

No assignment
ASSIGNED FILE#: G 12610
 BURNS PAIUTE INDIAN RESERVATION
 HC 71 100 PASIGO ST
 BURNS, OR 97720

CANCELLED REINSTATED

Application No. G12610

Permit No. G 116405

Certificate No. _____

blurney MALIBU LAKE
 Stream Index, Page No. 12
12 - 0040 - 0100 - 0120

X 2 Silvies R y misc

Date filed _____

Priority _____

Action suspended until _____

Return to applicant _____

Date of approval _____

CONSTRUCTION

Date for beginning 10-1-2013

Date for completion _____

Extended to _____

Date for application of water _____

Extended to _____

PROSECUTION OF WORK

Form "A" filed _____

Form "B" filed _____

Form "C" filed _____

FINAL PROOF

Blank mailed _____

Proof received _____

Date certificate issued _____

ASSIGNMENTS

Date	To Whom	Address	Volume	Page

REMARKS

REJECT *50.531 8/7/94*

Reinstated 8/28/96 V50 P568
Cancellation for G-12610, permit G-116405; S.O.V. 120, pg. 6
Reinstated 6/8/2021, S.O.V. 120, Pg. 756

FEES PAID

Date	Amount	Receipt No.
<u>7-15-91</u>	<u>546.20</u>	<u>76409</u>
<u>11-8-95</u>	<u>1.80</u>	<u>130117</u>
<u>5-10-2001</u>	<u>520.00</u>	<u>135301</u>
<u>2-29-24</u>	<u>230.80</u>	<u>142483</u>
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.

BIA -
Bob Fenton - 503-231-6927

Barbara Scott - Briar 503-231-2139
500 NE Mult. ^{Swire} 607
pkd OR 91232

PHONE MEMO	TO	Dick	DATE	1/7	TIME	11:00	AM PM
	FROM	Barbara Scott	AREA CODE				
	OF	Briar	NO.	503-231-			
			EXT.	2139			
MESSAGE	Would like your comments, if any, re: Burns-Paintle into taxed yesterday - Should she go ahead w/ proposal?						
	SIGNED <i>h</i>						
PHONED ☐ CALL BACK ☐ RETURNED CALL ☐ WANTS TO SEE YOU ☐ WILL CALL AGAIN ☐ WAS IN ☐ URGENT ☐							

all my overtures - now use -

1056
Lance use
Fire Conflict
1/80 3'



Burns Paiute Reservation

E. David Evans, P.E.
Natural Resources Director

HC-71 100 PASIGO STREET
BURNS, OREGON 97720

PHONE (541) 573-7019
FAX (541) 573-2422

STATE OF OREGON

COUNTY OF HARNEY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

BURNS PAIUTE INDIAN RESERVATION
BUREAU OF INDIAN AFFAIRS
PO BOX 1239
WARM SPRINGS OR 97761-1239

confirms the right to the use of water perfected under the terms of Permit G-16405. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-12610

SOURCE OF WATER: A WELL IN THE SILVIES RIVER BASIN

PURPOSE or USE: IRRIGATION OF 112.2 ACRES

MAXIMUM RATE: 1.4 CUBIC FEET PER SECOND

PERIOD OF ALLOWED USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: JULY 15, 1991

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
23 S	30 E	WM	1	NE SE	22 FEET SOUTH AND 11 FEET WEST FROM E1/4 CORNER, SECTION 1

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

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
23 S	30 E	WM	1	NE NE	0.8
23 S	30 E	WM	1	NW NE	0.7
23 S	30 E	WM	1	SW NE	7.1

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

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

Twp	Rng	Mer	Sec	Q-Q	Acres
23 S	30 E	WM	1	SE NE	19.5
23 S	30 E	WM	1	NE SE	28.8
23 S	30 E	WM	1	SE SE	29.0
23 S	30 E	WM	12	NE NE	13.9
23 S	30 E	WM	12	NW NE	12.4

Measurement, recording and reporting conditions:

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

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

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this right, 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 maintained 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 the water level elevation in the well at all times.

The use may be restricted if the quality of 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.

The Director may require water level or pump test results every ten years.

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

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

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

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

Issued _____.

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

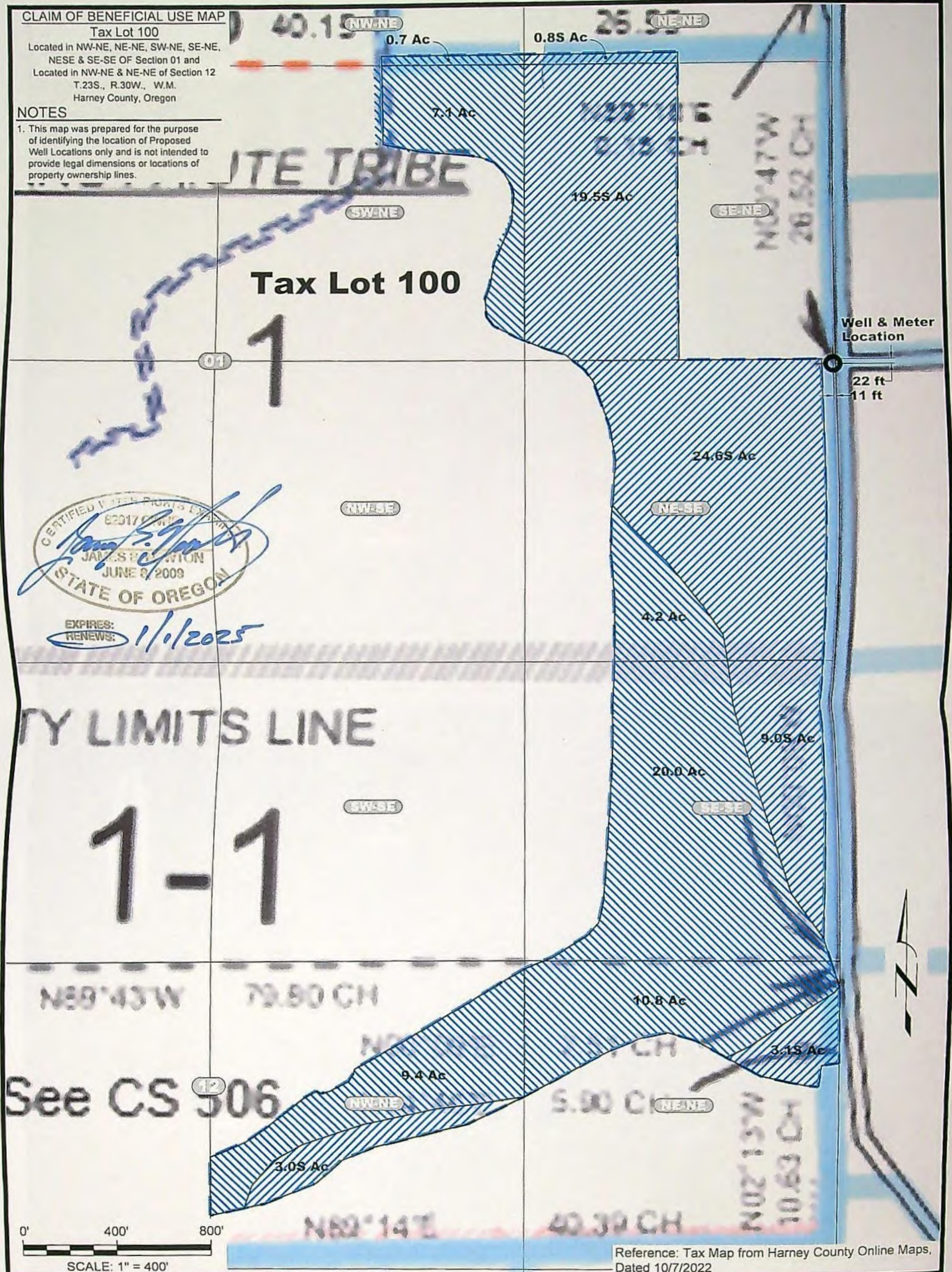
CLAIM OF BENEFICIAL USE MAP

Tax Lot 100

Located in NW-NE, NE-NE, SW-NE, SE-NE,
NESE & SE-SE OF Section 01 and
Located in NW-NE & NE-NE of Section 12
T.23S., R.30W., W.M.
Harney County, Oregon

NOTES

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



CASCADE
GEOENGINEERING
360.907.4162
cascadegeoengineering.com

Claim of Beneficial Use Map - Permit G-16405

Burns Pauite Indian Reservation
Burns, Harney County, Oregon

DESIGNED BY:

J. Newton

DRAWN BY:

R2D

DATE:

Feb 2024

PROJECT NO.

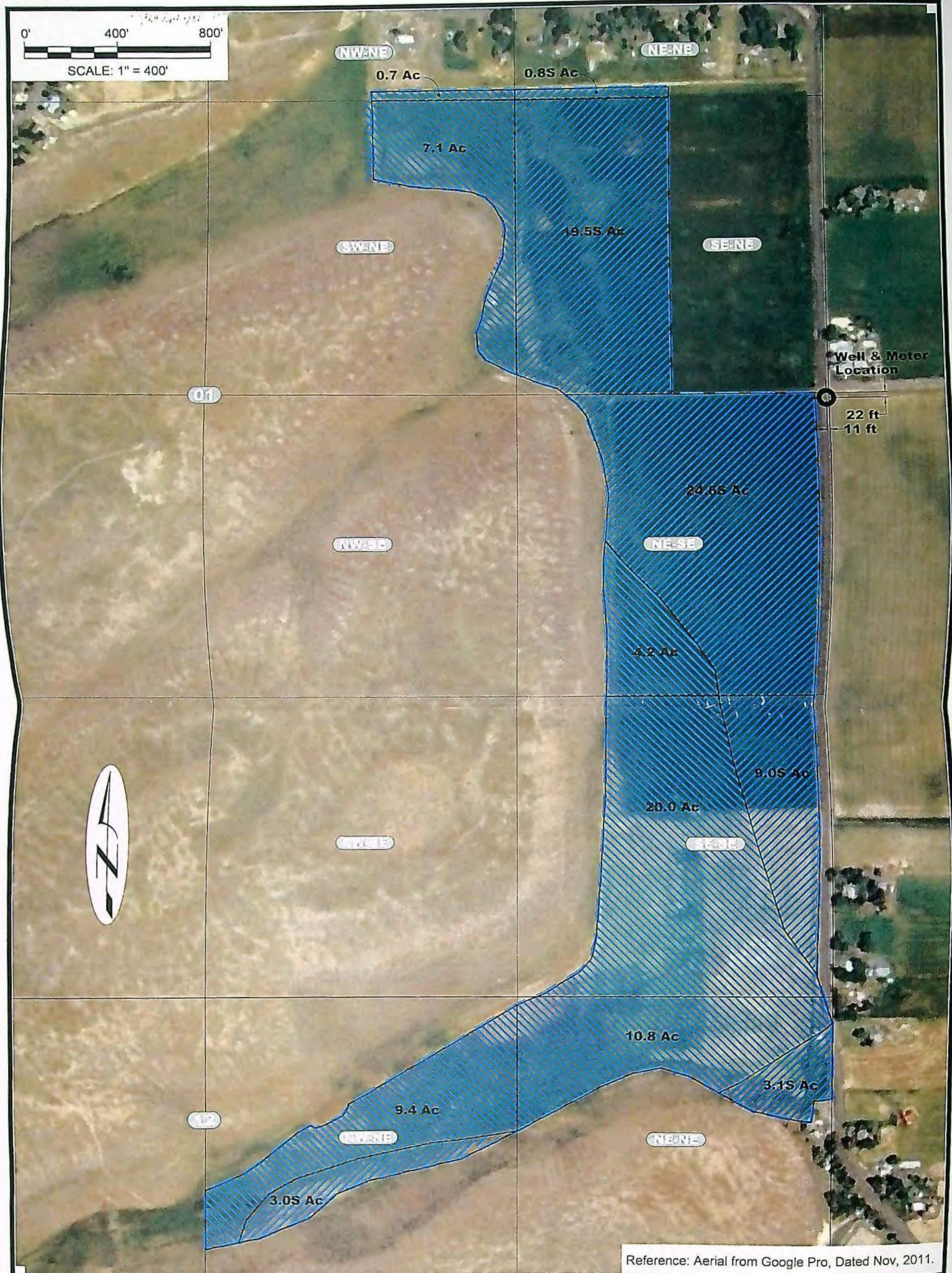
CG 1040-101

FIGURE

2

FEB 29 2024

Salem, OR



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GEOENGINEERING
360.907.4162
cascadgeoengineering.com

Place of Use Mapl - Permit G-16405

Burns Pauite Indian Reservaton
Burns, Harney County, Oregon

DESIGNED BY:
J. Newton

DRAWN BY:
R2D

DATE:
Feb 2024

PROJECT NO.
CG 1040-101

FIGURE
1

FEB 29 2024

Salem OR

Mailing List for Final Certificate

Application: G-12610

Permit: G-16405

Certificate: 98641

Permit/Certificate Holder:

BURNS PAIUTE INDIAN RESERVATION
BUREAU OF INDIAN AFFAIRS
ATTN: LORI ANDERSON
PO BOX 1239
WARM SPRINGS OR 97761-1239

Is the Permit Holder(s) of record currently identified as a landowner of any tax lots involved as confirmed by the County records? YES

Copies of Final Certificate to be sent to:

1. Watermaster District #: 10
2. Water Availability
3. Vault
4. File

Other persons to receive copies: (include map):

5. JAMES NEWTON, CWRE

Copies Mailed

by: _____
(STAFF)

on: _____
(DATE)



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

DATE MAILED: _____

NOTICE OF CERTIFICATE ISSUANCE

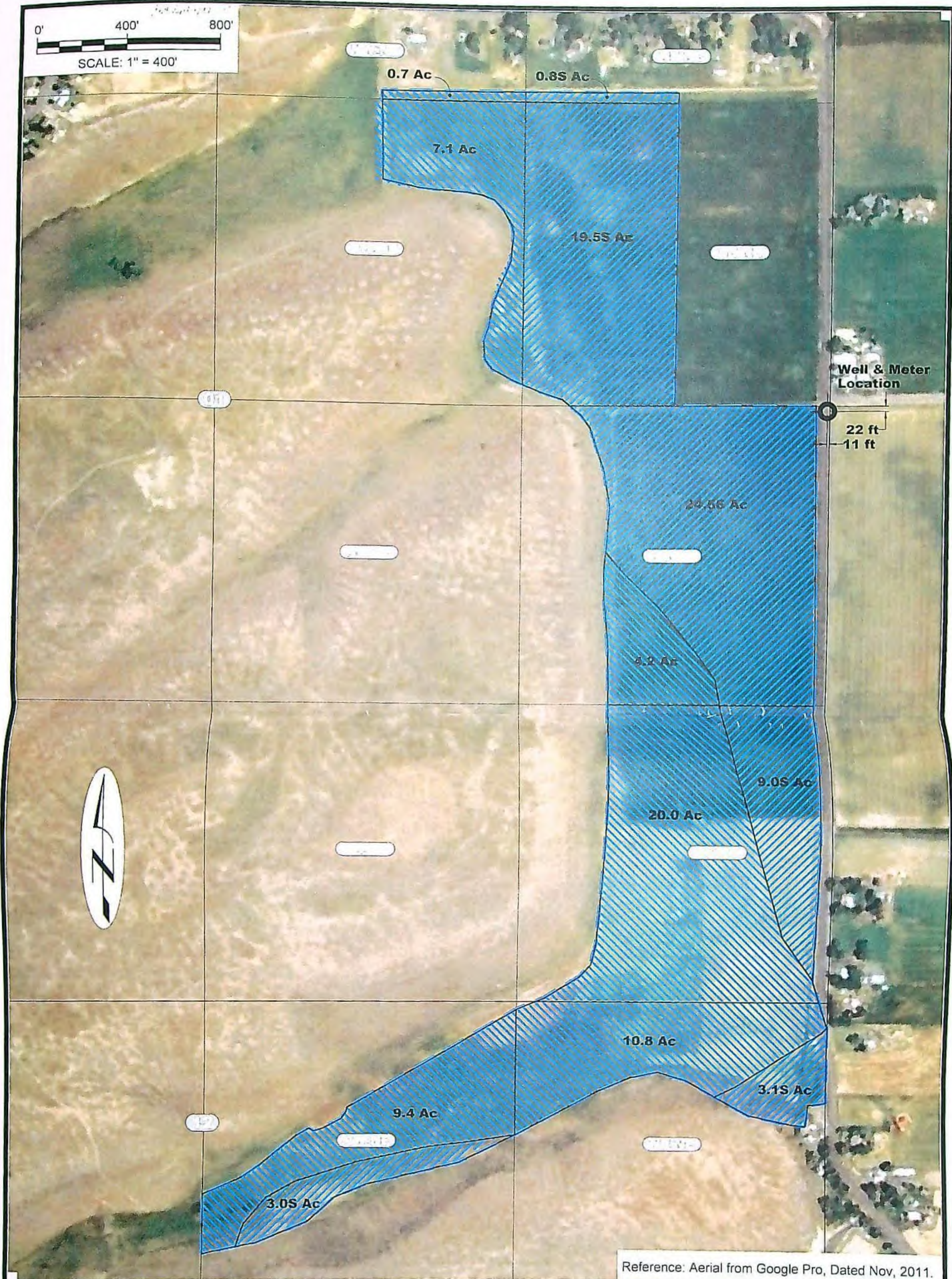
The attached certificate confirms the water right established under the terms of a permit issued by this Department: The water right is now appurtenant to the specific place where the use was established as described by the certificate. The water right is limited to a specific amount of water, but not more than can be beneficially used for the purposes stated within the certificate.

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

Oregon law does not allow the Director to reissue a certificate because of a change in the ownership of the appurtenant place of use. The water must be controlled and not wasted. To change the location of the point of diversion, the character of use, or the location of use requires the advance approval of the Water Resources Director.

If any portion of this water right is not used for five or more consecutive years that portion of the right may be subject to forfeiture according to ORS 540.610. Land enrolled in-a Federal Reserve Program is not subject to forfeiture during the period of enrollment. Other exceptions to forfeiture are explained in ORS 540.610.

If you have any questions please contact Jonnine Skaug at 503-979-3943.



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 360.907.4162
 cascadegeoengineering.com

Place of Use Mapl - Permit G-16405

Burns Paiute Indian Reservaton
 Burns, Harney County, Oregon

DESIGNED BY:

J. Newton

DRAWN BY:

R2D

DATE:

Feb 2024

PROJECT NO.

CG 1040-101

FIGURE

1

FEB 29 2024

Salem OR

CLAIM OF BENEFICIAL USE MAP

Tax Lot 100

Located in NW-NE, NE-NE, SW-NE, SE-NE,
NESE & SE-SE OF Section 01 and
Located in NW-NE & NE-NE of Section 12
T.23S., R.30W., W.M.
Harney County, Oregon

NOTES

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

PAUTE TRIBE

Tax Lot 100

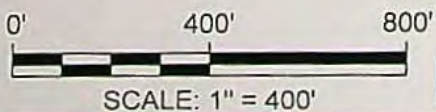
1



TY LIMITS LINE

1-1

See CS 306



Reference: Tax Map from Harney County Online Maps,
Dated 10/7/2022



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Claim of Beneficial Use Map - Permit G-16405

Burns Paiute Indian Reservation
Burns, Harney County, Oregon

DESIGNED BY:
J. Newton

DRAWN BY:
R2D

Received by OWRB Feb 2024

DATE:
Feb 2024

PROJECT NO.
CG 1040-101

FIGURE 2

FEB 29 2024

Salem OR

CLAIM OF BENEFICIAL USE MAP

Tax Lot 100

Located in NW-NE, NE-NE, SW-NE, SE-NE,
NESE & SE-SE OF Section 01 and
Located in NW-NE & NE-NE of Section 12
T.23S., R.30W., W.M.
Harney County, Oregon

NOTES

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of identifying the location of Proposed
Well Locations only and is not intended to
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property ownership lines.

Tax Lot 100

1

01



EXPIRES:
RENEWS:

1/1/2025

TY LIMITS LINE

1-1

N89°43'W 79.80 CH

See CS 306

12

0' 400' 800'

SCALE: 1" = 400'

Reference: Tax Map from Harney County Online Maps,
Dated 10/7/2022



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Claim of Beneficial Use Map - Permit G-16405

Burns Paiute Indian Reservation
Burns, Harney County, Oregon

DESIGNED BY:

J. Newton

DRAWN BY:

R2D

DATE

Feb 2024

PROJECT NO.

CG 1040-101

FIGURE

2

FEB 29 2024

Salem, OR



Reference: Aerial from Google Pro, Dated Nov, 2011.



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Place of Use Map1 - Permit G-16405
Burns Paiute Indian Reservaton
Burns, Harney County, Oregon

DESIGNED BY J. Newton	DRAWN BY R2D	DATE Feb 2024	PROJECT NO CG 1040-101	FIGURE 1
--------------------------	-----------------	------------------	---------------------------	-------------

FEB 29 2024
Salem, OR

PERMIT

MEMO -Proof to Satisfaction

Application # <u>G-124010</u>	Permit # <u>G-16405</u>	Permit Amendment (T-FILE)#
WRD Reviewer (CW) <u>Skinner</u>	Date <u>July 2028</u>	
WRD Peer Reviewer (PR) <u>holmes</u>	Date <u>July 25</u>	
Related Files:		

CW	PR	RESEARCH
☒	☐	Organize: file in chronological Order; Pull following items from paper file:
		☐ CBU Report/Map ☐ App (Permit) Map ☐ Assignment ☐ Extension ☐ Fish Screen Doc ☒ Pump Test ☐ SWL (paper) ☐ Water Use Charts ☐ Permit Amendment
☒	☐	Electronic Application Folder:
		☒ Create CBU folder ☒ Create Work Packet folder
☐	☐	Scan: Above documents into "CBU Folder"
☐	☐	Save other docs electronically: save these in the Work Packet folder per naming conventions
		☒ Permit ☐ Transfer Order ☐ POU Report (conflict) ☒ Water Use Report ☐ SWL (GW) ☒ OrMap Tax Lot Map ☐ Ownership Report ☒ BLM Map ☒ PT Approve/Deny ☐ Dam Safety ☐ Mitigation ☐ Others
☐	☐	Search :
		☐ Interactive Mapper ☐ AOI ☒ Map and TaxLot <u>100</u> New Owner & Address: <u>Same</u>

REVIEW OF CLAIM: Comments on Second Page

Required By Permit/Order	Complied Y/N	CONDITIONS	NOTES:
☐ Yes ☐ No ☐ n/a	☒ Y ☐ N	Fish Condition	
☒ Yes ☐ No ☐ n/a	☒ Y ☐ N	Meter/Measuring Device	<u>Installed 10/11/2011</u>
☒ Yes ☐ No ☐ n/a	☒ Y ☐ N	Water Use Reporting	<u>1990-2006 (anemmo farm) approved</u>
☐ Yes ☐ No ☐ n/a	☐ Y ☐ N	Pump Test	<u>approved 8/11/24</u>
☐ Yes ☐ No ☐ n/a	☐ Y ☐ N	SWL (Month)	
☐ Yes ☐ No ☐ n/a	☐ Y ☐ N	Dam Safety	
☐ Yes ☐ No ☐ n/a	☐ Y ☐ N	Well Id	
☐ Yes ☐ No ☐ n/a	☐ Y ☐ N	Other:	
☒ Yes ☐ No ☐ n/a	☒ Y ☐ N	C-date <u>10/11/2013</u>	Ext C-date <u>claim says Nov 2011</u>

dedicated power meter and records from as far back as 2011

REVIEW OF MAP: ☐ Yes ☐ No is a REVISED Map required?

CW	PR	Notes:
☐	☐	Verify POA/POD Location
☐	☐	Verify POU
☐	☐	POU clearly identified use type
☐	☐	DLC/GOV'T LOT

RUN CAPACITY CALCULATOR AND SAVE CALCS TO APPLICATION FOLDER:

POD/POA PERMIT	POD/POA CLAIM	PERMITTED RATE	CLAIM RATE	CALCULATED RATE	NOTES:
		<u>1.4 cfs</u>		<u>2.5 cfs</u>	<u>see Calc Sheet</u>
		<u>Sprinklers = 1.56 cfs</u>			

DETERMINATION:

CW	PR	DOCUMENT	NOTES:
☐	☐	LETTER FOR CLARIFICATION	
☐	☐	DRAFT (PLEASE EXPLAIN)	
☐	☐	PROPOSED	

☒	☐	FINAL	made proof
☐	☐	PROPOSED ORDER TO CANCEL	

FINAL CHECKS: Review your document; BEFORE printing proposed for Support

CW	PR	DID YOU CHECK?	NOTES:
☐	☐	DATA REVIEW	
		☐ POA/POD/DAM TABLES/DESCRIPTIONS	☐ PLACE OF USE TABLES, INCLUDING ACRES FOR GOV'T LOTS/DLC
☐	☐	SPELL CHECKED DOC	
☐		CERT NUMBER ISSUED	CERT #

EXTRAS: BEFORE Printing your Final Certificate

CW	PR	DID YOU CHECK?	NOTES:
☐	☐	DATA REVIEW COMMENTS	
☐	☐	SPELL CHECKED DOC BEFORE FINAL CERTIFICATE PRINTED	

CASEWORKER REVIEW COMMENTS:

PEER REVIEWER COMMENTS:

STATE OF OREGON

COUNTY OF HARNEY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

BURNS PAIUTE INDIAN RESERVATION
BUREAU OF INDIAN AFFAIRS
WARM SPRINGS AGENCY
PO BOX 1239
WARM SPRINGS OR 97761-1239

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

APPLICATION FILE NUMBER: G-12610

SOURCE OF WATER: A WELL IN THE SILVIES RIVER BASIN

PURPOSE OR USE: IRRIGATION OF 112.2 ACRES

RATE OF USE: 1.4 CUBIC FEET PER SECOND

PERIOD OF ALLOWED USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: JULY 15, 1991

POINT OF DIVERSION LOCATION: NE 1/4 SE 1/4, SECTION 1, T23S, R30E, W.M.; 22 FEET SOUTH AND 11 FEET WEST FROM THE E 1/4 CORNER OF SECTION 1

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE 1/4 NE 1/4	0.8	ACRE
NW 1/4 NE 1/4	0.7	ACRE
SW 1/4 NE 1/4	7.1	ACRES
SE 1/4 NE 1/4	19.5	ACRES
NE 1/4 SE 1/4	28.8	ACRES
SE 1/4 SE 1/4	29.0	ACRES

SECTION 1

60 HP 42 PSI 62' = 2.5 cfs
3/16" 42 PSI 110' = 1.56 cfs

NE 1/4 NE 1/4 13.9 ACRES
NW 1/4 NE 1/4 12.4 ACRES

SECTION 12

TOWNSHIP 23 SOUTH, RANGE 30 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.

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 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.

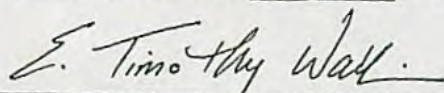
The use of water shall be limited when it interferes with any prior surface or ground water rights.

Actual construction of the well shall begin within one year from permit issuance.

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.

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

Issued November 28, 2008



for Phillip C. Ward, Director
Water Resources Department

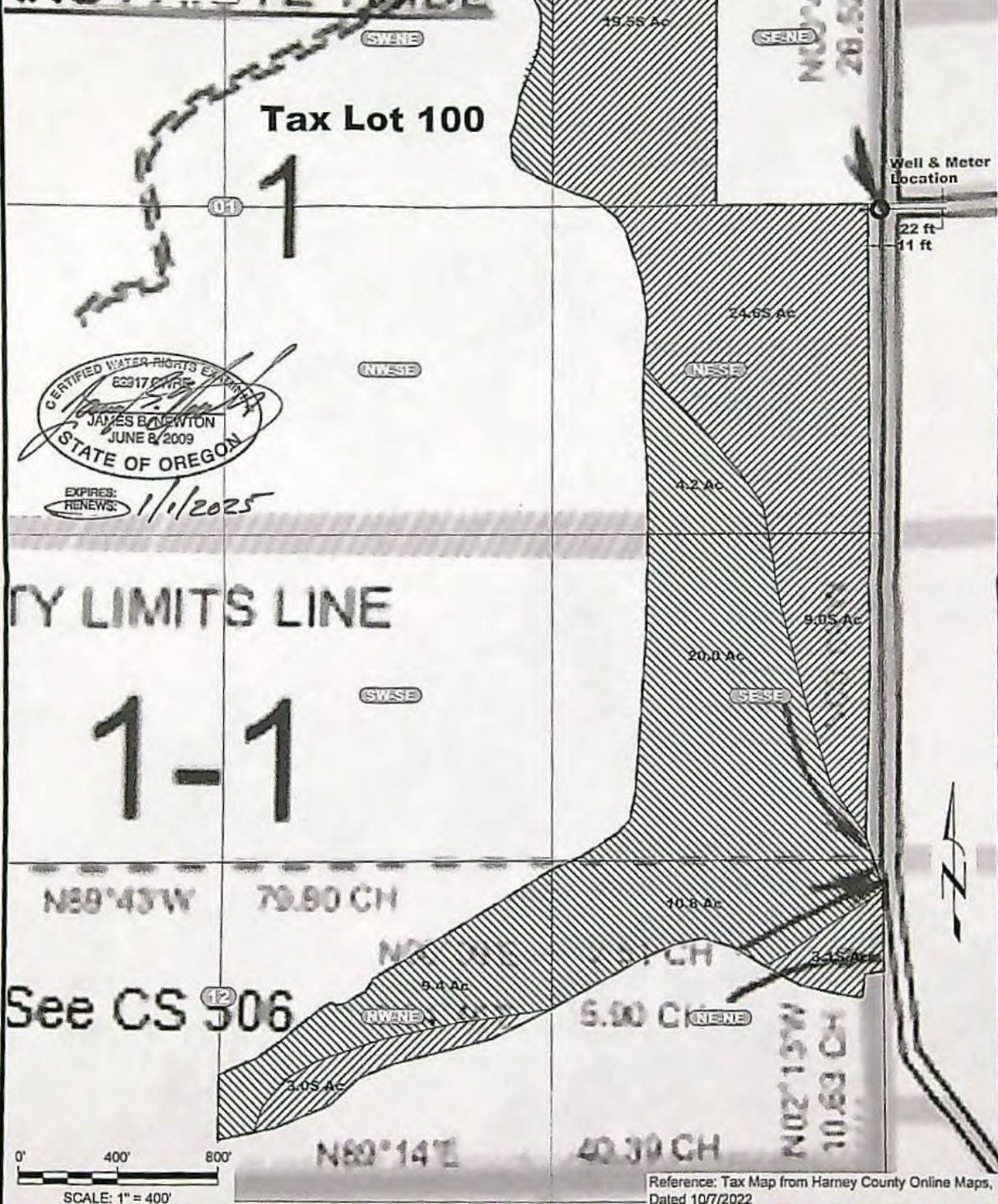
CLAIM OF BENEFICIAL USE MAP

Tax Lot 100

Located in NW-NE, NE-NE, SW-NE, SE-NE,
NESE & SE-SE OF Section 01 and
Located in NW-NE & NE-NE of Section 12
T.23S., R.30W., W.M.
Harney County, Oregon

NOTES

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CASCADE
GEOENGINEERING
360.907.4162
cascadegeoengineering.com

Claim of Beneficial Use Map - Permit G-16405
Burns Paiute Indian Reservation
Burns, Harney County, Oregon

DESIGNED BY:
J. Newton

DRAWN BY:
R2D

DATE: Feb 2024
Received by OWRB

PROJECT NO:
CG 1040-101

FIGURE 2

FEB 29 2024

Salem, OR



Reference: Aerial from Google Pro, Dated Nov, 2011.



CASCADE
GEOENGINEERING
 360.907.4162
 cascadegeoengineering.com

Place of Use Mapl - Permit G-16405
 Burns Paiute Indian Reservation
 Burns, Harney County, Oregon

DESIGNED BY: J. Newton	DRAWN BY: R2D Received by NWBN	DATE: Feb 2024	PROJECT NO. CG 1040-101	FIGURE 1
---------------------------	--------------------------------------	-------------------	----------------------------	-------------

FEB 29 2024

Salem, OR

**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 # **142483**

INVOICE # _____

RECEIVED FROM: Cascade Geosengineering LLC

BY: _____

APPLICATION	G-12610
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 1415 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D \$ 230.00

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 EXAM FEE 0204 \$ _____

0205 TRANSFER EXAM FEE \$ _____

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR EXAM FEE 0219 \$ _____

LANDOWNER'S PERMIT 0220 \$ _____

OTHER (IDENTIFY) CoBU \$ 230.00

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

FUND _____ TITLE _____

OBJ. CODE _____

DESCRIPTION _____ \$ _____

RECEIPT: **142483**

DATED: 2-29-24 BY: m mill

Checklist for Claims of Beneficial Use Received at CSG Counter

Application #: G-12610	WRD Reviewer: Nick Reece
Transfer #:	
Date Received: 2/29/2024	
CWRE Name: James Newton	
Priority Date (s): 7-15-1991	

Fees Required:

- ☒ YES ☐ NO ☐ A fee of \$230 must accompany this form for permits with priority dates of July 9, 1987, or later.
- ☐ YES ☒ NO ☒ A fee of \$230 must accompany this form for any transfers including a water right with a priority date of July 9, 1987, or later.
- Example – A transfer involves 5 rights and one of the rights has a priority date of July 9, 1987, or later, the fee is required.

Map Review:

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

Report Review:

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

Groundwater File Review:

- ☐ Pump Test not required (Priority Date prior to December 20, 1988) *If no, include pump test flyer w/acknowledgment letter
- ☒ Pump Test required (Priority Date on or after December 20, 1988)
- ☒ Pump Test submitted
- ☐ Pump Test not submitted

MONEY SLIP

DATE: _____		RECEIPT #:	
RECEIVED FROM: _____		APPLICATION: _____	
CASH CHECK # _____		PERMIT: _____	
OTHER (IDENTIFY) _____		TRANSFER: _____	
TOTAL RECEIVED: _____		TOTAL RECEIVED: _____	
0407 MISCELLANEOUS COPY & TAP FEES 4611		0407 MISCELLANEOUS COPY & TAP FEES 4611	
0410 RESEARCH FEES		0410 RESEARCH FEES	
0408 BASIC REVENUE (IDENTIFY)		0408 BASIC REVENUE (IDENTIFY)	
0409 DEPOSIT (AS IDENTIFY)		0409 DEPOSIT (AS IDENTIFY)	
0410 EXTENSION OF TIME		0410 EXTENSION OF TIME	
WATER RIGHTS		WATER RIGHTS	
0201 SURFACE WATER		0201 SURFACE WATER	
0202 GROUND WATER		0202 GROUND WATER	
0203 TRANSFER		0203 TRANSFER	
WELL CONSTRUCTION		WELL CONSTRUCTION	
0218 WELL DRILL CONSTRUCTION		0218 WELL DRILL CONSTRUCTION	
LANDOWNER PERMIT		LANDOWNER PERMIT	
OTHER (IDENTIFY) COBU		OTHER (IDENTIFY) COBU	
0407 MISCELLANEOUS COPY & TAP FEES 4611		0407 MISCELLANEOUS COPY & TAP FEES 4611	
0223 PUMP LICENSE FEE (PUMPING)		0223 PUMP LICENSE FEE (PUMPING)	
0224 HYDRO LICENSE FEE (PUMPING)		0224 HYDRO LICENSE FEE (PUMPING)	
HYDRO APPLICATION		HYDRO APPLICATION	
SPECIAL INSTRUCTIONS:			

Fill in App
or Transfer
Number

☐ RETURN TO APPLICANT - LETTER ATTACHED

**CLAIM OF
BENEFICIAL USE
for Groundwater Permits
claiming more than 0.1 cfs**



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

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**A fee of \$230 must accompany this form for permits
with priority dates of July 9, 1987, or later.**

A separate form shall be completed for each permit.

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

This form is subject to revision. **Begin each new claim** by checking for a new version of this form at:
<https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>

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

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

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

A claim of beneficial use includes both this report and a map. If the map is being mailed separately from this form, please include a note with this form indicating such.

If you have questions regarding the completion of this form, please call 503-979-9103.

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

SECTION 1

GENERAL INFORMATION

1. File Information:

APPLICATION #	PERMIT # (IF APPLICABLE)	PERMIT AMENDMENT # (IF APPLICABLE)
G-12610	G-16405	T-

2. Property Owner (current owner information):

APPLICANT/BUSINESS NAME Burns Paiute Tribe		PHONE NO. 541-236-8008	ADDITIONAL CONTACT NO.
ADDRESS 100 Pasigo Street			
CITY Burns	STATE OREGON	ZIP 97720	E-MAIL keith.macgeagh@burnspaiute-nsn.gov

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

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

PERMIT HOLDER OF RECORD Same, updated address above		
ADDRESS		
CITY	STATE	ZIP

4. Date of Site Inspection:

July 28, 2021 (aerial review November 2011)
--

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

NAME	DATE	ASSOCIATION WITH THE PROJECT
Kenton Dick	July 28, 2021	Tribe Planner/Emergency Preparedness Coordinator (since retired)

6. County:

Harney

7. If any property described in the place of use of the permit is excluded from this report, identify the owner of record for that property (ORS 537.230(5)):

OWNER OF RECORD N/A		
ADDRESS		
CITY	STATE	ZIP

Add additional tables for owners of record as needed

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SECTION 2

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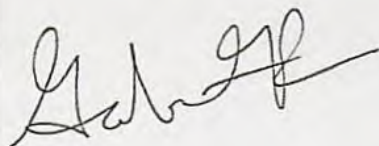
SIGNATURES

Salem, OR

CWRE Statement, Seal and Signature

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

Seal and Signature



Gabe First Raised, Burns Paiute Tribal
Council Acting Chairperson



EXPIRES:
RENEW: 1/1/2025

CWRE NAME James B. Newton		PHONE NO. 360-907-4162	ADDITIONAL CONTACT NO.
ADDRESS 21145 Scottsdale Drive			
CITY Bend	STATE OREGON	ZIP 97701	E-MAIL newtonjim@hotmail.com

Permit Holder of Record Signature or Acknowledgement

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

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

SIGNATURE	PRINT OR TYPE NAME	TITLE	DATE
<i>See Signature Above</i>	<i>Gabe First Raised</i>	<i>Council Acting Chairperson</i>	<i>2/22/2024</i>

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SECTION 3

CLAIM DESCRIPTION

1. Point of appropriation name or number:

POINT OF APPROPRIATION (POA) NAME OR NUMBER (CORRESPOND TO MAP)	WELL LOG ID # FOR ALL WORK PERFORMED ON THE WELL (IF APPLICABLE)	WELL TAG # (IF APPLICABLE)
Well	HARN-279	N/A

Attach each well log available for the well (include the log for the original well and any subsequent alterations, reconstructions, or deepenings)

2. Point of appropriation source, if indicated on permit:

POA NAME OR NUMBER	SOURCE BASIN LOCATED WITHIN	TRIBUTARY
Well	Harney Basin Aquifer	Silvies River

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

POA NAME OR NUMBER	USES	IF IRRIGATION, LIST CROP TYPE	SEASON OR MONTHS WHEN WATER WAS USED	ACTUAL RATE OR VOLUME USED (CFS, GPM, OR AF)
Well	Irrigation	Hay Feed	March 1 – October 31	1.4 cfs
Total Quantity of Water Used				1.4 cfs

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

The well (HARN-279) pumps groundwater from a 60 Hp line shaft turbine pump & motor with a dedicated power meter into a pressurized pipeline consisting of 12-inch down to 3-inch diameter Class 120 PVC pipeline to risers that allow for connection of wheel lines and handlines for difficult to traverse areas. The mainline is also equipped with an 8" Seametrics flow meter. The wheel lines and handlines are equipped with impact sprinklers with 5/32" nozzles (field measured) and based on review with Kenton Dick, up to 5 wheels lines or assorted, could be operated at a time.

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

5. Variations:

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

YES **NO**

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

N/A

6. Claim Summary:

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POA NAME OR #	MAXIMUM RATE AUTHORIZED	CALCULATED THEORETICAL RATE BASED ON SYSTEM	AMOUNT OF WATER MEASURED	USE	# OF ACRES ALLOWED	# OF ACRES DEVELOPED
Well	1.4 cfs	2.5 cfs	1.53*	Irrigation	112.2	112.2

*Flow measurement reported on Well Test Cover Sheet conducted by Jay Nelson, dated 10/15/1992, included in attachments.

SECTION 4 SYSTEM DESCRIPTION

Are there multiple POAs?

YES **NO**

If "YES" you will need to copy and complete a separate Section 4 for each POA.

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

N/A

A. Place of Use

1. Is the right for municipal use?

YES **NO**

If "YES" the table below may be deleted.

TWP	RNG	MER	SEC	QQ	GLOT	DLC	USE	IF IRRIGATION, # PRIMARY ACRES	IF IRRIGATION, # SUPPLEMENTAL ACRES
23 S	30 W	W.M.	01	NW-NE	N/A	N/A	Irrigation	0.7	N/A
				NE-NE	N/A	N/A	Irrigation	0.8	N/A
				SW-NE	N/A	N/A	Irrigation	7.1	N/A
				SE-NE	N/A	N/A	Irrigation	19.5	N/A
				NE-SE	N/A	N/A	Irrigation	24.6	N/A
				NE-SE	N/A	N/A	Irrigation	4.2	N/A
				SE-SE	N/A	N/A	Irrigation	20.0	N/A
				SE-SE	N/A	N/A	Irrigation	9.0	N/A
			12	NE-NE	N/A	N/A	Irrigation	10.8	N/A
				NE-NE	N/A	N/A	Irrigation	3.1	N/A
				NW-NE	N/A	N/A	Irrigation	9.4	N/A
				NW-NE	N/A	N/A	Irrigation	3.0	N/A
Total Acres Irrigated									

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

B. Groundwater Source Information (Well)

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1. Is the appropriation from a well?

YES NO

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

2. Describe the access port (type and location) or other means to measure the water level in the well:

Port in base of well motor discharge head.

3. If well logs are not available, provide as much of the following information as possible:

CASING DIAMETER	CASING DEPTH	TOTAL DEPTH	COMPLETION DATE OF ORIGINAL WELL	COMPLETION DATES OF ALTERATIONS	WHO THE WELL WAS DRILLED FOR	WELL DRILLED BY
See Well Log						
HARN-279						

4. In addition to the information requested in item "3" above, provide any other information which may help the Department locate any well logs associated with this appropriation.

See attached Well Log HARN-279

C. Groundwater Source Information (Sump)

1. Is the appropriation from a dug well (sump)?

YES NO

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

Reminder: Construction standards for sumps can be found in OAR 690-210-0400.

D. Diversion and Delivery System Information

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

1. Is a pump used?

YES NO

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

2. Pump Information:

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
Unknown*	Unknown	Unknown	Line-Shaft Turbine	Unknown	Unknown

*Specific details of the well pump are unknown, as the pump was previously installed and information was not provided at time of inspection or since.

3. Motor Information:

MANUFACTURER	HORSEPOWER
US Motor; Line-Shaft Turbine	60 Hp
	Motor ID # R-2841-03-H-454

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4. Theoretical Pump Capacity:

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP *If a well, the water level during pumping	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
60 Hp	42 (see attached documents on system)	62 (recorded during pump test)	0-feet	2.5 cfs (see attached OWRD Pump Calculator sheet)

5. Provide pump calculations:

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See attached OWRD Pump Calculator values.

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6. Measured Pump Capacity (using meter if meter was present and system was operating):

INITIAL METER READING	ENDING METER READING	DURATION OF TIME OBSERVED	TOTAL PUMP OUTPUT (IN CFS)

• See attached Pump Form; performed by Jay Nelson of Home & Ranch Pump Division, dated 10/15/1992.

Reminder: For pump calculations use the reference information at the end of this document.

7. Is the distribution system piped?**YES** **NO**

If "NO" items 8 through item 13 may be deleted.

8. Mainline Information:

MAINLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
12"	1100'	Class 120 PVC	Above Ground
10"	150'	Class 120 PVC	Above Ground
8"	2100'	Class 120 PVC	Above Ground
6"	1250'	Class 120 PVC	Above Ground
3"	200'	Class 120 PVC	Class 120 PVC

9. Lateral or Handline Information:

LATERAL OR HANDLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
3"	40'	Aluminum	Above Ground

10. Sprinkler Information:

SIZE	OPERATING PSI	SPRINKLER OUTPUT (GPM)	TOTAL NUMBER OF SPRINKLERS	MAXIMUM NUMBER USED	TOTAL SPRINKLER OUTPUT (CFS)
3/16"	42 psi	6.4 gpm	110	110	1.56 cfs

Reminder: For sprinkler output determination use the reference information at the end of this document.

11. Drip Emitter Information:

SIZE	OPERATING PSI	EMITTER OUTPUT (GPM)	TOTAL NUMBER OF EMITTERS	MAXIMUM NUMBER USED	TOTAL EMITTER OUTPUT (CFS)
N/A					

12. Drip Tape Information:

DRIPPER SPACING IN INCHES	GPM PER 100 FEET	TOTAL LENGTH OF TAPE	MAXIMUM LENGTH OF TAPE USED	TOTAL TAPE OUTPUT (CFS)	ADDITIONAL INFORMATION
N/A					

13. Pivot Information:

MANUFACTURER	MAXIMUM WETTED RADIUS	OPERATING PSI	TOTAL PIVOT OUTPUT (GPM)	TOTAL PIVOT OUTPUT (CFS)
N/A				

E. Storage

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

YES NO

F. Gravity Flow Pipe

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

1. Does the system involve a gravity flow pipe?

YES NO

G. Gravity Flow Canal or Ditch

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

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

YES NO

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

H. Additional notes or comments related to the system:

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SECTION 5 CONDITIONS

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

1. Time Limits:

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

	DATE FROM PERMIT	DATE ACCOMPLISHED*	DESCRIPTION OF ACTIONS TAKEN BY WATER USER TO COMPLY WITH THE TIME LIMITS
ISSUANCE DATE	Nov 28, 2008		
BEGIN CONSTRUCTION (A)	Existing Prior to Permit Issuance	Nov 28, 2008	Existing Irrigation System as of Permit Issuance
COMPLETE CONSTRUCTION (B)		Nov 28, 2008	Existing Irrigation System as of Permit Issuance
COMPLETE APPLICATION OF WATER (C)	Nov 28, 2013	Nov 2011	Based on aerial photos & reported water use by power meter records, Nov 2011 complete application documented

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

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

YES NO

If "NO", items a and b relating to this section may be deleted.

3. Initial Water Level Measurements:

a. Was the water user required to submit an initial static water level measurement? YES NO

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

4. Annual Static Water Level Measurements:

a. Was the water user required to submit annual static water level measurements? YES NO

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

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5. Pump Test:

a. Did the permit require the submittal of a pump test? *

YES NO

*The attached pump test was completed by Jay Nelson of Home & Ranch, Pump Division dated 10/15/92, it is unknown if this pump test was previously submitted to the OWRD, or if it was previously approved.

Ground water permits with priority dates on or after December 20, 1988, require the submittal of a pump test prior to issuance of a certificate. In some cases, the permit holder may qualify for a multiple well exemption or an unreasonable burden exemption.

For additional information regarding pump tests see:

<https://www.oregon.gov/OWRD/programs/GWWL/GW/Pages/PumpTestProgram.aspx>

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

b. Has the pump test been previously submitted to the Department? *UNKNOWN

*YES NO

c. Is the pump test attached to this claim?

YES NO

d. Has the pump test been approved by the Department?

*Unknown

*YES NO

e. Has a pump test exemption been approved by the Department?

*Unknown

*YES NO

** Claims will not be reviewed until a pump test or exemption has been approved by the Department

6. Measurement Conditions:

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

YES NO

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

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

b. Has a meter been installed?

YES NO

c. Meter Information

POD/POA NAME OR #	MANUFACTURER	SERIAL #	CONDITION (WORKING OR NOT)	CURRENT METER READING	DATE INSTALLED
Well	Seametrics (digital meter)	Unable to locate	Unknown	Unknown	Unknown
Well	OTEC Power Meter	50737432	Reported working by OTEC	45081 KWH at end of completion period dated 10/29/2013 by OTEC	10/11/11, based on power records from OTEC

If a meter has been installed, items d through f relating to this section may be deleted.

7. Recording and reporting conditions:

a. Is the water user required to report the water use to the Department?

YES NO

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

b. Have the reports been submitted? YES NO

If the reports have not been submitted, attach a copy of the reports if available.

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

a. Were there special well construction standards? YES NO

b. Was submittal of a ground water monitoring plan required? YES NO

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

d. Was a Well Identification Number (Well ID tag) assigned and attached to the well? YES NO

WELL ID #	DATE ATTACHED TO WELL
N/A	

e. Other conditions? YES NO

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

N/A

SECTION 6

ATTACHMENTS

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

ATTACHMENT NAME	DESCRIPTION
Permit G-16405	Water Right Permit
Well Pump Test	Conducted by Jay Nelson, Home & Ranch, Pump Division dated 10/15/1992
Well Log	HARN-279
Pump Capacity Calculation Sheet	OWRD [Excel] Pump Calculator to meet Theoretical Pump Capacity Calculation Requirement
Figure 1.	Site Plan Aerial View dated November 2011 obtained from Google Earth Pro
Figure 2.	Claim of Beneficial Use Map – Permit G-16405
Email – Watermaster	Meter acceptance email

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SECTION 7

FEB 29 2024

CLAIM OF BENEFICIAL USE MAP

Salem, OR

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

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

A site visit was conducted with Kenton Dick of the Burns Paiute Tribe on July 28, 2021 to document the water system that was in place at time of beneficial use, which included the well, motor, and piping distribution and wheels lines. Using available dated aerial photos provided by Google Earth Pro were reviewed for past use prior to the C-date of the permit and to confirm location of place of use at the time of dated aerial photo. Additional details related to the well, dedicated well motor power meter, additional flow meter locations and power records were documented during the site visit and/or by contacting the power company, OTEC, to confirm water usage for reporting water usage prior to the C-date.

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Salem, OR

Map Checklist

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

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

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

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Salem, OR

Permit G-16405

Received by OWRD

FEB 29 2024

Salem, OR

STATE OF OREGON

COUNTY OF HARNEY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

BURNS PAIUTE INDIAN RESERVATION
BUREAU OF INDIAN AFFAIRS
WARM SPRINGS AGENCY
PO BOX 1239
WARM SPRINGS OR 97761-1239

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

APPLICATION FILE NUMBER: G-12610

SOURCE OF WATER: A WELL IN THE SILVIES RIVER BASIN

PURPOSE OR USE: IRRIGATION OF 112.2 ACRES

RATE OF USE: 1.4 CUBIC FEET PER SECOND

PERIOD OF ALLOWED USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: JULY 15, 1991

POINT OF DIVERSION LOCATION: NE 1/4 SE 1/4, SECTION 1, T23S, R30E, W.M.; 22 FEET SOUTH AND 11 FEET WEST FROM THE E 1/4 CORNER OF SECTION 1

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE 1/4 NE 1/4	0.8 ACRE
NW 1/4 NE 1/4	0.7 ACRE
SW 1/4 NE 1/4	7.1 ACRES
SE 1/4 NE 1/4	19.5 ACRES
NE 1/4 SE 1/4	28.8 ACRES
SE 1/4 SE 1/4	29.0 ACRES
SECTION 1	

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NE 1/4 NE 1/4 13.9 ACRES
NW 1/4 NE 1/4 12.4 ACRES

SECTION 12

TOWNSHIP 23 SOUTH, RANGE 30 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.

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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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 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.

Actual construction of the well shall begin within one year from permit issuance.

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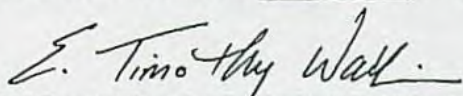
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Salem, OR

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.

