

G 12579

Crooked River Ranch Water Co.

ASSIGNED

FILE#: G 12579

CROOKED RIVER RANCH WATER CO.

PO BOX 879 1388 2319

CROOKED RIVER RANCH, OR

97760

Application No. G G12579

Permit No. G17417 ~~G11376~~ amended

Certificate No. _____

Reaches

Stream Index, Page No. 5

12 Crooked River

C/2028

Date filed _____

Priority _____

Action suspended until _____

Return to applicant _____

Date of approval _____

CONSTRUCTION

Date for beginning NOV 18 1992

Date for completion OCT 1 1993

Extended to 10-1-98, 10-1-08, 10/1/2028

Date for application of water OCT 1 1994

Extended to 10-1-98, 10-1-08

PROSECUTION OF WORK

Form "A" filed started

Form "B" filed _____

Form "C" filed _____

FINAL PROOF

Blank mailed _____

Proof received _____

Date certificate issued _____

FEES PAID

Date	Amount	Receipt No.
6/8/91	\$200.00	75305
9/20/91	\$300.00	78950
EXT. 11-3-93	100.00	106525
Recording 11-15-93	150.00	106960
4.3.00	100.00	312065
11.6.08	350.00	94829
Date	Amount	Check No.

FEES REFUNDED

ASSIGNMENTS

Date	Assigned To Whom	Address	Volume	Page
12/2/2008	CROOKED RIVER RANCH WATER COOPERATIVE PO BOX 2319 TERREBONNE OR 97760			
2/18/2011	CROOKED RIVER RANCH WATER CO. PARTIAL ASSIGNMENT	P.O. BOX 2319 TERREBONNE OR 97760-2319		

REMARKS

A Sent to 10-13 93
B Sent to new add 10/21/93
T-7828 APOA
T-9663 APOA V. 61 p. 532
AMENDED by special order
v. 51 pg. 1235 on 10-30-97
T-11961 APOA v. 95 p. 123-125

ASSIGNMENTS:

1/17/2017 Crooked River Ranch Water Company AND United States of America acting through the
PO Box 2319 Terrebonne, OR 97760 United States Department of Agriculture
1220 SW 3rd Ave. Ste 1801 Portland, OR 97204

DATE	AMOUNT	RECEIPT NO
12-2-08	50.00	95072
11-30-09	600.00	98638
2-18-11	75.00	102302
12/27/10	85.00	122210

IMPORTANT MESSAGE

For	Wed. 20201		Date	5-10	Time	10:11	AM	STICKER HERE
M	TOM ZIMMERMAN							
Of	ATTY.							
Phone #	(503)	-	684	-	4111	:	☐ FAX ☐ MOBILE	☒ RINGED ☒ PLEASE CALL
Message	- 598		- 7758		RETURNED YOUR CALL			
WELL						WILL CALL AGAIN		
G-12579. WELL						CAME TO SEE YOU		
COPY						WANTS TO SEE YOU		
1990 "APPLIC"						LOOK FOR FAX		
Signed						FORM 401J		

APPLICATION CHECK-OFF LIST

RECEIPT POSTED
ACK LETTER SENT

STREAM INDEXED & STREAM CODED
CONTENTS MARKED/STAMPED
SCENIC WATERWAY NOTED
FILE FOLDER/CALENDAR CARD TYPED
APPLICATION COPIED
MAPS COPIED

FOR 2004

DATE Wed @ 10-13 TIME 422 AM

FROM PETER MOHR

FIRM _____

PHONE (503)-221-5222

☐ FAX AREA CODE _____ NUMBER _____ EXTENSION _____

☐ MOBILE CRACKED RVR

AREA CODE _____ NUMBER _____ TIME TO CALL _____

TELEPHONED	☒	PLEASE CALL	☒
RETURNED YOUR CALL		WILL CALL AGAIN	
CAME TO SEE YOU		RUSH	
WANTS TO SEE YOU		SPECIAL ATTENTION	
WAITING TO SEE YOU		HOLDING LINE	☒

MESSAGE RVR # G-12579

LAWYER PORTLAND

COPY OF FILE

G-11376# RVR

EXTEN TIME

SIGNED _____

+ CRACKED UN + CAT FOOD

221-5222

③ TRUCK MESSAGE 12/27 1222

+ +

FORM 4007
MADE IN U.S.A.

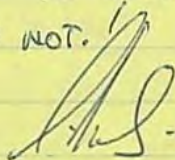
2/22/2011

- PATRICIA,

SPOKE WITH DENNIS GLENNER. HE STATES THIS PERMIT (G-11376) IS THE PROPERTY OF THE WATER COMPANY WHICH IS NOW UNDER A/C. HE DID NOT ADDRESS OWNERSHIP BY THE HOME OWNERS OTHER THAN TO STATE THEY WERE ALL WORKING TOGETHER NOW, NEW BOARD, AND THAT THE PERMIT IS OWNED BY THE WATER COMPANY.

HE DID REQUEST A COPY OF THE PROTEST & EXT. APPLICATION BE E-MAILED TO HIM.

I AM NOT CLOSE TO KNOWING IF WE SHOULD ASSIGN OR NOT.



HOLD WHILE WE FIND OUT IF WE CAN ASSIGN. CHECK WITH PATRICIA.

6-12579

Gerry Clark

From: Gerry Clark
Sent: Thursday, January 12, 2012 3:33 PM
To: 'Peter Mohr'
Cc: Ann Reece
Subject: RE: Notice received by Crooked River Ranch Club & Maint Assoc.

Peter,

The document that you forwarded to me is typically included with ground water permit extension final orders. It is intended to provide a reminder regarding the final step of the water right process.

From what I have been able to determine, the "Notice" was included in the envelope with the extension final order for Permit G-11376.

Let me know if you have any additional questions regarding this issue.

Have a great evening.

Gerry

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

Phone: 503-986-0811
Fax: 503-986-0901

WRD Home Page: www.wrd.state.or.us

From: Peter Mohr [<mailto:peter.mohr@tonkon.com>]
Sent: Thursday, January 12, 2012 2:39 PM
To: Gerry Clark
Subject: Notice received by Crooked River Ranch Club & Maint Assoc.

Gerry,

Here is the notice received by the Ranch and which we discussed over the phone. According to the administrative staff at the Ranch, there was no individual addressee or other information provided.

Thanks.

Peter

Peter D. Mohr | Tonkon Torp LLP
1600 Pioneer Tower | 888 S.W. Fifth Avenue
Portland, Oregon 97204
503.802.5759 | FAX 503.972.7459
peter.mohr@tonkon.com | www.tonkon.com

This message may contain confidential communications and privileged information. If you received this message in error, please delete it and notify me promptly.

Circular 230 Disclaimer: If any part of this communication is interpreted as providing federal tax advice, U.S. Treasury Regulations require that we inform you that we neither intended nor wrote this communication for you to use in avoiding federal tax penalties that the IRS may attempt to impose and you may not use it for that purpose.

Oregon Water Resources Department
Water Rights Division



Water Rights Application
Number G-12579

**Final Order Incorporating Stipulation and Agreement
Extension of Time for Permit Number G-11376
(modified by Permit Amendments T-7828 and T-9663)**

Appeal Rights

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

Application History

The Department issued Permit G-11376 on November 18, 1991, and was modified by Permit Amendments T-7828 and T-9663 on October 30, 1997 and September 20, 2004, respectively. The permit called for completion of construction by October 1, 1993, and complete application of water to beneficial use by October 1, 1994. On January 12, 2009, Crooked River Ranch submitted an application to the Department for an extension of time for Permit G-11376 (modified by Permit Amendments T-7828 and T-9663). In accordance with OAR 690-315-0050(2), on October 13, 2009, the Department issued a Proposed Final Order (PFO) proposing to extend the time to complete construction and apply water to full beneficial use to October 1, 2028. The protest period closed November 27, 2009, in accordance with OAR 690-315-0060(1). A protest was timely filed by the Crooked River Ranch Club and Maintenance Association.

The attached Stipulation and Agreement is hereby incorporated into this Final Order as if set forth fully herein. Except as expressly stated herein, the Department adopts and incorporates by reference the Proposed Final Order dated October 13, 2009.

As per the terms of the Stipulation and Agreement, paragraphs 2, 6, 7, 8, 12, 13, 14, 15, 16, 17, 18, 24, 29, 30 and 34 of the *Findings of Fact* of the Proposed Final order are modified as follows:

- a. Paragraph 2 shall be revised as follows:

On October 30, 1997 the Department approved Permit Amendment T-7828 (Special Order Final Order: Permit G-11376

Volume 51, Page 1235) authorizing an additional point of appropriation (CRRW Co. Well 1, formerly CRRW Co. Well 4). On September 20, 2004 the Department approved Permit Amendment T-9663 (Special Order Volume 61, page 532) moving the Point of Appropriation from Association Well 3 near the Golf Maintenance Shop to Crater Loop Rd, located 2550 ft North and 2100 ft West from the SE Corner of Section 16 (CRRW Co. Well 3).

b. Paragraph 6 shall be revised as follows:

An "Application for Extension of Time" was submitted to the Department on January 12, 2009, requesting the time to complete construction of the Water Company's water system and apply water to full beneficial use under the terms and conditions of Permit G-11376 (modified by Permit Amendments T-7828 and T-9663) be extended from October 1, 2008 to October 1, 2028.

c. Paragraph 7 shall be revised as follows:

Notification of the Application for Extension of Time for Permit G-11376 (modified by Permit Amendments T-7828 and T-9663) was published in the Department's Public Notice dated April 14, 2009. Public comments were received regarding the extension application from Peter Mohr on behalf of the Association under a letter dated May 14, 2009.

d. Paragraph 8 shall be revised as follows:

On January 12, 2009, the Department received a completed application for extension of time and the fee specified in ORS 536.050.

e. Paragraph 12 shall be revised as follows:

A total of 5.0 cfs of water is authorized under Permit G-11376 (modified by Permit Amendments T-7828 and T-9663) from CRRW Co. Well 1 (formerly CRRW Co. Well 4; Well ID JEFF 880), CRRW Co. Well 2 (Well ID JEFF 888 & JEFF 50662), and CRRW Co. Well 3.

f. Paragraph 13 shall be revised as follows:

The Crooked River Ranch Water Company has not yet made beneficial use of 1.25 cfs of water under Permit G-11376 (modified by Permit Amendments T-7828 and T-9663).

g. Paragraph 14 shall be revised as follows:

As of January 12, 2009, Crooked River Ranch Water Company utilized a peak demand of 3.75 cfs of water from Permit G-11376 (modified by Permit Amendment T-7828 and T-9663).

h. Paragraphs 15, 16, 17, 18, 29 and 30 shall be revised to the extent that the terms "Water Company" shall be inserted immediately after all references to "Crooked River Ranch."

i. Paragraph 24 shall be revised as follows:

Since the issuance of Permit G-11376 (modified by Permit Amendments T-7828 and T-9663) on November 18, 1991, approximately 3.75 cfs of the 5.0 cfs allowed has been appropriated from CRRW Co. Well 1 (formerly CRRW Co. Well 4, Well ID JEFF 880) CRRW Co. Well 2 (Well ID JEFF 888 & JEFF 50662), and Association Well 3 for beneficial quasi-municipal purposes under the terms of this permit.

j. Paragraph 34 shall be revised as follows:

According to Crooked River Ranch Water Company, delay of development under Permit G-11376 (modified by Permit Amendments T-7828 and T-9663) is due in part to civil litigation which temporarily encumbered the company's operations."

As agreed to in item B.4., page 2 of the Stipulation and Agreement, except as provided under the Stipulation and Agreement, all other and remaining terms and conditions of the PFO shall remain in any final order and therefore govern any approval issued by the Department.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

CONDITIONS

1. Development Limitations

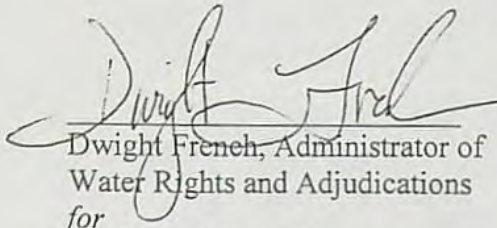
Appropriation of any water beyond 3.75 cfs under Permit G-11376 (modified by Permit Amendments T-7828 and T-9663) shall only be authorized upon issuance of a final order approving a Water Management and Conservation Plan (WMCP) under OAR Chapter 690, Division 86. The required WMCP shall be submitted to the Department within three years of an approved extension application. Use of water under Permit G-11376 (modified by Permit Amendments T-7828 and T-9663) must be consistent with this and subsequent WMCP's approved under OAR Chapter 690, Division 86 on file with the Department.

The deadline established in this Final Order for submittal of a WMCP shall not relieve a permit holder of any existing or future requirement for submittal of a WMCP at an earlier date as established through other orders of the Department. A WMCP submitted to meet the requirements of this order may also meet the WMCP submittal requirements of other Department orders

Order

The extension of time for Application G-12579, Permit G-11376 (modified by Permit Amendments T-7828 and T-9663), therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended to October 1, 2028. The deadline for applying water to full beneficial use is extended to October 1, 2028.

DATED: November 30, 2011

A handwritten signature in cursive script, appearing to read "Dwight French", is written over a horizontal line.

Dwight French, Administrator of
Water Rights and Adjudications
for
Phillip C. Ward, Director

If you have any questions about statements contained in this document, please contact
Ann Reece at (503) 986-0827.

If you have other questions about the Department or any of its programs, please contact our
Water Resources Customer Service Group at (503) 986-0900

RECEIVED

NOV 28 2011

BEFORE THE OREGON WATER
RESOURCES DEPARTMENT

WATER RESOURCES DEPT
SALEM, OREGON

In the Matter of the Application for an)
Extension of Time for Permit G-11376)
(modified by Permit Amendments T-7828) STIPULATION AND
T-9663), Water Right Application G-12579,) AGREEMENT
in the name of Crooked River Ranch Water)
Company)
_____)

The Oregon Department of Water Resources (the "Department"), applicant the Crooked River Ranch Water Company (the "Water Company"), and protestant the Crooked River Ranch Club and Maintenance Association (the "Association") (collectively, the "Parties") do hereby stipulate and agree as follows:

A. Stipulation

1. On August 23, 2010, the Circuit Court in and for Jefferson County entered a Limited Judgment in Case No. 09-CV-0049 (the "Limited Judgment") determining that: (a) the Water Company, owner of Permit G-11376 as modified, was never dissolved as a matter of law; (b) the Crooked River Ranch Water Cooperative was not an entity validly formed as an entity separate and distinct from the Water Company; and (c) the Water Company shall "resume carrying on its activities as if dissolution had never occurred," a copy of which judgment is attached hereto and incorporated herein as Exhibit A.

2. Following entry of the Circuit Court's Limited Judgment, and having never been subject to corporate dissolution, the Water Company was administratively reinstated as an operating entity under its amended annual report filed with the Oregon Secretary of State's Office on November 18, 2010.

3. At the time the application for extension (the "Application") was filed, the Water Company assets included, and still include as of the effective date of this Stipulation and Agreement (the "Agreement"), Permit G-11376 as modified and any and all water subject to withdrawal under such permit.

4. The Water Company is a lawfully organized entity and has at all times possessed all right, title and interest in and to the Application as a matter of law.

5. Any act of the Crooked River Ranch Water Cooperative with respect to the Application was performed in its capacity as the agent for the Water Company.

B. Agreement

The Parties stipulate and agree to the following:

1. Any issues timely raised by the Association under its protest to the Proposed Final Order issued on October 13, 2009 (the "PFO") regarding the Crooked River Ranch Water Cooperative's alleged ownership in the Water Company's Permit G-11376 and the then-pending Application are resolved and satisfied on the terms and conditions described in this Agreement.

2. Any alleged assignments of interests maintained within the Department's records and which are purportedly executed by the Water Company to benefit Crooked River Ranch Water Cooperative were and are invalid as a matter of law and shall not be considered of any force or effect regarding any issue or matter within the Department's jurisdiction including, but not limited to, the approval of this Application.

3. Based on the Court's determination in its opinion and order resulting in the Limited Judgment, the Water Company shall be deemed to have submitted the Application, and any act of the Crooked River Ranch Water Cooperative regarding the Application shall be deemed to have been performed on behalf of the Water Company.

4. Except as provided under this Agreement, all other and remaining terms and conditions of the PFO shall remain in any final order and therefore govern any approval issued by the Department.

5. The final order granting the Water Company's Application shall contain revisions to paragraphs 2, 6, 7, 8, 12, 13, 14, 15, 16, 17, 18, 24, 29, 30 and 34 of the *Findings of Fact* of the PFO as follows:

a. Paragraph 2 shall be revised as follows:

On October 30, 1997 the Department approved Permit Amendment T-7828 (Special Order Volume 51, Page 1235) authorizing an additional point of appropriation (CRRW Co. Well 1, formerly CRRW Co. Well 4). On September 20, 2004 the Department approved Permit Amendment T-9663 (Special Order Volume 61, page 532) moving the Point of Appropriation from Association Well 3 near the Golf Maintenance Shop to Crater Loop Rd, located 2550 ft North and 2100 ft West from the SE Corner of Section 16 (CRRW Co. Well 3).

b. Paragraph 6 shall be revised as follows:

An "Application for Extension of Time" was submitted to the Department on January 12, 2009, requesting the time to complete construction of the Water Company's water system and apply water to full beneficial use under the terms and conditions of Permit G-11376 (modified by Permit Amendments T-7828 and T-9663) be extended from October 1, 2008 to October 1, 2028.

c. Paragraph 7 shall be revised as follows:

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Permit Amendments T-7828 and T-9663) was published in the Department's Public Notice dated April 14, 2009. Public comments were received regarding the extension application from Peter Mohr on behalf of the Association under a letter dated May 14, 2009.

- d. Paragraph 8 shall be revised as follows:

On January 12, 2009, the Department received a completed application for extension of time and the fee specified in ORS 536.050.

- e. Paragraph 12 shall be revised as follows:

A total of 5.0 cfs of water is authorized under Permit G-11376 (modified by Permit Amendments T-7828 and T-9663) from CRRW Co. Well 1 (formerly CRRW Co. Well 4; Well ID JEFF 880), CRRW Co. Well 2 (Well ID JEFF 888 & JEFF 50662), and CRRW Co. Well 3.

- f. Paragraph 13 shall be revised as follows:

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- g. Paragraph 14 shall be revised as follows:

As of January 12, 2009, Crooked River Ranch Water Company utilized a peak demand of 3.75 cfs of water from Permit G-11376 (modified by Permit Amendment T-7828 and T-9663).

- h. Paragraphs 15, 16, 17, 18, 29 and 30 shall be revised to the extent that the terms "Water Company" shall be inserted immediately after all references to "Crooked River Ranch."

- i. Paragraph 24 shall be revised as follows:

Since the issuance of Permit G-11376 (modified by Permit Amendments T-7828 and T-9663) on November 18, 1991, approximately 3.75 cfs of the 5.0 cfs allowed has been appropriated from CRRW Co. Well 1 (formerly CRRW Co. Well 4, Well ID JEFF 880) CRRW Co. Well 2 (Well ID JEFF 888 & JEFF 50662), and Association Well 3 for beneficial quasi-municipal purposes under the terms of this permit.

- j. Paragraph 34 shall be revised as follows:

According to Crooked River Ranch Water Company, delay of development under Permit G-11376 (modified by Permit Amendments T-7828 and T-9663) is due in part to civil litigation which temporarily encumbered the company's operations.

6. Each party represents, warrants, and agrees that the person who has executed this Agreement on its behalf has the full right and authority to enter into this Agreement on behalf of that party and bind that party to the terms of the Agreement.

7. This Agreement is binding on the Parties hereto and their respective successors, legal representatives, assigns, or any other person(s) claiming a right or interest through the Parties.

8. This Agreement may be executed in multiple counterparts, each of which shall be deemed an original and all of which shall constitute one agreement, binding on the Parties. Delivery of an executed signature page to this Agreement by facsimile transmission is effective as delivery of an original signed counterpart of this Agreement.

9. The Parties agree that this Agreement has been reached in good faith negotiations for the purpose of resolving legal disputes. The Parties agree that neither offers or compromises made in the course of these negotiations nor any of the terms and conditions contained herein shall be construed as admissions against interest.

10. This Stipulation and Agreement is effective as of the date of the last signature hereto.

OREGON WATER RESOURCES DEPARTMENT

By: Dwight French
Dwight French, Water Right Services
Administrator, for Phillip C. Ward, Director
Oregon Water Resources Department

11-8-11
Date

CROOKED RIVER RANCH WATER COMPANY

By: Dennis Kirk
Dennis Kirk, President

11-21-11
Date

CROOKED RIVER RANCH CLUB AND
MAINTENANCE ASSOCIATION

By: Ben Johnson
Ben Johnson, President

11-21-11
Date

034920/00008/3113665v1

FILED
JEFFERSON COUNTY
2011 JUL 23 PM 2:44
STATE OF OREGON

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF JEFFERSON

Case No. 09CV0049

CHARLES NICHOLS, PETER NEUFELD,
LAURENCE ROBBINS, RICHARD
CARNER, DENNIS KIRK, HAROLD LEE,
JIMMY QUIRICONI, KEITH BUCKLEY,
ROBERT RANDIS, BARBARA ROBERTS,
CHARLIE VAWTER, PENNY PIAZZA,
MARY ANN CROSSLEY, SHERIDAN
LOSTER, GEORGE BENTLEY, WILBUR
DURFEE, STAN KIRK, JAMES
McCAWLEY, DALTON CLARK, MIKE
DRUMM, DON BLACK, JACK C.
DEWING, KEVIN SMITH, KAREN
SINIZER and RONALD MEISNER,

Plaintiffs,

v.

CROOKED RIVER RANCH WATER
COMPANY, an Oregon non-profit
corporation; CROOKED RIVER RANCH
WATER COOPERATIVE, an Oregon
cooperative; RICHARD A. KEEN JR.,
RANDOLPH M. SCOTT, BRIAN A.
ELLIOTT, and RICHARD J. MILLER, in
their capacity as board members of the
Crooked River Ranch Water Company and the
Crooked River Ranch Water Cooperative;
JOHN COMBS, in his capacity as a board
member of the Crooked River Ranch Water
Company; JAMES H. ROOKS, in his capacity
as general manager of the Crooked River
Ranch Water Company and as a board
member of the CROOKED RIVER RANCH
WATER COOPERATIVE; and the OREGON
PUBLIC UTILITY COMMISSION, an
administrative agency of the State of Oregon

Defendants.

RECEIVED
NOV 28 2011
WATER RESOURCES DEPT
SALEM, OREGON

1 STATE OF OREGON, by and through John
2 R. Kroger, Attorney General,

3 Intervenor-Plaintiff

4 v.

5 CROOKED RIVER RANCH WATER
6 COMPANY, an Oregon non-profit
7 corporation; CROOKED RIVER RANCH
8 WATER COOPERATIVE, an Oregon
9 cooperative; RICHARD A. KEEN JR.,
10 RANDOLPH M. SCOTT, BRIAN A.
11 ELLIOTT, RICHARD J. MILLER, JOHN
12 COMBS, and JAMES H. ROOKS,

13 Defendants.

Case No. 09CV0049

LIMITED JUDGMENT

11 The Parties, below, stipulate and agree, and the Court finds:

12 A. The Parties stipulating to this limited judgment are:

13 1. Charles Nichols; Peter Neufeld; Laurence Robbins; Richard Carner; Dennis Kirk;
14 Harold Lee; Jimmy Quiriconi; Keith Buckley; Robert Randis; Barbara Roberts; Charles Vawter;
15 Penny Piazza; Mary Jo Crossley; Sheridan Loster; George Bentley; Wilbur Durfee; Stan Kirk;
16 James McCawley; Dalton Clark; Mike Drumm; Don Block; Jack C. Dewing; Kevin Smith;
17 Karen Sinizer; and Ronald Meisner ("Plaintiffs");

18 2. Crooked River Ranch Water Company, an Oregon non-profit corporation;
19 Crooked River Ranch Water Cooperative, an Oregon cooperative; Richard A. Keen, Jr.,
20 Randolph Scott, Brian A. Elliott, and Richard J. Miller, in their capacity as board members of the
21 Crooked River Ranch Water Company and the Crooked River Ranch Water Cooperative; John
22 Combs, in his capacity as a board member of the Crooked River Ranch Water Company;
23 James H. Rooks, in his capacity as general manager of the Crooked River Ranch Water
24 Company and as a board member of the Crooked River Ranch Water Cooperative;
25 ("Defendants"); and
26

1 3. The State of Oregon, by and through John R. Kroger, Attorney General
2 ("Intervenor").

3 B. All Parties stipulating to this judgment are parties to this case filed in Jefferson County
4 Circuit Court captioned Nichols, et al. v. Crooked River Ranch Water Company, et al., and State
5 of Oregon, by and through John R. Kroger, Attorney General v. Crooked River Ranch Company
6 et al., case number 09CV-0049 (the "Litigation").

7 C. This limited judgment resolves the First, Second, Third and Fourth Claims for Relief in
8 plaintiffs' Second Amended Complaint and all of the Intervenor's claims for relief with respect
9 to the dissolution of Crooked River Ranch Water Company, but fewer than all of the claims or
10 parties; there is no just reason for delay of entry of a limited judgment.

11 D. In a letter opinion dated July 13, 2010, a copy of which is attached as Exhibit A, and the
12 findings in which are incorporated by this reference, the Court, Honorable Gary Williams,
13 concluded that Crooked River Ranch Water Company's dissolution and reorganization as a
14 cooperative was invalid.

15 E. The parties, above, have reached a Settlement Agreement, a copy of which is attached as
16 Exhibit B.

17 F. That good cause exists to set aside the dissolution of Crooked River Ranch Water
18 Company; to adopt the Settlement Agreement and order the parties, above, to comply with it; to
19 provide that the court will retain jurisdiction pending full performance of the Settlement
20 Agreement; and, to provide that upon the court finding the Settlement Agreement has been
21 performed, that the court will dismiss all remaining claims (all claims except the setting aside of
22 the dissolution) with prejudice and without costs to any Party; now, therefore

23 IT IS ORDERED AND ADJUDGED

24 1. The dissolution of Crooked River Ranch Water Company, filed with the Secretary
25 of State on July 5, 2006 is set aside and said corporation shall resume carrying on its activities as
26 if dissolution had never occurred.

1 2. The Parties' Settlement Agreement is approved and adopted and the Parties are
2 ordered to comply with it.

3 3. Crooked River Ranch Water Company will engage in no activities outside the
4 ordinary course of business until the vote described in the Parties' Settlement Agreement occurs
5 and any new Board members are installed. Specifically:

6 a. Crooked River Ranch Water Company will not dispose of assets other
7 than in the ordinary course of business;

8 b. Crooked River Ranch Water Company will not enter into any contracts
9 with a term of more than 30 days, and will not enter into any contract or amend any existing
10 contract with any other Defendant without approval of the court;

11 c. Crooked River Ranch Water Company will not appoint new directors;

12 d. Crooked River Ranch Water Company will not change its bylaws;

13 e. Following execution of this Agreement, Crooked River Ranch Water
14 Company will not represent to the IRS that it has converted to a cooperative under ORS
15 Chapter 62, but may continue to claim tax exempt status under IRC 501(c)(12) for mutual benefit
16 or cooperative organizations; and

17 f. Crooked River Ranch Water Company will not settle any other litigation
18 without court approval and an opportunity for input by the Attorney General.

19 4. The Court will retain jurisdiction pending full performance of the Settlement
20 Agreement and may enter such further orders as needed to enforce the agreement or provide
21 appropriate relief if the agreement cannot be enforced;

22 ///

23 ///

24 ///

25 ///

26 ///

///

Jefferson County Circuit Court
75 SE "C" Street, Suite C
Madras, OR 97741-1794
www.ojd.state.or.us/jef
541.475.3317
Reply to (✓)



Crook County Circuit Court
300 NE 3rd St.
Prineville, OR 97754-1990
www.ojd.state.or.us/cro
541.447.6541
Reply to ()

Daniel J. Ahern
Circuit Court Judge

George W. Neilson
Presiding Judge

Gary Lee Williams
Circuit Court Judge

Twenty-Second Judicial District

July 13, 2010

Albert C. Depenbrock
Dept. of Justice
1162 Court St. NE
Salem, OR 97301

Timothy R. Gassner
Attorney at Law
205 SE Fifth St.
Madras, OR 97741

Tommy A. Brooks
Cable Huston Benedict Haagenesen & Lloyd LLP
1001 SW Fifth Ave., Suite 2000
Portland, OR 97204

C. Robert Steringer
Harrang Long Gary Rudnick P.C.
1001 SW Fifth Ave., 16th Floor
Portland, OR 97204

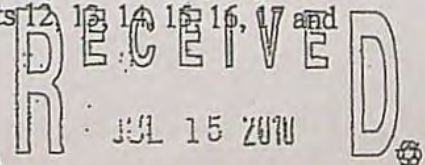
Re: Charles Nichols, et al. v. Crooked River Ranch Water Company, et al.
State of Oregon v. Crooked River Ranch Water Company, et al.
Jefferson Co. Circuit Court Case No. 09CV0049

Gentlemen:

This matter came before the court on Intervener/Plaintiff's motion for summary judgment. It was filed on March 11, 2010. Defendants filed a response to the motion for summary judgment, and as part of the same document, filed a cross-motion for summary judgment. All parties filed responses, or joined in other parties' responses and replies.

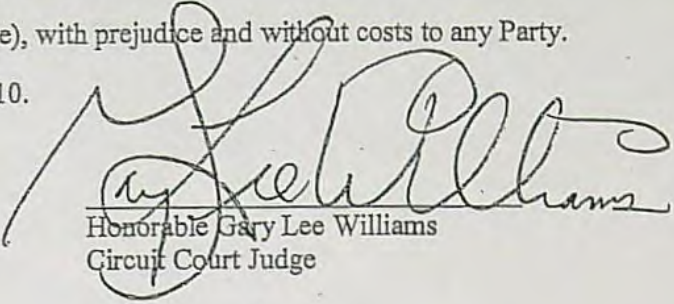
Considerable time was spent arguing various aspects of the motion for summary judgment and defendants' cross-motion for summary judgment. Even though the parties presented what they believed to be the threshold issue, that is the validity of the purported dissolution, I allowed argument on all claims and cross-claims for appellate purposes and to allow me to take all information and all undisputed facts into account before making a decision on these issues.

In the motion for summary judgment itself, some of the points (which are labeled POINTS - FACTS AND AUTHORITIES) are not specific claims for summary judgment, but are essentially background information supported by the record in support for Intervener/Plaintiff's position that there was not a lawful, valid dissolution. For example, points 1, 2, 5, 9, 10, 11, 19, 20 and 21 probably fall into that category. Points 12, 13, 14, 15, 16, and



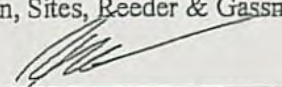
1 5. Upon the Court finding that the Settlement Agreement has been performed, that
2 the Court will dismiss all remaining claims (all claims except those resolved by this limited
3 judgment as referenced in Finding "C," above), with prejudice and without costs to any Party.

4 DATED this 23 day of August, 2010.


Honorable Gary Lee Williams
Circuit Court Judge

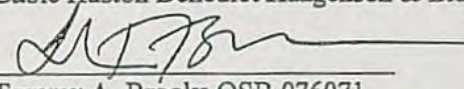
8 So Stipulated:

9 Glenn, Sites, Reeder & Gassner, LLP

10 
11 Timothy R. Gassner OSB 023090
12 Attorneys for Defendants

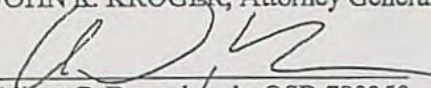
Dated: 8/20/10

13 Cable Huston Benedict Haagenson & Lloyd LLP

14 
15 Tommy A. Brooks OSB 076071
16 Attorneys for Plaintiffs

Dated: 8-18-2010

17 JOHN R. KROGER, Attorney General, Intervener

18 
19 Albert C. Depenbrock, OSB 780350
20 Assistant Attorney General

Dated: August 16, 2010

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SALEM, OREGON

Page 2

July 13, 2010

Letter to Counsel – Nichols v. Crooked River Ranch Water Co., et al

18 are inappropriate for summary judgment resolution, because they all involve disputed issues of material fact.

However, there are factual issues which are not disputed, and lend themselves to summary judgment in this case.

Based on undisputed fact in the record before me, I find that the dissolution of the Crooked River Ranch Water Company and the creation of the Crooked River Ranch Water Cooperative was invalid.

It is agreed that there was no dissolution of the water system itself. Defendants argue that only the legal entity, Crooked River Ranch Water Company, was dissolved. However, there was no change of board members at the time of the dissolution. The tax identification number did not change. There was no forfeiture of member equity upon dissolution and conversion to the cooperative. There was no notice to the membership of the former company. There was no vote submitted to the membership regarding dissolution. The board of directors continued to operate the cooperative in the same way it had previously operated the former company. No assets were transferred to the cooperative. The cooperative does not have its own financial records, but rather has continued the books of the former company. James Rooks, in deposition said, "We really didn't dissolve anything. We just changed the name... nothing changed." The paid staff of the cooperative is the same as under the former company. I conclude that a valid dissolution did not take place.

There has been significant question regarding the validity of the election and/or appointment and service of several board members. Even if members of the board of directors were validly elected or appointed, they had no authority to dissolve the former company by resolution and to form a new company, under their control, without member equity. Because it eliminates members' equity, it would risk a loss of tax exemption or tax exempt status that the company was established for. It also violates the company's articles of incorporation as amended in 1991. The assets are owned by members, and no one has authority to transfer the members' equity to a new company or to another entity without a vote of the membership. ORS 65.441

I also conclude that the dissolution document (the resolution by the board on June 29, 2006) did not constitute a valid dissolution. The resolution did not transfer assets to anyone and the cooperative was not established at that time. The terms of the resolution violates the company's articles of incorporation by forfeiting members' equity. All assets of the company belong to the members, based on the 1991 Articles of Amendment, amending the articles of incorporation. Because the 2001 Articles of Amendment were never filed with the Secretary of State, they are not valid or effective. ORS 65.447. Directors have no authority to take actions that violate the company's articles of incorporation.

