT
- POINT OF DIVERSION AS SHOWN
- EXISTING FLOW GAUGE (WEIR)

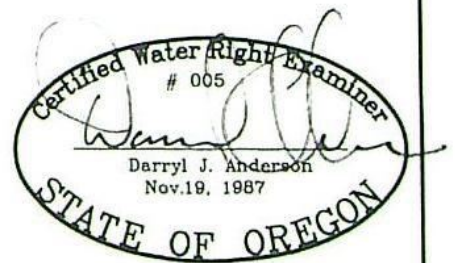


PRIMARY USAGE
202.2 ACRES IS BEING USED



SUPPLEMENTAL USAGE TO CERTIFICATE: C-22838
32.5 ACRES IS BEING USED

SEE ACCOMPANYING
SITE REPORT



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

RENEWAL 12/31/2003

PREPARED FOR:
ALAN AND GINGER WITHERS

42642 HIGHWAY 31
PAISLEY, OREGON 97630

ANDERSON ENGINEERING
AND SURVEYING, INC.

17681 HWY 395 852 SW 15TH STREET
LAKEVIEW, OREGON 97630 REDMOND, OREGON 97756
(541) 947-4407 (541) 923-4307
FAX 947-2321 FAX 923-4308

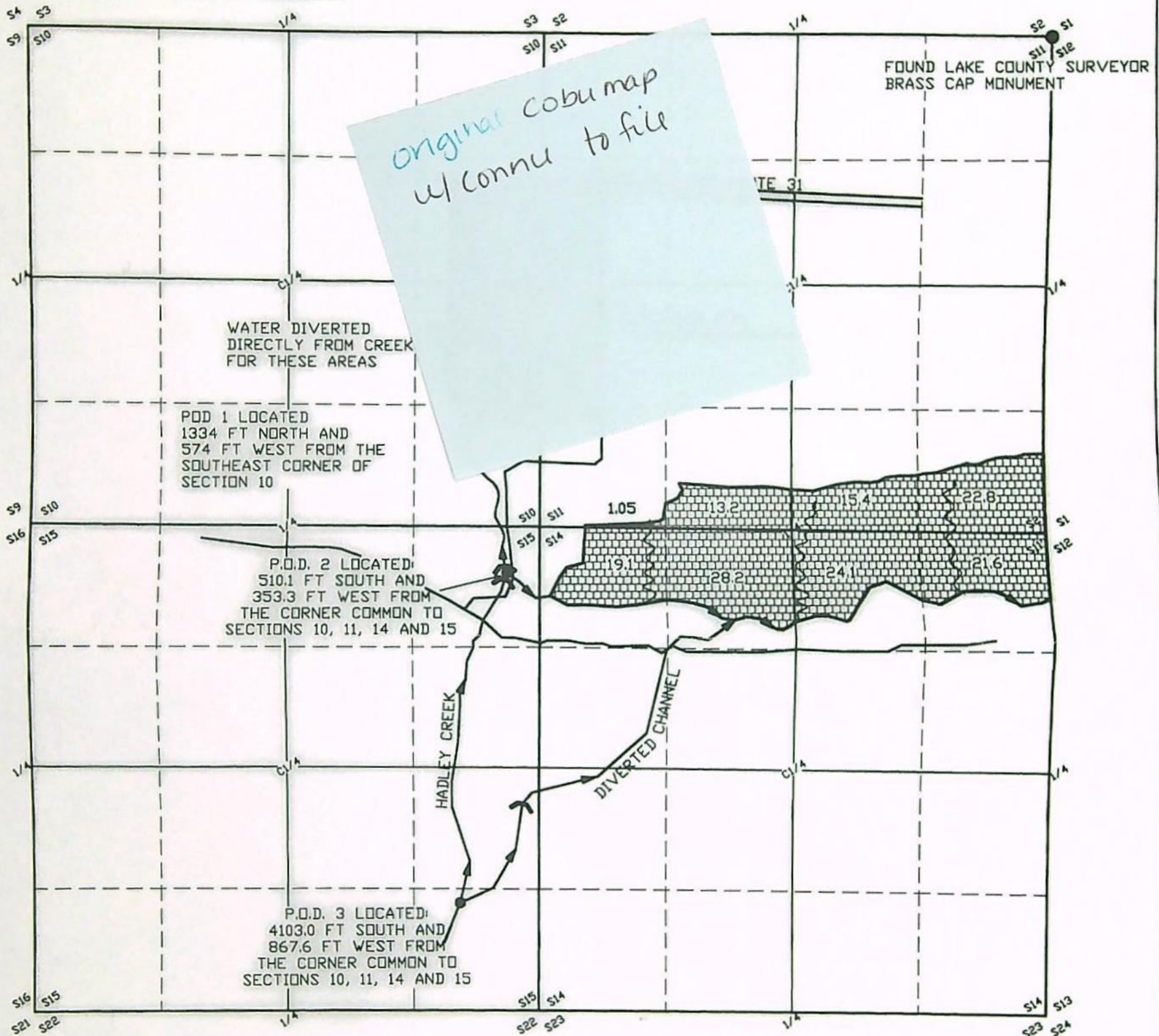
SHEET 1 OF 1
DATE: APRIL 17, 2002
SCALE: 1"=1320'
JOB: WITHERS F.P.
DWG. BY: BT

REVISION
BT

FINAL PROOF MAP - REVISED 4/21/15
 FOR: APPLICATION NO. S-71291
 UNDER PERMIT NO. 53483
 DATE OF PRIORITY: FEBRUARY 14, 1991
 SOURCE OF WATER: HADLEY CREEK, A TRIBUTARY OF SUMMER LAKE
 OWNER: ALAN AND GINGER WITHERS

LOCATED IN THE SECTION 10, 11 AND 14
 TOWNSHIP 33 SOUTH, RANGE 17 EAST, WILLAMETTE MERIDIAN
 LAKE COUNTY, OREGON

SCALE: 1"=1320'



LEGEND

- SECTION LINE
- 1/4 SECTION LINE
- 1/16 SECTION LINE

EXISTING FENCE

- LAND SURVEY MONUMENT
- POINT OF DIVERSION AS SHOWN
- EXISTING FLOW GAUGE (WEIR)



PRIMARY USAGE
 198.45 ACRES IS BEING USED



SUPPLEMENTAL USAGE TO CERTIFICATE C-22838
 32.5 ACRES IS BEING USED

SEE ACCOMPANYING
 SITE REPORT

RECEIVED BY OWRD

APR 27 2015

SALEM, OR



RENEWAL 12/31/15

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

DATE: 4/17/02
 SCALE: 1"=1320'
 DWG. BY: 2001/22
 FILE: 2015-029
 SHEET: 1 OF 1

FINAL PROOF MAP
 APPLICATION NO. S-71291
 PERMIT NO. 53483

FOR:
 ALAN AND GINGER WITHERS
 48642 HIGHWAY 31
 PAISLEY, OREGON 97636

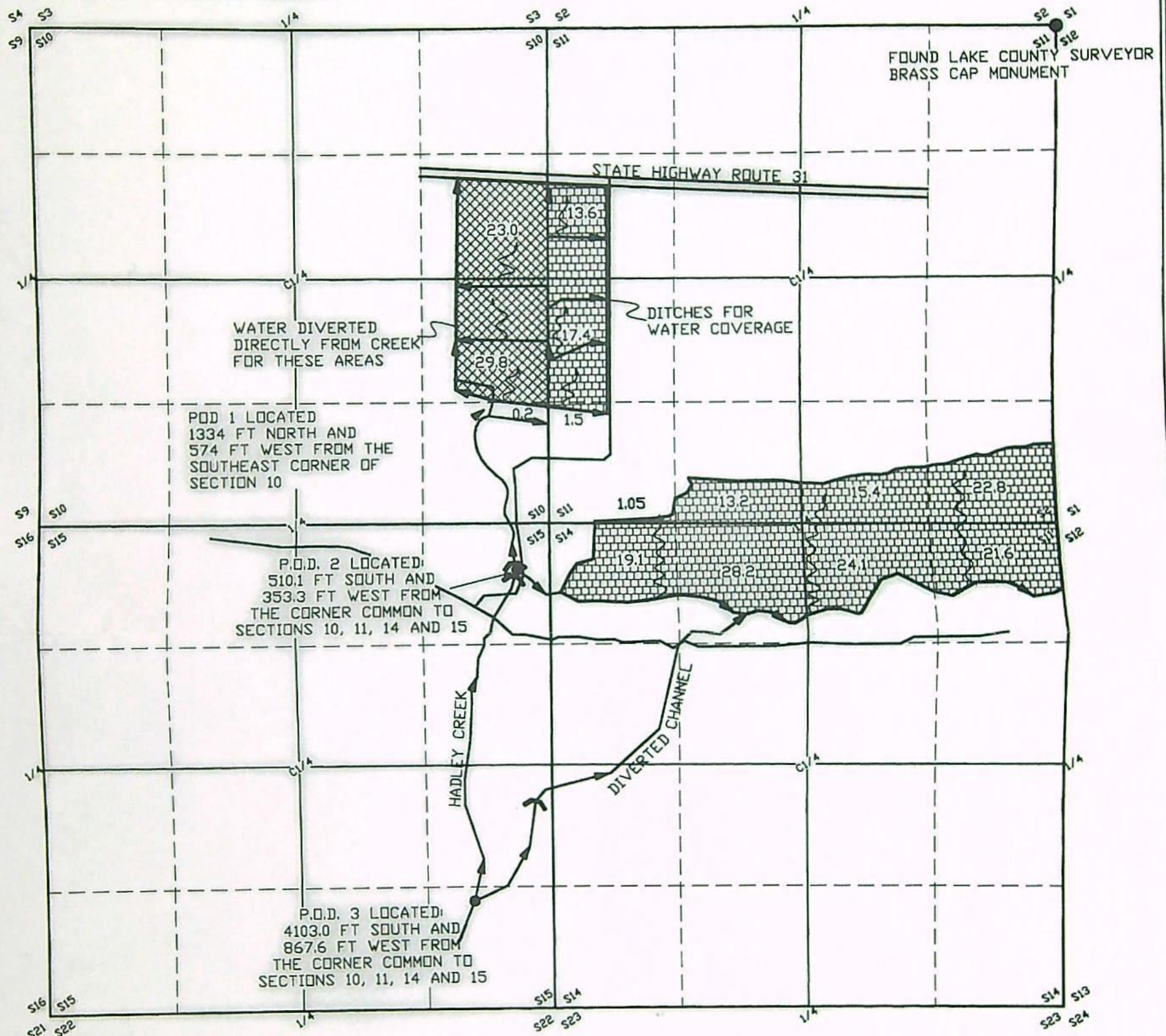


ANDERSON ENGINEERING
 AND SURVEYING, INC.
 P.O. BOX 28
 LAKEVIEW, OREGON 97630
 (541) 947-4407 FAX: 947-2321
 www.andersonengineering.com

FINAL PROOF MAP - REVISED 4/21/15
 FOR: APPLICATION NO. S-71291
 UNDER PERMIT NO. 53483
 DATE OF PRIORITY: FEBRUARY 14, 1991
 SOURCE OF WATER: HADLEY CREEK, A TRIBUTARY OF SUMMER LAKE
 OWNER: ALAN AND GINGER WITHERS

LOCATED IN THE SECTION 10, 11 AND 14
 TOWNSHIP 33 SOUTH, RANGE 17 EAST, WILLAMETTE MERIDIAN
 LAKE COUNTY, OREGON

SCALE: 1"=1320'



LEGEND

- SECTION LINE
- 1/4 SECTION LINE
- 1/16 SECTION LINE

- EXISTING FENCE
- LAND SURVEY MONUMENT
- POINT OF DIVERSION AS SHOWN
- EXISTING FLOW GAUGE (WEIR)

PRIMARY USAGE
 198.45 ACRES IS BEING USED

SUPPLEMENTAL USAGE TO CERTIFICATE C-22838
 32.5 ACRES IS BEING USED

SEE ACCOMPANYING
 SITE REPORT

RECEIVED BY OWRD

APR 27 2015

SALEM, OR



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

RENEWAL 12/31/15

DATE: 4/17/02
 SCALE: 1"=1320'
 DWG. BY: 2001.72
 JOB: 2015-029
 FILE: 2015-029
 SHEET: 1 OF 1

FINAL PROOF MAP
 APPLICATION NO. S-71291
 PERMIT NO. 53483

FOR:
 ALAN AND GINGER WITHERS
 42842 HIGHWAY 31
 PAISLEY, OREGON 97636



ANDERSON ENGINEERING
 AND SURVEYING, INC.

P.O. BOX 28
 LAKEVIEW, OREGON 97630
 (541) 947-4407 FAX: 947-2321
 www.andersonengineering.com

COPY

COBU MAP 905

FINAL PROOF MAP - REVISED 4/21/15

FOR: APPLICATION NO. S-71291

UNDER PERMIT NO. 53483

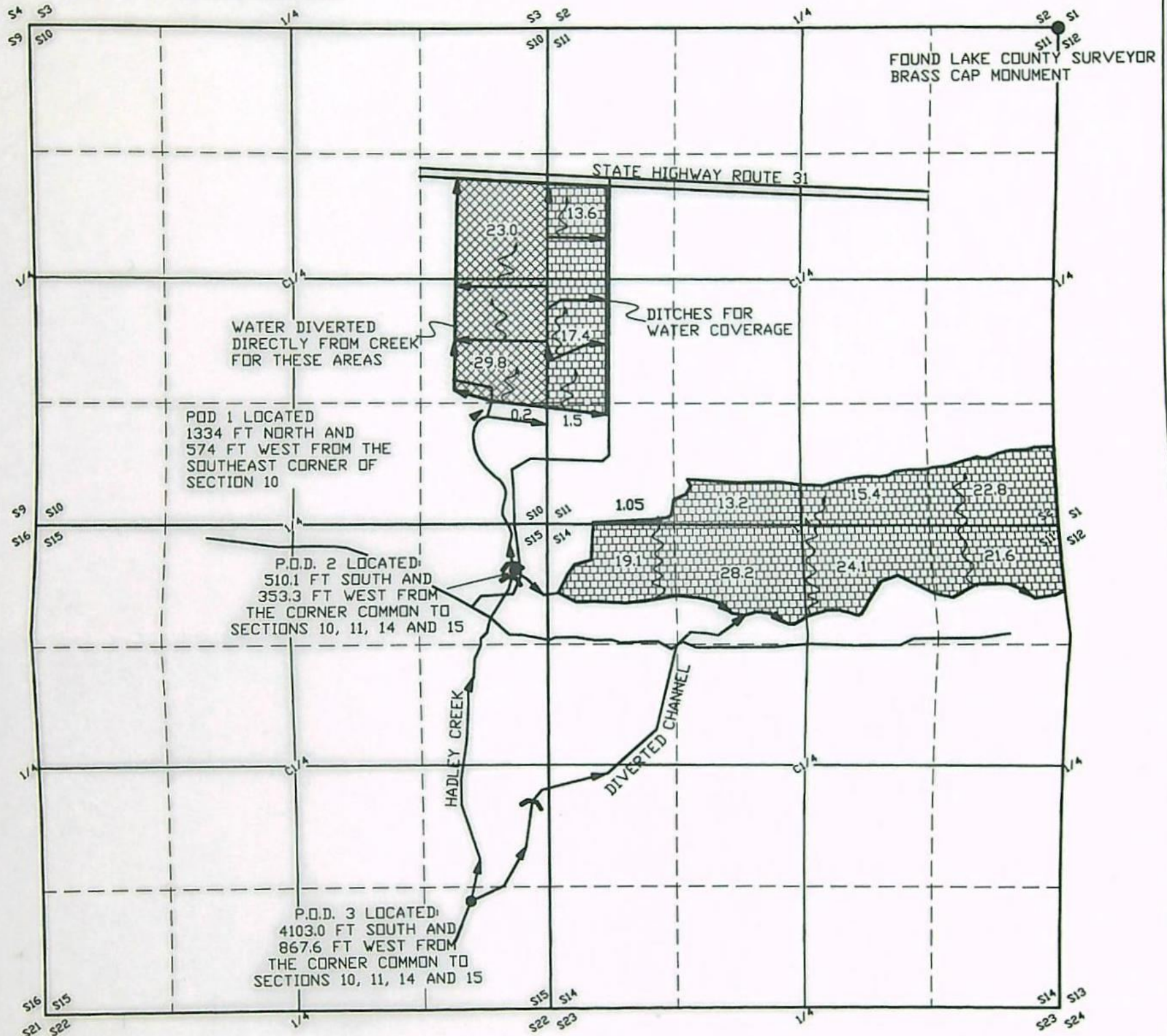
DATE OF PRIORITY: FEBRUARY 14, 1991

SOURCE OF WATER: HADLEY CREEK, A TRIBUTARY OF SUMMER LAKE

OWNER: ALAN AND GINGER WITHERS

LOCATED IN THE SECTION 10, 11 AND 14
TOWNSHIP 33 SOUTH, RANGE 17 EAST, WILLAMETTE MERIDIAN
LAKE COUNTY, OREGON

SCALE: 1"=1320'

**LEGEND**

- SECTION LINE
- 1/4 SECTION LINE
- 1/16 SECTION LINE

- EXISTING FENCE
- LAND SURVEY MONUMENT
- POINT OF DIVERSION AS SHOWN
- EXISTING FLOW GAUGE (WEIR)



PRIMARY USAGE
198.45 ACRES IS BEING USED



SUPPLEMENTAL USAGE TO CERTIFICATE: C-22838
32.5 ACRES IS BEING USED

SEE ACCOMPANYING
SITE REPORT

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

RECEIVED BY OWRD

APR 27 2015

SALEM, OR



RENEWAL 12/31/15

DATE: 4/17/02
SCALE: 1"=1320'
JOB: 2001.72
FILE: 2015-029
SHEET: 1 OF 1

FINAL PROOF MAP
APPLICATION NO. S-71291
PERMIT NO. 53483

FOR:
ALAN AND GINGER WITHERS
42642 HIGHWAY 31
PAISLEY, OREGON 97638



**ANDERSON ENGINEERING
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REVISION
BY

ANDERSON
ENGINEERING & SURVEYING, INC.

TRANSMITTAL
LETTER



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



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

DATE: 4/21/2015	JOB NO: 2001.072
ATTENTION: Gerry Clark, Water Right Specialist	
RE: Application S-71291	
Permit S-53483	

WE ARE SENDING YOU ATTACHED:

☐ PRINTS ☐ PLANS

☐ OTHER _____

COPIES	DATE	DESCRIPTION
1		REVISED FINAL PROOF MAP - ALAN AND GINGER WITHERS

RECEIVED BY OWRD

APR 27 2015

SALEM, OR

THESE ARE TRANSMITTED AS CHECKED BELOW:

☐ FOR APPROVAL ☐ FOR REVIEW AND COMMENT

☒ AS REQUESTED ☐ FOR SIGNATURE

☐ OTHER _____

REMARKS

Gerry

As per your letter of March 20, 2015, we have prepared a revised Final Proof Map for Alan Withers.

Please give us a call if there are any questions.

COPY TO

SIGNED Barb Thompson

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



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

March 20 2015

Alan and Ginger Withers
Withers Ranch Inc.
42642 Hwy 31
Paisley OR 97636

RE: Application S-71291, Permit S-53483

Dear Mr. and Mrs. Withers,

The Department is in the process of reviewing the Claim of Beneficial Use report and map for the above application. The Department has identified an issue that must be resolved before the issuance of a certificate for this right.

The Department has discovered that the claim map shows more primary irrigation acres than were authorized under the permit. The permit, S-53483, allows for the primary irrigation of 198.45 acres. The claim shows 202.2 acres of primary irrigation. There is an overage of 3.75 acres for primary that must be resolved. The Department is unable to make a determination where to exclude the 3.75 acres.

Before the Department can issue a certificate, the acreage must be identified. In order to resolve the issues please supply a revised map reflecting only 198.45 acres of primary as permitted and 32.5 of supplemental. I have enclosed a copy of the application and claim map for your reference.

Please submit your revised map to the Department within 60 days of the date of this letter. I look forward to working with you in order to resolve the conflict. Please give me a call at 503-986-0811 if you have any questions.

Sincerely,

Gerry Clark
Water Rights Specialist
Certificates

cc: File
Daniel R. and Elizabeth Withers, Current Landowner 38438 Withers Ranch Rd Paisley, OR 97636
Darryl Anderson, CWRE

enclosures

FINAL PROOF MAP

FOR: APPLICATION NO. S-71291

UNDER PERMIT NO. 53483

DATE OF PRIORITY: FEBRUARY 14, 1991

SOURCE OF WATER: HADLEY CREEK, A TRIBUTARY OF SUMMER LAKE

OWNER: ALAN AND GINGER WITHERS

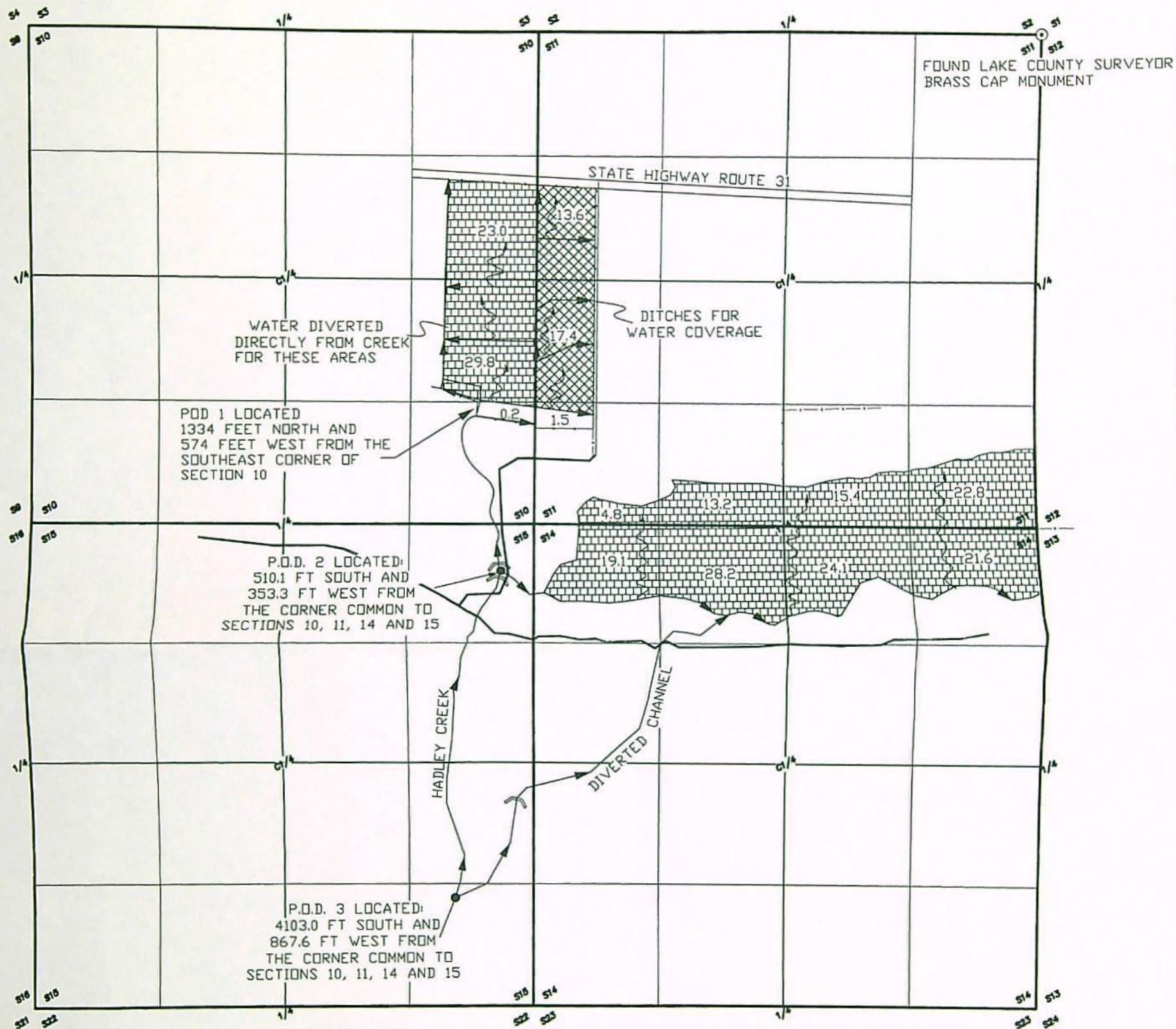
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APR 25 2002

WATER RESOURCES DEPT.
SALEM, OREGON

LOCATED IN THE SECTIONS 10, 11 AND 14,
TOWNSHIP 33 SOUTH, RANGE 17 EAST, WILLAMETTE MERIDIAN,
LAKE COUNTY, OREGON

SCALE: 1"=1320'



LEGEND

SECTION LINE

1/4 SECTION LINE

1/16 SECTION LINE

EXISTING FENCE

LAND SURVEY MONUMENT

POINT OF DIVERSION AS SHOWN

EXISTING FLOW GAUGE (WEIR)



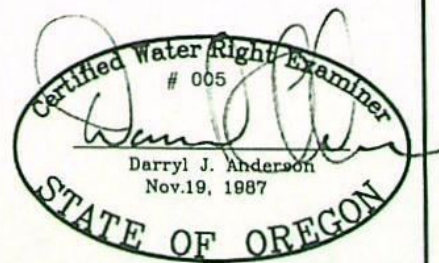
PRIMARY USAGE
202.2 ACRES IS BEING USED



SUPPLEMENTAL USAGE TO CERTIFICATE: C-22838
32.5 ACRES IS BEING USED

SEE ACCOMPANYING
SITE REPORT

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RENEWAL 12/31/2003

PREPARED FOR:
ALAN AND GINGER WITHERS

42642 HIGHWAY 31
PAISLEY, OREGON 97630

ANDERSON ENGINEERING
AND SURVEYING, INC.

