

Name ALAN & V. GINGER WITHERS
 By 42642 HWY 31
 Address PAISLEY OR 97636

Application No. 86807
 Permit No. S 54444
 Certificate No. _____

FEES PAID

Date	Amount	Receipt No.
3-15-07	750.00	86653
4-10-17	575.00	123124
5-15-19	200.00	129772
	Cert. Fee	

C18
 Priority _____
 County Lake WM# 12

_____ Date
 DENIED _____
 MISFILED _____ Volume Page
 WITHDRAWN _____
 CANCELLED _____

FEES REFUNDED

Date	Amount	Receipt No.

RELATED FILES

ASSIGNMENTS

DEVELOPMENT

Completion 10-1-2012
 Extended to 10-1-2018
 Final Proof received _____
 Proposed Cert. Mailed _____

Date	To Whom	Address

REMARKS _____

CC- MAP# 1183 A-7(1)

MAP LOCATION _____

COBU MAP #1183

CLAIM OF BENEFICIAL USE MAP

FOR

ALAN & V. GINGER WITHERS

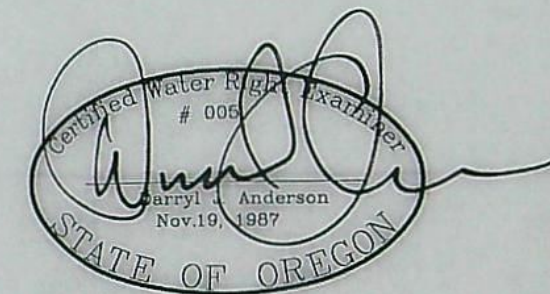
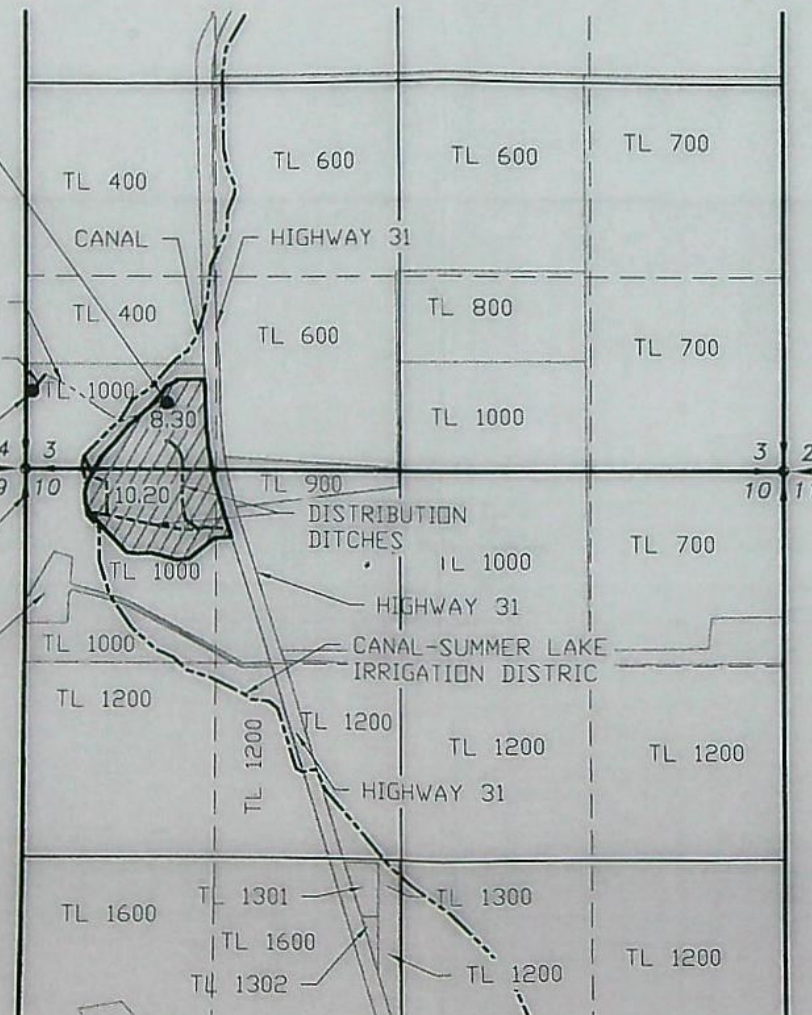
SECTIONS 3 & 10, TOWNSHIP 31 SOUTH RANGE 16 EAST
LAKE COUNTY, OREGON

MEASUREMENT WEIR
LOCATED 455.80' NORTH
AND 974.98' EAST OF
THE SW CORNER OF
SECTION 3

POD #1 LOCATED 540'
NORTH AND 5' EAST OF
THE SW CORNER OF
SECTION 3

FOUND BRASS CAP
AT SOUTHWEST CORNER
OF SECTION 3

TL 1001



RENEWAL 12/31/19

RECEIVED

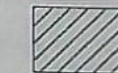
MAY 15 2019

OWRD

LEGEND

- SECTION LINE
- 1/4 SECTION LINE
- 1/16 SECTION LINE
- IRRIGATION MAIN LINE
- IRRIGATION DITCH

SCALE: 1"=1320'



PLACE OF USE SUPPLEMENTAL
IRRIGATION - 18.50 ACRES

APPLICATION NO. S-86807

PERMIT NO. S-54444

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

REVISION	BY

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

FOR:
DAN WITHERS
38488 WITHERS RANCH RD
PAISLEY, OR 97636

CLAIM OF BENEFICIAL USE MAP
APPLICATION NO. S-86807
PERMIT NO. S-54444

DATE:	10/17/2018
SCALE:	1"=1320'
DWG. BY:	RC
JOB:	2016-097
FILE:	2016-097
SHEET:	1 OF 1

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **129772**

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

INVOICE # _____

RECEIVED FROM:

BY:

CASH:

CHECK #

OTHER: (IDENTIFY)

APPLICATION

PERMIT

TRANSFER

TOTAL REC'D

\$ **200.00**

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES

\$

OTHER: (IDENTIFY)

\$

0243 I/S Lease

0244 Muni Water Mgmt. Plan

0245 Cons. Water

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY)

\$

TC162 DEPOSIT LIAB. (IDENTIFY)

\$

0240 EXTENSION OF TIME

\$

WATER RIGHTS:

EXAM FEE

RECORD FEE

0201 SURFACE WATER

\$

0202

\$

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$

EXAM FEE

LICENSE FEE

0218 WELL DRILL CONSTRUCTOR

\$

0219

\$

LANDOWNER'S PERMIT

0220

\$

0200 OTHER (IDENTIFY)

00BL

\$200.00

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$

CARD #

0210 MONITORING WELLS

\$

CARD #

OTHER (IDENTIFY)

0607 TREASURY 0467 HYDRO ACTIVITY

LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

\$

0231 HYDRO LICENSE FEE (FW/WRD)

\$

HYDRO APPLICATION

\$

TREASURY

OTHER / RDX

FUND TITLE

OBJ. CODE VENDOR #

DESCRIPTION

\$

RECEIPT: **129772**

DATED:

5-15-19

BY:

[Signature]

Checklist for Claims of Beneficial Use Received at CSG Counter

Application # <u>5-86807</u>	WRD Reviewer <u>Judy F, Cory M.</u>
Transfer #	
Date Received <u>05/15/19</u>	
CWRE Name <u>Darryl Anderson</u>	

Priority Date: 03-15-2007

Fees Required:

☒ YES ☐ NO A fee of \$200 must accompany this form for permits with priority dates of July 9, 1987, or later.

YES ☐ NO A fee of \$200 must accompany this form for any transfers including a water right with a priority date of July 9, 1987, or later.

Example – A transfer involves 5 rights and one of the rights has a priority date of July 9, 1987, or later, the fee is required.

Fill in App or Transfer Number

Map Review:

- ☒ Map on polyester film (OAR 690-014-0170(1) & 310-0050(1)(b))
- ☒ Application & permit #: or transfer # (OAR 690-014-0100(1))
- ☒ Disclaimer (OAR 690-014-0170(5))
- ☒ North arrow (OAR 690-310-0050(2)(c))
- ☒ CWRE stamp and signature (OAR 690-014 & 310-0050)
- ☒ Appropriate scale (1" = 1320', 1" = 400', or the original full-size of the county assessor map) (014 & 310)
- ☒ Township, range, section, and tax lot numbers (C)

Tube Container on back table

Report Review:

- ☒ On form provided by the Department (OAR 690-014-)
- ☒ Application & permit #: or transfer # (OAR 690-014)
- ☒ Ownership information (OAR 690-014)
- ☒ Date of survey (OAR 690-014)
- ☒ Person interviewed (OAR 690-014)
- ☒ County (OAR 690-014)
- ☒ CWRE stamp and signature (OAR 690-014-0100)
- ☒ Signature(s) of all permittee of transfer holder (OAR 690-014-0100)

MONEY SLIP

DATE: _____ RECEIPT #: _____

RECEIVED FROM: _____ APPLICATION: _____

CASH: ☐ CHECK: ☐ OTHER (IDENTIFY): _____ TOTAL RECEIVED: \$ _____

AMOUNT: 4611

DATE: _____

COBU

6213 POWER LICENSE FEE (FY1990)

6214 HYDRO LICENSE FEE (FY1990)

HYDRO APPLICATION

SPECIAL INSTRUCTIONS:

☐ RETURN TO APPLICANT – LETTER ATTACHED

Groundwater File Review:

Pump Test Required? YES NO Pump Test Submitted? YES NO*

*If no, include pump test flyer w/acknowledgment letter

Checklist for Claims of Beneficial Use Received at CSG Counter

Application # <u>S-86807</u>	WRD Reviewer <u>Judy F, Cory M.</u>
Transfer #	
Date Received <u>05/15/19</u>	
CWRE Name <u>Darryl Anderson</u>	

Priority Date: 03-15-2007

Fees Required:

☒ YES ☐ NO A fee of \$200 must accompany this form for permits with priority dates of July 9, 1987, or later.

YES ☐ NO A fee of \$200 must accompany this form for any transfers including a water right with a priority date of July 9, 1987, or later.

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Fill in App or Transfer Number

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- ☒ Map on polyester film (OAR 690-014-0170(1) & 310-0050(1)(b))
- ☒ Application & permit #: or transfer # (OAR 690-014-0100(1))
- ☒ Disclaimer (OAR 690-014-0170(5))
- ☒ North arrow (OAR 690-310-0050(2)(c))
- ☒ CWRE stamp and signature (OAR 690-014 & 310-0050)
- ☒ Appropriate scale (1" = 1320', 1" = 400', or the original full-size scale of the county assessor map) (014 & 310)
- ☒ Township, range, section, and tax lot numbers (OAR 690-310-0050(4))

Report Review:

- ☒ On form provided by the Department (OAR 690-014-0100(1))
- ☒ Application & permit #: or transfer # (OAR 690-014)
- ☒ Ownership information (OAR 690-014)
- ☒ Date of survey (OAR 690-014)
- ☒ Person interviewed (OAR 690-014)
- ☒ County (OAR 690-014)
- ☒ CWRE stamp and signature (OAR 690-014-0100)
- ☒ Signature(s) of all permittee of transfer holder (OAR 690-014-0100)

MONEY SLIP	
DATE:	RECEIPT #:
RECEIVED FROM:	APPLICATION PERMIT TRANSFER
CASH CHECK # OTHER (IDENTIFY)	TOTAL RECEIVED \$
CASH TREASURY #178 MISC CONTRACT	
4027 CASH OTHER (IDENTIFY)	
0243 Interest Lease 0244 Mine Water Right Plan 0245 Core Water	
0083 TREASURY 4279 WRD OPERATING ACCT	
MISCELLANEOUS 4611	
0407 COPY & TAPE FEES	
0410 RESEARCH FEES	
0408 MISC REVENUE (IDENTIFY)	
10182 DEPOSIT LIAB (IDENTIFY)	
0240 EXTENSION OF TERM	
WATER RIGHTS	
0201 SURFACE WATER	
0202 GROUND WATER	
0203 TRANSFER	
WELL CONSTRUCTION	
0218 WELL DRILL CONSTRUCTION	
LANDOWNER'S PERMIT	
0200 OTHER (IDENTIFY) <u>COBU</u>	
0201 TREASURY 0407 HYDROLOGIC	
0223 POWER LICENSE FEE (FVWRC)	
0231 HYDRO LICENSE FEE (FVWRC)	
HYDRO APPLICATION	
SPECIAL INSTRUCTIONS:	

☐ RETURN TO APPLICANT - LETTER ATTACHED

Groundwater File Review:

Pump Test Required? YES NO Pump Test Submitted? YES NO*

*If no, include pump test flyer w/acknowledgment letter



Oregon
Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

May 16, 2019

Dan Withers
38438 Withers Ranch Road
Paisley OR 97636

On May 15, 2019 the Water Resources Department received the Claim of Beneficial Use (COBU) for the following file(s):

Application S-S-86807 Permit S-54444

The COBU included a report and map. The Department hopes to review your submittal within approximately 2 - 4 years. At that time we will review these items and provide a final certificate, proposed certificate, or a request for additional information.

If you are interested in having your COBU reviewed sooner, you may pay to have your file processed immediately, using the Reimbursement Authority program, which is described at:

<https://www.oregon.gov/OWRD/programs/WaterRights/RA/Pages/Certificate.aspx>

Customer Service phone: (503) 986-0900

If you sell the property, please contact the Department, or have the new owners contact the Department about the need to file an assignment.

Cc: file
Darryl Anderson, CWRE

CLAIM OF BENEFICIAL USE for Surface Water Permits claiming more than 0.1 cfs



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

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A fee of \$200 must accompany this form for permits
with priority dates of July 9, 1987, or later.

A separate form shall be completed for each permit.

In cases where a permit has been amended through the permit amendment process, a separate claim for the permit amendment is not required. Incorporate the permit amendment into the claim for the permit.

This form is subject to revision. **Begin each new claim** by checking for a new version of this form at:
http://www.oregon.gov/owrd/pages/wr/cwre_info.aspx

The completion of this form is required by OAR 690-014-0100(1) and 690-014-0110(4).

Please type or print in dark ink. If this form is found to contain errors or omissions, it may be returned to you. **Every item must have a response.** If any requested information does not apply to the claim, insert "NA." **Do not delete or alter any section of this form unless directed by the form.** The Department may require the submittal of additional information from any water user or authorized agent.

"Section 8" of this form is intended to aid in the completion of this form and should not be submitted.

If you have questions regarding the completion of this form, please call 503-986-0900 and ask for the Certificate Section.

The Department has a program that allows it to enter into a voluntary agreement with an applicant for expedited services. Under such an agreement, the applicant pays the cost to hire additional staff that would not otherwise be available. This program means a certificate may be issued in about a month. For more information on this program see
http://www.oregon.gov/owrd/pages/mgmt_reimbursement_authority.aspx

SECTION 1 GENERAL INFORMATION

1. File Information

APPLICATION # S-86807	PERMIT # S-54444	PERMIT AMENDMENT # N/A
---------------------------------	----------------------------	----------------------------------

2. Property Owner (current owner information)

APPLICANT/BUSINESS NAME Dan Withers		PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS 38438 Withers Ranch Rd			
CITY Paisley	STATE OR	ZIP 97636	E-MAIL drwitherswri@yahoo.com

If the current property owner is not the permit holder of record, it is recommended that an assignment be filed with the Department. Each permit holder of record must sign this form.

3. Permit or holder of record (this may, or may not, be the current property owner)

PERMIT HOLDER OF RECORD Alan and V. Ginger Withers		
ADDRESS 42642 HWY 31		
CITY Paisley	STATE OR	ZIP 97636

ADDITIONAL PERMIT HOLDER OF RECORD N/A		
ADDRESS		
CITY	STATE	ZIP

4. Date of Site Inspection: **5/2018 and 11/2018**

5. Person(s) interviewed and description of their association with the project:

NAME	DATE	ASSOCIATION WITH THE PROJECT
Dan Withers	5/15/2018	Owner

6. County: **Lake**

7. If any property described in the place of use of the permit final order is excluded from this report, identify the owner of record for that property (ORS 537.230(4)):

OWNER OF RECORD N/A		
ADDRESS		
CITY	STATE	ZIP

Add additional tables for owners of record as needed

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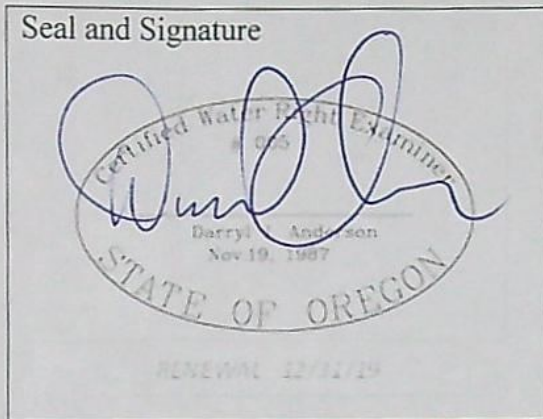
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SECTION 2 SIGNATURES

CWRE Statement, Seal and Signature

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge.

Seal and Signature



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CWRE NAME Darryl Anderson		PHONE No. 541 947-4407	ADDITIONAL CONTACT No. N/A
ADDRESS 17681 HWY 395			
CITY Lakeview	STATE OR	ZIP 97630	E-MAIL darryla@andersonengineering.com

Permit Holder of Record Signature or Acknowledgement

Each permit holder of record must sign this form in the space provided below.

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge. I request that the Department issue a water right certificate.

SIGNATURE	PRINT OR TYPE NAME	TITLE	DATE
<i>Alan Withers</i>	Alan Withers	Owner	5/13/19
<i>V. Ginger Withers</i>	V. Ginger Withers	Owner	5/13/19

SECTION 3

CLAIM DESCRIPTION

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1. Point of diversion name or number:

POINT OF DIVERSION (POD) NAME OR NUMBER (CORRESPOND TO MAP)
POD #1

2. Point of diversion source and tributary:

POD NAME OR NUMBER	SOURCE	TRIBUTARY
POD #1	An unnamed stream	Summer Lake

3. Developed use(s), period of use, and rate for each use:

POD NAME OR NUMBER	USES	IF IRRIGATION, LIST CROP TYPE	SEASON OR MONTHS WHEN WATER WAS USED	ACTUAL RATE OR VOLUME USED (CFS, GPM, OR AF)
POD #1	Supplemental Irrigation	Pasture	May 1- Sept 30	0.46 cfs
Total Quantity of Water Used				0.46 cfs

4. Provide a general narrative description of the distribution works. This description must trace the water system from **each** point of diversion to the place of use:

The POD is minor break in the slope from a steep mountain stream, sourced from snow melt. At the POD, a 6" pipe has been placed to direct the stream waters to the irrigation fields for the growth of fodder for pasture lands. There are no other POD in the system. The pipe runs into a native stream channel that contains a weir for flow rate measurements.