If the dissolution was valid the articles of incorporation provide that upon dissolution, the company shall distribute its assets to its members. That was not done in this case. In fact, the

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G-11376 Stip. & Agmt. Exh. A

Exhibit A
Page 2 of 3

Page 3

July 13, 2010

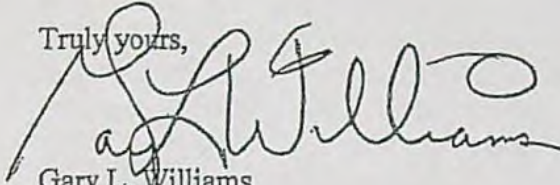
Letter to Counsel – Nichols v. Crooked River Ranch Water Co., et al

assets were taken from the members and purportedly transferred to a cooperative, which is a separate legal entity.

The act of company dissolution certainly does not qualify as ordinary or regular business of the corporation; rather it is an extraordinary decision. The board had no authority to take that action. Such an action requires the vote of the members. See Official Commentary to the Revised Oregon Non-Profit Corporation Act, ORS Chapter 65. When articles of incorporation and bylaws are silent on whether members have the right to vote for dissolution, members have such a right.

The motion for summary judgment as to the validity of the dissolution is granted, for reasons stated above. Defendants' cross motion for summary judgment is denied. I am not asking any of the parties to prepare a proposed order until our telephonic conference takes place next week.

Truly yours,



Gary L. Williams
Circuit Court Judge

GLW/lb

SETTLEMENT AGREEMENT

Recitals

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WATER RESOURCES DEPT
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A. The Parties to this agreement are:

1. Charles Nichols; Peter Neufeld; Laurence Robbins; Richard Carner; Dennis Kirk; Harold Lee; Jimmy Quiriconi; Keith Buckley; Robert Randis; Barbara Roberts; Charles Vawter; Penny Piazza; Mary Jo Crossley; Sheridan Loster; George Bentley; Wilbur Durfee; Stan Kirk; James McCawley; Dalton Clark; Mike Drumm; Don Block; Jack C. Dewing; Kevin Smith; Karen Sinizer; and Ronald Meisner ("Plaintiffs");
2. Crooked River Ranch Water Company, an Oregon non-profit corporation; Crooked River Ranch Water Cooperative, an Oregon cooperative; Richard A. Keen, Jr., Randolph Scott, Brian A. Elliott, and Richard J. Miller, in their capacity as board members of the Crooked River Ranch Water Company and the Crooked River Ranch Water Cooperative; John Combs, in his capacity as a board member of the Crooked River Ranch Water Company; James H. Rooks, in his capacity as general manager of the Crooked River Ranch Water Company and as a board member of the Crooked River Ranch Water Cooperative ("Defendants"); and
3. The State of Oregon, by and through John R. Kroger, Attorney General ("Intervenor").

B. All Parties to this agreement are parties to litigation filed in Jefferson County Circuit Court captioned *Nichols, et al. v. Crooked River Ranch Water Company, et al.*, and *State of Oregon, by and through John R. Kroger, Attorney General v. Crooked River Ranch Company et al.*, case number 09CV-0049 (the "Litigation").

C. Crooked River Ranch Water Company ("CRRWC") is an Oregon nonprofit organization created for the purpose of owning, operating and maintaining the water system for Crooked River Ranch. In 2006, the Oregon Public Utility Commission ("PUC") gave notice to CRRWC that it would take action on petitions filed with the PUC pursuant to ORS 757.063 requesting that the PUC make an investigation to exert regulatory jurisdiction over CRRWC. In July 2006, the Board of Directors of CRRWC attempted to reorganize the company as a cooperative under Oregon Revised Statutes chapter 62. Proceedings relating to the PUC's investigation ensued before the PUC and the Oregon Court of Appeals. As of the date of this agreement, the matter of whether the PUC will assert regulatory jurisdiction over CRRWC is before the PUC, but no hearing is scheduled.

D. Plaintiffs and Intervenor allege in the Litigation that CRRWC's dissolution and reorganization as a cooperative was invalid. In a letter opinion dated July 13, 2010, Circuit Court Judge Gary Williams granted partial summary judgment in

EXHIBIT

PAGE

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1

Settlement Agreement

Page 2 of 7

- E. favor of Plaintiffs and Intervenor upon concluding that the CRRWC's dissolution and reorganization as a cooperative was invalid.
- F. The Parties recognize that CRRWC has not been operated formally since its directors attempted to dissolve it in 2006. As the individuals who have operated the water system since 2006 under the name of the Crooked River Ranch Water Cooperative, the directors and general manager of the Crooked River Ranch Water Cooperative have approved this Agreement on behalf of both Crooked River Ranch Water Company and Crooked River Ranch Water Cooperative to the extent of their authority to do so, with the knowledge that it may become enforceable against Crooked River Ranch Water Company only upon its incorporation in a limited judgment entered by the court in the Litigation.
- G. The Parties agree to settle the Litigation on the following terms.

Agreement

- 1. The Recitals are incorporated by this reference as if fully stated herein.
- 2. The membership of CRRWC will vote on a Board of Directors that will serve CRRWC. The following rules will govern the election:
 - a. The election shall be administered by the Neutral who shall be a person agreed to by the Parties, or if the Parties do not agree, selected by the court in this case, after hearing the Parties. The Neutral's fee, if there is one, will be paid by CRRWC.
 - b. Any member of CRRWC, except employees of the company, can run for the Board of Directors.
 - c. Written ballots will be printed and mailed by CRRWC, at company expense and subject to oversight by the Neutral, Plaintiffs, and the Attorney General. Write-in candidates will be allowed. The return address on the envelopes mailed out, and address of the envelope to be mailed in, will be the Neutral's. Ballots will be received and counted by the Neutral. All Parties will have the right to review and comment on the proposed form of ballot, with any disputes resolved by the Neutral. All Parties will have the right to observe the process for receiving and counting ballots, with any challenges to the process resolved by the Neutral. Ballots will be date-stamped by the Neutral as they are received, and delivered to CRRWC when the election is concluded.
 - d. Any CRRWC member may challenge the results of the election by filing a challenge with the Neutral as soon as practicable after the matter challenged, but in all events, within four (4) business days after the results are announced by the Neutral. The Neutral will resolve all challenges

EXHIBIT

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WATER RESOURCES DEPT
SALEM, OREGON

within fourteen (14) days after they are filed. The Neutral's decision is final, subject to appeal only for corruption, fraud or an evident material miscalculation. Such appeal will be to the court in this case.

- e. The election of directors will take place within ninety (90) days after the court approves this Agreement through entry of a limited judgment as provided in Paragraphs 9 and 10 below. The schedule for the election will be as follows unless modified by the Neutral:
 - i. The Neutral will complete the statement described in paragraph 2(g) below and deliver it to CRRWC no later than August 15, 2010, for inclusion in water bills mailed during the last two days in August.
 - ii. Candidates wishing to be included on the ballot must provide written notice of their candidacy to the Neutral no later than September 15, 2010, along with a photocopy-ready quarter-page statement for the voter's guide described in paragraph 2(i), below.
 - iii. The ballots and voter's guide will be mailed October 15, 2010.
 - iv. Completed ballots must be postmarked by October 30, 2010, to be counted.
- f. Five directors will be elected. Members may vote for up to five persons as directors, with the top five vote-getters elected.
- g. A statement by the Neutral identifying the purpose of the election, approved by the court after all Parties have an opportunity to be heard, will go out in water bills before the election. No other information will be included with water bills outside the normal course of business until after the outcome of the election has been finalized by the Neutral. The Parties will be given the opportunity to review any information to be included with water bills prior to the election of directors, and any disputes regarding the contents of such information will be resolved by the Neutral.
- h. Any event that is organized for the purpose of inviting members of CRRWC to meet and to learn about more than two candidates for the Board of Directors, and that is held in a location that is normally open to the public, will be open to all CRRWC members and all candidates for the Board of Directors.
- i. The ballots will be mailed at CRRWC expense and accompanied by a voter's guide containing the statement made by any candidate submitting a statement pursuant to paragraph 2.e.ii. Each candidate will be allowed a quarter page (1/4 of an 8.5" by 11" sheet of paper) for their statement,

EXHIBIT B
PAGE 3

except that the Neutral may authorize one-third of a page per candidate if twelve or fewer candidates register for the election.

- j. No candidate may represent themselves as "incumbent" or otherwise as a current member of the CRRWC Board of Directors, but any candidate may refer to their service as a member of the "Crooked River Ranch Water Company" Board of Directors prior to June 29, 2006 and any candidate may refer to their service as a member of the "Crooked River Ranch Water Cooperative" Board of Directors after June 29, 2006, if applicable. Although the Parties recognize that disputes exist regarding the process by which certain members of the Board of Directors were appointed or elected to those positions (including the individual defendants in the Litigation), the Parties agree that those who have served in those positions may refer to their service as provided in this paragraph without violating this Agreement, the rules of the election provided for in this Agreement, or any judgment entered in the Litigation.
 - k. Except as provided in this Agreement or for the purposes of carrying out CRRWC's obligations under this Agreement (including professional fees relating to the performance of and resolution of any disputes under this Agreement), no CRRWC funds or assets shall be used for campaigning of any kind or in relation to any act or conduct concerning the election.
 - l. Defendants shall provide a current mailing list of members to candidates and to the Neutral, conditioned on the agreement of those who receive the list that they will not use the list for any purpose other than election-related activities or other official CRRWC business. No candidate may have access to or use CRRWC member phone numbers associated with customer accounts or otherwise held, stored or maintained by the company, and no person with access to such phone numbers may provide those numbers to any person.
3. CRRWC will engage in no activities outside the ordinary course of business until the vote occurs and any new Board members are installed. Specifically:
- a. CRRWC will not dispose of assets other than in the ordinary course of business;
 - b. CRRWC will not enter into any contracts with a term of more than 30 days, and CRRWC will not enter into any contract or amend any existing contract with any other Defendant without approval of the court;
 - c. CRRWC will not appoint new directors;
 - d. CRRWC will not change its bylaws;

EXHIBIT B
PAGE 4

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- e. Following execution of this Agreement, CRRWC will not represent to the IRS that it has converted to a cooperative under ORS Chapter 62, but may continue to claim tax exempt status under IRC 501(c)(12) for mutual benefit or cooperative organizations; and
 - f. CRRWC will not settle any other litigation without court approval and an opportunity for input by the Attorney General.
4. [This Paragraph 4 intentionally left blank.]
5. The elected directors will take office seven days following announcement of the election results if no challenge is made to the results of the election or immediately upon the resolution of all challenges if one or more challenges are made.
6. Within ninety (90) days after the newly elected Board of Directors takes office, the Board will decide whether to submit a plan for conversion to a cooperative to a vote of the membership. If the Board of Directors decides to submit a plan for conversion to the membership, the vote of the membership shall occur within four months after the Board decision. The process for any decision to convert CRRWC to a cooperative must be consistent with state law, CRRWC's Articles of Incorporation, and CRWWC's Bylaws.
7. Within ninety (90) days after the newly elected Board of Directors takes office, the Board will decide whether to grant a request by Plaintiffs that CRRWC reimburse them for their attorney fees in this action.
8. In order to stagger terms in the future, two directors will serve an initial term of one year, two directors will serve an initial term of two years and one director will serve an initial term of three years. Directors elected in subsequent elections will serve a term of three years unless the Bylaws are modified after the election to provide for a different term of office. The candidate who receives the most number of votes will serve the three-year term, the two candidates who receive the second- and third-highest number of votes will serve the two-year terms, and the two candidates who receive the fourth- and fifth-highest number of votes will serve the one-year terms. In the event two candidates receive the same number of votes and could qualify for one of two terms, the designation of terms for those two candidates will be determined by lot conducted by the Neutral.
9. The Parties will stipulate to a limited judgment:
- a. setting aside the dissolution of the Crooked River Ranch Water Company and incorporating the court's opinion letter;
 - b. adopting this Agreement and ordering the Parties to comply with it;

- c. providing that the court will retain jurisdiction pending full performance of this Agreement;
 - d. providing that upon the court finding the Agreement has been performed, that the court will dismiss all remaining claims (all claims except the setting aside of the dissolution) with prejudice and without costs to any Party.
10. This Agreement is contingent on the court's entry of the limited judgment described in paragraph 9 of this agreement.
11. CRRWC will obtain the name "Crooked River Ranch Water Company" from any person who holds rights to that name, either voluntarily or through an action commenced with the Oregon Secretary of State. Pending the outcome of any decision by the membership to convert to a cooperative, CRRWC will change the names on accounts and stationary to "Crooked River Ranch Water Company," halt any proceedings on its application to change the name associated with water rights, and transfer any assets held by or titled in the name of the cooperative to the Crooked River Ranch Water Company.
12. Each Party to this Agreement and their heirs, executors, partners, shareholders, trustees, owners and subsidiaries, administrators, assigns, insurers, agents, employees, attorneys and representatives, all in their individual and representative capacities, hereby releases each other Party to this agreement and their heirs, executors, partners, shareholders, trustees, owners and subsidiaries, administrators, assigns, insurers, agents, employees, attorneys and other representatives acting within the scope of their representation relating to the CRRWC, all in their individual and representative capacities, from any and all civil claims, demands, actions or causes of action, whether known or unknown, related to the claims for relief in the Litigation. Each Party acknowledges he, she or it may discover facts different from or in addition to the facts they now know or believe to be true with respect to the Litigation, but that it is the intention of the Parties to fully, finally, absolutely and forever settle any and all claims disputes and differences relating to the claims for relief in the Litigation. Discovery of additional facts shall not be grounds for further claims or litigation against a Party unless such facts were intentionally concealed by the Party in response to a lawful discovery request in the Litigation, the PUC proceedings referenced in Recital C above, or a similar obligation imposed by statute or rule. Nothing herein releases any entity from any claim for any act or omission that occurs after this Agreement goes into effect or from any claim by any agency of the State of Oregon other than the Oregon Department of Justice.
13. The undersigned attorneys are authorized to execute this agreement on behalf of their clients. This agreement is binding on each of the Parties to this agreement as if signed by each of them individually.

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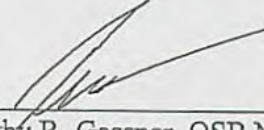
Settlement Agreement

Page 7 of 7

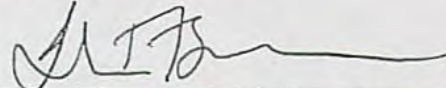
14. This Agreement may be executed in multiple counterparts, all of which shall constitute a single agreement and shall contain the entire agreement of the Parties. All prior negotiations, statements, or representations are superseded and displaced by this Agreement. Furthermore, fax or electronic signatures are to be construed as originals.

GLENN, SITES, REEDER & GASSNER, LLP

CABLE HUSTON BENEDICT HAAGENSEN &
LLOYD, LLP



Timothy R. Gassner, OSB No. 023090
Attorneys for Defendants

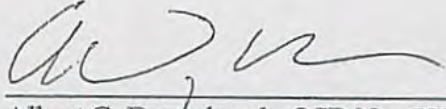


Tommy A. Brooks, OSB No. 076071
Attorney for Plaintiffs

Dated: 8/20, 2010

Dated: August 18, 2010

JOHN R. KROGER, Attorney General,
Intervenor-Plaintiff



Albert C. Depenbrock, OSB No. 780350
Assistant Attorney General

Dated: 8/22, 2010

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Mailing List for Extension FO Copies

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

FO Date: November 30, 2011

Copies Mailed

Application G-12579

By: Connie Vance

Permit G-11376 (modified by Permit Amendments T-7828 and T-9663)

On: 12/7/2011

Original mailed to permit holder:

Crooked River Ranch Water Company ✓
13845 SW Commercial Loop
P.O. Box 2319
Terrebonne OR, 97760

Copies sent to:

1. WRD - App. File G12579/ Permit G11376 ✓
2. WRD - Watermaster District 11, Jeremy Giffin ✓
3. ~~WRD - Technical Services~~
4. Peter Mohr, Tonkon Torp LLP, 888 SW 5th Ave., Ste. 1600, Portland OR, 97204 ✓
5. Crooked River Ranch Club and Maintenance Assoc., 5195 SW Clubhouse Road, Terrebonne, Oregon 97760 ✓
6. WRD - Support Staff, Salem

Fee paid as specified under ORS 536.050 to receive copy:

7. None

Receiving via e-mail (10 AM day of signature date)

8. WRD - Bill Fujii - Notify of WMCP needed

Done by ALR Date 11-6-2011

CASEWORKER: Ann Reece Patricia McCarty

Crooked River Ranch Water Company

PO Box 2319

Terrebonne, OR 97760

G-12579

Crooked River Ranch Water Company

PO Box 2319

Terrebonne, OR 97760

G-12579

United States of America acting through the

United States Department of Agriculture

1220 SW 3rd Ave. Ste 1801

Portland, OR 97204

G-12579

United States of America acting through the

United States Department of Agriculture

1220 SW 3rd Ave. Ste 1801

Portland, OR 97204

G-12579



G-12579

CROOKED RIVER RANCH WATER CO.

P O BOX 2319

TERREBONNE OR 97760



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CROOKED RIVER RANCH WATER CO

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TERREBONNE OR 97760



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G-12579
CROOKED RIVER RANCH WATER CO.
P.O. BOX 2319
TERREBONNE OR 97760-2319

Address Label



Address Label



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

January 17, 2017

Amerititle
345 SE Third St.
Bend, Oregon 97702

Reference: Application G-12579, Permit G-17670

The partial assignment from Crooked River Ranch Water Company to United States of America acting through the United States Department of Agriculture has been recorded in the records of the Water Resources Department.

The Departments records will now show Crooked River Ranch Water Company and the United States of America acting through the United States Department of Agriculture as the permit holder of record.

Our records have been changed accordingly and the original request is enclosed. Receipt number 122216 covering the recording fee is also enclosed.

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

Please note that this permit requires complete application of water to the proposed use by October 1, 2028, and within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Sincerely,

Jerry Sauter
Water Rights Program Analyst
Water Right Services Division

Enclosure: Receipt 122216

cc: Watermaster 11
Crooked River Ranch Water Company
United States Department of Agriculture
Data Center, OWRD (cover letter & request)
File



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

Request for Assignment

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

I, Crooked River Ranch Water Company

(Name of Applicant Permit Transfer Holder License Holder GR Certificate of Registration)

PO Box 2319, 13845 SW Commercial Loop Terrebonne OR 97760 (541) 923-1041

(Mailing Address) (City) (State) (Zip) (Phone #)

- ☐ hereby assign all my interest in and to application/permit/transfer/license/GR Certificate of Registration;
- ☐ hereby assign all my interest in and to a portion of application/permit/transfer/license/GR Certificate of Registration; (You must include a map showing the portion of the application permit transfer license GR Certificate of Registration to be assigned.)
- ☒ hereby assign a portion of my interest in and to the entire application/permit/transfer/license/GR Certificate of Registration:

Application # G12579 ; Permit # G11376 ; Transfer # _____

-OR-

License # _____ ; GR Statement # _____ ; GR Certificate of Registration # _____

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

United States of America acting through the United States Department of Agriculture

(Name of New Owner)

1220 SW 3rd Avenue, Suite 1801 Portland OR 97204 (503) 414-3360

(Mailing Address) (City) (State) (Zip) (Phone #)

Note: If there are other owners of the property described in the Application, Permit, Transfer, License, or GR Certificate of Registration, you must provide a list of all other owners' names and mailing addresses and attach it to this form.

I hereby certify that I have notified all other owners of the property described in this Application, Permit, Transfer, License, or GR Certificate of Registration of this Request for Assignment

Witness my hand this 21 day of December, 2016.

Applicant/Permit Holder [Signature]

Applicant/Permit Holder _____

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DO NOT WRITE IN THIS BOX

This certifies assignment and record change at Oregon Water Resources Department effective 8:00 a.m. on date of receipt at Salem, Oregon. Fee receipt # 172216
For Director by Jerry Sauter, Program Analyst in Water Rights Division [Signature]

The completed "Request for Assignment" form must be submitted to the Department along with the recording fee of \$85.

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DEC 27 2016

SALEM, OR

WR



345 SE Third St. Bend, OR 97702 (541)389-9176 FAX (541)388-6939

December 21, 2016

Oregon Water Resource Department
725 Summer St NE, Ste A
Salem, OR 97301

RE: Escrow # 43363AM
Property: (Parcel 2), 8820 SW Crater Loop, Terrebonne, OR 97760
Parties: Crooked River Ranch Water Company

We are enclosing documents and/or funds for the property referenced above.

- Completed Request for Assignment
- Check in the amount of \$85.00

Please feel free to contact us with any questions.

Sincerely,

Tiffany Hudson
Escrow Officer

Enclosures

RECEIVED BY OWRD
DEC 27 2016
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 # **122216**

INVOICE # _____

RECEIVED FROM: AmeriTitle

APPLICATION G-12579

BY: _____

PERMIT _____

CASH: 140324

CHECK: # _____

OTHER: (IDENTIFY) _____

TRANSFER _____

☐
☒
☐

TOTAL REC'D \$ 85.00

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) _____

Assignment

\$ 85.00

TC162 DEPOSIT LIAB. (IDENTIFY) _____

\$ _____

0240 EXTENSION OF TIME

\$ _____

WATER RIGHTS:

0201 SURFACE WATER

EXAM FEE

\$ _____

0202

0203 GROUND WATER

\$ _____

0204

0205 TRANSFER

\$ _____

RECORD FEE

\$ _____

\$ _____

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR

EXAM FEE

\$ _____

0219

LANDOWNER'S PERMIT

0220

LICENSE FEE

\$ _____

\$ _____

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$ _____

CARD # _____

0210 MONITORING WELLS

\$ _____

CARD # _____

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

\$ _____

0231 HYDRO LICENSE FEE (FW/WRD)

\$ _____

HYDRO APPLICATION

\$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____

\$ _____

RECEIPT:

122216

DATED:

12-27-10

BY:

[Signature]

AmeriTitle, Inc. - 345 SE Third St., Bend, OR 97702 - (541)389-9176

140324

DATE: 12/21/2016

FILE: 43363AM

CHECK AMOUNT: \$85.00

BUYER: Crooked River Ranch Water Company

SETTLEMENT DATE: 12/21/2016

PROPERTY ADDRESS: (Parcel 2), 8820 SW Crater Loop, Terrebonne, OR 97760

PAYEE: Oregon Water Resources Department

12/21/2016: Filing Fee to Oregon Water Resources Department \$85.00

\$85.00

RECEIVED BY OWRD

DEC 27 2016

SALEM, OR

345 SE Third Street
Bend, Oregon 97702

RETURN SERVICE
REQUESTED

neopost[®]
12/22/2016
US POSTAGE

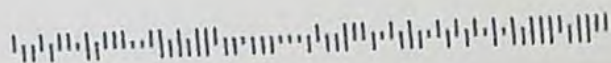
FIRST-CLASS MAIL
AUTO
\$00.37⁹



ZIP 97701
041L12202678


AmeriTitle

KABMSF 97301





Oregon

Kate Brown, Governor

G-12579

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

June 9, 2015

CROOKED RIVER RANCH WATER CO.

PO BOX 2319

TERREBONNE, OR 97760

REFERENCE: Permit Amendment Application T-11961

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

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

If you have any questions related to the approval of this permit amendment, you may contact your caseworker, Sarah Henderson, by telephone at (503) 986-0890 or by e-mail at Sarah.A.Henderson@wrdd.state.or.us

Sincerely,

for Codi Holmes

Water Rights Services Support

Transfer and Conservation Section

cc: Jeremy T. Giffin, Watermaster Dist. # 11 (via email)

Enclosure



BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Permit Amendment	)	FINAL ORDER APPROVING AN
T-11961, Deschutes and Jefferson County	)	ADDITIONAL POINT OF
	)	APPROPRIATION

Authority

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

Applicant

CROOKED RIVER RANCH WATER COMPANY
PO BOX 2319
TERREBONNE, OR 97760

Findings of Fact

1. On January 12, 2015, CROOKED RIVER RANCH WATER COMPANY filed for an additional point of appropriation under Permit G-11376. The Department assigned the application number T-11961.
2. On December 2, 2008, the Department approved an assignment of the permit to Crooked River Ranch Water Cooperative.
3. On February 28, 2011, the Department approved an assignment of the permit to Crooked River Ranch Water Company.
4. On February 5, 1994, the Department approved an extension of time for complete application of water to October 1, 1998.
5. On July 14, 2004, the Department approved an extension of time for complete application of water to October 1, 2008.
6. On November 30, 2011, the Department approved an extension of time for complete application of water to October 1, 2028.
7. On May 11, 2015, the Department approved a Water Management and Conservation Plan.

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 and OAR 690-01-0005 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

8. Notice of the application for the permit amendment was published in the Department's weekly notice on January 20, 2015, and in the Madras Pioneer newspaper on May 27 and June 3, 2015, pursuant to ORS 540.520(5). One comment was filed in response to the notices.
9. On February 19, 2015, Craig Soule, submitted comments on Permit Amendment Application T-11961. These comments included but were not limited to assertions of long term negative effects and impacts to nearby Scenic Rivers and other water rights.
10. The Department's Groundwater Section and the Watermaster for Deschutes and Jefferson County's conducted and submitted reviews. No areas of concern, enlargement or injury were noted.
11. Permit Amendment Application T-11961 proposes an additional point of appropriation with approximate distances from the existing points of appropriation as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from Authorized Wells
13 S	12 E	WM	24	NE SE	WELL 5 - 2560 FEET NORTH AND 671 FEET WEST FROM THE SE CORNER OF SECTION 16	WELL 2 - 2.4 miles WELL 3 - 0.3 mile WELL 4 - 0.2 mile

Permit Amendment Review Criteria

12. The change would not result in injury to other water rights.
13. The change does not enlarge the permit.
14. The change does not alter any other terms of the permit.

Conclusions of Law

The additional point of appropriation proposed by Permit Amendment Application T-11961 is consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

1. The additional point of appropriation proposed by Permit Amendment Application T-11961 is approved.
2. Permit G-17417, in the name of Crooked River Ranch Water Company, is issued to replace Permit G-11376, and incorporates the amendments approved by this order, the extensions of time, the assignments, and the Water Management and Conservation Plan. Permit G-11376, in the name of CROOKED RIVER RANCH WATER COMPANY, is no longer of any force or effect.
3. The combined quantity of water diverted at the new point of appropriation, together with that diverted at the old points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.

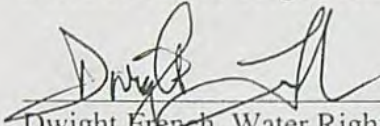
4. Water use measurement conditions:

- a) Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device at each point of appropriation (new and existing).
- b) The water user shall maintain the meters or measuring devices in good working order.
- c) The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

5. Water shall be acquired from the same aquifer as the original points of appropriation.

6. All other terms and conditions of Permit G-11376 remain the same.

Dated at Salem, Oregon this 9 day of June, 2015.



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

Mailing Date: JUN 10 2015

STATE OF OREGON
COUNTY OF JEFFERSON AND DESCHUTES
PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

CROOKED RIVER RANCH WATER COMPANY
P.O. BOX 2319
TERREBONNE, OREGON 97760-2319

541-923-1041

This superseding permit is issued to describe an amendment for an additional point of appropriation proposed under Permit Amendment Application T-11961 and approved by Special Order Vol. 96, Page 123-125, entered JUN 09 2015, an amendment for the point of appropriation (Well 3) proposed under Permit Amendment Application T-9663 and approved by Special Order Vol. 61, Page 532, entered September 20, 2004, an amendment for an additional point of appropriation proposed under Permit Amendment Application T-7828 and approved by Special Order Vol. 51, Page 1235, entered October 30, 1997, and to describe extensions of time for complete application of water approved February 5, 1994, July 14, 2004 and November 30, 2011, and an assignment to a new permittee approved February 28, 2011 and a Water Management and Conservation Plan approved on May 11, 2015. This permit supersedes Permit G-11376.

to use the waters of WELLS 2, 3, 4 and 5 in the CROOKED RIVER BASIN for
QUASI-MUNICIPAL USE.

This permit is issued approving Application G-12579. The date of priority is JUNE 18, 1991. The use is limited to not more than 5.0 CUBIC FEET PER SECOND (CFS), BEING 2.5 CFS FROM EACH WELL, or its equivalent in case of rotation, measured at the well.

The wells are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
13 S	12 E	WM	24	NW NW	WELL 2 - 680 FEET SOUTH AND 780 FEET EAST FROM THE NW CORNER OF SECTION 24
13 S	12 E	WM	16	NW SE	WELL 3 - 2550 FEET NORTH AND 2100 FEET WEST FROM THE SE CORNER OF SECTION 16
13 S	12 E	WM	16	NE SE	WELL 4 - 990 FEET SOUTH AND 680 FEET WEST FROM THE E1/4 CORNER OF SECTION 16
13 S	12 E	WM	24	NE SE	WELL 5 - 2560 FEET NORTH AND 671 FEET WEST FROM THE SE CORNER OF SECTION 16

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

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

QUASI-MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
13 S	12 E	WM	4	NW NW
13 S	12 E	WM	4	SW SW
13 S	12 E	WM	4	SE SW
13 S	12 E	WM	5	NE NE
13 S	12 E	WM	5	SE NE
13 S	12 E	WM	5	SE SW
13 S	12 E	WM	5	NE SE
13 S	12 E	WM	5	NW SE
13 S	12 E	WM	5	SW SE
13 S	12 E	WM	5	SE SE
13 S	12 E	WM	8	NE NE
13 S	12 E	WM	8	NW NE
13 S	12 E	WM	8	SW NE
13 S	12 E	WM	8	SE NE
13 S	12 E	WM	8	NE NW
13 S	12 E	WM	9	NW NW
13 S	12 E	WM	9	SW NW
13 S	12 E	WM	9	SE NW
13 S	12 E	WM	9	NE SW
13 S	12 E	WM	9	NW SW
13 S	12 E	WM	9	SW SW
13 S	12 E	WM	9	SE SW
13 S	12 E	WM	9	NE SE
13 S	12 E	WM	9	NW SE
13 S	12 E	WM	9	SW SE
13 S	12 E	WM	9	SE SE
13 S	12 E	WM	10	SW NW
13 S	12 E	WM	10	SE NW
13 S	12 E	WM	10	NE SW
13 S	12 E	WM	10	NW SW
13 S	12 E	WM	10	SW SW
13 S	12 E	WM	10	SE SW
13 S	12 E	WM	10	SW SE
13 S	12 E	WM	10	SE SE
13 S	12 E	WM	13	SW SW
13 S	12 E	WM	14	SW NE
13 S	12 E	WM	14	NW NW
13 S	12 E	WM	14	SW NW
13 S	12 E	WM	14	SE NW
13 S	12 E	WM	14	NE SW
13 S	12 E	WM	14	NW SW
13 S	12 E	WM	14	SW SW
13 S	12 E	WM	14	SE SW
13 S	12 E	WM	14	NE SE
13 S	12 E	WM	14	NW SE
13 S	12 E	WM	14	SW SE
13 S	12 E	WM	14	SE SE
13 S	12 E	WM	15	NE NE
13 S	12 E	WM	15	NW NE
13 S	12 E	WM	15	SW NE

QUASI-MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
13 S	12 E	WM	15	SE NE
13 S	12 E	WM	15	NE NW
13 S	12 E	WM	15	NW NW
13 S	12 E	WM	15	SW NW
13 S	12 E	WM	15	SE NW
13 S	12 E	WM	15	NE SW
13 S	12 E	WM	15	NW SW
13 S	12 E	WM	15	SW SW
13 S	12 E	WM	15	SE SW
13 S	12 E	WM	15	NE SE
13 S	12 E	WM	15	NW SE
13 S	12 E	WM	15	SW SE
13 S	12 E	WM	15	SE SE
13 S	12 E	WM	16	NE NE
13 S	12 E	WM	16	NW NE
13 S	12 E	WM	16	SW NE
13 S	12 E	WM	16	SE NE
13 S	12 E	WM	16	NE NW
13 S	12 E	WM	16	NW NW
13 S	12 E	WM	16	SW NW
13 S	12 E	WM	16	SE NW
13 S	12 E	WM	16	NE SW
13 S	12 E	WM	16	NW SW
13 S	12 E	WM	16	SW SW
13 S	12 E	WM	16	SE SW
13 S	12 E	WM	16	NE SE
13 S	12 E	WM	16	NW SE
13 S	12 E	WM	16	SW SE
13 S	12 E	WM	16	SE SE
13 S	12 E	WM	17	NE NE
13 S	12 E	WM	17	SE NE
13 S	12 E	WM	17	NE SE
13 S	12 E	WM	17	SE SE
13 S	12 E	WM	21	NE NE
13 S	12 E	WM	21	NW NE
13 S	12 E	WM	21	SW NE
13 S	12 E	WM	21	SE NE
13 S	12 E	WM	21	NE NW
13 S	12 E	WM	21	NW NW
13 S	12 E	WM	21	SW NW
13 S	12 E	WM	21	SE NW
13 S	12 E	WM	22	NE NE
13 S	12 E	WM	22	NW NE
13 S	12 E	WM	22	SW NE
13 S	12 E	WM	22	SE NE
13 S	12 E	WM	22	NE NW
13 S	12 E	WM	22	NW NW
13 S	12 E	WM	22	SW NW
13 S	12 E	WM	22	SE NW
13 S	12 E	WM	22	NW SW
13 S	12 E	WM	22	NE SE

QUASI-MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
13 S	12 E	WM	22	NW SE
13 S	12 E	WM	22	SE SE
13 S	12 E	WM	23	NE NE
13 S	12 E	WM	23	NW NE
13 S	12 E	WM	23	SW NE
13 S	12 E	WM	23	SE NE
13 S	12 E	WM	23	NE NW
13 S	12 E	WM	23	SE NW
13 S	12 E	WM	23	NE SW
13 S	12 E	WM	23	SE SW
13 S	12 E	WM	23	NE SE
13 S	12 E	WM	23	NW SE
13 S	12 E	WM	23	SW SE
13 S	12 E	WM	23	SE SE
13 S	12 E	WM	24	NE NW
13 S	12 E	WM	24	NW NW
13 S	12 E	WM	24	SW NW
13 S	12 E	WM	24	SE NW
13 S	12 E	WM	24	NE SW
13 S	12 E	WM	24	NW SW
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13 S	12 E	WM	26	SW NE
13 S	12 E	WM	26	SE NE
13 S	12 E	WM	26	NE NW
13 S	12 E	WM	26	NW NW
13 S	12 E	WM	26	SW NW
13 S	12 E	WM	26	SE NW
13 S	12 E	WM	26	NE SW

QUASI-MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
13 S	12 E	WM	26	NW SW
13 S	12 E	WM	26	SW SW
13 S	12 E	WM	26	SE SW
13 S	12 E	WM	26	NE SE
13 S	12 E	WM	26	NW SE
13 S	12 E	WM	26	SW SE
13 S	12 E	WM	26	SE SE
13 S	12 E	WM	27	NE NE
13 S	12 E	WM	27	NW NE
13 S	12 E	WM	27	SW NE
13 S	12 E	WM	27	SE NE
13 S	12 E	WM	27	NE NW
13 S	12 E	WM	27	NW NW
13 S	12 E	WM	27	SE NW
13 S	12 E	WM	27	NE SW
13 S	12 E	WM	27	SW SW
13 S	12 E	WM	27	SE SW
13 S	12 E	WM	27	NE SE
13 S	12 E	WM	27	NW SE
13 S	12 E	WM	27	SW SE
13 S	12 E	WM	27	SE SE
13 S	12 E	WM	34	NE NE
13 S	12 E	WM	34	NW NE
13 S	12 E	WM	34	SW NE
13 S	12 E	WM	34	NE NW
13 S	12 E	WM	34	NW NW
13 S	12 E	WM	34	SW NW
13 S	12 E	WM	34	SE NW
13 S	12 E	WM	34	NE SW
13 S	12 E	WM	34	SE SW
13 S	12 E	WM	34	NE SE
13 S	12 E	WM	34	NW SE
13 S	12 E	WM	34	SW SE
13 S	12 E	WM	34	SE SE
13 S	12 E	WM	35	NE NE
13 S	12 E	WM	35	NW NE
13 S	12 E	WM	35	SW NE
13 S	12 E	WM	35	SE NE
13 S	12 E	WM	35	NE NW
13 S	12 E	WM	35	NW NW
13 S	12 E	WM	35	SW NW
13 S	12 E	WM	35	SE NW
13 S	12 E	WM	35	NE SW
13 S	12 E	WM	35	NW SW
13 S	12 E	WM	35	SW SW
13 S	12 E	WM	35	SE SW
13 S	12 E	WM	35	NE SE
13 S	12 E	WM	35	NW SE
13 S	12 E	WM	35	SW SE
13 S	12 E	WM	35	SE SE
13 S	12 E	WM	36	NE NE

QUASI-MUNICIPAL USES				
Twp	Rng	Mer	Sec	Q-Q
13 S	12 E	WM	36	NW NE
13 S	12 E	WM	36	SW NE
13 S	12 E	WM	36	NE NW
13 S	12 E	WM	36	NW NW
13 S	12 E	WM	36	SW NW
13 S	12 E	WM	36	SE NW
13 S	12 E	WM	36	NE SW
13 S	12 E	WM	36	NW SW
13 S	12 E	WM	36	SW SW
13 S	12 E	WM	36	SE SW
13 S	12 E	WM	36	NE SE
13 S	12 E	WM	36	NW SE
13 S	12 E	WM	36	SW SE
13 S	12 E	WM	36	SE SE
13 S	13 E	WM	31	SW SW
13 S	13 E	WM	31	SE SW
13 S	13 E	WM	31	SW SE
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14 S	12 E	WM	1	NW NE
14 S	12 E	WM	1	NE NW
14 S	12 E	WM	1	NW NW
14 S	12 E	WM	1	SW NW
14 S	12 E	WM	2	NE NE
14 S	12 E	WM	2	NW NE
14 S	12 E	WM	2	SE NE
14 S	12 E	WM	2	NW SW
14 S	12 E	WM	2	SW SW
14 S	12 E	WM	2	SE SW
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14 S	12 E	WM	3	NW NE
14 S	12 E	WM	3	SW NE
14 S	12 E	WM	3	SE NE
14 S	12 E	WM	3	NE NW
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14 S	12 E	WM	3	NW SW
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14 S	12 E	WM	3	SE SW
14 S	12 E	WM	3	NE SE
14 S	12 E	WM	3	NW SE
14 S	12 E	WM	3	SW SE
14 S	12 E	WM	3	SE SE
14 S	12 E	WM	11	NW NW
14 S	13 E	WM	6	NW NE
14 S	13 E	WM	6	NE NW
14 S	13 E	WM	6	NW NW

Permit Amendment T-11961 Conditions:

The combined quantity of water diverted at the new point of appropriation, together with that diverted at the old points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.