17681 HWY 395
LAKEVIEW, OREGON 97630
(541) 947-4407
FAX 947-2321

852 SW 15TH STREET
REDMOND, OREGON 97756
(541) 923-4307
FAX 923-4308

REVISION

BY

DATE: APRIL 17, 2002
SCALE: 1"=1320'
JOB: WITHERS F.P.
DWG. BY:
FILE: 2001.72
SHEET 1 OF 1

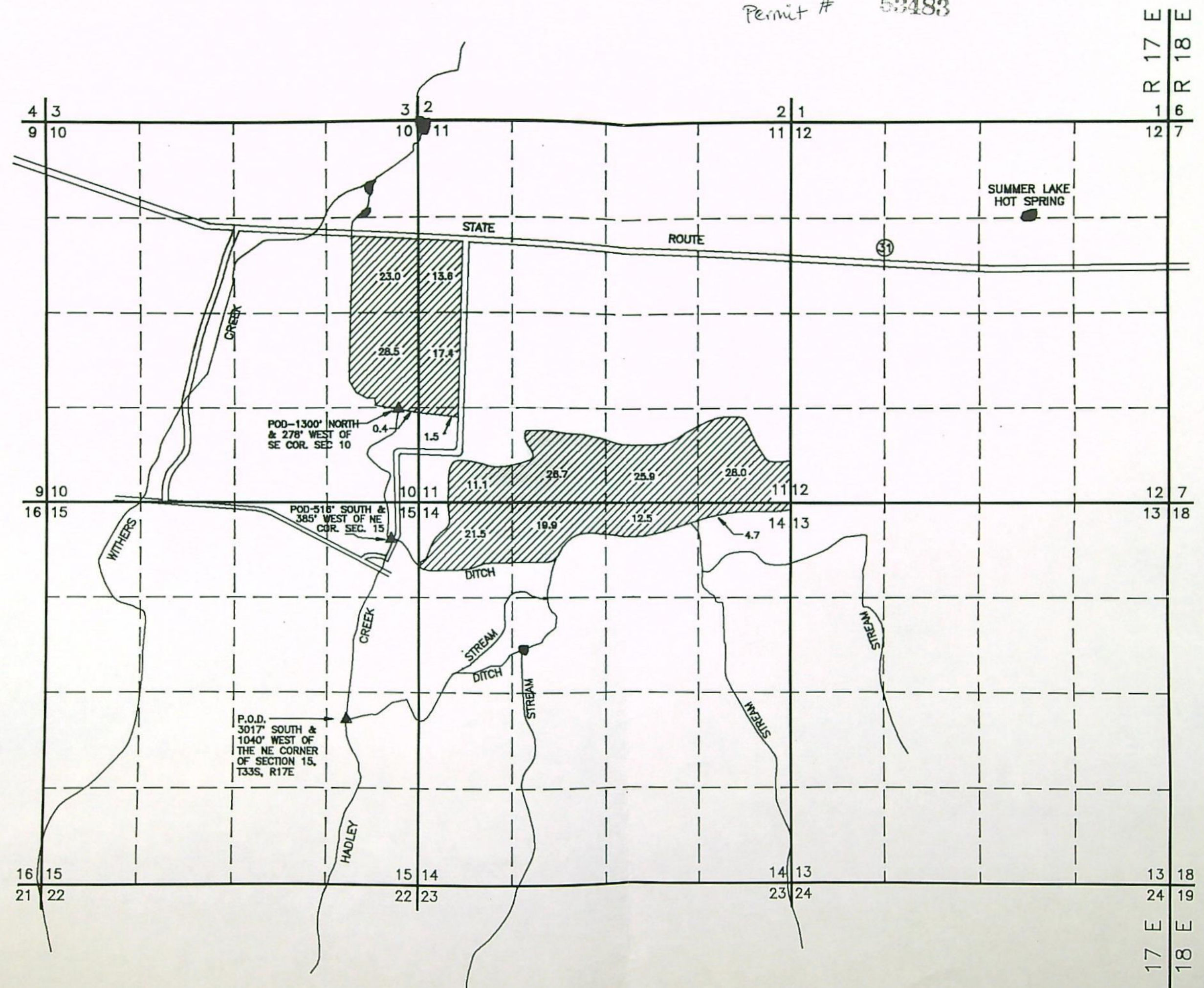
App 71291

Application # 71291
Permit # 53483

1"=1320'

T 33 S

T 33 S



LEC
—

NOTE: PREPARATION OF
WATER RIGHTS ON
OR DIMENSIONS 0

**CLAIM OF BENEFICAL USE AND SITE REPORT
FOR APPLICATION NO. S-71291
PERMIT NO. 53483 POINT OF DIVERSION & PLACE OF USE
LOCATED IN SECTIONS 10, 11 AND 14
TOWNSHIP 33 SOUTH, RANGE 17 EAST, W.M.
IN LAKE COUNTY, OREGON**

GENERAL INFORMATION

Permit/Certificate Holder:

Alan and Ginger Withers
Withers Ranch Inc.
42642 Highway 31
Paisley, Oregon 97636
Water Right Application: S-71291
Water Right Permit: 53483

WATER SOURCE

Surface Water from Hadley Creek, a tributary of Summer Lake.

LOCATION OF AREA THAT WATER IS BEING BENEFICIALLY USED

234.7 Acres located in the East ½ of the East ½ of Section 10, West ½ of the West ½, and the South ½ of the South ½ of Section 11, and in the North ½ of the North ½ of Section 14, all being in Township 33 South, Range 17 East of the Willamette Meridian, Lake County, Oregon.

POINTS OF DIVERSION (POD)

POD No. 1 is situated in the Northeast ¼ of the Southeast ¼, Section 10, Township 33 South, Range 17 East, W.M.; 1,334' North and 574' West from the Southeast Corner of said Section 10. POD No. 2 is situated in the Northeast ¼ of the Northeast ¼, Section 15, Township 33 South, Range 17 East, W.M.; 510' South and 353' West from the Northeast Corner of said Section 15. POD No. 3 is situated in the Southeast ¼ of the Southeast ¼, Section 15, Township 33 South, Range 17 East, W.M.; 4103' South and 868' West from the Northeast Corner of said Section 15.

USE OF WATER

Use of water is for irrigation of crops (alfalfa, hay). Applicant is irrigating a total of 234.7 acres, (as shown on the accompanying Final Proof Map). Applicant is using approximately 5.8 C.F.S. (see attached: Calculation Sheet of Mannings Equations for the open channel flows). The configuration of the place of use, and points of diversions are noted on the accompanying Final Proof Map.

DESCRIPTION OF WATER DELIVERY SYSTEM

Water is diverted from Hadley Creek as shown on the accompanying Final Proof Map. Water is transported (under the force of gravity) by existing ditches varying in dimension from 2' to 3' wide by 1' to 2' deep. Flows are controlled by weirs and other diversion structures placed in the ditches at strategic locations as shown on the accompanying Final Proof Map and Photographs. The ditches are routed across the high sides of the fields. Water is then let out of the ditches to flood irrigate the noted areas.

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WATER RESOURCES DEPT.
SALEM, OREGON

FINAL PROOF SURVEY REPORT FOR APPLICATION NO. S-71291 PERMIT NO. 53483
PAGE 2

SURVEY TIE

Section lines were determined from a Lake County Surveyor Brass Disk Survey Monument marking the Northeast corner of Section 11, Township 33 South, Range 17 East, Willamette Meridian, Lake County, Oregon, as noted on the accompanying Final Proof Map.

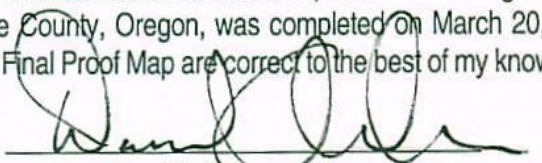
PICTURES

Attached pictures show the Points of Diversion, Irrigated Fields, Ditches and weirs and related work.

CERTIFICATION

The final proof survey and inspection of the use as found to be completed under the terms and conditions of Water Right Application S-71291, Permit 53483 situated in Sections 10, 11 and 14 being in Township 33 South, Range 17 East, Willamette Meridian, Lake County, Oregon, was completed on March 20, 2002 and the facts contained in this report and accompanying Final Proof Map are correct to the best of my knowledge.

4/15/2002
Date


Darryl J. Anderson
Certified Water Right Examiner No. 005

We, Alan & Ginger Withers, agree to the findings of the CWRE and do submit this site report and map as my claim of beneficial use of the water as provided under the terms and conditions of Water Right Application S-71291, Permit No. 53483.

04-19-02
Date

Alan Withers
Alan Withers

04-19-02
Date

Ginger Withers
Ginger Withers

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WATER RESOURCES DEPT.
SALEM, OREGON



Looking South from the Highway along the Section Line Common to Sections 10 and 11



Looking South from the Highway along the West Edge of the Field

Anderson Engineering and Surveying, Inc.

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WATER RESOURCES DEPT.
SALEM, OREGON

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WATER RESOURCES DEPT.
SALEM, OREGON



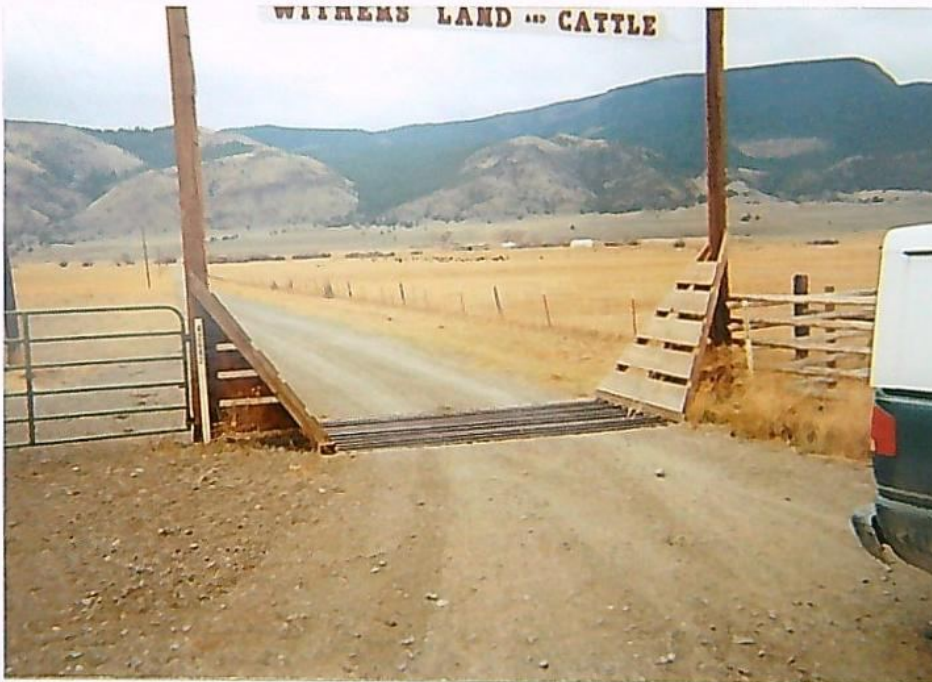
Looking North from the Intersection of the Access Road and the Southeast Corner of the Field in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 11



Looking West from the Intersection of the Access Road and the Southeast Corner of the Field in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 11



Looking Westerly from the Junction of the Highway and the Access Road



Looking Southerly from the Junction of the Highway and the Access Road (Driveway)

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WATER RESOURCES DEPT.
SALEM, OREGON



POD 3



Measuring Device North-East of POD 3

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WATER RESOURCES DEPT.
SALEM, OREGON



Measuring Device North of POD 2 along Hadley Creek



*Looking North from the South Edge of the Irrigated Field along the Section Line Common to
Sections 10-11*

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WATER RESOURCES DEPT.
SALEM, OREGON



Measuring Device South of POD 2



POD 2

FINAL PROOF MAP

FOR: APPLICATION NO. S-71291

UNDER PERMIT NO. 53483

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SOURCE OF WATER: HADLEY CREEK, A TRIBUTARY OF SUMMER LAKE

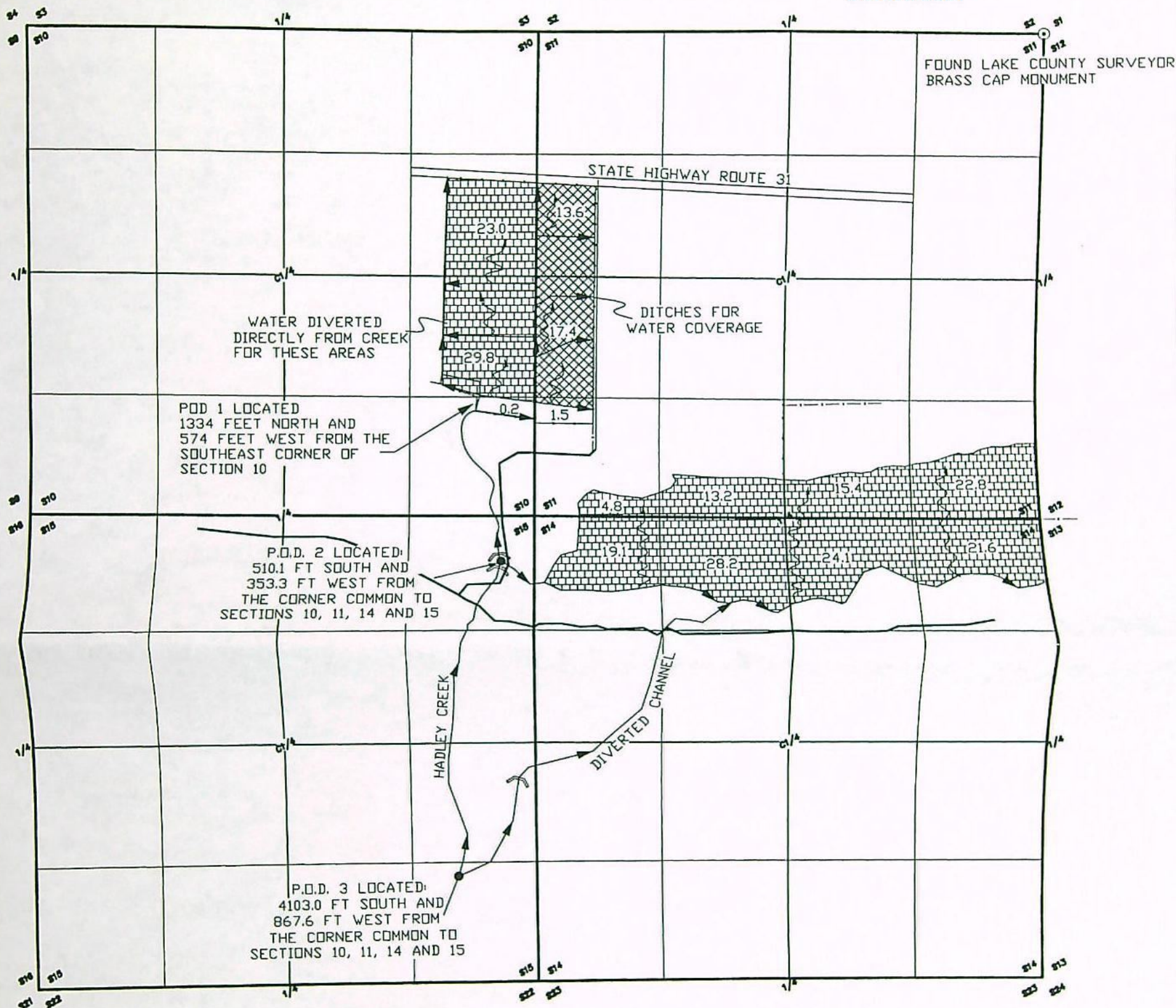
OWNER: ALAN AND GINGER WITHERS

LOCATED IN THE SECTIONS 10, 11 AND 14,
TOWNSHIP 33 SOUTH, RANGE 17 EAST, WILLAMETTE MERIDIAN,
LAKE COUNTY, OREGON

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APR 25 2002

WATER RESOURCES DEPT. SCALE: 1"=1320'
SALEM, OREGON



LEGEND

SECTION LINE

1/4 SECTION LINE

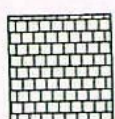
1/16 SECTION LINE

EXISTING FENCE

○ LAND SURVEY MONUMENT

● POINT OF DIVERSION AS SHOWN

~ EXISTING FLOW GAUGE (WEIR)



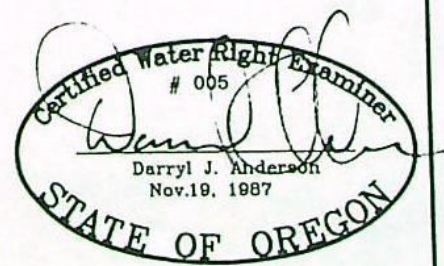
PRIMARY USAGE
202.2 ACRES IS BEING USED



SUPPLEMENTAL USAGE TO CERTIFICATE: C-22838
32.5 ACRES IS BEING USED

SEE ACCOMPANYING
SITE REPORT

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RENEWAL 12/31/2003

PREPARED FOR:
ALAN AND GINGER WITHERS

42642 HIGHWAY 31
PAISLEY, OREGON 97630

ANDERSON ENGINEERING
AND SURVEYING, INC.

17681 HWY 395
LAKEVIEW, OREGON 97630
(541) 947-4407
FAX 947-2321

852 SW 15TH STREET
REDMOND, OREGON 97756
(541) 923-4307
FAX 923-4308

DATE: APRIL 17, 2002
SCALE: 1"=1320'
JOB: WITHERS F.P.
DWG. BY:
FILE: 2001.72
SHEET 1 OF 1

REVISION

BY

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UNDER PERMIT NO. 53483

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OWNER: ALAN AND GINGER WITHERS

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LAKE COUNTY, OREGON

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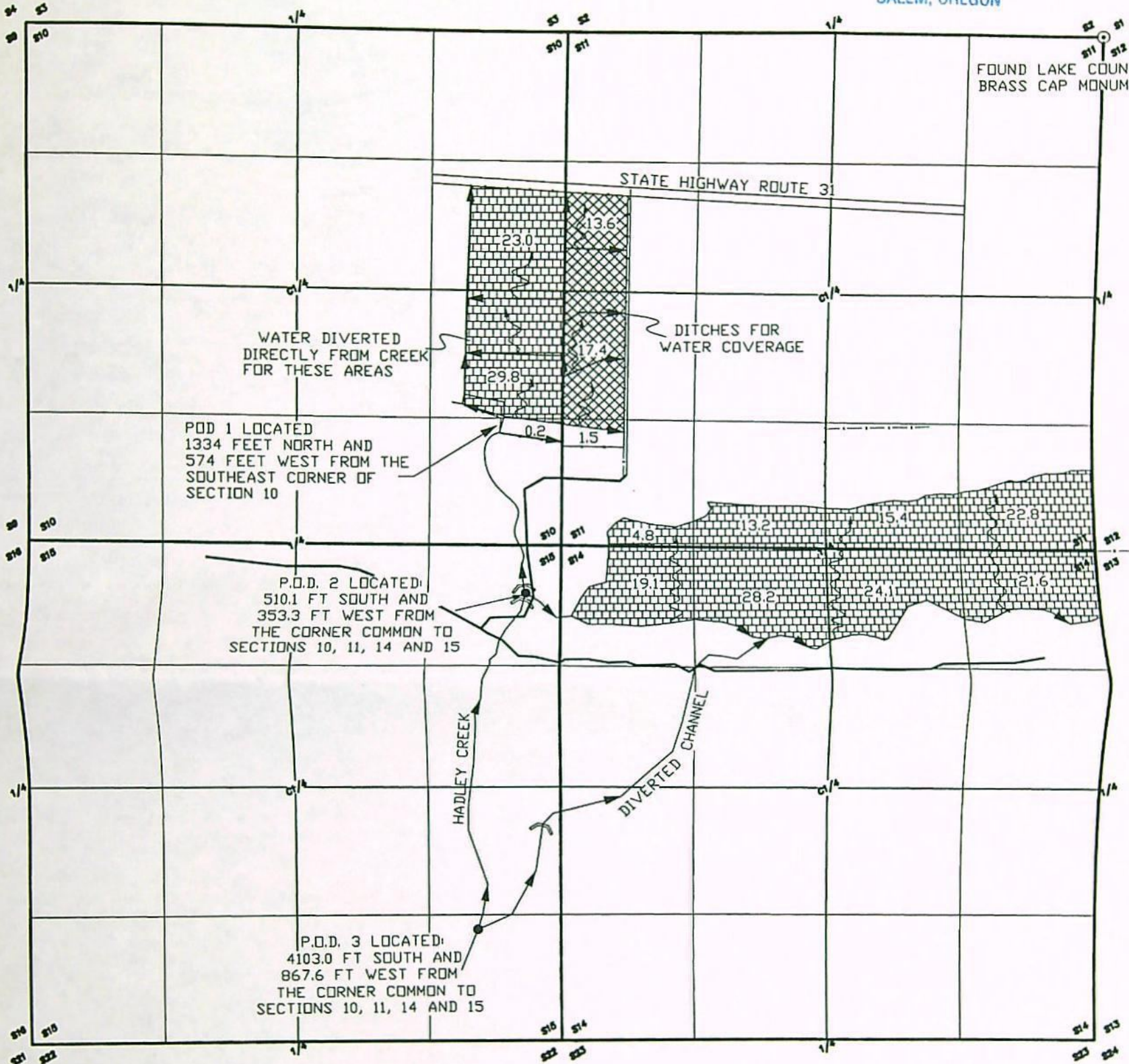
APR 25 2002

