

Partial ASSIGNED

Name G-16902
 By HEFFERMAN FAMILY TRUST
CHRIS HEFFERMAN
 Address 63600 VIEWPOINT LANE
NORTH POWDER OR 97867

C 23

Priority _____
 County _____ WM# _____

Application No. G16902
 Permit No. C716421
 Certificate No. _____

Date _____
 DENIED _____
 MISFILED _____
 WITHDRAWN _____
 CANCELLED _____

FEES PAID		
Date	Amount	Receipt No.
7/2/07	2050.00	88521
4/16/08	100.00	92155
8-26-13	\$ 575.00	109755
1-21-14	125.00	110932
12-16-24	126.60	144405
3-19-25	\$ 780.00	144894

FEES REFUNDED		
Date	Amount	Receipt No.

RELATED FILES

ASSIGNMENTS

Date	To Whom	Address
<i>Partial</i> 12-19-2024	Green Bravo II, LLC -	One Embarcadero center, Ste. 3860, San Francisco, CA 94111

DEVELOPMENT _____ Date _____

Completion 10-1-2013

Extended to 10/1/2023

Final Proof received _____

Proposed Cert. Mailed _____

REMARKS _____

MAP LOCATION _____

Rev. 04/03



June 13, 2025

Merissa A. Moeller
760 SW Ninth Avenue, Suite 3000
Portland, OR 97205
D. 503.294.9455
merissa.moeller@stoel.com

BY HAND DELIVERY

Ivan Gall, Director
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

**Re: In the Matter of the Application for an Extension of Time for Permit G-17645,
Water Right Application No. G-16902, in the name of Green Bravo II, LLC and
Heffernan Family Trust**

Dear Director Gall:

Enclosed, please find the Protest of Proposed Final Order to Deny the Application for an Extension of Time for G-17645 and Request for Contested Case Hearing. Also enclosed is a check in the amount of \$480.00 for the requisite filing fee. Please contact me if you have any questions regarding this Protest.

Very truly yours,

A handwritten signature in cursive script that reads "Merissa A. Moeller". The signature is written in dark ink and is positioned below the typed name.

Merissa A. Moeller

cc: Joe C. Matteo

Enclosures

Received by OWRD

JUN 13 2025

Salem, OR

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # **145397** INVOICE # _____
725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

RECEIVED FROM: Steel Rives LLP APPLICATION 6-16902
BY: _____ PERMIT 6-17695
TRANSFER _____

CASH: CHECK:# 962382 OTHER: (IDENTIFY) _____
TOTAL REC'D \$ 480.00

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 47122

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 \$	

WELL CONSTRUCTION

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

0412 OTHER (IDENTIFY) Protest \$ 480.00

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 (FWWRD) \$ _____
0231 HYDRO LICENSE FEE (FWWRD) \$ _____
HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX RECEIVED OVER THE COUNTER

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

RECEIPT: **145397** DATED: 6-13-25 BY: [Signature]

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WATER RESOURCES DEPARTMENT

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TREASURY OTHER / RDX RECEIVED OVER THE COUNTER

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

RECEIPT: **145397** DATED: 6-13-25 BY: [Signature]

INVOICE NUMBER	INVOICE DATE	INVOICE DESCRIPTION	AMOUNT PAID
SR061125	06/11/2025	Filing fee	\$480.00
TOTAL:			\$480.00

Steel Rives LLP
101 S. Capitol Boulevard, Suite 1900
Boise, ID 83702-7705
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SUPPLIER: State of Oregon Water Resources Department

SUPPLIER NUMBER: 16765
CHECK NUMBER: 962382
CHECK DATE: 06/11/2025

STATE OF OREGON
WATER RESOURCES DEPARTMENT
WATER RIGHTS DIVISION

Before the Director of the Water Resources Department

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In the Matter of the Application for an
Extension of Time for Permit G-17645, Water
Right Application No. G-16902, in the name of
Green Bravo II, LLC and Heffernan Family
Trust

**PROTEST OF PROPOSED FINAL
ORDER TO DENY THE APPLICATION
FOR AN EXTENSION OF TIME FOR
PERMIT G-17645 AND REQUEST FOR
CONTESTED CASE HEARING**

Received by OWRD

JUN 13 2025

Salem, OR

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I. INTRODUCTION

On March 19, 2025, an Application for Extension of Time (the "Application") to develop Permit No. G-17645 (the "Permit") (Water Right Application No. G-16902) was submitted to the Oregon Water Resources Department ("OWRD" or the "Department"). The Application requested an extension of time to finish developing the Permit by October 1, 2035.

On April 29, 2025, the Department issued a Proposed Final Order (the "PFO") proposing to deny the Application. Pursuant to ORS 536.050(1)(j) and OAR 690-315-0060(1), Green Bravo II, LLC ("Protestant") protests the PFO proposing to deny the Application. Protestant files this Protest and Request for Hearing (the "Protest") and requests a contested case hearing because the PFO included erroneous findings of fact and an unsupported conclusion of law, and the PFO incorrectly analyzes and applies applicable laws, including the approval criteria in OAR 690-315-0040.

Under a correct application of applicable law to the facts, the Department should issue a PFO proposing to approve the Application. The PFO should be withdrawn and corrected, and a PFO proposing to approve the Application should be issued.

The Department has inherent authority to withdraw the PFO and issue a corrected PFO proposing to approve the Application. In the interest of administrative efficiency, Protestant requests that the Department withdraw the PFO of its own accord. However, Protestant also requests a contested case hearing as required by OAR 690-315-0060, to preserve Protestant's rights in case the Department does not withdraw and correct the PFO of OWRD's own accord.

II. PROTESTANT'S IDENTITY AND INTEREST IN THE PFO

A. Protestant's name, address, and telephone number

Protestant's contact information is as follows:

Green Bravo II, LLC
One Embarcadero Center, Suite 3860
San Francisco, CA 94111
P: (208) 908-3838

Stoel Rives LLP represents Protestant in this matter. Further correspondence regarding this matter should be directed to counsel as follows:

Merissa Moeller, OSB No. 153926
Joe Matteo, OSB No. 234673
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B. Protestant's interest in the PFO denying the request for extension

Protestant, in addition to Heffernan Family Trust (jointly the "Permit Holders" or the "Applicants"), is a holder of the Permit and an applicant in the Application.

C. The PFO impairs and is detrimental to the Protestant's interests.

A denial of the requested permit extension would preclude Protestant's opportunity to fully develop the Permit, resulting in a significant loss of long-term revenue and investment returns from the remaining acres within the place of use that would not be developed as the result of OWRD's decision.

Protestant has no alternative water sources, so the remaining acreage within the place of use that has not yet been developed would have to be dryland farmed, which is less economically productive than irrigated land. The Permit Holders have invested over \$1 million to develop the water supply under the Permit, and not obtaining an extension of time will put that investment at risk. The market value of the water right place of use still to be developed is significantly less than the market value of irrigated land (for example approximately \$800-\$1,000/acre as opposed to \$5,000-\$6,000/acre for pivot-irrigated lands). More importantly, irrigation of the full authorized place of use will ensure the production of forage, grains and other crops each year that will provide revenue and a positive return on the Permit Holders' investment.

III. ARGUMENT

A. The Department's determinations in the PFO lack substantial evidence and substantial reason, and therefore, the PFO should be withdrawn.

As explained throughout this Protest, the PFO contains numerous deficiencies, as a matter of Oregon administrative law. All state agency orders must correctly state the applicable law, include factual findings based on substantial evidence, and adequately explain the agency's reasoning for its ultimate decision. In a contested case posture, such as this one, a reviewing court may reverse or remand an agency order that is based on an erroneous interpretation of law, ORS 183.482(8)(a), or that lacks substantial evidence or substantial reason, ORS 183.482(8)(b), (c). See *WaterWatch of Or., Inc. v. Water Res. Dep't*, 268 Or App 187, 212, 342 P3d 712 (2014) (agencies are "required to demonstrate in their opinions the *reasoning* that leads the agency from the *facts* that it has found to the *conclusions* that it draws from those facts") (quoting *Drew v. Psychiatric Sec. Rev. Bd.*, 322 Or 491, 500, 909 P2d 1211 (1996)) (emphases in the original).

Here, if the Department ultimately issues a Final Order that mirrors the PFO, the Final Order will not withstand judicial review under ORS 183.482. Multiple factual findings in the PFO lack substantial evidence—either because the Department has cited no evidence to support them, because they are incorrect, or because they are inconsistent with information provided in the Application. See ORS 183.482(8)(c). Likewise, throughout the PFO, the Department failed to explain how its factual findings support the Department's ultimate decision to deny the Application. Accordingly, the PFO generally is unsupported by substantial reason. See *WaterWatch*, 268 Or App at 212.

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B. The PFO contained findings that are legally and factually flawed, omitted relevant facts, and made an unsupported legal conclusion, and therefore, the PFO should be withdrawn, and a corrected PFO approving the Application should be issued.

The PFO is in error for multiple reasons. In the PFO, the Department ignored material information included in the Application that supports approval of the Application, the Department failed to provide findings that support its conclusion that the Permit Holders could not complete development of the Permit in the time requested, and the Department made unsupported and incorrect findings that are inconsistent with information provided in the Application and are, therefore, unsupported by substantial evidence.

OAR 690-315-0040(1) provides the criteria for OWRD's review of a permit extension for permits for uses other than municipal and quasi-municipal uses:

(1) 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 shall find:

- (a) The applicant has submitted a completed application, including the fee specified in ORS 536.050.
- (b) For applications filed pursuant to OAR 690-315-0020, the applicant began construction on the project within the time period required by applicable statute;
- (c) The applicant can complete the project within the time period requested for the extension; and
- (d) There is good cause to approve the extension.

In the PFO, the Department reached erroneous determinations related to both the Applicant's ability to complete the project within the time period requested under OAR 690-315-0040(1)(c), and the evaluation of good cause under OAR 690-315-0040(1)(d).

1. The determination in the PFO that "the water user cannot complete the development by October 1, 2035" is legally and factually flawed.

To approve an application for an extension of time, the Department must find that the applicant can complete the project within the time period requested for the extension. OAR 690-315-0040(1)(c). The Department's unsupported determination, in Finding of Fact 32, that "the water user cannot complete development by October 1, 2035" is inconsistent with information provided in the Application that directly contradicts that determination, and it is not supported by findings in the PFO.

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- a. **In the PFO, the Department erroneously omitted relevant facts and reached an unsupported factual finding that is directly contradicted by the Application.**

In its evaluation of the criterion at OAR 690-315-0040(1)(c), OWRD failed to address relevant information that supports the Application for an extension of time. Information in the Application described the Permit Holders' ability to complete development within the requested time. Nonetheless, the PFO included no findings to this effect. The Department is not entitled to select the facts that support its desired outcome and omit facts that support the opposite conclusion. Moreover, because the Department cited no facts or evidence that would contradict the information provided by the Applicant to address this criterion, Finding of Fact 32 lacks substantial evidence.

The Application clearly stated that the Permit Holders believe that the existing basalt well (Well 3) that is currently being used to appropriate groundwater under the Permit is developing a groundwater source that is compartmentalized due to faulting and fracturing in the immediate area. As a result, pumping water from this well has resulted in water level declines. For this reason, the Application explained that the Permit Holders need additional time to conduct hydrogeologic analyses to identify suitable location(s) to construct new wells. The Application further noted that basalt wells to the north and south of the existing well demonstrate stable water levels. The Application then described the time needed to complete a permit amendment to obtain approval for additional authorized well locations, fully develop the authorized rate and irrigate the remaining portion of the Permit's authorized place of use. Thus, the information in the Application clearly documented that the Permit Holders can complete development of the Permit by the requested 2035 completion date.

The Application clearly demonstrated that continued development under the Permit can occur in a sustainable manner and can be completed by the requested 2035 development deadline. Thus, the Application demonstrated that the criterion at OAR 690-315-0040(1)(c) is satisfied and supports approval of the Application. Meanwhile, the PFO failed to address any facts related to the Permit Holders' intention to obtain a permit amendment or to locate new wells in areas where groundwater levels would be expected to remain stable or the Permit Holders' ability to continue development under the Permit in a sustainable manner. Instead, the PFO summarily reached the unsupported conclusion that OAR 690-315-0040(1)(c) is not satisfied, as discussed further below. Accordingly, the PFO is in error as it relates to this criterion.

- b. **The PFO is in error because the determination regarding time for completion of the project is not supported by findings in the PFO.**

The PFO did not include sufficient findings to support the conclusion that the Permit Holders cannot complete the development of the Permit in the time requested. The order must include sufficient findings to support the conclusions reached. Accordingly, the conclusion that development of the Permit cannot be completed in the time period requested in the Application lacks substantial evidence.

In its evaluation of the criterion in OAR 690-315-0040(1)(c), OWRD made a single finding describing the work required to complete development under the Permit, stating that the

remaining work to be completed consists of constructing additional wells and irrigation of additional acres. Without further findings or evaluation regarding the time for development, the PFO then states, in Finding of Fact 32: "The Department has determined that the resource cannot support additional development of irrigated acres, therefore, the water user cannot complete the development by October 1, 2035, as requested."

The Department made no findings to support its conclusion that permit development cannot be completed by the 2035 date. The PFO included findings related to declines in the existing Well 3, but it included no findings that would support a conclusion that the Permit Holders could not develop new wells in a stable aquifer. Moreover, the PFO did not include any findings that the Permit Holders would be unable to complete irrigation of the remaining acres using the existing well. For example, the PFO contains no findings to support a conclusion that water levels in Well 3 will not recover. The PFO simply did not provide the findings necessary to conclude that the Permit Holders cannot complete development under the Permit by the requested date, and thus, the conclusion in the PFO that development cannot be completed in the requested time lacks substantial evidence.

2. In the PFO, the Department erroneously determined that the Applicant has not demonstrated good cause for the requested extension.

The Department's analysis of whether there is good cause to approve the extension has numerous errors. The PFO did not provide sufficient support for the conclusion that the Applicants have not shown good cause. Additionally, the findings related to the market and present demand for water are in error because they ignore relevant information in the Application that refutes OWRD's apparent reasoning for determining that good cause was not shown.

a. The PFO did not include sufficient findings of fact or reasoning to support OWRD's ultimate determination that the Applicants have not shown good cause to support the requested extension.

In Conclusion of Law 3, OWRD determined that "[t]he permit holder has not shown that good cause exists for an extension of time." Related, in an unnumbered Finding of Fact on pages 8 and 9 of the PFO, OWRD determined that "the applicant has not shown that good cause exists for an extension of time...." Although the PFO summarily listed most of the criteria OWRD must consider to evaluate good cause, in the PFO, the Department failed to express any opinion on most of these criteria and failed to include any findings clearly stating that any of the criteria have not been met. Indeed, the portions of the PFO expressing any opinion on the applicable criteria indicate that OWRD believes the vast majority of criteria have been met. Thus, the Department failed to provide sufficient findings of fact or reasoning to support the ultimate conclusion of law that "[t]he permit holder has not shown that good cause exists for an extension of time to complete construction and apply water to full beneficial use...."

OAR 690-315-0040(2) provides the criteria that OWRD must consider in making the good cause determination required by OAR 690-315-0040(1)(d):

(2) In order to make a finding of good cause to approve the extension, the Department shall consider, but is not limited to, the following criteria:

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(a) Whether the applicant has demonstrated reasonable diligence in previous performance under the permit;

(b) The cost to appropriate and apply the water to a beneficial purpose;

(c) The good faith of the appropriator;

(d) The market for water or power to be supplied;

(e) The present demands for water or power to be supplied;

(f) The income or use that may be required to provide fair and reasonable returns on investment;

(g) Whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection the right;

(h) Any unforeseen events over which the water right permit holder had no control and which delayed development under the permit;

(i) Whether denial of the extension will result in undue hardship to the applicant and that there are no other reasonable alternatives exist for meeting water use needs; and

(j) Any other factors relevant to a determination of good cause.

The PFO included multiple findings that the Applicants have demonstrated reasonable diligence as required by criterion (2)(a) (Finding of Fact 10), and have made significant financial investments to develop the Permit (Findings of Fact 14 and 20), which provide evidence of both good cause and reasonable diligence, as required by criterion (2)(b). The PFO included two factual findings under the heading of "Good Faith of the Appropriator" (Findings of Fact 30 and 31), as required by criterion (2)(c). Although the PFO did not include a finding articulating the Department's ultimate determination for this criterion, it appears the agency determined that the Applicants demonstrated good faith given no finding to the contrary. The PFO also included findings related to the market and present demands for water as required by (2)(d) and (e) (Findings of Fact 15 through 25) (related to water levels in Well 3), but the PFO provided no ultimate determinations related to those criteria. Additional problems related to the findings for these criteria are discussed in more detail below.

In the PFO, the Department acknowledged that the Applicants would likely obtain a reasonable return on their investment from development of the water and agreed that the delay was not caused by other governmental requirements as provided under subsections (2)(f) and (g). *See* Findings of Fact 26 and 27. In the PFO, the Department further acknowledged the hardship that would be caused by denial of the Application, but the Department then implicitly attempted to negate that hardship by reiterating an unrelated finding related to water level declines in Well 3. *See* Finding of Fact 29. The PFO included no findings related to other factors as provided under subsection (2)(j). Thus, the PFO included findings in some form related to almost all of the review criteria provided in OAR 690-315-0040(2), and most of those findings clearly support

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approving the Application, while the remaining findings are ambiguous or contain significant flaws.

In its ultimate finding on good cause, OWRD simply stated that it has considered the criteria provided in OAR 690-315-0040(2) and “has determined that the applicant has not shown that good cause exists for an extension of time to complete construction and apply water to full beneficial use.” (Unnumbered Finding of Fact on PFO pages 8–9.) No further reasoning was provided. In the PFO, the Department did not acknowledge that many of the factors weigh in favor of an extension, nor did it provide any explanation of how the Department weighed the criteria to reach this conclusion.

As stated above, agencies are “required to demonstrate in their opinions the *reasoning* that leads the agency from the *facts* that it has found to the *conclusions* that it draws from those facts” See *WaterWatch*, 268 Or App at 212 (quoting *Drew*, 322 Or at 500) (emphases in original). In the PFO, the Department failed to provide any reasoning that connects the facts to its conclusion, and therefore, failed to provide substantial reason for its conclusion. Accordingly, the PFO should be withdrawn and a corrected proposed final order approving the Application should be issued.

b. OWRD’s findings related to the market and present demand for water are erroneous.

As part of its evaluation of whether an applicant has demonstrated “good cause,” the Department must consider the market and present demand for the water to be supplied. Although the PFO included findings that are intended to address this criterion, the findings are in error. Further, because it appears that OWRD relied on these predicate factual findings as its only support to determine that the Applicants have not shown good cause for an extension of time, the Department’s ultimate “good cause” finding (PFO pages 8–9) is also erroneous.

OAR 690-315-0040(4) controls the Department’s evaluation of the market and present demand for water to be supplied by the project:

(4) In determining the market and the present demand for water or power to be supplied pursuant to subsections (2)(d) and (e) above, the Department shall consider, but is not limited to, the following factors:

(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;

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(e) Other economic interests dependent on completion of the project; and

(f) Other factors relevant to the determination of the market and present demand for water and power.

As part of its review of the Application, OWRD considered the market and present demand for water to be supplied under the Permit. The PFO included findings of fact related to the criteria in OAR 690-315-0040(4)(a)-(e). (Findings of Fact 15–22.) All of those findings support approval of the Application.

Meanwhile, the PFO also included findings (Findings of Fact 23–25) addressing OWRD’s evaluation of other relevant factors under OAR 690-315-0040(4)(f), which describe declines in the static water level measurements in Well 3 and quote OWRD’s definition of “excessively declining water levels.” Ignoring all other findings in the PFO clearly demonstrating that the “market and present demand” factors support approval of the Application, the Department relied exclusively on Findings of Fact 23 through 25 to suggest that those factors do not support approval.

The fact that water level measurements for one of five authorized points of appropriation show declines is not clearly relevant to evaluating the market and present demand factors. Even if it is relevant to that analysis, it is not dispositive. More importantly, it is not dispositive of the ultimate legal question, which is whether there is “good cause” to support the extension. That is particularly true, given that OWRD made no effort to explain why this single fact would outweigh all other facts demonstrating good cause.

For the declines in the referenced well to completely preclude the opportunity to continue development under the Permit, OWRD would need to make multiple additional findings that the agency cannot make. For example, OWRD did not find that the Permit Holders could not develop other wells. The Department did not find that any other well that would be developed would appropriate water from the same portion of the basalt aquifer developed by Well 3, or that any authorized well on the Permit for use of the basalt aquifer would experience the same declines.

Moreover, the Application explained, as described above, that the Permit Holders believe that Well 3 develops an area of the basalt aquifer that is uniquely compartmentalized. In support of this, the Application noted that basalt wells to the north and south of Well 3 demonstrate stable water levels. The Application clearly stated an intent to drill new wells that would develop groundwater from the basalt aquifer that would maintain stable groundwater levels and allow complete development under the Permit. Accordingly, the Application demonstrated that continued development under the Permit could satisfy the market and present demand for water criteria in OAR 690-315-0040(4), and that the Permit Holders have shown that good cause exists for an extension of time to complete construction and apply water to full beneficial use.

IV. THIS PROTEST AND REQUEST FOR CONTESTED CASE HEARING ARE TIMELY FILED

Protestant has complied with the provisions of OAR 690-315-0060 and OAR 690-002-0030. Protestant is the applicant on the Application and, therefore, has standing to file this Protest, as set forth in Section II. OAR 690-315-0060(1). The Protest is timely filed because it

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760 SW Ninth Avenue, Suite 3000, Portland, OR 97205
Main 503.224.3380 Fax 503.220.2480

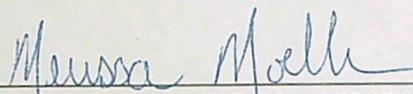
will be “actually received” by the Department “within 45 days” of the “date of publication of the proposed final order in the Department’s weekly notice.” *Id.*; OAR 690-002-0025(2). The PFO appeared in the Department’s weekly notice on April 29, 2025, and therefore, the deadline to file this Protest is June 13, 2025. The Protest is in writing, contains all information required by rule, and is signed by Protestant’s attorney. OAR 690-315-0060(2); OAR 690-002-0030. Protestant includes with this Protest the protest fee of \$480. ORS 536.050(1)(j)(B).

V. CONCLUSION

For the reasons set forth herein, Protestant respectfully protests the PFO. Protestant requests that the Department withdraw the PFO and issue a corrected proposed final order finding that the Applicants have demonstrated good cause and proposing to approve the Application. Protestant also requests a contested case hearing as required by OAR 690-315-0060, to preserve Protestant’s rights in the event the Department does not withdraw and correct the PFO as requested herein. Protestant expressly reserves its right to supplement this Protest.

DATED: June 13, 2025

STOEL RIVES LLP



Merissa Moeller, OSB No. 153926
Joe Matteo, OSB No. 234673
P: 503.294.9455
E: merissa.moeller@stoel.com
E: joe.matteo@stoel.com
Attorneys for Protestant

Received by OWRD

JUN 13 2025

Salem, OR

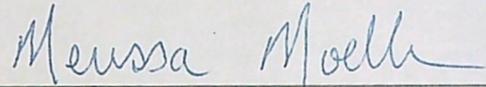
STOEL RIVES LLP
760 SW Ninth Avenue, Suite 3000, Portland, OR 97205
Main 503.224.3380 Fax 503.220.2480

CERTIFICATE OF FILING AND SERVICE

I hereby certify that on June 13, 2025, I filed an original and one copy of the foregoing **Protest of Proposed Final Order to Deny the Application for an Extension of Time for Permit G-17645, in the Name of Green Bravo II, LLC And Heffernan Family Trust** with the State of Oregon Water Resources Department, 725 Summer Street NE, Suite A, Salem, Oregon 97301, by hand delivery.

DATED: June 13, 2025

STOEL RIVES LLP



Merissa Moeller, OSB No. 153926

Joe Matteo, OSB No. 234673

P: 503.294.9455

E: merissa.moeller@stoel.com

E: joe.matteo@stoel.com

Attorneys for Protestant

Received by OWRD

JUN 13 2025

Salem, OR

STOEL RIVES LLP
760 SW Ninth Avenue, Suite 3000, Portland, OR 97205
Main 503.224.3380 Fax 503.220.2480

Mailing List for Extension PFO Copies

PFO Date: April 29, 2025

Copies Mailed

Application: G-16902

By: TM

Permit: G-17645

On: 4.29.25

Original mailed to Applicant:

Green Bravo II, LLC
One Embarcadero Center, Suite 3860
San Fransisco, CA 94111

Copies sent to:

1. WRD - App. File G-16902/ Permit G-17645
2. HEFFERNAN FAMILY TRUST
63600 VIEWPOINT LANE
NORTH POWDER, OR 97867
3. Adam Sussman, GSI

Fee paid as specified under ORS 536.050 to receive copy:

4. None

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

5. WRD - Watermaster District 8, Marcy Osborn
6. WRD - ER Regional Manager, Jason Spriet

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 G-17645, Water Right Application G-16902, in the)	PROPOSED
name of Green Bravo II, LLC and Heffernan Family Trust)	FINAL ORDER
		TO DENY

Permit Information

Application:	G-16902
Permit:	G-17645
Basin:	9 – Powder / Watermaster District 8
Date of Priority:	July 2, 2007
Source of Water:	Well 1, Well 2, Well3, Well 4, and Well 5, in Clover Creek Basin
Purpose or Use:	irrigation use on 1,191.0 Acres
Maximum Rate:	14.9 cubic feet per second (cfs)

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

In Summary, the Department proposes to:

- Deny an extension of time to complete construction of the water system from October 1, 2023, to October 1, 2035.

- Deny an extension of time to apply water to full beneficial use from October 1, 2023, to October 1, 2035.

ACRONYM QUICK REFERENCE

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

AUTHORITY

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

ORS 537.630(2) provides in pertinent part that the Oregon Water Resources Department (Department) for good cause shown shall order and allow 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 December 18, 2008, Permit G-16421 was issued by the Department. The permit authorized the use of up to 14.9 cfs of water from Well 1, Well 2, Well3, Well 4, and Well 5, in Clover Creek Basin for irrigation use on 1191.0 acres. The permit specified construction of the water system was to be completed by October 1, 2013, and complete application of water was to be made on or before October 1, 2013.
2. On March 28, 2014, the Department issued a Final Order approving a permit extension for Permit G-16421. The extension request resulted in the completion dates for construction and full application of water being extended from October 1, 2013, to October 1, 2023.
3. On December 5, 2014, the Department approved Permit Amendment T-11855 (Special Order Volume 93, Page 921) authorizing a change in the place of use under Permit G-16421 (modified by Permit Amendment T-11855). Superseding Permit G-17327 was issued by the Department on December 5, 2014, to reflect the changes.

4. On September 12, 2016, the Department approved Permit Amendment T-12295 (Special Order Volume 101, Page 789) authorizing a change in the place of use under Permit G-17327 (modified by Permit Amendment T-12295). Superseding Permit G-17645 was issued by the Department on September 12, 2016, to reflect the changes.
5. On December 19, 2024, a partial assignment from Heffernan Family Trust to Green Bravo II, LLC was recorded in the records of the Water Resources Department.
6. On March 19, 2025, the permit holder submitted an "Application for Extension of Time" (Application) to the Department, requesting both the time to complete construction of the water system and the time to apply water to full beneficial use under the terms and conditions of Permit G-17645 be extended from October 1, 2023 to October 1, 2035. This is the first permit extension requested for Permit G-17645.
7. On March 25, 2025, notification of the Application for Extension of Time for G-17645 was published in the Department's Public Notice. No public comments were received regarding the extension application.

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)]

8. On March 19, 2025, 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)]

9. According to the well log received by the Department on May 18, 2011, construction of UNIO 52292 (Well 3) began March 25, 2011.

The Department has determined that the prosecution of the construction of the well began prior to October 1, 2013.

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 or previous extension.¹

10. During the most recent extension period, being from October 1, 2013, to October 1, 2023, the following was accomplished:
 - new pivots, mainline and pivot end gun were installed.

The Application provides evidence of progress of physical work made towards completion of the water system, enough to qualify as the minimum necessary for the Department to find good cause and reasonable diligence towards complete application of water to a beneficial use. However, no investment in the development of additional acres of irrigated land has occurred since 2016.

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

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

11. The Department has considered the permit holder’s compliance with conditions, and did not identify any concerns.

The Department has determined that the permit holder has demonstrated compliance with permit conditions as required by Permit G-17645.

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.

12. A maximum rate of 8.3 cfs of water has been appropriated from Well 3 for irrigation of 670.0 acres.
13. The Application identifies delay of full beneficial use of water under Permit G-17645 was due, in part, to Green Bravo II, LLC acquiring the underlying property in 2019, but the lack of capital improvement resources prevented progress from being made.

Beneficial use of water has been demonstrated under this permit as all permit conditions were satisfied by October 1, 2023.

¹ “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.

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

14. The Application identifies an investment of \$637,386 has been made. The costs included items associated with Permit Amendment Applications, repair and maintenance costs (new pump motor, pump rebuild, motor rebuild) of a system which are not “actual construction” under this permit and therefore are not counted towards development. After deducting these costs, the approximate total investment for “actual construction” to date is approximately \$581,386 which is about 23 percent of the total projected cost for complete development of this project. An additional \$1,900,000 investment is needed to complete this project, which includes developing the remaining 521.0 acres for irrigation, and constructing additional wells.

Based on FOF 14, the Department has determined 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 that work has been accomplished towards completion of the water system; the permit holder has demonstrated compliance with permit conditions, and; beneficial use of water has been demonstrated. The Department has determined the applicant has demonstrated reasonable diligence in previous performance under Permit G-17645.

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.*

OAR 690-315-0040(4)(a)

The amount of water available to satisfy other affected water rights and scenic waterway flows.

15. 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 G-16421; 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.

OAR 690-315-0040(4)(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).

16. The points of appropriation for Permit G-17645, located within the Clover Creek Basin, are not located within a limited or critical groundwater area.
17. Clover Creek is not located within or above any state or federal scenic waterway.
18. The points of appropriation are not in an area listed by the Department of Environmental Quality as a water quality limited stream.

OAR 690-315-0040(4)(c)

The habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife.

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

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

Economic interests dependent on completion of the project.

20. An approximate total of \$581,386 has been invested in the project.

OAR 690-315-0040(4)(e)

Other economic interests dependent on completion of the project.

21. The Application identifies the agricultural economy would be adversely affected if the extension of time is denied.
22. The Application does not identify any additional economic interests that are directly dependent on the full development of the authorized use.

OAR 690-315-0040(4)(f)

Other factors relevant to the determination of the market and present demand for water and power.

23. Permit G-17645 includes a condition requiring the submittal of static water level measurements annually in the month of March. The condition provides that; “The water user shall not allow excessive decline, as defined in Commission Rules, to occur within the aquifer as a result of use under this permit.”
24. Static Water Level Measurements taken between March 2012 and March 2023, reveal a decline of the static water level in UNIO 52292 of more than 154.0 feet.
25. Oregon Administrative Rule 690-008-001(7) defines “excessively declining water levels” as ongoing lowering of the water level in a groundwater reservoir or part thereof which: (a) Precludes, or could preclude, the perpetual use of a reservoir; or (b) Represents an average downward trend of three or more feet per year for at least 10 years; or (c) Represents, over a five year period, an average annual lowering of the water level by 1% or more of the initial saturated thickness as determined by observation or investigation in the affected area; or (d) Results in water quality deterioration.

Based on FOF 23, 24, and 25, the Department has determined the water use has allowed for excessive decline to occur within the aquifer as a result of use under the permit. Because of these aquifer declines, the Department has determined that the resource cannot support additional development of water to irrigate the undeveloped 521.0 acres.

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

26. The use and income from the permitted water development will likely result in reasonable returns upon the investment made to date.

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

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

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

28. The Application identifies the following as unforeseen events:
 - a. The purchase of the property in 2019 slowed down the water right development;
 - b. the economic downturn experienced as a result of the COVID-19 Pandemic; and
 - c. the loss of the use of Well 3 due to unsustainable water level declines.

The Department has considered the above events, and has determined; 1) the purchase of the property in 2019 is a business decision, and is not an unforeseen event; 2) that the COVID-19 pandemic did result in a delay in development, but the permit has been afforded sixteen years for development as of the current date for complete application of water, being October 1, 2024; and the loss of use from Well 3 due to unsustainable water level declines has been apparent for more than a decade, and is not an unforeseen event.

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

29. The Application states; “A denial of the extension would preclude the opportunity to fully develop the permit and exact a huge loss of long-term revenue and investment returns from the 520 acres of undeveloped authorized place of use. As described further in response to Question 14b, there is no alternative water source for this property, and denial of the extension would mean that the property will have to be farmed as dryland. As discussed further in response to Question 19, dryland is less economically productive than irrigated land, and denial of the extension would result in the loss of productive farmland, which will directly result in lost revenue for the Permittees and local community.”

The Department has considered the above information, and does not dispute that a denial would result in the loss of irrigation to approximately 520.0 acres of land, however, due to excessive declines associated with the use of water from Well 3, additional development under the permit cannot be supported by the resource.

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

30. The Application provides evidence of work accomplished towards the development of the beneficial use, however, the application does not identify any work towards the development of additional irrigated acres after 2016.
31. The Application does indicate that the permit holder recognizes that excessive declines have occurred in Well 3, and the use from that well is unsustainable.

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.

32. As of March 19, 2025, the remaining work to be completed consists of constructing additional wells, and apply water for irrigation to the remaining 521.0 acres.

The Department has determined that the resource cannot support additional development of irrigated acres, therefore, the water user cannot complete the development by October 1, 2035, as requested.

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 not 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 permit holder 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 permit holder has complied with the time allowed for construction work under the permit pursuant to ORS 537.630 as required by OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).
3. The permit holder has not 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).

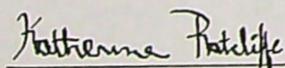
PROPOSED ORDER

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

Deny the time to complete construction of the water system under Permit G-17645 from October 1, 2023, to October 1, 2035.

Deny the time to apply water to beneficial use under Permit G-17645 from October 1, 2023, to October 1, 2035.

DATED: April 29, 2025



Katherine Ratcliffe
Water Right Services Division Administrator, for
Ivan Gall, Director
Oregon 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

Pursuant to OAR 690-315-0060(1), 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. Protests must be received by the Water Resources Department no later than **June 13, 2025**, at

this address: Oregon Water Resources Department, Water Right Services Division, 725 Summer St NE, Suite A, Salem, OR 97301-1266. Protests may not be submitted by electronic mail. OAR 690-002-0025(3).

Protests must be in writing and include all of the following:

- The name, address, and telephone number of the protestant
- A detailed description of the protestant'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
- A detailed description of how the action proposed in the proposed final order would impair or be detrimental to the protestant's interest
- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency
- If the applicant protests, a statement of whether a hearing is requested
- Citation of legal authority supporting the protestant, if known
- Proof of service of the protest on the water right permit holder, if protestant is other than the water right permit holder, and
- If you are the applicant, the protest fee of \$480 required by ORS 536.050; and
- If you are not the applicant, the protest fee of \$950 required by ORS 536.050.

Within 60 days after the close of the period for requesting a contested case hearing, the Director shall either issue a final order on the extension request, or schedule a contested case hearing if a protest has been submitted, and, upon review of the issues, the Director finds there are significant disputes related to the proposed agency action; or, the applicant submits a written request for a contested case hearing within 30 days after the close of the period for submitting protests. The hearing will be conducted as provided in Oregon Revised Statutes (ORS) Chapter 183, and Oregon Administrative Rules (OAR) 137-003-0501 to 137-003-0700.

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

A party may be represented by an attorney at the hearing. Legal aid organizations may be able to assist a party with limited financial resources. Generally, partnerships, corporations, associations, governmental subdivisions or public or private organizations are represented by an attorney. However, consistent with OAR 690-002-0020 and OAR 137-003-0555, an agency representative may represent a partnership, corporation, association, governmental subdivision or public or private organization if the Department determines that appearance of a person by an authorized representative will not hinder the orderly and timely development of the record in this case.

Notice Regarding Servicemembers: Active-duty service members have a right to stay proceedings under the federal Servicemembers Civil Relief Act. For more information contact

Application: G-16902 Permit: G-16421
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) Green Bravo II, LLC
One Embarcadero Center, Suite 3860
San Francisco, CA 97867

Proposed Completion Date: 10-1-2035

WRIG...Money Received on: 3-19-25

Extension Specialist ...

Added to tracking spreadsheet

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

Tonya Miller...

Recent Assignment (Check WRIS for Update)

Publish on Public Notice (initial 30-day comment): Date of notice 3.25.2025

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 returned 3.25.2025

NOTES:



Oregon

Tina Kotek, 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.oregon.gov/owrd

March 25, 2025

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 #: G-16902 (Permit G-17645)**. 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) 979-3213. 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.



March 18, 2025

Oregon Water Resources Department
Attention: Jeffrey Pierceall
725 Summer Street NE, Suite A
Salem, OR 97301

RE: Application for Extension of Time - Permit G-17645

Dear Jeffery:

GSI Water Solutions, Inc. (GSI), is providing the attached application for extension of time on behalf permit holders Green Bravo II, LLC, and Heffernan Family Trust. The required fee of \$780 is enclosed.

Please contact me if you have any questions regarding this request.

Sincerely,
GSI Water Solutions, Inc.

A handwritten signature in black ink, appearing to read "Adam Sussman", is written over a light blue horizontal line.

Adam Sussman
Principal Water Resources Consultant

Enclosures: Application for Extension of Time
check for \$780

Received
MAR 19 2025
OWRD

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 # **144894**

INVOICE # _____

RECEIVED FROM: 651 Water Solutions, Inc.
 BY: _____

APPLICATION	6-16902
PERMIT	
TRANSFER	

CASH: CHECK: # 27368 OTHER: (IDENTIFY)

TOTAL REC'D \$ 780.00

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 *46111*

0407 COPY & TAPE FEES \$ _____
 0410 RESEARCH FEES \$ _____
 0408 MISC REVENUE: (IDENTIFY) \$ _____
 TC162 DEPOSIT LIAB. (IDENTIFY) \$ _____
 0240 EXTENSION OF TIME \$ 780.00

WATER RIGHTS:

EXAM FEE	RECORD FEE
0201 SURFACE WATER \$ _____ 0202	\$ _____
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: **144894** DATED: 3-19-25 BY: [Signature]

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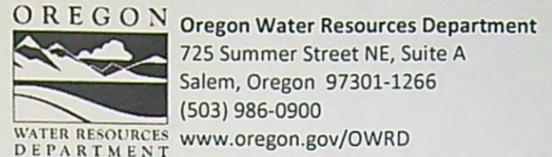
Invoice Number	Date	Voucher	Amount	Discounts	Previous Pay	Net Amount
G-17645 Exl of Time	3/14/2025	0025668	780.00			780.00
Oregon Water Resources Department		TOTAL	780.00			780.00
Beneficial Checking	1	00275				780.00

Check Date: 3/14/2025

027368

GSI WATER SOLUTIONS INC

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



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(s), *authorized by the permit*, 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) If required, a 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.

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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).**

Co-Applicant

I, Green Bravo II, LLC

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

One Embarcadero Center, Suite 3860 San Francisco CA 94111
 ADDRESS CITY STATE ZIP

208-908-3848 _____
 PHONE E-MAIL ADDRESS

Co-Applicant

I, HEFFERNAN FAMILY TRUST

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

63600 VIEWPOINT LANE NORTH POWDER OR 97867
 ADDRESS CITY STATE ZIP

PHONE _____
 E-MAIL ADDRESS

the permit holder of: Application Number G-16902

Permit Number G-17645
 [OAR 690-315-0020(3)(b)]

do hereby request that the date by which the water development will be completed and water put to full beneficial use, which time now expires on Month: 10 Day: 1 Year: 2023, be extended to October 1, 2035, [OAR 690-315-0020(3)(i)]

I am the permit holder, and may 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.

<u>[Signature]</u>	<u>3-14-25</u>
Signature	Date
<u>Daniel B. Little</u>	<u>Managing Member</u>
Printed Name	Title
<u>[Signature]</u>	<u>3-11-2025</u>
Signature	Date
<u>Heffernan Family Trust by:</u>	
<u>Christopher M. Heffernan</u>	<u>Trustee</u>
Printed Name	Title
The agent below is authorized to represent the applicant in all matters relating to THIS application.	
GSI Atten: Adam Sussman	asussman@gsiws.com
	<u>CMB DL</u> Permit Holder Initials

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The agent below is authorized to represent the applicant in all matters relating to THIS application.

Permit Holder Initials

GSI Atten: Adam Sussman

asussman@gsiws.com

Authorized Agent (Print Agent Name)

Agent contact

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 \$780
- Signature page (Second page of this Application for Extension of Time).
- Letter granting an agent authority to act on behalf of the permit holder (*if applicable*)
- All supporting documentation and/or evidence referenced in the Application for Extension of Time. (ODFW Fish screen approval or waiver, contract for stored water, etc)

MAIL COMPLETED APPLICATION

along with the Supporting documents and/ or evidence and correct fee to:

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

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.
- 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).
- Permit extensions are evaluated under OAR Chapter 690, Division 315. These rules may be viewed at the State of Oregon, Secretary of State Website. To be granted an extension of time, the Department must make four specific findings; 1) the application is complete, 2) construction of the water system began within the time specified in the permit and applicable statute, 3) there is good cause, and 4) the project can be completed within the time being requested. If the Department cannot make all four findings, the extension of time cannot be approved.
- 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).

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- 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. A response is required for each item contained in the application. 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, or, a copy of the permit may be requested by water right application number from the Water Rights Division at 503-986-0900 (copy fees will apply).
- **Previous Applications and Orders.** Copies of previous applications and orders that may inform the completion of the Application for Extension of Time, if available, may be downloaded from the Department's Website. **NOTE: If the document requested is not available on the Department's website, you may be required to submit a Public Record Request.**
- **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: April Day: 8th Year: 2011

Details of construction and attach documentation:

Well 3 (UNIO 52292) was constructed and completed on April 8, 2011 and then Deepened (UNIO 52347) on April 20, 2012. Please see Attachment B Well Logs. The Department also previously found that Well 3 (erroneously described as Well 1) was constructed and completed within the initial permit deadline under prior Permit G-16421 as of August 26, 2013. See Finding of Fact 8, Proposed Final Order on Application for Extension of Time for Permit G-16421 (Jan. 28, 2014), incorporated by reference in Final Order on Extension of Time for Permit Number G-16421 (March 28, 2014).

For Surface/Reservoir Permit N/A

Has construction of the water system begun? Yes No

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

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Details of construction and attach documentation: _____

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 included in the permit, or 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No	2011, replaced in 2024
<input checked="" type="checkbox"/>	Submittal of annual water usage report	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	2011 through 2022
<input checked="" type="checkbox"/>	Submittal of static water level measurements in the month required	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	2012 through 2023 ¹
<input checked="" type="checkbox"/>	Dedicated measuring tube	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	2012 ²
<input checked="" type="checkbox"/>	Special well construction standards	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	2012
<input checked="" type="checkbox"/>	Well ID tag assigned and installed: L-96339	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	2012
<input checked="" type="checkbox"/>	Other (Specify): Extension Check point	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	March 2019
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	

¹ Water use reporting was being compiled and submitted by a consultant that fell ill and then passed away. As a result, 2023 water use data were not submitted in 2024. To the extent feasible, missing data will be provided. Moving forward, all water use reporting will resume in compliance with permit requirements.

² Dedicated measuring tube collapsed shortly after installation and the permit holder has been using nearby reference well UNIO 51932 for measurement. Dedicated measuring tube to be replaced in 2025.

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

See notes above.

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. Itemize each work item, and do not combine multiple work actions in one area. (Planning, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, surveying, clearing land, or planting crops

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is not considered work in the development of the water system. Work accomplished under other water rights may not be considered work under this permit.)

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	0
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*
12/18/2008	Date the permit was signed - find date above signature on last page of permit.	
2009	Test well drilled, road to test well was constructed	\$27,327.00
2012	The well was deepened	\$146,871.00
2012	Purchased transducers and flowmeter	\$5,345.00
2012	Purchased Pivots, wheel lines, pump motor	\$273,656.00
2012	Installed 3 phase power to the well	\$11,111.00
10/1/2013	Date the permit specified complete application of water to the use shall be made- all permits contain this date.	\$486,981.00 ³
DATE	WORK ACCOMPLISHED AFTER the date the permit specified complete application of water and prior to any previous extension order <i>COMPETE ONLY IF THIS IS YOUR 1st APPLICATION FOR AN EXTENSION OF TIME: List work done after the date specified in the permit for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
	Not the first extension of time	
Total Cost for Chart-B		\$486,981

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

³ The Department previously found that the permit holder had invested approximately \$486,981 as of August 26, 2013. See Finding of Fact 12, Proposed Final Order on Application for Extension of Time for Permit G-16421 (Jan. 28, 2014), incorporated by reference in Final Order on Extension of Time for Permit Number G-16421 (March 28, 2014).

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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*
10/1/2013	"Extended From" date for complete application of water used in the most recent Final Order on Extension of Time.	
4/2013	Installed new pivot and developed an additional 5 acres of land	\$79,496.00
7/2014	Applied for a Permit Amendment (T-11855)	\$5,500
5/2015	Purchased and installed ½ mile buried mainline and developed an additional 15 acres	\$8,147.00

5/2016	Purchased and installed an end gun to a pivot and developed an additional 35 acres	\$6,762.00
3/2016	Applied for a Permit Amendment (T-12295)	\$6,000
5/2020	Well pump motor replacement	\$12,500
7/2021	Well pump rebuild	\$13,400
6/2022	Well motor rebuild	\$8,600
10/1/2023	"Extended To" date for complete application of water resulting from the most recent Final Order on 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*
12/2024	Replaced totalizing flow meter	\$5,000
12/2024	Assignment of permit to document co-ownership by Green Bravo II and Heffernan Family Trust	\$5,000
Total Cost of Chart-C		\$637,386

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

5. **Cost of project to date: \$637,386**
(The total combined cost from CHART-B and CHART-C) [OAR 690-315-0020(f)]

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

Provide evidence of the maximum rate (or duty, if applicable) of water diverted for beneficial use under this permit made to date. 8.3 cfs

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): N/A**

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

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

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

Maximum volume of stored water used to date = _____ AF or,

Maximum volume stored annually to date = _____ AF

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

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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?	
Well 1*		Yes <input type="checkbox"/> No <input type="checkbox"/>	UNIO 51931		Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
Well 2*		Yes <input type="checkbox"/> No <input type="checkbox"/>	UNIO 52017		Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
Well 3		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	UNIO 52292/ 52347	L-96339	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	8.3 cfs	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	G-17326 -
Well 4		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
Well 5		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
Total instantaneous rate from all wells utilized under this permit						8.3		

*Note: Wells 1 and 2 have been constructed and are used under Permit G-17328 (Well 1) and G-17326 (Well 2) as alluvial aquifer wells

8. Has a Permit Amendment Application been filed? Yes No
If yes, identify Transfer No.

N/A regarding well locations – The Permittees intend to file a permit amendment to modify authorized well locations for the construction of additional basalt wells after completing this permit extension and additional hydrogeological analyses.

[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: 670

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

Year	Acres	Year	Acres	Year	Acres
2009	400				
2013	575 (See Extension PFO/FO)				
2018	670 (See Extension Progress Report)				
2024	652				

Provide a copy of the application map identifying the acres irrigated. Total acres irrigated:

A maximum of approximately 670 acres; over the last few years approximately 652 acres as described on the map in Attachment D. .

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

(POD/POA)# N/A

[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)
2024-2033	Conduct hydrogeological analyses, complete permit amendment and drill additional Basalt well(s)	\$1,500,000
2024-2035	Put the remaining 520 acres into irrigation production	\$400,000
2024-2035	Develop claim of beneficial use and seek water right certificate	\$7,500
Year: 2035	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
Total Cost		\$1,907,500

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

11. Estimated remaining cost to complete the project: \$1,907,500

(The total cost from CHART-E)

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[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.)

Please see Chart E above. Green Bravo II purchased a majority of the property associated with Permit G-17645 in 2019. See Attachment B. The farm economy, a lack of capital improvement resources and an economic slow-down associated with the COVID 19 pandemic in 2020 and 2021 prevented necessary progress on full development of Permit G-17645 in order to meet the current permit deadline of October 1, 2023. The Permittees are also now faced with developing a replacement well for the one existing basalt well (the source required by the permit) and need more time to do so. The Permittees believe that the existing basalt well (Well 3) is developing a groundwater source that is isolated/compartmentalized due to faulting and fracturing in the immediate area, which has resulted in unsustainable water level declines. As a result, the Permittees need more time to compile the additional financial resources needed, conduct hydrogeologic analyses to identify a suitable well(s) location (for example there are basalt wells to the north and south of Well 3 that demonstrate stable water levels), complete a permit amendment to include additional well locations, seek to fully develop the full rate and authorized acres in the permit (an additional 520 acres) and develop the required claim of beneficial use and certificate request. This is a significant project and will likely include numerous milestones over the requested 10-year permit extension period. Estimated timeframes and costs are in Chart E above.

[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.)

Given the magnitude and cost of the project described above the Permittees' request for a 10-year extension of time is justified and reasonable.

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

14a. Will a denial of the extension result in undue hardship? (Describe the hardship and the effects.)

A denial of the extension would preclude the opportunity to fully develop the permit and exact a huge loss of long-term revenue and investment returns from the 520 acres of undeveloped authorized place of use. As discussed further in response to Question 14b, there is no alternative water source for this property, and denial of the extension would mean that the property will have to be farmed as dryland. As discussed further in response to Question 19, dryland is less economically productive than irrigated land, and denial of the extension would result in the loss of productive farmland, which will directly result in lost revenue for the Permittees and the local community.

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Obtaining a new permit or an alternative supply is not feasible and would result in significant hardship for the Permittees and put at risk the loss of approximately \$1.1 million in prior investments to develop the water source authorized under this permit. Based on current projections, that prior investment reflects approximately 1/3 of the total capital investment necessary to fully develop the permit.

14b. Are there any other reasonable alternatives that exist for meeting your water use needs? (Explain in detail, consider other potential sources of water, and describe their feasibility)

No, there are not any reasonable alternatives to meet the water needs. The Permittees have thoroughly explored adjacent water rights, including the Powder Valley Water Control District and those rights are fully allocated and used and are not available for use by the Permittees for a number of reasons. Obtaining new surface water rights or groundwater rights is not feasible from a regulatory perspective.

[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.) N/A

[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 (i.e. health issues, natural disaster) and how much time was spent addressing the unforeseen events. Delays caused by business decisions are not considered unforeseen events)

The purchase of a majority of the authorized place of use by Green Bravo II in 2019 slowed down the water right development process as the Permittees established a new working relationship and sought to gather needed financial resources to make capital improvements. The economic slowdown associated with the COVID 19 pandemic in 2020 and 2021 also contributed to the delay. The loss of the use of Well 3 due to unsustainable water level declines was also unforeseen and has complicated the steps needed to continue permit development.

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

17. Describe any 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.)

N/A, as described above

[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.

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N/A, as described above.