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

Issued November 28, 2008



for Phillip C. Ward, Director
Water Resources Department

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Salem, OR

Well Pump Test

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Salem, OR



Oregon Water Resources Department
PUMP TEST COVER SHEET

Received by OWRD

FEB 29 2024



Well Owner:
Name Burns Paiute Indian Reservation
Address HC 71
City, State, Zip Burns, OR 97720
County Harney

Well Location:
Salem, OR
Township _____ (N or S), Range _____ (E or W)
Section 1/4, 1/4, 1/4
Well Depth _____ Date Drilled _____
Owner's Well No. (if any) _____
POD-ID _____

Water Right Information:

Application No. _____ Permit No. _____ Certificate No. _____
Is this well used for more than one water right? _____ (Y/N) If Yes, fill out numbers below:
App. No. _____ Permit No. _____ Cert. No. _____
App. No. _____ Permit No. _____ Cert. No. _____

Pump Test:

Test conducted by Jay Nelson Well Owner? No (Y/N)
Company Ranch & Home, Inc. Pump Division
Address 13103 Hwy 20 West Date of Test 10/15/92
City, State, Zip Burns, Or. 97720

Method of Discharge Measurement Doppler Flow Meter
Method of Water Level Measurement Air Line
Depth of Air Line (if used) 100'
Pump Type (Turbine, Submersible, etc.) Turbine
Was pump test conducted during normal use of the well Yes (Y/N)

Description of point from which water level was measured ground level
Is measuring point above or below ground level? Above
Distance between measuring point and ground level (correction factor) _____

Are you aware of any wells, other than domestic or stock wells, pumping within 1000 feet of the tested well during the test or within 24 hours prior to the test? No (Y/N) If yes, give approximate distances to each and approximate pumping rate of each. If possible, indicate if they were turned on or off during the test _____

Is there a lake, stream or other surface water body within 1/4 mile of the tested well? N (Y/N)
If yes, give approximate distance from the well and approximate elevation difference between the surface water and the well head: Approximate distance _____
Approximate elevation difference _____
Is well elevation above or below the surface water body? _____

Static Water Level Measurements: (Three measurements at least 20 minutes apart are required in the hour before pumping begins):

Time: <u>7:00 AM</u>	Depth to Water: <u>20'</u>	(ft/in)
Time: <u>7:20 AM</u>	Depth to Water: <u>20'</u>	(ft/in)
Time: <u>7:40 AM</u>	Depth to Water: <u>20'</u>	(ft/in)

Discharge Measurements: (A discharge measurement is required at the start of pumping and once an hour during the test):

Time: <u>8:00</u>	Discharge Rate: <u>687</u>	(gpm)
Time: <u>9:00</u>	Discharge Rate: <u>687</u>	(gpm)
Time: <u>10:00</u>	Discharge Rate: <u>687</u>	(gpm)
Time: <u>11:00</u>	Discharge Rate: <u>687</u>	(gpm)
Time: <u>12:00</u>	Discharge Rate: <u>687</u>	(gpm)

Pump turned on: Date: 10/15 Time: 8:00 Pump turned off: Date: 10/15 Time: 12:00
Total pumping time: 4 hours, -0- minutes.

Note: Well must be idle for at least 16 hours prior to the test.

PUMP TEST DATA SHEET

Page ____ of ____

APPLICATION NO. _____ PERMIT NO. _____ P.O.D.-ID _____

All water level measurements must either be in 1) feet and inches, or 2) feet and decimal fractions. (Circle one)

DRAWDOWN DATA							RECOVERY DATA						
DATE	TIME	TIME SINCE PUMP STARTED (minutes)	DEPTH TO WATER FROM MEASURING PT.	CORRECTION FACTOR	DEPTH TO WATER FROM GROUND LEVEL	COMMENTS	DATE	TIME	TIME SINCE PUMP STOPPED (minutes)	DEPTH TO WATER FROM MEASURING PT.	CORRECTION FACTOR	DEPTH TO WATER FROM GROUND LEVEL	COMMENTS
10/15	7:00				20'		10/15		12:02			62'	
	7:20				20'				12:04			52'	
	7:40				20'				12:06			45'	
	7:59				20'				12:08			33'	
	8:00				20'				12:10			27'	
	8:02				45'								
	8:04				57'								
	8:06				60'								
	8:08				60'								
	8:10				60'								
	8:15				60'								
	8:20				60'								
	8:25				60'								
	8:30				60'								
	8:35				60'								
	8:40				60'								
	8:45				60'								
	9:00				60'								
	9:15				61'								
	9:30				61'								
	9:45				61'								
	10:00				61'								Received by O
	10:15				62'								FEB 29 2024
	10:30				62'								Salem, OR
	10:45				62'								
	11:00				62'								
	11:15				62'								
	11:30				62'								
	11:45				62								
	12:00				62'								

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OWRD WELL LOG
HARN-279

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Salem, OR

NOTICE TO WATER WELL CONTRACTOR

The original and first copy
of this report are to be
filed with the

STATE ENGINEER, SALEM, OREGON 97310

within 30 days from the date
of well completion.

Warm Springs Indian Agency, BIA, P.O. Box 3785, Portland, Ore.

RECEIVED

WATER WELL REPORT 1 1974

STATE OF OREGON STATE ENGINEER

SALEM, OREGON

State Well No.

235/30E-1

State Permit No.

(1) OWNER:

Name Burns Paiute Tribe
Address Burns Reservation

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary ☐ Driven ☐
Cable ☒ Jetted ☐
Dug ☐ Bored ☐

(4) PROPOSED USE (check):

Domestic ☐ Industrial ☐ Municipal ☐
Irrigation ☒ Test Well ☐ Other ☐

(5) CASING INSTALLED:

Threaded ☐ Welded ☐

12" Diam. from 0 ft. to 230 ft. Gage 250
" Diam. from ft. to ft. Gage
" Diam. from ft. to ft. Gage

(6) PERFORATIONS:

Perforated? ☐ Yes ☒ No

Type of perforator used

Size of perforations	in. by	in.
perforations from	ft. to	ft.
perforations from	ft. to	ft.
perforations from	ft. to	ft.
perforations from	ft. to	ft.
perforations from	ft. to	ft.

(7) SCREENS:

Well screen installed? ☐ Yes ☒ No

Manufacturer's Name

Type Model No.

Diam. Slot size Set from ft. to ft.

Diam. Slot size Set from ft. to ft.

(8) WATER LEVEL: Completed well.

Static level 21 ft. below land surface Date 2/22/74

Artesian pressure lbs. per square inch Date

(9) WELL TESTS:

Drawdown is amount water level is lowered below static level

Was a pump test made? ☒ Yes ☐ No If yes, by whom Self

Well: 1352 gal./min. with 74 ft. drawdown after 110 hrs.

" " " "

" " " "

Bailer test gal./min. with ft. drawdown after hrs.

Artesian flow g.p.m. Date

Temperature of water 51 Was a chemical analysis made? ☐ Yes ☒ No

(10) CONSTRUCTION:

Well seal—Material used Cement

Depth of seal 25 ft.

Diameter of well bore to bottom of seal 20 in.

Were any loose strata cemented off? ☐ Yes ☒ No DepthWas a drive shoe used? ☒ Yes ☐ NoDid any strata contain unusable water? ☐ Yes ☒ No

Type of water? depth of strata

Method of sealing strata off

Was well gravel packed? ☐ Yes ☒ No Size of gravel:

Gravel placed from ft. to ft.

(11) LOCATION OF WELL:

County Harney Driller's well number 1NE 1/4 SE 1/4 Section 1 T. 23S R. 30E W.M.

Bearing and distance from section or subdivision corner

(12) WELL LOG:

Diameter of well below casing 12Depth drilled 242 ft. Depth of completed well 242 ft.

Formation: Describe color, texture, grain size and structure of materials;
and show thickness and nature of each stratum and aquifer penetrated,
with at least one entry for each change of formation. Report each change
in position of Static Water Level as drilling proceeds. Note drilling rates.

MATERIAL	From	To	SWL
Top Soil	0	10	
Yellow Clay	10	25	
Cemented Gravel	25	130	15
Blue Clay	130	165	40
Coarse Gravel	165	167	31
Blue Clay	167	190	31
Sand Stone	190	200	31
Gravel & Clay	200	205	20
Cemented Gravel	205	215	20
Sand Stone	215	230	20
Blue Clay	230	240	30
Coarse Gravel	240	242	21

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Work started 1/14 1974 Completed 2/27 1974

Date well drilling machine moved off of well 3/4 1974

Drilling Machine Operator's Certification:

This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.

[Signed] Sam H. Rindley Date 2/27, 1974
(Drilling Machine Operator)

Drilling Machine Operator's License No. 269

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

NAME JOHN V. ROSSBERG
(Person, firm or corporation) (Type or print)

Address P.O. Box 767, Eugene, Ore.

[Signed] John V. Rossberg
(Water Well Contractor)

Contractor's License No. 212 Date 2/27, 1974

(USE ADDITIONAL SHEETS IF NECESSARY)

Pump Capacity Calculation Sheet

Received by OWRD

FEB 29 2024

Salem, OR

Permit G-16405 COBU Theoretical Calculations

Pump Capacity Calculation Sheet

using Department designed formula:

$$(\text{hp})(\text{efficiency}) / (\text{lift} + \text{psi head}) = \text{capacity in cfs}$$

Efficiency:

Centrifugal = 6.61	75% assumed
Turbine = 7.04	80% assumed

Data Entry (fill in underlined blanks)

HP =	<u>60</u>	
Efficiency =	<u>7.04</u>	
Lift =	<u>62</u>	Based on well test drawdown conducted by Jay Nelson
PSI =	<u>42</u>	Based on notes from irrigation installation

Results Calculated

(hp)(efficiency) =	422.4
Head based on psi =	106.7
Total dynamic head =	168.7
(head + lift)	

Pump Capacity =	2.50 feet per second
	1,124 gallons per minute

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FIGURES

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Email - Watermaster

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Salem, OR

RE: Acceptable Metering Device

SWINDLEHURST Donald S * WRD <Donald.S.SWINDLEHURST@water.oregon.gov>

Fri 2/16/2024 12:32 PM

To: jim newton <newtonjim@hotmail.com>

Jim,

We agree that power meter readings and flow meter are acceptable measuring devices.

Don

From: jim newton <newtonjim@hotmail.com>

Sent: Wednesday, February 14, 2024 6:11 PM

To: SWINDLEHURST Donald S * WRD <Donald.S.SWINDLEHURST@water.oregon.gov>

Subject: Acceptable Metering Device

You don't often get email from newtonjim@hotmail.com. [Learn why this is important](#)

Hi Don,

I have been working on an old COBU for permit G-16405 and the last item for submittal is approval of the meter/measurement device.

The well in question is powered by a dedicated power meter and also has a Seametrics digital mag meter. The dedicated power meter has power records available as far back as 2011, which is good, since the C-date was October 1, 2023, as I am also filing the pre-C-date water use records based on the meter readings to meet compliance with the permit condition for water use reporting.

With this, I am formally requesting acceptance of the OTEC dedicated power meter as a suitable measurement device. If you have questions regarding this request, please contact me at your earliest convenience.

Best,
~Jim

Jim Newton, PE, RG, CWRE

Principal - Engineer-Geologist

Cascade Geoengineering, LLC

21145 Scottsdale DR

Bend, Oregon 97701

360-907-4162

www.cascadegeoengineering.com

Received by OWRD
FEB 29 2024
Salem, OR



Oregon

Tina Kotek, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

www.oregon.gov/owrd

2/29/2024

Burns Paiute Tribe
100 Pasigo Street
Burns, OR 97720

On February 29th, 2024, the Water Resources Department received the Claim of Beneficial Use (COBU) for the following file:

Application G-12610 Permit 16405

The COBU included a report and map. In the future the Department will review your submittal. At that time we will review these items and provide a final certificate, proposed certificate, or a request for additional information.

If you are interested in having your COBU reviewed sooner, you may pay to have your file processed immediately, using the Reimbursement Authority program, which is described at: <https://www.oregon.gov/owrd/programs/WaterRights/RA/Pages/default.aspx>

Customer Service phone: (503) 986-0900

Enclosed is your receipt for the \$230.00 COBU recording fee.

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

Cc: file G-12610

WR

SENDER: COMPLETE THIS SECTION

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

G-12610

Bureau of Indian Affairs

Bureau of Indian Affairs

Attn: Lori Anderson

PO Box 1239

Warm Springs, OR 97761-1239



9590 9402 4934 9063 7219 63

2. Article Number (Transfer from service label)

7022 3330 0000 2824 7777

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☒ Agent☐ Addressee

B. Received by (Printed Name)

Brenda G. Branner

C. Date of Delivery

12/4/23

 D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

DEC 08 2023

07

OWRD

3. Service Type

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

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

USPS TRACKING#



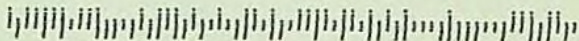
First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

9590 9402 4934 9063 7219 63

United States
Postal Service

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

Oregon Water Resources Department
725 Summer St. Ne. Suite A
Salem, Or. 97301



Mailing List for 60-Day Letter

Application: G-12610

Permit: G-16405

Permit Holder(s):

BURNS PAIUTE INDIAN RESERVATION
BUREAU OF INDIAN AFFAIRS
ATTN: LORI ANDERSON
PO BOX 1239
WARM SPRINGS OR 97761-1239

Is the Permit Holder(s) of record currently identified as a landowner of any tax lots involved as confirmed by the County records? YES

Copies of 60 Day Letter to be sent to Permit Holder(s) and following:

1. Watermaster District #10 (auto email)
2. File

Other persons to receive copies:

- 1.

Copies Mailed	
by: <u>TM</u>	(STAFF)
on: <u>12.1.2023</u>	(DATE)



Oregon

Tina Kotek, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301-1266

Phone: 503-986-0900

Fax: 503-986-0904

www.Oregon.gov / OWRD

NOTE: For water rights information and useful forms, please see our web site at

www.oregon.gov/OWRD

Certified mail number 7022 3330 0000 2824 7777

Return receipt requested

December 01, 2023

BURNS PAIUTE INDIAN RESERVATION

BUREAU OF INDIAN AFFAIRS

PO BOX 1239

WARM SPRINGS, OR 97761-1239

Reference: Application G-12610, Permit G-16405

Dear Permit Holder:

This letter is in regard to your water use permit as referenced above. Your permit required you to complete the development of your water use by October 1, 2013.

In order for the Department to consider issuance of a certificate of water right, you are required by law to hire a certified water right examiner to prepare and submit a claim of beneficial use that includes a final proof survey map of the development. The map and claim of beneficial use were to have been submitted to our Department within one year of October 1, 2013. The fee for submitting a claim of beneficial use is \$230.00. Please see the enclosed 'Resource Sheet' for our current database of CWRE's.

If you are not finished with the development of your permit, you need to file an application for an extension of time to complete your development. The fee for filing an extension of time is \$780.00. Please see the enclosed 'Resource Sheet' to access the extension of time form.

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

If you have not submitted either a Claim of Beneficial Use or a request for an extension of time for your permit within 60 days of the date of this letter (February 9, 2024) the Department may issue a Final Order to cancel your permit without further notice. If the Department issues a Final Order to cancel your permit, and you request reconsideration of the final order and reinstatement of your permit, there is a \$610.00 reinstatement fee that is charged in addition to the claim of beneficial use or extension of time fee.

Should you have any questions, please contact me at Tonya.L.Miller@water.oregon.gov, the address above or by telephone at 503-979-9983. Email is the best way to reach me.

Sincerely,

Tonya Miller

Backlog Reduction Caseworker

Enclosures (1)

cc: File

OWRD Watermaster District 10





RESOURCE SHEET

Please visit our Department's website at www.oregon.gov/owrd to locate the following information and forms:

Voluntary Cancellation of a Permit

Whenever the owner of a permit wishes to cancel a permit due to inability to develop the permit or the permit is no longer usable for any reason, the owner may cancel the permit by submitting a form to authorize the cancellation of a permit.

Additional information and links to the forms are available at:

www.oregon.gov/owrd/programs/WaterRights/Permits/Pages/CancelPermit.aspx

- For questions related to Voluntary Cancellation of a Permit, contact Mary Bjork by phone at 503-979-9895 or by email at Mary.F.Bjork@water.oregon.gov

Application for Permit Extension of Time

An Extension of Time is a process in which the Department can approve additional time for a permit holder to perfect the beneficial use of water as authorized by the permit. An Extension of Time may be approved if the permit holder has demonstrated reasonable diligence in developing the beneficial use of water as authorized under the permit and the Department can find good cause to do so. Each Application is reviewed on a case-by-case basis. An Extension of Time may provide the ability for a permit holder to extend their completion of construction date (B-date) and complete application of water date (C-date).

Additional information and links to the forms are available at:

www.oregon.gov/owrd/programs/WaterRights/Permits/Pages/Extension.aspx

- For questions related to Extensions of Time, contact Jeffrey Pierceall by phone at 503-979-3213 or by email at Jeffrey.D.Pierceall@water.oregon.gov

Assignments

An Assignment is a formal process to change the name of the holder of an application, permit, limited license, transfer, permit amendment or groundwater registration claim (i.e., non-perfected, non-certificated rights). This process is similar to changing the name on the title of a car. An Assignment ensures that the Department knows who the water right record belongs to and who will be responsible for finalizing the right.

Additional information and links to the forms are available at:

www.oregon.gov/owrd/programs/WaterRights/Permits/Assignment/Pages/default.aspx

- For questions related to Assignments, contact Mary Bjork by phone at 503-979-9895 or by email at Mary.F.Bjork@water.oregon.gov



RESOURCE SHEET

Self-Certification Form (for qualifying Alternate Review reservoirs only)

Certain qualifying reservoir permits allow the permit holder to self-certify their reservoir permit. For a reservoir permit to qualify for this process, the reservoir must meet each of the following criteria:

- 1) The permit was issued under the authority of ORS 537.409; and
- 2) No secondary permit exists for the use of water stored in the reservoir; and
- 3) The developed capacity of the reservoir is less than 9.2 acre-feet; and
- 4) The water was stored by the date required in the permit

Additional information and links to the forms are available at:

www.oregon.gov/owrd/programs/WaterRights/Cert/Pages/default.aspx

- To locate the Claim form, follow the above link, click on "Forms", and next on "Claims of Beneficial Use for Reservoirs (storing less than 9.2 acre-feet permitted under ORS 537.409)
- For questions related to Self Certification of a qualifying reservoir, please call the staff member identified on the letter you received.

Find a Certified Water Right Examiners (CWRE)

CWREs are engineers, surveyors, and registered geologists who have passed a certification to perform water right related functions including the preparation of Claims of Beneficial Use (COBU). The COBU is both a report that describes the extent to which the use authorized under the permit has been developed and a map that identifies where the use and point of diversion or well is located. In addition, the COBU describes how conditions have been timely complied with.

Additional information and links to the forms are available at:

www.oregon.gov/owrd/programs/WaterRights/Cert/Pages/default.aspx

- To locate a CWRE, follow the above link and click on "Find a CWRE"
- For questions related to locating a CWRE, contact the Department at 503-986-0900; and then select 2 for Customer Service Staff

Reimbursement Authority Program For Certificates

Reimbursement Authority is a program that provides the Department the ability to enter into a voluntary agreement with an applicant for expedited the processing of the Claim of Beneficial Use. Under such an agreement, the applicant pays the cost for expedited services not otherwise available.

Additional information and links to the forms are available at:

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

For questions related to expediting the review of your Claim of Beneficial Use through the Reimbursement Authority Program, contact Kerry Kavanagh by phone at 503-979-3208 or by email at Kerry.L.Kavanagh@water.oregon.gov

of — 1

STATE OF OREGON

COUNTY OF HARNEY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

BURNS PAIUTE INDIAN RESERVATION
BUREAU OF INDIAN AFFAIRS
WARM SPRINGS AGENCY
PO BOX 1239
WARM SPRINGS OR 97761-1239

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

APPLICATION FILE NUMBER: G-12610

SOURCE OF WATER: A WELL IN THE SILVIES RIVER BASIN

PURPOSE OR USE: IRRIGATION OF 112.2 ACRES

RATE OF USE: 1.4 CUBIC FEET PER SECOND

PERIOD OF ALLOWED USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: JULY 15, 1991

POINT OF DIVERSION LOCATION: NE 1/4 SE 1/4, SECTION 1, T23S, R30E, W.M.; 22 FEET SOUTH AND 11 FEET WEST FROM THE E 1/4 CORNER OF SECTION 1

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE 1/4 NE 1/4	0.8 ACRE
NW 1/4 NE 1/4	0.7 ACRE
SW 1/4 NE 1/4	7.1 ACRES
SE 1/4 NE 1/4	19.5 ACRES
NE 1/4 SE 1/4	28.8 ACRES
SE 1/4 SE 1/4	29.0 ACRES

SECTION 1

NE 1/4 NE 1/4 13.9 ACRES

NW 1/4 NE 1/4 12.4 ACRES

SECTION 12

TOWNSHIP 23 SOUTH, RANGE 30 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.

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 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.

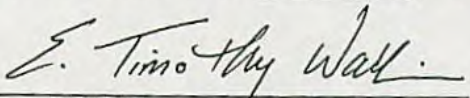
The use of water shall be limited when it interferes with any prior surface or ground water rights.

Actual construction of the well shall begin within one year from permit issuance.

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.

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

Issued November 28, 2008



for Phillip C. Ward, Director
Water Resources Department

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON

IN THE MATTER OF THE)
REINSTATEMENT OF PERMIT G-16405) ORDER

Findings of Fact

1. On April 2, 2021, the Department cancelled this permit in accordance with the provisions of ORS 537.260.
2. The permittee requested reconsideration of the April 2, 2021, order canceling the permit.
3. The petition for reconsideration was submitted within the timeline provided by the order, and the necessary re-instatement fee required under ORS 536.050 was received.

PERMIT TO USE GROUNDWATER:

Name	Basin Number	Watermaster District	Application Number	Permit Number
BURNS PAIUTE INDIAN RESERVATION; BUREAU OF INDIAN AFFAIRS WARM SPRINGS AGENCY	12	10	G-12610	G-16405

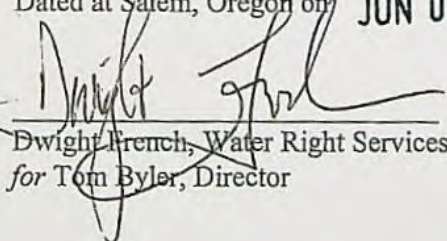
Conclusions of Law

1. Permits may be re-instated by the Department upon reconsideration pursuant to OAR 137-004-0080.

Order

1. NOW, THEREFORE, it is hereby ORDERED that the permit listed above is reinstated.
2. The Department will take no action to cancel this permit until 120 Days, to allow the permittee to come into compliance with the terms and conditions of the permit.

Dated at Salem, Oregon on **JUN 08 2021**


Dwight French, Water Right Services Administrator
for Tom Byler, Director

PLACED IN U.S. MAIL JUN 08 2021
BY OREGON WATER RESOURCES DEPARTMENT

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 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.

Mailing List for Reinstatement Order

Volume 120, Page 756

Application: G-12610

Permit: G-16405

Copies Mailed

by: TM
(STAFF)

on: 6/8/2021
(DATE)

Permit Holder(s):

Burns Paiute Tribe
Attn: Jody Richard
100 Pasigo St.
Burns, OR 97720

Copies of Reinstatement Order to be sent to Permit Holder and following:

1. Watermaster District #: 10
2. Water Availability
3. Vault
4. File

Other persons to receive copies:

Daniel Hester
726 Front Street, Ste. 250
Louisville, CO 80027

BURNS PAIUTE TRIBE

79260

Vendor Name: OREGON WATER RESOURCES DEPARTMENT

Vendor Number: ORWATRES

Check Amount: 520.00

Check Date: 5/5/2021

Invoice Number

Date

Description

Amount

G16405

4/30/2021

REINSTATEMENT FEE FOR WATER PERMIT G-16405

520.00

RECEIVED

MAY 10 2021

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 # **135201**

INVOICE # _____

RECEIVED FROM: <u>Burns Paiute Tribe</u>	APPLICATION <u>G-1260</u>
BY: _____	PERMIT _____
	TRANSFER _____

CASH: ☐	CHECK: # <u>79260</u> ☒	OTHER: (IDENTIFY) _____	TOTAL REC'D <u>\$ 520.00</u>
--------------------------------	---	-------------------------	------------------------------

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	<u>46111</u>	\$ _____
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	\$ _____

0251 OTHER (IDENTIFY) Reinstatement \$ 520.00

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: **135201** DATED: 5-10-2024 BY: Mary Co

RECEIVED

MAY 10 2021

OWRD



Burns Paiute Tribe

100 Pasigo St

Burns, OR 97720

Phone (541)573-2088

Fax (541)573-2323

May 4, 2021

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

Re: Reinstatement of Permit G-16405

Dear Ms. Bjork,

This letter responds to the Order cancelling Permit G-16405 dated April 2, 2021. Our attorney, Dan Hester, sent you an email on April 27, 2021 requesting reinstatement of the permit. Enclosed please find a check in the amount of \$520 to cover the permit reinstatement fee. We are in the process of retaining a certified water rights examiner to complete the paperwork and to conduct the testing to perfect the water permit.

Thank you for your attention to this permit.

Sincerely,

Jody Richard, Chair
Burns Paiute Tribal Council

Reinstatement HSB 5-18-2021



FIRST-CLASS



US POSTAGE

\$ 000.51⁰

02 1P
0001200350 MAY 07 2021
MAILED FROM ZIP CODE 97720

Oregon Water Resources Dept.

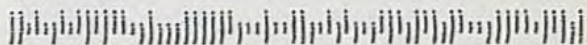
Attn: Mary Bjork

725 Summer St. NE Suite A

Salem, Or 97301



97301\$1266 C001



From: [Daniel Hester](#)
To: [BJORK Mary F * WRD](#)
Cc: [Twila M. Teeman](#)
Subject: Request to Reinstate Permit G 16405
Date: Tuesday, April 27, 2021 10:31:48 AM

Mary,

I write on behalf of the Burns Paiute Tribe to request the reinstatement of Permit G 16405 which was cancelled on April 2, 2021. We are in the process of retaining a certified water rights examiner to complete the OWRD form to perfect the water right. Based on the telephone call I had with you earlier this month I understand there is a \$520 permit reinstatement fee. Let me know where I send that fee. The Tribe needs this well and is frustrated that the requirements to perfect this water right were not completed in a timely fashion.

Thank you for your assistance in this matter.

Dan

Daniel Hester
726 Front Street, Ste. 250
Louisville, CO 80027



ATTORNEYS AT LAW

Office: 303.815.1700
Cell: 303.601.9120
Fax: 303.389.9397

This electronic message transmission contains information from the law firm of Hester & Zehren, LLC which may be confidential or privileged. The information is intended to be for the use of the individual or entity named above. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this information is prohibited. If you have received this electronic transmission in error, please notify us by telephone (303.815.1700).

RECEIVED
APR 27 2021
OWRD

Reinstate
HB 5-18-2021

BJORK Mary F * WRD

From: BJORK Mary F * WRD
Sent: Wednesday, April 28, 2021 3:24 PM
To: Daniel Hester
Cc: Twila M. Teeman; BJORK Mary F * WRD
Subject: RE: Request to Reinstate Permit G 16405

Hi Dan,

Thank you for your attention to this matter. Your request for the reinstatement of Permit G-16405 was submitted within the 60-day time period.

The \$520 reinstatement fee may be submitted to the Department at the following address, please include a copy of your request for reinstatement with the fee.

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

The list of certified water rights examiners can be located on the WRD website at: [View CWRE Address \(state.or.us\)](https://www.oregon.gov/OWRD/Address.aspx). You can also locate it by navigating to the Certificates area under Water Rights, from the homepage.

Hope this helps, and please let me know if you have additional questions.

Mary

Mary F. Bjork

Water Rights Program Analyst

725 Summer St NE, Suite A, Salem OR 97301 | Phone 503-986-0817



OREGON
WATER
RESOURCES
DEPARTMENT



MASK UP.



STAY HOME. SAVE LIVES.

Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

From: Daniel Hester <dhester@h-zlaw.com>
Sent: Tuesday, April 27, 2021 10:32 AM
To: BJORK Mary F * WRD <Mary.F.Bjork@oregon.gov>
Cc: Twila M. Teeman <Twila.Teeman@burnspaiute-nsn.gov>
Subject: Request to Reinstate Permit G 16405

Mary,

I write on behalf of the Burns Paiute Tribe to request the reinstatement of Permit G 16405 which was cancelled on April 2, 2021. We are in the process of retaining a certified water rights examiner to complete the OWRD form to perfect the water right. Based on the telephone call I had with you earlier this month I understand there is a \$520 permit reinstatement fee. Let me know where I send that fee. The Tribe needs this well and is frustrated that the requirements to perfect this water right were not completed in a timely fashion.

Thank you for your assistance in this matter.

Dan

Daniel Hester
726 Front Street, Ste. 250
Louisville, CO 80027



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Office: 303.815.1700
Cell: 303.601.9120
Fax: 303.389.9397

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BJORK Mary F * WRD

From: BJORK Mary F * WRD
Sent: Tuesday, April 6, 2021 2:46 PM
To: charisse.soucie@burnspaiute-nsn.gov
Cc: BJORK Mary F * WRD
Subject: App G-12610, Permit G-16405
Attachments: G_16405 (3).pdf; G_16405 (1).pdf; HARN_279 (1).pdf

Hi Charisse,

Thank you for your call regarding the referenced permit and recent cancellation order. Data and scanned documents for the permit are available on our website at:

https://apps.wrd.state.or.us/apps/wr/wrinfo/wr_details.aspx?snp_id=163601. I've also attached copies of the permit and map to this email.

The well associated with this permit is WELL 3 (HARN 279), I'm attaching a copy of the well log to this email and additional well data may be found on our website at: https://apps.gw/well_log/Default.aspx, by entering HARN and

Hope this information addresses any questions or concerns. As stated in the cancellation order, the permit is suspended within the 60-day time period specified by ORS 215.005.

Mary

Mary F. Bjork
Water Rights Program
725 Summer St NE,
Salem, OR 97331



Integrity | Service | Transparency

4-19-2021
Call from Dan Hester
(Attorney for Development
Project) in CO.
303-815-1700

He had questions on re-
instatement & said
he would take
issue to Tribal Council
tonight, & will be
in touch soon.
I explained process

Mary B.

BJORK Mary F * WRD

From: BJORK Mary F * WRD
Sent: Tuesday, April 6, 2021 2:46 PM
To: charisse.soucie@burnspaiute-nsn.gov
Cc: BJORK Mary F * WRD
Subject: App G-12610, Permit G-16405
Attachments: G_16405 (3).pdf; G_16405 (1).pdf; HARN_279 (1).pdf

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https://apps.wrd.state.or.us/apps/wr/wrinfo/wr_details.aspx?snp_id=163601. I've also attached copies of the permit and map to this email.

The well associated with this permit is WELL 3 (HARN 279), I'm attaching a copy of the well log to this email and additional well data may be found on our website at https://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx, by entering HARN and 279 in the well log query search fields.

Hope this information helps. Please let me know if you have any additional questions or concerns. As stated in the cancellation order, you may petition for reconsideration of the cancellation order within the 60-day time period specified by ORS 183.484(2), please see the cancellation order for details.

Mary

Mary F. Bjork

Water Rights Program Analyst

725 Summer St NE, Suite A, Salem OR 97301 | Phone 503-986-0817



Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

Mailing List for Cancellation Order

Volume 120, Page 10

Application: G-12610

Permit: G-16405

Copies Mailed

by: TM
(STAFF)

on: 4/2/2021
(DATE)

Permit Holder(s):

Burns Paiute Indian Reservation
Bureau of Indian Affairs
Warm Springs Agency

Burns Paiute Indian Reservation
100 Pasigo St., Burns, OR 97720

Bureau of Indian Affairs
Warm Springs Agency
PO Box 1239
Warm Springs, OR 97761-1239

Is the Permit Holder(s) of record currently identified as a landowner of any tax lots involved as confirmed by the County records? YES 23S30E000000100

Copies of Cancellation Order to be sent to Permit Holder(s) and following:

1. Watermaster District #: 10
2. Water Availability
3. Vault
4. File

Other persons to receive copies:

1. Send to both addresses listed above



Oregon
Kate Brown, Governor

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

DATE MAILED: APR 02 2021

NOTICE

Enclosed is an order that cancels a permit for failure to submit proof of the completion of appropriation as required by ORS 537.260.

The final order is an order in other than contested case. The 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 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.

If you request reconsideration of the final order and reinstatement of your permit, there is a \$520.00 reinstatement fee that is charged in addition to the claim of beneficial use or extension of time fee.

If you agree with the order, no response to this notice is required.

If you have any questions, please contact Mary Bjork at Mary.F.Bjork@oregon.gov or by telephone at 503-986-0817. Due to Covid-19, email may be the best way to reach her.

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON

IN THE MATTER OF THE CANCELLATION OF)
CERTAIN PERMIT(S) TO APPROPRIATE WATER) ORDER
UNDER THE PROVISIONS OF ORS 537.260)

Findings of Fact

1. The time within which the appropriations under the following water right permit(s) must have been perfected has expired. The owners of such permit(s) have failed or refused within the period of three months thereafter to submit proof of the completion of such appropriations as required by ORS 537.260. Consequently, notices have been addressed to each of the owners of said permit(s) by certified mail in accordance with the provisions of ORS 537.260 and ORS 174.160. The sixty-day time limit allowed in those notices has elapsed, and the owners of such permit(s) have failed or refused to submit proof of the completion of the appropriations under the terms and conditions of their respective permit(s).

PERMIT TO USE GROUNDWATER:

Name	Basin Number	Watermaster District	Application Number	Permit Number
BURNS PAIUTE INDIAN RESERVATION; BUREAU OF INDIAN AFFAIRS WARM SPRINGS AGENCY	12	10	G-12610	G-16405

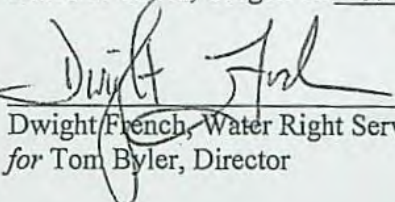
Conclusions of Law

1. Proof of appropriation of water under the terms and conditions of the permit(s) listed has not been made to the satisfaction of the Water Resources Director as required under ORS 537.260.

Order

1. NOW, THEREFORE, it is hereby ORDERED that the permit(s) are canceled in accordance with the provisions of ORS 537.260.

Dated at Salem, Oregon on APR 02 2021


Dwight French, Water Right Services Administrator
for Tom Byler, Director

PLACED IN U.S. MAIL APR 02 2021
BY OREGON WATER RESOURCES DEPARTMENT

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 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.

Cancellation Review

Date 3 / 16 / 2021 File# G - 12610

1. C Date 10 / 1 / 2013
2. Certified Letter Date 2 / 20 / 2020
3. Return Receipt Rcvd. 2 / 27 / 2020
4. Return Receipt Signed By Beverly Beer
5. Other Communication: / /

Recommend Cancellation ☒ or

Hold Action until / /

No war since 2002



Oregon

Kate Brown, Governor

Water Resources Department
North Mall Office Building
725 Summer St NE, Ste A
Salem, OR 97301
Phone: 503-986-0900
Fax: 503-986-0904
www.Oregon.gov/OWRD

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

February 20th, 2020

Certified mail number 7018 0360 0000 1430 3163
Return receipt requested

BURNS PAIUTE INDIAN RESERVATION
100 PASIGO ST.
BURNS, OR. 97720

*Cancel f t m p
HJB 3-17-2021*

Reference: Application G-12610, Permit G-16405

Dear Permit Holder:

This letter is in regard to your water use permit as referenced above. Your permit required you to complete the development of your water use by October 1, 2013.

In order for the Department to consider issuance of a certificate of water right, you are required by law to hire a Certified Water Right Examiner (CWRE) to prepare and submit a Claim of Beneficial Use (Claim) that includes a report and map of the development. The Claim was to have been submitted to the Department within one year of October 1, 2013. The fee for submitting a Claim is \$200,000. Please see the enclosed 'Resource Sheet' for our current database of CWRE's.

If you did not timely finish the development of your permit, you need to file an application for an extension of time to complete your development. The fee for filing an extension of time is \$670.00. Please see the enclosed 'Resource Sheet' to access the extension of time form.

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

If you have not submitted either a Claim or a request for an extension of time for your permit within 60 days of the date of this letter (April 24th, 2020) the Department may issue a Final Order to cancel your permit without further notice. If the Department issues a Final Order to cancel your permit, and you request reconsideration of the final order and reinstatement of your permit, you will be required to pay a reinstatement fee that is charged.

Should you have any questions, please contact me.

Sincerely,

Mary F. Bjork

Mary F. Bjork
Water Rights Program Analyst

Enclosures (1)

cc: File
OWRD Watermaster District

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature <i>X Beverly Bjork</i> ☐ Agent ☐ Addressee	
G-12610 Burns Paiute Indian Reservation 100 Pasigo St. Burns, OR. 97720		B. Received by (Printed Name) <i>Beverly Bjork</i>	
9590 9402 4402 8248 9804 12		C. Date of Delivery <i>2/24</i>	
2. Article Number (Transfer from service label) <i>7018 0360 0000 1430 3163</i>		D. Is delivery address different from item 1? ☐ Yes ☐ No If YES, enter delivery address below:	
3. Service Type ☐ Adult Signature ☐ Adult Signature Restricted Delivery ☐ Certified Mail® ☐ Certified Mail Restricted Delivery ☐ Collect on Delivery ☐ Collect on Delivery Restricted Delivery ☐ Insured Mail ☐ Insured Mail Restricted Delivery (over \$500)		RECEIVED FEB 27 2020 OWRD	
		☐ Priority Mail Express® ☐ Registered Mail™ ☐ Registered Mail Restricted Delivery ☐ Return Receipt for Merchandise ☐ Signature Confirmation ☐ Signature Confirmation Restricted Delivery	



Oregon

Kate Brown, Governor

Water Resources Department
North Mall Office Building
725 Summer St NE, Ste A
Salem, OR 97301
Phone: 503-986-0900
Fax: 503-986-0904
www.Oregon.gov/OWRD

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

February 20th, 2020

Certified mail number 7018 0360 0000 1430 3170

Return receipt requested

BUREAU OF INDIAN AFFAIRS
WARM SPRINGS AGENCY
PO BOX 1239
WARM SPRINGS, OR. 97761-1239

Reference: Application G-12610, Permit G-16405

Dear Permit Holder:

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Should you have any questions, please contact me at the address above or by telephone at 503-986-0817.

Sincerely,

Mary F. Bjork
Water Rights Program Analyst

Enclosures (1)

cc: File
OWRD Watermaster District #10



HARNEY County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2021

NOT OFFICIAL VALUE

March 16, 2021 7:49:02 am

Account # 7007 Tax Status NONASSESSABLE
Map # 23S30E000000100 Acct Status ACTIVE
Code - Tax # 0140-7007 Subtype NORMAL

Legal Descr Metes & Bounds - See legal report for full description.

Mailing Name U S A

Agent

In Care Of

Mailing Address (BURNS PAIUTE RESERVATION)
BURNS, OR 97720

Deed Reference # See Record

Sales Date/Price See Record

Appraiser AARON SCHEEN

Prop Class 976 MA SA NH Unit
RMV Class 976 02 00 014 2784-1

Situs Address(s)	Situs City
ID# 71208 FOLEY RD	BURNS
ID# 71210 FOLEY RD	BURNS
ID# 1 PAIUTE ST	BURNS
ID# 27 PAIUTE ST	BURNS
ID# 3 PAIUTE ST	BURNS
ID# 30 PAIUTE ST	BURNS
ID# 4 PAIUTE ST	BURNS
ID# 5 PAIUTE ST	BURNS
ID# 7 PAIUTE ST	BURNS
ID# 8 PAIUTE ST	BURNS
ID# 9 PAIUTE ST	BURNS
ID# 10 RADAR LN	BURNS
ID# 11 RADAR LN	BURNS
ID# 12 RADAR LN	BURNS
ID# 13 RADAR LN	BURNS
ID# 15 RADAR LN	BURNS
ID# 15 RADAR LN A	BURNS
ID# 16 RADAR LN	BURNS
ID# 17 RADAR LN	BURNS
ID# 19 RADAR LN	BURNS
ID# 20 RADAR LN	BURNS
ID# 21 RADAR LN	BURNS
ID# 22 RADAR LN	BURNS
ID# 25 RADAR LN B	BURNS
ID# 26 RADAR LN A	BURNS
ID# 26 RADAR LN B	BURNS
ID# 10 YAPA ST A	BURNS
ID# 12 YAPA ST	BURNS
ID# 5 YAPA ST	BURNS
ID# 7 YAPA ST A	BURNS

Code Area	RMV	MAV	Value Summary AV	RMV Exception	CPR %
0140 Land	614,670			Land	0
Impr.	838,660			Impr.	0
Code Area Total	1,453,330	0	0		0
Grand Total	1,453,330	0	0		0

Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	Land Breakdown TD% LS	Size	Land Class	LUC	Trended RMV
0140	1	☐	1	IT	Market	100 A	62.00	RA	003	155,000
0140	1	☐	1	IT	Market	100 A	321.70	RA	003	157,260
0140					OSD - AVERAGE	100				255,200
0140	3	☐	1	IT	Rural Site	100 A	58.00	HS	001	47,210

Account # 7007

Grand Total										441.70	614,670
Code Area	ID#	Yr Built	Stat Class	Description	Improvement Breakdown	TD%	Total Sq. Ft.	Ex% MS Acct #	Trended RMV		
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0140	4		390	MISCELL		100	0	100	183,000		
0140	5	1996	390	MISCELL		100	864	100	46,320		
0140	6	1937	390	MISCELL		100	864	100	2,640		
0140	7		390	MISCELL		100	5,100	100	77,990		
0140	8	1995	390	MISCELL		100	4,318	100	177,330		
0140	9		390	MISCELL		100	1,924	100	110,900		
0140	10		110	Residential Other Improvements		100	0	100	1,780		
0140	11		110	Residential Other Improvements		100	0	100	4,450		
0140	12		110	Residential Other Improvements		100	0	100	2,490		
0140	13		110	Residential Other Improvements		100	0	100	500		
0140	14		110	Residential Other Improvements		100	0	100	500		
0140	20	1996	442	MS Double wide		100	2,744	100 R - 76154	41,070		
0140	1	0	441	MS Single wide		100	520	100 R - 76155	0		
0140	1	0	442	MS Double wide		100	0	100 R - 76157	43,010		
0140	20	1998	452	MS Double wide		100	1,404	100 R - 76451	52,040		
Grand Total							19,252		838,660		

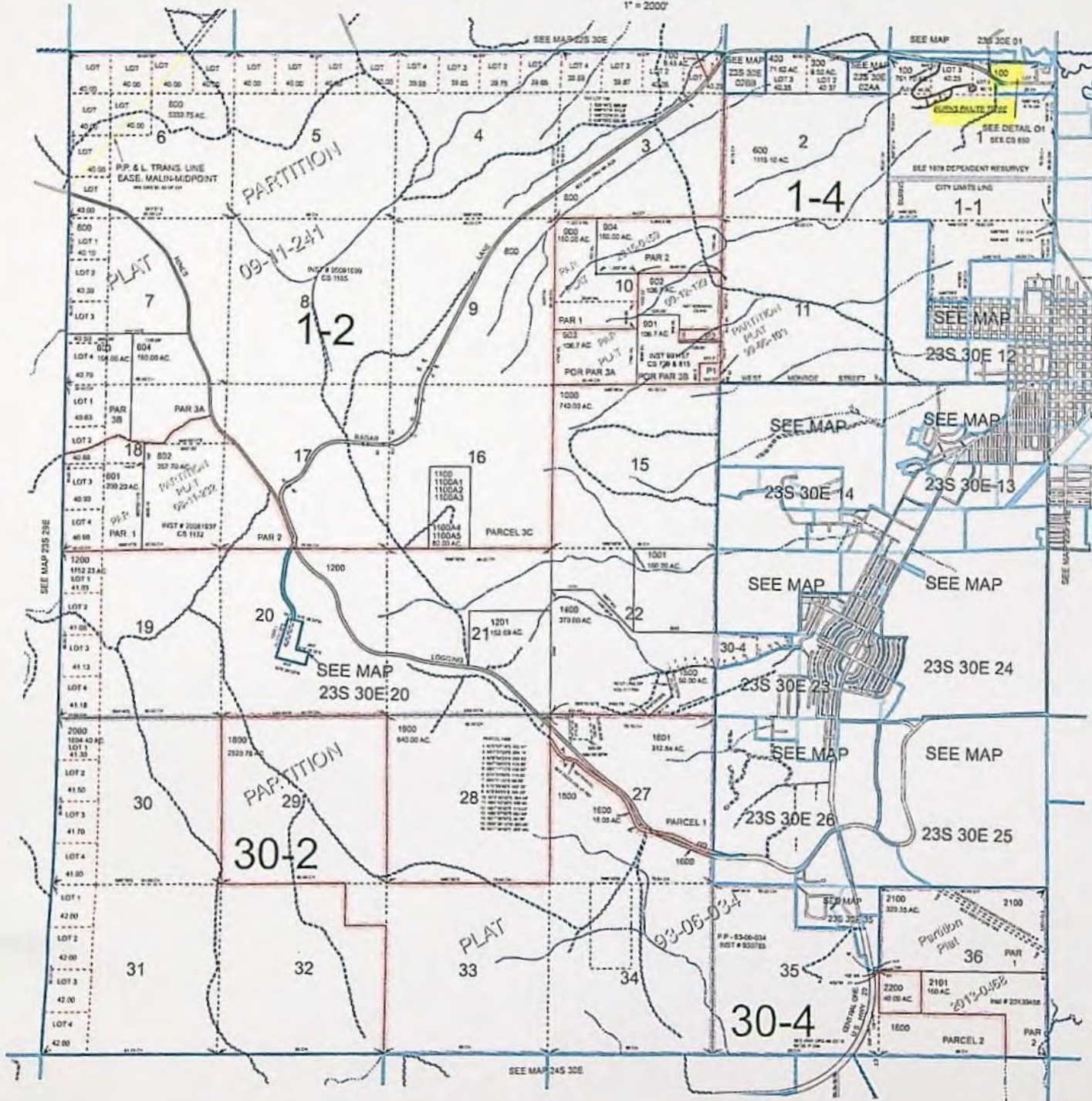
MS Account(s): 0140-P-74100, P-75998, R-76155, P-76156, R-76157, P-76158, P-76441, P-76442, P-76443, P-76444, P-76445, P-76446, P-76447, P-76448, P-76449, P-76450, R-76451, P-76452, P-76453, P-76454, P-76455, P-76456, P-76457, P-76458, P-76459, P-76460, P-76462, P-76541, P-76542, P-74610, P-76598, P-76153, R-76154, P-76159

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

T.23S. R.30E. W.M.
HARNEY COUNTY

1" = 2000'

23S30E



Cancelled Nos.
200
201
202
500 (2007)
1201
1202
1300
1601
1602
1700
500A1 (2015)



PRINTED ON 6/4/2018

23S30E

Phone: (541) 573-2088 Email: info@burnspaiute-nsn.gov



- Departments
 - Administration

The Burns Paiute Tribe's Administration Department is committed to the responsible operation of Tribal Services. To preserve and promote the Burns Paiute sovereignty and to enhance the health and economic well-being of the Burns Paiute Tribe.

Office hours: Monday-Friday 8:00am – 5:00pm

Phone: (541) 573-2088

Contact Info

100 Pasigo St

Burns, OR 97720

Phone: (541) 573-2088

Fax: (541) 573-2323

U.S. Department of the Interior Indian Affairs

Warm Springs Agency: Burns Paiute Tribe

Contact Us

Mailing Address:

P.O. Box 1239

Warm Springs, OR 97761-1239

SENDER: COMPLETE THIS SECTION

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

G-12610
Burns Paiute Indian Reservation
100 Pasigo St.
Burns, OR. 97720



9590 9402 4402 8248 9804 12

2. Article Number (Transfer from service label)

7018 0360 0000 1430 3163

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Deu 4 Deu

☐ Agent

☐ Addressee

B. Received by (Printed Name)

Beverly Beane

C. Date of Delivery

2/24

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

RECEIVED

FEB 27 2020

OWRD

3. Service Type

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

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

TM / 1 Comp 60 Day Domestic Return Receipt

USPS TRACKING#

EUGENE



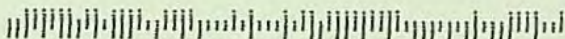
First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

9590 9402 4402 8248 9804 12

United States
Postal Service

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

Oregon Water Resources Department
725 Summer St. NE. Ste. A
Salem, OR. 974301-1271





Oregon

Kate Brown, Governor

Water Resources Department
North Mall Office Building
725 Summer St NE, Ste A
Salem, OR 97301
Phone: 503-986-0900
Fax: 503-986-0904
www.Oregon.gov/OWRD

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

February 20th, 2020

Certified mail number 7018 0360 0000 1430 3163
Return receipt requested

BURNS PAIUTE INDIAN RESERVATION
100 PASIGO ST.
BURNS, OR. 97720

*cancel FTMP
HJB 3-17-2021*

Reference: Application G-12610, Permit G-16405

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Mary F. Bjork
Water Rights Program Analyst

Enclosures (1)

cc: File
OWRD Watermaster District #10





Oregon

Kate Brown, Governor

Water Resources Department
North Mall Office Building
725 Summer St NE, Ste A
Salem, OR 97301
Phone: 503-986-0900
Fax: 503-986-0904
www.Oregon.gov/OWRD

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

February 20th, 2020

Certified mail number 7018 0360 0000 1430 3170

Return receipt requested

BUREAU OF INDIAN AFFAIRS
WARM SPRINGS AGENCY
PO BOX 1239
WARM SPRINGS, OR. 97761-1239

Reference: Application G-12610, Permit G-16405

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Mary F. Bjork
Water Rights Program Analyst

Enclosures (1)

cc: File
OWRD Watermaster District #10



Mailing List for 60-Day Letter

Application: G-12610

Permit: G-16405

Permit Holder(s):

Burns Paiute Indian Reservation
Bureau of Indian Affairs
Warm Springs Agency

Burns Paiute Indian Reservation
100 Pasigo St., Burns, OR 97720

Bureau of Indian Affairs
Warm Springs Agency
PO Box 1239
Warm Springs, OR 97761-1239

Copies Mailed	
by:	<u>TM</u> (STAFF)
on:	<u>2/20/2020</u> (DATE)

Is the Permit Holder(s) of record currently identified as a landowner of any tax lots involved as confirmed by the County records? YES 23S30E000000100

Copies of 60-Day Letter to be sent to Permit Holder(s) and following:

1. Watermaster District #10
2. File

Other persons to receive copies:

1. Send to both addresses listed above

PERMIT STATUS REVIEW BY Mary BjorE DATE 2-6-2020 FILE # G-12610

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

No Extension pending _____

No Assignment is pending _____

No Cancellation has been requested _____

☒ Dept. has already sent a certified 60-Day Compliance letter (date _____, # _____)

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

Was mail deliverable as addressed? Y N date _____

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

Re-send Cert. Letter ? Y N date _____

Send cancellation order Y N

No Claim of beneficial use and final proof map (COBU) have been received by Department
Date information received _____

2. IF NONE OF THE ABOVE APPLY

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

"C" DATE 10-1-2013 BASIN NUMBER 12 WM # 10

CWRE or AGENT NONE

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

S:\groups\wr\PERMIT C jdc-date-checklist.doc

Note - No WUR since 2006

HARNEY County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2020

NOT OFFICIAL VALUE

February 6, 2020 2:57:07 pm

Account # 7007
Map # 23S30E000000100
Code - Tax # 0140-7007

Tax Status NONASSESSABLE
Acct Status ACTIVE
Subtype NORMAL

Legal Descr Metes & Bounds - See legal report for full description.