Water use measurement conditions:

- a) Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device at each point of appropriation (new and existing).
- b) The water user shall maintain the meters or measuring devices in good working order.
- c) The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

Water shall be acquired from the same aquifer as the original points of appropriation.

Extension of Time Conditions:

Development Limitations –

Appropriation of any water beyond 3.75 cfs under this Permit (modified by Permit Amendments T-7828 and T-9663) shall only be authorized upon issuance of a final order approving a Water Management and Conservation Plan (WMCP) under OAR Chapter 690, Division 86. The required WMCP shall be submitted to the Department within three years of an approved extension application. Use of water under this Permit (modified by Permit Amendments T-7828 and T-9663) must be consistent with this and subsequent WMCP's approved under OAR Chapter 690, Division 86 on file with the Department.

The deadline established in this Final Order for submittal of a WMCP shall not relieve a permit holder of any existing or future requirement for submittal of a WMCP at an earlier date as established through other orders of the Department. A WMCP submitted to meet the requirements of this order may also meet the WMCP submittal requirements of other Department orders.

Water Management and Conservation Plan

Duration of Plan Approval:

Crooked River Ranch Water Company's Water Management and Conservation Plan is approved and shall remain in effect until **May 11, 2025**, unless this approval is rescinded pursuant to OAR 690-086-0920.

Development Limitation:

The limitation of the diversion of water under Permit G-11376 established in the Final Order approving an Extension of Time for Permit G-11376 (*issued on November 30, 2011*) remains unchanged. Subject to other limitations or conditions of the permit, therefore, at this time Crooked River Ranch Water Company remains authorized to divert up to **3.75 cfs** (*out of the total permitted 5.0 cfs*) of water under Permit G-11376.

Plan Update Schedule:

Crooked River Ranch Water Company shall submit an updated plan meeting the requirements of OAR Chapter 690, Division 086 within 10 years and no later than **November 11, 2024**.

Progress Report Schedule:

Crooked River Ranch Water Company shall submit a progress report containing the information required under OAR 690-086-0120(4) by **May 11, 2020**.

Other Requirements for Plan Submittal:

The deadline established herein for the submittal of an updated Water Management and Conservation Plan (consistent with OAR Chapter 690, Division 086) shall not relieve Crooked River Ranch Water Company from any existing or future requirement(s) for submittal of a Water Management and Conservation Plan at an earlier date as established through other final orders of the Department.

Original Permit Conditions:

Within one year from the date the Water Resources Commission adopts rules describing the schedules, standards and procedures for water conservation management plans by water suppliers, Crooked River Ranch Water Company shall submit a plan which is consistent with said rules.

Within one year of permit issuance, Crooked River Ranch Water Company shall prepare a plan/timetable for the Water Resources Commission which shall indicate the steps which the Water Company intends to pursue to obtain a long-term water supply.

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 wells at all times. When required by the department, 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.

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.

Actual construction work shall begin on or before November 18, 1992, and shall be completed on or before October 1, 2028. Complete application of the water shall be made on or before October 1, 2028.

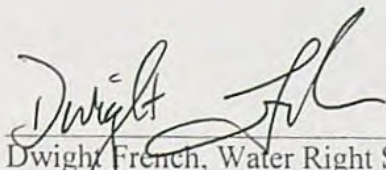
Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for beneficial use of water without waste. The water user is advised that new regulations may require 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.

Issued this date, June 9, 2015.



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



1600 Pioneer Tower
888 SW Fifth Avenue
Portland, Oregon 97204
503.221.1440

Peter D. Mohr
Of Counsel

*Admitted to practice in
Colorado and Oregon*

Direct: 503.802.5759
Fax: 503.972.7459
peter.mohr@tonkon.com

November 27, 2009

VIA FEDEX

Patricia McCarthy
Water Rights and Adjudications Division
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem OR 97301-1266

**Re: Permit G-11376 / Application for Extension of Time / Protest of Crooked
River Ranch Club & Maint. Assoc.**

Dear Patricia:

Please find enclosed for filing the Protest of the Crooked River Ranch Club and Maintenance Association concerning the above-referenced application for extension of time. Please also find enclosed a check payable to the Department in the amount of \$600.00 to cover the filing fee for this protest.

Please feel free to contact me with any comments or questions.

Sincerely,

A handwritten signature in blue ink, appearing to be 'P. Mohr', with a long horizontal flourish extending to the right.

Peter D. Mohr

PDM/blr
Enclosures

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WATER RESOURCES DEPT
SALEM, OREGON

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OVER THE COUNTER**

BEFORE THE OREGON WATER
RESOURCES DEPARTMENT

In the Matter of the Application for an Extension of)
Time for Permit G-11376 (modified by Permit)
Amendments T-7828 and T-9663), Water Right)
Application G-12579, in the name of Crooked River)
Ranch Cooperative)

PROTEST OF PROPOSED FINAL ORDER

Pursuant to OAR 690-315-0010 and 690-315-0060, Protestant Crooked River Ranch Club and Maintenance Association, an Oregon nonprofit corporation (the "Association") files this protest of the Proposed Final Order issued in response to the Application for an Extension of Time for Permit G-11376. The Association's address and phone number are as follows: 5159 SW Clubhouse Road, Terrebonne, Oregon 97760; (541) 548-8939.

On October 13, 2009, the Oregon Water Resources Department (the "Department") issued a Proposed Final Order (PFO) approving the Application for an Extension of Time for Permit G-11376 (the "Application"). According to the PFO, in consideration of the information submitted by the current applicant of record, the Crooked River Ranch Water Cooperative ("Applicant"), such an approval is warranted under applicable provisions of ORS Chapter 537 and administrative rule OAR 690-315-0080. The Association asserts that specified findings within the PFO are not supported by substantial evidence in the record thereby requiring that the PFO not be approved as a matter of fact and law.

1. The Association possesses property interests that will be adversely affected by the approval of the PFO.
 - a. The PFO incorrectly recognizes the Applicant rather than the Association as holder of the water right identified under Certificate No. 75144.

The PFO incorrectly finds in the Applicant title to water rights which are vested in the Association. In pertinent part, paragraph 12 on Page 4 of the PFO states that "Crooked River Ranch holds Certificate No. 75144 for 0.06 c.f.s. of water from Well 2." However, Certificate No. 75144 is not owned by the Applicant but rather is held by the Association as a remainder interest of its original water right previously authorized under Certificate No. 48452. With the Department's initial approval of the Association's transfer application T-6828 on September 18,

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1997, Certificate No. 75144 was issued to account for the Association's remaining water right interests originally provided under Certificate No. 48452 that were not subject to such transfer. On February 14, 2005, the Department issued Certificate No. 81168 confirming that the Association had completed development of the entire remaining balance of Certificate No. 48452 that was subject to transfer, pursuant to the terms and conditions of T-6828.

- b. The Association possesses a reversionary interest in certain assets encumbered by the Application which may not be lawfully titled in the Applicant.

The PFO incorrectly finds in the Applicant all right and title in and to Permit G-11376, as modified. As discussed immediately below, because the Applicant's authority to both own and proceed with Permit G-11376 is very much in question, so necessarily is the legitimacy of the PFO. Depending on how such ownership status is ultimately determined will also establish whether the Association has acquired through a reversionary interest absolute title to a portion of the assets essential to completion of development under Permit G-11376.

It is undisputed that application G-12579 was originally filed by the Crooked River Ranch Water Company, a mutual benefit non-profit corporation organized under ORS Chapter 65 for the purpose of providing domestic and other water service to properties located within the Crooked River Ranch (the "Water Company"). According to the Department's records, the Applicant filed a "Request for Assignment" with the Department on or about December 1, 2008 in an attempt to confirm that any and all interests associated with application G-12579, Permit G-11376, and transfer T-9663, had been assigned by the Water Company to the Applicant (the "Assignment"). However, in filing such Assignment, the Applicant failed to reveal not only that the Assignment was improper [see Section 2(c) below], but that its legal authority to execute any documents relating to ownership and management of Water Company's assets is a primary issues in a number of cases currently pending within the circuit courts of Jefferson County and Deschutes County and before the Oregon Public Utility Commission ("PUC"). The Association previously brought these ownership issues to the Department's attention under its May 14, 2009 letter.¹

Pending cases which are considering the Applicant's alleged ownership of Water Company assets are identified as follows: Case No. 08CV1027MA, *Nichols v. Crooked River Ranch Water Company, et al* (Deschutes County Circuit Court); Case No. 06CV0028, *Crooked River Ranch Cooperative v. Crooked River Ranch Club & Maintenance Association* (Jefferson County Circuit Court);² and Case Nos. WJ8 and UW 120 (currently consolidated before the

¹ Paragraph 7 on page 3 of the PFO in part states that that no public comments were filed regarding this extension application. Such a statement has since been confirmed by the Department as erroneous in consideration of the Association's timely submittal of its May 14, 2009 comments regarding this application.

² This is the current caption of this case pursuant to the plaintiff's Fourth Amended Complaint. The plaintiff in this case is also the alleged Applicant identified in the PFO and is currently registered with the Oregon Secretary of State as the "Crooked River Ranch Water Cooperative".

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NOV 30 2009

WATER RESOURCES DEPT
SALEM, OREGON

PUC). Issues arising as to how the Water Company was dissolved and to what extent assets of the Water Company could have been lawfully assigned and otherwise transferred to the Applicant are present in both of the specified circuit court cases and in PUC case WJ8. Should it ultimately be determined that the PUC does possess jurisdiction over the Water Company as the Applicant's alleged predecessor in interest, the Applicant will likely be denied possession of any assets associated with and owned by the Water Company prior to the time of its alleged dissolution.³ Such assets would of course include application G-12579, Permit G-11376, and transfer T-9663. With respect to the two pending circuit court cases in Jefferson County and Deschutes County, any final judgments entered in these cases may also determine whether the Applicant possesses the authority to lawfully claim any interest in application G-12579, Permit G-11376, and transfer T-9663.

Furthermore, with the entrance of any final judicial determination confirming the dissolution of the Water Company, Jefferson County Case No. 06CV0028 in particular stands to confirm in the Association a portion of the Water Company's water related assets used to supply drinking water to Association members. The Association currently possesses a reversionary interest in a portion of these assets which relate to the development of ground water under Permit G-11376. If assuming that (i) the Water Company has been lawfully dissolved, and (ii) it is determined the Association's reversionary interest was triggered as a result of such dissolution, the Applicant would no longer be able to pursue completion of Permit G-11376, or any extensions thereto, without the Association's approval.

2. The PFO is deficient for containing numerous findings which are not supported by substantial evidence in the record.

- a. Findings in the PFO that the Applicant is the permit holder for purposes of satisfying the criteria under OAR 690-315-0080 are not supported by substantial evidence in the record.

The PFO incorrectly confirms the Applicant as the permit holder and therefore the PFO cannot be approved. As discussed above, the very ownership of all Water Company assets is currently the subject of numerous other civil court and administrative proceedings. And while the Department may not always possess notice of other proceedings which may affect an application before it, such was not the case here. Existing title issues concerning the application were brought to the Department's attention in advance under the Association's comments of May 14, 2009. Therefore, the PFO is deficient for having failed to address these issues.

Furthermore, with the lack of substantial evidence confirming title to Permit G-11376 in the Applicant, the Department possesses no basis from which it can find the Applicant as the

³ Under Oregon law, the PUC does not possess jurisdiction over cooperatives. If ultimately determined that the Water Company was properly dissolved and its status properly changed to that of a cooperative, the Cooperative could avoid the imposition of PUC jurisdiction and oversight. Such jurisdiction and oversight was sought by a number of Water Company customers via petition to the PUC pursuant to ORS 757.063(1).

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NOV 30 2009

WATER RESOURCES DEPT
SALEM, OREGON

"permit holder" for purposes of satisfying the governing criteria under OAR 690-315-00080. Until such time as ownership of Permit G-11376 and all other assets associated with the development of such water supply is established, an approving PFO cannot issue.

- b. Findings in the PFO that the Applicant is the holder of Certificate No. 75144 are not supported by substantial evidence in the record.

For reasons discussed above, Certificate No. 75144 is owned by the Association and not the Applicant. Hence, the PFO is deficient to the extent the findings, conclusions of law, and order confirm in the Applicant any right or interest of any kind in Certificate No. 75144. The fact that the PFO lacks substantial evidence to support such findings is further confirmed by the Department's own recognition in December 2004 that Certificate No. 75144 was not then titled in the Water Company.

Additional findings also lacking the support of substantial evidence are the Applicant's assertions noted in paragraph number 34 at page 7 of the PFO. In pertinent part, such paragraph states that delays associated with the completion of the permit are due to the Association's refusal "to negotiate leases and easements required to move the project forward." Although the PFO fails to make reference to any evidence that would support such an allegation, evidence to be produced by the Association in any contested case will confirm that the Association has gone to great lengths to resolve related access issues in good faith. Hence, although such a statement cannot be attributed to the Department itself, to the extent the Department relied on such statement in issuing the PFO, the PFO is deficient.

- c. The Association was never provided any notice of the purported assignment of application G-12579, Permit G-11376, and transfer T-9663 from the Water Company to the Applicant.

As a party which possesses a reversionary interest in a portion of the assets necessary to continue appropriation of ground water under Permit G-11376, as modified, the Association was never provided notice of the alleged Assignment of G-12579, Permit G-11376, and transfer T-9663 from the Water Company to the Applicant. In pertinent part, ORS 537.220(2) provides:

(2) An assignment of an application, permit or license to appropriate water filed for record with the Water Resources Department shall identify the current record owners of all property described in the application, permit or license. *The assignor shall furnish proof acceptable to the department that notice of the assignment has been given or attempted for each identified property owner not a party to the assignment. [Emphasis added].*

Because there is neither any evidence in the record that the Association ever received notice of the Assignment, nor is there any evidence to suggest such notice was ever attempted, the PFO is deficient for recognizing in the Applicant the authority to pursue this extension.

3. The issuance of any Proposed Final Order should be stayed pending the resolution of Applicant's interest and the Association's Interest in Permit G-11376, as modified.

Any further action on this PFO should be stayed pending the completion of all other pending circuit court proceedings and those occurring before the PUC. Absent a stay of the proceedings on this application for extension, the Department risks the entrance of an order concerning ownership of Water Company assets that will conflict with findings made in the other pending cases initiated as much as two or more years prior. Such a result would not only frustrate the resolution of controversies surrounding the conduct of the Applicant and the Water Company, but also would amount to an inefficient use of limited judicial resources. Once the issues related to ownership and control of the Water Company assets have been resolved in the other pending actions, then and only then should proceedings on this extension application proceed further.

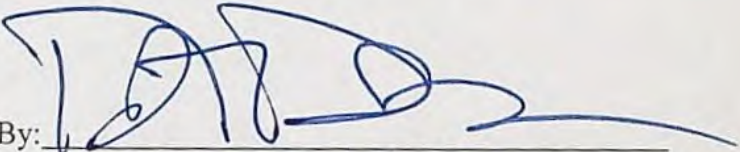
With respect to the erroneous findings concerning ownership of Certificate No. 75144, the PFO needs to be corrected by removing all references to such water right whatsoever.

The Association reserves the right to raise additional claims that may arise based on facts not currently known but later disclosed and/or obtained throughout the course of these proceedings.

This Protest is timely filed pursuant to applicable law.

DATED this 27th day of November, 2009.

TONKON TORP LLP

By: 

Peter D. Mohr, OSB No. 013556

Direct Dial: 503.802.5759

Fax: 503.972.7459

E-Mail: peter.mohr@tonkon.com

Attorneys for Protestant Crooked River Ranch Club
and Maintenance Association

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of November, 2009:

A true and correct copy of the foregoing PROTEST OF PROPOSED FINAL ORDER was served to the party listed below by placing same in the United States mail, first-class postage pre-paid, addressed as follows:

Crooked River Ranch Water Cooperative
P.O. Box 2319
Terrebonne, Oregon 97760



By
Peter D. Mohr, OSB No. 01355
Attorney for Protestant

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NOV 30 2009

WATER RESOURCES DEPT
SALEM, OREGON



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

December 18, 2009

James Rooks, General Manager
Crooked River Ranch Water Cooperative
P.O. Box 2319
Terrebonne, Oregon 97760

Re: Application for extension of time for G-11376, Crooked River Ranch Water Cooperative

Dear Mr. Rooks,

The Water Resources Department received a protest on the proposed final order on the above application on November 30, 2009.

At this time, the department has a large number of protests and, regretfully, does not expect to be able to work on a resolution on your application for several months.

If you have any questions in the meantime, please feel free to contact me at the number below.

Sincerely,

Patricia McCarty
Protest Program Coordinator
Water Rights Division
Phone: 503-986-0820

cc: Peter Mohr





Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

December 10, 2009

*file copy
mailed 12-10-09*

Peter Mohr
Tonkon Torp
1600 Pioneer Tower
888 SW Fifth Avenue
Portland, OR 97204

Re: Protest on Proposed Final Order on application for extension of time for G-11376, Crooked River Ranch Cooperative

Dear Mr. Mohr,

The Water Resources Department received the protest on the proposed final order on the above application on November 30, 2009. Enclosed is a receipt for the fee, # 98638, for check # 47099.

The department prefers to resolve protests informally whenever possible. I will review the file and contact you soon to discuss options for a resolution. Please call me directly at the number below if you have any questions.

I look forward to working with you.

Sincerely,

Patricia m/c Carthy

Patricia McCarty
Protest Program Coordinator
Water Rights Division
Phone: 503-986-0820



**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 # **98638**

INVOICE # _____

RECEIVED FROM: Tonkon Corp

APPLICATION 12579

BY: _____

PERMIT _____

TRANSFER _____

CASH: ☐ CHECK: # 471099 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 600.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES

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\$ _____

OTHER: (IDENTIFY) _____

OVER THE COUNTER

\$ _____

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) 47235

\$ _____

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

\$ _____

223 OTHER

(IDENTIFY) protest non Appl. cert \$6000

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$ _____

CARD # _____

0210 MONITORING WELLS

\$ _____

CARD # _____

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FWWRD)

\$ _____

0231 HYDRO LICENSE FEE (FWWRD)

\$ _____

HYDRO APPLICATION

\$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT: **98638**

DATED: 11-30-09 BY: QRP

Patricia McCarty

From: Patricia McCarty
Sent: Wednesday, August 25, 2010 1:05 PM
To: Dwight French
Subject: RE: good news

Yes, Peter Mohr filed the protest on behalf of the Crooked River Ranch Cooperative. We'll see what he wants to do. We may need to wait for some paperwork to be completed before we can untangle this.

Thanks,
Patricia

From: Dwight French
Sent: Wednesday, August 25, 2010 12:57 PM
To: Patricia McCarty
Subject: RE: good news

Good news indeed. Did we have a related protest pending?
D

From: Patricia McCarty
Sent: Wednesday, August 25, 2010 9:38 AM
To: Dwight French
Subject: good news

Aug 25, 11:16 AM EDT

Crooked River Ranch water legal battle settled

MADRAS, Ore. (AP) -- After years of lawsuits and investigations, a settlement has been approved in the legal battle over water at the Crooked River Ranch in central Oregon.

Customers had questioned the way the Crooked River Ranch Water Co. was being run for years, saying they had no control over a utility they own.

The customers alleged they were denied access to financial records and stated the water rates were unfair and money was being mishandled, resulting in a state Department of Justice investigation.

But longtime ranch residents told The Bulletin newspaper in Bend that a settlement approved in Jefferson County Circuit Court on Monday should finally allow them to declare victory.

An election for a new board of directors for the water company is planned within 90 days.

Information from: The Bulletin, <http://www.bendbulletin.com>

Patricia McCarty
Protest Program Coordinator
Oregon Water Resources Department
(503) 986-0820

G-12579

BEFORE THE OREGON WATER
RESOURCES DEPARTMENT

In the Matter of the Application for an Extension of)
Time for Permit G-11376 (modified by Permit)
Amendments T-7828 and T-9663), Water Right)
Application G-12579, in the name of Crooked River)
Ranch Cooperative)

PROTEST OF PROPOSED
FINAL ORDER

COPY

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The PFO incorrectly finds in the Applicant title to water rights which are vested in the Association. In pertinent part, paragraph 12 on Page 4 of the PFO states that "Crooked River Ranch holds Certificate No. 75144 for 0.06 c.f.s. of water from Well 2." However, Certificate No. 75144 is not owned by the Applicant but rather is held by the Association as a remainder interest of its original water right previously authorized under Certificate No. 48452. With the Department's initial approval of the Association's transfer application T-6828 on September 18,

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- b. The Association possesses a reversionary interest in certain assets encumbered by the Application which may not be lawfully titled in the Applicant.

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It is undisputed that application G-12579 was originally filed by the Crooked River Ranch Water Company, a mutual benefit non-profit corporation organized under ORS Chapter 65 for the purpose of providing domestic and other water service to properties located within the Crooked River Ranch (the "Water Company"). According to the Department's records, the Applicant filed a "Request for Assignment" with the Department on or about December 1, 2008 in an attempt to confirm that any and all interests associated with application G-12579, Permit G-11376, and transfer T-9663, had been assigned by the Water Company to the Applicant (the "Assignment"). However, in filing such Assignment, the Applicant failed to reveal not only that the Assignment was improper [see Section 2(c) below], but that its legal authority to execute any documents relating to ownership and management of Water Company's assets is a primary issues in a number of cases currently pending within the circuit courts of Jefferson County and Deschutes County and before the Oregon Public Utility Commission ("PUC"). The Association previously brought these ownership issues to the Department's attention under its May 14, 2009 letter.¹

Pending cases which are considering the Applicant's alleged ownership of Water Company assets are identified as follows: Case No. 08CV1027MA, *Nichols v. Crooked River Ranch Water Company, et al* (Deschutes County Circuit Court); Case No. 06CV0028, *Crooked River Ranch Cooperative v. Crooked River Ranch Club & Maintenance Association* (Jefferson County Circuit Court);² and Case Nos. WJ8 and UW 120 (currently consolidated before the

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² This is the current caption of this case pursuant to the plaintiff's Fourth Amended Complaint. The plaintiff in this case is also the alleged Applicant identified in the PFO and is currently registered with the Oregon Secretary of State as the "Crooked River Ranch Water Cooperative".

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WATER RESOURCES DEPT
SAL FM. OREGON

PUC). Issues arising as to how the Water Company was dissolved and to what extent assets of the Water Company could have been lawfully assigned and otherwise transferred to the Applicant are present in both of the specified circuit court cases and in PUC case WJ8. Should it ultimately be determined that the PUC does possess jurisdiction over the Water Company as the Applicant's alleged predecessor in interest, the Applicant will likely be denied possession of any assets associated with and owned by the Water Company prior to the time of its alleged dissolution.³ Such assets would of course include application G-12579, Permit G-11376, and transfer T-9663. With respect to the two pending circuit court cases in Jefferson County and Deschutes County, any final judgments entered in these cases may also determine whether the Applicant possesses the authority to lawfully claim any interest in application G-12579, Permit G-11376, and transfer T-9663.

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2. The PFO is deficient for containing numerous findings which are not supported by substantial evidence in the record.

- a. Findings in the PFO that the Applicant is the permit holder for purposes of satisfying the criteria under OAR 690-315-0080 are not supported by substantial evidence in the record.

The PFO incorrectly confirms the Applicant as the permit holder and therefore the PFO cannot be approved. As discussed above, the very ownership of all Water Company assets is currently the subject of numerous other civil court and administrative proceedings. And while the Department may not always possess notice of other proceedings which may affect an application before it, such was not the case here. Existing title issues concerning the application were brought to the Department's attention in advance under the Association's comments of May 14, 2009. Therefore, the PFO is deficient for having failed to address these issues.

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NOV 30 2009

WATER RESOURCES DEPT
SALEM, OREGON

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- c. The Association was never provided any notice of the purported assignment of application G-12579, Permit G-11376, and transfer T-9663 from the Water Company to the Applicant.

As a party which possesses a reversionary interest in a portion of the assets necessary to continue appropriation of ground water under Permit G-11376, as modified, the Association was never provided notice of the alleged Assignment of G-12579, Permit G-11376, and transfer T-9663 from the Water Company to the Applicant. In pertinent part, ORS 537.220(2) provides:

(2) An assignment of an application, permit or license to appropriate water filed for record with the Water Resources Department shall identify the current record owners of all property described in the application, permit or license. *The assignor shall furnish proof acceptable to the department that notice of the assignment has been given or attempted for each identified property owner not a party to the assignment. [Emphasis added].*

Because there is neither any evidence in the record that the Association ever received notice of the Assignment, nor is there any evidence to suggest such notice was ever attempted, the PFO is deficient for recognizing in the Applicant the authority to pursue this extension.

3. The issuance of any Proposed Final Order should be stayed pending the resolution of Applicant's interest and the Association's Interest in Permit G-11376, as modified.

Any further action on this PFO should be stayed pending the completion of all other pending circuit court proceedings and those occurring before the PUC. Absent a stay of the proceedings on this application for extension, the Department risks the entrance of an order concerning ownership of Water Company assets that will conflict with findings made in the other pending cases initiated as much as two or more years prior. Such a result would not only frustrate the resolution of controversies surrounding the conduct of the Applicant and the Water Company, but also would amount to an inefficient use of limited judicial resources. Once the issues related to ownership and control of the Water Company assets have been resolved in the other pending actions, then and only then should proceedings on this extension application proceed further.

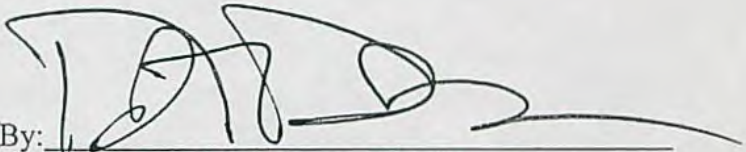
With respect to the erroneous findings concerning ownership of Certificate No. 75144, the PFO needs to be corrected by removing all references to such water right whatsoever.

The Association reserves the right to raise additional claims that may arise based on facts not currently known but later disclosed and/or obtained throughout the course of these proceedings.

This Protest is timely filed pursuant to applicable law.

DATED this 27th day of November, 2009.

TONKON TORP LLP

By: 

Peter D. Mohr, OSB No. 013556

Direct Dial: 503.802.5759

Fax: 503.972.7459

E-Mail: peter.mohr@tonkon.com

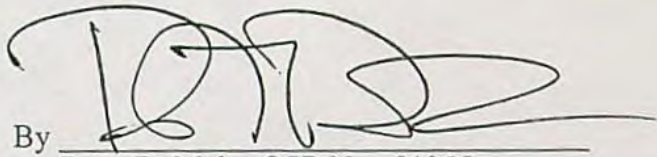
Attorneys for Protestant Crooked River Ranch Club
and Maintenance Association

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of November, 2009:

A true and correct copy of the foregoing PROTEST OF PROPOSED FINAL ORDER was served to the party listed below by placing same in the United States mail, first-class postage pre-paid, addressed as follows:

Crooked River Ranch Water Cooperative
P.O. Box 2319
Terrebonne, Oregon 97760

By 
Peter D. Mohr, OSB No. 01355
Attorney for Protestant

Oregon Water Resources Department
Water Rights Division



Application for Extension of Time

In the Matter of the Application for an Extension of Time for)
Permit G-11376 (modified by Permit Amendments T-7828) PROPOSED FINAL ORDER
and T-9663), Water Right Application G-12579, in the name)
of Crooked River Ranch Cooperative.)

Permit Information

Application File G-12579/ Permit G-11376
(modified by Permit Amendments T-7828 and T-9663)

Basin 5 – Deschutes Basin / Watermaster District 11

Date of Priority: June 18, 1991

Authorized Use of Water

Source of Water: Well 1 (formerly Well 4) Well 2, and Association Well 3
in the Crooked River Basin

Purpose or Use: Quasi-Municipal

Maximum Rate: 5.0 Cubic Feet per Second (cfs)

This Extension of Time request is being processed in accordance with Oregon
Administrative Rule Chapter 690, Division 315.

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

This Proposed Final Order applies only to Permit G-11376 (modified by Permit Amendments
T-7828 and T-9663), water right Application G-12579. A copy of Permit G-11376 (modified by
Permit Amendments T-7828 and T-9663) is attached as Attachment 1.

Proposed Final Order

Page 1 of 1

Summary of Proposed Final Order for Extension of Time

The Department proposes to:

- Grant an extension of time to complete construction of the water system from October 1, 2008 to October 1, 2028.
- Grant an extension of time to apply water to full beneficial use from October 1, 2008 to October 1, 2028.

Make the extension of time subject to certain conditions as set forth below.

ACRONYM QUICK REFERENCE

Department – Oregon Department of Water Resources

PFO – Proposed Final Order

WMCP – Water Management and Conservation Plan

Units of Measure

cfs – cubic feet per second

AUTHORITY

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

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

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

OAR 690-315-0080 provides in pertinent part that the Department shall make findings to determine if an extension of time for municipal and/or quasi-municipal water use permit holders may be approved to complete construction and/or apply water to full beneficial use.

OAR 690-315-0090(3) authorizes the Department, under specific circumstances, to condition an extension of time for municipal and/or quasi-municipal water use permit holders to provide that diversion of water beyond the maximum rate diverted under the permit or previous extension(s) shall only be authorized upon issuance of a final order approving a WMCP Plan under OAR Chapter 690, Division 86.