[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)*

The market value of the undeveloped water right place of use is significantly less than the market value of irrigated land (for example approx. \$800-\$1000/acre vs. \$5,000 - \$6000/acre for pivot irrigated lands). More importantly, irrigation of the authorized place of use will ensure the production of forage, grains and other crops each year that will provide revenue and a positive return on investment. These revenues and returns are pumped into the local economy for seeds, fertilizer, equipment, labor, well and pump contractors, and several other activities associated with developing and running an irrigated farm.

[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?)*

As described in (19) above the revenue and returns on investment in this project are key to the agricultural economy in the local area and all of those connected would be adversely affected if this extension request is denied.

Attach permit, and documentation to the application

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STATE OF OREGON

COUNTY OF UNION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

HEFFERNAN FAMILY TRUST
63600 VIEWPOINT LANE
NORTH POWDER, OR 97867

This superseding permit is issued to describe an amendment for a change in place of use proposed under Permit Amendment Application T-12295 and approved by Special Order Vol. 101, Page 789, entered SEP 12 2016, and to describe an extension of time for complete application of water approved March 28, 2014. This permit supersedes Permit G-17327.

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

APPLICATION FILE NUMBER: G-16902

SOURCE OF WATER: WELL 1, WELL 2, WELL 3, WELL 4, AND WELL 5 IN CLOVER CREEK BASIN

PURPOSE OR USE: IRRIGATION USE ON 1191.0 ACRES

MAXIMUM RATE: 14.9 CUBIC FEET PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: JULY 2, 2007

WELL LOCATIONS:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	39 E	WM	34	SW NW	WELL 1: 2640 FEET SOUTH AND 25 FEET EAST FROM THE NW CORNER OF SECTION 34
5 S	39 E	WM	34	NW NW	WELL 2: 25 FEET SOUTH AND 25 FEET EAST FROM THE NW CORNER OF SECTION 34
5 S	39 E	WM	27	NW SW	WELL 3: 2254 FEET NORTH AND 60 FEET EAST FROM THE SW CORNER OF SECTION 27
5 S	39 E	WM	27	SW SE	WELL 4: 25 FEET NORTH AND 3300 FEET EAST FROM THE SW CORNER OF SECTION 27
5 S	39 E	WM	26	SW SW	WELL 5: 25 FEET NORTH AND 25 FEET EAST FROM THE SW CORNER OF SECTION 26

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	39 E	WM	25	NE SW	35.0
5 S	39 E	WM	25	NW SW	35.0
5 S	39 E	WM	25	SW SW	35.0
5 S	39 E	WM	25	SE SW	34.0
5 S	39 E	WM	26	NE NE	11.0
5 S	39 E	WM	26	SE NE	23.0
5 S	39 E	WM	26	SW SW	40.0
5 S	39 E	WM	26	SE SW	40.0
5 S	39 E	WM	26	NE SE	9.0
5 S	39 E	WM	26	SW SE	20.0
5 S	39 E	WM	27	NE NE	39.0
5 S	39 E	WM	27	NW NE	40.0
5 S	39 E	WM	27	SW NE	40.0
5 S	39 E	WM	27	SE NE	40.0
5 S	39 E	WM	27	NE NW	33.0
5 S	39 E	WM	27	SW NW	40.0
5 S	39 E	WM	27	SE NW	40.0
5 S	39 E	WM	27	NE SW	40.0
5 S	39 E	WM	27	NW SW	40.0
5 S	39 E	WM	27	SW SW	40.0
5 S	39 E	WM	27	SE SW	40.0
5 S	39 E	WM	27	NE SE	39.0
5 S	39 E	WM	27	NW SE	40.0
5 S	39 E	WM	27	SW SE	40.0
5 S	39 E	WM	27	SE SE	38.0
5 S	39 E	WM	28	NE NE	40.0
5 S	39 E	WM	28	NW NE	40.0
5 S	39 E	WM	28	SW NE	40.0
5 S	39 E	WM	28	SE NE	40.0
5 S	39 E	WM	28	NE SE	40.0
5 S	39 E	WM	28	NW SE	40.0
5 S	39 E	WM	28	SW SE	40.0
5 S	39 E	WM	28	SE SE	40.0

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Permit Amendment T-12295 Conditions

The former place of use shall no longer be irrigated as part of this permit.

Extension of Time ConditionsCheckpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2018**.

- a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;
- b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

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

The wells shall produce ground water only from the basalt or other bedrock ground water reservoir.

The wells shall be fitted with dedicated measuring tubes to allow unobstructed access for water-level measurements.

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The wells shall be cased and sealed in such a manner to develop a single basalt or other bedrock aquifer.

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

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

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

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

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if any of the following events occur:

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

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

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

STANDARD CONDITIONS

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

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may not be valid, unless the Department authorizes the change in writing.

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

The well(s) shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

If the riparian area is disturbed in the process of developing a point of appropriation, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, Section 030 adopted November 13, 1991 shall be followed.

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

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

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

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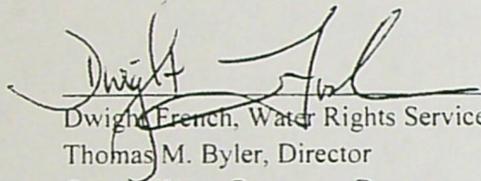
This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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

Completion of construction and complete application of the water to the use shall be made on or before October 1, 2023. 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 SEP 12 2016, 2016



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

Received
MAR 19 2025
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UNIO 52292

STATE OF OREGON
 WATER SUPPLY WELL REPORT
 (as required by ORS 537.765 & OAR 690-205-0210)

WELL LABEL # I. 96339

START CARD # 1012492

(1) LAND OWNER Owner Well I.D. _____

First Name _____ Last Name _____
 Company Heffernan Family Trust
 Address 706 B Ave
 City LaGrande State OR Zip 97850

(2) TYPE OF WORK New Well Deepening Conversion
 Alteration (repair/recondition) Abandonment

(3) DRILL METHOD
 Rotary Air Rotary Mud Cable Auger Cable Mud
 Reverse Rotary Other _____

(4) PROPOSED USE Domestic Irrigation Community
 Industrial/ Commercial Livestock Dewatering
 Thermal Injection Other _____

(5) BORE HOLE CONSTRUCTION Special Standard (Attach copy)
 Depth of Completed Well 310 ft.

BORE HOLE			SEAL			sacks/	
Dia	From	To	Material	From	To	Amt	lbs
20	0	230	Concrete	5	230	200	S
15	230	310	Bentonite Chips	0	5	20	S

How was seal placed: Method A B C D E
 Other bent chips
 Backfill placed from _____ ft. to _____ ft. Material _____
 Filter pack from _____ ft. to _____ ft. Material _____ Size _____
 Explosives used: Yes Type _____ Amount _____

(6) CASING/LINER

Casing	Liner	Dia	From	To	Gauge	Stl	Plstc	Wld	Thrd
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	16	3	230	375	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Shoe Inside Outside Other Location of shoe(s) _____
 Temp casing Yes Dia _____ From _____ To _____

(7) PERFORATIONS/SCREENS

Perforations Method _____ Screens Type Certalock Material PVC

Perfor/S	Casing/	Screen	From	To	Screen/lot	Slot	# of	Tele/
cren	Liner	Dia	From	To	width	length	slots	pipe size

(8) WELL TESTS: Minimum testing time is 1 hour

Pump Bailor Air Flowing Artesian

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)
6,000		310	4

Temperature 51 °F Lab analysis Yes By _____
 Water quality concerns? Yes (describe below)

From	To	Description	Amount	Units

(9) LOCATION OF WELL (legal description)

County UNION Twp 5 S N/S Range 39 E E/W WM
 Sec 27 NW 1/4 of the SW 1/4 Tax Lot 3200
 Tax Map Number _____ Lot _____
 Lat _____ or 0 DMS or DD
 Long _____ or 0 DMS or DD
 Street address of well Nearest address

63600 View Point Lane, North Powder OR 97867

(10) STATIC WATER LEVEL

Date _____ SWL(psi) + SWL(ft)
 Existing Well / Predeepening _____
 Completed Well 04-08-2011 1
 Flowing Artesian? Dry Hole?

WATER BEARING ZONES Depth water was first found

SWL Date	From	To	Est Flow	SWL (psi)	+ SWL (ft)
04-01-2011	235	313	6,000		<input checked="" type="checkbox"/> 2.5

(11) WELL LOG Ground Elevation _____

Material	From	To
Black & grey sticky clay	0	9
Course sand	9	16
Sand with clay	16	31
Blue sticky clay	31	77
Brown clay & fine sand	77	85
Grey clay & fine sand	85	102
Blue grey soft super sticky clay	102	183
Red & black cinders	183	220
Black med basalt	220	235
Black broken vesicular basalt & thin voids	235	252
Void-big water	252	264
Black red broken vesicular basalt	264	284
Black red extremely broken basalt	284	313
caving 310-313		

Date Started 03-25-2011 Completed 04-01-2011

(unbonded) Water Well Constructor Certification
 I certify that the work I performed on the construction, deepening, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

License Number 1934 Date 04-11-2011
 Password: (if filing electronically) _____
 Signed _____

(bonded) Water Well Constructor Certification
 I accept responsibility for the construction, deepening, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

License Number 1293 Date 04-11-2011
 Password: (if filing electronically) _____
 Signed _____
 Contact Info (optional) _____

ORIGINAL - WATER RESOURCES DEPARTMENT
 THIS REPORT MUST BE SUBMITTED TO THE WATER RESOURCES DEPARTMENT WITHIN 30 DAYS OF COMPLETION OF WORK

RECEIVED

Received

MAR 19 2025

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APR 14 2011

WATER RESOURCES DEPT
 SALEM, OREGON

STATE OF OREGON
WATER SUPPLY WELL REPORT
(as required by ORS 537.765 & OAR 690-205-0210)

WELL LABEL # L 96339
START CARD # 1016183

(1) LAND OWNER
Owner Well I.D. Rock 1
First Name Last Name
Company Heffernan Family Trust
Address 706 B Ave
City LaGrande State or Zip 97850

(2) TYPE OF WORK
New Well Deepening Conversion
Alteration (repair/recondition) Abandonment

(3) DRILL METHOD
Rotary Air Rotary Mud Cable Auger Cable Mud
Reverse Rotary Other

(4) PROPOSED USE
Domestic Irrigation Community
Industrial/ Commercial Livestock Dewatering
Thermal Injection Other

(5) BORE HOLE CONSTRUCTION
Special Standard Attach copy
Depth of Completed Well 757 ft.

Table with columns: Dia, From, To, Material, SEAL, Amt, lbs. Rows include Cement and Bentonite Chips.

How was seal placed: Method A B C D E
Other bent chips
Backfill placed from ft. to ft. Material
Filter pack from ft. to ft. Material Size
Explosives used: Yes Type Amount

(6) CASING/LINER
Casing Liner Dia + From To Gauge Stl Plstc Wld Thrd
Shoe Inside Outside Other Location of shoe(s)
Temp casing Yes Dia From To

(7) PERFORATIONS/SCREENS
Perforations Method
Screens Type Material

Table with columns: From, To, Scrn/slot width, Slot length, # of slots, Tele/pipe size. Includes a 'RECEIVED' stamp dated JUN 06 2012.

(8) WELL TESTS: Minimum testing time is 1 hour
Pump Bailer Air Flowing Artesian
Yield gal/min Drawdown Drill stem/Pump depth Duration (hr)

Temperature 51 °F Lab analysis Yes By
Water quality concerns? Yes (describe below)
From To Description Amount Units

(9) LOCATION OF WELL (legal description)
County UNION Twp 5 S N/S Range 39 E E/W WM
Sec 27 NW 1/4 of the SW 1/4 Tax Lot 3200
Tax Map Number Lot
Lat or DMS or DD
Long or DMS or DD
Street address of well Nearest address
63600 View Point Lane North Powder OR. 97867

(10) STATIC WATER LEVEL
Date SWL(psi) + SWL(ft)
Existing Well / Predeepening 04-11-2012 1 2.3
Completed Well 04-20-2012 1 2.3
Flowing Artesian? Dry Hole?

WATER BEARING ZONES
Depth water was first found 235'
SWL Date From To Est Flow SWL(psi) + SWL(ft)

(11) WELL LOG
Ground Elevation
Material From To
black & red vic. rock med-soft 313 316
grey & black basalt hard, little blue claystone 316 337
red vic. soft 337 340
brown & black med. basalt 340 341
brown & grey hard basalt 341 354
blue claystone soft 354 362
grey hard basalt & blue claystone 362 373
broken brown med. basalt & blue claystone 373 389
red & black vic broken basalt 389 398
brown soft basalt, porous 398 405
red vic. soft basalt & blue-green claystone 405 410
grey & brown hard basalt 410 416
grey & brown hard basalt & blue claystone 416 422
brown vic. med basalt & blue claystone 422 428
grey & red vic. soft basalt & blue claystone 428 431
black & brown vic. soft basalt & blue claystone 431 436
black vic. fractured soft basalt & blue claystone 436 452
black & brown vic. soft basalt & blue claystone 452 464
black & grey vic. soft basalt/ brown seams 464 476

Date Started 04-11-2012 Completed 04-20-2012

(unbonded) Water Well Constructor Certification
I certify that the work I performed on the construction, deepening, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported are true to the best of my knowledge and belief.

License Number Date
Password: (if filing electronically)
Signed

(bonded) Water Well Constructor Certification
I accept responsibility for the construction, deepening, alteration, or abandonment of work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

License Number 1934 Date 04-27-2012
Password: (if filing electronically)
Signed
Contact Info (optional)

UNIO 52347

WATER SUPPLY WELL REPORT -
continuation page

WELL I.D. # L 96339

START CARD # 1016183

(5) BORE HOLE CONSTRUCTION

BORE HOLE			SEAL				sacks/ lbs
Dia	From	To	Material	From	To	Amt	

FILTER PACK

From	To	Material	Size

(6) CASING/LINER

Casing	Liner	Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd

(7) PERFORATIONS/SCREENS

Per/S creen	Casing/ Liner	Screen Dia	+	From	To	Scrn/slot width	Slot length	# of slots	Tele/ pipe size

(8) WELL TESTS: Minimum testing time is 1 hour

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)

Water Quality Concerns

From	To	Description	Amount	Units

(10) STATIC WATER LEVEL

Water Bearing Zones

SWL Date	From	To	Est Flow	SWL(psi)	+ SWL(ft)

(11) WELL LOG

Material	From	To
grey & black very hard basalt fractured	476	479
red & black med. basalt porous	479	507
grey very hard basalt & little blue claystone	507	526
grey hard basalt & grey clay	526	537
black & red vis. med basalt & blue claystone	537	540
grey hard fractured basalt & grey blue claystone	540	549
black & grey fractured basalt & blue clay	549	555
brown porous basalt & light green claystone	555	556
grey very hard basalt	556	560
black & grey vis. soft basalt & little green claystone	560	565
blue green sticky clay soft	565	570
black vis. basalt & greenish blue claystone	570	573
black brown weathered broken rock soft	573	578
black grey weathered broken & blueish claystone	578	583
grey basalt hard & blue green claystone	583	599
brown vis. soft basalt & yellow claystone	599	602
red vis. soft basalt white seams & yellow claystone	602	605
black brown grey fractured vis. soft basalt	605	609
red vis. soft basalt	609	614
red and black fractured basalt & blue claystone	614	627
grey black brown fractured basalt	627	665
black grey vis. soft basalt	665	673
grey clay going to greenish grey clay soft	673	675
black soft scorcia	675	679
rotton black rock & tan clay	679	681
tan & brown claystone going into sand stone	681	691
black broken vis. basalt & blue claystone	691	718
black soft scorcia	718	722
brown sticky clay	722	731

Comments/Remarks

course brown sand	731-734
black scorcia broken soft black basalt	734-736
sandy blue clay & fue black rocks	736-746
sticky grey clay	746-748
blue claystone & blue sticky clay	748-753
blue clay caving & weathered brown grey hard rock	753-764

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JUN 06 2012

RECEIVED

MAY 18 2012

WATER RESOURCES DEPT
SALEM, OREGON

WATER RESOURCES DEPT
SALEM, OREGON

UNIO 52347

WATER SUPPLY WELL REPORT -
continuation page

WELL I.D. # L 96339

START CARD # 1016183

(5) BORE HOLE CONSTRUCTION

BORE HOLE			SEAL					sacks/ lbs
Dia	From	To	Material	From	To	Amt		

FILTER PACK

From	To	Material	Size

(6) CASING/LINER

Casing	Liner	Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd

(7) PERFORATIONS/SCREENS

Perf/S creen	Casing/ Liner	Screen Dia	From	To	Scm/slot width	Slot length	# of slots	Tele/ pipe size

(8) WELL TESTS: Minimum testing time is 1 hour

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)

Water Quality Concerns

From	To	Description	Amount	Units

(10) STATIC WATER LEVEL

Water Bearing Zones

SWL Date	From	To	Est Flow	SWL(psi)	+ SWL(ft)

(11) WELL LOG

Material	From	To
grey& black very hard basalt fractured	476	479
red& black med. basalt porous	479	507
grey very hard basalt& little blue claystone	507	526
grey hard basalt& grey clay	526	537
black& red vis. med basalt& blue claystone	537	540
grey hard fractured basalt& grey blue claystone	540	549
black& grey fractured basalt& blue clay	549	555
brown porous basalt& light green claystone	555	556
grey very hard basalt	556	560
black& grey vis. soft basalt& little green claystone	560	565
blue green sticky clay soft	565	570
black vis basalt& greenish blue claystone	570	573
black brown weathered broken rock soft	573	578
black grey weathered broken & blueish claystone	578	583
grey basalt hard& blue green claystone	583	599
brown vis. soft basalt& yellow claystone	599	602
red vis. soft basalt white seams& yellow claystone	602	605
black brown grey fractured vis. soft basalt	605	609
red vis. soft basalt	609	614
red and black fractured basalt& blue claystone	614	627
grey black brown fractured basalt	627	665
black grey vis. soft basalt	665	673
grey clay going to greenish grey clay soft	673	675
black soft scoria	675	679
rotton black rock& tan clay	679	681
tan& brown claystone going into sand stone	681	691
black broken vis. basalt& blue claystone	691	718
black soft scoria	718	722
brown sticky clay	722	731

Comments/Remarks

course brown sand	731-734
black scoria broken soft black basalt	734-736
sandy blue clay& fue black rocks	736-746
sticky grey clay	746-748
blue claystone& blue sticky clay	748-753
blue clay caving & weathered brown grey hard rock	753-764

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MAY 18 2012

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MAR 19 2025

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WATER RESOURCES DEPT
SALEM, OREGON



Oregon

Tina Kotek, 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.oregon.gov/owrd

December 19, 2024

GSI Water Solutions, Inc.
Attn: Kimberly Grigsby
1600 SW Western Blvd. Suite 240
Corvallis, OR 97333

Reference: Application G-16902, Permit G-17645

The partial assignment from Heffernan Family Trust to Green Bravo II, LLC has been recorded in the records of the Water Resources Department.

The Departments records will now show Heffernan Family Trust, and Green Bravo II, LLC as the permit holder of record.

Our records have been changed accordingly and the original request is enclosed. Receipt number 144405 covering the recording fee is also enclosed..

A permit is not a perfected water right, and has conditions and timelines that must be satisfied prior to a Certificate of Water Right being issued. Please review the permit to be familiar with the conditions and timelines contained in the permit.

Please note that this permit required complete application of water to the proposed use by October 1, 2023, and 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). As of this date, the claim of beneficial use has not been received by the Department. This places this permit at risk of cancelation proceedings being started.

Sincerely,

Mary F. Bjork
Water Rights Program Analyst
Water Right Services Division

Enclosure: Original Request and Receipt #144405

cc: Heffernan Family Trust; Christopher M. Heffernan – 63600 Viewpoint Lane, North Powder, OR 97867

Green Bravo II, LLC – One Embarcadero Center, Suite 3860, San Francisco, CA 94111
Data Center, OWRD (cover letter, request & map)
File

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # **144405**

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

INVOICE # _____

RECEIVED FROM: GSI
 BY: Water Solutions, Inc.

APPLICATION G-16702
 PERMIT _____
 TRANSFER _____

CASH: CHECK:# 27163 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 120.00

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 4611

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	\$ _____	\$ _____
0203 GROUND WATER	\$ _____	\$ _____
0205 TRANSFER	\$ _____	\$ _____

WELL CONSTRUCTION

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

0250 OTHER (IDENTIFY) Assignment \$ 120.00

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: **144405**

DATED: 12-16-24 BY: [Signature]

Invoice Number	Date	Voucher	Amount	Discounts	Previous Pay	Net Amount
G-17645	12/22/2024	0025048	120.00			120.00
Oregon Water Resources Department						
Beneficial Checking	13	00275	TOTAL			120.00

GSI WATER SOLUTIONS INC

Check Date: 12/14/2024

Received
DEC 16 2024
OWRD

027163

Request for Assignment



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1266
 (503) 986-0900
www.oregon.gov/owrd

If the Department determines that the application is incomplete, fees have not been paid, or the required documents are not acceptable, the application and all fees submitted will be returned to the applicant.

If for multiple rights, a separate form and fee for each right will be required.

I, Christopher M. Heffernan, Trustee Heffernan Family Trust

(Name of Current Holder of Record)

63600 Viewpoint Lane North Powder, Oregon 97867 541-786-2257

(Mailing Address)

(City) (State) (Zip) (Phone #)

- hereby assign all my interest in and to the entire application/permit/transfer order/limited license/groundwater statement; (example, sold all the land authorized under the right)
- hereby assign all my interest in and to a portion of application/permit/transfer order/limited license/groundwater statement; (*You must include a map showing the portion of the application/permit/transfer order/limited license/groundwater statement to be assigned.* Example, sold a portion of the land authorized under the right)
- hereby assign a portion of my interest in and to the entire application/permit/transfer order/limited license/groundwater statement; (example, adding an additional person)

Application # G-16902; Permit # G-17645; Transfer Order # _____;

Limited License # _____; Groundwater Statement # _____;

as filed in the office of the Water Resources Director, to:

Green Bravo II, LLC

(Name of New Owner)

One Embarcadero Center, Suite 3860, San Francisco, CA 94111 208-908-3848

(Mailing Address)

(City) (State) (Zip) (Phone #)

Note: If there are other owners of the property described in the application, permit, transfer order, limited license, or groundwater statement, you must provide a list of all other owners' names and mailing addresses and attach it to this form. Write the initials (first letters) of your first and last names at the spot indicated below.

CH I hereby certify that I have notified all other owners of the property described in this application, permit, transfer order, limited license, or groundwater statement of this Request of Assignment.

Witness my hand this 25th day of November, 2024.
 (Day) (Month) (Year)

Signature of Current Holder of Record Christopher M Heffernan TTE

Failure to provide any of the required information will result in the return of your application.

This certifies assignment and record change at Oregon Water Resources Department effective 8:00 a.m. on date of receipt at Salem, Oregon.

Fee receipt # 144405

For Director by Mary F. Bjork, Program Analyst in Water Rights Division. MFB

The completed "Request for Assignment" form *must* be submitted to the Department along with the recording fee of \$120.

Part Assign - Approve
 MFB 12-19-2024

UNIO 52347

STATE OF OREGON
WATER SUPPLY WELL REPORT
 (as required by ORS 537.765 & OAR 690-205-0210)

WELL LABEL # L 96339
 START CARD # 1016183

(1) LAND OWNER Owner Well I.D. Rock 1
 First Name _____ Last Name _____
 Company Heffernan Family Trust
 Address 706 B Ave
 City LaGrande State or _____ Zip 97850

(2) TYPE OF WORK New Well Deepening Conversion
 Alteration (repair/recondition) Abandonment

(3) DRILL METHOD
 Rotary Air Rotary Mud Cable Auger Cable Mud
 Reverse Rotary Other _____

(4) PROPOSED USE Domestic Irrigation Community
 Industrial/ Commercial Livestock Dewatering
 Thermal Injection Other _____

(5) BORE HOLE CONSTRUCTION Special Standard Attach copy)
 Depth of Completed Well 757 ft.

BORE HOLE			SEAL				sacks/ Amt	lbs
Dia	From	To	Material	From	To			
20	0	230	Cement	5	230	200	S	
15	230	310	Bentonite Chips	0	5	20	S	
14.75	310	750						
12.25	750	764						

How was seal placed: Method A B C D E
 Other bent chips
 Backfill placed from _____ ft. to _____ ft. Material _____
 Filter pack from _____ ft. to _____ ft. Material _____ Size _____
 Explosives used: Yes Type _____ Amount _____

(6) CASING/LINER

Casing Liner	Dia	From	To	Gauge	Stl	Pstc	Wld	Thrd
<input checked="" type="checkbox"/>	16	3	230	.375	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<input type="checkbox"/>					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Shoe Inside Outside Other Location of shoe(s) _____
 Temp casing Yes Dia _____ From _____ To _____

(7) PERFORATIONS/SCREENS

Perf/S creen	Casing/ Liner	Screen Dia	From	To	Scrn/slot width	Slot length	# of slots	Tele/ pipe size

(8) WELL TESTS: Minimum testing time is 1 hour

Pump Bailer Air Flowing Artesian

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)
4,400	10		1
6,000		310	4

Temperature 51 °F Lab analysis Yes By _____
 Water quality concerns? Yes (describe below)

From	To	Description	Amount	Units

(9) LOCATION OF WELL (legal description)
 County UNION Twp 5 S N/S Range 39 E E/W WM
 Sec 27 NW 1/4 of the SW 1/4 Tax Lot 3200
 Tax Map Number _____ Lot _____
 Lat _____ " or _____ DMS or DD
 Long _____ " or _____ DMS or DD
 Street address of well Nearest address
63600 View Point Lane North Powder OR. 97867

(10) STATIC WATER LEVEL

	Date	SWL(psi)	+ SWL(ft)
Existing Well / Predeepening	04-11-2012	1	<input checked="" type="checkbox"/> 2.3
Completed Well	04-20-2012	1	<input checked="" type="checkbox"/> 2.3

Flowing Artesian? Dry Hole?

WATER BEARING ZONES Depth water was first found

SWL Date	From	To	Est Flow	SWL(psi)	+ SWL(ft)
04-11-2012	337	341	6,000	1	
04-11-2012	389	410	6,000	1	
04-11-2012	422	476	6,000	1	
04-12-2012	537	556	6,000	1	
04-14-2012	563	757	6,000	1	

(11) WELL LOG Ground Elevation _____

Material	From	To
black & red vic. rock med-soft	313	316
grey & black basalt hard, little blue claystone	316	337
red vic. soft	337	340
brown & black med. basalt	340	341
brown & grey hard basalt	341	354
blue claystone soft	354	362
grey hard basalt & blue claystone	362	373
broken brown med. basalt & blue claystone	373	389
red & black vic. broken basalt	389	398
brown soft basalt, porous	398	405
red vic. soft basalt & blue-green claystone	405	410
grey & brown hard basalt	410	416
grey & brown hard basalt & blue claystone	416	422
brown vic. med basalt & blue claystone	422	428
grey & red vic. soft basalt & blue claystone	428	431
black & brown vic. soft basalt & blue claystone	431	436
black vic. fractured soft basalt & blue claystone	436	452
black & brown vic. soft basalt & blue claystone	452	464
black & grey vic. soft basalt/ brown seams	464	476

Date Started 04-11-2012 Completed 04-20-2012

(unbonded) Water Well Constructor Certification
 I certify that the work I performed on the construction, deepening, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported are true to the best of my knowledge and belief.

License Number _____ Date _____
 Password: (if filing electronically) _____
 Signed _____

(bonded) Water Well Constructor Certification
 I accept responsibility for the construction, deepening, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

License Number 1934 Date 04-27-2012
 Password: (if filing electronically) _____
 Signed _____
 Contact Info (optional) _____

RECEIVED

MAY 18 2012

WATER RESOURCES DEPT
SALEM, OREGON

Received

MAR 19 2025

OWRD



December 13, 2024

Oregon Water Resources Department
Attention: Mary Bjork
725 Summer Street NE, Suite A
Salem, OR 97301

RE: Request for Assignment of Permit G-17645

Dear Mary:

GSI Water Solutions, Inc. (GSI), is providing the attached request for a partial assignment of Permit G-17645, and the required fee of \$120.00. The request is to assign an 866.4-acre portion of Permit G-17645 to Green Bravo II, LLC. Please find the assignment form, associated map and required fee of \$120 enclosed.

The permit holder is providing notice to the additional owner of property included in the authorized place of use for Permit G-17645 (Ward Agricultural Properties, LTD) concurrently with filing this request for assignment. The address for Ward Agricultural Properties, LTD is enclosed.

Please contact me if you have any questions regarding this request.

Sincerely,
GSI Water Solutions, Inc.

A handwritten signature in blue ink that reads "Kimberly Grigsby".

Kimberly Grigsby
Principal Water Resources Consultant

Enclosures: Request for Assignment
map
name and address of additional landowner
check for \$120

Received
DEC 16 2024
OWRD

Landowner of 33-acre portion of the place of use for Permit G-17645 (NE NW, Section 27,
Township 5 South Range 39 East, W.M.)

Ward Agricultural Properties
19271 Hughes Ln
Baker City, OR 97814

Received
DEC 16 2024
OWRD



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

May 7, 2019

Heffernan Family Trust; Chis Heffernan
63600 Viewpoint Lane
North Powder, OR 97867

REFERENCE: Application G-16902 / Permit G-17645

Dear Permit Holder:

The Water Right Services Division received your written October 1, 2018 progress report for Permit G-17645 on March 19, 2019. Receipt of the progress report was published on the Department's weekly Public Notice, dated March 26, 2019. The Department did not receive any public comment on the progress report.

After reviewing your Progress Report, the Department determined that diligence toward completion of the project and compliance with the terms and conditions of the permit and extension has been demonstrated.

As per your most recent extension, the date by which water must be applied to full beneficial use within the terms and conditions of your permit is October 1, 2023.

If you have any questions, please feel free to contact me by telephone at (503) 986-0802.

Sincerely,

Jeffrey D. Pierceall

Extensions

Water Right Services Division

Enclosure

cc: Application G-16902
Watermaster District 8 – Rick Lusk



Route Slip.....Extension of Time Progress Report

1. Extension Specialist: Progress Report Review

Date Report was Due: October 1, 2018 (= "Deadline Date" for the corresponding ECP work flow record in WRIS)

Date Report Received: March 19, 2019

Report Complete: YES

NO – Send letter requesting missing information.

letter mailed on: May 7, 2019

2. Support Staff: Publish on the Department's Public Notice

315 320 OAR Division under which Progress Report was required

Publish on Public Notice Date: 3/26/2019

Update workflow in WRIS

(Fill in Extension Checkpoint 'Completed Date' in appropriate "ECP" work flow record and

add record for Checkpoint Public Notice ("EPR" or "EP2")

Return file to Jeffrey Pierceall

3. Extension Specialist: Prepare Progress Report Confirmation Letter

See progress report procedures.doc

(date / mail out after 30 day comment period)

Date Confirmation Letter Needed: May 7, 2019

Update Progress Report Worksheet.xls

Send to permit holder + anyone who made comments after 30 day public notice
CC: Watermaster _____

File _____

PUBLIC NOTICE INFORMATION

Permit Holder's Name: Heffernan Family Trust; Chis Heffernan . Attn:

Application: G-16902

Permit: G-17645

County: Union

Source: Well 1, Well 2, Well 3, Well 4, and Well 5, in Clover Creek Basin

Use: irrigation use on 1,191.0 acres



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

Extension of Time Progress Report Form For Checkpoints

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: Heffernan Family Trust; Chris Heffernan
 Application G-16902

Permit G-16421

Report Due no later than October 1, 2018

DO NOT SUBMIT PRIOR TO 30 DAYS BEFORE DUE DATE

REC

MAR 2

OWR

Progress Report Form for 2018

As authorized in ORS 690-315-0050(6), this progress report is required in order to ensure diligence is exercised in the development and
 perfections of Permit G-16421. FAILURE TO SUBMIT THIS REPORT WILL MOST LIKELY RESULT IN ANY FUTURE EXTENSION
 BEING DENIED.

DATE	WORK ACCOMPLISHED and FINANCIAL INVESTMENTS	FINANCIAL
4-2013	Installed new pivot and developed 50 acres for irrigation	\$ 79,496.45
7-2014	Submitted POU permit amendment (T-11855) approved 12-2014	
5-2015	Purchased and installed 1/2 mile buried mainline Developed 19 acres for irrigation	\$ 8,147.08
2-2016	Submitted POU permit amendment (T-12295) approved 9-2016	
5-2016	Purchased and installed end gun to pivot Developed 35 acres for irrigation	\$ 6,762.25

2. Compliance with terms and conditions of the permit and/or previous extension.
 Static water level measurements are done in March of each year (2013-2018). Measurements submitted to OWRD.
 Water use recorded on well annually and submitted to OWRD (2013-2018)

3. Total number of acres irrigated to date = 670 (if applicable)

4. Provide the maximum rate, or duty if applicable, of water diverted for beneficial use under this permit, if any, made to date.

Maximum rate used to date = 8.3 cfs (cubic feet per second), or

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

Acre Feet stored to date = _____ AF

Report the rate in the same units of measurement as specified in the permit, being cfs (cubic feet per second), gpm (gallons per minute) or AF (acre-feet). Do not provide daily, monthly or annual water volume totals.

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

Signature Heffernan Family Trust by Donna Heffernan, TTE Date 3-18-19

For OWRD use only

Diligence Shown Yes No

Date Public Noticed: _____

Reviewed by: _____

Date: _____



Oregon

Kate Brown, Governor

Ar 16902

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.Oregon.gov/OWRD

December 20, 2018

HEFFERNAN FAMILY TRUST
CHRIS HEFFERNAN, PRESIDENT
63600 VIEWPOINT LANE
NORTH POWDER, OR 97867

Reference: Transfer Application T-12593

The above referenced transfer application was withdrawn from the record of the Water Resources Department on December 20, 2018, by Special Order Volume 112, Page 112 (copy enclosed).

The transfer application is no further force or effect.

If you have any questions related to the withdrawal of this transfer, you may contact your caseworker, Arla Davis, by telephone at (503) 986-0806 or by e-mail at Arla.L.Davis@oregon.gov.

Sincerely,

Stacy H. Phillips
Water Right Services Support
Transfers and Conservation Section

cc: Rick M. Lusk, Watermaster Dist. # 8 (via email)
Gregory T. Blackman, Agent
Union County

Enclosure



**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Permit Amendment)
T-12295, Union County) FINAL ORDER
) APPROVING A CHANGE IN PLACE
) OF USE

Authority

Oregon Revised Statute (ORS) 537.211 establishes the process in which a water right permit holder may submit a request to change the point of appropriation and/or place of use authorized under an existing water right permit.

Applicant

HEFFERNAN FAMILY TRUST
63600 VIEWPOINT LANE
NORTH POWDER, OR 97867

Findings of Fact

1. On March 4, 2016, filed an application to change in place of use under Permit G-17327. The Department assigned the application number T-12295.
2. On March 28, 2014, the Department approved an extension of time for complete application of water to October 1, 2023.
3. Notice of the application for the permit amendment was published in the Department's weekly notice on March 15, 2016, pursuant to ORS 540.520(5). No comments were filed in response to the notice.
4. Permit Amendment Application T-12295 proposes to change the place of use of the permit to:

Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	39 E	WM	25	NE SW	35.0
5 S	39 E	WM	25	NW SW	35.0
5 S	39 E	WM	25	SW SW	35.0
5 S	39 E	WM	25	SE SW	34.0
5 S	39 E	WM	26	NE NE	11.0
5 S	39 E	WM	26	SE NE	23.0
5 S	39 E	WM	26	SW SW	40.0
5 S	39 E	WM	26	SE SW	40.0
5 S	39 E	WM	26	NE SE	9.0
5 S	39 E	WM	26	SW SE	20.0

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 and OAR 690-01-0005 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.

Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	39 E	WM	27	NE NE	39.0
5 S	39 E	WM	27	NW NE	40.0
5 S	39 E	WM	27	SW NE	40.0
5 S	39 E	WM	27	SE NE	40.0
5 S	39 E	WM	27	NE NW	33.0
5 S	39 E	WM	27	SW NW	40.0
5 S	39 E	WM	27	SE NW	40.0
5 S	39 E	WM	27	NE SW	40.0
5 S	39 E	WM	27	NW SW	40.0
5 S	39 E	WM	27	SW SW	40.0
5 S	39 E	WM	27	SE SW	40.0
5 S	39 E	WM	27	NE SE	39.0
5 S	39 E	WM	27	NW SE	40.0
5 S	39 E	WM	27	SW SE	40.0
5 S	39 E	WM	27	SE SE	38.0
5 S	39 E	WM	28	NE NE	40.0
5 S	39 E	WM	28	NW NE	40.0
5 S	39 E	WM	28	SW NE	40.0
5 S	39 E	WM	28	SE NE	40.0
5 S	39 E	WM	28	NE SE	40.0
5 S	39 E	WM	28	NW SE	40.0
5 S	39 E	WM	28	SW SE	40.0
5 S	39 E	WM	28	SE SE	40.0

Permit Amendment Review Criteria

5. The change would not result in injury to other water rights.
6. The proposed place of use is owned and/or controlled by the permit holder.
7. The change does not enlarge the permit.
8. The change does not alter any other terms of the permit.
9. The proposed place of use is contiguous to the authorized place of use.

Conclusions of Law

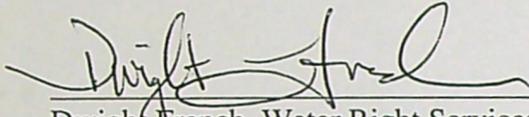
The change in place of use proposed by Permit Amendment Application T-12295 is consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

1. The change in place of use proposed by Permit Amendment Application T-12295 is approved.
2. Permit G-17645, in the name of Heffernan Family Trust, is issued to replace Permit G-17327, and incorporates the amendments approved by this order and the extension of time. Permit G-17327, in the name of Heffernan Family Trust, is no longer of any force or effect.

3. Water use measurement conditions:
 - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device at each point of appropriation (new and existing) or at each new point of appropriation.
 - b. The water user shall maintain the meter(s) or measuring device(s) in good working order.
 - c. The water user shall allow the Watermaster access to the meter(s) or measuring device(s); provided however, where the meter(s) or measuring device(s) is/are located within a private structure, the Watermaster shall request access upon reasonable notice.
4. The former place of use shall no longer be irrigated as part of this permit.
5. All other terms and conditions of Permit G-17327 remain the same.

Dated at Salem, Oregon this 12th day of September, 2016.



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

Mailing Date: SEP 15 2016

Oregon Water Resources Department
Water Right Services Division

Water Rights Application
Number G-16902

Final Order
Extension of Time for Permit Number G-16421
Permit Holder: Heffernan Family Trust; Chris Heffernan

Permit Information

Application File G-16902 Permit G-16421

Basin: 9 – Powder / Watermaster District 8

Date of Priority: July 2, 2007

Authorized Use of Water

Source of Water: Wells 1, 2, 3, 4, & 5 within the Clover Creek Basin

Purpose of Use: Irrigation of 1191.0 Acres

Maximum Rate: 14.9 cfs Cubic Feet per Second (cfs)

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

Appeal Rights

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

Application History

Permit G-16421 was issued by the Department on December 18, 2008. The permit called for completion of construction by October 1, 2013 and complete application of water to beneficial use by October 1, 2013. On August 26, 2013, the Heffernan Family Trust; Chris Heffernan submitted to the Department an Application for Extension of Time for Permit G-16421. In accordance with OAR 690-315-0050(2), on January 28, 2014, the Department issued a Proposed Final Order proposing to extend the time to complete construction to 2023 and the time to fully apply water to beneficial use to October 1, 2023. The protest period closed March 14, 2014, in accordance with OAR 690-315-0060(1). No protest was filed.

Findings of Fact

The Department adopts and incorporates by reference the findings of fact in the Proposed Final Order dated January 28, 2014.

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

CONDITIONS

1. Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2018**. *A form will be enclosed with your Final Order.*

- (a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;
- (b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

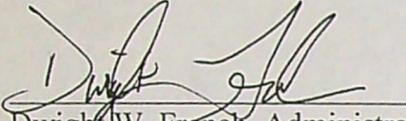
CONCLUSION OF LAW

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

Order

The extension of time for Application G-16902, Permit G-16421, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended to from October 1, 2013 to October 1, 2023. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2013 to October 1, 2023.

DATED: March 28, 2014



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

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



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

Extension of Time Progress Report Form For Checkpoints

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: Heffernan Family Trust; Chris Heffernan
 Application G-16902

Permit G-16421

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

Progress Report Form for 2018

As authorized in ORS 690-315-0050(6), this progress report is required in order to ensure diligence is exercised in the development and
 perfections of Permit G-16421. FAILURE TO SUBMIT THIS REPORT WILL MOST LIKELY RESULT IN ANY FUTURE EXTENSION
 BEING DENIED.

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

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

3. Total number of acres irrigated to date= _____ (if applicable)

4. Provide the maximum rate, or duty if applicable, of water diverted for beneficial use under this permit, if any, made to date.

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

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

Acre Feet stored to date = _____ AF

Report the rate in the same units of measurement as specified in the permit, being cfs (cubic feet per second), gpm (gallons per minute) or AF (acre-feet). Do not provide daily, monthly or annual water volume totals.

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

Signature _____ Date _____

For OWRD use only

Diligence Shown Yes No

Date Public Noticed: _____

Reviewed by: _____

Date: _____

Mailing List for Extension FO Copies

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

FO Date: March 28, 2014

Copies Mailed

**Application G-16902
Permit G-16421**

By: BLW
On: 4/1/2014

Original mailed to permit holder

Heffernan Family Trust; Chris Heffernan
63600 Viewpoint Lane
North Powder, OR 97867

Copies sent to:

1. WRD - App. File G-16902/ Permit G-16421
2. Molly Reid, GSI Water Solutions, 8019 W. Quinault Ave, Suite 201, Kennewick, WA 99336

Fee paid as specified under ORS 536.050 to receive copy:

3. None

Receiving notification via e-mail - FO available in WRIS for review

(DONE BY EXTENSION SPECIALIST)

4. WRD - Watermaster District 8, Rick Lusk ✓
**NOTE: Send to Tony Justus only, if denied. Other WMs do not require notifications (7/2014), unless otherwise requested.*
5. WRD - E Regional Manager, Jason Spriet
**NOTE: Send FO's Region Managers ONLY if denied.*

If Progress Reports are included:

(DONE BY EXTENSION SPECIALIST)

Add record to Progress Report tracking sheet.xls Done: by ALR Date 3-28-14

CASEWORKER: ALR



Oregon

John A. Kitzhaber, MD, Governor

G 16016902

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

December 15, 2014

HEFFERNAN FAMILY TRUST
CHRIS HEFFERNAN
63600 VIEWPOINT LANE
NORTH POWDER, OR 97867

REFERENCE: Permit Amendment Application T-11855

Enclosed is a copy of the order approving your Permit Amendment application.

Also enclosed is a superseding permit that incorporates the amendments approved by the final order contained herein. Please read this document and abide by the requirements.

If you have any questions related to the approval of this permit amendment, you may contact your caseworker by telephone at (503) 986-0858 or by e-mail at Susan.M.Douthit@ wrd.state.or.us

Sincerely,

Codi Holmes

Codi Holmes
Water Rights Services Support
Transfer and Conservation Section

cc: Eastern Region H. Wm Dist 07, Watermaster Dist. # 7 (via email)
Molly Reid, Agent
Powder Valley Water Control District

Enclosure



**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Permit Amendment) FINAL ORDER
T-11855, Union County) APPROVING A CHANGE
) IN PLACE OF USE

Authority

ORS 537.211 establishes the process in which a water right permit holder may submit a request to change the point of appropriation and/or place of use authorized under an existing water right permit.

Applicant

HEFFERNAN FAMILY TRUST
CHRIS HEFFERNAN, PRESIDENT
63600 VIEWPOINT LANE
NORTH POWDER, OR 97867

Findings of Fact

1. On July 2, 2014, the HEFFERNAN FAMILY TRUST, CHRIS HEFFERNAN, PRESIDENT, filed an application for a change in place of use under Permits G-16386 and G-17093. The Department assigned the application number T-11855.
2. Notice of the application for the permit amendment was published in the Department's weekly notice on JULY 8, 2014, pursuant to ORS 540.520(5). No comments were filed in response to the notice.
3. On March 28, 2014, the Department approved an extension of time for complete application of water to October 1, 2022, for Permit G-16386.
4. On October 16, 2014, the Department contacted the applicant's agent by email to notify them of a deficiency in the application. The deficiency being that there is an additional permit, G-16421, layered on the "from" land. The Department requested that the deficiency be resolved by November 21, 2014.
5. On November 20, 2014, the applicant's agent submitted amended and additional application pages and a map adding a change in place of use under Permit G-16421 to Permit Amendment Application T-11855.

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 137-004-080 and OAR 690-01-005 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.

6. On March 28, 2014, the Department approved an extension of time for complete application of water to October 1, 2023, for Permit G-16421.
7. Permit Amendment Application T-11855 proposes to change the place of use of Permit G-16386 to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	39 E	WM	34	NE NE	22.5
5 S	39 E	WM	34	NW NE	40.0
5 S	39 E	WM	34	SW NE	40.0
5 S	39 E	WM	34	SE NE	40.0
5 S	39 E	WM	34	NE NW	22.3
5 S	39 E	WM	34	NW NW	15.7
5 S	39 E	WM	34	SW NW	39.7
5 S	39 E	WM	34	SE NW	40.0
5 S	39 E	WM	34	NE SW	22.2
5 S	39 E	WM	34	NW SW	35.0
5 S	39 E	WM	34	SW SW	19.4
5 S	39 E	WM	34	NE SE	23.2
5 S	39 E	WM	34	NW SE	40.0
Total:					400.0

8. Permit Amendment Application T-11855 proposes to change the place of use of Permit G-16421 to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	39 E	WM	25	NE SW	35.0
5 S	39 E	WM	25	NW SW	35.0
5 S	39 E	WM	25	SW SW	35.0
5 S	39 E	WM	25	SE SW	34.0
5 S	39 E	WM	26	NE NE	11.0
5 S	39 E	WM	26	SE NE	23.0
5 S	39 E	WM	26	SW SW	40.0
5 S	39 E	WM	26	SE SW	40.0
5 S	39 E	WM	26	NE SE	9.0
5 S	39 E	WM	26	SW SE	40.0
5 S	39 E	WM	26	SE SE	15.0
5 S	39 E	WM	27	NE NE	39.0
5 S	39 E	WM	27	NW NE	38.0
5 S	39 E	WM	27	SW NE	40.0
5 S	39 E	WM	27	SE NE	40.0
5 S	39 E	WM	27	SW NW	40.0
5 S	39 E	WM	27	SE NW	40.0
5 S	39 E	WM	27	NE SW	40.0
5 S	39 E	WM	27	NW SW	40.0
5 S	39 E	WM	27	SW SW	40.0
5 S	39 E	WM	27	SE SW	40.0
5 S	39 E	WM	27	NE SE	39.0
5 S	39 E	WM	27	NW SE	40.0
5 S	39 E	WM	27	SW SE	40.0

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	39 E	WM	27	SE SE	38.0
5 S	39 E	WM	28	NE NE	40.0
5 S	39 E	WM	28	NW NE	40.0
5 S	39 E	WM	28	SW NE	40.0
5 S	39 E	WM	28	SE NE	40.0
5 S	39 E	WM	28	NE SE	40.0
5 S	39 E	WM	28	NW SE	40.0
5 S	39 E	WM	28	SW SE	40.0
5 S	39 E	WM	28	SE SE	40.0
Total:					1191.0

9. Permit Amendment Application T-11855 proposes to change the place of use of Permit G-17093 to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	39 E	WM	34	NE NE	22.5
5 S	39 E	WM	34	NW NE	40.0
5 S	39 E	WM	34	SW NE	40.0
5 S	39 E	WM	34	SE NE	40.0
5 S	39 E	WM	34	NE NW	22.3
5 S	39 E	WM	34	NW NW	15.7
5 S	39 E	WM	34	SW NW	39.7
5 S	39 E	WM	34	SE NW	40.0
5 S	39 E	WM	34	NE SW	22.2
5 S	39 E	WM	34	NW SW	35.0
5 S	39 E	WM	34	SW SW	19.4
5 S	39 E	WM	34	NE SE	23.2
5 S	39 E	WM	34	NW SE	40.0
Total:					400.0

Permit Amendment Review Criteria

10. The change would not result in injury to other water rights.
11. The proposed place of use is owned and/or controlled by the permit holder.
12. The change does not enlarge the permits.
13. The change does not alter any other terms of the permit.
14. The proposed place of use is contiguous to the authorized place of use.

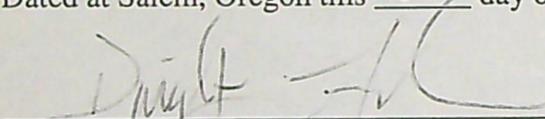
Conclusions of Law

The change in place of use proposed by Permit Amendment Application T-11855 is consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

1. The change in place of use proposed by Permit Amendment Application T-11855 is approved.
2. Permit G-17326, in the name of Heffernan Family Trust, is issued to replace Permit G-16386, and incorporates the amendments approved by this order and the extension of time. Permit G-16386, in the name of HEFFERMAN FAMILY TRUST, is no longer of any force or effect.
3. Permit G-17327, in the name of Heffernan Family Trust, is issued to replace Permit G-16421, and incorporates the amendments approved by this order and the extension of time. Permit G-16421, in the name of HEFFERMAN FAMILY TRUST, is no longer of any force or effect.
4. Permit G-17328, in the name of Heffernan Family Trust, is issued to replace Permit G-17093, and incorporates the amendments approved by this order. Permit G-17093, in the name of HEFFERMAN FAMILY TRUST, is no longer of any force or effect.
5. The former places of use shall no longer be irrigated as part of this permit.
6. All other terms and conditions of Permit G-17326, Permit G-17327, and Permit G-17328 remain the same.

Dated at Salem, Oregon this 5 day of December, 2014.



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

Mailing Date: DEC 16 2014

STATE OF OREGON

COUNTY OF UNION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

HEFFERNAN FAMILY TRUST
63600 VIEWPOINT LANE
NORTH POWDER, OR 97867

This superseding permit is issued to describe an amendment for a change in place of use proposed under Permit Amendment Application T-11855 and approved by Special Order Vol. 93, Page 921, entered December 5, 2014. This permit supersedes Permit G-17093.