Mailing Name U S A

Deed Reference # See Record

Agent

Sales Date/Price See Record

In Care Of

Appraiser AARON SCHEEN

Mailing Address (BURNS PAIUTE RESERVATION)
BURNS, OR 97720

Prop Class 976 MA SA NH Unit
RMV Class 976 02 00 014 2784-1

Situs Address(s)	Situs City
ID# 71208 FOLEY RD	BURNS
ID# 71210 FOLEY RD	BURNS
ID# 1 PAIUTE ST	BURNS
ID# 27 PAIUTE ST	BURNS
ID# 3 PAIUTE ST	BURNS
ID# 30 PAIUTE ST	BURNS
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ID# 10 RADAR LN	BURNS
ID# 11 RADAR LN	BURNS
ID# 12 RADAR LN	BURNS
ID# 13 RADAR LN	BURNS
ID# 15 RADAR LN	BURNS
ID# 15 RADAR LN A	BURNS
ID# 16 RADAR LN	BURNS
ID# 17 RADAR LN	BURNS
ID# 19 RADAR LN	BURNS
ID# 20 RADAR LN	BURNS
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ID# 26 RADAR LN B	BURNS
ID# 10 YAPA ST A	BURNS
ID# 12 YAPA ST	BURNS
ID# 5 YAPA ST	BURNS
ID# 7 YAPA ST A	BURNS

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Account # 7007

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0140	1	0	441	MS Single wide		100	520	100 R - 76155	0
0140	1	0	442	MS Double wide		100	0	100 R - 76157	43,010
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MS Account(s): 0140-P-74100, P-75998, R-76155, P-76156, R-76157, P-76158, P-76441, P-76442, P-76443, P-76444, P-76445, P-76446, P-76447, P-76448, P-76449, P-76450, R-76451, P-76452, P-76453, P-76454, P-76455, P-76456, P-76457, P-76458, P-76459, P-76460, P-76462, P-76541, P-76542, P-74610, P-76598, P-76153, R-76154, P-76159



**BURNS PAIUTE
TRIBE**
Est. 10-13-1972

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[RESOURCES](#)

[NEWSLETTER](#)

[ABOUT US](#)

[OWA](#)

[CONTACTS](#)

[LO](#)

Burns Paiute Tribe

Welcome to the Burns Paiute Tribe



Community

- › Enrollment
- › Pow Wow
- › Elections

Local Government

- › Administration Office
- › Tribal Council
- › City Of Burns
- › City Of Hines
- › Harney County

Contacts

- ✉ NA
- ☎ +1 (541) 573-2088 Administration
- ☎ +1 (541) 573-1910 Tribal Council
- 📍 100 Pasigo St. Burns Or 97720

Keep in Touch



Search Indian .

U.S. Department of the Interior

Indian Affairs

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Northwest Regional Office

[Overview](#)

[Programs &
Services](#)

[Agencies](#)

Warm Springs Agency

CONTACT US

Mailing Address:

P.O. Box 1239

Warm Springs, OR 97761-1239

Physical Address:

1233 Veterans Street

Warm Springs, OR, 97761

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

Burns Paiute Indian Reservation
100 Pasigo St
Burns, OR 97720



9590 9402 2005 6123 9105 51

2. Article Number (Transfer from service label)

7017 0530 0001 1436 3379

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☒ *Beverly Dees*☐ Agent☐ Addressee

B. Received by (Printed Name)

Beverly Dees

C. Date of Delivery

*2/5/18*D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below:

☐ No

FEB 08 2018

OWRD

3. Service Type

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

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

USPS TRACKING #



ELIGIBLE FOR TRACKING

05 FEB 2005 9105 51

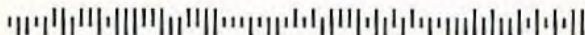


First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

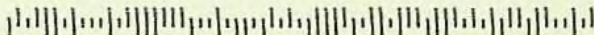
9590 9402 2005 6123 9105 51

United States
Postal Service

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



Oregon Water Resources Department
Water Right Services Division
725 Summer St NE, Suite A
Salem, OR 97301-0825





Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone (503) 986-0900

Fax (503) 986-0904

www.wrd.state.or.us

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

February 1, 2018

Certified mail number 7017 0530 0001 1436 3379

Return receipt requested

BURNS PAIUTE INDIAN RESERVATION
100 PASIGO ST
BURNS OR 97720

*CHANGE PERMIT
100 11/1/2018*

Reference: Application G-12610, Permit G-16405

Dear Permit Holder:

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

Sincerely,

Jerry Sauter
Water Rights Program Analyst

Enclosures (1)

cc: File G-12610

OWRD Watermaster District 10



PERMIT STATUS REVIEW BY Corey Courchane DATE 8/16/17 FILE # G-12610

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

no Extension pending _____

no Assignment is pending _____

no Cancellation has been requested _____

yes Dept. has already sent a certified 60-Day Compliance letter (date 10/4/16, #3016 1370 0000) 0681 4017

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

Was mail deliverable as addressed? Y ☒ date _____

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

Re-send Cert. Letter? Y ☒ date _____

Send cancellation order Y ☒

no Claim of beneficial use and final proof map (COBU) have been received by Department

Date information received _____

2. IF NONE OF THE ABOVE APPLY

yes Send certified "C" date notice packet to permit holder,

"C" DATE 10/1/13 BASIN NUMBER 12 WM # 10

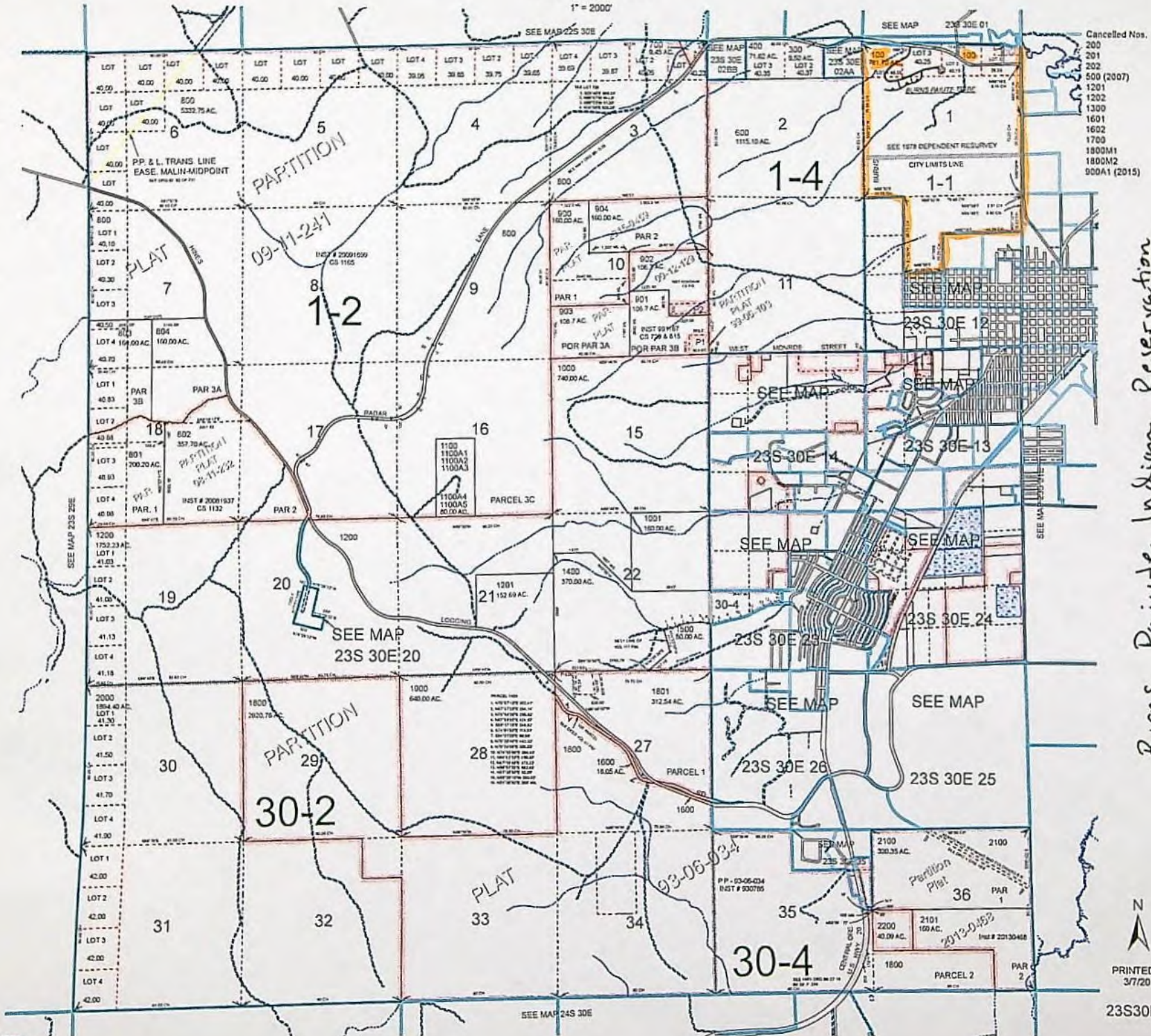
CWRE or AGENT none

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

S:\group\swr\PERMIT C jdc-date-checklist.doc

Resend letter
to attached
address
cc
8/16/17

1" = 2000'



Burns Paiute Indian Reservation
100 Pasigo St
Burns OR 97720

SENDER: COMPLETE THIS SECTION

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

BURNS PAIUTE INDIAN RESERVATION
 PO BOX 1239
 WARM SPRINGS, OR 97761-1239 G-12610



9590 9402 1623 6053 0231 64

2. Article Number (Transfer from service label)

7016 1370 0000 0681 4017

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Dennis Schell

☐ Agent

☐ Addressee

B. Received by (Printed Name)

Dennis Schell

C. Date of Delivery

Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

OCT 11 2016

OWRD

3. Service Type

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

☐ Priority Mail Express®

☐ Registered Mail™

☐ Registered Mail Restricted Delivery

☐ Return Receipt for Merchandise

☐ Signature Confirmation™

☐ Signature Confirmation Restricted Delivery

USPS TRACKING #



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

9590 9402 1623 6053 0231 64

United States
Postal Service

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

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

PERMIT STATUS REVIEW B : Machelle Bamberger DATE 9-19-16 FILE # 6-12610

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

update appropriate db

None ☐ Extension pending _____

☐ Assignment is pending _____

☐ Cancellation has been requested _____

☐ Dept. has already sent a certified 60-Day Compliance letter (date _____, # _____)

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

Was mail deliverable as addressed? Y N date _____

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

Re-send Cert. Letter? Y N date _____

Send cancellation order Y N

Send letter

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

Date information received _____

2. IF NONE OF THE ABOVE APPLY

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

"C" DATE 10-1-2013 BASIN NUMBER _____ WM # _____

CWRE or AGENT Chris Palmer

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



Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone (503) 986-0900

Fax (503) 986-0904

www.wrd.state.or.us

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

October 4, 2016

Certified mail number 7016 1370 0000 0681 4017

Return receipt requested

BURNS PAIUTE INDIAN RESERVATION

PO BOX 1239

WARM SPRINGS, OR 97761-1239

Reference: Application G-12610, Permit G-16405

Dear Permit Holder:

This letter is in regard to your water use permit as referenced above. Your permit required you to complete the development of your water use by October 1, 2013.

In order for the Department to consider issuance of a certificate of water right, you are required by law to hire a certified water right examiner to prepare and submit a claim of beneficial use that includes a final proof survey map of the development. The map and claim of beneficial use were to have been submitted to our Department within one year of October 1, 2013. The fee for submitting a claim of beneficial use is \$175.00. Please see the enclosed 'Resource Sheet' for our current database of CWRE's.

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

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

If you have not submitted either a Claim of Beneficial Use or a request for an extension of time for your permit within 60 days of the date of this letter (December 2, 2016) the Department may issue a Final Order to cancel your permit without further notice. If the Department issues a Final Order to cancel your permit, and you request reconsideration of the final order and reinstatement of your permit, there is a \$450.00 reinstatement fee that is charged in addition to the claim of beneficial use or extension of time fee.

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

Sincerely,

Jerry Sauter
Water Rights Program Analyst

Enclosures (1)

cc: File G-12610

OWRD Watermaster District 10



Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-12610

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 15, 1991, Burns Paiute Indian Reservation submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on March 26, 1996. The protest period closed May 10, 1996, and no protest was filed.

The proposed use would not impair or be detrimental to the public interest, but the Department's continuing evaluation reveals that the Proposed Final Order requires modification to correctly describe the use as irrigation, the acreage as 112.2 acres, the rate as 1.4 cubic feet per second, the season as March 1 through October 31, and the measurement, recording, and reporting conditions, in addition to the removal of a condition.

The measurement, recording, and reporting conditions, as described in the Proposed Final Order, were:

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

The measurement, recording, and reporting conditions, as modified in the attached permit, are:

- 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.

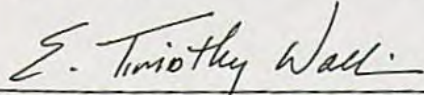
In addition, the following condition, which was included in the Proposed Final Order, has been removed from the attached permit:

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

Order

Application G-12610 therefore is approved with the above modifications to the Proposed Final Order, and Permit G-16405 is issued as limited by the conditions set forth therein.

DATED November 28, 2008



for Phillip C. Ward, Director
Water Resources Department

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

If you have 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.

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

HARNEY COUNTY

IN THE MATTER OF DIMINUTION OF)
 A PERFECTED AND DEVELOPED WATER)
 RIGHT EVIDENCED BY DECREE NUMBER)
 14015 IN THE NAME OF BROWN, N. & SONS) FINAL ORDER
 AS TABULATED IN THE INCHOATE)
 ADJUDICATION FOR THE SILVIES RIVER;)
 RECORDED IN VOLUME 9, PAGE 79)

Findings of Fact

Background

1. On October 17, 2008, the Department received an affidavit from the Bureau of Indian Affairs (Paul Young), authorized representative of the Burns Paiute Tribe, P.O. Box 1239, Warm Springs, OR 97761, stating the United States of America/Burns Paiute Tribe is the owner of lands and the water right appurtenant as evidenced by Decree Number 14015 as tabulated in the the Inchoate Adjudication for the Silvies River. The affiant requests that the water rights evidenced by Decree Number 14015 be diminished from a right for primary irrigation to a right for supplemental irrigation.
2. The Department has determined the the United States of America holds the lands in trust for the Burns Paiute Tribe.
3. The water right to be diminished is the right evidenced by Decree Numer 14015, recorded in Volume 9, Page 79. The water right as listed in the Silvies River Adjudication allows the use of 1.97 cubic feet per second (cfs) from Burns Flour Mill Ditch, the source of water being the Silvies River, for irrigation of 157.5 acres. The priority date is 1906. The authorized point of diversion from the source is the Burns Flour Mill Ditch.
4. The affidavit request the following lands be diminished from primary irrigation to supplemental irrigation:

TWP	RNG	MER	SEC	Q-Q	ACRES
23 S	30 E	W.M.	1	NE NE	0.8
23 S	30 E	W.M.	1	SE NE	19.5
23 S	30 E	W.M.	1	NE SE	24.6
23 S	30 E	W.M.	1	SE SE	9.0

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 137-004-080 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.

TWP	RNG	MER	SEC	Q-Q	ACRES
23 S	30 E	W.M.	12	NE NE	3.1
23 S	30 E	W.M.	12	NW NE	3.0
TOTAL:					60.0

5. The water right evidenced by Decree Number 14015 lists 40.0 acres of water right in the SE NE quarter-quarter of Section 1, Township 23 South, Range 30 East, W.M.
6. The Final Order of the Water Resources Department approving Transfer Application T-10100, recorded in Special Order Volume 75, pages 123 to 127, diminished 20.5 acres of the 40.0 acres under Decree Number 14015 from irrigation to supplemental irrigation in the SE NE quarter-quarter of Section 1, Township 23 South, Range 30 East, W.M.
7. The affidavit submitted by the Bureau of Indian Affairs requested to diminish 20.3 acres under Decree Number 14015 from irrigation to supplemental irrigation in the SE NE quarter-quarter of Section 1, Township 23 South, Range 30 East, W.M. However, Department records identify the 19.5 acres listed in *Findings of Fact #4* as the irrigation water right subject to diminishment.

Conclusions of Law

The Director of the Water Resources Department concludes that the portion of the water right evidenced by Decree Number 14015 as described in *Findings of Fact #4* has been diminished from primary irrigation to supplemental irrigation

Now, therefore, it is ORDERED:

The water right for irrigation of 60.0 acres as evidenced by Decree Number 14015 in the name of Brown, N. & Sons as tabulated in the inchoate adjudication for the Silvies River, recorded in Volume 9, Page 79, is diminished from a right for primary irrigation to a right for supplemental irrigation.

Dated at Salem, Oregon this 28th day of Nov, 2008.

E. Timothy Wall for
Phillip C. Ward, Director

Mailing date: NOV 28 2008

Mailing List for FO Copies

Application #G-12610

Original mailed to applicant with claim of beneficial use form:

BURNS PAIUTE INDIAN RESERVATION
BUREAU OF INDIAN AFFAIRS
WARM SPRINGS AGENCY
PO BOX 1239
WARM SPRINGS OR 97761-1239

Copies sent to:

1. WRD - File # G-12610
2. WRD - Ken Stahr
3. WRD - Dorothy Pedersen
4. WRD - Doug Parrow
5. WRD - Greg Nelson

Copies Mailed	
By: <u>SAS</u>	(SUPPORT STAFF)
on: <u>11/28/06</u>	(DATE)

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

1. WRD - Watermaster District #: District 10
2. WRD - Regional Manager (not to SCR): E

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

1. Chris T. Palenker, CWRE #100

"\$10 LETTER" sent to Interested Persons who have not protested or paid for copies

- 1.

CASEWORKER : Jeana Eastman

~~Burns Paiute Indian Reservation
HC 71 100 Pasigo St.
Burns, OR 97720~~

~~Burns Paiute Indian Reservation
HC 71 100 Pasigo
Burns, OR 97720~~

FO CHECKLIST

Application g-12410

- ☒ Name and/or address has changed or been assigned ☐ Yes ☒ No
- ☒ Respond to significant comments, issues, or disputes related to the proposed use of water. ☒ 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
- ☒ 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: vs = pri, poa, average = 112.2, rate = 1.40 cfs, season 3/1-10/31, m/v, remove deficiency condition
- ☒ 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

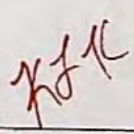
☒ Fees	Base Fee	Water Amount (Q)
	\$150 / \$250	1 st CFS/AF
	\$300 / \$500	
		_____ Addl @ _____
		_____ Addl @ _____
		Add'l ☐ POD/POA ☐ use + _____
	_____ + _____ = _____	
	(base)	(Q) (total exam fee)

EXAM FEE REQUIRED	_____	RECORDING FEE REQUIRED	\$175 / \$250 / \$300
EXAM FEE PAID	_____	RECORDING FEE PAID	_____
STILL OWED	_____	STILL OWED	_____

- ☐ FO w/ draft permit; still needed: ☒ FO w/ permit # g-16405 ☐ FO to deny refund \$ _____
- ☐ fees
- ☐ easement
- ☐ st water contract
- ☐ approved dam plans & specs
- ☐ land use approval

Name: Jeana Eastman

Date: 11/12/08

Peer Reviewer: Kerry 

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.

T-10100

INTEROFFICE MEMORANDUM

Water Rights Section

TO: Susan Douthit
FROM: Jeana Eastman
DATE: October 30, 2008
RE: G-12610, Burns Paiute Indian Reservation - partial diminution of decree

Attached is an affidavit for the partial diminution of the Silvies River Decree.

Please prepare a partial diminution order dated for November (with a blank day) and route to me. I will route the diminution order along with an order approving G-12610 to Tim for his signature.

Let me know if you have any questions.

Thanks.

Water Right Information Query Results										
Contact Information						Documents View all scanned documents				
Current contact information OWNER: BROWN N & SONS BURNS, OR 97720						Decree: SILVIES RIVER, 1926 document Order(s) Transfer(s) View right with New Web Mapping (beta)				
Water Right Information										
Status: Non-Cancelled County: Harney File Folder Location: Salem										
Point(s) of Diversion										
POD 1 - POISON CR SL > NINEMILE SL POD 2 - SILVIES R > W FK SILVIES R POD 3 - FOLEY SL > SILVIES R POD 4 - MALHEUR SLOUGH > NINEMILE SL										
Place(s) of Use Add TRS grouping										
Use - IRRIGATION (Primary) - 240.0 acres; Priority Date: 12/31/1905 Use - IRRIGATION (Primary) - 157.5 acres; Priority Date: 12/31/1906										
T-R-S	QQ	DLC	Gov't Lot	Taxlot	Acres	Status	Linked PODs	Inchoate Info	Remarks	
23.00S-30.00E-1	NE NE				36.5	NC	2			
23.00S-30.00E-1	SE NE				40.0	NC	2			
23.00S-30.00E-1	NE SE				30.0	NC	2			
23.00S-30.00E-1	SE SE				9.0	NC	2			
23.00S-30.00E-12	NE NE				20.0	NC	2			
23.00S-30.00E-12	NW NE				15.0	NC	2			
23.00S-30.00E-12	SW NE				5.0	NC	2			
23.00S-30.00E-12	SE NE				2.0	NC	2			
Sum of Acres: 157.5										
Use - IRRIGATION (Primary) - 240.0 acres; Priority Date: 12/31/1907										
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](#)

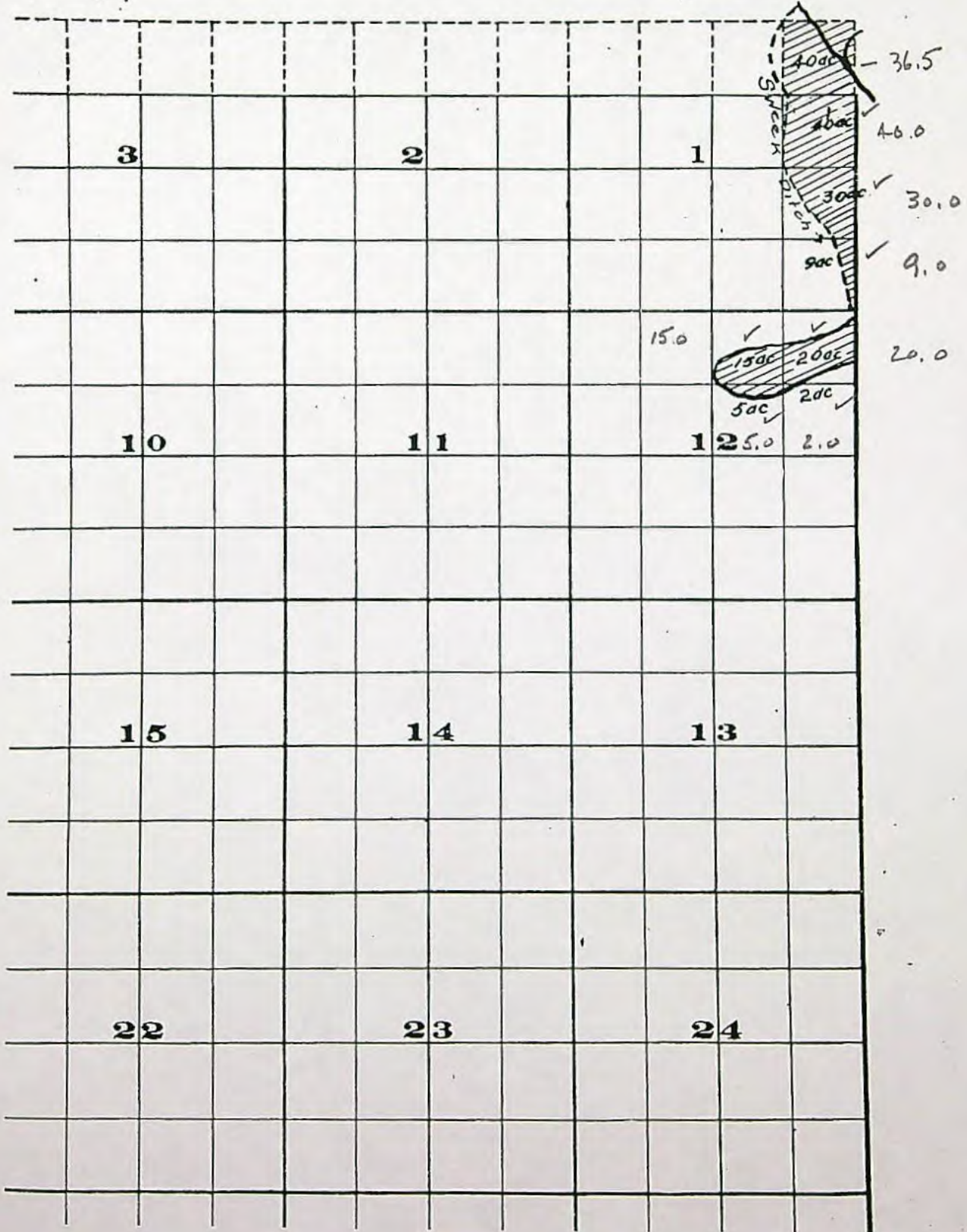
21-5-4

U1

SILVER RIVER ADJUDICATION

Perce on Mandala
2-23-21
Recorded V9 P79 9/40/5
Brown, N. & Sons HARM
P. 140
1906 1.97 cfs
157.5 AC

TWP 23S Range 30E



[illegible]

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

In the Matter of Transfer Application	)	FINAL ORDER APPROVING CHANGE
T-10100, Harney County	)	IN POINT OF APPROPRIATION AND
	)	CHARACTER OF USE

Authority

ORS 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

Burns Paiute Tribe
100 Pasigo Street
Burns, OR 97720

Agent

Paul Young
P.O. Box 1239
Warm Springs, OR 97761

Findings of Fact

Background

1. On February 21, 2006, Burns Paiute Tribe filed a transfer application to change the point of appropriation and character of use under Certificates 20244, 20245, and Silvies decree number 14015. The Department assigned the application number T-10100.
2. On September 4, 2007, Bill Reynolds submitted revised maps and further clarification of the proposed changes.
3. The entirety of the first right to be transferred is as follows:

Certificate: 20244 in the name of U. S. Department of Interior, Office of Indian Affairs
(perfected under Permit U-223)

Use: 25.7 acres

Priority Date: October 20, 1947

Quantity: 0.32 cubic foot per second (cfs)

Rate/Duty: 1/80 cfs per acre, not to exceed 3.0 acre-feet per acre during the irrigation season of each year

Source: A well

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

Authorized Point of Appropriation:

Township	Range	Meridian	Sec	¼ ¼	Lot	Survey Coordinates
23	S	30	E	W.M.	1	NE NE Well #2: 900 feet South and 320 feet West from the NE corner of Section 1

Authorized Place of Use

Township	Range	Meridian	Sec	¼ ¼	Lot	Acres
23	S	30	E	W.M.	1	NE NE 6.2
23	S	30	E	W.M.	1	SE NE 19.5

4. The northeast corner of Section 1 as shown on the Department's 1951 final proof survey of permits U-126 and U-223 is approximately 350 feet south of the corner as established under the official United States public land survey.
5. As a result of the use of a different location for the section corner, Certificate 20244 describes 4.5 more acres than are present when using the official United States public land survey. The authorized place of use described consistent with the official United States public land survey is:

Township	Range	Meridian	Sec	¼ ¼	Lot	Acres
23	S	30	E	W.M.	1	NE NE 0.7
23	S	30	E	W.M.	1	SE NE 20.5

6. The authorized point of diversion described consistent with the official United States public land survey is at:

Township	Range	Meridian	Sec	¼ ¼	Lot	Survey Coordinates
23	S	30	E	W.M.	1	NE NE Well #2: 1250 feet South and 320 feet West from the NE corner of Section 1

7. The rate of appropriation necessary to irrigate 21.2 acres at 1/80th cubic foot per second per acre is a total of 0.26 cubic foot per second.
8. Application T-10100 proposes to move the authorized point of appropriation approximately 0.33 mile from the existing point of appropriation in a southerly direction, within the Harney basin to:

Township	Range	Meridian	Sec	¼ ¼	Lot	Survey Coordinates
23	S	30	E	W.M.	1	NE SE Well #3: 22 feet South and 11 feet West from the E¼ corner of Section 1

9. The portion of the second right to be transferred is as follows:

Decree Number: 14015 in the name of Brown, N. & Sons as tabulated in the inchoate adjudication for the Silvies River, recorded in Volume 9, Page 176.

Use: Irrigation of 21.2 acres
Priority Date: 1906
Quantity: 0.26 CFS
Rate/Duty: 1/80 per acre
Source: Silvies River
Authorized Point of Diversion: Burns Flour Mill Ditch
Authorized Place of Use:

Township	Range	Meridian	Sec	¼ ¼	Lot	Acres
23	S	30	E	W.M.	1	NE NE 1 0.7
23	S	30	E	W.M.	1	SE NE 20.5

10. The location of the Burns Flour Mill Ditch is as follows:

Township	Range	Meridian	Sec	¼ ¼	Ditch
22	S	30	E	W.M.	26 SE NE Burns Flour Mill Ditch

11. Application T-10100 proposes to diminish the character of use of the right described above from Primary Irrigation to Supplemental Irrigation.

12. The third right to be transferred is as follows:

Certificate: 20245 in the name of U. S. Department of Interior, Office of Indian Affairs (perfected under Permit U-126)

Use: Irrigation of 34.0 acres and domestic use

Priority Date: September 23, 1940

Quantity: 0.71 CFS, being 0.43 CFS for irrigation and 0.28 CFS for domestic

Rate/Duty: 1/80 cfs per acre, not to exceed 2.0 acre-feet per acre during the irrigation season of each year

Source: A well

Authorized Point of Appropriation:

Township	Range	Meridian	Sec	¼ ¼	Lot	Survey Coordinates
23	S	30	E	W.M.	1	NW NE 2 Well #1: 560 feet South and 1950 feet West from the NE corner of Section 1

Authorized Place of Use (including domestic use):

Township	Range	Meridian	Sec	¼ ¼	Lot	Acres
23	S	30	E	W.M.	1	NE NE 5 10.5
23	S	30	E	W.M.	1	NE NE 1 14.3
23	S	30	E	W.M.	1	NW NE 2 9.2

13. As a result of the use of a different location for the section corner, the description of the water right in Certificate 20245 is different from the description using the United States public land survey. The authorized place of use described consistent with the official United States public land survey is:

Township	Range	Meridian	Sec	¼ ¼	Lot	Acres
23	S	30	E	W.M.	1	NE NE 5 3.3
23	S	30	E	W.M.	1	NE NE 1 21.5
23	S	30	E	W.M.	1	NW NE 2 9.2

14. The authorized point of diversion described consistent with the official United States public land survey is at:

Township	Range	Meridian	Sec	¼ ¼	Lot	Survey Coordinates
23	S	30	E	W.M.	1	NE NE 1 Well #2: 1250 feet South and 320 feet West from the NE corner of Section 1

15. Application T-10100 proposes to change the type of use of the right to Quasi-Municipal located at:

Township	Range	Meridian	Sec	¼ ¼	Lot
23	S	30	E	W.M.	1
23	S	30	E	W.M.	1
23	S	30	E	W.M.	1

16. Notice of the application for transfer was published on March 14, 2006, pursuant to ORS 540.520 and OAR 690-380-4000.
17. On September 19, 2007, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10100 to the applicant. The applicant requested that the Department proceed with issuance of a Preliminary Determination and provided the necessary information to demonstrate that the applicant is authorized to pursue the transfer.
18. On January 31, 2008, the Department issued a Preliminary Determination proposing to approve Transfer T-10100 and mailed a copy to the applicant. Additionally, notice of the Preliminary Determination for the transfer application was published on the Department's weekly notice on February 5, 2008, and in the Burns Times Herald newspaper on April 16, 23 and 30, 2008, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

Transfer Review Criteria (OAR 690-380-4010)

19. Water has been used within the last five years according to the terms and conditions of the rights, and there is no information in the record that would demonstrate that the rights are subject to forfeiture under ORS 540.610.
20. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing rights is present.
21. The proposed change would not result in enlargement of the rights.

22. The proposed change would not result in injury to other water rights.

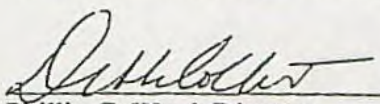
Conclusions of Law

The changes in point of appropriation and character of use proposed in application T-10100 are consistent with the requirements of ORS 537.705 and 540.505 to 540.580, and OAR 690-380-5000.

Now, therefore, it is ORDERED:

1. The changes in point of appropriation and character of use proposed in application T-10100 are approved.
2. Water right certificates 20244 and 20245 are cancelled. The decree number 14105 in the name of Brown, N. & Sons as tabulated in the inchoate adjudication for the Silvies River, recorded in Volume 9, Page 176, is modified.
3. The right to use of the water is restricted to beneficial use at the place of use as re-described, and is subject to all other conditions and limitations contained in Certificates 20244, 20245 and decree number 14015.
4. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
5. The quantity of water diverted at the new point of appropriation shall not exceed the quantity of water lawfully available at the original point of appropriation.
6. When required by the Department, the water user shall install and maintain an in-line flow meter or other suitable device for measuring and recording the quantity of water appropriated. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
7. The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2009**. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.
8. When satisfactory proof of the completed changes is received, new certificates confirming the rights transferred will be issued.

Dated at Salem, Oregon this 3rd day of June, 2008.


R. Phillip C. Ward, Director

Mailing date: JUN 20 2008

PFO TO FO CONVERSION

REVIEW DATE: 6/6/96

INITIALS : JWG

1. Y / N Were comments or protests received in response to the PFO?
2. List names and addresses of **ALL** commentors (regardless of comment date) on the PFO CC list.
3. Verify payment of recording fees (circle the appropriate option)
(1) Issue FO w/permit if fees are paid Prepare refund request for excess fees
(2) Issue FO w/o permit if fees are lacking
(3)
4. Y / N Has the applicant signed an oath of accuracy for the application?
5. Y / N Has ODFW asked for self certification on screening condition?
6. Y / N Is water use prohibited for one or more months of the normal use period?
7. Y / N If #6 = "Y", is short season letter on file?
8. Assign permit numbers to files with oath, fees, and no protests or other unresolved issues

Route to: (circle one)
FO & PERMIT COMMENTS
JERRY/JERMEY DOUG

INITIALS : 

- Once FO document is completed:

14. ☒ Save WordPerfect document in M:\T\FO\WEEK 56 & delete duplicates
15. ☐ Print final draft of document and submit to team leader for review
16. Y / N ☒ Team leader review completed

PFO ACCURACY CHECKLIST

Application #: G-12610

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

Name:
LKS

Laura Swedaker

Date: 3-14-96

Send FOI Draft Permit to:

Burns Paiute Indian Reservation
c/o Bureau of Indian Affairs
Warm Springs Agency
P O Box 1239
Warm Springs OR 97761-1239

COPY CHECK-OFF SHEET FOR PROPOSED FINAL ORDERS

CC: FILE # G-12610

KEN STAHR

WATERMASTER # 10

REGIONAL MANAGER: KENT SEARLES

ODF&W - Harney County: HARNEY COUNTY

CWRE (if agent):

DEO

OTHER STATE AGENCY IF NECESSARY:

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

POWER BUILDER UPDATER; FRONT COUNTER

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

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

U.S. Dept of the Interior, Barbara Scott-Brier, Office of the Solicitor, Pacific
NW Region, 500 NE Multnomah St Suite 607, Portland OR 97232

U.S. Dept of the Interior, Bureau of Indian Affairs, Warm Springs Agency, PO Box
1239, Warm Springs, OR 97761-1239

CASEWORKER : LKS

Free Land

PFO CHECKLIST

V-Z Silvers R.
& Misc.

Application #: 6 12610
Basin: Malheur Lake WAB: _____
Township 23S Range 30E Section 1, 12 1/4 1/4 _____

- ☒ A1. Public Interest Screen Criteria No
- ☒ 1. Is the file complete by the Completeness Checklist? Yes
- ☒ 2. Fees or other shortcomings (items needed before a permit and/or FO can be issued) No
- ☒ 3. Check file for indicators that the process should not continue until a later date (ie - protest, letter to file indicating hold, or other) None
- ☒ 4. A groundwater review has been evaluated for substantial interference with surface water (convert old gw conditions to the 7 series and add to the PFO, if necessary)
- ☒ a. Is second groundwater review necessary? (objection) No evidence
- ☒ b. Is HB 1033 review complete?
- ☒ 5. Is the source withdrawn or limited? - State Engineer, Legislative (ORS 538), etc. No
- ☒ 6. Is the Proposed Use located in or above a Scenic Waterway? No
- ☒ 7. Is the proposed use located in a TMDL Basin? (Tualatin, Yamhill, Pudding) No
- ☒ 8. Is the use allowed or limited by the Basin Program? Allowed
- ☒ 9. If source is groundwater, is the well located in a groundwater limited area? (If applicable, include map with POD) No
- ☒ 10. Water Availability Data has been verified (50% before July 17, 1992; 80% live flow & 50% storage after July 17, 1992)
- ☒ 11. Rate 1/80 Duty 3.0 Irrigation Season March 20 -> Sept 1
- ☒ 12. Period of Allowed Use part supplemental to existing rights
- ☒ 13. Is use from a B.O.R. project and if so, is a signed contract in the file?
- ☒ 14. Division 33 has been addressed - if applicable (Above Bonn after July 17, 1992 & Below Bonn after April 8, 1994 or June 3, 1994)
- ☒ 15. Have conflicts been identified, verified and/or addressed? Some lands - need revised map
- ☒ 16. Is the use Small (≤ 0.1 cfs, ≤ 9.2 AF), Medium (> 0.1 or < 1.5 cfs, > 9.2 or < 100 AF) or Large (≥ 1.5 cfs, ≥ 100 AF)? 1.66 cfs
- ☒ 17. Check TR/IR for permit conditions not included in the Draft Permit attached to the PFO
- ☒ 18. Fill out Accuracy Checklist 133.1 ac $\times$ $1/80 = 1.66$ cfs (= env. requested)
- ☒ 19. Spell Check
- ☒ 20. Documents used in determination are attached and highlighted
- ☒ 21. Fill out PFO CC List (a.k.a. the Check-Off Sheet) - don't forget to check for other property owners.
- ☒ a. Does Ken Stahr need to be on the CC list (Rate, Duty and Period of Allowed Use changes) Yes
- ☒ 22. Final PFO report hard copy check (format, margins, etc.)
- ☒ 23. Final PFO has been saved to m:\t\pfo\done\week#\application #

Name: Laura Swelaker Date: 3-13-96

$$\begin{array}{r}
 \text{Fees} \\
 200 \\
 + 100 \\
 \hline
 300
 \end{array}$$

$$\begin{array}{r}
 + 246 \\
 \hline
 546
 \end{array}$$

paid

$$123.1 \text{ ac} \times 2 = 246.2$$

OREGON WATER RESOURCES DEPARTMENT
ADMINISTRATIVE RULES
CHAPTER 690
DIVISION 512
MALHEUR LAKE BASIN PROGRAM

Minimum Perennial Streamflows

690-512-001

The minimum perennial streamflows listed in Table 1 are hereby adopted or established.

Water Availability

690-512-040

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

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

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

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

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

(a) Instream water rights,

(b) Permits for storage of water between March 1 and May 31 if the application is not required to be referred to the Commission under OAR 690-11-080 (2)(a)(C), or

(c) Permits for use of water legally stored.

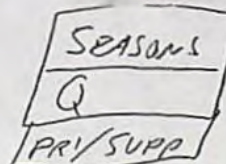
Table 1
Malheur Lake Basin
Minimum Perennial Streamflows
(cfs)

	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Priority Date
Trout Creek at USGS gage 10406500 in Sec. 25, T 39 S, R 36 E.	5	5	5	5	5	5	5	5	5	5	5	5	11/3/83
Willow Creek at Whitehorse Road	3	3	3	3	3	3	3	3	3	3	3	3	11/3/83

IRRIGATION SEASON AS ESTABLISHED BY VARIOUS DECREES FOR STREAMS ADJUDICATED, EAST OF THE CASCADE RIDGE (con't.)

<u>Name</u>	<u>Irrigation Season</u>	<u>Duty</u> <u>CFS/Acre</u>	<u>Limitation</u> <u>Ac. Ft./Acre</u>
Helms Creek	No irrigation involved		
Hood River	April 15 to Oct. 1	1/80	3
Imnaha River	April 1 to Oct. 15	3/80	
John Day River	April 1 to Sept. 30	1/40	5
Johnson Creek	"... when necessary for beneficial use in connection with the irrigation of their respective lands"		
Lost River	March 1 to Sept. 30		2½
Malheur River V. 8 pg 255	"... when necessary for beneficial use in connection with the irrigation of their respective lands"	1/20	3
Middle Branch Mud Creek	Throughout calendar year	1/80	
Mill & Coffeepot	Not fixed	1/40	2½
Mill Creek (Union County)	Variable Mar. 1 to Oct. 1	1/80	
Mill Creek (Wasco County)	April 1 to Oct. 1	1/60	
Mosier Creek	March 1 to Oct. 1	1/60	3
Neal Creek	May 1 to Oct. 1	1/80	3
North Powder River	March 1 to Oct. 1	1/80	2½
Owyhee River	April 1 to Oct. 15	1/60	3
Paulina Lake Creek	Variable Apr. 1 to Dec. 1	1/70	
Pine Creek (Baker County)	April 1 to Oct. 1	1/40	
Pine Creek (Umatilla County)	April 1 to Oct. 1	1/60	3
Powder River	"... when necessary for beneficial use in connection with the irrigation of their respective lands"	Varies 1/20 to 1/40	
Rattlesnake Creek	Not fixed	1/25	3
Rock Creek et al (Catlow Valley)	April 1 to Oct. 1	1/80	3
Silver Creek (Harney County)	March 1 to Aug. 1	1/60 to 4-30 thereafter 1/80	
Silver Creek (Lake County by court)	April 1		
Silvies River	March 20 to Sept. 1	1/80-trib. not in Harney Valley 1/60	2 to 3

LC: Water Rights Technical Staff.



STATE OF OREGON

INTEROFFICE MEMO

WATER RESOURCES DEPARTMENT
NORTHWEST REGION

May 16, 1995

TO: Steve Applegate, ACT, Region Managers, Watermasters
FROM: Tom Paul *TP*
SUBJECT: Irrigation Seasons for New Groundwater Permits

This memo is continuation of discussions dating from 1993. The issues still exist. I would like to final this memo and provide it to WRD staff. For field staff, this should be in the form of a new section to be included in the Enforcement Manual. Please review the discussion regarding irrigation seasons for groundwater and return any comments to me. If you are comfortable with what is written, then I would propose forwarding this to ACT for their consideration.

Watermasters have raised questions regarding how irrigation seasons for groundwater are determined. The questions are prompted as watermasters received and reviewed water right application technical reviews.

I would propose dividing groundwater sources into two different categories:

Groundwater determined not to be hydraulically connected to surface water, and

Groundwater determined to be hydraulically connected to and which has the potential to cause substantial interference with surface water.

This is further complicated by groundwater which is requested to supplement an existing water right.

Technical reviews and resulting water use permits now contain beginning and ending dates for the irrigation season. Irrigation season dates should be consistent within each Basin. I have noticed that technical reviews and resulting groundwater permits in the same basin contain different irrigation seasons. Consistency in assigning irrigation seasons will save watermasters time when regulating water use.

Following is my recommendation for selecting the appropriate irrigation season:

GROUNDWATER DETERMINED NOT TO BE HYDRAULICALLY CONNECTED TO SURFACE

WATER

The irrigation season for all groundwater determined not to be hydraulically connected, should be March 1 through October 31 for primary groundwater use permits.

GROUNDWATER DETERMINED TO BE HYDRAULICALLY CONNECTED TO SURFACE WATER

The irrigation season for groundwater should match that established in the basin program for surface water. An irrigation season of March 1 through October 31 should be used if a season is not identified in the basin program. This only applies if the surface water stream has not been adjudicated.

The irrigation season for groundwater produced in areas which have been adjudicated should match the surface water season established by the courts. In adjudicated areas where the court did not state a season, an irrigation season of March 1 through October 31 should apply.

In all cases where the groundwater is to be a supplemental source, the irrigation season should match the season of the primary water right.

The assigned irrigation season may be more restrictive depending on water availability and public interest determinations.

It is not uncommon to find that the courts, through the adjudication process, established unusual and restrictive seasons based on stream flows and historic surface water availability in the area. In these situations, groundwater water use permits should be issued to allow both primary and supplemental water use. The supplemental season would match that of the right being supplemented and the primary to authorize water use during the water use period not allowed for surface water between March 1 and October 31.

Water right applications requesting to use groundwater outside of the established irrigation seasons should be considered. Permits for out of season use should only be issued if the need is justified and water is available. Groundwater use outside the usual season is to be described as primary, as depicted above.

gwis

Water Right Conditions Tracking Slip

Groundwater/Hydrology Section

FILE ## G-12610

ROUTED TO: Water Rights

TOWNSHIP/

RANGE-SECTION: T23S/R30E -1

CONDITIONS ATTACHED? [☒]yes [☐]no

REMARKS OR FURTHER INSTRUCTIONS:

Recommend current Condition 7B

Reviewer: Michael Zwart

OM: Groundwater/Hydrology Section Meyer
Reviewer's NameBJECT: Application G- 12610

PER THE Halheur Lake Basin rules, one or more of the proposed POA's is within _____ mile of a surface water source and taps a groundwater source hydraulically connected to the surface water.

BASED UPON OAR 690-09 currently in effect, I have determined that the proposed groundwater use

- a. _____ will, or } have the potential for substantial interference with the nearest surface water
b. _____ will not } source, namely Silvies River; or
c. ☒ will, if properly conditioned, adequately protect the surface water from interference:
i. ☒ The permit should contain condition #(s) 4A;
ii. _____ The permit should contain special condition(s) as indicated in "Remarks" below;
iii. _____ The permit should be conditioned as indicated in item 4 below; or
d. _____ will, with well reconstruction, adequately protect the surface water from substantial interference.

BASED UPON available data, I have determined that groundwater for the proposed use

- a. ☒ will, or }
b. _____ will not } likely be available in the amounts requested without injury to prior rights; or
c. _____ can, if properly conditioned, avoid injury to existing rights or to the groundwater resource;
i. _____ The permit should contain condition #(s) _____;
ii. _____ The permit should contain special condition(s) as indicated in "Remarks" below;
iii. _____ The permit should be conditioned as indicated in item 4 below.

- a. _____ THE PERMIT should allow groundwater production from no deeper than _____ ft. below land surface;
b. _____ The permit should allow groundwater production from no shallower than _____ ft. below land surface;
c. _____ The permit should allow groundwater production only from the _____ groundwater reservoir between approximately _____ ft. and _____ ft. below land surface;
d. _____ Well reconstruction is necessary to accomplish one or more of the above conditions.
e. _____ One or more POA's commingle 2 or more sources of water. The applicant must select one source of water per POA and specify the proportion of water to be produced from each source.

REMARKS: _____

LL CONSTRUCTION (If more than one well doesn't meet standards, attach an additional sheet.)

THE WELL which is the point of appropriation for this application 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) _____

THE WELL construction deficiency:

- a. ☐ constitutes a health threat under Division 200 rules;
- b. ☐ commingles water from more than one groundwater reservoir;
- c. ☐ permits the loss of artesian head;
- d. ☐ permits the de-watering of one or more groundwater reservoirs;
- e. ☐ other: (specify) _____

THE WELL construction deficiency is described as follows: _____

THE WELL a. ☐ was, or } constructed according to the standards in effect at the time of
b. ☐ was not } original construction or most recent modification.
c. ☐ I don't know if it met standards at the time of construction.

RECOMMENDATION:

- 1. ☐ I recommend including the following condition in the permit:
"No water may be appropriated under terms of this permit until the well(s) has been repaired to conform to current well construction standards and proof of such repair is filed with the Enforcement Section of the Water Resources Department."
- 2. ☐ I recommend withholding issuance of the permit until evidence of well reconstruction is filed with the Enforcement Section of the Water Resources Department.
- 3. ☐ REFER this review to Enforcement Section for concurrence.

THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL

concur in G/H's recommendation A or B above relating to conditioning or withholding the permit.

_____, 1991.

(Signature)

I do not concur in G/H's recommendation A or B above relating to conditioning or withholding the permit for the following reasons: _____

_____, 1991.

(Signature)

(WRFORM8\91)

WATER AVAILABILITY REPORT-SURFACE WATER APPLICATION

Name of Applicant Burns Painted Indian Res. Application Number G-12610

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

Yes X No _____

If yes, please explain.

Silvies River is within 3/8 mile of this well and is regulated every year.

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

Yes _____ No X

If yes, please explain.

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

Yes X No _____

If yes, what are your observations for the stream.

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

Yes X No _____ Don't Know _____

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

I have personal knowledge of this well and it has been doing the job. The Indians didn't think they needed a Water Right until I enforced the law last year.

5. Any other recommendations you would like to make?

Only normal interference conditions

Signature William H. Beal WM District # 10 Date 1-13-92

M: Groundwater/Hydrology Section

Meyer
Reviewer's Name

JECT: Application G- 12610

PER THE Malheur Lake Basin rules, one or more of the proposed POA's is within _____ mile of a surface water source and taps a groundwater source hydraulically connected to the surface water.

N/A

BASED UPON OAR 690-09 currently in effect, I have determined that the proposed groundwater use

- a. _____ will, or } have the potential for substantial interference with the nearest surface water
b. _____ will not } source, namely Silvies River; or
c. ☒ will, if properly conditioned, adequately protect the surface water from interference:
i. ☒ The permit should contain condition #(s) 4A;
ii. _____ The permit should contain special condition(s) as indicated in "Remarks" below;
iii. _____ The permit should be conditioned as indicated in item 4 below; or
d. _____ will, with well reconstruction, adequately protect the surface water from substantial interference.

BASED UPON available data, I have determined that groundwater for the proposed use

- a. ☒ will, or }
b. ☒ will not } likely be available in the amounts requested without injury to prior rights; or
c. _____ can, if properly conditioned, avoid injury to existing rights or to the groundwater resource;
i. _____ The permit should contain condition #(s) _____;
ii. _____ The permit should contain special condition(s) as indicated in "Remarks" below;
iii. _____ The permit should be conditioned as indicated in item 4 below.

- a. _____ THE PERMIT should allow groundwater production from no deeper than _____ ft. below land surface;
b. _____ The permit should allow groundwater production from no shallower than _____ ft. below land surface;
c. _____ The permit should allow groundwater production only from the _____ groundwater reservoir between approximately _____ ft. and _____ ft. below land surface;
d. _____ Well reconstruction is necessary to accomplish one or more of the above conditions.
e. _____ One or more POA's commingle 2 or more sources of water. The applicant must select one source of water per POA and specify the proportion of water to be produced from each source.

6-12610-9
REMARKS:

STATE OF OREGON
WATER RESOURCES DEPARTMENT

INTEROFFICE MEMO

TO: FILE G-12

DATE: 9/11 -91

FROM: SARAH C MEYER

SUBJECT: SURFACE/GROUND WATER CONSIDERATIONS

The applicant seeks 1.66 cfs from a well for irrigation of 133.1 acres in Silvies River Basin
Per Division 9 747 gpm

T23S/R30E Sec 1

FACTS

The well locations and aquifer display the following: 2000'

- 1) The well is located 1800' from Silvies River
- 2) The well is 242' deep and develops water from layers.
The well log is in the file.
- 3) The static water level for the well from the log was feet on
- 4) The approximate elevation at the well is 4160 feet.
- 5) The nearby stream reach elevation is about 4130 feet. 3 30'
- 6) WSP #16 describes groundwater conditions in the area of the application.
- 7) A pump test on the well produced gpm with feet of drawdown after hours.