Reminder: The map associated with this claim must identify the location of the point(s) of diversion, Donation Land Claims (DLC), Government Lots (GLot), and Quarter-Quarters (QQ).

5. Variations:

Was the use developed differently from what was authorized by the permit or permit amendment final order? If yes, describe below.

NO

(e.g. "The permit allowed three points of diversion. The water user only developed one of the points." or "The permit allowed 40.0 acres of irrigation. The water user only developed 10.0 acres.")

N/A

6. Claim Summary:

POD NAME OR #	MAXIMUM RATE AUTHORIZED	CALCULATED THEORETICAL RATE BASED ON SYSTEM	AMOUNT OF WATER MEASURED	USE	# OF ACRES ALLOWED	# OF ACRES DEVELOPED
POD #1	0.46 cfs	0.46 cfs	N/A	Supplementa l Irrigation	18.5	18.5

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SECTION 4
SYSTEM DESCRIPTION

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NO

Are there multiple PODs?

If "YES" you will need to copy and complete Sections 4B through 4E for each POD.

POD Name or Number this section describes (only needed if there is more than one):

POD #1

A. Place of Use

1. Is the right for municipal use?

NO

If "YES" the table below may be deleted.

TWP	RNG	MER	SEC	QQ	GLOT	DLC	USE	IF IRRIGATION, # PRIMARY ACRES	IF IRRIGATION, # SUPPLEMENTAL ACRES
31S	16E	W.M.	3	SW ¼, SW ¼	N/A	N/A	Supplemen tal Irrigation	0	8.3
31S	16E	W.M.	10	NW ¼, NW ¼	N/A	N/A	Suppleme ntal Irrigation	0	10.2
Total Acres Irrigated									18.5

Reminder: The map associated with this claim must identify Donation Land Claims (DLC), Government Lots (GLOT), Quarter Quarters (QQ), and if for irrigation, the number of acres irrigated within each projected DLC, GLOT, and QQ.

B. Diversion and Delivery System Information

Provide the following information concerning the diversion and delivery system. Information provided must describe the equipment used to transport and apply the water from the point of diversion to the place of use.

1. Is a pump used?

NO

If "NO" items 2 through item 6 may be deleted.

7. Is the distribution system piped?

NO

12. Additional notes or comments related to the system:

N/A

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C. Storage

1. Does the distribution system include in-system storage (e.g. storage tank, bulge in system / reservoir)

NO

D. Gravity Flow Pipe

(THE DEPARTMENT TYPICALLY USES THE HAZEN-WILLIAM'S FORMULA FOR A GRAVITY FLOW PIPE SYSTEM)

1. Does the system involve a gravity flow pipe?

YES

If "NO", items 2 through 4 relating to this section may be deleted.

2. Complete the table:

PIPE SIZE	PIPE TYPE	"C" FACTOR	AMOUNT OF FALL	LENGTH OF PIPE	SLOPE	COMPUTED RATE OF WATER FLOW (IN CFS)
6"	Circular	130	23.81	914	.026 ft/ft	1.18

3. Provide calculations:

See attached.

4. If an actual measurement was taken, provide the following:

DATE OF MEASUREMENT	WHO MADE THE MEASUREMENT	MEASUREMENT METHOD	MEASURED QUANTITY OF WATER (IN CFS)
N/A	N/A	N/A	N/A

Attach measurement notes.

E. Gravity Flow Canal or Ditch

(THE DEPARTMENT TYPICALLY USES MANNING'S FORMULA FOR CANALS AND DITCHES)

1. Is a gravity flow canal or ditch used to convey the water as part of the distribution system? YES

If "NO", items 2 through 4 relating to this section may be deleted.

2. Complete the table:

CANAL OR DITCH TYPE (MATERIAL)	TOP WIDTH OF CANAL OR DITCH	BOTTOM WIDTH OF CANAL OR DITCH	DEPTH	"N" FACTOR	AMOUNT OF FALL	LENGTH OF CANAL / DITCH	SLOPE	COMPUTED RATE (IN CFS)
Rough Earth/grass	5.51	4.39	1.66	0.035	24.80	954	0.001	12.60

3. Provide calculations:

See Attached

4. If an actual measurement was taken, provide the following:

DATE OF MEASUREMENT	WHO MADE THE MEASUREMENT	MEASUREMENT METHOD	MEASURED QUANTITY OF WATER (IN CFS)
NA			

Attach measurement notes.

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SECTION 5 CONDITIONS

All conditions contained in the permit, permit amendment, or any extension final order shall be addressed. Reports that do not address all performance related conditions will be returned.

1. Time Limits:

Permits and any extension final orders contain any or all of the following dates: the date when the actual construction work was to begin, the date when the construction was to be completed, and the date when the complete application of water to the proposed use was to be completed. These dates may be referred to as ABC dates. Describe how the water user has complied with each of the development timelines established in the permit or permit extension of time:

	DATE FROM PERMIT	DATE ACCOMPLISHED*	DESCRIPTION OF ACTIONS TAKEN BY WATER USER TO COMPLY WITH THE TIME LIMITS
ISSUANCE DATE	2/13/2008		
BEGIN CONSTRUCTION (A)	2/14/2008		
COMPLETE CONSTRUCTION (B)	10/1/2018	5/1/2017	
COMPLETE APPLICATION OF WATER (C)	10/1/2018	5/1/2017	

* MUST BE WITHIN PERIOD BETWEEN PERMIT OR ANY EXTENSION FINAL ORDER ISSUANCE AND THE DATE TO COMPLETELY APPLY WATER

2. Is there an extension final order(s)?

YES

3. Measurement Conditions:

a. Does the permit, permit amendment, or any extension final order require the installation of a meter or approved measuring device?

YES

If "NO", items 3b through 3f relating to this section may be deleted.

Reminder: If a meter or approved measuring device was required, the COBU map must indicate the location of the device in relation to the point of diversion.

b. Has a meter been installed?

NO

c. Meter Information

POD NAME OR #	MANUFACTURER	SERIAL #	CONDITION (WORKING OR NOT)	CURRENT METER READING	DATE INSTALLED
N/A					

d. If a meter has not been installed, has a suitable measuring device been installed and approved by the Department? YES

e. If "YES", provide a copy of the letter approving the device, if available. If the letter is not available provide the name and title of the Water Resources Department employee approving the measuring device, and the approximate date of the approval:

NAME	TITLE	APPROXIMATE DATE
Jerry Sauter	Water Rights Program Analyst	2/2017

f. Measurement Device Description

DEVICE DESCRIPTION	CONDITION (WORKING OR NOT)	DATE INSTALLED
Weir	Working	7/31/2017

4. Recording and reporting conditions

a. Is the water user required to report the water use to the Department? NO

If "NO", item 4b relating to this section may be deleted.

5. Fish Screening

a. Are any points of diversion required to be screened to prevent fish from entering the point of diversion? NO

6. By-pass Devices

a. Are any points of diversion required to have a by-pass device to prevent fish from entering the point of diversion? NO

11. Other conditions required by permit, permit amendment final order, or extension final order:

a. Was the water user required to restore the riparian area if it was disturbed? NO

b. Was a fishway required? NO

c. Was submittal of a water management and conservation plan required? NO

d. Other conditions? NO

If "YES" to any of the above, identify the condition and describe the water user's actions to comply with the condition(s):

N/A

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SECTION 6

ATTACHMENTS

Provide a list of any additional documents you are attaching to this report:

ATTACHMENT NAME	DESCRIPTION
Map	Claim of Beneficial Use Map
Photographs	Photographs of Site Visit
Worksheet for Trapezoidal Channel	Flow worksheet used to derive theoretical flow calculations
Worksheet for Circular Channel	Flow worksheet used to derive theoretical flow calculations

SECTION 7

CLAIM OF BENEFICIAL USE MAP

The Claim of Beneficial Use Map must be submitted with this claim. Claims submitted without the Claim of Beneficial Use map will be returned. The map shall be submitted on poly film at a scale of 1" = 1320 feet, 1" = 400 feet, or the original full-size scale of the county assessor map for the location.

Provide a general description of the survey method used to prepare the map. Examples of possible methods include, but are not limited to, a traverse survey, GPS, or the use of aerial photos. If the basis of the survey is an aerial photo, provide the source, date, series and the aerial photo identification number.

Survey tie is a BLM brass cap located at the Southwest corner of Section 3

Map Checklist

Please be sure that the map you submit includes ALL the items listed below.

(Reminder: Incomplete maps and/or claims may be returned.)

- ☒ Map on polyester film
- ☒ Appropriate scale (1" = 400 feet, 1" = 1320 feet, or the original full-size scale of the county assessor map)
- ☒ Township, Range, Section, Donation Land Claims, and Government Lots
- ☒ If irrigation, number of acres irrigated within each projected Donation Land Claims, Government Lots, Quarter-Quarters
- ☒ Locations of fish screens and/or fish by-pass devices in relationship to point of diversion
- ☒ Locations of meters and/or measuring devices in relationship to point of diversion or appropriation
- ☒ Conveyance structures illustrated (pumps, reservoirs, pipelines, ditches, etc.)
- ☒ Point(s) of diversion or appropriation (illustrated and coordinates)
- ☒ Tax lot boundaries and numbers
- ☒ Source illustrated if surface water
- ☒ Disclaimer ("This map is not intended to provide legal dimensions or locations of property ownership lines")

- ☒ Application and permit number or transfer number
- ☒ North arrow
- ☒ Legend
- ☒ CWRE stamp and signature

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CLAIM OF BENEFICIAL USE
Inspection Photographs
Permit S-54444

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Job: 2016-097
Date: 5/18/2018



Inlet At Point of Diversion



Pipe Crossing Large Channel



Anderson Engineering & Surveying, Inc.
P.O. Box 28
17681 Hwy 395
Lakeview, Oregon 97630

CLAIM OF BENEFICIAL USE
Inspection Photographs
Permit S-54444

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Job: 2016-097
Date: 5/18/2018



Place of Use



Pumps #2 and #3



Anderson Engineering & Surveying, Inc.
P.O. Box 28
17681 Hwy 395
Lakeview, Oregon 97630

CLAIM OF BENEFICIAL USE

Inspection Photographs

Permit S-54444

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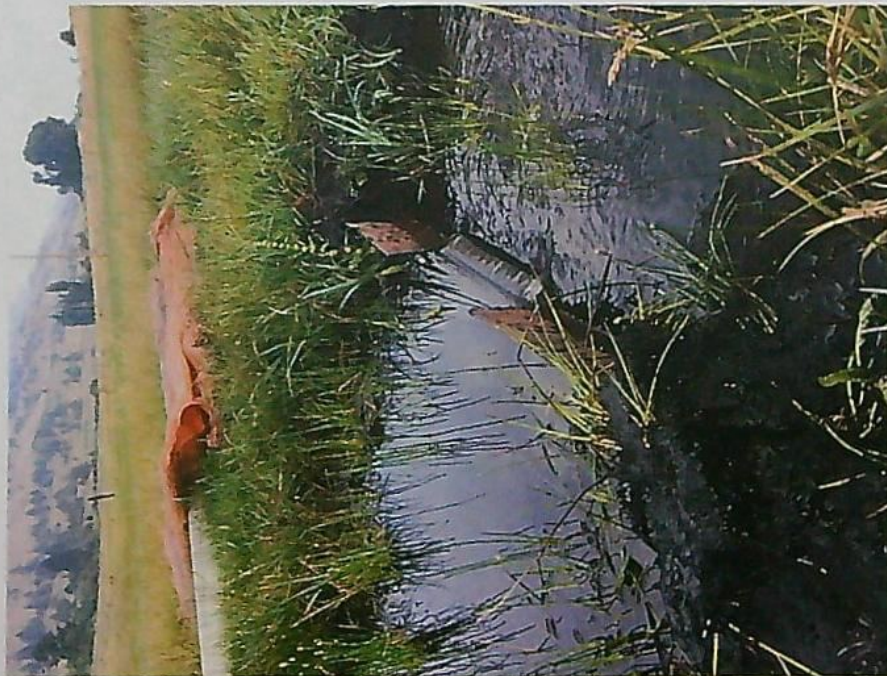
OWRD

Job: 2016-097

Date: 5/18/2018



Measurement Weir



Measurement Weir



Anderson Engineering & Surveying, Inc.
P.O. Box 28
17681 Hwy 395
Lakeview, Oregon 97630

Worksheet Worksheet for Circular Channel

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Project Description

Worksheet	Circular Pipe
Flow Element	Circular Channel
Method	Manning's Formula
Solve For	Discharge

Input Data

Mannings Coefficient	0.010
Slope	0.026 ft/ft 000
Depth	0.50 ft
Diameter	6 in

Results

Discharge	1.18 cfs
Flow Area	0.2 ft ²
Wetted Perimeter	1.57 ft
Top Width	1.49e-8 ft
Critical Depth	0.48 ft
Percent Full	100.0 %
Critical Slope	0.02287 ft/ft 0
Velocity	5.99 ft/s
Velocity Head	0.56 ft
Specific Energy	1.06 ft
Froude Number	2.91e-4
Maximum Discharge	1.27 cfs
Discharge Full	1.18 cfs
Slope Full	0.02600 ft/ft 0
Flow Type	Subcritic al

Worksheet Worksheet for Trapezoidal Channel

RECEIVED

MAY 15 2019

OWRD

Project Description	
Worksheet	Trapezoidal Channel
Flow Element	Trapezoidal Channel
Method	Manning's Formula
Solve For	Discharge

Input Data	
Mannings Coefficient	0.035
Slope	0.001 ft/ft
Depth	236 ft
Left Side Slope	3.00 V : H
Right Side Slope	3.00 V : H
Bottom Width	4.40 ft

Results	
Discharge	12.60 cfs
Flow Area	8.2 ft ²
Wetted Perimeter	7.90 ft
Top Width	5.51 ft
Critical Depth	0.62 ft
Critical Slope	0.02663 ft/ft
Velocity	1.53 ft/s
Head	0.04 ft
Specific Energy	1.70 ft
Froude Number	0.22
Flow Type	Subcritical

Mailing List for Extension FO Copies

FO Date: July 21, 2017

Copies Mailed

Application: S-86807

By: CH

Permit: S-54444

On: 7/20/17

Original mailed to permit holder

Alan Withers and V. Ginger Withers
42642 HWY 31
Paisley, OR 97636

Copies sent to:

1. WRD - App. File S-86807/ Permit S-54444

Fee paid as specified under ORS 536.050 to receive copy:

2. None

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

3. WRD - Watermaster District 12, Brian Mayer

CASEWORKER: JDP

Oregon Water Resources Department
Water Right Services Division

Application for Extension of Time

In the Matter of the Application for an Extension of Time)
for Permit S-54444, Water Right Application S-86807) FINAL ORDER
in the name of Alan Withers and V. Ginger Withers)

Permit Information

Application:	S-86807
Permit:	S-54444
Basin:	Goose and Summer Lakes / Watermaster District 12
Date of Priority:	March 15, 2007
Source of Water:	An unnamed stream, a tributary of Summer Lake
Purpose or Use:	Supplemental Irrigation use on 18.5 Acres
Maximum Rate:	0.46 cubic foot per second (cfs)

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

Appeal Rights

This final order is subject to judicial review by the Court of Appeals under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482(1). Pursuant to ORS 536.075 and OAR 137-003-0675, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Application History

Permit S-54444 was issued by the Department on February 14, 2008. The permit specified completion of construction by October 1, 2012, and complete application of water to beneficial use by October 1, 2012. On April 10, 2017, Alan Withers and V. Ginger Withers submitted an Application for Extension of Time for Permit S-54444. In accordance with OAR 690-315-0050(2), on May 30, 2017, the Department issued a Proposed Final Order proposing to extend the time to complete construction from October 1, 2012, to October 1, 2018, and the time to apply water to full beneficial use from October 1, 2012, to October 1, 2018. The protest period closed July 14, 2017, in accordance with OAR 690-315-0060(1). No protest was filed.

FINDINGS OF FACT

The Department adopts and incorporates by reference the findings in the Proposed Final Order dated May 30, 2017.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to no additional conditions.

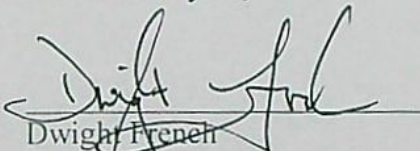
CONCLUSION OF LAW

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.230, 539.010(5) and OAR 690-315-0040(2).

ORDER

The extension of time for Application S-86807, Permit S-54444, therefore, is approved. The deadline for completing construction is extended from October 1, 2012, to October 1, 2018. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2012, to October 1, 2018.

DATED: July 21, 2017



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

-
- If you have any questions about statements contained in this document, please contact Permit Extension Specialist at (503) 986-986-0802.
 - If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900
-

Mailing List for Extension PFO Copies

PFO Date: May 30, 2017

Copies Mailed

Application: S-86807

By: SP

Permit: S-54444

On: 5-30-17

Original mailed to Applicant:

Alan Withers and V. Ginger Withers
42642 HWY 31
Paisley, OR 97636

Copies sent to:

1. WRD - App. File S-86807/ Permit S-54444
2. Agents or CWRE's representing the Permit Holder

Fee paid as specified under ORS 536.050 to receive copy:

3. None

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

4. WRD - Watermaster District 12, Brian Mayer

CASEWORKER: JDP

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

Application for Extension of Time

In the Matter of the Application for an Extension of Time)	
for Permit S-54444, Water Right Application S-86807)	PROPOSED FINAL
in the name of Alan Withers and V. Ginger Withers)	ORDER

Permit Information

Application:	S-86807
Permit:	S-54444
Basin:	Goose and Summer Lakes / Watermaster District 12
Date of Priority:	March 15, 2007
Source of Water:	An unnamed stream, a tributary of Summer Lake
Purpose or Use:	Supplemental Irrigation use on 18.5 Acres
Maximum Rate:	0.46 cubic foot per second (cfs)

Please read this Proposed Final Order in its entirety.

In summary, the Department proposes to:

- Grant an extension of time to complete construction of the water system from October 1, 2012, to October 1, 2018.
- Grant an extension of time to apply water to full beneficial use from October 1, 2012, to October 1, 2018.¹

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

¹ Pursuant to ORS 537.230(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use.