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

APPLICATION FILE NUMBER: G-17127

SOURCE OF WATER: WELL 1 IN PEACH CREEK BASIN

PURPOSE OR USE: IRRIGATION TO MAKE UP A DEFICIENCY IN RATE ON 400.0 ACRES

MAXIMUM RATE/VOLUME: 2.77 CUBIC FEET PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: OCTOBER 22, 2008

WELL LOCATION:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	39 E	WM	34	NW SW	WELL 1: 2640 FEET SOUTH AND 25 FEET EAST FROM THE NW CORNER OF SECTION 34

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	39 E	WM	34	NE NE	22.5
5 S	39 E	WM	34	NW NE	40.0
5 S	39 E	WM	34	SW NE	40.0
5 S	39 E	WM	34	SE NE	40.0
5 S	39 E	WM	34	NE NW	22.3
5 S	39 E	WM	34	NW NW	15.7
5 S	39 E	WM	34	SW NW	39.7
5 S	39 E	WM	34	SE NW	40.0
5 S	39 E	WM	34	NE SW	22.2
5 S	39 E	WM	34	NW SW	35.0
5 S	39 E	WM	34	SW SW	19.4
5 S	39 E	WM	34	NE SE	23.2
5 S	39 E	WM	34	NW SE	40.0
Total:					400.0

Permit Amendment Conditions:

The former place of use shall no longer be irrigated as part of this permit.

Existing Permit Conditions:

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

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

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

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

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

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if any of the following events occur:

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

The period of restricted use shall continue until the water level rises above the decline level which triggered the action or the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or causing substantial interference with senior

water rights. The water user shall not allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

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

STANDARD CONDITIONS

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

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

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

The well(s) shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

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

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

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

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

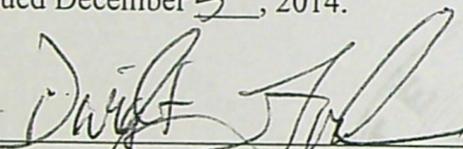
This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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

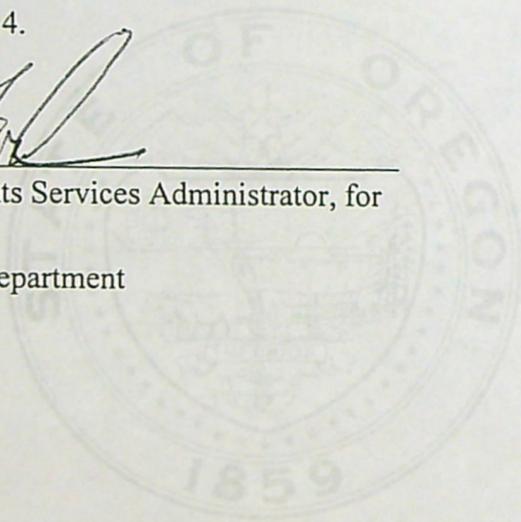
Completion of construction and application of the water shall be made by October 24, 2018. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.

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

Issued December 5, 2014.



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



STATE OF OREGON

COUNTY OF UNION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

HEFFERNAN FAMILY TRUST
63600 VIEWPOINT LANE
NORTH POWDER, OR 97867

This superseding permit is issued to describe an amendment for a change in place of use proposed under Permit Amendment Application T-11855 and approved by Special Order Vol. 93, Page 921, entered December 5, 2014, and to describe an extension of time for complete application of water approved March 28, 2014. This permit supersedes Permit G-16386.

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

APPLICATION FILE NUMBER: G-17035

SOURCE OF WATER: WELL 1, WELL 2 (UNIO 52017), AND WELL 3 IN PEACH CREEK BASIN

PURPOSE OR USE: IRRIGATION USE ON 400.0 ACRES

MAXIMUM RATE: 2.23 CUBIC FEET PER SECOND NOT TO EXCEED 600.0 ACRE FEET PER SEASON

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: APRIL 10, 2008

WELL LOCATIONS:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	39 E	WM	34	SW NW	WELL 1: 2640 FEET SOUTH AND 25 FEET EAST FROM THE NW CORNER OF SECTION 34
5 S	39 E	WM	34	NW NW	WELL 2 (UNIO 52017): 25 FEET SOUTH AND 25 FEET EAST FROM THE NW CORNER OF SECTION 34
5 S	39 E	WM	27	NW SW	WELL 3: 2254 FEET NORTH AND 60 FEET EAST FROM THE SW CORNER OF SECTION 27

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	39 E	WM	34	NE NE	22.5
5 S	39 E	WM	34	NW NE	40.0
5 S	39 E	WM	34	SW NE	40.0
5 S	39 E	WM	34	SE NE	40.0
5 S	39 E	WM	34	NE NW	22.3
5 S	39 E	WM	34	NW NW	15.7
5 S	39 E	WM	34	SW NW	39.7
5 S	39 E	WM	34	SE NW	40.0
5 S	39 E	WM	34	NE SW	22.2
5 S	39 E	WM	34	NW SW	35.0
5 S	39 E	WM	34	SW SW	19.4
5 S	39 E	WM	34	NE SE	23.2
5 S	39 E	WM	34	NW SE	40.0
Total:					400.0

Permit Amendment Conditions:

The former place of use shall no longer be irrigated as part of this permit.

Extension of Time Conditions:**Checkpoint Conditions**

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2018. A form will be enclosed with your Final Order.**

- (a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;
- (b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

Existing Permit Conditions:

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of appropriation. The permittee shall maintain the meter(s) in good working order. The permittee shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the Oregon Water Resources Department (OWRD) staff access to the meters and wells; provided however, where any meter or well is located within a private structure, OWRD staff shall request access upon reasonable notice.

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

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

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

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

- D. Certify the accuracy of all measurements and calculations reported to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if annual water-level measurements reveal a water-level decline of 10 or more feet.

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

Each well shall be continuously cased and continuously sealed to a minimum of 100 feet below land surface, or demonstrate that an alternate construction is equally protective of local surface water. The Department must approve in writing such alternate construction prior to use under this permit.

Shallow well, UNIO (52008), shall be maintained as an observation well and accessible to OWRD staff. Water use may be regulated if it is determined that the water level in UNIO (52008) is affected by ground water pumping under this permit.

The wells shall produce ground water only from the basin-fill deposits ground water reservoir.

STANDARD CONDITIONS

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

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may not be valid, unless the Department authorizes the change in writing.

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

The well(s) shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, Section 030 adopted November 13, 1991 shall be followed.

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

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

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

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

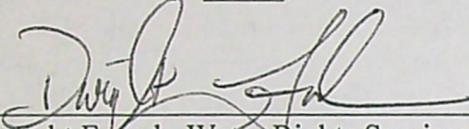
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water shall be limited when it interferes with any prior surface or ground water rights.

Completion of construction and complete application of the water to the use shall be made on or before October 1, 2022. 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 December 5, 2014.



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

STATE OF OREGON

COUNTY OF UNION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

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This superseding permit is issued to describe an amendment for a change in place of use proposed under Permit Amendment Application T-11855 and approved by Special Order Vol. 93, Page 921, entered December 5, 2014, and to describe an extension of time for complete application of water approved March 28, 2014. This permit supersedes Permit G-16421.

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

APPLICATION FILE NUMBER: G-16902

SOURCE OF WATER: WELL 1, WELL 2, WELL 3, WELL 4, AND WELL 5 IN CLOVER CREEK BASIN

PURPOSE OR USE: IRRIGATION USE ON 1191.0 ACRES

MAXIMUM RATE: 14.9 CUBIC FEET PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: JULY 2, 2007

WELL LOCATIONS:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	39 E	WM	34	SW NW	WELL 1: 2640 FEET SOUTH AND 25 FEET EAST FROM THE NW CORNER OF SECTION 34
5 S	39 E	WM	34	NW NW	WELL 2: 25 FEET SOUTH AND 25 FEET EAST FROM THE NW CORNER OF SECTION 34
5 S	39 E	WM	27	NW SW	WELL 3: 2254 FEET NORTH AND 60 FEET EAST FROM THE SW CORNER OF SECTION 27
5 S	39 E	WM	27	SW SE	WELL 4: 25 FEET NORTH AND 3300 FEET EAST FROM THE SW CORNER OF SECTION 27
5 S	39 E	WM	26	SW SW	WELL 5: 25 FEET NORTH AND 25 FEET EAST FROM THE SW CORNER OF SECTION 26

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 S	39 E	WM	25	NE SW	35.0
5 S	39 E	WM	25	NW SW	35.0
5 S	39 E	WM	25	SW SW	35.0
5 S	39 E	WM	25	SE SW	34.0
5 S	39 E	WM	26	NE NE	11.0
5 S	39 E	WM	26	SE NE	23.0
5 S	39 E	WM	26	SW SW	40.0
5 S	39 E	WM	26	SE SW	40.0
5 S	39 E	WM	26	NE SE	9.0
5 S	39 E	WM	26	SW SE	40.0
5 S	39 E	WM	26	SE SE	15.0
5 S	39 E	WM	27	NE NE	39.0
5 S	39 E	WM	27	NW NE	38.0
5 S	39 E	WM	27	SW NE	40.0
5 S	39 E	WM	27	SE NE	40.0
5 S	39 E	WM	27	SW NW	40.0
5 S	39 E	WM	27	SE NW	40.0
5 S	39 E	WM	27	NE SW	40.0
5 S	39 E	WM	27	NW SW	40.0
5 S	39 E	WM	27	SW SW	40.0
5 S	39 E	WM	27	SE SW	40.0
5 S	39 E	WM	27	NE SE	39.0
5 S	39 E	WM	27	NW SE	40.0
5 S	39 E	WM	27	SW SE	40.0
5 S	39 E	WM	27	SE SE	38.0
5 S	39 E	WM	28	NE NE	40.0
5 S	39 E	WM	28	NW NE	40.0
5 S	39 E	WM	28	SW NE	40.0
5 S	39 E	WM	28	SE NE	40.0
5 S	39 E	WM	28	NE SE	40.0
5 S	39 E	WM	28	NW SE	40.0
5 S	39 E	WM	28	SW SE	40.0
5 S	39 E	WM	28	SE SE	40.0
Total:					1191.0

Permit Amendment Conditions:

The former place of use shall no longer be irrigated as part of this permit.

Extension of Time Conditions:**Checkpoint Condition**

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2018**. *A form will be enclosed with your Final Order.*

- (a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;
- (b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

Existing Permit Conditions:

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

The wells shall produce ground water only from the basalt or other bedrock ground water reservoir.

The wells shall be fitted with dedicated measuring tubes to allow unobstructed access for water-level measurements.

The wells shall be cased and sealed in such a manner to develop a single basalt or other bedrock aquifer.

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

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

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

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

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if any of the following events occur:

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

The period of restricted use shall continue until the water level rises above the decline level which triggered the action or the Department determines, based on the permittee's and/or the Department's

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

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

STANDARD CONDITIONS

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

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may not be valid, unless the Department authorizes the change in writing.

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

The well(s) shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

If the riparian area is disturbed in the process of developing a point of appropriation, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, Section 030 adopted November 13, 1991 shall be followed.

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

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

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

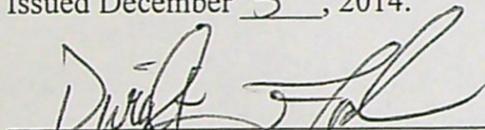
This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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

Completion of construction and complete application of the water to the use shall be made on or before October 1, 2023. 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 December 5, 2014.



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

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 G-16421, Water Right Application G-16902) PROPOSED FINAL ORDER
in the name of Heffernan Family Trust; Chris Heffernan)

Permit Information

Application File G-16902 Permit G-16421

Basin: 9 – Powder / Watermaster District 8

Date of Priority: July 2, 2007

Authorized Use of Water

Source of Water: Wells 1, 2, 3, 4, & 5 within the Clover Creek Basin

Purpose of Use: Irrigation of 1191.0 Acres

Maximum Rate: 14.9 cfs Cubic Feet per Second (cfs)

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

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

This Proposed Final Order applies only to Permit G-16421, water right Application G-16902.

Summary of Proposed Final Order for Extension of Time

The Department proposes to:

- Grant an extension of time for complete construction of the water system from October 1, 2013 to October 1, 2023.
- Grant an extension of time to apply water to full beneficial use from October 1, 2013 to October 1, 2023.
- Make the extension subject to certain conditions set forth below.

ACRONYM QUICK REFERENCE

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

Units of Measure

cfs – cubic feet per second
gpm – gallons per minute

AUTHORITY

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

ORS 537.630(1) provides in pertinent part that the Oregon Water Resources Department (Department) may, for good cause shown, order an extension of time within which: irrigation or other works shall be completed; the well or other means of developing and securing ground water shall be completed; or the right perfected. In determining the extension, the Department shall give due weight to the considerations described under ORS 539.010(5) and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right.

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

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

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

FINDINGS OF FACT

Background

1. Permit G-16421 was granted by the Department on December 18, 2008. The permit authorizes the use of up to 14.9 cfs of water from Wells 1, 2, 3, 4, & 5 within the Clover Creek Basin for irrigation of 1191.0 acres. The permit specified construction of the water system was to be completed by October 1, 2013, and complete application of water was to be made on or before October 1, 2013.
2. The permit holder submitted an "Application for Extension of Time" to the Department on August 26, 2013, requesting the time to complete construction of the water system and the time to apply water to full beneficial use under the terms and conditions of Permit G-16421 be extended from October 1, 2013 to October 1, 2023. This is the first permit extension requested for Permit G-16421.
3. Notification of the Application for Extension of Time for Permit G-16421 was published in the Department's Public Notice dated September 10, 2013. No public comments were received regarding the extension application.

Review Criteria [OAR 690-315-0040]

The time limits to complete construction and/or apply water to full beneficial use may be extended if the Department finds that the permit holder has met the requirements set forth under OAR 690-315-0040. This determination shall consider the applicable requirements of ORS 537.230¹, 537.248², 537.630³ and/or 539.010(5)⁴.

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

4. On August 26, 2013, the Department received a completed Application for Extension of Time 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. Senate Bill 300 (1999 legislation) eliminated the requirement that holders of new surface water and ground water permits start construction on water projects within one year after the Department issues the permit. Senate Bill 300 applies to any application for a permit filed after October 23, 1999, including this application.

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.

¹ORS 537.230 applies to surface water permits only.

²ORS 537.248 applies to reservoir permits only.

³ORS 537.630 applies to ground water permits only.

⁴ORS 539.010(5) applies to surface water and ground water permits.

6. As of August 26, 2013, the remaining work to be completed consists of completing construction of the water system including drilling four additional basalt wells, applying for a permit amendment to change the place of use and points of appropriation, and applying water to full beneficial use.
7. Given the amount of development left to occur, the Department has determined that the permit holder's request to have until October 1, 2023, to complete construction of the water system and to accomplish the application of water to beneficial use under the terms and conditions of Permit G-16421 is both reasonable and necessary.

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

The Department's determination of good cause shall consider the requirements set forth under OAR 690-315-0040(2).

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

The Department's determination of reasonable diligence shall consider the requirements set forth under OAR 690-315-0040(3)(a-d). In accordance with OAR 690-315-0040(3), the Department shall consider, but is not limited to, the following factors when determining whether the applicant has demonstrated reasonable diligence in previous performance under the permit:

Amount of Construction [OAR 690-315-0040(3)(a)]

8. Work was accomplished within the time allowed in the permit or previous extension as follows:
 - a. The following work was completed during the original development time frame under Permit G-16421:
 - Constructed Well 1;
 - Installed power at the well;
 - Installed a flow meter on the well;
 - Submitted annual static water levels to the Department;
 - Submitted water use records to the Department; and
 - Installed irrigation equipment.

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

9. The following beneficial use of water was made during the permit or previous extension time limits:
 - a. Since the issuance of Permit G-16421 on December 18, 2008, a maximum rate of 5.35 cfs of water has been appropriated from Well 1 for irrigation of 575.0 acres.

- Compliance with Conditions [OAR 690-315-0040(3)(c)]
10. The water right permit holder's conformance with the permit or previous extension conditions.
 - a. The Department has considered the permit holder's compliance with conditions, and did not identify any concerns.

- Financial Investments [OAR 690-315-0040(3)(d)]
11. Financial investments made toward developing the beneficial water use.
 - a. As of August 26, 2013, the permit holder has invested approximately \$486,981 which is approximately 39 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional \$753,000 investment is needed for the completion of this project.

Cost to Appropriate and Apply Water to a Beneficial Purpose [OAR 690-315-0040(2)(b)]

12. As of August 26, 2013, the permit holder has invested approximately \$486,981 which is approximately 39 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional \$753,000 investment is needed for the completion of this project.

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

13. The Department has found good faith of the appropriator under Permit G-16421.

The Market and Present Demands for Water [OAR 690-315-0040(2)(d-e)]

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

14. The amount of water available to satisfy other affected water rights and scenic waterway flows; special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d); or the habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife [OAR 690-315-0040(4)(a-c)].
 - a. The amount of water available to satisfy other affected water rights and scenic waterway flows was determined at the time of issuance of Permit G-16421; furthermore, water availability for other affected water rights and scenic waterway flows after the permit was issued is determined at such time that such application for a new water right is submitted. The points of appropriation for Permit G-16421, located within the Clover Creek Basin, are not located within a limited or critical ground water area. Clover Creek is not located within or above any state or federal scenic waterway, however it is located within an area ranked

“high” for stream flow restoration needs as determined by the Department in consultation with the Oregon Department of Fish and Wildlife, and is located within a Sensitive, Threatened or Endangered Fish Species Area as identified by the Department in consultation with Oregon Department of Fish and Wildlife. The points of appropriation are not in an area listed by the Department of Environmental Quality as a water quality limited stream.

15. Economic investment in the project to date [OAR 690-315-0040(4)(d)].
 - a. As of August 26, 2013, the permit holder has invested approximately \$486,981.
16. Other economic interests dependent on completion of the project [OAR 690-315-0040(4)(e)].
 - a. None have been identified.
17. Other factors relevant to the determination of the market and present demand for water and power [OAR 690-315-0040(4)(f)].
 - a. None have been identified.
18. OAR 690-315-0050(6) requires the Department to place a checkpoint condition on this extension of time in order to ensure diligence is exercised in the development and perfection of the water use permit. A “Checkpoint Condition” is specified under Item 1 of the “Conditions” section of this PFO to meet this condition.

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

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

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

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

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

21. Unforeseen events extended the length of time needed to fully develop and perfect Permit G-16421, in that the permit holders are developing two irrigation projects at the same time, and financial difficulties related to the country’s economic recession restricted their ability to drill all five wells and put the remaining acres into production by October 1, 2013.

CONCLUSIONS OF LAW

1. The applicant is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.630(1).

2. 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).
3. The applicant complied with begin actual construction timeline requirements pursuant to ORS 537.630 as required by OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).
4. Completion of construction and full application of water to beneficial use can be accomplished by October 1, 2023⁵, as required by OAR 690-315-0040(1)(c).
5. The Department has considered the reasonable diligence and good faith of the appropriator, the cost to appropriate and apply water to a beneficial purpose, the market and present demands for water to be supplied, the financial investment made and fair and reasonable return upon the investment, the requirements of other governmental agencies, and unforeseen events over which the permit holder had no control, whether denial of the extension will result in undue hardship to the applicant and whether there are no other reasonable alternatives for meeting water use needs, any other factors relevant to a determination of good cause, and has determined that the applicant has shown that good cause exists for an extension of time to apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).
6. As required by OAR 690-315-0050(6) and as described in Finding 18 above, the Department has established, as specified in the "Conditions" section of this PFO (Item 1), progress checkpoints in order to ensure future diligence is exercised in the development and perfection of Permit G-16421.

Proposed Order

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

Extend the time for complete construction of the water system under Permit G-16421 from October 1, 2013 to October 1, 2023.

Extend the time to apply water to beneficial use under Permit G-16421 from October 1, 2013 to October 1, 2023.

Subject to the following conditions:

⁵Pursuant to ORS 537.630(4), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and a new or revised claim of beneficial use as deemed appropriate by the Department.

CONDITIONS

1. Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2018**. *A form will be enclosed with your Final Order.*

- (a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;
- (b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

DATED: January 28, 2014


Dwight W. 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 **March 14, 2014**, 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.

-
- If you have any questions about statements contained in this document, please contact Ann Reece at (503) 986-0834.
 - If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Patricia McCarty at 503-986-0819.
 - If you have any questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0801.
 - Address any correspondence to : Water Right Services Division
725 Summer St NE, Suite A
Salem, OR 97301-1266
- Fax: 503-986-0901
-

Mailing List for Extension PFO Copies

PFO Date: January 28, 2014

Copies Mailed

**Application G-16902
Permit G-16421**

By: BW
On: 1/28/14

Original mailed to Applicant:

Heffernan Family Trust; Chris Heffernan
63600 Viewpoint Lane
North Powder, OR 97867

Copies sent to:

1. WRD - App. File G-16902/ Permit G-16421
2. Molly Reid, GSI Water Solutions, 8019 W. Quinault Ave, Suite 201, Kennewick, WA 99336

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 8, Rick Lusk

CASEWORKER: ALR

Oregon Water Resources Department Permit Condition Water Level Report

OWRD Logid	Main aq	Max depth	LSD Elev	Township	Range	S	QQ	Q
UNIO 52292	UNIO			5.00 S/	39.00 E-	27	NW	SW
Well Tag Log	96339	Well Tag Field	96339	Csg Diam Field				
Well Location	2254 FEET NORTH AND 60 FEET EAST FROM SW CORNER SECTION 27 <i>well 3</i>							
Well Address	<i>5 POA's associated w/ App: G-16902 permit G-16401</i>							
Owner Well Names	<i>only wells 233 have SWN'S</i>							

Well History:	Compl	Water Rights with reporting conditions that list this well:							
Logid	Type Work	Depth	Compl Date	Owner on Log	Permit	Certificate	pod	Reference level	Trigger activated?
UNIO 52292	DEEPENING				G 16386		3		
UNIO 52292	NEW WELL	310	4/1/2011	HEFFERNAN FAMILY	G 16421		3		
Owner: Name <u>CHRIS & DONNA HEFFERNAN</u> Other Name <u>HEFFERNAN FAMILY TRUST</u> Contact _____ Address <u>63600 VIEWPOINT LANE</u> City / St / Zip <u>NORTH POWDER OR 97867</u>									

Date	Time	MP Hght	WL BLS	WL Elev	Method Code	Status Code	Measured By	Pump Idle Time	MP Description	WIComments
03/12/2012		5.17	9.58		T	S	TERRY TOLAN	4 MONTHS	ACCESS PORT ON N SIDE OF WELL	ART.GS.OF APP.3' (DRILL PAD)
03/26/2013		5.17	9.83		T	S	KENNETH D. JANSSEN, JR.	5 MONTHS	ACCESS PORT ON N SIDE OF WELL	ART.GS.OF APP.3' (DRILL PAD)

Method Codes: A = Airline, T = Etape, V = Calibrated Etape, G = Uncalibrated Gage, H = Calibrated Gage, N - Not Measured, O = Observed, RA = Recorder Analog, RS = Recorder Shaft Encoder, RT = Recorder Transducer, R = Reported, S = Steel Tape, U = Unknown

Status Codes: D = Dry, A = Falling, F = Flowing, P = Pumping, R = Rising, S = Static, U = Unknown

Oregon Water Resources Department Permit Condition Water Level Report

OWRD Logid	Main aq	Max depth	LSD Elev	Township	Range	S	QQ	Q
UNIO 52017	UNIO	424	3345	5.00 S/	39.00 E-	34	NW	NW
Well Tag Log	85275	Well Tag Field	85275	Csg Diam Field				
Well Location	25 FEET SOUTH AND 25 FEET EAST FROM NW CORNER, SECTION 34 <i>well 2</i>							
Well Address								
Owner Well Names								

Owner:

Name CHRIS & DONNA HEFFERNAN

Other Name HEFFERNAN FAMILY TRUST

Contact _____

Address 63600 VIEWPOINT LANE

City / St / Zip NORTH POWDER OR 97867

Well History:				
Logid	Type Work	Compl Depth	Compl Date	Owner on Log
UNIO 52017	NEW WELL	405	05/05/200	CHRIS & DONNA

Water Rights with reporting conditions that list this well:			
Permit	Certificate	pod	Reference level Trigger activated?
G 16386	2	2	
G 16421	2	2	

Date	Time	MP Hght	WL BLS	WL Elev	Method Code	Status Code	Measured By	Pump Idle Time	MP Description	WIComments
05/05/2008	13:24:00	2.53	19.61	3325.39	V	R	JOSH HACKETT		TOP OF 1.5" PVC MEASURING TUBE @ 1.23' > MP1	
05/06/2008	11:08:00	2.53	6.14	3338.86	V	R	JOSH HACKETT			
05/07/2008	10:28:00	2.53	3.09	3341.91	V	R	JOSH HACKETT			
03/29/2009		4	-2.25	3347.25	T	S	TERRY L TOLAN	5 MONTHS	ACCESS PORT - W. SIDE OF WELL - (2" FROM	ARTIF. GS. OF APP 2.0' AROUND
03/28/2010		4	-2.25	3347.25	T	S	TERRY L TOLAN	5 MONTHS	ACCESS PORT - W. SIDE OF WELL - (2" FROM	ARTIF. GS. OF APP 2.0' AROUND
03/16/2011		4	-2.15	3347.15	T	S	TERRY L TOLAN	5 MONTHS	ACCESS PORT - W. SIDE OF WELL - (2" FROM	ARTIF. GS. OF APP 2.0' AROUND
03/12/2012		4	-2.75	3347.75	T	S	TERRY L TOLAN		ACCESS PORT - W. SIDE OF WELL - (2" FROM	ARTIF. GS. OF APP 2.0' AROUND
03/26/2013		4	1.00	3344.00	T	S	KENNETH D. JANSSEN, JR.	5 MONTH	ACCESS PORT - W. SIDE OF WELL (2" ACCRESS	ART. GS. OF APP 2" (DRILLER PAD)

Method Codes: A = Airline, T = Etape, V = Calibrated Etape, G = Uncalibrated Gage, H = Calibrated Gage, N - Not Measured, O = Observed, RA = Recorder Analog, RS = Recorder Shaft Encoder, RT = Recorder Transducer, R = Reported, S = Steel Tape, U = Unknown

Status Codes: D = Dry, A = Falling, F = Flowing, P = Pumping, R = Rising, S = Static, U = Unknown

2010

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

2011

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

Chris and Donna Heffernan
Water Right Holder's Name
northslope@wildblue.net
Water Right Holder's Email
Heffernan Family Trust
Water Right Holder's Business Name or Entity Name
63600 Viewpoint Lane, North Powder, OR 97867
Water Right Holder's Complete Mailing Address
30251
USER ID#
Phone Number

Table with columns for Facility Report ID, Alluvial UNIO 52017, Basalt UNIO 52292, Application, Permit, Other, and monthly water use data from October to September 2011. Includes a 'TOTAL *' row and a 'Unit of Measurement' row with checkboxes for G, KG, MG, AF, CF, MCF.

Describe the method of measurement used: flowmeters. If used for irrigation, total number of acres irrigated: 1054

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

12-1-2011 Date
Signature: Chris Heffernan
Chris Heffernan, President Name and Title (print)
North Slope Hay and Farm Company
(541) 898-2507 Phone Number

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

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DEC 1 2 2011

WATER RESOURCES DEPT
SALEM, OREGON

2009

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

2010

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

Chris Heffernan
Water Right Holder's Name
northslope@wildblue.net
Water Right Holder's Email

Heffernan Family Trust
Water Right Holder's Business Name or Entity Name
63600 Viewpoint Lane, North Powder, OR 97867
Water Right Holder's Complete Mailing Address

30251
USER ID#
541-898-2203
Phone Number

Facility Report ID	UNIO 52017 Alluvial Well 63586 Application: G - 17035 Permit: G - 16386 Other:	Application: - Permit: - Other:	Application: - Permit: - Other:	Application: - Permit: - Other:
Describe the units of measurement as AF (acre-feet), G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), or MCF (million cubic feet)				
October - 2009	25.71			
November - 2009	0	G-17035 G-16902		RECEIVED MAR 04 2011 WATER RESOURCES DEPT SALEM, OREGON
December - 2009	0			
January - 2010	0			
February - 2010	0			
March - 2010	0			
April - 2010	0			
May - 2010	52.3			
June - 2010	68.65			
July - 2010	100.19			
August - 2010	159.26			
September - 2010	163.20			
TOTAL *	568.87			
Unit of Measurement	<input type="checkbox"/> G <input type="checkbox"/> KG <input type="checkbox"/> MG <input checked="" type="checkbox"/> AF	<input type="checkbox"/> G <input type="checkbox"/> KG <input type="checkbox"/> MG <input type="checkbox"/> MCF	<input type="checkbox"/> G <input type="checkbox"/> KG <input type="checkbox"/> MG <input type="checkbox"/> MCF	<input type="checkbox"/> G <input type="checkbox"/> KG <input type="checkbox"/> MG <input type="checkbox"/> MCF

Describe the method of measurement used: electronic static water sounder If used for irrigation, total number of acres irrigated: 400

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

2-25-11 Date Chris Heffernan Signature Chris Heffernan, owner Name and Title (print) North Slope Farms Company 541-786-2257 Phone Number

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

2008

Oregon Water Resources Department
 October 2008 through September 2009
 Monthly Water Use Form

USER-ID 30251

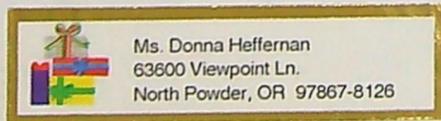
2009

Facility →	UN10 52017 G-16386				
Report ID →	63586				
October - 2008	150				
November - 2008	0				
December - 2008	0				
January - 2009	0				
February - 2009	0				
March - 2009	0				
April - 2009	30				
May - 2009	60				
June - 2009	100				
July - 2009	110				
August - 2009	150				
September - 2009	100				
TOTAL *	700				

* Describe the units of measurement as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)
 Describe the method of measurement used: acre-feet If used for irrigation, total number of acres irrigated: 400
 I certify this information is true and accurate to the best of my knowledge.

Chris Heffernan Signature Owner/Truster Title Heffernan Family Trust Reporting Entity 12/29/09 Date
Chris Heffernan Name 63600 Viewpoint, N. Powder, OR 97867 Mailing Address 541-898-2507 Phone Number

Please complete and mail to: Oregon Water Resources Department; Water Use Reporting Program;
 725 Summer Street NE, Suite A; Salem, OR 97301-1266.



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 WATER RESOURCES DEPT
 SALEM, OREGON

Extension PFO Checklist for Other than Muni or Quasi-Municipal

Water Use Permits

(OAR 690-315-0010 through OAR 690-315-0060)

Application: G- 16902 Permit: G- 16421 Permit Amendment? No Yes T- _____ pending approved

Permit Holder's Name: Heffernan Family Trust

Permit Holder's Mailing Address: 63600 Viewpoint Lane, North Powder, OR 97867 email northslope@wildblue.net

Phone Number: 541-898-2507

POD Location: Township 5S Range 39E Section 34 $\frac{1}{4}$ SWNW

Drainage Basin: 9 County: Union Watermaster District: 8 Watermaster: Rick Lusk

Date Permit was issued: 12/18/2008

Priority Date: 7/2/2007

Date of PN: 9/10/2013

Source: Well 1, Well 2, Well 3, Well 4, and Well 5 in Clover Creek Basin

Use: Irrigation use on 1191.0 acres

"Q": 14.9 CFS

Orig "A" Date: _____

Orig "B" Date: 10/1/

Orig "C" Date: 10/1/2013

Extension request rec'd: 8/26/2013

Last Authorized "B" Date: 10/1/

Last Authorized "C" Date: 10/1/2013

Request Number (1, 2, 3...): 1

Proposed "B" Date: 10/1/

Proposed C Date: 10/1/2023

Conditions of Permit:

Condition Met?	Condition Not Met?	Permit Condition
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Shall install a TFM or other suitable meas device/maintain/keep a complete record of monthly water use and submit a report to the Dept annually or more frequently.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	wells Shall produce GW from the basalt or other bedrock ground water reservoir
<input checked="" type="checkbox"/>	<input type="checkbox"/>	wells Shall be fitted with a dedicated meas tube to allow unrestricted access for water level measurements
<input checked="" type="checkbox"/>	<input type="checkbox"/>	wells Shall be cased and sealed in such a manner to develop a single basalt or other bedrock aquifer
<input checked="" type="checkbox"/>	<input type="checkbox"/>	User is required to obtain & report annual SWL measurements to the dept/March/from qual indiv

Factors to consider in determining "Reasonable Diligence" [OAR 690-315-0040(3)]:

Yes No

- Work was accomplished within the time allowed in the permit or previous extension
- Water right permit holder conformed with the permit or previous extension conditions
- Financial investments were made toward developing the beneficial water use.

- Amount Invested to date: **\$486,981** Estimated Remaining Cost: **\$753,000**

- Beneficial use made of the water during the permit or previous extension time limits

- Permit holder has beneficially used 5.35 cfs gpm af of the total permitted quantity of water on 575.0 acres

GW REVIEW: Y N _____

MITIGATION REVIEW: Y N _____

Has the applicant pursued perfection of the right in good faith and with reasonable diligence? Yes No

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

Identify the closest surface water or localized water basin. Jimmy Creek
Ground Water Permits: Is the POA located...
Surface Water Permits: Is the POD located...

- Yes No
- above a state scenic waterway? Name _____ Source: OWRD "Areas Above State Scenic Waterways" Map
 - within a stream segment designated as a federal wild and scenic river? Source: www.rivers.gov/wildriverslist.html
 - within a sensitive, threatened or endangered species area Source: "/gisdata/dev/projects/salmon/div33map.aml"
 - within a critical or limited Ground Water Area? Name of area _____
 - within a Withdrawn Area? Name of area _____
 - in a waterbody listed on the DEQ Section 303(d) List of Water Quality Limited Areas? Date added to list _____
 - within an area ranking low / moderate / high / highest for stream flow restoration needs Source: OWRD "Streamflow Restoration Needs" Maps (by region)

Based on the written record, can the Department make a finding of "Good Cause" to approve the extension request?

Yes... "Good Cause" can be found. Approval of Extension Request

No ... "Good Cause" cannot be found. Denial of Extension Request

Conditions to be included in Extension PFO (if applicable)? Yes No

(NOTE: Check the file record for documentation to add a condition(s) at the extension stage.)

5-year Progress Report Checkpoints (Years: 2018)

Other: _____

Footnote regarding Claim of Beneficial Use. Choose the appropriate language below and insert as a footnote in the PFO:

COBU Requirement - Surface/Ground Water - on or prior to July 9, 1987

"For permits applied for or received on or before July 9, 1987, upon complete development of the permit, you must notify the Department that the work has been completed and either: (1) Hire a water right examiner certified under ORS 537.798 to conduct a survey, the original to be submitted as required by the Water Resources Department, for issuance of a water right certificate; or (2) Continue to appropriate water under the water right permit until the Water Resources Department conducts a survey and issues a water right certificate under ORS 537.250 or 537.625."

COBU Requirement - Surface Water - post July 9, 1987

"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."

COBU Requirement - Ground Water - post July 9, 1987

"Pursuant to ORS 537.630(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."

NOTES:

Not all wells drilled yet, but all conditions met on constructed well.

Extension "PFO" Dates

Mailing / Issuance Date: _____ Protest Deadline Date: _____

Reviewer's Name: _____ Date: _____

**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 # **109755**

INVOICE # _____

RECEIVED FROM: Chris & Donna Heffernan
BY: _____

APPLICATION	G-16902
PERMIT	
TRANSFER	

CASH: CHECK:# 2072 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 \$ 46111
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 \$
0210 MONITORING WELLS \$
OTHER (IDENTIFY) _____

CARD #	
CARD #	

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: **109755**

DATED: 8-26-13 BY: BW Williamson

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 (last page of this Application for Extension of Time).
- All supporting documentation and/or evidence referenced in the Application for Extension of Time.

MAIL COMPLETED APPLICATION

along with the

\$575 STATUTORY FEE TO:

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

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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.wrd.state.or.us/OWRD/PUBS/forms.shtml#other>
- Request the reasonable amount of time necessary to fully complete the water construction 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 Filling Out Extension of Time Application for Permits) provides details that will help you answer each question on the application. Permit extensions

are evaluated under OAR Chapter 690, Division 315. These rules may be viewed at:
<http://www.wrd.state.or.us/OWRD/LAW/index.shtml>.

- You may provide OWRD with any additional information or evidence that will aid us in making our decision. Please note that OWRD may require other information that is necessary to evaluate the application. OAR 315-0020(3)(n).
- After careful review of the Application for Extension of Time, you may contact OWRD at (503) 986-0900, to ask questions and request assistance from a Permit Extensions Specialist in the Water Rights and Adjudications Division.
- Once an Application for Extension of Time is received by OWRD, it will be reviewed for completeness. OWRD will return any incomplete or deficient applications to the applicant. OAR 690-315-0040(1)(a).

Reference Materials Needed to Complete this Application:

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

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

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

1. Did the actual construction of the water system/well drilling begin within the time specified in the permit? Yes No



TIP: Not all permits specify a date by which construction was to begin.

Date construction began is: February 29, 2009

Details of construction: Initial basalt test well constructed February/March 2009, with basalt production well constructed in March 2011. Pipe, initial center pivots, wheel lines, pumps purchased, power to well completed in 2012.

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Last Revised 1/30/2012

SALEM, OR

2. Permits typically contain standard or special conditions that must be satisfied to lawfully develop and use permitted water. In the development of this water right, have you satisfied the conditions contained in your permit? Yes No

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



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

CHART-A

Condition No.**	Date Satisfied	Describe How Permit Condition Has Been Satisfied
1	7/2011	Flowmeter has been installed on Basalt well
2	12/2011	Water Use Recording and Reporting has been done
3	2012	Dedicated measuring tubes have been installed
4	2012	Well cased and sealed to develop bedrock aquifer
5	2012	Annual static measurements have been performed and submitted to OWRD
6	2013	Initial March static water level measurement has been done and submitted

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

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

CHART-B

Condition No.**	Date Will Comply	Explain Why Each Permit Condition Has NOT Been Satisfied
7	2016	Complete construction of wells and application of water to the use has not been done to date as applicant experienced financial difficulty during economy downturn. Working on getting additional financial funding to drill additional wells and put remaining acres to use.

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

3. Provide evidence of physical progress made toward completion of the water system, and of progress made toward making beneficial use of water within the permitted time period (CHART-C); and if applicable, within the time period of the most recent extension granted (CHART-D).

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3-A) CHART-C (below) must be completed for all Application for Extension of Time requests. Use chronological order.

CHART-C

DATE	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List any work done before the permit was issued – eg. well drilled.</i>	COST*
	N/A	
DATE	WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED <i>and PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER</i> <i>List work/actions done during the permitted time period.</i>	COST*
12/18/2008	Date the permit was signed - find date above signature on last page of permit.	
4/2009	Test well drilled	\$16,096.00
4/2009	Road in to test well constructed	\$11,231.00
4/2011/2012	Basalt Irrigation well drilled, and deepened	\$146,871.00
2008-2013	GSI Water Solutions - consultants	\$ 22,671.00
5/2012	Transducers and flowmeter purchased	\$ 5,345.00
4/2012	Pivots, wheel lines, pump motor panels drive purchased	\$273,656.00
4/2012	3 phase power to well	\$11,111.00
10/1/2013	Date the permit specified complete application of water to the use shall be made ("C-Date") - all permits contain this date.	

CHART-C (continued)

DATE	WORK ACCOMPLISHED AFTER "C-DATE" <i>COMPETE ONLY IF THIS IS YOUR 1st APPLICATION FOR 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*
	N/A	
Total Cost for Chart-C		\$486,981.00

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

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

CHART-D

DATE	WORK ACCOMPLISHED DURING THE LAST EXTENSION PERIOD <i>List all work done during the last authorized extension period.</i>	COST*
10/1/	"Extended From" date for complete application of water used in the 1 st (or the most recent) Application for Extension of Time.	
	N/A	

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Total Cost of Chart-D	N/A
-----------------------	-----

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

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

4. Cost of project to date: 486,981.00
 (The total combined cost from CHART-C and CHART-D)

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

5. 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.

5-B) For Ground Water Permit Extensions (e.g. G-16421):



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

CHART-E

Well # as identified on Permit	Water User's Well #	Has this well been drilled?	IF DRILLED					
			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? (See 5-C below)	Maximum instantaneous rate used from this well -- under this permit only (CFS or GPM)	Is this well authorized or utilized under any OTHER water rights?	If yes, provide the Permit, Certificate, or Transfer No.
1	1	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	UNIO 52347 52292	L96339	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	2400 gpm	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	-N/A - -
Total instantaneous rate from all wells utilized under this permit						2400 gpm		

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

If a Permit Amendment Application has been filed: Transfer No. T-N/A

Well # _____: Actual location: _____

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

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

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Total acres irrigated to date: 575

AUG 26 2013

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

Well #1 Acres 575

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

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

CHART-F

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
2014-2018	Drill additional basalt wells	\$450,000.00
2013	Apply for permit amendment to amend place of use and points of appropriation.	\$3,000.00 approx.
2015-2023	Put remaining 616 acres into production	\$300,000.00
Year: 2023	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
Total Cost		\$753,000.00

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

8. Estimated remaining cost to complete the project: \$753,000.00
(The total cost from CHART-F)

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

9. List the reasons why the project was not constructed, and/or water was not beneficially used within permit time limits. Provide supporting information for the reason(s) that best fits your circumstances (A, B, C or D).

9-A) The project is of a size and scope that was originally planned to be phased in over a time frame longer than the one allowed in the permit.

Due to the extensive size and scope of the project authorized by Permit G-16421 (development of up to five wells, and irrigation of 1191.0 acres,) the Permittee anticipated development to continue after October 1, 2013. Further, the size and scope of the Permittee's entire project was even more extensive because it was also developing an additional irrigation project on additional lands. As a result, the authorized development period was insufficient for the Permittee to complete construction and fully develop the permit.

9-B) The financial resources needed to develop the project precluded completion of the project within authorized time frames.

North Slope Ranches experienced financial difficulty in past several years due to the country's economic recession, which impeded receiving the necessary funding to drill the additional wells and put the remaining acres into production.

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

Non-Applicable.

9-D) **Acts of God or other unforeseen events delayed full development of the water system and use of water within the authorized time frames.**

Non-Applicable.

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

10. **Justify the time requested to complete the project and/or apply the water to full beneficial use.** Your justification should combine information from your answers from Questions 2-B, 7, 8, and 9 of this Application for Extension of Time, and should also include any other information or evidence to establish that the requested amount of time is sufficient and that you will be able to complete the project within the amount of time requested.

Applicant has been developing dual projects with two groundwater permits. Additional time is needed to fully develop the wells and acreage, and to apply for a permit amendment to amend the location of the wells and the place of use.

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

Applicant has met all of the conditions in the permit with respect to reporting and construction. The economic downturn took a financial toll and applicant is working diligently to secure a solid financial source to finish developing the remaining acreage and wells under this permit. The additional time is needed in order to apply for a permit amendment to amend a portion of the place of use and points of appropriation. For these reasons, an extension of time is both necessary and reasonable.

I am the permit holder, or have written authorization from the permit holder (attached to this Extension of Time Application), 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.

Chris TTE
Signature

8-20-13
Date

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AUG 26 2013

SALEM, OR

STATE OF OREGON

COUNTY OF UNION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

HEFFERNAN FAMILY TRUST
63600 VIEWPOINT LANE
NORTH POWDER, OR 97867

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

APPLICATION FILE NUMBER: G-16902

SOURCE OF WATER: WELL 1, WELL 2, WELL 3, WELL 4, AND WELL 5 IN CLOVER CREEK BASIN

PURPOSE OR USE: IRRIGATION USE ON 1191.0 ACRES

MAXIMUM RATE: 14.9 CUBIC FEET PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: JULY 2, 2007

WELL LOCATIONS:

WELL 1 - SW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 34, T5S, R39E, W.M.; 2640 FEET SOUTH AND 25 FEET EAST FROM NW CORNER, SECTION 34

WELL 2 - NW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 34, T5S, R39E, W.M.; 25 FEET SOUTH AND 25 FEET EAST FROM NW CORNER, SECTION 34

WELL 3 - NW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 27, T5S, R39E, W.M.; 2254 FEET NORTH AND 60 FEET EAST FROM SW CORNER, SECTION 27

WELL 4 - SW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 27, T5S, R39E, W.M.; 25 FEET NORTH AND 3300 FEET EAST FROM SW CORNER, SECTION 27

WELL 5 - SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 26, T5S, R39E, W.M.; 25 FEET NORTH AND 25 FEET EAST FROM SW CORNER, SECTION 26

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

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THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 38.0 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 10.0 ACRES
SECTION 26

AUG 26 2013

SALEM, OR

Application G-16902 Water Resources Department

PERMIT G-16421

THE PLACE OF USE IS LOCATED AS FOLLOWS (CONTINUED):

NE ¼ NE ¼ 15.0 ACRES
 NW ¼ NE ¼ 38.0 ACRES
 SW ¼ NE ¼ 38.0 ACRES
 SE ¼ NE ¼ 30.0 ACRES
 SW ¼ NW ¼ 40.0 ACRES
 SE ¼ NW ¼ 38.0 ACRES
 NE ¼ SW ¼ 40.0 ACRES
 NW ¼ SW ¼ 40.0 ACRES
 SW ¼ SW ¼ 22.0 ACRES
 SE ¼ SW ¼ 40.0 ACRES
 NE ¼ SE ¼ 6.0 ACRES
 NW ¼ SE ¼ 32.0 ACRES
 SW ¼ SE ¼ 25.0 ACRES
 SE ¼ SE ¼ 10.0 ACRES
 SECTION 27

NE ¼ NE ¼ 28.0 ACRES
 NW ¼ NE ¼ 38.0 ACRES
 SW ¼ NE ¼ 35.0 ACRES
 SE ¼ NE ¼ 40.0 ACRES
 NE ¼ SE ¼ 35.0 ACRES
 NW ¼ SE ¼ 35.0 ACRES
 SW ¼ SE ¼ 35.0 ACRES
 SE ¼ SE ¼ 35.0 ACRES
 SECTION 28

NE ¼ NE ¼ 30.0 ACRES
 NW ¼ NE ¼ 40.0 ACRES
 SW ¼ NE ¼ 40.0 ACRES
 SE ¼ NE ¼ 40.0 ACRES
 NE ¼ NW ¼ 38.0 ACRES
 NW ¼ NW ¼ 38.0 ACRES
 SW ¼ NW ¼ 38.0 ACRES
 SE ¼ NW ¼ 38.0 ACRES
 NE ¼ SW ¼ 38.0 ACRES
 NW ¼ SW ¼ 38.0 ACRES
 NE ¼ SE ¼ 30.0 ACRES
 NW ¼ SE ¼ 40.0 ACRES
 SECTION 34

TOWNSHIP 5 SOUTH, RANGE 39 EAST, W.M.

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SALEM, OR

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee
- ① shall install a totalizing flow meter or other suitable measuring device as approved by the Director at each point of appropriation. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete
 - ② record of the amount of water used each month, and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as

may be required by the Director. Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.

- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

The wells shall produce ground water only from the basalt or other bedrock ground water reservoir.

- ③ The wells shall be fitted with dedicated measuring tubes to allow unobstructed access for water-level measurements.
- ④ The wells shall be cased and sealed in such a manner to develop a single basalt or other bedrock aquifer.

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

⑥ The permittee shall report an initial March static water-level measurement once well construction is complete and annual measurements thereafter. Annual measurements are required whether or not the well is used. The first annual measurement will establish a reference level against which future measurements will be compared. However, the Director may establish the reference level based on an analysis of other water-level data. The Director may require the user to obtain and report additional water levels each year if more data are needed to evaluate the aquifer system.

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

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

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if any of the following events occur:

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

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

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

STANDARD CONDITIONS

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

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may not be valid, unless the Department authorizes the change in writing.

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

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SALEM, OR

The well(s) shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

If the riparian area is disturbed in the process of developing a point of appropriation, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, Section 030 adopted November 13, 1991 shall be followed.

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

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

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

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

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

7 Completion of construction and complete application of the water to the use shall be made on or before October 1, 2013. 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.

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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 December 18, 2008

E. Timothy Way

for Phillip C. Ward, Director
Water Resources Department

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AUG 26 2013

SALEM, OR

Application G-16902 Water Resources Department
Basin 9 Volume 1 JIMMY CR & MISC

PERMIT G-16421
8

Application # G-16402 Permit # G-16421

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

◆ **WRIG...**

Money Received on: 8/26/13

◆ **Extension Specialist ...**

- Added to tracking spreadsheet
MEM

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

◆ **Codi Holmes...**

Publish on Public Notice (initial 30-day comment): Date of notice 9/10/13

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 _____



8019 W. Quinault Avenue, Suite 201, Kennewick, Washington 99336
Ph: 509.735.7135 Fax: 509.735.7067

August 23, 2013

Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

APP-G-16902
Pmt G-16421

RE: Extension Application for G-16421

To Whom It May Concern:

Enclosed please find an extension application submitted on behalf of my client, Heffernan Family Trust. Also enclosed is a check in the amount of \$575 and a marked up copy of Permit G16421.

Should you have any questions regarding this application packet, please do not hesitate to contact me.

Sincerely,

Molly Reid

Molly Reid
Water Resources Analyst

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AUG 26 2013

SALEM, OR

Cc: Chris/Donna Heffernan
Sheldon/Justin Heffernan
File

Enclosures: Extension Application
Marked Up Copy of Permit G-16421
Check #002073

Completeness Checklist for Permit Extension of Time Application

Minimum completeness criteria for Extension of Time Applications are set forth in OAR 690-086-0020(3) for NON-Municipal or NON-Quasi-Municipal permits and in OAR 690-086-0070(3) for Municipal or Quasi-Municipal permits.

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

7. Are all questions on the application answered? _____
 (NOTE: Supporting documentation such as: copies of the permit, well log(s), annual water use reports, static water level measurement reports, evidence demonstrating construction/work/water use accomplished, etc. may be included.)

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

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

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

■ Municipal/Quasi-Municipal Permit Extension Applications:

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

8. Has the \$575 fee been paid? _____
 *If applicable, has the \$85 fee for the Assignment been paid? _____
 (As of July 1, 2013, the Extension of Time fee is \$575, and Request for Assignment fee is \$85)

If the fee has **NOT** been paid, the application cannot be accepted.

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

[Handwritten initials]

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

Reviewed by: *[Signature]* Date: 8/30/2013



Oregon

John A. Kitzhaber, MD, Governor

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

September 10, 2013

REFERENCE: Application for Extension of Time

Dear Extension of Time Applicant:

The Water Right Services Division has received your application for an extension of time for **APPLICATION FILE #:** G-16902 (Permit G-16421). Your application will be reviewed in the future. Following the review, you will receive a Proposed Final Order either approving or rejecting the extension of time request. A 45-day protest period begins upon issuance of the Proposed Final Order. After the protest period closes, a Final Order is issued.

If you are interested in having your application reviewed sooner, you may pay to have your file processed immediately, using the Reimbursement Authority program, which is described at: http://www.wrd.state.or.us/OWRD/mgmt_reimbursement_authority.shtml

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

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

If you have questions concerning your extension of time application, please contact Michele McAleer at (503) 986-0825. For general information about the Water Resources Department, you may contact the Water Resources' Customer Service Group at (503) 986-0801 or you may access the Department's website at: www.wrd.state.or.us.