WATER RESOURCES DEPT.
SALEM, OREGON

SCALE: 1"=1320'



FOUND LAKE COUNTY SURVEYOR
BRASS CAP MONUMENT



LEGEND

SECTION LINE

1/4 SECTION LINE

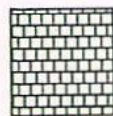
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EXISTING FENCE

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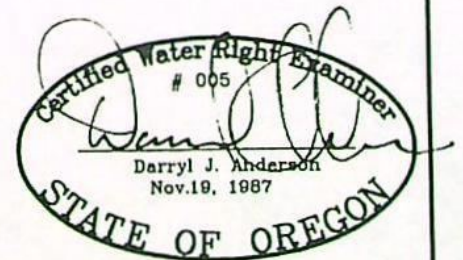
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17681 HWY 395 852 SW 15TH STREET
LAKEVIEW, OREGON 97630 REDMOND, OREGON 97756
(541) 947-4407 (541) 923-4307
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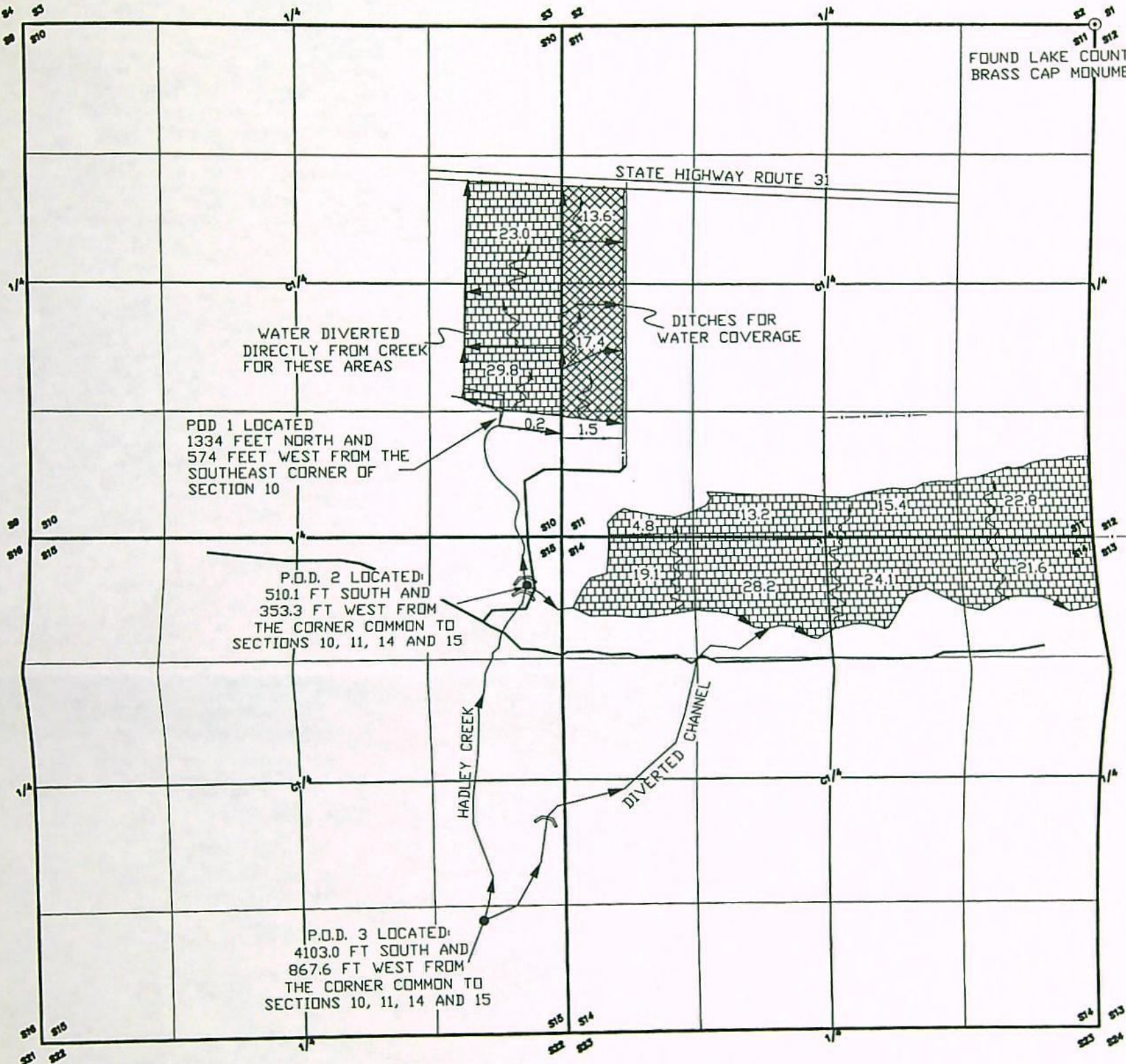
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SALEM, OREGON



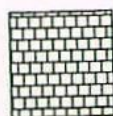
FOUND LAKE COUNTY SURVEYOR
BRASS CAP MONUMENT



LEGEND

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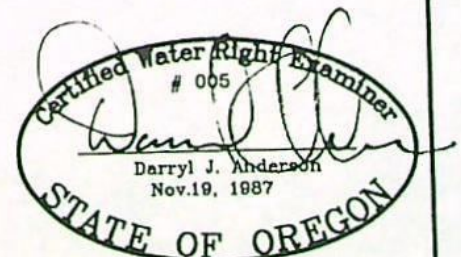
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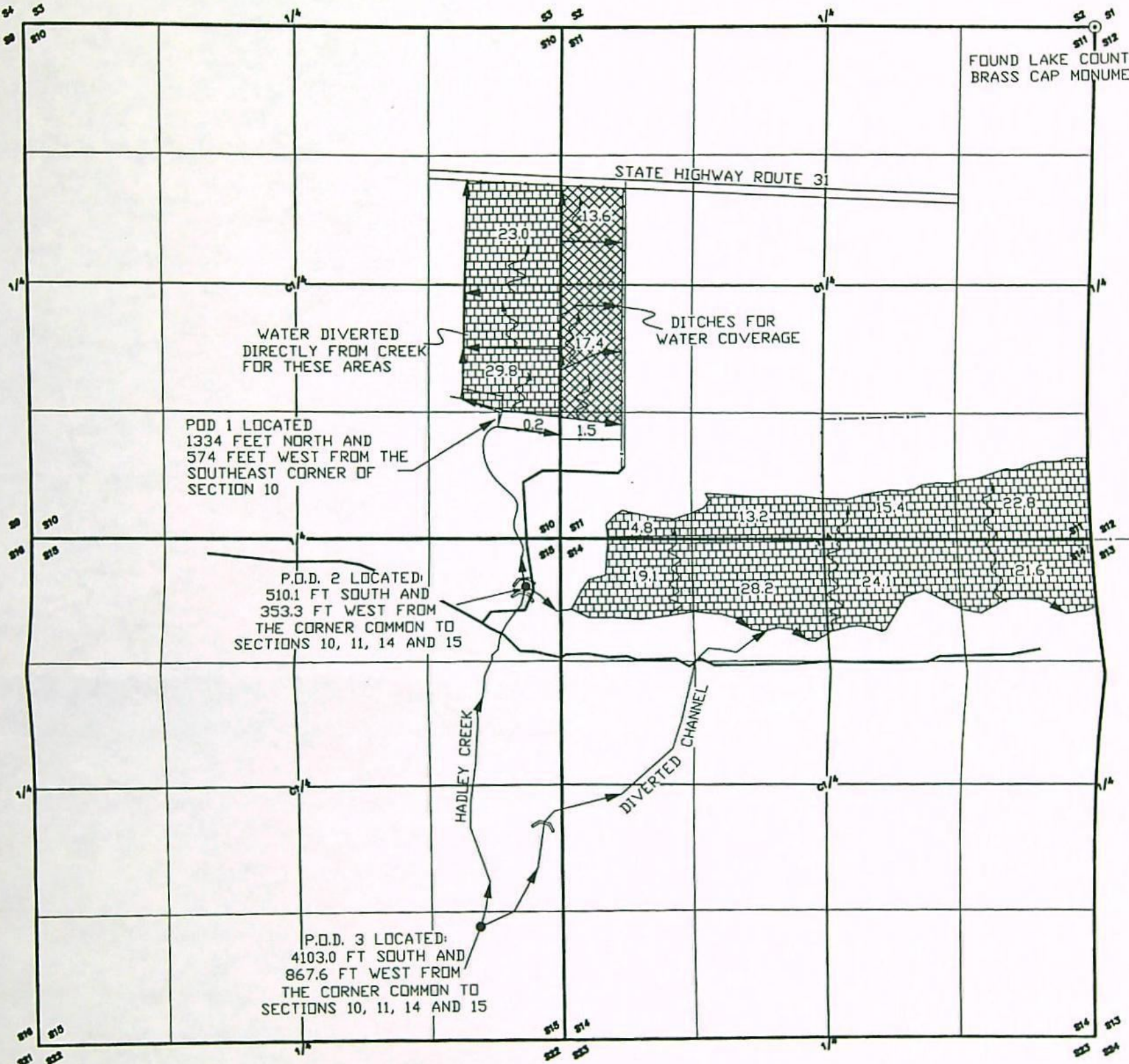
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FOUND LAKE COUNTY SURVEYOR
BRASS CAP MONUMENT



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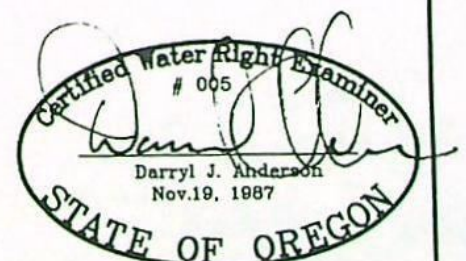


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SHEET 1 OF 1

REVISION
BY

2012

Oregon Water Resources Department
October through September
Water Use Recording and Reporting Form

2013

Consult the water right (permit, certificate, order) to determine applicable reporting conditions; the measurement, recording, and reporting conditions identified in a permitted or certified water right typically follow the place of use description. Use the columns below to document measurements for each authorized point of diversion/appropriation or reservoir. We ask that zeros be reported for any given month when water is not being used. Keep a copy of all measurement reports for your records. We encourage you to submit your water use data via our online utility when available, and to use the Monthly Water Use Forms for record keeping purposes. To lookup water rights, access the water use reporting webpage/online utility, or to obtain additional forms visit our web site: <http://www.wrd.state.or.us>

Alan and Ginger Withers

Owners

16826

Water Right Holder's Name

Water Right Holder's Business Name or Entity Name

USER ID#

agwithers@centurylink.net

42642 Hwy 31, Paisley, OR 97636

541 943-3943

Water Right Holder's Email

Water Right Holder's Complete Mailing Address

Phone Number

Facility Report ID	→	Upper East Field 51459 Application: - Permit: - Other: Water Use	Pivot Field 514558 51458 Application: - Permit: - Other: Water Use	McCormack 51457 Application: - Permit: - Other: Water Use	Application: - Permit: - Other:
Describe the units of measurement as AF (acre-feet), G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), or MCF (million cubic feet)					
October - 2012		0	0	0	
November - 2012		0	0	0	
December - 2012		0	0	0	
January - 2013		0	0	0	
February - 2013		0	0	0	
March - 2013		0	0	14.88	RECEIVED BY OWRD
April - 2013		0	0	27.72	NOV 07 2013
May - 2013		0	28.85	20.25	
June - 2013		0	20.25	28.85	SALEM, OR
July - 2013		0	0	0	
August - 2013		0	0	0	
September - 2013		0	0	0	
TOTAL *					
Unit of Measurement		☐ G ☐ KG ☐ MG ☐ AF ☐ CF ☐ MCF	☐ G ☐ KG ☐ MG ☒ AF ☐ CF ☐ MCF	☐ G ☐ KG ☐ MG ☒ AF ☐ CF ☐ MCF	☐ G ☐ KG ☐ MG ☐ AF ☐ CF ☐ MCF

Describe the method of measurement used: acre feet. If used for irrigation, total number of acres irrigated: 178

I certify this information is true and accurate to the best of my knowledge.

11-04-13

x Alan D. Withers
 Date Signature

ALAN WITHERS
 Name and Title (print)

Owner

541 943-3943

Date

Company

Phone Number

Please complete and mail to: Oregon Water Resources Department; Water Use Reporting Program; 725 Summer Street NE, Suite A: Salem, OR 97301.

2011

Oregon Water Resources Department
October through September
Water Use Recording and Reporting Form

2012

Consult the water right (permit, certificate, order) to determine applicable reporting conditions; the measurement, recording, and reporting conditions identified in a permitted or certified water right typically follow the place of use description. Use the columns below to document measurements for each authorized point of diversion/appropriation or reservoir. We ask that zeros be reported for any given month when water is not being used. Keep a copy of all measurement reports for your records. We encourage you to submit your water use data via our online utility when available, and to use the Monthly Water Use Forms for record keeping purposes. To lookup water rights, access the water use reporting webpage/online utility, or to obtain additional forms visit our web site: <http://www.wrd.state.or.us>

Alan and Ginger Withers

Owners

16826

Water Right Holder's Name

Water Right Holder's Business Name or Entity Name

USER ID#

agwithers@centurylink.net

42642 Hwy 31, Paisley, OR 97636

541 943-3943

Water Right Holder's Email

Water Right Holder's Complete Mailing Address

Phone Number

Facility Report ID	→	Upper East Field 51459 Application: - Permit: - Other: Water Use	Pivot Field 5145558 51458 Application: - Permit: - Other: Water Use	McCormack 51457 Application: - Permit: - Other: Water Use	Application: - Permit: - Other:
Describe the units of measurement as AF (acre-feet), G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), or MCF (million cubic feet)					
October - 2011		0	0	0	
November - 2011		0	0	0	
December - 2011		0	0	0	
January - 2012		0	0	0	
February - 2012		0	0	0	
March - 2012		0	0	28.84	
April - 2012		0	0	49.30	
May - 2012		0	27.18	28.84	
June - 2012		0	0	42.97	
July - 2012		0	0	0	
August - 2012		0	0	0	
September - 2012		0	0	0	
TOTAL *					
Unit of Measurement		☐ G ☐ KG ☐ MG ☐ G ☐ KG ☐ MG ☐ G ☐ KG ☐ MG	☐ AF ☐ CF ☐ MCF ☒ AF ☐ CF ☐ MCF ☒ AF ☐ CF ☐ MCF	☐ G ☐ KG ☐ MG ☐ G ☐ KG ☐ MG ☐ G ☐ KG ☐ MG	☐ AF ☐ CF ☐ MCF ☐ AF ☐ CF ☐ MCF

Describe the method of measurement used: acre feet. If used for irrigation, total number of acres irrigated: 178

I certify this information is true and accurate to the best of my knowledge.

11-04-13

Alan G. Withers
 Signature

ALAN WITHERS
 Name and Title (print)

Owner

541 943-3943

Date

Company

Phone Number

Please complete and mail to: Oregon Water Resources Department; Water Use Reporting Program; 725 Summer Street NE, Suite A: Salem, OR 97301.

2010

Oregon Water Resources Department
October through September
Water Use Recording and Reporting Form

2011

Consult the water right (permit, certificate, order) to determine applicable reporting conditions; the measurement, recording, and reporting conditions identified in a permitted or certified water right typically follow the place of use description. Use the columns below to document measurements for each authorized point of diversion/appropriation or reservoir. We ask that zeros be reported for any given month when water is not being used. Keep a copy of all measurement reports for your records. We encourage you to submit your water use data via our online utility when available, and to use the Monthly Water Use Forms for record keeping purposes. To lookup water rights, access the water use reporting webpage/online utility, or to obtain additional forms visit our web site: <http://www.wrd.state.or.us>

Alan and Ginger Withers

Owners

16826

Water Right Holder's Name

Water Right Holder's Business Name or Entity Name

USER ID#

agwithers@centurylink.net

42642 Hwy 31, Paisley, OR 97636

541 943-3943

Water Right Holder's Email

Water Right Holder's Complete Mailing Address

Phone Number

Facility Report ID	→	Upper East Field 51459 Application: - Permit: - Other: Water Use	Pivot Field 5145558 <i>51458</i> Application: - Permit: - Other: Water Use	McCormack 51457 Application: - Permit: - Other: Water Use	Application: - Permit: - Other:
Describe the units of measurement as AF (acre-feet), G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), or MCF (million cubic feet)					
October - 2010		0	0	0	
November - 2010		0	0	0	
December - 2010		0	0	0	
January - 2011		0	0	0	
February - 2011		0	0	0	
March - 2011		0	178.20	247.97	
April - 2011		0	66.90	127.71	
May - 2011		0	0	73.06	
June - 2011		0	0	58.31	
July - 2011		0	0	0	
August - 2011		0	0	0	
September - 2011		0	0	0	
TOTAL *					
Unit of Measurement		☐ G ☐ KG ☐ MG ☐ AF ☐ CF ☐ MCF	☐ G ☐ KG ☐ MG ☒ AF ☐ CF ☐ MCF	☐ G ☐ KG ☐ MG ☐ AF ☐ CF ☐ MCF	☐ G ☐ KG ☐ MG ☐ AF ☐ CF ☐ MCF

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NOV 07 2013

SALEM, OR

Describe the method of measurement used: acre feet. If used for irrigation, total number of acres irrigated: 178

I certify this information is true and accurate to the best of my knowledge.

11-04-13

x Alan G. Withers

ALAN WITHERS

Owner

541 943-3943

Date

Signature

Name and Title (print)

Company

Phone Number

Please complete and mail to: Oregon Water Resources Department; Water Use Reporting Program; 725 Summer Street NE, Suite A: Salem, OR 97301.

2009

Oregon Water Resources Department
October through September
Water Use Recording and Reporting Form

2010

Consult the water right (permit, certificate, order) to determine applicable reporting conditions; the measurement, recording, and reporting conditions identified in a permitted or certified water right typically follow the place of use description. Use the columns below to document measurements for each authorized point of diversion/appropriation or reservoir. We ask that zeros be reported for any given month when water is not being used. Keep a copy of all measurement reports for your records. We encourage you to submit your water use data via our online utility when available, and to use the Monthly Water Use Forms for record keeping purposes. To lookup water rights, access the water use reporting webpage/online utility, or to obtain additional forms visit our web site: <http://www.wrd.state.or.us>

Alan and Ginger Withers

Owners

16826

Water Right Holder's Name

Water Right Holder's Business Name or Entity Name

USER ID#

agwithers@centurylink.net

42642 Hwy 31, Paisley, OR 97636

541 943-3943

Water Right Holder's Email

Water Right Holder's Complete Mailing Address

Phone Number

Facility Report ID	→ Upper East Field → 51459 Application: - Permit: - Other: Water Use	Pivot Field 5145558 <i>51458</i> Application: - Permit: - Other: Water Use	McCormack 51457 Application: - Permit: - Other: Water Use	Application: - Permit: - Other:
Describe the units of measurement as AF (acre-feet), G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), or MCF (million cubic feet)				
October - 2009	0	0	0	
November - 2009	0	0	0	
December - 2009	0	0	0	
January - 2010	0	0	0	
February - 2010	0	0	0	
March - 2010	0	27.92	19.60	RECEIVED BY OWRD NOV 07 2013 SALEM, OR
April - 2010	0	0	58.31	
May - 2010	0	0	71.20	
June - 2010	0	0	58.31	
July - 2010	0	0	0	
August - 2010	0	0	0	
September - 2010	0	0	0	
TOTAL *				
Unit of Measurement	☐ G ☐ KG ☐ MG ☐ AF ☐ CF ☐ MCF	☐ G ☐ KG ☐ MG ☒ AF ☐ CF ☐ MCF	☐ G ☐ KG ☐ MG ☐ AF ☐ CF ☐ MCF	☐ G ☐ KG ☐ MG ☐ AF ☐ CF ☐ MCF

Describe the method of measurement used: acre feet. If used for irrigation, total number of acres irrigated: 178

I certify this information is true and accurate to the best of my knowledge.

11-04-13

Alan G. Withers
 Signature

ALAN WITHERS
 Name and Title (print)

Owner

541 943-3943

Date

Company

Phone Number

Please complete and mail to: Oregon Water Resources Department; Water Use Reporting Program; 725 Summer Street NE, Suite A: Salem, OR 97301.

2008

**Oregon Water Resources Department
October through September
Water Use Recording and Reporting Form**

2009

Consult the water right (permit, certificate, order) to determine applicable reporting conditions; the measurement, recording, and reporting conditions identified in a permitted or certified water right typically follow the place of use description. Use the columns below to document measurements for each authorized point of diversion/appropriation or reservoir. We ask that zeros be reported for any given month when water is not being used. Keep a copy of all measurement reports for your records. We encourage you to submit your water use data via our online utility when available, and to use the Monthly Water Use Forms for record keeping purposes. To lookup water rights, access the water use reporting webpage/online utility, or to obtain additional forms visit our web site: <http://www.wrd.state.or.us>

Alan and Ginger Withers

Owners

16826

Water Right Holder's Name

Water Right Holder's Business Name or Entity Name

USER ID#

agwithers@centurylink.net

42642 Hwy 31, Paisley, OR 97636

541 943-3943

Water Right Holder's Email

Water Right Holder's Complete Mailing Address

Phone Number

Facility Report ID	→ Upper East Field → 51459 Application: - Permit: - Other: Water Use	Pivot Field 5145558 <i>SMC</i> Application: - Permit: - Other: Water Use	McCormack 51457 Application: - Permit: - Other: Water Use	Application: - Permit: - Other:
Describe the units of measurement as AF (acre-feet), G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), or MCF (million cubic feet)				
October - 2008	0	0	0	
November - 2008	0	0	0	
December - 2008	0	0	0	
January - 2009	0	0	0	
February - 2009	0	0	0	
March - 2009	0	0	31.48	
April - 2009	0	0	50.95	
May - 2009	0	0	41.58	
June - 2009	0	20.25	0	
July - 2009	0	0	0	
August - 2009	0	0	0	
September - 2009	0	0	0	
TOTAL *				
Unit of Measurement	☐ G ☐ KG ☐ MG ☐ AF ☐ CF ☐ MCF	☐ G ☐ KG ☐ MG ☒ AF ☐ CF ☐ MCF	☐ G ☐ KG ☐ MG ☒ AF ☐ CF ☐ MCF	☐ G ☐ KG ☐ MG ☐ AF ☐ CF ☐ MCF

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NOV 07 2013
SALEM, OR

Describe the method of measurement used: acre feet. If used for irrigation, total number of acres irrigated: 178

I certify this information is true and accurate to the best of my knowledge.

11-04-13

Date

Signature

Alan S. Withers

Name and Title (print)

ALAN WITHERS

Owner

Company

541 943-3943

Phone Number

Please complete and mail to: Oregon Water Resources Department; Water Use Reporting Program; 725 Summer Street NE, Suite A: Salem, OR 97301.

November 4, 2013

Dorothy Pedersen
Water Resources Department
Water Measurement Analyst
725 Summer Street NE, Suite A
Salem, OR 97301

Dear Ms Pedersen,

Enclosed please find the actual use of this permit during 2013. I also include the 4 years prior use as I do not have a record of it in our files. We will be more prompt in the future to keep these reports to you on time. It would help if you could send us an annual notice or an E-mail when these reports are due.