ACRONYM QUICK REFERENCE

Application – Application for Extension of Time
Department – Oregon Water Resources Department
ODFW – Oregon Department of Fish and Wildlife
PFO – Proposed Final Order
cfs – cubic feet per second
FOF – Finding of Fact

AUTHORITY

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

ORS 537.230(3) provides in pertinent part that the Oregon Water Resources Department (Department) may, for good cause shown, order an extension of time within which irrigation or other works shall be completed or the right perfected. In determining the extension, the Department shall give due weight to the considerations described under ORS 539.010(5) and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right.

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

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

FINDINGS OF FACT

1. On February 14, 2008 Permit S-54444 was issued by the Department. The permit authorizes the use of up to 0.46 cfs of water from an unnamed stream, a tributary of Summer Lake, for supplemental irrigation use on 18.5 acres. The permit specified construction of the water system was to be completed by October 1, 2012, and complete application of water was to be made on or before October 1, 2012.
2. On April 10, 2017, Daniel Withers, on behalf of Alan Withers and V. Ginger Withers, submitted an “Application for Extension of Time” (Application) to the Department, requesting the time to complete construction of the water system be extended from October 1, 2012, to October 1, 2018, and the time to apply water to full beneficial use under the terms and conditions of Permit S-54444 be extended from October 1, 2012, to October 1, 2018. This is the first permit extension requested for Permit S-54444.

3. On April 18, 2017, notification of the Application for Permit S-54444 was published in the Department's Public Notice. No public comments were received.

Review Criteria [OAR 690-315-0040]

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

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

4. On April 10, 2017, the Department received a completed Application and the fee specified in ORS 536.050 from the permit holder.

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

5. Construction of the water system began prior to permit issuance. The permit holder states, construction began February 14, 2008, with the construction of the point of diversion and distribution piping.
6. According to the Application for a Permit to Use Surface Water submitted on March 15, 2007, the ditches utilized under this permit were existing for use under their primary irrigation right held by Summer Lake Irrigation District.

Based on Finding of Fact (FOF) 5 and 6, the Department has determined the permit holder has satisfied the condition requiring beginning of construction of the water works.

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

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

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

In order to make a finding of "good cause" to approve the extension, the Department shall consider whether the applicant has demonstrated "reasonable diligence" in previous performance under the permit. OAR 690-315-0040(2)(a). In determining "reasonable diligence", the Department shall consider, but is not limited to, the following factors: a) The amount of construction completed within the time allowed in the permit or previous extension; b) The amount of beneficial use made of the water during the permit or previous extension time limits; c) Water right holder conformance with the permit or previous extension conditions; and d) Financial investments made toward developing the beneficial use of water.

Amount of Construction OAR 690-315-0040(3)(a) (The amount of construction completed within the time allowed in the permit.²)

7. Construction of the water system began prior to permit issuance.
8. Work was accomplished during the original development time frame under Permit S-54444., including development of the point of diversion and installation of distribution piping.

Based on FOF 7 and 8, the Department has determined that work has been accomplished prior to permit issuance and within the time allowed in the permit period which provides evidence of good cause and reasonable diligence towards the complete application of water to a beneficial use.

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

The water right permit holder's conformance with the permit and previous extension conditions.

9. The Department has considered the permit holder's compliance with conditions, and has identified the following concern: the record does not show that (1) a meter or other suitable measuring device has been installed.

Based on FOF 9, the Department has determined that the permit holder has not demonstrated compliance with following permit condition as required by Permit S-54444:

- "Before water use may begin under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of diversion.

Failure to comply with permit conditions constitutes illegal use of water. Beneficial use of water under this permit, therefore, has not yet been demonstrated. In order to legally perfect the use of water under this permit, the permit holder must demonstrate that all conditions of the permit have been satisfied.

Beneficial Use of Water OAR 690-315-0040(3)(b): *the amount of beneficial use made of the water during the permit or previous extension conditions.*

10. The Application states a maximum rate of 0.46 cfs of water has been diverted from an unnamed stream, a tributary of Summer Lake for supplemental irrigation of 18.5 acres.

² "Actual Construction" is defined in OAR 690-315-0020(3)(d)(A) and (B) as physical work performed toward completion of the water system which demonstrates the water right permit holder's good faith and intention to complete the project with reasonable diligence. Actual construction does not include planning a diversion system, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, surveying, clearing land or planting crops.

Based on FOF 9, the Department has determined that beneficial use has not been demonstrated under this permit as not all conditions under Permit S-54444 have been complied with.

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

11. The Application states the permit holder has invested approximately \$10,000, which is about 77 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional \$3,000 investment is needed for the completion of this project.

The Department has determined based on FOF 11, that the permit holder had made an investment, which provides evidence of good cause and reasonable diligence towards the complete application of water to a beneficial use.

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

The Application provides evidence of progress towards completion of the water system; a financial investment has been made; the permit holder has not demonstrated compliance with all permit conditions, and; beneficial use has not been demonstrated. The Department has determined the applicant has demonstrated the minimum necessary for the Department to find reasonable diligence towards complete application of water to a beneficial use.

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

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

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

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

12. A review of the amount of water available to satisfy other affected water rights and scenic waterway flows was determined at the time of issuance of Permit S-54444; furthermore, water availability for other affected water rights and scenic waterway flows after the permit was issued is determined when an application for a new water right is submitted.
13. Current Water Availability Analysis for Summer Lake shows that no new restriction on allocations of water have been adopted since Permit S-54444 was issued.

Special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d) OAR 690-315-0040(4)(b)

14. The point of diversion is located on an unnamed stream, a tributary of Summer Lake, and is not located within a Withdrawn Area.
15. Summer Lake is not located within or above a state or federal scenic waterway.
16. The point of diversion is not in a location listed by the Department of Environmental Quality as a water quality limited stream.

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

17. Summer Lake is located within an area ranked "low" for stream flow restoration needs as determined by the Department in consultation with the Oregon Department of Fish and Wildlife, and is located within a Sensitive, Threatened or Endangered Fish Species Area as identified by the Department in consultation with Oregon Department of Fish and Wildlife.

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

18. The Application states an approximate total of \$10,000 has been invested in the project.

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

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

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

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

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

21. The Application identified that the use and income from the permitted water development will likely result in doubling the productivity of the land resulting in a return on investment within one to two years.

Other Governmental Requirements OAR 690-315-0040(2)(q)

22. The Application did not identify any delay in the development of this project that was caused by any other governmental requirements.

Unforeseen Events OAR 690-315-0040(2)(h)

23. The Application did not identify any unforeseen events.

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

24. The Application did not state if a denial of the extension would result in undue hardship.

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

25. The Department has found good faith of the appropriator under Permit S-54444.

Based on FOF 5, 6, 7, 8, 11 and 18, the Department has determined that the applicant has shown good faith and reasonable diligence.

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

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

26. As of April 10, 2017, the permit holder states the remaining work to be completed consists of completing construction of the water system, installing a meter and applying water to full beneficial use.

Given the amount of development left to occur, the Department has determined that the permit holder's request to have until October 1, 2018, to complete construction of the water system and to accomplish the application of water to beneficial use under the terms and conditions of Permit S-54444 is both reasonable and necessary.

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

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

The Department has considered the reasonable diligence and good faith of the appropriator, the cost to appropriate and apply water to a beneficial purpose, the market and present demands for water to be supplied, the financial investment made and fair and reasonable return upon the investment, the requirements of other governmental agencies, and unforeseen events over which the permit holder had no control, whether denial of the extension will result in undue hardship to the applicant and whether there are no other reasonable alternatives for meeting water use needs, any other factors relevant to a determination of good cause, and has determined that the applicant has shown that good cause exists for an extension of time to complete construction and apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).

CONCLUSIONS OF LAW

1. The Applicant has submitted a complete extension application form and the fee specified in ORS 536.050, as required by OAR 690-315-0040(1)(a).
2. The Applicant complied with construction timeline requirements to begin construction as required by ORS 537.230, OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).
3. Based on Finding of Facts 5 through 25, completion of construction and full application of water to beneficial use can be accomplished by October 1, 2018³, as required by OAR 690-315-0040(1)(c).
4. The Applicant can complete the project within the time period requested for the extension on the project.
5. The Applicant has demonstrated good cause for the extension.

continued on following page

³Pursuant to ORS 537.230(3), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and a new or revised claim of beneficial use as deemed appropriate by the Department.

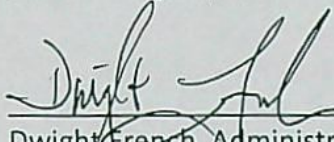
PROPOSED ORDER

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

Extend the time to complete construction of the water system under Permit S-54444 from October 1, 2012, to October 1, 2018.

Extend the time to apply water to beneficial use under Permit S-54444 from October 1, 2012, to October 1, 2018.

DATED: May 30, 2017


Dwight French, Administrator
Water Right Services Division

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

Proposed Final Order Hearing Rights

1. Under the provisions of OAR 690-315-0100(1) and 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may submit a written protest to the proposed final order. The written protest must be received by the Water Resources Department no later than **July 14, 2017**, being 45 days from the date of publication of the proposed final order in the Department's weekly notice.
2. A written protest shall include:
 - a. The name, address and telephone number of the petitioner;
 - b. A description of the petitioner's interest in the proposed final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented;
 - c. A detailed description of how the action proposed in the proposed final order would adversely affect or aggrieve the petitioner's interest;
 - d. A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;
 - e. Any citation of legal authority supporting the petitioner, if known;
 - f. Proof of service of the protest upon the water right permit holder, if petitioner is other than the water right permit holder; and
 - g. The applicant or non-applicant protest fee required under ORS 536.050.

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

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

- If you have any questions about statements contained in this document, please contact Jeffrey D. Pierceall at (503) 986-0802.
 - If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Patricia McCarty at 503-986-0820.
 - If you have any questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0801.
 - Address any correspondence to : Water Right Services Division
725 Summer St NE, Suite A
Salem, OR 97301-1266
- Fax: 503-986-0901

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



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

Criteria for a Permit Extension of Time

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

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

1) Construction has begun:

A. For Groundwater Permits

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

B. For Surface Water or Reservoir Permits

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

The Department will also confirm that:

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

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

Instructions are in Attachment A.

RECEIVED BY OWRD

APR 10 2017

SALEM, OR

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

I, Alan Withers and V. Ginger Withers

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

42642 Highway 31
ADDRESS

Paisley
CITY

OR
STATE

97636
ZIP

PHONE

E-MAIL ADDRESS

the permit holder of:

Application Number S-86807

Permit Number S-54444

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

RECEIVED BY OWRD

APR 10 2017

do hereby request that the time in which to:

SALEM, OR

☒ complete construction (of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water), which time now expires on Month: October Day: 1 Year: 2012, be extended to October 1, 2018, [OAR 690-315-0020(3)(i)]

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

and/or the time in which to:

☒ apply water to full beneficial use under the terms and conditions of the permit, which time now expires on Month: October Day: 1 Year: 2012, be extended to October 1, 2018. [OAR 690-315-0020(3)(i)]

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

Daniel R Withers

Signature

3-24-17

Date

Daniel R Withers

Printed Name

Title

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

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

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

\$575 STATUTORY FEE TO:

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

RECEIVED BY OWRD

APR 10 2017

SALEM, OR



GENERAL TIPS:

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

- An Application for an Extension of Time will be reviewed for completeness. OWRD will return any incomplete or deficient applications to the applicant. OAR 690-315-0040(1)(a).

Reference Materials Needed to Complete this Application:

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

Questions to complete this application for an Extension of Time

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

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

For Groundwater Permits

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

☐ Yes ☐ No

Date construction began Month: _____ Day: _____ Year: _____

Details of construction and attach documentation: _____

For Surface/Reservoir Permit

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

Date construction began Month: 2 Day: 14 Year: 2008

Details of construction and attach documentation: point of diversion constructed and distribution piping installed.

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

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

CHART-A

Permit Conditions in this Permit		Have Completed or Met?	Date satisfied/ or will be satisfied
Checkbox	Ground water Check those included on this permit		
<input checked="" type="checkbox"/>	Installation of a meter/totalizing flow meter	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	5/1/2017
<input type="checkbox"/>	Submittal of annual water usage report	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of initial static water level measurement	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of annual static water level measurements in the month required	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of Seven consecutive static water level measurements in the month required	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Special well construction standards	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of a monitoring plan	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Surface Water or Reservoir			
<input type="checkbox"/>	Installation of a meter/ totalizing flow meter/ in-line meter	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation a staff gauge	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of a fish screen	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of a fish by-pass device	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input checked="" type="checkbox"/>	Installation of a fish passage	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	See attached ODFW letter
<input type="checkbox"/>	Installation of an outlet gate/pipe/ conduit	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of a letter from ODFW that fish screen, fish by-pass device, and or fish passage is not required	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submit as-built plans and specification	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of a letter from an engineer prior to storage	<input type="checkbox"/> Yes <input type="checkbox"/> No	

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

Metering device (measurement weir) will be installed at the point of division to fulfill the measurement requirements on the permit. May-July 2017

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

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

CHART-B

DATE	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List any work done before the permit was issued – eg. well drilled.</i>	COST*
NA		
DATE	WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED and PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER <i>List work/actions done during the permitted time period.</i>	COST*
2/14/2008	Date the permit was signed - find date above signature on last page of permit.	
5/1/2008	POD and distribution piping installed	10,000
	Date the permit specified complete application of water to the use shall be made- all permits contain this date.	
DATE	WORK ACCOMPLISHED AFTER the date the permit specified complete application of water <i>COMPLETE ONLY IF THIS IS YOUR 1st APPLICATION FOR AN EXTENSION OF TIME: List work done after the date specified in the permit for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
	NA	
Total Cost for Chart-B		10,000

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

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

CHART-C

DATE	WORK ACCOMPLISHED DURING THE LAST EXTENSION PERIOD <i>List all work done during the last authorized extension period.</i>	COST*
NA	"Extended From" date for complete application of water used in the 1 st (or the most recent) Application for Extension of Time.	
	"Extended To" date for complete application of water resulting from the 1 st (or the most recent) Application for Extension of Time.	
DATE	WORK ACCOMPLISHED AFTER THE LAST EXTENSION PERIOD EXPIRED <i>List all work done after the last authorized date for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
NA		
Total Cost of Chart-C		0

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

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5. Cost of project to date: 10,000

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

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

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

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

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

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

Maximum rate used to date = 0.46 cfs (cubic feet per second) or,

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

Acre-feet stored to date = NA AF

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

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

CHART-D

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

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

If yes, identify Transfer No. T-NA

Has the Permit Amendment been approved? Yes ☐ No ☒

If yes, on what date was the Permit Amendment approved? NA

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

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

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

a) Total acres irrigated to date: 18.5

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

Year	Acres	Year	Acres	Year	Acres
2008	18.5	2013	18.5		
2009	18.5	2014	18.5		
2010	18.5	2015	18.5		
2011	18.5	2016	18.5		
2012	18.5				

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

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

(POD/POA) # 1 Acres 18.5

(POD/POA) # _____ Acres _____

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(POD/POA) # _____ Acres _____

(POD/POA) # _____ Acres _____

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

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

CHART-E

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
May-July 2017	Install weir for measurement purposes	3,000
Year: 2017	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
Total Cost		3,000

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

11. Estimated remaining cost to complete the project: 3,000

(The total cost from CHART-E)

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

12. Provide a summary of your plan to complete construction, meeting all permit conditions and apply the water to beneficial use: *(List all tasks or steps needed to complete the project, the date when each task will be completed, and the cost associated with each task; attach additional pages if necessary.)* Metering device (measurement weir) will be installed at the point of division to fulfill the measurement requirements on the permit.

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

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

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

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

14a. Will a denial of the extension result in undue hardship? *(Describe the hardship and the effects.)* No

14b. Are there any other reasonable alternatives that exist for meeting your water use needs? *(Explain in detail)* NA

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

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

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

16. Describe any unforeseen events which contributed to the delay of completion of this project that you had no control over. *(Explain in detail what the unforeseen events were and how much time was spent addressing the unforeseen events.)* NA

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

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

Water was measured from the pipe discharge, which was determined to be an inadequate measurement device by the watermaster, requiring the need for the installation of a measurement weir to meet the measurement requirement.

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

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

NA

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

19. Will the income or use of the water project provide a fair and reasonable return on your investment? *(Explain in detail)* Yes, the use of water for irrigation at the place of use will approximately double the productivity of the land for the use of pasture, and the cost to finish meet the requirements of the permit will be covered within the first 1 to 2 years of complete application of water.

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

20. Describe in detail if there are other economic interest, beyond those of the permit holder, which are dependent upon the completion of this project. *(Who will be effected and how?)* No

Attach permit, and documentation to the application

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Oregon

Kate Brown, Governor

Department of Fish and Wildlife

Lakeview Field Station
Klamath Watershed District
18560 Roberta Road
Lakeview, OR 97630
(541) 947-2950
FAX (541) 947-4632



March 16, 2017

Brian Mayer
Oregon Water Resources Department, District 12
513 Center Street
Lakeview, OR 97630

RE: Fish Permit S-54444

Dear Brian,

The Oregon Department of Fish and Wildlife (ODFW) has determined that the unnamed tributary to Summer Lake indicated in Permit #S-54444 (Alan Withers and V. Ginger Withers) does not currently nor did historically have native migratory fish use. ODFW based this determination on research of fish distribution, aerial, and topographic maps. According to State of Oregon law (ORS 509.585(2) and OAR 635-412-0020(1)), passage is only required in areas with current or historic native migratory fish use. For the use of the surface water right (S-5444), fish passage and screening requirements do not need to be met.

Please contact me if you have any questions or need further information.

Sincerely,

Justin Miles
Assistant District Fish Biologist
Lakeview Field Office

541-947-2950 Office
541-219-1395 Cell
Justin.p.miles@state.or.us

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CC: Darrel Anderson, Bill Tinniswood, Danette Faucera

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SALEM, OR

STATE OF OREGON

COUNTY OF LAKE

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ALAN WITHERS AND V. GINGER WITHERS
42642 HWY 31
PAISLEY, OR 97636

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

APPLICATION FILE NUMBER: S-86807

SOURCE OF WATER: AN UNNAMED STREAM, A TRIBUTARY OF SUMMER LAKE

PURPOSE OR USE: SUPPLEMENTAL IRRIGATION USE ON 18.5 ACRES

MAXIMUM RATE: 0.46 CUBIC FOOT PER SECOND

PERIOD OF USE: MAY 1 THROUGH SEPTEMBER 30

DATE OF PRIORITY: MARCH 15, 2007

POINT OF DIVERSION LOCATION: SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 3, T31S, R16E, W.M.; 540
FEET NORTH & 5 FEET EAST FROM SW CORNER, SECTION 3

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 and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 8.3 ACRES
SECTION 3

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 10.2 ACRES
SECTION 10

TOWNSHIP 31 SOUTH, RANGE 16 EAST, W.M.