Reimbursement Authority Process

Itemized Estimate Sheet

for

Extensions

	Est. Time (hr)	Individual	Est. Cost	Date	Act. Time (hr)	Actual Cost	Difference
1. Review Extension Request (Completeness Checklist)		Ann	\$0		0.0	\$0	\$0
2. Preparation of deficiency letter		Craig	\$0		0.0	\$0	\$0
3. Ground Water Review		Mike Z	\$0		0.0	\$0	\$0
4. Proposed Final Order		Ann	\$0		2.3	\$210	\$210
4a. Peer review		Ann	\$0		0.5	\$37	\$37
4b. Peer review		Dwight	\$0		0.1	\$12	\$12
5. Final Order		Craig	\$0		0.5	\$36	\$36
6. Project Management		Craig	\$0		0.5	\$46	\$46
7. Water right data record update		Cody	\$0		0.5	\$29	\$29
Total			\$0			\$370	\$370

Application # : G-16902

Permit #: G-16421

Transfer #

RA#

Name of RA Applicant: R12135-11

Reimbursement Authority Process

Itemized Estimate Sheet

for

Extensions

	Est. Time (hr)	Individual	Est. Cost	Date	Act. Time (hr)
1. Review Extension Request (Completeness Checklist)	0.00	Ann	\$0		
2. Preparation of deficiency letter	0.00	Craig	\$0		
3. Ground Water Review	<u>0.00</u>	Mike Z	\$0		
4. Proposed Final Order	2.75	Ann	\$252	1/23	2.3
4a. Peer review	0.50	Ann	\$37	1/28	.5
4b. Peer review	0.10	Dwight	\$12	3/28	.1
5. Final Order	0.50	Craig	\$36	1/24	0.5 hrs
6. Project Management	0.50	Craig	\$46	3/26	.5
7. Water right data record update	0.50	Cody	\$29	3/28	.5
Total	4.85		\$411		

\$400

Notes:

Craig Kohanek

From: Molly Reid <MReid@gsiws.com>
Sent: Friday, January 24, 2014 11:43 AM
To: Craig Kohanek
Subject: Re: RA Agreement for Heffernan for R12135-11 involving application G-16902 and R12136-11 involving application G-17035

Thanks Craig. Heffernan has a new email address: northslope@wildblue.net. Could you update the record? Thanks.

Sent from my iPhone

> On Jan 24, 2014, at 11:38 AM, "Craig Kohanek" <ron.c.kohanek@state.or.us> wrote:

>

> Chris & Molly,

>

> Attached are copies of the fully executed Applicant's Agreements signed by the required parties and a receipt for the monies paid for these expedited services. The agreements detail the terms and conditions that a Work Orders were issued for the expedited services you requested.

>

> If you have any questions concerning the agreements or the program, please contact me.

>

>

> R. Craig Kohanek

> Water Rights Specialist

> Reimbursement Authority

> Oregon Water Resources Department

> Phone: 503-986-0823

> Fax: 503-986-0901

> Ron.C.Kohanek@wrd.state.or.us<<mailto:Ron.C.Kohanek@wrd.state.or.us>>

>

> <RA contract G-16902 executed.pdf>

> <RA contract receipt.pdf>

> <RA Contract G-17035 executed.pdf>

Craig Kohanek

From: Craig Kohanek
Sent: Friday, January 24, 2014 11:38 AM
To: 'nslope@eoni.com'
Cc: Molly Reid (MReid@gsiws.com); Ann Reece
Subject: RA Agreement for Hefferman for R12135-11 involving application G-16902 and R12136-11 involving application G-17035
Attachments: RA contract G-16902 executed.pdf; RA contract receipt.pdf; RA Contract G-17035 executed.pdf

Chris & Molly,

Attached are copies of the fully executed Applicant's Agreements signed by the required parties and a receipt for the monies paid for these expedited services. The agreements detail the terms and conditions that a Work Orders were issued for the expedited services you requested.

If you have any questions concerning the agreements or the program, please contact me.

R. Craig Kohanek
Water Rights Specialist
Reimbursement Authority
Oregon Water Resources Department
Phone: 503-986-0823
Fax: 503-986-0901
Ron.C.Kohanek@wrdd.state.or.us

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 # 110979

INVOICE #

RECEIVED FROM: Chris & Donna Hefferman

APPLICATION G-16902

BY:

PERMIT
TRANSFER

CASH: CHECK:# 2154 OTHER: (IDENTIFY)

TOTAL REC'D \$ 800.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 47126 #400 R12135-11 #400 R12136-11 \$
0408 OTHER: (IDENTIFY) Reimbursement Authority \$ 800.00

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:

0201 SURFACE WATER EXAM FEE 0202 RECORD FEE \$
0203 GROUND WATER EXAM FEE 0204 RECORD FEE \$
0205 TRANSFER EXAM FEE LICENSE FEE \$

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR EXAM FEE 0219 LICENSE FEE \$
LANDOWNER'S PERMIT EXAM FEE 0220 LICENSE FEE \$
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: 110979

DATED: 1-24-14 BY: [Signature]

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

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 # 110979

INVOICE #

RECEIVED FROM: Chris & Donna Hefferman

APPLICATION G-16902

BY:

PERMIT
TRANSFER

CASH: CHECK:# 2154 OTHER: (IDENTIFY)

TOTAL REC'D \$ 800.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 47126 #400 R12135-11 #400 R12136-11 \$
0408 OTHER: (IDENTIFY) Reimbursement Authority \$ 800.00

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:

0201 SURFACE WATER EXAM FEE 0202 RECORD FEE \$
0203 GROUND WATER EXAM FEE 0204 RECORD FEE \$
0205 TRANSFER EXAM FEE LICENSE FEE \$

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0218 WELL DRILL CONSTRUCTOR EXAM FEE 0219 LICENSE FEE \$
LANDOWNER'S PERMIT EXAM FEE 0220 LICENSE FEE \$
OTHER (IDENTIFY)

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ CARD #
0210 MONITORING WELLS \$ CARD #
OTHER (IDENTIFY)

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

TREASURY OTHER / RDX

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

RECEIPT: 110979

DATED: 1-24-14 BY: [Signature]

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

Community Bank

G-16902 G-17035

RECEIVED
JAN 24 2014
OWPRD

800.00

Extension Application

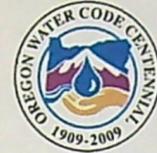
1/23/2014

002154
800.00

Chris & Donna Hefferman/Farm Account
Oregon Water Resources Department



OREGON WATER RESOURCES DEPARTMENT
EXTENSION REIMBURSEMENT AUTHORITY
APPLICANT'S AGREEMENT



Contract Number: **R12135-11**

This Agreement is between the **Oregon Water Resources Department**, hereafter OWRD, and **Heffernan Family Trust** hereafter Applicants, hereafter known together as the parties.

OWRD Information

Project Contact: Ann L. Reece
 Reimbursement Authority
 Oregon Water Resources Department
 725 Summer Street, NE
 Salem, OR 97301-1271
 Phone: 503-986-0834
 Email: reeceal@wrdd.state.or.us

Applicant's Information

Name: Chris Heffernan
 Title: Owner
 Company: Heffernan Family Trust
 Address: 63600 Viewpoint Lane
 North Powder, OR 97867
 Phone: 541-898-2507
 Email: nslope@eoni.com

Applicant's Representative

Name: Molly Reid
 Title: Representative
 Company: GSI Water Solutions
 Address: 8019 W. Quinalt Ave, Suite 201
 Kennewick, WA 99336
 Phone: 509-735-7135
 Email: mreid@gsiws.com

1. **Purpose.** The purpose of this Agreement is to expedite the processing of the **Water Right Extension Application. (Application Number: G-16902)**
2. **Authority.** ORS 536.055 authorizes the OWRD to enter into a voluntary agreement with any applicant, permittee or regulated entity (collectively Applicant) for expediting or enhancing a regulatory process. In making this agreement, OWRD shall require the applicant to pay the full cost of expedited process.
3. **Restrictions.** Heffernan Family Trust and OWRD agree that this Agreement shall not be construed to restrict in any way the decisions and actions by OWRD. OWRD shall be free to exercise independent judgment consistent with existing laws and regulations.
4. **Effective Date and Duration.** Unless otherwise terminated by non-deposit of funds by the Applicant, this Agreement shall become effective on the date on which both parties have signed the Agreement and the full deposit of the estimated cost of the proposed service has been received by OWRD.
5. **Consideration.** Heffernan Family Trust shall pay OWRD in advance for actual costs incurred by OWRD. Heffernan Family Trust agrees to pay the full amount of **\$ 400** to OWRD prior to commencement of any work stated in this Agreement. This payment will be placed in an account administered by OWRD and drawn upon as costs are actually incurred. If the actual cost of performing the work is less than payments received, OWRD will refund the unspent balance. If the actual cost of processing exceeds the estimate, the Applicant can either elect to terminate this Agreement or amend the Agreement to reflect the increase in cost. The costs stated in this Agreement do not include the statutory application processing and filing fees.
6. **Confidentiality.** Heffernan Family Trust agrees that any information provided to or acquired by OWRD under this Agreement will be subject to the Oregon Public Records Law and shall be considered public records.
7. **Indemnity.** Applicant shall defend, save, hold harmless, and indemnify the State of Oregon, OWRD, and their officers, employees, and agents from and against all claims, suits, actions, losses, damages, liabilities, costs and expenses of any nature resulting from or arising out of, or relating to the activities of Applicant or its representatives, officers, employees, contractors, or agents under this Agreement or with respect to the expedited service. The Applicant acknowledges that the Oregon Water Resources Department cannot and does not guarantee a favorable review under the subject regulatory process.

PCA 47126

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

Applicant: Chris Heffernan
 Name: Chris Heffernan
 Title: Owner
 Company: Heffernan Family Trust
 Date: 1-22-14

For OWRD: B. Craig Reese
 Name: Ann L. Reece *for*
 Water Rights and Adjudication Division
 Date: 1-24-2014

Mail signed Agreement to:

Ann L. Reece
Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, OR 97301-1271

PCA 47126

Ann Reece

From: Ann Reece
Sent: Wednesday, January 22, 2014 3:26 PM
To: 'nslope@eoni.com'; Molly Reid (MReid@gsiws.com)
Cc: Craig Kohanek
Subject: RA Agreement for Heffernan R-12135-11 for G-16902; R-12136 for G-17035
Attachments: RA Contract G-17035.pdf; RA contract G-16902.pdf; scan_Receipt.PDF

SentFromSession: REESE.reeceal.1/22/2014 2:34:42 PM

Dear Parties,

Please find the attached estimates and agreements to process your extensions. If the proposed agreements are acceptable to you, please return signed copies to our office along with the payments of the estimated costs to process the extensions.

I also attached a scan of the receipt for the two RA estimates. (Please note that the estimate request for Permit G-16386 referenced the application number as G-17037. The correct application number is G-17035.)

If you have any questions, please call me.

Best Regards,

Ann Reece

Water Right Services Division
Hydroelectric Analyst / Municipal Extension Specialist
Reimbursement Authority
Oregon Water Resources Department
725 Summer St. NE Suite A
Salem, OR 97301
503-986-0834
reeceal@wrd.state.or.us

RECEIPT # **110932** INVOICE # **G-17035**
 RECEIVED FROM: **Chris + Dana Hefeman** APPLICATION # **G-16902**

BY: _____

PERMIT	
TRANSFER	

CASH: CHECK: # 002 OTHER: (IDENTIFY)
118

TOTAL REC'D \$ 250.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 47126 R12135-11, R12136-11 \$
~~400448~~ OTHER: (IDENTIFY) Reimbursement Auth \$ 250.00

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:

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

RECEIVED OVER THE COUNTER

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT # **110932** INVOICE # **G-170375**
 RECEIVED FROM: **Chris + Dana Hefeman** APPLICATION # **G-16902**

BY: _____

PERMIT	
TRANSFER	

CASH: CHECK: # 002 OTHER: (IDENTIFY)
118

TOTAL REC'D \$ 250.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 47126 R12135-11, R12136-11 \$
~~400448~~ OTHER: (IDENTIFY) Reimbursement Auth \$ 250.00

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:

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

RECEIVED OVER THE COUNTER

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____



**OREGON WATER RESOURCES DEPARTMENT
EXTENSION REIMBURSEMENT AUTHORITY
ESTIMATE APPLICATION**



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

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

<u>REQUEST</u>	<u>TYPE</u>	<u>FILE NUMBER</u>	
<input checked="" type="checkbox"/>	Extension Request	Application Number	<u>G-16902</u>
		Permit Number	<u>G-16421</u>

	Applicant Information	Applicant's Representative/Contact
Name:	Chris Heffernan	Molly Reid
Title (optional):	Heffernan Family Trust	GSI Water Solutions, Inc.
Address:	63600 Viewpoint Lane North Powder, OR 97867	8019 W. Quinault Avenue, Suite 201 Kennewick, WA 99336
Phone:	(541) 898-2507	(509) 735-7135
E-Mail Address:	nslope@eoni.com	mreid@gsiws.com

I certify that I (check one):

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

I understand the following:

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

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

- I do not want to schedule a one-hour conference with OWRD staff.
 I want to schedule a one-hour conference with OWRD staff to discuss my project. I understand that I will be billed for this time, and that it may affect my total costs.

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

RECEIVED
JAN 21 2014
OWRD

I certify that I am the (check one):

- Applicant Applicant's Representative Other (Please specify) _____

Name: Chris Heffernan

Signature: Chris Heffernan

OWRD USE ONLY: Reimbursement Authority Number: R12 136 11

Craig Kohanek

From: Mishelle Sumption
Sent: Tuesday, January 21, 2014 10:49 AM
To: Morgan Graham; Sandra Todd
Cc: Salem Opeifa; Craig Kohanek; Ann Reece; Sarah Henderson
Subject: RE: EXTENSION REQUEST

Morgan,

Your project is R12135 -11 PCA 47126

Thank you.

Mishelle

From: Morgan Graham
Sent: Tuesday, January 21, 2014 10:19 AM
To: Sandra Todd
Cc: Salem Opeifa; Craig Kohanek; Mishelle Sumption; Ann Reece; Sarah Henderson
Subject: EXTENSION REQUEST

Hello,

Applicant: Chris Heffernan

Related to Application # G-16902

Receipt # 110932

Thank you!

Morgan
Receptionist/Office Specialist 1
503.986.0900

Mailing List for FO Copies

Application #G-16902

Original mailed to applicant with claim of beneficial use form:

HEFFERNAN FAMILY TRUST
ATTENTION: CHRIS HEFFERNAN
63600 VIEWPOINT LANE
NORTH POWDER OR 97867

Copies sent to:

1. WRD - File # G-16902
2. WRD - Ken Stahr

Copies Mailed	
By: <u>JS</u>	(SUPPORT STAFF)
on: <u>12/18/08</u>	(DATE)

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

3. WRD - Watermaster District #: 8
4. WRD - Regional Manager: EASTERN
5. WRD - EASTERN Regional Well Inspector

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

"\$10 LETTER" sent to Interested Persons who have not protested or paid for copies

- 1.

CASEWORKER : Kerry Kavanagh

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-16902

Final Order

Hearing and Appeal Rights

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

ORS 536.075 allows for additional appeal rights for other than contested case. 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 July 2, 2007, HEFFERNAN FAMILY TRUST submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on June 10, 2008. The protest period closed July 25, 2008, and no protest was filed.

The proposed use would not impair or be detrimental to the public interest, but the Department's continuing evaluation reveals that the Proposed Final Order requires modification to correctly describe a standard condition, an additional standard condition, and to omit an unnecessary condition.

The Proposed Final Order described the following condition:

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, Section 030 adopted November 13, 1991 shall be followed.

The condition as modified in the attached permit is:

If the riparian area is disturbed in the process of developing a point of appropriation, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, Section 030 adopted November 13, 1991 shall be followed.

The Proposed Final Order described the following condition, which has been omitted in the attached permit due to redundancy:

The use of water shall be limited when it interferes with any prior surface or ground water rights.

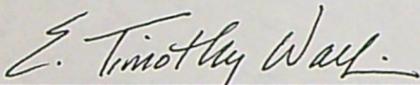
The condition included in the attached permit is:

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

Order

Application G-16902 therefore is approved with the above modifications to the Proposed Final Order, and Permit G-16421 is issued as limited by the conditions set forth therein.

DATED December 18, 2008



for Phillip C. Ward, Director
Water Resources Department

This document was prepared by Kerry Kavanagh. 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 503-986-0816.

If you have questions about how to file a protest or a request for standing, please refer to the section in this Final Order entitled "Hearing and Appeal Rights". 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.

FO Checklist

Application #: G-16902 Applicant: CHRIS HEFFERNAN HEFFERNAN FAMILY TRUST

Name and/or address has **changed or been assigned** Yes No
 If new: _____

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

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. N/A
3 Returned

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: A RIPARIAN, Add 7p, omit interferences

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

SWW If GW and interference, copy form for Stahr. N/A

<u>Fees</u>	<u>Base Fee</u>	<u>Water Amount (Q)</u>
	\$150 / \$250	1 st CFS/AF _____
	\$300 / \$500	_____ Addl @ _____
		_____ Addl @ _____
		Add'l <input type="checkbox"/> POD/POA <input type="checkbox"/> use + _____

_____ + _____ = _____
 (base) (Q) (total exam fee)

EXAM FEE REQUIRED	<u>1900</u>	RECORDING FEE REQUIRED	\$175 / <u>\$250</u> / \$300
EXAM FEE PAID	<u>-1900</u>	RECORDING FEE PAID	<u>-250</u>
STILL OWED	<u>0</u>	STILL OWED	<u>0</u>

FO w/ draft permit; still needed: FO w/ permit # G-16421 FO to deny refund \$ _____
 fees
 easement
 st water contract
 approved dam plans & specs
 land use approval

Name: Kerry Kavanagh Date: 12/1/2008 Peer Reviewer: Brook Geffen

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

Application #: G-16902 Applicant: HEFFERNAN FAMILY TRUST; CHRIS HEFFERNAN

Shortcomings preventing PFO? Y / N Should process continue? Y / N
 IR Date 3-28-08 Public Notice Date 4-1-08 Comments received? Y / N 4-11-08

Was additional information requested in the IR? (Y) / N If so, do we now have enough info to do the PFO? (Y) / N

Was the application filed after 10/23/99? (Y) / N (If not, add A date requirement)

B.O.R. or Doug Co. project Y / (N) Contract in file? N contract # _____

IR identifies as DEQ 303d? Y / N / (NA) Comments received? Y / N _____

Is second gw review necessary? Y / (N) / NA Complete? Y / N

Water Availability OK / REDONE / (NA) _____

Have conflicts been addressed? Y / N / (NA) _____

Changes from IR determinations Revised map rec'd 4-16-08 - neg in IR to clarify Well #3 & POU → total acreage = 1191.0 ac
Δ in NESW & NWSW Sec 26; SWNE Sec 28; NENE & ESE Sec 34
Limit Q to 14.9 cfs (1191.0 ac x 1/80 = 14.88 cfs → round)

NA SWW If GW and interference, copy form for Stahr.

Copy to Reg Manager E WM #8 CWRE _____ Agent _____
E. Reg Well Inspector
Affected landowner

Fees	Base Fee	Water Amount (Q)
	\$150 / \$250	1 st CFS/AF
	\$300 / \$500	
		_____ Addl @ _____ + _____
	_____ +	_____ = _____
	(base)	(Q) (total exam fee)

EXAM FEE REQUIRED	<u>1900</u>	RECORDING FEE REQUIRED	\$175 / <u>(250)</u> / \$300
EXAM FEE PAID	<u>1900</u>	RECORDING FEE PAID	<u>250</u>
STILL OWED	<u>0</u>	STILL OWED	<u>0</u>

Name: Kerry Kavanagh Date: 6-5-08 Peer Reviewer: Jeanne Eastman

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

IR CHECKLIST

5 proposed wells

Application #: G-16902 Applicant: CHRIS HEFFERNAN; HEFFERNAN FAMILY TRUST

Use(s): IRRIGATION USE ON 1198 AC ~~1059.75 ACRES~~ Priority Date: July 2, 2007

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

Is the application complete? No Yes *Need \$100 EXAM (due to amendment)*
Land Use, legal desc. Need better map showing amended POA & pour
 ORS 538 prohibits use No Yes If so, do not do an IR, return the application & fees to the applicant.

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

classify as surface water well _____ has PSI with NO

(include basin map if true) well _____ is within 1N 3E 20, 21, 28, 29 GWLA CGWA _____

GW conditions 7N, basalt or other gw reservoir & special

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

SW Availability NA 80% live 50% storage _____ WID: 9-30920306

Use DWF's nonstandard W/A memo if the source is a Drews Reservoir tributary; the Snake River; the Columbia River; the North Umpqua River below Rock Creek; or within the drainages of the Lost River, Chehalem Creek, or Champoeg Creek (including Mission & Case Creeks)

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 _____

Use is allowed not allowed limited OAR Compact 690-508

Requested Use/Rate/Season IR / ~~6108.75~~ 15.0 cfs / Mar 1 - Oct 31

Allowed Use/Rate/Season 1086 ac x 1/80 = ~~13.58 cfs~~ = 14.98 → 15.0 cfs Limit 1/80 Duty 3

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 _____

Conditions: 7N, basalt or other & special, LARGE

Small ≤ 0.1 CFS, ≤ 9.2 AF, Medium > 0.1 and < 1.5 CFS, > 9.2 and < 100 AF, Large ≥ 1.5 CFS, ≥ 100 AF
Use at least "Medium" when the source is Siltcoos Lake, Sandy Basin GW, or stored water with a contract.
Use "Large" for temp control (including NU), or HC above a SWW, Tenmile Lake, or if applicant is a government entity
Use "Large-7g" or "Large-7i" if GW recommends 7g or 7i
Use "Large with totalizing flow meter" for IR permits in South Salem Hills or IR over 10 Ac. in Stage Gulch CGWA

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

Basin Maps have been checked NA Yes limits _____

SWW NA above within _____ (If above or within, notify Parks.)

- Use is within a high priority area for streamflow restoration NA No Yes
- Letter format good limited bad bad w/ rate reduction opportunity bad w/ HC opportunity
- 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 # 8 ODFW CRIFC
- NCR agent DEQ US Fish & Wildlife
- ER CWRE DOA NW Planning Council
- SWR State Parks CTUIR
- DOA Food Safety Division (bottled water) city _____ (w/in 5-mile muni wells)

E Reg. Well Inspector

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

App and map meet min. requirements Yes No Need better copy of amended map tax lots, mainline
(If not, send IR certified)

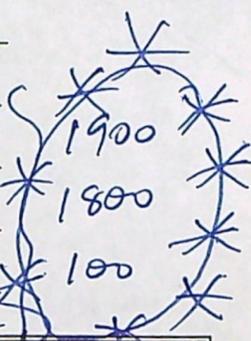
E-mailed Tim, including note if negative? No Yes

<input checked="" type="checkbox"/> Fees <u>15.0</u> CFS	Base	<u>300</u>
_____ AF	Up to 1 CFS	<u>200</u>
<u>\$2050</u>	<u>14</u> Add'l CFS @ <u>\$100</u>	<u>1400</u>
	Up to 20 AF	_____
	_____ Add'l AF @ _____	_____
	Add'l <input type="checkbox"/> POD/POA <input type="checkbox"/> use +	_____
	Exam Fee Required =	<u>1900</u>
	Exam Fee Paid	<u>1900</u>
	Still Owed	<u>0</u>

Received 6-29-07 (see DWF memo)

Paid \$2050 - 1900 = \$150

→ Need \$150 Recording Fee OR Need \$100 EXAM Fee



- @ PFO - cc: to affected landowners
- 7-2-07 Applicant sent email clarifying 20.0 AC in GWSW Sec 27, T55, R39E, W. M.
- ~~2-25-08~~ Amendment - prior to IR - increased acreage to 1198 acres & Q to 15.0 cfs.
- - noted in Mike Swartz 3-4-08 superceding gw review - See Ivan Galb 2-25-08 email.
- Need \$100 EXAM Fee → due to amended Q

3-21-08

Name: Kerry Kavanagh Date: 1/4/2008 Peer Reviewer: Joel Plahn

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.

• Need land use & legal desc. - TL 4200, Sec 34, T55, R39E, WM. Revised 10/11/07

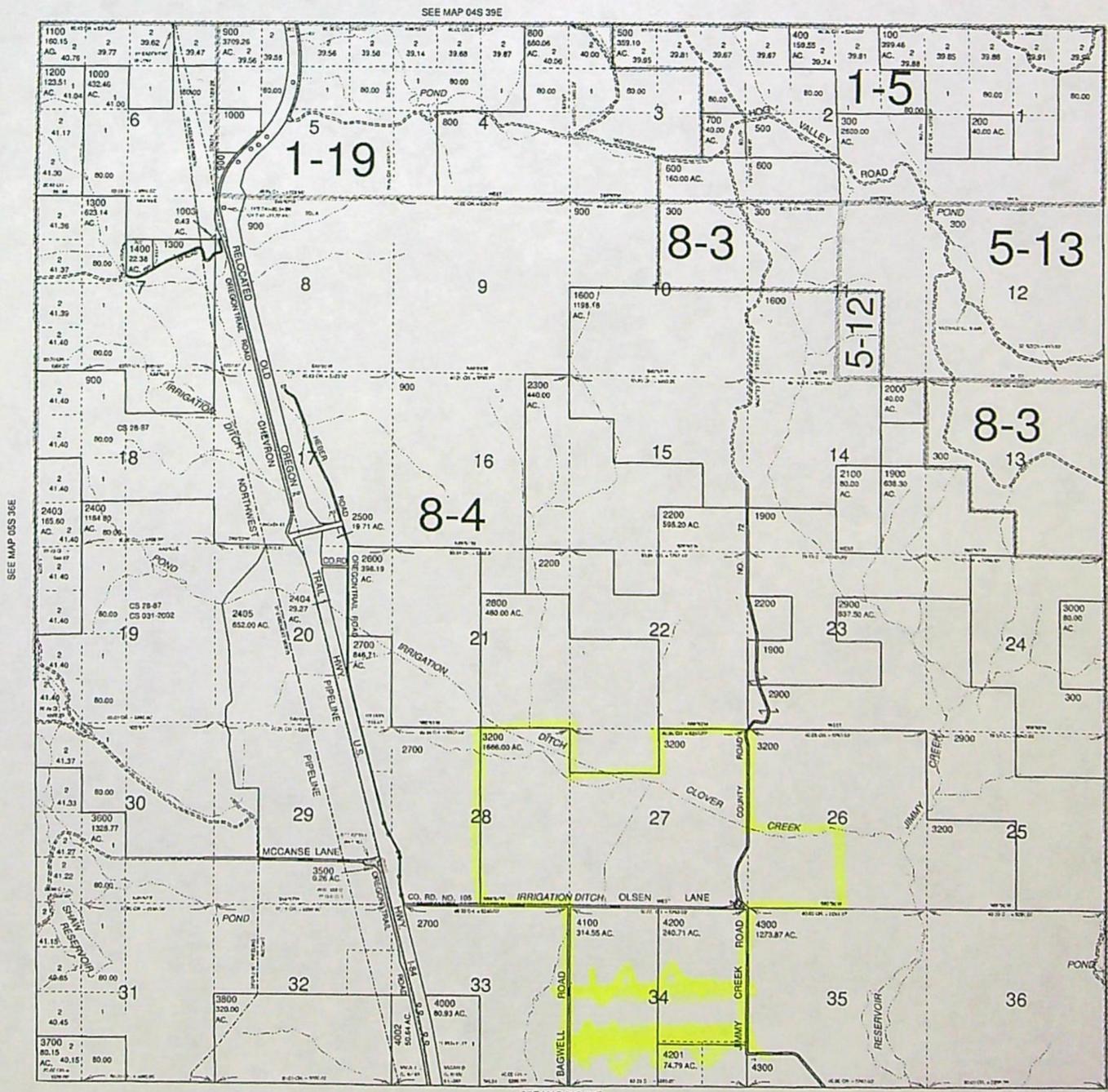
WORK COPY

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

T.05S. R.39E. W.M.
UNION COUNTY
1" = 2000'

05S 39E
CANCELLED NO.
801 THRU 904
1001
1002
1101
1102
1500
1700
1800
2401
2402
2701
3100
3200
3201
3400
3601
3602
3900
3901
3902
4001
4400

Tax lots
3200
4100
4200



SEE MAP 05S 40E

Revised 9C
4/28/2005

05S 39E

App No G-16902

App:G 16902 *

- ▷ [Platcard](#)
- ▷ [Conflict Report](#)
- ▷ [POD Characteristics](#)
- ▼ [Water Availability](#)
 - ▼ [JIMMY CR > POWDER R - AT MOUTH \(50%, 80%\)](#)
 - ▷ [POD: 1, 2, 3, 4, 5](#)
- ▷ [IR Checklist](#)
- ▷ [Digital Map](#)

Contact Information

▼ **Current contact information**

HEFFERNAN FAMILY TRUST
 ▷ CHRIS HEFFERNAN
 63600 VIEWPOINT LANE
 NORTH POWDER, OR 97867

Water Right Information

Status: Non-Cancelled
 County: Union
 File Folder Location: Salem

Documents View all scanned documents

▼ **Application: G 16902 digital map**

▷ Received: 7/2/2007

Application Workflow			
Action	Date	Result	Completed By
Application Filed	7/10/2007		
Ground Water Review	10/12/2007		MIKEZWART

Point(s) of Diversion

▼ **POD 1 - A WELL > CLOVER CREEK**

▼ **Description**

- ▷ Name: WELL 1
- ▷ T-R-S-QQ: 5.00S-39.00E-34-SW NW
- ▷ Location Description: 2640 FEET SOUTH AND 25 FEET EAST FROM NW CORNER, SECTION 34

▼ **POD Rate**

Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)
13.61	2.722(est)		

▼ **IRRIGATION (Primary)**

Priority Date	Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)	Rate/Acre	Duty	Start Date	End Date	Remarks
7/2/2007	13.61	2.722(est)					3/1	10/31	

▼ **POD 2 - A WELL > CLOVER CREEK**

▼ **Description**

- ▷ Name: WELL 2
- ▷ T-R-S-QQ: 5.00S-39.00E-34-NW NW
- ▷ Location Description: 25 FEET SOUTH AND 25 FEET EAST FROM NW CORNER, SECTION 34

▼ **POD Rate**

Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)
13.61	2.722(est)		

▼ **IRRIGATION (Primary)**

Priority Date	Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)	Rate/Acre	Duty	Start Date	End Date	Remarks
7/2/2007	13.61	2.722(est)					3/1	10/31	

▼ **POD 3 - A WELL > CLOVER CREEK**

▼ **Description**

- ▷ Name: WELL 3
- ▷ T-R-S-QQ: 5.00S-39.00E-28-SE NE
- ▷ Location Description: 2640 FEET NORTH FROM SE CORNER, SECTION 28

▼ **POD Rate**

Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)
13.61	2.722(est)		

▼ **IRRIGATION (Primary)**

Priority Date	Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)	Rate/Acre	Duty	Start Date	End Date	Remarks
7/2/2007	13.61	2.722(est)					3/1	10/31	

▼ **POD 4 - A WELL > CLOVER CREEK**

▼ **Description**

- ▷ Name: WELL 4
- ▷ T-R-S-QQ: 5.00S-39.00E-27-SW SE
- ▷ Location Description: 25 FEET NORTH AND 3300 FEET EAST FROM SW CORNER, SECTION 27

▼ **POD Rate**

Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)
13.61	2.722(est)		

▼ **IRRIGATION (Primary)**

Priority Date	Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)	Rate/Acre	Duty	Start Date	End Date	Remarks
7/2/2007	13.61	2.722(est)					3/1	10/31	

▼ **POD 5 - A WELL > CLOVER CREEK**

▼ **Description**

- ▷ Name: WELL 5
- ▷ T-R-S-QQ: 5.00S-39.00E-26-SW SW
- ▷ Location Description: 25 FEET NORTH AND 25 FEET EAST FROM SW CORNER, SECTION 26

▼ **POD Rate**

Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)
13.61	2.722(est)		

▼ **IRRIGATION (Primary)**

Priority Date	Max Rate (cfs)	Rate (cfs)	Max Volume (af)	Volume (af)	Rate/Acre	Duty	Start Date	End Date	Remarks
7/2/2007	13.61	2.722(est)					3/1	10/31	

Place(s) of Use Add TRS grouping



▼ **Use - IRRIGATION (Primary) - 1086.0 acres; Priority Date: 7/2/2007**

T-R-S	QQ	DLC	Gov't Lot	Taxlot	Acres	Status	Inchoate Info	Remarks
5.00S-39.00E-26	NE SW				2.0	NC		
5.00S-39.00E-26	NW SW				17.0	NC		
5.00S-39.00E-26	SW SW				38.0	NC		
5.00S-39.00E-26	SE SW				5.0	NC		
▷ 5.00S-39.00E-27	NE NE				7.0	NC		
5.00S-39.00E-27	NW NE				38.0	NC		
5.00S-39.00E-27	SW NE				30.0	NC		
5.00S-39.00E-27	SE NE				25.0	NC		
5.00S-39.00E-27	SW NW				25.0	NC		
5.00S-39.00E-27	SE NW				30.0	NC		

5.00S-39.00E-27	NE SW			40.0	NC		
5.00S-39.00E-27	NW SW			40.0	NC		
5.00S-39.00E-27	SW SW			20.0	NC		
5.00S-39.00E-27	SE SW			40.0	NC		
5.00S-39.00E-27	NW SE			30.0	NC		
5.00S-39.00E-27	SW SE			22.5	NC		
5.00S-39.00E-27	SE SE			10.0	NC		
5.00S-39.00E-28	NE NE			19.07	NC		
5.00S-39.00E-28	NW NE			22.9	NC		
5.00S-39.00E-28	SW NE			38.99	NC		
5.00S-39.00E-28	SE NE			29.04	NC		
5.00S-39.00E-28	NE SE			33.0	NC		
5.00S-39.00E-28	NW SE			33.0	NC		
5.00S-39.00E-28	SW SE			33.0	NC		
5.00S-39.00E-28	SE SE			33.0	NC		
5.00S-39.00E-34	NE NE			20.0	NC		
5.00S-39.00E-34	NW NE			39.0	NC		
5.00S-39.00E-34	SW NE			38.0	NC		
5.00S-39.00E-34	SE NE			38.0	NC		
5.00S-39.00E-34	NE NW			33.0	NC		
5.00S-39.00E-34	NW NW			33.0	NC		
5.00S-39.00E-34	SW NW			33.0	NC		
5.00S-39.00E-34	SE NW			33.0	NC		
5.00S-39.00E-34	NE SW			23.75	NC		
5.00S-39.00E-34	NW SW			23.75	NC		
5.00S-39.00E-34	SW SW			23.75	NC		
5.00S-39.00E-34	NE SE			25.0	NC		
5.00S-39.00E-34	NW SE			35.0	NC		
Sum of Acres: 1059.75							

Water Right Genealogy



---No genealogy records available for this water right, try the family link below instead.

[View Water Rights in same Family](#)

[Help understanding and working with the Water Rights Information System](#)

[Report Errors with Water Right Data](#)

[Return to WRIS Query](#)

(1) The maximum economic development of this state, the attainment of the highest and best use of the waters of the Powder Basin, and attainment of an integrated and coordinated program for the benefit of the state as a whole will be furthered through utilization of the aforementioned waters only for domestic, livestock, municipal, irrigation, power development, industrial, mining, recreation, wildlife, and fish life uses, and the waters of the Powder Basin are hereby so classified with the following exceptions:

(a) That 65,000 acre-feet annually of unappropriated water of Eagle Creek and its tributaries at or above stream mile 21 be classified for domestic, livestock, municipal, irrigation, recreation, wildlife, and fish life purposes.

(b) That 265,000 acre-feet annually of natural flows of Snake River water at or near stream mile 9 of Powder River (arm of Brownlee Reservoir) lying within Section 25, Township 9 South, Range 45 East, Willamette Meridian, be classified for domestic, livestock, municipal, irrigation and industrial purposes.

(c) That 87,000 acre-feet annually of natural flows of Snake River water at or near stream mile 327 of Snake River lying within Section 8, Township 14 South, Range 45 East, Willamette Meridian, be classified for domestic, livestock, municipal, irrigation, and industrial purposes.

(d) The maximum economic development of this state, the attainment of the highest and best use of the unappropriated waters of the natural lakes of the Powder Basin, and the attainment of an integrated and coordinated program for the benefit of the state as a whole will be furthered through utilization of the aforementioned waters only for domestic, livestock, irrigation of lawn or noncommercial garden not to exceed one-half acre in area, power development not to exceed 7-1/2 theoretical horsepower, recreation, wildlife, and fish life uses, and the waters of the natural lakes of the Powder Basin are hereby so classified.

(e) Stored water may be used for any beneficial purpose subject to the reservation of water under OAR 690-509-0110 through 0160.

(2) Application for the use of these specified waters of the Powder Basin shall not be accepted by any state agency for any other use and the granting of applications for such other use is declared to be prejudicial to the public interest and the granting of applications for such other uses would be contrary to the integrated and coordinated program for the use and control of the water resources of the state.

(3) Structures or works for the utilization of the waters in accordance with the aforementioned classifications are also declared to be prejudicial to the public interest unless planned, constructed, and operated in conformity with applicable provisions of ORS 536.310 and any such structures or works are further declared to be prejudicial to the public interest which do not give cognizance to the multiple-purpose concept.

(4) Notwithstanding a determination water is unavailable for appropriation, permits for domestic and livestock purposes from the Burnt River and tributaries may be issued to water-use applicants:

(a) In amounts not to exceed a cumulative total of 2.5 cubic feet per second of live-flow, and

(b) Provided water-use applicants cannot acquire access to a viable source of water supplied by a community water system, irrigation district, or other water supply organization.

(5) Applications filed prior to March 8, 1996, shall be processed under the classification in effect at the time of the application.

Point of Diversion Characteristics

Right:	App:G 16902 *
Name:	HEFFERNAN FAMILY TRUSTCHRIS HEFFERNAN

TRSQQ: 05.00S-39.00E-26-SWSW

POD(s): POD 05 - A WELL > CLOVER CR

County: Union

Basin: Powder

WM District: 8

WM Region: E

Withdrawn Area:

WAB: JIMMY CR > POWDER R - AT MOUTH (30920326)

Priority WAB:

Rule 4D:

Groundwater Restricted Area:

Scenic Water Way:

Division 33: UPPER COLUMBIA

TRSQQ: 05.00S-39.00E-27-SWSE

POD(s): POD 04 - A WELL > CLOVER CR

County: Union

Basin: Powder

WM District: 8

WM Region: E

Withdrawn Area:

WAB: JIMMY CR > POWDER R - AT MOUTH (30920326)

Priority WAB:

Rule 4D:

Groundwater Restricted Area:

Scenic Water Way:

Division 33: UPPER COLUMBIA

TRSQQ: 05.00S-39.00E-28-SENE

POD(s): POD 03 - A WELL > CLOVER CR

County: Union

Basin: Powder

WM District: 8

WM Region: E

Withdrawn Area:

WAB: JIMMY CR > POWDER R - AT MOUTH (30920326)

Priority WAB:

Rule 4D:

Groundwater Restricted Area:

Scenic Water Way:

Division 33: UPPER COLUMBIA

TRSQQ: 05.00S-39.00E-34-NWNW

POD(s): POD 02 - A WELL > CLOVER CR

County: Union

Basin: Powder

WM District: 8

WM Region: E

Withdrawn Area:

WAB: JIMMY CR > POWDER R - AT MOUTH (30920326)

Priority WAB:

Rule 4D:

Groundwater Restricted Area:

Scenic Water Way:

Division 33: UPPER COLUMBIA

TRSQQ: 05.00S-39.00E-34-SWNW

POD(s): POD 01 - A WELL > CLOVER CR

County: Union

Basin: Powder

WM District: 8

WM Region: E

Withdrawn Area:

WAB: JIMMY CR > POWDER R - AT MOUTH (30920326)

Priority WAB:

Rule 4D:

Groundwater Restricted Area:

Scenic Water Way:

Division 33: UPPER COLUMBIA

Place of Use Conflict Report

The following rights have acreage in the same quarter-quarter as App:G 16902 *

Water Rights Platcard Report

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

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): NE	QQ(40): NW	QQ(40): SW	QQ(40): SE	QQ(40): NE	QQ(40): NW	QQ(40): SW	QQ(40): SE	QQ(40): NE	QQ(40): NW	QQ(40): SW	QQ(40): SE	QQ(40): NE	QQ(40): NW	QQ(40): SW	QQ(40): SE	QQ(160): NE	QQ(160): NE	QQ(160): NE	QQ(160): NE	QQ(160): NW	QQ(160): NW	QQ(160): NW	QQ(160): NW	QQ(160): SW	QQ(160): SW	QQ(160): SW	QQ(160): SW	QQ(160): SE	QQ(160): SE	QQ(160): SE	QQ(160): SE	Unkown QQ
Select App:G 16902 *		7/2/2007	IRRIGATION															2	17	38	5																		
Additional Info: CHRIS HEFFERNAN App: G16902																																							

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

Water Rights Platcard Report

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

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40):	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unkown		
							Q(160):	NE	NE	NE	NE	NW	NW	NW	NW	SW	SW	SW	SW	SE	SE	SE	SE	QQ		
Select App:G 16902 *		7/2/2007	IRRIGATION					7	38	30	25			25	30	40	40	20	40		30	22.5	10			
Additional Info: CHRIS HEFFERNAN App: G16902																										

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

Water Rights Platcard Report

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

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): Q(160):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unkown QQ			
Select App:G 16902 *		7/2/2007	IRRIGATION					19.07	22.9	38.99	29.04												33	33	33	33	
Additional Info: CHRIS HEFFERNAN App: G16902																											

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

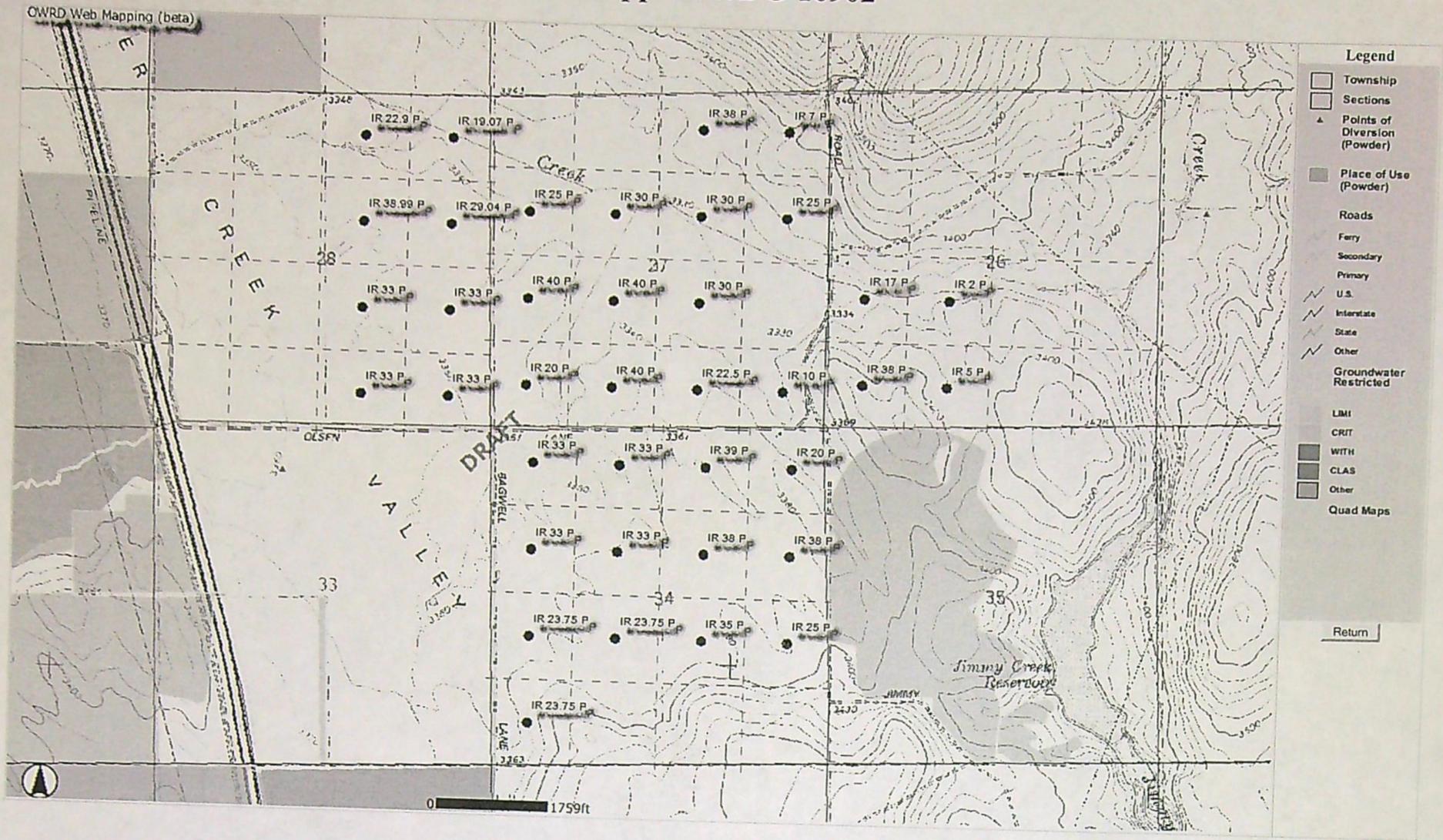
Water Rights Platcard Report

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

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unkown
							Q(160): NE	NE	NE	NE	NE	NW	NW	NW	NW	NW	NW	NW	NW	NW	NW	NW	NW	NW	NW	NW	NW	NW	NW	NW	QQ
<u>Select</u> App:G 16902 *		7/2/2007	IRRIGATION					20	39	38	38	33	33	33	33	23.75	23.75	23.75		25	35										
Additional Info: CHRIS HEFFERNAN App: G16902																															

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

Application G-16902



Water Right Conditions
Tracking Slip

Groundwater/Hydrology Section

FILE ## G-16902

ROUTED TO: Kerry Kavanagh

TOWNSHIP/

RANGE-SECTION: 55/39E - 26,27,34

CONDITIONS ATTACHED? []yes []no

REMARKS OR FURTHER INSTRUCTIONS:

Superseding review / includes
new condition

Reviewer: Mike Zwart

PUBLIC INTEREST REVIEW FOR GROUND WATER APPLICATIONS

TO: Water Rights Section Date March 4, 2008
 FROM: Ground Water/Hydrology Section Michael Zwart
Reviewer's Name
 SUBJECT: Application G- 16902 Supersedes review of October 12, 2007
Date of Review(s)

PUBLIC INTEREST PRESUMPTION; GROUNDWATER

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

A. **GENERAL INFORMATION:** Applicant's Name: Heffernan Family Trust County: Union

A1. Applicant(s) seek(s) 15.0 cfs from five well(s) in the Powder Basin,
Clover Creek subbasin Quad Map: North Powder

A2. Proposed use: Irrigation, 1198 ac. (P) Seasonality: March 1 to October 31

A3. Well and aquifer data (attach and number logs for existing wells; mark proposed wells as such under logid):

Well	Logid	Applicant's Well #	Proposed Aquifer*	Proposed Rate(cfs)	Location (T/R-S QQ-Q)	Location, metes and bounds, e.g. 2250' N, 1200' E fr NW cor S 36
1	Proposed	1	CRB	2.72	5S/39E-34 SW-NW	25' E, 2640' S fr NE cor S 33
2	Proposed	2	CRB	2.72	5S/39E-34 NW-NW	25' E, 25' S fr NE cor S 33
3	Proposed	3	CRB	2.72	5S/39E-27 NW-SW	2254' N, 60' E fr NE cor S 33
4	Proposed	4	CRB	2.72	5S/39E-27 SW-SE	3300' E, 25' N fr NE cor S 33
5	Proposed	5	CRB	2.72	5S/39E-26 SW-SW	25' E, 25' N fr NE cor S 34

* Alluvium, CRB, Bedrock

Well	Well Elev ft msl	First Water ft bls	SWL ft bls	SWL Date	Well Depth (ft)	Seal Interval (ft)	Casing Intervals (ft)	Liner Intervals (ft)	Perforations Or Screens (ft)	Well Yield (gpm)	Draw Down (ft)	Test Type
1	3354	250	250?		600	0-70	0-70					
2	3348	250	250?		600	0-70	0-70					
3	3342	250	250?		600	0-70	0-70					
4	3362	250	250?		600	0-70	0-70					
5	3370	250	250?		600	0-70	0-70					

Use data from application for proposed wells.

A4. **Comments:** The proposed construction information is from the application and enclosed diagram, which does not indicate that casing will be perforated. The applicant has based the proposed construction on the few nearby basalt wells which all describe water-bearing zones no shallower than about 250 feet. High-production zones may be at a depth greater than 600 feet, so the applicant may need to drill deeper. This superseding review is required due to amendment of the application which included an increase in acreage and rate, as well as a change in location of well #3.

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

A6. Well(s) # _____, _____, _____, _____, _____, tap(s) an aquifer limited by an administrative restriction.
 Name of administrative area: _____
 Comments: _____

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

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

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

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

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

B3. Ground water availability remarks: There is limited development of basalt for irrigation or other large-scale uses in the area. Although the requested rate is high, it appears that the recommended measurement condition will protect the resource and senior users.

Proposed special condition language follows: The wells shall be fitted with dedicated measuring tubes to allow unobstructed access for water-level measurements.

Recommended language for well construction follows: The wells shall be cased and sealed in such a manner to develop a single ~~basalt~~ aquifer.
Basalt or other bedrock aquifer. SW

C. GROUND WATER/SURFACE WATER CONSIDERATIONS, OAR 690-09-040

C1. 690-09-040 (1): Evaluation of aquifer confinement:

Well	Aquifer or Proposed Aquifer	Confined	Unconfined
All	Basalt of the Columbia River Basalt Group	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>

Basis for aquifer confinement evaluation: Basalt aquifers are typically confined except where they occur at very shallow depth or are in good hydraulic connection with an overlying unconfined aquifer.

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

Well	SW #	Surface Water Name	GW Elev ft msl	SW Elev ft msl	Distance (ft)	Hydraulically Connected?			Potential for Subst. Interfer. Assumed?	
						YES	NO	ASSUMED	YES	NO
1-5	1	Clover Creek	3200±	3330	1600-6600	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1-5	2	Jimmy Creek	3200±	3310	4900-10200	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Basis for aquifer hydraulic connection evaluation: The targeted basalt aquifer is well below the nearby reaches of the creeks. The lower-elevation reaches of Jimmy Creek and the Powder River are possible discharge areas for the basalt aquifer, but the local geology is complex and older rocks are mapped at these areas.

Water Availability Basin the well(s) are located within: JIMMY CR > POWDER R - AT MOUTH (30920306).

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

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

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

SW #	Qw > 5 cfs?	Instream Water Right ID	Instream Water Right Q (cfs)	Qw > 1% ISWR?	80% Natural Flow (cfs)	Qw > 1% of 80% Natural Flow?	Interference @ 30 days (%)	Potential for Subst. Interfer. Assumed?
	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
	<input type="checkbox"/>			<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>

Comments: This section does not apply.