CONCLUSIONS

- 1) The head at the well is about , indicating a standing than the nearby stream reach.
- 2) The well develops water from Rock
- 3) Based on requested rate, heads, distances, general geologic environment and logged materials, I conclude that the alluvial aquifer is confined, hydraulically connected to the above mentioned river and the potential to cause substantial interference.

no well log

> 1/4 mile
747 gpm

Water Right Conditions
Tracking Slip

Groundwater/Hydrology Section

FILE ## G-12610

ROUTED TO: Water Rights

TOWNSHIP/

RANGE-SECTION: T23S/R30E-1

CONDITIONS ATTACHED? ☒ yes ☐ no

REMARKS OR FURTHER INSTRUCTIONS:

Recommend current Condition 7B

Reviewer: Michael Zwart

COMPLETENESS DETERMINATION CHECKLIST

Application #	Review Date	Reviewer
G - 12610	8/13/95	MC

no phone contact

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

1. Examination fees (and recording fees, if for PFO/FO). *one recording fee of \$1.80*
2. Name and address of the applicant, and title if applicable.
3. Source of water.
4. Use of water.
5. Amount of water.
6. Description of delivery system.
7. A statement of whether the applicant has written authorization or easements permitting access to lands owned by others.
8. Name(s) and address(es) of the owners of any lands involved, but not owned by the applicant.
9. Proposed dates of beginning and completion of construction, and complete application of water.
10. If for **municipal use**, the present population to be served and expected future water requirements.
11. If for **mining use**, the type of mines and methods of supplying & utilizing the water.
12. If for a **reservoir**:
 - a. The height of the dam.
 - b. The storage capacity.
 - c. The area submerged.
 - d. The maximum depth.
 - e. The construction method (earthfill, concrete, flashboard, etc.).
 - f. A description of the outlet conduit.
 - g. A description of the spillway.
13. If for **groundwater**, the horizontal distance from the well to the nearest surface water source (if within one mile), and the difference in land surface elevation between them.
14. If the application was made under **HB 2107**:
 - a. Name and address of each adjacent property owner and verification that each owner has been mailed a copy of the completed notice.
 - b. A description of the proposed water used and related project, the condition it will address, and the benefits that are expected to result from the project.
 - c. The number of reservoirs per application is appropriate as per OAR 690-11-049 (3)(b)
15. An oath that the application information is true and correct.
16. The signature of the applicant(s).
17. A satisfactory map of the proposed POD & POU.
18. A Land Use Information Form or receipt. *Indian Res.*
19. A legal description of the property where water will be used.

August 31, 1995

BURNS PAIUTE INDIAN RESERVATION
HC 71 100 PASIGO ST
BURNS OREGON 97720

RE: Application File # G-12610

Dear Burns Paiute Indian Reservation,

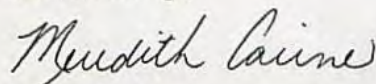
The Water Resources Department is currently reviewing your application for water use. Preliminary review indicates the following items were not included with your application:

- ▶ Recording fees in the amount of \$1.80.
- ▶ An oath that the information in the application is true and accurate. Please sign and return the enclosed oath.
- ▶ A legal (metes and bounds) description of the property where water is to be used.

In order to expedite the processing of your application, we request that you submit these items by September 14, 1995. I have enclosed a stamped envelope for your use.

Should you have any questions regarding your application or the required materials listed above, please call me personally at 1-800-624-3199 extension 327.

Sincerely,



Meredith Carine
Completeness Team

Enclosures



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

TECHNICAL REVIEW CHECKLIST

1. Application: 6-135246 12610
2. Review Date: 9 7 94 ① M. H. Ka

S indicates information was completed or adequately addressed.

U indicates information is needed, or incomplete, or inadequately addressed

N/A indicates Not Applicable

SUMMARY	
<u>✓</u>	Land Use
<u>NA/yes/no</u>	Substantial SW interference w/GW (if yes, see results of surface water availability analysis)
<u>✓</u>	Conflicts
<u>✓</u>	Water Availability (_____) (Water Availability Sub-basin)
<u>✓</u>	The application, map and supporting data are complete and free of defects.
<u>yes NA</u>	A TMDL letter has been received for this source or tributary. If yes, the period of use has been adjusted.

3. ✓ The applicant has certified that the information provided in the application is an accurate representation of the proposed use and is true and correct to the best of their knowledge.

4. ✓ No oath is required because application was filed before June 5, 1992.

5. ✓ Application fees:

Examination fee:	\$ 200
Recording fee:	\$ 348
TOTAL REQUIRED	\$ 548 ✓
TOTAL SUBMITTED	\$ 546.20
AMOUNT DUE prior to issuance of permit	\$ 1080
AMOUNT OVERPAID	\$
refund due applicant	\$

1344 = 348

6. S Proposed dates of beginning and completion of construction, and complete application of water.
7. S A satisfactory map of the proposed place of water use prepared by a certified water right examiner, unless exempt under OAR 690-14-150(3). (A CWRE map is not required for applications filed before November 9, 1987.)
8. V A written copy of the legal description of the property on which the water is to be used.
9. NA A copy of written authorization, contract or easement permitting access to the land or reservoir not owned by the applicant.
10. NA No statement of ownership was required for applications filed before August, 1990.
11. S The proposed use is not restricted or prohibited by statute.
12. S The source of water is not withdrawn from appropriation by order of the State Engineer or Water Resources Commission, or legislatively withdrawn under ORS Chapter 538.
13. S IRRIGATION use(s) is/are classified uses(s) under the MALHEUR Basin Program, OAR 690 - 510-00!

Land Use Compatibility:

14. As expressed by the Planning Department of _____
15. V The land uses to be served by proposed water uses (including proposed construction) are allowed or are not regulated by the local comprehensive plan (ordinance section _____).
16. / The land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals which have been obtained.
17. / The local government was notified, and sent no comment pursuant to the rules at the time; land use was presumed in compliance per such statement printed on the application.

For reservoir applications:

18. / Plans, specifications and supporting information for the dam and impoundment area.

COPY CHECK-OFF SHEET FOR TECHNICAL REVIEWS

CC: FILE #

G 12610

WATERWATCH

ODF&W - County:

HARNEY

WATERMASTER #:

10

REGIONAL MANAGER:

East

CWRE:

Charles Palmer

DEQ

OREGON ASSOCIATION OF NURSERYMEN INC.

KEN STAHR

OTHER ADDRESSES:

CASEWORKER (initials/date)

D Miller

ORIGINAL TO APPLICANT 6/28/94

TR sent 94

FILE G-12610 - BURNS PAIUTE INDIAN RESERVATION

SEE FILE MEMO

No action on file since April 2000

NEED MAP - THEN PROCEED

APP.
G-12610 OUT TO RUSS.

BIA. Burns Paiute Tribe
CALL. ROBERT FENION - BIA
503-231-6927

MEETING ON 2/24/03

Platcard Report

Township 23S Range 30E Section 1 of (1, 12)

	App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot	NE				NW				SW				SE			
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
i	U134 09/23/1940	U126 20245		lot: 2		DO														
	09/23/1940			lot: 5	DO															
	09/23/1940			lot: 1	14.3 IR															
	09/23/1940			lot: 2			9.2 IR													
	09/23/1940			lot: 5	10.5 IR															
i	U251 10/20/1947	U223 20244						19.5 IR												
	10/20/1947			lot: 1	6.2 IR															

Page: [First](#) [Previous](#) [1](#) [2](#)

[Return to Platcard Query Screen](#)

Paul R. Cleary, Director

Oregon Water Resources Department • 158 12th ST. NE • Salem, OR 97310 • Phone: (503)378-8455 • Fax: (503)378-2496

Run Time: 2 seconds

Platcard Report

Township 23S Range 30E Section 1 of (1, 12)

App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot	NE				NW				SW				SE			
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
12/31/1906	-	Silvies River, 1926	B7	36.5 IR			40.0 IR									30.0 IR			9.0 IR
12/31/1901	-	Silvies River, 1926	lot: 1	3.5 IR															
12/31/1901			lot: 2		8.5 IR														
12/31/1901			lot: 3					9.7 IR											
12/31/1901			lot: 4						5.0 IR										
G6685 10/09/1974	G6090 61061											MU	MU	MU	MU	MU	MU	MU	MU
G8971 10/16/1978	G8453 62213											MU	MU	MU	MU	MU	MU	MU	MU
G10578 04/11/1983	G10048 -				2.0 IS (s)			5.0 IS (s)											
G12610 07/15/1991	-			1.4 IR	0.7 IR	7.1 IR	39.8 IR									28.8 IR			29.0 IR
U134 09/23/1940	U126 20245		lot: 1	DO															

Page:1 [2](#) [Next](#) [Last](#)

[Return to Platcard Query Screen](#)

Paul R. Cleary, Director

Oregon Water Resources Department • 158 12th ST. NE • Salem, OR 97310 • Phone: (503)378-8455 • Fax: (503)378-2496

Run Time: 3 seconds

Platcard Report

Township 23S Range 30E Section 12 of (1, 12)

	App# Priority	Permit/ Certificate	Claim/ Decree	Status dlc/lot	NE				NW				SW				SE			
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
i	12/31/1906	-	Silvies River, 1926	B7	20.0 IR	15.0 IR	5.0 IR	2.0 IR												
i	G1490 06/01/1959	G1417 32175			MU	MU	MU	MU									MU	MU	MU	MU
i	G6685 10/09/1974	G6090 61061			MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU
i	G8971 10/16/1978	G8453 62213			MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU
i	G12610 07/15/1991	-			13.9 IR	12.4 IR														

Page:1

[Return to Platcard Query Screen](#)

Paul R. Cleary, Director

Oregon Water Resources Department • 158 12th ST. NE • Salem, OR 97310 • Phone: (503)378-8455 • Fax: (503)378-2496

Run Time: 2 seconds

OREGON WATER RESOURCES PLAT CARD: Township 23.00 S Range 30.00 E SECTION 1

3/13/1988

APP. NO. / PERMIT NO.	CERT NO.	GOV'T LOT DLC	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
G 12610 0	0 V			0.70 (1R)														
G 12610 0	0 V				7.10 (1R)													
G 12610 0	0 V		1.40 (1R)															
G 12610 0	0 V																	29.00 (1R)
G 12610 0	0 V													28.80 (1R)				
G 12610 0	0 V					39.80 (1R)												

Subj.
appl.

OREGON WATER RESOURCES PLAT CARD: Township 23.00 S Range 30.00 E SECTION 12

3/13/1996

APP. NO. / PERMIT NO.	CERT NO.	GOV'T LOT DLC	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
G 12610 0	0 V		13.90 (IR)															
G 12610 0	0 V			12.40 (IR)														

Subj
app

U.S. Office
of Indian
Affairs

OREGON WATER RESOURCES PLAT CARD: Township 23.00 S Range 30.00 E SECTION 1

3/13/1996

APP. NO. / PERMIT NO.	CERT NO.	GOV'T LOT DLC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
yes DN 914015	0 V		35.50 (1R)			40.00 (1R)									30.00 (1R)			9.00 (1R)
DN 914117	0 V	LOT 3				9.70 (1R)												
		LOT 1	3.50 (1R)															
		LOT 4						5.00 (1R)										
		LOT 2		8.50 (1R)														
G 5035	44593 V					40.00 (1R) (S)	40.00 (1R) (S)											
G 4745																		
G 5585	51051 V										(MU)	(MU)	(MU)	(MU)	(MU)	(MU)	(MU)	(MU)
G 5090																		
G 8971	52213 V										(MU)	(MU)	(MU)	(MU)	(MU)	(MU)	(MU)	(MU)
G 8453																		
G 10578	0 V			2.00 (1R) (S)		5.00 (1R) (S)												
G 10048																		

Decree

ncr

?

yes

U	244	20245 V	LOT 1	14.20															
U	128			(10)															
			LOT 2	9.20															
				(10)															
			LOT 5	10.50															
				(10)															
U	251	20244 V		5.20				19.50											
U	223			(1R)				(1R)											

OREGON WATER RESOURCES PLAT CARD: Township 23.00 S Range 30.00 E SECTION 12

3/13/1996

APP. NO. / PERMIT NO.	CERT NO.	GOV'T LOT DLC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
DN 914015	Decree	V	20.00 (1R)	15.00 (1R)	5.00 (1R)	2.00 (1R)												
G 1490	32175	V	(MU)	(MU)	(MU)	(MU)									(MU)	(MU)	(MU)	(MU)
G 1417																		
G 6685	61061	V	(MU)	---														
G 6090																		
G 8971	62213	V	(MU)	---														
G 8453																		

yes



United States Department of the Interior

Bureau of Indian Affairs

Warm Springs Agency
P.O. Box 1239
Warm Springs, OR 97761



In Reply Refer to:
Burns Paiute Water rights application G-12610

October 16, 2008

Jeana Eastman
Water Resources Department
North Mall Office Building
725 Summer ST NE, Suite A
Salem, OR 97301-1271

Dear Mrs Eastman:

We are asking the Oregon Water Resources Department to issue a water right G-12610. We are satisfied with the priority date of 1991 based on several issues that were addressed by your Department. There is only one well in the area with a priority date between 1974 and 1991. Secondly, the geology and the presence of the Silvies River would preclude regulation of ground water in this area.

Call Bill Reynolds should you need assistance at 541-553-2422 (office) or 541-980-3038 (cell).

Sincerely,

ACTING Superintendent

5 ATTACHMENTS:

CC: Gerald Henrikson, Northwest Regional Office
Land Ops Chrono: WAR/war:10/16/08 X2422

RECEIVED

OCT 17 2008

WATER RESOURCES DEPT
SALEM, OREGON

AFFIDAVIT FOR THE PARTIAL DIMINUTION OF A
WATER RIGHT CERTIFICATE

State of Oregon)
) ss
County of Wasco)

I/We (or authorized agent), Bureau of Indian Affairs,
residing at P.O. Box 1239 Warm Springs, OR 97761,
telephone number (541)553-2437, being first duly sworn depose and say:

1. I/We are the legal owner(s) of the property described as tax lot number _____, within the _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, Section 1 & 12, Township 23 NS, Range 30 EW, of the Willamette Meridian, in Harney County, Oregon, as shown on the attached map and described in the attached deed and legal description and made part of this affidavit;
2. A portion of water right certificate number degree Silvie's River Vol#19-P79 issued to Brown & Sons, with a date of priority of 12-31 1906 for use of 0.76 cubic foot per second of water from Burns Flour Ditch (sources) for the purpose of Irrigation (uses) is appurtenant to my/our property;
3. I/We have obtained a better (e.g., better, more economical) source of water for the primary irrigation of the portion of this water right shown on the attached map and described as follows:
The right to the use of 0.76 cubic foot per second from Well #3 (see G12610) for the irrigation of 60.8 acres located:

NE1/4 NE1/4	3.1 acres	NE $\frac{1}{4}$ NE $\frac{1}{4}$	0.8 Acres	SE1/4 SE1/4	9.0 acres
NW1/4 NE1/4	3/0 acres	SE $\frac{1}{4}$ NE $\frac{1}{4}$	20.3 Acres		
Section 12		NE $\frac{1}{4}$ SE $\frac{1}{4}$	24.6 Acres		

Section 1
Township 23 NS Range 30 EW, WM;
4. I/we request the water right be diminished from a right for primary irrigation to a right for supplemental irrigation of the lands described above in item #3;
5. The appurtenant water right is is not located within the boundaries of an irrigation, drainage, water improvement, or water control district, or federal reclamation project (if the right is located within a district or reclamation project, name it here: _____); and

RECEIVED

OCT 17 2008

WATER RESOURCES DEPT
SALEM, OREGON

AFFIDAVIT FOR THE PARTIAL DIMINUTION OF A
WATER RIGHT CERTIFICATE
(CONTINUED)

6. I/We agree that if this change is approved, it is permanent and the right to the use of water from
Well #3 (source) cannot be changed back to the primary source
unless otherwise provided by law. I/We also agree that so long as there is sufficient water available from the
new primary source, I am/we are not entitled to use any water from
Burns Flour Mill Ditch (source) for primary irrigation of these lands.

Paul W. Gandy

Signature of legal owner as listed on deed, or authorized agent

8/12/2008

Date

Signature of legal co-owner as listed on deed
(if applicable)

Date

Subscribed and Sworn to Before Me this 12th day of August, 2008.



Margaret F. Switzler
Notary Public for Oregon
Margaret F. Switzler

My Commission Expires April 3, 2012

RECEIVED

OCT 17 2008

**WATER RESOURCES DEPT
SALEM, OREGON**

PLEASE ATTACH A LEGIBLE COPY OF : 1) A DEED WHICH LISTS LAND OWNERS AND INCLUDES A LEGAL DESCRIPTION OF AFFECTED LANDS, AND 2) AN ADJUDICATION MAP, WATER RIGHT FINAL PROOF MAP, OR A TAX LOT MAP WITH THE PORTION OF THE WATER RIGHT AND/OR LANDS TO BE DIMINISHED CLEARLY DRAWN AND IDENTIFIED. IF ACTING AS AN AUTHORIZED AGENT, INCLUDE COPY OF POWER OF ATTORNEY OR OTHER DOCUMENTS GRANTING AUTHORITY TO ACT ON BEHALF OF LEGAL OWNER(S).



Public Law 92-488
92nd Congress, H. R. 6318
October 13, 1972

An Act

86 STAT. 806

To declare that certain federally owned lands shall be held by the United States in trust for the Burns Indian Colony, Oregon, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to valid existing rights, all of the right, title, and interest of the United States in approximately seven hundred and sixty-two acres of land, and the improvements thereon, located in sections 1 and 12, township 23 south, range 30 east, Willamette meridian, Oregon, that were acquired under title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 200), the Emergency Relief Appropriation Act of April 8, 1935 (49 Stat. 115), and section 55 of the Act of August 24, 1935 (49 Stat. 750, 781), and that are now administered by the Secretary of the Interior for the benefit of the Burns Indian Colony, Oregon, are hereby declared to be held by the United States in trust for said colony, and to be an Indian reservation for the use and benefit of said colony.

Burns Indian
Colony, Oreg.
Lands in trust.

40 USC 401-411
note.

15 USC 724-728
note.

SEC. 2. Subject to valid existing rights, there shall also be held in trust for such Burns Indian Colony and added to the reservation established by section 1 of this Act, that certain parcel of land consisting of ten acres, described as the northwest quarter northwest quarter northwest quarter, section 13, township 23 south, range 30 east, Willamette meridian, Harney County, Oregon, which was conveyed on March 2, 1928, by warranty deed from the Egan Land Company, an Oregon corporation, to the United States of America, and which property has been used and occupied since purchase as a permanent camp or place of residence for the Burns Indian Colony of Harney County.

SEC. 3. The property subject to this Act shall be administered in accordance with the laws and regulations applicable to Indian tribal property.

Administration.

SEC. 4. Section 1 of the Act of August 9, 1955 (69 Stat. 539), as amended, is hereby further amended by inserting after "the Fort Mojave Reservation" the words "the Burns Paiute Reservation,".

Ante, p. 783.

SEC. 5. The Indian Claims Commission is directed to determine in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the beneficial interest conveyed by this Act should or should not be set off against any claim against the United States determined by the Commission.

Claims offset
against U.S.
25 USC 70a.

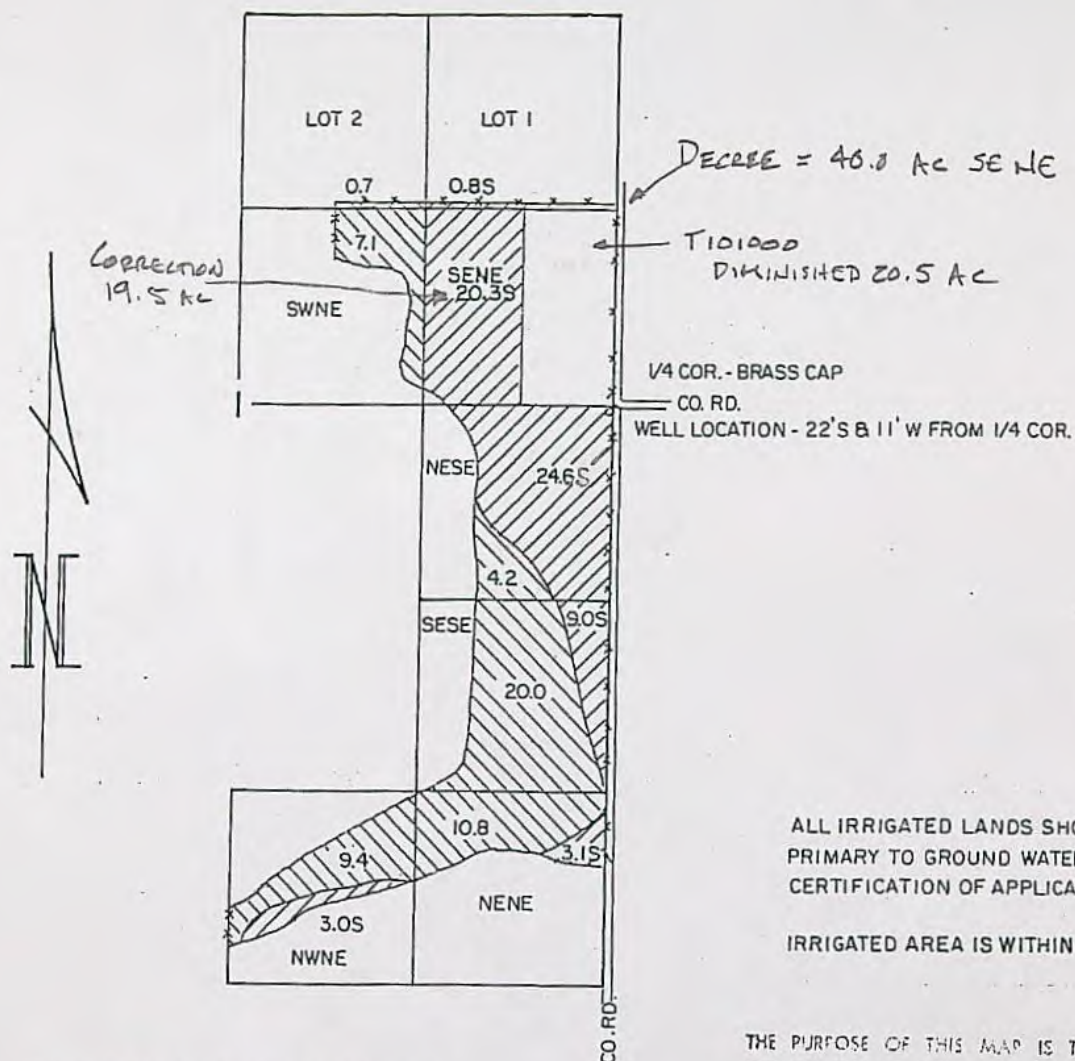
Approved October 13, 1972.

RECEIVED

OCT 17 2008

WATER RESOURCES DEPT
SALEM, OREGON

T 23 S, R 30 E, WM



REVISED MAY 2008 - ADDED 5.6 AC. IN THE NESE, SEC. 1

12

REVISED AUG. 2005 - SEE CERT. 20244 AND A PENDING TRANSFER APPLICATION.

ALL IRRIGATED LANDS SHOWN ARE TO BE PRIMARY TO GROUND WATER SOURCE UPON CERTIFICATION OF APPLICATION G-12610.

IRRIGATED AREA IS WITHIN T.L. 100.

THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF PROPERTY OWNERSHIP.

RECEIVED

OCT 17 2008

WATER RESOURCES DEPT
SALEM, OREGON

BURNS PAIUTE INDIAN RESERVATION

WATER RIGHT APPLICATION MAP



Scale: 4" = 1 MILE

Date: NOV. 20, 1997

Job: 1323-8

Dsn:

Drn: CHRIS

Ckd:

MAP's

M. A. PALMER & SONS, INC.
ENGINEERING & SURVEYING
254 N. Alder - Box 61
Burns, Oregon 97720

Sht. No.

of 1

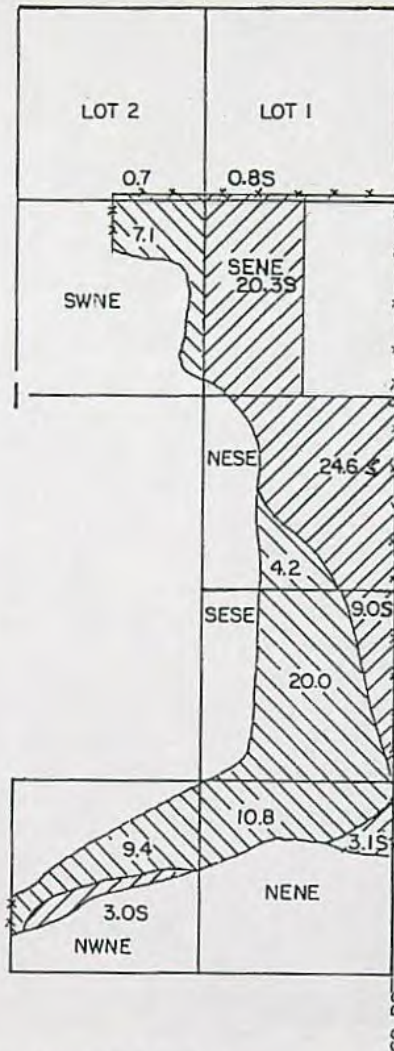
NEW 1-1-2009

T 23 S, R 30 E, WM

RECEIVED

JUL 03 2008

WATER RESOURCES DEPT
SALEM, OREGON



1/4 COR. - BRASS CAP
CO. RD.
WELL LOCATION - 22'S & 11' W FROM 1/4 COR.

ALL IRRIGATED LANDS SHOWN ARE TO BE
PRIMARY TO GROUND WATER SOURCE UPON
CERTIFICATION OF APPLICATION G-12610.

IRRIGATED AREA IS WITHIN T.L. 100.

THE PURPOSE OF THIS MAP IS TO
IDENTIFY THE LOCATION OF THE
WATER RIGHT IT IS NOT INTENDED
TO PROVIDE INFORMATION RELATIVE
TO THE LOCATION OF PROPERTY
OWNERSHIP.

REVISED MAY 2008-ADDED 5.6 AC. IN THE
NESE, SEC. 1

12

REVISED AUG. 2005-SEE CERT. 20244 AND A
PENDING TRANSFER APPLICATION.

BURNS PAIUTE INDIAN RESERVATION

WATER RIGHT APPLICATION MAP

Scale: 4" = 1 MILE

Date: NOV. 20, 1997

Job: 1323-B

Dsn:

Drn: CHRIS

Ckd:

M.A.P.'s

M. A. PALMER & SONS, INC.
ENGINEERING & SURVEYING
254 N. Alder - Box 61
Burns, Oregon 97720

Sht. No.

of 1



RENEW 1-1-2009



Public Law 92-488
92nd Congress, H. R. 6318
October 13, 1972

An Act

86 STAT. 806

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Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to valid existing rights, all of the right, title, and interest of the United States in approximately ~~seven hundred and sixty-two acres of land~~, and the improvements thereon, located in sections 1 and 12, township 23 south, range 30 east, Willamette meridian, Oregon, that were acquired under title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 200), the Emergency Relief Appropriation Act of April 8, 1935 (49 Stat. 115), and section 55 of the Act of August 24, 1935 (49 Stat. 750, 781), and that are now administered by the Secretary of the Interior for the benefit of the Burns Indian Colony, Oregon, are hereby ~~declared to be held by the United States in trust for said colony, and to be an Indian reservation for the use and benefit of said colony.~~

Burns Indian
Colony, Oreg.
Lands in trust.

40 USC 401-411
note.
15 USC 724-728
note.

SEC. 2. Subject to valid existing rights, there shall also be held in trust for such Burns Indian Colony and ~~added to the reservation~~ established by section 1 of this Act, that ~~certain parcel of land consisting of ten acres, described as the northwest quarter northwest quarter northwest quarter, section 18, township 23 south, range 30 east, Willamette meridian, Harney County, Oregon,~~ which was conveyed on March 2, 1928, by warranty deed from the Egan Land Company, an Oregon corporation, to the United States of America, and which property has been used and occupied since purchase as a permanent camp or place of residence for the Burns Indian Colony of Harney County.

SEC. 3. The property subject to this Act shall be administered in accordance with the laws and regulations applicable to Indian tribal property.

Administration.

SEC. 4. Section 1 of the Act of August 9, 1955 (69 Stat. 539), as amended, is hereby further amended by inserting after "the Fort Mojave Reservation" the words "the Burns Paiute Reservation".

Ante, p. 788.

SEC. 5. The Indian Claims Commission is directed to determine in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the beneficial interest conveyed by this Act should or should not be set off against any claim against the United States determined by the Commission.

Claims offset
against U.S.
25 USC 70a.

Approved October 13, 1972.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 92-1370 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 92-1257 (Comm. on Interior and Insular Affairs).
CONGRESSIONAL RECORD, Vol. 118 (1972):
Sept. 19, considered and passed House.
Oct. 4, considered and passed Senate.

cc: Warm Springs Agency 2/21/73

021

2013

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JUL 03 2008

WATER RESOURCES
SALEM, OREGON

PAGE: 1
REQUESTOR: LFOX

----- OWNER -----		--- DOCUMENT ---		NAME IN WHICH ACQUIRED		FRACTION TRACT	AGGREGATE SHARE	AGGREGATE
TRB	NUM/DOB	TYP	OT	INT	CLS TYP	NUMBER	SURNAME / FIRST NAME	AS ACQUIRED
								CONVERTED TO LCD
								DECIMAL
144	T144-30	T	T	A	06	170	BURNS PAIUTE TRIBE	1
								1
								1
								1.0000000000
								IN TRUST:
								1
								1 1.0000000000
								IN FEE:
								0
								1 .0000000000
								TOTAL:
								1
								1 1.0000000000

DATE: 6/25/2008
TIME: 17:25:42 CST

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
TITLE STATUS REPORT
TITLE INTERESTS HELD IN FEE OR TRUST

PAGE: 2
REQUESTOR: LFOX

-----TRACT ID-----

LAND

AREA	PFX	NUMBER	SFX	TITLE PLANT	LAND AREA NAME	RESOURCES	-----DATE OF LAST----- CERTIFICATION/VERIFICATION
144	T	1002	-A	PORTLAND	BURNS-PAIUTE	Both	9/28/2004

TITLE IS SUBJECT TO THE FOLLOWING ENCUMBRANCES AND NOTES:

NO TRACT NOTES FOUND

NO REALTY DOCUMENTS FOUND

NATURE OF ENCUMBRANCE	ENCUMBRANCE HOLDER	EXPIRATION	----- DOCUMENT -----			DESCRIPTION / EXPLANATION
		DATE	CLS	TYP	NUMBER	
LEASE/CONTRACT	BURNS PAIUTE LAW ENFORCEMENT		23	BS	567	
RIGHTS OF WAY	HARNEY COUNTY, OREGON	PERPETUAL	13	HW	166	R/W FOR ROAD, 80 FEET IN WIDTH, ACROSS LOT 2 SEC.1T.23S R.30E, APPROVED 3-23-66, PURSUANT TO THE ACT OF 2-5-48 (62 STAT. 18).
RIGHTS OF WAY	HARNEY COUNTY, OREGON	PERPETUAL	13	HW	169	R/W FOR ROAD, VARIABLE INWIDTH, ACROSS LOT 1-3 & 5SEC.1 T.23S R.30E, APPROVED 10-12-70, PURSUANT TO THE ACT OF 2-5-48 (62 STAT. 17).
CERTIFICATE OF SURVEY	BUREAU OF LAND MANAGEMENT UNITED STATES DEPARTMENT OF THE INTERIOR		14		205	BLM DEPENDENT RESURVEY APPROVED MAY 8, 1978. CHANGES THE LEGAL DESCRIPTION AND/OR ACREAGE OF SUBJECT PROPERTY. SEE DOCUMENT FOR PARTICULARS.
TIMBER LEASE	BURNS PAIUTE FROZEN FOOD	09/30/2012	23	BS	393	LEASE IN PORTION OF LOT 3 OF SEC. 1, T.23S., R.30E., DESCRIBED BY M&B, CONTAINING 2 ACRES, MORE OR LESS FOR 25 YRS BEGINNING ON 10/1/1987, APPROVED 10/9/1987.
BUSINESS LEASE	BURNS PAIUTE FROZEN FOOD	09/30/2012	23	BS	393	LEASE IN LOT 3 SEC.1 T.23S R.30E, DESCRIBED BYM/B, CONTAINING 1.94 ACRES, MORE OR LESS, FOR 25 YEARS BEGINNING ON 10-1-87, APPROVED 10-9-87

DATE: 6/25/2008
TIME: 17:25:45 CST

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
TITLE STATUS REPORT
TITLE INTERESTS HELD IN FEE OR TRUST

PAGE: 3
REQUESTOR: LFOX

-----TRACT ID-----

LAND

-----DATE OF LAST-----

AREA	PFX	NUMBER	SFX	TITLE PLANT	LAND AREA NAME	RESOURCES	CERTIFICATION/VERIFICATION
144	T	1002	-A	PORTLAND	BURNS-PAIUTE	Both	9/28/2004

NATURE OF ENCUMBRANCE	ENCUMBRANCE HOLDER	EXPIRATION DATE	CLS	TYP	NUMBER	DESCRIPTION / EXPLANATION
RIGHTS OF WAY	PACIFIC N.W. BELL CO	PERPETUAL	13	TT	394	R/W FOR AN UNDERGROUND TELEPHONE CABLE 3 FEET WIDE, 3893 FEET IN LENGTH ACROSS LOTS 1, 2 & 5, SEC. 1, T.23S., R.30E., APPROVED 3/23/1988, PURSUANT TO THE ACT OF 2/5/1948 (62 STAT. 17).
HOMESITE LEASE	HERBERT A CAPPS	03/23/2020	23	HS	476	LEASE NO. 3614 BEGINNING 3/24/95 FOR 25 YEARS, OR LESS. NO APPROVAL PAGE.
HOMESITE LEASE	MYRA L PECK	06/05/2020	23	HS	477	LEASE NO. 3600 FOR LOT 30 BEGINNING 6/6/95 FOR 25 YEARS, OR LESS, APPD. 6/6/95.
HOMESITE LEASE	GLENDA ROBINSON	05/10/2023	23	HS	518	LEASE NO 3734 FOR 25 YEARS, BEGINNING ON 5/11/1998, APPROVED 6/10/1998.
HOMESITE LEASE	NELSON TEEMAN	01/18/2049	23	HS	519	LEASE NO 3759 FOR 50 YEARS, BEGINNING ON 1/19/1999, APPROVED 2/24/1999.
HOMESITE LEASE	TRUMAN TEEMAN	02/12/2027	23	HS	533	THIS LEASE NO. 3858 PERTAINS TO LOT 12 (TRUMAN TEEMAN), LEASE NO3734 ALSO PERTAINS TO LOT12 (GLENDA ROBINSON), A CORRECTION MAYBE NECESSARY.

DATE: 6/25/2008
TIME: 17:25:45 CST

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
TITLE STATUS REPORT
TITLE INTERESTS HELD IN FEE OR TRUST

PAGE: 4
REQUESTOR: LFOX

-----TRACT ID-----

LAND

-----DATE OF LAST-----

AREA	PFX	NUMBER	SFX	TITLE PLANT	LAND AREA NAME	RESOURCES	CERTIFICATION/VERIFICATION
144	T	1002	-A	PORTLAND	BURNS-PAIUTE	Both	9/28/2004

AS OF THE 28th DAY OF September, 2004, THE FOREGOING CONSISTING OF 4 PAGES, IS A TRUE AND CORRECT REPORT OF THE STATUS OF THE TITLE TO THE REAL ESTATE DESCRIBED HEREIN ACCORDING TO THE OFFICIAL LAND RECORDS MAINTAINED IN THIS OFFICE.

THIS REPORT DOES NOT COVER ENCROACHMENTS, OR QUESTIONS OF LOCATION, BOUNDARY, ACCURATE SURVEY MAY DISCLOSE; RIGHTS OR CLAIMING TO BE IN POSSESSION; EASEMENT ENCUMBRANCES, INCLUDING, BUT NOT LIMITED TO IRRIGATION CHARGES, UNPAID CLAIMS, WHICH ARE NOT FILED FOR RECORD IN THIS OFFICE; ANY OTHER RIGHTS WHICH MIGHT BE PHYSICAL INSPECTION OF THE PREMISES.

EXAMINED BY

MANAGER, LAND TITLES AND RECORDS OFFICE
PORTLAND, OR

* * * * END OF REPORT * * * *



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

Bill Reynolds
U.S. Department of the Interior
Bureau of Indian Affairs
Warm Springs Agency
PO Box 1239
Warm Springs, OR 97761

June 24, 2008

RE: Application G-12610, Burns Paiute Indian Reservation

Dear Mr. Reynolds:

On January 25, 2008, the Department sent a letter requesting a list of items in order to continue processing the above-referenced application. The Department has yet to receive these items and cannot proceed with the application until they are received. Please submit the following at your earliest convenience:

- A new map for G-12610 which includes only the acreage you're requesting primary irrigation for from the well. This map should *exclude* the acreage clarified by Transfer T-10100 for Certificate 20244 (0.7 acres in the NENE, and 20.5 acres in the SENE of Section 1), which was also diminished under the same transfer for Silvies River Decree 14015 with a priority date of 12/31/1906.
- A completed and notarized "Affidavit for the Partial Diminution of a Water Right Certificate" form (enclosed), a deed which lists land owners and the legal description of affected lands, and a map identifying the lands to be diminished under the Silvies River Decree.

Should you have any questions, please call me at 503-986-0859.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeana Eastman".

Jeana Eastman
Water Rights Application Caseworker

enc

cc: WRD - Watermaster District #10
File



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

Bill Reynolds
U.S. Department of the Interior
Bureau of Indian Affairs
Warm Springs Agency
PO Box 1239
Warm Springs, OR 97761

January 25, 2008

RE: Application G-12610, Burns Paiute Indian Reservation

Dear Mr. Reynolds:

As agreed to in our January 17, 2008, meeting, below is a list of items the Department requests in order to continue processing the above-referenced application.

- A new map for G-12610 which includes only the acreage you're requesting primary irrigation for from the well. This map should *exclude* the acreage clarified by Transfer T-10100 for Certificate 20244 (0.7 acres in the NENE, and 20.5 acres in the SENE of Section 1), which was also diminished under the same transfer for Silvies River Decree 14015 with a priority date of 12/31/1906.
- A completed and notarized "Affidavit for the Partial Diminution of a Water Right Certificate" form (enclosed), a deed which lists land owners and the legal description of affected lands, and a map identifying the lands to be diminished under the Silvies River Decree.

Should you have any questions, please call me at 503-986-0859.

Sincerely,

Jeana Eastman
Water Rights Application Caseworker

enc

cc: WRD - Watermaster District #10
WRD - Doug Parrow
WRD - Dorothy Pedersen
File

2/25/97 - Attention

Send copies of all corresp.
to:

Denise Fjordbeck
Justice Bldg
1162 Court St. NE
Salem, OR 97310

- phone 378-6313
fax 378-4968

Barbara Scott Briar
Solicitor's Office
500 NE Mult. #607
Portland, OR 97232

phone 503-231-2139
fax 503-231-2166

Bob Fenton
BIA
503-231-6927

Barbara Scott
Briar, Sol. off.
503-231-2139

Doug Parrow

From: Ivan Gall
Sent: Thursday, January 03, 2008 4:57 PM
To: 'Doug Parrow'
Cc: 'Doug Woodcock'; 'Ivan Gall'
Subject: G-12610

Hi Doug-

Below are my thoughts on the priority date issue for the Burns Paiute groundwater application.

The aquifer system that has been developed by wells in this area is primarily a mix of alluvial material. The proposed well is between the Silvies River to the east, and volcanic/pyroclastic/sedimentary rocks to the west and north (Leonard, 1970). Sand and gravel deposited by streams, clay layers from lake deposits, and cinders, possibly from volcanic eruptions or deposited by streams, exist in various thicknesses and depths around the basin. Interbedded within the sediments may be thin volcanic flows (logged as red rock on HARN 085) or sedimentary rock layers. Several well logs in the area list thin beds of sandstone, conglomerate, or cemented gravel.

It appears that all groundwater use in this area is from the alluvial material. There are several groundwater rights in the area, with priority dates ranging from 1940 to 2005. I found one groundwater right within a mile of the proposed well that has a priority date between 4/23/1974 and 7/15/1991 (certificate 50983, for 0.24 cfs for supplemental irrigation of 18.9 acres, priority date of 9/21/1977). The well for this right appears to be located approximately 3,000 feet east of the applicant's well. The degree of hydraulic connection between wells in this area will be a function of the connection between the permeable water-bearing zones. Well logs in the area show no consistent depths to water-bearing zones, suggesting some amount of separation between wells. Note that many of the existing wells are shallow, and likely do not meet our standard of fully developing the aquifer with a reasonably efficient well. Given the distance between the two wells, the presence of the Silvies River as a recharge source, and the relatively low pumping rates (compared to listed well yields), it is unlikely that substantial interference would occur between these two wells.

Water level data from State observation well 167 (HARN 463) suggest that no long-term declines are occurring, but seasonal water level fluctuations could be increasing (data are sparse since 2000). However, it appears likely that ample saturated thickness of the aquifer is available to meet current groundwater needs.

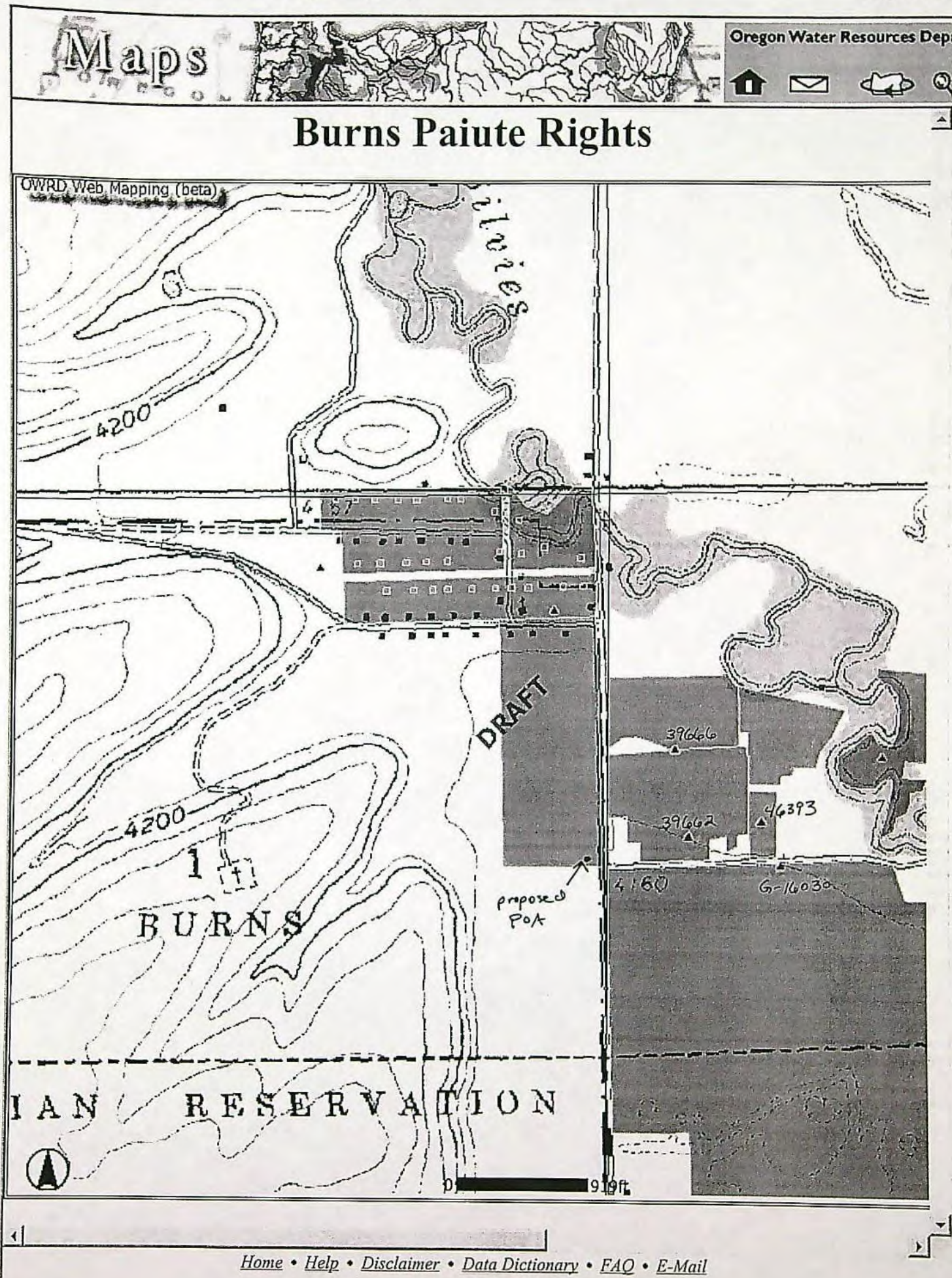
Given this information, I think it is very unlikely that the proposed groundwater use from the Burns Paiute Tribe would be regulated differently with a 1991 priority date compared to a 1974 priority date.

Please let me know if you have any questions regarding this matter.

Ivan K. Gall
Eastern Region Manager
1995 3rd Street, Suite 180
Baker City, OR 97814
541-523-8224 x24
FAX 866-214-3493
Email Ivan.K.Gall@wrd.state.or.us

wf_nbr	name last	name first	name company	depth	depth	comp	post	sta	start date	complete date	work new	work deepening	use domestic	use irrigation	use livestock	qtr160	qtr40	max yield
1979	EGGLESTON	BARBARA		30	218	218	30	1/13/1993	2/3/1993	X				X		SW	NW	750
1965	CHRISTENSEN	ROBERT W		11	39	39	14	10/19/1992	10/19/1992	X					X	SE	SE	20
365	PETERSON	OLLIE		10	98	98	15	9/10/1982	9/16/1982	X			X			NW	NW	15
364	PRESLEY	DENNY		10	100	100	15	8/30/1982	9/2/1982	X			X			NW	NW	15
366	JONES	MIKE	JONES, SHERRI	18	55	55	10	7/28/1981	8/3/1981	X			X			NE	SW	25
367	TILLER	EARL		48	260	260	21	7/1/1977	7/21/1977	X				X		NE	NW	400
369	BRINKLEY	KEN		79	104	104	40	5/19/1975	5/24/1975	X			X			SE	NW	15
375	WELLS	OLLIE		17	129	129	16	1/6/1975	2/1/1975	X			X			NW	SE	40
372	MUNSEY	ANDY		70	109	109	25.3	8/30/1973	9/5/1973	X			X			NE	NW	20
374	RETFERFORD	KENNETH			170	168	20.5	5/19/1969	5/24/1969		X			X		NW	NE	350
373	GRAVEN	MARVEL			150	150	15	1/2/1969	2/15/1969	X				X		NW		85
381	RETFERFORD	KENNETH			150	148	19	4/14/1968	5/6/1968	X				X		NW		200
376	TILLER	MR PLURIBUS			141	140	17.3	4/10/1968	4/26/1968	X				X				200
385	WESTFALL	CARL			81	81	16	8/30/1967	9/2/1967	X			X			SE	SE	8
377	GRIMES	FLORENCE			84	84	10.6	10/28/1966	11/4/1966	X			X			NW	SW	60
378	TILLER	HOBART			120	120	13	6/24/1966	7/3/1966	X				X		NW	SW	200
383	HILL	LLOYD			185	185	15	10/30/1965	11/2/1965	X				X		NE	SE	100
384	HILL	LLOYD			55	55	14	10/19/1965	10/19/1965	X			X			NE	SE	10
380	TILLER	TRENT			70	70	10	8/14/1965	8/14/1965	X			X			NW	SW	20
379	HICKEY	JASPER			64	64	6	6/1/1965	6/4/1965	X			X			NW	SW	5
382	RETFERFORD	KENNETH			60	60	6	3/8/1965	3/13/1965	X			X			NW	SW	15
368	CADY	JAMES			60	60	10	7/20/1964	7/22/1964	X			X					10
370	BARDWELL	A A			142	142	20	3/8/1962	3/17/1962	X			X					20
371	FRAZIER	CHARLES			14	14	5.6				X							
386	FRAZIER	CHARLES			14	14	5.5				X		X					
50601	SPRINGSTON	WILLIAM	SPRINGSTON, NORMA			134	13				X			X		NE	SE	

App/Permit	Cent	Priority	
G-3582	39662	7/20/1966	235, 31E, 6
G-4396	39666	5/20/1968	
G-6422	46393	2/1/1974	
G-16419/G-16030		3/22/2005	



2-23-2006

Memo

Oregon Water Resources Department Water Rights & Adjudication Division

To: File G-12610

From: Dwight French, Administrator *DwF*
Water Rights & Adjudication Division

RE Timing of processing with file T-10100

Kim Grigsby has talked to Doug Parrow and they are suggesting that we don't take any further action on this file until after T-10100 is completed because the transfer deals with related issues.

So, let's not take any action on this file until after June 1, 2006. After the transfer is completed, we should review the file and situation and figure out how to proceed forward.

INTEROFFICE MEMO

DATE: April 5, 2000
TO: Dwight French
FROM: Laura Snedaker, Senior Water Right Specialist
SUBJECT: Application G-12610 for Burns Paiute Indian Reservation

Complete items
1 + 2 then schedule
a meeting w Dick, Duf
+ Don to review status
+ make a plan. Then
we'll contact BSB.
Do this after VSAWS PFQ
DWF

Recently you and I discussed the above application. This application appears on a worklist I have of applications that have received Final Orders but have not yet received permits. At first glance to the application file, it appears that a FO was issued requesting a revised map. But then the file becomes quite muddy. The Final Order appears to have been rescinded and there are several references in the file to an application filed in 1974. You asked me to find out what I could about the 1974 application. I have reviewed the file and put together the below timeline. I have also identified several recommendations at the end of this memo.

APPLICATION TIMELINE:

July 15, 1991	Application submitted to the Department to appropriate 1.66 cfs from a well for Irrigation of 133.1 acres.
July 19, 1991	Dept acknowledges receipt of application.
September 11, 1991	Groundwater Division 9 Review completed (will if properly conditioned protect surface water from interference and will be available within the capacity of the resource and without injury to existing rights).
January 13, 1992	Received water availability comments from the Watermaster (Bill Beal)
September 8, 1994	Issued Technical Review (favorable)
November 7, 1994	Received objections to the TR from WaterWatch (make specific comments to proposed groundwater conditions and question the finding that the well will not have the potential for substantial interference).
November 11, 1994	Objections submitted by applicant to findings of Technical Review (objected to the 1991 priority date, have been irrigating since 1940's. They call this a "transfer" of water rights to the 1974 well (Possible misunderstanding of application process)). Clarify that the use of water from the 1974 well is a secondary source to the Silvies River. State that there may be administrative over site regarding the transfer applications and water rights applications previously filed and possible duplicate filings. <u>Request meeting with the Department.</u> Directed

	correspondence to be sent to Barbara Scott Brier, rep for the Tribe, and to Wanda Johnson, Chairperson for the Tribe.
August 3, 1995	Completeness Check completed.
August 31, 1995	Letter sent from Dept requesting \$1.80 in recording fees, a signed oath statement, and a legal description.
October 6, 1995	Certified letter sent to applicant again requesting the necessary information.
November 6, 1995	Received faxed oath.
November 8, 1995	Received \$1.80 check and legal description (or a description that appears to have been accepted)
	Also received faxed description of the lands to be irrigated
January 18, 1996	Groundwater's Scenic WW review completed.
March 26, 1996	PFO issued. Noted need for revised map showing location of lands to be irrigated in each quarter quarter section. Sent to Barbara Scott Brier and to applicant.
June 11, 1996	Certified letter sent to applicant requesting the revised map. Deadline of July 12, 1996. Sent to applicant but not cc'd to Barbara Scott Brier.
July 25, 1996	Memo sent to Dick Bailey from Jerry Gainey. Revised map not received by deadline. Requested application to be rejected in accordance with ORS 536.050(3).
August 7, 1996	Notice of rejection of the applicant sent to applicant (Sp. Order Vol 50, page 531) and cc's to Warm Springs Agency but not to Barbara Scott Brier
August 28, 1996	Application reinstated, Sp. Order Vol 50, Page 568. (No clear path as to why this was done)
September 11, 1996	Order sent to applicant.
October 29, 1996	Final Order issued approving application contingent upon submission of a revised map. Map to be submitted within 60 days form the date of the FO.
November 25, 1996	Memo from Dick Bailey, WRAD Administrator, to Geoff Huntington, WRD Deputy Director, and Martha Pagel, WRD Director. Have received comments from applicant that application was inappropriately processed.