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Measurement, recording and reporting conditions:

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- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of diversion. The permittee shall maintain the meter or measuring device in good working order.

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- 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.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used, and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water-use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage for fish, unless the permittee has requested and been granted a fish passage waiver by the Oregon Fish and Wildlife Commission. The permittee is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator, before beginning construction of any in-channel obstruction.

STANDARD CONDITIONS

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

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.

This permit does not allow unauthorized inundation of property not under the ownership of the permit holder.

Completion of construction and complete application of the water to the use shall be made on or before October 1, 2012. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

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 February 14, 2008

E. Timothy Wall

for Phillip C. Ward, Director
Water Resources Department

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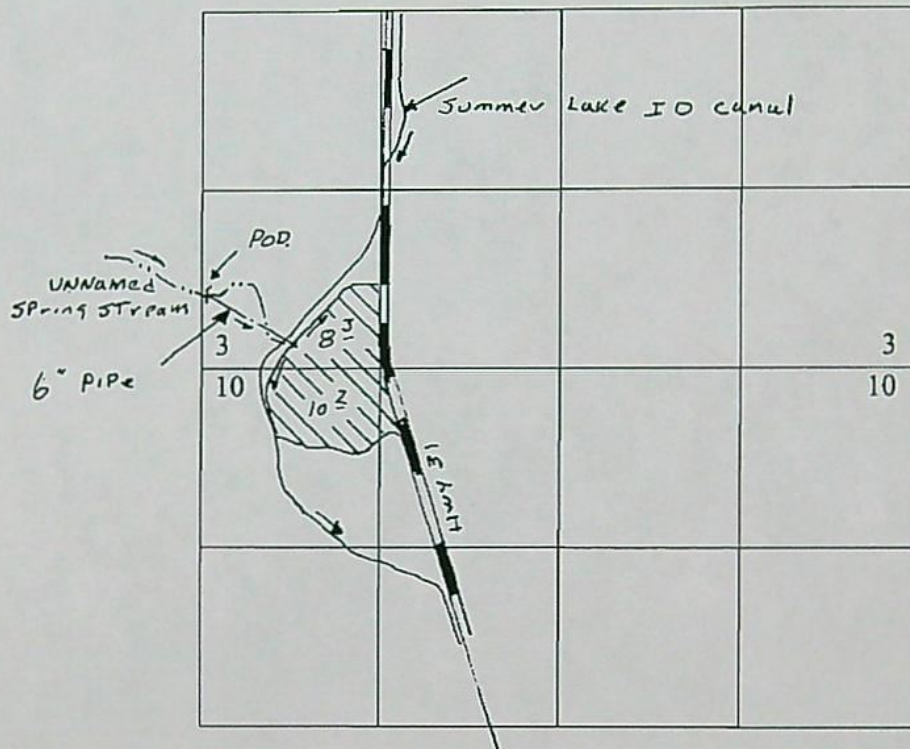
Application S-86807 Water Resources Department
Basin 13 Volume 2 SUMMER L

PERMIT S-54444
12

586807

T 31 S, R 16 E, WM
S ½ Section 3
N ½ Section 10

TAX LOT 1000



P.O.D. — 540' N E 5' E from the SW Corner
Section 3, T 31 S, R 16 E, WM

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Scale — 1" = 1320'

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MAR 15 2007

WATER RESOURCES DEPT
SALEM, OREGON



Oregon Water Resources Department Attribute Report

Report Date: Apr 11, 2017

General:

TRSQQ:	WM31.00S16.00E10NWNW WM31.00S16.00E4SESE WM31.00S16.00E3SWSW WM31.00S16.00E3NWSW WM31.00S16.00E9NENE WM31.00S16.00E4NESE
DLC:	-
Latitude:	42.9048072828
Longitude:	-120.8200337170
Buffer (ft):	1000
Elevation (ft):	4264
Basin Name:	Goose & Summer Lakes
Basin Plan:	4-Summer Lake
County:	Lake
WM District:	12
WM Region:	SOUTH CENTRAL
ODFW Region, District:	High Desert, Klamath District
Irrigation District AOI:	-
Irrigation District, Other:	-
Dams (Permit):	-
Water Rights:	Platcard for WM31.00S16.00E10 Platcard for WM31.00S16.00E4 Platcard for WM31.00S16.00E3 Platcard for WM31.00S16.00E3 Platcard for WM31.00S16.00E9 Platcard for WM31.00S16.00E4
Well Logs:	Logs for WM31.00S16.00E10 Logs for WM31.00S16.00E4 Logs for WM31.00S16.00E3

Logs for WM31.00S16.00E3
Logs for WM31.00S16.00E9
Logs for WM31.00S16.00E4

Rules:

Withdrawn Authority:	-
Groundwater Retriected:	-
GW Retriected Subunit:	-
GW ODEQ Management Area:	-
GW Umatilla Muni Wells (5mile):	-
Rule 4D:	-
Division 33 (Area, Watershed, species):	STATEWIDE, Anna River-Summer Lake, Redband Trout
Water Quality Limited Pollutant:	-
Is in Deschutes Study Area:	-
Deschutes Zone Impact:	-
Deschutes Zone Overlay:	-
Scenic Water Way:	-

Hydrography:

OWRD Streamcode:	-
Waterbody Name:	-
HUC 10:	1712000514
HUC Watershed:	Anna River-Summer Lake
WAB Wshed Order:	-
WAB Analysis:	-
Streamflow:	-
Gaging Station Data:	-

Sources:

General

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

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

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

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

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

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

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

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

Rules

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

OWRD Groundwater Restricted Areas. Oregon Water Resources Department. October 5, 2016.

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

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

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

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

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

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

Drinking Water Program.. August 16, 2013.

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

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

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

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

Hydrography

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

. Unknown. n.d.

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

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

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

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

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[Print Report](#)

Alan Withers and V. Ginger Withers
42642 Highway 31
Paisley, OR 97636

April 7, 2017

Oregon Waters Resources Department
725 Summer St NE, Suite A
Salem, OR 97301

Dear Sirs:

The undersigned hereby authorize Daniel R Withers to apply for an extension of time under permit number S-54444 (application number S-86807).

Signed,

Alan Withers
Alan Withers

04-07-17
date

V. Ginger Withers
V. Ginger Withers

04-07-17
date

RECEIVED BY OWRD

APR 10 2017

SALEM, OR



Oregon
Kate Brown, Governor

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

April 11, 2017

REFERENCE: Application for Extension of Time

Dear Extension of Time Applicant:

The Water Right Services Division has received your application for an extension of time for **APPLICATION FILE #: S-86807 (Permit S-54444)**. Your application will be reviewed in the future. Following the review, you will receive a Proposed Final Order either approving or rejecting the extension of time request. A 45-day protest period begins upon issuance of the Proposed Final Order. After the protest period closes, a Final Order is issued.

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

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

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

Application: S-86807

Permit: S-54444

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

Applicant/Permit

Holder(s) Alan Withers and V. Ginger Withers ✓

☒ WRIG...Money Receipted on: 4-11-17

☒ Extension Specialist ...

☒ Added to tracking spreadsheet

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

☒ Stacy Phillips...

☒ N/A Recent Assignment (Check WRIS for Update)

☒ Publish on Public Notice (initial 30-day comment): Date of
notice 4-18-17

☒ Update WRIS Database

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

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

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

NOTES:

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **123124**

INVOICE # _____

RECEIVED FROM: Daniel R. Withers

BY: Elizabeth A. Withers

APPLICATION 5-86807

PERMIT

TRANSFER

CASH: ☐ CHECK: # 6382 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 575.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES

\$

OTHER: (IDENTIFY) _____

\$

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY) _____

\$

TC162 DEPOSIT LIAB. (IDENTIFY) _____

\$

0240 EXTENSION OF TIME

\$ 575.00

WATER RIGHTS:

0201 SURFACE WATER

EXAM FEE

\$

0202

RECORD FEE

\$

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR

EXAM FEE

\$

0219

LICENSE FEE

\$

LANDOWNER'S PERMIT

0220

\$

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$

CARD #

0210 MONITORING WELLS

\$

CARD #

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FWWRD)

\$

0231 HYDRO LICENSE FEE (FWWRD)

\$

HYDRO APPLICATION

\$

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____

\$

RECEIPT: **123124**

DATED: 4-10-17 BY: [Signature]

CLARK Gerald E * WRD

From: CLARK Gerald E * WRD
Sent: Tuesday, March 07, 2017 7:28 AM
To: FAUCERA Danette L
Subject: RE: S-86807

Danette,

No, there was not anything on the back page, it was blank. I did search to see if there was any additional correspondence between our two Departments regarding the review, and did not find anything.

Gerry

From: Danette Faucera [<mailto:danette.l.faucera@state.or.us>]
Sent: Tuesday, March 07, 2017 7:23 AM
To: CLARK Gerald E * WRD
Subject: RE: S-86807

Thanks Gerry! Anything on the back side under Public Interest?

Danette

Danette Faucera
Water Policy Coordinator
Oregon Department of Fish and Wildlife
(503) 947-6092
4034 Fairview Industrial Drive SE
Salem, OR 97302

From: CLARK Gerald E * WRD [<mailto:Gerald.E.Clark@oregon.gov>]
Sent: Monday, March 06, 2017 4:42 PM
To: FAUCERA Danette L
Subject: RE: S-86807

Danette,

I have attached a copy of the ODFW review for this permit.

I believe that the condition on the permit is the general one meant as a warning to the permit holder regarding push-up dams.

Please let me know if you have any additional questions.

Gerry

Gerry Clark
Water Right Services Division
Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301

Phone: 503-986-0811

From: Danette Faucera [<mailto:danette.l.faucera@state.or.us>]
Sent: Monday, March 06, 2017 2:53 PM
To: CLARK Gerald E
Subject: S-86807

Hi there!

Our local staff was contacted concerning the Claim for S-86807. Can you send me the ODFW review? There is a passage requirement on the permit (which I'm guessing was automatic, not an ODFW requirement), but no screening. Thanks!

Danette

Danette Faucera
Water Policy Coordinator
Oregon Department of Fish and Wildlife
(503) 947-6092
4034 Fairview Industrial Drive SE
Salem, OR 97302

Shannon
Curtis Edwards

Form 2 - Lower Columbia/Statewide

ODFW DIVISION 33 APPLICATION REVIEW SHEET

Recommendations for Water Right Applications that may affect the Habitat of Sensitive, Threatened or Endangered Fish Species,
OAR 690-33-310 through 340.

Date: 9/18/07 Please return to WRD before 7/12/07 Application #: S-86807

Applicant's Name: ALAN WITHERS AND V. GINGER WITHERS

Source: AN UNNAMED STREAM, A TRIBUTARY OF SUMMER LAKE

1) Will the proposed use occur in an area that may affect the essential habitat of sensitive, threatened, or endangered fish species?
[690-33-330(1)]

☒ NO / YES Species: _____ Status: Sensitive, Threatened, Endangered

If so, continue to question (2) below. If not, you may comment by completing the public interest review sheet on the back of this page.

2) What stage or value is at risk (circle all that apply): Spawning, Incubation, Rearing, Passage, Habitat Value

3) Will the proposed use result in a LOSS in the essential habitat of THREATENED OR ENDANGERED SPECIES or a NET LOSS in the habitat of a SENSITIVE SPECIES?

NO / YES

A) Standard of NET LOSS applies to sensitive species statewide. [690-33-330(2)(b)]

B) Standard of LOSS applies to T or E species outside the Columbia Basin. [690-33-330(2)(a)]

4) Can conditions be applied to mitigate the impact to the essential habitat of a S, T or E species?

NO / YES. If so, skip to question 7.

Which conditions are recommended? _____

(Try to select conditions from the Menu of Conditions)

5) If conditions cannot be identified to offset impacts to the essential habitat of S, T or E species, would the proposed use harm the species?

NO / YES [690-33-330(4)]

If YES, please explain: _____

6) If WRD determines that it is in the public's interest to approve a permit even if the impact cannot be mitigated what fish screening, bypass or other conditions should be included in the permit?

7) Your recommendation under OAR 690-033-0330 (2):

☐ Approval with conditions
☐ Approval without conditions
☐ Denial

ODFW Representative signature: _____

Date: _____

WRD Contact: Caseworker: Jeana Eastman, Water Rights Division
503-986-0859 / Fax: 503-986-0901 / e-mail: Jeana.M.EASTMAN@wrdd.state.or.us

PHILLIPS Stacy H

From: SAUTER Jerry K
Sent: Friday, October 14, 2016 8:55 AM
To: Carmen Tague
Cc: PHILLIPS Stacy H
Subject: RE: Withers - Permit S-54444

Hello Carmen,
I appreciate the update, and your schedule is fine.
JK

J.K. (Jerry) Sauter | Water Rights Program Analyst
Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301
Ph. 503.986.0817 | Fax 503.986.0901
Information Requests may be made to : customerservice@ wrd.state.or.us

From: Carmen Tague [<mailto:carment@andersonengineering.com>]
Sent: Friday, October 14, 2016 8:50 AM
To: SAUTER Jerry K
Subject: Withers - Permit S-54444

Jerry,

We have been contacted by Dan Withers regarding **Application S-86807**, Permit S-54444 in the name of Alan and Ginger Withers. They received a letter from you requesting that a claim of beneficial use be completed by October 28, 2016.

Mr. Withers has hired our firm to complete the claim of beneficial use. We have been extremely busy this year and with our current schedule we will not be able to complete the work by October 28th. We have tentatively scheduled the field work for February (weather permitting). Mr. Withers has informed us that they have made complete application of the water so everything should be ready to go when we perform the claim work.

Please let me know if this schedule will be acceptable. Thank you!

Carmen Tague

Anderson Engineering & Surveying, Inc.
PO Box 28, Lakeview, OR 97630
(541) 947-4407



Oregon

Kate Brown, Governor

Water Resources Department

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

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

August 30, 2016

Certified mail number 7016 0340 0000 9901 9629
Return receipt requested

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

Reference: Application S-86807, Permit S-54444

Dear Permit Holder:

This letter is in regard to your water use permit as referenced above. Your permit required you to complete the development of your water use by October 1, 2012.

In order for the Department to consider issuance of a certificate of water right, you are required by law to hire a certified water right examiner to prepare and submit a claim of beneficial use that includes a final proof survey map of the development. The map and claim of beneficial use were to have been submitted to our Department within one year of October 1, 2012. The fee for submitting a claim of beneficial use is \$175.00. Please see the enclosed 'Resource Sheet' for our current database of CWRE's.

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

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

If you have not submitted either a Claim of Beneficial Use or a request for an extension of time for your permit within 60 days of the date of this letter (October 28, 2016) the Department may issue a Final Order to cancel your permit without further notice. If the Department issues a Final Order to cancel your permit, and you request reconsideration of the final order and reinstatement of your permit, there is a \$450.00 reinstatement fee that is charged in addition to the claim of beneficial use or extension of time fee.

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

Sincerely,

Jerry Sauter
Water Rights Program Analyst

Enclosures (1)

cc: File S-86807
OWRD Watermaster District 12



PERMIT STATUS REVIEW By : Jeffrey D. Pierceall DATE 22-Aug-16 FILE # 5-86807

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

NO Extension pending _____

NO Assignment is pending _____

NO Cancellation has been requested _____

NO Dept. has already sent a certified 60-Day Compliance letter (date _____, # _____)

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

Was mail deliverable as addressed? Y N date _____

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

Re-send Cert. Letter ? Y N date _____

Send cancellation order Y N

_____ Claim of beneficial use and final proof map (COBU) have been received by Department

Date information received _____

2. IF NONE OF THE ABOVE APPLY

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

"C" DATE 10-1-2012 BASIN NUMBER 13 WM # 12

CWRE or AGENT Dennis Glender

3. AOI Yes _____ NO ✓ If Yes, name of AOI _____

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-86807

Final Order

Appeal Rights

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

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

Application History

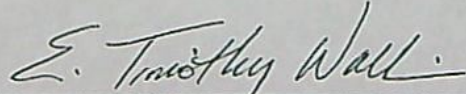
On March 15, 2007, Alan Withers and V. Ginger Withers submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on November 27, 2007. The protest period closed January 11, 2008, and no protest was filed.

The proposed use would not impair or be detrimental to the public interest.

Order

Application S-86807 therefore is approved as proposed by the Proposed Final Order, and Permit S-54444 is issued as limited by the conditions proposed by the Proposed Final Order.

DATED February 14, 2008



for Phillip C. Ward, Director
Water Resources Department

This document was prepared by Jeana Eastman. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me at 503-986-0859.

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

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

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

STATE OF OREGON

COUNTY OF LAKE

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

ALAN WITHERS AND V. GINGER WITHERS
42642 HWY 31
PAISLEY, OR 97636

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

APPLICATION FILE NUMBER: S-86807

SOURCE OF WATER: AN UNNAMED STREAM, A TRIBUTARY OF SUMMER LAKE

PURPOSE OR USE: SUPPLEMENTAL IRRIGATION USE ON 18.5 ACRES

MAXIMUM RATE: 0.46 CUBIC FOOT PER SECOND

PERIOD OF USE: MAY 1 THROUGH SEPTEMBER 30

DATE OF PRIORITY: MARCH 15, 2007

POINT OF DIVERSION LOCATION: SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 3, T31S, R16E, W.M.; 540 FEET NORTH & 5 FEET EAST FROM SW CORNER, SECTION 3

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 and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 8.3 ACRES
SECTION 3

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 10.2 ACRES
SECTION 10

TOWNSHIP 31 SOUTH, RANGE 16 EAST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of diversion. The permittee shall maintain the meter or measuring device in good working order.

- 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.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used, and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water-use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage for fish, unless the permittee has requested and been granted a fish passage waiver by the Oregon Fish and Wildlife Commission. The permittee is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator, before beginning construction of any in-channel obstruction.

STANDARD CONDITIONS

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

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.

This permit does not allow unauthorized inundation of property not under the ownership of the permit holder.

Completion of construction and complete application of the water to the use shall be made on or before October 1, 2012. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

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 February 14, 2008

E. Timothy Wall

for Phillip C. Ward, Director
Water Resources Department



Mailing List for FO Copies

Application #S-86807

Original mailed to applicant with claim of beneficial use form:

ALAN WITHERS AND V. GINGER WITHERS
42642 HWY 31
PAISLEY OR 97636

Copies sent to:

1. WRD - File # S-86807
2. WRD - Ken Stahr

Copies Mailed	
By: <u>GIS</u>	(SUPPORT STAFF)
on: <u>2/14/08</u>	(DATE)

FO and Map Copies sent to (remember to reduce copy margins):

3. WRD - Watermaster District #: 12

Copies sent to Other Interested Persons (CWRE, Agent, Commenter, etc.)