Yours truly


Alan Withers
42642 Hwy 31
Paisley, OR 97636
541 943-3943
E-mail: agwithers@centurylink.net

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NOV 07 2013

SALEM, OR



2004

Oregon Water Resources Department
October 2004 through September 2005
Annual Water Use - Monthly Quantities Form

USER-ID 16826

2005



APP 71291

Facility POD-ID	UPPER EAST FIELD 51459	PIVOT FIELD COMBINE 51458	McCORMACK 51457		
October - 2004	0	0	0		
November - 2004	↓	↓	↓		
December - 2004	↓	↓	↓		
January - 2005	↓	↓	↓		
February - 2005	↓	↓	↓		
March - 2005	STOCK WATER	↓	.33		
April - 2005	STOCK WATER	↓	.89		
May - 2005	.22	.33	.95		
June - 2005	STOCK WATER	STOCK WATER	.83		
July - 2005	↓	↓	STOCK WATER		
August - 2005	↓	↓	↓		
September - 2005	↓	↓	↓		
TOTAL *	.22	.33	3.0		

* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: RECTANGULAR WEIR
SECOND FEET. If use is irrigation, total number acres irrigated 90

I certify this information is true and accurate to the best of my knowledge.

Alan G. Withers

Signature

OWNER

Title

11-02-05

Reporting Entity

Date

ALAN G. WITHERS

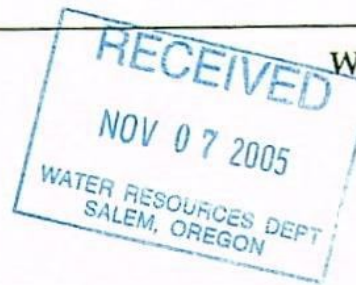
Name - Please Print

Please complete and mail to: Water Resources Department; Water Use Reporting Program;
725 Summer Street NE; Suite A, Salem, OR 97301-1271, or Fax 503-986-0902.



Oregon

Theodore R. Kulongoski, Governor



Water Resources Department

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

October 18, 2005

ALAN G WITHERS,
WITHERS, V GINGER
42642 HWY 31
PAISLEY, OR 97636

REFERENCE: USER_ID 16826

Dear Water User:

We have appreciated your cooperation with the Water Use Reporting program in the past. And now, with the loss of the water use coordinator position through budget reductions, we hope you can help us even more. We are requesting all who need to report monthly quantities and have Internet access to report those quantities online through our website. For the time being, the water use reporting database will not be updated with new water right information. If you need to report on a new water right not in the reporting database, you will need to submit a hard copy form. A 2005 monthly quantities form is printed on the reverse you can copy for your use.

To report monthly quantities data online, go to our web page at www.wrd.state.or.us and click on the link 'Water Use Reporting' under 'current topics'. Then, click on 'Submit your water use report data' on the Water Use Reporting page. A logon screen then appears and you use your USER_ID for both the Username and Password. To submit data for a point of diversion, scroll down to the point of diversion and click on 'Insert' to add data for that diversion. Be sure to be careful to choose the correct units, enter the monthly amounts diverted, and then click the 'Update' button. You will then be given the opportunity to review the data for that diversion to make sure it is correct. Please do so, as once data has been submitted by clicking the 'Submit' button, you cannot edit it. Also, please remember to enter zeros if you did not use a diversion. At present, the system can receive data only for the 2005 water year (October 2004 – September 2005). If you wish to submit data for another year, you will need to submit a hard copy. Thank you in advance for your cooperation. The data you provide is valuable for water management in Oregon.

Finally, if you have small water rights (less than 0.1 cfs or 9.2 AF) and do not report monthly quantities for them, we will assume that you have used water according to those rights.

Yours truly,

Gary L. Ball, PE, PLS
Hydrographics/Measurement & Reporting Manager
Voice: 503-986-0831, Fax: 503-986-0902
Gary.L.BALL@wrdd.state.or.us

2003

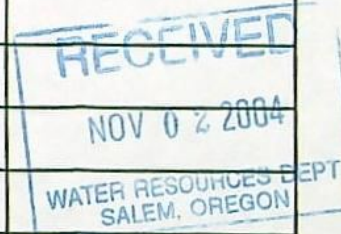
Oregon Water Resources Department
October 2003 through September 2004
Annual Water Use - Monthly Quantities Form

USER-ID 10826

2004



Facility ☒ POD-ID ☒	UPPER EAST FIELD 51459	POOT FIELD 51458	McGORMACK 51457		
October - 2003	0	0	0		
November - 2003	↓	↓	↓		
December - 2003					
January - 2004			↓		
February - 2004			.95		
March - 2004	↓		1.09		
April - 2004	STOCK WATER		1.16		
May - 2004	STOCK WATER		1.31		
June - 2004	STOCK WATER		.95		
July - 2004	0		STOCK WATER		
August - 2004	↓	↓	↓		
September - 2004	↓	↓	↓		
TOTAL *	0	0	5.46		



* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: RECTANGULAR WEIR
SECOND FEET. If use is irrigation, total number acres irrigated 80
I certify this information is true and accurate to the best of my knowledge.

Alan G. Withers
Signature

OWNER
Title

11-01-04
Reporting Entity Date

ALAN G. WITHERS
Name - Please Print

Please complete and mail to: Water Resources Department; Water Use Reporting Program;
725 Summer Street NE; Suite A, Salem, OR 97301-1271, or Fax 503-986-0902.



OREGON WATER RESOURCES DEPARTMENT SUMMARY OF WATER RIGHTS FOR WATER USE REPORT

Dear Water User: Water year 2004 has ended! All water use reports for October 2003 to September 2004 are requested to be submitted. During the past year we transferred our data to a new computer system, and have developed a website from which you may submit your data, if you so choose. In some cases the references numbers for points of diversion may have been changed. If this creates a problem for you, please contact me. If you would like to use the new site go to the web address listed below. You will not need to mail in this completed form. This information is important for water management in Oregon. Please, complete the form on the reverse side for the water rights listed below by December 31, 2004. If you have questions, or need more time please, contact me at 503-986-0833. Thank you for your attention to this matter. Mary Grainey



ALAN G WITHERS

<http://www.wrd.state.or.us>

WITHERS, V GINGER

User-ID 16826

42642 HWY 31

Password: 16826

PAISLEY OR 97636

POD-ID	FACILITY	CERT	PERMIT	APPL	PRIORITY	USE	L/S	TWP	RANGE	SEC	Q/Q	RATE	SOURCE	TRIBUTARY TO	
51457	MCCORMACK	0	S	53483	S 71291	2/14/1991	IS	L	33	S	17 E 10	SESE	0.9062 C S	HADLEY CR	WITHERS CR
51457	MCCORMACK	0	S	53483	S 71291	2/14/1991	IR	L	33	S	17 E 10	SESE	4.9612 C P	HADLEY CR	WITHERS CR
51458	PIVOT FIELD	0	S	53483	S 71291	2/14/1991	IS	L	33	S	17 E 15	NENE	0.9062 C A	HADLEY CR	WITHERS CR
51458	PIVOT FIELD	0	S	53483	S 71291	2/14/1991	IR	L	33	S	17 E 15	NENE	4.9612 C A	HADLEY CR	WITHERS CR
51459	UPPER EAST	0	S	53483	S 71291	2/14/1991	IR	L	33	S	17 E 15	NESE	4.9612 C A	HADLEY CR	WITHERS CR
51459	UPPER EAST	0	S	53483	S 71291	2/14/1991	IS	L	33	S	17 E 15	NESE	0.9062 C A	HADLEY CR	WITHERS CR

USER-ID

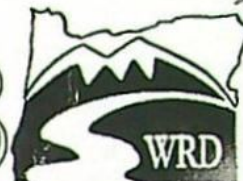
16826

2002

Oregon Water Resources Department
October 2002 through September 2003
Annual Water Use - Monthly Quantities Form

USER-ID 16826

2003



Facility POD-ID	UPPER EAST FIELD 51459	WINDY FIELD 51458	MCCORMACK 51457		
October - 2002	0	0	0		
November - 2002	0		0		
December - 2002	0		0		
January - 2003	0		0		
February - 2003	0		.7		
March - 2003	0		.7		
April - 2003	1.5		.95		RECEIVED
May - 2003	1.5		1.0		DEC 29 2003
June - 2003	STOCK WATER		1.0		WATER RESOURCES DEPT SALEM, OREGON
July - 2003	STOCK WATER		STOCK WATER		
August - 2003	STOCK WATER		STOCK WATER		
September - 2003	STOCK WATER	0	STOCK WATER		
TOTAL *	3.0	0	4.35		

* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: RECTANGULAR WEIR
SECOND FEET. If use is irrigation, total number acres irrigated 120

I certify this information is true and accurate to the best of my knowledge.

Alan G. Withers
Signature

Owner
Title

Reporting Entity

12-22-03
Date

ALAN G. WITHERS
Name - Please Print

Please complete and mail to: Water Resources Department; Water Use Reporting Program;
725 Summer Street NE, Suite A; Salem, OR 97301-1271



OREGON WATER RESOURCES DEPARTMENT SUMMARY OF WATER RIGHTS FOR WATER USE REPORT

Dear Water User: Water year 2003 has ended! All water use reports for October 2002 to September 2003 are requested to be submitted. We are a little late this year due to our efforts to develop a website from which you may submit your data, if you so choose. If you would like to test the new site go to the web address listed below. You will not need to mail in this completed form. This information is important for water management in Oregon. Please, complete the form on the reverse side for the water rights listed below by March 1, 2004. If you have questions, or need more time please, contact me at 503-986-0833. Thank you for your attention to this matter.
Mary Graine



ALAN G WITHERS
WITHERS, V GINGER
42642 HWY 31
PAISLEY OR 97636

<http://stamp.wrd.state.or.us/apps/wr/wateruse/wateruse.php>

User-ID 16826

Password: 16826

51457 MCCORMACK	0 S 53483 S 71291 2/14/1991 IS L 33 S 17 E 10 SESE	0.9062 C S HADLEY CR	WITHERS CR
51457 MCCORMACK	0 S 53483 S 71291 2/14/1991 IR L 33 S 17 E 10 SESE	4.9612 C P HADLEY CR	WITHERS CR
51458 PIVOT FIELD	0 S 53483 S 71291 2/14/1991 IS L 33 S 17 E 15 NENE	0.9062 C A HADLEY CR	WITHERS CR
51458 PIVOT FIELD	0 S 53483 S 71291 2/14/1991 IR L 33 S 17 E 15 NENE	4.9612 C A HADLEY CR	WITHERS CR
51459 UPPER EAST	0 S 53483 S 71291 2/14/1991 IR L 33 S 17 E 15 NESE	4.9612 C A HADLEY CR	WITHERS CR
51459 UPPER EAST	0 S 53483 S 71291 2/14/1991 IS L 33 S 17 E 15 NESE	0.9062 C A HADLEY CR	WITHERS CR

USER-ID

16826

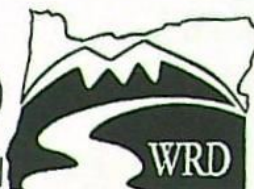
app 5-71291; ~~app~~ (permits - 53403)

USER-ID

2001

Oregon Water Resources Department
October 2001 through September 2002
Annual Water Use - Monthly Quantities Form

2002



Facility  POD-ID 	UPPER EAST FIELD 51459	PWOT FIELD 51458	McCORMACK 51457		
October - 2001	0	0	0		
November - 2001	0		0		
December - 2001	0		0		
January - 2002	0		0		
February - 2002	0		0		
March - 2002	STOCK WATER		.47 SEC. FT.		
April - 2002	STOCK WATER		.89		
May - 2002	.47		.33		
June - 2002	.33		.33		
July - 2002	STOCK WATER		STOCK WATER		
August - 2002	0	↓	STOCK WATER		
September - 2002	0	0	STOCK WATER		
TOTAL *	.80	0	2.02		



* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: RECTANGULAR WEIR. If use is irrigation, total number acres irrigated 120
I certify this information is true and accurate to the best of my knowledge.

Alan G. Withers
Signature

owner
Title

10/20/02
Reporting Entity Date

ALAN G. WITHERS
Name - Please Print

Please complete and mail to: Water Resources Department; Water Use Reporting Program;
158 12th Street NE; Salem, OR 97310-0210



OREGON WATER RESOURCES DEPARTMENT SUMMARY OF WATER RIGHTS FOR WATER USE REPORT



Dear Water User: It is a new water year! All water use reports for October 2001 to September 2002 are requested to be submitted by January 1, 2003. This information is important for water management in Oregon. Please complete the form on the reverse side for the water rights listed below. If you have questions, or need more time please, contact me at 503-378-8455 ext. 333. Thank you for your attention to this matter. Mary Grainey

ALAN G WITHERS

USER-ID

16826

WITHERS, V GINGER

42642 HWY 31

PAISLEY

OR 97636

POD-ID	FACILITY	CERT	PERMIT	APPL	PRIORITY	USE	L/S	TWP	RANGE	SEC	Q/Q	RATE	SOURCE	TRIBUTARY TO
51457	MCCORMACK	0	S	53483	S 71291	2/14/1991	IR	L	33 S	17 E	10 SESE	4.9612 C	P HADLEY CR	WITHERS CR
51457	MCCORMACK	0	S	53483	S 71291	2/14/1991	IS	L	33 S	17 E	10 SESE	0.9062 C	S HADLEY CR	WITHERS CR
51458	PIVOT FIELD	0	S	53483	S 71291	2/14/1991	IR	L	33 S	17 E	15 NENE	4.9612 C	A HADLEY CR	WITHERS CR
51458	PIVOT FIELD	0	S	53483	S 71291	2/14/1991	IS	L	33 S	17 E	15 NENE	0.9062 C	A HADLEY CR	WITHERS CR
51459	UPPER EAST	0	S	53483	S 71291	2/14/1991	IR	L	33 S	17 E	15 NESE	4.9612 C	A HADLEY CR	WITHERS CR
51459	UPPER EAST	0	S	53483	S 71291	2/14/1991	IS	L	33 S	17 E	15 NESE	0.9062 C	A HADLEY CR	WITHERS CR

USER-ID

16826



ALUMNI

Association

OREGON STATE UNIVERSITY

CH2M HILL ALUMNI CENTER

MARCH 15, 2003

NOTICE:-

THIS REPORT WAS SENT TO
YOU ON OCT, 21, 2002 - NOT
MUCH WATER!

Alan Withers

42642 HWY 31
Paisley, OR
97636

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MAR 18 2003

WATER RESOURCES DEPT
SALEM, OREGON

2001

Oregon Water Resources Dept. Form
October 2001 through September 2002
Annual Water Use - Monthly Quantities Form

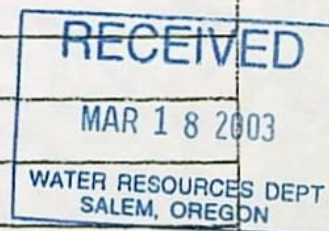
USER-ID 16826

2002



571291

Facility		UPPER EAST FIELD	PIVOT FIELD	McCORMACK		
POD-II		51459	51458	51457		
October	2001	0	0	0		
November	2001	0		0		
December	2001	0		0		
January	2002	0		0		
February	2002	0		0		
March	2002	STOCK WATER		47.56 AF		
April	2002	STOCK WATER		.89		
May	2002	.47		.33		
June	2002	.33		.33		
July	2002	STOCK WATER		STOCK WATER		
August	2002	0	0	STOCK WATER		
September	2002	0	0	STOCK WATER		
TOTAL * CF		.80	0	2.02		



* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used. RECTANGULAR WEIR If use is irrigation, total number acres irrigated 120
I certify this information is true and accurate to the best of my knowledge.

Alan G. Withers

Signature

Owner

Title

Reporting Entity

10/20/02

Date

ALAN G. WITHERS

Name - Please Print

Please complete and mail to: Water Resources Department: Water Use Reporting Program;
158 12th Street NE; Salem, OR 97310-0210



2000

Oregon Water Resources Department
October 2000 through September 2001
Annual Water Use - Monthly Quantities Form

2001



application: 571291

USER-ID 16826

Facility POD-ID	UPPER EAST FIELD 51459	PIVOT FIELD 51458	McLORMACK 51457		
October - 2000	0	0	0		
November - 2000	0				
December - 2000	0				
January - 2001					
February - 2001					
March - 2001			1.46 SEC. FT.		
April - 2001			.70 SECOND FT.		
May - 2001			.58 SECOND FT.		
June - 2001	.37 SECOND FT.		0		
July - 2001	0				
August - 2001					
September - 2001					
TOTAL *	.37		2.79		

* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: RECTANGULAR WEIR. If use is irrigation, total number acres irrigated 90

I certify this information is true and accurate to the best of my knowledge.

Alan G. Withers
Signature

Owney
Title

Reporting Entity

01/12/02
Date

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JAN 15 2002
WATER RESOURCES DEPT.
SALEM, OREGON



app 71291

USER-ID 16826

Oregon Water Resources Department
October 1999 through September 2000
Annual Water Use - Monthly Quantities Form

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JAN 02 2001

WATER RESOURCES DEPT
SALEM, OREGON

Facility  POD-ID 	UPPER EAST 51459 12/15	PIVOT FIELD 51458 12/15	MCCORMACK 51457 12/15		
October - 1999	0	0	0		
November - 1999	.32 SEC. FEET	↓	↓		
December - 1999	.32 SEC. FEET	↓	↓		
January - 2000	0	↓	↓		
February - 2000	↓	↓	↓		
March - 2000	.82 SEC. FEET	1.23 SEC. FEET	1.02 SEC. FEET		
April - 2000	1.28 SEC. FEET	2.20 SEC. FEET	2.02 SEC. FEET		
May - 2000	.63 SEC. FEET	1.53 SEC. FEET	1.69 SEC. FEET		
June - 2000	.63 SEC. FEET	0	0		
July - 2000	0	↓	↓		
August - 2000	↓	↓	↓		
September - 2000	↓	↓	↓		
TOTAL *					

* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: EYE BALL! NO. If use is irrigation, total number acres irrigated 234.0
DEVICES INSTALLED YET

I certify this information is true and accurate to the best of my knowledge.

Alan G. Withers
SignaturePartner
Title

Reporting Entity

12/29/00
DateALAN G. WITHERS
Name - Please PrintPlease complete and mail to: Water Resources Department; Water Use Reporting Program;
158 12th Street NE; Salem, OR 97310-0210

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. S-71291

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

I, ALAN + GINGER WITHERS, the holder of Permit No. 53483

to appropriate 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 30th day of SEPTEMBER, 2001

Remarks: _____

OCT 15 2001

WATER RESOURCES DEPT.
SALEM, OREGON

IN WITNESS WHEREOF, I have hereunto set my hand this 30th day of SEPTEMBER, 2001

Alan D. Withers & Ginger Withers
(Signature of Applicant)

42642 HIGHWAY 31, PAISLEY, OR 97636
(Address)

NOTICE OF COMPLETION OF CONSTRUCTION

I, ALAN & GINGER WITHERS, the holder of Permit No. 53483

to appropriate the public waters of the state of Oregon, completed the construction of the works described therein on the 30th day of SEPTEMBER, 2001.

Remarks: _____
If the works have less capacity than described in the permit, or you have definitely abandoned part of the proposed develop-

ment, you should so state in order that our records may not be unnecessarily encumbered.

RECEIVED
OCT 15 2001
WATER RESOURCES DEPT.
SALEM, OREGON

IN WITNESS WHEREOF, I have hereunto set my hand this 30th day of SEPTEMBER, 2001.

Alan S. Withers & Ginger Withers
(Signature of Applicant)

42642 HIGHWAY 31, PAISLEY, OR 97636
(Address)

Fill out, detach and mail to the Water Resources Department, Salem, OR 97310, when construction work is completed.

Water Resources Department
158 12th Street N.E.
Salem, OR 97310-0210

Dear Sir,

Enclosed are the Form B and Form C indicating completion of the beneficial use of this water permit. Anderson Engineering are preparing the final proof map and claim of beneficial use report.

Sincerely,

Alan G. Withers

Alan G. Withers
42642 Highway 31
Paisley, OR 97636
Phone (541) 9433943
Fax (541) 943-3163

RECEIVED
OCT 15 2001
WATER RESOURCES DEPT.
SALEM, OREGON

ALAN + GINGER WITHERS
42642 Highway 31
PAISLEY, OR 97636

CERTIFIED MAIL



7000 0520 0022 4249 0401



WATER RESOURCES DEPARTMENT
158 12th STREET, N.E.
SALEM, OR 97310-0210

97301+4172





Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

November 10, 1999

Alan G. Withers
28580 Highway 31
Paisley, Oregon 97636

RE: Application 71291, Permit 53483

Dear Mr. Withers:

I am writing in response to your letter dated November 1, 1999, regarding the requirement for measuring and reporting found in your permit for water use. Before I address your question; however, I would like to thank you for your interest in ensuring that you are complying with the conditions of your permit.

Your permit allows the use of 5.87 cubic feet per second of water. Permits issued for the use of greater than 1.5 cubic foot per second of water contain conditioning which requires measuring and annual reporting of monthly water use as follows:

Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall ... keep a complete record of the amount of water used each month ... and shall submit ... the recorded water use measurements to the Department annually ...

The permit as conditioned does allow for the use of "other suitable measuring device[s] as approved by the Director." The watermaster specifically requested measuring devices be a condition of this permit. There is nothing in the file to indicate that an alternate means of measuring has been approved. Therefore, prior to water use you must install a meter or you must submit a letter from the watermaster approving a "suitable" alternative means of measuring and reporting.

The permit can not be "unconditioned." There were comments received during the processing of your water right. If the Department had proposed to alter the measuring and reporting condition those individuals that were keeping tabs on the proposed use would have had opportunity to protest the application. To change the application now would neither be legal, nor fair to the public who had the opportunity to intervene with your application as it progressed to permit.



Feel free to call me at (503) 378-8455 ext. 266 or 1 (800) 624-3199 if you have additional questions. Please have your application number available if you call.

Sincerely,

A handwritten signature in black ink, appearing to read "Russell W. Klassen". The signature is fluid and cursive, with a long horizontal stroke at the end.

Russell W. Klassen
Senior Water Rights Specialist

cc: Watermaster Dist 12

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NOV 02 1999

WATER RESOURCES DEPT.
SALEM, OREGON

November 1, 1999

Mr. Steven P. Applegate, Administrator
Water Rights Division
Water Resources Department
158 12th Street N.E.
Salem, OR 97310-0210

Dear Mr. Applegate,

We would like to know if it is possible to waive the requirement of constructing measuring devices and measuring the water used in the above noted permit.

Hadley creek is a stream that has a period every spring when it flows very high for a few days. As a result it will take a fairly large and expensive weir for measuring. Then as the season proceeds the flow is so small that it will be difficult to get good measurements in a large structure.

It seems to us that the measurements in this particular case have no practical value.

Sincerely,

Alan G. Withers

Alan G. Withers
28580 Highway 31
Paisley, OR 97636
Phone (541) 943-3943
Fax (541) 943-3163

~~1/15/99~~
Dawg

RECEIVED

SEP 24 1999

Form A (690-9-77)

Application No. 5-71291

NOTICE OF BEGINNING OF CONSTRUCTION

I, ALAN WITHERS, the holder of Permit No. 53483to appropriate the public waters of the state of Oregon, began the construction of the works described
thereon on the FIRST day of APRIL 79.Remarks: ALL DITCHES
The appropriator must state the manner of work completed and the type of equipment
OF DIVERSION ARE COMPLETED & DEVICES ARE
acquired for the water system up to the date of this statement, and a substantial beginning of construction as
BEING DESIGNED
authorized by your permit.