Want to diminish two decreed water rights to supplemental. Want to replace Well 2 (certificated well) with well #3 (transfer???) and add an addition 95 acres of irrigation (new application???). According to Tribe, applied for Well #3 in 1974. Dept has copy of transmittal letter which came with 1974 application. Since 1983 Dept has maintained that Tribe did not file application for Well #3. They filed new application in 1991. According to BIA, the 1991 applic was to replace the 1974 application which seemed to have been lost. They never contemplated losing the 1974 priority date for the 95 acres. Made several agreements at a November 22 meeting: Want to make decreed water rights to existing certificated groundwater rights and to the new application. They will hire a CWRE to develop a map. **OWRD will recognize the 1974 priority date for the application for Well #3 and the Burns Paiute IR will withdraw the 1991 application.** Upon withdraw of the 1991 application, the Department will rescind the 1996 FO and issue a PFO for the 1974 application indicating the following:

supplemental

- A priority date of September 23, 1940, for 34 acres; 0.43 cfs
- A priority date of October 20, 1947, for 25 acres; 0.32 cfs
- A priority date of April 23, 1974, for 95 acres; 2.68 cfs

(I have questions regarding this. If the application is only for 95 acres, why would we address the priority dates for the other acres covered by existing groundwater certificates????????? If they are trying to replace wells #1 and 2 with well #3, then they need to file transfers. Per Dept records, no transfers have been filed.)

Also agreed upon: That upon issuance of a permit for the 1974 application, certificates 20244 and 20245 will be superseded to indicate areas which may be used for supplemental irrigation only. (???????????)

There are several other agreements stated in this memo and the memo identifies that these are tentative agreements.

January 17, 1997

Received letter from Barbara Scott Brier. Her understanding: Dept will assist Bureau to change the POD's on their two groundwater certs; WRD will develop an order reinstating the 1974 application; that the Silvies River rights will be made supplemental to the groundwater; that the Bureau will redo the map.

Understand that a proposed reinstatement order will be issued and after comments a final reinstatement order will be issued and then a permit will be processed according to WRD's procedures.

October 15, 1997

Received letter from Barbara Scott Brier. Thanks Dick for the memorandum summarizing the agreement on how to proceed with the

Tribes applications. With one exception. Will not formerly withdraw the 1991 application until the 1974 application is approved. States that WRD will rescind the FO on the 1991 application, due to the WRD not directing the FO to her as the designated rep for the Tribe. Further, that the 1974 application will proceed when the Tribe submits new maps.

October 15, 1997	The FO for Application G-12610 is rescinded by Sp Order Vol 51, Page 1202.
March 13, 1998	Reviewed copy of map prepared by Chris Palmer, CWRE. Notes made on map by Dept (????)
June 6, 1998	Memo from Don Knauer to Dick Bailey: Notes discussion on March 18, 1998, regarding status of recording water rights with Barbara Scott Brier and reps from the Tribe. Identifies that he needs to go to Burns to research water rights.

Nothing further in file.

QUESTION: How do we need to proceed with this application?

RECOMMENDATIONS:

1. Ask Don Knauer about what he remembers about this application and whether he completed the work that he had been directed to do.
2. Ask Dick Bailey about what he may remember about the application and discussions with Barbara Scott Brier and/or other Tribe representatives.
3. Call or write to Barbara Scott Brier. Touch base with her and discuss the applications. Bring everyone up to speed as to the status of the project. They still need to provide an application map, they still need to file transfer applications for certs 20244 and 20245 to change the POD's or add Well #3, and they have not filed diminishment affidavits on surface water rights to change to supplemental use.

Also, need to clarify priority date issue. If we issue a permit for the 1974 application, the use of water will have a 1974 priority date. The other priority dates mentioned in Dick's November 25, 1996, memo, being 1940 and 1947 are covered by earlier certificated water rights, 20244 and 20245. When they refer to these priority dates, I believe that they are not understanding the difference between the new application and transfer applications. They want to use Well #3 as a POD for certs 20244 and 20245 and need to file transfers. If the transfers are approved, they will still have these priority dates for the water under those certificates. The new application does not add well #3 as a POD for these earlier certificated rights. The new application is for the additional acres that they also want to irrigate from Well #3. (See also letter from Barbara Scott Brier dated November 11, 1994.) Also, see some notes I have written under the summary of Dick's memo. All of

my comments are enclosed in ().

4. WRD needs to create an application file for the 1974 application. We should be able to copy most of the necessary application materials from the 1991 file to the new file. The memo from Dick to Geoff and Martha states that we will issue a PFO for the 1974 application once the FO for the 1991 application is rescinded. However, if we treat the 1974 application as a valid application and process it according to our current process, then this application needs to have an Initial Review before a PFO is done.

We may also want to have them fill out an updated application form. The form for the 1974 application is not completely filled out. (See copy of form attached to objection letter from Barbara Scott Brier, received November 21, 1994.) Or we could just use the info provided on the 1991 application.

5. Need to identify what Dick meant by superseding certificates 20244 and 20245 to identify areas that may be used for supplemental irrigation only. These certificates identify the use of water as irrigation. They do not identify the use as supplemental even though they may actually be supplemental to some surface water rights. It is likely worthwhile to do another conflict check on the lands proposed for irrigation. Also, would be good to check and see what rights are underlying certificates 20244 and 20245. My understanding, based on review of the file, is that there are surface water rights underlying both of these groundwater certificates and that the Tribe wants to diminish the surface water rights to be supplemental to the groundwater. If the groundwater rights do not call out that they are for supplemental irrigation, do we need to do anything with them at all?
6. Have Colleen update PowerBuilder to show that this application no longer has a FO. The FO was rescinded by special order but is still entered into PowerBuilder.

I believe all of these actions would help get us moving on the application again. There may be some additional actions that need to be taken that are not captured in this memo.

WATER RESOURCES DEPARTMENT

INTEROFFICE MEMO

TO: Dick Bailey
FROM: Don Knauer
SUBJECT: Burns-Paiute water right research

June 6, 1998

On March 18, 1998 we discussed with Barbara Scott-Brier and representatives of the tribe and BIA, the status of recorded water rights. I was directed to do the research of the Department records. To complete my research and prepare my recommendation to you, I must travel to Burns for two to three days for the following reasons.

There was a BLM dependent re-survey and survey in 1978 of sections 1,12 and 13 T23S R30E into parcels 1 & 2. I think this was to establish boundaries of the reservation. I need to research the county surveyor records.

Due to map discrepancies I need to view the actual use and place of use for the decreed rights. In addition, I need to field check the CWRE map for monument and fence locations as well as place of use.

Application No. 6-12610
Permit No.

512 V 105

TOWNSHIP 23 S. RANGE 30 E. W. M. SECTION 1

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
LOT 1	LOT 2	LOT 3	LOT 4	LOT 1	LOT 2	LOT 3	LOT 4	LOT 1	LOT 2	LOT 3	LOT 4	LOT 1	LOT 2	LOT 3	LOT 4			
ACREAGE IN LOT 1				LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT IF OTHER THAN 40 ACRES														
40 ⁰⁵ 40 ¹⁵				40 ²⁵ 40 ³⁵														
35 8 ⁵				91 5												Decree, Vol 9	Page 141	
36 ⁵ 40																Decree, Vol 9	Page 140	
24 ⁰ 9 ⁵																U-134	U-126	20245
6 ² 19 ³																U-251	U-223	20244
																U-1470	G-1117	
																G-6655	G-6090	
																G-8971	G-8453	62213
																G-10578	G-10048	
2 ²				5 ²														
1 ¹ 0 ⁷ 7 ¹ 39 ⁰																28 ⁰	27 ⁹	6-12610

(SEE BACK OF CARD FOR PLAT OF SECTION)

TOWNSHIP 23 S. RANGE 30 E. W. M. SECTION 12

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
LOT 1	LOT 2	LOT 3	LOT 4	LOT 1	LOT 2	LOT 3	LOT 4	LOT 1	LOT 2	LOT 3	LOT 4	LOT 1	LOT 2	LOT 3	LOT 4			
20 15 5 2																Decree, Vol. 9	Page 140	
																U-105	U-99	
																28508	22317	CANCELLED
Mun												Mun				G-1490	G-1117	32175
																G-6685	G-6090	61061
																G-8971	G-8453	62213
13 ² 12 ⁴																E-12610		

New App #	Acres	Use	Prim/Supp	Existing APP #	PERMIT	CERT #	Status	Use	Acres	Prim/Supp
G 14716	1.50	IR	P							

OREGON WATER RESOURCES PLACED IN PUBLIC TRUST BY ORS 536.010

CLATSOP COUNTY CLATSOP TOWNSHIP RANGE 29S E 55E SECTION 1 V IR 36.400 P

6/ 4/1998

[illegible]

[illegible]

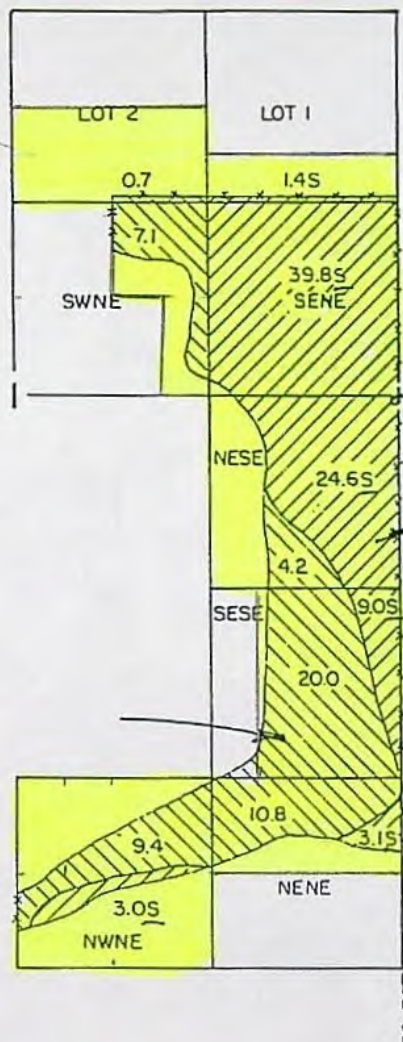
3/13/98

Base

T 23 S, R 30 E, WM

COPY

FROM LEGAL
DESCRIPTION
RECEIVED 11/3/95
FROM P.O.A.
WATER SPRINGS



1/4 COR. - BRASS CAP

CO. RD.

WELL LOCATION - 22'S & 11'W FROM 1/4 COR.

S - INDICATES THAT PORTION OF THE EXISTING
SURFACE WATER RIGHT TO BECOME SECONDARY
UPON CERTIFICATION OF APPLICATION G-12610.

ALL IRRIGATED LANDS SHOWN ARE TO BE
PRIMARY TO GROUND WATER SOURCE UPON
CERTIFICATION OF APPLICATION G-12610.

THE PURPOSE OF THIS MAP IS TO
IDENTIFY THE LOCATION OF THE
WATER RIGHT. IT IS NOT INTENDED
TO PROVIDE INFORMATION RELATIVE
TO THE LOCATION OF PROPERTY
OWNERSHIP.

12

BURNS PAIUTE INDIAN RESERVATION

WATER RIGHT APPLICATION MAP

Scale: 4" = 1 MILE

Date: NOV. 20, 1997

Job: 1323-B

Dsn:

Drm: CHRIS

Ckd:

M.A.P's

M. A. PALMER & SONS, INC.
ENGINEERING & SURVEYING
254 N. Alder - Box 61
Burns, Oregon 97720

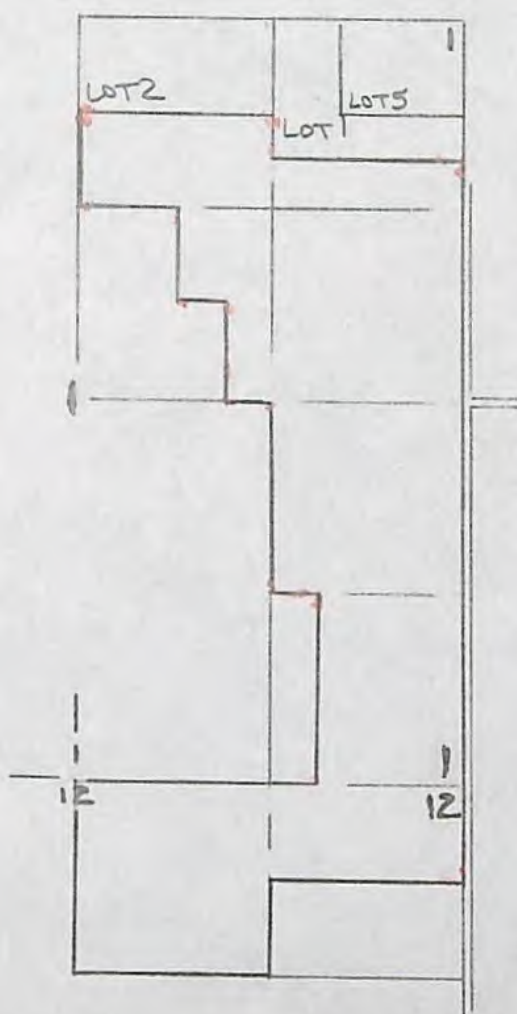
Sht. No.

of 1



JEK 6/4/98

T23S R30E, WM



Inchoate
115 Ore 88

Brown, N. & Sons 914015
Burns, Oregon. HAIN

1887	1.00	160	Irrigation	Dams, ditches and sloughs	E. Fork Silvies	T. 25 S. R. 32½ E. W. M. 40 acres in NE¼SW¼ 40 acres in SE¼SW¼ 40 acres in SW¼SW¼ 40 acres in NW¼SW¼ Section 15, T. 25 S. R. 32½ E. W. M.
1907	3.00	240	Irrigation	Browns and Poison Creek	Poison Creek or Slough	40 acres in NE¼ NE¼ 40 acres in SE¼ NE¼ 40 acres in SW¼ NE¼ 40 acres in NW¼ NE¼ 40 acres in NE¼ SE¼ 40 acres in SE¼ SE¼ Section 24, T. 23 S. R. 31 E. W. M.
1906	1.97	157.5	Irrigation	Burns Flour Mill Ditch	Main	36.5 acres in NE¼ NE¼ 40 acres in SE¼ NE¼ 30 acres in NE¼ SE¼ 9 acres in SE¼ SE¼ Section 1, 20 acres in NE¼ NE¼ 15 acres in NW¼ NE¼ 5 acres in SW¼ NE¼ 2 acres in SE¼ NE¼ Section 12, T. 23 S. R. 30 E. W. M.

SILVIES RIVER - 62.

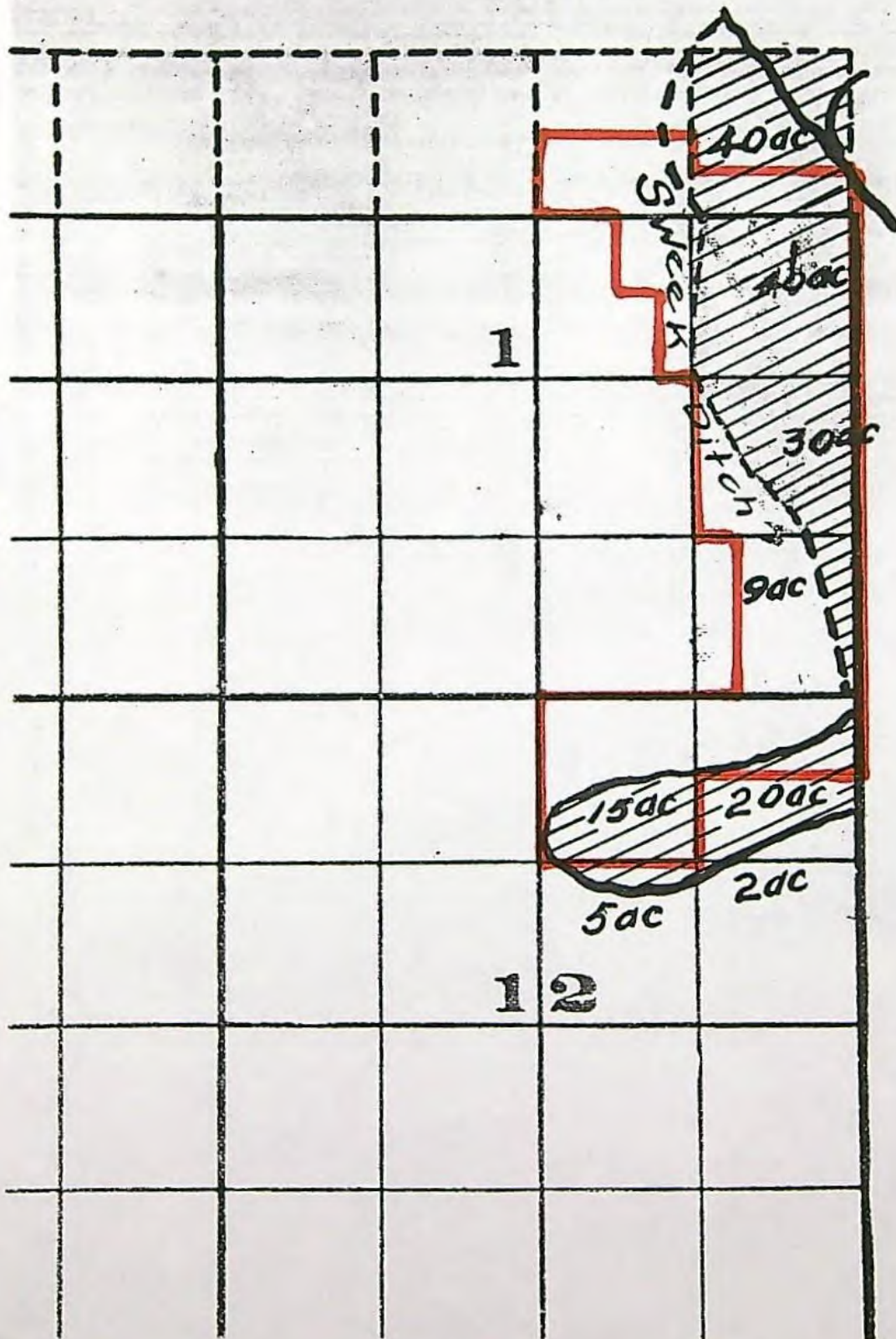
110

HE 6/4/98

							39.84 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ (Lot 1) 39.84 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ (Lot 8) 39.51 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ (Lot 7) 39.51 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ (Lot 2) Section 7, T. 24 S. R. 32 E. W. M.
Burns Flour Milling Co., a corp.	1884	57.2'	Irrigation	Burns Flour Mill Co.	Main	10 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ (Lot 3) 11.7 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ (1 acre in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 9 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ (Lot 4) 25.5 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ (Lot 5) Section 36, T. 22 S. R. 30 E. W. M.	
	1901	26.7'	Irrigation	Burns Flour Mill Co.	Main	3.5 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ (Lot 1) 8.5 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ (Lot 2) 9.7 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 3) 5 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 4) Section 1, T. 23 S. R. 30 E. W. M.	
Power Claim #106	1884		Power 159 H. P.	Burns Flour Mill Co.	Main	Place of use of power: Lot 5, Section 36, T. 22 S. R. 30 E. W. M.	
	Cancelled - See Sp. Or Vol. 9, p. 173						
Bulkeley, E. C. Burns, Oregon. (Grant)	1887	1.00	60'	Irrigation	Bulkeley Mountain Creek	20 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 15 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ 15 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 10 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ 5 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 32 T. 18 S. R. 32 E. W. M.	
Byrd, Julian, Burns, Oregon	1900	1.00	80'	Irrigation	Dams and ditches Poison Creek	10 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 30 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4, 30 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ 10 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 5, T. 22 S. R. 31 E. W. M.	

225 6/4/92

JEX
6/4/98



STATE OF OREGON
COUNTY OF HARNEY

CERTIFICATE OF WATER RIGHT

JEX
6/4/28

This Is to Certify, That U. S. DEPARTMENT OF INTERIOR
OFFICE OF INDIAN AFFAIRS
District Office III,
of U. S. Indian Service, Portland, State of Oregon 97208, has made proof
to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of
a well
a tributary of for the purpose of
irrigation
under Permit No. U-223 of the State Engineer, and that said right to the use of said waters
has been perfected in accordance with the laws of Oregon; that the priority of the right hereby
confirmed dates from October 20, 1947

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

Well or its equivalent in case of rotation, measured at the point of diversion from the stream.
The point of diversion is located in the 900' S. and 320' W. of the N.E. corner of Section
1, being within Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$), Section 1, Township 23 South, Range 30 East, W.M.

The amount of water used for irrigation, together with the amount secured under any other
right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second
per acre, or its equivalent for each acre irrigated and shall be further limited
to a diversion of not to exceed 3 acre feet per acre for each acre irrigated
during the irrigation season,

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

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

6.2 acres in Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$)
19.5 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 1
Township 23 South, Range 30 East, W. M.
25.7

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

WITNESS the signature of the State Engineer, affixed

this 26th day of February, 1951.

CHAS. E. STRICKLIN

State Engineer

Jek
6/4/98

STATE OF OREGON
COUNTY OF HARNEY
CERTIFICATE OF WATER RIGHT

This Is to Certify, That U. S. DEPARTMENT OF INTERIOR
OFFICE OF INDIAN AFFAIRS

of Building 34, Swan Island, Portland State of Oregon 97208, has made proof
to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of
a well a tributary of for the purpose of

irrigation and domestic use in 28 individual cottages
under Permit No. U-126 of the State Engineer, and that said right to the use of said waters
has been perfected in accordance with the laws of Oregon; that the priority of the right hereby
confirmed dates from September 23, 1940

that the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed
0.71 cubic foot per second, being 0.43 c.f.s. for irrigation and 0.28 c.f.s.
for domestic use,

or its equivalent in case of rotation, measured at the point of diversion from the stream.
The Well of diversion is located in the 560' S. and 1950' W. of the N.E. corner of
Section 1, being within Lot 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$), Section 1, Township 23 South, Range
30 East, W. M.

The amount of water used for irrigation, together with the amount secured under any other
right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second
per acre, or its equivalent for each acre irrigated and shall be further limited
to a diversion of not to exceed 2 acre feet per acre for each acre irrigated
during the irrigation season of each year,

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

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

10.5 acres & domestic in Lot 5 (NE $\frac{1}{4}$ NE $\frac{1}{4}$)
14.3 acres & domestic in Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$)
9.2 acres & domestic in Lot 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$)
Section 1
Township 23 South, Range 30 East, W. M.

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

WITNESS the signature of the State Engineer, affixed

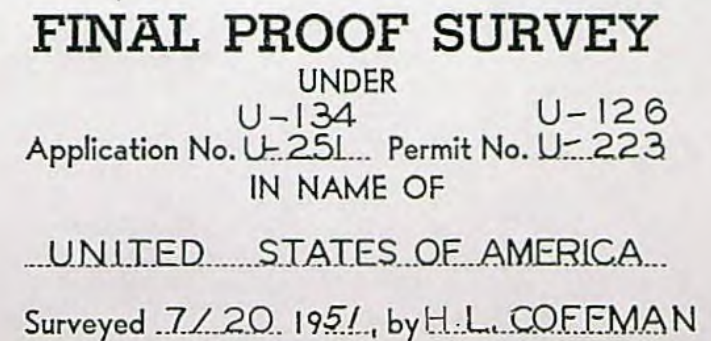
this 26th day of February, 19 54

CHAS. E. STRICKLIN
State Engineer

Recorded in State Record of Water Right Certificates, Volume 15, page 20245

1/52

DEK
6/4/48



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

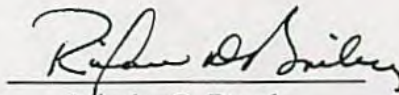
HARNEY COUNTY

IN THE MATTER OF THE RESCINDING OF)
FINAL ORDER FOR APPLICATION G-12610) ORDER

The final order on the Burns-Paiute Tribe's Water Right Application G-12610 is rescinded due to Department communications on the matter not being directed to the designated representative for the Burns-Paiute Tribe.

It is ORDERED that the final order for application G-12610 is rescinded.

Dated at Salem, Oregon the 15th day of October, 1997.



Martha O. Pagel
DIRECTOR

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

HARNEY COUNTY

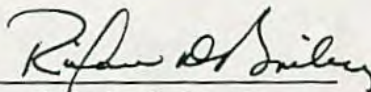
IN THE MATTER OF THE RESCINDING OF)
FINAL ORDER FOR APPLICATION G-12610) ORDER

FAXED
10.15.97
to (503) 231-2166

The final order on the Burns-Paiute Tribe's Water Right Application G-12610 is rescinded due to Department communications on the matter not being directed to the designated representative for the Burns-Paiute Tribe.

It is ORDERED that the final order for application G-12610 is rescinded.

Dated at Salem, Oregon the 15th day of October, 1997.



Martha O. Pagel
DIRECTOR



United States Department of the Interior

OFFICE OF THE SOLICITOR
Pacific Northwest Region
500 N. E. Multnomah Street, Suite 607
Portland, Oregon 97232

RECEIVED

OCT 15 1997

WATER RESOURCES DEPT.
SALEM, OREGON

00710 397

Mr. Richard Bailey
Administrator, Water Rights and Adjudications
Oregon Water Resources Department
158 12th Street, N.E.
Salem, OR 97310

Re: Burns Paiute Tribe's Water Rights Applications of
April 23, 1974, and July 12, 1991 (Application No. G-12610)

Dear Dick:

Thank you for your memorandum summarizing our agreement on how to proceed with the Burns Paiute Tribe's water rights applications referenced above. As we agreed by telephone, your memorandum generally reflects our understanding of our agreement with one exception, which is that we will not formally withdraw the 1991 application until the satisfactory completion of proceedings on the 1974 application. In the interim, your office will rescind the Department's Final Order on the 1991 application, due to Department communications on the matter not being directed to me as designated representative for the Tribe and that matter will be set aside while we proceed with the 1974 application. The 1974 application proceedings will be instituted after we submit new maps prepared by an Oregon CWRE to clarify primary and supplemental water rights. Enclosed for your review is a copy of my earlier letter that more fully summarizes our agreement on the process.

I understand that this letter reflects your understanding of the matter. If that is not correct, please let me know as soon as possible; otherwise, we will proceed with the re-mapping. Thank you for your attention to this matter.

Sincerely,

Barbara Scott-Brier
Representative for Burns Paiute Tribe

cc: Chair, Burns Paiute Tribe
Robert Fenton, BIA
Gerald Hendrickson, BIA

bsb/bia/bailey.ltr

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MARION COUNTY *Harney*

IN THE MATTER OF THE RESCINDING OF)
FINAL ORDER FOR APPLICATION G-12610) ORDER

designated The final order on the Burns Paiute Tribe's Water Right Application G-12610 is rescinded due to Department communications on the matter not being directed to ~~Barbara Scott-Brier~~ *to the* Representative for Burns-Paiute Tribe.

for application G-12610
It is ORDERED that the final order is rescinded.

Dated at Salem, Oregon this *15th* day of October, 1997.

Martha O. Pagel
DIRECTOR

fax 503 - 231 - 2166

*① fax a copy
② mail a copy
③ copy to file*



United States Department of the Interior

OFFICE OF THE SOLICITOR
Pacific Northwest Region
500 N. E. Multnomah Street, Suite 607
Portland, Oregon 97232

RECEIVED

OCT 15 1997

WATER RESOURCES DEPT.
SALEM, OREGON

OCT 10 1997

Mr. Richard Bailey
Administrator, Water Rights and Adjudications
Oregon Water Resources Department
158 12th Street, N.E.
Salem, OR 97310

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Sincerely,

Barbara Scott-Brier
Representative for Burns Paiute Tribe

cc: Chair, Burns Paiute Tribe
Robert Fenton, BIA
Gerald Hendrickson, BIA

bsb\bia\bailey.ltr



United States Department of the Interior

OFFICE OF THE SOLICITOR
Pacific Northwest Region
500 N. E. Multnomah Street, Suite 607
Portland, Oregon 97232

JAN 15 1991

ORR
SEC
ATT: *BEB*
CASE FILE

RECEIVED

OCT 15 1997

WATER RESOURCES DEPT.
SALEM, OREGON

Mr. Dick Bailey, Administrator
Water Rights & Adjudications
Oregon Water Resources Department
Salem, OR 97310

Re: Burns Paiute Tribe's Water Rights Applications of
April 23, 1974 and Application No. G-12610

Dear Mr. Bailey:

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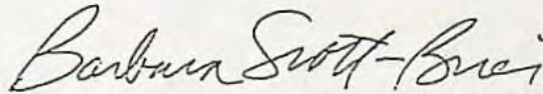
As you are aware, at the request of the Tribe and the Bureau of Indian Affairs, I am serving on behalf of the trustee (Bureau of Indian Affairs) as the Tribe's representative in this matter. Due to an unfortunate sequence of events, communications between your office and the Tribe and myself have not always been effective, nor have notices always been in order. However, we now seem to have corrected those problems and we should be able to move forward.

Briefly, here is our understanding of the steps we will take to resolve these matters: (i) your office will assist the Bureau of Indian Affairs to change the points of division on the Tribe's two existing water rights certificates (nos. 20245 and 20244); (ii) your office will develop an order reinstating the Tribe's 1974 water right application; (iii) to the extent the Tribe's Silvies River decreed water rights cover the same place of use as the permitted/certificated rights, the Silvies River right will be supplemental to the permitted rights and your office will present a stipulation to the circuit court for approval, if necessary; and (iv) the Bureau of Indian Affairs will redo the map for the pending 1974 application and indicate primary and supplementary sources.

Our understanding regarding the reinstatement is that a proposed reinstatement order will be issued and after comments a final reinstatement order will be issued. Thereafter, the permit will be processed according to your Department's procedures.

Again, we appreciate your assistance in this matter. Please let me know if you have any corrections or additions the process described above or wish to discuss these or other matters.

Sincerely,



Barbara Scott-Brier
Representative for the Burns
Paiute Tribe

cc: Wanda Johnson, Chair, Burns Paiute Tribe
Gerald Hendrickson, BIA, Warm Springs Agency
Bob Fenton, BIA, Portland Area Office

bsb/bia/bailey



United States Department of the Interior

OFFICE OF THE SOLICITOR

Pacific Northwest Region
500 N. E. Multnomah Street, Suite 607
Portland, Oregon 97232

(503) 231-2139

TRANSMISSION NOTICE: This facsimile transmission is intended only for the address(es) shown below. It may contain information that is privileged, confidential, or otherwise protected from disclosure. If the reader of this message is not an addressee or agent of the addressee, you are hereby notified that you have received this document in error. Any review, dissemination, copying, or use of this transmission or its contents is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original to us by mail at the address shown above.

TELEFAX MEMORANDUM

TO: Mr. Richard Bailey
Administrator, Water Rights and Adjudications
Oregon Water Resources Department
Telefax: 503-378-6203

FROM: Barbara Scott-Brier, Attorney-Adviser
Office of the Solicitor, Pacific Northwest Region

SUBJECT: Process for Resolving Burns Paiute Tribe's Water Rights
Applications of April 23, 1974, and July 12, 1991
(Application No. G-12610)

DATE: 09/26/97 **TIME:** 11:30 a.m.

Number of pages including this transmittal sheet: 1+2

Dick -

Enclosed is a draft letter to you regarding our agreement on how to proceed with the Burns Paiute Tribe's water right permit applications. Please review and return it to me with your comments. Thanks --

Barbara

Mr. Richard Bailey
Administrator, Water Rights and Adjudications
Oregon Water Resources Department
158 12th Street, N.E.
Salem, OR 97310

Re: Burns Paiute Tribe's Water Rights Applications of
April 23, 1974, and July 12, 1991 (Application No. G-12610)

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Please let me know if this reflects your understanding of the

matter. If so, we will proceed with the mapping. Thank you for your attention to this matter.

Sincerely,

Barbara Scott-Brier

Representative for Burns Paiute Tribe

cc: Chair, Burns Paiute Tribe

Robert Fenton, BIA

Gerald Hendrickson, BIA

bob\bia\bailey.b-p



United States Department of the Interior

RECEIVED

OFFICE OF THE SOLICITOR
Pacific Northwest Region
500 N. E. Multnomah Street, Suite 607
Portland, Oregon 97232

JAN 17 1997

WATER RESOURCES DEPT.
SALEM, OREGON

JAN 15 1997

Mr. Dick Bailey, Administrator
Water Rights & Adjudications
Oregon Water Resources Department
Salem, OR 97310

Re: Burns Paiute Tribe's Water Rights Applications of
April 23, 1974 and Application No. G-12610

Dear Mr. Bailey:

Thank you very much for meeting with us last month to try to resolve certain of the Burns Paiute Tribe's state water rights. Per your request, I am writing to confirm our understandings as to how we will proceed in this matter.

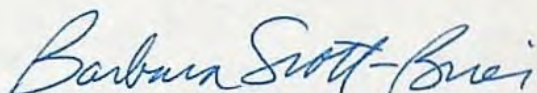
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Briefly, here is our understanding of the steps we will take to resolve these matters: (i) your office will assist the Bureau of Indian Affairs to change the points of division on the Tribe's two existing water rights certificates (nos. 20245 and 20244); (ii) your office will develop an order reinstating the Tribe's 1974 water right application; (iii) to the extent the Tribe's Silvies River decreed water rights cover the same place of use as the permitted/certificated rights, the Silvies River right will be supplemental to the permitted rights and your office will present a stipulation to the circuit court for approval, if necessary; and (iv) the Bureau of Indian Affairs will redo the map for the pending 1974 application and indicate primary and supplementary sources.

Our understanding regarding the reinstatement is that a proposed reinstatement order will be issued and after comments a final reinstatement order will be issued. Thereafter, the permit will be processed according to your Department's procedures.

Again, we appreciate your assistance in this matter. Please let me know if you have any corrections or additions the process described above or wish to discuss these or other matters.

Sincerely,

A handwritten signature in blue ink that reads "Barbara Scott-Brier". The signature is written in a cursive, flowing style.

Barbara Scott-Brier
Representative for the Burns
Paiute Tribe

cc: Wanda Johnson, Chair, Burns Paiute Tribe
Gerald Hendrickson, BIA, Warm Springs Agency
Bob Fenton, BIA, Portland Area Office

bsb\bia\bailey

draft -- draft -- draft

Mr. Dick Bailey, Administrator
Water Rights & Adjudications
Oregon Water Resources Department
Salem, OR 97310

Re: Burns Paiute Tribe's Water Rights Applications of
April 23, 1974 and Application No. G-12610

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Barbara Scott-Brier
Representative for the Burns
Paiute Tribe

cc: Wanda Johnson, Chair, Burns Paiute Tribe
Gerald Hendrickson, BIA, Warm Springs Agency
Bob Fenton, BIA, Portland Area Office

bsb/bia/bailey

Suggest we discuss at our weekly mtg. Dick.

OREGON WATER RESOURCES DEPARTMENT
WATER RIGHTS/ADJUDICATION DIVISION

INTEROFFICE MEMORANDUM

TO: Martha Pagel, Director
Geoff Huntington, Deputy Director
FROM: Richard Bailey, Administrator. Water Rights and Adjud. *R. Bailey*
RE: Burns-Paiute Indian Reservation (G-12610)
DATE: November 25, 1996

Issue:

The Burns-Paiute Indian Tribe (associated with the Confederated Tribes of the Warm Springs) and represented by the Bureau of Indian Affairs (BIA) and Solicitor of the United States of America, maintains the Oregon Water Resources Department has inappropriately processed the above-referenced application and associated issues.

The Solicitor's office, in conjunction with BIA, have retained Northwest Economic Associates as a consultant and completed a factual review of the issues surrounding several water rights on the Burns-Paiute Reservation. The Solicitor's office has requested a contested case hearing to resolve these issues and has suggested it is prepared for further litigation, if necessary.

Because of the priority date change contemplated here, I believe your review is prudent.

History:

- 1901: Federal Government purchased 26.7 acres from Burns Flour Milling Co. Decreed rights under the Silves River Adjudication.
- 1906: Federal Government purchased 157.5 acres from Nathan Brown and Sons. Decreed rights under the Silves River Adjudication.
- 1933 and 1935: Burns Indian Colony Lands (762 acres in Sections 1 and 12, T23S, R30E) acquired by the Federal Government.
- 1936: Well #1 started and completed.
- 1940, Sept. 30: Application (U-134) and priority date for well #1.

bailey's memo

- 1941, Jan. 10: Application U-134 (Well #1) approved by OWRD and permit U-126 issued.
- 1947, Oct. 16: Application (U-251) made for well #2.
- 1947, Oct. 20: Priority date for well #2.
- 1947, Jan. 13: Well #2 began construction.
- 1950, July 1: Well #2 construction completed.
- 1954, Feb. 26: Certificate of Water Right for Well #1 (34.0 acres under permit U-126). Certificate of Water Right for Well #2 (25.7 acres under permit U-223).
- 1962: Failure of Well #2.
- 1972: Colony lands declared an Indian Reservation and placed in trust.
- 1974, Jan. 14: Construction began on Well #3.
- 1974, Feb. 27: Construction complete on Well #3.
- 1974, April 23: Application for permit for Well #3, to replace well #2.
- 1983, Sept. 8: OWRD informs the Warm Springs Agency that the 1974 application for Well #3 was never submitted. See transmittal letter from Warm Springs Agency, April 23, 1974.
- 1991, July 12: BIA files new application (G-12610) for Well #3 to irrigate 134 acres.
- 1994, Sept. 8: Technical review of G-12610 asserts a priority date of July 15, 1991 for Well #3 and finds, "There are existing water rights appurtenant to the lands described in the application."
- 1994, Nov. 4: Objection to G-12610 filed by WaterWatch.
- 1994, Nov. 18: Objection filed by BIA asserting priority date of July 15, 1991 is incorrect as well #3 seeks to replace wells #1 and #2 and add 95 acres of irrigation. BIA submits priority dates should be:
 - Sept. 23, 1940 for 34 acres; .43 cfs.
 - Oct 20, 1947 for 25 acres; .32 cfs.
 - April 23, 1974 for 95 acres; 2.68 cfs.
- 1995, Nov. 13: BIA responds to OWRD request for additional information related to legal description of lands associated with G-12610.

- 1996, March 26: Proposed Final Order signed. Requires a revised application map identifying acreage for irrigation and supplemental irrigation before a permit can be issued.
- 1996, June 11: Certified letter to Burns-Paiute Indian Reservation requesting a new application map. Solicitor's office had previously requested all correspondence be directed to them.
- 1996, Aug. 7: G-12610 rejected for failure to respond to request for information. Special Order, Volume 50, Page 531. Again, sent to the Burns-Paiute Indian Reservation, not the Solicitor's office.
- 1996, Sept.: Discussion between Barbara Scott-Briar, Agency Representative of the Bureau of Indian Affairs, and Dick Bailey regarding the rejection of G-12610 and associated problems with the application. Bailey and Scott-Briar agreed to a reinstatement of the application and to pursue a solution to the issues previously raised.
- 1996, Sept. 11: G-12610 reinstated by Special Order, Volume 50, Page 568.
- 1996, Oct. 29: Final Order signed requiring a new application map prior to the issuance of a permit.
- 1996, Nov. 22: Meeting at BIA, Portland; Dick Bailey, OWRD; Barbara Scott-Briar, Attorney, Solicitor's office; Robert Fenton, Water Rights Specialist, BIA; Gerry Henrikson, Natural Resource Officer, BIA.

Conclusions:

The Burns-Paiute Tribe holds two decreed surface rights for irrigation from the Silves River. These rights are unreliable and the Tribe desires to make them supplemental where they conflict with the rights perfected for wells #1, #2, and the applied for rights to well #3.

The file clearly indicates that wells #1 and #2 were applied for, permitted and certificated within the statutes and rules of the state. It is also clear, from the documentation in the file, that well #2 failed and the BIA intended to replace well #2 with Well #3 and, at the same time, add 95 acres off irrigation.

According to the Tribe, they applied for well #3 in 1974. Documents indicate the application was completed (Tribe's copy) and OWRD has a copy of the transmittal letter that apparently accompanied the application. Since 1983, OWRD has taken the position that the Tribe never filed the application for well #3.

The tribe filed a new application for well #3 in 1991. According to officials at BIA, the 1991 filing was to replace the 1974 filing which was apparently lost. The BIA never contemplated losing its 1974 priority date for the 95 acres requested.

Staff review for conflicts indicates some areas of conflict between the two decreed surface water rights from the Silves River and the groundwater rights found in the certificates for wells #1, #2 and the application for well #3. OWRD requests for a map indicating the acres requested as primary and supplemental has not been forthcoming. Documents in the file indicate OWRD has continued to mail such requests to the Burns-Paiute Reservation contrary to the requests of the BIA. The BIA has requested on several occasions that correspondence be directed to Barbara Scott-Briar of the Solicitor's office as representative for the Burns-Paiute.

Recommendations:

As a result of the November 22 meeting in Portland and a review of the file, the following was agreed upon, in concept, by myself and Barbara Scott-Briar; Ms. Scott-Briar is preparing a draft memorandum of agreement.

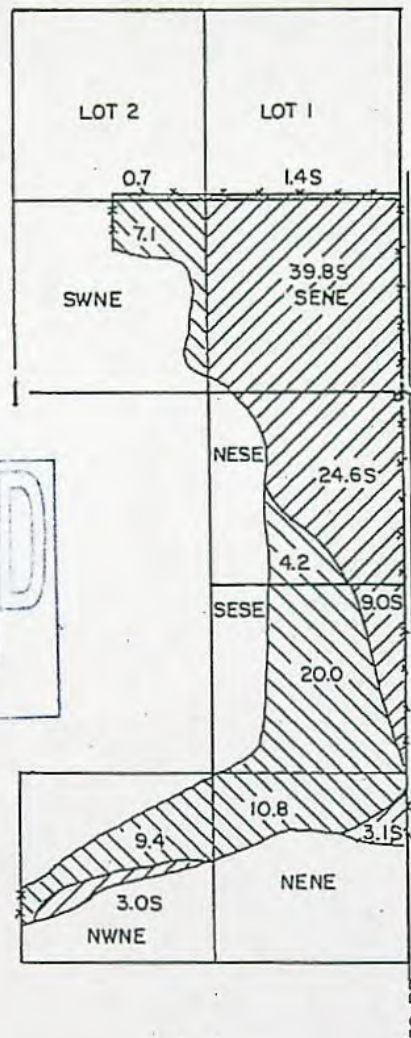
- It is not in the interest of OWRD or the Tribe to take this matter to contested case hearing or the courts.
- Sufficient documentation exists within the files of OWRD and BIA to clearly develop the actions and intent of both agencies relative to the water rights of the Burns-Paiute.
- There are no other water rights which can be injured as a result of agreements made regarding existing Burns-Paiute rights under certificates #20244 and #20245 and the 1974 and 1991 applications for well #3.
- The Burns-Paiute desires to make all decreed surface water rights from the Silves River, where they conflict with certificated groundwater rights, supplemental. In so far as decreed surface water rights from the Silves River conflict with the 95 acres applied for under the 1974 application, they would desire them to be supplemental also.
- The BIA shall commission a CWRE to develop a map showing all Burns-Paiute water rights and whether they be primary or supplemental for irrigation or domestic including all applicable points of appropriation. Such map shall be made according to the requirements of OWRD.

- Because of sufficient documentation of the existence and intent of the 1974 application, OWRD will recognize the 1974 priority date for the application for well #3 and the Burns-Paiute will withdraw the 1991 application.
- Upon withdrawal of the 1991 application, OWRD will rescind the 1996 Final Order and issue a Proposed Final Order for the 1974 application indicating the following:
 - A priority date of Sept. 23, 1940, for 34 acres; .43 cfs.
 - A priority date of Oct. 20, 1947 for 25 acres; .32 cfs.
 - A priority date of April 23, 1974 for 95 acres; 2.68 cfs.
- Any new or existing protest shall be handled within existing statute.
- Upon issuance of a permit for the 1974 application indicating the forgoing priority dates, acreage and amounts, certificates #20244 and #20245 will be superseded to indicate areas which may be used for supplemental irrigation only.
- Any necessary transfers from wells #1 and #2 to well #3 will be applied for in a timely fashion.

It is understood by both parties that these are tentative agreements and will be exchanged, in draft. It is further understood that these tentative agreements will be reviewed by Steve Sanders for further legal review.

T 23 S, R 30 E, WM

COPY



S - INDICATES THAT PORTION OF THE EXISTING SURFACE WATER RIGHT TO BECOME SECONDARY UPON CERTIFICATION OF APPLICATION G-12610.

ALL IRRIGATED LANDS SHOWN ARE TO BE PRIMARY TO GROUND WATER SOURCE UPON CERTIFICATION OF APPLICATION G-12610.

THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF PROPERTY OWNERSHIP.

12

BURNS PAIUTE INDIAN RESERVATION

WATER RIGHT APPLICATION MAP

Scale: 4" = 1 MILE

Date: NOV. 20, 1997

Job: 1323-B

Dsn:

Drn: CHRIS

Ckd:

M.A.P's

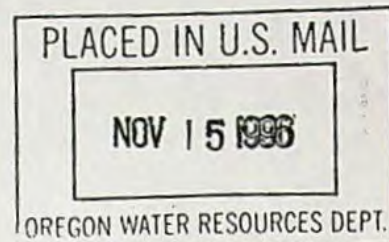
M. A. PALMER & SONS, INC.
ENGINEERING & SURVEYING
254 N. Alder - Box 61
Burns, Oregon 97720

Sht. No.

of 1



Oregon Water Resources Department
Water Rights Division



Water Rights Application
Number G-12610

Final Order

Application History

On July 15, 1991, BURNS PAIUTE INDIAN RESERVATION submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on March 26, 1996. The protest period closed May 10, 1996, and no protest was filed.

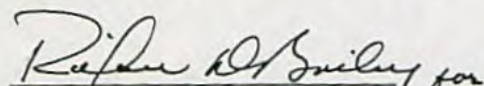
The proposed use would not impair or be detrimental to the public interest.

Order

Upon submission of a suitable map identifying the number of acres in each quarter-quarter section for primary irrigation and supplemental irrigation, Application G-12610 shall be approved as proposed by the Proposed Final Order and as provided on the attached draft permit.

Submission of a suitable map is due no later than 60 days from the date of this Final Order. Failure to submit a map within 60 days from the date of this Final Order will result in the proposed rejection of Application G-12610.

DATED October 29, 1996


Martha O. Pagel
Director

Appeal Rights

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

STATE OF OREGON

COUNTY OF HARNEY

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

BURNS PAIUTE INDIAN RESERVATION
BUREAU OF INDIAN AFFAIRS
WARM SPRINGS AGENCY
PO BOX 1239
WARM SPRINGS OR 97761-1239

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

APPLICATION FILE NUMBER: G-12610

SOURCE OF WATER: A WELL IN THE SILVIES RIVER BASIN

PURPOSE OR USE: IRRIGATION AND SUPPLEMENTAL IRRIGATION OF 133.1 ACRES

RATE OF USE: 1.66 CUBIC FEET PER SECOND

PERIOD OF ALLOWED USE: MARCH 20 THROUGH SEPTEMBER 1

DATE OF PRIORITY: JULY 15, 1991

POINT OF DIVERSION LOCATION: NE 1/4 SE 1/4, SECTION 1, T23S, R30E, W.M.; 22 FEET SOUTH AND 11 FEET WEST FROM THE E 1/4 CORNER OF SECTION 1

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE 1/4 NE 1/4	1.4 ACRES
NW 1/4 NE 1/4	0.7 ACRE
SW 1/4 NE 1/4	7.1 ACRES
SE 1/4 NE 1/4	39.8 ACRES
NE 1/4 SE 1/4	28.8 ACRES
SE 1/4 SE 1/4	29.0 ACRES

SECTION 1

NE 1/4 NE 1/4	13.9 ACRES
NW 1/4 NE 1/4	12.4 ACRES

SECTION 12

TOWNSHIP 23 SOUTH, RANGE 30 EAST, W.M.

Measurement, recording and reporting conditions:

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

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.

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

STANDARD CONDITIONS

The wells 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.

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

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.

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

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

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

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

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

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

{DATE}

DRAFT

Martha O. Pagel, Director
Water Resources Department

September 11, 1996

BURNS PAIUTE INDIAN RESERVATION
HC 71 100 PASIGO ST
BURNS OR 97720

REFERENCE: File G-12610

Enclosed is a copy of the order (Special Order Volume 50, Page 568) reinstating Application G-12610 to the status it enjoyed immediately prior to it's rejection.

If you have any questions, please contact the Water Rights Section at 378-3739, or toll-free 1-800-624-3199.

Sincerely,

Dallas Miller
Water Rights Section

DM:jh
enclosure

cc: Charles Palmer, CWRE
Bureau of Indian Affairs - Warm Springs Agency



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

COPY

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MARION COUNTY

IN THE MATTER OF THE REINSTATEMENT)
OF CERTAIN APPLICATIONS TO) ORDER
APPROPRIATE WATER)

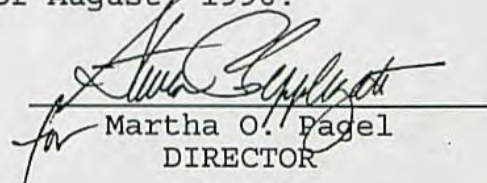
The following applications to appropriate the public waters of the State of Oregon were rejected by orders of the Water Resources Director.

The Department has determined that, because of new information received, it appears that the rejection of the following applications should be rescinded:

<u>APPLICANT:</u>	<u>APPL.#:</u>	<u>BASIN #:</u>
Thomas Williams & Associates	G-13124	7
Norman & Helen Records	R-71741	9
James & R. Service	R-76672	2
Burns Paiute Indian Reservation	G-12610	12
Evers Turkey Farm, Inc.	S-68767	2

It is hereby ORDERED that the above-listed applications are REINSTATED. Such applications are returned to the same status they enjoyed immediately prior to said rejection.

Dated at Salem, Oregon this 28th day of August, 1996.


for Martha O. Pagel
DIRECTOR

August 7, 1996

WATER
RESOURCES
DEPARTMENT

BURNS PAIUTE INDIAN RESERVATION
HC 71
100 PASIGO ST
BURNS OR 97720

RE: File G-12610

The above application for a water right was rejected on August 7, 1996 by Special Order Volume 50, Page 531, in the records of the Water Resources Department. Enclosed is a copy of that order.

The application is of no further force or effect.

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

Sincerely,

Dick Bailey, Manager
Water Rights Information Group

DB:jh

cc: Charles Palmer, CWRE
Bureau of Indian Affairs-Warm Springs Agency
enclosure



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

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MARION COUNTY

IN THE MATTER OF THE REJECTION)
OF APPLICATIONS FOR PERMITS) ORDER
TO APPROPRIATE WATER)

STATEMENT

The applications for permits to appropriate the public waters of the State of Oregon listed below were filed with the Water Resources Department.

Pursuant to the findings of fact and conclusions of law set forth herein, the Director of the Department issues the following ORDER with respect to the applications.

Requests for information required to complete their applications were mailed by regular first class mail and certified mail, to the applicants listed herein at their addresses of record.

The applicants were afforded a total of 45 days to return the requested information to the Department.

The applications to be rejected and the names of the applicants are:

<u>APPLICANT:</u>	<u>APPL. #</u>	<u>BASIN #</u>
<u>APPLICATIONS TO USE GROUNDWATER:</u>		
Burns Paiute Indian Reservation	G-12610	12
Julie Fouts	G-13239	5
<u>APPLICATIONS TO USE SURFACE WATER:</u>		
Donald & Rozalyn Devincenzi	70473	15
Larry Brandenburg	74305	3

The 1995 Legislative Assembly enacted Senate Bill 674 amending the statutory procedure for water right application processing (Chapter 416, Oregon Laws 1995). Pursuant to Senate Bill 674 the Director may determine how pending applications are to be processed.