4. Dennis Glender, Glender's Hydro Tech Services,
8664 SW Sand Ridge Rd, Crooked River Ranch, OR 97760

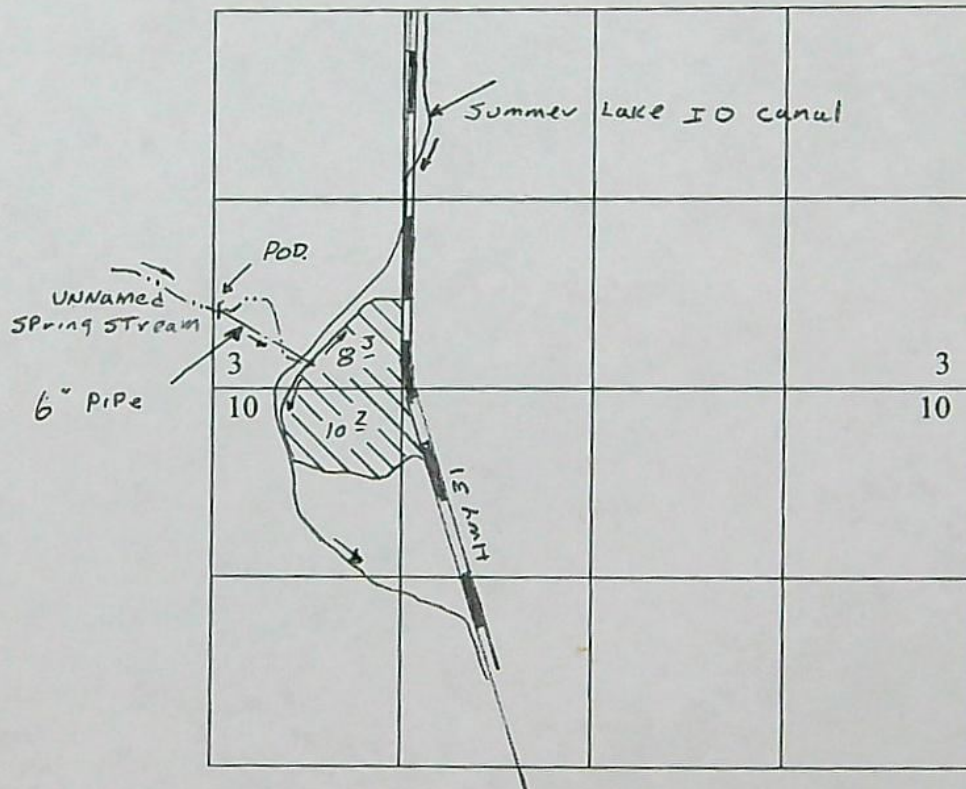
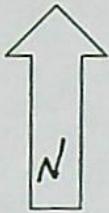
CASEWORKER : Jeana Eastman

T 31 S, R 16 E, WM

S ½ Section 3

N ½ Section 10

TAX LOT 1000



P.O.D. — 540' N E 5' E from the SW Corner
Section 3, T 31 S, R 16 E. WM

Scale — 1" = 1320'

RECEIVED

MAR 15 2007

WATER RESOURCES DEPT
SALEM, OREGON

FO CHECKLIST

Application S-86807

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

☒ Respond to significant comments, issues, or disputes related to the proposed use of water.

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

☒ Verify names/addresses of affected landowners, and those who commented and/or paid \$10 fee.

☒ Include fish screen form if ODFW requested screening condition and rate ≥ 0.5 CFS ☒ N/A ☐ Yes ☐ No

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

If so: _____

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

☒ Fees

Base Fee

Water Amount (Q)

\$100 / \$150
\$250 / \$300

1st CFS/AF

_____ Addl @ _____ + _____

_____ Addl @ _____ + _____

_____ +
(base)

_____ = _____
(Q) (total exam fee)

EXAM FEE REQUIRED

500

RECORDING FEE REQUIRED

\$175 / \$250

EXAM FEE PAID

-500

RECORDING FEE PAID

-250

STILL OWED

0

STILL OWED

0

___ FO to deny

☒ FO w/ permit # S-54444

___ FO w/ draft permit; still needed:

___ fees

___ easement

___ st water contract

___ approved dam plans & specs

Name: Jeana Eastman

Date: 1/28/08

Peer Reviewer: brook

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

PFO CHECKLIST

App 2-86807

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

☒ IR requested additional information ☒ NA ☐ No ☐ Yes

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

☒ Have conflicts been addressed? ☒ NA ☐ No ☐ Yes _____

☒ IR Date 4/8/07 Public Notice Date 4/12/07 Comments received? ☒ No ☐ Yes _____

☒ SWW ☒ NA ☐ above ☐ within _____

☒ DIV 9 ☒ NA ☐ will likely be available... ☐ will not likely be available... ☐ will, if properly conditioned...
 well _____ has PSI with _____
 GW conditions _____

☒ Conditions _____
☐ Small ≤ 0.1 CFS, ≤ 9.2 AF ☒ Medium > 0.1 CFS but < 1.5 CFS, > 9.2 AF but < 100 AF ☐ Large ≥ 1.5 CFS, ≥ 100 AF

☒ SW availability ☐ NA ☒ 80% ☐ 50% yr

☒ Allowed Use/Rate/Season 15-18.5 ac, 0.46 cfs, 5/1-7/30 Rate 140 Duty 30

☒ DIV 33 ☐ NA ☐ No ☐ above Bonneville, and ☐ not allowed 4/15 - 9/30 ☐ below Bonneville ☒ statewide

☒ Prior to permit, applicant must submit ☒ NA ☐ fees ☐ storage contract ☐ easement ☐ plans/specs ☐ evidence of well repair

☒ Changes from IR determinations _____

☒ Copy to ☐ NWR ☐ ER ☒ WM # 12 ☐ CWRE ☐ _____
☐ NCR ☐ SWR ☒ agent gunder ☐ affected landowner(s) _____

☒ Fees

Base Fee	Water Amount (Q)
\$100 / \$150	1" CFS/AF
\$250 / \$300	
	_____ Addl @ _____ + _____
_____ +	_____ =
(base)	(Q) (total exam fee)

EXAM FEE REQUIRED	<u>500</u>	RECORDING FEE REQUIRED	\$175 / \$250
EXAM FEE PAID	<u>-500</u>	RECORDING FEE PAID	<u>-250</u>
STILL OWED	<u>0</u>	STILL OWED	<u>0</u>

Name: Jeana Eastman

Date: 11/7/07

Peer Reviewer: alysa ✓

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

WATERMASTER DIVISION 33 APPLICATION WORK SHEET

Recommendations for Water Right Applications that may affect the Habitat of Sensitive, Threatened or Endangered Fish Species,
OAR 690-33-310 through 340.

Date: ^{4/8/07} ~~5/18/2007~~ Please return to WRAD before ^{7/12/07} ~~June 21, 2007~~. Application #: S-86807

Applicant's Name: ALAN WITHERS AND V. GINGER WITHERS
Source: AN UNNAMED STREAM, A TRIBUTARY OF SUMMER LAKE

1) If from surface water, does the water at the proposed diversion location flow above ground in a defined channel into another water body?

☐ YES ☐ NO ☐ SOMETIMES

If sometimes, describe the time period, Between: _____ and _____.

2) Does the source ever go dry in the area of the proposed diversion?

☐ YES ☐ NO ☒ I Don't Know

3) To your knowledge, has the requested source of water been regulated because of insufficient flow to satisfy existing water rights including instream water rights?

☐ YES ☒ NO

If YES, please explain: _____

4) Do you agree with the water availability recommended period of use?

☐ YES ☐ NO ☒ I DON'T KNOW

If NO, why do you disagree with the recommended period of use and what period do you recommend? _____

5) Did you meet with staff from another agency to discuss this application?

☐ YES ☒ NO

Who: _____ Agency: _____ Date: _____

6) Is mitigation an option?

☐ YES ☒ NO

If YES, please explain: _____

7) What conditions do you recommend? _____

8) Your recommendation under OAR 690-033-0330 (2):

☒ Approval with conditions
☐ Approval without conditions
☐ Denial

Watermaster Signature: B. Meyer Date: 07/05/07

WRD Contact: Caseworker: Jeana Eastman, Water Rights Division
503-986-0859/ Fax: 503-986-0901 / e-mail: Jeana.M.EASTMAN@ wrd.state.or.us

RECEIVED

JUL 09 2007

WATER RESOURCES DEPT.
SALEM, OREGON

Shannon
Gunn-Edwards

Form 2 - Lower Columbia/Statewide

ODFW DIVISION 33 APPLICATION REVIEW SHEET

Recommendations for Water Right Applications that may affect the Habitat of Sensitive, Threatened or Endangered Fish Species,
OAR 690-33-310 through 340.

Date: 9/18/2007 Please return to WRD before 7/12/07 Application #: S-86807

Applicant's Name: ALAN WITHERS AND V. GINGER WITHERS

Source: AN UNNAMED STREAM, A TRIBUTARY OF SUMMER LAKE

1) Will the proposed use occur in an area that may affect the essential habitat of sensitive, threatened, or endangered fish species?
[690-33-330(1)]

☒ NO / YES Species: _____ Status: Sensitive, Threatened, Endangered

If so, continue to question (2) below. If not, you may comment by completing the public interest review sheet on the back of this page.

2) What stage or value is at risk (circle all that apply): Spawning, Incubation, Rearing, Passage, Habitat Value

3) Will the proposed use result in a LOSS in the essential habitat of THREATENED OR ENDANGERED SPECIES or a NET LOSS in the habitat of a SENSITIVE SPECIES?

NO / YES

A) Standard of NET LOSS applies to sensitive species statewide. [690-33-330(2)(b)]

B) Standard of LOSS applies to T or E species outside the Columbia Basin. [690-33-330(2)(a)]

4) Can conditions be applied to mitigate the impact to the essential habitat of a S, T or E species?

NO / YES. If so, skip to question 7.

Which conditions are recommended? _____

(Try to select conditions from the Menu of Conditions)

5) If conditions cannot be identified to offset impacts to the essential habitat of S, T or E species, would the proposed use harm the species?

NO / YES [690-33-330(4)]

If YES, please explain: _____

6) If WRD determines that it is in the public's interest to approve a permit even if the impact cannot be mitigated what fish screening, bypass or other conditions should be included in the permit?

7) Your recommendation under OAR 690-033-0330 (2):

____ Approval with conditions
____ Approval without conditions
____ Denial

ODFW Representative signature: _____

Date: _____

WRD Contact: Caseworker: Jeana Eastman, Water Rights Division
503-986-0859 / Fax: 503-986-0901 / e-mail: Jeana.M.EASTMAN@wrd.state.or.us

Shannon Osborn
Curtis Edwards

Form 2 - Lower Columbia/Statewide

ODFW DIVISION 33 APPLICATION REVIEW SHEET

Recommendations for Water Right Applications that may affect the Habitat of Sensitive, Threatened or Endangered Fish Species,
OAR 690-33-310 through 340.Date: ^{4/8/07} ~~5/16/2007~~ Please return to WRD before ^{7/12/07} ~~June 21, 2007~~ Application #: S-86807

Applicant's Name: ALAN WITHERS AND V. GINGER WITHERS

Source: AN UNNAMED STREAM, A TRIBUTARY OF SUMMER LAKE

1) Will the proposed use occur in an area that may affect the essential habitat of sensitive, threatened, or endangered fish species?
[690-33-330(1)]☒ NO / YES Species: _____ Status: Sensitive, Threatened, Endangered

If so, continue to question (2) below. If not, you may comment by completing the public interest review sheet on the back of this page.

2) What stage or value is at risk (circle all that apply): Spawning, Incubation, Rearing, Passage, Habitat Value

3) Will the proposed use result in a LOSS in the essential habitat of THREATENED OR ENDANGERED SPECIES or a NET LOSS in the habitat of a SENSITIVE SPECIES?

NO / YES

A) Standard of NET LOSS applies to sensitive species statewide. [690-33-330(2)(b)]

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4) Can conditions be applied to mitigate the impact to the essential habitat of a S, T or E species?

NO / YES. If so, skip to question 7.

Which conditions are recommended? _____

(Try to select conditions from the Menu of Conditions)

5) If conditions cannot be identified to offset impacts to the essential habitat of S, T or E species, would the proposed use harm the species?

NO / YES [690-33-330(4)]

If YES, please explain: _____

6) If WRD determines that it is in the public's interest to approve a permit even if the impact cannot be mitigated what fish screening, bypass or other conditions should be included in the permit?

7) Your recommendation under OAR 690-033-0330 (2):
____ Approval with conditions
____ Approval without conditions
____ Denial

ODFW Representative signature: _____ Date: _____

WRD Contact: Caseworker: Jeana Eastman, Water Rights Division
503-986-0859 / Fax: 503-986-0901 / e-mail: Jeana.M.EASTMAN@wrdd.state.or.us

Jeana Eastman

From: Jeana Eastman
Sent: Tuesday, November 06, 2007 9:27 AM
To: 'NIGG Eric'
Subject: RE: Division 33 comments for S-86807 A & G Withers, and S-86808 D & E Withers

Thanks Eric.

On standard Division 33 applications, the Initial Review will indicate water availability under the "Initial Determinations" section.

On alternate reservoir applications, the form will indicate water availability under the "Water is available" section.

From: NIGG Eric [mailto:NIGG.Eric@deq.state.or.us]
Sent: Monday, November 05, 2007 8:16 AM
To: Jeana Eastman
Subject: RE: Division 33 comments for S-86807 A & G Withers, and S-86808 D & E Withers

Jeana:
I'll accept your having checked with the watermaster as to flow availability. I have no concerns with these applications.

In the future, it would help to have some indication of water availability. When I was reviewing applications in the Willamette Valley, we did get water availability tables as a regular element of the application packet. As it is, I trust that the WM is not giving away the entire streamflow.

Thanks, and sorry this took so long.

Eric Nigg
Eastern Region Water Quality Manager
Oregon Department of Environmental Quality
300 SE Reed Market Rd., Bend, Oregon, 97702
541-388-6146 ext. 251

-----Original Message-----

From: Jeana Eastman [mailto:eastmajm@wrd.state.or.us]
Sent: Thursday, October 25, 2007 11:04 AM
To: NIGG Eric
Subject: FW: Division 33 comments for S-86807 A & G Withers, and S-86808 D & E Withers

Hi Eric,

I'm just following up on the below emails re: S-86807 Alan & Ginger Withers, and S-86808 Daniel & Elizabeth Withers.

Do you have any concerns about these applications?

Thanks,

11/6/2007

-jeana

From: Jeana Eastman
Sent: Monday, September 17, 2007 9:32 AM
To: 'NIGG Eric'
Subject: RE: Division 33 comments for S-86808, Daniel & Elizabeth Withers

Unfortunately we don't have a standard water availability report for this stream. I relied on a statement from the local watermaster that water was available. Sorry I couldn't be of more help.

If you want to talk to the WM, his contact info is Brian Mayer 541-947-6038.

Thanks,
-jeana

From: NIGG Eric [mailto:NIGG.Eric@deq.state.or.us]
Sent: Friday, September 14, 2007 3:59 PM
To: Jeana Eastman
Subject: RE: Division 33 comments for S-86808, Daniel & Elizabeth Withers

Thanks Jeana:
We have had concerns (303d) listings for flow modification on a number of streams in this basin. Can you send me a water availability table for this stream?
Thanks.

Eric Nigg
Eastern Region Water Quality Manager
Oregon Department of Environmental Quality
300 SE Reed Market Rd., Bend, Oregon, 97702
541-388-6146 ext. 251

-----Original Message-----

From: Jeana Eastman [mailto:eastmajm@wrdd.state.or.us]
Sent: Thursday, September 13, 2007 5:19 PM
To: NIGG Eric
Subject: RE: Division 33 comments for S-86808, Daniel & Elizabeth Withers

Thanks for your quick response.

Yes, you probably wouldn't remember them; the Initial Review was completed on 6/8/07.

Attached are the pertinent documents.

Thanks,
-jeana

From: NIGG Eric [mailto:NIGG.Eric@deq.state.or.us]
Sent: Thursday, September 13, 2007 12:46 PM
To: Jeana Eastman
Subject: RE: Division 33 comments for S-86808, Daniel & Elizabeth Withers

Sorry Jeana, I don't have S-86807 or S86808, and I don't remember if I handed them to my staff or not. I don't recall a recent surface water request.

Please resend them, electronically if possible.

Thanks.

Eric Nigg
Eastern Region Water Quality Manager
Oregon Department of Environmental Quality
300 SE Reed Market Rd., Bend, Oregon, 97702
541-388-6146 ext. 251

-----Original Message-----

From: Jeana Eastman [mailto:eastmajm@wrdd.state.or.us]

Sent: Thursday, September 13, 2007 12:36 PM

To: NIGG Eric

Subject: Division 33 comments for S-86808, Daniel & Elizabeth Withers

Hi Eric,

We have a new policy which requires us to get comments from Division 33 reviewers' before we can proceed with a Proposed Final Order (the step after the Initial Review) for an application.

I haven't yet received comments from you for the above-referenced application. I'd be happy to re-send the documents if you need them. Please complete/return the form or if you have no concerns, you can simply reply to this email.

I appreciate your help,

Jeana Eastman
Water Rights Caseworker
voice 503.986.0859

Oregon Water Resources Dept
725 Summer St NE, Suite A
Salem, OR 97301-1266
front desk 503.986.0900
fax 503.986.0901
<http://oregon.gov/OWRD>

Messages to and from this e-mail address may be available to the public under Oregon law.