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

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

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

D. WELL CONSTRUCTION, OAR 690-200

D1. Well #: _____ Logid: _____

D2. **THE WELL does not meet current well construction standards based upon:**
a. review of the well log;
b. field inspection by _____;
c. report of CWRE _____;
d. other: (specify) _____

D3. **THE WELL construction deficiency:**
a. constitutes a health threat under Division 200 rules;
b. commingles water from more than one ground water reservoir;
c. permits the loss of artesian head;
d. permits the de-watering of one or more ground water reservoirs;
e. other: (specify) _____

D4. **THE WELL construction deficiency is described as follows:** _____

D5. **THE WELL** a. was, or was not constructed according to the standards in effect at the time of original construction or most recent modification.
b. I don't know if it met standards at the time of construction.

D6. **Route to the Enforcement Section.** I recommend withholding issuance of the permit until evidence of well reconstruction is filed with the Department and approved by the Enforcement Section and the Ground Water Section.

THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL

D7. Well construction deficiency has been corrected by the following actions: _____

_____, 200____.
(Enforcement Section Signature)

D8. **Route to Water Rights Section (attach well reconstruction logs to this page).**

Doug Woodcock

From: Ivan Gall
Sent: Monday, February 25, 2008 12:42 PM
To: 'Doug Woodcock'
Cc: Debbie Colbert
Subject: G-16902 Heffernan

Attachments: G16902.pdf



G16902.pdf (1 MB)

Doug-

Attached is an amended application map and page 4 of the gw application. Let me know if you have trouble with the pdf; we are fighting our scanner.

I am mailing the originals.

These should allow you to re-review the Heffernan basalt application for the additional acreage, rate, and duty.

Also note that the location of well #3 changed slightly (moves it across a section line from 28 to 27). I helped the Heffernan's fill out an alluvial application for the same lands; they will be mailing it in this week.

Riverside could be onsite next week, but the access road may be a problem (getting muddy and soft).

ikg

Ivan K. Gall
Manager, Eastern Region
Oregon Water Resources Department
1995 3rd Street Suite 180
Baker City OR 97814
541.523.8224 ext. 24
FAX 866.214.3493
Ivan.K.Gall@wrdd.state.or.us

*Note:
Amended Well loc-
+ Q
Superseding rev.
Measuring tubes*

G-16902 Heffernan

B. Amount of Water

Provide the production rate in gallons per minute (gpm) and the total annual amount of water you need from each well, from each source or aquifer, for each use. You do not need to provide source information if you are submitting a well log with your application.

Well No.	Source or aquifer	Type of use	Total rate of water requested (in gpm)	Total annual quantity (in gallons)	Production rate of well (in gpm)
1 thru 5	Basalt	Irrigation	6725 gpm	3594 ac/ft	6725 gpm

C. Maximum Rate of Use Requested

What is the maximum, instantaneous rate of water that will be used? 6725 gpm \approx 15 cfs
(The fees for your application will be based on this amount.)

D. Period of Use

Indicate the time of year you propose to use the water: March 1 to October 31
(For seasonal uses like irrigation give dates when water use would begin and end, e.g. March 1–October 31.)

E. Acreage

If you will be applying water to land, please give the total number of acres where water will be applied or used: 1,198
(This number should be consistent with your application map.)

5. WATER MANAGEMENT

A. Diversion

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

- Pump (give horsepower and pump type): 150 HP Turbine
- Other means (describe): _____

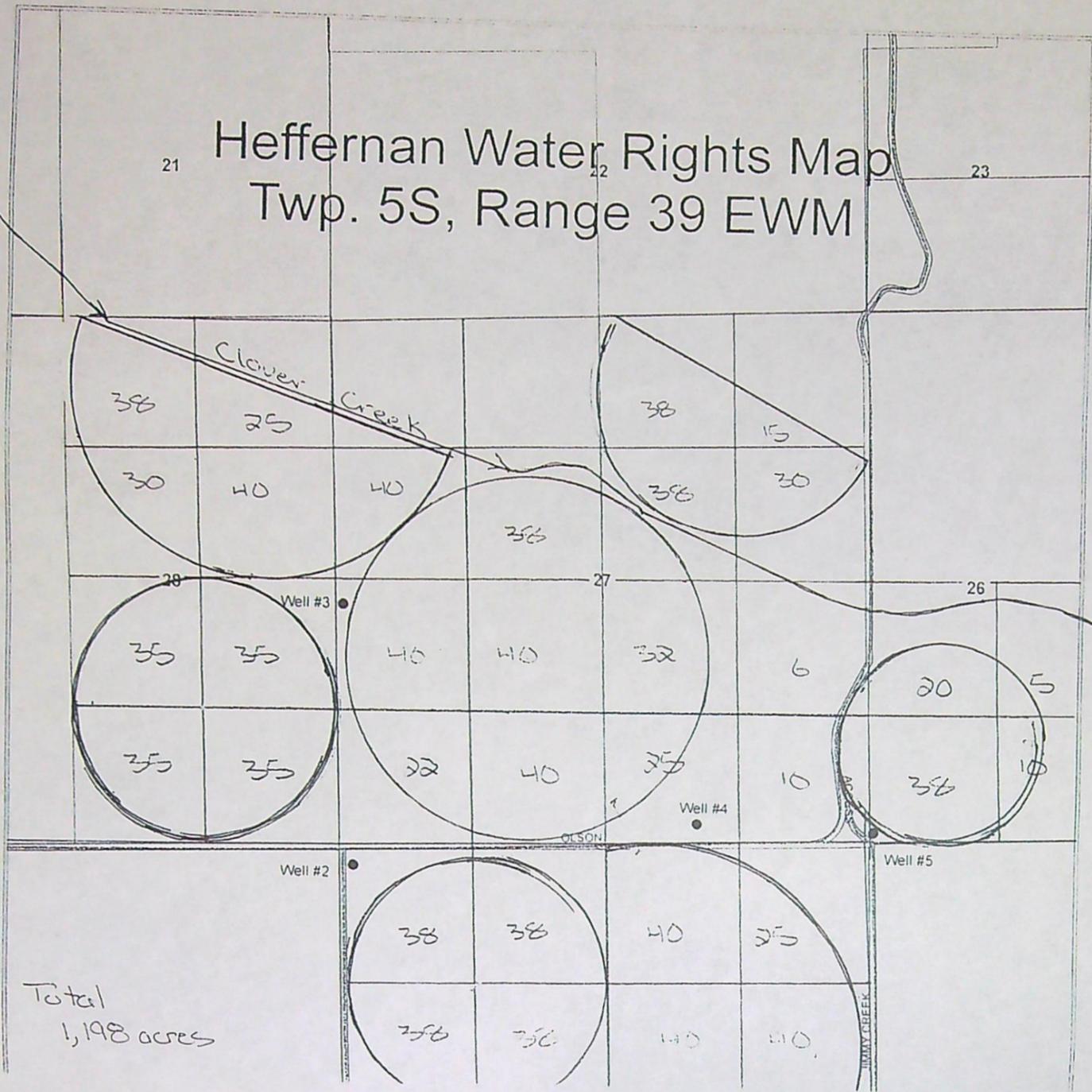
B. Transport

How will you transport water to your place of use?

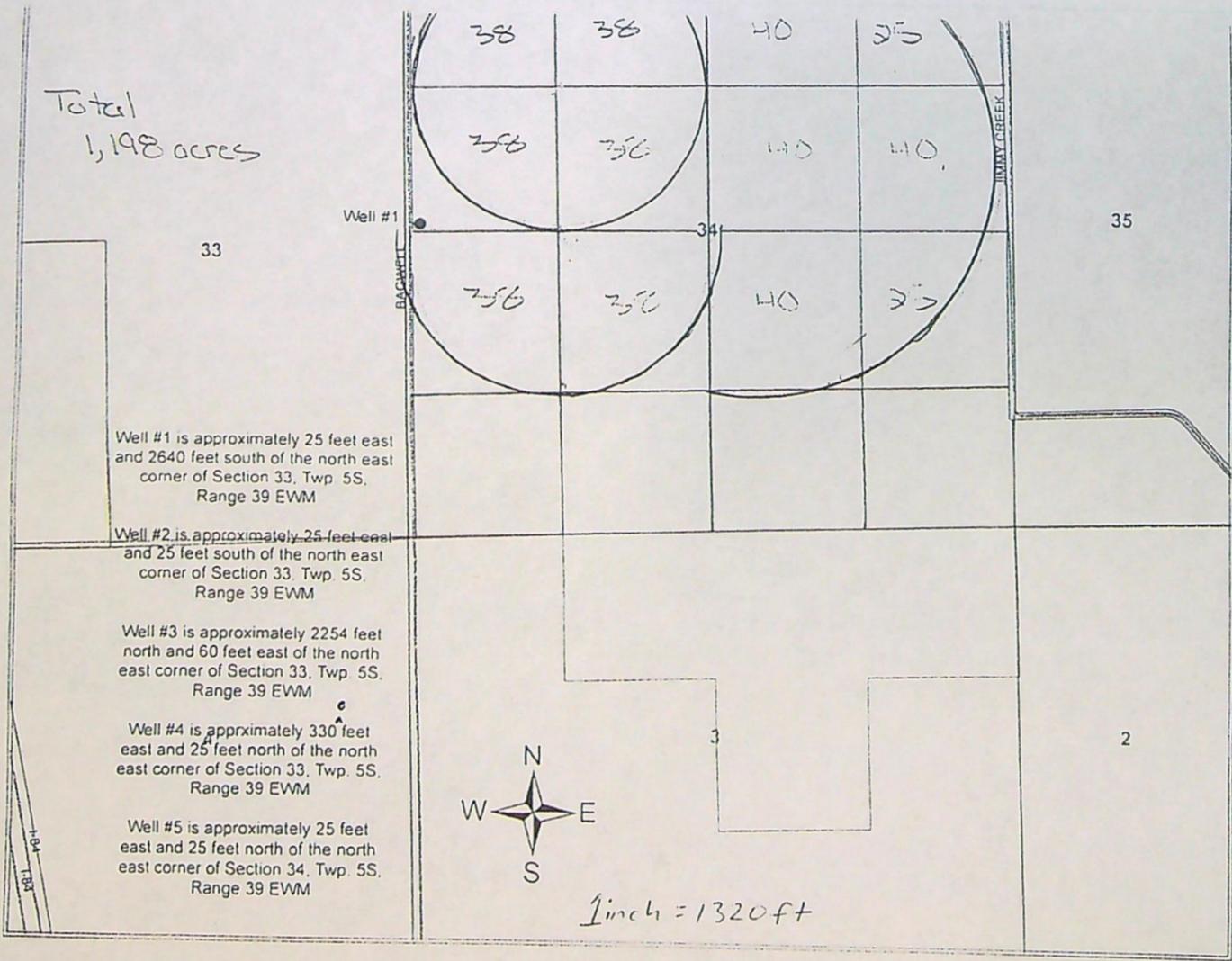
- Ditch or canal (give average width and depth):
Width _____ Depth _____
Is the ditch or canal to be lined? Yes No
- Pipe (give diameter and total length):
Diameter 12-inch Length 5 miles
- Other (describe) _____

Heffernan Water Rights Map

Twp. 5S, Range 39 EWM



Total
1,198 acres



Total
1,198 acres

Well #1 is approximately 25 feet east and 2640 feet south of the north east corner of Section 33, Twp. 5S, Range 39 EWM

Well #2 is approximately 25 feet east and 25 feet south of the north east corner of Section 33, Twp. 5S, Range 39 EWM

Well #3 is approximately 2254 feet north and 60 feet east of the north east corner of Section 33, Twp. 5S, Range 39 EWM

Well #4 is approximately 330 feet east and 25 feet north of the north east corner of Section 33, Twp. 5S, Range 39 EWM

Well #5 is approximately 25 feet east and 25 feet north of the north east corner of Section 34, Twp. 5S, Range 39 EWM



1 inch = 1320 ft

Water Right Conditions
Tracking Slip

Groundwater/Hydrology Section

FILE ## G-16902

ROUTED TO: Water Rights

TOWNSHIP/

RANGE-SECTION: 55/39E - 26, 27, 28 + 34

CONDITIONS ATTACHED? []yes []no

REMARKS OR FURTHER INSTRUCTIONS:

Reviewer: Mike Zwart

PUBLIC INTEREST REVIEW FOR GROUND WATER APPLICATIONS

Superseded

TO: Water Rights Section Date October 12, 2007
 FROM: Ground Water/Hydrology Section Michael Zwart
Reviewer's Name
 SUBJECT: Application G- 16902 Supersedes review of N/A
Date of Review(s)

PUBLIC INTEREST PRESUMPTION; GROUNDWATER

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

A. GENERAL INFORMATION: Applicant's Name: Heffernan Family Trust County: Union

A1. Applicant(s) seek(s) 13.6 cfs from five well(s) in the Powder Basin,
Clover Creek subbasin Quad Map: North Powder

A2. Proposed use: Irrigation, 1086 ac. (P) Seasonality: March 1 to October 31

A3. Well and aquifer data (attach and number logs for existing wells; mark proposed wells as such under logid):

Well	Logid	Applicant's Well #	Proposed Aquifer*	Proposed Rate(cfs)	Location (T/R-S QQ-Q)	Location, metes and bounds, e.g. 2250' N, 1200' E fr NW cor S 36
1	Proposed	1	CRB	2.72	5S/39E-34 SW-NW	25' E, 2640' S fr NE cor S 33
2	Proposed	2	CRB	2.72	5S/39E-34 NW-NW	25' E, 25' S fr NE cor S 33
3	Proposed	3	CRB	2.72	5S/39E-28 NE-SE	2640' N fr NE cor S 33
4	Proposed	4	CRB	2.72	5S/39E-27 SW-SE	3300' E, 25' N fr NE cor S 33
5	Proposed	5	CRB	2.72	5S/39E-26 SW-SW	25' E, 25' N fr NE cor S 34

* Alluvium, CRB, Bedrock

Well	Well Elev ft msl	First Water ft bls	SWL ft bls	SWL Date	Well Depth (ft)	Seal Interval (ft)	Casing Intervals (ft)	Liner Intervals (ft)	Perforations Or Screens (ft)	Well Yield (gpm)	Draw Down (ft)	Test Type
1	3354	250	250?		600	0-70	0-70					
2	3348	250	250?		600	0-70	0-70					
3	3342	250	250?		600	0-70	0-70					
4	3362	250	250?		600	0-70	0-70					
5	3370	250	250?		600	0-70	0-70					

Use data from application for proposed wells.

A4. **Comments:** The proposed construction information is from the application and enclosed diagram, which does not indicate that casing will be perforated. The applicant has based the proposed construction on the few nearby basalt wells which all describe water-bearing zones no shallower than about 250 feet. High-production zones may be at a depth greater than 600 feet, so the applicant may need to drill deeper.

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

Comments: _____

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

Name of administrative area: _____
 Comments: _____

C. GROUND WATER/SURFACE WATER CONSIDERATIONS, OAR 690-09-040

C1. 690-09-040 (1): Evaluation of aquifer confinement:

Well	Aquifer or Proposed Aquifer	Confined	Unconfined
All	Basalt of the Columbia River Basalt Group	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>

Basis for aquifer confinement evaluation: Basalt aquifers are typically confined except where they occur at very shallow depth or are in good hydraulic connection with an overlying unconfined aquifer.

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

Well	SW #	Surface Water Name	GW Elev ft msl	SW Elev ft msl	Distance (ft)	Hydraulically Connected?			Potential for Subst. Interfer. Assumed?	
						YES	NO	ASSUMED	YES	NO
1-5	1	Clover Creek	3200±	3330	1600-6600	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1-5	2	Jimmy Creek	3200±	3310	4900-10200	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Basis for aquifer hydraulic connection evaluation: The targeted basalt aquifer is well below the nearby reaches of the creeks. The lower-elevation reaches of Jimmy Creek and the Powder River are possible discharge areas for the basalt aquifer, but the local geology is complex and older rocks are mapped at these areas.

Water Availability Basin the well(s) are located within: JIMMY CR > POWDER R - AT MOUTH (30920306).

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

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

D. WELL CONSTRUCTION, OAR 690-200

D1. Well #: _____ Logid: _____

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

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

D3. **THE WELL construction deficiency:**

- a. constitutes a health threat under Division 200 rules;
- b. commingles water from more than one ground water reservoir;
- c. permits the loss of artesian head;
- d. permits the de-watering of one or more ground water reservoirs;
- e. other: (specify) _____

D4. **THE WELL construction deficiency is described as follows:** _____

D5. **THE WELL** a. was, or was not constructed according to the standards in effect at the time of original construction or most recent modification.

b. I don't know if it met standards at the time of construction.

D6. **Route to the Enforcement Section.** I recommend withholding issuance of the permit until evidence of well reconstruction is filed with the Department and approved by the Enforcement Section and the Ground Water Section.

THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL

D7. Well construction deficiency has been corrected by the following actions: _____

_____, 200____.
(Enforcement Section Signature)

D8. **Route to Water Rights Section (attach well reconstruction logs to this page).**



lower

CREEK

Creek

Creek

VALLEY

North Powder

G-16902

Proposed Wells

#3

#2

#4

#5

28

27

26

33

34

35

4

3

2

33

80N

130

9

10

11

Dorion Historical Marker

3205

3208

3209

FIC

Standard Application Completeness Checklist

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

Application 9-16902 Township 5S
 Priority Date 7-2-07 Range 39E
 Use(s) IRRIG Section 26, 27, 28, 34
 Rate 13.6 POD Loc "
 County Baker POU Loc "
 W.M. _____ Caseworker _____

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) 5 wells

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. IRRIG on 1086 acres

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) 6108.75 gpm ~ 13.6 cfs

Period of use March 1 - Oct 31

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").

NA

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.

Need legal for EY2 Sec 34.

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

on separate map

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 13.6 cfs Rec'd 7-2-07 *see memo* from Dwight France*

Base Fee \$ 300

Total Exam Fee \$ 1800

1st CFS/AF 200

Total Paid \$ 2050

13 Addtn'l CFS/ AF @ \$100 = 1300

Amount Due \$ 1800

N/A - per DWF memo
Addtn' POD @ _____ = _____

Reviewed by K Kawana

Date 7-5-07

Mailing List for PFO Copies

Application #G-16902

PFO Date June ¹⁰~~17~~, 2008

Original mailed to applicant:

~~HEFFERNAN FAMILY TRUST
ATTENTION: CHRIS HEFFERNAN
63600 VIEWPOINT LANE
NORTH POWDER, OR 97867~~

Copies sent to:

- ~~1. WRD - File # G-16902~~
- ~~2. Water Availability: Ken Stahr~~

PFO and Map Copies sent to:

- ~~3. WRD - Watermaster # 8~~
- ~~4. WRD - Regional Manager: EASTERN~~
- ~~5. WRD - EASTERN Region Well Inspector~~

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

- ~~6. Richard Comstock, Director, Union County Public Works, Road Department,
10513 N. McAllister Road, P.O. Box 1103, Island City, OR 97850~~

"\$10 LETTER" sent to Interested Persons who have not protested or paid for copies

Affected Landowners (include "Notice of Proposed Final Order--Affected Landowner"):

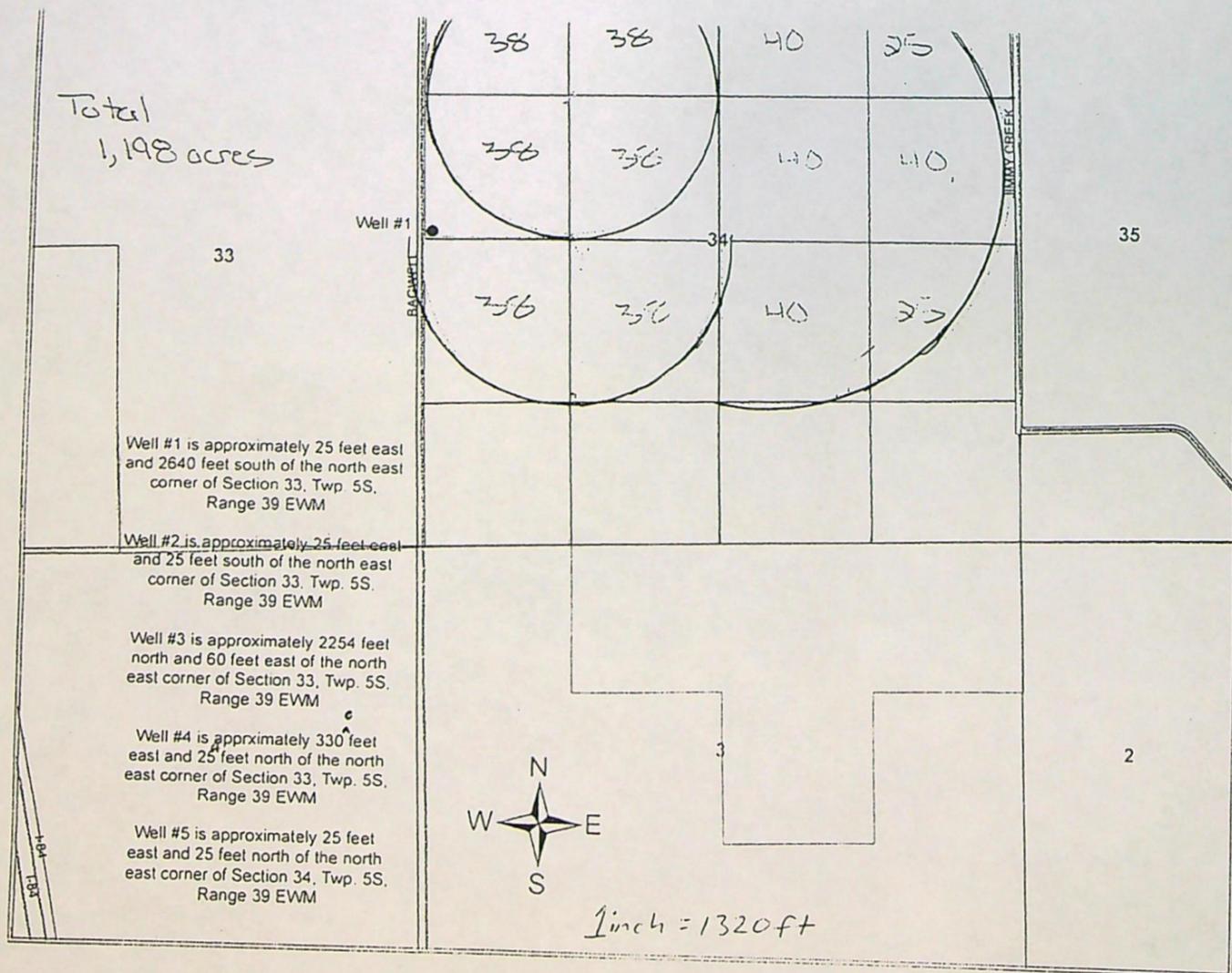
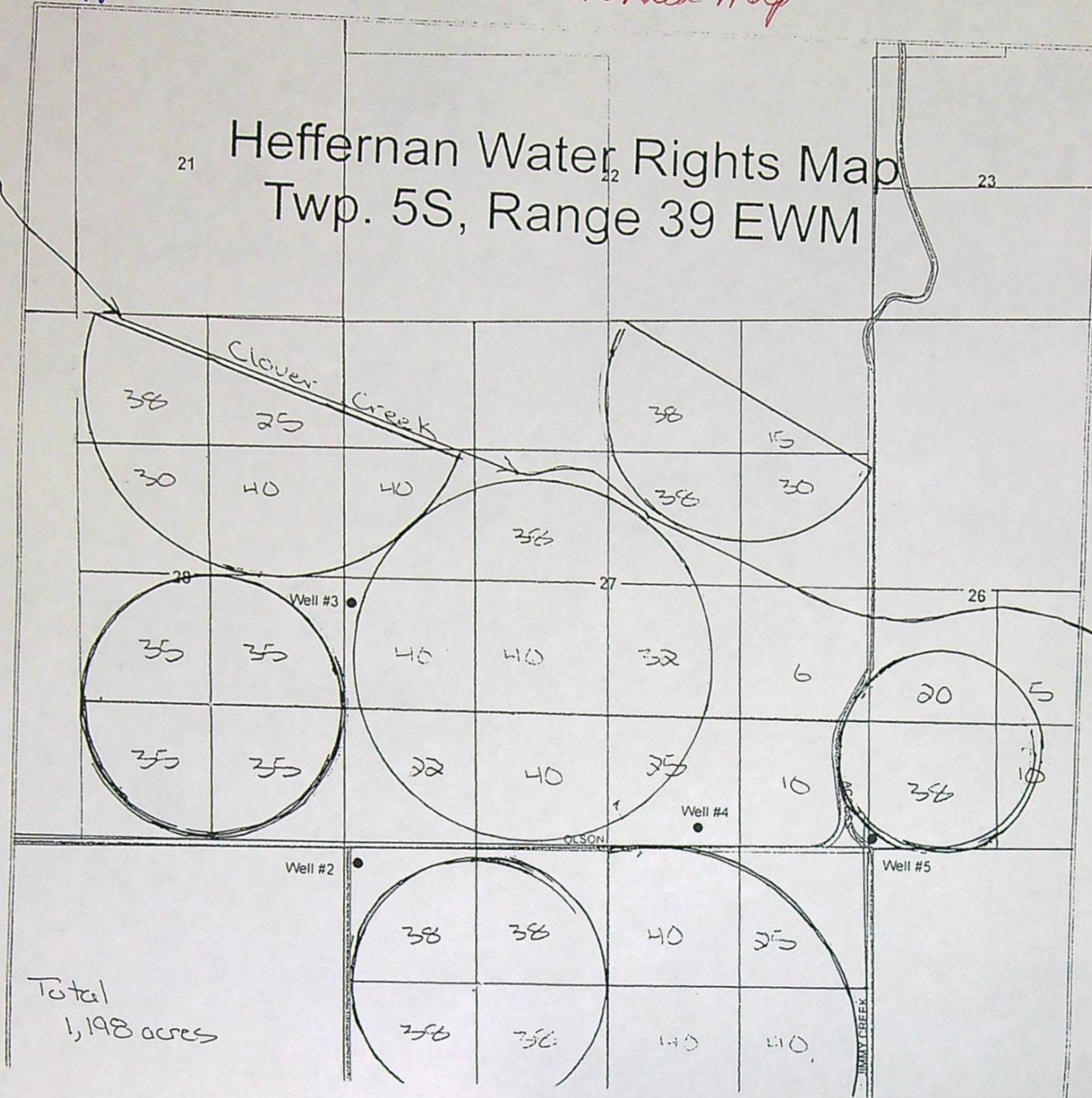
- ~~1. Dana Osburn, 53365 Jimmy Creek Road, North Powder, OR 97867~~
- ~~2. Harla Mattox, 53365 Jimmy Creek Road, North Powder, OR 97867~~
- ~~3. Gerald Dudek, 53365 Jimmy Creek Road, North Powder, OR 97867~~
- ~~4. Cherrie Elmer, 53365 Jimmy Creek Road, North Powder, OR 97867~~

Returned to WRD

Copies Mailed
By: <u>JCB</u> (SUPPORT STAFF)
on: <u>6/10/08</u> (DATE)

CASEWORKER : Kerry Kavanagh

Superseded



Superseded

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-16902

Proposed Final Order

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

Application History

On July 2, 2007, HEFFERNAN FAMILY TRUST submitted an application to the Department for the following water use permit:

- Amount of Water: 15.0 CUBIC FEET PER SECOND (CFS)
- Use of Water: IRRIGATION USE ON 1198.0 ACRES
- Source of Water: WELL 1, WELL 2, WELL 3, WELL 4, AND WELL 5 IN CLOVER CREEK BASIN
- Area of Proposed Use: UNION COUNTY WITHIN SECTION 26, SECTION 27, SECTION 28, AND SECTION 34, TOWNSHIP 5 SOUTH, RANGE 39 EAST, W.M.

On March 28, 2008, the Department mailed the applicant notice of its Initial Review, determining that "The use of 15.0 CFS from Well 1, Well 2, Well 3, Well 4, and Well 5 in Clover Creek Basin for irrigation use on 1198.0 acres is allowable during the full period requested, March 1 through October 31." The applicant did not notify the Department to stop processing the application within 14 days of that date.

On April 1, 2008, 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.

On April 16, 2008, the Department received a revised map clarifying the location of the wells and the place of use. The total acreage depicted on the April 16, 2008 map is 1191.0 acres.

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

- designations of any critical ground water areas
- the Scenic Waterway requirements of ORS 390.835
- applicable statutes, administrative rules, and case law
- any general basin-wide standard for flow rate and duty of water allowed
- the need for a flow rate and duty higher than the general standard
- any comments received

Findings of Fact

The Powder Basin Program allows IRRIGATION USE.

WELL 1, WELL 2, WELL 3, WELL 4, AND WELL 5 IN CLOVER CREEK BASIN are not within or above a State Scenic Waterway.

Ground Water Findings Under OAR 690-009

The Department determined, consistent with OAR 690-009-0040(4), that the proposed ground water use will not have the potential for substantial interference with surface water.

In making this determination, the Department considered whether:

- (a) There is a hydraulic connection from the proposed well(s) to any surface water sources.
- (b) The point of appropriation is a horizontal distance less than one-fourth mile from the surface water source;
- (c) The rate of appropriation is greater than five cubic feet per second, if the point of appropriation is a horizontal distance less than one mile from the surface water source;
- (d) The rate of appropriation is greater than one percent of the pertinent adopted minimum perennial streamflow or instream water right with a senior priority date, if one is applicable, or of the discharge that is equaled or exceeded 80 percent of time, as determined or estimated by the Department, and if the point of appropriation is a horizontal distance less than one mile from the surface water source;
- (e) The ground water appropriation, if continued for a period of 30 days, would result in stream depletion greater than 25 percent of the rate of appropriation, if the point of appropriation is a horizontal distance less than one mile from the surface water source.

According to the Department's rules, the potential for substantial interference is assumed if (a) and either (b) or (c) or (d) or (e) are met. For this application, the Department determined that there is no potential for substantial interference, because either (a) is not met, or (b), (c), (d) or (e) are not met, or both.

An assessment of ground water availability has been completed by the Department's Ground Water/Hydrology section. A copy of this assessment is in the file. The proposed water use will, if properly conditioned, avoid injury to existing rights and the resource.

The Department finds that no more than 14.9 CFS would be necessary for the proposed use. The amount of water allowed shall be restricted to 14.9 CFS.

The proposed wells are not within a designated critical ground water area.

Conclusions of Law

Under the provisions of ORS 537.621, the Department must presume that a proposed use will ensure the preservation of the public welfare, safety and health if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

The proposed use requested in this application is allowed in the Powder 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.

No proposed flow rate and duty of water higher than the general basin-wide standard is needed.

For these reasons, the required presumption has been established.

Under the provisions of ORS 537.621, once the presumption has been established, it may be overcome by a preponderance of evidence that either:

- (a) One or more of the criteria for establishing the presumption are not satisfied; or

- (b) The proposed use would not ensure the preservation of the public welfare, safety and health as demonstrated in comments, in a protest . . . or in a finding of the department that shows:
 - (A) The specific aspect of the public welfare, safety and health under ORS 537.525 that would be impaired or detrimentally affected; and
 - (B) Specifically how the identified aspect of the public welfare, safety and health under ORS 537.525 would be impaired or be adversely affected.

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

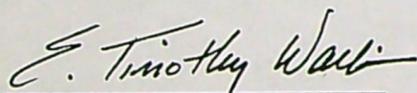
The Department therefore concludes that water is available in the amount necessary for the proposed use; the proposed use will not result in injury to existing water rights; and the proposed use would ensure the preservation of the public welfare, safety and health as described in ORS 537.525.

When issuing permits, ORS 537.628(1) authorizes the Department to include limitations and conditions which have been determined necessary to protect the public welfare, safety, and health. The attached draft permit is conditioned accordingly.

Recommendation

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

DATED June 10, 2008



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 July 25, 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 July 25, 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 Kerry Kavanagh. 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 503-986-0816.

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.
STATE OF OREGON

DRAFT

COUNTY OF UNION

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

HEFFERNAN FAMILY TRUST
63600 VIEWPOINT LANE
NORTH POWDER, OR 97867

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

APPLICATION FILE NUMBER: G-16902

SOURCE OF WATER: WELL 1, WELL 2, WELL 3, WELL 4, AND WELL 5 IN CLOVER CREEK BASIN

PURPOSE OR USE: IRRIGATION USE ON 1191.0 ACRES

MAXIMUM RATE: 14.9 CUBIC FEET PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: JULY 2, 2007

WELL LOCATIONS:

WELL 1 - SW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 34, T5S, R39E, W.M.; 2640 FEET SOUTH AND 25 FEET EAST FROM NW CORNER, SECTION 34

WELL 2 - NW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 34, T5S, R39E, W.M.; 25 FEET SOUTH AND 25 FEET EAST FROM NW CORNER, SECTION 34

WELL 3 - NW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 27, T5S, R39E, W.M.; 2254 FEET NORTH AND 60 FEET EAST FROM SW CORNER, SECTION 27

WELL 4 - SW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 27, T5S, R39E, W.M.; 25 FEET NORTH AND 3300 FEET EAST FROM SW CORNER, SECTION 27

WELL 5 - SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 26, T5S, R39E, W.M.; 25 FEET NORTH AND 25 FEET EAST FROM SW CORNER, SECTION 26

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

Application G-16902 Water Resources Department

PERMIT DRAFT

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 38.0 ACRES
 SE $\frac{1}{4}$ SW $\frac{1}{4}$ 10.0 ACRES
 SECTION 26

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 15.0 ACRES
 NW $\frac{1}{4}$ NE $\frac{1}{4}$ 38.0 ACRES
 SW $\frac{1}{4}$ NE $\frac{1}{4}$ 38.0 ACRES
 SE $\frac{1}{4}$ NE $\frac{1}{4}$ 30.0 ACRES
 SW $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 ACRES
 SE $\frac{1}{4}$ NW $\frac{1}{4}$ 38.0 ACRES
 NE $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 ACRES
 NW $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 ACRES
 SW $\frac{1}{4}$ SW $\frac{1}{4}$ 22.0 ACRES
 SE $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 ACRES
 NE $\frac{1}{4}$ SE $\frac{1}{4}$ 6.0 ACRES
 NW $\frac{1}{4}$ SE $\frac{1}{4}$ 32.0 ACRES
 SW $\frac{1}{4}$ SE $\frac{1}{4}$ 25.0 ACRES
 SE $\frac{1}{4}$ SE $\frac{1}{4}$ 10.0 ACRES
 SECTION 27

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 28.0 ACRES
 NW $\frac{1}{4}$ NE $\frac{1}{4}$ 38.0 ACRES
 SW $\frac{1}{4}$ NE $\frac{1}{4}$ 35.0 ACRES
 SE $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 ACRES
 NE $\frac{1}{4}$ SE $\frac{1}{4}$ 35.0 ACRES
 NW $\frac{1}{4}$ SE $\frac{1}{4}$ 35.0 ACRES
 SW $\frac{1}{4}$ SE $\frac{1}{4}$ 35.0 ACRES
 SE $\frac{1}{4}$ SE $\frac{1}{4}$ 35.0 ACRES
 SECTION 28

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 30.0 ACRES
 NW $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 ACRES
 SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 ACRES
 SE $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 ACRES
 NE $\frac{1}{4}$ NW $\frac{1}{4}$ 38.0 ACRES
 NW $\frac{1}{4}$ NW $\frac{1}{4}$ 38.0 ACRES
 SW $\frac{1}{4}$ NW $\frac{1}{4}$ 38.0 ACRES
 SE $\frac{1}{4}$ NW $\frac{1}{4}$ 38.0 ACRES
 NE $\frac{1}{4}$ SW $\frac{1}{4}$ 38.0 ACRES
 NW $\frac{1}{4}$ SW $\frac{1}{4}$ 38.0 ACRES
 NE $\frac{1}{4}$ SE $\frac{1}{4}$ 30.0 ACRES
 NW $\frac{1}{4}$ SE $\frac{1}{4}$ 40.0 ACRES
 SECTION 34

TOWNSHIP 5 SOUTH, RANGE 39 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 appropriation. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

The wells shall produce ground water only from the basalt or other bedrock ground water reservoir.

The wells shall be fitted with dedicated measuring tubes to allow unobstructed access for water-level measurements.

The wells shall be cased and sealed in such a manner to develop a single basalt or other bedrock aquifer.

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

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

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

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

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if any of the following events occur:

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

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

STANDARD CONDITIONS

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

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may not be valid, unless the Department authorizes the change in writing.

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

The well(s) shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, Section 030 adopted November 13, 1991 shall be followed.

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

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

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

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

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

The use of water shall be limited when it interferes with any prior surface or ground water rights.

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.

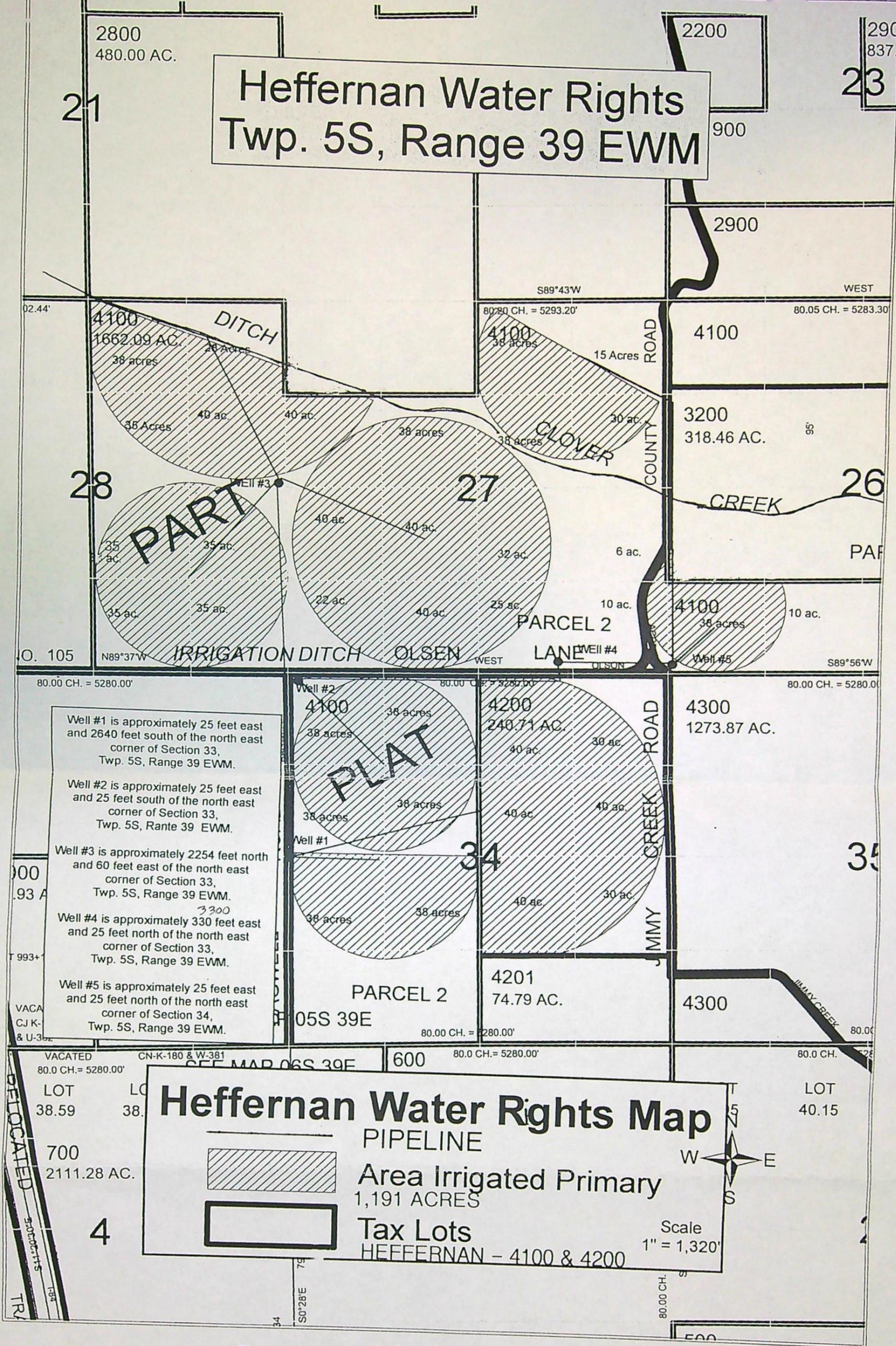
Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued _____, 2008

DRAFT - THIS IS NOT A PERMIT

for Phillip C. Ward, Director
Water Resources Department

Heffernan Water Rights Twp. 5S, Range 39 EWM



Well #1 is approximately 25 feet east and 2640 feet south of the north east corner of Section 33, Twp. 5S, Range 39 EWM.

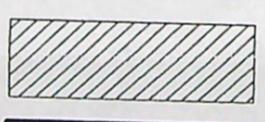
Well #2 is approximately 25 feet east and 25 feet south of the north east corner of Section 33, Twp. 5S, Range 39 EWM.

Well #3 is approximately 2254 feet north and 60 feet east of the north east corner of Section 33, Twp. 5S, Range 39 EWM.

Well #4 is approximately 330 feet east and 25 feet north of the north east corner of Section 33, Twp. 5S, Range 39 EWM.

Well #5 is approximately 25 feet east and 25 feet north of the north east corner of Section 34, Twp. 5S, Range 39 EWM.

Heffernan Water Rights Map



PIPELINE
Area Irrigated Primary
1,191 ACRES



Tax Lots
HEFFERNAN - 4100 & 4200



Scale
1" = 1,320'

RECEIVED
APR 16 2008
WATER RESOURCES DEPT
SALEM, OREGON

Appl. G-16902



Oregon Water Resources Department
Land Use Information Form

G-16902

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: Heffernan Family Trust
Mailing Address: 63600 Viewpoint Lane
City: North Powder State: OR Zip: 97867 Day Phone: (541) 898-2507

This application is related to a Measure 37 claim. [] Yes [x] 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.

Table with 8 columns: Township, Range, Section, 1/4 1/4, Tax Lot #, Plan Designation (e.g. Rural Residential/RR-5), Water to be: (Diverted, Conveyed, Used), Proposed Land Use: (Irrigation). Rows 1-4 show tax lots 4100 with A-1 EFU plan and Irrigation use.

List all counties and cities where water is proposed to be diverted, conveyed, or used. Union County

B. Description of Proposed Use

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

- Permit to Use or Store Water, Water-Right Transfer, 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)

Estimated quantity of water needed: 6,000 to 8,000 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: We are purchasing a dryland farm and converting it to a high production center pivot irrigated farm.

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

RECEIVED

APR 10 2008

WATER RESOURCES DEPT
SALEM, OREGON



Oregon Water Resources Department
Land Use Information Form

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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.

Table with 8 columns: Township, Range, Section, 1/4 1/4, Tax Lot #, Plan Designation (e.g. Rural Residential/RR-5), Water to be: (Diverted, Conveyed, Used), Proposed Land Use: (Irrigation). Rows include tax lots 4100 and 4200 in Township 5S, Range 39EWM, Section 34.

List all counties and cities where water is proposed to be diverted, conveyed, or used. Union County

B. Description of Proposed Use

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

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

Source of water: [] Reservoir/Pond [x] Ground Water [] Surface Water (name)

Estimated quantity of water needed: 6,000 to 8,000 [] cubic feet per second [x] gallons per minute [] acre-feet

Intended use of water: [x] Irrigation [] Commercial [] Industrial [] Domestic for household(s)
[] Municipal [] Quasi-municipal [] Instream [x] Other

Briefly describe: We are purchasing a dryland farm and converting it to a high production center pivot irrigated farm.

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Receipt for Request for Land Use Information

State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266

RECEIVED

APR 16 2008

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): UCZPSO Section 2.03.

- 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:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <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.

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Name: Scott Hartell Title: Associate Planner
 Signature: Scott Hartell Phone: (541) 963-1014 Date: 4-7-08
 Government Entity: Union County Planning Department

Scott Hartell 4-14-08

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: Heffernan Family Trust
 City or County: Union Staff contact: Scott Hartell
 Signature: Scott Hartell Phone: 963-1014 Date: 4-7-08

Scott Hartell 4-14-08

EXHIBIT A

This EXHIBIT A is attached to and by this reference is made a part of the Deed of Trust, dated October 17, 2007, and executed in connection with a loan or other financial accommodations between COMMUNITY BANK and THE HEFFERNAN FAMILY TRUST.

Per the Attached

THIS EXHIBIT A IS EXECUTED ON OCTOBER 17, 2007.

GRANTOR:

THE HEFFERNAN FAMILY TRUST

By: Christopher M Heffernan TTS
CHRISTOPHER M HEFFERNAN, Trustee of THE HEFFERNAN FAMILY TRUST

By: Donna L Heffernan TTS
DONNA L HEFFERNAN, Trustee of THE HEFFERNAN FAMILY TRUST

X Christopher M Heffernan
CHRISTOPHER M HEFFERNAN, Individually

X Donna L Heffernan
DONNA L HEFFERNAN, Individually

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of, and substitutions for the promissory note or agreement. The maturity date of the Note is October 17, 2009.

Personal Property. The words "Personal Property" mean all equipment, fixtures, and other articles of personal property now or hereafter owned by Grantor, and now or hereafter attached or affixed to the Real Property; together with all accessions, parts, and additions to, all replacements of, and all substitutions for, any of such property; and together with all proceeds (including without limitation all insurance proceeds and refunds of premiums) from any sale or other disposition of the Property.

Property. The word "Property" means collectively the Real Property and the Personal Property.

Real Property. The words "Real Property" mean the real property, interests and rights, as further described in this Deed of Trust.

Related Documents. The words "Related Documents" mean all promissory notes, credit agreements, loan agreements, environmental agreements, guaranties, security agreements, mortgages, deeds of trust, security deeds, collateral mortgages, and all other instruments, agreements and documents, whether now or hereafter existing, executed in connection with the Indebtedness.

Rents. The word "Rents" means all present and future rents, revenues, income, issues, royalties, profits, and other benefits derived from the Property.

Trustee. The word "Trustee" means ABSTRACT & TITLE COMPANY, whose address is PO BOX 489, LA GRANDE, OR 97850 and any substitute or successor trustees.

EACH GRANTOR ACKNOWLEDGES HAVING READ ALL THE PROVISIONS OF THIS DEED OF TRUST, AND EACH GRANTOR AGREES TO ITS TERMS.

GRANTOR:

THE HEFFERNAN FAMILY TRUST

By: Christopher M Heffernan TTE
CHRISTOPHER M HEFFERNAN, Trustee of THE HEFFERNAN FAMILY TRUST

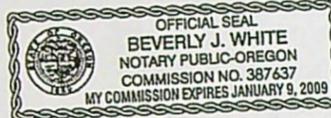
By: Donna L Heffernan TTE
DONNA L HEFFERNAN, Trustee of THE HEFFERNAN FAMILY TRUST

x Christopher M Heffernan
CHRISTOPHER M HEFFERNAN, Individually

Donna L Heffernan
DONNA L HEFFERNAN, Individually

TRUST ACKNOWLEDGMENT

STATE OF Oregon)
)
) SS
COUNTY OF Baker)



On this 30th day of October, 2007, before me, the undersigned Notary Public, personally appeared CHRISTOPHER M HEFFERNAN, Trustee of THE HEFFERNAN FAMILY TRUST and DONNA L HEFFERNAN, Trustee of THE HEFFERNAN FAMILY TRUST, and known to me to be authorized trustees or agents of the trust that executed the Deed of Trust and acknowledged the Deed of Trust to be the free and voluntary act and deed of the trust, by authority set forth in the trust documents or, by authority of statute, for the uses and purposes therein mentioned, and on oath stated that they are authorized to execute this Deed of Trust and in fact executed the Deed of Trust on behalf of the trust.

By Beverly J. White Residing at Baker City
Notary Public in and for the State of Oregon My commission expires 1-9-09

INDIVIDUAL ACKNOWLEDGMENT

STATE OF Oregon)
)
) SS
COUNTY OF Baker)



On this day before me, the undersigned Notary Public, personally appeared CHRISTOPHER M HEFFERNAN and DONNA L HEFFERNAN, to me known to be the individuals described in and who executed the Deed of Trust, and acknowledged that they signed the Deed of Trust as their free and voluntary act and deed, for the uses and purposes therein mentioned.

Given under my hand and official seal this 30 day of October, 2007.
By Beverly J. White Residing at Baker City
Notary Public in and for the State of Oregon My commission expires 1-9-09

REQUEST FOR FULL RECONVEYANCE
(To be used only when obligations have been paid in full)

To: _____, Trustee

The undersigned is the legal owner and holder of all indebtedness secured by this Deed of Trust. All sums secured by this Deed of Trust have been fully paid and satisfied. You are hereby directed, upon payment to you of any sums owing to you under the terms of this Deed of Trust or pursuant to any applicable statute, to cancel the Note secured by this Deed of Trust (which is delivered to you together with this Deed of Trust), and to reconvey, without warranty, to the parties designated by the terms of this Deed of Trust, the estate now held by you under this Deed of Trust. Please mail the reconveyance and Related Documents to:

Date: _____ Beneficiary: _____
By: _____
Its: _____

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Grantor, the book and page where this Deed of Trust is recorded, and the name and address of the successor trustee, and the instrument shall be executed and acknowledged by Lender or its successors in interest. The successor trustee, without conveyance of the Property, shall succeed to all the title, power, and duties conferred upon the Trustee in this Deed of Trust and by applicable law. This procedure for substitution of Trustee shall govern to the exclusion of all other provisions for substitution.

NOTICES. Any notice required to be given under this Deed of Trust, including without limitation any notice of default and any notice of sale shall be given in writing, and shall be effective when actually delivered, when actually received by telefacsimile (unless otherwise required by law), when deposited with a nationally recognized overnight courier, or, if mailed, when deposited in the United States mail, as first class, certified or registered mail postage prepaid, directed to the addresses shown near the beginning of this Deed of Trust. All copies of notices of foreclosure from the holder of any lien which has priority over this Deed of Trust shall be sent to Lender's address, as shown near the beginning of this Deed of Trust. Any party may change its address for notices under this Deed of Trust by giving formal written notice to the other parties, specifying that the purpose of the notice is to change the party's address. For notice purposes, Grantor agrees to keep Lender informed at all times of Grantor's current address. Unless otherwise provided or required by law, if there is more than one Grantor, any notice given by Lender to any Grantor is deemed to be notice given to all Grantors.

EXHIBIT A. An exhibit, titled "EXHIBIT A," is attached to this Deed of Trust and by this reference is made a part of this Deed of Trust just as if all the provisions, terms and conditions of the Exhibit had been fully set forth in this Deed of Trust.

MISCELLANEOUS PROVISIONS. The following miscellaneous provisions are a part of this Deed of Trust:

Amendments. This Deed of Trust, together with any Related Documents, constitutes the entire understanding and agreement of the parties as to the matters set forth in this Deed of Trust. No alteration of or amendment to this Deed of Trust shall be effective unless given in writing and signed by the party or parties sought to be charged or bound by the alteration or amendment.

Annual Reports. If the Property is used for purposes other than Grantor's residence, Grantor shall furnish to Lender, upon request, a certified statement of net operating income received from the Property during Grantor's previous fiscal year in such form and detail as Lender shall require. "Net operating income" shall mean all cash receipts from the Property less all cash expenditures made in connection with the operation of the Property.