FINDINGS OF FACT

Background

1. Permit G-11376 was granted by the Department on November 18, 1991, and assigned on December 2, 2008. The permit authorizes the use of up to 5.0 cfs of water from Wells 2, 3 & 4 in the Crooked River Basin for quasi-municipal use. Well 1 (formerly Well 4) was added to Permit G-11376 by Permit Amendment T-7828. Permit G-11376 specified that construction of the water development project was to be completed by October 1, 1993, and that complete application of water was to be made on or before October 1, 1994.
2. On October 30, 1997 the Department approved Permit Amendment T-7828 (Special Order Volume 51, Page 1235) authorizing an additional point of appropriation (Well 4). On September 20, 2004 the Department approved Permit Amendment T-9663 (Special Order Volume 61, page 532) moving the Point of Appropriation of Association Well 3 from near the Golf Maintenance Shop located 80 ft North and 480 ft East from the South Quarter Corner of Section 24, to 2550 ft North and 2100 ft East from the SE Corner of Section 16; to Crater Loop Rd, located 2550 ft North and 2100 ft West from the SE corner of Section 16.
3. Two prior permit extensions have been granted for Permit G-11376 (modified by Permit Amendments T-7828 and T-9663). The most recent extension request resulted in the completion dates for construction and full application of water being extended to October 1, 2008.
4. Due to an ongoing permit extension rulemaking, the Department placed all pending Applications for Extension of Time for quasi-municipal permits on hold and did not require municipal and quasi-municipal water use permit holders to submit Applications for Extension of Time until the new rules were adopted.
5. Quasi-municipal water use permit extension rules OAR 690-315-0070 through 690-315-0100 became effective on November 1, 2002, were amended, filed with the Secretary of State, and became effective on November 22, 2005.
6. The permit holder submitted an "Application for Extension of Time" to the Department on January 12, 2009 requesting the time to complete construction of the water system and apply water to full beneficial use under the terms and conditions of Permit G-11376 (modified by Permit Amendments T-7828 and T-9663) be extended from October 1, 2008 to October 1, 2028.
7. Notification of the Application for Extension of Time for Permit G-11376 (modified by Permit Amendments T-7828 and T-9663) was published in the Department's Public Notice dated April 14, 2009. No public comments were received regarding the extension application.

Review Criteria for Quasi-Municipal Water Use Permits [OAR 690-315-0080(1)]

The time limits to complete construction and/or apply water to full beneficial use may be extended if the Department finds that the permit holder has met the requirements set forth under OAR 690-315-0080(1).

This determination shall consider the applicable requirements of ORS 537.230¹, 537.248², 537.630³ and/or 539.010(5)⁴

Complete Extension of Time Application /OAR 690-315-0080(1)(a)/

8. On January 12, 2009 the Department received a completed application for extension of time and the fee specified in ORS 536.050 from the permit holder.

Start of Construction /OAR 690-315-0080(1)(b)/

9. Actual construction of the water system began prior to the November 18, 1992 deadline specified in the permit.

Duration of Extension /OAR 690-315-0080(1)(c)(d)/

Under OAR 690-315-0080(1)(c), (d), in order to approve an extension of time for municipal and quasi-municipal water use permits the Department must find that the time requested is reasonable and the applicant can complete the project within the time requested.

10. The remaining work to be accomplished under Permit G-11376 (modified by Permit Amendments T-7828 and T-9663) consists of obtaining necessary easements and leases from the Crooked River Ranch Club and Maintenance Association, drilling Crater Loop Rd. Well 3 and constructing the well house, installing pipe from Crater Loop Rd. Well 3 to the 700,000 gallon standpipe, installing a chlorination station, re-plumbing Well 1 (formerly Well 4), replacing the 100,000 gallon cistern with a 400,000 gallon cistern, redesigning the cistern pump station and adding larger pumps, completing construction of the water system and applying water to full beneficial use.
11. As of January 12, 2009, the permit holder has appropriated 3.75 cfs of the 5.0 cfs of water authorized under Permit G-11376 (modified by Permit Amendments T-7828 and T-9663) for quasi-municipal purposes.
12. In addition to the 5.0 cfs of water authorized under Permit G-11376 (modified by Permit Amendments T-7828 and T-9663) from Well 1 (formerly Well 4) Well 2, and Association Well 3, Crooked River Ranch holds Certificate 75144 for 0.06 cfs of water from Well 2
13. These water rights and permits total 5.06 cfs of groundwater. Crooked River Ranch has not yet made beneficial use of 1.25 cfs of water under Permit G-11376 (modified by Permit Amendments T-7828 and T-9663).
14. As of January 12, 2009 Crooked River Ranch utilized a peak demand of 3.75 cfs of water from Permit G-11376 (modified by Permit Amendment T-7828 and T-9663) and Certificate 75144.

¹ ORS 537.230 applies to surface water permits only.

² ORS 537.248 applies to reservoir permits only.

³ ORS 537.630 applies to ground water permits only.

⁴ ORS 537.010(5) applies to surface water and ground water permits.

15. According to Crooked River Ranch, in 2007 the population within their service boundary was 3500. Crooked River Ranch anticipates the population to increase at an estimated growth rate of five percent per year, reaching an estimated population of 10,500 by the year 2028.
16. Crooked River Ranch projects peak demand for water will be 5.0 cfs by the year 2028.
17. Crooked River Ranch has approximately 53 lots that have not been connected to the water system. Several RV parks are in the planning stages and some five acres lots may be subdivided into smaller parcels allowing for increased housing and population which will significantly increase its potential for growth in domestic and industrial water use demand.
18. Full development of Permit G-11376 (modified by Permit Amendments T-7828 and T-9663) is needed to meet the present and future water demands of Crooked River Ranch, including system redundancy and emergency use.
19. Given the amount of development left to occur, the Department has determined that the permit holder's request to have until October 1, 2028, to complete construction of the water system and accomplish application of water to beneficial use under the terms of Permit G-11376 (modified by Permit Amendments T-7828 and T-9663) is both reasonable and necessary.

Good Cause [OAR 690-315-0080(1)(e) and (3)(a-g)]

The Department's determination of good cause shall consider the requirements set forth under OAR 690-315-0080(3).

Reasonable Diligence and Good Faith of the Appropriator [OAR 690-315-0080(3)(a) and (1)(c) and (4)]

Reasonable diligence and good faith of the appropriator must be demonstrated during the permit period or prior extension period as a part of evaluating good cause in determining whether or not to grant an extension. In determining the reasonable diligence and good faith of a municipal or quasi-municipal water use permit holder, the Department shall consider activities associated with the development of the right including, but not limited to, the items set forth under OAR 690-315-0080(4) and shall evaluate how well the applicant met the conditions of the permit or conditions of a prior extension period.

20. Actual construction of the water system began prior to the November 18, 1992 deadline specified in the permit.
21. Work was accomplished (specified in the Application for Extension of Time) during the original development time frame under Permit G-11376 (modified by Permit Amendments T-7828 and T-9663).
22. During the most recent extension period under Permit G-11376 (modified by Permit Amendment T-9663), being October 1, 1998 to October 1, 2008, the following work was accomplished by Crooked River Ranch:
 - Purchased Crater Loop property for new Well 3 site;
 - Surveyed property for new Well 3 site and piping to tower; and
 - Submitted a draft copy of their Water Management Conservation Plan to OWRD.

23. As of January 12, 2009 the permit holder has invested approximately \$1,035,730 which is approximately 19 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional \$4,460,000 investment is needed for the completion of this project.
24. Since the issuance of Permit G-11376 (modified by Permit Amendments T-7828 and T-9663) on November 18, 1991 approximately 3.75 cfs of the 5.0 cfs allowed has been appropriated from Well 1 (formerly Well 4) Well 2, and Association Well 3 for beneficial quasi-municipal purposes under the terms of this permit.
25. The Department has considered permit holder's compliance with conditions, and did not identify any concerns.

Cost to Appropriate and Apply Water to a Beneficial Purpose [OAR 690-315-0080(3)(b)]

26. As of January 12, 2009 the permit holder has invested \$1,035,730 which is approximately 19 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional \$4,460,000 investment is needed for the completion of this project.

Other economic interests dependent on completion of the project [OAR 690-315-0080(5)(e)]

27. None have been identified.

The Market and Present Demands for Water [OAR 690-315-0080(3)(d)]

28. As described in Findings 10 through 17 above, the permit holder has indicated, and the Department finds, the permit holder must rely on full development of Permit G-11376 (modified by Permit Amendments T-7828 and T-9663), to meet current and future market demands.
29. Crooked River Ranch projects a population increase of five percent per year over a twenty one year period, being 2007 to 2028.
30. Given the current water supply situation of Crooked River Ranch, including current and expected demands, the need for system redundancy, and emergency water supply, there is a market and present demand for the water to be supplied under Permit G-11376 (modified by Permit Amendments T-7828 and T-9663).
31. OAR 690-315-0090(3) requires the Department to place a condition on this extension of time to provide that appropriation of water beyond 3.75 cfs under Permit G-11376 (modified by Permit Amendments T-7828 and T-9663) shall only be authorized upon issuance of a final order approving a Water Management and Conservation Plan (WMCP) under OAR Chapter 690, Division 86. A "Development Limitation" condition" is specified under Item 1 of the "Conditions" section of this PFO to meet this requirement.

Fair Return Upon Investment [OAR 690-315-0080(3)(e)]

32. Use and income from the permitted water development project would result in reasonable

returns upon the investment made in the project to date.

Other Governmental Requirements [OAR 690-315-0080(3)(f)]

33. Delays caused by any other governmental requirements in the development of this project have not been identified.

Events which Delayed Development under the Permit [OAR 690-315-0080(3)(g)]

34. According to Crooked River Ranch, delay of development under Permit G-11376 (modified by Permit Amendments T-7828 and T-9663) is due in part to intervening Public Utility Commission jurisdiction and the Crooked River Ranch Club and Maintenance Association refusing to negotiate for leases and easements required to move the project forward.

CONCLUSIONS OF LAW

1. The applicant is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.230(3).
2. The applicant has submitted a complete extension application form and the fee specified under ORS 536.050(1)(k), as required by OAR 690-315-0080(1)(a).
3. The applicant complied with begin actual construction timeline requirements pursuant to ORS 537.230 as required by OAR 690-315-0080(1)(b)
4. The time requested to complete construction and apply water to full beneficial use is reasonable, as required by OAR 690-315-0080(1)(c).
5. Completion of construction and full application of water to beneficial use can be completed by October 1, 2028⁵, as required by OAR 690-315-0080(1)(d).
6. The Department has considered the reasonable diligence and good faith of the appropriator, the cost to appropriate and apply water to a beneficial purpose, the market and present demands for water to be supplied, the financial investment made and the fair return upon the investment, the requirements of other governmental agencies, and unforeseen events over which the water right permit holder had no control, and the Department has determined that the permit holder has shown good cause for an extension of time to complete construction of the water system and to apply the water to full beneficial use pursuant to OAR 690-315-0080(1)(e).
7. As required by OAR 690-315-0090(3) and as described in Finding 30 above and specified under Item 1 of the "Conditions" section of this PFO, the appropriation of water

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

beyond 3.75 cfs under Permit G-11376 (modified by Permit Amendments T-7828 and T-9663) shall only be authorized upon issuance of a final order approving a Water Management and Conservation Plan under OAR Chapter 690, Division 86.

Proposed Order

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

- Extend the time to complete construction of the water system under Permit G-11376 (modified by Permit Amendments T-7828 and T-9663) from October 1, 2008 to October 1, 2028.
- Extend the time to apply the water to beneficial use under Permit G-11376 (modified by Permit Amendments T-7828 and T-9663) from October 1, 2008 to October 1, 2028.

Subject to the following conditions:

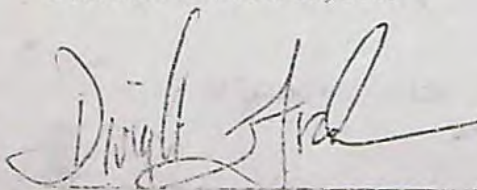
CONDITIONS

1. Development Limitations

Appropriation of any water beyond 3.75 cfs under Permit G-11376 (modified by Permit Amendments T-7828 and T-9663) shall only be authorized upon issuance of a final order approving a Water Management and Conservation Plan (WMCP) under OAR Chapter 690, Division 86. The required WMCP shall be submitted to the Department within three years of an approved extension of time application. Use of water under Permit G-11376 (modified by Permit Amendments T-7828 and T-9663) must be consistent with this and subsequent WMCP's approved under OAR Chapter 690, Division 86 that is on file with the Department.

The deadline established in this PFO for submittal of a WMCP shall not relieve a permit holder of any existing or future requirement for submittal of a WMCP at an earlier date as established through other orders of the Department. A WMCP submitted to meet the requirements of this order may also meet the WMCP submittal requirements of other Department orders.

DATED: October 13, 2009



Dwight French, Administrator
Water Rights and Adjudications Division

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

Proposed Final Order Hearing Rights

1. Under the provisions of OAR 690-315-0100(1) and 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may submit a written protest to the proposed final order. The written protest must be received by the Water Resources Department no later than November 27, 2009, being 45 days from the date of publication of the proposed final order in the Department's weekly notice.
2. A written protest shall include:
 - a. The name, address and telephone number of the petitioner;
 - b. A description of the petitioner's interest in the proposed final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented;
 - c. A detailed description of how the action proposed in the proposed final order would adversely affect or aggrieve the petitioner's interest;
 - d. A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;
 - e. Any citation of legal authority supporting the petitioner, if known;
 - f. Proof of service of the protest upon the water right permit holder, if petitioner is other than the water right permit holder; and
 - g. The applicant or non-applicant protest fee required under ORS 536.050.
3. Within 60 days after the close of the period for requesting a contested case hearing, the Director shall:
 - a. Issue a final order on the extension request; or
 - b. Schedule a contested case hearing if a protest has been submitted, and:
 - 1) Upon review of the issues, the Director finds there are significant disputes related to the proposed agency action; or
 - 2) The applicant submits a written request for a contested case hearing within 30 days after the close of the period for submitting protests.

-
- If you have any questions about statements contained in this document, please contact Scott Kudlemyer at 503-986-0813.
 - If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Patricia McCarty at 503-986-0820.
 - If you have any questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0801.
 - Address any correspondence to: Water Rights and Adjudications Division
725 Summer St NE, Suite A
 - Fax: 503-986-0901 Salem, OR 97301-1266
-



Oregon

Kate Brown, Governor

G-12579

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

May 14, 2015

Crooked River Ranch Water Company
Attn: Frank Day, General Manager
PO Box 2319
Terrebonne, OR 97760

Subject: Water Management and Conservation Plan

Dear Mr. Day:

Enclosed, please find the final order approving Crooked River Ranch Water Company's (CRR Water) Water Management and Conservation Plan (plan) and specifying that the diversion of water under Permit G-11376 remains limited to **3.75 cfs** (*out of the total permitted 5.0 cfs*) of water at this time.

The attached final order specifies that CRR Water's plan shall remain in effect until **May 11, 2025**. Additionally, CRR Water is required to submit a progress report to the Department by **May 11, 2020**, detailing progress made toward the implementation of conservation benchmarks scheduled in the CRR Water's plan. Finally, CRR Water must submit an updated Water Management and Conservation Plan to the Department by **November 11, 2024**.

NOTE: The deadline established in the attached final order for submittal of an updated Water Management and Conservation Plan (consistent with OAR Chapter 690, Division 086) shall not relieve Crooked River Ranch Water Company from any existing or future requirement(s) for submittal of a water management and conservation plan at an earlier date as established through other final orders of the Department.

We appreciate your cooperation in this effort. Please do not hesitate to contact me at 503-986-0880 or Lisa.J.Jaramillo@wrdd.state.or.us if you have any questions.

Sincerely,

Lisa J. Jaramillo
Water Management and Conservation Analyst
Water Right Services Division

Enclosure

cc: WMCP File
Application G-12579 (Permit G-11376)
Jeremy Giffin, District #11 Watermaster
Oregon Assoc. of Water Utilities, Attn: Tim Tice, 935 N. Main Street, Independence, OR 97351

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

In the Matter of the Proposed Water	)	FINAL ORDER APPROVING A
Management and Conservation Plan for	)	WATER MANAGEMENT AND
Crooked River Ranch Water Company,	)	CONSERVATION PLAN
Jefferson and Deschutes Counties	)	

Authority

OAR Chapter 690, Division 086, establishes the process and criteria for approving water management and conservation plans required under the conditions of permits, permit extensions and other orders of the Department.

Findings of Fact

1. Crooked River Ranch Water Company (CRR Water) submitted a Water Management and Conservation Plan (plan) to the Water Resources Department (Department) on July 9, 2007. The plan was required by a condition set forth under Permit G-11376. A subsequent final order issued on November 30, 2011, approving an extension of time for Permit G-11376 also included a condition that required submittal of the plan.
2. The Department published notice of receipt of the plan on July 17, 2007, as required under OAR Chapter 690, Division 086. No comments were received.
3. The Department provided written comments on the plan to CRR Water on October 8, 2007. In response, CRR Water submitted draft revisions to the plan on March 24, 2015. Final revisions to the plan were submitted by CRR Water on May 11, 2015.
4. The Department reviewed the final revised plan and finds that it is consistent with the relevant requirements under OAR Chapter 690, Division 086.

Conclusion of Law

The Water Management and Conservation Plan submitted by Crooked River Ranch Water Company is consistent with the criteria in OAR Chapter 690, Division 086.

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

Now, therefore, it is ORDERED:

Duration of Plan Approval:

1. Crooked River Ranch Water Company's Water Management and Conservation Plan is approved and shall remain in effect until **May 11, 2025**, unless this approval is rescinded pursuant to OAR 690-086-0920.

Development Limitation:

2. The limitation of the diversion of water under Permit G-11376 established in the Final Order approving an Extension of Time for Permit G-11376 (*issued on November 30, 2011*) remains unchanged. Subject to other limitations or conditions of the permit, therefore, at this time Crooked River Ranch Water Company remains authorized to divert up to **3.75 cfs** (*out of the total permitted 5.0 cfs*) of water under Permit G-11376.

Plan Update Schedule:

3. Crooked River Ranch Water Company shall submit an updated plan meeting the requirements of OAR Chapter 690, Division 086 within 10 years and no later than **November 11, 2024**.

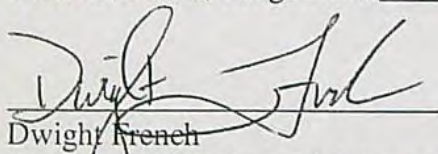
Progress Report Schedule:

4. Crooked River Ranch Water Company shall submit a progress report containing the information required under OAR 690-086-0120(4) by **May 11, 2020**.

Other Requirements for Plan Submittal:

5. The deadline established herein for the submittal of an updated Water Management and Conservation Plan (consistent with OAR Chapter 690, Division 086) shall not relieve Crooked River Ranch Water Company from any existing or future requirement(s) for submittal of a Water Management and Conservation Plan at an earlier date as established through other final orders of the Department.

Dated at Salem, Oregon this 11 day of May, 2015.



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

Mailing date: MAY 13 2015

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-12579

Final Order
Extension of Time for Permit Number G-11376

Appeal Rights

This is a final order other than contested case. Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition the Director for reconsideration of this order or petition for judicial review of this order. As provided in ORS 536.075, this order is subject to judicial review under ORS 183.484. Any petition for judicial review of the order must be filed within the 60 day time period specified by ORS 183.484(2).

Application History

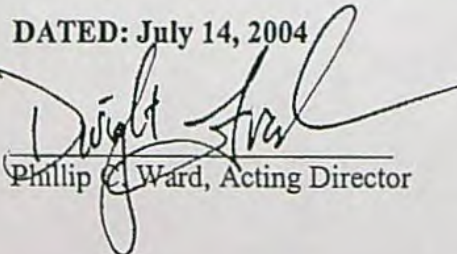
On APRIL 3, 2000, CROOKED RIVER RANCH WATER CO. submitted an application to the Department for an extension of time for permit number G-11376. The Department issued permit number G-11376 on NOVEMBER 18, 1991. The permit called for completion of construction of the water development project by OCTOBER 1, 1993, and complete application of water to the full beneficial use by OCTOBER 1, 1994. In accordance with OAR 690-315-0050(2), on MAY 25, 2004, the Department issued a Proposed Final Order proposing to extend the time to complete construction of the water development project and the time to fully apply water to beneficial use to OCTOBER 1, 2008. The protest period closed JULY 9, 2004, in accordance with OAR 690-315-0060(1). No protest was filed.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.230, 537.248, 537.630, 539.010(5) and/or OAR 690-315-0040(2).

Order

The extension of time for Application Number G-12579, Permit Number G-11376, therefore, is approved. The deadline for completing construction is extended to OCTOBER 1, 2008. The deadline for applying water to full beneficial use is extended to OCTOBER 1, 2008.

DATED: July 14, 2004



Phillip C. Ward, Acting Director

Patricia McCarty

From: Peter Mohr [peter.mohr@tonkon.com]
Sent: Thursday, October 13, 2011 3:54 PM
To: 'Patricia McCarty'
Subject: RE: Addresses for CRRW Co., Assn [IWOV-PDX.FID587056]

Patricia,

1. The Association's address is:

Crooked River Ranch Club and Maintenance Assoc.
5195 SW Clubhouse Road
Terrebonne, Oregon 97760

It appears the Department's records are correct but for the street number.

2. The Water Company's address is:

Crooked River Ranch Water Co.
13845 SW Commercial Loop
P.O. Box 2319
Terrebonne OR, 97760

Please send the final stipulation for the Association's signature to the attention of its President, Ben Johnson, at the Association's address and copy me together with a copy of the final stip. Feel free to send my cc via regular mail or e-mail. Please also send the final stipulation for the Water Company's signature to Dennis Kirk and copy Tommy Brooks.

And regarding your question about Tommy, yes, he was plaintiffs' counsel in the Nichols case and now represents the Water Company. Fortunately some or a good number of his firm's clients in the civil case were voted in as board members thus ushering the Water Company into a new era which enabled us to get this application off your docket.

Feel free to contact me with any questions.

Thanks.

Peter

Peter D. Mohr | Tonkon Torp LLP
1600 Pioneer Tower | 888 S.W. Fifth Avenue Portland, Oregon 97204
503.802.5759 | FAX 503.972.7459 peter.mohr@tonkon.com | www.tonkon.com This message may contain confidential communications and privileged information. If you received this message in error, please delete it and notify me promptly.

Circular 230 Disclaimer: If any part of this communication is interpreted as providing federal tax advice, U.S. Treasury Regulations require that we inform you that we neither intended nor wrote this communication for you to use in avoiding federal tax penalties that the IRS may attempt to impose and you may not use it for that purpose.

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

From: Patricia McCarty [mailto:patricia.e.mccarty@state.or.us]

Sent: Thursday, October 13, 2011 1:23 PM

To: Peter Mohr

Subject: Addresses for CRRW Co., Assn

Hi Peter,

I'm reviewing the details of the Final Order on the extension for G-11376 and thought I would double check on the addresses and representatives.

I see that Dennis Kirk will sign for the Water Co. Can you tell me what the official address is for the Water Co.? Also, the Association's last address was listed as 5159 SW Clubhouse Road, Terrebonne, OR 97760, and Ben Johnson is listed as the President. Can you confirm the address? Finally, I see that Thomas Brooks was attorney for the plaintiffs in the lawsuit - but is he also the attorney for the Water Co.?

Thanks, and I hope to get Dwight's signature as soon as he's back in the office.

Patricia McCarty
Protest Program Coordinator
Oregon Water Resources Department
(503) 986-0820

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **102302**

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

INVOICE # _____

RECEIVED FROM: Crooked River
BY: Mountain Water Co.

APPLICATION	G12579
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 3152 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 7500

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) Assignment \$ 75.00
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		\$

OTHER (IDENTIFY)

0536 TREASURY 0437 WELL CONST. START FEE

0211	WELL CONST START FEE	\$	CARD #	
0210	MONITORING WELLS	\$	CARD #	

OTHER (IDENTIFY)

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233	POWER LICENSE FEE (FW/WRD)	\$
0231	HYDRO LICENSE FEE (FW/WRD)	\$
	HYDRO APPLICATION	\$

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION \$

RECEIPT: **102302**

DATED: 2-18-11

BY: [Signature]

Gerry Clark

From: Gerry Clark
Sent: Tuesday, March 01, 2011 12:03 PM
To: 'DENNIS GLENDER'
Subject: RE: Crooked River Ranch water right Permit G-11376
Attachments: Extension Application for G-12579.pdf

Dennis,

I have attached a scanned image of the extension application that you requested.

Gerry

From: Gerry Clark
Sent: Friday, February 25, 2011 2:57 PM
To: 'DENNIS GLENDER'
Subject: RE: Crooked River Ranch water right Permit G-11376

Dennis,

Thanks you for the letter assigning you as an agent. I will add it to the file.

In response to your questions:

Can you send me a copy of the extension application submitted in 2008?

Since this file is being protested, I will need to check with the Protest Coordinator to determine what we can do. I will get back to you next week.

Are there water use reporting requirements for our permit?

The Permit did not require metering or reporting of water use. The Permit Amendment added a condition that required the water user to install a meter and keep a record of groundwater withdrawn. Neither the permit nor the permit amendment required the reporting of water use information to the Department. Although not required by either the permit or the amendment, they may be required to report their water use under ORS 537.099. Whether they are required to report water use is based on how they were formed.

Let me know if you have any additional questions.

Gerry

From: DENNIS GLENDER [mailto:djglender@msn.com]
Sent: Thursday, February 17, 2011 1:15 PM
To: Gerry Clark
Subject: RE: Crooked River Ranch water right Permit G-11376

Gerry,

Thanks for your prompt response.

Please find attached my agent form.

3/1/2011

I do not have any documentation concerning the application for extension of time for Permit G-11376 nor for the protest.

A little history. There has been a major riff between the Crooked River Ranch Water Company (CRRWC) and the Crooked River Ranch HOA (HOA) until recently. The former CRRWC Board was replaced in a general election in the Fall of 2010. The manager and all staff resigned. The newly elected board has been trying to put the CRRWC back together and is anxious to cooperate with the HOA to resolve any issues. I will work toward a solution.

Can you send me a copy of the extension application submitted in 2008.

Thanks for sending me on to Bill Fujii. Looking forward to that discussion.

T-9663 amendment requirement of a flow meter installation has been done.

Are there water use reporting requirements for our permit?

Thanks,

Dennis R. Glender

From: clarkge@wrdd.state.or.us
To: djglender@msn.com
CC: fujiiwh@wrdd.state.or.us
Date: Thu, 17 Feb 2011 19:22:01 +0000
Subject: RE: Crooked River Ranch water right Permit G-11376

Dennis,

In response to your questions:

If you have been appointed as the agent for the Company, please provide a copy to the Department to place in the file.

An extension was filed on November 6, 2008. A PFO was issued on October 13, 2009. The extension was protested by the Club and maintenance Association.

T-9663 was a permit amendment and does not require an extension of time since the permit was amended. The permit is the active document.

As it relates to the Conservation plan and Long Range Water Supply plan, I will defer to Bill Fujii to answer that question.

In addition to the conditions that you have inquired about, the Permit Amendment (T-9663) required the water user to install a meter or other suitable measuring device as approved by the Director.

Permit G-11376 Query Results (To see the additional information related to workflow click on the down pointing arrow to the right of the "Document" notation)

http://apps.wrdd.state.or.us/apps/wr/wrinfo/wr_details.aspx?snp_id=142348

Permit G- 11376

http://apps.wrdd.state.or.us/apps/misc/vault/vault.aspx?Type=Order&volume_nbr=61&page_nbr=532&page_char=

T-9663 Order Approving:

http://apps.wrd.state.or.us/apps/misc/vault/vault.aspx?Type=Order&volume_nbr=61&page_nbr=532&page_char=

Let me know if you have any additional questions.

Gerry

Gerry Clark

Water Rights and Adjudications Division

Water Resources Department

725 Summer Street NE, Suite A

Salem, Oregon 97301

Phone: 503-986-0811

Fax: 503-986-0901

WRD Home Page: www.wrd.state.or.us

From: DENNIS GLENDER [mailto:djglender@msn.com]

Sent: Thursday, February 17, 2011 10:34 AM

To: Gerry Clark

Subject: Crooked River Ranch water right Permit G-11376

Gerry,

I have been appointed agent for the Crooked River Ranch Water Company in an indevor to make sure their water rights are current.

I you need a copy of my agnet form I can provide that document via E-mail.

My questions are:

Has the water company filed for an extension of time for Permit G-11376 since the last one deadlined Oct 1, 2008?

Has the water company filed for an extesion of time for Transfer 9663?

Hs the water company complied with permit conditions Conservation plan and Long Range Water Supply plan?

Are there other measures the water company needs to address to keep their Permit in good order?

Thanks you

Dennis R. Glender - Agent

dba Glender"s Hydro Tech Services

541-218-0806



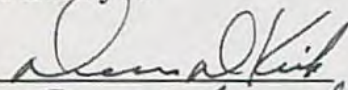
To Whom It May Concern:

CROOKED RIVER RANCH WATER COMPANY authorizes Dennis R. Glender dba Glender's Hydro Tech Services to act as our agent in the processing of all water right request for Application G-12579, Permit G-11376 and Transfer 9663 including but not limited to

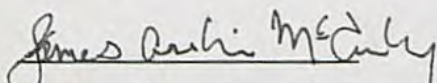
Request for Well ID Number – Well # 4
Requests for extension on time
Requests for Permit amendments
Requests for Transfer amendments
Reporting requirements
Conservation plans
Longer Term water supply reports

Please forward all communication concerning the submitted applications and reports to 8664 SW Sand Ridge Rd, Crooked River Ranch, Oregon 97760, telephone (541) 219-0806 E-mail djglener@msn.com

Thank you


Board President

2-16-2011
Date


Vice President

2-16-2011
Date



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

Request for Assignment

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

I, CROOKED RIVER RANCH WATER COOPERATIVE

(Name of Applicant / Permit / Transfer Holder / License Holder/GR Certificate of Registration)

PO Box 2319

TERREBONE OR 97760-2319 541-923-1041

(Mailing Address)

(City)

(State)

(Zip)

(Phone #)

- ☒ hereby assign all my interest in and to application/permit/transfer/license/GR Certificate of Registration;
- ☐ hereby assign all my interest in and to a portion of application/permit/transfer/license/GR Certificate of Registration; (You must include a map showing the portion of the application/permit/transfer/license/GR Certificate of Registration to be assigned.)
- ☐ hereby assign a portion of my interest in and to the entire application/permit/transfer/license/GR Certificate of Registration:

Application # G-12579; Permit # G-11376; Transfer # _____
-OR-

License # _____; GR Statement # _____; GR Certificate of Registration # _____

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

CROOKED RIVER RANCH WATER COMPANY

(Name of New Owner)

PO Box 2319

TERREBONNE OR 97760-2319 541-923-1041

(Mailing Address)

(City)

(State)

(Zip)

(Phone #)

Note: If there are other owners of the property described in the Application, Permit, Transfer, License, or GR Certificate of Registration, you must provide a list of all other owners' names and mailing addresses and attach it to this form.

I hereby certify that I have notified all other owners of the property described in this Application, Permit, Transfer, License, or GR Certificate of Registration of this Request for Assignment

Witness my hand this 16 day of February, 2011.

Applicant/Permit Holder

Applicant/Permit Holder

ASSIGN 2/28/2011

DO NOT WRITE IN THIS BOX

- This certifies assignment and record change at Oregon Water Resources Department effective 8:00a.m. on date of receipt at Salem, Oregon.
- Fee receipt # 102362
- For Director by Jerry Sauter, Program Analyst in Water Rights Division

The completed "Request for Assignment" form must be submitted to the Department along with the recording fee of \$75.

RECEIVED

FEB 18 2011

WATER RESOURCES DEPT
SALEM, OREGON



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department

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

February 28, 2011

Crooked River Ranch Water Company
P.O. Box 2319
Terrebonne, Oregon 97760-2319

Reference: Application G-12579, Permit G-11376

The assignment from Crooked River Ranch Water Cooperative to Crooked River Ranch Water Company has been recorded in the records of the Water Resources Department.

Our records have been changed accordingly and the original request is enclosed. Receipt number 102302 covering the recording fee of \$75 is also enclosed.

Please review the permit to be familiar with the conditions and timelines contained in the permit. These conditions and timelines will have to be met before a Certificate of Water Right can be issued.

Sincerely,

Jerry Sauter
Water Rights Program Analyst

Enclosure: Receipt 102302

cc: Watermaster 11
Crooked River Ranch Water Cooperative
Data Center, OWRD (Complete Copy of Assignment Request)
Hydrographics
File





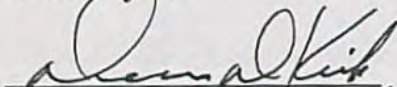
To Whom It May Concern:

CROOKED RIVER RANCH WATER COMPANY authorizes **Dennis R. Glender dba Glender's Hydro Tech Services** to act as our agent in the processing of all water right request for Application G-12579, Permit G-11376 and Transfer 9663 including but not limited to

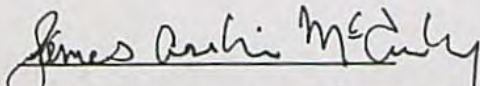
Request for Well ID Number – Well # 4
Requests for extension on time
Requests for Permit amendments
Requests for Transfer amendments
Reporting requirements
Conservation plans
Longer Term water supply reports

Please forward all communication concerning the submitted applications and reports to 8664 SW Sand Ridge Rd, Crooked River Ranch, Oregon 97760, telephone (541) 219-0806 E-mail djglener@msn.com

Thank you


Board President

2-16-2011
Date


Vice President

2-16-2011
Date

RECEIVED

FEB 18 2011

WATER RESOURCES DEPT
SALEM, OREGON

Patricia McCarty

From: Peter Mohr [peter.mohr@tonkon.com]
Sent: Thursday, December 17, 2009 2:53 PM
To: Patricia E MCCARTY
Cc: Dwight W FRENCH
Subject: Case No. 06CV0028 / CRR Cooperative v. CRRC&M Association
Attachments: 06CV0028 - Fourth Amended Compl.PDF

Patricia,

As discussed, I am sending you the Fourth Amended Complaint filed in the above referenced case. The original caption in this case originally identified the plaintiff as the CRR Water Company and not the "CRR Cooperative". The Bill of Sale I referred to earlier is attached to the Amended Complaint as Exhibit A.

Please feel free to contact me with any comments or questions regarding the attached.

Regards,

Peter

Peter D. Mohr | Tonkon Torp LLP

1600 Pioneer Tower | 888 S.W. Fifth Avenue

Portland, Oregon 97204

503.802.5759 | FAX 503.972.7459

peter.mohr@tonkon.com | www.tonkon.com

This message may contain confidential communications and privileged information. If you received this message in error, please delete it and notify me promptly.

Circular 230 Disclaimer: If any part of this communication is interpreted as providing federal tax advice, U.S. Treasury Regulations require that we inform you that we neither intended nor wrote this communication for you to use in avoiding federal tax penalties that the IRS may attempt to impose and you may not use it for that purpose.