CONCLUSIONS OF LAW

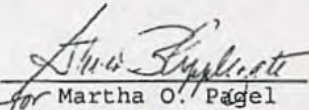
The Department has determined that the above-listed applicants were notified and given more than 45 days to provide required information needed to complete their applications.

Pursuant to Section 46(2) of Chapter 416, Oregon Laws 1995, the Department shall determine the appropriate step to continue the application review process established under the Chapter. The Department has determined that all procedural steps have been completed as to the above-listed applications; therefore, pursuant to this ORDER the Director may reject the applications.

ORDER

It is ORDERED the above-listed applications are hereby REJECTED and are of no further force or effect.

Dated at Salem, Oregon this 7th day of August, 1996.


for Martha O. Pagel
DIRECTOR

Pursuant to 183.484 and 536.075 and OAR 137-04-080 each applicant is entitled to either petition the Director for reconsideration of this order or to seek judicial review of this order with the Circuit Court of Marion County or the circuit court in the county in which all or part of the property affected by the order is situated, within 60 days from the date this order is served.

Such review shall be conducted according to the provisions of ORS 183.484, 183.486, 183.495, 183.497 and 183.500.

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

INTEROFFICE MEMORANDUM

July 25, 1996

TO: DICK BAILEY
CC: FILE
FROM: Jerry W. Gainey

SUBJECT: REJECTION OF G-12610

In accordance with OAR 690-310-100 a request for additional information was sent via certified mail to the applicant.

The request was made on June 11, 1996 and required the submission of items required under OAR 690-310-040 and/or OAR 690-310-050 prior to July 12, 1996.

Whereas neither the requested items or a request for extension of time has been submitted, the application should be rejected and fees refunded in accordance to ORS 536.050(3).

Please prepare an order rejecting the above named application.

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

BURNS PAIUTE INDIAN RESERVATION
HC 71 100 PASIGO ST
BURNS, OREGON 97720

4a. Article Number

P303103

4b. Service Type

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

7. Date of Delivery

6-13-96

5. Received By: (Print Name)**8. Addressee's Address (Only if requested and fee is paid)****6. Signature: (Addressee or Agent)**

X

Jody Richards

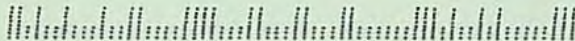
UNITED STATES POSTAL SERVICE



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

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

WATER RESOURCES DEPARTMENT
158 12TH STREET NE
SALEM, OR 97310



CERTIFIED MAIL
Return Receipt Requested

June 11, 1996

WATER
RESOURCES
DEPARTMENT

BURNS PAIUTE INDIAN RESERVATION
HC 71 100 PASIGO ST
BURNS OREGON 97720

RE: Application File # G-12610

Dear Applicant,

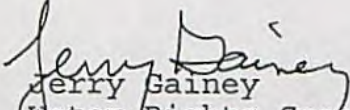
On MARCH 26, 1996, a Proposed Final Order was sent from the Department requesting additional information necessary to complete your application for water use. As of today, these items have not been received:

- ▶ A revised application map, identifying the number of acres in each quarter quarter section for irrigation and supplemental irrigation.

Please submit these items by JULY 12, 1996. If we do not receive the items requested above by this date, we will reject your application consistent with ORS 537.153. If your application is rejected, any fees submitted in excess of the examination fee will be refunded; however, the examination fee is non-refundable and will not be returned. In addition, the priority date associated with your application will be lost.

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

Sincerely,


Jerry Gainey
Water Rights Specialist
Final Order Team



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

STATE OF OREGON
WATER RESOURCES DEPARTMENT
WATER RIGHTS DIVISION

Before the Director of the Water Resources Department

In the matter of	)	PROPOSED
Groundwater Application	)	FINAL
G-12610 submitted by	)	ORDER
BURNS PAIUTE INDIAN RESERVATION		

FINDINGS OF FACT

Water Use Request

1. THE BURNS PAIUTE INDIAN RESERVATION requested use of 1.66 CUBIC FEET PER SECOND (CFS) of water from A WELL IN THE SILVIES RIVER BASIN, for IRRIGATION OF 133.1 ACRES, within the Malheur Lake Basin.
2. The area of proposed use is in Harney County within SECTION 1 AND SECTION 12, TOWNSHIP 23 SOUTH, RANGE 30 EAST, W.M.
3. The water delivery system is described by the applicant as A WELL WITH 8 INCH MAINLINES RUNNING NORTH AND SOUTH ALONG THE EAST BOUNDARY OF THE PROPERTY. FIVE INCH WHEEL LINES RUN WEST FROM THE MAINLINES.
4. The request was made in Application G-12610 which was received by the Water Resources Department on July 15, 1991.

Affected Waters

1. This proposed use of groundwater is not within or above a State Scenic Waterway.
2. There are no senior water rights from this point of appropriation.

Department Actions

1. The application was determined to be complete and not defective.
2. The Department determined, based upon OAR 690-09, that the proposed groundwater use will, if properly conditioned, adequately protect the surface water from interference.
3. A technical review of the application was completed and a report of the results of that review was mailed to the applicant on September 8, 1994.
4. The technical review determined:
 - a. IRRIGATION OF 133.1 ACRES is allowed under the Malheur Lake Basin Program.
 - b. The use is not prohibited by Statute.
 - c. Water for the proposed use is available in the amounts requested "WHEN NECESSARY FOR BENEFICIAL USE IN CONNECTION WITH THE IRRIGATION OF THEIR RESPECTIVE LANDS."

- d. The use would not injure existing water rights.
5. The report of technical review listed these determinations and disclosed a number of conditions and restrictions that would likely be included in the permit if issued. These conditions and restrictions are listed in the attached draft permit.

Assessment

1. In proceeding with evaluation of Application G-12610, the following criteria were found to be relevant by the Department.
 - a. The Malheur Lake Basin Program (OAR Chapter 690, Division 512)
 - b. Groundwater availability as determined by the Groundwater/Hydrology staff (OAR Chapter 690, Division 9)
 - c. The established rate and duty for the proposed use
 - d. Pending, senior applications and existing water rights of record
 - e. Compliance with Statewide Planning Goals, Compatibility with Comprehensive Plans, and Coordination on Land Use Matters (OAR 690, Division 5)
 - f. Comments received

CONCLUSIONS OF LAW

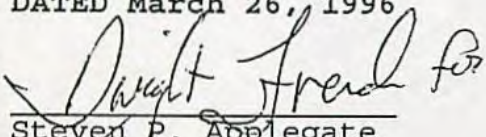
1. Based upon continued evaluation, the Department finds the determinations of the technical review require modification. THE PERIOD OF ALLOWED USE WAS INCORRECTLY IDENTIFIED IN THE TECHNICAL REVIEW.
2. DURING A REVIEW OF WATER RIGHT RECORDS SEVERAL EXISTING WATER RIGHTS WERE IDENTIFIED ON THE LANDS IDENTIFIED IN THIS APPLICATION FOR IRRIGATION. IRRIGATION OF THESE LANDS WILL NEED TO BE MADE SUPPLEMENTAL TO THE EXISTING RIGHTS. A REVISED APPLICATION MAP, IDENTIFYING THE NUMBER OF ACRES IN EACH QUARTER QUARTER SECTION FOR IRRIGATION AND SUPPLEMENTAL IRRIGATION, NEEDS TO BE SUBMITTED TO THE DEPARTMENT. BEFORE A PERMIT WILL BE ISSUED.
3. The period of allowed use is MARCH 20 THROUGH SEPTEMBER 1.
4. The Department finds that no more than 1.66 CFS would be necessary for the proposed use. The amount of water requested, 1.66 CFS, is allowable for the proposed use.
5. This application requests the use of water on federally owned lands; therefore, as outlined in the Department's Land Use Planning Procedures Guide, the submission of land use information with the application is not required.
6. The Director does not find, based on a preponderance of evidence, that the proposed use of ground water will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife.

7. The proposed use would not conflict with existing water rights, and, if exercised in accordance with law, rule, and the proposed conditions would not result in injury to existing water users.
8. The proposed use complies with all other rules of the Commission.
9. Pursuant to Chapter 416, Oregon laws, 1995, enacted by the 68th Oregon Legislative Assembly, and given the findings listed above, a rebuttable presumption has been established that the use will not impair or be detrimental to the public interest if exercised in the manner described in the attached draft permit.
10. Therefore, the proposed use, as conditioned, and described in the attached draft permit, would not impair or be detrimental to the public interest.

PROPOSED ORDER

IT IS PROPOSED that Application G-12610 in the name of THE BURNS PAIUTE INDIAN RESERVATION be approved for IRRIGATION OF 133.1 ACRES as provided in the attached draft permit.

DATED March 26, 1996



Steven P. Applegate
Administrator
Water Rights and Adjudications Division

NOTICE:

This Proposed Final Order is issued by the Department pursuant to Chapter 416, Oregon laws, 1995, enacted by the 68th Oregon Legislative Assembly.

To seek changes in this proposed final order, you must file a formal protest.

Formal protests to this proposed final order must be made in proper form and accompanied by the statutory fee in the amount of \$200. Note: The applicant is not subject to this fee.

For other than the applicant, if you agree with the findings in this proposed order, but wish to maintain your right to participate in any contested case proceeding or judicial review, you must file a written request for standing. Requests for standing in proceedings relating to this application must be made in the proper form and accompanied by the statutory fee in the amount of \$50.

Protests or requests for standing, along with the appropriate fees must be received by the Water Resources Department in Salem, Oregon by 5:00 pm on May 10, 1996.

Only the applicant and any persons who timely file a protest or request for standing may participate in further proceedings before the Department or the Commission which deal with this Application.

DRAFT
STATE OF OREGON
COUNTY OF HARNEY

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

BURNS PAIUTE INDIAN RESERVATION
HC 71 100 PASIGO ST.
BURNS, OREGON 97720

PHONE: (541) 573-2088

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

APPLICATION FILE NUMBER: G-12610

SOURCE OF WATER: A WELL IN THE SILVIES RIVER BASIN, WITHIN THE MALHEUR LAKE BASIN

PURPOSE OR USE: SUPPLEMENTAL IRRIGATION OF 133.1 ACRES

RATE OF USE: 1.66 CUBIC FEET PER SECOND

PERIOD OF ALLOWED USE: MARCH 20 THROUGH SEPTEMBER 1

DATE OF PRIORITY: JULY 15, 1991

POINT OF DIVERSION LOCATION: NE 1/4 SE 1/4, SECTION 1, T23S, R30E, W.M.; 22 FEET SOUTH & 11 FEET WEST FROM E1/4 CORNER, SECTION 1

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE 1/4 NE 1/4 1.4 ACRE
NW 1/4 NE 1/4 0.7 ACRE
SW 1/4 NE 1/4 7.1 ACRES
SE 1/4 NE 1/4 39.8 ACRES
NE 1/4 SE 1/4 28.8 ACRES
SE 1/4 SE 1/4 29.0 ACRES
SECTION 1
NE 1/4 NE 1/4 13.9 ACRES
NW 1/4 NE 1/4 12.4 ACRES
SECTION 12

TOWNSHIP 23 SOUTH, RANGE 30 EAST, W.M.

Measurement, recording and reporting conditions:

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

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.

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

STANDARD CONDITIONS

The wells 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.

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

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.

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

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

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

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

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

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

Issued _____, 199_

DRAFT

Water Resources Department
Director

Application G-12610 Water Resources Department
Basin 12 Volume 2 Silvies River & Misc.
LKS MGMT.CODE

PERMIT DRAFT
District 10



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Warm Springs Agency
PO Box 1239
Warm Springs, OR 97761-1239

RECEIVED

NOV 13 1995

WATER RESOURCES DEPT.
SALEM, OREGON

NOV -8

Meredith Carine, Completeness Team
Oregon Water Resources Department
158 12th Street NE
Salem, OR 97310-0210

RE: Application No. G-12610 Burns Paiute Reservation

Dear Ms. Carrine;

Gerald Henrikson, Natural Resources Officer with this office has prepared the following aliquot descriptions of the lands covered by the permit application. We understand that these will suffice to meet your needs for the application process. Please note that the descriptions have been executed to a greater degree of accuracy than the 1/4 corner descriptions you said would suffice on November 6th.

Section 1, Twp. 23 S. Rge. 30 E. W.M

✓S1/2S1/2NE1/4NE1/4(part)- 8 ACRES
✓S1/2SE1/4NW1/4NE1/4(part)- 4 ACRES
✓SE1/4NE1/4(part)-38 ACRES
✓E1/2SE1/4SW1/4NE1/4(part)-3 ACRES
✓NE1/4SW1/4NE1/4(part)-4 ACRES
✓E1/2NE1/4SE1/4(part)- 18 ACRES
✓W1/2NE1/4SE1/4(part)- 8 ACRES
✓E1/2SE1/4SE1/4(part)-18 ACRES
✓E1/2W1/2SE1/4SE1/4(part)- 8 ACRES Section 1 subtotal=109 acres

Section 12, Twp. 23S. Rge.30E.

✓N1/2NE1/4NE1/4(part)- 10 ACRES
✓NE1/4NW1/4NE1/4(part)- 5 ACRES
✓SE1/4NW1/4NE1/4(part)- 4 ACRES
W1/2NW1/4NE1/4(part)- 6 ACRES Section 12 subtotal=25 Acres.

RECEIVED

NOV 13 1995

WATER RESOURCES DEPT.
SALEM, OREGON

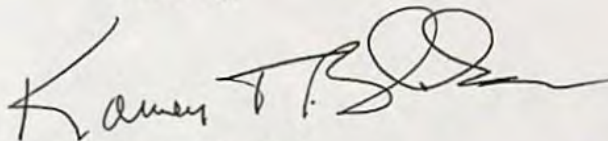
Total = 134 Acres irrigated.

We understand from your conversation with Mr. Henrikson of 11/6/95 that an aliquot description will suffice for your application needs. We have tried to get the description more accurate than you originally suggested (1/4 corner).

These lands are trust lands with title vesting in the United States of America for the benefit of the Burns Paiute Tribe. They are part of the Burns Paiute Indian Reservation. They have had the status of Reservation lands since 1973 (86 Stat. 803). Irrigation wells have been in operation serving this field since circa 1940 according to BIA records.

If you have need for further information please contact Gerald Henrikson, Natural Resources Officer at 541-553-2421 or Fax at 541-553-2434.

Sincerely,

A handwritten signature in dark ink, appearing to read "K. Amey", followed by a large, stylized flourish or scribble.

Acting Superintendent



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Warm Springs Agency
PO Box 1239
Warm Springs, OR 97761-1239

COPY

NOV -8 1995

Meredith Carine, Completeness Team
Oregon Water Resources Department
158 12th Street NE
Salem, OR 97310-0210

RE: Application No. G-12610 Burns Paiute Reservation

Dear Ms. Carine;

Gerald Henrikson, Natural Resources Officer with this office has prepared the following aliquot descriptions of the lands covered by the permit application. We understand that these will suffice to meet your needs for the application process. Please note that the descriptions have been executed to a greater degree of accuracy than the 1/4 corner descriptions you said would suffice on November 6th.

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S1/2S1/2NE1/4NE1/4(part)- 8 ACRES
S1/2SE1/4NW1/4NE1/4(part)- 4 ACRES
SE1/4NE1/4(part)-38 ACRES
E1/2SE1/4SW1/4NE1/4(part)-3 ACRES
NE1/4SW1/4NE1/4(part)-4 ACRES
E1/2NE1/4SE1/4(part)- 18 ACRES
W1/2NE1/4SE1/4(part)- 8 ACRES
E1/2SE1/4SE1/4(part)-18 ACRES
E1/2W1/2SE1/4SE1/4(part)- 8 ACRES Section 1 subtotal=109 acres

Section 12, Twp. 23S. Rge.30E.

N1/2NE1/4NE1/4(part)- 10 ACRES
NE1/4NW1/4NE1/4(part)- 5 ACRES
SE1/4NW1/4NE1/4(part)- 4 ACRES
W1/2NW1/4NE1/4(part)- 6 ACRES Section 12 subtotal=25 Acres.

Total = 134 Acres irrigated.

We understand from your conversation with Mr. Henrikson of 11/6/95 that an aliquot description will suffice for your application needs. We have tried to get the description more accurate than you originally suggested (1/4 corner).

These lands are trust lands with title vesting in the United States of America for the benefit of the Burns Paiute Tribe. They are part of the Burns Paiute Indian Reservation. They have had the status of Reservation lands since 1973 (86 Stat. 803). Irrigation wells have been in operation serving this field since circa 1940 according to BIA records.

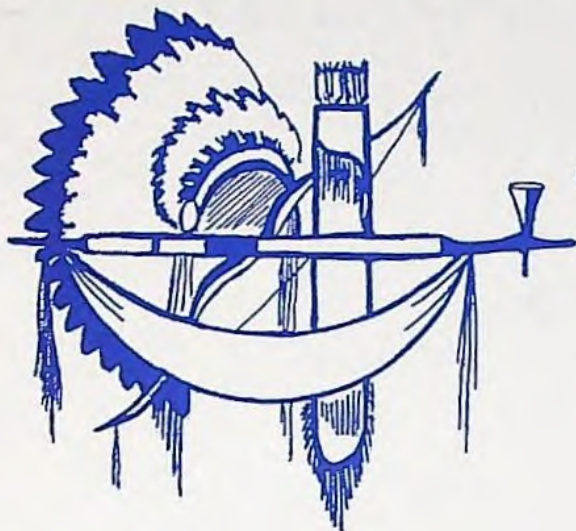
If you have need for further information please contact Gerald Henrikson, Natural Resources Officer at 541-553-2421 or Fax at 541-553-2434.

Sincerely,

KARMEN T. BLAKE

Acting Superintendent

GSH: Branch Chrono : 11/8/95.



Burns Paiute Tribe

HC-71 100 PASIGO STREET

BURNS, OREGON 97720

PHONE (503) 573-2088

FAX (503) 573-2323

NOV - 8 1995

WATER RESOURCES DEPT.
SALEM, OREGON

November 2, 1995

Meredith Carine
Completeness Team
Oregon Water Resources Dept.
Commerce Building
158 12th St. N.E.
Salem, Oregon 97310-0210

Ms. Carine:

Enclosed is a check for \$1,80 and the certification form signed by the Farmland Chairperson, Donna Sam. Also requested was the legal description of the farmland.

Legal description:

Section 1 and 12 of T-23 R-20
Burns Paiute Reservation
Harney County

Respectfully,

Donna Sam for
Donna Sam
Farmland Chairperson

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL

of pages - 2

To: <i>Meredith Carine</i>	From: <i>G.S. Henrikson</i>
Dept./Agency: <i>OWRD</i>	Phone #: <i>541-553-2421</i>
Fax #: <i>378-6203</i>	Fax #: <i>" " 2434</i>
NSN 7540-01-317-7386	5099-101 GENERAL SERVICES ADMINISTRATION

*Hard Copy of
letter to
Follow*

Meredith Carine, Completeness Team
Oregon Water Resources Department
158 12th Street NE
Salem, OR 97310-0210

RE: Application No. G-12610 Burns Paiute Reservation

Dear Ms. Carine;

Gerald Henrikson, Natural Resources Officer with this office has prepared the following aliquot descriptions of the lands covered by the permit application. We understand that these will suffice to meet your needs for the application process. Please note that the descriptions have been executed to a greater degree of accuracy than the 1/4 corner descriptions you said would suffice on November 6th.

Section 1, Twp. 23 S. Rge. 30 E. W.M

S1/2S1/2NE1/4NE1/4(part)- 8 ACRES
S1/2SE1/4NW1/4NE1/4(part)- 4 ACRES
SE1/4NE1/4(part)-38 ACRES
E1/2SE1/4SW1/4NE1/4(part)-3 ACRES
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E1/2SE1/4SE1/4(part)-18 ACRES
E1/2W1/2SE1/4SE1/4(part)- 8 ACRES Section 1 subtotal=109 acres

Section 12, Twp. 23S. Rge.30E.

N1/2NE1/4NE1/4(part)- 10 ACRES
NE1/4NW1/4NE1/4(part)- 5 ACRES
SE1/4NW1/4NE1/4(part)- 4 ACRES
W1/2NW1/4NE1/4(part)- 6 ACRES Section 12 subtotal=25 Acres.

Total acres 134 Acres irrigated.

We understand from your conversation with Mr. Henrikson of 11/6/95 that an aliquot description will suffice for your application needs. We have tried to get the description more accurate than you originally suggested (1/4 corner).

These lands are trust lands with title vesting in the United States of America for the benefit of the Burns Paiute Tribe. They are part of the Burns Paiute Indian Reservation. They have had the status of Reservation lands since 1973 (86 Stat. 803). Irrigation wells have been in operation serving this field since circa 1940 according to BIA records.

If you have need for further information please contact Gerald Henrikson, Natural Resources Officer at 541-553-2421 or Fax at 541-553-2434.

Sincerely,

Superintendent



Burns Paiute Tribe

HC-71 100 PASIGO STREET

BURNS, OREGON 97720

PHONE (503) 573-2088

FAX (503) 573-2323

FAX COVER SHEET

To: MEREDITH CARINE

Company: WATER RESURVEY DEPT.

Location: SALEM, OR

Fax# (503) 378-8130

Telephone: _____

Comments: I AM PAYING THIS TO YOU TO LET
YOU KNOW WE HAVE RESPONDED. I AM EXPRESS
MAILING THE CHECK TODAY.

No. of pages including cover 3 Today's Date: 10/6/95 Time: _____

From: Barbara Terman

Company: Burns Paiute Tribe

Location: Burns, Oregon

Fax: (503) 573-2323

Phone: (503) 573-2088



Burns Paiute Tribe

HC-71 100 PASIGO STREET

BURNS, OREGON 97720

PHONE (503) 573-2088

FAX (503) 573-2323

November 2, 1995

Meredith Carine
Completeness Team
Oregon Water Resources Dept.
Commerce Building
158 12th St. N.E.
Salem, Oregon 97310-0210

Ms. Carine:

Enclosed is a check for \$1,80 and the certification form signed by the Farmland Chairperson, Donna Sam. Also requested was the legal description of the farmland.

Legal description:

Section 1 and 12 of T-23 R-20
Burns Paiute Reservation
Harney County

Respectfully,

Barbara Sam for
Donna Sam
Farmland Chairperson

I/We certify that the information I have provided in application # G 12610 is an accurate representation of the proposed water use and is true and correct to the best of my knowledge.

Donna Sam	Chairperson	11/2/95
Name	Title	Date
Amos First Raised	Vice Chairperson	11/2/95.
Name	Title	Date
Lloyd Louie	Secretary	11/2/95
Name	Title	Date
Herbert Hawley	Board Member	11/2/95
Name	Title	Date
Tyrone Hoodie	Board Member	11/2/95

SENDER:

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

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

1. ☐ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Wanda Johnson, Chairperson

Burns Paiute Indian Reservation

HC 71 100 Pasigo St

Burns OR 97720

4a. Article Number

P56691

4b. Service Type

☐ Registered

☐ Insured

☒ Certified

☐ COD

☐ Express Mail

☐ Return Receipt for Merchandise

7. Date of Delivery

10-12-95

5. Signature (Addressee)

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

6. Signature (Agent)

G. J. Richards

PS Form 3811, December 1991

☆U.S. GPO: 1993-352-714

DOMESTIC RETURN RECEIPT

G 12610

UNITED STATES POSTAL SERVICE



Official Business

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



WATER RESOURCES DEPARTMENT
158 12TH ST. N.E.
SALEM, OR 97310

are



CERTIFIED MAIL
Return Receipt Requested

October 6, 1995

WATER
RESOURCES
DEPARTMENT

WANDA JOHNSON, CHAIRPERSON
BURNS PAIUTE INDIAN RESERVATION
HC 71 100 PASIGO ST
BURNS OREGON 97720

RE: Application File # G-12610

Dear Wanda Johnson,

On August 31, 1995, a letter was sent from the Department requesting additional information necessary to complete your application for water use. As of today, these items have not been received:

- ▶ Fees in the amount of \$1.80.
- ▶ An oath that the information in the application is true and accurate. Please sign and return the enclosed oath.
- ▶ A legal (metes and bounds) description of the property where water is to be used; not of the entire reservation boundary.

Please submit these items by November 9, 1995. If we do not receive the items requested above by this date, we will reject your application consistent with ORS Chapter 537. If your application is rejected, any fees submitted in excess of the examination fee will be refunded; however, the examination fee is non-refundable and will not be returned. In addition, the priority date associated with your application will be lost.

Should you have any questions regarding your application or the required materials listed above, or if you need to request an extension of time, please call me personally at 1-800-624-3199, extension 327.

Sincerely,



Meredith Carine
Completeness Team

Enclosures

cc: Barbara Scott-Brier, Agency Rep., Bureau of Indian Affairs



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

Chronology of Events Burns-Paiute Groundwater Wells

23 Sept 1940

- Application for groundwater well (Well #1) is received by Oregon State Engineer. The well is intended to serve for irrigation of 159 acres and for domestic purposes for 28 cottages.

10 Jan 1941

- Application is approved by OWRD.

16 Oct 1947

- BIA letter to State Engineer indicates that Well #1 is sufficient only for domestic purposes and irrigation of gardens totaling 4.44 acres.
- Application is made for a second well (Well #2) for irrigation of remaining 154.56 acres (total of two wells is 159.0 acres), and requesting Sept 23, 1940 priority date.

24 Nov 1948

- BIA letter to State Engineer indicating that Well #2 does not prove adequate to irrigate all 159 acres.

23 June 1952

- Proof of Appropriation of Water for Well #1: 34.0 acres plus domestic use for 28 individual cottages (250 gpm)
- Proof of Appropriation of Water for Well #2: 25.7 acres (450 gpm)

13 October 1972 - Public Law 92-488

- Burns Indian Colony lands (762 acres in Sections 1 and 12, T23S R30E), acquired in 1933 and 1935, are declared an Indian Reservation and placed in trust

23 April 1974 - Application for groundwater permit, by BIA Warm Springs to State Engineer

- "Well located in NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 1, of T23S R30E ... replaces well on file under application U-251 and permit U-223" (i.e., new well replaces Well #2)
- Filed for the "purpose of protecting the Reservation from the additional appropriation of water."

1 Sept 1983 - BIA Warm Springs to OWRD

- Inquiry by BIA of water rights on record with the state. *(Application from 1974 (a copy) has in the file at OWRD)*

8 Sept 1983 - OWRD response to BIA Warm Springs

- Two wells on record: 15.7 acres with a date October 20, 1947; and 25.0 acres with domestic use for 28 cottages with a date September 23, 1940, under Office of Indian Affairs.
- "In 1974 a well report was filed ... however, no application for water right was ever submitted."

December 1990 - BIA Warm Springs response to OWRD Nov 5 letter

- Letter from OWRD apparently advised the need for a pump test for Well #2
- BIA advised OWRD that "two wells in question are no longer in use (for irrigation). One (Well #1) is ... a backup well for domestic/municipal purposes while the other (Well #2) is no longer in use due to it being replaced by a third well which you evidently have no record of." The new well was to replace Well #2.

3 January 1991 - OWRD response to BIA Warm Springs

- OWRD has no record of a permit for third well. If the third well is from the same water source (i.e., same aquifer) as Well #2, a transfer application is appropriate, and date of priority would be October 20, 1947.

11 July 1991 - Palmer & Sons Water Rights Application Map

- Application map and surveyors certificate for well irrigating 134 acres in E½ of Section 1 and NE¼ of Section 12, T23S R30E

8 September 1994 - OWRD letter to Burns-Paiute

- Application review for irrigation of 134 acres. (Application file no. G 12610)
- "You have a conflicting water rights situation on the property involved in the application. This problem must be resolved before a permit could be issued."

3 November 1994 - Phone communication, NEA to Dallas Miller, OWRD

- Letter of 8 September was prompted by the existing surface water right on same lands as those to be irrigated under groundwater well in application.
- If the new well replaces a failed well, is located in a nearby area, draws upon same aquifer, *and covers same acreage and withdrawal quantity -- no more*, then the transfer process is appropriate with a 1947 date. However, if a larger acreage would be covered, the new right for the *entire* acreage would have a 1991 priority date.
- Surface water right exists only to extent that it was used during the past five years. If not, the surface water right is considered abandoned.

4 November 1994 - Objection filed by WaterWatch

- WaterWatch objects to three filings because the state failed to address the interactive effect of groundwater pumping on surface water flows in the Silvies River and Malheur Lake Basins

^{18 November} ~~12 December~~ 1994 - Objection filed by the BIA

- Requirement for a Land Use Information Form does not apply to Federal lands
- Priority date of July 15, 1991 is incorrect, as the new well replaces an existing well. The priority dates should be:
 - September 23, 1940 for 34 acres, .43 cfs
 - October 20, 1947 for 25 acres, .32 cfs
 - April 23, 1974 for 95 acres, 2.68 cfs



United States Department of the Interior

OFFICE OF THE SOLICITOR

Pacific Northwest Region
500 N.E. Multnomah Street, Suite 607
Portland, Oregon 97232

NOV 18 1994

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NOV 21 1994

WATER RESOURCES DIV.
SALEM, OREGON

Mr. Dallas Miller
Water Rights Division
Oregon Water Resources Division
Commerce Building
158 12th Street N.E.
Salem, Oregon 97310

Reference: File G 12610

Dear Mr. Miller:

Pursuant to OAR 690-11-170, the Bureau of Indian Affairs as trustee on behalf of the Burns Paiute Indian Tribe, objects to the September 8, 1994, Satisfactory Report of Technical Review (report) prepared by the Oregon Water Resources Department regarding transfer of a water right to a well drilled in 1974 ("1974 well"), located at T23S, R30E, NE 1/4 SE 1/4, sec. 1, on the Burns Paiute Reservation. The Bureau of Indian Affairs objects to the report on the basis that the technical review is defective, in part, as further described below. The Bureau of Indian Affairs also responds to your separate letter, also dated September 8, 1994, regarding the subject water right transfer.

First, contrary to your September 8, 1994, letter a Land Use Information Form, as required by ORS 197.180, is not required in this matter since the water is to be diverted and used only on Federal lands, i.e. the Burns Paiute Indian Reservation.

Second, the priority date for the water right for the 1974 well was incorrectly stated in the report as 7/15/91. The land on which the 1974 well is located was obtained by the United States in 1935 for the benefit of the Burns Paiute Tribe and subsequently placed in trust as a part of the Burns Paiute Indian Reservation. The land described as the place of use in the report has been irrigated by the Burns Paiute Tribe using a series of wells since at least the 1940's. Water rights were issued by the State on irrigation wells on this property with priority dates of: September 23, 1940, for irrigation of 34 acres and domestic use ("1940 well," permit no. U-123, certificate no. 20245) [exhibit no. 1]; and October 20, 1947, for irrigation of 25.7 acres ("1947 well," permit no. U-223, certificate 20244) [exhibit no. 2]. After the failure of the 1947 well, the 1974 well was drilled on the property as a replacement well and an application was filed in 1974 [exhibit no.3], by the

Bureau of Indian Affairs as trustee on behalf of the Burns Paiute Tribe, for transfer of certificated water right no. 20244 and for an additional quantity of water to irrigate a total of approximately 120 acres. The irrigation portion of the 1940 well (34 acres) is also used with the 1974 well. Thus, the total irrigated acreage from the 1974 well is 154 acres and the water right to the 1974 well should be for irrigation purposes as follows:

- priority date September 23, 1940, 34 acres, .43 cfs
- priority date October 20, 1947, 25 acres, .32 cfs
- priority date April 23, 1974, 95 acres, 2.68 cfs

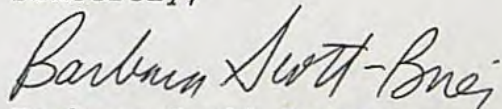
Finally, the Bureau of Indian Affairs wishes to clarify that the Tribal water right to water of the Silvies River to irrigate the acreage designated as the place of use for the 1974 well is a secondary source of water due to the unreliability of the Silvies River water.

It appears that there may be administrative oversights regarding the transfer applications and water rights applications previously filed and there also may be duplicative filings regarding these water rights. The Bureau of Indian Affairs and the Burns Paiute Tribe would like to resolve these matters with the Oregon Water Resources Department through the alternative dispute resolution procedures.

We are interested in meeting with representatives of the Department at your convenience to discuss these matters. Please call me, the Bureau of Indian Affairs' Agency Representative, at 503-231-2139, to arrange a meeting.

Please provide all correspondence regarding this matter to Wanda Johnson, Chairperson, Burns Paiute Tribe, HC 71, 100 Pasigo Street, Burns, OR. 97220, and to the undersigned Agency Representative.

Sincerely,



Barbara Scott-Brier
Agency Representative for
the Bureau of Indian Affairs

cc: Robert L. Fenton, PAO, Bureau of Indian Affairs
Superintendent Gordon Cannon, Warm Springs Agency
Chairperson Wanda Johnson, Burns Paiute Tribe

STATE OF OREGON
COUNTY OF HARNEY
CERTIFICATE OF WATER RIGHT

This Is to Certify, That U.S. DEPARTMENT OF INTERIOR
OFFICE OF INDIAN AFFAIRS

of Building 34, Swan Island, Portland State of Oregon 97205, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of a well tributary of for the purpose of irrigation and domestic use in 28 individual cottages under Permit No. U-126 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from September 23, 1940

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.71 cubic foot per second, being 0.43 c.f.s. for irrigation and 0.28 c.f.s. for domestic use,

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the 560' S. and 1950' W. of the N.E. corner of Section 1, being within Lot 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$), Section 1, Township 23 South, Range 30 East, W. M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 acre feet per acre for each acre irrigated during the irrigation season of each year,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer. A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

10.5 acres & domestic in Lot 5 (NE $\frac{1}{4}$ NE $\frac{1}{4}$)
14.3 acres & domestic in Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$)
9.2 acres & domestic in Lot 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$)
Section 1
Township 23 South, Range 30 East, W. M.
39.0

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

WITNESS the signature of the State Engineer, affixed

this 26th day of February, 19 54

CHAS. E. STRICKLIN
State Engineer

Recorded in State Record of Water Right Certificates, Volume 15, page 20245

RECEIVED

NOV 21 1994

WATER RESOURCES DIVISION
SALEM, OREGON

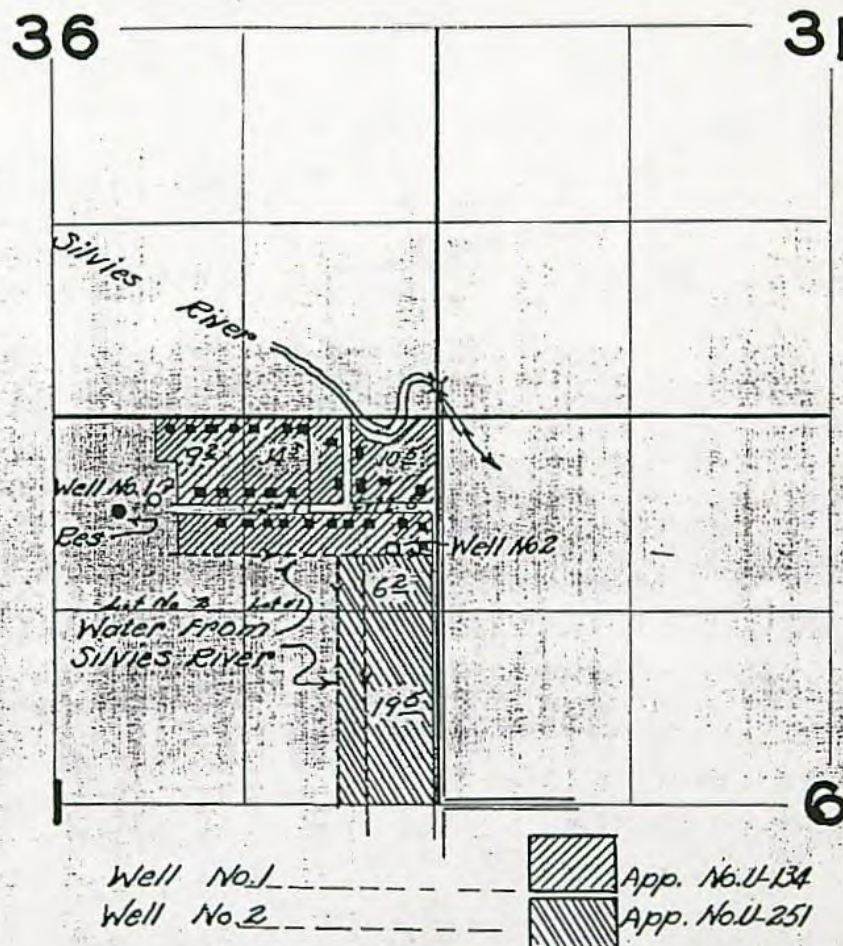
EXHIBIT

T.23S.R.30E.W.M.

RECEIVED

NOV 21 1994

WATER RESOURCES DEPT.
SALEM, OREGON



FINAL PROOF SURVEY

UNDER

U-134

U-126

Application No. U-251 Permit No. U-223

IN NAME OF

UNITED STATES OF AMERICA

Surveyed 7/20, 1951, by H.L. COFFMAN

STATE OF OREGON

COUNTY OF HARNEY

NOV 21 1994

CERTIFICATE OF WATER RIGHT

DEPT.
SALEM, OREGON

This Is to Certify, That U. S. DEPARTMENT OF INTERIOR
 District Office III, OFFICE OF INDIAN AFFAIRS
 of U. S. Indian Service, Portland ; State of Oregon 97208, has made proof
 to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of
 a well for the purpose of
 irrigation
 under Permit No. U-223 of the State Engineer, and that said right to the use of said waters
 has been perfected in accordance with the laws of Oregon; that the priority of the right hereby
 confirmed dates from October 20, 1947

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

Well or its equivalent in case of rotation, measured at the point of diversion from the stream.
 The point of diversion is located in the 900' S. and 320' W. of the N.E. corner of Section
 1, being within Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$), Section 1, Township 23 South, Range 30 East, W.M.

The amount of water used for irrigation, together with the amount secured under any other
 right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second
 per acre, or its equivalent for each acre irrigated and shall be further limited
 to a diversion of not to exceed 3 acre feet per acre for each acre irrigated
 during the irrigation season,

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

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

6.2 acres in Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$)
 19.5 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$
 Section 1
 Township 23 South, Range 30 East, W. M.
 25.7

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

WITNESS the signature of the State Engineer, affixed

this 26th day of February, 1954

CHAS. E. STRICKLIN
 State Engineer

Recorded in State Record of Water Right Certificates, Volume 15, page 20244

EXHIBIT

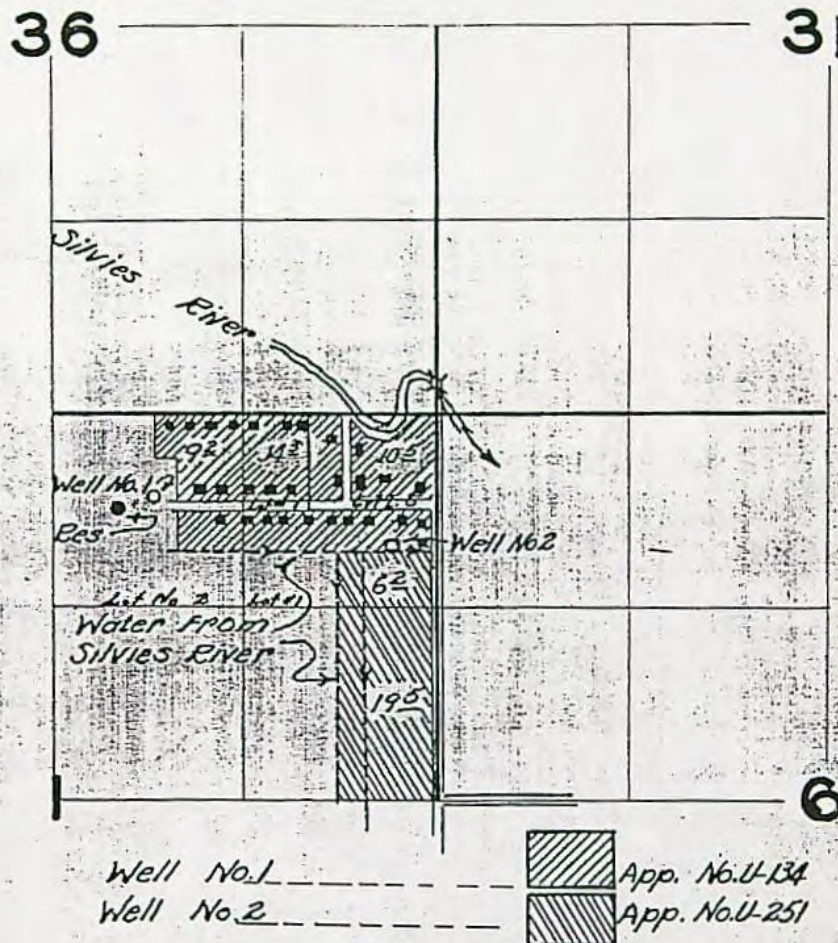
2

T.23S.R.30E.W.M.

RECEIVED

NOV 21 1994

WATER DIVISION
SALEM, OREGON



FINAL PROOF SURVEY

UNDER

U-134

U-126

Application No. U-251 Permit No. U-223

IN NAME OF

UNITED STATES OF AMERICA

Surveyed 7/20/1951, by H.L. COFFMAN

RECEIVED

NOV 21 1994

Warm Springs Agency
Warm Springs, OR 97761

April 23, 1974

Chris L. Wheeler
Oregon State Engineer
Salem, OR 97310

Dear Mr. Wheeler:

Enclosed is an application for a permit "to Appropriate the Ground Waters of the State of Oregon" on behalf of the Burns Paiute Indian Reservation, Burns, Oregon. Resolution 74-10 of the Burns Paiute Indian Colony requesting and authorizing the filing of the permit.

The well located in the NE/4 NE/4 SE/4 Section 1 T 23, R 30 East Willamette Meridian and replaces the well on file under application No. U251 and permit U223.

It is our understanding that a permit is not required for the drilling of wells on an Indian Reservation. The filing of this permit application is for the sole purpose of protecting the Reservation from the additional appropriation of water.

Sincerely yours,

/s/ JAMES D. CORNETT

James D. Cornett
Superintendent

Enclosure

PNHAGEN:umg

cc: Burns Paiute Indian Colony, Burns, OR
Land Operations
P.N. Hagen

EXHIBIT 3

APPLICATION FOR A PERMIT

To Appropriate the Ground Waters of the State of Oregon

NOV 21 1994
SALEM, OREGONI, BURNS PATUTE INDIAN RESERVATION

(Name of applicant)

of BURNS, county of HARNEY

(Postoffice Address)

state of OREGON, do hereby make application for a permit to appropriate the following described ground waters of the state of Oregon, **SUBJECT TO EXISTING RIGHTS:**

If the applicant is a corporation, give date and place of incorporation

1. Give name of nearest stream to which the well, tunnel or other source of water development is situated Silvies River

(Name of stream)

tributary of Malheur2. The amount of water which the applicant intends to apply to beneficial use is 3 cubic feet per second or 1,200 gallons per minute.3. The use to which the water is to be applied is to irrigate approximately 120 acres of Class II and III lands and emergency potable water supply for the Colony.

about about

4. The well or other source is located 2,400 ft. N and 20 ft. W from the S. E. corner of the SE¹ of Section 1 (see attached map)

(Section or subdivision)

(If preferable, give distance and bearing to section corner)

(If there is more than one well, each must be described. Use separate sheet if necessary)

being within the NE¹ SE¹ of Sec. 1, Twp. 23S, R. 30E, W. M., in the county of Harney5. The Canal or pipe line to be _____ miles in length, terminating in the _____ of Sec. _____, Twp. _____, R. _____, W. M., the proposed location being shown throughout on the accompanying map.

(Smallest legal subdivision)

6. The name of the well or other works is Burns Colony Irrigation Well

DESCRIPTION OF WORKS

7. If the flow to be utilized is artesian, the works to be used for the control and conservation of the supply when not in use must be described.

If the flow is artesian, the well will be capped or used for beneficial purposes.

(NOTE: This well is to replace a irrigation well approximately 1,400 feet north of site. The old well is on file under application No. U251 and Permit U223).

8. The development will consist of one having a diameter of 12 inches and an estimated depth of 200 feet. It is estimated that 190 feet of the well will require Steel casing. Depth to water table is estimated 50

(Kind)

(Feet)

Kind of crops raised

13. Supply the city of _____
in _____ county, having a present population of _____
and an estimated population of _____ in 19____

ANSWER QUESTIONS 14, 15, 16, 17 AND 18 IN ALL CASES

14. Estimated cost of proposed works, \$_____
15. Construction work will begin on or before _____
16. Construction work will be completed on or before _____
17. The water will be completely applied to the proposed use on or before _____

18. If the ground water supply is supplemental to an existing water supply, identify any application for permit, permit, certificate or adjudicated right to appropriate water, made or held by the applicant. _____

Remarks: _____

Sam D. Penick
(Signature of applicant)
Superintendent, Warm Springs Agency

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

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for _____

In order to retain its priority, this application must be returned to the State Engineer, with corrections on or before _____, 19____

WITNESS my hand this _____ day of _____, 19____

This is to certify that I have examined the foregoing application and do hereby grant the same, SUBJECT TO EXISTING RIGHTS and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed _____ cubic feet per second measured at the point of diversion from the well or source of appropriation, or its equivalent in case of rotation with other water users, from _____

The use to which this water is to be applied is _____

If for irrigation, this appropriation shall be limited to _____ of one cubic foot per second or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed _____ acre feet per acre for each acre irrigated during the irrigation season of each year; _____

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NOV 21 1994

WATER RESOURCES DIVISION
SALEM, OREGON

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

The well shall be cased as necessary in accordance with good practice and if the flow is artesian the works shall include proper capping and control valve to prevent the waste of ground water.

The works constructed shall include an air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the well at all times.

The permittee shall install and maintain a wet. meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

The priority date of this permit is _____

Actual construction work shall begin on or before _____ and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 19_____

Complete application of the water to the proposed use shall be made on or before October 1, 19_____

WITNESS my hand this _____ day of _____, 19_____

STATE ENGINEER

Application No. G-_____

Permit No. G-_____

PERMIT

APPROPRIATE THE GROUND
WATERS OF THE STATE
OF OREGON

Instrument was first received in the _____
of the State Engineer at Salem, Oregon, _____
day of _____, _____
at _____ o'clock _____ M.
ed to applicant: _____
ed: _____
orded in book No. _____ of _____
l Water Permits on page _____

STATE ENGINEER

Image Basin No. _____ page _____

WHEREAS, The Burns Paiute Indian Colony by Resolution 73-10 authorized the Bureau of Indian Affairs to develop an irrigation well on Colony lands, and,

WHEREAS, The well as completed has sufficient water for irrigation purposes,

THEREFORE BE IT RESOLVED THAT, The Superintendent, Warm Springs Agency is requested to file an application for a permit to appropriate the ground water with the Oregon State Engineer as protection from additional appropriation of ground water. Application to be filed in accordance with the instructions of the Office of Regional Solicitor dated August 9, 1973.

CERTIFICATION

The foregoing Resolution was fully discussed at a duly called meeting and passed this 11 day of April 1974, by a vote of 14 for and 0 against; further that a quorum of the governing body was present.

Grain Sprague
Secretary

Leo H. Vacherman
Chairman

RECEIVED

NOV 21 1994

WATER RESOURCES
SALEM, OR



United States Depa

OFFICE OF
Pacific N
500 N.E. Mult
Portland

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL

of pages 12

To	Dallas Miller	From	B. Scott Brier
Dept/Agency		Phone #	503 231 2130
Fax #		Fax #	
NSN 7540-01-317-7363		5005-101	
GENERAL SERVICES ADMINISTRATION			

NOV 18 1994

Entered

Mr. Dallas Miller
Water Rights Division
Oregon Water Resources Division
Commerce Building
158 12th Street N.E.
Salem, Oregon 97310

Reference: File G 12610

Dear Mr. Miller:

Pursuant to OAR 690-11-170, the Bureau of Indian Affairs as trustee on behalf of the Burns Paiute Indian Tribe, objects to the September 8, 1994, Satisfactory Report of Technical Review (report) prepared by the Oregon Water Resources Department regarding transfer of a water right to a well drilled in 1974 ("1974 well"), located at T23S, R30E, NE 1/4 SE 1/4, sec. 1, on the Burns Paiute Reservation. The Bureau of Indian Affairs objects to the report on the basis that the technical review is defective, in part, as further described below. The Bureau of Indian Affairs also responds to your separate letter, also dated September 8, 1994, regarding the subject water right transfer.

First, contrary to your September 8, 1994, letter a Land Use Information Form, as required by ORS 197.180, is not required in this matter since the water is to be diverted and used only on Federal lands, i.e. the Burns Paiute Indian Reservation.

Second, the priority date for the water right for the 1974 well was incorrectly stated in the report as 7/15/91. The land on which the 1974 well is located was obtained by the United States in 1935 for the benefit of the Burns Paiute Tribe and subsequently placed in trust as a part of the Burns Paiute Indian Reservation. The land described as the place of use in the report has been irrigated by the Burns Paiute Tribe using a series of wells since at least the 1940's. Water rights were issued by the State on irrigation wells on this property with priority dates of: September 23, 1940, for irrigation of 34 acres and domestic use ("1940 well," permit no. U-123, certificate no. 20245) [exhibit no. 1]; and October 20, 1947, for irrigation of 25.7 acres ("1947 well," permit no. U-223, certificate 20244) [exhibit no. 2]. After the failure of the 1947 well, the 1974 well was drilled on the property as a replacement well and an application was filed in 1974 [exhibit no.3], by the

2

Bureau of Indian Affairs as trustee on behalf of the Burns Paiute Tribe, for transfer of certificated water right no. 20244 and for an additional quantity of water to irrigate a total of approximately 120 acres. The irrigation portion of the 1940 well (34 acres) is also used with the 1974 well. Thus, the total irrigated acreage from the 1974 well is 154 acres and the water right to the 1974 well should be for irrigation purposes as follows:

- priority date September 23, 1940, 34 acres, .43 cfs
- priority date October 20, 1947, 25 acres, .32 cfs
- priority date April 23, 1974, 95 acres, 2.68 cfs

Finally, the Bureau of Indian Affairs wishes to clarify that the Tribal water right to water of the Silvies River to irrigate the acreage designated as the place of use for the 1974 well is a secondary source of water due to the unreliability of the Silvies River water.

It appears that there may be administrative oversights regarding the transfer applications and water rights applications previously filed and there also may be duplicative filings regarding these water rights. The Bureau of Indian Affairs and the Burns Paiute Tribe would like to resolve these matters with the Oregon Water Resources Department through the alternative dispute resolution procedures.

We are interested in meeting with representatives of the Department at your convenience to discuss these matters. Please call me, the Bureau of Indian Affairs' Agency Representative, at 503-231-2139, to arrange a meeting.

Please provide all correspondence regarding this matter to Wanda Johnson, Chairperson, Burns Paiute Tribe, HC 71, 100 Pasigo Street, Burns, OR. 97220, and to the undersigned Agency Representative.

Sincerely,

Barbara Scott-Brier
Barbara Scott-Brier
Agency Representative for
the Bureau of Indian Affairs

cc: Robert L. Fenton, PAO, Bureau of Indian Affairs
Superintendent Gordon Cannon, Warm Springs Agency
Chairperson Wanda Johnson, Burns Paiute Tribe

chairperson @ bid
if agency rep @ bid
cc:

STATE OF OREGON
COUNTY OF HARNEY
CERTIFICATE OF WATER RIGHT

This Is to Certify, That U. S. DEPARTMENT OF INTERIOR
OFFICE OF INDIAN AFFAIRS

of Building 34, Swan Island, Portland State of Oregon 97200, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of a well tributary of _____ for the purpose of irrigation and domestic use in 28 individual cottages under Permit No. U-126 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from September 23, 1960

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.71 cubic foot per second, being 0.43 c.f.s. for irrigation and 0.28 c.f.s. for domestic use,

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the _____ 560' S. and 1950' W. of the N.E. corner of Section 1, being within Lot 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$), Section 1, Township 23 South, Range 30 East, W. M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 acre feet per acre for each acre irrigated during the irrigation season of each year,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.
A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

10.5 acres & domestic in Lot 5 (NE $\frac{1}{4}$ NE $\frac{1}{4}$)
14.3 acres & domestic in Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$)
9.2 acres & domestic in Lot 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$)
Section 1
Township 23 South, Range 30 East, W. M.