Caption Headings. Caption headings in this Deed of Trust are for convenience purposes only and are not to be used to interpret or define the provisions of this Deed of Trust.

Merger. There shall be no merger of the interest or estate created by this Deed of Trust with any other interest or estate in the Property at any time held by or for the benefit of Lender in any capacity, without the written consent of Lender.

Governing Law. This Deed of Trust will be governed by federal law applicable to Lender and, to the extent not preempted by federal law, the laws of the State of Oregon without regard to its conflicts of law provisions. This Deed of Trust has been accepted by Lender in the State of Oregon.

Joint and Several Liability. All obligations of Borrower and Grantor under this Deed of Trust shall be joint and several, and all references to Grantor shall mean each and every Grantor, and all references to Borrower shall mean each and every Borrower. This means that each Grantor signing below is responsible for all obligations in this Deed of Trust.

No Waiver by Lender. Lender shall not be deemed to have waived any rights under this Deed of Trust unless such waiver is given in writing and signed by Lender. No delay or omission on the part of Lender in exercising any right shall operate as a waiver of such right or any other right. A waiver by Lender of a provision of this Deed of Trust shall not prejudice or constitute a waiver of Lender's right otherwise to demand strict compliance with that provision or any other provision of this Deed of Trust. No prior waiver by Lender, nor any course of dealing between Lender and Grantor, shall constitute a waiver of any of Lender's rights or of any of Grantor's obligations as to any future transactions. Whenever the consent of Lender is required under this Deed of Trust, the granting of such consent by Lender in any instance shall not constitute continuing consent to subsequent instances where such consent is required and in all cases such consent may be granted or withheld in the sole discretion of Lender.

Severability. If a court of competent jurisdiction finds any provision of this Deed of Trust to be illegal, invalid, or unenforceable as to any person or circumstance, that finding shall not make the offending provision illegal, invalid, or unenforceable as to any other person or circumstance. If feasible, the offending provision shall be considered modified so that it becomes legal, valid and enforceable. If the offending provision cannot be so modified, it shall be considered deleted from this Deed of Trust. Unless otherwise required by law, the illegality, invalidity, or unenforceability of any provision of this Deed of Trust shall not affect the legality, validity or enforceability of any other provision of this Deed of Trust.

Successors and Assigns. Subject to any limitations stated in this Deed of Trust on transfer of Grantor's interest, this Deed of Trust shall be binding upon and inure to the benefit of the parties, their successors and assigns. If ownership of the Property becomes vested in a person other than Grantor, Lender, without notice to Grantor, may deal with Grantor's successors with reference to this Deed of Trust and the indebtedness by way of forbearance or extension without releasing Grantor from the obligations of this Deed of Trust or liability under the indebtedness.

Time is of the Essence. Time is of the essence in the performance of this Deed of Trust.

Waiver of Homestead Exemption. Grantor hereby releases and waives all rights and benefits of the homestead exemption laws of the State of Oregon as to all indebtedness secured by this Deed of Trust.

Commercial Deed of Trust. Grantor agrees with Lender that this Deed of Trust is a commercial deed of trust and that Grantor will not change the use of the Property without Lender's prior written consent.

DEFINITIONS. The following capitalized words and terms shall have the following meanings when used in this Deed of Trust. Unless specifically stated to the contrary, all references to dollar amounts shall mean amounts in lawful money of the United States of America. Words and terms used in the singular shall include the plural, and the plural shall include the singular, as the context may require. Words and terms not otherwise defined in this Deed of Trust shall have the meanings attributed to such terms in the Uniform Commercial Code:

Beneficiary. The word "Beneficiary" means Community Bank, and its successors and assigns.

Borrower. The word "Borrower" means THE HEFFERNAN FAMILY TRUST and includes all co-signers and co-makers signing the Note and all their successors and assigns.

Deed of Trust. The words "Deed of Trust" mean this Deed of Trust among Grantor, Lender, and Trustee, and includes without limitation all assignment and security interest provisions relating to the Personal Property and Rents.

Default. The word "Default" means the Default set forth in this Deed of Trust in the section titled "Default".

Event of Default. The words "Event of Default" mean any of the events of default set forth in this Deed of Trust in the events of default section of this Deed of Trust.

Grantor. The word "Grantor" means THE HEFFERNAN FAMILY TRUST, CHRISTOPHER M HEFFERNAN and DONNA L HEFFERNAN.

Guarantor. The word "Guarantor" means any guarantor, surety, or accommodation party of any or all of the Indebtedness.

Guaranty. The word "Guaranty" means the guaranty from Guarantor to Lender, including without limitation a guaranty of all or part of the Note.

Improvements. The word "Improvements" means all existing and future improvements, buildings, structures, mobile homes affixed on the Real Property, facilities, additions, replacements and other construction on the Real Property.

Indebtedness. The word "Indebtedness" means all principal, interest, and other amounts, costs and expenses payable under the Note or Related Documents, together with all renewals of, extensions of, modifications of, consolidations of and substitutions for the Note or Related Documents and any amounts expended or advanced by Lender to discharge Grantor's obligations or expenses incurred by Trustee or Lender to enforce Grantor's obligations under this Deed of Trust, together with interest on such amounts as provided in this Deed of Trust. Specifically, without limitation, Indebtedness includes all amounts that may be indirectly secured by the Cross-Collateralization provision of this Deed of Trust.

Lender. The word "Lender" means Community Bank, its successors and assigns.

Note. The word "Note" means the promissory note dated October 17, 2007, in the original principal amount of \$1,415,436.00 from Borrower to Lender, together with all renewals of, extensions of, modifications of, refinancings of, consolidations

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repossession or any other method, by any creditor of Borrower or Grantor or by any governmental agency against any property securing the Indebtedness. This includes a garnishment of any of Borrower's or Grantor's accounts, including deposit accounts, with Lender. However, this Event of Default shall not apply if there is a good faith dispute by Borrower or Grantor as to the validity or reasonableness of the claim which is the basis of the creditor or forfeiture proceeding and if Borrower or Grantor gives Lender written notice of the creditor or forfeiture proceeding and deposits with Lender monies or a surety bond for the creditor or forfeiture proceeding, in an amount determined by Lender, in its sole discretion, as being an adequate reserve or bond for the dispute.

Breach of Other Agreement. Any breach by Borrower or Grantor under the terms of any other agreement between Borrower or Grantor and Lender that is not remedied within any grace period provided therein, including without limitation any agreement concerning any indebtedness or other obligation of Borrower or Grantor to Lender, whether existing now or later.

Events Affecting Guarantor. Any of the preceding events occurs with respect to any Guarantor of any of the Indebtedness or any Guarantor dies or becomes incompetent, or revokes or disputes the validity of, or liability under, any Guaranty of the Indebtedness. In the event of a death, Lender, at its option, may, but shall not be required to, permit the Guarantor's estate to assume unconditionally the obligations arising under the guaranty in a manner satisfactory to Lender, and, in doing so, cure any Event of Default.

Adverse Change. A material adverse change occurs in Borrower's or Grantor's financial condition, or Lender believes the prospect of payment or performance of the Indebtedness is impaired.

Insecurity. Lender in good faith believes itself insecure.

Right to Cure. If any default, other than a default in payment is curable and if Grantor has not been given a notice of a breach of the same provision of this Deed of Trust within the preceding twelve (12) months, it may be cured if Grantor, after receiving written notice from Lender demanding cure of such default: (1) cures the default within fifteen (15) days; or (2) if the cure requires more than fifteen (15) days, immediately initiates steps which Lender deems in Lender's sole discretion to be sufficient to cure the default and thereafter continues and completes all reasonable and necessary steps sufficient to produce compliance as soon as reasonably practical.

RIGHTS AND REMEDIES ON DEFAULT. If an Event of Default occurs under this Deed of Trust, at any time thereafter, Trustee or Lender may exercise any one or more of the following rights and remedies:

Election of Remedies. Election by Lender to pursue any remedy shall not exclude pursuit of any other remedy, and an election to make expenditures or to take action to perform an obligation of Grantor under this Deed of Trust, after Grantor's failure to perform, shall not affect Lender's right to declare a default and exercise its remedies.

Accelerate Indebtedness. Lender shall have the right at its option without notice to Borrower or Grantor to declare the entire Indebtedness immediately due and payable, including any prepayment penalty which Borrower would be required to pay.

Foreclosure. With respect to all or any part of the Real Property, the Trustee shall have the right to foreclose by notice and sale, and Lender shall have the right to foreclose by judicial foreclosure, in either case in accordance with and to the full extent provided by applicable law. If this Deed of Trust is foreclosed by judicial foreclosure, Lender will be entitled to a judgment which will provide that if the foreclosure sale proceeds are insufficient to satisfy the judgment, execution may issue for the amount of the unpaid balance of the judgment.

UCC Remedies. With respect to all or any part of the Personal Property, Lender shall have all the rights and remedies of a secured party under the Uniform Commercial Code.

Collect Rents. Lender shall have the right, without notice to Borrower or Grantor to take possession of and manage the Property and collect the Rents, including amounts past due and unpaid, and apply the net proceeds, over and above Lender's costs, against the Indebtedness. In furtherance of this right, Lender may require any tenant or other user of the Property to make payments of rent or use fees directly to Lender. If the Rents are collected by Lender, then Grantor irrevocably designates Lender as Grantor's attorney-in-fact to endorse instruments received in payment thereof in the name of Grantor and to negotiate the same and collect the proceeds. Payments by tenants or other users to Lender in response to Lender's demand shall satisfy the obligations for which the payments are made, whether or not any proper grounds for the demand existed. Lender may exercise its rights under this subparagraph either in person, by agent, or through a receiver.

Appoint Receiver. Lender shall have the right to have a receiver appointed to take possession of all or any part of the Property, with the power to protect and preserve the Property, to operate the Property preceding foreclosure or sale, and to collect the Rents from the Property and apply the proceeds, over and above the cost of the receivership, against the Indebtedness. The receiver may serve without bond if permitted by law. Lender's right to the appointment of a receiver shall exist whether or not the apparent value of the Property exceeds the Indebtedness by a substantial amount. Employment by Lender shall not disqualify a person from serving as a receiver.

Tenancy at Sufferance. If Grantor remains in possession of the Property after the Property is sold as provided above or Lender otherwise becomes entitled to possession of the Property upon default of Grantor, Grantor shall become a tenant at sufferance of Lender or the purchaser of the Property and shall, at Lender's option, either (1) pay a reasonable rental for the use of the Property, or (2) vacate the Property immediately upon the demand of Lender.

Other Remedies. Trustee or Lender shall have any other right or remedy provided in this Deed of Trust or the Note or available at law or in equity.

Notice of Sale. Lender shall give Grantor reasonable notice of the time and place of any public sale of the Personal Property or of the time after which any private sale or other intended disposition of the Personal Property is to be made. Reasonable notice shall mean notice given at least fifteen (15) days before the time of the sale or disposition. Any sale of the Personal Property may be made in conjunction with any sale of the Real Property.

Sale of the Property. To the extent permitted by applicable law, Borrower and Grantor hereby waives any and all rights to have the Property marshalled. In exercising its rights and remedies, the Trustee or Lender shall be free to sell all or any part of the Property together or separately, in one sale or by separate sales. Lender shall be entitled to bid at any public sale on all or any portion of the Property.

Attorneys' Fees; Expenses. If Lender institutes any suit or action to enforce any of the terms of this Deed of Trust, Lender shall be entitled to recover such sum as the court may adjudge reasonable as attorneys' fees at trial and upon any appeal. Whether or not any court action is involved, and to the extent not prohibited by law, all reasonable expenses Lender incurs that in Lender's opinion are necessary at any time for the protection of its interest or the enforcement of its rights shall become a part of the Indebtedness payable on demand and shall bear interest at the Note rate from the date of the expenditure until repaid. Expenses covered by this paragraph include, without limitation, however subject to any limits under applicable law, Lender's attorneys' fees and Lender's legal expenses, whether or not there is a lawsuit, including attorneys' fees and expenses for bankruptcy proceedings (including efforts to modify or vacate any automatic stay or injunction), appeals, and any anticipated post-judgment collection services, the cost of searching records, obtaining title reports (including foreclosure reports), surveyors' reports, and appraisal fees, title insurance, and fees for the Trustee, to the extent permitted by applicable law. Grantor also will pay any court costs, in addition to all other sums provided by law.

Rights of Trustee. Trustee shall have all of the rights and duties of Lender as set forth in this section.

POWERS AND OBLIGATIONS OF TRUSTEE. The following provisions relating to the powers and obligations of Trustee are part of this Deed of Trust:

Powers of Trustee. In addition to all powers of Trustee arising as a matter of law, Trustee shall have the power to take the following actions with respect to the Property upon the written request of Lender and Grantor: (a) join in preparing and filing a map or plat of the Real Property, including the dedication of streets or other rights to the public; (b) join in granting any easement or creating any restriction on the Real Property; and (c) join in any subordination or other agreement affecting this Deed of Trust or the interest of Lender under this Deed of Trust.

Obligations to Notify. Trustee shall not be obligated to notify any other party of a pending sale under any other trust deed or lien, or of any action or proceeding in which Grantor, Lender, or Trustee shall be a party, unless the action or proceeding is brought by Trustee.

Trustee. Trustee shall meet all qualifications required for Trustee under applicable law. In addition to the rights and remedies set forth above, with respect to all or any part of the Property, the Trustee shall have the right to foreclose by notice and sale, and Lender shall have the right to foreclose by judicial foreclosure, in either case in accordance with and to the full extent provided by applicable law.

Successor Trustee. Lender, at Lender's option, may from time to time appoint a successor Trustee to any Trustee appointed under this Deed of Trust by an instrument executed and acknowledged by Lender and recorded in the office of the recorder of UNION County, State of Oregon. The instrument shall contain, in addition to all other matters required by state law, the names of the original Lender, Trustee, and

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Lender's own choice, and Grantor will deliver, or cause to be delivered, to Lender such instruments as Lender may request from time to time to permit such participation.

Compliance With Laws. Grantor warrants that the Property and Grantor's use of the Property complies with all existing applicable laws, ordinances, and regulations of governmental authorities.

Survival of Representations and Warranties. All representations, warranties, and agreements made by Grantor in this Deed of Trust shall survive the execution and delivery of this Deed of Trust, shall be continuing in nature, and shall remain in full force and effect until such time as Borrower's indebtedness shall be paid in full.

CONDEMNATION. The following provisions relating to condemnation proceedings are a part of this Deed of Trust:

Proceedings. If any proceeding in condemnation is filed, Grantor shall promptly notify Lender in writing, and Grantor shall promptly take such steps as may be necessary to defend the action and obtain the award. Grantor may be the nominal party in such proceeding, but Lender shall be entitled to participate in the proceeding and to be represented in the proceeding by counsel of its own choice, and Grantor will deliver or cause to be delivered to Lender such instruments and documentation as may be requested by Lender from time to time to permit such participation.

Application of Net Proceeds. If all or any part of the Property is condemned by eminent domain proceedings or by any proceeding or purchase in lieu of condemnation, Lender may at its election require that all or any portion of the net proceeds of the award be applied to the indebtedness or the repair or restoration of the Property. The net proceeds of the award shall mean the award after payment of all reasonable costs, expenses, and attorneys' fees incurred by Trustee or Lender in connection with the condemnation.

IMPOSITION OF TAXES, FEES AND CHARGES BY GOVERNMENTAL AUTHORITIES. The following provisions relating to governmental taxes, fees and charges are a part of this Deed of Trust:

Current Taxes, Fees and Charges. Upon request by Lender, Grantor shall execute such documents in addition to this Deed of Trust and take whatever other action is requested by Lender to perfect and continue Lender's lien on the Real Property. Grantor shall reimburse Lender for all taxes, as described below, together with all expenses incurred in recording, perfecting or continuing this Deed of Trust, including without limitation all taxes, fees, documentary stamps, and other charges for recording or registering this Deed of Trust.

Taxes. The following shall constitute taxes to which this section applies: (1) a specific tax upon this type of Deed of Trust or upon all or any part of the Indebtedness secured by this Deed of Trust; (2) a specific tax on Borrower which Borrower is authorized or required to deduct from payments on the indebtedness secured by this type of Deed of Trust; (3) a tax on this type of Deed of Trust chargeable against the Lender or the holder of the Note; and (4) a specific tax on all or any portion of the indebtedness or on payments of principal and interest made by Borrower.

Subsequent Taxes. If any tax to which this section applies is enacted subsequent to the date of this Deed of Trust, this event shall have the same effect as an Event of Default, and Lender may exercise any or all of its available remedies for an Event of Default as provided below unless Grantor either (1) pays the tax before it becomes delinquent, or (2) contests the tax as provided above in the Taxes and Liens section and deposits with Lender cash or a sufficient corporate surety bond or other security satisfactory to Lender.

SECURITY AGREEMENT; FINANCING STATEMENTS. The following provisions relating to this Deed of Trust as a security agreement are a part of this Deed of Trust:

Security Agreement. This instrument shall constitute a Security Agreement to the extent any of the Property constitutes fixtures, and Lender shall have all of the rights of a secured party under the Uniform Commercial Code as amended from time to time.

Security Interest. Upon request by Lender, Grantor shall take whatever action is requested by Lender to perfect and continue Lender's security interest in the Rents and Personal Property. In addition to recording this Deed of Trust in the real property records, Lender may, at any time and without further authorization from Grantor, file executed counterparts, copies or reproductions of this Deed of Trust as a financing statement. Grantor shall reimburse Lender for all expenses incurred in perfecting or continuing this security interest. Upon default, Grantor shall not remove, sever or detach the Personal Property from the Property. Upon default, Grantor shall assemble any Personal Property not affixed to the Property in a manner and at a place reasonably convenient to Grantor and Lender and make it available to Lender within three (3) days after receipt of written demand from Lender to the extent permitted by applicable law.

Addresses. The mailing addresses of Grantor (debtor) and Lender (secured party) from which information concerning the security interest granted by this Deed of Trust may be obtained (each as required by the Uniform Commercial Code) are as stated on the first page of this Deed of Trust.

FURTHER ASSURANCES; ATTORNEY-IN-FACT. The following provisions relating to further assurances and attorney-in-fact are a part of this Deed of Trust:

Further Assurances. At any time, and from time to time, upon request of Lender, Grantor will make, execute and deliver, or will cause to be made, executed or delivered, to Lender or to Lender's designee, and when requested by Lender, cause to be filed, recorded, refiled, or rerecorded, as the case may be, at such times and in such offices and places as Lender may deem appropriate, any and all such mortgages, deeds of trust, security deeds, security agreements, financing statements, continuation statements, instruments of further assurance, certificates, and other documents as may, in the sole opinion of Lender, be necessary or desirable in order to effectuate, complete, perfect, continue, or preserve (1) Borrower's and Grantor's obligations under the Note, this Deed of Trust, and the Related Documents, and (2) the liens and security interests created by this Deed of Trust as first and prior liens on the Property, whether now owned or hereafter acquired by Grantor. Unless prohibited by law or Lender agrees to the contrary in writing, Grantor shall reimburse Lender for all costs and expenses incurred in connection with the matters referred to in this paragraph.

Attorney-in-Fact. If Grantor fails to do any of the things referred to in the preceding paragraph, Lender may do so for and in the name of Grantor and at Grantor's expense. For such purposes, Grantor hereby irrevocably appoints Lender as Grantor's attorney-in-fact for the purpose of making, executing, delivering, filing, recording, and doing all other things as may be necessary or desirable, in Lender's sole opinion, to accomplish the matters referred to in the preceding paragraph.

FULL PERFORMANCE. If Borrower and Grantor pay all the indebtedness when due, and Grantor otherwise performs all the obligations imposed upon Grantor under this Deed of Trust, Lender shall execute and deliver to Trustee a request for full reconveyance and shall execute and deliver to Grantor suitable statements of termination of any financing statement on file evidencing Lender's security interest in the Rents and the Personal Property. Any reconveyance fee required by law shall be paid by Grantor, if permitted by applicable law.

EVENTS OF DEFAULT. Each of the following, at Lender's option, shall constitute an Event of Default under this Deed of Trust:

Payment Default. Borrower fails to make any payment when due under the Indebtedness.

Other Defaults. Borrower or Grantor fails to comply with or to perform any other term, obligation, covenant or condition contained in this Deed of Trust or in any of the Related Documents or to comply with or to perform any term, obligation, covenant or condition contained in any other agreement between Lender and Borrower or Grantor.

Compliance Default. Failure to comply with any other term, obligation, covenant or condition contained in this Deed of Trust, the Note or in any of the Related Documents.

Default on Other Payments. Failure of Grantor within the time required by this Deed of Trust to make any payment for taxes or insurance, or any other payment necessary to prevent filing of or to effect discharge of any lien.

Environmental Default. Failure of any party to comply with or perform when due any term, obligation, covenant or condition contained in any environmental agreement executed in connection with the Property.

False Statements. Any warranty, representation or statement made or furnished to Lender by Borrower or Grantor or on Borrower's or Grantor's behalf under this Deed of Trust or the Related Documents is false or misleading in any material respect, either now or at the time made or furnished or becomes false or misleading at any time thereafter.

Defective Collateralization. This Deed of Trust or any of the Related Documents ceases to be in full force and effect (including failure of any collateral document to create a valid and perfected security interest or lien) at any time and for any reason.

Insolvency. The dissolution or termination of the Trust, the insolvency of Borrower or Grantor, the appointment of a receiver for any part of Borrower's or Grantor's property, any assignment for the benefit of creditors, any type of creditor workout, or the commencement of any proceeding under any bankruptcy or insolvency laws by or against Borrower or Grantor.

Creditor or Forfeiture Proceedings. Commencement of foreclosure or forfeiture proceedings, whether by judicial proceeding, self-help,

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the Property or any portion of the Property. Without limiting the generality of the foregoing, Grantor will not remove, or grant to any other party the right to remove, any timber, minerals (including oil and gas), coal, clay, scoria, soil, gravel or rock products without Lender's prior written consent.

Removal of Improvements. Grantor shall not demolish or remove any Improvements from the Real Property without Lender's prior written consent. As a condition to the removal of any Improvements, Lender may require Grantor to make arrangements satisfactory to Lender to replace such Improvements with Improvements of at least equal value.

Lender's Right to Enter. Lender and Lender's agents and representatives may enter upon the Real Property at all reasonable times to attend to Lender's interests and to inspect the Real Property for purposes of Grantor's compliance with the terms and conditions of this Deed of Trust.

Compliance with Governmental Requirements. Grantor shall promptly comply with all laws, ordinances, and regulations, now or hereafter in effect, of all governmental authorities applicable to the use or occupancy of the Property, including without limitation, the Americans With Disabilities Act. Grantor may contest in good faith any such law, ordinance, or regulation and withhold compliance during any proceeding, including appropriate appeals, so long as Grantor has notified Lender in writing prior to doing so and so long as, in Lender's sole opinion, Lender's interests in the Property are not jeopardized. Lender may require Grantor to post adequate security or a surety bond, reasonably satisfactory to Lender, to protect Lender's interest.

Duty to Protect. Grantor agrees neither to abandon or leave unattended the Property. Grantor shall do all other acts, in addition to those acts set forth above in this section, which from the character and use of the Property are reasonably necessary to protect and preserve the Property.

TAXES AND LIENS. The following provisions relating to the taxes and liens on the Property are part of this Deed of Trust:

Payment. Grantor shall pay when due (and in all events prior to delinquency) all taxes, special taxes, assessments, charges (including water and sewer), fines and impositions levied against or on account of the Property, and shall pay when due all claims for work done on or for services rendered or material furnished to the Property. Grantor shall maintain the Property free of all liens having priority over or equal to the interest of Lender under this Deed of Trust, except for the lien of taxes and assessments not due and except as otherwise provided in this Deed of Trust.

Right to Contest. Grantor may withhold payment of any tax, assessment, or claim in connection with a good faith dispute over the obligation to pay, so long as Lender's interest in the Property is not jeopardized. If a lien arises or is filed as a result of nonpayment, Grantor shall within fifteen (15) days after the lien arises or, if a lien is filed, within fifteen (15) days after Grantor has notice of the filing, secure the discharge of the lien, or if requested by Lender, deposit with Lender cash or a sufficient corporate surety bond or other security satisfactory to Lender in an amount sufficient to discharge the lien plus any costs and attorneys' fees, or other charges that could accrue as a result of a foreclosure or sale under the lien. In any contest, Grantor shall defend itself and Lender and shall satisfy any adverse judgment before enforcement against the Property. Grantor shall name Lender as an additional obligee under any surety bond furnished in the contest proceedings.

Evidence of Payment. Grantor shall upon demand furnish to Lender satisfactory evidence of payment of the taxes or assessments and shall authorize the appropriate governmental official to deliver to Lender at any time a written statement of the taxes and assessments against the Property.

Notice of Construction. Grantor shall notify Lender at least fifteen (15) days before any work is commenced, any services are furnished, or any materials are supplied to the Property, if any mechanic's lien, materialman's lien, or other lien could be asserted on account of the work, services, or materials. Grantor will upon request of Lender furnish to Lender advance assurances satisfactory to Lender that Grantor can and will pay the cost of such improvements.

PROPERTY DAMAGE INSURANCE. The following provisions relating to insuring the Property are a part of this Deed of Trust.

Maintenance of Insurance. Grantor shall procure and maintain policies of fire insurance with standard extended coverage endorsements on a replacement basis for the full insurable value covering all improvements on the Real Property in an amount sufficient to avoid application of any coinsurance clause, and with a standard mortgagee clause in favor of Lender. Grantor shall also procure and maintain comprehensive general liability insurance in such coverage amounts as Lender may request with Trustee and Lender being named as additional insureds in such liability insurance policies. Additionally, Grantor shall maintain such other insurance, including but not limited to hazard, business interruption, and boiler insurance, as Lender may reasonably require. Policies shall be written in form, amounts, coverages and basis reasonably acceptable to Lender and issued by a company or companies reasonably acceptable to Lender. Grantor, upon request of Lender, will deliver to Lender from time to time the policies or certificates of insurance in form satisfactory to Lender, including stipulations that coverages will not be cancelled or diminished without at least ten (10) days prior written notice to Lender. Each insurance policy also shall include an endorsement providing that coverage in favor of Lender will not be impaired in any way by any act, omission or default of Grantor or any other person. Should the Real Property be located in an area designated by the Director of the Federal Emergency Management Agency as a special flood hazard area, Grantor agrees to obtain and maintain Federal Flood Insurance, if available, for the full unpaid principal balance of the loan and any prior liens on the property securing the loan, up to the maximum policy limits set under the National Flood Insurance Program, or as otherwise required by Lender, and to maintain such insurance for the term of the loan.

Application of Proceeds. Grantor shall promptly notify Lender of any loss or damage to the Property. Lender may make proof of loss if Grantor fails to do so within fifteen (15) days of the casualty. Whether or not Lender's security is impaired, Lender may, at Lender's election, receive and retain the proceeds of any insurance and apply the proceeds to the reduction of the indebtedness, payment of any lien affecting the Property, or the restoration and repair of the Property. If Lender elects to apply the proceeds to restoration and repair, Grantor shall repair or replace the damaged or destroyed improvements in a manner satisfactory to Lender. Lender shall, upon satisfactory proof of such expenditure, pay or reimburse Grantor from the proceeds for the reasonable cost of repair or restoration if Grantor is not in default under this Deed of Trust. Any proceeds which have not been disbursed within 180 days after their receipt and which Lender has not committed to the repair or restoration of the Property shall be used first to pay any amount owing to Lender under this Deed of Trust, then to pay accrued interest, and the remainder, if any, shall be applied to the principal balance of the indebtedness. If Lender holds any proceeds after payment in full of the indebtedness, such proceeds shall be paid to Grantor as Grantor's interests may appear.

Grantor's Report on Insurance. Upon request of Lender, however not more than once a year, Grantor shall furnish to Lender a report on each existing policy of insurance showing: (1) the name of the insurer; (2) the risks insured; (3) the amount of the policy; (4) the property insured, the then current replacement value of such property, and the manner of determining that value; and (5) the expiration date of the policy. Grantor shall, upon request of Lender, have an independent appraiser satisfactory to Lender determine the cash value replacement cost of the Property.

LENDER'S EXPENDITURES. If any action or proceeding is commenced that would materially affect Lender's interest in the Property or if Grantor fails to comply with any provision of this Deed of Trust or any Related Documents, including but not limited to Grantor's failure to discharge or pay when due any amounts Grantor is required to discharge or pay under this Deed of Trust or any Related Documents, Lender on Grantor's behalf may (but shall not be obligated to) take any action that Lender deems appropriate, including but not limited to discharging or paying all taxes, liens, security interests, encumbrances and other claims, at any time levied or placed on the Property and paying all costs for insuring, maintaining and preserving the Property. All such expenditures incurred or paid by Lender for such purposes will then bear interest at the rate charged under the Note from the date incurred or paid by Lender to the date of repayment by Grantor. All such expenses will become a part of the indebtedness and, at Lender's option, will (A) be payable on demand; (B) be added to the balance of the Note and be apportioned among and be payable with any installment payments to become due during either (1) the term of any applicable insurance policy; or (2) the remaining term of the Note; or (C) be treated as a balloon payment which will be due and payable at the Note's maturity. The Deed of Trust also will secure payment of these amounts. Such right shall be in addition to all other rights and remedies to which Lender may be entitled upon Default.

WARRANTY: DEFENSE OF TITLE. The following provisions relating to ownership of the Property are a part of this Deed of Trust:

Title. Grantor warrants that: (a) Grantor holds good and marketable title of record to the Property in fee simple, free and clear of all liens and encumbrances other than those set forth in the Real Property description or in any title insurance policy, title report, or final title opinion issued in favor of, and accepted by, Lender in connection with this Deed of Trust, and (b) Grantor has the full right, power, and authority to execute and deliver this Deed of Trust to Lender.

Defense of Title. Subject to the exception in the paragraph above, Grantor warrants and will forever defend the title to the Property against the lawful claims of all persons. In the event any action or proceeding is commenced that questions Grantor's title or the interest of Trustee or Lender under this Deed of Trust, Grantor shall defend the action at Grantor's expense. Grantor may be the nominal party in such proceeding, but Lender shall be entitled to participate in the proceeding and to be represented in the proceeding by counsel of

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RECORDATION REQUESTED BY:

Community Bank
Baker City Branch
1190 Campbell St
PO Box 806
Baker City, OR 97814

WHEN RECORDED MAIL TO:

Community Bank
Baker City Branch
1190 Campbell St
PO Box 806
Baker City, OR 97814

SEND TAX NOTICES TO:

Community Bank
Baker City Branch
1190 Campbell St
PO Box 806
Baker City, OR 97814

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE ONLY



0340

DEED OF TRUST

THIS DEED OF TRUST is dated October 17, 2007, among CHRISTOPHER M HEFFERNAN and DONNA L HEFFERNAN, not personally but as Trustees on behalf of HEFFERNAN FAMILY TRUST for TRACT A & TRACT B; and CHRISTOPHER M HEFFERNAN, DONNA L HEFFERNAN for TRACT C & TRACT D ("Grantor"); Community Bank, whose address is Baker City Branch, 1190 Campbell St, PO Box 806, Baker City, OR 97814 (referred to below sometimes as "Lender" and sometimes as "Beneficiary"); and ABSTRACT & TITLE COMPANY, whose address is PO BOX 489, LA GRANDE, OR 97850 (referred to below as "Trustee").

CONVEYANCE AND GRANT. For valuable consideration, represented in the Note dated October 17, 2007, in the original principal amount of \$1,415,436.00, from Borrower to Lender, Grantor conveys to Trustee for the benefit of Lender as Beneficiary all of Grantor's right, title, and interest in and to the following described real property, together with all existing or subsequently erected or affixed buildings, improvements and fixtures; all easements, rights of way, and appurtenances; all water, water rights and ditch rights (including stock in utilities with ditch or irrigation rights); and all other rights, royalties, and profits relating to the real property, including without limitation all minerals, oil, gas, geothermal and similar matters, (the "Real Property") located in UNION County, State of Oregon:

SEE ATTACHED EXHIBIT A

The Real Property or its address is commonly known as 53365 JIMMY CREEK and 63600 VIEWPOINT LANE, NORTH POWDER, OR 97667. The Real Property tax identification number is Code 8-4 05S39 4200 APN 9859, Code 8-4 05S39 3200 APN 9846, 4100 APN 9858, 4200 APN 9859, 2206 APN 17254, 2200 APN 9797, 2200 APN 9878.

CROSS-COLLATERALIZATION. In addition to the Note, this Deed of Trust secures all obligations, debts and liabilities, plus interest thereon, of either Grantor or Borrower to Lender, or any one or more of them, as well as all claims by Lender against Borrower and Grantor or any one or more of them, whether now existing or hereafter arising, whether related or unrelated to the purpose of the Note, whether voluntary or otherwise, whether due or not due, direct or indirect, determined or undetermined, absolute or contingent, liquidated or unliquidated, whether Borrower or Grantor may be liable individually or jointly with others, whether obligated as guarantor, surety, accommodation party or otherwise, and whether recovery upon such amounts may be or hereafter may become barred by any statute of limitations, and whether the obligation to repay such amounts may be or hereafter may become otherwise unenforceable.

Grantor presently assigns to Lender (also known as Beneficiary in this Deed of Trust) all of Grantor's right, title, and interest in and to all present and future leases of the Property and all Rents from the Property. In addition, Grantor grants to Lender a Uniform Commercial Code security interest in the Personal Property and Rents.

THIS DEED OF TRUST, INCLUDING THE ASSIGNMENT OF RENTS AND THE SECURITY INTEREST IN THE RENTS AND PERSONAL PROPERTY, IS GIVEN TO SECURE (A) PAYMENT OF THE INDEBTEDNESS AND (B) PERFORMANCE OF ANY AND ALL OBLIGATIONS UNDER THE NOTE; THE RELATED DOCUMENTS, AND THIS DEED OF TRUST. THIS DEED OF TRUST IS GIVEN AND ACCEPTED ON THE FOLLOWING TERMS:

GRANTOR'S REPRESENTATIONS AND WARRANTIES. Grantor warrants that: (a) this Deed of Trust is executed at Borrower's request and not at the request of Lender; (b) Grantor has the full power, right, and authority to enter into this Deed of Trust and to hypothecate the Property; (c) the provisions of this Deed of Trust do not conflict with, or result in a default under any agreement or other instrument binding upon Grantor and do not result in a violation of any law, regulation, court decree or order applicable to Grantor; (d) Grantor has established adequate means of obtaining from Borrower on a continuing basis information about Borrower's financial condition; and (e) Lender has made no representation to Grantor about Borrower (including without limitation the creditworthiness of Borrower).

GRANTOR'S WAIVERS. Grantor waives all rights or defenses arising by reason of any "one action" or "anti-deficiency" law, or any other law which may prevent Lender from bringing any action against Grantor, including a claim for deficiency to the extent Lender is otherwise entitled to a claim for deficiency, before or after Lender's commencement or completion of any foreclosure action, either judicially or by exercise of a power of sale.

PAYMENT AND PERFORMANCE. Except as otherwise provided in this Deed of Trust, Borrower and Grantor shall pay to Lender all indebtedness secured by this Deed of Trust as it becomes due, and Borrower and Grantor shall strictly perform all their respective obligations under the Note, this Deed of Trust, and the Related Documents.

POSSESSION AND MAINTENANCE OF THE PROPERTY. Borrower and Grantor agree that Borrower's and Grantor's possession and use of the Property shall be governed by the following provisions:

Possession and Use. Until the occurrence of an Event of Default, Grantor may (1) remain in possession and control of the Property; (2) use, operate or manage the Property; and (3) collect the Rents from the Property. The following provisions relate to the use of the Property or to other limitations on the Property. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)). THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (MEASURE 37 (2004)).

Duty to Maintain. Grantor shall maintain the Property in tenantable condition and promptly perform all repairs, replacements, and maintenance necessary to preserve its value.

Nuisance, Waste. Grantor shall not cause, conduct or permit any nuisance nor commit, permit, or suffer any stripping of or waste on or to

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TRACT "A"

Parcel 2 of MINOR PARTITION PLAT NO. 2007-036, filed October 8, 2007 in Plat Cabinet "C", Slides 940 and 941, Plat Records of Union County, Oregon.

Heffernan
G-16902

SITUATE IN Sections 25, 26, 27, 28 and 34, Township 5 South, Range 39 East of the Willamette Meridian in the County of Union, State of Oregon.

TRACT "B"

IN TOWNSHIP 5 SOUTH, RANGE 39 EAST OF THE WILLAMETTE MERIDIAN

Section 34: The east half except the south 75 acres.

SITUATE IN the County of Union, State of Oregon.

TRACT "C"

A tract of land situated in the north half of the northwest quarter of Section 22, Township 6 South, Range 38 East of the Willamette Meridian, said tract being more particularly described as follows:

Beginning at a point on the west line of said Section 22, said point being 330.00 feet south of the northwest corner of said Section 22; thence South along the west line of said Section 22, a distance of 660.00 feet; thence East, parallel with the north line of said Section 22, a distance of 1980.00 feet; thence North, parallel with the north line of said Section 22, a distance of 1980.00 feet, to the Point of Beginning of this description.

TOGETHER WITH a perpetual, non-exclusive easement for roadway purposes 40 feet in width upon the existing roadway as same is now located over and across land conveyed by deeds recorded as Microfilm Document No. 143567 and 140512, re-recorded as Microfilm Document No. 141053, Union County records, for ingress and egress to and from any county road or other public highway.

SITUATE IN the County of Union, State of Oregon.

TRACT "D":

IN TOWNSHIP 6 SOUTH, RANGE 38 EAST OF THE WILLAMETTE MERIDIAN

Section 9: The east half of west half, west half of northeast quarter and southeast quarter;

Section 10: The southwest quarter;

Section 15: The west half;

Section 16: The east half and south half of southwest quarter, EXCEPTING the following two parcels:

1. All of the southwest quarter of southwest quarter of Section 16, excepting the right of way of Union County Road No. 102, known as Tucker Flat; the west half of northwest quarter of southeast quarter of southwest quarter; and the northwest quarter of southwest quarter of southeast quarter of southwest quarter.

2. An irregularly shaped parcel in the west half of northeast quarter of

Section 16, bounded on the west by the west quarter section line and bounded on the other sides by a perimeter line located 100 feet horizontally above and beyond the contour line of 3971 feet above mean sea level elevation.

Section 22: The north half of northwest quarter and the west 57 rods of the northwest quarter of northeast quarter otherwise described as the west 28 1/2 acres of said northwest quarter of northeast quarter.

EXCEPT a tract of land situated in the north half of the northwest quarter of Section 22, described as follows:

Beginning at a point on the west line of said Section 22, said point being 330.00 feet south of the northwest corner of said Section 22; thence South along the west line of said Section 22, a distance of 660.00 feet; thence East, parallel with the north line of said Section 22, a distance of 1980.00 feet; thence North, parallel with the west line of said Section 22, a distance of 660.00 feet; thence West, parallel with the north line of said Section 22, a distance of 1980.00 feet, to the point of beginning of this description.

SITUATE IN the County of Union, State of Oregon.

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SALEM OREGON



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

CERTIFIED MAIL
Return Receipt Requested

HEFFERNAN FAMILY TRUST
CHRIS HEFFERNAN
63600 VIEWPOINT LANE
NORTH POWDER, OR 97867

March 28, 2008

Reference: File G-16902

Dear Mr. Heffernan:

**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 application proposed the use of 15.0 cubic feet per second (CFS) from five proposed wells in the Clover Creek Basin for irrigation use on 1198.0 acres from March 1 through October 31.
2. The proposed use is not prohibited by law or rule except where otherwise noted below.
3. The use of water from Well 1, Well 2, Well 3, Well 4, and Well 5 in Clover Creek Basin for irrigation use is allowable under the Powder Basin Program.
4. If properly conditioned, the proposed use of ground water will avoid injury to existing ground water rights and the resource.

The Department has determined, based upon OAR 690-09, that the proposed ground water use will not have the potential for substantial interference with any surface water source.

5. The Department has determined there are deficiencies with the application. Please refer to the **Additional Information Required** section below for specific information.
6. You are encouraged to contact Union County as you may need to obtain authorization to cross Oleson Lane and County Road No. 72.

Summary of Initial Determinations

The use of 15.0 CFS from Well 1, Well 2, Well 3, Well 4, and Well 5 in Clover Creek Basin for irrigation use on 1198.0 acres is allowable during the full period requested, March 1 through October 31.

Additional Information Required:

Additional information is required to process your application. Please provide the following:

- Please submit a copy of the revised map submitted February 25, 2008 that shows the revised location of Well 3 and the revised additional acreage and includes the following:
 - OAR 690-310-050((4)(b) requires that the application map submitted to the Department show the location of pipelines, ditches or other means of transporting water for the proposed use. Your application states the water is proposed to be piped directly from the source and applied through two center pivots and wheel lines. Please indicate the location of the *main line* proposed under this application.
 - OAR 690-310-0050(4)(c) requires the tax lots to be shown on the application map. Please provide a map that shows the tax lots that encompass the place of use.
 - The number of acres to be used in each quarter-quarter section must be clearly indicated on the map and identified by shading or hatchuring. The February 25, 2008 application map shows a portion of a pivot in the NWNW of Section 27, Township 5 South, Range 39 East, W.M., but does not indicate the number of acres to be irrigated. In addition, the total acreage listed on the February 25, 2008 map, being 1198.0 acres, does not include any acreage within this quarter-quarter section. Please clarify the place of use for this quarter-quarter section and the total number of acres proposed for irrigation. On the copy of the application map that you submit, please show the number of acres to be used in each quarter-quarter section by hatchuring.
- Please submit the balance of exam fees in the amount of \$100.00

- A completed Land Use Information Form signed and dated by a Union County official for the property described as Tax Lot 4200, located in Section 34, Township 5 South, Range 39 East, W.M.. The application materials demonstrate that land use approval has been obtained only for the property described as Tax Lot 3200, located in Sections 26, 27, and 28, and Tax Lot 4100 located in Section 34, Township 5 South, Range 39 East, W.M.
- A copy of the legal description of the property described as N ½ SE ¼, Section 34, Township 5 South, Range 39 East, W.M., which corresponds to a portion of Tax Lot 4200, as described above. OAR 690-310-0040(1)(a)(I) requires the legal description of the property from which the water is to be diverted, any property crossed by the proposed ditch, canal or other work, and any property on which the water is to be used as depicted on the map. A legal description is a description of a specific parcel of real estate which often uses one of the following methods; government survey metes and bounds, aliquot parts, subdivision block and lot numbers, or a combination of these. It is often found on a deed, land sales contract, or title insurance policy.

Please submit this information no later than May 1, 2008. If you are unable to submit the information listed above, you may request an administrative hold for up to an additional 180 days. You must submit the request in writing, stating how much more time you will need and why you need additional time. If an administrative hold is granted, your application will not be processed further until the requested information is received or the extended deadline has passed.

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

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 \$150 processing charge per application.) To accomplish this you must notify the Department in writing by **Friday, April 11, 2008**. 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 appropriation. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.
 - B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
2. The wells shall produce ground water only from the basalt or other ground water reservoir.
3. The wells shall be fitted with dedicated measuring tubes to allow unobstructed access for water-level measurements.
4. The wells shall be cased and sealed in such a manner to develop a single basalt or other bedrock aquifer.
5. The Department requires the water user to obtain, from a qualified individual (see below), and report annual static water levels for each well on the permit. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

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

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board. Measurements shall be

submitted on forms provided by, or specified by, the Department. Measurements shall be made with equipment that is accurate to at least the standards specified in OAR 690-217-0045. The Department requires the individual performing the measurement to:

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

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if any of the following events occur:

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

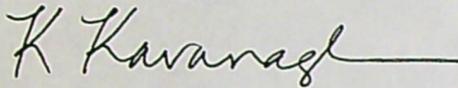
The period of restricted use shall continue until the water level rises above the decline level which triggered the action or the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed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

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 503-986-0816 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: Kerry Kavanagh, Oregon Water Resources Department, 725 Summer St NE Ste A, Salem OR 97301-1266. Our fax number is 503-986-0901.

Sincerely,

A handwritten signature in cursive script that reads "K Kavanagh". The signature is written in black ink and includes a long horizontal flourish at the end.

Kerry Kavanagh
Water Right Application Caseworker

enclosures: Application Process Description and Stop Processing Request Form

G-16902
WAB 9-no psi
POU 9-no psi
GW

APPLICATION FACT SHEET

Application File Number: G-16902

Applicant: HEFFERNAN FAMILY TRUST; CHRIS HEFFERNAN

County: Union

Watermaster: 8

Priority Date: July 2, 2007

Source: WELL 1, WELL 2, WELL 3, WELL 4, AND WELL 5 IN CLOVER CREEK BASIN

Use: IRRIGATION USE ON 1198.0 ACRES

Quantity: 15.0 CUBIC FEET PER SECOND

Basin Name & Number: Powder, #9

Stream Index Reference: Volume 1 JIMMY CR & MISC

Well Locations:

WELL 1 - SWNW, SECTION 34, T5S, R39E, W.M.; 2640 FEET SOUTH AND 25 FEET EAST FROM NW CORNER, SECTION 34

WELL 2 - NWNW, SECTION 34, T5S, R39E, W.M.; 25 FEET SOUTH AND 25 FEET EAST FROM NW CORNER, SECTION 34

WELL 3 - NWSW, SECTION 27, T5S, R39E, W.M.; 2254 FEET NORTH AND 60 FEET EAST FROM SW CORNER, SECTION 27

WELL 4 - SWSE, SECTION 27, T5S, R39E, W.M.; 25 FEET NORTH AND 3300 FEET EAST FROM SW CORNER, SECTION 27

WELL 5 - SWSW, SECTION 26, T5S, R39E, W.M.; 25 FEET NORTH AND 25 FEET EAST FROM SW CORNER, SECTION 26

Place of Use:

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 5.0 ACRES

NW $\frac{1}{4}$ SW $\frac{1}{4}$ 20.0 ACRES

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 38.0 ACRES

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 10.0 ACRES

SECTION 26

TOWNSHIP 5 SOUTH, RANGE 39 EAST, W.M.

Place of Use (continued):

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 15.0 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 38.0 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 38.0 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 30.0 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 38.0 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 22.0 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$ 6.0 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 32.0 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 25.0 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 10.0 ACRES

SECTION 27

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 25.0 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 38.0 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 30.0 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$ 35.0 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 35.0 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 35.0 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 35.0 ACRES

SECTION 28

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 25.0 ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 ACRES
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$ 38.0 ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 38.0 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 38.0 ACRES
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 38.0 ACRES
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 38.0 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 38.0 ACRES
NE $\frac{1}{4}$ SE $\frac{1}{4}$ 25.0 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 40.0 ACRES

SECTION 34

TOWNSHIP 5 SOUTH, RANGE 39 EAST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, April 11, 2008

PUBLIC NOTICE DATE: Tuesday, April 1, 2008

30 DAY COMMENT DEADLINE DATE: Thursday, May 1, 2008

Mailing List for IR Copies

Application #G-16902

IR Date: March 28, 2008

Original mailed to applicant:

HEFFERNAN FAMILY TRUST
CHRIS HEFFERNAN
63600 VIEWPOINT LANE
NORTH POWDER, OR 97867

Copies sent to:

1. WRD - File # G-16902
2. WRD - Water Availability: Ken Stahr

IR, Map, and Fact Sheet Copies sent to:

3. WRD - Regional Manager: EASTERN
4. WRD - Watermaster # 8
5. WRD - E Region Well Inspector

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

6. Richard Comstock, Director, Union County Public Works, Road Department,
10513 N. McAllister Road, P.O. Box 1103, Island City, OR 97850

Caseworker: Kerry Kavanagh

COPYSHT.IR

Copies Mailed
By: <u>JCB</u>
(SUPPORT STAFF)
on: <u>3/28/08</u>
(DATE)

REMINDER: Copy all IR's for uses in the Klamath Basin to DEQ and ODFW contacts, regardless of whether they are subject to Division 33. (If they are not subject to Division 33, do not include Division 33 forms.)

NORTH SLOPE HAY CO. - NORTH SLOPE RESOURCE CO.

HEFFERNAN
63600 VIEWPOINT LANE
NORTH POWDER, OR 97867
541-898-2507
541-898-2203 (fax)

nslope@eoni.com

FAX TRANSMITTAL FORM

To: Doug Woodcock

From: CHRIS
DONNA
JUSTIN
SHELDON

Fax #: 503 986-0902

Date Sent: 11-13-07

Number of Pages Sent (including cover sheet): 5

Thank for your help Doug - Chris

RECEIVED

NOV 13 2007

WATER RESOURCES DEPT
SALEM, OREGON

G-16900

FOR WATER RESOURCES DEPARTMENT USE ONLY

Date Postmarked
Date Hand Delivered
Date Region Office Rec'd

W 197281
OWRD Receipt
Date Fee Received
Check No.

START CARD

NOTICE OF BEGINNING OF WELL CONSTRUCTION

(as required by ORS 537.762)

This form must be completed and the original mailed or delivered to the Water Resources Department, 725 Summer Street NE Suite A, Salem OR 97301-1271 for all new construction, conversion, alteration, deepening and abandonments. This original must be mailed or delivered before work is commenced. A \$125 fee shall accompany the original for all new well construction, conversion, and deepenings (make checks payable to the Water Resources Department). In addition, the constructor shall provide a legible copy of this notice to the region office within which the well is being constructed, converted, altered, deepened, or abandoned using one of the following methods: (a) by regular mail no later than three (3) calendar days (72 hours) prior to commencement of work; (b) by hand delivery, during regular office hours before work is commenced; or (c) by FAX before work is commenced. If method (c) is used, a legible copy of the start card shall also be mailed or delivered to the region office no later than the day work is commenced. The Water Resources Commission has authority to impose civil penalties for failure to submit the required \$125 fee with the start card, for failure to submit the \$125 fee in a timely manner, and for failure to timely submit start cards.

Owner's name and mailing address: Chris & Donna Heffernan (North Slope Hwy Co)
Home Phone: () 63600 Viewpoint Ln.
Work Phone: () North Powder OR 97867

Type of work: Fee New Construction No Fee Alteration (Repair/Recondition)
Required: Conversion Required: Abandonment Orig. Start Card No. _____
 Deepening Orig. Start Card No. _____

RECEIVED
NOV 13 2007

Proposed Commencement Date: 11-8-07
Existing or Proposed Well Depth: 200' Diameter: 6" WATER RESOURCES DEPT
Original Well ID Label Number: _____

Use: Monitoring Domestic Irrigation Community (Public System) Industrial/Commercial
 Livestock Dewatering Thermal Injection Other _____

Proposed Well Location:
County Union Township 5 Range 39 Section 28 Tax Lot 4100
North or South East or West
1/4 SE 1/4 NE Or Latitude _____ Longitude _____

Street Address of well, if not assigned, nearest address:
1/2 mile north of intersection of Open Rd. and Bagwell Rd.

We have read the back of this form and the information provided is accurate to the best of our knowledge.