12/17/2009

IN THE CIRCUIT COURT FOR THE STATE OF OREGON

FOR THE COUNTY OF JEFFERSON

CROOKED RIVER RANCH
COOPERATIVE,

Plaintiff,

vs.

CROOKED RIVER RANCH CLUB
& MAINTENANCE ASSOCIATION,
Defendant.

Case No. 06CV0028

FOURTH AMENDED
COMPLAINT FOR DECLARATORY
JUDGMENT, IMPLIED EASEMENT OR
EASEMENT BY NECESSITY, AND
INJUNCTIVE RELIEF

(Not subject to mandatory arbitration)

Plaintiff Alleges:

FOR THE FIRST CAUSE OF ACTION
(Declaratory Judgment ORS 28.010)

1.

That Plaintiff is a non-profit cooperative corporation organization and existing pursuant to ORS Chapter 65 since 1977. Plaintiff was formerly Crooked River Ranch Water Company and now is doing business as a non-profit Cooperative Corporation designated as Crooked River Ranch Water Cooperative pursuant to ORS 62.115 formed July 5, 2006.

2.

The Defendant is a non-profit corporation homeowner and club maintenance association serving the residents of Crooked River Ranch an unincorporated residential community.

3.

The Defendant on January 1, 1980 conveyed to the Plaintiff all of the water system, including distribution lines, reservoirs and source facilities located on Defendant's community property to the Plaintiff as set forth in the Bill of Sale attached hereto as Exhibit A, pages 1 & 2.

4.

That the Plaintiff supplies domestic water services to its members extensively on the Crooked River Ranch since its inception.

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5.

The Plaintiffs customers in the community have immediate need for the expansion and improvements of Plaintiff's services in the creation of an additional well to be connected to the existing water tank tower requiring piping across community property owned by the Defendant and the Plaintiffs requested easements to said property as set forth in Exhibit B pages 1-6.

6.

The property designated as Tract F of Crooked River Ranch No. 7 Jefferson County, Oregon was established by the developer for the water storage tank, piping and provisions of domestic water supply to residents.

7.

The Plaintiffs have requested the consent and cooperation of the Defendant in allowing access to the water storage tank for improvements and piping in the new well and pipeline easements and the Defendant has refused to allow this access to the Plaintiff.

FOR THE SECOND CAUSE OF ACTION
(Prescriptive Easement)

8.

Dismissed by ruling of this Court.

FOR THE THIRD CAUSE OF ACTION
(Implied Easement of Necessity)

9.

Dismissed by ruling of this Court.

FOR THE FOURTH CAUSE OF ACTION
(Injunction)

////
////

10.

Plaintiff re-alleges the allegation in paragraphs 1 through 7.

11.

Plaintiff has a right to provide domestic water service throughout the Crooked River Ranch properties Defendants are violating by denying access to common property areas for said purpose.

12.

The Plaintiffs requested that the Defendants grant the easement described in "Exhibit B" pages 1 through 6.

13.

Defendant refuses to grant the easements described in "Exhibit B" pages 1 through 6 and deny Plaintiff access the property.

14.

The Plaintiff has a legal right to use said property pursuant to the Bill of Sale dated January 1, 1980 attached hereto as Exhibit A

15.

Unless enjoined Defendants will continue to interfere in the operation of Plaintiff's water company and sabotage necessary development of Plaintiff's domestic water service to residents.

16.

Unless enjoined, Plaintiffs will suffer greatly and irreparable injury and damage for which it will be impossible to compensate Plaintiff.

17.

The Defendant by interfering in Plaintiff's attempt to develop the domestic water supply system has caused the Plaintiff to incur costs and lost of revenue in the sum of \$120,000.

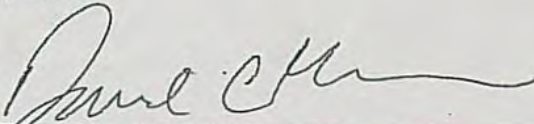
18.

Plaintiff does not have adequate remedy of law.

1 WHEREFORE, Plaintiff prays for a decree as follows:

- 2 1. Declaring Plaintiff's right for access to Defendant's property for system
3 development and improvement;
- 4 2. Granting Plaintiff its necessary and proper easements or licence for piping
5 maintenance and improvements of its water system on Defendant's property;
- 6 3. A decree restraining and enjoining the Defendants from interfering with the
7 Plaintiff's operation of its domestic water development and supply;
- 8 4. For the damages incurred from Defendant's interference as deemed just and
9 proper by the Court;
- 10 5. Granting to Plaintiff the easements described in "Exhibit B" herein;
- 11 6. For such other and further relief as the Court may deem equitable and just.

12 Dated this 2 day of February, 2009.

13 
14 DAVID C. GLENN, OSB 73106
15 Of Attorneys for the Plaintiff
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BILL OF SALE

CROOKED RIVER RANCH CLUB AND MAINTENANCE ASSOCIATION, a non-profit Oregon Corporation, hereby sells, transfers and conveys all its interest in the property described in Exhibit "A" unto CROOKED RIVER RANCH WATER COMPANY, a non-profit Oregon Corporation, subject to all easements, encumbrances, conditions and restrictions, and reservations provided in the Bill of Sale from Crooked River Ranch, a limited partnership, to Crooked River Ranch Club and Maintenance Association, effective as of January 1, 1980. Reserving unto Grantor, its successors and assigns, the right to extend, interconnect and utilize the above-described water system for the benefit of Crooked River Ranch, or such other property as the Grantor may develop. Provided, however, if the above-described water system does not qualify for a tax exemption or later is disqualified for tax exemption or dissolved, said water system will revert to Grantor.

EFFECTIVE this 1st day of January, 1980.

CROOKED RIVER RANCH CLUB AND
MAINTENANCE ASSOCIATION

By

Arnold E. Throckmole
Secretary

STATE OF WASHINGTON, County of King, ss:

The foregoing instrument was acknowledged before me this 1st day of January, 1980, by Arnold E. Throckmole Secretary of CROOKED RIVER RANCH CLUB AND MAINTENANCE ASSOCIATION.

James L. Boyer
Notary Public for Washington
My Commission Expires 6/1/82

EXHIBIT "A"

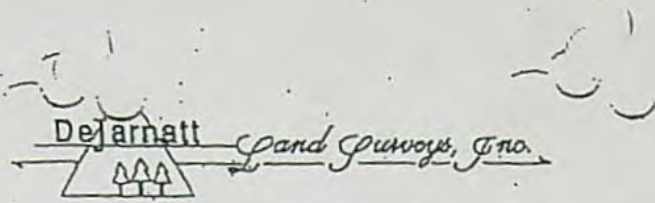
All of the water system, including distribution lines, reservoirs and source facilities on the following described property:

(See copies of maps)

Crooked River Ranch No. 8 Water System

Crooked River Ranch No. 10 Water System

Crooked River Ranch No. 12 Water System



63885 N. Hwy. 97 ▲ Bend, OR 97701 ▲ (541) 382-4192

February 8, 2005
Crooked River Ranch Water Company
Job# 05004A

Water Line Easement Across Crater Loop Road and Tract 'F'

A 20.00 foot wide water line easement across Crater Loop Road and Tract 'F', Plat of Crooked River Ranch No. 7, Jefferson County, Oregon; being 10.00 feet each side of the following described line:

Commencing at the Northeast corner of Lot 133 of said Plat; thence South $32^{\circ}25'15''$ East along the East line of said Lot 133 a distance of 20.00 feet to the **TRUE POINT OF BEGINNING OF THIS DESCRIPTION**; thence North $04^{\circ}55'44''$ East leaving said East line a distance of 98.51 feet to the East right-of-way line of Crater Loop Road and common to the West line of said Tract 'F'; thence across Tract 'F' the following courses:

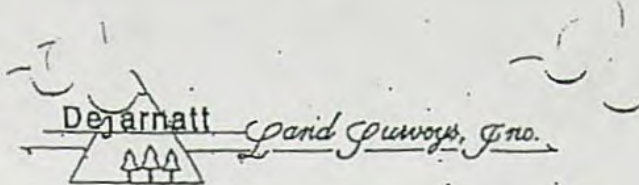
- North $82^{\circ}00'00''$ East, 448.32 feet;
- South $82^{\circ}08'41''$ East, 347.47 feet;
- South $83^{\circ}56'12''$ East, 339.07 feet;
- South $89^{\circ}23'41''$ East, 238.48 feet to a point on the Westerly boundary line of a 115.00 foot radius circle around an existing Water Tank and the **END OF THIS DESCRIPTION**, said point bears North $89^{\circ}23'41''$ West, 115.00 feet from the center of said Water Tank.

End of Description

REGISTERED
PROFESSIONAL
LAND SURVEYOR
Gary L. DeJarnatt
OREGON
JULY 17, 1988
GARY L. DEJARNATT
2208

Renews: 12/31/05

EXHIBIT B
PAGE 1



63885 N. Hwy. 97 ▲ Bend, OR 97701 ▲ (541) 382-4192

February 8, 2005
Crooked River Ranch Water Company
Job# 05004B

Water Tower Circle Easement

A 115.00-foot radius circle in Tract 'F', Plat of Crooked River Ranch No. 7, Jefferson County, Oregon, the center of said 115.00 radius circle is described as follows:

Commencing at the Northeast corner of Lot 133 of said Plat; thence South $32^{\circ}25'15''$ East along the East line of said Lot 133 a distance of 20.00 feet; thence North $04^{\circ}55'44''$ East leaving said East line a distance of 98.51 feet to the East right-of-way line of Crater Loop Road and common to the West line of said Tract 'F'; thence across Tract 'F' the following courses:

North $82^{\circ}00'00''$ East, 448.32 feet;

South $82^{\circ}08'41''$ East, 347.47 feet;

South $83^{\circ}56'12''$ East, 339.07 feet;

South $89^{\circ}23'41''$ East, 238.48 feet to a point on the Westerly boundary line of a 115.00 foot radius circle around an existing Water Tank; thence South $89^{\circ}23'41''$ East, 115.00 feet to the center of said Water Tank and is the TRUE POINT OF BEGINNING of said 115.00 foot radius circle.

End of Description

REGISTERED
PROFESSIONAL
LAND SURVEYOR

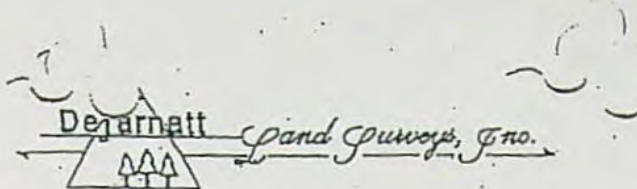
Gary L. Dejarnatt

OREGON
JULY 17, 1986
GARY L. DEJARNATT
2208

Renews: 12/31/05

EXHIBIT
PAGE

B.
2



63885 N. Hwy. 97 ▲ Bend, OR 97701 ▲ (541) 382-4192

February 8, 2005
Crooked River Ranch Water Company
Job# 05004C

Water Line Easement Across Tract 'F' lying West of Lot 87

A 20.00 foot wide water line easement across Tract 'F', Plat of Crooked River Ranch No. 7, Jefferson County, Oregon, being 10.00 feet each side of the following described line:

Commencing at the Southwest corner of Lot 87 of said Plat, from which the Southeast corner of said Lot 87, bears North $52^{\circ}06'12''$ East, 449.38 feet; thence Northwesterly 10.01 feet along the Southwest line of said Lot 87, with a 184.15 radius curve to the left, the long chord bears North $39^{\circ}48'08''$ West, 10.01 feet and the **TRUE POINT OF BEGINNING OF THIS DESCRIPTION**; thence across Tract 'F' the following courses:

South $56^{\circ}35'47''$ West, 49.59 feet;

South $66^{\circ}33'36''$ West, 53.92 feet to a point on the Easterly boundary line of a 115.00 foot radius circle around an existing Water Tank and the **END OF THIS DESCRIPTION**, said point bears North $66^{\circ}33'36''$ East, 115.00 feet from the center of said Water Tank.

End of Description

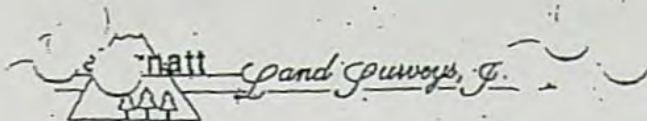
REGISTERED
PROFESSIONAL
LAND SURVEYOR

Gary L. Dejarnatt

OREGON
JULY 17, 1986
GARY L. DEJARNATT
2208

Renews: 12/31/05

EXHIBIT B



63885 N. Hwy. 97 ▲ Bend, OR 97701 ▲ (541) 382-4192

February 8, 2005

Crooked River Ranch Water Company

Job# 05004D

Water Line Easement Across Tract 'F' lying Northwesternly of Lot 74

A 20.00 foot wide water line easement across Tract 'F', Plat of Crooked River Ranch No. 7, Jefferson County, Oregon, being 10.00 feet each side of the following described line:

Commencing at the Southwest corner of Lot 72 of said Plat; thence North $26^{\circ}02'58''$ East, 476.88 feet to the Northwest corner of Lot 74 of said Plat; thence North $69^{\circ}40'23''$ West across Tract 'F' of said Plat a distance of 51.10 feet to the **TRUE POINT OF BEGINNING OF THIS DESCRIPTION** and bears South $69^{\circ}40'23''$ East 51.09 feet from the Northeast corner of Lot 124 of said Plat; thence North $18^{\circ}19'43''$ East, 503.02 feet to a point on the Southerly boundary line of a 115.00 foot radius circle around an existing Water Tank and the **END OF THIS DESCRIPTION**, said point bears South $18^{\circ}19'43''$ West, 115.00 feet from the center of said Water Tank.

End of Description.

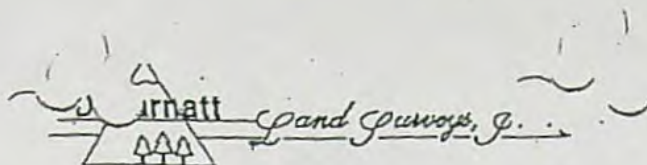
REGISTERED
PROFESSIONAL
LAND SURVEYOR

Gary L. DeJarnatt

OREGON
JULY 17, 1980
GARY L. DEJARNATT
2208

Renews: 12/31/05

EXHIBIT
B



63885 N. Hwy. 97 ▲ Bend, OR 97701 ▲ (541) 382-4192

February 8, 2005
Crooked River Ranch Water Company
Job# 05004E

Water Line Easement Area Portion of Tract 'F'

A water line easement across a portion of Tract 'F', Plat of Crooked River Ranch No. 7, Jefferson County, Oregon, described as follows:

Beginning at the Southwest corner of Lot 72 of said Plat; thence North $26^{\circ}02'58''$ East, 476.88 feet to the Northwest corner of Lot 74 of said Plat; thence North $69^{\circ}40'23''$ West across Tract 'F' of said Plat a distance of 102.19 feet to the Northeast corner of Lot 124 of said Plat; thence South $25^{\circ}45'18''$ West, 440.28 feet to the Southeast corner of said Lot 124; thence South $49^{\circ}04'00''$ East along the South line of said Tract 'F' a distance of 102.87 feet to the Point of Beginning

End of Description

REGISTERED
PROFESSIONAL
LAND SURVEYOR

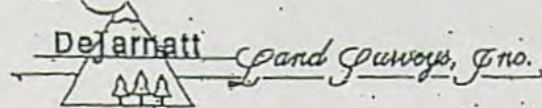
Gary L. DeJarnatt

OREGON
JULY 17, 1986
GARY L. DEJARNATT
2208

Renews: 12/31/05

EXHIBIT
TAG 612

B



63885 N. Hwy. 97 ▲ Bend, OR 97701 ▲ (541) 382-4192

March 16, 2005
Crooked River Ranch Water Company
Job# 05016

Water Line Easement Across Portions of Crooked River Ranch No. 3 and No. 15

A 20.00-foot wide water line easement located in the Southwest Quarter and the Southeast Quarter of Section 24 and the Northeast Quarter of Section 25, Township 13 South, Range 12 East of the Willamette Meridian, Jefferson County, Oregon, being 10.00 feet each side of the following described line:

Commencing at the Center One-Quarter of said Section 24, from which the South One-Quarter corner of said Section 24 bears South $00^{\circ}33'34''$ West a distance of 2643.82 feet; thence South $14^{\circ}05'14''$ West a distance of 1,516.06 feet to a P.K. nail in asphalt surface of Chinook Drive; thence South $25^{\circ}17'53''$ East a distance of 252.09 feet to the East right-of-way line of said Chinook Drive and the TRUE POINT OF BEGINNING OF THIS DESCRIPTION; thence continuing South $25^{\circ}17'53''$ East a distance of 61.19 feet; thence South $15^{\circ}46'07''$ East a distance of 285.81 feet; thence South $16^{\circ}28'24''$ East a distance of 123.55 feet; thence South $16^{\circ}39'56''$ East a distance of 288.02 feet; thence South $17^{\circ}30'22''$ East a distance of 52.14 feet to the North-South centerline of said Section 24; thence South $17^{\circ}30'22''$ East a distance of 179.89 feet to a point on the Section line between said Section 24 and said Section 25, said point bears South $89^{\circ}14'02''$ East a distance of 55.79 feet from said South One-Quarter corner of Section 24; thence continuing South $17^{\circ}30'22''$ East through said Section 25 a distance of 3.03 feet; thence South $40^{\circ}12'37''$ East a distance of 1335.04 feet; thence South $46^{\circ}43'37''$ West 6.67 feet to the East line of the "Community Area" as shown on the Plat of Crooked River Ranch No. 3; thence continuing South $46^{\circ}43'37''$ West a distance of 229.00 feet to the East right-of-way line of said Chinook Drive and the END OF THIS DESCRIPTION.

End of Description

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Gary L. DeJarnatt

OREGON
JULY 17, 1986
GARY L. DEJARNATT
2208

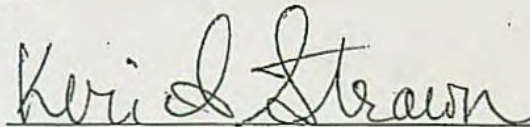
Renews: 12/31/05

EXHIBIT
B

CERTIFICATE -- TRUE COPY

I hereby certify that the foregoing copy of the FOURTH AMENDED COMPLAINT a true and exact copy of the original.

DATED this 18 day of February, 2009.


David C. Glenn, OSB # 73106 OR
Keri A. Strawn, Legal Assistant

CERTIFICATE OF SERVICE

I hereby certify that I served above-referenced document on the following person on the date indicated below, by the following method:

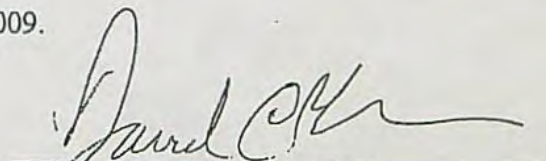
X Mailing with postage prepaid

— Hand delivery

to said person a true copy thereof, contained in a sealed envelope, addressed to said person at their last known address as follows:

STEVE D. BRYANT
Bryant, Emerson & Fitch, LLP
PO Box 457
Redmond, OR 97756

DATED this 2 day of February, 2009.


David C. Glenn, OSB # 73106
Of Attorneys for Plaintiff

GLENN, SITES, REEDER & GASSNER, LLP
ATTORNEYS AT LAW

205 S. E. Fifth Street, Madras, OR 97741-1632
Telephone: (541) 475-2272
Fax: (541) 475-3944

DAVID C. GLENN
EDWARD E. SITES
DONALD V. REEDER
TIMOTHY R. GASSNER

BOYD OVERHULSE
1934-1966 (Deceased)
SUMNER RODRIGUEZ
1949-2005 (Deceased)

January 12, 2010

Oregon Water Resources Department
725 Summer St. NE
Ste. A
Salem, OR 97301-01271

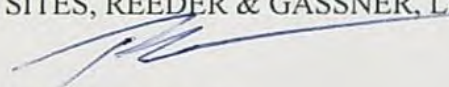
RE: Proposed Final Order G-11376

To Whom It May Concern,

Enclosed, please find Crooked River Ranch Water Cooperative's Response to the Protest of the Proposed Final Order submitted by the Crooked River Ranch Club and Maintenance Association.

Very truly yours,

GLENN SITES, REEDER & GASSNER, LLP


TIMOTHY R. GASSNER

TRG:skk

H:\Tim\CRR Water\WRD\Ltr-Water Resources-file Response.wpd

cc: Client

Encl. Applicants' Response

RECEIVED

JAN 14 2010

WATER RESOURCES DEPT
SALEM, OREGON

In the Matter of the Application for an)
Extension of Time for Permit G-11376) APPLICANTS' RESPONSE TO
(modified by Permit Amendments T-7828 and) PROTEST OF PROPOSED FINAL
T-9663), Water Right Application G-12579, in) ORDER
the name of Crooked River Ranch Cooperative)
)

1. The Associations Alleged Property Interests are in Question.

- WATER RESOURCES DEPT
SALEM, OREGON

- b. Pending litigation in Circuit and Administrative courts is not relevant to the Associations alleged interest in Water Company Assets.

Deschutes County Case No. 08CV-1027MA was dismissed on April 3, 2009 over six months prior to the protest by the Association. A similar was filed in Jefferson County by Plaintiffs who are in league with the Board of Directors for the Association. Nonetheless, the Jefferson County action revolves around allegations of breach of fiduciary duties by the Board for Crooked River Ranch Water Cooperative and improper dissolution of the corporation and transformation to a cooperative. Crooked River Ranch Water Company and Crooked River Ranch Water Cooperative are one in the same. No assets changed hands during the reformation process. Whether the court determines that the Cooperative is valid or that the entity should remain as a mutual benefit corporation does not change ownership of the water rights in question. The outcome of the Jefferson County case has no bearing on an alleged reversionary interest in the Association.

Jefferson County Case No. 06CV-0028 relates to easement rights in favor of Crooked River Ranch Water Cooperative over common areas controlled by the Association however, the outcome of this litigation has no bearing on the water rights extension sought by the Cooperative.

2. Any alleged deficiencies in the PFO are inconsequential as the Association cannot possess and valid claim to the disputed water rights.

As discussed above the associations remainder interest is subject to cancellation. The Circuit Court and Administrative proceedings will not change the fact that either the entity known as Crooked River Ranch Water Cooperative or formerly known as Crooked River Ranch Water Company will possess the water rights in question.

Furthermore, the legitimacy of the Association protest can be questioned as void as against public policy. The Crooked River Ranch Club & Maintenance Association owns and operates the Crooked River Ranch Golf Club. Members of the Board of Directors for the Club & Maintenance Association have publicly stated their intention to expand the golf course. In order to do so the Club and Maintenance Association will need to acquire water rights beyond their alleged remainder interest.

Crooked River Ranch Water Cooperative provides clean potable water for domestic and business purposes to the residents of Crooked River Ranch. Any conflict between the Association and Cooperative regarding water rights is to be resolved in favor of the Cooperative pursuant to ORS 536.310(12) as a matter of public policy.

The Association has not met it's burden of proof for a valid protest under OAR 690-315-0060. Specifically under paragraph (b) the Association has failed to provide "A description of the petitioner's interest in the proposed final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented." The association claims no "public interest" aside from a representation that final approval of the PFO would "amount to an inefficient use of limited judicial resources." The Cooperative's proposed use of and application for extension of water rights is entirely consistent with public policy and as the Association has asserted no

2- APPLICANTS' RESPONSE TO PROTEST OF PROPOSED FINAL ORDER

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JAN 14 2010

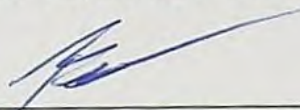
**WATER RESOURCES DEPT
SALEM, OREGON**

legitimate interest either public or otherwise the protest itself amounts to an inefficient use of judicial resources.

The Cooperative respectfully requests that the Director exercise his discretion under OAR 690-315-0060 and issue a final order on the extension request.

DATED this 12 day of January 2010.

GLENN, SITES, REEDER & GASSNER, LLP



Timothy R. Gassner OSB # 02309

Direct Dial: (541) 475-2272

Fax: (541) 475-3944

E-Mail: timgassner@gmail.com

Attorney for Crooked River Ranch Water Company

3- APPLICANTS' RESPONSE TO PROTEST OF PROPOSED
FINAL ORDER

H:\Tim\CRR Water\WRD\Applicants' Response.wpd

RECEIVED

JAN 14 2010

**WATER RESOURCES DEPT
SALEM, OREGON**

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of January 2010, I served a true and correct copy of the Applicants' Response to Protest of Proposed Final Order on Peter D. Mohr, by placing the same in the United States mail, first class postage prepaid and addressed as follows:

Peter D. Mohr
Attorney at Law
888 SW Fifth Ave., Ste. 1600
Portland, OR 97204

By: 
TIMOTHY R. GASSNER OSB 02309
Attorney for Applicant

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JAN 14 2010

**WATER RESOURCES DEPT
SALEM, OREGON**

COST OF COPYING

of PAGES

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4 + 50

± 218

\$110.50

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INVOLVED

~~1 1/4~~

\$25.00

COST OF SHIPPING
STYLE OF SHIPPING

± \$5.00

~~140.50~~

43.00

MONEY SLIP

WATER RESOURCES DEPARTMENT

MONEY SLIP #

158 12TH ST. N.E.

INVOICE #

SALEM, OR 97310-0210

036665 378-8455 / 378-8130 (FAX)

RECEIVED FROM:

BY:

APPLICATION

G-12579

PERMIT

TRANSFER

CASH:

CHECK: #

OTHER: (IDENTIFY)

TOTAL REC'D

\$100.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS

\$

PUBLICATIONS / MAPS

\$

OTHER: (IDENTIFY)

\$

OTHER: (IDENTIFY)

\$

REDUCTION OF EXPENSE

CASH ACCT.

\$

PCA AND OBJECT CLASS

VOUCHER #

0427 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: PUB. NOTICE, PFO, ASSIGN

\$

(New) TC165 DEPOSIT LIAB. CUST. ACC.

\$

(Existing) TC168 WATER RIGHTS:

0201 SURFACE WATER, RES, ALT

\$

0202

\$

0203 GROUND WATER

\$

0204

\$

0205 TRANSFER

\$

0206

\$

WELL CONSTRUCTION

EXAM FEE

RECORD FEE

0218 WELL DRILL CONSTRUCTOR

\$

0219

\$

LANDOWNER'S PERMIT

0220

\$

OTHER

PROTEST FEE

EXTENSION

100.00

SPECIAL INSTRUCTIONS:

TO: DALLAS

0467 WRD HYDRO ACTIVITY

LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

\$

0231 HYDRO LICENSE FEE (FW/WRD)

\$

HYDRO APPLICATION

\$

Crooked River Ranch Water Company

WATER RIGHT PERMIT EXTENSION

3/30/2000

6419

GENERAL & ADMINISTRATIVE EXPENS:614 WATER RIGHT EXTENSION

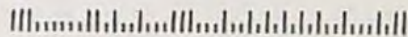
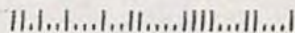
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97301-4172 09



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

3. Article Addressed to:

CROOKED RIVER RANCH WATER
PO BOX 1388
CROOKED RIVER RANCH OR 97760

G12579 WRS

4a. Article Number

P 56614

4b. Service Type

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

7. Date of Delivery

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

5. Received By: (Print Name)

Joanne Martin

6. Signature (Addressee or Agent)

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158 12TH ST NE
SALEM OR 97310

FILE#: G 12579

CROOKED RIVER RANCH WATER CO.
PO BOX 879

CROOKED RIVER RANCH, OR 97760

NUMBER 99041

Check 200.00 MO Cash

 Surface Application

✓ Reservoir Application 200
0

 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

Data Section

6-12579

P A Y E E : DETACH THIS STATEMENT BEFORE DEPOSITING CHECK

CROOKED RIVER RANCH WATER COMPANY

DATE	ACCOUNT OR INVOICE NO.	DESCRIPTION	AMOUNT	DISCOUNT OR DEDUCTION	NET AMOUNT
		APPLICATION WATER RIGHTS			

EMPLOYEE'S
NAME

CROOKED RIVER RANCH WATER COMPANY

PAY PERIOD ENDING	HOURS	RATE	GROSS EARNINGS							NET EARNINGS PAID
				F.I.C.A.	FED. WITH. TAX	STATE WITH. TAX				
	REG. T. O. T.									

VPR

EMPLOYEE: THIS IS A STATEMENT OF YOUR EARNINGS AND DEDUCTIONS FOR PERIOD INDICATED. KEEP THIS FOR YOUR PERMANENT RECORD.

PETER D. MOHR
ATTORNEY AT LAW

Admitted in Colorado
and Oregon

ONE SW COLUMBIA STREET, SUITE 1110
PORTLAND, OR 97258
TEL 503.221.5222
FAX 503.227.7829
PDM@MOHRWATER.COM

May 14, 2009

Via Facsimile (503) 986-0901 / Original by US Mail

Scott Kudlemyer
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271

Re: G-12579 / Crooked River Ranch Water Cooperative / Applic. for Ext. of Time

Dear Scott:

I am writing on behalf of the Crooked River Ranch Club and Maintenance Association (the "Association") to provide preliminary comments in response to the above referenced application noticed on April 14, 2009. The application for extension creates a number of concerns for the Association, primary among them being that the legal status and authority of the entity identified as the applicant, the Crooked River Ranch Water Cooperative (the "Cooperative"), is very much in question.

As the Water Resources Department (the "Department") is aware, Application G-12579 was originally filed by the Crooked River Ranch Water Company (the "Water Company"), a mutual benefit non-profit corporation organized under ORS Chapter 65 for the purpose of providing domestic and other water service to properties located within the Crooked River Ranch. According to the Department's records, the Cooperative filed documents with the Department on or about December 1, 2008 in an attempt to confirm that any and all interests associated with Application G-12579 had been assigned by the Water Company to the Cooperative. However, what the Cooperative failed to reveal is that the legal status of the Cooperative is among the more major issues which have arisen in a number of cases currently pending both within the circuit courts of Jefferson County and Deschutes County and before the Oregon Court of Appeals. The appellate proceeding is the result of a decision below before the Oregon Public Utility Commission ("PUC").

Cases pending which currently raise or will raise issues as to the formation of the Cooperative are identified as follows: Case No. 08CV1027MA, *Nichols v. Crooked River Ranch Water Company, et al* (Deschutes County Circuit Court); Case No. 06CV0028, *Crooked River Ranch Cooperative v. Crooked River Ranch Club & Maintenance Association* (Jefferson County Circuit Court)¹; and Case Nos. WJ8 and UW 120 (currently consolidated before the Oregon PUC). Issues arising as to how the Water Company was dissolved and to what extent assets of the Water Company could have been lawfully assigned and otherwise transferred to the Cooperative are present in both of the specified circuit court cases and in PUC case WJ8.

¹ This is the current caption of the case pursuant to the plaintiff's Fourth Amended Complaint. The plaintiff is also the alleged applicant under this extension application and has registered with the Oregon Secretary of State as the "Crooked River Ranch Water Cooperative".

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MAY 15 2009

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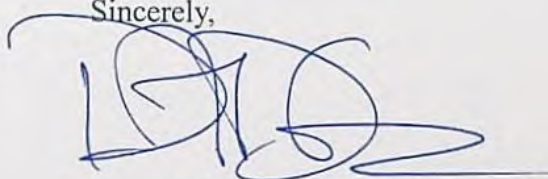
Case WJ8 in part addresses questions of whether the PUC already possessed jurisdiction to oversee certain operations of the Water Company prior to the Water Company Board's attempt to change the corporate status of the entity to that of a cooperative.² A copy of the most recent order issued on January 28, 2009 by the Oregon PUC confirming jurisdiction in the PUC to assume oversight of the Water Company is attached as *Exhibit A*.³ In summary, should it ultimately be determined that the PUC does possess jurisdiction over the Water Company, the Cooperative will likely be denied possession of any assets associated with and owned by the Water Company prior to the time of its alleged dissolution. Such assets would include Application G-12579.

With respect to the two pending circuit court cases in Jefferson County and Deschutes County, any final judgments entered in these cases will also effectively determine whether the Cooperative can lawfully claim any interest in Application G-12579. In addition, any resolution of Case No. 06CV0028 stands to potentially confirm in the Association a significant portion of the Water Company's assets should it ultimately be determined that the Water Company was lawfully dissolved. Therefore, with the conclusion of these and/or the PUC proceedings, the Cooperative will likely either not possess the requisite authority to carry Application G-12579 to completion at all, or only to a limited extent should the Association also be adjudged to possess a certain percentage of the affected water and water rights related assets.

In consideration of these pending cases, this application for an extension of time will ultimately need to be stayed until the issues concerning ownership of Water Company interests and assets including, but not limited to, Application G-12579 are fully resolved.

Finally, please find enclosed a check in the amount of \$10.00 payable to "WRD" in order to obtain a copy of any proposed final order as may be issued by the Department regarding this application for an extension of time.

Sincerely,



Peter D. Mohr

Attch/Encl.
cc: Client

² Under Oregon law, the PUC does not possess jurisdiction over cooperatives. If ultimately determined that the Water Company was properly dissolved and its status properly changed to that of a cooperative, the Cooperative could avoid the imposition of PUC jurisdiction and oversight. Such jurisdiction and oversight was sought by a number of Water Company customers via petition to the PUC pursuant to ORS 757.063(1).

³ This order is subject to a pending Petition for Review filed with Oregon Court of Appeals. The docket for the PUC Case WJ8 can be viewed at <http://apps.puc.state.or.us/edockets/docket.asp?DocketID=13450>.