IR CHECKLIST

App S-86807

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

☒ Land use ☒ approved ☐ not approved ☐ being pursued ☐ county notified ☐ NA

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

☒ Authorized agent specified ☐ NA ☐ needed ☒ Yes dennis glunder

☒ Requested Use/Rate/Season is 18.5 ac, 0.4625 cfs, 5/1-9/30

Allowed Use/Rate/Season is, 0.4625 cfs, not adjudicated - 3/1-10/24 Rate 1/40 Duty 3.0

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

☐ classify as surface water well _____ has PSI with _____

well _____ is within ☐ 1N 3E 20, 21, 28, 29 ☐ GWLA ☐ CGWA _____

GW conditions _____

☒ Conditions _____

☐ Small ≤ 0.1 CFS, ≤ 9.2 AF ☒ Medium > 0.1 CFS but < 1.5 CFS, > 9.2 AF but < 100 AF ☐ Large ≥ 1.5 CFS, ≥ 100 AF

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

use Large for: GW condition 71, Tenmile Lake, NU or other temp control, gov. entities, and HC above SWW

use Large and totalizing flow meter for IR from GW in: South Salem Hills, and 10+ acres in Stage Gulch CGWA

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

☒ Use is ☒ allowed ☐ not allowed ☐ limited ☒ OAR ☐ Compact 090-513-0500 (2)

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

☒ SW availability ☐ NA ☒ 80% ☐ 50% _____ WID: (none)

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

☒ DIV 33 ☐ NA ☐ No ☐ above Bonneville, and ☐ not allowed 4/15 - 9/30
☐ below Bonneville
☒ statewide

☒ SWW ☒ NA ☐ above ☐ within _____

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

☒ Basin Maps have been checked ☐ NA ☒ Yes limits _____

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

☐ Yes _____

☒ Use is supplemental, checked for primary rights ☐ NA ☒ Yes limits _____

☒ Prior to permit, applicant must submit ☒ NA ☐ storage contract ☐ easement ☐ plans/specs ☐ evidence of well repair

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

☒ Forms ☐ NA ☒ DIV 33 ☒ basin map ☐ HC except ☐ spring description other _____

☒ Copy to ☐ NWR ☒ WM # 12 ☒ ODFW ☐ US Fish & Wildlife
☐ NCR ☒ agent glander ☒ DEQ ☐ NW Planning Council
☐ ER ☐ CWRE ☐ DOA
☐ SWR ☐ State Parks

☐ DOA Food Safety Division
(bottled water)

☐ CTUIR
(w/in basin 7)

☐ city _____
(w/in 5-mile muni wells)

☒ Fees 0.4625 CFS Base 300
_____ AF Up to 1 CFS 200
_____ Add'l CFS @ _____
Up to 10 AF _____
_____ Add'l AF @ _____ + _____
= 500 Exam Fee Required
500 Exam Fee Paid
0 Still Owed

☒ App and map meet min. requirements ☒ Yes ☐ No _____
(If not, send IR certified)

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

☒ E-mail Tim, including note if negative

Name: Jeana Eastman

Date: 5/10/07

Peer Reviewer: kmj KLR

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

Analysis for Application: S86807

Location: 31S-16E-3-SWSW

Uses: IS 8.3 S

Basins

BASIN_NUM	BASIN_NAME
13	Goose & Summer Lakes

Records Found: 1

WaterMaster Districts

OBJECTID	DISTRICT_N	REGION	WATERMASTE	ADDRESS	CITY	ZIP_CODE	VOICE	EXTENSION	FAX	SHAPE_AREA	SHAPE_LEN
12	12	SC	Dave Poe	513 Center St	Lakeview	97630	541-947-6038		541-947-6063	222128432428	3283807.79928

Records Found: 1

WAB Records Found: 0**County**

COUNTY	FIPS
Lake	41037

Records Found: 1

Groundwater Restricted Records Found: 0**Divison 33 Area**

DIV33
In a Div33 area

Records Found: 1

Rule 4D Records Found: 0**303D Streams Records Found: 0****303D Lakes Records Found: 0***Summer lake (also misc)
vol 2*

Location: 31S-16E-10-NWNW

Uses: IS 10.2 S

Basins

BASIN_NUM	BASIN_NAME
13	Goose & Summer Lakes

Records Found: 1

WaterMaster Districts

OBJECTID	DISTRICT_N	REGION	WATERMASTE	ADDRESS	CITY	ZIP_CODE	VOICE	EXTENSION	FAX	SHAPE_AREA	SHAPE_LEN
12	12	SC	Dave Poe	513 Center St	Lakeview	97630	541-947-6038		541-947-6063	222128432428	3283807.79928

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DIV33
In a Div33 area

Records Found: 1

Rule 4D Records Found: 0**303D Streams Records Found: 0****303D Lakes Records Found: 0**

S-86807

WATER RESOURCES DEPARTMENT

DIVISION 513

GOOSE AND SUMMER LAKES BASIN PROGRAM

690-513-0010 Definitions

As used in this rule, unless the context requires otherwise:

(11) "Irrigation Use" means the application of water to crops or plants by artificial means to promote growth, nourish plants or leach minerals from croplands.

690-513-0060 Summer Lake Subbasin

(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:

(*NOTE: NO EXCEPTIONS APPLY TO THIS APPLICATION)

Jeana Eastman

From: Brian Mayer
Sent: Tuesday, May 29, 2007 10:28 AM
To: Jeana Eastman
Subject: RE: follow-up on 3/28/07 faxed request for SW avail report for apps S-86807 & S-86808

Jeana I thought I sent a reply to you last week. Anyway I was past the area where these apps are located and there was water running everywhere. Is there water available. I guess if there is water there then its available? Most likely the water is waste water or runoff from irrigation. But there is water there.

From: Jeana Eastman
Sent: Tuesday, May 29, 2007 10:09 AM
To: Brian Mayer
Subject: RE: follow-up on 3/28/07 faxed request for SW avail report for apps S-86807 & S-86808

Hi Brian,

Just checking in; were you able to do a site visit for these applications?

Thanks,
-jeana

From: Jeana Eastman
Sent: Friday, May 11, 2007 9:12 AM
To: Brian Mayer
Subject: RE: follow-up on 3/28/07 faxed request for SW avail report for apps S-86807 & S-86808

Hi Brian,

The maps are attached... and can also be found at:
S:\exchange\eastman

Thanks again for your help.

Have a great weekend!
-jeana

From: Brian Mayer
Sent: Friday, May 11, 2007 8:34 AM
To: Jeana Eastman
Subject: RE: follow-up on 3/28/07 faxed request for SW avail report for apps S-86807 & S-86808

Jeana, yes I can go take a look at the water right in the area. Do you have a scanned copy of S-86807 and 86808 the fax machine is not of the best and the faxes you sent me are almost unread able.

From: Jeana Eastman

5/29/2007

Sent: Thursday, May 10, 2007 11:27 AM

To: Brian Mayer

Subject: FW: follow-up on 3/28/07 faxed request for SW avail report for apps S-86807 & S-86808

Hi Brian,

I just talked with Dave Poe about the water availability for these applications and he did some research. He found a permit in the name of S Jean Loosley (Permit S-41530, App S-53739) which has four POD's from an unnamed stream, tributary to Summer Lake. Dave suggested that I contact you and request that you do a site visit to determine if the source of Permit S-41530 is the same source as Apps S-86807 & S-86808. He said if they are all the same source, it's possible that water may not be available for S-86807 & S-86808.

Does that sound doable? Also, do you think a site visit would help you determine not only the source of Permit S-41530 but also water availability for the area?

I appreciate your help.
-jeana

From: Brian Mayer

Sent: Monday, May 07, 2007 10:44 AM

To: Jeana Eastman

Subject: RE: follow-up on 3/28/07 faxed request for SW avail report for apps S-86807 & S-86808

Jeana, I have not been here long enough to answer the water availability questions you are asking. I am not sure what you would like me to do.

From: Jeana Eastman

Sent: Thursday, May 03, 2007 10:32 AM

To: Brian Mayer

Subject: RE: follow-up on 3/28/07 faxed request for SW avail report for apps S-86807 & S-86808

I just sent the fax. Thanks for your help Brian.
-jeana

From: Brian Mayer

Sent: Thursday, May 03, 2007 8:56 AM

To: Jeana Eastman

Subject: RE: follow-up on 3/28/07 faxed request for SW avail report for apps S-86807 & S-86808

Jeana, I just got into this office on 05/01 I can't say whether or not a fax was received. Send it again if you wish.

From: Jeana Eastman

Sent: Tuesday, April 24, 2007 9:31 AM

To: Brian Mayer

Subject: follow-up on 3/28/07 faxed request for SW avail report for apps S-86807 & S-86808

Hi Brian,

I understand you're the new Lakeview WM (congrats) and I'm wondering if you received my 3/28/07 faxed request for a surface water availability report for Applications S-86807 and S-86808 since there isn't a WAB for this area. If you don't have it, I'd be happy to send it again.

Thanks,

5/29/2007

-jeana

<> <> <> <> <> <> <> <> <> <> <>
Jeana Eastman Oregon Water Resources Dept.
Water Rights Caseworker 725 Summer St NE, Suite A
Water Rights Section Salem, OR 97301-1266
Direct 503-986-0859 Front Desk 503-986-0900
Fax 503-986-0901 <http://oregon.gov/OWRD/>

Messages to and from this e-mail address may be available to the public under Oregon law.

5/29/2007

Platcard Report

Township 31S Range 16E Section 3 of (3, 10)

				NE				NW				SW				SE			
App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
i R38010 08/29/1962	R3204 38108		lot: 2		WI														
i S14427 10/11/1915	S10447 48155		CN	19.4 IR CN	26.5 IR CN	37.2 IR CN	42.8 IR CN				21.9 IR CN	36.2 IR CN		8.3 IR CN	35.7 IR CN	40.0 IR CN	40.0 IR CN	38.0 IR CN	38.5 IR CN
i S14427 10/11/1915	S10447 49276		CN	19.4 IR CN	26.5 IR CN	37.2 IR CN	42.8 IR CN				21.9 IR CN	36.2 IR CN		8.3 IR CN	35.7 IR CN	40.0 IR CN	40.0 IR CN	38.0 IR CN	38.5 IR CN
i S14427 10/11/1915	S10447 52562		CN	19.4 IR CN	26.5 IR CN	37.2 IR CN	42.8 IR CN				21.9 IR CN	36.2 IR CN		8.3 IR CN	35.7 IR CN	40.0 IR CN	40.0 IR CN	38.0 IR CN	38.5 IR CN
i S14427 10/11/1915	S10447 64860		xfr#: T5845	19.4 IR	26.5 IR	37.2 IR	42.8 IR				21.9 IR	36.2 IR		8.3 IR	35.7 IR	40.0 IR	40.0 IR	38.0 IR	38.5 IR
i S38011 08/29/1962	S28554 38109		lot: 2		WI														
i S53739 11/04/1975	S41530 82735												DO						
					2.8 IR					0.3 IR			10.9 IR	14.0 IR					
i S53883 01/29/1976	S40204 48038										LV								
			lot: 3					LV											
i S64921 03/15/1983	S47716 83152		lot: 2		0.5 IR														
			lot: 3					19.1 IR											
i S86807 03/15/2007	-													8.3 IS (s)					
i S86808 03/15/2007	-											9.5 IS (s)					40.0 IS (s)		

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[Return to Platcard Query Screen](#)

Run Time: 7 seconds

Platcard Report

Township 31S Range 16E Section 10 of (3, 10)

				NE				NW				SW				SE			
App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
i G7244 01/29/1976	G6648 48033																15.7 IR	27.2 IR	4.3 IR
i G9499 01/02/1980	G8913 -		CN							24.5 IR CN	20.5 IR CN								
i G11134 03/27/1984	G10388 -		xfr#: T8499									26.5 IR	10.5 IR	9.3 IR	34.2 IR			1.1 IR	
i G11134 03/27/1984	G10388 76692		CN see transfers											4.3 IR CN	30.4 IR CN			4.1 IR CN	
i G11134 03/27/1984	G10388 79568		xfr#: T9055											4.3 IR	30.4 IR			4.1 IR	
i G11880 12/22/1988	G11001 79411											0.78 IR							
i G15162 05/26/2000	G14995 -											11.5 IR	7.7 IR	0.3 IR	0.7 IR				
i S14427 10/11/1915	S10447 48155		CN	31.0 IR CN	38.0 IR CN	39.0 IR CN	35.2 IR CN	22.4 IR CN	10.2 IR CN		16.4 IR CN					38.9 IR CN	21.2 IR CN	1.2 IR CN	34.3 IR CN
i S14427 10/11/1915	S10447 49276		CN	31.0 IR CN	38.0 IR CN	39.0 IR CN	35.2 IR CN	32.4 IR CN	10.2 IR CN		16.4 IR CN					38.9 IR CN	21.2 IR CN	1.2 IR CN	34.3 IR CN
i S14427 10/11/1915	S10447 52562		CN	31.0 IR CN	38.0 IR CN	39.0 IR CN	35.2 IR CN	32.4 IR CN	10.2 IR CN		16.4 IR CN					38.9 IR CN	21.2 IR CN	1.2 IR CN	34.3 IR CN
i S14427 10/11/1915	S10447 64860		xfr#: T5845	31.0 IR	38.0 IR	39.0 IR	35.2 IR	32.4 IR	10.2 IR		16.4 IR					38.9 IR	21.2 IR	1.2 IR	34.3 IR
i S53605 09/02/1975	S40324 54245								DO										
									2.4 IR										
i S86807 03/15/2007	-								10.2 IS (s)										

Page:1

[Return to Platcard Query Screen](#)

Run Time: 3 seconds

S 86807

NEW APPLICATIONS (GROUND WATER, RESERVOIR, & SURFACE) ROUTE SLIP

RECEIPTING ☒
 POST CARD SENT ☒
 DATA CENTER ☒

JP 3-16-07

GROUND WATER YES ☐ NO ☒
 ENFORCEMENT YES ☐ NO ☒

WATER RIGHTS SUPPORT ☒ LOCaseworker:

Alyssa Mucken	503-986-0853	<input type="checkbox"/>
Anita Huffman	503-986-0815	<input type="checkbox"/>
Cory Engel	503-986-0813	<input type="checkbox"/>
Jeana Eastman	503-986-0859	<input checked="" type="checkbox"/>
Kerry Kavanagh	503-986-0816	<input type="checkbox"/>

A "Standard Reservoir" storing 9.2 acre-feet or more of
 Water & has a dam height of 10.0 feet or greater needs to
 have a copy of the application & supplemental forms routed to "JOHN FALK"



ATTN: WATER RIGHTS
 SUPPORT....>>>>> Mark contents of file with
 application number;
 Update the WRIS Database with caseworkers name.
 Route file to Caseworker.



Standard Application Completeness Checklist

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

Application <u>S-86807</u>	Township _____
Priority Date _____	Range _____
Use(s) _____	Section _____
Rate _____	POD Loc. _____
County <u>Lake</u>	POU Loc. _____

☒ Applicant/Organization Name, Mailing Address and Telephone Number, application signed in ink.

☒ Source of water. If stored water, is the stored water component filed out, including a non-expired agreement for stored water must be included. (ORS 537.400)

☒ Property ownership indicated.

☐ If applicant does not own all the land, the affected landowner's name and mailing address must be listed.

☐ If applicant does not own all the land, a statement declaring the existence of either written authorization or an easement permitting access to land crossed by the proposed ditch canal or other work must be submitted.

☒ Groundwater development section (Page 2, Section 3 and/or Page 3, Section 2) or a well log report.

☒ Proposed use of water. If supplemental, list primary water right acreage if applicable.

☐ Enclosed Supplemental Form for each proposed use.

☒ Form I (Irrigation)

☐ Form M (Municipal or Quasi-Municipal)

☐ Form R (Mining)

☐ Form Q (Commercial or Industrial)

☐ Spring Description Sheet

☐ Amount of water from *each* source in gallons per minute (GPM), cubic feet per second (CFS), or acre feet (AF) 0.4625 cfs

☒ Period of use

- ☒ Water management section (Please estimate if the water system has not been designed).
- ☒ Resource Protection Section (Page 6, Section 5).
- ☒ Project schedule (If system is already completed, indicate "existing").
- ☒ For reservoir applications storing more than 9.2 acre feet, and a dam height of more than 10 feet, preliminary plans and specifications for dam and impoundment are required.
- ☐ If the above is statement is checked, the map must be prepared by a CWRE.
- ☒ All applicants (or the authorized agent with title or authority if for an organization or corporation), must sign the application in ink.
- ☒ You must include a Legal description of the property involved that includes a metes and bounds, or other government survey description. A copy of the deed, land sales contract or title insurance policy can provide this information, or you may submit a lot book report prepared by a title company. The Department will not accept a copy of the tax bill.
- ☒ A completed Land-Use Form or receipt signed and dated by the appropriate planning department officials. *Date of signature must be within the past 6 months.*
- ☒ The map must meet all the minimum requirements of OAR 690-310-0050.

☒ Township, Range, Section

☒ Location of main canals, ditches, pipelines or flumes

☒ Place of use, 1/4, 1/4's and tax lot clearly identified

☒ Even map scale not less than 4" = 1 mile (example: 1" = 100 ft, 1" = 200 ft, etc.)