Owner/Agent Name _____ Bonded Water Supply/Monitor Well Constructor Name Elk Horn Drilling Inc License No. 1816
Date Signed _____ Company _____ Date Signed 11-8-07

OWNER PLEASE NOTE: This is not a water right application. The owner is responsible for obtaining a water right through the Water Resources Department, if required. The Oregon Health Division requires plans to be submitted and approved prior to construction if the well is to be used as a public system.

ADDITIONAL IMPORTANT INFORMATION ON BACK.

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

WATER RESOURCES DEPT
OREGON

WELL I.D. # L 93928

START CARD # 197281

Instructions for completing this report are on the last page of this form.

(1) LAND OWNER - Well Number
Name Chris & Donna Heffernan
Address 63600 Viewpoint Ln.
City North Powder State OR. Zip 97867

(2) TYPE OF WORK New Well
 Deepening Alteration (repair/recondition) Abandonment Conversion

(3) DRILL METHOD
 Rotary Air Rotary Mud Cable Auger Cable Mud
 Other

(4) PROPOSED USE
 Domestic Community Industrial Irrigation
 Thermal Injection Livestock Other

(5) BORE HOLE CONSTRUCTION Special Construction: Yes No
Depth of Completed Well 60 ft.
Explosives used: Yes No Type _____ Amount _____

BORE HOLE			SEAL			Sacks or Pounds
Diameter	From	To	Material	From	To	
10	0	18	Boat.	0	12	12
6	18	140				

How was seal placed: Method A B C D E
 Other 3/4 poured dry Bentoste
Backfill placed from _____ ft. to _____ ft. Material _____
Gravel placed from _____ ft. to _____ ft. Size of gravel _____

Casing:	Diameter	From	To	Gauge	SEAL			
					Steel	Plastic	Welded	Threaded
	6	+2	58	.250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Liner:					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Drive Shoe used Inside Outside None
Final location of shoe(s) 58

(7) PERFORATIONS/SCREENS
 Perforations Method N/A
 Screens Type _____ Material _____

From	To	Slot Size	Number	Diameter	Tele/pipe size	Casing	Liner
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour
 Pump Bailer Air Flowing Artesian

Yield gal/min 200+ Drawdown 136.5 Drill stem at 140 Time 2 hr.

Temperature of water 50 Depth Artesian Flow Found _____

Was a water analysis done? Yes By whom _____
Did any strata contain water not suitable for intended use? Too little
 Salty Muddy Odor Colored Other _____
Depth of strata: _____

(9) LOCATION OF WELL (legal description)
County Union
Tax Lot 4100 Lot _____
Township 5 N or S Range 39 E or W WM
Section 28 SE 1/4 NE 1/4

Lat _____ " or _____ (degrees or decimal)
Long _____ " or _____ (degrees or decimal)

Street Address of Well (or nearest address) 1/2 mile north of intersection of Olsen Rd. and Bagwell Rd.

(10) STATIC WATER LEVEL
3.5 ft. below land surface. Date 11-9-07

_____ ft. below land surface. Date _____
Artesian pressure _____ lb. per square inch Date _____

(11) WATER BEARING ZONES
Depth at which water was first found 6

From	To	Estimated Flow Rate	SWL
6	7	5	5
63	80	70	3.5
80	100	100+	
100	120	200+	
120	140	200+	

(12) WELL LOG Ground Elevation _____

Material	From	To	SWL
Top Soil	0	3	
Brown Clay	3	6	
Blue Clay sand	6	7	5
Blue Clay	7	63	
Coarse Yellow Sand w/ fine sand (gravel)	63	75	3.5
Coarse Black sand w/ quartz and small gravels			
Bottom 80 cased below casing still blowing 100+ w/ drill stem at 60			

Date Started 11-8-07 Completed 11-9-07

(unbonded) Water Well Constructor Certification
I certify that the work I performed on the construction, deepening, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

WWC Number _____ Date _____

Signed _____

(bonded) Water Well Constructor Certification
I accept responsibility for the construction, deepening, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

WWC Number 1816 Date 11-10-07

Signed [Signature]

FOR WATER RESOURCES DEPARTMENT USE ONLY

Date Postmarked _____
Date Hand-Delivered _____
Date Region Office Rec'd _____

W 175150
OWRD Receipt _____
Date Fee Received _____
Check No. _____

START CARD

NOTICE OF BEGINNING OF WELL CONSTRUCTION
(as required by ORS 537.762)

RECEIVED
NOV 13 2007

This form must be completed and the original mailed or delivered to the Water Resources Department, 725 Summer Street NE Suite A, Salem OR 97301-1271 for all new construction, conversion, alteration, deepening and abandonments. This original must be mailed or delivered before work is commenced. A \$125 fee shall accompany the original for all new well construction, conversion, and deepening (make checks payable to the Water Resources Department). In addition, the constructor shall provide a legible copy of this notice to the region office within which the well is being constructed, converted, altered, deepened, or abandoned using one of the following methods: (a) by regular mail no later than three (3) calendar days (72 hours) prior to commencement of work; (b) by hand delivery, during regular office hours before work is commenced; or (c) by FAX before work is commenced. If method (c) is used, a legible copy of the start card shall also be mailed or delivered to the region office no later than the day work is commenced. The Water Resources Commission has authority to impose civil penalties for failure to submit the required \$125 fee with the start card, for failure to submit the \$125 fee in a timely manner, and for failure to timely submit start cards.

WATER RESOURCES DEPT
SALEM, OREGON

Owner's name and mailing address: Chris & Donna Heffernan (North Slope Hwy Co.)
Home _____
Phone: () _____
Work _____
Phone: () _____

Type of work: Fee New Construction No Fee Alteration (Repair/Recondition)
Required: Conversion Required: Abandonment Orig. Start
 Deepening Orig. Start Card No. _____
Card No. _____

Proposed Commencement Date: 10-26-07

Existing or Proposed Well Depth: 200' Diameter: 6" Original Well I.D. Label Number: _____

Use: Domestic Community (Public System) Industrial Irrigation
 Thermal Injection Monitoring Other Water Tank

Proposed Well Location:
County Union Township 5 Range 59 Section 34 Tax Lot 4100
North or South East or West
1/4 SW 1/4 NE Or Latitude _____ Longitude _____

Street Address of well, if not assigned, nearest address:
1/2 mile South of Cedar Rd. on Ingwell Rd. left hand side

We have read the back of this form and the information provided is accurate to the best of our knowledge.

Owner/Agent Name _____ Bonded Water Supply/Monitor Well Constructor Name _____ License No. _____
Date Signed _____ Company E/Khern Drilling Inc. Date Signed 10-26-07

OWNER PLEASE NOTE: This is not a water right application. The owner is responsible for obtaining a water right through the Water Resources Department, if required. The Oregon Health Division requires plans to be submitted and approved prior to construction if the well is to be used as a public system.

ADDITIONAL IMPORTANT INFORMATION ON BACK.

RECEIVED

NOV 13 2007

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

WELL I.D. # L 93927

START CARD # 175050

Instructions for completing this report are on the last page of this form.

(1) LAND OWNER Well Number SALEM, OREGON
Name Chris & Diana Heffernan
Address 63600 Viewpoint Ln.
City North Powder State OR. Zip 97867

(2) TYPE OF WORK New Well
 Deepening Alteration (repair/recondition) Abandonment Conversion

(3) DRILL METHOD
 Rotary Air Rotary Mud Cable Auger Cable Mud
 Other

(4) PROPOSED USE
 Domestic Community Industrial Irrigation
 Thermal Injection Livestock Other

(5) BORE HOLE CONSTRUCTION Special Construction: Yes No
Depth of Completed Well 80 ft.
Explosives used: Yes No Type _____ Amount _____

BORE HOLE			SEAL			
Diameter	From	To	Material	From	To	Sacks or Pounds
10	0	18	vent.	0	18	10
6	18	140				

How was seal placed: Method A B C D E
 Other 78 poured dry
Backfill placed from _____ ft. to _____ ft. Material _____
Gravel placed from _____ ft. to _____ ft. Size of gravel _____

(6) CASING/LINER

Casing:	Diameter	From	To	Gauge	Material			
					Steel	Plastic	Welded	Threaded
	6	+2	78	.250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liner:					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Drive Shoe used Inside Outside None
Final location of shoe(s) 78

(7) PERFORATIONS/SCREENS
 Perforations Method N/A.
 Screens Type _____ Material _____

From	To	Slot Size	Number	Diameter	Tele/pipe size	Casing	Liner
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour
 Pump Bailor Air Flowing Artesian
Yield gal/min 200+ Drawdown 134 Drill stem at 140 Time 2 hr.

Temperature of water 50° Depth Artesian Flow Found _____
Was a water analysis done? Yes By whom _____
Did any strata contain water not suitable for intended use? Too little
 Salty Muddy Odor Colored Other _____
Depth of strata: _____

(9) LOCATION OF WELL (legal description)
County Union
Tax Lot 4100 Lot _____
Township 5 N or S Range 39 E or W WM
Section 34 SW 1/4 NW 1/4

Lat. _____ " or _____ (degrees or decimal)
Long _____ " or _____ (degrees or decimal)
Street Address of Well (or nearest address) 1/2 mile S. of Olsen Rd. on Paqwell Rd. Left side of Rd.

(10) STATIC WATER LEVEL
6 ft. below land surface. Date 11-4-07
_____ ft. below land surface. Date _____
Artesian pressure _____ lb. per square inch Date _____

(11) WATER BEARING ZONES
Depth at which water was first found 10

From	To	Estimated Flow Rate	SWL
10	11	3	8
40	60	60	6
60	80	100+	5
80	140	200+	5

(12) WELL LOG Ground Elevation _____

Material	From	To	SWL
TOP Soil	0	3	
Brown Clay	3	10	
Light Brown Clay w/B	10	11	8
Dark Brown Clay	11	40	
Coarse Brown Sand w/	40		6
Fine sand and small Gravel			
w/B		80	
Coarse Black Sand w/	80		
quartz and small Gravel		140	

Bottom 60' caved below casing 57' 11" Blowing 100+ w/ drill stem at 75'

Date Started 10-26-07 Completed 11-9-07

(unbonded) Water Well Constructor Certification
I certify that the work I performed on the construction, deepening, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

WWC Number _____ Date _____

Signed _____

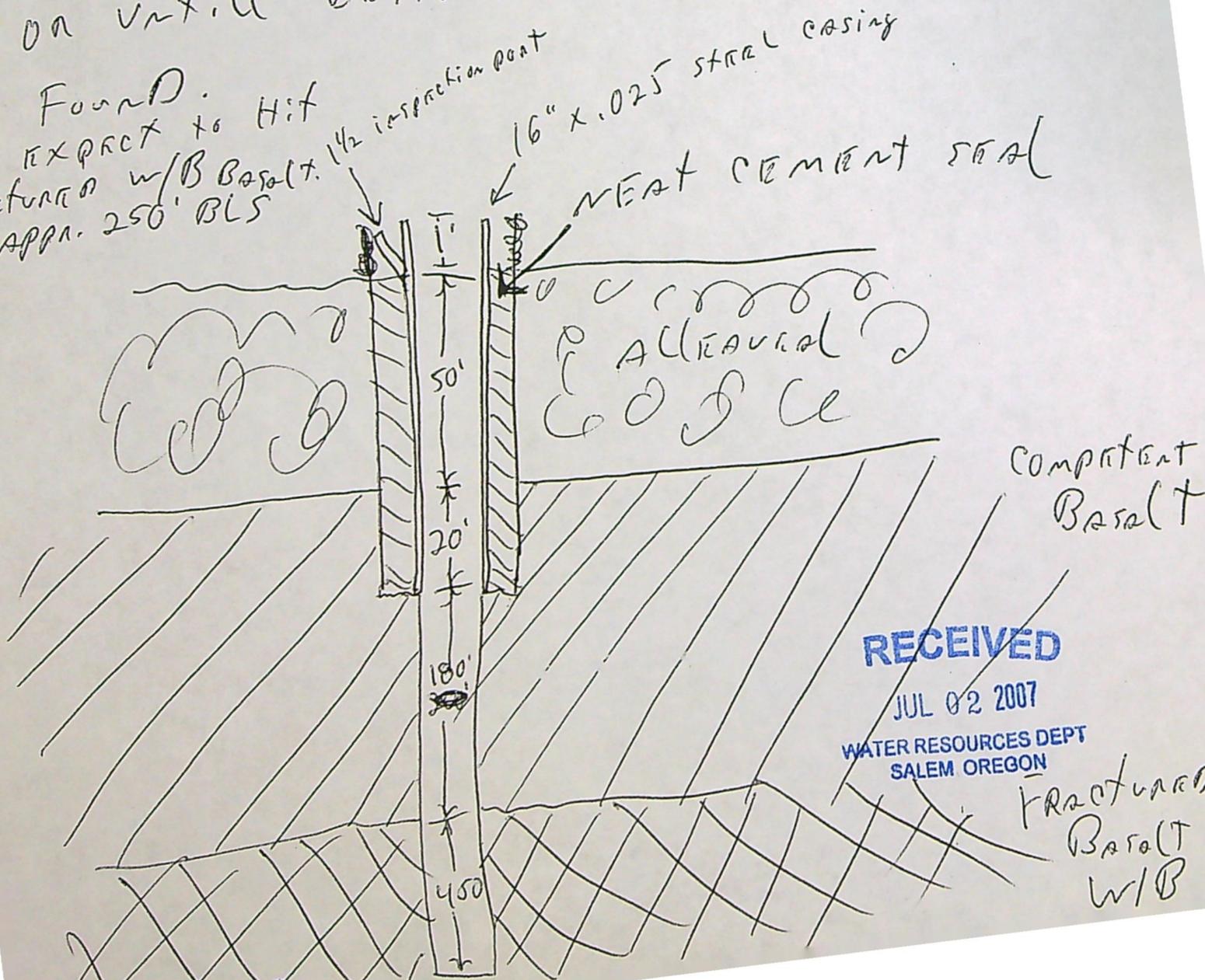
(bonded) Water Well Constructor Certification
I accept responsibility for the construction, deepening, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

WWC Number 1816 Date 11-5-07

Signed [Signature]

WE plan on Drilling a 22" Hole Down 20'
 into competent Basalt. WE estimate
 Basalt to BE Found at APPX. 50'.
 WE will THEN seal a 16" casing into
 THE competent Basal 20' WITH NEAT CEMENT
 WE will THEN Drill THROUGH THE
 16" steel casing to a DEPTH of 600'
 OR UNTILL DESIRED amount of water is

Found.
 WE EXPECT to Hit
 Fractured w/B Basalt.
 AT APPX. 250' BLS



RECEIVED

JUL 02 2007

WATER RESOURCES DEPT
 SALEM OREGON

Fractured
 Basalt
 w/B

APPN 616902

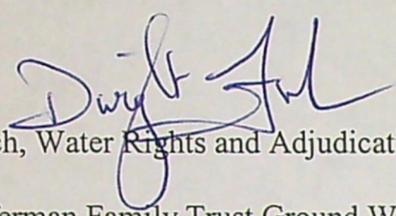
MEMO

TO: File

From: Dwight French, Water Rights and Adjudications Division Administrator

Date: July 2, 2007

RE: Fees for Hefferman Family Trust Ground Water Application



ORS 536.050 states, before describing what the fees are for each type of application, that the Department "may" collect the following fees in advance.

Because the Hefferman's attempted to have their application filed before the deadline (originally received in Salem on June 22, 2007) and then had the completed form and materials at the Baker City office on Friday, June 29, 2007 (the last day before the fee increase), the Department will exercise its authority to allow an applicant to pay a reduced fee in this case. For this application, the fee schedule in effect as of June 29, 2007, will be followed.

Approximately 13.6 cfs:

\$300 base

\$200 1st cfs

\$1300 additional cfs (\$100 for each additional cfs)

\$250 permit recording fee

\$2050 Total

Jerry Sauter

From: Tim Wallin
Sent: Monday, July 02, 2007 2:03 PM
To: Brook Geffen
Cc: Jerry Sauter
Subject: FW: Heffernan Ground Water Application
Importance: High

Brook/Jerry – please make sure this communication makes it into the file. Thanks

From: Bob DeVoldere
Sent: Monday, July 02, 2007 1:52 PM
To: Tim Wallin
Subject: FW: Heffernan Ground Water Application
Importance: High

Tim - Sent this off to Herb and let the people know Herb would be in touch but have since learned Herb is out for several weeks. Not sure who you want to handle this one so it lands in your lap. Thanks,

From: Chris and Donna Heffernan [mailto:nslope@eoni.com]
Sent: Monday, July 02, 2007 12:22 PM
To: webmaster
Subject: Heffernan Ground Water Application

Oregon Department of Water Resources,
This past friday we overnight shipped our ground water application for the Heffernan Family Trust. Over the weekend it was noticed that the acreage of one 1/4 corner on the map was accidently left missing. The acreage for the SW 1/4 corner of section 27 is 20ac.
Thank you,

Donna Heffernan

g-16902

7/3/2007

Application Checklist

- Groundwater development section (Page 2, Section 3 and/or Page 3, Section 2) or a well log report. *The Department will need to know about the proposed construction of the wells. The table on page 3 must be completed. The well log submitted differs from what is proposed.*

- 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 local Land use official must reference the appropriate land use code.*

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

 - Number of acres per 1/4, 1/4, if irrigation, nursery, or agriculture
 - Other _____

Reviewed by: Herb Mosgar

Date: June 25, 2007

RECEIVED

JUL 02 2007

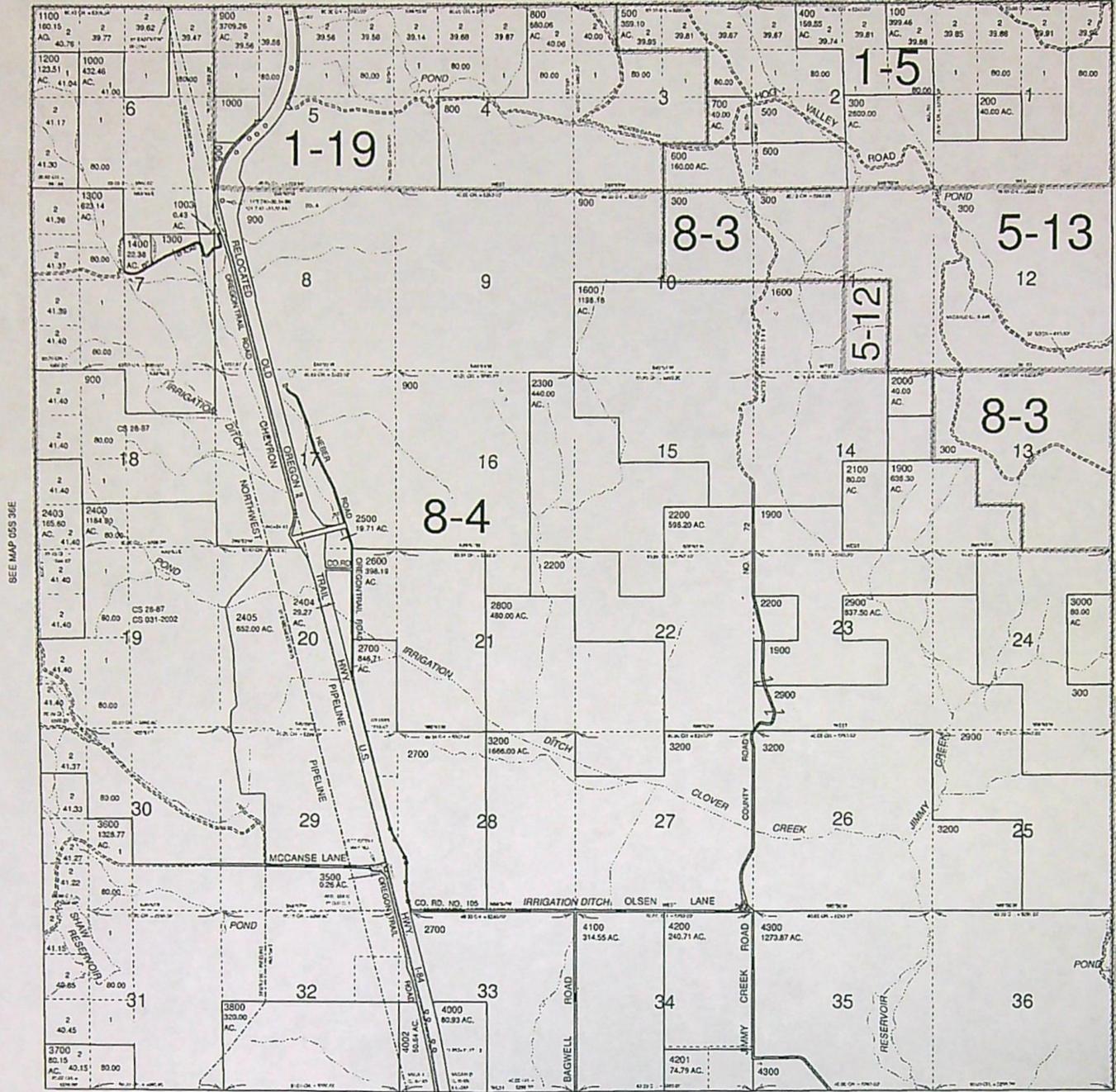
WATER RESOURCES DEPT
SALEM, OREGON

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

T.05S. R.39E. W.M.
UNION COUNTY
1" = 2000'

05S 39E
CANCELLED NO.
801 THRU 904
1001
1002
1101
1500
1700
1800
2401
2402
2701
3100
3300
3301
3600
3601
3602
3901
3902
4201
4400

SEE MAP 04S 39E



SEE MAP 05S 39E

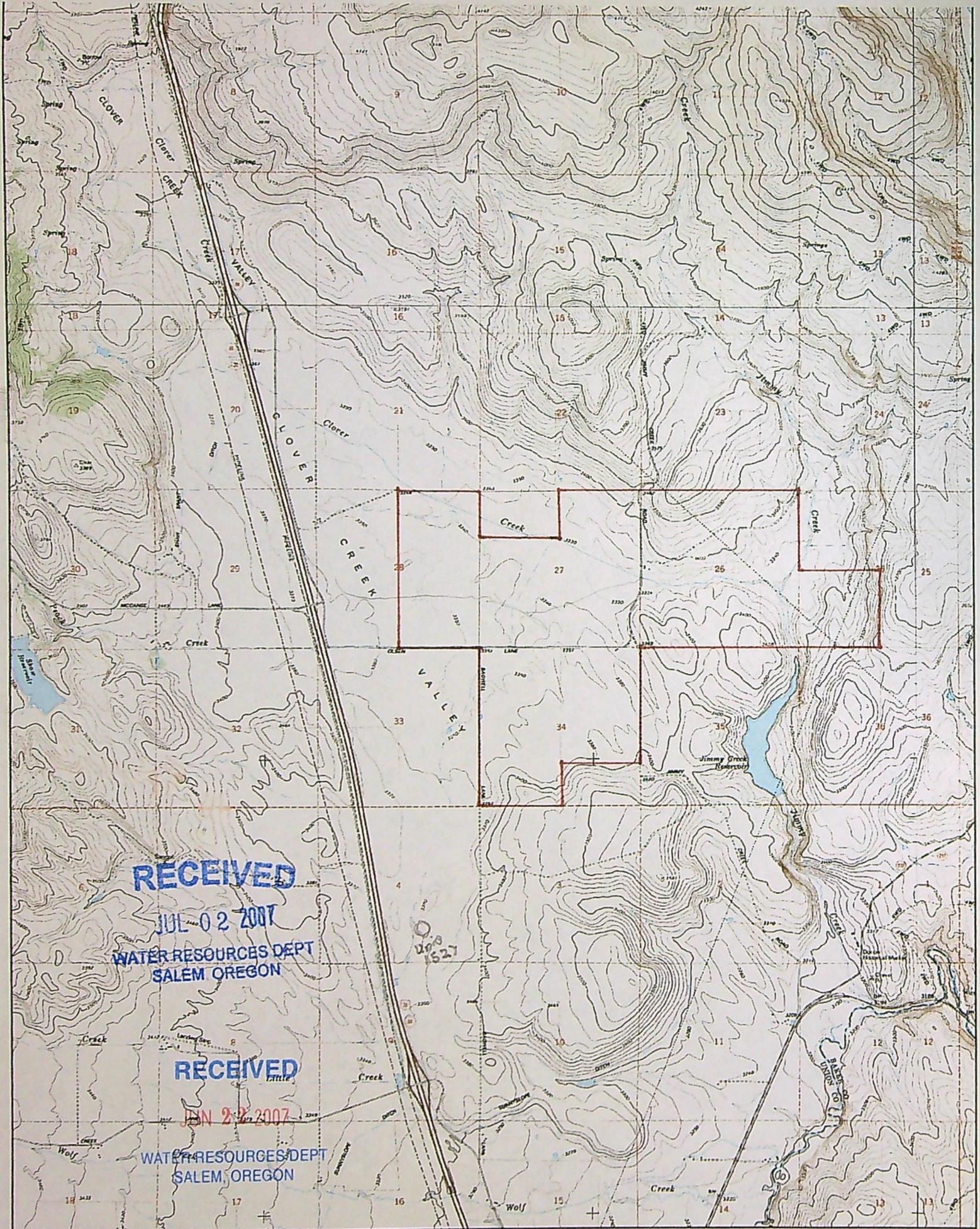
SEE MAP 05S 41E

SEE MAP 06S 39E

Revised 9C
4/28/2005

05S 39E

App No G-16902



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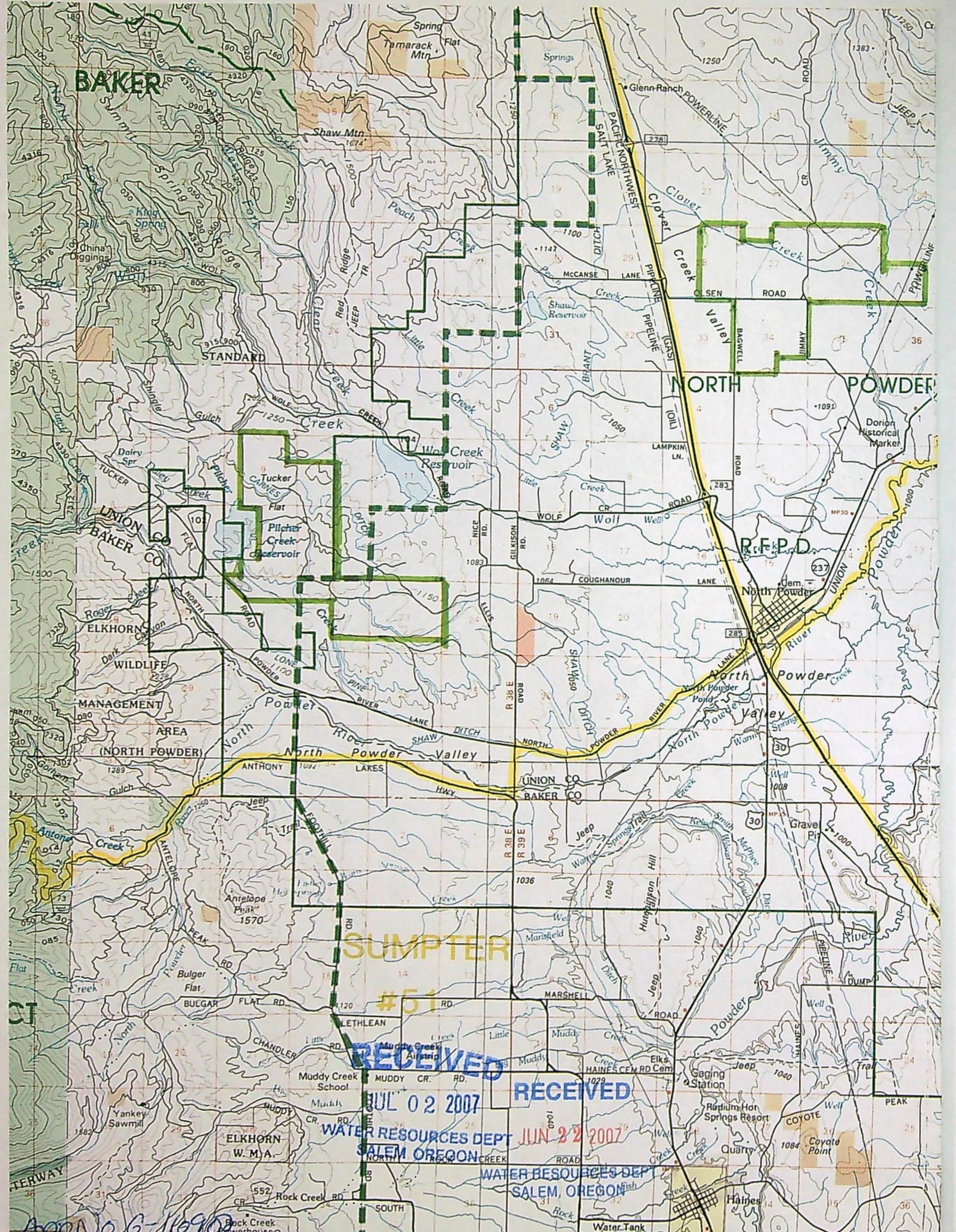
WATER RESOURCES DEPT
SALEM OREGON

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WATER RESOURCES DEPT
SALEM OREGON

app No G-16908



BAKER

STANDARD

NORTH POWDER

SUMPTER

#51

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SALEM, OREGON

ELKHORN W.M.A.

App No G-116902

R.F.P.D.

Muddy Creek Airstrip

Radium Hot Springs Resort

Coyote Point

Water Tank

Rock Creek Powerhouse

Haines

Quarry

Elk Creek

Gaging Station

Quarry

Elk Creek

Quarry

Doug Woodcock

From: Ivan Gall
Sent: Monday, February 25, 2008 12:42 PM
To: 'Doug Woodcock'
Cc: Debbie Colbert
Subject: G-16902 Heffernan

Attachments: G16902.pdf



G16902.pdf (1 MB)

Doug-

Attached is an amended application map and page 4 of the gw application. Let me know if you have trouble with the pdf; we are fighting our scanner.

I am mailing the originals.

These should allow you to re-review the Heffernan basalt application for the additional acreage, rate, and duty.

Also note that the location of well #3 changed slightly (moves it across a section line from 28 to 27). I helped the Heffernan's fill out an alluvial application for the same lands; they will be mailing it in this week.

Riverside could be onsite next week, but the access road may be a problem (getting muddy and soft).

ikg

Ivan K. Gall
Manager, Eastern Region
Oregon Water Resources Department
1995 3rd Street Suite 180
Baker City OR 97814
541.523.8224 ext. 24
FAX 866.214.3493
Ivan.K.Gall@wrd.state.or.us

*Note:
Amended Well 100-
+ Q
Superseding ver.
Measuring tubes*

**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 # **92155**

INVOICE # _____

RECEIVED FROM: North Slope Hay Co.
BY: _____

APPLICATION	G16902
PERMIT	
TRANSFER	

CASH: CHECK: # 8910 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 100.00

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:

0201 SURFACE WATER	EXAM FEE	0202	RECORD FEE
0203 GROUND WATER	\$ <u>100.00</u>	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: **92155**

DATED: 4/16/08 BY: [Signature]

**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 # **88521**

INVOICE # _____

RECEIVED FROM: Chris & Donna
BY: Heffernan

APPLICATION	G-16902
PERMIT	
TRANSFER	

CASH: CHECK:# 5065 OTHER: (IDENTIFY)

TOTAL REC'D \$ 2050.00

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:

0201 SURFACE WATER	EXAM FEE	0202	RECORD FEE
0203 GROUND WATER	\$ <u>1800.00</u>	0204	\$ <u>250.00</u>
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 (FW/WRD) \$ _____
0231 HYDRO LICENSE FEE (FW/WRD) \$ _____
HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

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

RECEIPT: **88521**

DATED: 7-2-07 BY: [Signature]



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem Oregon 97301-1271
 (503) 986-0900
 www.wrd.state.or.us

Application for a Permit to Use Ground 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.

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WATER RESOURCES DEPT
SALEM, OREGON

1. APPLICANT INFORMATION

A. Individuals

Applicant: _____
First Last

Mailing address: _____

City State Zip

Phone: _____
Home Work Other

*Fax: _____ *E-Mail address: _____

B. Organizations

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

Name of organization: Heffernan Family Trust

Name and title of person applying: Chris Heffernan, , Trustee

Mailing address of organization: 63600 Viewpoint Lane
North Powder OR 97867
City State Zip

Phone: 541-786-2257 541-898-2507
Day Evening

*Fax: 541-898-2203 *E-Mail address: nslope@eoni.com

* Optional information

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For Department Use		
App. No. <u>G-16902</u>	Permit No. _____	Date _____

2. PROPERTY OWNERSHIP

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WATER RESOURCES DEPT
SALEM, OREGON

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

- Yes (Skip to section 3 "Ground water Development.")
- 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.

Dana Osburn - 53365 Jimmy Creek Road, North Powder, OR 97867

Harla Mattox - 53365 Jimmy Creek Road, North Powder, OR 97867

Gerald Dudek - 53365 Jimmy Creek Road, North Powder, OR 97867

Cherrie Elmer - 53365 Jimmy Creek Road, North Powder, OR 97867

3. GROUND WATER DEVELOPMENT

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SALEM OREGON

A. Well Information

Number of well(s): 5

Name of nearest surface water body: Clover Creek

Distance from well(s) to nearest stream or lake: 1) 1 1/4 miles from Clover Creek

2) 3/4 mile from Clover Creek 3) & 5) 1/2 mile from Clover Creek 4) 3/4 mile from Clover Creek

If distance from surface water is less than one mile, indicate elevation difference between nearest surface water and well head. 1) 30'

2) 20' 3) 20' 4) 30' 5) 60'

B. Well Characteristics

Wells must be constructed according to standards set by the Department for the construction and maintenance of water wells. If the well is already constructed, please enclose a copy of the well constructor's log and the well ID number, if available, for each well with this application. Identify each well with a number corresponding to the wells designated on the map and proceed to section 4 of the form. If the well has not been constructed, or if you do not have a well log, please complete the following:

Well(s) will be constructed by: Riverside Inc. cc: Terry Daugherty License #1505

Address: P.O. Box 720

Parma, ID 83660

Completion date: December 31, 2007

G-16902

Please provide a description of your well development. (Attach additional sheets if needed.)

Well No.	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
1	16"	Steel 16" Casing .025 well	70'	240'	70'	250'	250'	1 1/2" Gal. Pipe	600'
2	16"	Steel 16" Casing .025 well	70'	240'	70'	250'	250'	1 1/2" Gal. Pipe	600'
3	16"	Steel 16" Casing .025 well	70'	240'	70'	250'	250'	1 1/2" Gal. Pipe	600'
4	16"	Steel 16" Casing .025 well	70'	240'	70'	250'	250'	1 1/2" Gal. Pipe	600'
5	16"	Steel 16" Casing .025 well	70'	240'	70'	250'	250'	1 1/2" Gal. Pipe	600'

Note: Well numbers in this listing must correspond to well locations(s) shown on accompanying map.

If well log is not available, or well is not yet constructed, you must provide: proposed total depth, depth of casing and seal, and the anticipated perforation and open intervals.

C. Artesian Flows

If your water well is flowing artesian, describe your water control and conservation works:

N/A

4. 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: N/A
- 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**

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SALEM, OREGON

G-16902 Heffernan

B. Amount of Water

Provide the production rate in gallons per minute (gpm) and the total annual amount of water you need from each well, from each source or aquifer, for each use. You do not need to provide source information if you are submitting a well log with your application.

Well No.	Source or aquifer	Type of use	Total rate of water requested (in gpm)	Total annual quantity (in gallons)	Production rate of well (in gpm)
1 thru 5	Basalt	Irrigation	6725 gpm	3594 ac/ft	6725 gpm

C. Maximum Rate of Use Requested

What is the maximum, instantaneous rate of water that will be used? 6725 gpm \approx 15 cfs
(The fees for your application will be based on this amount.)

D. Period of Use

Indicate the time of year you propose to use the water: March 1 to October 31
(For seasonal uses like irrigation give dates when water use would begin and end, e.g. March 1–October 31.)

E. Acreage

If you will be applying water to land, please give the total number of acres where water will be applied or used: 1,198
(This number should be consistent with your application map.)

5. WATER MANAGEMENT

A. Diversion

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

- Pump (give horsepower and pump type): 150 HP Turbine
- Other means (describe): _____

B. 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 12-inch Length 5 miles
- Other (describe) _____

B. Amount of Water

Provide the production rate in gallons per minute (gpm) and the total annual amount of water you need from each well, from each source or aquifer, for each use. You do not need to provide source information if you are submitting a well log with your application.

Well No.	Source or aquifer	Type of use	Total rate of water requested (in gpm)	Total annual quantity (in gallons)	Production rate of well (in gpm)
1	Black basalt	Irrigation	1221.75	652 acre ft.	1221.75
2	Black basalt	Irrigation	1221.75	652 acre ft.	1221.75
3	Black basalt	Irrigation	1221.75	652 acre ft.	1221.75
4 & 5	Black basalt	Irrigation	2443.50	1304 acre ft.	2443.50

C. Maximum Rate of Use Requested

What is the maximum, instantaneous rate of water that will be used? 6108.75
 (The fees for your application will be based on this amount.)

D. Period of Use

Indicate the time of year you propose to use the water: March 1 - October 31
 (For seasonal uses like irrigation give dates when water use would begin and end, e.g. March 1–October 31.)

E. Acreage

If you will be applying water to land, please give the total number of acres where water will be applied or used: 1086 acres
 (This number should be consistent with your application map.)

5. WATER MANAGEMENT

A. Diversion

What equipment will you use to pump water?

- Pump (give horsepower and pump type): _____
- Other means (describe): _____

Superseded 2-25-08
 (14.98 cfs)
 $Q = 6725 \text{ gpm} \sim 15.0 \text{ cfs}$
 $AC = 1,198$

B. Transport

How will you transport water to your plot?

- 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 12" Length 5 miles

- Other (describe) _____

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G 16902

C. Application/Distribution Method

What equipment will you use to apply water to your place of use? Center pivots with drop tubes and inverted nozzles.

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

- Flood
- High-pressure sprinkler
- Low pressure sprinkler
- Drip
- Water cannons
- Center pivot system
- Hand lines
- Wheel lines
- Siphon tubes or gated pipe with furrows
- Other, describe _____

Distribution method

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

D. Conservation

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

We will be using low pressure sprinklers to conserve water. Drop tubes will be used to reduce water loss from wind along with Nelson high-wind sprinkler nozzles that deliver a larger water particle to reduce evaporation.

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: August 2007

Proposed date construction will be completed: October 2012

Proposed date beneficial water use will begin: March 2008

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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.

2. PROPERTY OWNERSHIP: We are in the process of purchasing the property. Expected closing date is 7/7/07

3. GROUND WATER DEVELOPMENT: A. Well Information: There are 5 proposed wells so we have grouped wells 3 & 5 together on distance from wells to nearest stream as they are the same distance. Also, on distance from surface water if less than one mile, we have grouped wells 4 & 5 on the same line. B. Well Characteristics:

We have attached a copy of a well log from the only other known irrigation well in the area for reference.

4. WATER USE: B. Amount of Water: Wells 4 & 5 are grouped together.

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SALEM, OREGON

G-16902

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 well location and place of use. The map must provide tax lot numbers. See the map guidelines sheet for detailed map specifications.

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:

Chris Heffernan TTE
Signature of Applicant *(If more than one applicant, all must sign.)*

6-20-07
Date

Donna Heffernan, TTE

6-20-07

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.

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

Ground Water/6

G-16902



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: Heffernan Family Trust
Mailing Address: 63600 Viewpoint Lane
City: North Powder State: OR Zip: 97867 Day Phone: 541-898-2507

This application is related to a Measure 37 claim. [] Yes [X] 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.

Table with 8 columns: Township, Range, Section, 1/4, Tax Lot #, Plan Designation (e.g. Rural Residential/RR-5), Water to be: (Diverted, Conveyed, Used), Proposed Land Use. Includes handwritten entries for sections 28, 27 SW, 26 SW/6W, and 34 NW/4100.

List all counties and cities where water is proposed to be diverted, conveyed, or used. Union

B. Description of Proposed Use

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

- Permit to Use or Store Water [X]
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 [X] Ground Water [] Surface Water (name) _____

Estimated quantity of water needed: 6,000-8,000 cubic feet per second [X] gallons per minute [] acre-feet

Intended use of water: [X] Irrigation [] Commercial [] Industrial [] Domestic for household(s)
[] Municipal [] Quasi-municipal [] Instream [] Other _____

Briefly describe: We are purchasing a dryland farm and converting it to a high production center pivot irrigated farm.

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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SALEM, OREGON

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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): UCZPSO Sec. 2.03

- 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:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <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.

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Union County Planning
 Name: Scott Hartell Title: Associate Planner
 Signature: Scott Hartell Phone: 963-1014 Date: 6-20-07
 Government Entity: Union County Planning Dept.

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WATER RESOURCES DEPT
SALEM OREGON

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: Hofferman Family Trust
 City or County: Union Staff contact: Scott Hartell
 Signature: Scott Hartell Phone: 963-1014 Date: 6-29-07

G-16902

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WATER RESOURCES DEPT
SALEM, OREGON

Sale Agreement # Dudek/Heffernan

FINAL AGENCY ACKNOWLEDGMENT

Both Buyer and Seller acknowledge having received the Oregon Real Estate Agency Disclosure Pamphlet, and hereby acknowledge and consent to the following agency relationships in this transaction:

(1) Sharon Rudi/Joe Rudi (Name of Selling Licensee) of Nelson Real Estate Inc.
(Name of Real Estate Firm) is the agent of (check one): Buyer exclusively ("Buyer Agency") Seller exclusively ("Seller Agency"). Both Buyer and Seller ("Disclosed Limited Agency").
(2) Sharon Rudi/Joe Rudi (Name of Listing Licensee) of Nelson Real Estate Inc.
(Name of Real Estate Firm) is the agent of (check one): Seller exclusively ("Seller Agency"). Both Buyer and Seller ("Disclosed Limited Agency").
(3) If both parties are each represented by one or more Licensees in the same Real Estate Firm, and the Licensees are supervised by the same principal broker in that Real Estate Firm, Buyer and Seller acknowledge that said principal broker shall become the disclosed limited agent for both Buyer and Seller as more fully explained in the Disclosed Limited Agency Agreements that have been reviewed and signed by Buyer, Seller and Licensee(s).
Buyer shall sign this acknowledgment at the time of signing this Agreement before submission to Seller. Seller shall sign this acknowledgment at the time this Agreement is first submitted to Seller, even if this Agreement will be rejected or a counter offer will be made. Seller's signature to this Final Agency Acknowledgment shall not constitute acceptance of this Agreement or any terms therein.

Buyer Chris Heffernan Print Heffernan Family Trust Date 3-20-07
Buyer Donna Osburn Print _____ Date 3-20-07
Seller _____ Print Danna Osburn, Cherrie Elmer Date _____
Seller _____ Print Harla Mattox, Gerald Dudek Date _____

FARMS, RANCHES, ACREAGE & NATURAL RESOURCE PROPERTY REAL ESTATE SALE AGREEMENT

This Agreement is intended to be a legal and binding contract.
If it is not understood, seek competent legal advice before signing.

1. DEFINITIONS: All references in this Agreement to "Licensee" and "Firm" shall refer to Seller's and Buyer's real estate agents licensed in the State of Oregon and the respective real estate companies with which they are affiliated. Licensee(s) and Firm(s) identified in the Final Agency Acknowledgment Section above are not parties to this Agreement, except as may be applicable in Sections 21, 41, 42, 43, 47 and 50, below. Unless otherwise provided herein:
(1) Time calculated in days after the date Seller and Buyer have signed this Agreement shall start on the first full business day after the date that the last party has signed and accepted this Agreement, including counteroffer(s), if applicable; (2) Written notices required or permitted under this Agreement to be delivered to Seller or Buyer may be delivered to their respective Licensee with the same effect as if delivered to that Seller or Buyer; (3) A "business day" shall mean and include Monday through Friday, except recognized legal holidays as enumerated in ORS 187.010 and 187.020.

2. PRICE/PROPERTY DESCRIPTION: Buyer (print name(s)) Heffernan Family Trust
offers to purchase from Seller (print name(s)) Danna Osburn, Cherrie Elmer, Harla Mattox, Gerald Dudek
the following described real property, consisting of 2221 acres, more or less (hereinafter "the Property") situated in the State of Oregon,
County of Union, and commonly known as (insert street address, city, zip code, tax identification number, and/or lot-block description, etc.).
53365 Jimmy Creek, North Powder, Oregon 97867 See Attached Legal Description

(Seller and Buyer agree that if it is not provided herein, a complete legal description as provided by the title insurance company in accordance with Section 5, below, shall, where necessary, be used for purposes of legal identification and conveyance of title)
for the purchase price (in U.S. currency) of _____ A \$1,500,000
on the following terms: Earnest money herein received for _____ B \$ 10,000
on _____ as additional earnest money, the sum of _____ C \$ _____
at or before closing, the balance of down payment _____ D \$ _____
at closing and upon delivery of DEED CONTRACT the sum of Lines B, C, D and E should equal Line A) ... E \$ 1,490,000
Payable as follows: (Describe details of any loan(s) to be obtained) This offer is contingent upon the buyer and home qualifying for a loan with a lender of Buyer's choice. Buyer has been given a copy of Oregon Buyer Advisory Pamphlet. For additional details, see Addendum _____

3. BUYER REPRESENTATIONS/LOAN CONTINGENCY: As of the date of signing the Agreement, Buyer has sufficient funds available to close this transaction in accordance with the terms proposed herein, and is not relying on any contingent source of funds (e.g., from loans, gifts, sale or closing of property, 401 K disbursements, etc.), unless otherwise disclosed in this Agreement.
IF A NEW LOAN IS REQUIRED, THIS TRANSACTION IS SUBJECT TO BUYER AND PROPERTY QUALIFYING FOR THE LOAN (S) AND THE LENDER'S APPRAISAL BEING NOT LESS THAN THE PURCHASE PRICE. This contingency is solely for Buyer's benefit and may be waived by Buyer in _____

Buyer Initials CHR / DJR Date 3/20/07

Seller Initials _____ / _____ Date _____

LINES WITH THIS SYMBOL ← REQUIRE A SIGNATURE OF BUYER AND/OR SELLER AND DATE

OREF 005-1

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FARMS, RANCHES, ACREAGE & NATURAL RESOURCE PROPERTY REAL ESTATE SALE AGREEMENT - Page 1 of 5

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WATER RESOURCES DEPT
SALEM, OREGON

6-110902



ADDENDUM TO REAL ESTATE SALE AGREEMENT

The Oregon Real Estate Agency has reviewed this form for compliance with the applicable provisions on ORS.696 and finds that it complies with those provisions.

This is an Addendum to: Real Estate Sale Agreement Seller's Counter Offer Buyer's Counter Offer

Re: Real Estate Sale Agreement No. Dudek/Heffernan Dated 3/20/07 Addendum No. C

Buyer: Heffernan Family Trust

Seller: Dana Osburn, Cherrie Elmer, Harla Mattox, Gerald Dudek

The real property described as: 53365 Jimmy Creek Rd., North Powder, Oregon 97867 See legal description attached and made part of the original purchase agreement dated 3/13/07

SELLER AND BUYER HEREBY AGREE THE FOLLOWING SHALL BE A PART OF THE REAL ESTATE SALE AGREEMENT REFERENCED ABOVE.

Buyers and sellers agree to extend this offer and counter offer and all addendum until on or before April 16, 2007.

The closing shall be on or before July 6, 2007.

Buyer Signature Chris Heffernan, TR Date 4-2-07, _____ A.M. 7:00 P.M.

Buyer Signature Donna Heffernan, TR Date 4-2-07, _____ A.M. 7:00 P.M.

Seller Signature _____ Date _____, _____ A.M. _____ P.M.

Seller Signature _____ Date _____, _____ A.M. _____ P.M.

Listing Licensee Sharon Rudi/Joe Rudi Selling Licensee Sharon Rudi/Joe Rudi

Listing Firm Broker Initials/Date _____ / _____ Selling Firm Broker Initials/Date _____ / _____

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Addendum Page _____ of _____ Pages

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ADDENDUM TO REAL ESTATE SALE AGREEMENT

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G-16902



Sale Agreement # Dudek/Heffernan

PROMISSORY NOTE FOR EARNEST MONEY

Buyer(s) Heffernan Family Trust
Seller(s) Dudek Trust
Property Address 53365 Jimmy Creek Road, North Powder, Oregon 97867

Buyer(s) Heffernan Family Trust
jointly and severally promise to pay to (select only one payee):

[] Real Estate Firm:

[X] Seller(s) Dudek Trust

the sum of \$ 10,000.00

1) Upon redemption of this promissory note, funds shall be made payable to Nelson Real Estate Inc.

2) This Note is due and payable (select only one due date):

[] days after mutual acceptance of the Real Estate Sale Agreement;

[X] on or before May 1 2007

3) If this Note is not paid when due, Buyer(s) shall pay interest at the rate of ten percent (10%) per annum on the unpaid balance from the due date until it is paid in full. BUYER(S) UNDERSTAND(S) THAT TIME IS OF THE ESSENCE, AND THAT THE FAILURE TO PAY THIS NOTE WHEN DUE, MAY CONSTITUTE A DEFAULT UNDER THE REAL ESTATE SALE AGREEMENT WITH SELLER.

4) If Real Estate Firm is named as the payee of this Note, and Note is not paid when due, Buyer(s) hereby consent(s) to Real Estate Firm assigning and transferring it to Seller(s) for all purposes including collection.

5) This Note is hereby incorporated into and made a part of the Real Estate Sale Agreement between Seller(s) and Buyer(s). In the event of any dispute between said parties, the mediation, arbitration and attorney fee provisions therein shall expressly apply.

6) If payment is not made on or before the due date, Buyer(s) understand that Principal Broker is instructed by Seller(s) to promptly assign and transfer this Note to Seller(s), without recourse, and for all purposes, including collection. It is expressly understood and agreed that neither Principal Broker nor Principal Broker's Firm, its owners, officers or directors, licensees, employees or representatives shall have any duty (fiduciary or otherwise), responsibility or liability to Seller(s) to enforce collection of the Note, nor for any fees or costs associated therewith.