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SALEM, OREGON

EXHIBIT A

ORDER NO. 09-026

ENTERED 01/28/09

BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON

WJ 8, UW 120, UM 1381, & UCR 100

In the Matters of)
)
CROOKED RIVER RANCH WATER COMPANY)
)
An Investigation Pursuant to ORS 756.515 to)
Determine Jurisdiction (WJ 8))
)
and)
)
Request for rate increase in total annual revenues from)
\$806,833 to \$868,453, or 8.13 percent. (UW 120))
)
_____)
THE PUBLIC UTILITY COMMISSION OF)
OREGON,)
)
Complainant,)
v.)
)
CROOKED RIVER RANCH WATER COMPANY;)
and JAMES R. ROOKS, Director, RANDOLPH M.)
SCOTT, Director, BRIAN ELLIOT, President,)
RICHARD A. KEEN, Vice President, and)
RICHARD MILLER, Secretary/Treasurer, in their)
capacities as the CROOKED RIVER RANCH)
WATER COMPANY BOARD OF DIRECTORS,)
)
Defendants. (UM 1381))
_____)
G. T. & T. T.,)
)
Complainants,)
)
v.)
)
CROOKED RIVER RANCH WATER COMPANY,)
)
Defendant. (UCR 100).)
_____)

ORDER

RECEIVED

MAY 15 2009

WATER RESOURCES DEPT
SALEM, OREGON

SUMMARY

In this decision, we respond to the Court of Appeals' decision in *Crooked River Ranch Water Company v. Public Utility Commission of Oregon*, ** Or App *** (2008) (slip opinion, issued Dec 24, 2008). In that decision, the court remanded for reconsideration Order No. 06-642, issued in docket WJ 8, in which the Public Utility Commission of Oregon (Commission) had asserted jurisdiction over Crooked River Ranch Water Company (Crooked River or the Company). We issued the order pursuant to ORS 757.063, which provides the Commission with jurisdiction over a water association "if 20 percent or more of the members of the association file a petition with the Public Utility Commission requesting that the association be subject to such regulation."¹

In *Crooked River*, the Court of Appeals upheld our finding that a sufficient number of valid signatures had been received to meet the 20 percent threshold under ORS 757.063(1).² The court concluded, however, that we erred in finding that our jurisdiction became effective when we had confirmed and verified receipt of the threshold number of signatures. The Court held that "in light of the text, context, and legislative history of ORS 757.063, the legislature intended an association to be 'subject to regulation' only after the PUC issues an order pursuant to ORS 756.515 determining whether the 20 percent threshold has been satisfied."³ The court remanded this matter to the Commission to "complete the process contemplated by its notice in light of a correct interpretation of ORS 757.063."

We now complete that process in docket WJ 8 (WJ 8) consistent with the Court of Appeals' decision. We also address the status of all dockets pending before us related to Crooked River in light of the court's remand. These dockets include Crooked River's general rate proceeding (UW 120), an enforcement action filed by the Commission against Crooked River and its individual Board members in their capacities as the Board of Directors (UM 1381), and a consumer complaint proceeding (UCR 100).

We begin with a review of WJ 8, and summarize the prior proceedings that resulted in the assertion of Commission jurisdiction in Order No. 06-642. Based on the evidentiary record in that proceeding, as well as other evidence of which we take

¹ ORS 757.063 provides:

(1) Any association of individuals that furnishes water to members of the association is subject to regulation in the same manner as provided by this chapter for public utilities, and must pay the fee provided by this chapter for public utilities, and must pay the fee provided for in ORS 756.310, if 20 percent or more of the members of the association file a petition with the Public Utility Commission requesting that the association be subject to such regulation.

(2) The provisions of this section apply to an association of individuals even if the association does not furnish water directly to or for the public. The provisions of this section do not apply to any cooperative formed under ORS chapter 62 or to any public body as defined by ORS 174.109.

² Slip op. at 5.

³ Slip op. at 4.

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MAY 15 2009

WATER RESOURCES DEPT
SALEM, OREGON

official notice, we reassert jurisdiction, but give Crooked River the opportunity to challenge this decision. We then reaffirm orders in UW 120 and UCR 100, but dismiss the UM 1381 proceeding.

I. WJ 8 AND COMMISSION JURISDICTION

A. *Background*

As noted by the Court of Appeals, the facts underlying this dispute are essentially undisputed. The court summarized the facts as follows:

In February 2006, the PUC began receiving petitions from Crooked River's members, requesting that the PUC regulate the association. The PUC tracked those petitions to determine whether the 20 percent statutory threshold had been met, and verified the petitions by confirming that the address on each of the petitions matched that of a current Crooked River member. Some petitions were rejected because they were duplicates or could not be associated with the address of a current Crooked River member. Nonetheless, by April 2006, the PUC believed that the 20 percent threshold had been met.

That month, the PUC sent a letter to Crooked River that was captioned 'NOTICE OF INTENT TO ASSERT FINANCIAL AND SERVICE REGULATORY AUTHORITY[.]' (boldface and uppercase in original.) The letter stated, in part, 'The Commission has received petitions from more than 20 percent of the association members that request regulation of [Crooked River]. This letter is notification of the Commission's intent to assert its authority and regulate [Crooked River] for rates and service.' The letter also notified Crooked River of its 'right to dispute whether the 20 percent threshold has been met, including challenging the validity of the filed petitions, and formally request a hearing within 30 days from the date of this letter.'

In May 2006, Crooked River requested a hearing to dispute whether the 20 percent threshold had, in fact, been met. As part of its request for a hearing, Crooked River argued that it had been operating as a cooperative under ORS chapter 62. At that time, however, Crooked River was actually registered with the Secretary of State as a nonprofit corporation rather than a cooperative. In July 2006, the Crooked River Board of Directors dissolved the nonprofit corporation and formed a cooperative under ORS chapter 62.

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The following month, the PUC held an evidentiary hearing pursuant to its notice. Crooked River asserted, among other arguments, that it was formed as a cooperative and was therefore exempt before the PUC assumed regulation of it under ORS 757.063(2). PUC staff, on the other hand, took the position that Crooked River's attempts to reorganize as a cooperative were ineffective. According to PUC staff, Crooked River became 'subject to regulation' as soon as the petitions were received from 20 percent of the members; at that point, Crooked River became 'subject to' ORS 757.480, which requires a public utility to obtain PUC permission before disposing of certain property.⁴

In Order No. 06-642, we adopted the position of Commission Staff (Staff) regarding the effect of ORS 757.063 and ORS 757.480. We explained that, although Crooked River was provided a right to a hearing to challenge the petitions, jurisdiction presumptively attached when we verified a sufficient number of signatures had been received by April 2006. Based on that finding, we concluded that Crooked River's attempt to reorganize the Company as a cooperative was without legal effect.

On appeal, the Court of Appeals upheld our finding that the threshold number of member signatures had been received, but concluded that the Commission had misinterpreted ORS 757.063. Based on its statutory analysis, which included a review of legislative history, the court concluded that a water association does not become a "regulated entity" under ORS 757.063 until the Commission issues its final order asserting jurisdiction. According to the court, this required that the Commission "make a determination that 'there is a reason to provide oversight'" before the initiating regulation.⁵ The court did not address Crooked River's claim that it had reorganized as a cooperative, and remanded our order for reconsideration.

B. *Proceedings on Remand*

The Court of Appeals' remand of Order No. 06-642 presents two issues for our resolution. First, having found that 20 percent of Crooked River's members have filed petitions for regulation, we must determine if "there is reason to provide oversight."⁶ Second, we must determine whether Crooked River is a cooperative exempt from jurisdiction under ORS 757.063(2). We address each separately.

1. *Reasons to Provide Oversight*

⁴ Slip op. at 2-3.

⁵ Slip op. at 4.

⁶ As of March, 2006, Crooked River had 1552 accounts or members, requiring 311 signatories to the petitions (20 percent). On April 6, 2006, Staff had verified 312 signatures. That date was the date the Commission asserted jurisdiction attached. By the time Staff filed testimony (August 1, 2009), Staff had verified 397 signatures, or about 26 percent of the membership. Staff/100/Miller/7-8.

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In deciding whether to provide oversight, the Commission exercises discretion. If the subject association were shown to be a well-managed enterprise, providing high quality water service at fair rates, petitioners would have the burden of proving that the Commission's exercise of that discretion to assert jurisdiction would likely result in a public benefit.

On the face of their petitions, association members state compelling grounds for the Commission to assert jurisdiction:

The Company's Bylaws effectively prevent members from having any meaningful participation in the Company's affairs;

The Company's Bylaws permit directors and employees to perform contract work for the Company without the necessity of competitive bids;

The Company's directors have been unresponsive and uncooperative in responding to member complaints or requests for information concerning Company operations, finances and policy; and

It would be burdensome and ineffective for individual members to instigate litigation concerning their individual grievances concerning misuse of Company resources, differences in terms of utility services, and other matters that are the fundamental purpose of laws and regulations of this state covering the provision of utility service.

Additionally, the Commission received numerous complaints from association members.

Based on those petitions, and on the evidentiary record in this proceeding, as augmented by the records in Crooked River's general rate proceeding (UW 120) and the consumer complaint (UCR 100), we find overwhelming factual circumstances and policy considerations for assuming oversight of the operations of Crooked River.⁷

In addition to the widespread member dissatisfaction, the Commission has received evidence of financial mismanagement, inappropriate ratemaking practices, and mistreatment of customers that compels our assertion of jurisdiction. Many of these considerations are documented in Order No. 07-527⁸ and Order No. 08-379.⁹

These include the imposition of a special assessment surcharge for purposes not allowed for water companies by Commission practice, the apparent misuse

⁷ The Commission takes official notice of its files in UW 120 and UCR 100. Any party may object to any fact noticed within 15 days of entry of this order. See OAR 860-014-0050(2).

⁸ The general rate case decision in UW 120, wherein the Commission adopted rates for the Company, after having asserted jurisdiction.

⁹ The decision in UCR 100 ordering Crooked River to connect a customer and setting the amount of the charge the Company may assess a new customer.

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of special assessment fund revenues, excessive management compensation, self-dealing, and conflicts of interest, and inappropriate financing measures for system improvements.

Also, we are aware of a criminal investigation into the practices of Crooked River undertaken by the State of Oregon Department of Justice (DOJ). The Commission takes official notice of the DOJ report and instructs Staff to provide the report for the record in this proceeding.

2. *Crooked River's Corporate Status*

Throughout these proceedings, Crooked River has claimed that, although it was organized as a mutual benefit corporation at the time the customer petitions were filed, it subsequently reorganized as a cooperative and is now exempt from jurisdiction under to ORS 757.063(2). In our prior order (06-642), we did not reach that claim, finding instead that Commission jurisdiction had attached prior to the attempted reorganization. The Court having vacated our prior finding, Crooked River's claim that it is a cooperative is now ripe for a decision.

a. *Position of the Parties*

In support of its claim of exemption, Crooked River submitted copies of filings it had made with the Secretary of State in April, 2006, purporting to effectuate the Company's reorganization as a cooperative. These filings included a Certificate of Incorporation, Articles of Incorporation – Cooperative, Articles of Dissolution – Business/Professional/Nonprofit, and restated Articles of Incorporation. Although the Company offered no direct testimony to explain its reorganization, Crooked River's General Manager James Rooks testified on redirect as follows:

Q. And it's correct that the board of directors for the water company voted in favor of changing the entity status with the Secretary of State from mutual benefit to cooperative; correct?

A. That's true.

Q. And to the best of your knowledge was the Secretary of State consulted as to the most appropriate procedure for doing so?

A. Yes, they were.

Q. And is there two options available for how to accomplish that end?

A. Yes, there is. You can either dissolve the company or you can just put in for an amendment of some sort. And they said don't do that because the paperwork is horrendous. They just said dissolve it with the intent at

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WATER RESOURCES DEPT
SALEM, OREGON

the same time changing it to a corporation. And that's what we did.
I'm sorry. To a co-op.¹⁰

In other words, Crooked River claims simply that its Board members voted to dissolve the corporate entity and filed documents with the Secretary of State as a cooperative.

Staff argues that Crooked River's attempted reorganization was not valid for a number of reasons. First, Staff contends the dissolution of the mutual benefit association was outside the authority of its Board of Directors. Second, Staff alleges that the putative assignment of the assets to the cooperative was inconsistent with Crooked River's dissolution clause in the Company's Articles of Incorporation. Finally, Staff claims that the directors' actions breached their fiduciary duty to the corporation as specified in ORS 65.357.

b. *Resolution*

ORS 757.063(1) provides a right for a minority of the members of an association that furnishes water to petition the Commission for rate and service regulation as a public utility. ORS 757.063(2) exempts that right if the association is a cooperative formed under ORS chapter 62.

In applying those provisions, we must interpret them to give the statute the effect intended by the legislature. As a general rule, statutes are construed to avoid unreasonable results. The legislature does not intend to enact useless or meaningless legislation. *1000 Friends of Oregon v. Wasco County Court*, 299 OR 344 (1985).

For that reason, we will not accept, without inquiry, Crooked River's bare assertion that it has reorganized as a cooperative. To give effect to the statute, and to observe the rights of the minority members, we construe ORS 767.063(2) to require that any attempted reorganization of the corporate entity be carried out fully in compliance with the entity's corporate Bylaws, Articles of Incorporation, and applicable statutes.

Crooked River offered only copies of its filings with the Secretary of State purporting to reorganize itself as a cooperative. It offered no evidence to the effect that its attempted reorganization was conducted pursuant to duly convened meetings of the Board of Directors or the membership. It offered no evidence that its Bylaws or Articles of Incorporation had been amended to facilitate the reorganization.

As noted above, for this Commission to acknowledge that Crooked River had effectively reorganized as a cooperative, the Company needs to show that duly elected members of the Board of Directors had complied with all applicable legal requirements to effectuate the change. The Company has proven none of these elements of its case. In fact, even a cursory review of Crooked River's Articles of Incorporation and Bylaws as mutual benefit corporation support's Staff's claim that the attempted

¹⁰ Transcript, pages 72-73.

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reorganization was invalid. Under those Articles, the water system reverts back to Crooked River Ranch upon dissolution of the corporation. Moreover, under the Bylaws, one of the Board members, Mr. Rooks, is barred from serving on the Board because he is also the Company's general manager.

Neither the corporate Bylaws, nor the Articles of Incorporation, invest in the Board the authority to dissolve the association, without a vote by the membership. The Company failed to prove that it amended either the Bylaws or the Articles of Incorporation to provide for the dissolution of the association or for the distribution of the corporate assets to the putative cooperative.

Because the attempted reorganization was undertaken after we first served notice of our intent to assert jurisdiction, Crooked River's claim that it is a cooperative is treated as an affirmative defense to our assertion of jurisdiction. As an affirmative defense, Crooked River has the burden of proving that it fully complied with all legal requirements when it tried to reorganize as a cooperative.

Accordingly, pursuant to ORS 756.515(4), we find that, to date, Crooked River has failed to establish that it is a cooperative exempt from jurisdiction under ORS 757.063(2). Based on that finding, at this time, we conclude Crooked River remains an Oregon mutual benefit corporation, subject to the provisions of ORS 757.063(1), and reassert jurisdiction.

II. RELATED CROOKED RIVER DOCKETS

Having reasserted jurisdiction, we must address the status of other dockets related to Crooked River.

In Order No. 07-527, UW 120, we established rates for service provided by Crooked River to its members. Pursuant to ORS 756.515(4), we find that the reinstatement of the rates adopted in that order is necessary for the public health and safety, and to prevent the dissipation of assets of the business.¹¹

In Order No. 08-243, UW 120, we ordered Crooked River to distribute \$130,656.26 to its members. Pursuant to ORS 756.515(4), we find that the distribution of those funds is necessary to prevent the dissipation of assets of the business, and reinstate the order. We will stay the distribution upon the posting by Crooked River of a sufficient bond to ensure the ability to perform this obligation to distribute \$130,656.26 to its members in the event of a final order directing distribution of the funds.

In Order No. 08-379, the consumer complaint, we ordered Crooked River to provide service to a customer at a connection rate we determined to be reasonable. Pursuant to ORS 756.515(4), we find that the reinstatement of that order is necessary for the public health and safety.

¹¹ The Commission also reinstates its errata Order No. 07-528.

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In UM 1381, we initiated an enforcement proceeding against Crooked River and its Board members for failing to comply with our orders. Pursuant to ORS 756.515(4), we dismiss and close that proceeding.

III. FUTURE PROCEEDINGS

Pursuant to ORS 756.515(5), Crooked River may request a hearing to determine whether this order should continue in effect. Crooked River may request a hearing not later than 15 days after the date of service of this order, and the hearing shall be held not later than 60 days after Crooked River's request for hearing.

ORDER

IT IS ORDERED that:

1. Crooked River Ranch Water Company is a regulated utility pursuant to ORS 757.063.
2. The tariffs filed by Crooked River Ranch Water Company in compliance with Order Nos. 07-527 and 07-528 are effective immediately.
3. Crooked River Ranch Water Company shall make a timely connection to the property specified in Order No. 08-379 upon receipt of Complainants' payment.
4. Within three business days of the date of service of this Order, Crooked River Ranch Water Company shall provide verified notice regarding whether the terms of this order are accepted and the time within which the order will be obeyed pursuant to OAR 860-014-0094.
5. Crooked River Ranch Water Company shall distribute \$130,656.26 to its members, or alternatively, post a sufficient bond to ensure the ability to perform the obligation.
6. Docket UM 1381 is closed.

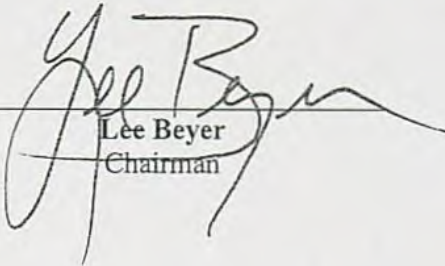
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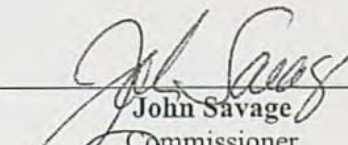
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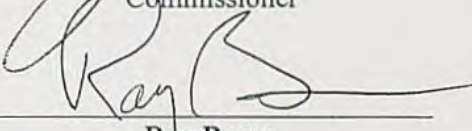
WATER RESOURCES DEPT
SALEM, OREGON

7. Crooked River Ranch Water Company may request, within 15 days of service of this order, a hearing to determine whether this order should remain in effect.

Made, entered, and effective JAN 28 2009.


Lee Beyer
Chairman


John Savage
Commissioner


Ray Baum
Commissioner



A party may request rehearing or reconsideration of this order pursuant to ORS 756.561. A request for rehearing or reconsideration must be filed with the Commission within 60 days of the date of service of this order. The request must comply with the requirements in OAR 860-014-0095. A copy of any such request must also be served on each party to the proceeding as provided by OAR 860-013-0070(2). A party may appeal this order by filing a petition for review with the Court of Appeals in compliance with ORS 183.480-183.484.

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Mailing List for Extension PFO Copies

October 13, 2009

Copies Mailed

Application G-12579

Permit G-11376 (modified by Permit Amendments T-7828 and T-9663)

By: JS
On: 10/13/09

Original mailed to:

Crooked River Ranch
Attn: James Rooks
PO Box 2319
Terrebonne, OR 97760

Copies sent to:

1. WRD - App. File G- 12579/ Permit G-11376
2. WRD - Watermaster District: 11 - Jeremy Giffin
3. Peter Mohr, Attorney at Law, 1 Southwest Columbia St, Suite 110, Portland OR, 97258

Fee paid as specified under ORS 536.050 to receive copy:

4. None

Receiving via e-mail (10 AM Tuesday of signature date)

5. WRD - Bill Fujii - Notify of WMCP needed

Done by SA Date 10/13/09

CASEWORKER: SBK

Scott Kudlemyer

From: Peter Mohr [pdm@mohrwater.com]
Sent: Monday, May 04, 2009 1:45 PM
To: Scott Kudlemyer
Cc: Peter D. Mohr
Subject: G-12579 / 2008 Extension Applic.

Scott,

As discussed, I am writing to request copies of all documents of record contained in the above referenced extension request file. Please feel free to contact me with any comments or questions.

Regards,

Peter

--

Peter D. Mohr
Attorney at Law
One SW Columbia Street, Suite 1110
Portland, Oregon 97258
ph: (503) 221-5222
fax: (503) 227-7829
pdm@mohrwater.com

NOTICE: THE INFORMATION CONTAINED IN THIS COMMUNICATION AND ITS ATTACHMENTS MAY BE PRIVILEGED AND/OR CONFIDENTIAL INFORMATION AND IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS COMMUNICATION IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE OR E-MAIL, AND DELETE IT FROM YOUR COMPUTER. THANK YOU.

TAX ADVICE NOTICE: IRS CIRCULAR 230 REQUIRES US TO ADVISE YOU THAT, IF THIS COMMUNICATION OR ANY ATTACHMENT CONTAINS TAX ADVICE, THE ADVICE IS NOT INTENDED TO BE USED, AND CANNOT BE USED, FOR THE PURPOSE OF AVOIDING FEDERAL TAX PENALTIES OR FOR PROMOTING, MARKETING, OR RECOMMENDING TO ANYONE ELSE ANY TAX-RELATED MATTERS ADDRESSED HEREIN. A TAXPAYER MAY RELY ON PROFESSIONAL ADVICE TO AVOID FEDERAL TAX PENALTIES IF AND ONLY IF THE ADVICE IS REFLECTED IN A COMPREHENSIVE TAX OPINION THAT CONFORMS TO STRICT REQUIREMENTS.

From: Patricia McCarty

Sent: Wednesday, July 06, 2011 11:33 AM

To: 'DENNIS GLENDER'

Subject: RE: copy of protest G-12579

All that is needed is an email to me saying you are withdrawing the protest. Nothing elaborate.

Thanks,
Patricia

From: DENNIS GLENDER [mailto:djglender@msn.com]

Sent: Wednesday, July 06, 2011 11:19 AM

To: Patricia McCarty

Subject: RE: copy of protest G-12579

Patricia,

Thank you very much.

We will try and get this Protest withdrawn.

Dennis R. Glender

> From: mccartpe@wrdd.state.or.us
> To: djglender@msn.com
> Date: Wed, 6 Jul 2011 18:08:51 +0000
> Subject: copy of protest G-12579
>
>
>
> Patricia McCarty
> Protest Program Coordinator
> Oregon Water Resources Department
> (503) 986-0820
>

Gerry Clark

From: Gerry Clark
Sent: Monday, October 08, 2007 1:06 PM
To: 'DOUGHERTY Michael'
Subject: FW: Scan for G-12579
Attachments: G-12579.pdf

Mike,

Here are the documents we discussed.

Gerry

Gerry Clark
Water Rights Specialist/Certificates
725 Summer St. NE, Ste. A
Salem, OR 97303

Phone: 503-986-0811
Fax: 503-986-0901

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

10/8/2007



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

March 19, 2004

James Rooks, General Manager
Crooked River Ranch Water Company
P.O. Box 1388
Crooked River Ranch, OR 97760

Reference: Application File No. G-12579, Permit No. G-11376, Transfer Application No. T-9663

Dear Mr. Rooks:

Thank you for providing a copy of your Water Management and Conservation Plan Final Draft Report along with the chart of your maximum water use made on or before the completion date of your permit.

According to your chart, your maximum use of water on or before October 1, 1998, is approximately 3.75 cubic feet per second. This amount of water is less than the full quantity of water allowed by your permit.

If you wish to receive a certificate of water right at this time, the amount of water will be limited to the extent you can prove you have used water for a four hour period on or before October 1, 1998. If you wish additional time to fully apply the amount of water allowed by your permit, I recommend you complete a new extension form as requested in our letter of December 18, 2002.

Provided the extension of time request is approved, you may request the construction of an additional well by way of a permit amendment. Permit amendments are processed by our Field Services Division and they will assist you in completion of the requirements.

Please feel free to contact me if you have any questions and I will be happy to address any concerns you may have.

Sincerely,

Steve Brown
Certificates

c: Tom Paul, Administrator, Field Services Division
Dwight French, Manager, Water Rights Division
Bruce Estes, CWRE

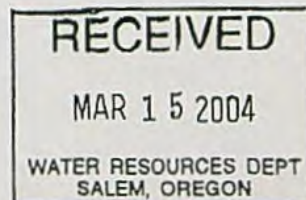
Fax



Name: STEVE BROWN
Organization: WRD
Fax: 503-986-0901
From: Barb Oakley, CRRWC
Date: March 12, 2004
Subject: RE: G-12579
Pages: 4

Comments: Attached is a letter, daily well logs for the month of August, 1998, and a graph to illustrate the water usage.

We have mailed the originals plus our WCMP this afternoon. If you have any questions or need further information, please give us a call or email.
Thanks!



From the desk of...



March 12, 2004

Steve Brown
Certificate Section
Water Resources Department
725 Summer Street NE
Salem, OR 97301-1271

Re: G-12579

Dear Mr. Brown:

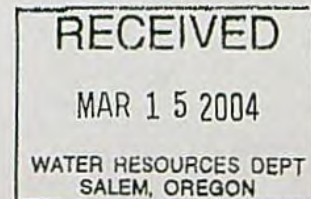
Enclosed is the documentation you requested to show that in August, 1998, we did, in fact, pump 3.75 cfs for a time period of approximately five hours. We realize that this is not the full 5 cfs that we will be requiring once our new Well #3 is on-line. By the year 2007, we will be in a position with three, 850 gallon per minute wells and will show the need for and the use of 5 cfs. We will be glad to supply you with any documentation you need to qualify for the 5 cfs at that time.

Just a reminder, we have renumbered Crooked River Ranch Water Company's wells. Well #4 has been renumbered to Well #1, Well #2 remains the same, and the new well will be CRRWC Well #3.

Thank you very much for your expedient attention to this matter as it's vitally important to this community.

Sincerely,

James Rooks, General Manager
Crooked River Ranch Water Company



DAILY LOG - WELL # 2

DATE AUGUST, 1998

DATE & TIME	OPERATOR	METER READING IN CU.FT	CL 1 YES NO	LUBE METER READING CU.FT.	DISCHARGE PRESSURE	LINE PRESSURE	STANDING WATER LEVEL	MOTOR TEMP.	ROOM TEMP.	Oil Level	Vibration	ON/OFF
LDPM												
1												
2		63424		95		115	318		89			
3		131611		95		115	"		94			
4		199865				110	"		91			
5		267457		96		112	"		90			
6		336904				115	"		89			
7		405506		97		116	"		87			
8		480527				118	"		86			
9		554512		97		115	"		91			
10		629526				110	"		94			
11		697737		97		115	"		91			
12		765952				109	"		89			
13		834472		98		116	"		93			
14		902688				116	"		81			
15		970119		98		117	"		86			
16		271024				114	"		90			
17		103918		99		115	"		87			
18		17287				116	"		71			
19		241062		101		114	"		89			
20		374861				111	"		91			
21		376861		100		110	"		93			
22		445011				114	"		93			
23		520152		105		118	"		81			
24		590009				116	"		82			
25		6594910		103		116	"		76			
26		227646				112	"		81			
27		795788		104		111	"		90			
28		863929				110	"		96			
29		938914				111	"		87			
30		41931				116	"		85			
31		110118				117	"		76			

MAINTENANCE:

check and leaking on bypass.

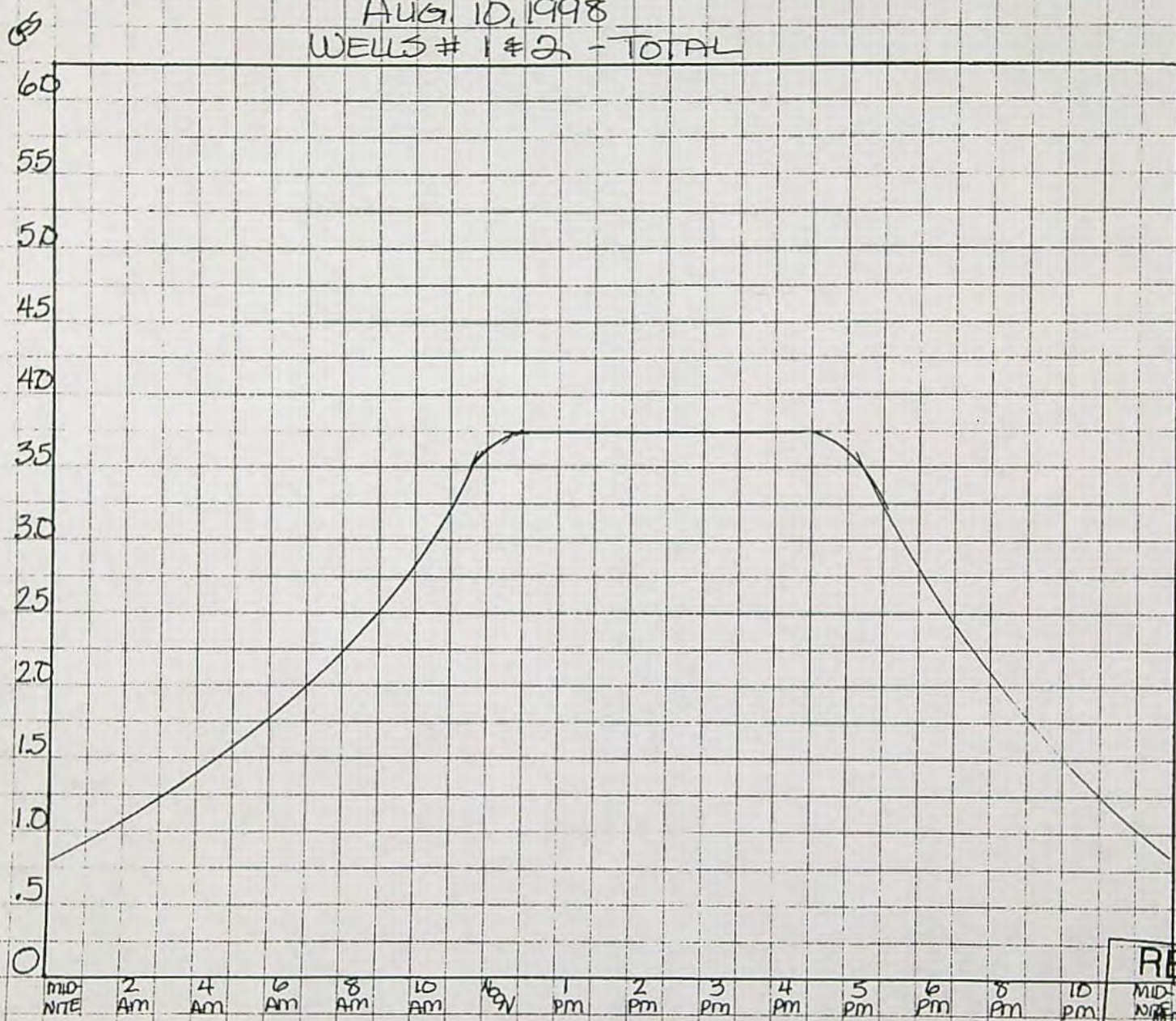
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PEAK DAILY USE
AUG. 10, 1998
WELLS # 1 & 2 - TOTAL

CRRWC



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MID-NITE
MAR 15 2004
WATER RESOURCES DEPT
SALEM, OREGON

Fax

Name: STEVE BROWN
Organization: WRD
Fax: 503-986-0901
From: Barb Oakley, CRRWC
Date: March 12, 2004
Subject: RE: G-12579
Pages: 4

Comments: Attached is a letter, daily well logs for the month of August, 1998, and a graph to illustrate the water usage.

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Thanks!

From the desk of...

March 12, 2004

Steve Brown
Certificate Section
Water Resources Department
725 Summer Street NE
Salem, OR 97301-1271

Re: G-12579

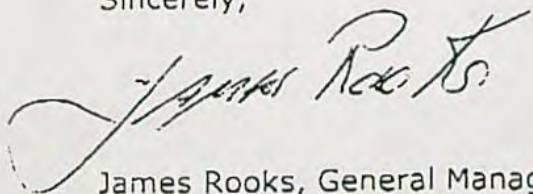
Dear Mr. Brown:

Enclosed is the documentation you requested to show that in August, 1998, we did, in fact, pump 3.75 cfs for a time period of approximately five hours. We realize that this is not the full 5 cfs that we will be requiring once our new Well #3 is on-line. By the year 2007, we will be in a position with three, 850 gallon per minute wells and will show the need for and the use of 5 cfs. We will be glad to supply you with any documentation you need to qualify for the 5 cfs at that time.

Just a reminder, we have renumbered Crooked River Ranch Water Company's wells. Well #4 has been renumbered to Well #1, Well #2 remains the same, and the new well will be CRRWC Well #3.

Thank you very much for your expedient attention to this matter as it's vitally important to this community.