Dallas

IN WITNESS WHEREOF, I have hereunto signed this 50 day of SEPTEMBER, 1999.Alan G. Withers

(Signature of Applicant)

500 Highway 31 Paisley, OR 97630
(Address)

Fill out, detach and mail to the Water Resources Department, Salem, OR 97310, when construction work is begun.

SP*35567-690

JK
DSM

RECEIVED

SEP 24 1999

Form A (690-9-77)

Application No. 5-71291

NOTICE OF BEGINNING OF CONSTRUCTION

I, ALAN WITHERS, the holder of Permit No. 53483to appropriate the public waters of the state of Oregon, began the actual construction of the works described
thereon on the FIRST day of APRIL, 1999.Remarks: ALL DITCHES ARE COMPLETED - ALL POINTS
OF DIVERSION ARE COMPLETED - MEASURING DEVICES ARE
acquired for the water system up to the date of this statement, and any additional information which shows a substantial beginning of construction as
BEING DESIGNED
authorized by your permit.IN WITNESS WHEREOF, I have hereunto set my hand this 21ST day of SEPTEMBER, 1999.Alan G. Withers

(Signature of Applicant)

28580 Hiway 31 PAISLEY, OR 97636

(Address)

Fill out, detach and mail to the Water Resources Department, Salem, OR 97310, when construction work is begun.

SP*35567-690

JK
DSM

A. Withers
28580 Highway 31
Paisley, OR 97636-9704



WATER RESOURCES DEPARTMENT
COMMERCE BUILDING
158 12TH STREET NE
SALEM, OR 97310-0210



A. Withers
28580 Highway 31
Paisley, OR 97636-9704



MR. STEVEN P. APPLGATE, ADMINISTRATOR
WATER RIGHTS DIVISION
WATER RESOURCES DEPARTMENT
158 12TH STREET N.E.
SALEM, OR 97310-0210

37310+0700



STATE OF OREGON

COUNTY OF LAKE

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ALAN AND GINGER WITHERS
28580 HWY 31
PAISLEY, OREGON 97636

(541) 943-3943

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: S-71291

SOURCE OF WATER: HADLEY CREEK, A TRIBUTARY OF SUMMER LAKE

PURPOSE OR USE: IRRIGATION OF 198.45 ACRES AND SUPPLEMENTAL IRRIGATION OF 36.25 ACRES

MAXIMUM RATE ALLOWED: 5.87 CUBIC FEET PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: FEBRUARY 14, 1991

POINT OF DIVERSION (POD) LOCATIONS: SE 1/4 SE 1/4, SECTION 10, NE 1/4 NE 1/4, NE 1/4 SE 1/4, SECTION 15, T33S, R17E, W.M.; POD 1 - 1300 FEET NORTH AND 278 FEET WEST FROM THE SE CORNER OF SECTION 10; POD 2 - 518 FEET SOUTH AND 385 FEET WEST, POD 3 - 3017 FEET SOUTH AND 1040 FEET WEST, BOTH FROM THE NE CORNER OF SECTION 15

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-FORTIETH 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.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
SE 1/4 NE 1/4	23.0 ACRES	
NE 1/4 SE 1/4	28.5 ACRES	
SE 1/4 SE 1/4	0.4 ACRE	
	SECTION 10	
SW 1/4 NW 1/4		13.6 ACRES
NW 1/4 SW 1/4		17.4 ACRES
SW 1/4 SW 1/4	11.1 ACRES	1.5 ACRES
SE 1/4 SW 1/4	22.95 ACRES	3.75 ACRES
SW 1/4 SE 1/4	25.9 ACRES	
SE 1/4 SE 1/4	28.0 ACRES	
	SECTION 11	

NE 1/4 NE 1/4	4.7	ACRES
NW 1/4 NE 1/4	12.5	ACRES
NE 1/4 NW 1/4	19.9	ACRES
NW 1/4 NW 1/4	21.5	ACRES

SECTION 14

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

Measurement, recording and reporting conditions:

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

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

STANDARD CONDITIONS

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

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

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

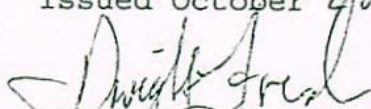
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

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

Actual construction work shall begin by October 28, 1999. Complete application of water to the use shall be made on or before October 1, 2003. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued October 28, 1998



Martha O. Pagel, Director
Water Resources Department

Mailing List for Permit Copies

Application #S-71291 Mailing List Print Date September 30, 1998

Original mailed to (when permit issued, include copy of permit map):

Applicant: ALAN AND GINGER WITHERS, 28580 HWY 31, PAISLEY, OREGON 97636

Copies Mailed
By: <u>Haw</u>
(SUPPORT STAFF)
on: <u>10/28/98</u>
(DATE)

For Permit only - Permit Copies sent to (Remember to reduce copy margins):

1. WRD - File # S-71291
2. WRD - Ken Stahr
3. WRD - Data Center
4. WRD - NWR (Gloria)
5. WRD - Watermaster District #: 12 (w/copy of permit map)
6. WRD - Regional Manager: NOT TO BOB MAIN - SCR

For Permit only - Copies to Other Interested Persons (CWRE, Agent, Well Driller, Commenter, etc.)

1. Darryl J. Anderson (CWRE)

CASEWORKER: RWK

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **24322**

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

INVOICE # _____

RECEIVED FROM: Withers Land &
BY: Cattle Co.

APPLICATION	71291
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # ☒ 96-577 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 550⁰⁰

0417 WRD MISC CASH ACCT

ADJUDICATIONS

\$

PUBLICATIONS / MAPS

\$

OTHER: (IDENTIFY)

\$

OTHER: (IDENTIFY)

\$

REDUCTION OF EXPENSE

CASH ACCT.

\$

PCA AND OBJECT CLASS

VOUCHER #

0427 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY)

\$

New) TC165 DEPOSIT LIAB. (IDENTIFY)

\$

Existing) TC168

WATER RIGHTS:

0201 SURFACE WATER

EXAM FEE

\$ 0

0202

RECORD FEE

\$ 550⁰⁰

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$

0206

\$

WELL CONSTRUCTION

EXAM FEE

\$

0219

LICENSE FEE

\$

0218 WELL DRILL CONSTRUCTOR

0220

\$

LANDOWNER'S PERMIT

OTHER (IDENTIFY)

0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$

CARD #

0210 MONITORING WELLS

\$

CARD #

OTHER (IDENTIFY)

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS

\$

0467 HYDRO ACTIVITY

LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

\$

0231 HYDRO LICENSE FEE (FW/WRD)

\$

HRDRO APPLICATION

\$

RECEIPT # **24322**

DATED: 9-4-52

BY: M. Mungro

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

September 1, 1998

Mr Jarred Gaine
Water Resources Dept.
Salem, OR 97310

RECEIVED

SEP 04 1998

WATER RESOURCES DEPT.
SALEM, OREGON

Dear Sir,

Enclosed please find a check for
\$550⁰⁰ for filing or recording fees
for application file # 71291.

I am sorry I am so late I
completely forgot this fee was due.

Yours Truly

Alan G. Withers



A. Withers
28580 Highway 31
Paisley, OR 97636-9704

P 292 206 537

MAIL



MR. JARRED GAINES
WATER RESOURCES DEPT.
COMMERCE BUILDING
158 12th ST. NE
SALEM, OR 97310-0210

97310/0703



SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

ALAN & GINGER WITHERS
28580 HIGHWAY 31
PAISLEY, OR 97636

4a. Article Number

P56504

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☒ Certified |
| ☐ Express Mail | ☐ Insured |
| ☐ Return Receipt for Merchandise | ☐ COD |

7. Date of Delivery

7/31/98

5. Received By: (Print Name)

Thomas A. Benton

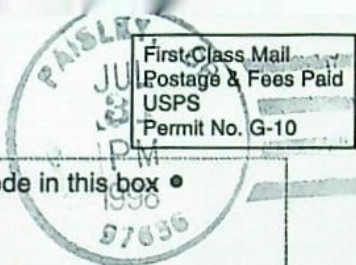
6. Signature: (Addressee or Agent)

X

Thomas A. Benton

8. Addressee's Address (Only if requested and fee is paid)

UNITED STATES POSTAL SERVICE



• Print your name, address, and ZIP Code in this box •

WATER RESOURCES DEPARTMENT
158 12th ST NE
SALEM OR 97310





Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

CERTIFIED MAIL Return Receipt Requested

July 29, 1998

Alan & Ginger Withers
28580 Highway 31
Paisley, OR 97636

RE: Application File # 71291

Dear Mr. & Mrs. Withers:

On October 25, 1996, the Department issued a Final Order for application 71291. The Final Order identified that additional fees must be submitted to the Department before a permit would be issued. The Department has not yet received the following:

- ▶ Permit recording fees in the amount of \$550.00.

Please submit this information by **September 29, 1998**. If we do not receive the information requested above by this date, we **will** reject your application consistent with ORS 537.153. If your application is rejected, any fees submitted in excess of the examination fee will be refunded; however, the examination fee is non-refundable and will not be returned. In addition, the priority date associated with your application will be lost.

Should you have any questions regarding your application or the required materials listed above, or if you need to request an extension of time, please call me at (503) 378-8455, extension 264, or toll free within Oregon at 1-800-624-3199.

Sincerely,

Jarred Gainey
Water Right File Technician

cc: Dennis Glender, Watermaster District 12

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-71291

Final Order

Application History

On February 14, 1991, ALAN AND GINGER WITHERS submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on August 13, 1996. The protest period closed September 27, 1996, and no protest was filed.

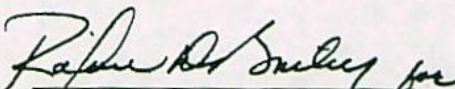
The proposed use would not impair or be detrimental to the public interest, but the Department's continuing evaluation reveals that the Proposed Final Order requires modification to correctly describe the number of acres for primary and supplemental irrigation.

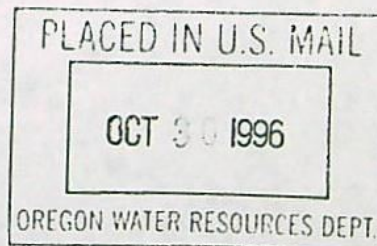
Order

Upon payment of outstanding permit recording fees, Application S-71291 shall be approved as modified above and as provided on the attached draft permit.

Permit recording fees are required in the amount of \$550.00. Said fees are due and payable no later than 60 days from the date of this Final Order. Failure to pay the required permit recording fees within 60 days from the date of this Final Order will result in the proposed rejection of Application S-71291.

DATED October 25, 1996


Martha O. Pagel
Director



Hearing and Appeal Rights

Under the provisions of ORS 537.170 and ORS 537.622, the applicant may request a contested case hearing by submitting the information required for a protest under ORS 537.153(6) or ORS 537.621(7) to the Department within 14 days after the date of mailing of this order as shown below. If a contested case hearing is requested, the Department must schedule one. In the contested case hearing, however, only those issues based on the above modifications to the proposed final order may be addressed.

Under the provisions of ORS 183.484, the applicant or any person having standing may appeal this order by filing a petition for review in the Circuit Court for Marion County or the circuit court for the county in which the applicant resides or has a principal business office. The petition for review must be filed within 60 days after the date this order is served.

STATE OF OREGON

COUNTY OF LAKE

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

ALAN AND GINGER WITHERS
28580 HWY 31
PAISLEY, OREGON 97636

(541) 943-3943

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: S-71291

SOURCE OF WATER: HADLEY CREEK, A TRIBUTARY OF SUMMER LAKE

PURPOSE OR USE: IRRIGATION OF 198.45 ACRES AND SUPPLEMENTAL IRRIGATION OF 36.25 ACRES

MAXIMUM RATE/VOLUME ALLOWED: 5.87 CUBIC FEET PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: FEBRUARY 14, 1991

POINT OF DIVERSION (POD) LOCATIONS: SE 1/4 SE 1/4, SECTION 10, NE 1/4 NE 1/4, NE 1/4 SE 1/4, SECTION 15, T33S, R17E, W.M.; POD 1 - 1300 FEET NORTH AND 278 FEET WEST FROM THE SE CORNER OF SECTION 10; POD 2 - 518 FEET SOUTH AND 385 FEET WEST, POD 3 - 3017 FEET SOUTH AND 1040 FEET WEST, BOTH FROM THE NE CORNER OF SECTION 15

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-FORTIETH 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.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
SE 1/4 NE 1/4	23.0 ACRES	
NE 1/4 SE 1/4	28.5 ACRES	
SE 1/4 SE 1/4	0.4 ACRE	
SECTION 10		
SW 1/4 NW 1/4		13.6 ACRES
NW 1/4 SW 1/4		17.4 ACRES
SW 1/4 SW 1/4	11.1 ACRES	1.5 ACRES
SE 1/4 SW 1/4	22.95 ACRES	3.75 ACRES
SW 1/4 SE 1/4	25.9 ACRES	
SE 1/4 SE 1/4	28.0 ACRES	
SECTION 11		

NE 1/4	NE 1/4	4.7	ACRES
NW 1/4	NE 1/4	12.5	ACRES
NE 1/4	NW 1/4	19.9	ACRES
NW 1/4	NW 1/4	21.5	ACRES

SECTION 14

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

Measurement, recording and reporting conditions:

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

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

STANDARD CONDITIONS

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

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

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

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

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

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

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

{DATE}

DRAFT

Martha O. Pagel, Director
Water Resources Department

Application S-71291

COPY CHECK-OFF SHEET FOR PROPOSED FINAL ORDERS

CC: FILE # S-71291

WATERMASTER # 12

REGIONAL MANAGER: BOB MAIN

ODF&W - Lake County: LAKE COUNTY

CWRE (if agent): DARRYL J. ANDERSON

DEQ

OTHER STATE AGENCY IF NECESSARY:

DIVISION 33 LIST: COLUMBIA RIVER INTERTRIBAL FISH COMMISSION; U.S. FISH & WILDLIFE;
(CHECK ONLY IF APPLICABLE) NORTHWEST POWER PLANNING COUNCIL & NATIONAL MARINE FISHERIES

POWER BUILDER UPDATER; FRONT COUNTER

OTHER ADDRESSES OF PEOPLE WHO PAID THE \$10 FEE:

PEOPLE WITH OBJECTIONS, COMMENTS OR REQUESTED COPY W/O \$10 (SEND THE \$10 LETTER):

OREGON TROUT

ALAN G. WITHERS, PRESIDENT, WITHERS RANCH INC., 28584 HWY 31, PAISLEY, OR 97636

CASEWORKER : LKS

FILE # 5-71291**FO CHECKLIST**REVIEW DATE: 8/19/96WEEK # 55

PFO TO FO CONVERSION

INITIALS: JTB

In preparing the FO, you should check the following:

1. Y/N Were comments or protests received in response to the PFO?
2. X *Unsigned Phone message on 9-6-96*
If #1 = "Y", from whom were the comments received and when?
3. X Verify names and addresses on the PFO CC list. ALL commentors (regardless of comment date), affected landowners (were they notified?), and those who paid the \$10 fee should be listed.
4. \$550 Verify payment of recording fees (circle the appropriate option)
(1) Issue FO w/permit if fees are paid -- Prepare refund request for excess fees, including standing fees if no protest is filed and no modifications are being made to the PFO
(2) Issue FO w/o permit if fees are lacking

200
100
450
5. Y / N Is the file lacking a signed oath of accuracy for the application?
6. Y / N Has ODFW asked for self certification on screening condition?
7. Y / N Is water use prohibited for one or more months of the normal use period?
8. Y / N If #6 = "Y", is short season letter on file? Note: If short season letter is lacking prepare FO with Draft permit giving applicant 60 days to submit letter.
9. Y / N Is further processing possible? If not state reason: _____
10. _____ Notify applicant of additional information or fees required prior to permit issuance (SEND CERTIFIED LETTER & use standard wording from M:\T\FO\TOOLS if possible)
11. _____ Assign permit numbers to files with oath, fees, and no protests or other issues

DENIAL FO w/o PERMIT
LARRY JERRYRoute to: (circle one)
FO & PERMIT COMMENTS
JEREMY DOUG

9/6/96 Note indicates that applicants question was already answered and records show only one existing certified Initials my
Right. No changes are needed for PFO Findings.

Modify FO as needed to:

12. my Respond to significant comments, issues, or disputes related to the proposed use of water. (see notes, if any, listed above)
13. my Include or exclude permit conditions and management codes
14. my Correct PFO errors (such as POD or POU location (verify from map), Permit format)

Once FO document is completed:

15. my Save WordPerfect document in M:\T\FO\WEEK 55 & delete duplicates
16. my Print final draft of document and submit to team leader for review
17. Y/N Team leader review completed

$$\begin{array}{r}
 198.45 \\
 36.25 \\
 \hline
 234.70
 \end{array}$$

235

$$\begin{array}{r}
 154.95 \\
 79.75 \\
 \hline
 234.70
 \end{array}$$

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-71291

Proposed Final Order

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

Application History

On February 14, 1991, ALAN AND GINGER WITHERS submitted an application to the Department for the following water use permit:

- Amount of Water: 5.88 CUBIC FEET PER SECOND (CFS)
- Use of Water: IRRIGATION OF 243.7 ACRES
- Source of Water: HADLEY CREEK, A TRIBUTARY OF SUMMER LAKE
- Area of Proposed Use: Lake County within SECTION 10, SECTION 11 AND SECTION 14, TOWNSHIP 33 SOUTH, RANGE 17 EAST, W.M.
- Water Delivery System: According to the applicant water is diverted from Hadley Creek as shown on the application map. Water is transported by existing ditches across the high side of the fields. Water is then let out of the ditches to flood irrigated the noted areas.

On MARCH 19, 1996, the Department mailed the applicant notice of its Initial Review, determining that the use of 5.87 CFS of water from Hadley Creek for Irrigation of 154.95 acres and Supplemental Irrigation of 79.75 acres may be allowed March 1 through October 31. The applicant did not notify the Department to stop processing the application within 14 days of that date.

On APRIL 2, 1996, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about both obtaining future notices and a copy of the proposed final order.

No written comments were received within 30 days.

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

- comments by or consultation with another state agency
- any applicable basin program
- any applicable comprehensive plan or zoning ordinance
- the amount of water available

- the rate and duty for the proposed use
- pending senior applications and existing water rights of record
- the Scenic Waterway requirements of ORS 390.835
- applicable statutes, administrative rules, and case law
- any comments received

Findings of Fact

The Goose & Summer Lakes Basin Program allows the following uses:
IRRIGATION OF 154.95 ACRES AND SUPPLEMENTAL IRRIGATION OF 79.75 ACRES.

Senior water rights exist on HADLEY CREEK, A TRIBUTARY OF SUMMER LAKE, or on downstream waters.

HADLEY CREEK, A TRIBUTARY OF SUMMER LAKE, is not within or above a State Scenic Waterway.

According to information from the Watermaster, water is available for further appropriation for the period MARCH 1 THROUGH OCTOBER 31.

The Department finds that no more than 5.87 CFS would be necessary for the proposed use. The amount of water requested, 5.88 CFS, shall be restricted to 5.87 CFS.

There is no evidence in the record of the presence of game fish at the described point of diversion.

An interagency team reviewed this proposed use for potential adverse impacts on declining fish populations. This team consisted of representatives from the Oregon Departments of Water Resources (WRD), Environmental Quality, Fish and Wildlife (DFW), and Agriculture. WRD and DFW representatives included both technical and field staff. The interagency team did not recommend that any additional conditions of use be imposed on this application.

Conclusions of Law

Under the provisions of ORS 537.153, the Department must presume that a proposed use will not impair or be detrimental to the public interest if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

The proposed use requested in this application is allowed in the Goose & Summer Lakes Basin Plan.

No preference for this use is granted under the provisions of ORS 536.310(12).

Water is available for the proposed use.

The proposed use will not injure other water rights.

The proposed use complies with rules of the Water Resources Commission.

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

For these reasons, the required presumption has been established.

Once the required presumption has been established, under the provisions of ORS 537.153(2) it may be overcome by a preponderance of evidence that either:

- (a) One or more of the criteria for establishing the presumption are not satisfied; or
- (b) The proposed use will impair or be detrimental to the public interest as demonstrated in comments, in a protest . . . or in a finding of the department that shows:
 - (A) The specific public interest under ORS 537.170(8) that would be impaired or detrimentally affected; and
 - (B) Specifically how the identified public interest would be impaired or detrimentally affected.

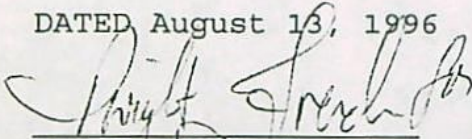
In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use will impair or be detrimental to the public interest.

The Department therefore concludes that water is available in the amount necessary for the proposed use; the proposed use will not result in injury to existing water rights; and the proposed use will not impair or be detrimental to the public interest as provided in ORS 537.170.

Recommendation

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

DATED August 13, 1996


Steven P. Applegate
Administrator
Water Rights Division

Protest Rights

Under the provisions of ORS 537.153(6) or 537.621(7), you have the right to submit a protest against this proposed final order. Your protest must be in writing, and must include the following:

- Your name, address, and telephone number;

- A description of your interest in the proposed final order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
- A detailed description of how the action proposed in this proposed final order would impair or be detrimental to your interest;
- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known; and
- If you are not the applicant, the \$200 protest fee required by ORS 536.050.
- If you are the applicant, a statement of whether or not you are requesting that a contested case hearing be held. If you do not request a hearing, the Department will presume that you do not wish for a hearing to be held.

Your protest must be received in the Water Resources Department no later than September 27, 1996.

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

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

LKS

DRAFT

This is not a permit!!!

DRAFT

STATE OF OREGON

COUNTY OF LAKE

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

ALAN AND GINGER WITHERS
28580 HWY 31
PAISLEY, OREGON 97636

PHONE: (541) 943-3943

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: S-71291

SOURCE OF WATER: HADLEY CREEK, A TRIBUTARY OF SUMMER LAKE

PURPOSE OR USE: IRRIGATION OF 154.95 ACRES AND SUPPLEMENTAL IRRIGATION OF 79.75 ACRES

MAXIMUM RATE/VOLUME ALLOWED: 5.87 CUBIC FEET PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: FEBRUARY 14, 1991

POINT OF DIVERSION LOCATION: SE 1/4 SE 1/4, SECTION 10, T33S, R17E, W.M.; NE 1/4 NE 1/4, NE 1/4 SE 1/4, SECTION 15, T33S, R17E, W.M.; POD 1 - 1300 FEET NORTH & 278 FEET WEST FROM SE CORNER, SECTION 10; POD 2 - 518 FEET SOUTH & 385 FEET WEST FROM NE CORNER, SECTION 15; POD 3 - 3017 FEET SOUTH & 1040 FEET WEST FROM NE CORNER, SECTION 15

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-FORTIETH 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.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
SE 1/4 NE 1/4	23.0 ACRES	
NE 1/4 SE 1/4	28.5 ACRES	
SE 1/4 SE 1/4	0.4 ACRE	
SECTION 10		

Application S-71291 Water Resources Department

PERMIT DRAFT

SW 1/4 NW 1/4	13.6 ACRES
NW 1/4 SW 1/4	17.4 ACRES
SW 1/4 SW 1/4	11.1 ACRES
SE 1/4 SW 1/4	22.95 ACRES
SW 1/4 SE 1/4	25.9 ACRES
SE 1/4 SE 1/4	28.0 ACRES
SECTION 11	
NE 1/4 NE 1/4	4.7 ACRES
NW 1/4 NE 1/4	12.5 ACRES
NE 1/4 NW 1/4	19.9 ACRES
NW 1/4 NW 1/4	21.5 ACRES
SECTION 14	

13.6 ACRES
17.4 ACRES
1.5 ACRE
3.75 ACRES

36.25

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

Measurement, recording and reporting conditions:

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

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

STANDARD CONDITIONS

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

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

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

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

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

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

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

Issued _____, 199_

DRAFT - THIS IS NOT A PERMIT

Water Resources Department
Director

Application S-71291 Water Resources Department
Basin 13 Volume 2 Summer Lake
LKS MGMT.CODE

PERMIT DRAFT.
District 12

9-6-96 10:09

msg from Alan Withers

54T-943-3943

5-71291

9-9-96 returning call 9:40

Asking if appl. necessary?
is there existing right (poss
adjudicated claim) on all lands?
Our records only show ^agw
certificate 22838 on 79.75
acres.