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

WITNESS the signature of the State Engineer, affixed

this 26th day of February, 19 94

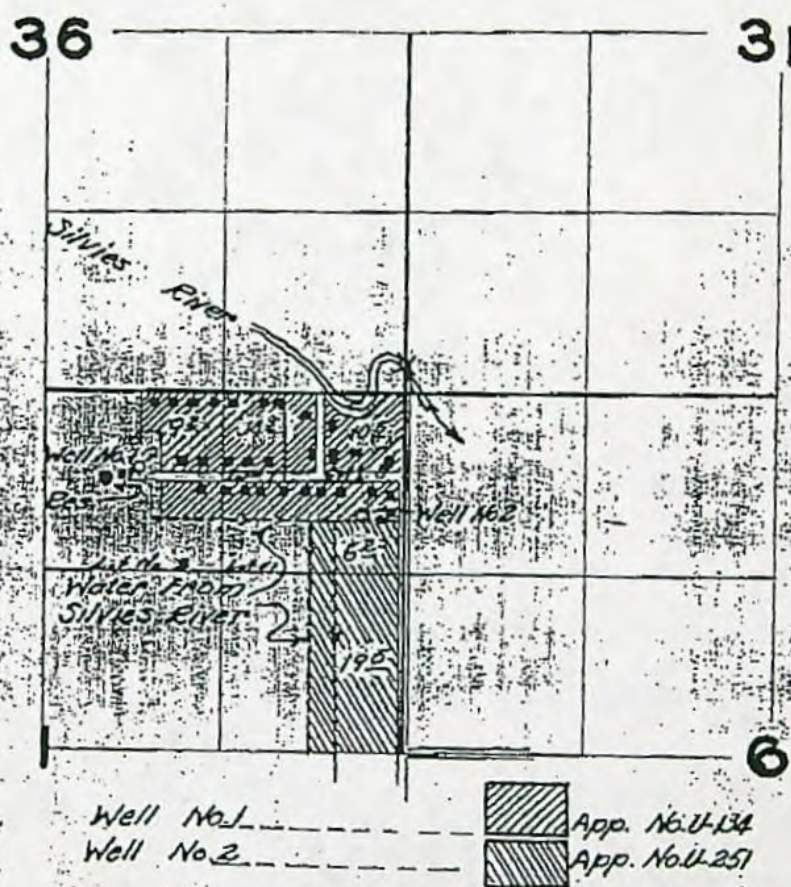
CLAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 15 . page 20245

EXHIBIT

T.23S.R.30E.W.M.



FINAL PROOF SURVEY

UNDER

U-134

U-126

Application No. U-251 Permit No. U-223

IN NAME OF

UNITED STATES OF AMERICA

Surveyed 7/20/1951, by H.L. COFFMAN

STATE OF OREGON

COUNTY OF HARRY

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

U. S. DEPARTMENT OF INTERIOR
OFFICE OF INDIAN AFFAIRS

District Office III,
of U. S. Indian Service, Portland ; State of Oregon 97205, has made proof
to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of
a well for the purpose of
irrigation
under Permit No. U-223 of the State Engineer, and that said right to the use of said waters
has been perfected in accordance with the laws of Oregon; that the priority of the right hereby
confirmed dates from October 20, 1947

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

or its equivalent in case of rotation, measured at the point of diversion from the stream.
The point of diversion is located in the 900' S. and 320' W. of the N.E. corner of Section
1, being within Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$), Section 1, Township 23 South, Range 30 East, W.M.

The amount of water used for irrigation, together with the amount secured under any other
right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second
per acre, or its equivalent for each acre irrigated and shall be further limited
to a diversion of not to exceed 3 acre feet per acre for each acre irrigated
during the irrigation season.

and shall
conform to such reasonable rotation system as may be ordered by the proper state officer.
A description of the place of use under the right hereby confirmed, and to which such right is
appurtenant, is as follows:

6.2 acres in Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$)
19.5 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 1
Township 23 South, Range 30 East, W. M.
25.7

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

WITNESS the signature of the State Engineer, affixed

this 26th day of February, 1954

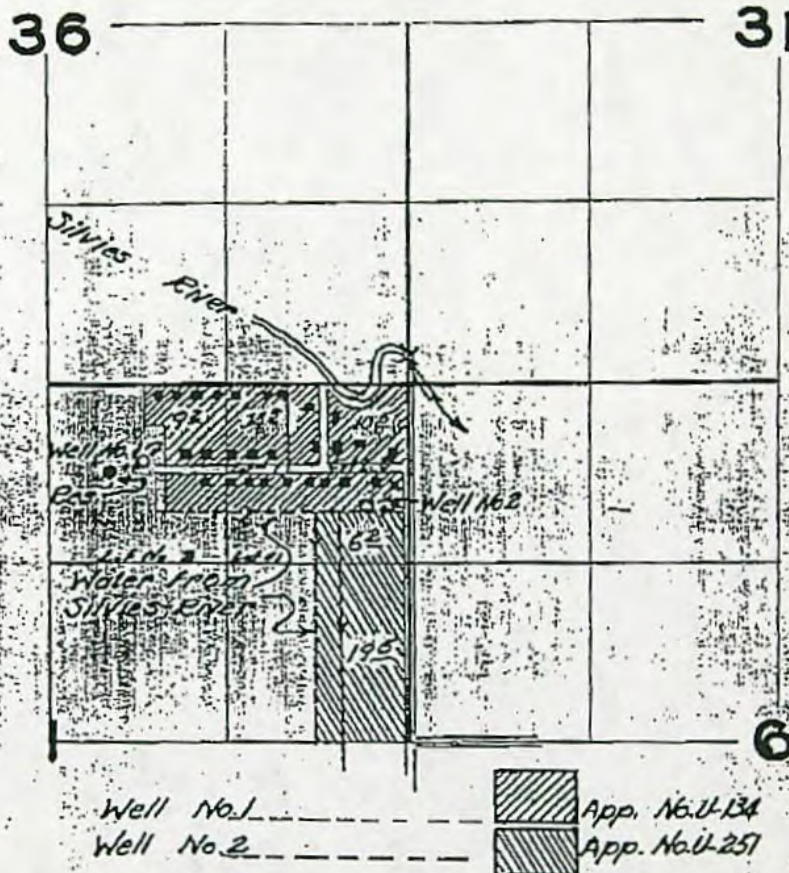
CHAS. R. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 15, page 20244

EXHIBIT 2

T.23S.R.30E.W.M.



FINAL PROOF SURVEY

UNDER

U-134

U-126

Application No. U-251 Permit No. U-223

IN NAME OF

UNITED STATES OF AMERICA

Surveyed 7/20/1951, by H.L. COFFMAN

Warm Springs Agency
Warm Springs, OR 97761

April 23, 1974

Chris L. Wheeler
Oregon State Engineer
Salem, OR 97310

Dear Mr. Wheeler:

Enclosed is an application for a permit "to appropriate the Ground Waters of the State of Oregon" on behalf of the Burns Paiute Indian Reservation, Burns, Oregon. Resolution 74-10 of the Burns Paiute Indian Colony requesting and authorizing the filing of the permit.

The well located in the NE/4 NE/4 SE/4 Section 1 T 23, R 30 East Willamette Meridian and replaces the well on file under application No. U251 and permit U223.

It is our understanding that a permit is not required for the drilling of wells on an Indian Reservation. The filing of this permit application is for the sole purpose of protecting the Reservation from the additional appropriation of water.

Sincerely yours,

/s/ JAMES D. CORNETT

James D. Cornett
Superintendent

Enclosure

PNHAGEN:umg

cc: Burns Paiute Indian Colony, Burns, OR
Land Operations
P.N. Hagen

EXHIBIT 3

Permit No. G-.....

APPLICATION FOR A PERMIT

To Appropriate the Ground Waters of the State of Oregon

I, BURNS PAIUTE INDIAN RESERVATION

(Name of applicant)

of BURNS

(Postoffice Address)

county of HARNEYstate of OREGONdo hereby make application for a permit to appropriate the following described ground waters of the state of Oregon, **SUBJECT TO EXISTING RIGHTS:**

If the applicant is a corporation, give date and place of incorporation

1. Give name of nearest stream to which the well, tunnel or other source of water development is situated Sylvia River

(Name of stream)

tributary of Malheur2. The amount of water which the applicant intends to apply to beneficial use is 3 cubic feet per second or 1,200 gallons per minute.3. The use to which the water is to be applied is to irrigate approximately 120 acres of Class II and III lands and emergency potable water supply for the Colony.4. The well or other source is located about 1,400 ft. N and 20 ft. W from the S. E. corner of the SE 1/4 of Section 1 (see attached map)

(Section or subdivision)

(If preferable, give distance and bearing to section corner)

(If there is more than one well, each must be described. Use separate sheets if necessary)

being within the NE 1/4 of Sec. 1, Twp. 23S, R. 30E, W. M., in the county of HARNEY5. The canal or pipe line to be one miles in length, terminating in the NE 1/4 of Sec. 1, Twp. 23S, R. 30E, W. M., the proposed location being shown throughout on the accompanying map.6. The name of the well or other works is Burns Colony Irrigation Well

DESCRIPTION OF WORKS

7. If the flow to be utilized is artesian, the works to be used for the control and conservation of the supply when not in use must be described.

If the flow is artesian, the well will be capped or used for beneficial purposes.

(NOTE: This well is to replace a irrigation well approximately 1,400 feet north of site. The old well is on file under application No. U251 and Permit U223).

8. The development will consist of one having a diameter of 12 inches and an estimated depth of 200 feet. It is estimated that 190 feet of the well will require steel casing. Depth to water table is estimated 50

(Feet)

(Feet)

in _____ county, having a present population of _____

and an estimated population of _____ in 19____

ANSWER QUESTIONS 14, 15, 16, 17 AND 18 IN ALL CASES

14. Estimated cost of proposed works, \$ _____

15. Construction work will begin on or before _____

16. Construction work will be completed on or before _____

17. The water will be completely applied to the proposed use on or before _____

18. If the ground water supply is supplemental to an existing water supply, identify any application for permit, permit, certificate or adjudicated right to appropriate water, made or held by the applicant. _____

Remarks: _____

James D. Bennett
(Signature of applicant)
Superintendent, Warm Springs Agency

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

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for _____

In order to retain its priority, this application must be returned to the State Engineer, with corrections on or before _____, 19____

WITNESS my hand this _____ day of _____, 19____

STATE ENGINEER

This is to certify that I have examined the foregoing application and do hereby grant the same, **SUBJECT TO EXISTING RIGHTS** and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed _____ cubic feet per second measured at the point of diversion from the well or source of appropriation, or its equivalent in case of rotation with other water users, from _____

The use to which this water is to be applied is _____

If for irrigation, this appropriation shall be limited to _____ of one cubic foot per second or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed _____ acre feet per acre for each acre irrigated during the irrigation season of each year; _____

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

The well shall be cased as necessary in accordance with good practice and if the flow is artesian the works shall include proper capping and control valve to prevent the waste of ground water.

The works constructed shall include an air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the well at all times.

The permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

The priority date of this permit is _____

Actual construction work shall begin on or before _____ and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 19_____

Complete application of the water to the proposed use shall be made on or before October 1, 19_____

WITNESS my hand this _____ day of _____, 19_____

STATE ENGINEER

Application No. G-_____

Permit No. G-_____

PERMIT

APPROPRIATE THE GROUND
WATERS OF THE STATE
OF OREGON

Instrument was first received in the
of the State Engineer at Salem, Oregon,

day of _____

at _____ o'clock _____ M.

file to applicant:

ed:

Recorded in book No. _____ of _____

Water Permits on page _____

STATE ENGINEER

Range Basin No. _____ page _____

Burns Paiute Indian Colony

Resolution No. 74-10

WHEREAS, The Burns Paiute Indian Colony by Resolution 73-10 authorized the Bureau of Indian Affairs to develop an irrigation well on Colony lands, and,

WHEREAS, The well as completed has sufficient water for irrigation purposes,

THEREFORE BE IT RESOLVED THAT, The Superintendent, Warm Springs Agency is requested to file an application for a permit to appropriate the ground water with the Oregon State Engineer as protection from additional appropriation of ground water. Application to be filed in accordance with the instructions of the Office of Regional Solicitor dated August 9, 1973.

CERTIFICATION

The foregoing Resolution was fully discussed at a duly called meeting and passed this 11 day of August 1974, by a vote of 14 for and 0 against; further that a quorum of the governing body was present.

David S. Jordan
Secretary

Lee H. Vachek
Chairman

WaterWatch

By Regular Mail

RECEIVED

NOV - 7 1994

November 4, 1994

Oregon Water Resources Department
Water Rights Section
158 12th Street NE
Salem, OR 97310

WATER RES
SALEM, OREGON

Re: Objections to Technical Reports for:
G12485, Oramartic Inc., Irrigation, Silves River Basin
G12610, Burns Paiute Indian Reservation, Irrigation, Silves River Basin
G12559, Eckley, Irrigation, Malheur Lake Basin
Malheur Lake Basin

WaterWatch submits the following objections pursuant to OAR 690-11-170:

♦ **The Technical Reports are Defective.**

The technical reports fail to contain many of the elements and evaluations required in OAR 690-11-160(1). The areas of deficiency are the same as those identified in WaterWatch's objection to G-11923 and are hereby incorporated by reference. Moreover,

- the analyses fail to determine water availability for the surface water effected by the groundwater pumping, despite that fact that the Department did not determine that there was no potential for substantial interference.
- The original technical report for application G12485 and supporting memos found that the potential for substantial interference existed. The most recent technical report found otherwise. However, there was nothing in the technical report or the files to indicate that the conditions of permit processing (well reconstruction or redrilling) have taken place. In May of 1992, the Department make it clear that processing of the application would not continue until evidence of well reconstruction took place. Memo to Butler & Looney from Thomas Shook, May 29, 1992. And, while there is a later memo that spells out what repairs would be acceptable to the Department, there is no evidence that in fact these repairs have been completed.

♦ **The Use Proposed is Not in the Public Interest.**

The proposed use fails to pass the public interest considerations in ORS 537.620 and the policies of the Groundwater Act ORS 537.525(3), (6), (9) and (10). See also, OAR 690-11-195(3)(d), (4)(a), 4(c)(A), 4(d)(A), (4)(f). The Willow Creek Basin system supports a variety of fish life. Low flows during summer months impair fish survival by, among other things, raising water temperatures, decreasing aquatic habitat and trout rearing areas, and promoting excessive growth of algae. Low flows in the winter adversely affect fish habitat

by, among other things, exposing spawning gravel, reducing feeding and rearing areas in the river and increasing fish deaths due to severe ice conditions on the river. The groundwater pumping proposed by these applications could exasperate these concerns.

1. Measurement and reporting.

In general, we support the proposed measurement and reporting conditions. However, these conditions should allow the Director to require measurement and reporting of both **rate and duty** of water use. The proposed conditions restrict use based upon a specific rate. Measurement and reporting of water use is to be a useful informational and regulatory tool for the Department, it should provide the information needed to ensure these water uses are within the terms of the permits.

2. The proposed uses are likely to impair the public interest because they will interfere with surface waters in the Basin.

The well for application G12610 is within 3/8 of a mile of the Silves Rive, which is regulated every year. Division 9 rules mandate that proposed groundwater appropriations within 1/4 mile of a surface water source are assumed to have the potential to cause substantial interference. There is nothing in the file that refutes this assumption.

Moreover, the Department has determined that well construction and other requirements will "adequately protect the surface waters". However, these conditions do little to protect surface waters:

- The applications do not contain condtions that will halt use if instream values and prior water rights are impacted by the groundwater use. This is especially important for application G12485 where, without the requisite well reconstruction, the potential for substantial for interference does exist.
- Proposed permit conditions in the technical reports require a pump test prior to receiving a certificate. This condition makes no sense. A pump test provides information relating to hydraulic connection and other aquifer properties. This information is critical for the public interest determination and should be obtained prior to a final public interest determination. If, after this information is obtained, and it is determined that casing and sealing to that depth will in fact prevent interference, and the use is found to be in the public interest, this condition should be added to require periodic pump tests. The condition should not, however, limit the Director's ability to require pump tests. We suggest language that would require pump tests annually or more frequently as determined by the Director.
- The proposed conditions do not take into account whether there is water available from the surface water source because there was no analysis of water availability for the effected surface waters. Any analysis must take into account water rights of record and the senior pending instream water right

applications. There is one senior pending instream water right application on the Silves River.

- The uses are likely to impair the public interest because the proposed condition relating to static water level decline on all the proposed permits appear to be a standard condition and is not specifically geared to protect this resource. The condition requires the permit holder to stop use if the well "displays a total static water-level decline of 25 or more feet." What is the aquifer depth in this situation? As we understand it, this is a standard condition. This condition will not protect the resource if the aquifer depth is, for example, 20 feet. If this is the case, this condition would allow the permittee to pump the aquifer dry before they would be required to stop. The aquifer depth must be determined in order to determine the level of "tolerable" static water level decline. If the aquifer depth is unknown at this time - then there should be a permit condition requiring the permittee to conduct tests to determine the aquifer depth - prior to beginning use.

3. The proposed uses violates Oregon's statewide policies.

Oregon's Groundwater Management Policy requires that "(i)nterference between groundwater uses and competing groundwater and surface water uses...be prevented and/or controlled to protect the water resource and existing rights." OAR 690-410-010(1) (emphasis added). The Policy also requires the State to manage groundwater and surface water conjunctively in order to protect the public's interest in the water resource and existing rights. OAR 690-410-01(2)(a). In addition, Oregon's Statewide Water Allocation Policy requires that groundwater use occur within the capacity of the resource and requires the State to protect Oregon's waters from overallocation by new uses of groundwater. OAR 690-410-070(1).

4. Conservation conditions inadequate

Oregon statutes and rules require the state to "aggressively promote" water conservation and places a high priority on eliminating waste and improving the efficiency of water use. ORS 537.460(2)(a) and OAR 690-410-060(1). The proposed conditions do little to further these policies. This applicant should be required to show, prior to issuance of any permit, that their proposed use is efficient.

5. These applications were processed out of order in violation of the Commission's decision to process applications in the order received.

The Department is to process applications in each basin in the order received. There is one instream water right application pending with a priority date senior to this ground water application. This ground water application will effect streamflows needed for these senior instream water right applications and must not be considered until after the instream water right applications are processed. The processing and approval of this application is not only contrary to Commission directive it is unfairly elevates this individual consumptive use

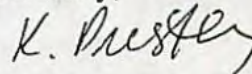
Applications G12610, G12485, and G12559

Page 4

above public instream uses. This is unacceptable and reflects the Department's continued bias towards individual consumptive uses.

It is not clear why this application was moved forward ahead of the senior pending instream water rights. However, putting preference on process out-of-stream rights has been the norm for this agency for decades. Continuation of the status quo, however, is unacceptable and unfair. This ground water application should not be processed until after the instream water right applications are processed.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Priestley", with a stylized flourish at the end.

Kimberley Priestley
Legal/Policy Analyst

September 8, 1994

BURNS PAIUTE INDIAN RESERVATION
HC 71 100 PASIGO ST
BURNS, OR 97720

Reference: File G 12610

Hello:

Your application file was recently reviewed. Under separate cover I have enclosed our report of technical review. Before we can process your application further, you need to provide us with additional information, documentation, or fees.

Prior to issuance of the permit, we will need to receive total fees in the amount of \$ 548.00; being an examination fee of 200.00, permit recording fee for the irrigation of 134 acres of \$ 348.00. Since you have previously submitted \$ 546.20, an additional amount of \$ 1.80 is required.

In addition, please send the following:

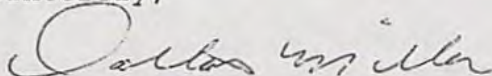
a land use information form, completed and signed by the local planning agency (form is enclosed);

You have a conflicting water right situation on the property involved in the application. This problem must be resolved before a permit could be issued.

After the file is complete and the deadline for objections to the technical review expires, staff will again review the file for objections and further process your application as soon as possible.

Please feel free to contact me if you have any questions and I will be happy to address any concerns you may have.

Sincerely,



Dallas Miller
Water Rights Division

cc: CHARLES PALMER , CWRE



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

September 8, 1994

WATER
RESOURCES
DEPARTMENT

BURNS PAIUTE INDIAN RESERVATION
HC 71 100 PASIGO ST
BURNS, OR 97720

Reference: File G 12610

Hello:

This letter informs you of the current status of your application for a water use permit and accompanies the Satisfactory Report of Technical Review For Water Use Permit(s). We apologize for the delay in transmitting this information and Report to you and for any inconvenience the wait may have caused you.

The enclosed Report of Technical Review is the Department's summary of a specialized analysis of various legal and scientific aspects of your application and proposed water use. We are required by the state of Oregon's administrative rules (in OAR 690-11-160) to conduct this official technical review of each application submitted to the Oregon Water Resources Department for a water use permit. This process was designed to insure that your application receives a fair evaluation and to secure protection of existing water rights and of the public at large.

AS THE RESULT OF OUR TECHNICAL EVALUATION, WE HAVE DETERMINED THAT YOUR APPLICATION SATISFIES THE REQUIREMENTS OF THE TECHNICAL REVIEW.

The Department will now move your application to the next phase of processing. This phase includes a public interest review of your proposed water use. No final action may be taken on your application until the public interest review is completed.

You should also note that the Report of Technical Review describes conditions currently anticipated which may limit the water use-proposed in your application.

If you wish to object to any of the analyses contained in the Report, you must submit your objection to the Department in writing within 60 days of the date of mailing of this Report or by the date specified below. Your objection must allege that the technical review is defective and you may also submit evidence which demonstrates that your proposed water use will not impair or be detrimental to the public interest.

Copies of the Report of Technical Review will be distributed to all persons who have filed comments or otherwise expressed an interest in the water use proposed in your application. Interested parties must also submit their objections within the prescribed objection period. Those objections must allege that the technical review is defective and/or that the proposed water use may impair or be detrimental to the public interest.



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

If an objection contains allegations that the technical review is defective, it must be accompanied by facts which support such allegations. If an objection contains allegations that the proposed water use may impair or be detrimental to the public interest, the objection must specify the particular public interest standards which apply as set out in Oregon Revised Statutes (ORS 537.170(5)) and Oregon Administrative Rules (OAR 690-11-195) and state facts showing how such standards would be violated.

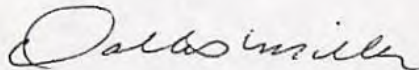
All evidence and objections must be received by our Salem office no later than 5:00 p.m. on or before NOVEMBER 21, 1994 or the Department may presume there is no opposition to any of the analyses set out in the technical review report. Evidence and objections must be addressed and delivered to: Oregon Water Resources Department, Water Rights Section, 158 12th Street Northeast, Salem, Oregon 97310.

If objections and evidence are submitted on or before the above time and date, the Director of the Water Resources Department will evaluate each issue raised in the objections and either accept or deny them. Objectors are encouraged to indicate whether they would be interested in resolving their concerns through alternative dispute resolution.

If any of the objections are denied, the objector will be allowed thirty days to submit a protest to the denial. The protest must meet the standards set forth in OAR 690-02-030 through 080.

If you have any questions, please feel free to telephone me or any of the Department's Water Rights Section staff. My telephone number is 378-3739, in Salem, or you may call toll free from within the state to 1-800-624-3199.

Sincerely,



Dallas Miller
Water Rights Division

Enclosures

Report Date: September 8, 1994

OREGON WATER RESOURCES DEPARTMENT

SATISFACTORY REPORT OF TECHNICAL REVIEW

FOR WATER USE PERMIT(S)

OBJECTIONS TO THE PROPOSED WATER USE AS DESCRIBED BELOW MUST BE RECEIVED IN WRITING BY THE OREGON WATER RESOURCES DEPARTMENT, 158 12th ST N.E., SALEM, OREGON 97310, BY 5 P.M. ON OR BEFORE: NOVEMBER 21, 1994

1. APPLICATION FILE NUMBER -G 12610

2. MINIMUM APPLICATION INFORMATION

Applicant name/address/county/phone:

BURNS PAIUTE INDIAN RESERVATION
HC 71 100 PASIGO ST
BURNS, OR 97720
COUNTY OF HARNEY

503-573-2088

Date application received for filing and/or tentative date
7/15/1991

SOURCE: A WELL IN SILVIES RIVER BASIN

Purpose and/or use: IRRIGATION OF 133.1 ACRES.

Flow: 1.66 CUBIC FEET PER SECOND

Point of Diversion Location:

NE 1/4 SE 1/4, SECTION 1, T 23 S, R 30 E, W.M.;
22 FEET SOUTH & 11 FEET WEST FROM E1/4 CORNER, SECTION 1.

Place of use:

NE 1/4	NE 1/4	1.4	ACRES
NW 1/4	NE 1/4	0.7	ACRES
SW 1/4	NE 1/4	7.1	ACRES
SE 1/4	NE 1/4	39.8	ACRES
NE 1/4	SE 1/4	28.8	ACRES
SE 1/4	SE 1/4	29.0	ACRES

SECTION 1

NE 1/4	NE 1/4	13.9	ACRES
NW 1/4	NE 1/4	12.4	ACRES

SECTION 12

TOWNSHIP 23 SOUTH, RANGE 30 WEST, W.M.

GROUNDWATER AVAILABILITY

This is an application for use of groundwater. The Groundwater/Hydrology Section report indicates that:

Pursuant to OAR 690-09-040, the proposed groundwater withdrawal will, if properly conditioned adequately protect surface water from interference.

In addition, the Groundwater/Hydrology Section has reported the water is likely to be available to supply the proposed use.

CONFLICTS WITH OTHER WATER RIGHTS:

There are no existing rights from this point of diversion.

There are existing water rights appurtenant to the lands described in the application. See proposed permit conditions.

REPORT CONCLUSIONS:

Based on the Department's review of water availability and Oregon Administrative Rules, water in the amount of 1.66 cfs is likely available "... when necessary for beneficial use in connection with the irrigation of their respective lands..".

Therefore, the Director finds that water is available in sufficient amount and during periods which will reasonably support the proposed use.

THE PROPOSED WATER USE, AS CONDITIONED, SATISFIES THE REQUIREMENTS OF THIS TECHNICAL REVIEW.

This Report of Technical Review sets out the Director's technical analysis of the application. In addition to this technical analysis, the Director will evaluate this application to determine whether the proposed water use might impair or be detrimental to the public interest under the standards set out in ORS 537.170(5) and OAR 690-11-195. Matters relating to public interest in the proposed water use which are raised in objections will be evaluated following the 60-day objection period.

PROPOSED PERMIT CONDITIONS

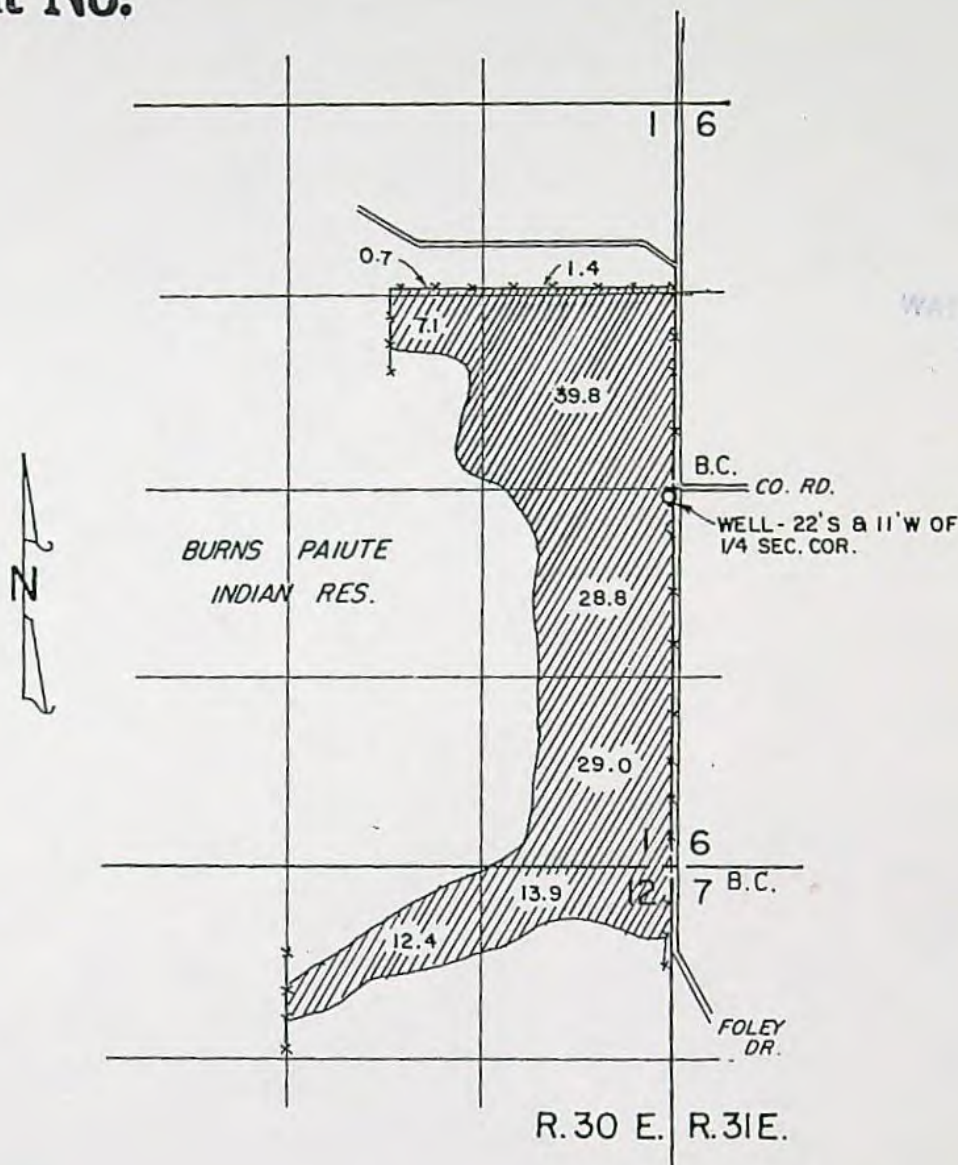
Application: G 12610

The following conditions will apply to water use under the permit, and will appear in the permit, if issued.

1. Use of water under this permit is subject to all prior rights.
2. Period of allowed use: "... when necessary for beneficial use in connection with the irrigation of their respective lands..."
3. Rate of use: 1.66 CUBIC FEET PER SECOND
4. Water use development requirements:
 - A. Begin construction by (one year from issuance of permit).
 - B. Complete construction by October 1, 1996.
 - C. Completely apply the water to beneficial use by October 1, 1997.
5. Measurement, recording and reporting conditions:
 - A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
 - B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
6. Failure to comply with any of the provisions of the permit may result in action including, but not limited to, restrictions on the use, penalties, or cancellation of the permit.

7. The 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.
8. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.
9. The well 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. The use of water shall be limited when it interferes with any prior surface or ground water rights.
10. 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.
11. This right is limited to any deficiency in the available supply of any prior right existing for the same land.
12. The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE- EIGHTIETH of one cubic foot per second (or its equivalent) and 3 acre-feet for each acre irrigated during the irrigation season of each year.
13. This use of water shall be limited when it reduces the flow of water in Silvies River.

Application No. G-12610
 Permit No.



RECEIVED
 JUL 15 1991
 WATER RESOURCES DEPT.
 SALEM, OREGON

T.23S., R.30E., W.M.
 HARNEY CO., ORE.

	BURNS PAIUTE INDIAN RESERVATION		BURNS, OREGON	
	WATER RIGHTS APPLICATION MAP			
	Scale: 1"=1320'	Date: JULY 11, 1991		Job: 1323
	Dsn: CORK	M. A. PALMER & SONS, INC. ENGINEERING & SURVEYING 254 N. Alder - Box 61 Burns, Oregon 97720		Sht. No.
	Drn: -			1
Ckd: -			of 1	

Application No. 6-12610

RECEIVED

JUL 15 1991

State of Oregon
WATER RESOURCES DEPARTMENT

Application for a Permit to Appropriate Ground Water

Applicant(s) BURNS PAIUTE INDIAN RESERVATION
(Please print or type - use dark ink)

Mailing Address: HE-71, 100 Pasigo street
Burns, Oregon 97720 (503) 573-2088
City State Zip Daytime Phone No.

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

1. **THE DEVELOPMENT** (number of wells, tile lines, infiltration galleries, etc.): One
groundwater well.

If development is less than one mile from a natural stream, give the following:

Distance from development to stream: * 2000' N. to Silvies River

Elevation difference between streambed and development: * 30'

NOTE: 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 driller's log with this application, and skip to Section 2 below.

Diameter of well: 12" Depth in feet: 242'

Type and size of well casing: 1/2" standard casing No. of feet:

Estimated depth to water:

Type of access port or measuring device:

Wells to be drilled by:

Address:

If the water well is flowing artesian, describe your water control and conservation works:

N/A

2. **TOTAL AMOUNT OF WATER** to be applied to beneficial use: 1.66 cubic feet per second, OR 747 gallons per minute. If water is to be used from more than one ground water source, give the quantity of water from each: N/A

PC

3. **INTENDED USE(s) OF WATER:** Irrigation for production of hay, alfalfa or other crops.

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

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

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

N/A

If for MINING use, state the nature (gold, silver, etc.) of the mines to be served; N/A

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

Irrigation 133.1 acres

Other (describe) _____

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

Irrigation system consists of 1 well with 8" mainlines running North and South along the East boundary of the property. 5" wheel lines run West from mainline.

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

Proposed date construction work will begin _____

Proposed date construction work will be completed _____

Proposed date water use will be completed System is presently in use.

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

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

X Applicant CWRE Other (Identify in REMARKS section)

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

X Applicant CWRE Other (Identify in REMARKS section)

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

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

REMARKS: All lands are within the boundaries of the Burns Paiute
Indian Reservation.

Irrigation pump test are in progress - some problems
have been encountered. A letter from Harney County
Farm Supply, (Tester) will describe problems.

NOTE: The permit, when issued, is for the beneficial use of water without waste. 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. It is possible the land use you propose may not be allowed if it is not in keeping with the goals and acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

Arvin Deet
Signature of Applicant

July 12, 1991
Date

Cecil Deet
Signature of Co-Applicant, if any

July 12, 1991
Date

FOR WATER RESOURCES DEPARTMENT USE ONLY

Dear Applicant:

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

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

_____, 19____.

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

Water Resources Director

By: _____

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the 15th day of July, 1991, at 8 o'clock, a M.

APPLICATION NO: 6-12610

Application No. 6-12610

Permit No.

Oregon Water Resources Department
Water-use Reporting: Monthly Quantities Form

Reporting Entity USDI Bureau of Indian Affairs User-ID: 4039
Contact Person Gerald Henrikson, Natural Resources Officer Water-Year 1990
Address P.O. Box 1239
City, State, Zip Warm Springs, OR 97761

POD-ID: 3880 *

Type of Use: Agriculture

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JUL 15 1991
WATER RESOURCES DEPT
OREGON

Month	Volume diverted or in storage	
	Units (circle one): gallons, cubic feet, <u>acre-feet</u>	
October 1989		
November		
December		
January 1990		
February		
March		
April	<u>30</u>	
May	<u>82</u>	
June	<u>82</u>	
July	<u>55</u>	
August	<u>82</u>	
September	<u>16</u>	

Number of acres irrigated (if applicable): 130

* Transfer of right to the present well has not been Finalized. No P.O.D-ID #
Method of measuring or estimating flow (please describe clearly): For new well.

$$\text{pump capacity (present setting)} = \text{gallon/minute} \times 60 = \text{gals/hr} \times 24 = \text{gals/day}$$

$$\text{\# of } 3/16 \text{ sprinkler head} \times \text{Cu. Ft./day} \times \text{\# of day in month} = \text{Cu. Ft./mo.}$$

$$\frac{43,560 \text{ Cu. Ft. in an acre}}{8.8 \text{ gals/cu. Ft.}} = \text{AcFt/hr}$$

Detailed Water-use Report

RECEIVED
JUL 15 1991
WATER RESOURCES DEPT
SALEM, OREGON

The amount of water diverted or in storage each month must be reported for every POD-ID on the attached Summary of Water Rights. Fill out a Monthly Quantities Form (attached) for every POD-ID. Refer to the brochure "Water-use Reporting" for instructions on how to complete the forms and for an explanation of items on the summary. (Please make as many copies of the Monthly Quantities Form as needed.)

Please submit the following statement of veracity, a copy of the summary, and the completed Monthly Quantities Forms.

I certify that the information reported for the water rights on the attached summary is true and accurate within the limits of the estimating methods used.

G. S. Henriksen
(Signature)

12/4/90
(Date)

Gerald S. Henriksen
(Printed name)

Natural Resources Officer
(Title)

USDI Bureau of Indian Affairs
(Reporting Entity)

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

Reporting | U.S. BUREAU OF INDIAN AFFAIRS
Entity | Attn:
| PO BOX 3785
| PORTLAND, OR 97208

USER-ID: 4039

RECEIVED
JUL 15 1951
WATER RESOURCES DEPT.
SALEM, OREGON

[] POD-ID 3880

Certificate :	20244	Priority :	10/20/1947
Permit :	U 223	Permitted Rate:	0.320 CFS
Source :	A WELL	Permitted Use :	IRRIGATION
Tributary to:	SILVIES R	Prim/Alt/Supp :	PRIMARY
POD Location:	TOWNSHIP 23 S	RANGE 30 E	SECTION 1 NENE
900 FT S & 320 FT W FM NE COR, S1			
Limitations : 1/80,3			

[] POD-ID 3881

Certificate :	20245	Priority :	9/23/1940
Permit :	U 126	Permitted Rate:	0.430 CFS
Source :	A WELL	Permitted Use :	DOMESTIC
Tributary to:	SILVIES R	Prim/Alt/Supp :	PRIMARY
POD Location:	TOWNSHIP 23 S	RANGE 30 E	SECTION 1 NWNE
560 FT S & 1950 FT W FM NE COR, S1			

Certificate :	20245	Priority :	9/23/1940
Permit :	U 126	Permitted Rate:	0.430 CFS
Source :	A WELL	Permitted Use :	IRRIGATION
Tributary to:	SILVIES R	Prim/Alt/Supp :	PRIMARY
POD Location:	TOWNSHIP 23 S	RANGE 30 E	SECTION 1 NWNE
560 FT S & 1950 FT W FM NE COR, S1			
Limitations : 1/80,2			

NOTE TO LOCAL GOVERNMENTS

WATER
RESOURCES
DEPARTMENT

The person presenting the attached request for land use information is applying for a water right. The Water Resources Department (WRD) requires its applicants to obtain land use information to be sure water rights do not result in land uses that would violate your comprehensive plan.

WRD will not accept applications which are not accompanied by this completed land use form or the signed, dated receipt stub detached from the bottom of the land use information form.

You will receive notice once the applicant formally submits his or her request to WRD. The notice will give more detailed information about WRD's water rights process and comment opportunities. If you give the applicant the receipt stub in lieu of completing the form, you will have 30 days from the date of the notice mentioned above to complete the form and return it to WRD. If no land use information is received from you within that 30 day period, WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan.

Your attention to this request for information is greatly appreciated by both the applicant and WRD. If you have questions concerning the form, please contact WRD at 378-3739.



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

Description of Water Use

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

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

Applicant Name: _____
 Address: _____

 Phone: _____

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

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

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

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

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

Applicant's Name: _____
Address: _____
City: _____ State: _____ Zip: _____ Day Phone: _____

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

(CHECK ALL THAT APPLY)

TAX LOT LOCAL ID #	PLAN DESIGNATION/ZONING Rural Residential/RR-5	(e.g.)	WATER DIVERTED	WATER CONVEYED	WATER USE

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

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

For Local Government Use Only

Local planning officials are to complete the remainder of this form. If it cannot be completed while the applicant waits, sign and detach the receipt as instructed below. You will receive notice when the applicant's water right request is filed with the Water Resources Department (WRD). You will have 30 days from the notice date to return this completed land use form to WRD. If no land use information is received from you within that period, WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan.

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

- ☐ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan.
Cite applicable ordinance section(s); _____. Go to section b) on reverse side.
- ☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table on the reverse of this form. **Note:** Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus accompanying findings is sufficient.)

Receipt for Request for Land Use Information

WRD Applicant Name: _____

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

City or County: _____
Staff Contact: _____ Phone: _____
Signature: _____ Date of Information Request: _____

(for Local Use Continued)

(CHECK THE BOX THAT APPLIES)

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Already Obtained	Already Denied	Being Pursued Satisfactorily

b) Please provide printed name and written signature.

Name: _____ Date: _____

Title: _____ Phone: _____

Signature: _____

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

Additional Comments:

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

APPLICATION FOR A PERMIT

To Appropriate the Ground Waters of the State of Oregon

I, BURNS PAIUTE INDIAN RESERVATION

(Name of applicant)

of BURNS

(Postoffice Address)

, county of HARNEYstate of OREGON

, do hereby make application for a permit to appropriate the following described ground waters of the state of Oregon, SUBJECT TO EXISTING RIGHTS:

If the applicant is a corporation, give date and place of incorporation

1. Give name of nearest stream to which the well, tunnel or other source of water development is situated Silvies River

(Name of stream)

tributary of Malheur2. The amount of water which the applicant intends to apply to beneficial use is 3 cubic feet per second or 1,200 gallons per minute.3. The use to which the water is to be applied is to irrigate approximately 120 acres of Class II and III lands and emergency potable water supply for the Colony.
about about4. The well or other source is located 2,400 ft. N and 20 ft. W from the S. E. corner of the SE $\frac{1}{4}$ of Section 1 (see attached map)
(Section or subdivision)

(If preferable, give distance and bearing to section corner)

(If there is more than one well, each must be described. Use separate sheet if necessary)

being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 1, Twp. 23S, R. 30E, W. M., in the county of Harney5. The _____ to be _____ miles
(Canal or pipe line)
in length, terminating in the _____ of Sec. _____, Twp. _____,
(Smallest legal subdivision)
R. _____, W. M., the proposed location being shown throughout on the accompanying map.6. The name of the well or other works is Burns Colony Irrigation Well

DESCRIPTION OF WORKS

7. If the flow to be utilized is artesian, the works to be used for the control and conservation of the supply when not in use must be described.

If the flow is artesian, the well will be capped or used for beneficial purposes.

(NOTE: This well is to replace a irrigation well approximately 1,400 feet north of site. The old well is on file under application No. U251 and Permit U223).

8. The development will consist of one having a
(Give number of wells, tunnels, etc.)
diameter of 12 inches and an estimated depth of 200 feet. It is estimated that 190
feet of the well will require Steel casing. Depth to water table is estimated 50
(Kind) (Feet)

9. Give dimensions at each point of canal where materially changed in size, stating miles from headgate. At headgate: width on top (at water line) feet; width on bottom feet; depth of water feet; grade feet fall per one thousand feet.

(b) At _____ miles from headgate: width on top (at water line) _____
 _____ feet; width on bottom _____ feet; depth of water _____ feet;
 grade _____ feet fall per one thousand feet.

(c) Length of pipe, _____ ft.; size at intake _____ in.; in size at _____ ft.
from intake _____ in.; size at place of use _____ in.; difference in elevation between
intake and place of use, _____ ft. Is grade uniform? _____ Estimated capacity,
_____ sec. ft.

10. If pumps are to be used, give size and type

Give horsepower and type of motor or engine to be used

11. If the location of the well, tunnel, or other development work is less than one-fourth mile from a natural stream or stream channel, give the distance to the nearest point on each of such channels and the difference in elevation between the stream bed and the ground surface at the source of development

12. Location of area to be irrigated, or place of use

[illegible]

If more space required, attach separate sheet(s)

Character of soil

Kind of crons raised

13. To supply the city of _____
in _____ county, having a present population of _____
and an estimated population of _____ in 19_____

ANSWER QUESTIONS 14, 15, 16, 17 AND 18 IN ALL CASES

14. Estimated cost of proposed works, \$ _____

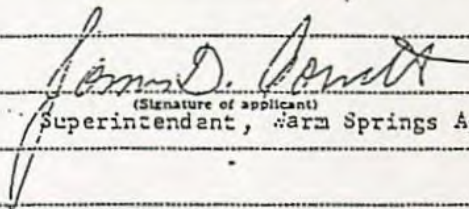
15. Construction work will begin on or before _____

16. Construction work will be completed on or before _____

17. The water will be completely applied to the proposed use on or before _____

18. If the ground water supply is supplemental to an existing water supply, identify any application for permit, permit, certificate or adjudicated right to appropriate water, made or held by the applicant. _____

Remarks: _____


(Signature of applicant)
Superintendent, Warm Springs Agency

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

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for _____

In order to retain its priority, this application must be returned to the State Engineer, with corrections on or before _____, 19_____

WITNESS my hand this _____ day of _____, 19_____

County of Marion,) ss.

This is to certify that I have examined the foregoing application and do hereby grant the same, SUBJECT TO EXISTING RIGHTS and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed _____ cubic feet per second measured at the point of diversion from the well or source of appropriation, or its equivalent in case of rotation with other water users, from _____

The use to which this water is to be applied is _____

If for irrigation, this appropriation shall be limited to _____ of one cubic foot per second or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed _____ acre feet per acre for each acre irrigated during the irrigation season of each year; _____

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

The well shall be cased as necessary in accordance with good practice and if the flow is artesian the works shall include proper capping and control valve to prevent the waste of ground water.

The works constructed shall include an air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the well at all times.

The permittee shall install and maintain a water meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

The priority date of this permit is _____

Actual construction work shall begin on or before _____ and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 19_____

Complete application of the water to the proposed use shall be made on or before October 1, 19_____

WITNESS my hand this _____ day of _____, 19_____

STATE ENGINEER

Application No. G-_____

Permit No. G-_____

PERMIT

APPROPRIATE THE GROUND
WATERS OF THE STATE
OF OREGON

Instrument was first received in the
of the State Engineer at Salem, Oregon,

day of _____

at _____ o'clock _____ M.

and to applicant: _____

and:

ordered in book No. _____ of _____

Water Permits on page _____

STATE ENGINEER

Image Basin No. _____ page _____

WHEREAS, The Burns Paiute Indian Colony by Resolution 73-10 authorized the Bureau of Indian Affairs to develop an irrigation well on Colony lands, and,

WHEREAS, The well as completed has sufficient water for irrigation purposes,

THEREFORE BE IT RESOLVED THAT, The Superintendent, Warm Springs Agency is requested to file an application for a permit to appropriate the ground water with the Oregon State Engineer as protection from additional appropriation of ground water. Application to be filed in accordance with the instructions of the Office of Regional Solicitor dated August 9, 1973.

CERTIFICATION

The foregoing Resolution was fully discussed at a duly called meeting and passed this 11 day of April 1974, by a vote of 14 for and 0 against; further that a quorum of the governing body was present.

James J. ...
Secretary

Leo ...
Chairman

Chronology of Events Burns-Paiute Groundwater Wells

1901	Water Right under the name of Burns Flour Milling Co. for 26.7 acres tabulated under the Silves River Adjudication.
1906	Water Right under the name of N. Brown & Sons for 157.5 acres tabulated under the Silves River Adjudication.
1933, 1935	Burns Indian Colony lands (762 acres in Sections 1 and 12, T23S R30E) acquired by the Federal government.
27 June 1936	Well drilling started on Well #1.
31 August 1936	Drilling completed on Well #1. Depth is 252 feet.
23 September 1940	Priority date for Well #1. The well is intended to serve for irrigation of 159 acres and for domestic purposes for 28 cottages.
10 January 1941	Application U-134 (Well #1) is approved by OWRD and given permit # U-126.
16 October 1947	Application is made for Well #2, due to the insufficiency of supply from Well #1.
20 October 1947	Priority date of Well #2.
13 January 1948	Well drilling started on Well #2.
1 July 1950	Drilling completed on Well #2. Depth is 242 feet.
26 February 1954	Certificate of Water Right for Well #1 for 34.0 acres under permit U-126. Certificate of Water Right for Well #2 for 25.7 acres under permit U-223.
23 July 1962	Failure of Well #2.
13 October 1972	Colony lands declared an Indian Reservation and placed in trust.
14 January 1974	Well drilling started on Well #3.
27 February 1974	Drilling completed on Well #3. Depth is 242 feet.
23 April 1974	Application for a groundwater permit for Well #3 filed with the intent of replacing Well #2.
8 September 1983	OWRD informs the Warm Springs Agency that a 1974 application for water right was never submitted.
12 July 1991	BIA again applies for a groundwater permit for Well #3 for the purpose of irrigating 134 acres.
11 September 1991	OWRD assigns the application for permit for Well #3 number G-12610.
8 September 1994	Technical review for application G-12610 asserts a priority date of July 15, 1991 for Well #3 and finds "There are existing water rights appurtenant to the lands described in the application."
4 November 1994	Objection toward Well #3 filed by WaterWatch.
18 November 1994	Objection filed by the BIA. Asserts that a priority date of July 15, 1991 is incorrect, and that instead priority dates for each well should be: Sept 23, 1940 for 34 acres, .43 cfs Oct 20, 1947 for 25 acres, .32 cfs April 23, 1974 for 95 acres, 2.68 cfs

*change of
point of
decision*

well #1 domestic

*all well #3 '74
irrigation only.*

Key:

Well #1: Appl. #U-134, permit #U-126. T23S R30E Section 1 NW1/4 NE1/4
Well #2: Appl. #U-251, permit #U-223. T23S R30E Section 1 NE1/4 NE1/4
Well #3: Appl. #G-12610. T23S R30E Section 1 NE1/4 SE1/4

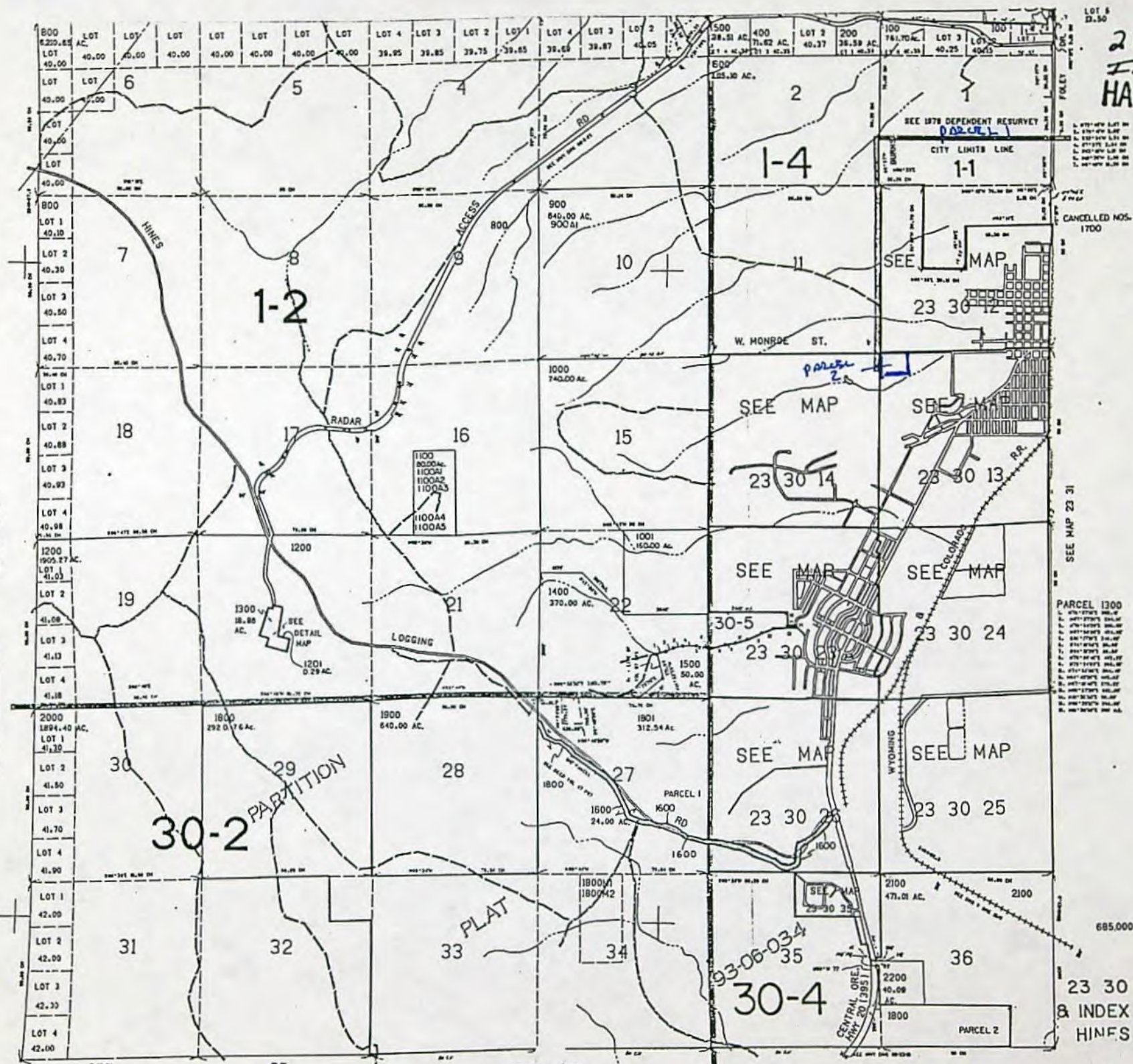
SCALE 1:48000



RECEIVED
AUG 25 1993
DEPT. OF REVENUE STATE OF OREGON
ASSESSMENT & APPRAISAL DIV.