Sincerely,



James Rooks, General Manager
Crooked River Ranch Water Company

DAILY LOG - WELL # 2 DATE AUGUST, 1998

DATE & TIME	OPERATOR	METER READING IN CU.FT	CL 1 YES NO	LUBE METER READING CU.FT.	DISCHARGE PRESSURE	LINE PRESSURE	STANDING WATER LEVEL	MOTOR TEMP.	ROOM TEMP.	Oil Level	Vibration	ON/OFF
LDPM												
1												
2		1315		93		112	318		89	Full		
3		1315		93		113	"		94			
4		199865				116	"		91			
5				96		112	"		90			
6						112	"		89			
7				97		116	"		87			
8						118	"		86			
9				97		113	"		91			
10		629526				110	"		94			
11				97		113	"		91			
12						109	"		89			
13				98		116	"		92			
14		902688				116	"		81			
15				98		117	"		89			
16						114	"		90			
17				99		113	"		87			
18		172875				116	"		71			
19				101		114	"		84			
20		374861				111	"		91			
21				100		110	"		93			
22						114	"		92			
23				102		118	"		81			
24						116	"		82			
25				103		116	"		76			
26		277646				112	"		81			
27				104		111	"		90			
28						110	"		96			
29						111	"		81			
30						116	"		85			
31						117	"		76			

MAINTENANCE:

Checked Tanking on Bypass

DAILY LOG - WELL # 4

DATE AUGUST 1998

DATE & TIME	OPERATOR	METER READING IN CU.FT	CL 1 YES NO	LUBE METER READING CU.FT.	DISCHARGE PRESSURE	LINE PRESSURE	STANDING WATER LEVEL	MOTOR TEMP.	ROOM TEMP.	Oil Level	Vibration	ON/OFF
LDPH												
1 8:10	JA		NO	92.30	75	80	520	NR	80	Full		
2 9:05				92.57	8	75	"		11	"		
3 10:20		525 830		92.08	72	84	"		92	"		
4 11:00		615 841		92.95	71	81	"		81	"		
5 12:00		727 812		93.05	8	76	"		78	"		
6 2:10		819 812		93.20	84	81	"		91	"		
7 10:10		906 295		93.31	80	80	"		94	"		
8 8:10		018 782		93.40	91	82	"		96	"		
9 8:10		114 782		93.61	0	72	"		91	"		
10 9:20		225 052		93.72	76	74	"		11	"		
11 9:10		335 456		93.88	82	81	"		89	"		
12 10:10		445 864		93.90	71	81	"		11	"		
13 8:10		578 854		93.99	20	80	"		91	"		
14 8:10		647 506		94.21	0	76	"		96	"		
15 8:30		759 088		94.42	72	76	"		11	"		
16 8:00		859 546		94.61	78	81	"		89	"		
17 8:10		950 060		94.80	0	72	"		88	"		
18 9:05		1146 04		94.92	0	75	"		91	"		
19 12:10		165 186		95.10	72	78	"		80	"		
20 11:05		256 722		95.31	86	81	"		82	"		
21 8:10		346 850		95.52	81	80	"		91	"		
22 8:20		457 401		95.61	75	80	"		90	"		
23 8:00		557 985		95.72	71	"	"		86	"		
24 8:00		648 834		95.86	0	76	"		72	"		
25 8:10		735 193		95.92	72	"	"		84	"		
26 8:05		829 580		96.07	56	86	"		86	"		
27 8:00		922 345		96.21	71	"	"		91	"		
28 8:10		198 21		96.56	71	82	"		90	"		
29 9:10		119 116		96.48	72	80	"		92	"		
30 10:05		230 303		96.61	0	75	"		83	"		
31 8:05		330 885		96.82	0	75	"		90	"		

MAINTENANCE:

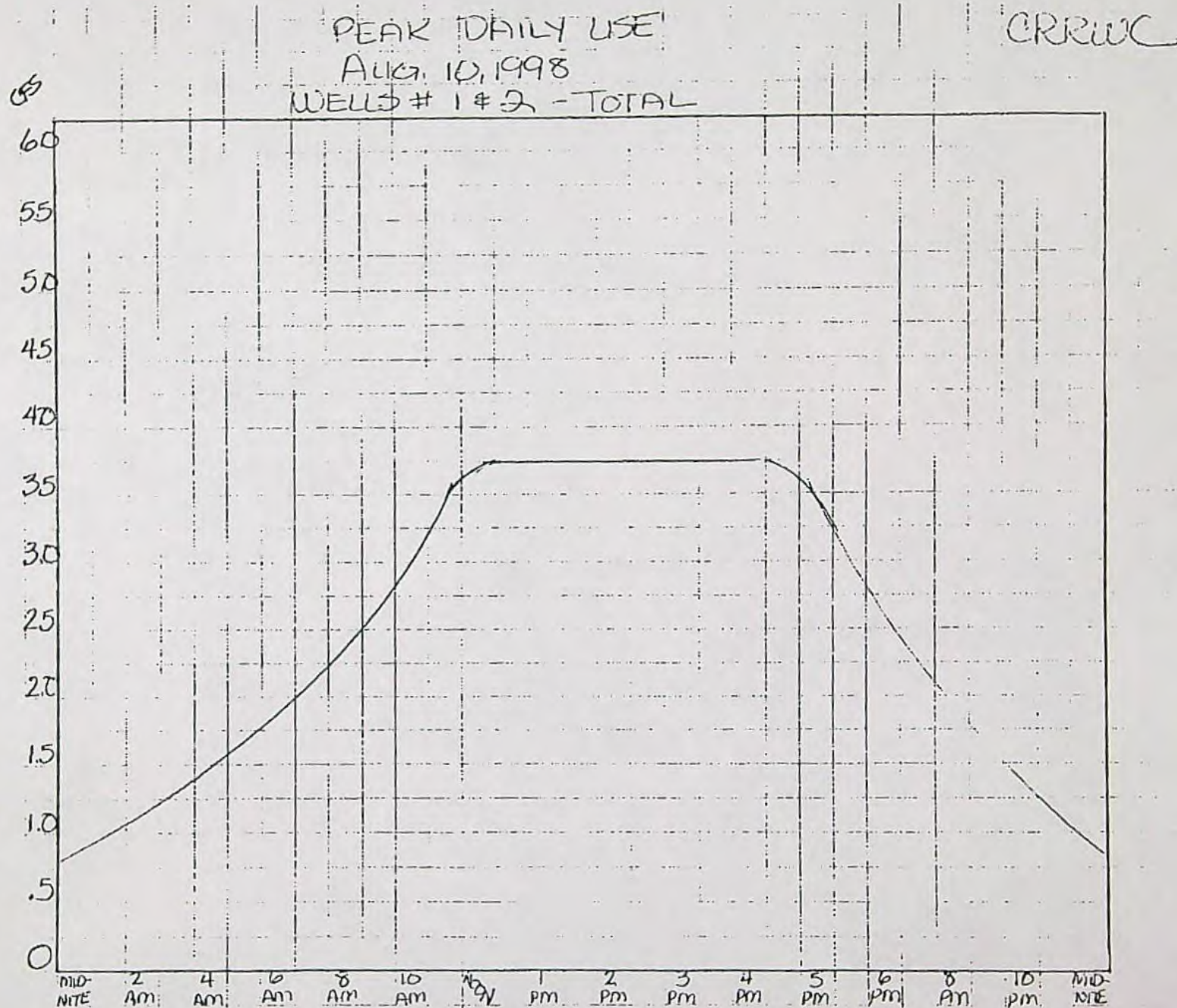
Leak in lub. water

Need cleaning, etc.

P:5/5

TO:15039860901

MAR-12-2004 02:57P FROM:



Memo

Oregon Water Resources Department Water Rights & Adjudication Division

To: Certificate Staff and Interested Persons
From: Dwight French, WRAD Administrator

DATE: February 1, 2007

RE: Determining Proof to the Satisfaction for Municipal and Quasi-Municipal Use Permits

This memo supersedes earlier memo's from me on this subject.

RATE AND BENEFICIAL USE

1. Minimum diversion point demonstration time is four hours. Alternatively, a municipal or quasi-municipal permit holder could establish its maximum rate by pumping at that rate (or greater) for not less than four hours during a maximum of an eight hour period. Example: During an eight hour period there are four hours where the minimum pumping rate was 10 CFS. Conclusion: Regarding the "rate" element of proof, the permittee has established a 10 CFS rate.
2. All of the water diverted during the demonstration period needs to be used beneficially (not wasted). The water does not need to be used during the rate demonstration period. Water providers divert water into in-system storage tanks and then consume the water over a longer period of time.
3. If there are multiple diversion points on the permit, the proposed or final certificate shall be limited to the rate that has been demonstrated for each diversion point. It is not necessary that each diversion point on a multiple diversion point permit have its demonstration period tested at the same time.

MULTIPLE RIGHTS AT THE SAME DIVERSION POINT

4. If the treatment capacity is shared with another water right that has a certificate, the second certificate should be limited such that the combined rates of the certificates do not exceed the capacity of the treatment facility.
5. If the diversion works are shared with another water right that has a certificate, the second certificate should be limited such that the combined rates of the certificates do not exceed the total capacity of the diversion works.
6. If the permit is for a back-up water supply system that would use the same treatment facility, wording can be used to describe that no more than X CFS

may be diverted at any one time from certificates Y and Z. "X" is the maximum capacity of the treatment facility during the demonstration period (see number one above).

7. When determining proof for a municipality, an inventory of all certificates issued for that particular municipality must be completed. The capacity, location, and use of all treatment plants and POD's in a water provider's control should be understood in order to determine proof. In addition, the certificates that involve nearby POD's from the same source and use also need to be checked since water providers can enter into agreements to share POD's and treatment facilities.
8. For the purpose of making proof, entities sharing POD's or treatment facilities should be considered as the same entity.

PARTIAL PERFECTION - RATE

9. A municipality may prove up on 25% or more of the maximum rate allowed on the permit at a time. After the first certificate is issued, future claims of proof must prove up on at least 25% of the rate originally allowed by the permit.

PLACE OF USE

10. The place of use for a municipality has been described historically by the Department in permits and transfer final orders in two different ways:
 - A. By quarter quarter
 - B. With language similar to "Within the service boundary of ..."

When issuing a proposed or final certificate for a municipality, care needs to be taken to describe the place of as described in the originating permit or transfer final order.

A municipality with a permit of transfer final order limited to a specific place of use, i.e. quarter quarter listing, is limited to those areas developed by the municipality prior to the date to completely apply water to beneficial use. Use outside of the boundary described in the permit or transfer final order should not be included in the certificate. The place of use should come from either the Final Proof Survey prepared by the Department or from the Claim of Beneficial Use prepared by a CWRE.

A municipality with a permit or transfer final order limited to "Within the service boundary of ..." is limited to an area of place of use within that defined boundary. If the boundary changes, the place of use is accommodated for as being within the service boundary.

It is important to note that a municipality can apply water to beneficial use on lands to which the right is not appurtenant under certain circumstances. ORS 540.510 (3)(a), describes the process.

OTHER ISSUES AT PROOF

10. A determination of proof is subject to a review of all permit conditions and the extent to which they have been satisfied.
11. The Department determines "proof to the satisfaction" based upon the given facts in a specific case.

For reference:

540.510 (3)(a) Any water used under a permit or certificate issued to a municipality, or under rights conferred by ORS 538.410 to 538.450, or under the registration system set forth in ORS 537.132, may be applied to beneficial use on lands to which the right is not appurtenant if:

(A) The water is applied to lands which are acquired by annexation or through merger, consolidation or formation of a water authority, so long as the rate and use of water allowed in the original certificate is not exceeded;

(B) The use continues to be for municipal purposes and would not interfere with or impair prior vested water rights; or

(C) The use is authorized under a permit granted under ORS 468B.050 or 468B.053 and for which a reclaimed water registration form has been filed under ORS 537.132.

(b) As used in this subsection, "municipality" means a city, a port formed under ORS 777.005 to 777.725, 777.915 to 777.953 and 778.010, a domestic water supply district formed under ORS chapter 264, a water supplier



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

September 26, 2008

Crooked River Ranch Water Co.
PO Box 2319
Terrebonne, OR 97760

REFERENCE: Application G-12579/Permit G-11376

Dear Permit Holder:

On September 25, 2008, the Department received the CRRWC's application for an extension of time and a check in the amount of \$350. The company's request was submitted on the wrong form. The correct form is *Application for Extension of Time for Municipal and Quasi-Municipal Water Use Permits*. I apologize for the confusion. I have added a note in the "General Tips" section of the 'non-muni' extension form to alert permit holders of municipal or quasi-municipal water use permits to use the municipal / quasi-municipal extension form.

Because your request was not submitted on the appropriate extension application form, I am returning the company's application request and check in the amount of \$350.

I e-mailed the extension form for municipal water uses to jr@crrwc.com. You may also access the form at this website:

http://www1.wrd.state.or.us/pdfs/muni_quasi_ext_app_form_6_20_08.pdf

If you have any questions regarding this letter, please feel free to contact me. My telephone number is (503) 986-0827.

Sincerely,

Ann Reece
Extensions
Water Rights and Adjudications Division

Enclosures

cc: Application File G-12579

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **96413**

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

INVOICE # _____

RECEIVED FROM: Peter D Mohr
BY: Attorney at Law

APPLICATION	G-12579
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 1294 OTHER: (IDENTIFY) ☐

TOTAL REC'D	\$ <u>20.00</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 \$ 46115

0410 RESEARCH FEES \$ 20.00

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 \$

OTHER (IDENTIFY)

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$

0210 MONITORING WELLS \$

OTHER (IDENTIFY)

CARD #	
CARD #	

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD) \$

0231 HYDRO LICENSE FEE (FW/WRD) \$

HYDRO APPLICATION \$

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$

RECEIPT: **96413**

DATED: 5/12/09 BY: LSG

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **96413**

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

INVOICE # _____

RECEIVED FROM: Peter D Mohr
BY: Attorney at Law

APPLICATION	6-12579
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 1294 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 20.00

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 \$ 20.00
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	\$ _____

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ _____ CARD # _____
0210 MONITORING WELLS \$ _____ CARD # _____

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD) \$ _____
0231 HYDRO LICENSE FEE (FW/WRD) \$ _____
HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

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

RECEIPT: **96413**

DATED: 5/12/09 BY: LAG

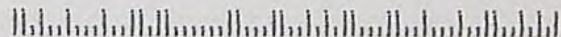
PETER D. MOHR
ATTORNEY AT LAW

ONE SW COLUMBIA ST., SUITE 1110
PORTLAND, OR 97258



Scott Kudlemyer
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271

9730131266 0007



PETER D. MOHR
ATTORNEY AT LAW

*Admitted in Colorado
and Oregon*

ONE SW COLUMBIA STREET, SUITE 1110
PORTLAND, OR 97258
TEL 503.221.5222
FAX 503.227.7829
PDM@MOHRWATER.COM

May 11, 2009

Scott Kudlemyer
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271

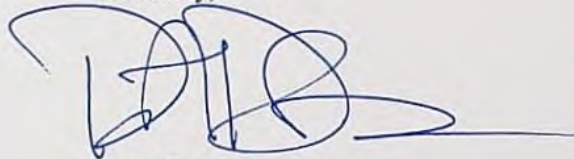
Re: Public Records Request / Applic. G-12579 / Applic. for Ext. of Time

Dear Scott:

Please find enclosed a check payable to WRD in the amount of \$20.00 to cover costs associated with the above-referenced records request.

Please feel free to contact me with any comments or questions.

Sincerely,



Peter D. Mohr

Enclosure

RECEIVED
MAY 12 2009
WATER RESOURCES DEPT
SALEM, OREGON

Scott Kudlemyer

From: Jonnine Skaug
Sent: Monday, May 11, 2009 2:27 PM
To: pdm@mohrwater.com
Cc: Scott Kudlemyer
Subject: G-12579 (Crooked River Ranch Water Co.)

Peter,

the information that you requested has been scanned.
I have provided a direct link to it below.

http://apps2.wrd.state.or.us/apps/misc/vault/vault.aspx?Type=WRFolder&folder_image_id=22322

thank you,

Jonnine Skaug
Water Rights/Adjudication Division
OR Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301
phone: 503-986-0807
fax: 503-986-0901

5/11/2009

From: Scott Kudlemyer [mailto:kudlemsb@wrdd.state.or.us]
Sent: Wednesday, October 21, 2009 11:45 AM
To: Peter Mohr
Subject: RE: Permit G-11376 / Applic for Ext of Time / PFO

Hi Peter

This e-mail is to confirm that comments made on Crooked River Ranch Permit G-11376 were received from your office via facsimile and U.S. Mail in a timely fashion; both documents were received on May 15, 2009. The PFO which was issued for this permit on October 16, 2009 incorrectly states that no comments were filed.

Also included in the Permit G-11376 file are two pages of correspondence between you and Dwight French, dated October 22, 2004 and December 29, 2004 respectively, which discusses that Crooked River Ranch Water Company was incorrectly identified as holding Certificate # 75144, Certificate # 75144 is held by Crooked River Ranch.

If I can provide any further clarification regarding these matters please let me know.

Thanks

Scott Kudlemyer
Extension Specialist
Oregon Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301
503-986-0813

From: Peter Mohr [mailto:peter.mohr@tonkon.com]
Sent: Tuesday, October 20, 2009 10:05 AM
To: Scott Kudlemyer
Cc: Aaron Palmquist
Subject: Permit G-11376 / Applic for Ext of Time / PFO

Scott,

Please give me a call to discuss the above referenced PFO. In part, there are some substantive findings errors as to ownership of water rights which the department has previously acknowledged in writing to my office as erroneous in prior extension orders with the Crooked River Ranch Water "Company". Unfortunately, the now alleged "Cooperative" has managed to get the Department to make the same error yet again. This issue alone will require that my client protest this PFO. We of course can discuss.

In addition, the PFO fails to acknowledge my prior comments made on this application under my letter of May 14, 2009 and which were timely filed by facsimile with the original sent by mail. As a result, the PFO fails to address the issues raised in my comments, primary among them being that there is legitimate reason to believe that the Crooked River Ranch Cooperative is not a legally established entity.

Finally, please note my new address and contact information below for this matter as I recently merged my practice with Tonkon Torp, LLP.

I look forward to your call.

Hi Peter

You are correct, the fax showed up at 13:33 on May 14, 2009, the original is date stamped May 15, 2009,

Thank you for bringing this to my attention

Scott

From: Peter Mohr [mailto:peter.mohr@tonkon.com]
Sent: Wednesday, October 21, 2009 12:21 PM
To: Scott Kudlemyer
Subject: RE: Permit G-11376 / Applic for Ext of Time / PFO

Scott,

Thanks for your e-mail, however, there is one correction to be made. I timely submitted my comments on May 14, 2009 via facsimile not May 15, 2009, although the Department may have received the original by mail on the 15th. I've attached a pdf copy of the letter together with the fax cover and fax confirmation page which indicate the 14th as the date of timely submittal. So please make that correction.

Call me with any questions. And thanks again for addressing this.

Regards,

Peter

Peter D. Mohr | Tonkon Torp LLP

1600 Pioneer Tower | 888 S.W. Fifth Avenue

Portland, Oregon 97204

503.802.5759 | FAX 503.972.7459

peter.mohr@tonkon.com | www.tonkon.com

This message may contain confidential communications and privileged information. If you received this message in error, please delete it and notify me promptly.

Circular 230 Disclaimer: If any part of this communication is interpreted as providing federal tax advice, U.S. Treasury Regulations require that we inform you that we neither intended nor wrote this communication for you to use in avoiding federal tax penalties that the IRS may attempt to impose and you may not use it for that purpose.

Regards,

Peter

Peter D. Mohr | Tonkon Torp LLP

1600 Pioneer Tower | 888 S.W. Fifth Avenue

Portland, Oregon 97204

503.802.5759 | FAX 503.972.7459

peter.mohr@tonkon.com | www.tonkon.com

This message may contain confidential communications and privileged information. If you received this message in error, please delete it and notify me promptly.

Circular 230 Disclaimer: If any part of this communication is interpreted as providing federal tax advice, U.S. Treasury Regulations require that we inform you that we neither intended nor wrote this communication for you to use in avoiding federal tax penalties that the IRS may attempt to impose and you may not use it for that purpose.



Oregon

Theodore R. Kulongoski, Governor

File # G-12579

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

December 29, 2004

Peter D. Mohr
Attorney at Law
227 SW Pine Street, Suite 200
Portland, OR 97204

REFERENCE: Extension of Time for Crooked River Ranch Water Co. Permit #G-11376
(Application #G-12579)

Dear Mr. Mohr:

This letter is in response to your correspondence dated October 22, 2004, in which you identified an error made in the Proposed Final Order for Extension of Time for Permit #G-11376 issued by the Department on May 25, 2004.

The statement made in Finding of Fact #14 of the Extension Proposed Final Order for Permit #G-11376, incorrectly identified the Crooked River Ranch Water Company as holding Certificate #75144. Department records show that the certificate holder of record for certificate of water right #75144 is Crooked River Ranch. A copy of Certificate #75144 is enclosed for your reference. The Department issued a Final Order for Extension of Time for Permit #G-11376 on July 14, 2004.

Any statements made in the Proposed Final Order for Extension of Time for Permit #G-11376 do not affect legal ownership of the property associated with Certificate #75144.

If you have any further questions or concerns, you may contact me at (503) 986-0819.

Sincerely,

Dwight French
Water Rights Section Manager

enclosure(s): Copy of Certificate #75144
Copy of Proposed Final Order for Extension of Time for Permit #G-11376 issued on May 25, 2004
Copy of Final Order for Extension of Time for Permit #G-11376 issued on July 14, 2004

cc: Appl #G-12579 (Permit #G-11376)
Jeremy Giffin, WM District #11

★ ★ ★
152
82909 01.22
3587 MAILED FROM

PETER D. MOHR
ATTORNEY AT LAW
ONE S.W. COLUMBIA STREET, SUITE 1110
PORTLAND, OREGON 97258

TO: Scott Kudlemyer
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271

**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 # **96460**

INVOICE # _____

RECEIVED FROM: Peter D. Mohr
BY: Attorney at Law

APPLICATION	<u>G12579</u>
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 1295 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 10.00

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 copy of P.F.D.

\$ 10.00

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

\$

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$

CARD #

0210 MONITORING WELLS

\$

CARD #

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

\$

0231 HYDRO LICENSE FEE (FW/WRD)

\$

HYDRO APPLICATION

\$

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____

\$

RECEIPT: **96460**

DATED: 5/15/09 BY: LAG

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **96460**

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

INVOICE # _____

RECEIVED FROM: Peter D. Mohr
BY: Attorney at Law

APPLICATION	<u>412579</u>
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 1295 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 10.00

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 copy + P.F.D. \$ 10.00
0410 RESEARCH FEES \$ _____
0408 MISC REVENUE: (IDENTIFY) 46111 \$ _____
TC162 DEPOSIT LIAB. (IDENTIFY) \$ _____
0240 EXTENSION OF TIME \$ _____

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE \$ _____	0202 RECORD FEE \$ _____
0203 GROUND WATER	\$ _____	0204 \$ _____
0205 TRANSFER	\$ _____	

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR	EXAM FEE \$ _____	0219 LICENSE FEE \$ _____
LANDOWNER'S PERMIT		0220 \$ _____
OTHER (IDENTIFY) _____		

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ _____ CARD # _____
0210 MONITORING WELLS \$ _____ CARD # _____
OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD) \$ _____
0231 HYDRO LICENSE FEE (FW/WRD) \$ _____
HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

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

RECEIPT: **96460**

DATED: 5/15/09 BY: LAG

PETER D. MOHR
ATTORNEY AT LAW

*Admitted in Colorado
and Oregon*

227 SW PINE ST., SUITE 200
PORTLAND, OR 97204
TEL 503.221.5222
FAX 503.464.4055
PDM@MOHRWATER.COM

October 22, 2004

Dwight French
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271

Re: Crooked River Ranch Water Co. Application G-12579 (Extension of Time)

Dear Dwight:

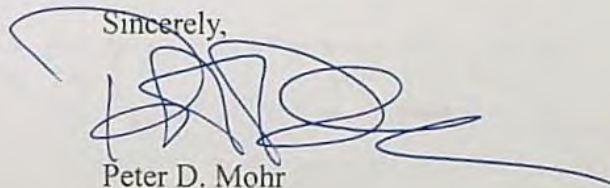
I am writing this letter on behalf of the Crooked River Ranch Club and Maintenance Association (the "Association") to address a material error which is contained in the Proposed Final Order dated May 25, 2004 (the "PFO") issued by the Oregon Water Resources Department (the "Department") in response to the above referenced application. As I indicated during our discussion of October 15, 2004, the error in question is contained at Page 5, Paragraph 14. of the PFO and improperly recognizes title to water rights and related interests authorized under Certificate No. 75144 as vesting in the applicant rather than the Association. Paragraph 14. of the PFO Findings of Fact specifically provides as follows:

14. In addition to the 5.0 cfs of water from the three wells allowed under Permit #G-11376 for quasi-municipal purposes, the CRRWC holds only one other water right (Certificate #75144) authorizing use of 0.06 cfs of water from Well #2 for irrigation of 4.4 acres.

Certificate No. 75144 is a remainder interest of the Association's original water right previously authorized under Certificate No. 48452. With the Department's initial approval of the Association's transfer application T-6828 on September 18, 1997, Certificate No. 75144 was issued to account for the Association's remaining water right interests originally provided under Certificate No. 48452 that were not subject to transfer. The Association's submission of final proof under application T-6828 is currently being reviewed by the Department.

In consideration of the above, it is my understanding that the Department will confirm in its records, absent any considerations of forfeiture or abandonment, that the Association holds any and all title in and to the water rights and related interests authorized under Certificate No. 75144.

Sincerely,



Peter D. Mohr

cc: Client

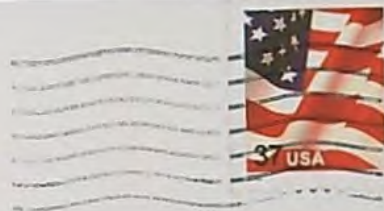
RECEIVED

OCT 25 2004

WATER RESOURCES DEPT
SALEM, OREGON

PETER D. MOHR
ATTORNEY AT LAW

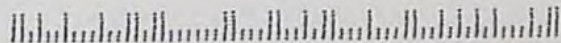
227 SW PINE ST.
SUITE 215
PORTLAND, OR 97204



LISA
Look into and
handle and/or report
back.

Dwight French
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271

97301+1271



*Admitted in Colorado
and Oregon*

PETER D. MOHR
ATTORNEY AT LAW
ONE SW COLUMBIA STREET, SUITE 1110
PORTLAND, OREGON 97258

TELEPHONE (503) 221-5222
FACSIMILE (503) 227-7829
E-MAIL pdm@mohrwater.com

FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
Scott Kudlemyer	Peter D. Mohr
COMPANY:	DATE:
Oregon Water Res. Dept.	May 14, 2009
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
(503) 986-0901	13
CC:	SENDER'S REFERENCE NUMBER:
RE:	YOUR REFERENCE NUMBER:
G-12579 / Crooked River Ranch Water Cooperative / Applic. for Ext. of Time	

An original will X will not ___ be sent *via* U.S. Mail.

NOTES/COMMENTS:

THE INFORMATION CONTAINED IN THIS FACSIMILE COMMUNICATION IS PRIVILEGED AND/OR CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS COVER PAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION OR THE INFORMATION CONTAINED IN THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THIS FACSIMILE TO US AT THE ABOVE ADDRESS *VIA* U.S. MAIL.

PETER D. MOHR
ATTORNEY AT LAW

*Admitted in Colorado
and Oregon*

ONE SW COLUMBIA STREET, SUITE 1110
PORTLAND, OR 97258
TEL 503.221.6222
FAX 503.227.7829
PDM@MOHRWATER.COM

May 14, 2009

Via Facsimile (503) 986-0901 / Original by US Mail

Scott Kudlemyer
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271

Re: G-12579 / Crooked River Ranch Water Cooperative / Applic. for Ext. of Time

Dear Scott:

I am writing on behalf of the Crooked River Ranch Club and Maintenance Association (the "Association") to provide preliminary comments in response to the above referenced application noticed on April 14, 2009. The application for extension creates a number of concerns for the Association, primary among them being that the legal status and authority of the entity identified as the applicant, the Crooked River Ranch Water Cooperative (the "Cooperative"), is very much in question.

As the Water Resources Department (the "Department") is aware, Application G-12579 was originally filed by the Crooked River Ranch Water Company (the "Water Company"), a mutual benefit non-profit corporation organized under ORS Chapter 65 for the purpose of providing domestic and other water service to properties located within the Crooked River Ranch. According to the Department's records, the Cooperative filed documents with the Department on or about December 1, 2008 in an attempt to confirm that any and all interests associated with Application G-12579 had been assigned by the Water Company to the Cooperative. However, what the Cooperative failed to reveal is that the legal status of the Cooperative is among the more major issues which have arisen in a number of cases currently pending both within the circuit courts of Jefferson County and Deschutes County and before the Oregon Court of Appeals. The appellate proceeding is the result of a decision below before the Oregon Public Utility Commission ("PUC").

Cases pending which currently raise or will raise issues as to the formation of the Cooperative are identified as follows: Case No. 08CV1027MA, *Nichols v. Crooked River Ranch Water Company, et al* (Deschutes County Circuit Court); Case No. 06CV0028, *Crooked River Ranch Cooperative v. Crooked River Ranch Club & Maintenance Association* (Jefferson County Circuit Court)¹; and Case Nos. WJ8 and UW 120 (currently consolidated before the Oregon PUC). Issues arising as to how the Water Company was dissolved and to what extent assets of the Water Company could have been lawfully assigned and otherwise transferred to the Cooperative are present in both of the specified circuit court cases and in PUC case WJ8.

¹ This is the current caption of the case pursuant to the plaintiff's Fourth Amended Complaint. The plaintiff is also the alleged applicant under this extension application and has registered with the Oregon Secretary of State as the "Crooked River Ranch Water Cooperative".

Scott Kudlemyer
May 14, 2009
Page 2 of 2

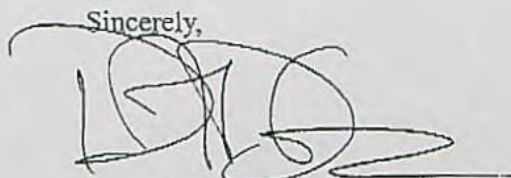
Case WJ8 in part addresses questions of whether the PUC already possessed jurisdiction to oversee certain operations of the Water Company prior to the Water Company Board's attempt to change the corporate status of the entity to that of a cooperative.² A copy of the most recent order issued on January 28, 2009 by the Oregon PUC confirming jurisdiction in the PUC to assume oversight of the Water Company is attached as *Exhibit A*.³ In summary, should it ultimately be determined that the PUC does possess jurisdiction over the Water Company, the Cooperative will likely be denied possession of any assets associated with and owned by the Water Company prior to the time of its alleged dissolution. Such assets would include Application G-12579.

With respect to the two pending circuit court cases in Jefferson County and Deschutes County, any final judgments entered in these cases will also effectively determine whether the Cooperative can lawfully claim any interest in Application G-12579. In addition, any resolution of Case No. 06CV0028 stands to potentially confirm in the Association a significant portion of the Water Company's assets should it ultimately be determined that the Water Company was lawfully dissolved. Therefore, with the conclusion of these and/or the PUC proceedings, the Cooperative will likely either not possess the requisite authority to carry Application G-12579 to completion at all, or only to a limited extent should the Association also be adjudged to possess a certain percentage of the affected water and water rights related assets.

In consideration of these pending cases, this application for an extension of time will ultimately need to be stayed until the issues concerning ownership of Water Company interests and assets including, but not limited to, Application G-12579 are fully resolved.

Finally, please find enclosed a check in the amount of \$10.00 payable to "WRD" in order to obtain a copy of any proposed final order as may be issued by the Department regarding this application for an extension of time.

Sincerely,



Peter D. Mohr

Attch/Encl.
cc: Client

² Under Oregon law, the PUC does not possess jurisdiction over cooperatives. If ultimately determined that the Water Company was properly dissolved and its status properly changed to that of a cooperative, the Cooperative could avoid the imposition of PUC jurisdiction and oversight. Such jurisdiction and oversight was sought by a number of Water Company customers via petition to the PUC pursuant to ORS 757.063(1).

³ This order is subject to a pending Petition for Review filed with Oregon Court of Appeals. The docket for the PUC Case WJ8 can be viewed at <http://apps.puc.state.or.us/edockets/docket.asp?DocketID=13450>.

EXHIBIT A

ORDER NO. 09-026

ENTERED 01/28/09

BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

WJ 8, UW 120, UM 1381, & UCR 100

In the Matters of)
)
CROOKED RIVER RANCH WATER COMPANY)
)
An Investigation Pursuant to ORS 756.515 to)
Determine Jurisdiction (WJ 8))
)
and)
)
Request for rate increase in total annual revenues from)
\$806,833 to \$868,453, or 8.13 percent. (UW 120))
_____)
THE PUBLIC UTILITY COMMISSION OF)
OREGON,)
)
Complainant,)
v.)
)
CROOKED RIVER RANCH WATER COMPANY;)
and JAMES R. ROOKS, Director, RANDOLPH M.)
SCOTT, Director, BRIAN ELLIOT, President,)
RICHARD A. KEEN, Vice President, and)
RICHARD MILLER, Secretary/Treasurer, in their)
capacities as the CROOKED RIVER RANCH)
WATER COMPANY BOARD OF DIRECTORS,)
)
Defendants. (UM 1381))
_____)
G. T. & T. T.,)
)
Complainants,)
)
v.)
)
CROOKED RIVER RANCH WATER COMPANY,)
)
Defendant. (UCR 100).)
_____)

ORDER

ORDER NO. 09-026

SUMMARY

In this decision, we respond to the Court of Appeals' decision in *Crooked River Ranch Water Company v. Public Utility Commission of Oregon*, ** Or App *** (2008) (slip opinion, issued Dec 24, 2008). In that decision, the court remanded for reconsideration Order No. 06-642, issued in docket WJ 8, in which the Public Utility Commission of Oregon (Commission) had asserted jurisdiction over Crooked River Ranch Water Company (Crooked River or the Company). We issued the order pursuant to ORS 757.063, which provides the Commission with jurisdiction over a water association "if 20 percent or more of the members of the association file a petition with the Public Utility Commission requesting that the association be subject to such regulation."¹

In *Crooked River*, the Court of Appeals upheld our finding that a sufficient number of valid signatures had been received to meet the 20 percent threshold under ORS 757.063(1).² The court concluded, however, that we erred in finding that our jurisdiction became effective when we had confirmed and verified receipt of the threshold number of signatures. The Court held that "in light of the text, context, and legislative history of ORS 757.063, the legislature intended an association to be 'subject to regulation' only after the PUC issues an order pursuant to ORS 756.515 determining whether the 20 percent threshold has been satisfied."³ The court remanded this matter to the Commission to "complete the process contemplated by its notice in light of a correct interpretation of ORS 757.063."

We now complete that process in docket WJ 8 (WJ 8) consistent with the Court of Appeals' decision. We also address the status of all dockets pending before us related to Crooked River in light of the court's remand. These dockets include Crooked River's general rate proceeding (UW 120), an enforcement action filed by the Commission against Crooked River and its individual Board members in their capacities as the Board of Directors (UM 1381), and a consumer complaint proceeding (UCR 100).

We begin with a review of WJ 8, and summarize the prior proceedings that resulted in the assertion of Commission jurisdiction in Order No. 06-642. Based on the evidentiary record in that proceeding, as well as other evidence of which we take

¹ ORS 757.063 provides:

(1) Any association of individuals that furnishes water to members of the association is subject to regulation in the same manner as provided by this chapter for public utilities, and must pay the fee provided by this chapter for public utilities, and must pay the fee provided for in ORS 756.310, if 20 percent or more of the members of the association file a petition with the Public Utility Commission requesting that the association be subject to such regulation.

(2) The provisions of this section apply to an association of individuals even if the association does not furnish water directly to or for the public. The provisions of this section do not apply to any cooperative formed under ORS chapter 62 or to any public body as defined by ORS 174.109.

² Slip op. at 5.

³ Slip op. at 4.

ORDER NO. 09-026

official notice, we reassert jurisdiction, but give Crooked River the opportunity to challenge this decision. We then reaffirm orders in UW 120 and UCR 100, but dismiss the UM 1381 proceeding.