☒ Location of each diversion point well or dam by reference to a recognized public land survey corner

☒ North Directional Symbol

☒ Number of acres per 1/4, 1/4, if irrigation, nursery, or agriculture

☐ Other _____

☒ Reference corner on map

☒ Each point of diversion coordinate

☐ Fees: Amount of water requested 0.4625

Base Fee \$ 300.00

Total Exam Fee \$ 500.00

1st CFS/AF 200.00

Total Paid \$ 750.00

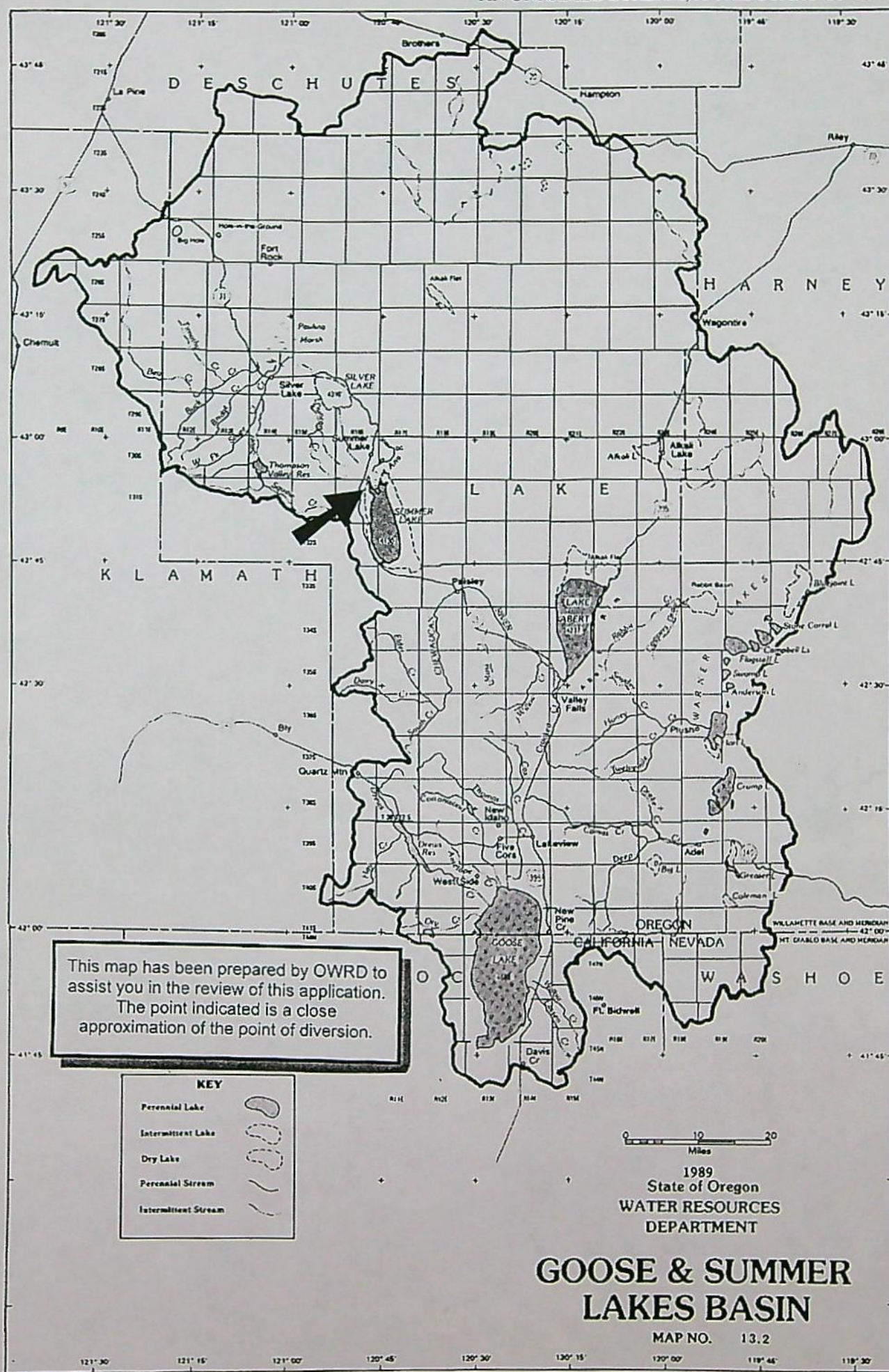
_____ Addn'l @ _____ = _____

Amount Due \$ 0

Reviewed by Connie Vance

Date 7/15/2007

\$ 250.00 permit



Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number S-86807

Proposed Final Order

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

Application History

On MARCH 15, 2007, Alan Withers and V. Ginger Withers submitted an application to the Department for the following water use permit:

- Amount of Water: 0.46 CUBIC FOOT PER SECOND (CFS)
- Use of Water: SUPPLEMENTAL IRRIGATION USE ON 18.5 ACRES
- Source of Water: AN UNNAMED STREAM, A TRIBUTARY OF SUMMER LAKE
- Area of Proposed Use: LAKE County within SECTION 10, TOWNSHIP 31 SOUTH, RANGE 16 EAST, W.M.

On June 8, 2007, the Department mailed the applicants notice of its Initial Review, determining that "The use of 0.46 cubic foot per second from an unnamed stream, a tributary of Summer Lake, for supplemental irrigation of 18.5 acres is allowable during the full period requested, May 1 through September 30." The applicants did not notify the Department to stop processing the application within 14 days of that date.

On June 12, 2007, 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:

- recommendations by other state agencies
- 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 Lake Basin Program allows supplemental irrigation use.

Senior water rights exist on an unnamed stream, a tributary of Summer Lake, or on downstream waters.

An unnamed stream, a tributary of Summer Lake is not within or above a State Scenic Waterway.

An assessment of water availability has been completed. This assessment compared a calculation of natural streamflow minus the consumptive portion of all relevant rights of record. A copy of this assessment is in the file. This assessment determined that water is available for further appropriation (at an 80 percent exceedance probability) during the full season requested.

The Department finds that the amount of water requested, 0.46 CFS, is an acceptable amount.

In accordance with OAR 690-33-330, an interagency team reviewed this proposed use for potential adverse impacts on sensitive, threatened and endangered 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 Lake Basin Program, or a 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 other rules of the Water Resources Commission not otherwise described above.

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.

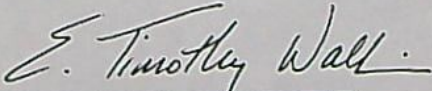
The Department therefore concludes that water is available in the amount necessary for the proposed use; the proposed use will not result in injury to existing water rights; and the proposed use will not impair or be detrimental to the public interest as provided in ORS 537.170.

When issuing permits, ORS 537.211(1) authorizes the Department to include limitations and conditions which have been determined necessary to protect the public interest. The attached draft permit is conditioned accordingly.

Recommendation

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

DATED November 27, 2007



for Phillip C. Ward, Director
Water Resources Department

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

Protests

Under the provisions of ORS 537.153(7) (for surface water) or ORS 537.621(8) (for ground water), you can protest this proposed final order. Protests must be received in the Water Resources Department no later than January 11, 2008 . Protests must be in writing, and must include the following:

- Your name, address, and telephone number;
- A description of your interest in the proposed final order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
- A detailed description of how the action proposed in 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 protest fee of \$350 required by ORS 536.050 and proof of service of the protest upon the applicant.
- If you are the applicant, a statement of whether or not you are requesting a contested case hearing. If you do not request a hearing, the Department will presume that you do not wish to contest the findings of the proposed final order.
- *If you do not protest this Proposed Final Order and if no substantive changes are made in the final order, you will not have an opportunity for judicial review, protest or appeal of the final order when it is issued.*

Requests for Standing

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

Requests for standing must be received in the Water Resources Department no later than January 11, 2008. Requests for standing must be in writing, and must include the following:

- The requester's name, mailing address and telephone number;
- If the requester is representing a group, association or other organization, the name, address and telephone number of the represented group;
- A statement that the requester supports the proposed final order as issued;
- A detailed statement of how the requester would be harmed if the proposed final order is modified; and
- A standing fee of \$100.00. If a hearing is scheduled, an additional fee of \$250.00 must be submitted along with a request for intervention.

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

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

This document was prepared by Jeana Eastman. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me at 503-986-0859.

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

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

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

DRAFT

This is not a permit.

DRAFT

STATE OF OREGON

COUNTY OF LAKE

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

ALAN WITHERS AND V. GINGER WITHERS
42642 HWY 31
PAISLEY, OR 97636

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

APPLICATION FILE NUMBER: S-86807

SOURCE OF WATER: AN UNNAMED STREAM, A TRIBUTARY OF SUMMER LAKE

PURPOSE OR USE: SUPPLEMENTAL IRRIGATION USE ON 18.5 ACRES

MAXIMUM RATE: 0.46 CUBIC FOOT PER SECOND

PERIOD OF USE: MAY 1 THROUGH SEPTEMBER 30

DATE OF PRIORITY: MARCH 15, 2007

POINT OF DIVERSION LOCATION: SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 3, T31S, R16E, W.M.; 540 FEET NORTH & 5 FEET EAST FROM SW CORNER, SECTION 3

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 and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 8.3 ACRES
SECTION 3

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 10.2 ACRES
SECTION 10

TOWNSHIP 31 SOUTH, RANGE 16 EAST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of

diversion. The permittee shall maintain the meter or measuring device in good working order.

- 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.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used, and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water-use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

The permittee shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage for fish, unless the permittee has requested and been granted a fish passage waiver by the Oregon Fish and Wildlife Commission. The permittee is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator, before beginning construction of any in-channel obstruction.

STANDARD CONDITIONS

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

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.

This permit does not allow unauthorized inundation of property not under the ownership of the permit holder.

Completion of construction and complete application of the water to the use shall be made on or before October 1, 2012. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

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).

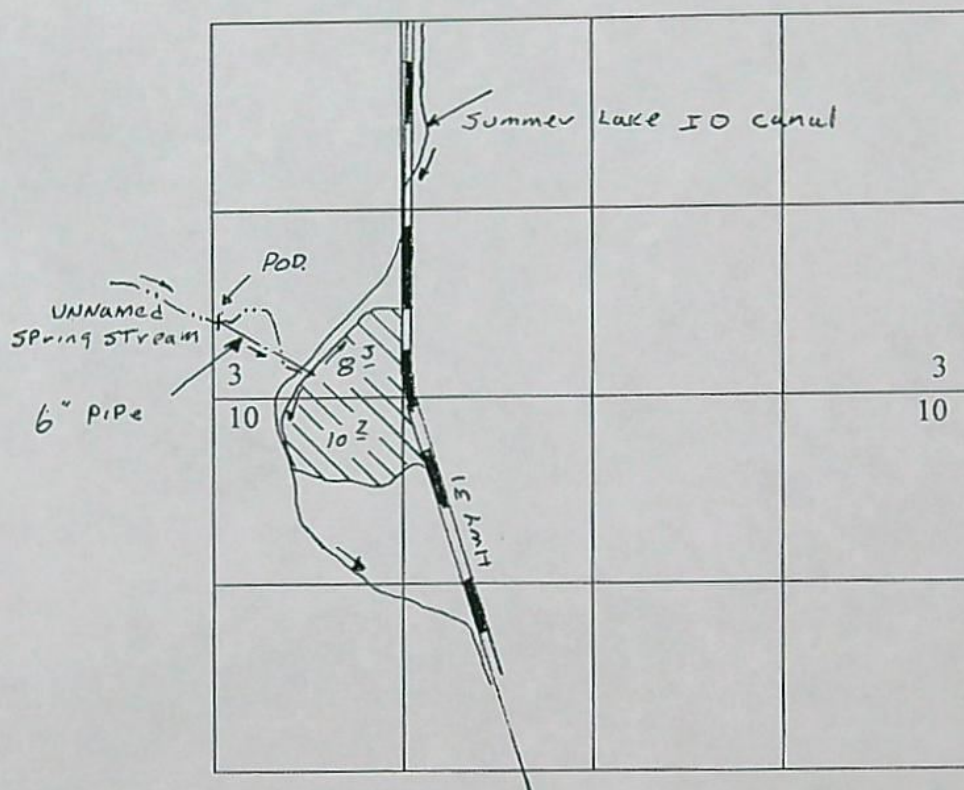
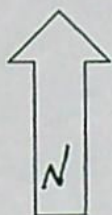
Issued _____, 2007

DRAFT - THIS IS NOT A PERMIT

for Phillip C. Ward, Director
Water Resources Department

T 31 S, R 16 E, WM
S $\frac{1}{2}$ Section 3
N $\frac{1}{2}$ Section 10

TAX Lot 1000



P.O.D. — 540' N $\frac{1}{4}$ E 5' E from the SW Corner
Section 3, T 31 S, R 16 E, WM

Scale — 1" = 1320'

RECEIVED

MAR 15 2007

WATER RESOURCES DEPT
SALEM, OREGON

Mailing List for PFO Copies

Application #S-86807

PFO Date November 27, 2007

Original mailed to applicant:

~~ALAN WITHERS AND V. GINGER WITHERS, 42642 HWY 31, PAISLEY, OR 97636~~

Copies sent to:

- ~~1. WRD - File # S-86807~~
- ~~2. Water Availability: Ken Stahr~~

Copies Mailed
By: <u>JCB</u>
(SUPPORT STAFF)
on: <u>11/27/07</u>
(DATE)

PFO and Map Sheet Copies sent to:

- ~~3. WRD - Watermaster # 12~~

Copies sent to Other Interested Persons (CWRE, Agent, Well Driller, Commenter, etc.)

- ~~1. Dennis Glender, Glender's Hydro Tech Services,
8664 SW Sand Ridge Rd, Crooked River Ranch, OR 97760~~

CASEWORKER : jme



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

June 8, 2007

ALAN WITHERS AND V. GINGER WITHERS
42642 HWY 31
PAISLEY, OR 97636

Reference: File S-86807

Dear Applicant:

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

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

Initial Review Determinations:

1. The proposed use is not prohibited by law or rule except where otherwise noted below.
2. The use of water from an unnamed stream, a tributary of Summer Lake, for supplemental irrigation of 18.5 acres is allowable under the Goose & Summer Lake Basin Program.
3. Surface water is available in the amount and for the full period requested.

Summary of Initial Determinations

The use of 0.46 cubic foot per second from an unnamed stream, a tributary of Summer Lake, for supplemental irrigation of 18.5 acres is allowable during the full period requested, May 1 through September 30.

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

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

To Proceed With Your Application:

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

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$50 processing charge per application.) To accomplish this you must notify the Department in writing by **Friday, June 22, 2007**. For your convenience you may use the enclosed "STOP PROCESSING" form.

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

1. Measurement, recording and reporting conditions:
 - A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of diversion. The permittee shall maintain the meter or measuring device in good working order.
 - 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.
 - C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.
2. You may be required to install fish screens at the point of diversion to meet Oregon Department of Fish and Wildlife specifications for adequate protection of aquatic life.

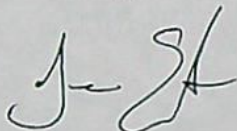
This initial review does not attempt to address various public interest issues such as sensitive, threatened, or endangered fish species. These issues will be addressed as the Department reviews comments from the public and other agencies, and prepares a proposed final order. You should be aware that, if significant public interest issues are found to exist, such a finding could have an impact on the eventual outcome of your application.

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

If you have any questions:

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

Sincerely,



Jeana Eastman
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

S-86807
WAB 13-(none)
POU 13-(none)
GW

APPLICATION FACT SHEET

Mail to: Applicant, Watermaster, District Biologist (ODFW)

If necessary, also mail to : Regional Water quality manager (DEQ), and DOA

Application File Number: S-86807

Applicant: ALAN WITHERS AND V. GINGER WITHERS

County: LAKE

Watermaster: 12

Priority Date: MARCH 15, 2007

Source: AN UNNAMED STREAM, A TRIBUTARY OF SUMMER LAKE

Use: SUPPLEMENTAL IRRIGATION OF 18.5 ACRES

Quantity: 0.46 CUBIC FOOT PER SECOND

Basin Name & Number: Goose & Summer Lake, #13

Stream Index Reference: Volume 2 SUMMER L

Point of Diversion: SWSW, SECTION 3, T31S, R16E, W.M.; 540 FEET NORTH & 5 FEET EAST FROM SW CORNER, SECTION 3

Place of Use:

SW ¼ SW ¼ 8.3 ACRES

SECTION 3

NW ¼ NW ¼ 10.2 ACRES

SECTION 10

TOWNSHIP 31 SOUTH, RANGE 16 EAST, W.M.

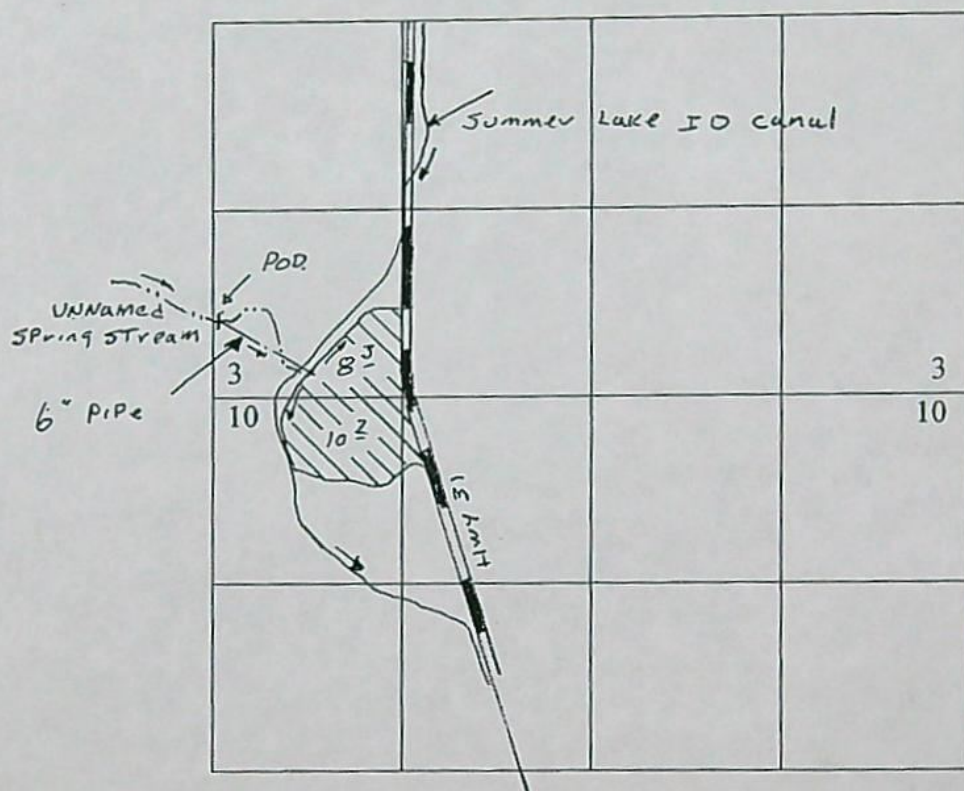
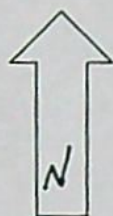
14 DAY STOP PROCESSING DEADLINE DATE: Friday, June 22, 2007

PUBLIC NOTICE DATE: Tuesday, June 12, 2007

30 DAY COMMENT DEADLINE DATE: Thursday, July 12, 2007

T 31 S, R 16 E, WM
S ½ Section 3
N ½ Section 10

TAX LOT 1000



P.O.D. — 540' N E' 5' E from the SW Corner
Section 3, T 31 S, R 16 E, WM

Scale — 1" = 1320'

RECEIVED

MAR 15 2007

WATER RESOURCES DEPT
SALEM, OREGON

Mailing List for IR Copies

Application #S-86807

IR Date: June 8, 2007

Original mailed to:

~~A~~pplicant: ALAN WITHERS AND V. GINGER WITHERS , 42642 HWY 31, PAISLEY, OR 97636

Copies sent to:

- 1. WRD - File # S-86807
- 2. WRD - Water Availability: Ken Stahr

Copies Mailed

By: TCB
(SUPPORT STAFF)

on: 6/8/07
(DATE)

IR, Map, and Fact Sheet Copies sent to:

- 3. WRD - Watermaster # 12 (include Division 33 form)
- 4. ODFW: Curtis Edwards (include Division 33 form)
- 5. DEQ: Eric Nigg (include Division 33 form)
- 6. Department of Agriculture

Copies sent to Other Interested Persons (CWRE, Agent, Well Driller, Commenter, etc.)