SEE MAP 23 29

150.0



23 30
INDEX
HARNEY

SEE MAP 24 30

93-06-034
35
30-4

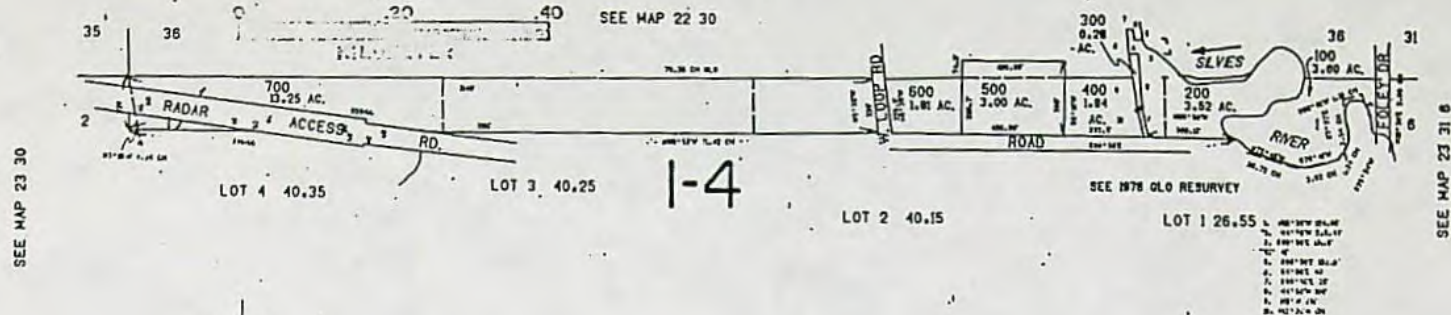
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& INDEX
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1113 PM. HAS 1113 PM.
ASSESSMENT PURPOSE ONLY.

HARNEY COUNTY

T-400'

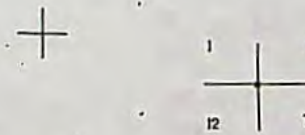
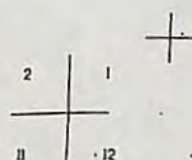
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SEE MAP 23 30

PAGE 1

(Below mares & gains line)



708,000

23 01

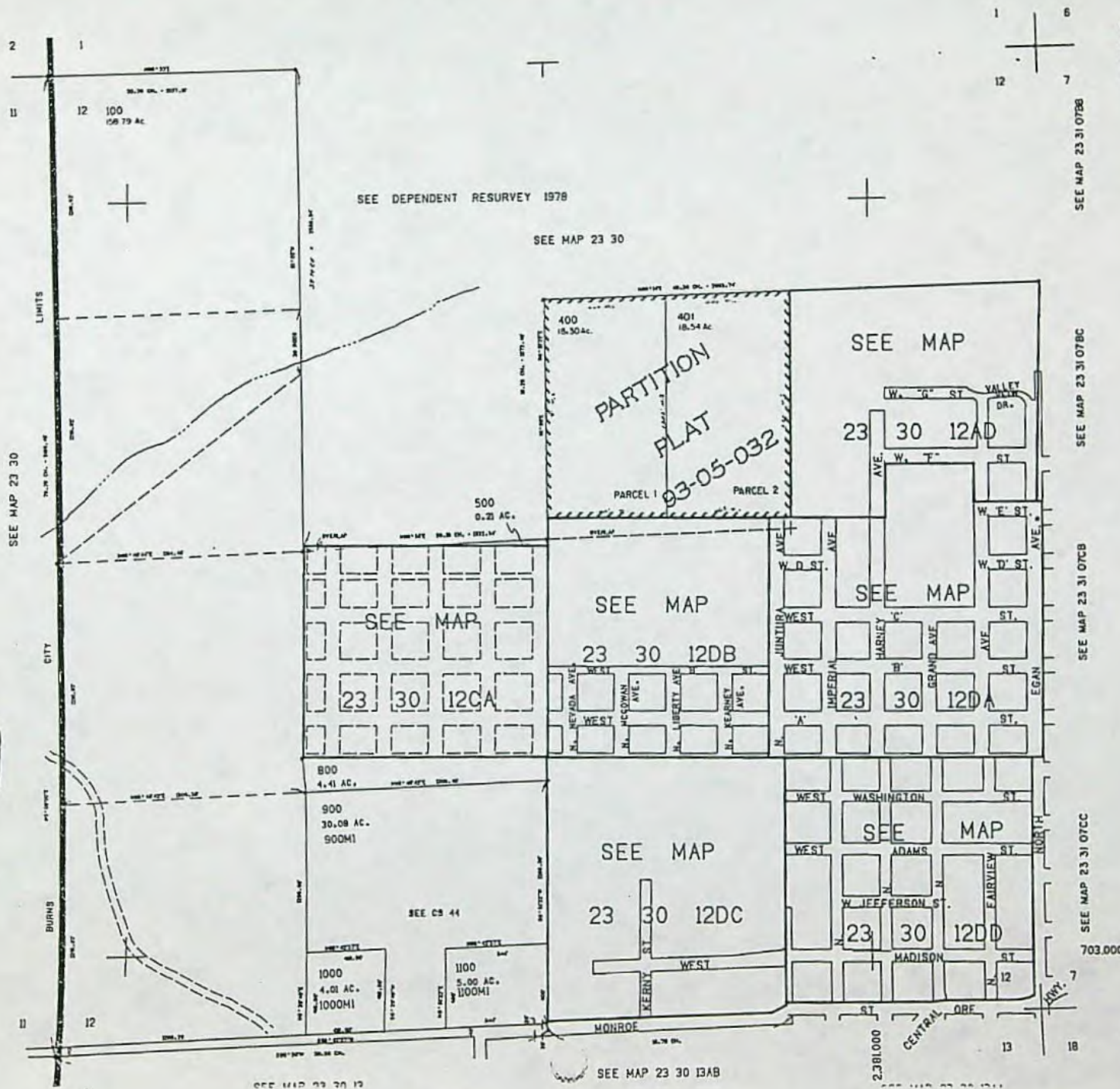
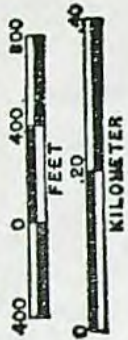
SECTION 12. T.23S. R.30E. W.M.
HARNEY COUNTY

T-400

23 30 12
& INDEX
BURNS

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY.

SCALE 1:9600



CANCELLED NO'S
300
200
600
700

SEE MAP 23 31 07B8

SEE MAP 23 31 07B8

SEE MAP 23 31 07C8

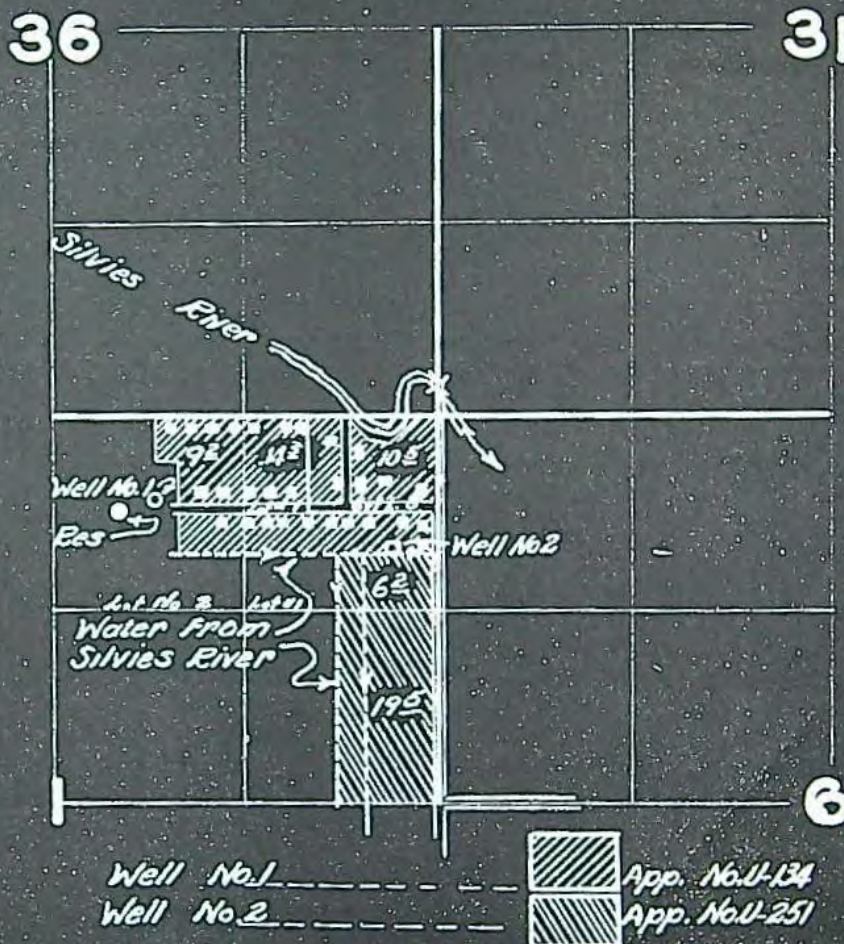
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MAY 28 1993
DEPT. OF REVENUE STATE OF OREGON
ASSESSMENT - APPRAISAL DIV.

T.23S.R.30E.W.M.



FINAL PROOF SURVEY

UNDER

U-134

U-126

Application No. U-251 Permit No. U-223

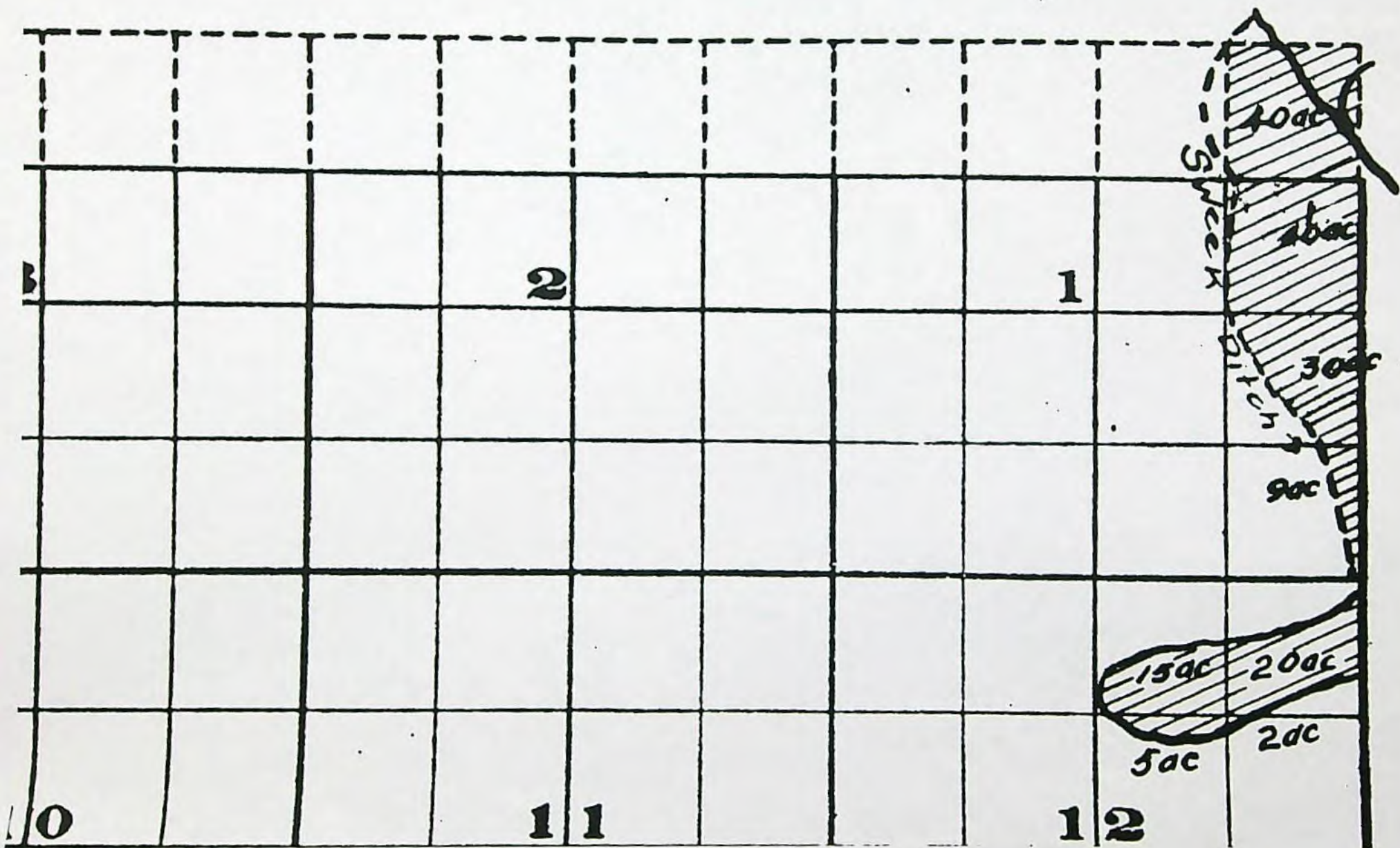
IN NAME OF

UNITED STATES OF AMERICA

Surveyed 7/20/19... by H. L. COFFMAN

TWNSHP 23 S
Range 30E

1" = 1320'



IT (APPLIED DEGREE COURSE)

140

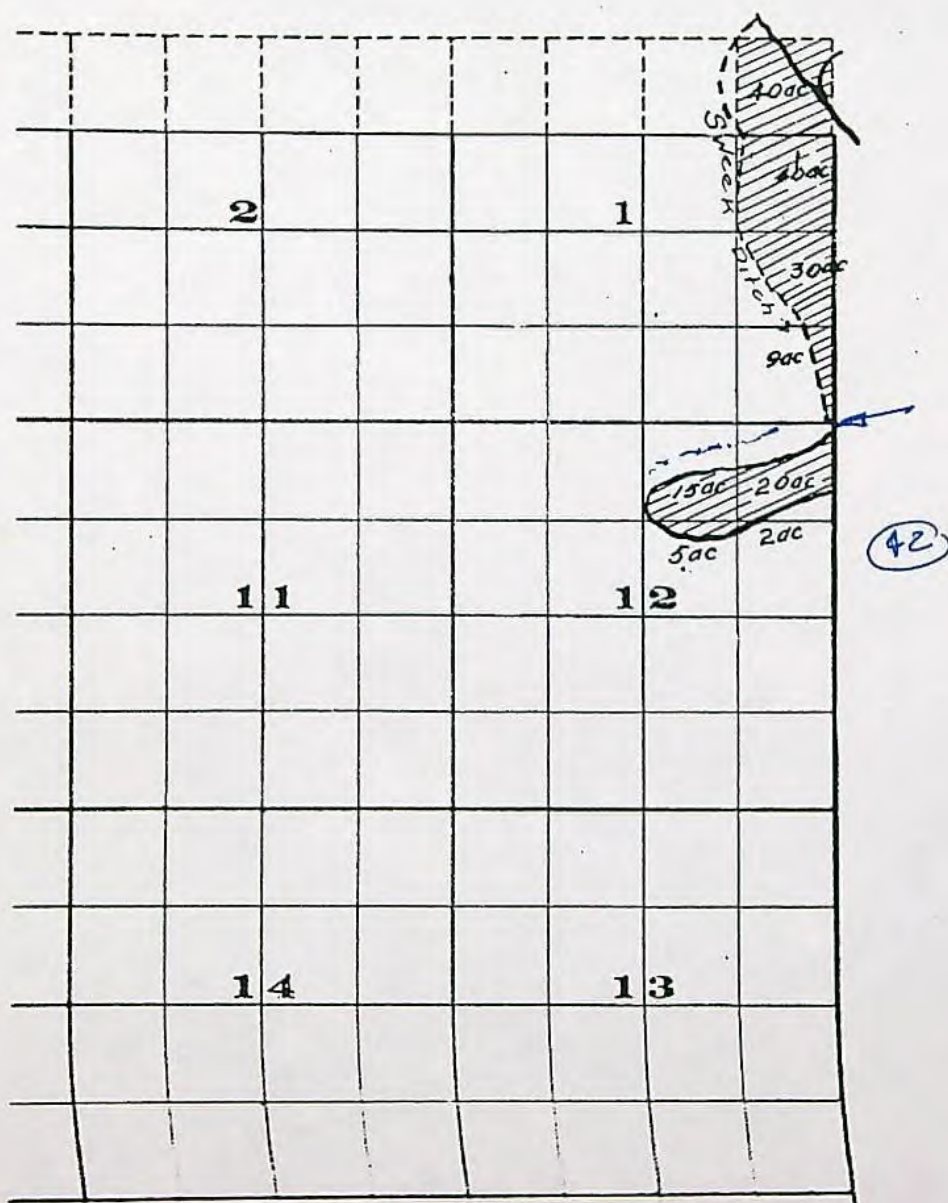
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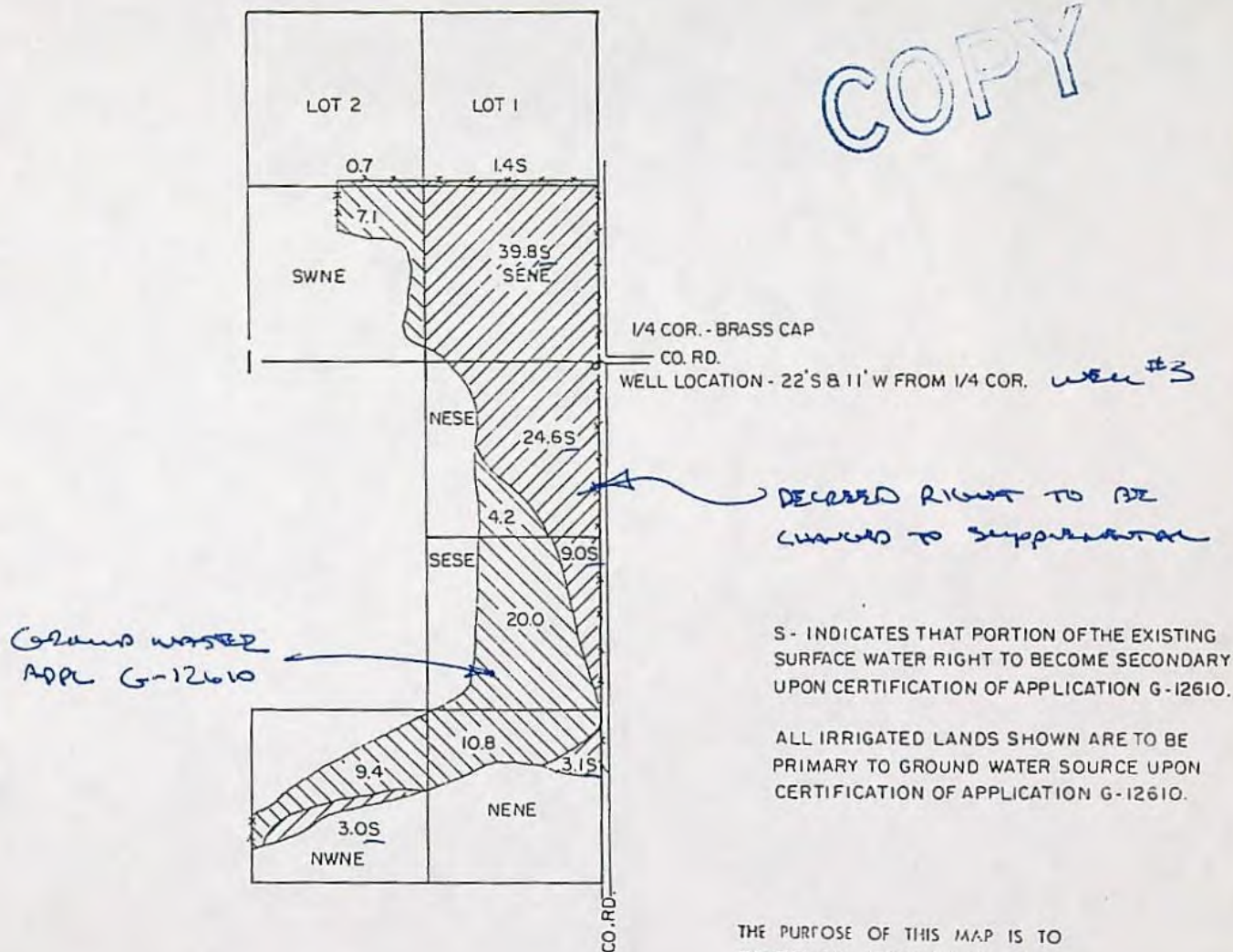
ge 30E



3/13/98

T 23 S, R 30 E, WM

COPY



S - INDICATES THAT PORTION OF THE EXISTING SURFACE WATER RIGHT TO BECOME SECONDARY UPON CERTIFICATION OF APPLICATION G-12610.

ALL IRRIGATED LANDS SHOWN ARE TO BE PRIMARY TO GROUND WATER SOURCE UPON CERTIFICATION OF APPLICATION G-12610.

THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF PROPERTY OWNERSHIP.

	BURNS PAIUTE INDIAN RESERVATION		
	WATER RIGHT APPLICATION MAP		
	Scale: 4" = 1 MILE	Date: NOV. 20, 1997	Job: 1323-B
	Dsn:		Sht. No.
	Drn: CHRIS		of 1
Ckd:	M.A. PALMER & SONS, INC. ENGINEERING & SURVEYING 254 N. Alder - Box 61 Burns, Oregon 97720		

SR NR

old
WLU #2 Sur 40 ac DECEMBER 1 RR1
GWW 195 ac 1947 1 RR1 (cert)

WLU #3 NW Gw 39⁸ APR 1974 1 RR1

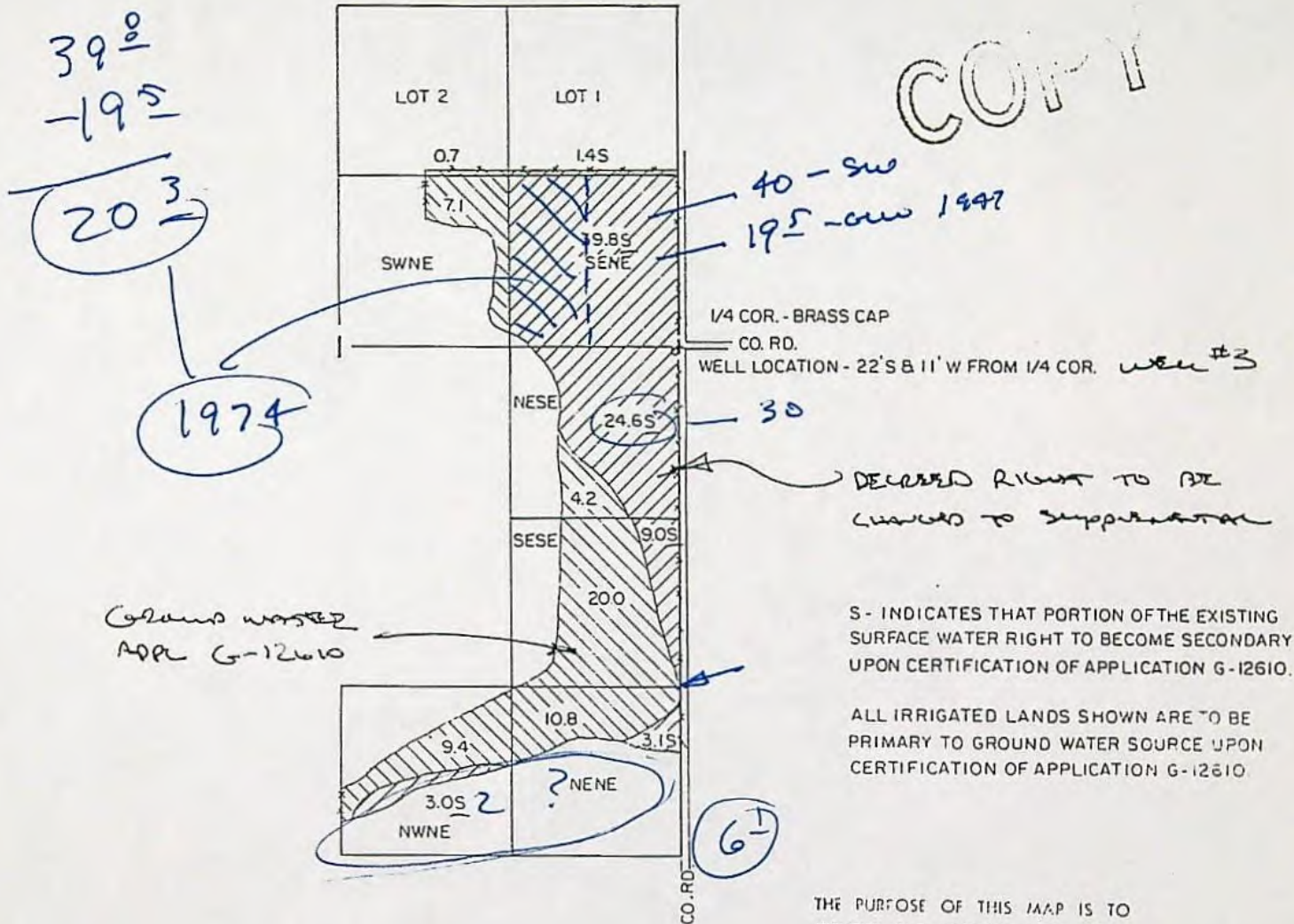
TABULATIONS OF:

2 DECEMBER RIGHTS
3-GW RIGHTS 2-certs + 1 app

Citizens to Supply 1 RR1
REMAN 1 RR1

3/13/98

T 23 S, R 30 E, WM



12

BURNS PAIUTE INDIAN RESERVATION

WATER RIGHT APPLICATION MAP

Scale: 4" = 1 MILE

Date: NOV. 20, 1997

Job: 1323-B

Dsn:

Drn: CHRIS

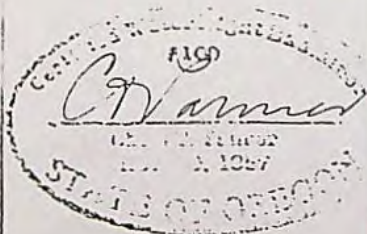
Ckd:

M.A.P's

M. A. PALMER & SONS, INC.
ENGINEERING & SURVEYING
254 N. Alder - Box 61
Burns, Oregon 97720

Sht. No.

of 1



RENEW 1-1-1999

STATE OF OREGON
COUNTY OF HARNEY
CERTIFICATE OF WATER RIGHT

This Is to Certify, That U. S. DEPARTMENT OF INTERIOR
OFFICE OF INDIAN AFFAIRS
District Office III,
of U. S. Indian Service, Portland, State of Oregon, has made proof
to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of
a well
a tributary of for the purpose of
irrigation
under Permit No. U-223 of the State Engineer, and that said right to the use of said waters
has been perfected in accordance with the laws of Oregon; that the priority of the right hereby
confirmed dates from October 20, 1947
; that the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed
0.32 cubic foot per second,

Wall or its equivalent in case of rotation, measured at the point of diversion from the stream.
The point of diversion is located in the 900' S. and 320' W. of the N.E. corner of Section
1, being within Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$), Section 1, Township 23 South, Range 30 East, W.M.

The amount of water used for irrigation, together with the amount secured under any other
right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second
per acre, or its equivalent for each acre irrigated and shall be further limited
to a diversion of not to exceed 3 acre feet per acre for each acre irrigated
during the irrigation season,

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

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

6.2 acres in Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$)
19.5 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 1
Township 23 South, Range 30 East, W. M.

25.7

25.7

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

WITNESS the signature of the State Engineer, affixed

this 26th day of February, 1954.

CHAS. E. STRICKLIN
State Engineer

Recorded in State Record of Water Right Certificates, Volume 15, page 20244

app - U 251

STATE OF OREGON
COUNTY OF HARNEY
CERTIFICATE OF WATER RIGHT

This Is to Certify, That U. S. DEPARTMENT OF INTERIOR
OFFICE OF INDIAN AFFAIRS

of Building 34, Swan Island, Portland State of Oregon, has made proof
to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of
a well
a tributary of for the purpose of

irrigation and domestic use in 28 individual cottages
under Permit No. U-126 of the State Engineer, and that said right to the use of said waters
has been perfected in accordance with the laws of Oregon; that the priority of the right hereby
confirmed dates from September 23, 1940

that the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed
0.71 cubic foot per second, being 0.43 c.f.s. for irrigation and 0.28 c.f.s.
for domestic use,

or its equivalent in case of rotation, measured at the point of diversion from the stream.
The well of diversion is located in the ~~XXXX~~ 560' S. and 1950' W. of the N.E. corner of
Section 1, being within Lot 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$), Section 1, Township 23 South, Range
30 East, W. M.

The amount of water used for irrigation, together with the amount secured under any other
right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second
per acre, or its equivalent for each acre irrigated and shall be further limited
to a diversion of not to exceed 2 acre feet per acre for each acre irrigated
during the irrigation season of each year,

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

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

10.5 acres & domestic in Lot 5 (NE $\frac{1}{4}$ NE $\frac{1}{4}$)
14.3 acres & domestic in Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$)
9.2 acres & domestic in Lot 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$)
Section 1
Township 23 South, Range 30 East, W. M.

34.0

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

WITNESS the signature of the State Engineer, affixed

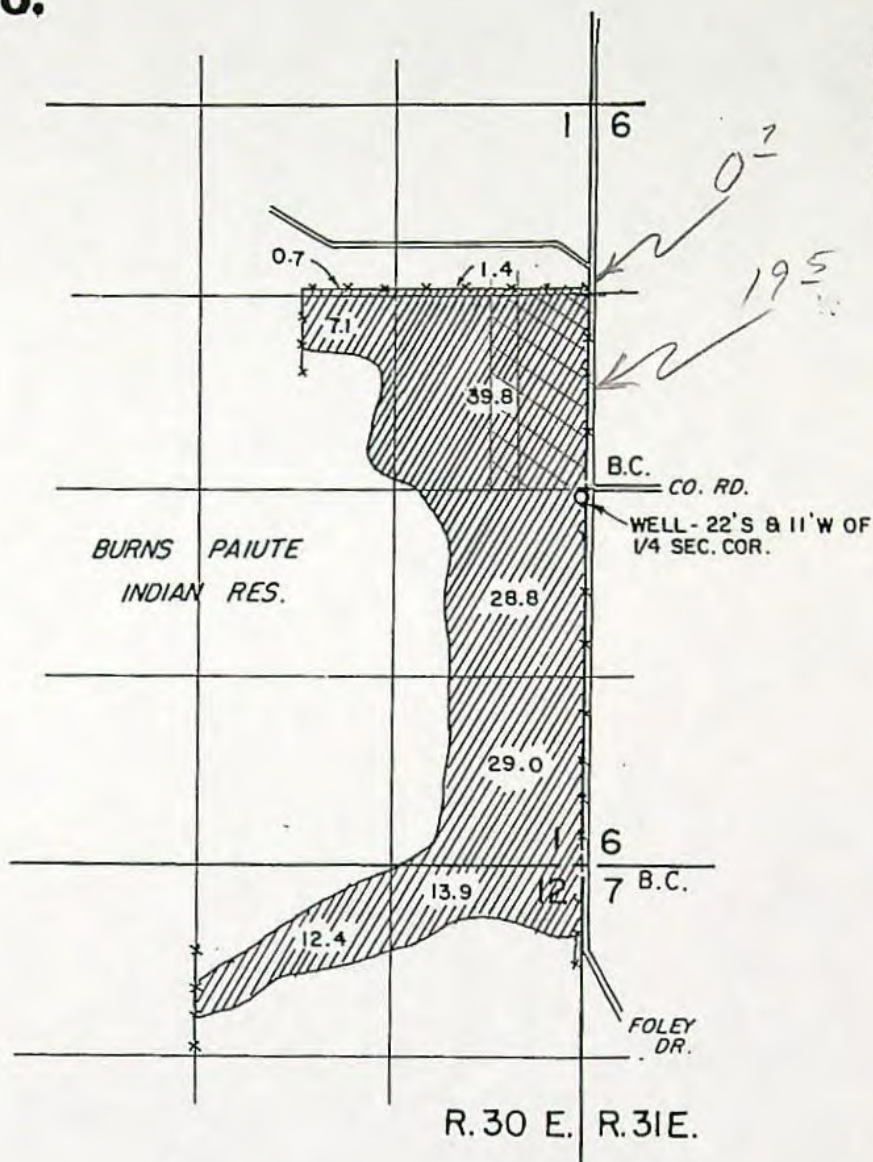
this 26th day of February, 19 54

CHAS. E. STRICKLIN
State Engineer

Recorded in State Record of Water Right Certificates, Volume 15, page 20245

App - V 134

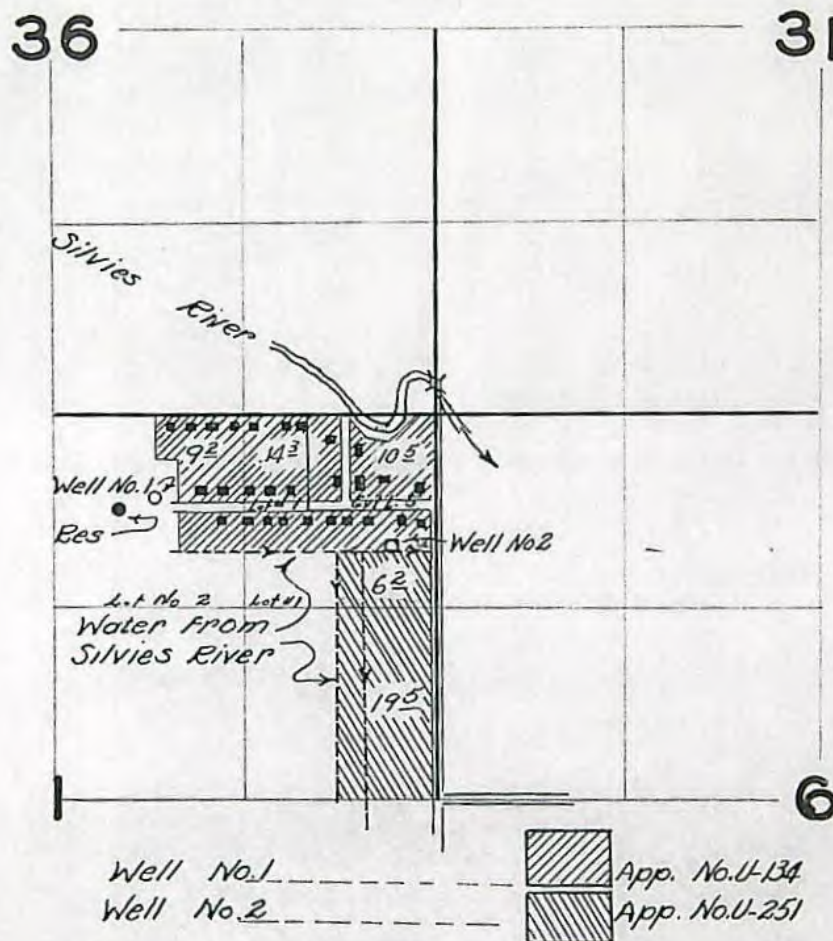
Application No. G-12610
 Permit No.



T. 23 S., R. 30 E., W. M.
 HARNEY CO., ORE.

	BURNS PAIUTE INDIAN RESERVATION		BURNS, OREGON
	<u>WATER RIGHTS APPLICATION MAP</u>		
	Scale: 1"=1320'	Date: JULY 11, 1991	Job: 1323
	Dsn: CORK	M. A. PALMER & SONS, INC. ENGINEERING & SURVEYING 254 N. Alder - Box 61 Burns, Oregon 97720	Sht. No.
	Drn: -		1
Ckd: -		of 1	

T.23S.R.30E.W.M.



FINAL PROOF SURVEY

UNDER

U-134

U-126

Application No. U-251 Permit No. U-223

IN NAME OF

UNITED STATES OF AMERICA

Surveyed 7/20 1951, by H. L. COFFMAN

8/7/97 Purges

8-14-98 UTL

not there
G12610

Application No.

Permit No.

~~74305, 70473~~

BURNS PAIUTE INDIAN RESERVATION ~~G13239~~

Name ...

HC 71 100 PASIGO ST

Address

BURNS, OR

97720

Assigned

Address

Beginning construction

Completion of construction

Extended to

Complete application of water

Extended to

OUT 12/19/03

Application No. G-12610

Permit No.

Name BURNS PAIUTE Indian Reservation

Address HC 71 100 Pasiap St., Burns, Or 97720

Assigned

Address

Beginning construction

Completion of construction

Extended to

Complete application of water

Extended to

I/We certify that the information I have provided in application # G 12610 is an accurate representation of the proposed water use and is true and correct to the best of my knowledge.

Donna Sam	Chairperson	11/2/95
Name	Title	Date
Amos First Raised	Vice Chairperson	11/2/95
Name	Title	Date
Lloyd Louie	Secretary	11/2/95
Name	Title	Date
Herbert Hawley	Board Member	11/2/95
Name	Title	Date
Tyrone Hoodie	Board Member	11/2/95

SALEM
OREGON
DEPT.

NOV - 8 1995

RECEIVED

NUMBER 83783

Check 546.00 NO Cash

 Surface Application

 Reservoir Application

X Ground Water Application

 Transfer Application

 Power Claim

 Hydroelectric Examination

 Hydroelectric License

 Copying

 Assignment

 Extension of Time

 Other

 P-6

 Quadrangle

 Basin

 Protest

 Constructors Examination

 Constructors License

 Adjudication

200
/ 20
346

N

Oregon

WATER RESOURCES
DEPARTMENT

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

CONSERVE WATER
FOR
OREGON'S FUTURE



POSTNET
FINE, PLEASE



JOAN STARR WARD
518 BAYWOOD COURT
BRIAR, CA 95482

UNDELIVERABLE
AS ADDRESSED
FORWARDING
ORDER REQUIRED

FOR
8214
JA

4/5

G-12610

11.1



OREGON WATER RESOURCES DEPARTMENT



Commerce Building
158 12th Street NE
Salem OR 97310-0210

NOTICE OF PROPOSED FINAL ORDER

This is to notify you that the Water Resources Department has issued a Proposed Final Order (PFO) on an application which may interest you. Attached is an excerpt from our weekly public notice, identifying the application we believe you may be interested in.

A PFO is the Department's preliminary decision on a water use request. It documents the agency's decision through specific findings. If appropriate, it includes a draft permit specifying any conditions or restrictions on the use.

Persons interested in receiving a mailed copy of a PFO must pay statutorily-required fee of \$10. (Any person paying \$10 to receive a PFO by mail will also receive a copy of the Final Order when it is issued.) PFO's may be viewed for free at the Department's Salem office or at watermasters' offices; you may make your own copies for the standard copy charge.

If you do not request a copy of the PFO, you may not be notified of subsequent action on the referenced application.

Opportunities for Further Public Involvement

Those disagreeing with the Department's decision as expressed in the PFO have 45 days from the date the PFO was issued to file a protest.

The protest filing fee is \$200 for everyone but the applicant. Detailed requirements for filing a protest will be sent with copies of the PFO. Persons who support the PFO may file a "standing" fee of \$50 to retain the ability to participate in future proceedings relating to an application. To participate, an additional \$150 is required at the time of the proceeding, if a contested case hearing is held.

For additional information, call the Water Rights Information Group, extension 600 at either 503-378-8455 or 800-624-3199. Please have the application file number ready.

A map of the state of Georgia divided into its 20 counties. Each county is labeled with a number from 1 to 20. The counties are arranged as follows: 1 (Cherokee), 2 (Fulton), 3 (DeKalb), 4 (Cobb), 5 (Spalding), 6 (Hall), 7 (Whitfield), 8 (Gordon), 9 (Chickasaw), 10 (Catoosa), 11 (Muscogee), 12 (Wilkes), 13 (Dodge), 14 (Franklin), 15 (Wilcox), 16 (Wayne), 17 (Appling), 18 (Long), 19 (Morgan), and 20 (Ware).

1-North Coast	8-Grande Ronde	15-Rogue
2-Willamette	9-Powder	16. Umpqua
3-Sandy	10-Malheur	17-S. Coast
4-Hood	11-Owyhee	18-Mid Coast
5-Deschutes	12-Malheur L.	19-Columbia
6-John Day	13-Goose/Summer	20-Snake
7-Umatilla	14-Klamath	

Decision codes:

- 1 permit may be issued as requested by applicant
- 2 permit may be issued with appropriate conditions
- 3 permit unlikely to be issued

AG-agriculture	GD-group domestic	MU-municipal
CF,CH,CI,CR-cranberry uses	GR-groundwater recharge	NU-nursery use
CM-commercial	GT-geothermal	PA-pollution abatement
CS-campground	IC-irrigation, primary & supplemental	PW-power
DI-domestic, incl. lawn & garden	ID,IL-irrigation with Domestic or Livestock use, respectively	QM-quasi-municipal
DN-domestic, incl. non-commercial	IM-industrial, manufacturing	RC-recreation
DO-domestic	IR-irrigation	RW-road construction
DS-domestic/stock	IS-supplemental irrigation	ST-storage
FI-fish	LV,LW-livestock/wildlife	SW-swimming
FP-fire protection	MI-mining	TC-temperature control
FW-fish & wildlife		WI-wildlife

Your Name, Address, and Phone Number:

Phone:

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PFO Requests
Proposed Final Order Team
Oregon Water Resources Department
158 12th St. NE
Salem OR 97310

Please include a check made out to the Oregon Water Resources Department in the amount of \$10 for each proposed final order you would like mailed to you. This fee entitles you to also receive a copy of the final order, when issued.

March 26, 1996

App#	Basin	Source	Quantity	Use	Cnty/Priority	Pod Vicinity	Name/Address	Stage/Status
G-13107	10	A WELL>MALHEUR R	0.5120 C	IS	0.00 MALHEUR 9/ 8/1992	SESW,SECTION 21 T18S, R46E	LEE FARMS INC. 1144 HWY 20 26 ONTARIO,OR 97914	PFO 2
G-12610	12	A WELL>SILVIES R	1.6600 C	IR	133.10 HARNEY 7/15/1991	NESE,SECTION 1 T23S, R30E	BURNS PAIUTE INDIAN RESER HC 71 100 PASIGO ST BURNS,OR 97720	PFO 2
G-12764	12	A WELL>SILVIES R	0.1400 C	IR	11.00 HARNEY 1/23/1992	NWNW,SECTION 5 T23S, R31E	WILLIAM GUTHRIDGE GUTHRIDGE, SELMA HC 71 BOX 66 BURNS,OR 97720	PFO 2
G-13801	12	WELL 1>UNN STR WELL 2>UNN STR	2.1600 C	IR	173.20 HARNEY 8/30/1994	NWSE,SECTION 31 T28S, R33E NWNW,SECTION 31 T28S, R33E	DELMER MCCLEAN MCCLEAN, JO BOX 18 DIAMOND,OR 97722	PFO 2
R-72287	12	UNN STR>TROUT CR	0.4700 A	LW	HARNEY 3/30/1992	SWSE,SECTION 25 T19S, R31E	U. S. BUREAL OF LAND MANA HC 74-12533 HWY 20 W HINES,OR 97738	PFO 2
S-80361	12	SPR 1>POISON CR SPR 2>POISON CR SPR 3 >POISON CR	13.0000 G	LV	HARNEY 5/18/1995	NENW,SECTION 32 T21S, R31E SENW,SECTION 32 T21S, R31E SWNW,SECTION 5 T22S, R31E	K DELMER CLEMENS CLEMENS, TERESA 769 PONDEROSA VILLAGE BURNS,OR 97720	PFO 2
G-12629	13	WELL 1>DREWS CR WELL 2>DREWS CR	0.8300 C	IS	0.00 LAKE 8/ 5/1991	NWSE,SECTION 1 T40S, R18E NWE,SECTION 12 T40S, R18E	NELSON SOMERS 2777 W YOUNG RD FILMORE,CA 93015	PFO 2
G-12864	13	WELL 4>CHRISTMAS L	1.2500 C	QM	LAKE 4/ 6/1992	NWNE,SECTION 14 T27S, R17E	CHRISTMAS VALLEY DOMESTIC PO BOX 142 CHRISTMAS VALLEY,OR 97641	PFO 2
G-12865	13	WELL 3>FORT ROCK VALLEY	0.3100 C	QM	LAKE 4/ 6/1992	NWNE,SECTION 17 T27S, R17E	CHRISTMAS VALLEY DOMESTIC PO BOX 142 CHRISTMAS VALLEY,OR 97641	PFO 2



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11-18-94

From (Your Name) Please Print

Your Phone Number (Very Important)

To (Recipient's Name) Please Print

Recipient's Phone Number (Very Important)

BARBARA SCOTT-BRIER

503-231-2127

MR. DALLAS MILLER

Company

Department/Floor No.

Company

Department/Floor No.

OFFICE OF REG SOLICITOR USDOJ

Water Rights Division=
OR, Water Resources Division - Commerce Bldg.

Street Address

Exact Street Address (No Labels Other Than P.O. Boxes or P.O. Zip Codes)

500 NE MULTNOMAH ST STE 607

158 12th Street N.E.

City

State

ZIP Required

City

State

ZIP Required

PORTLAND

OR

9 7 2 3 2

Salem

Oregon

97310

YOUR INTERNAL BILLING REFERENCE INFORMATION (optional) (First 24 characters will appear on invoice)

IF HOLD AT FEDEX LOCATION, Print FEDEX Address Here

RE9100S08 A0076-95B

PAYMENT

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SERVICES
(Check only one box)

DELIVERY AND SPECIAL HANDLING
(Check services required)

PACKAGES
WEIGHT
IN POUNDS
ONLY

Priority Overnight
(Delivery by next business morning)

Standard Overnight
(Delivery by next business afternoon)

Weekday Service
(Hold at FEDEX LOCATION WEEKDAY)

1 1

11 OTHER PACKAGING

51 OTHER PACKAGING

3 HOLD AT FEDEX LOCATION WEEKDAY

1 1

16 FEDEX LETTER*

56 FEDEX LETTER*

3 DELIVER WEEKDAY

1 1

12 FEDEX PAK*

52 FEDEX PAK*

3 DELIVER SATURDAY

1 1

13 FEDEX BOX

53 FEDEX BOX

31 HOLD AT FEDEX LOCATION SATURDAY

1 1

14 FEDEX TUBE

54 FEDEX TUBE

3 DELIVER SATURDAY

1 1

Economy Two-Day
(Delivery by second business day)

Government Overnight
(Delivery by next business morning)

Special Handling

1 1

30 ECONOMY*

41 GOVT LETTER

4 DANGEROUS GOODS (extra charge)

1 1

31 FEDEX LETTER*

42 GOVT PACKAGE

6 DRY ICE (extra charge)

1 1

32 FEDEX BOX

43 GOVT PACKAGE

8 SATURDAY PICK-UP (extra charge)

1 1

33 FEDEX TUBE

44 GOVT PACKAGE

9 SATURDAY PICK-UP (extra charge)

1 1

34 FEDEX LETTER*

45 GOVT PACKAGE

10 SATURDAY PICK-UP (extra charge)

1 1

35 FEDEX BOX

46 GOVT PACKAGE

11 SATURDAY PICK-UP (extra charge)

1 1

36 FEDEX TUBE

47 GOVT PACKAGE

12 SATURDAY PICK-UP (extra charge)

1 1

37 FEDEX LETTER*

48 GOVT PACKAGE

13 SATURDAY PICK-UP (extra charge)

1 1

38 FEDEX BOX

49 GOVT PACKAGE

14 SATURDAY PICK-UP (extra charge)

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39 FEDEX TUBE

50 GOVT PACKAGE

15 SATURDAY PICK-UP (extra charge)

1 1

40 FEDEX LETTER*

51 GOVT PACKAGE

16 SATURDAY PICK-UP (extra charge)

1 1

41 FEDEX BOX

52 GOVT PACKAGE

17 SATURDAY PICK-UP (extra charge)

1 1

42 FEDEX TUBE

53 GOVT PACKAGE

18 SATURDAY PICK-UP (extra charge)

1 1

Emp. No.

Date

Federal Express Usa

Cash Received

Return Sign

Base Charges

Third Party

Street Address

Declared Value Charge

City

State

Other 1

Zip

Other 2

Received By

Date/Time Received

Total Charges

X

FedEx Employee Number

NOV 21 1994

SALEM, OREGON

WATER RESOURCES DEPT.

REVISION DATE 12/92

SALEM, OREGON

PART 6 137204 FILEM 11/93

SALEM, OREGON

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**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **130117**

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

INVOICE # _____

RECEIVED FROM: Burns Pointe

BY: _____

APPLICATION G18010

PERMIT

TRANSFER

CASH: ☐ CHECK: # 24 OTHER: (IDENTIFY) ☐

TOTAL REC'D

\$

1.50

01-00-0 WRD MISC CASH ACCT

842.010 ADJUDICATIONS

\$

831.087 PUBLICATIONS / MAPS

\$

830.650 PARKING FEES Name / month

\$

OTHER: (IDENTIFY)

\$

REDUCTION OF EXPENSE

CASH ACCT.

\$

COST CENTER AND OBJECT CLASS

VOUCHER #

03-00-0 WRD OPERATING ACCT

MISCELLANEOUS

840.001 COPY FEES

\$

850.200 RESEARCH FEES

\$

880.109 MISC REVENUE: (IDENTIFY)

\$

520.000 OTHER (P-6) (IDENTIFY)

\$

WATER RIGHTS:

842.001 SURFACE WATER

EXAM FEE

\$

842.002

RECORD FEE

\$

842.003 GROUND WATER

\$

842.004

\$

842.005 TRANSFER

\$

842.006

\$

WELL CONSTRUCTION

EXAM FEE

842.022 WELL DRILL CONSTRUCTOR

\$

842.023

LICENSE FEE

\$

LANDOWNER'S PERMIT

842.024

\$

OTHER (IDENTIFY)

06-00-0 WELL CONST. START FEE

842.013 WELL CONST START FEE

\$

CARD #

MONITORING WELLS

\$

CARD #

OTHER (IDENTIFY)

45-00-0 LOTTERY PROCEEDS

864.000 LOTTERY PROCEEDS

\$

07-00-0 HYDRO ACTIVITY

LIC NUMBER

842.011 POWER LICENSE FEE (FW/WRD)

\$

842.115 HYDRO LICENSE FEE (FW/WRD)

\$

HYDRO APPLICATION

\$

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DATED: 11-8-95

BY: J. Kessner

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