Alan - Water master told him
that he may ~~already~~ have
an adjudicated right (but ~~the~~ ^{W.M.}
may have these lands confused
w/ another set of lands that
they do have claims on.)

Mr. Withers does not think there
~~are~~ have adj. claims on these lands but wanted
Dept. records only show ^{to check}
the one certificate ^{with the}
Want to check w/ the watermaster ^{W.M.}
to find out what ^{he} was thinking
of. ~~Atty~~

PFO ACCURACY CHECKLIST

Application #: S-71291

1. ☒ CHECK NAME(S)/COMPANY NAME
 - * Assigned
 - * Signature Name
 - * Correct Name(s)/Company throughout PFO
 - * Correct Address & Phone Number on Draft Permit
2. ☒ CHECK SOURCE AND TRIBUTARY
 - * Consistent throughout PFO and Draft Permit
3. ☒ CHECK RATE OF USE
4. ☒ CHECK PRIORITY DATE & TR/IR DATES
5. ☒ CHECK POD IN DRAFT PERMIT
 - * Check Map against permit
 - * Check Township, Range and Section
6. ☒ CHECK POU IN PFO AND DRAFT PERMIT
 - * Check Map against both
 - * If Acres on Application do not agree with Map, use Map info
 - * Check Township, Range and Section
7. ☒ ADD VOLUME NUMBER/NAME AT END OF DRAFT PERMIT
8. ☒ COMPLETE READ THROUGH OF PFO
 - * Sentence Structure
 - * Punctuation
 - * Spelling, etc.

Name:
LKS

Lauren Smedaker

Date:

7-31-96

RECEIVED

JUL 25 1996

WATER RESOURCES DEPT.
SALEM, OREGON

July 20, 1996

Laura K. Snedaker
Senior Water Rights Department
Water Resources Department
158 12th St. N.E.
Salem, OR 97310-0210

RE: Application File #S-71297

Dear Ms Snedaker,

Enclosed are the completed forms for the application S-71291.
I also include a copy of our authorization for access the ditches
and point of diversion. The road crossed by the creek is owned
by Withers Ranch Inc. The address is: Withers Ranch Inc.,
28584 Hiway 31, Paisley, OR 97636.

Sincerely,

Alan Withers

Alan Withers
28580 Hiway 31
Paisley, OR 97636
Phone (541) 9433943
Fax (541) 9433163

OWNERSHIP/EASEMENT FORM

RECEIVED

JUL 25 1996

WATER RESOURCES DEPT.
SALEM, OREGON

1. Do you own all property related to this application?

YES / ☒ NO

(circle your answer)

If you answered "NO," please submit the names and addresses of the legal owners of all property related to this application that you do not own.

2. If you answered "NO" to question #1 above, do you have written authorization or an easement permitting access to the lands you do not own?

☒ YES / NO / NOT APPLICABLE (I answered "YES" to #1.)

(circle your answer)

I understand that if I do not own all property associated with this application, I may be required to submit a copy of my written authorization or easement for access before a permit can be issued.

SIGNATURE: Alan G. Withers TITLE: Owner DATE: 7-20-96

RECEIVED

JUL 25 1996

WATER RESOURCES DEPT.
SALEM, OREGON

28580 Highway 31

May 19 1996

REFERENCE NO. S-71791

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY THAT ALAN
AND GINGER WITHERS AND THEIR
EMPLOYEES HAVE WRITTEN AUTHORIZATION
TO ENTER AND CROSS WITHERS
RANCH INC. PROPERTY TO MAINTAIN,
ADJUST AND CONTROL HADLEY CREEK
FOR PURPOSES OF OBTAINING STOCK
WATER AND IRRIGATION WATER.

Alan S. Withers, President

Withers Ranch Inc.

28580 Highway 31

Paisley, Oregon 97636

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
 2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Alan and Ginger Withers
 28580 Hwy 31
 Paisley, OR 97636

4a. Article Number

P56582

4b. Service Type

- ☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

7-5-96

71291

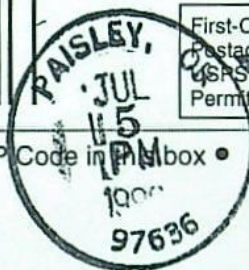
5. Received By: (Print Name)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)

X Jennifer Withers

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. 10510

• Print your name, address, and ZIP Code in the box •

WATER RESOURCES DEPT.
COMMERCE BUILDING
158 12TH STREET NE
SALEM, OR 97310



CERTIFIED MAIL
Return Receipt Requested

July 3, 1996

WATER
RESOURCES
DEPARTMENT

ALAN AND GINGER WITHERS
28580 HWY 31
PAISLEY OREGON 97636

RE: Application File # S-71291

Dear ALAN AND GINGER WITHERS:

I am currently reviewing your application to appropriate surface water, S-71291. Review of your application indicates that additional information is necessary to complete your application for water use. This information must be received:

- ▶ Your application indicates that you may not own all of the lands related to your application. Please fill out the enclosed OWNERSHIP/EASEMENT FORM and identify, if applicable, the names and addresses of the legal land owners of all property related to this application that you do not own, including the road crossed by the proposed ditch, as shown on the application map. For the road that is crossed by your diversion works please submit the name and address of road owner, for example the county, state, or federal agency, and indicate whether you have a permit to cross the road with your diversion works.

Please submit this item by **AUGUST 2, 1996**. If we do not receive the item requested above by this date, we may reject your application consistent with ORS 537.153. If your application is rejected, any fees submitted in excess of the examination fee will be refunded; however, the examination fee is non-refundable and will not be returned. In addition, the priority date associated with your application will be lost.

I have also enclosed a copy of the minimum application requirements with the section regarding ownership/easement information highlighted.



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

Should you have any questions regarding your application or the required materials listed above, or if you need to request an extension of time, please call me personally at 1-800-624-3199, extension 331.

Sincerely,

A handwritten signature in cursive script, appearing to read "Laura K. Snedaker".

Laura K. Snedaker
Senior Water Rights Examiner

Enclosures

cc Darryl J. Anderson

MARCH 19, 1996

ALAN WITHERS
GINGER WITHERS
28580 HWY 31
PAISLEY, OREGON 97636

Reference: File S-71291

Dear Applicant:

**THIS IS NOT A PERMIT AND IS
SUBJECT TO CHANGE AT NEXT PHASE OF PROCESS**

This letter is to inform you of the potential limitations to your proposed use of water and to describe some of your options. Based on the information you have supplied, the Water Resources Department has reached the following conclusions:

Initial Review Determinations:

1. Your application is complete and not defective.
2. The proposed use is not prohibited by law or rule.
3. The use of water for IRRIGATION OF 234.7 ACRES is allowed under OAR 513, the Goose & Summer Lakes Basin Program, [OAR 690-513-060(2)].
4. Application S-71291 covers approximately 79.75 acres of the same lands as existing Certificate #22838 and will be made supplemental.
5. The Department has determined that no more than 5.87 CUBIC FEET PER SECOND (CFS) of water is necessary for IRRIGATION OF 154.95 ACRES AND SUPPLEMENTAL IRRIGATION OF 79.75 ACRES. Therefore, the amount of water requested, 5.88 CFS, shall be restricted to 5.87 CFS.



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

March 19, 1996

6. The use of 5.87 CFS of water from Hadley Creek, a tributary of Summer Lake, for IRRIGATION OF 154.95 ACRES AND SUPPLEMENTAL IRRIGATION OF 79.75 ACRES is available year round.
7. The irrigation season is limited to March 1 through October 31 by Department policy.

Summary of Initial Determinations

The use of 5.87 cubic feet per second of water from Hadley Creek, a tributary of Summer Lake, for Irrigation of 154.95 acres and Supplemental Irrigation of 79.75 acres may be allowed from March 1 through October 31.

Because of the Department's determination, your application can be moved to the next phase of the water rights application review process. However, due to #4, 5 and 7 above, your application will likely be limited as summarized above.

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.

At this time, you must decide whether to proceed or to withdraw your application as described below.

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$50 processing charge per application.) To accomplish this you must notify the Department in writing by APRIL 2, 1996. For your convenience you may use the enclosed "STOP PROCESSING" form.

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.

March 19, 1996

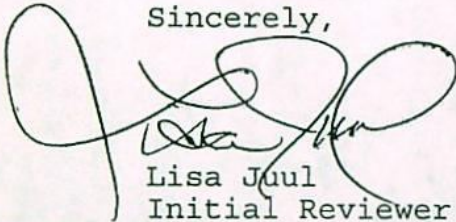
If A Permit Is Issued It Will Likely Include The Following Conditions:

1. You may be required to measure the amount of water used and report that use annually.
2. You may be required to install fish screens at the diversion to meet Oregon Department of Fish and Wildlife specifications for adequate protection of aquatic life.
3. The priority date for this application is February 14, 1991.

If you have any questions:

Feel free to call me at (503) 378-8455 ext. 267 or 1 (800) 624-3199 if you have any questions. Please have your application number available if you call.

Sincerely,



Lisa Juul
Initial Reviewer

cc: Regional Manager, Watermaster, Water Availability
Section
enclosures: Flow Chart of Water Right Process
Stop Processing Form

PFO CHECKLIST

Application #: 5 71291

P.N. = 4/2/96

Basin: Goose & Summer WAB: _____

Township 33S Range 17E Section 0, 11 1/4 1/4

- ☒ A1. Public Interest Screen Criteria No
- ☒ 1. Is the file complete by the Completeness Checklist? Yes (Fees)
- ☒ 2. Fees or other shortcomings (items needed before a permit and/or FO can be issued) \$547.40 Done
- ☒ 3. Check file for indicators that the process should not continue until a later date (ie - protest, letter to file indicating hold, or other) None
- ☒ 4. A groundwater review has been evaluated for substantial interference with surface water (convert old gw conditions to the 7 series and add to the PFO, if necessary)
 - ☒ a. Is second groundwater review necessary? (objection)
 - ☒ b. Is HB 1033 review complete?
- ☒ 5. Is the source withdrawn or limited? - State Engineer, Legislative (ORS 538), etc. No
- ☒ 6. Is the Proposed Use located in or above a Scenic Waterway? No
- ☒ 7. Is the proposed use located in a TMDL Basin? (Tualatin, Yamhill, Pudding) No
- ☒ 8. Is the use allowed or limited by the Basin Program? Allowed
- ☒ 9. If source is groundwater, is the well located in a groundwater limited area? (If applicable, include map with POD) N/A
- ☒ 10. Water Availability Data has been verified (50% before July 17, 1992; 80% live flow & 50% storage after July 17, 1992) Watermaster - Year Review
- ☒ 11. Rate 1/40 Duty 3.0 Irrigation Season March - Oct
- ☒ 12. Period of Allowed Use March - Oct
- ☒ 13. Is use from a B.O.R. project and if so, is a signed contract in the file? N/A
- ☒ 14. Division 33 has been addressed - if applicable (Above Bonn after July 17, 1992 & Below Bonn after April 8, 1994 or June 3, 1994) N/A
- ☒ 15. Have conflicts been identified, verified and/or addressed? Triage - No Impact
- ☒ 16. Is the use Small (≤ 0.1 cfs, ≤ 9.2 AF), Medium (> 0.1 or < 1.5 cfs, > 9.2 or < 100 AF) or Large (≥ 1.5 cfs, ≥ 100 AF)? be supp. to Cera 22838 By I.R. - 79.75 acres to 5.867
- ☒ 17. Check TR/IR for permit conditions not included in the Draft Permit attached to the PFO 3B
- ☒ 18. Fill out Accuracy Checklist & Pri $154.95 \times \frac{1}{40} = 3.87$ 5.867
- ☒ 19. Spell Check Supp $79.75 \times \frac{1}{40} = 1.99$ 5.867
- ☒ 20. Documents used in determination are attached and highlighted Also see I.R. info packet
- ☒ 21. Fill out PFO CC List (a.k.a. the Check-Off Sheet) - don't forget to check for other property owners.
 - ☒ a. Does Ken Stahr need to be on the CC list (Rate, Duty and Period of Allowed Use changes) No over
- ☒ 22. Final PFO report hard copy check (format, margins, etc.)
- ☒ 23. Final PFO has been saved to m:\t\pfo\done\week#\application #

Name: Laurie Suedaker Date: 7-31-96 LKS

Oregon Trout

Alan G. Withers, President

Withers Ranch Inc.

2858⁴ Hwy 31

Paisley OR 97636

Basin: Goose and Summer LakesApplication # 5-71291Applicant Name Withers

Date: May 14, 1996

AREA

Y ☒ Sensitive, threatened, endangered fish presence.☐ Source Watershed

INFORMATION/CONDITIONS

1. Are there water quality concerns? Y ☒ N

Are there water quality concerns related to sensitive, threatened or endangered fish? Y N

Should the application be denied? Y N

Should the application be restricted? Y N

Jan	Feb	Mar	Apr	May	Jun 1-15	June 16-30	Jul	Aug	Sep 1-15	Sep 16-30	Oct	Nov	Dec

2. Are there adequate flows to protect sensitive, threatened or endangered fish? Y N

Should the application be denied? Y N

Should the application be restricted beyond water availability limitations? Y N

Jan	Feb	Mar	Apr	May	Jun 1-15	June 16-30	Jul	Aug	Sep 1-15	Sep 16-30	Oct	Nov	Dec

3. Domestic

Should domestic use be conditioned to human consumption? Y N

4. Fish Screening and Passage

- ☐ A. Requires fish screening and passage, with ODFW certification (applications > 0.5 cfs).
☐ B. Requires fish screening and passage, without ODFW certification (applications < 0.5 cfs).
☐ C. No dam or obstruction without a fishway.
☐ M. Screening may be required.

5. Miscellaneous

- ☐ A. Reservoir Filling _____
☐ B. Water Quality Permits _____
☐ C. Return Flow _____
☐ D. Time Limited Water Right _____
☐ E. Other _____
☐ F. Livestock Limitation _____

6. Measurement and Reporting

- ☐ A. Small diversions (<0.1 cfs or <9.2 ac/ft. may/may)
☐ B. Medium diversions (0.1 cfs or >9.2 and <1.5 cfs or <100 ac/ft. shall/may)
☐ C. Large diversions (1.5 cfs or >100 ac/ft. shall/shall)
☐ T. Totalizing

FINDINGS

☐ Deny permit due to fishery concerns.☐ Condition permit due to fishery concerns listed above.☒ No sensitive, threatened or endangered fish present, therefore, no additional conditions.

Watermaster Determination of Water Availability

The following application for use of water is from a surface water source for which a reasonable water availability analysis can not be made. The use is out of stream and consumptive. The determination of water availability is to be made by the Watermaster based on observations of the water source and knowledge of existing water use from that source.

SECTION 1 - COMPLETED BY WATER RIGHTS DIVISION

Application # S-71291
 Source Hadley Creek
 Tributary To Summer Lake
 Basin Geme and Summer Lake T 33 S 17 E 11
 Proposed Use Irrig. 234.7 acres
 Rate 5.88 cfs Duty 3.0
 Allowable Rate _____
 1/4 _____ 1/4 _____

SECTION 2 - COMPLETED BY REGION OFFICE STAFF

- Are there existing diversions for water use downstream?
 Yes - All Diversions are on Property owned by Applicant
- What impact could the existing diversions have on availability for the proposed use?
 none
- Are there periods when there is insufficient water to satisfy existing rights?
 no
- Is there sufficient water from this source to meet the proposed use a reasonable amount of the time?
 yes
- Will the user have use of water at least 80 percent of the time (list by months)?
 Yes - All Year

Watermaster D.R. Glender

Region 5C

Signature Dennis R. Glender

Date 2/6/96

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 is diverted from Hadley Creek as shown on the attached map. Water is transported by existing ditches across the high side of the fields. Water is then let out of the ditches to flood irrigate the noted areas.

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

Proposed date construction work will begin April 1, 1991

Proposed date construction work will be completed May 1, 1991

Proposed date water use will be completed September 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? . 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.

IR CHECKLIST

POD - S, 15 - NENE & NESE

Application #: S-71291 Vol Subbasin
 Basin: 13 - Goose & Summer Lake WAB: N/A POU-WAB
 Township 33S Range 17E Section 10 1/4 1/4 POD & POU - SESE - POU - SESE & NESE
11 POU - SWNW, NWSE, SWSW, SESW, SWSE & SESE
14 - POU - NENE, NWNE, NENW & NWNW

- ✓ 1. Items have been verified on Completeness Checklist.
- ✓ 2. Check file for indicators that the process should not continue until a later date (ie - protest, items (other than oath) missing from the completeness check, letter to file indicating hold, or other)
- N/A 3. A groundwater review has been evaluated for substantial interference with surface water (convert old gw conditions to the 7 series and add to the PFO, if necessary)
 a. Is the well located in a groundwater limited area?
 b. A B C
Hadley Creek, trib to Summer Lake (trib to winter SC.)
- NO 4. Is the Proposed Use located in or above a Scenic Waterway?
- NO 5. Is the proposed use located in a TMDL Basin? (Tualatin, Yamhill, Pudding)
- ✓ 6. Is the use allowed or limited by the Basin Program? Goose & Summer OAR(s) 690-513-060 (2)
- ✓ 7. Is the source withdrawn or limited? - State Engineer, Legislative (ORS 538), etc.
- ✓ 8. Basin Maps (metal cabinet) have been checked and River Mile () has been identified
- ✓ 9. Water Availability Data has been verified (50% < July 17, 1992/80% [50% storage] > July 17, 1992) Water Available Year Round - "Watermaster Determination"
- ✓ 10. Rate 1/40 Duty 3 Season Mar. 1 - Oct. 31 - NON-DECREED AREA
- ✓ 11. Use Irrigation Period of Allowed Use Mar. 1 - Oct. 31
- ✓ 12. Priority Date(s) February 14, 1991
- N/A 13. Is use from a B.O.R. project and if so, is a signed contract in the file?
- N/A 14. Division 33 (Abv Bonn > July 17, 1992 & Blw Bonn > April 18, 1994 or June 3, 1994)
- ✓ 15. Plat cards have been checked and a copy of the map is attached showing the conflict with 79.75 ac will be
(Primary - Cert # 22838), Supplemental
- ✓ 17. Land use approval OK'd needs approval county notified
19. conditions? (BOR, GW, etc.)
- ✓ 20. Watermaster District #: 12 - DENNIS GLENDER
- ✓ 21. Regional Office (NWR, NCR, ER, SCR or SWR)
- ✓ 22. IR has been saved to m:\t\ir\sent\app # from m:\t\ir\work\app #
Requested

* Application Map in cabinet - #34 (Steve B's cabinet)

5.88 cfs 234.7 ac $234.7 \div 40 = 5.8675$

Primary - 154.95 ac (5.87 cfs)

Supplemental - 79.75 ac

Name: Jusa Date: 3-18-96

(2) Classifications. Except as otherwise provided in this subsection, the surface and ground waters of the Chewaucan Subbasin are classified for agriculture, domestic, fish life, ground water recharge, industrial, instream, irrigation, mining, municipal, pollution abatement, power, recreation and stockwater uses.

(a) Surface waters of the Chewaucan River and tributaries above USGS gage 10384000 are classified for agriculture, domestic, fish life, ground water recharge, industrial, instream, irrigation, mining, municipal, pollution abatement, power, recreation and stockwater uses from November 1 to July 31.

(b) Surface waters of the Chewaucan River and tributaries between the point where the Chewaucan River enters Section 4, Township 34S, Range 18E and USGS gage 10384000 are classified for any beneficial use of stored water, domestic and stockwater uses from August 1 to October 31.

(c) Surface waters of the Chewaucan River and tributaries above the point where the Chewaucan River enters Section 4, Township 34S, Range 18E are classified for any beneficial use of stored water, domestic, instream and stockwater uses from August 1 to October 31.

(3) Reservoir Standards. Development of a reservoir may be permitted on any stream in the Chewaucan Subbasin, however, in addition to meeting any other standards required by the Commission, any person proposing development of a reservoir in the subbasin shall give due consideration to:

(a) Alternative sizing of the project to achieve a reasonable economic development of the proposed site,

(b) The potential for use of the reservoir, and any water which is stored and released, for multiple beneficial uses, and

(c) The maintenance of natural flows downstream from the reservoir at levels sufficient to meet instream and out-of-stream needs.

Summer Lake Subbasin

690-513-060



(1) Objectives. In developing a program for the management, use and control of the surface and ground water resources of the Summer Lake Subbasin, the Commission has the following objectives:

(a) Classify water in a manner consistent with the withdrawal of Silver Lake and Paulina Marsh and tributaries.

(b) Classify water in a manner consistent with the withdrawal of the waters of Dutchy, Church and No Name Lakes, and tributaries, to provide resting areas and breeding grounds for migratory and resident waterfowl.

(c) Prevent the spread of the contaminated water originating at the chemical waste disposal site near Alkali Lake through regulation of well construction.

(d) Classify the main ground water reservoir of the Fort Rock Basin to avoid overdraft and protect existing rights.

(2) **Classifications.** Except as otherwise provided in this subsection, the surface and ground waters of the Summer Lake Subbasin are classified for agriculture, domestic, fish life, ground water recharge, industrial, instream, irrigation, mining, municipal, pollution abatement, power, recreation and stockwater uses.

- (a) The surface waters of Duncan and Bear Creeks and tributaries and all other tributaries to Silver Lake and Paulina Marsh not otherwise identified in this subsection are classified for any beneficial use of stored water, domestic and stockwater uses.
- (b) The surface waters of Silver Creek and West Fork Silver Creek and tributaries below the points where the streams enter the north 1/2 section, Section 17, Township 29S, Range 14E are classified for any beneficial use of stored water, domestic and stockwater uses.
- (c) The surface waters of Silver Creek and West Fork Silver Creek and tributaries above the points where the streams enter the north 1/2 section, Section 17, Township 29S, Range 14E are classified for any beneficial use of stored water, domestic, instream and stockwater uses.
- (d) The surface waters of Buck Creek and tributaries below the point where Buck Creek enters Section 7, Township 29S, Range 13E are classified for any beneficial use of stored water, domestic and stockwater uses.
- (e) The surface waters of Buck Creek and tributaries above the point where Buck Creek enters Section 7, Township 29S, Range 13E are classified for any beneficial use of stored water, domestic, instream and stockwater uses.
- (f) The surface waters of Bridge Creek and tributaries below the point where Bridge Creek enters the northwest 1/4 section, Section 15, Township 29S, Range 13E are classified for any beneficial use of stored water, domestic and stockwater uses.
- (g) The surface waters of Bridge Creek and tributaries above the point where Bridge Creek enters the northwest 1/4 section, Section 15, Township 29S, Range 13E are classified for any beneficial use of stored water, domestic, instream and stockwater uses.
- (h) Ground water from alluvial aquifers in the Silver Creek drainage above the point where Silver Creek enters Section 21, Township 28S, Range 14E is classified for domestic and stockwater uses only.
- (i) Ground water from alluvial aquifers in the Buck Creek drainage above the point where Buck Creek enters Section 18, Township 28S, Range 14E is classified for domestic and stockwater uses only.
- (j) Ground water from alluvial aquifers in the Duncan Creek drainage above the point where Duncan Creek enters Section 3, Township 29S, Range 15E is classified for domestic and stockwater uses only.
- (k) Ground water from alluvial aquifers in the Bridge Creek drainage above the point where Bridge Creek enters Section 20, Township 28S, Range 14E is classified for domestic and stockwater uses only.