X Buyer Chris Heffernan Date 4-13-07 Seller Date

Buyer Date Seller Date

LINES WITH THIS SYMBOL ← REQUIRE A SIGNATURE & DATE
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Principal Broker's Initials & Date

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B-16900

BARGAIN AND SALE DEED - STATUTORY FORM
INDIVIDUAL GRANTOR

20011309b

DANNA OSBURN, Trustee, Grantor, conveys to DANNA OSBURN, HARLA MATTOX, CHERRIE
ELMER & GERALD DUDEK, Grantees, the following real property situated in Union County Oregon, to-
wit:

An undivided one-half (1/2) interest in the following described real property:

In Township 5 South, Range 39E, W.M.:

- ↳ Sec. 25: SW 1/4
- ↳ Sec. 26: All
- ↳ Sec. 27: S 1/2 NW 1/4, E 1/2, SW 1/4
- ↳ Sec. 28: E 1/2
- ↳ Sec. 34: W 1/2

x Chris [Signature]
Buyer

x 3-12-07
Date

x [Signature] TIE
Buyer

x 3-12-07
Date

legal description

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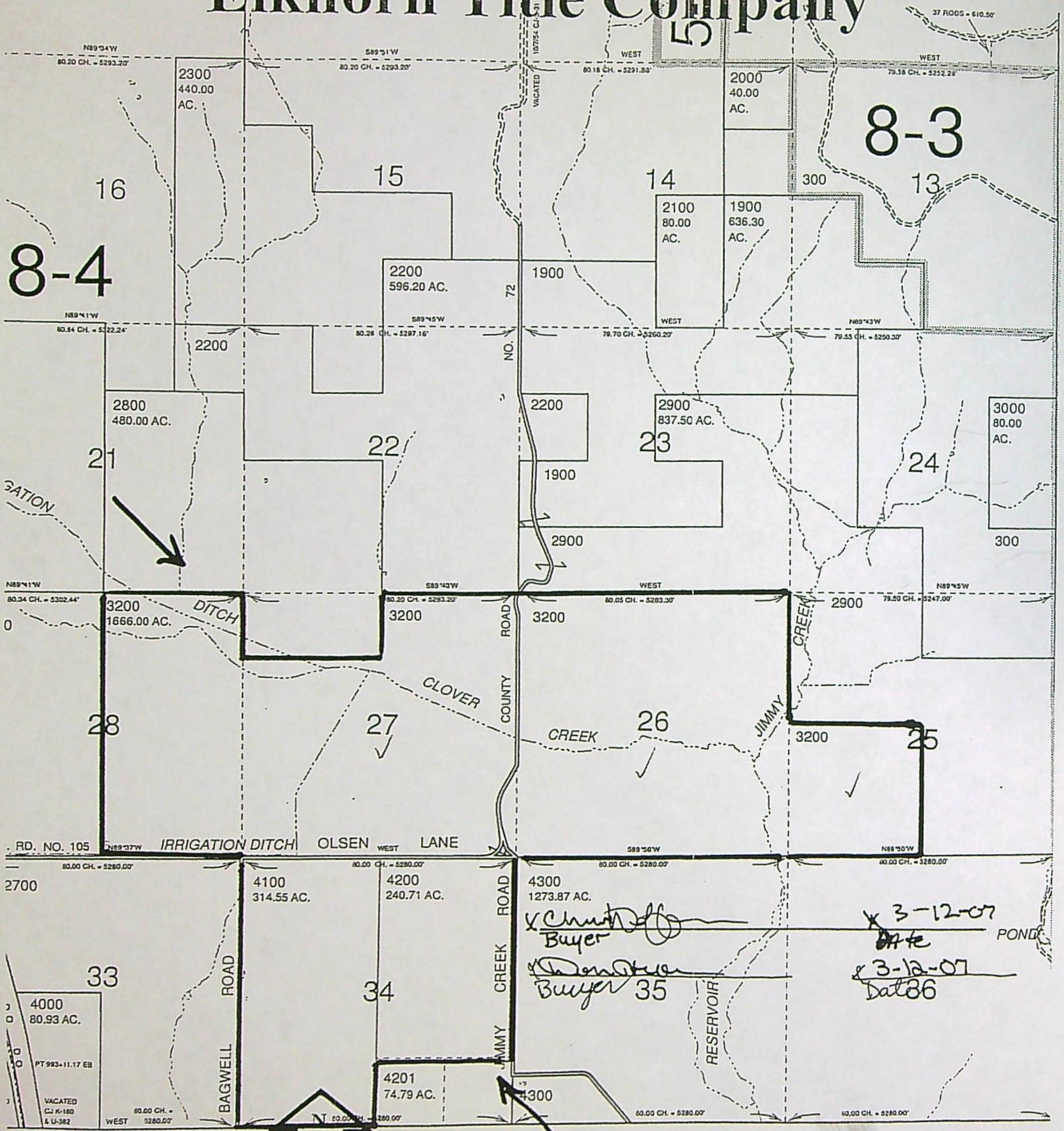
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Elkhorn Title Company



SEE MAP 06S 39E

This sketch is for location purposes only, and no warranties are implied as to variations, if any, in dimensions or location as revealed by an accurate survey.

Map # 5S 39
Order #

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SALEM, OREGON

APP NO G-16902

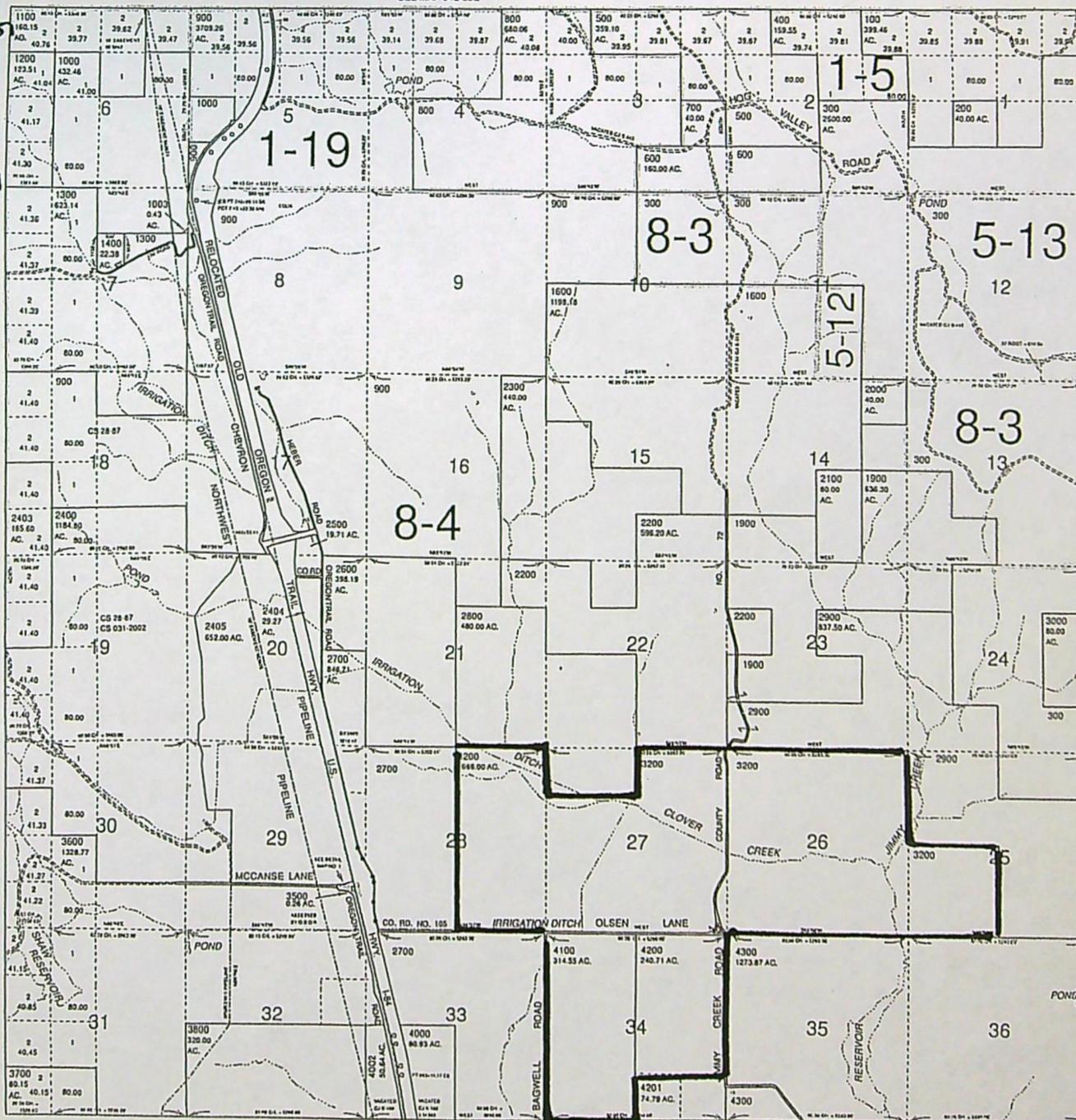
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

T.05S. R.39E. W.M.
UNION COUNTY
1" = 2000'

05S 39E

CANCELLED NO.
901 11000 504
1001
1002
1101
1500
1800
2401
2402
2701
3100
3200
3301
3400
3401
3602
3900
3901
3902
4001
4100

SEE MAP 04S 39E



SEE MAP 05S 36E

SEE MAP 05S 40E

SEE MAP 06S 39E

X *Chad Welford* 3-12-05
Buyer Date

X *Banana* 3-12-01
Buyer Date

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WATER RESOURCES DEPT
SALEM, OREGON

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SALEM OREGON
JUL 02 2007

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App No G-16902

Revised 9C
4/28/2005

05S 39E

ADDITIONAL NOTES

HEFFERNAN FAMILY TRUST
GROUND WATER APPLICATION

6-20-2007

We are landowners in northeast Oregon in the Powder Valley. Our oldest son Justin graduated one year ago from the University of Idaho with an Ag Systems Management degree, which is a crop production and ag business degree. He has chosen to come back to the ranch and the local community to make a living. Our youngest son Sheldon is a junior at the University of Idaho and is the scholarship officer with the agriculture fraternity as well as the president of the Farm Bureau Club for the college. He is working towards a crop production degree with an emphasis on bio-fuels and also would like to return to northeastern Oregon to farm. We have been looking for the past 5 years to expand our ranch to be in a position to provide for the next generation and with the rising costs of land values in our region it is not economically feasible to compete with the real estate market on these developed farms and ranches. The Dudek ranch has a huge opportunity to be a highly productive state-of-the-art farm that would include renewable energy through wind-powered pumps and pivots as well as working with the local co-op to return excess power to the local North Powder community and school. The Dudek farm has been a dryland farm since the 1940's. It is located on the north end of the Powder Valley and has excellent soils for farming. With the assistance of water wells this dryland farm can be a tremendous agricultural benefit to the area. We have been working closely with your Baker office – both Rick and Bob- and with Mark who is with the Department of Geology in Baker City. It appears the north end of the Powder Valley has numerous, necessary resources. We have had Oregon Department of Fish and Wildlife's northeastern Oregon regional biologist and his assistant on the farm looking at riparian restoration of 2.5 miles of Clover Creek. They are very interested in working with us due to the abundance of mule deer, pronghorn antelope and Rocky Mt. elk. We have been working for several months with the Small Business Development Center at Eastern Oregon University who has helped lead us to this land base due to its multiple use diversity. We have had a lot of guidance from our state representative Greg Smith who is the director of SBDC and has encouraged us to keep him abreast of the progress. We have Oregon Power Solutions retained and they have started the process with Oregon Trail Electric Co-op on this up and coming renewable energy program.

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SALEM OREGON

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JUN 22 2007

WATER RESOURCES DEPT
SALEM, OREGON

G-16902



Oregon

Theodore R. Kulongoski, Governor

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

NOTICE OF PROPOSED FINAL ORDER - AFFECTED LANDOWNER

This is to notify you that the Water Resources Department (Department) has issued a Proposed Final Order (PFO) for a water right application(s) which may interest you as you were identified as an affected landowner. A PFO is the Department's preliminary response to a request for water use. The proposed decision is based on review of the water use application, comments received during the required public notice period, and applicable Oregon water laws. The decision may include a draft permit that contains conditions or restrictions on the use of water.

Opportunities For Further Public Involvement

If you disagree with the Department's decision, you may file a protest before the deadline stated in the PFO. Each PFO also contains details of procedures and statutory fees concerning protests, requests for standing in support of PFOs, contested case hearings and whom to call if you have questions.

Elmer

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-16902

Proposed Final Order

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

Application History

On July 2, 2007, HEFFERNAN FAMILY TRUST submitted an application to the Department for the following water use permit:

- Amount of Water: 15.0 CUBIC FEET PER SECOND (CFS)
- Use of Water: IRRIGATION USE ON 1198.0 ACRES
- Source of Water: WELL 1, WELL 2, WELL 3, WELL 4, AND WELL 5 IN CLOVER CREEK BASIN
- Area of Proposed Use: UNION COUNTY WITHIN SECTION 26, SECTION 27, SECTION 28, AND SECTION 34, TOWNSHIP 5 SOUTH, RANGE 39 EAST, W.M.

On March 28, 2008, the Department mailed the applicant notice of its Initial Review, determining that "The use of 15.0 CFS from Well 1, Well 2, Well 3, Well 4, and Well 5 in Clover Creek Basin for irrigation use on 1198.0 acres is allowable during the full period requested, March 1 through October 31." The applicant did not notify the Department to stop processing the application within 14 days of that date.

On April 1, 2008, 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.

On April 16, 2008, the Department received a revised map clarifying the location of the wells and the place of use. The total acreage depicted on the April 16, 2008 map is 1191.0 acres.

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

- designations of any critical ground water areas
- the Scenic Waterway requirements of ORS 390.835
- applicable statutes, administrative rules, and case law
- any general basin-wide standard for flow rate and duty of water allowed
- the need for a flow rate and duty higher than the general standard
- any comments received

Findings of Fact

The Powder Basin Program allows IRRIGATION USE.

WELL 1, WELL 2, WELL 3, WELL 4, AND WELL 5 IN CLOVER CREEK BASIN are not within or above a State Scenic Waterway.

Ground Water Findings Under OAR 690-009

The Department determined, consistent with OAR 690-009-0040(4), that the proposed ground water use will not have the potential for substantial interference with surface water.

In making this determination, the Department considered whether:

- (a) There is a hydraulic connection from the proposed well(s) to any surface water sources.
- (b) The point of appropriation is a horizontal distance less than one-fourth mile from the surface water source;
- (c) The rate of appropriation is greater than five cubic feet per second, if the point of appropriation is a horizontal distance less than one mile from the surface water source;
- (d) The rate of appropriation is greater than one percent of the pertinent adopted minimum perennial streamflow or instream water right with a senior priority date, if one is applicable, or of the discharge that is equaled or exceeded 80 percent of time, as determined or estimated by the Department, and if the point of appropriation is a horizontal distance less than one mile from the surface water source;
- (e) The ground water appropriation, if continued for a period of 30 days, would result in stream depletion greater than 25 percent of the rate of appropriation, if the point of appropriation is a horizontal distance less than one mile from the surface water source.

According to the Department's rules, the potential for substantial interference is assumed if (a) and either (b) or (c) or (d) or (e) are met. For this application, the Department determined that there is no potential for substantial interference, because either (a) is not met, or (b), (c), (d) or (e) are not met, or both.

An assessment of ground water availability has been completed by the Department's Ground Water/Hydrology section. A copy of this assessment is in the file. The proposed water use will, if properly conditioned, avoid injury to existing rights and the resource.

The Department finds that no more than 14.9 CFS would be necessary for the proposed use. The amount of water allowed shall be restricted to 14.9 CFS.

The proposed wells are not within a designated critical ground water area.

Conclusions of Law

Under the provisions of ORS 537.621, the Department must presume that a proposed use will ensure the preservation of the public welfare, safety and health if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

The proposed use requested in this application is allowed in the Powder 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.

No proposed flow rate and duty of water higher than the general basin-wide standard is needed.

For these reasons, the required presumption has been established.

Under the provisions of ORS 537.621, once the presumption has been established, it may be overcome by a preponderance of evidence that either:

- (a) One or more of the criteria for establishing the presumption are not satisfied; or

- (b) The proposed use would not ensure the preservation of the public welfare, safety and health as demonstrated in comments, in a protest . . . or in a finding of the department that shows:
- (A) The specific aspect of the public welfare, safety and health under ORS 537.525 that would be impaired or detrimentally affected; and
 - (B) Specifically how the identified aspect of the public welfare, safety and health under ORS 537.525 would be impaired or be adversely affected.

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

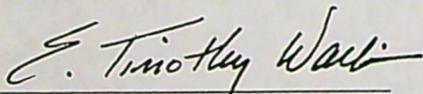
The Department therefore concludes that water is available in the amount necessary for the proposed use; the proposed use will not result in injury to existing water rights; and the proposed use would ensure the preservation of the public welfare, safety and health as described in ORS 537.525.

When issuing permits, ORS 537.628(1) authorizes the Department to include limitations and conditions which have been determined necessary to protect the public welfare, safety, and health. The attached draft permit is conditioned accordingly.

Recommendation

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

DATED June 10, 2008



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 July 25, 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 July 25, 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 Kerry Kavanagh. 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 503-986-0816.

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.
STATE OF OREGON

DRAFT

COUNTY OF UNION

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

HEFFERNAN FAMILY TRUST
63600 VIEWPOINT LANE
NORTH POWDER, OR 97867

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

APPLICATION FILE NUMBER: G-16902

SOURCE OF WATER: WELL 1, WELL 2, WELL 3, WELL 4, AND WELL 5 IN CLOVER CREEK BASIN

PURPOSE OR USE: IRRIGATION USE ON 1191.0 ACRES

MAXIMUM RATE: 14.9 CUBIC FEET PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: JULY 2, 2007

WELL LOCATIONS:

WELL 1 - SW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 34, T5S, R39E, W.M.; 2640 FEET SOUTH AND 25 FEET EAST FROM NW CORNER, SECTION 34

WELL 2 - NW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 34, T5S, R39E, W.M.; 25 FEET SOUTH AND 25 FEET EAST FROM NW CORNER, SECTION 34

WELL 3 - NW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 27, T5S, R39E, W.M.; 2254 FEET NORTH AND 60 FEET EAST FROM SW CORNER, SECTION 27

WELL 4 - SW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 27, T5S, R39E, W.M.; 25 FEET NORTH AND 3300 FEET EAST FROM SW CORNER, SECTION 27

WELL 5 - SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 26, T5S, R39E, W.M.; 25 FEET NORTH AND 25 FEET EAST FROM SW CORNER, SECTION 26

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

Application G-16902 Water Resources Department

PERMIT DRAFT

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 38.0 ACRES
 SE $\frac{1}{4}$ SW $\frac{1}{4}$ 10.0 ACRES
 SECTION 26

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 15.0 ACRES
 NW $\frac{1}{4}$ NE $\frac{1}{4}$ 38.0 ACRES
 SW $\frac{1}{4}$ NE $\frac{1}{4}$ 38.0 ACRES
 SE $\frac{1}{4}$ NE $\frac{1}{4}$ 30.0 ACRES
 SW $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 ACRES
 SE $\frac{1}{4}$ NW $\frac{1}{4}$ 38.0 ACRES
 NE $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 ACRES
 NW $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 ACRES
 SW $\frac{1}{4}$ SW $\frac{1}{4}$ 22.0 ACRES
 SE $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 ACRES
 NE $\frac{1}{4}$ SE $\frac{1}{4}$ 6.0 ACRES
 NW $\frac{1}{4}$ SE $\frac{1}{4}$ 32.0 ACRES
 SW $\frac{1}{4}$ SE $\frac{1}{4}$ 25.0 ACRES
 SE $\frac{1}{4}$ SE $\frac{1}{4}$ 10.0 ACRES
 SECTION 27

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 28.0 ACRES
 NW $\frac{1}{4}$ NE $\frac{1}{4}$ 38.0 ACRES
 SW $\frac{1}{4}$ NE $\frac{1}{4}$ 35.0 ACRES
 SE $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 ACRES
 NE $\frac{1}{4}$ SE $\frac{1}{4}$ 35.0 ACRES
 NW $\frac{1}{4}$ SE $\frac{1}{4}$ 35.0 ACRES
 SW $\frac{1}{4}$ SE $\frac{1}{4}$ 35.0 ACRES
 SE $\frac{1}{4}$ SE $\frac{1}{4}$ 35.0 ACRES
 SECTION 28

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 30.0 ACRES
 NW $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 ACRES
 SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 ACRES
 SE $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 ACRES
 NE $\frac{1}{4}$ NW $\frac{1}{4}$ 38.0 ACRES
 NW $\frac{1}{4}$ NW $\frac{1}{4}$ 38.0 ACRES
 SW $\frac{1}{4}$ NW $\frac{1}{4}$ 38.0 ACRES
 SE $\frac{1}{4}$ NW $\frac{1}{4}$ 38.0 ACRES
 NE $\frac{1}{4}$ SW $\frac{1}{4}$ 38.0 ACRES
 NW $\frac{1}{4}$ SW $\frac{1}{4}$ 38.0 ACRES
 NE $\frac{1}{4}$ SE $\frac{1}{4}$ 30.0 ACRES
 NW $\frac{1}{4}$ SE $\frac{1}{4}$ 40.0 ACRES
 SECTION 34

TOWNSHIP 5 SOUTH, RANGE 39 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 appropriation. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

The wells shall produce ground water only from the basalt or other bedrock ground water reservoir.

The wells shall be fitted with dedicated measuring tubes to allow unobstructed access for water-level measurements.

The wells shall be cased and sealed in such a manner to develop a single basalt or other bedrock aquifer.

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

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

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

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

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if any of the following events occur:

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

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

STANDARD CONDITIONS

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

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may not be valid, unless the Department authorizes the change in writing.

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

The well(s) shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, Section 030 adopted November 13, 1991 shall be followed.

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

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

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

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

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

The use of water shall be limited when it interferes with any prior surface or ground water rights.

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 _____, 2008

DRAFT - THIS IS NOT A PERMIT

for Phillip C. Ward, Director
Water Resources Department



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building

725 Summer Street NE, Suite A

Salem, OR 97301

503-986-0900

FAX 503-986-0904

NOTICE OF PROPOSED FINAL ORDER - AFFECTED LANDOWNER

This is to notify you that the Water Resources Department (Department) has issued a Proposed Final Order (PFO) for a water right application(s) which may interest you as you were identified as an affected landowner. A PFO is the Department's preliminary response to a request for water use. The proposed decision is based on review of the water use application, comments received during the required public notice period, and applicable Oregon water laws. The decision may include a draft permit that contains conditions or restrictions on the use of water.

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Osburn

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-16902

Proposed Final Order

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

Application History

On July 2, 2007, HEFFERNAN FAMILY TRUST submitted an application to the Department for the following water use permit:

- Amount of Water: 15.0 CUBIC FEET PER SECOND (CFS)
- Use of Water: IRRIGATION USE ON 1198.0 ACRES
- Source of Water: WELL 1, WELL 2, WELL 3, WELL 4, AND WELL 5 IN CLOVER CREEK BASIN
- Area of Proposed Use: UNION COUNTY WITHIN SECTION 26, SECTION 27, SECTION 28, AND SECTION 34, TOWNSHIP 5 SOUTH, RANGE 39 EAST, W.M.

On March 28, 2008, the Department mailed the applicant notice of its Initial Review, determining that "The use of 15.0 CFS from Well 1, Well 2, Well 3, Well 4, and Well 5 in Clover Creek Basin for irrigation use on 1198.0 acres is allowable during the full period requested, March 1 through October 31." The applicant did not notify the Department to stop processing the application within 14 days of that date.

On April 1, 2008, 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.

On April 16, 2008, the Department received a revised map clarifying the location of the wells and the place of use. The total acreage depicted on the April 16, 2008 map is 1191.0 acres.

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

- designations of any critical ground water areas
- the Scenic Waterway requirements of ORS 390.835
- applicable statutes, administrative rules, and case law
- any general basin-wide standard for flow rate and duty of water allowed
- the need for a flow rate and duty higher than the general standard
- any comments received

Findings of Fact

The Powder Basin Program allows IRRIGATION USE.

WELL 1, WELL 2, WELL 3, WELL 4, AND WELL 5 IN CLOVER CREEK BASIN are not within or above a State Scenic Waterway.

Ground Water Findings Under OAR 690-009

The Department determined, consistent with OAR 690-009-0040(4), that the proposed ground water use will not have the potential for substantial interference with surface water.

In making this determination, the Department considered whether:

- (a) There is a hydraulic connection from the proposed well(s) to any surface water sources.
- (b) The point of appropriation is a horizontal distance less than one-fourth mile from the surface water source;
- (c) The rate of appropriation is greater than five cubic feet per second, if the point of appropriation is a horizontal distance less than one mile from the surface water source;
- (d) The rate of appropriation is greater than one percent of the pertinent adopted minimum perennial streamflow or instream water right with a senior priority date, if one is applicable, or of the discharge that is equaled or exceeded 80 percent of time, as determined or estimated by the Department, and if the point of appropriation is a horizontal distance less than one mile from the surface water source;
- (e) The ground water appropriation, if continued for a period of 30 days, would result in stream depletion greater than 25 percent of the rate of appropriation, if the point of appropriation is a horizontal distance less than one mile from the surface water source.

According to the Department's rules, the potential for substantial interference is assumed if (a) and either (b) or (c) or (d) or (e) are met. For this application, the Department determined that there is no potential for substantial interference, because either (a) is not met, or (b), (c), (d) or (e) are not met, or both.

An assessment of ground water availability has been completed by the Department's Ground Water/Hydrology section. A copy of this assessment is in the file. The proposed water use will, if properly conditioned, avoid injury to existing rights and the resource.

The Department finds that no more than 14.9 CFS would be necessary for the proposed use. The amount of water allowed shall be restricted to 14.9 CFS.

The proposed wells are not within a designated critical ground water area.

Conclusions of Law

Under the provisions of ORS 537.621, the Department must presume that a proposed use will ensure the preservation of the public welfare, safety and health if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

The proposed use requested in this application is allowed in the Powder 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.

No proposed flow rate and duty of water higher than the general basin-wide standard is needed.

For these reasons, the required presumption has been established.

Under the provisions of ORS 537.621, once the presumption has been established, it may be overcome by a preponderance of evidence that either:

- (a) One or more of the criteria for establishing the presumption are not satisfied; or

- (b) The proposed use would not ensure the preservation of the public welfare, safety and health as demonstrated in comments, in a protest . . . or in a finding of the department that shows:
 - (A) The specific aspect of the public welfare, safety and health under ORS 537.525 that would be impaired or detrimentally affected; and
 - (B) Specifically how the identified aspect of the public welfare, safety and health under ORS 537.525 would be impaired or be adversely affected.

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

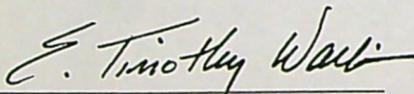
The Department therefore concludes that water is available in the amount necessary for the proposed use; the proposed use will not result in injury to existing water rights; and the proposed use would ensure the preservation of the public welfare, safety and health as described in ORS 537.525.

When issuing permits, ORS 537.628(1) authorizes the Department to include limitations and conditions which have been determined necessary to protect the public welfare, safety, and health. The attached draft permit is conditioned accordingly.

Recommendation

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

DATED June 10, 2008



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 July 25, 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 July 25, 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 Kerry Kavanagh. 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 503-986-0816.

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.
STATE OF OREGON

DRAFT

COUNTY OF UNION

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

HEFFERNAN FAMILY TRUST
63600 VIEWPOINT LANE
NORTH POWDER, OR 97867

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

APPLICATION FILE NUMBER: G-16902

SOURCE OF WATER: WELL 1, WELL 2, WELL 3, WELL 4, AND WELL 5 IN CLOVER CREEK BASIN

PURPOSE OR USE: IRRIGATION USE ON 1191.0 ACRES

MAXIMUM RATE: 14.9 CUBIC FEET PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: JULY 2, 2007

WELL LOCATIONS:

WELL 1 - SW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 34, T5S, R39E, W.M.; 2640 FEET SOUTH AND 25 FEET EAST FROM NW CORNER, SECTION 34

WELL 2 - NW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 34, T5S, R39E, W.M.; 25 FEET SOUTH AND 25 FEET EAST FROM NW CORNER, SECTION 34

WELL 3 - NW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 27, T5S, R39E, W.M.; 2254 FEET NORTH AND 60 FEET EAST FROM SW CORNER, SECTION 27

WELL 4 - SW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 27, T5S, R39E, W.M.; 25 FEET NORTH AND 3300 FEET EAST FROM SW CORNER, SECTION 27

WELL 5 - SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 26, T5S, R39E, W.M.; 25 FEET NORTH AND 25 FEET EAST FROM SW CORNER, SECTION 26

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

Application G-16902 Water Resources Department

PERMIT DRAFT

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 38.0 ACRES
 SE $\frac{1}{4}$ SW $\frac{1}{4}$ 10.0 ACRES
 SECTION 26

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 15.0 ACRES
 NW $\frac{1}{4}$ NE $\frac{1}{4}$ 38.0 ACRES
 SW $\frac{1}{4}$ NE $\frac{1}{4}$ 38.0 ACRES
 SE $\frac{1}{4}$ NE $\frac{1}{4}$ 30.0 ACRES
 SW $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 ACRES
 SE $\frac{1}{4}$ NW $\frac{1}{4}$ 38.0 ACRES
 NE $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 ACRES
 NW $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 ACRES
 SW $\frac{1}{4}$ SW $\frac{1}{4}$ 22.0 ACRES
 SE $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 ACRES
 NE $\frac{1}{4}$ SE $\frac{1}{4}$ 6.0 ACRES
 NW $\frac{1}{4}$ SE $\frac{1}{4}$ 32.0 ACRES
 SW $\frac{1}{4}$ SE $\frac{1}{4}$ 25.0 ACRES
 SE $\frac{1}{4}$ SE $\frac{1}{4}$ 10.0 ACRES
 SECTION 27

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 28.0 ACRES
 NW $\frac{1}{4}$ NE $\frac{1}{4}$ 38.0 ACRES
 SW $\frac{1}{4}$ NE $\frac{1}{4}$ 35.0 ACRES
 SE $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 ACRES
 NE $\frac{1}{4}$ SE $\frac{1}{4}$ 35.0 ACRES
 NW $\frac{1}{4}$ SE $\frac{1}{4}$ 35.0 ACRES
 SW $\frac{1}{4}$ SE $\frac{1}{4}$ 35.0 ACRES
 SE $\frac{1}{4}$ SE $\frac{1}{4}$ 35.0 ACRES
 SECTION 28

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 30.0 ACRES
 NW $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 ACRES
 SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 ACRES
 SE $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 ACRES
 NE $\frac{1}{4}$ NW $\frac{1}{4}$ 38.0 ACRES
 NW $\frac{1}{4}$ NW $\frac{1}{4}$ 38.0 ACRES
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TOWNSHIP 5 SOUTH, RANGE 39 EAST, W.M.

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Issued _____, 2008

DRAFT - THIS IS NOT A PERMIT

for Phillip C. Ward, Director
Water Resources Department



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301

503-986-0900

FAX 503-986-0904

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Mattox

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-16902

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- Source of Water: WELL 1, WELL 2, WELL 3, WELL 4, AND WELL 5 IN CLOVER CREEK BASIN
- Area of Proposed Use: UNION COUNTY WITHIN SECTION 26, SECTION 27, SECTION 28, AND SECTION 34, TOWNSHIP 5 SOUTH, RANGE 39 EAST, W.M.

On March 28, 2008, the Department mailed the applicant notice of its Initial Review, determining that "The use of 15.0 CFS from Well 1, Well 2, Well 3, Well 4, and Well 5 in Clover Creek Basin for irrigation use on 1198.0 acres is allowable during the full period requested, March 1 through October 31." The applicant did not notify the Department to stop processing the application within 14 days of that date.

On April 1, 2008, 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.

On April 16, 2008, the Department received a revised map clarifying the location of the wells and the place of use. The total acreage depicted on the April 16, 2008 map is 1191.0 acres.

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

- designations of any critical ground water areas
- the Scenic Waterway requirements of ORS 390.835
- applicable statutes, administrative rules, and case law
- any general basin-wide standard for flow rate and duty of water allowed
- the need for a flow rate and duty higher than the general standard
- any comments received

Findings of Fact

The Powder Basin Program allows IRRIGATION USE.

WELL 1, WELL 2, WELL 3, WELL 4, AND WELL 5 IN CLOVER CREEK BASIN are not within or above a State Scenic Waterway.

Ground Water Findings Under OAR 690-009

The Department determined, consistent with OAR 690-009-0040(4), that the proposed ground water use will not have the potential for substantial interference with surface water.

In making this determination, the Department considered whether:

- (a) There is a hydraulic connection from the proposed well(s) to any surface water sources.
- (b) The point of appropriation is a horizontal distance less than one-fourth mile from the surface water source;
- (c) The rate of appropriation is greater than five cubic feet per second, if the point of appropriation is a horizontal distance less than one mile from the surface water source;
- (d) The rate of appropriation is greater than one percent of the pertinent adopted minimum perennial streamflow or instream water right with a senior priority date, if one is applicable, or of the discharge that is equaled or exceeded 80 percent of time, as determined or estimated by the Department, and if the point of appropriation is a horizontal distance less than one mile from the surface water source;
- (e) The ground water appropriation, if continued for a period of 30 days, would result in stream depletion greater than 25 percent of the rate of appropriation, if the point of appropriation is a horizontal distance less than one mile from the surface water source.

According to the Department's rules, the potential for substantial interference is assumed if (a) and either (b) or (c) or (d) or (e) are met. For this application, the Department determined that there is no potential for substantial interference, because either (a) is not met, or (b), (c), (d) or (e) are not met, or both.

An assessment of ground water availability has been completed by the Department's Ground Water/Hydrology section. A copy of this assessment is in the file. The proposed water use will, if properly conditioned, avoid injury to existing rights and the resource.

The Department finds that no more than 14.9 CFS would be necessary for the proposed use. The amount of water allowed shall be restricted to 14.9 CFS.

The proposed wells are not within a designated critical ground water area.

Conclusions of Law

Under the provisions of ORS 537.621, the Department must presume that a proposed use will ensure the preservation of the public welfare, safety and health if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

The proposed use requested in this application is allowed in the Powder 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.

No proposed flow rate and duty of water higher than the general basin-wide standard is needed.

For these reasons, the required presumption has been established.

Under the provisions of ORS 537.621, once the presumption has been established, it may be overcome by a preponderance of evidence that either:

- (a) One or more of the criteria for establishing the presumption are not satisfied; or

- (b) The proposed use would not ensure the preservation of the public welfare, safety and health as demonstrated in comments, in a protest . . . or in a finding of the department that shows:
- (A) The specific aspect of the public welfare, safety and health under ORS 537.525 that would be impaired or detrimentally affected; and
 - (B) Specifically how the identified aspect of the public welfare, safety and health under ORS 537.525 would be impaired or be adversely affected.

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

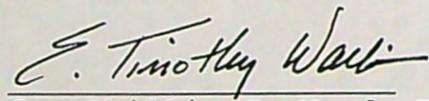
The Department therefore concludes that water is available in the amount necessary for the proposed use; the proposed use will not result in injury to existing water rights; and the proposed use would ensure the preservation of the public welfare, safety and health as described in ORS 537.525.

When issuing permits, ORS 537.628(1) authorizes the Department to include limitations and conditions which have been determined necessary to protect the public welfare, safety, and health. The attached draft permit is conditioned accordingly.

Recommendation

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

DATED June 10, 2008


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 July 25, 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 July 25, 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 Kerry Kavanagh. 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 503-986-0816.

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.
STATE OF OREGON

DRAFT

COUNTY OF UNION

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

HEFFERNAN FAMILY TRUST
63600 VIEWPOINT LANE
NORTH POWDER, OR 97867

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

APPLICATION FILE NUMBER: G-16902

SOURCE OF WATER: WELL 1, WELL 2, WELL 3, WELL 4, AND WELL 5 IN CLOVER
CREEK BASIN

PURPOSE OR USE: IRRIGATION USE ON 1191.0 ACRES

MAXIMUM RATE: 14.9 CUBIC FEET PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: JULY 2, 2007

WELL LOCATIONS:

WELL 1 - SW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 34, T5S, R39E, W.M.; 2640 FEET SOUTH
AND 25 FEET EAST FROM NW CORNER, SECTION 34

WELL 2 - NW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 34, T5S, R39E, W.M.; 25 FEET SOUTH AND
25 FEET EAST FROM NW CORNER, SECTION 34

WELL 3 - NW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 27, T5S, R39E, W.M.; 2254 FEET NORTH
AND 60 FEET EAST FROM SW CORNER, SECTION 27

WELL 4 - SW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 27, T5S, R39E, W.M.; 25 FEET NORTH AND
3300 FEET EAST FROM SW CORNER, SECTION 27

WELL 5 - SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 26, T5S, R39E, W.M.; 25 FEET NORTH AND
25 FEET EAST FROM SW CORNER, SECTION 26

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

Application G-16902 Water Resources Department

PERMIT DRAFT

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 38.0 ACRES
 SE $\frac{1}{4}$ SW $\frac{1}{4}$ 10.0 ACRES
 SECTION 26

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 15.0 ACRES
 NW $\frac{1}{4}$ NE $\frac{1}{4}$ 38.0 ACRES
 SW $\frac{1}{4}$ NE $\frac{1}{4}$ 38.0 ACRES
 SE $\frac{1}{4}$ NE $\frac{1}{4}$ 30.0 ACRES
 SW $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 ACRES
 SE $\frac{1}{4}$ NW $\frac{1}{4}$ 38.0 ACRES
 NE $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 ACRES
 NW $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 ACRES
 SW $\frac{1}{4}$ SW $\frac{1}{4}$ 22.0 ACRES
 SE $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 ACRES
 NE $\frac{1}{4}$ SE $\frac{1}{4}$ 6.0 ACRES
 NW $\frac{1}{4}$ SE $\frac{1}{4}$ 32.0 ACRES
 SW $\frac{1}{4}$ SE $\frac{1}{4}$ 25.0 ACRES
 SE $\frac{1}{4}$ SE $\frac{1}{4}$ 10.0 ACRES
 SECTION 27

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 28.0 ACRES
 NW $\frac{1}{4}$ NE $\frac{1}{4}$ 38.0 ACRES
 SW $\frac{1}{4}$ NE $\frac{1}{4}$ 35.0 ACRES
 SE $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 ACRES
 NE $\frac{1}{4}$ SE $\frac{1}{4}$ 35.0 ACRES
 NW $\frac{1}{4}$ SE $\frac{1}{4}$ 35.0 ACRES
 SW $\frac{1}{4}$ SE $\frac{1}{4}$ 35.0 ACRES
 SE $\frac{1}{4}$ SE $\frac{1}{4}$ 35.0 ACRES
 SECTION 28

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 30.0 ACRES
 NW $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 ACRES
 SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 ACRES
 SE $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 ACRES
 NE $\frac{1}{4}$ NW $\frac{1}{4}$ 38.0 ACRES
 NW $\frac{1}{4}$ NW $\frac{1}{4}$ 38.0 ACRES
 SW $\frac{1}{4}$ NW $\frac{1}{4}$ 38.0 ACRES
 SE $\frac{1}{4}$ NW $\frac{1}{4}$ 38.0 ACRES
 NE $\frac{1}{4}$ SW $\frac{1}{4}$ 38.0 ACRES
 NW $\frac{1}{4}$ SW $\frac{1}{4}$ 38.0 ACRES
 NE $\frac{1}{4}$ SE $\frac{1}{4}$ 30.0 ACRES
 NW $\frac{1}{4}$ SE $\frac{1}{4}$ 40.0 ACRES
 SECTION 34

TOWNSHIP 5 SOUTH, RANGE 39 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 appropriation. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

The wells shall produce ground water only from the basalt or other bedrock ground water reservoir.

The wells shall be fitted with dedicated measuring tubes to allow unobstructed access for water-level measurements.

The wells shall be cased and sealed in such a manner to develop a single basalt or other bedrock aquifer.

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

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

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

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

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if any of the following events occur:

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

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

STANDARD CONDITIONS

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

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may not be valid, unless the Department authorizes the change in writing.

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

The well(s) shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, Section 030 adopted November 13, 1991 shall be followed.

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

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

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

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

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

The use of water shall be limited when it interferes with any prior surface or ground water rights.

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.

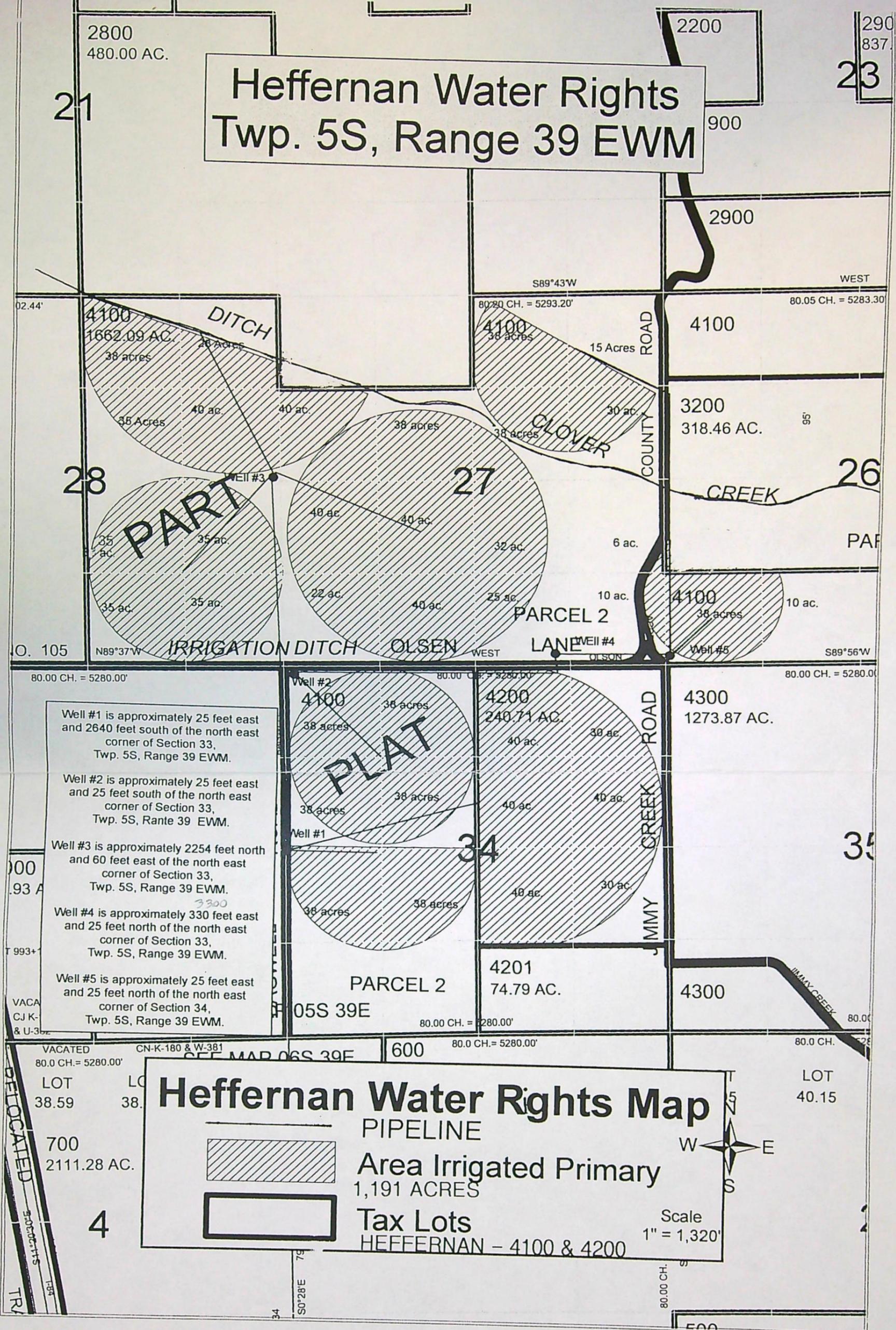
Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued _____, 2008

DRAFT - THIS IS NOT A PERMIT

for Phillip C. Ward, Director
Water Resources Department

Heffernan Water Rights Twp. 5S, Range 39 EWM



Well #1 is approximately 25 feet east and 2640 feet south of the north east corner of Section 33, Twp. 5S, Range 39 EWM.

Well #2 is approximately 25 feet east and 25 feet south of the north east corner of Section 33, Twp. 5S, Range 39 EWM.

Well #3 is approximately 2254 feet north and 60 feet east of the north east corner of Section 33, Twp. 5S, Range 39 EWM.

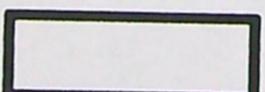
Well #4 is approximately 330 feet east and 25 feet north of the north east corner of Section 33, Twp. 5S, Range 39 EWM.

Well #5 is approximately 25 feet east and 25 feet north of the north east corner of Section 34, Twp. 5S, Range 39 EWM.

Heffernan Water Rights Map

PIPELINE

 Area Irrigated Primary
1,191 ACRES

 Tax Lots
HEFFERNAN - 4100 & 4200

Scale
1" = 1,320'

RECEIVED
APR 16 2008
WATER RESOURCES DEPT
SALEM, OREGON

Appl. G-16902
Permit No G-16421

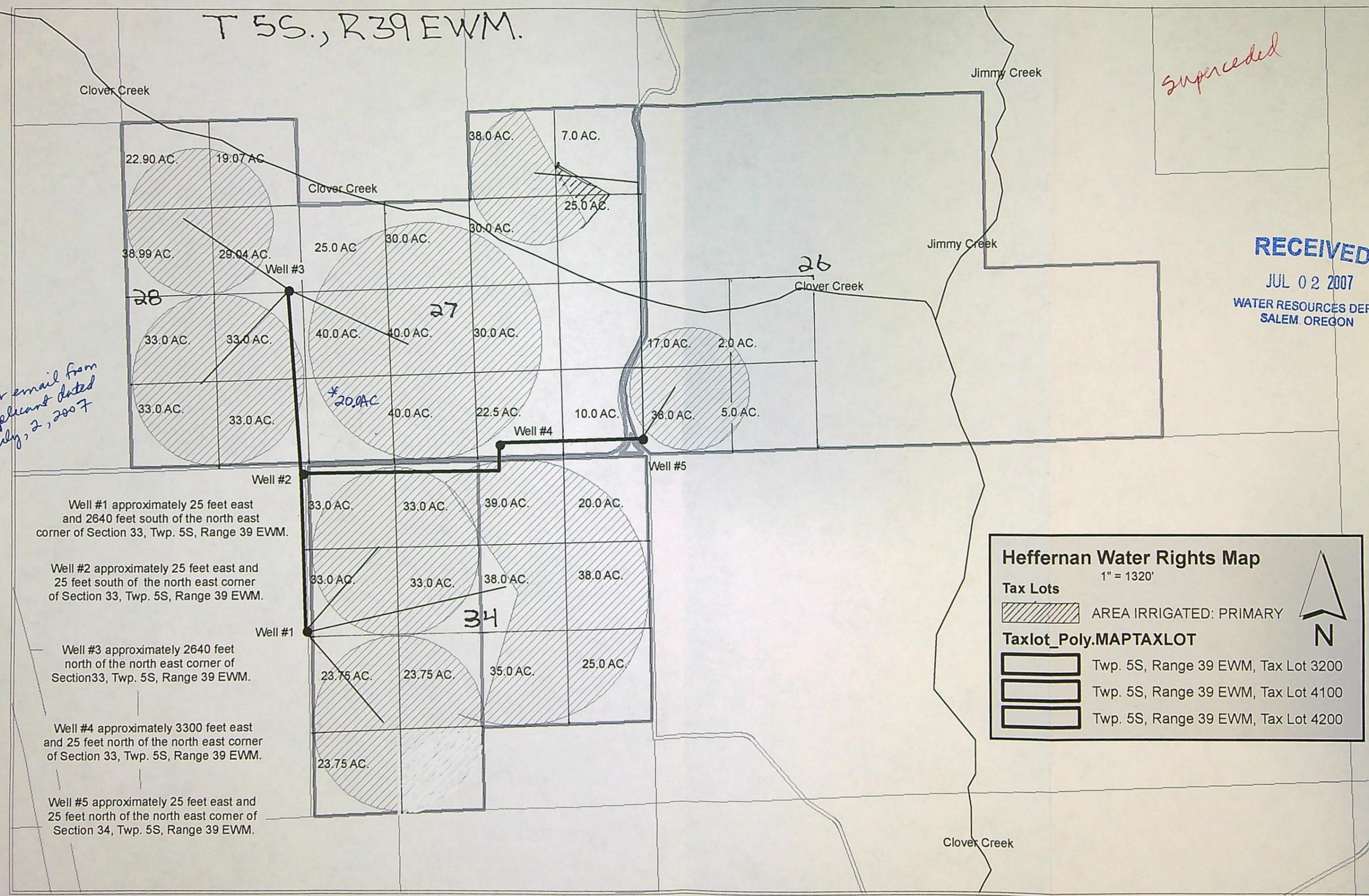
T 5S., R 39 EWM.

superseded

RECEIVED

JUL 02 2007
WATER RESOURCES DEPT
SALEM, OREGON

** Per email from applicant dated July, 2, 2007*



Well #1 approximately 25 feet east and 2640 feet south of the north east corner of Section 33, Twp. 5S, Range 39 EWM.

Well #2 approximately 25 feet east and 25 feet south of the north east corner of Section 33, Twp. 5S, Range 39 EWM.

Well #3 approximately 2640 feet north of the north east corner of Section 33, Twp. 5S, Range 39 EWM.

Well #4 approximately 3300 feet east and 25 feet north of the north east corner of Section 33, Twp. 5S, Range 39 EWM.

Well #5 approximately 25 feet east and 25 feet north of the north east corner of Section 34, Twp. 5S, Range 39 EWM.

Heffernan Water Rights Map
1" = 1320'

Tax Lots

AREA IRRIGATED: PRIMARY

Taxlot_Poly.MAPTAXLOT

Twp. 5S, Range 39 EWM, Tax Lot 3200

Twp. 5S, Range 39 EWM, Tax Lot 4100

Twp. 5S, Range 39 EWM, Tax Lot 4200

App No G-16902

6/29/07

Talked to Dwight and
Said to send this check
at the rates that are
applicable on June 29, 2007.
as long as the application
was mailed on 6/29/07

Chris Hoffmann
Donna Hoffmann

RECEIVED

JUL 02 2007

WATER RESOURCES DEPT
SALEM OREGON

G-116902

App G-16902

g-16902

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

RECEIPTING

POST CARD SENT

DATA CENTER

MS
 SP 7-13-07

GROUND WATER YES NO

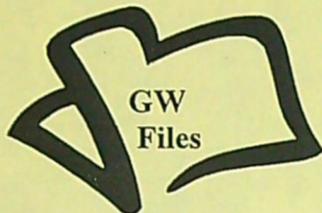
ENFORCEMENT YES NO

WATER RIGHTS SUPPORT *MS*

Caseworker:

Alyssa Mucken	503-986-0853	<input type="checkbox"/>
Anita Huffman	503-986-0815	<input type="checkbox"/>
Brook Geffen	503-986-0808	<input type="checkbox"/>
Jeana Eastman	503-986-0859	<input type="checkbox"/>
Kerry Kavanagh	503-986-0816	<input checked="" 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.





Received by OWRD
JUN 13 2025
Salem, OR

Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Green Bravo II, LLC and Heffernan Family Trust
Stoel-Rives LLP 760 SW North Ave

Transaction Type: Protest

Fees Received: \$ 480

Cash Check: Check No. 962382
Name(s) on Check: Stoel Rives

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,
OWRD Customer Service Staff

Submission received by: Sarah Benham
(Name of OWRD staff)

Instructions for OWRD staff:

- Complete this Submission Receipt and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt information on the "RECEIVED OVER THE COUNTER" log sheet.
- Fold and put one copy of the Submission Receipt with check/cash into the Safe slot. Place the other copy of the Submission Receipt with submission (application/other document) in the top drawer of filing cabinet.