~~7~~ Dennis Glender, Glender's Hydro Tech Services,

8664 SW Sand Ridge Rd, Crooked River Ranch, OR 97760

Caseworker: Jeana Eastman

COPYSHIT.IR

586807



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

Application for a Permit to Use Surface Water

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." Please read and refer to the instructions when completing your application. A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

1. APPLICANT INFORMATION

A. Individuals

Applicant: Alan and V. Ginger Withers
First Last
 Mailing address: 42642 Hwy 31
Paisley OR 97636
City State Zip
 Phone: (541) 943-3943
Home Work Other
 *Fax: _____ *E-Mail address: _____

B. Organizations

(Corporations, associations, firms, partnerships, joint stock companies, cooperatives, public and municipal corporations)

Name of organization: _____
 Name and title of person applying: _____
 Mailing address of organization: _____

City State Zip
 Phone: _____
Day Evening
 *Fax: _____ *E-Mail address: _____

* Optional information

For Department Use		
App. No. _____	Permit No. _____	Date _____

Last updated: 9/8/2006

Surface Water/1

RECEIVED
WR

MAR 15 2007

WATER RESOURCES DEPT
SALEM, OREGON

2. SOURCE AND PROPERTY OWNERSHIP**A. The Proposed Source of Water**

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into. If unnamed, say so:

Source 1: unnamed spring stream Tributary to: Summer Lake

Source 2: _____ Tributary to: _____

Source 3: _____ Tributary to: _____

Source 4: _____ Tributary to: _____

If any source listed above is stored water that is authorized under a water right permit, certificate, or decree, attach a copy of the document or list the document number (for decrees, list the volume, page and/or decree name). _____

B. Applications to Use Stored Water

Complete this section if any source listed in item 2A above is stored water.

Do you, or will you, own the reservoir(s) described in item 2A above?

☐ Yes.

☐ No. (Please enclose a copy of your written notification to the operator of the reservoir of your intent to file this application, which you should have already mailed or delivered to the operator.)

If *all* sources listed in item 2A are stored water, the Department will review your application using the expedited process provided in ORS 537.147, unless you check the box below. Please see the instruction booklet for more information.

☐ By checking this box, you are requesting that the Department process your application under the standard process outlined in ORS 537.150 and 537.153, rather than the expedited process provided by ORS 537.147. To file an application under the standard process, you must enclose the following:

- A copy of a signed non-expired contract or other agreement with the owner of the reservoir (if not you) to impound the volume of water you propose to use in this application.
- A copy of your written agreement with the party (if any) delivering the water from the reservoir to you.

RECEIVED

MAR 15 2007

WATER RESOURCES DEPT
SALEM, OREGON

C. Property Ownership

Do you own all the land where you propose to divert, transport, and use water?

☒ Yes (Skip to section 3 "Water Use.")

☐ No (Please check the appropriate box below.)

☐ I have a recorded easement or written authorization permitting access.

☐ I do not currently have written authorization or easement permitting access.

☐ Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigated and/or domestic use only (ORS 274.040).

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

List the names and mailing addresses of all affected landowners.

3. WATER USE

Please read the instruction booklet for more details on "type of use" definitions, how to express how much water you need and how to identify the water source you propose to use. You must fill out a supplemental form for some uses as they require specific information for that type of use.

A. Type(s) of Use(s)

See list of beneficial uses provided in the instructions.

- If your proposed use is **domestic**, indicate the number of households to be supplied with water: _____
- If your proposed use is **irrigation**, please attach **Form I**
- If your proposed use is **mining**, attach **Form R**
- If your proposed use is **municipal or quasi-municipal**, attach **Form M**
- If your proposed use is **commercial/industrial**, attach **Form Q**

Surface Water/3

RECEIVED

MAR 15 2007

WATER RESOURCES DEPT
SALEM, OREGON

B. Amount of Water

Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):

(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)

Source	Type of use	Amount			
unnamed spring stream	supplemental irrigation	0.4625	<input checked="" type="checkbox"/> cfs	<input type="checkbox"/> gpm	<input type="checkbox"/> af
			<input type="checkbox"/> cfs	<input type="checkbox"/> gpm	<input type="checkbox"/> af
			<input type="checkbox"/> cfs	<input type="checkbox"/> gpm	<input type="checkbox"/> af
			<input type="checkbox"/> cfs	<input type="checkbox"/> gpm	<input type="checkbox"/> af

C. Period of Use

Indicate the time of year you propose to use the water: May 1 to September 30

(For seasonal uses like irrigation give dates when water use would begin and end, e.g. March 1–October 31.)

D. Acreage

If you will be applying water to land, indicate the total number of acres where water will be applied or used:

18.5

(This number should be consistent with your application map.)

4. WATER MANAGEMENT**A. Diversion**

What method will you use to divert water from the source?

☐ Pump (give horsepower and pump type): _____

☒ Head-gate (give dimensions): steel plate with 6" outlet port with screw gate shut off

☐ Other means (describe): steel plate with 6" outlet port with screw gate shut off

B. Monitoring

How will you monitor your diversion to be sure you are within the limits of your water right (allowed rate and duty) and you are not wasting water?

☐ Weir

☐ Meter

☒ Periodic Sampling

☐ Other means (describe): _____

C. Transport

How will you transport water to your place of use?

☐ Ditch or canal (give average width and depth):

Width _____ Depth _____

Is the ditch or canal to be lined? ☐ Yes ☐ No

☒ Pipe (give diameter and total length):

Diameter 6" aluminum Length 800'

☐ Other (describe) _____

D. Application/Distribution Method

What equipment will you use to apply water to your place of use? shovel and small portable check dams
(method employed by primary right) (existing ditches from primary right) _____

Irrigation or land application method (check all that apply):

- | | | |
|--|--|---|
| <input checked="" type="checkbox"/> Flood | <input type="checkbox"/> High-pressure sprinkler | <input type="checkbox"/> Low pressure sprinkler |
| <input type="checkbox"/> Drip | <input type="checkbox"/> Water cannons | <input type="checkbox"/> Center pivot system |
| <input type="checkbox"/> Hand lines | <input type="checkbox"/> Wheel lines | |
| <input type="checkbox"/> Siphon tubes or gated pipe with furrows | | |
| <input type="checkbox"/> Other, describe _____ | | |

Distribution method

- ☒ Direct pipe from source ☐ In-line storage (tank or pond) ☒ Open canal

E. Conservation

What methods will you use to conserve water? Why did you choose this distribution or application method? Have you considered other methods to transport, apply, distribute or use water? For example, if you are using sprinkler irrigation rather than drip irrigation, explain. If you need additional space, attach a separate sheet.

Primary right is flood irrigated. Existing ditches will be used to spread water to the irrigated area. Flood
irrigation is the most efficient method of irrigation.

5. RESOURCE PROTECTION**A. Protection Practices**

In granting permission to use water from a stream or lake, the state encourages, and in some instances requires, careful control of activities that may affect the waterway or streamside area. See instruction guide for a list of possible permit requirements from other agencies. Please indicate any of the practices you plan to undertake to protect water resources.

- ☒ Diversion will be screened to prevent uptake of fish and other aquatic life.

Describe planned actions: IF NECESSARY

- ☐ Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas. Describe planned actions: IF NECESSARY
- _____
- _____

- ☐ Operating equipment in a water body will be managed and timed to prevent damage to aquatic life. Describe: IF NECESSARY
- _____
- _____

- ☐ Water quality will be protected by preventing erosion and run-off of waste or chemical products. Describe: N/A
- _____
- _____

- ☒ Other: WATER WILL BE DIVERTED BY PLACING A STEEL PLATE WITH AN OUTLET
PORT WITH HEAD GATE ACCROSS STREAM CHANNEL. A BYPASS WILL CONSTRUCTED TO
ALLOW EXCESS WATER TO FLOW IN STREAM CHANNEL. PIPE WILL BE ABOVE GROUND.

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SALEM, OREGON**

6. PROJECT SCHEDULE

Indicate the anticipated dates that the following construction tasks should begin. If construction has already begun, or is completed, please indicate that date.

Proposed date construction will begin: upon issuance of permit

Proposed date construction will be completed: October 1, 2011

Proposed date beneficial water use will begin: October 1, 2012

7. REMARKS

If you would like to clarify any information you have provided in the application, please do so here and reference the specific application question you are addressing.

There are no fish in this unnamed spring stream

This application is for supplemental irrigation to the Summer Lake Irrigation District. Historically, this spring stream ran onto the lands in question. In the early 1900's the Summer Lake Canal was constructed across this spring stream and the stream has emptied into the canal since. The applicants wish to put the water back to the lands as nature intended.

8. MAP REQUIREMENTS

The Department cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section, and quarter/quarter section of the proposed points of diversion and place of use. The map must provide tax lot numbers. See the map guidelines sheet for detailed map specifications.

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SALEM, OREGON

9. SIGNATURE

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be canceled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit to me, I may have to stop using water to allow senior water right holders to get water they are entitled to, and

I swear that all information provided in this application is true and correct to the best of my knowledge:

Alan Wethers T. Minger and Wethers
Signature of Applicant (If more than one applicant, all must sign.)

03-13-2007
Date

Before you submit your application be sure you have:

- Answered each question completely.
- Attached a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included a Land Use Information Form or receipt stub signed by a local official.
- Included the legal description of all the property involved with this application. You may supply a copy of the deed, land sales contract, or title insurance policy, to meet this requirement.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount. The Department's fee schedule can be found at www.wrd.state.or.us or call (503) 986-0900.

WRD on the web:
www.wrd.state.or.us

Surface Water/8

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**WATER RESOURCES DEPT
SALEM, OREGON**



Oregon Water Resources Department

FORM I

FOR IRRIGATION WATER USE

1. Please indicate whether you are requesting a primary or supplemental irrigation water right.

☐ Primary ☒ Supplemental

If supplemental, please indicate the number of acres that will be irrigated for each type of use.

Primary: _____ Acres

Secondary: 18.5 Acres

List the permit or certificate number of the primary water right: No. C# 64860

2. Please list the anticipated crops you will grow and whether you will be irrigating them for a full or partial season:

- | | | |
|-------------------|---|--|
| 1. <u>Pasture</u> | <input checked="" type="checkbox"/> Full season | <input type="checkbox"/> Partial season (from: _____ to _____) |
| 2. _____ | <input type="checkbox"/> Full season | <input type="checkbox"/> Partial season (from: _____ to _____) |
| 3. _____ | <input type="checkbox"/> Full season | <input type="checkbox"/> Partial season (from: _____ to _____) |
| 4. _____ | <input type="checkbox"/> Full season | <input type="checkbox"/> Partial season (from: _____ to _____) |

3. Indicate the maximum total number of acre-feet you expect to use in an irrigation season:

55.5 acre-feet

(1 acre-foot equals 12 inches of water spread over 1 acre, or 43,560 cubic feet, or 325,851 gallons.)

4. How will you schedule your applications of water? Will you be applying water in the evenings, twice a week, daily?

- | | |
|---|---|
| <input checked="" type="checkbox"/> Daily during daytime hours | <input checked="" type="checkbox"/> Daily during nighttime hours |
| <input type="checkbox"/> Two or three times weekly during daytime | <input type="checkbox"/> Two or three times weekly during nighttime |
| <input type="checkbox"/> Weekly, during daytime hours | <input type="checkbox"/> Weekly, during nighttime hours |
| <input type="checkbox"/> Other, explain: _____ | |

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Last revision: October 31, 1996

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WATER RESOURCES DEPT
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Oregon Water Resources Department Land Use Information Form

THIS FORM IS NOT REQUIRED IF: 1) water is to be diverted, conveyed, and/or used only on federal lands; or 2) the application is for a water-right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply: a) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm-use zone.

Applicant Name: Alan and V. Ginger Withers
Mailing Address: 42642 Hwy 31
City: Paisley State: OR Zip: 97636 Day Phone: (541) 943-3643

This application is related to a Measure 37 claim. ☐ Yes ☒ No

A. Land and Location

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

Township	Range	Section	1/4 1/4	Tax Lot #	Plan Designation (e.g. Rural Residential/RR-5)	Water to be:	Proposed Land Use:
31 S	16 E	3	SW SW	1000	Farm use	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Irrigation
		10	NW NW	1000	Farm use	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Irrigation
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	

List all counties and cities where water is proposed to be diverted, conveyed, or used. Lake

B. Description of Proposed Use

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

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

Source of water: ☐ Reservoir/Pond ☐ Ground Water ☒ Surface Water (name) unnamed spring stream

Estimated quantity of water needed: 0.426 ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

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

Briefly describe: Lands to be supplemental irrigated. Primary water right is from Summer Lake Irrigation District.
Application is intended to relieve loss in Summer Lake Canal allowing more efficient irrigation to lands down the canal.

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

Receipt for Request for Land Use Information

State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266

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WATER RESOURCES DEPT
SALEM, OREGON

For Local Government Use Only

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

This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

☒ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 3

☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.)
If approvals have been obtained but all appeal periods have not ended, check "Being pursued".

Type of Land-Use Approval Needed (e.g. plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
None		<input type="checkbox"/> Obtained	<input type="checkbox"/> Being pursued
		<input type="checkbox"/> Denied	<input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained	<input type="checkbox"/> Being pursued
		<input type="checkbox"/> Denied	<input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained	<input type="checkbox"/> Being pursued
		<input type="checkbox"/> Denied	<input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained	<input type="checkbox"/> Being pursued
		<input type="checkbox"/> Denied	<input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained	<input type="checkbox"/> Being pursued
		<input type="checkbox"/> Denied	<input type="checkbox"/> Not being pursued

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

Name: Lisa D. Bowler Title: Planning Director
Signature: Lisa D. Bowler Phone: 541-947-6032 Date: 2-27-07
Government Entity: Walla Walla County Planning Dept.

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

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

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Last updated 12/22/06 WR

MAR 15 2007

WATER RESOURCES DEPT
SALEM, OREGON

586807

R RN TO
 ALAN G. WITHERS
 28580 HIGHWAY 31
 PAISLEY OR 97636

WARRANTY DEED

 H-3332226
 1016575

JOHN V. WITHERS and DOROTHY L. WITHERS, husband and wife, Grantor, conveys and warrants to ALAN G. WITHERS and V. GINGER WITHERS, to each an undivided one-half interest as tenants in common and not with right of survivorship, the real property described in Exhibit "A" attached hereto, free of encumbrances except as specifically set forth herein.

The true and actual consideration for this conveyance is \$525,000.

Until a change is requested, all tax statements are to be sent to the following address: 28580 Hwy 31, Paisley, Oregon 97636.

Dated this 10th day of October, 1978.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

John V. Withers
 John V. Withers

Dorothy L. Withers
 Dorothy L. Withers

STATE OF OREGON)
 : ss.
 County of Klamath)

On this 10th day of October, 1978, personally appeared JOHN V. WITHERS and DOROTHY L. WITHERS, husband and wife, 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 Soder
 NOTARY PUBLIC FOR OREGON

My Commission Expires: 9-10-82

Page 1 - WARRANTY DEED.

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WATER RESOURCES DEPT
 SALEM, OREGON

EXHIBIT "A"

DESCRIPTION

3

M0382037

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 $\frac{1}{4}$, 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"

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WATER RESOURCES DEPT
SALEM, OREGON

EXHIBIT "A"

Parcel No. 2:

M0382038

- Township 31 South, Range 16 East of the Willamette Meridian,
X Section 3: $S\frac{1}{2}SW\frac{1}{4}SW\frac{1}{4}$, $S\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$.
X 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 $89^{\circ}51'$ 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 $80^{\circ}19'$ East 1159.5 feet; thence North $0^{\circ}08'$ 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 $\frac{5}{8}$ inch iron pin that bears South $00^{\circ}53'36''$ West 927.98 feet from the Northwest corner of Section 10, Township 31 South, Range 16 East of the Willamette Meridian, thence North $27^{\circ}01'34''$ East 414.78 feet to a $\frac{1}{2}$ inch pipe, South $63^{\circ}30'14''$ East 155.38 feet to a $\frac{1}{2}$ inch pipe, South $03^{\circ}45'26''$ West 418.38 feet to a $\frac{5}{8}$ inch iron pin, South $86^{\circ}49'18''$ West 294.70 feet to an iron pin, and North $02^{\circ}30'53''$ 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 $00^{\circ}53'36''$ West 927.98 feet; North $27^{\circ}01'34''$ East 414.78 feet; South $63^{\circ}30'14''$ East 155.38 feet; and South $03^{\circ}45'26''$ West 200.00 feet from the Northwest corner of Section 10, Township 31 South, Range 16 East of the Willamette Meridian, thence South $77^{\circ}36'39''$ East 332.03 feet; South $63^{\circ}57'09''$ East 466.59 feet; thence South $62^{\circ}17'15''$ East 437.80 feet and South $87^{\circ}50'32''$ East 293.62 feet to the centerline of the Fremont Highway.

EXHIBIT "A"

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WATER RESOURCES DEPT
SALEM, OREGON

EXHIBIT "A"

SUBJECT TO:

M0382039

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. *asw J.V.H.*

EXHIBIT "A"

State of Oregon, *Recd. 38*
County of Lake *File 2036*

I hereby certify that the within instrument was received and filed for record on the 19 day of January 20 01 at 10:21 o'clock A. M. and recorded on page 2 in book 250 record of Deeds of said County
Starr Flaney
County Clerk

By _____ Deputy

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WATER RESOURCES DEPT
SALEM, OREGON

586807

To Whom It May Concern:

Alan and V. Ginger Withers authorize Dennis R. Glender of Glender's Hydro Tech Services to act as our agent in the processing of a water right application on our property located in Tax Lot 1000, T 31 S, R 16 E, Section 3. Please forward all communication concerning the application to 8664 SW Sand Ridge Rd, Crooked River Ranch, Oregon 97760, telephone (541) 548-4882, cell (541) 219-0806, fax (541) 504-7728.

Thank you

Alan Withers
Alan Withers

02-28-07
Date

V. Ginger Withers
V. Ginger Withers

02-28-2007
Date

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MAR 15 2007

WATER RESOURCES DEPT
SALEM, OREGON

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **86653**

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

INVOICE # _____

RECEIVED FROM: Alan G. Withers
BY: _____

APPLICATION	586807
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 3602 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 750.00

1083 TREASURY 4170 WRD MISC CASH ACCT

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

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

4270 WRD OPERATING ACCT

MISCELLANEOUS PCA-46111

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

WATER RIGHTS:

	EXAM FEE		RECORD FEE
0201 SURFACE WATER	\$ <u>500.00</u>	0202	\$ <u>250.00</u>
0203 GROUND WATER	\$ _____	0204	\$ _____
0205 TRANSFER	\$ _____		

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION \$ _____

RECEIPT: **86653**

DATED: 3-15-07 BY: [Signature]

R 86807
ALAN WITHERS
V. GINGER WITHERS
42642 HWY 31
PAISLEY OR 97636

R 86807
ALAN WITHERS
V. GINGER WITHERS
42642 HWY 31
PAISLEY OR 97636

R 86807
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