SECTION 14[illegible]

NCR

TOWNSHIP 33 S., RANGE 17 E., W. M.

SECTION 15[illegible]

only
POD's
in Section 15.

IR MAILING LIST ADDITIONS

OWNERS OF PROPERTY (OTHER THAN APPLICANT) CROSSED BY THE
DELIVERY SYSTEM OR OTHER WATER WORKS:

N/A

GOVERNMENTAL ENTITIES ON THE LAND USE FORM OTHER THAN
COUNTIES:

N/A

OTHER:

N/A

July 21, 1995

Alan and Ginger Withers
28580 Highway 31
Paisley, Oregon 97636

RE: Application #71291

Dear Mr. and Mrs. Withers,

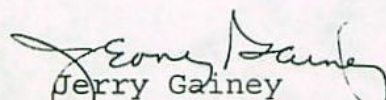
The Water Resources Department is currently reviewing your application for water use. Preliminary review indicates the following items were not included with your application:

- Sign and return the enclosed oath.

In order to expedite the processing of your application, we request that you submit these items by **August 7, 1995**. We have enclosed a stamped envelope for your use.

Should you have any questions regarding your application or the required materials listed above, please call me personally at 1-800-624-3199 extension 458.

Sincerely,


Jerry Gainey
Completeness Team

enclosure

cc: general correspondence



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

COMPLETENESS DETERMINATION CHECKLIST

Application #	Review Date	Reviewer
-71291	7/12/95	J. Aivrey

COMPLETED

A checkmark (✓) indicates that the item is incomplete or defective.

- ☐ 1. Examination fees. (Record fee of \$547.40 required).
- ☐ 2. Name and address of the applicant, and title if applicable.
- ☐ 3. Source of water.
- ☐ 4. Use of water.
- ☐ 5. Amount of water.
- ☐ 6. Location & description of delivery system.
- ☒ 7. Name(s) and address(es) of the owners of any lands involved, but not owned by the applicant.
- ☒ 8. A statement declaring the existence of written authorization or easement permitting access to lands involved, but not owned by the applicant.
- ☐ 9. Proposed dates of beginning and completion of construction, and complete application of water.
- ☐ 10. If for **municipal use**, the present population to be served and expected future water requirements.
- ☐ 11. If for **mining use**, the type of mines and methods of supplying & utilizing the water.
- ☐ 12. If for a **reservoir**:
 - ☐ a. The height of the dam.
 - ☐ b. The storage capacity.
 - ☐ c. The area submerged.
 - ☐ d. The maximum depth.
 - ☐ e. The construction method (earthfill, concrete, flashboard, etc.).
 - ☐ f. A description of the outlet conduit.
 - ☐ g. A description of the spillway.
- ☐ 13. If for **groundwater**, the horizontal distance from the well to the nearest surface water source (if within one mile), and the difference in land surface elevation between them.
- ☐ 14. If the application was made under **HB 2107**:
 - ☐ a. Name and address of each adjacent property owner and verification that each owner has been mailed a copy of the completed notice.
 - ☐ b. A description of the proposed water used and related project, the condition it will address, and the benefits that are expected to result from the project.
 - ☐ c. The number of reservoirs per application is appropriate as per OAR 690-11-049 (3)(b)
- ☒ 15. An oath that the application information is true and correct.
- ☐ 16. The signature of the applicant(s).
- ☐ 17. A satisfactory map of the proposed POD & POU.
- ☐ 18. A Land Use Information Form or receipt signed by appropriate planning official.

RECEIVED

JUL 28 1995

WATER RESOURCES DEPT.
SALEM, OREGON

I/We certify that the information I have provided in application # 71291 is an accurate representation of the proposed water use and is true and correct to the best of my knowledge.

<u>Alan G. Withers</u>	<u>Owner</u>	<u>7-27-95</u>
Name	Title	Date

<u>K. Hopper Withers</u>	<u>Owner</u>	<u>7/27/95</u>
Name	Title	Date

_____	_____	_____
Name	Title	Date

_____	_____	_____
Name	Title	Date



WITHERS RANCH, INC.



Phone : 943-3943

H.C. 64, Box 220
28580 Highway 31

Paisley, Oregon 97636

May 19, 1991

APPLICATIONS / PERMITS SECTION
WATER RESOURCES DEPT.
3850 PORTLAND ROAD NE
SALEM, OR 97310

REFERENCE NO. S-71291

GENTLEMEN:

ENCLOSED IS A WRITTEN AUTHORIZATION
FOR LAND ACCESS TO MANAGE
HADLEY CREEK. THIS SHOULD
COMPLETE THE APPLICATION NUMBER
S-71291-

Yours Truly

Alan G. Wither, Pres.

RECEIVED

MAY 21 1991

WATER RESOURCES DEPT.
SALEM, OREGON



WITHERS RANCH, INC.



Phone : 943-3943

H.C. 64, Box 220

Paisley, Oregon 97636

28580 Highway 31

May 19, 1991

REFERENCE NO. S-71291

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY THAT ALAN
AND GINGER WITHERS AND THEIR
EMPLOYEES HAVE WRITTEN AUTHORIZATION
TO ENTER AND CROSS WITHERS
RANCH INC PROPERTY TO MANAGE,
ADJUST, AND CONTROL HADLEY CREEK
FOR PURPOSES OF OBTAINING STOCK
WATER AND IRRIGATION WATER.

Alan G. Withers, President
Withers Ranch Inc.

RECEIVED

MAY 21 1991

WATER RESOURCES DEPT.
SALEM, OREGON

WM# 12

WATER AVAILABILITY REPORT-SURFACE WATER APPLICATION

Name of Applicant Alan & Ginger Withers Application Number 71291

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?

Headgates & meas. Devices

5. Any other recommendations you would like to make?

Signature [Signature] WM District # 12 Date 3-11-91



Anderson Engineering & Surveying

Professional Engineers & Land Surveyors

RECEIVED
MAR - 7 1991
WATER RESOURCES DEPT.
SALEM, OREGON

March 5, 1991

Water Resources Department
3850 Portland Road NE
Salem, OR 97310

RE: File S-71291

Dear Sir/Madam:

As per your letter dated February 8, 1991, please find enclosed legal descriptions of the property for the planned water use for the application for Alan & Ginger Withers.

Also please note on the application map that the Point of Diversion and transport ditch in the NE 1/4, SE 1/4 of Section 15 is owned by the Withers Ranch, Inc.. Please see the enclosed deed.

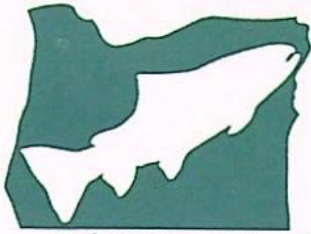
The authorization permitting access to land will be forwarded by Mr. Alan Withers.

If there are any questions or any additional information needed, please give me a call.

Sincerely,

Darryl Anderson, P.E., P.L.S.

Enclosure



Oregon Trout

Speaking out for Oregon's fish

P.O. Box 19540 • Portland, Oregon 97219 • (503) 244-2292

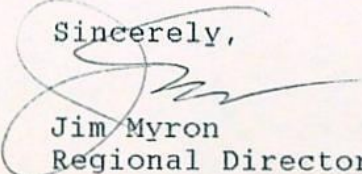
February 26, 1991

Mike Mattick
Applications & Permits Section
Water Resources Department
3850 Portland Rd. N. E.
Salem, OR 97310

Subject: Application for permit # 71291
Alan & Ginger Withers
Summer Lake Basin, Lake Co.

This application is for a very large amount of water. What affect will an appropriation of this size have upon the fish and wildlife values of Summer Lake? Are there any indigenous fish species in this area that are of concern? Is there water available for this proposed use without adversely affecting existing water rights and the public interest? Is this an existing use, or are these new lands that are proposed to come under irrigation?

Sincerely,



Jim Myron
Regional Director

Irrigation	234.7
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 is diverted from Hadley Creek as shown on the attached map. Water is transported by existing ditches across the high side of the fields. Water is then let out of the ditches to flood irrigate the noted areas.

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

Proposed date construction work will begin April 1, 1991

Proposed date construction work will be completed May 1, 1991

Proposed date water use will be completed September 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? . 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.

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

Alan G. Withers 2-6-91
Signature of Applicant Date

J. Virginia Withers 2/6/91
Signature of Co-Applicant, if any Date

A. Linga Mathew 2/6/91
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 14th day of February, 1991, at 8:0 o'clock, A M.

APPLICATION NO: 71291

PERMIT NO: _____

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 is diverted from Hadley Creek as shown on the attached map. Water is transported by existing ditches across the high side of the fields. Water is then let out of the ditches to flood irrigate the noted areas.

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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? . 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]

Alan G. Withers 2-6-91
Signature of Applicant Date

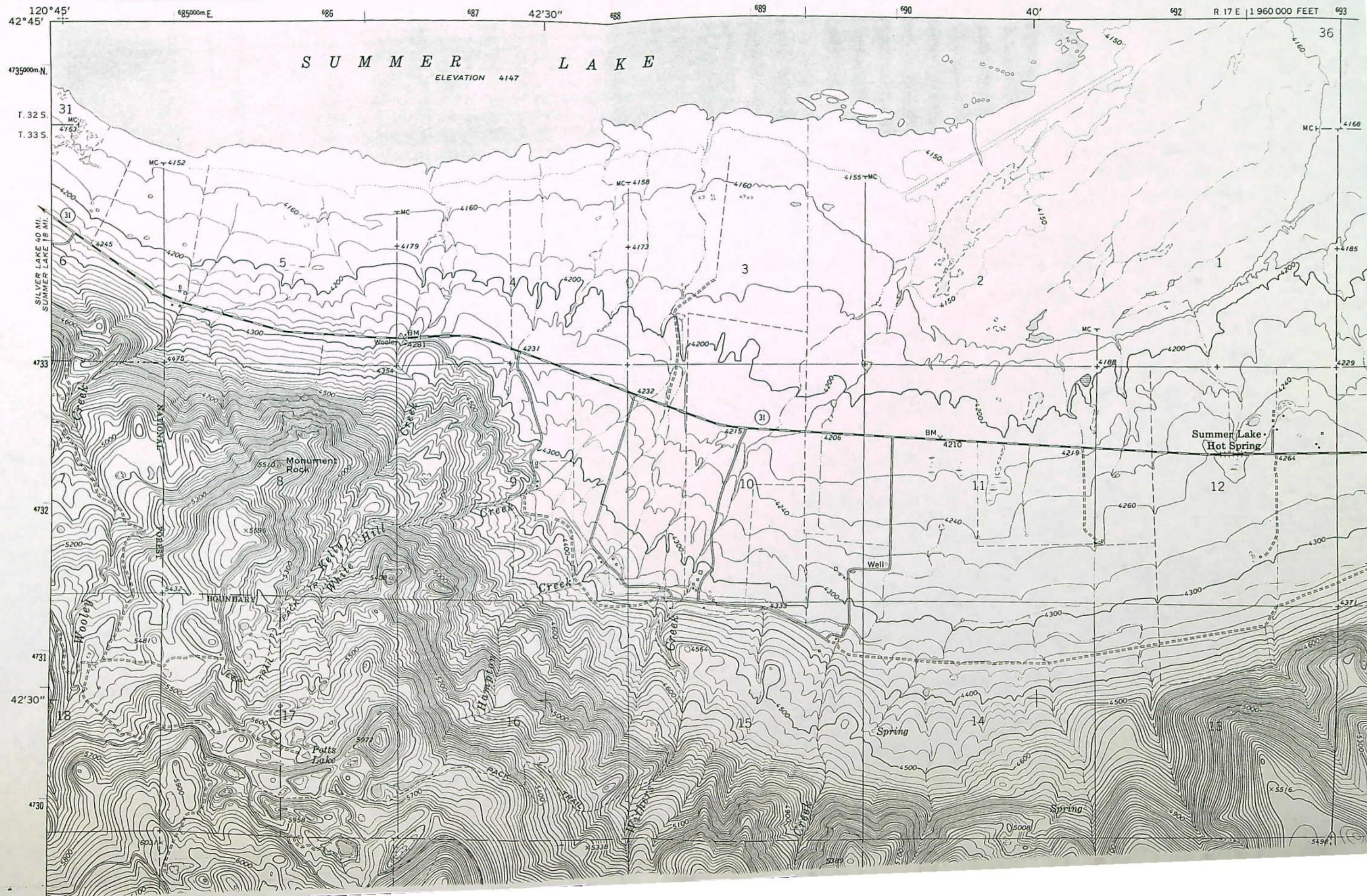
L. Linga Withers 2/6/91
Signature of Co-Applicant, if any Date

Date _____

Date _____

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

SLIDE
OR
7.5 MINUTE



554

85318

BARGAIN AND SALE DEED

THIS INDENTURE WITNESSETH: That Vancil A. Withers and Genevieve L. Withers, husband and wife, for and in consideration of the sum of \$10.00, and other valuable considerations, to them in hand paid, receipt whereof is hereby acknowledged, have bargained and sold, and by these presents do grant, bargain, sell and convey unto Withers Ranch, Inc., an Oregon corporation, the following described real property, situate in Lake County, State of Oregon, to-wit:

Tract 1:

Lot 4, W $\frac{1}{2}$ SW $\frac{1}{4}$, Section 2
 Lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$,
 S $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 3
 N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Section 10
 NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, Section 11
 SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Section 14
 NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 15
 All in Township 33 South, Range 17 E.W.M.

NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 5, Township 34
 South, Range 16 E.W.M.

NW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$,
 SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$,
 NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 29,
 NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 30 all in Township 33 South, Range
 18 E.W.M.

Tract 2:

NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 19
 S $\frac{1}{2}$, Section 20
 NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$,
 NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 29 all in Township 33 South,
 Range 18 E.W.M.

Summer Lake:

SE $\frac{1}{4}$, Section 1, Township 30 South, Range 16 E.W.M.,
 excepting therefrom 25 acres more or less, the same
 being a portion of the reservoir site of the Summer
 Lake Irrigation District.

WELCH & WELCH
 ATTORNEYS AT LAW
 S.P.O.R. BUILDING
 P. O. Box 711
 LAKEVIEW, OREGON
 PHONE WH 7-2218

555

That portion of the W $\frac{1}{2}$ SW $\frac{1}{4}$, Section 1, Township 30 South, Range 16 E.W.M. lying easterly of the Fremont Highway, and being more particularly described as follows: Beginning at a point where the South line of Section 1, Township 30 South, Range 16 E.W.M. intersects the Easterly margin of the Fremont Highway, said point being 4,076.5 feet West from the Southeast corner of said Section 1; thence running East 1,436.5 feet, more or less, to the East line of the SW $\frac{1}{4}$ of Section 1; thence North along the East line of said SW $\frac{1}{4}$ of said Section 1, 2,657 feet, more or less, to the North line of said SW $\frac{1}{4}$, thence West along the North line of said SW $\frac{1}{4}$, 1,331 feet, more or less, to the Easterly margin of the Fremont Highway; thence South 2°20' West along said Easterly margin 2,659.1 feet, more or less, to the point of beginning. Containing 84.4 acres, more or less.

EXCEPT, beginning at the Southeast corner of Section 1, Township 30 South, Range 16 E.W.M. running thence Westerly along the South line of said Section 1, 1067 feet; thence North and parallel with the East line of Section 1 to the North line of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 1; thence Easterly along the North line of said NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 1 to the Northeast corner thereof; thence South along the East line of said Section 1 to the point of beginning, saving and excepting that portion of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ which lies within the boundaries of Summer Lake Irrigation District Reservoir.

Also, EXCEPTING, beginning at a point where the South line of Section 1, Township 30 South, Range 16 E.W.M. intersects the Easterly margin of the Fremont Highway, said point being 4,076.5 feet West from the Southeast corner of said Section 1, running thence North 2°20' East along the Easterly margin of said Fremont Highway 466.7 feet; thence East 466.7 feet; thence South 2°20' West and parallel with said highway 466.7 feet to the South line of said Section 1; thence West along said South line of Section 1, 466.7 feet to the point of beginning, containing 5 acres more or less.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the above described and granted premises with the appurtenances unto Withers Ranch, Inc., an Oregon corporation, its successors and assigns forever.

Page

2 - Bargain and Sale
Deed

WELCH & WELCH
ATTORNEYS AT LAW
B.P.O.E. BUILDING
P. O. Box 711
LAKEVIEW, OREGON
PHONE WH 7-2218

MAR - 7 1951

WATER RESOURCES DEPT.
SALEM, OREGON

556

It is understood and agreed that the real property hereinabove described is subject to a mortgage in the principal amount of \$18,200.00 with interest at 4 per cent per annum given by Vancil A. Withers and Genevieve L. Withers, husband and wife, to the Federal Land Bank of Spokane on July 1, 1955, which mortgage was recorded on July 15, 1955 in Volume 44, page 413 of the Mortgage Records of Lake County, Oregon. The Grantee hereby assumes said mortgage and agrees to pay the same.

IN WITNESS WHEREOF, we, the grantors above named, have hereunto set our hands and seals this 30 day of December, 1960.

Vancil A. Withers (SEAL)

Genevieve L. Withers (SEAL)

STATE OF OREGON, }
County of Lake. } ss.

On this 30 day of December, A.D. 1960. Personally appeared the above named Vancil A. Withers and Genevieve L. Withers and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me:

Robert H. Welch

Notary Public for Oregon
My commission expires: 12-7-62

State of Oregon County of Lake

I hereby certify that the within document was received and filed for record on the 27th day of January, 1961, at 10:55 o'clock A.M. and recorded on Page 556 in Book 554 Record at Seaside of said County

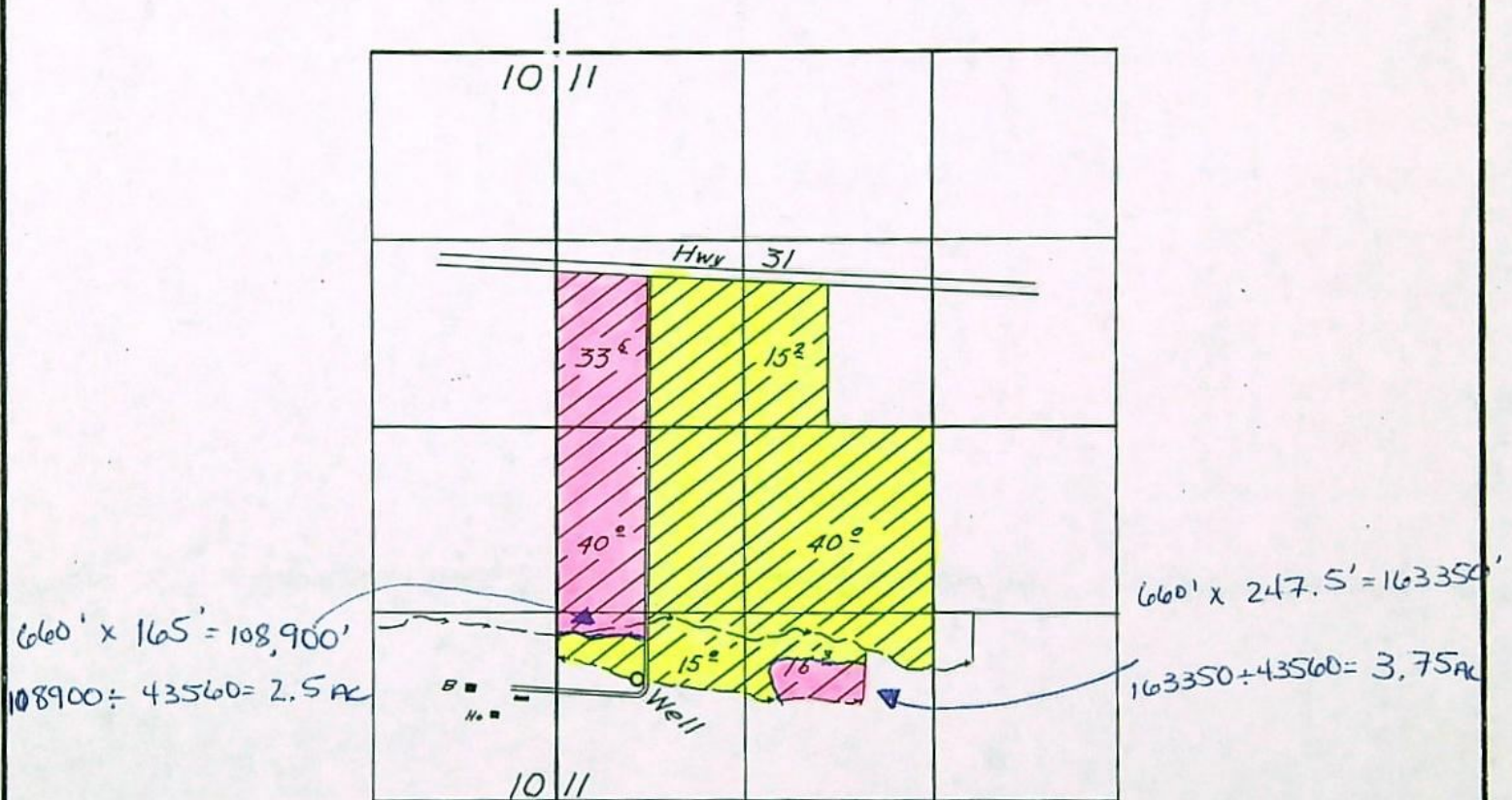
James Gray County Clerk by Judy Blumensky Deputy

WELCH & WELCH
ATTORNEYS AT LAW
B.P.O.E. BUILDING
P. O. Box 711
LAKEVIEW, OREGON
PHONE WH 7-2216

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

Primary &
not covered

S-71291
will be Suppl.
to the lands
(Primary Cert 22838)



FINAL PROOF SURVEY
UNDER

Application No. U-205 Permit No. U-198
IN NAME OF

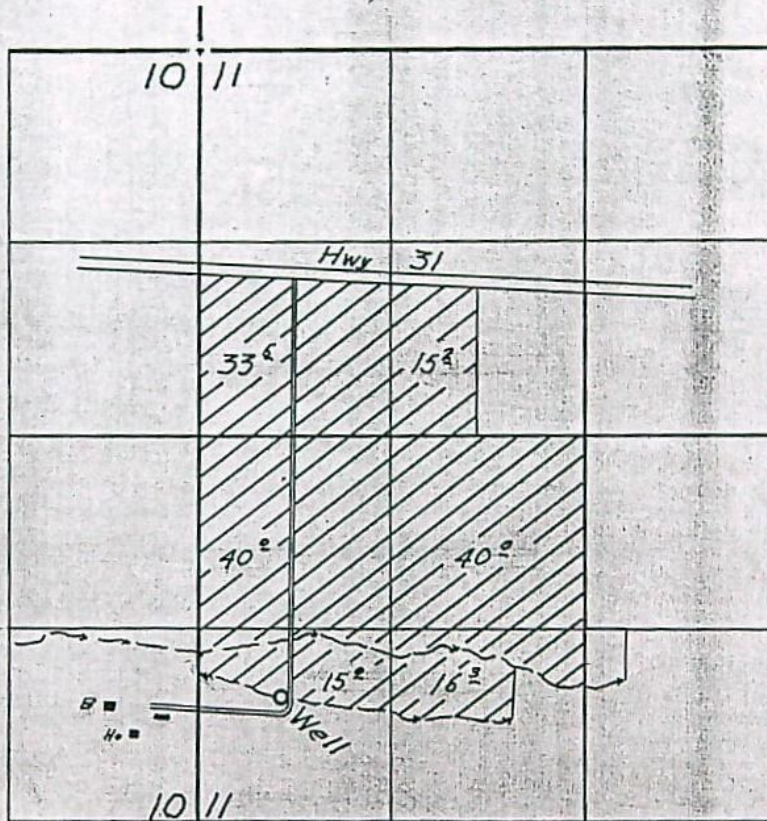
JOHN V. WITHERS

Surveyed 8 October 1955, by Robert H. Runk

Cert #
22838

Source:
a well trib
to Hadley Cr.

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



FINAL PROOF SURVEY

UNDER

Application No. U-205 Permit No. U-198

IN NAME OF

JOHN V. WITHERS

Surveyed & October 1955, by Robert W. Wither

*** OREGON WATER RESOURCES DEPARTMENT ***

9/ 9/1995

Select by certificate 22838

Name: JOHN V WITHERS

County : LAKE
Status : NON-CANCELLED
Certificate type: OR
Certificate date: 7/12/1957

Application: U 205
Permit : U 198
Certificate: 22838
Supersedes certificate: 0

PAISLEY, OR 97535

Related documents:

Remarks :

Source	Use	P/S	Priority	Quantity	Location	LOT/DLC	Status
A WELL >	IR	P	8/21/1946	2.0000CFS	33 S 17 E 11 SWSW		V
Rate: 1/40 Limit: .4 AFT/acre/year Other limits:							

Points of appropriations:	Use	P/S	Location	DLC/LOT	Acres	Status
=====	IR	P	33 S 17 E 11 SWNW		33.500	V
	IR	P	33 S 17 E 11 SFW		15.200	V

IR	P	33	S	17	E	11	NESW	40.000	V
IR	P	33	S	17	E	11	NWSW	40.000	V
IR	P	33	S	17	E	11	SWSW	15.000	V
IR	P	33	S	17	E	11	SSEW	15.300	V

RECEIVED

MAR -7 1991

WATER RESOURCES DEPT.
SALEM, OREGON

105

35192

CORRECTED

MEMORANDUM OF CONTRACT

THIS MEMORANDUM OF CONTRACT, made this 23rd day of October, 1978, between JOHN V. WITHERS and DOROTHY L. WITHERS, Seller; and ALAN G. WITHERS and V. GINGER WITHERS, Purchaser.

W I T N E S S E S:

Pursuant to ORS 93.670, the following memorandum has been executed for recording purposes:

1. NAME OF SELLER: John V. Withers and Dorothy L. Withers, husband and wife.
2. NAME OF PURCHASER: Alan G. Withers and V. Ginger Withers, husband and wife, to each an undivided one-half interest as tenants in common and not with right of survivorship.
3. DESCRIPTION OF PROPERTY: See Exhibit "A" attached.
4. INTEREST TRANSFERRED: Seller's interest in real property described in number 3 above.
5. TRUE AND ACTUAL CONSIDERATION: \$1 and other property constituting valuable consideration.
6. TAX STATEMENTS SHALL BE SENT TO: Route 1 Box 70, Paisley, Oregon 97636.

SELLER:

John V. Withers
John V. Withers

Dorothy L. Withers
Dorothy L. Withers

PURCHASER:

Alan G. Withers
Alan G. Withers

V. Ginger Withers
V. Ginger Withers

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WATER RESOURCES DEPT
SALEM, OREGON

106

STATE OF OREGON)
 Lake : ss.
County of *Klamath*)

On this 23rd day of October, 1978, personally appeared JOHN V. WITHERS, DOROTHY L. WITHERS, ALAN G. WITHERS and V. GINGER WITHERS, and acknowledged the foregoing instrument to be their voluntary act and deed.



IN TESTIMONY WHEREOF, I have hereunto set my hand and seal the day and year last above written.

Barbara Snider
NOTARY PUBLIC FOR OREGON

My Commission Expires: 9-10-82

EXHIBIT "A"

DESCRIPTION

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MAR - 7 1991
WATER RESOURCES DEPT.
SALEM, OREGON

107

Parcel No. 1:

Township 33 South, Range 17 East of the Willamette Meridian,
Section 1: Lots 3, 4, 5, SE $\frac{1}{4}$ SE $\frac{1}{4}$.
Section 10: SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$.
Section 11: S $\frac{1}{2}$ NW $\frac{1}{4}$, SW, S $\frac{1}{2}$ SE $\frac{1}{4}$.
Section 12: E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$,

AND

Beginning at the Northeast corner of the NE $\frac{1}{4}$ of Section 12, Township 33 South, Range 17 East of the Willamette Meridian, running thence Westerly along the section line 630.15 feet; thence South parallel to the East line of said Section 12, 1825.3 feet to the North margin of the Fremont Highway (State No. 31); thence Easterly along the Northerly margin of said Fremont Highway, as the same was located on July 1, 1965, to the East line of said Section 12; thence North along the East line of said Section 12 to the point of beginning.

AND

That part of the S $\frac{1}{2}$ NE $\frac{1}{4}$ and that part of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12, Township 33 South, Range 17 East of the Willamette Meridian, lying South of Fremont Highway (State No. 31), as the same was located on July 1, 1965.

Section 13: NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$.
Section 14: NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$.
Section 15: NE $\frac{1}{4}$ NE $\frac{1}{4}$.

Township 33 South, Range 18 East of the Willamette Meridian,
Section 7: S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, Lot 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$), S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Lots 3 and 4, NW $\frac{1}{4}$ SE $\frac{1}{4}$.
Section 10: S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$.

EXHIBIT "A"

108

EXHIBIT "A"Parcel No. 2:

Township 31 South, Range 16 East of the Willamette Meridian,
 Section 3: S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$.

Section 10: NW $\frac{1}{4}$ NE $\frac{1}{4}$ and N $\frac{1}{2}$ NW $\frac{1}{4}$, EXCEPTING THEREFROM the
 following described tract:

Beginning at the South Quarter corner of Section 3, Township 31 South, Range 16 East of the Willamette Meridian, thence South 89°51' West along the South boundary of said Section 3, 1207.6 feet to the East margin of the Fremont Highway; thence Southerly along the East margin of said Fremont Highway 373.5 feet; thence North 80°19' East 1159.5 feet; thence North 0°08' West 174 feet to the place of beginning. ALSO EXCEPTING THEREFROM the following described tract:

That part of the South 25 feet of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 10 lying East of the Fremont Highway (State Highway 31) and the South 25 feet of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, Township 31 South, Range 16 East of the Willamette Meridian, AND FURTHER EXCEPTING THEREFROM AND RESERVING THEREFROM the following tract:

Beginning at a 5/8 inch iron pin that bears South 00°53'36" West 927.98 feet from the Northwest corner of Section 10, Township 31 South, Range 16 East of the Willamette Meridian, thence North 27°01'34" East 414.78 feet to a 1/2 inch pipe, South 63°30'14" East 155.38 feet to a 1/2 inch pipe, South 03°45'26" West 418.38 feet to a 5/8 inch iron pin, South 86°49'18" West 294.70 feet to an iron pin, and North 02°30'53" West 133.79 feet to the point of beginning.

Centerline of road right of way 30 feet in width:

Beginning at a point that bears South 00°53'36" West 927.98 feet; North 27°01'34" East 414.78 feet; South 63°30'14" East 155.38 feet; and South 03°45'26" West 200.00 feet from the Northwest corner of Section 10, Township 31 South, Range 16 East of the Willamette Meridian, thence South 77°36'39" East 332.03 feet; South 63°57'09" East 466.59 feet; thence South 62°17'15" East 437.80 feet and South 87°50'32" East 293.62 feet to the centerline of the Fremont Highway.

EXHIBIT "A"

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 MAR - 7 - 1991
 WATER RESOURCES DEPT.
 SALEM, OREGON

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MAR - 7 1931

WATER RESOURCES DEPT.
SALEM, OREGON

EXHIBIT "A"

109

SUBJECT TO:

1. Location of power and telephone lines and public roads as the same may now exist, including but not limited to, rights of way granted to state of Oregon and Lake County, Oregon, under those certain instruments, recorded in Book 78 at page 270, Book 70 at page 614, Book 80 at page 289 and Book 80 at page 290 and Book 68 at page 408 of the Record of Deeds.

2. An easement created by instrument, including the terms and provisions thereof, recorded in Book 122 at page 94 of the Record of Deeds, in favor of John L. Murphy and John M. Murphy for ditches and right of way over a portion of Section 12, Township 33 South, Range 17 E.W.M. and Section 7, Township 33 South, Range 18 E.W.M.

3. Regulations, including levies and assessments, and rights of way for ditches and canals of Summer Lake Irrigation District, within the boundaries of which the within property lies, including but not limited to, that certain right of way over and across SW 1/4 SW 1/4 and SW 1/4 SE 1/4 of Section 3, Township 31 S., R. 16 E.W.M., granted to said district under instrument recorded in Book 62 at page 465 of the Record of Deeds.

4. An outstanding interest for one third of the coal, oil, gas and minerals on, in or under a portion of Parcel No. 2 herein, reserved by Reta Harris Gifford and Russell Gifford, her husband, under that certain deed, including the terms and provisions thereof, recorded in Book 125 at page 111 of the Record of Deeds.

5. Special Patent Reservation, reserved by the United States of America, under that certain Patent, including the terms and provisions thereof, recorded in Book 151 at page 329 of the Record of Deeds.

6. Recording of proper correction deed from Ardys Markus, sole heir of Charlotte Harris, covering the real property described under Parcel No. 2, wherein the description of those parcels excepted from conveyance fail to close.

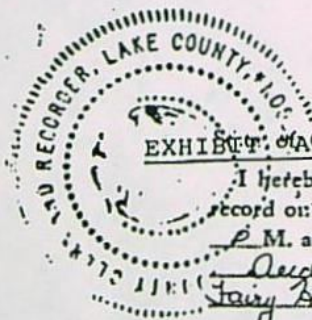


EXHIBIT A Oregon County of Lake

I hereby certify that the within document was received and filed for record on the 23 day of October 1928 at 4:40 o'clock P.M. and recorded on Page 105 in Book 178 Record of Deeds of Lake County.
J. H. Hammon, County Clerk by Juanita A. Anderson Deputy

**ANDERSON
ENGINEERING & SURVEYING**

618 South 1st Street
P.O. Box 28
LAKEVIEW, OREGON 97630

(503) 947-4407

TO Water Resources Department

3850 Portland Road NE

Salem, OR 97310

LETTER OF TRANSMITTAL

DATE	2/6/91	JOB NO.	9036
ATTENTION			
RE: Withers Surface Water Application			
Application No. 71291			
Permit No.			

WE ARE SENDING YOU ☒ Attached ☐ Under separate cover via _____ the following items:

- ☐ Shop drawings ☐ Prints ☐ Plans ☐ Samples ☐ Specifications
☐ Copy of letter ☐ Change order ☐ _____

COPIES	DATE	NO.	DESCRIPTION
1			Application for a Permit to Appropriate Surface Water
1			Accompanying Map (Mylar)
1			Check #1166 \$200.00 Application Fee
RECEIVED			RECEIVED
FEB 14 1991			FEB - 8 1991
WATER RESOURCES DEPT. SALEM, OREGON			WATER RESOURCES DEPT. SALEM, OREGON

THESE ARE TRANSMITTED as checked below:

- ☐ For approval ☐ Approved as submitted ☐ Resubmit _____ copies for approval
☒ For your use ☐ Approved as noted ☐ Submit _____ copies for distribution
☐ As requested ☐ Returned for corrections ☐ Return _____ corrected prints
☐ For review and comment ☐ _____
☐ FOR BIDS DUE _____ 19 _____ ☐ PRINTS RETURNED AFTER LOAN TO US

REMARKS _____

If there are any questions, please call.

Please find enclosed the Land Use Information Form and the Description of Water Form.

COPY TO _____

SIGNED: Darryl Anderson, P.E., P.L.S. *DGA*

Description of Water

Planning Official Initials: R.3

Note to Applicant: This sheet will provide local planning staff with a basic description of your proposed water use. Please fill out this sheet before bringing the attached land use form to your local planning office. It will help local planning offices complete your land use information form quickly.

Note to Local Planning Officials: Please initial this sheet. Do not separate it from the land use information form. If needed, please make a separate copy for your records.

Applicant Name: Alan & Ginger Withers
 Address: 28580 Highway 31
Paisley, OR 97636
 Phone: (503) 943-3943

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FEB 14 1991

**WATER RESOURCES DEPT.
SALEM, OREGON**

Please indicate what you will use the water for. Check all boxes that apply and fill in the blanks with key characteristics of the project

- ☒ Irrigation (crop type, golf course, nursery or greenhouse): Agricultural Crops, pasture, hay, grains.
- ☐ Livestock (type of livestock, feedlot, slaughterhouse): _____
- ☐ Residential (# units, single or multi-family, # lots if partition or subdivision): _____
- ☐ Commercial (i.e., retail, office, restaurant, gas station, hotel, service, etc.): _____
- ☐ Industrial (i.e., factory, pulp mill, research and development, processing, etc.): _____
- ☐ Institutional (i.e., school, library, etc.): _____
- ☐ Mining (aggregate, metal, open pit, placer, etc.): _____
- ☐ Recreation (park, campsite, pond, etc.): _____
- ☐ Fish and Wildlife (pond, hatchery, etc.): _____
- ☐ Hydropower (dam, reservoir, power generating or transmitting facilities): _____
- ☐ Other (Name and list key characteristics): _____

Application No. 71291
Permit No.

Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
☒ Surface Water Name sources: <u>Hadley Creek</u> _____ _____	<u>5.88</u> Cubic feet per second. _____ Gallons per minute. _____ Acre-Feet
☐ Reservoir or pond	
☐ Ground Water	

**Land Use Information Form: Permits, Hydroelectric Licenses, Water Uses in
Addition to Classified Uses**

Application No. 71271

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

Applicant's Name: Alan & Ginger Withers
Address: 28580 Highway 31
City: Paisley State: OR Zip: 97636 Day Phone: (503) 943-3943

Please provide information as requested below for all tax lots on or through which water will be diverted or used. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

Tax Lot or Local I.D.#	Plan Designation/Zoning (e.g. Rural Residential/RR-5)	Check All That Apply		
		Water Diverted	Water Conveyed	Water Use
33-17-1800	Agricultural A-1	X	X	X

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FEB 14 1991

Please list all counties and cities within which water is proposed to be diverted, conveyed, and/or used.

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

For Local Government Use Only

Local government planning officials are to complete the remainder of this form. If this form can not be completed while the applicant waits, please sign and detach the receipt as instructed below. Please mail the completed form directly to the Water Resources Department (3850 Portland Rd. NE, Salem, OR, 97310) within 60 days of the date of receipt as shown below. If the form is not completed within 60 days, the Department may take action to approve the water use.

a) Check the appropriate box below and provide requested information.

☒ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 2.01. Go to section b) on reverse side.

☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below. **Note:** Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus any accompanying findings is sufficient.)

Type of Land Use Approvals Needed (e.g.: plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Please check the box that applies:		
		Already Obtained	Already Denied	Being Pursued Satisfactorily

(over)

Receipt for Request for Land Use Information

WRD Applicant Name: Alan & Ginger Withers

This receipt must be signed by a local government representative and returned to the applicant for inclusion in the WRD application IF the local government can not provide the above requested land use information while the applicant waits.

City or County: Lake County
Staff Contact: Ray Simms Phone: 947-6033
Signature: Raymond Simms Date of Information Request: _____

(For Local Use Continued)

b) Please provide printed name and written signature.

Name: _____

Title:

Signature:

Date:

Phone:

2-13-90

987-6033

Local governments are invited to express special land use concerns or make recommendations to the Department regarding this proposed use of water below, or on a separate sheet. For additional information call Roberta Jortner or Rick Bastasch at 378-3671.

Additional Comments:

This image shows a single sheet of white paper with horizontal black ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

APPLICATION PROCESSING OUTLINE

Basin: _____

Sub-basin: _____

Fees paid: Examination fee: _____

Recording fees: _____

Total: _____

Application No. 71291
Permit No. _____

RATE AND DUTY _____ for irrigation

1. Check for minimum information (OAR 690-11-020)

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 minimum 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 Watervay: _____
☐	☒	____ on ____ up-stream ____ v/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 watervay
☐	☒	____ conditional uses under basin programs
☐	☒	____ 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
☐	☒	____ application and map
☐	☒	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.O. received _____
☐	☒	Publish application information in weekly public notice.
☐	☒	Notify other owners of development
☐	☒	PROTESTED
☐	☒	____ filed _____
☐	☒	____ resolved _____

*Map in
Brown's Cabinet*

Application No. 71291
Permit No.

SE NE 23⁰ Ac.

NE SE 28⁵ Ac

SE SE 0⁹ Ac

Sec 10

SW NW 13⁶ Ac

NW SW 17⁹ Ac -

SW SW - 12⁶ Ac

SE SW 26² Ac

SW SE 25⁹ Ac

SE SE 28⁰ Ac

Sec 11

NE NE 4²

NW NE 12⁵

N/E NW 19⁹

NW NW 21⁵

Sec 14

234.7 Ac -

5.88 cS S

T 33 S R 17 E

POD 1

SESE Sec 10 T33S R17E W M

1300' N & 270' W From SE Corner Sec 10

POD 2

NE NE Sec 15

518' S & 385' W From NE Cor Sec 15.

POD 3

NE SE Sec 15

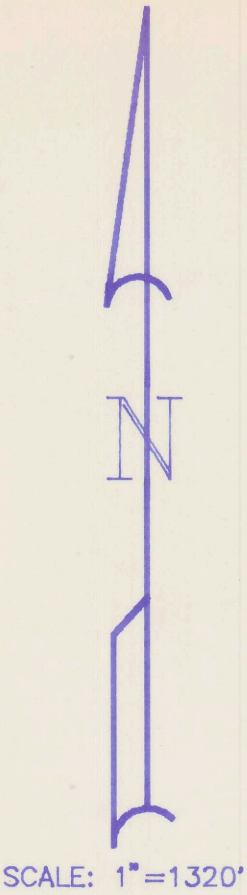
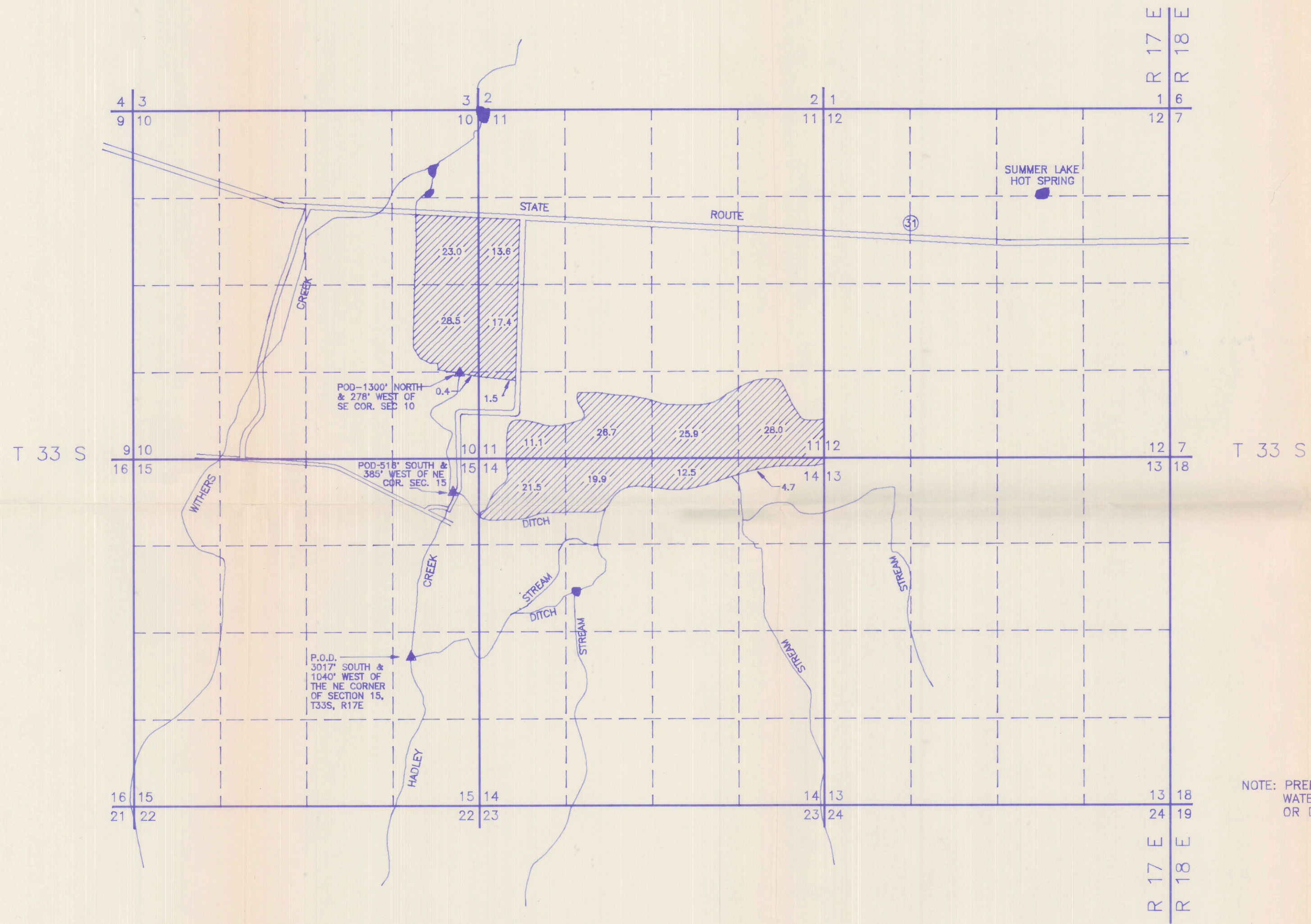
3017 South & 1040 West

Both From NE Cor

Sec 15

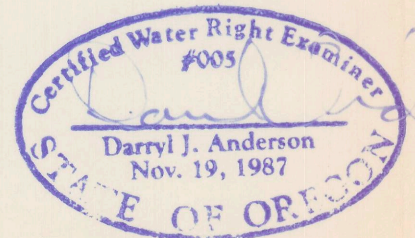
MAP TO ACCOMPANY APPLICATION TO APPROPRIATE SURFACE WATER FROM HADLEY CREEK

APPLICATION NO. 71291
PERMIT NO. _____



- LEGEND
- LAND TO BE IRRIGATED FROM HADLEY CREEK.
 - SECTION LINE
 - 1/16 SECTION LINE
 - POINT OF DIVERSION

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:
ALLAN AND GINGER WITHERS
WITHERS RANCH INC.
28580 HIGHWAY 31
PAISLEY, OREGON 97630

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

JANUARY 1991 SHEET 1 OF 1

Alan & V. Ginger Withers
42642 Hwy. 31
Paisley, OR 97636-9704

CERTIFIED MAIL



7000 0520 0022 4249 0982

ALAN WITHERS
WITHERS, GINGER
28580 HIGHWAY 31
PAISLEY, OR

97636

FILE#: S 71291

FEB 14 1991

C-03

71291

Application No.

Permit No. 53483

ALAN WITHERS

WITHERS, GINGER

Name ... 28580 HIGHWAY 31

Address PAISLEY, OR 97636

Assigned

Address

Beginning construction 10/28/99

Completion of construction

Extended to

Complete application of water 10-1-03

Extended to