I. WJ 8 AND COMMISSION JURISDICTION

A. *Background*

As noted by the Court of Appeals, the facts underlying this dispute are essentially undisputed. The court summarized the facts as follows:

In February 2006, the PUC began receiving petitions from Crooked River's members, requesting that the PUC regulate the association. The PUC tracked those petitions to determine whether the 20 percent statutory threshold had been met, and verified the petitions by confirming that the address on each of the petitions matched that of a current Crooked River member. Some petitions were rejected because they were duplicates or could not be associated with the address of a current Crooked River member. Nonetheless, by April 2006, the PUC believed that the 20 percent threshold had been met.

That month, the PUC sent a letter to Crooked River that was captioned 'NOTICE OF INTENT TO ASSERT FINANCIAL AND SERVICE REGULATORY AUTHORITY[.]' (boldface and uppercase in original.) The letter stated, in part, 'The Commission has received petitions from more than 20 percent of the association members that request regulation of [Crooked River]. This letter is notification of the Commission's intent to assert its authority and regulate [Crooked River] for rates and service.' The letter also notified Crooked River of its 'right to dispute whether the 20 percent threshold has been met, including challenging the validity of the filed petitions, and formally request a hearing within 30 days from the date of this letter.'

In May 2006, Crooked River requested a hearing to dispute whether the 20 percent threshold had, in fact, been met. As part of its request for a hearing, Crooked River argued that it had been operating as a cooperative under ORS chapter 62. At that time, however, Crooked River was actually registered with the Secretary of State as a nonprofit corporation rather than a cooperative. In July 2006, the Crooked River Board of Directors dissolved the nonprofit corporation and formed a cooperative under ORS chapter 62.

ORDER NO. 09-026

The following month, the PUC held an evidentiary hearing pursuant to its notice. Crooked River asserted, among other arguments, that it was formed as a cooperative and was therefore exempt before the PUC assumed regulation of it under ORS 757.063(2). PUC staff, on the other hand, took the position that Crooked River's attempts to reorganize as a cooperative were ineffective. According to PUC staff, Crooked River became 'subject to regulation' as soon as the petitions were received from 20 percent of the members; at that point, Crooked River became 'subject to' ORS 757.480, which requires a public utility to obtain PUC permission before disposing of certain property.⁴

In Order No. 06-642, we adopted the position of Commission Staff (Staff) regarding the effect of ORS 757.063 and ORS 757.480. We explained that, although Crooked River was provided a right to a hearing to challenge the petitions, jurisdiction presumptively attached when we verified a sufficient number of signatures had been received by April 2006. Based on that finding, we concluded that Crooked River's attempt to reorganize the Company as a cooperative was without legal effect.

On appeal, the Court of Appeals upheld our finding that the threshold number of member signatures had been received, but concluded that the Commission had misinterpreted ORS 757.063. Based on its statutory analysis, which included a review of legislative history, the court concluded that a water association does not become a "regulated entity" under ORS 757.063 until the Commission issues its final order asserting jurisdiction. According to the court, this required that the Commission "make a determination that 'there is a reason to provide oversight'" before the initiating regulation.⁵ The court did not address Crooked River's claim that it had reorganized as a cooperative, and remanded our order for reconsideration.

B. *Proceedings on Remand*

The Court of Appeals' remand of Order No. 06-642 presents two issues for our resolution. First, having found that 20 percent of Crooked River's members have filed petitions for regulation, we must determine if "there is reason to provide oversight."⁶ Second, we must determine whether Crooked River is a cooperative exempt from jurisdiction under ORS 757.063(2). We address each separately.

1. *Reasons to Provide Oversight*

⁴ Slip op. at 2-3.

⁵ Slip op. at 4.

⁶ As of March, 2006, Crooked River had 1552 accounts or members, requiring 311 signatories to the petitions (20 percent). On April 6, 2006, Staff had verified 312 signatures. That date was the date the Commission asserted jurisdiction attached. By the time Staff filed testimony (August 1, 2009), Staff had verified 397 signatures, or about 26 percent of the membership. Staff/100/Miller/7-8.

ORDER NO. 09-026

In deciding whether to provide oversight, the Commission exercises discretion. If the subject association were shown to be a well-managed enterprise, providing high quality water service at fair rates, petitioners would have the burden of proving that the Commission's exercise of that discretion to assert jurisdiction would likely result in a public benefit.

On the face of their petitions, association members state compelling grounds for the Commission to assert jurisdiction:

The Company's Bylaws effectively prevent members from having any meaningful participation in the Company's affairs;

The Company's Bylaws permit directors and employees to perform contract work for the Company without the necessity of competitive bids;

The Company's directors have been unresponsive and uncooperative in responding to member complaints or requests for information concerning Company operations, finances and policy; and

It would be burdensome and ineffective for individual members to instigate litigation concerning their individual grievances concerning misuse of Company resources, differences in terms of utility services, and other matters that are the fundamental purpose of laws and regulations of this state covering the provision of utility service.

Additionally, the Commission received numerous complaints from association members.

Based on those petitions, and on the evidentiary record in this proceeding, as augmented by the records in Crooked River's general rate proceeding (UW 120) and the consumer complaint (UCR 100), we find overwhelming factual circumstances and policy considerations for assuming oversight of the operations of Crooked River.⁷

In addition to the widespread member dissatisfaction, the Commission has received evidence of financial mismanagement, inappropriate ratemaking practices, and mistreatment of customers that compels our assertion of jurisdiction. Many of these considerations are documented in Order No. 07-527⁸ and Order No. 08-379.⁹

These include the imposition of a special assessment surcharge for purposes not allowed for water companies by Commission practice, the apparent misuse

⁷ The Commission takes official notice of its files in UW 120 and UCR 100. Any party may object to any fact noticed within 15 days of entry of this order. See OAR 860-014-0050(2).

⁸ The general rate case decision in UW 120, wherein the Commission adopted rates for the Company, after having asserted jurisdiction.

⁹ The decision in UCR 100 ordering Crooked River to connect a customer and setting the amount of the charge the Company may assess a new customer.

ORDER NO. 09-026

of special assessment fund revenues, excessive management compensation, self-dealing, and conflicts of interest, and inappropriate financing measures for system improvements.

Also, we are aware of a criminal investigation into the practices of Crooked River undertaken by the State of Oregon Department of Justice (DOJ). The Commission takes official notice of the DOJ report and instructs Staff to provide the report for the record in this proceeding.

2. *Crooked River's Corporate Status*

Throughout these proceedings, Crooked River has claimed that, although it was organized as a mutual benefit corporation at the time the customer petitions were filed, it subsequently reorganized as a cooperative and is now exempt from jurisdiction under ORS 757.063(2). In our prior order (06-642), we did not reach that claim, finding instead that Commission jurisdiction had attached prior to the attempted reorganization. The Court having vacated our prior finding, Crooked River's claim that it is a cooperative is now ripe for a decision.

a. *Position of the Parties*

In support of its claim of exemption, Crooked River submitted copies of filings it had made with the Secretary of State in April, 2006, purporting to effectuate the Company's reorganization as a cooperative. These filings included a Certificate of Incorporation, Articles of Incorporation – Cooperative, Articles of Dissolution – Business/Professional/Nonprofit, and restated Articles of Incorporation. Although the Company offered no direct testimony to explain its reorganization, Crooked River's General Manager James Rooks testified on redirect as follows:

Q. And it's correct that the board of directors for the water company voted in favor of changing the entity status with the Secretary of State from mutual benefit to cooperative; correct?

A. That's true.

Q. And to the best of your knowledge was the Secretary of State consulted as to the most appropriate procedure for doing so?

A. Yes, they were.

Q. And is there two options available for how to accomplish that end?

A. Yes, there is. You can either dissolve the company or you can just put in for an amendment of some sort. And they said don't do that because the paperwork is horrendous. They just said dissolve it with the intent at

ORDER NO. 09-026

the same time changing it to a corporation. And that's what we did.
I'm sorry. To a co-op.¹⁰

In other words, Crooked River claims simply that its Board members voted to dissolve the corporate entity and filed documents with the Secretary of State as a cooperative.

Staff argues that Crooked River's attempted reorganization was not valid for a number of reasons. First, Staff contends the dissolution of the mutual benefit association was outside the authority of its Board of Directors. Second, Staff alleges that the putative assignment of the assets to the cooperative was inconsistent with Crooked River's dissolution clause in the Company's Articles of Incorporation. Finally, Staff claims that the directors' actions breached their fiduciary duty to the corporation as specified in ORS 65.357.

b. *Resolution*

ORS 757.063(1) provides a right for a minority of the members of an association that furnishes water to petition the Commission for rate and service regulation as a public utility. ORS 757.063(2) exempts that right if the association is a cooperative formed under ORS chapter 62.

In applying those provisions, we must interpret them to give the statute the effect intended by the legislature. As a general rule, statutes are construed to avoid unreasonable results. The legislature does not intend to enact useless or meaningless legislation. *1000 Friends of Oregon v. Wasco County Court*, 299 OR 344 (1985).

For that reason, we will not accept, without inquiry, Crooked River's bare assertion that it has reorganized as a cooperative. To give effect to the statute, and to observe the rights of the minority members, we construe ORS 757.063(2) to require that any attempted reorganization of the corporate entity be carried out fully in compliance with the entity's corporate Bylaws, Articles of Incorporation, and applicable statutes.

Crooked River offered only copies of its filings with the Secretary of State purporting to reorganize itself as a cooperative. It offered no evidence to the effect that its attempted reorganization was conducted pursuant to duly convened meetings of the Board of Directors or the membership. It offered no evidence that its Bylaws or Articles of Incorporation had been amended to facilitate the reorganization.

As noted above, for this Commission to acknowledge that Crooked River had effectively reorganized as a cooperative, the Company needs to show that duly elected members of the Board of Directors had complied with all applicable legal requirements to effectuate the change. The Company has proven none of these elements of its case. In fact, even a cursory review of Crooked River's Articles of Incorporation and Bylaws as mutual benefit corporation support's Staff's claim that the attempted

¹⁰ Transcript, pages 72-73.

ORDER NO. 09-026

reorganization was invalid. Under those Articles, the water system reverts back to Crooked River Ranch upon dissolution of the corporation. Moreover, under the Bylaws, one of the Board members, Mr. Rooks, is barred from serving on the Board because he is also the Company's general manager.

Neither the corporate Bylaws, nor the Articles of Incorporation, invest in the Board the authority to dissolve the association, without a vote by the membership. The Company failed to prove that it amended either the Bylaws or the Articles of Incorporation to provide for the dissolution of the association or for the distribution of the corporate assets to the putative cooperative.

Because the attempted reorganization was undertaken after we first served notice of our intent to assert jurisdiction, Crooked River's claim that it is a cooperative is treated as an affirmative defense to our assertion of jurisdiction. As an affirmative defense, Crooked River has the burden of proving that it fully complied with all legal requirements when it tried to reorganize as a cooperative.

Accordingly, pursuant to ORS 756.515(4), we find that, to date, Crooked River has failed to establish that it is a cooperative exempt from jurisdiction under ORS 757.063(2). Based on that finding, at this time, we conclude Crooked River remains an Oregon mutual benefit corporation, subject to the provisions of ORS 757.063(1), and reassert jurisdiction.

II. RELATED CROOKED RIVER DOCKETS

Having reasserted jurisdiction, we must address the status of other dockets related to Crooked River.

In Order No. 07-527, UW 120, we established rates for service provided by Crooked River to its members. Pursuant to ORS 756.515(4), we find that the reinstatement of the rates adopted in that order is necessary for the public health and safety, and to prevent the dissipation of assets of the business.¹¹

In Order No. 08-243, UW 120, we ordered Crooked River to distribute \$130,656.26 to its members. Pursuant to ORS 756.515(4), we find that the distribution of those funds is necessary to prevent the dissipation of assets of the business, and reinstate the order. We will stay the distribution upon the posting by Crooked River of a sufficient bond to ensure the ability to perform this obligation to distribute \$130,656.26 to its members in the event of a final order directing distribution of the funds.

In Order No. 08-379, the consumer complaint, we ordered Crooked River to provide service to a customer at a connection rate we determined to be reasonable. Pursuant to ORS 756.515(4), we find that the reinstatement of that order is necessary for the public health and safety.

¹¹ The Commission also reinstates its errata Order No. 07-528.

ORDER NO. 09-026

In UM 1381, we initiated an enforcement proceeding against Crooked River and its Board members for failing to comply with our orders. Pursuant to ORS 756.515(4), we dismiss and close that proceeding.

III. FUTURE PROCEEDINGS

Pursuant to ORS 756.515(5), Crooked River may request a hearing to determine whether this order should continue in effect. Crooked River may request a hearing not later than 15 days after the date of service of this order, and the hearing shall be held not later than 60 days after Crooked River's request for hearing.

ORDER

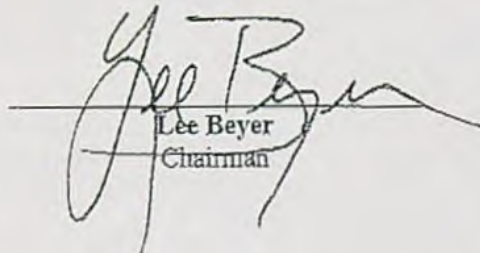
IT IS ORDERED that:

1. Crooked River Ranch Water Company is a regulated utility pursuant to ORS 757.063.
2. The tariffs filed by Crooked River Ranch Water Company in compliance with Order Nos. 07-527 and 07-528 are effective immediately.
3. Crooked River Ranch Water Company shall make a timely connection to the property specified in Order No. 08-379 upon receipt of Complainants' payment.
4. Within three business days of the date of service of this Order, Crooked River Ranch Water Company shall provide verified notice regarding whether the terms of this order are accepted and the time within which the order will be obeyed pursuant to OAR 860-014-0094.
5. Crooked River Ranch Water Company shall distribute \$130,656.26 to its members, or alternatively, post a sufficient bond to ensure the ability to perform the obligation.
6. Docket UM 1381 is closed.

ORDER NO. 09-026

7. Crooked River Ranch Water Company may request, within 15 days of service of this order, a hearing to determine whether this order should remain in effect.

Made, entered, and effective JAN 28 2009.


Lee Beyer
Chairman


John Savage
Commissioner


Ray Baum
Commissioner



A party may request rehearing or reconsideration of this order pursuant to ORS 756.561. A request for rehearing or reconsideration must be filed with the Commission within 60 days of the date of service of this order. The request must comply with the requirements in OAR 860-014-0095. A copy of any such request must also be served on each party to the proceeding as provided by OAR 860-013-0070(2). A party may appeal this order by filing a petition for review with the Court of Appeals in compliance with ORS 183.480-183.484.

STATE OF OREGON
COUNTY OF JEFFERSON AND DESCHUTES
PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

CROOKED RIVER RANCH WATER COMPANY
P.O. BOX 879
CROOKED RIVER RANCH, OREGON 97760

503-548-8939

to use the waters of WELLS 2 & 3 in the CROOKED RIVER BASIN for QUASI-MUNICIPAL USE.

This permit is issued approving Application G-12579. The date of priority is JUNE 18, 1991. The use is limited to not more than 5.0 CUBIC FEET PER SECOND (CFS), BEING 2.5 CFS FROM EACH WELL, or its equivalent in case of rotation, measured at the well.

The wells are located as follows:

NW 1/4 NW 1/4, SW 1/4 SE 1/4, SECTION 24, T 13 S, R 12 E, W.M.; WELL 2 - 680 FEET SOUTH AND 780 FEET EAST FROM NW CORNER, SECTION 24, WELL 3 - 80 FEET NORTH AND 480 FEET EAST FROM S 1/4 CORNER, SECTION 24.

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

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

NW 1/4 NW 1/4
S 1/2 SW 1/4
SECTION 4
E 1/2 NE 1/4
SE 1/4 SW 1/4
SE 1/4
SECTION 5
NE 1/4
NE 1/4 NW 1/4
SECTION 8
NW 1/4 NW 1/4
S 1/2 NW 1/4
S 1/2
SECTION 9
S 1/2 NW 1/4
SW 1/4
S 1/2 SE 1/4
SECTION 10
SW 1/4 SW 1/4
SECTION 13
SW 1/4 NE 1/4
NW 1/4 NW 1/4
S 1/2 NW 1/4
S 1/2
SECTION 14
ALL
SECTION 15
ALL
SECTION 16
E 1/2 NE 1/4
E 1/2 SE 1/4
SECTION 17
N 1/2
SECTION 21

T-9663 dpa
V.61p.532
T-9222 L. 1/11

Application G-12579

Water Resources Department

PERMIT G-11376

N 1/2
 NW 1/4 SW 1/4
 N 1/2 SE 1/4
 SE 1/4 SE 1/4
 SECTION 22
 NE 1/4
 E 1/2 NW 1/4
 E 1/2 SW 1/4
 SE 1/4
 SECTION 23
 NW 1/4
 S 1/2
 SECTION 24
 ALL
 SECTION 25
 ALL
 SECTION 26
 E 1/2
 N 1/2 NW 1/4
 SE 1/4 NW 1/4
 NE 1/4 SW 1/4
 S 1/2 SW 1/4
 SECTION 27
 N 1/2 NE 1/4
 SW 1/4 NE 1/4
 NW 1/4
 E 1/2 SW 1/4
 SE 1/4
 SECTION 34
 ALL
 SECTION 35
 N 1/2 NE 1/4
 SW 1/4 NE 1/4
 W 1/2
 SE 1/4
 SECTION 36
 TOWNSHIP 13 SOUTH, RANGE 12 EAST, W.M.

S 1/2 SW 1/4
 SW 1/4 SE 1/4
 SECTION 31
 TOWNSHIP 13 SOUTH, RANGE 13 EAST, W.M.

N 1/2 NE 1/4
 N 1/2 NW 1/4
 SW 1/4 NW 1/4
 SECTION 1
 N 1/2 NE 1/4
 SE 1/4 NE 1/4
 W 1/2 SW 1/4
 SE 1/4 SW 1/4
 SECTION 2
 ALL
 SECTION 3
 NW 1/4 NW 1/4
 SECTION 11
 TOWNSHIP 14 SOUTH, RANGE 12 EAST, W.M.

NW 1/4 NE 1/4
 N 1/2 NW 1/4
 SECTION 6
 TOWNSHIP 14 SOUTH, RANGE 13 EAST, W.M.

Within one year from the date the Water Resources Commission adopts rules describing the schedules, standards and procedures for water conservation management plans by water suppliers, Crooked River Ranch Water Company shall submit a plan which is consistent with said rules.

Within one year of permit issuance, Crooked River Ranch Water Company shall prepare a plan/timetable for the Water Resources Commission which shall indicate the steps which the Water Company intends to pursue to obtain a long-term water supply.

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 wells at all times. When required by the department, 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.

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.

Actual construction work shall begin on or before November 18, 1992, and shall be completed on or before October 1, 1993. Complete application of the water shall be made on or before October 1, 1994.

B+C to 10-1-98
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 beneficial use of water without waste. The water user is advised that new regulations may require 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.

Issued this date, NOVEMBER 18, 1991.

/s/ WILLIAM H. YOUNG

Water Resources Department
William H. Young
Director

C 08

AMENDED by special order
v. 51 pg. 1235

Municipal or Quasi-Municipal

Extension PFO Checklist for Water Use Permits

issued on or prior to November 2, 1998

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

Application: G- 12579 Permit: G- 11376 Permit Amendment? No ☐ Yes ☐ T- 7828 ☐ pending ☒ approved

Permit Holder's Name: Crooked River Ranch Cooperative Attn: James Rooks

Permit Holder's Mailing Address: PO Box 2319 Terrebonne, OR 97760 email JR@crrwc.com

Phone Number: 541-923-1041

POD Location: Township 13 S Range 12 E Section 24 $\frac{1}{4}$ NWNW,NWSE,NESE

Drainage Basin: 5 County: Jefferson Watermaster District: 11 Watermaster: Jeremy Giffin

Date Permit was issued: 11/18/1991

Priority Date: 6/18/1991

Date of PN: 4/14/2009

Source: Wells 2 & 3 within the crooked River Basin. Well 4 added by T-7828. Well 3 moved by T-9663

Use: ☐ Municipal ☒ Quasi Municipal ☐

"Q": 5.0 cfs, being 2.5 cfs from Wells 2, 3 & 4

Orig "A" Date: 11/18/1992

Orig "B" Date: 10/1/1993

Orig "C" Date: 10/1/1994

Extension
request rec'd: 1/12/2009

Last Authorized
"B" Date: 10/1/2008

Last Authorized
"C" Date: 10/1/2008

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

Proposed
"B" Date: 10/1/2028

Proposed
C Date: 10/1/2028

Conditions of Permit:

Condition Met?	Condition Not Met?	Permit Condition
☒	☐	Submitted WMCP
☒	☐	Submitted Long-Term Water Plan
☒	☐	A-Date Met
☐	☒	Install meter on Well 3 prior to water use as per T-9963 (Well 3 not yet drilled)
☐	☐	

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

Yes No

- ☒ ☐ Work was accomplished within the time allowed in the permit or previous extension
- ☒ ☐ Water right permit holder conformed with the permit or previous extension conditions
- ☒ ☐ Beneficial use made of the water during the permit or previous extension time limits
 - Permit holder has beneficially used 3.75 ☒ cfs ☐ gpm ☐ af Undeveloped portion 0 ☐ cfs ☐ gpm ☐ af
- ☒ ☐ Financial investments were made toward developing the beneficial water use.
 - Amount Invested to date: \$1,035,730 Estimated Remaining Cost: \$4,460,000

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

As of Population Projected

Population 3,500 (Year) 2008 ☐ Growth 5% ☐ Population 10,500 by (Year) 2028 Calculated? Yes ☒

As of Projected

Peak Demand 3.75 cfs (Year) 2008 ☐ Peak Demand 5.0 cfs by (Year) 2028 Calculated? Yes ☒

① Crooked River Ranch Company

VS

Crooked River Ranch Co-op

- who is Applying?

Sec. 7 state reorganization

② current peak day demand w/o fire protection Question 6 = 5.0 ??

per WMCP

Well 1 (4) Lower Ridge well

800 GPM 1.78 G-11376

→

3.2-3.5

Well 2 Commercial Loop

800 GPM 1.78

950 w/head
950

.06 Cent 75144

1.72 G-11376

5-12-04 letter from
CRRWC says pumped
3.75 for 5 hrs from
Well #2.

Total G-11376 3.5 cfs

p. 5-1 WMCP

③ Build-out pop = 1764 connections = 4410 pop
② 2.5 people/conn.
% growth rate

projected pop will be reached by _____ yr.

Future demand 283 gpd x accounts

283 x 1764 at buildout 49,932 gpd x 24 hr

3.75

x 60 min / hr = 7.1 gpd

1748
residential
100 build
current now



30 cfs

Well 2 cfs

Permit
=
car

Certificate
Belongs to
Land



Municipal or Quasi-Municipal

Extension PFO Checklist for Water Use Permits

issued on or prior to November 2, 1998

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

Application: G- 12579 Permit: G- 11376 Permit Amendment? No ☐ Yes ☒ T- 7828 ☐ pending ☒ approved

Permit Holder's Name: Crooked River Ranch Water Company Attn: James Rooks
Assignment needed to Co-op T-9663

Permit Holder's Mailing Address: PO Box 2319 email jr@crrwc.com

Phone Number: 541-923-1041

POD Location: Township 13S Range 12E Section 24 $\frac{1}{4}$ NWNW,NWSE,NESE

Drainage Basin: 5 County: Jefferson Watermaster District: 11 Watermaster: Jeremy Giffin

Date Permit was issued: 11/18/1991

Priority Date: 6/18/1991

Date of PN: 4/14/09

Source: Wells 2&3 within Crooked River Basin *(plus Well 4 added - from P.A. T-7828)*

Use: ☐ Municipal ☒ Quasi Municipal *(Well 3 moved - from P.A. T-9663)*

"Q": 5.0 cfs, Being 2.5cfs from each well

Orig "A" Date: 11/18/1992

Orig "B" Date: 10/1/93

Orig "C" Date: 10/1/94

Extension request rec'd: 11/6/2008
updated 1-12-2009

Last Authorized "B" Date: 10/1/08

Last Authorized "C" Date: 10/1/08

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

Proposed "B" Date: 10/1/2028

Proposed C Date: 10/1/2028

Conditions of Permit:

Condition Met?	Condition Not Met?	Permit Condition
☒	☐	Submit wmcip
☒	☐	Submit long-term water supply plan
☐	☐	<i>Install Meter on well #3 prior to water use as per T-9663</i>
☒	☐	A-date met
☐	☐	

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

Yes No

- ☒ ☐ Work was accomplished within the time allowed in the permit or previous extension
- ☒ ☐ Water right permit holder conformed with the permit or previous extension conditions
- ☒ ☐ Beneficial use made of the water during the permit or previous extension time limits
- Permit holder has beneficially used 3.75 ☒ cfs ☐ gpm ☐ af Undeveloped portion 0 ☐ cfs ☐ gpm ☐ af
- ☐ ☐ Financial investments were made toward developing the beneficial water use.
- Amount Invested to date: \$1,035,730 Estimated Remaining Cost: \$3,460,000 *4,460,000*

No GW review needed. DWF 12-9-08

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

Population 3,950 (Year) 2008 ☒ Growth .5% ☐ Population 4,370 by (Year) 2028 Calculated? Yes ☒

Peak Demand 3.75 cfs (Year) 2008 ☐ Peak Demand 5.0 cfs by (Year) 2028 Calculated? Yes ☐

Application: - Permit: - Township Range Section

For MUNICIPAL permits ONLY.

Yes No

- ☐ ☒ Is this a Municipal use Permit (If YES, proceed. If NO, skip to "Good Cause")
☐ ☐ Has full "Q" been beneficially used? (If YES, skip to "Good Cause")
☐ ☐ Is this the first extension issued since 6/29/05? (If NO, skip to "Good Cause")
☐ ☐ If GW permit, does it have PSI? (If NO, skip to "Good Cause")
☐ ☐ Does the permit holder have any existing fish protection agreements with a state or federal agency?

Date sent to ODFW for review

Date returned from ODFW

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

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

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

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

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

☒ Max "Q" Development Limitations and Div. 86 Water Management and Conservation Plan

☐ Other:

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

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

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

☐ COBU Requirement - Surface Water - post July 9, 1987

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

☒ COBU Requirement - Ground Water - post July 9, 1987

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

NOTES:

cc: Peter D. Mott, Attorney at Law, One SW Columbia St. Suite 1110, Portland OR 97258, 503.228.1000
Copy of PFO

Extension "PFO" Dates

Mailing / Issuance Date: Protest Deadline Date:

Reviewer's Name: Date:

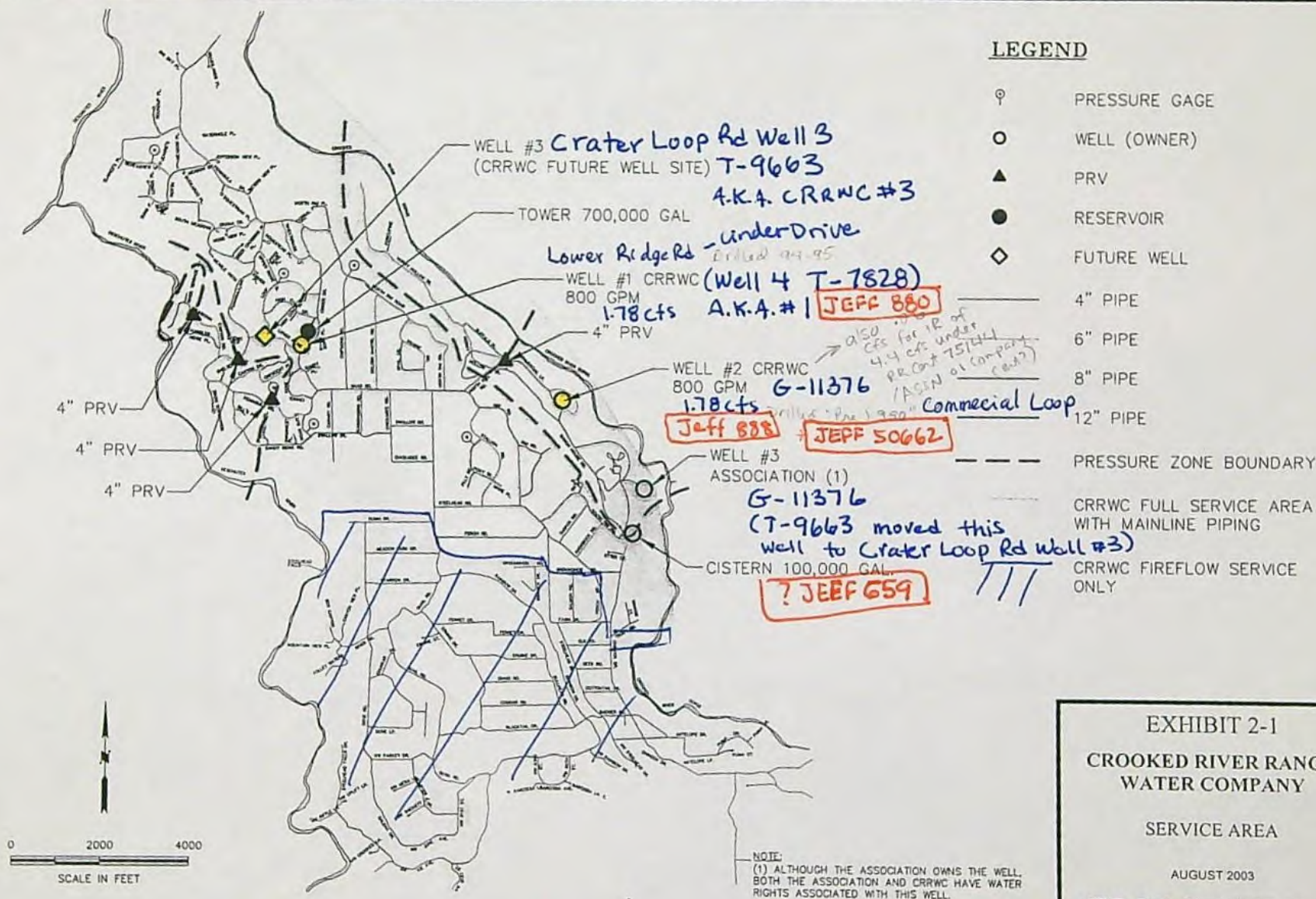


EXHIBIT 2-1 CROOKED RIVER RANCH WATER COMPANY

SERVICE AREA

AUGUST 2003

ees Economic and Engineering
Services, Inc.
Bellevue Mount Vernon Olympia Portland Tacoma



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

Application for Extension of Time for Municipal and Quasi-Municipal Water Use Permits

Make use of this form, *Application for Extension of Time for Municipal and Quasi-Municipal Water Use Permits*, only if the permit uses the word "Municipal" or "Quasi-municipal" in the description of the purpose or use to which water is to be applied.

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

A separate extension application must be submitted for each permit as per OAR 690-315-0070(2). This page, with an original signature by the permit holder of record, must accompany any application for extension of time.

This application and a summary of review criteria and procedures that are generally applicable to this application are available at <http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml>

I, Crooked River Ranch Water Cooperative

James Rooks

NAME OF PERMIT HOLDER [OAR 690-315-0070(1) and (3)(a)]

NAME OF CONTACT

PO Box 2319

Terrebonne

Oregon

97760

ADDRESS

CITY

STATE

ZIP

541-923-1041

jr@crrwc.com

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PHONE

E-MAIL ADDRESS

the permit holder of:

Application Number G - 12579

JAN 12 2009

Permit Number G - 11376

WATER RESOURCES DEPT
SALEM, OREGON

[OAR 690-315-0070(3)(b)]

do hereby request that the time in which to:

☒ complete construction (of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water), which time now expires on October 1, 2008, be extended to October 1, 2028,

and/or the time in which to:

☒ apply water to full beneficial use under the terms and conditions of the permit, which time now expires on October 1, 2008, be extended to October 1, 2028.

I am the permittee, or have written authorization from the permittee, to apply for an extension of time under this permit. I certify that the information I have provided in this application is true and correct to the best of my knowledge.

Signature

Date

WRAD

Application for Extension of Time
For Municipal and Quasi-Municipal Water Use Permits
Page 1 of 1

Last Revised: 6/20/2008

Before submitting, make sure the following items are included:

- Completed Application for Extension of Time
- Statutory fee of \$350 (ORS 536.050)
- Signature page (page 1 of application) for Application for Extension of Time
- All supporting documentation and/or evidence referenced in the Application for Extension of Time

MAIL COMPLETED APPLICATION

along with the

\$350 STATUTORY FEE (ORS 536.050) TO:

**Water Resources Department
Attn: Water Right Permit Extensions
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266**

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GENERAL TIPS:

- A separate Application for Extension of Time must be submitted for each permit. OAR 690-315-0070(2).
- Request the reasonable amount of time necessary to fully develop the permit and complete the project. If you don't request enough time, OWRD may be unable to find that you can complete the project within the time requested.
- Permit extensions for Municipal and Quasi-Municipal permits are evaluated under OAR Chapter 690, Division 315. Except under limited circumstances (see OAR 690-315-0090), upon issuance of an order approving an extension of time, the permit holder will be required to submit a Water Management and Conservation Plan (WMCP) under OAR Chapter 690, Division 86 within 3 years. Diversion of water beyond the maximum rate currently diverted under the permit shall only be authorized upon approval of a WMCP. These rules may be viewed at: <http://www.wrd.state.or.us/OWRD/LAW/index.shtml>.
- The Application for Extension of Time includes more detailed tips and instructions to help you respond to each item of the application. Oregon water law and administrative rules require the OWRD to consider each of these items when reviewing a Municipal or Quasi-Municipal water use Application for Extension of Time. However, please feel free to provide OWRD with any additional information or evidence that will aid us in making our decision. Please note that OWRD may require other information that is necessary to evaluate the application. OAR 315-0070(3)(p).
- After careful review of the Application for Extension of Time, you may contact OWRD at (503) 986-0900, to ask questions and request assistance from a Permit Extensions Specialist in the Water Rights and Adjudications Division.
- Once an Application for Extension of Time is received by OWRD, it will be reviewed for completeness. OWRD will return any incomplete or deficient applications to the applicant. OAR 690-315-0080(1)(a).

Reference Materials Needed to Complete this Application

Below is a listing of the items that must be reviewed and considered when completing an Application for Extension of Time for a Municipal or Quasi-Municipal water use permit:

- The subject water right permit. If needed, a copy of the water right permit can be downloaded from the Department's Website at <http://www.wrd.state.or.us> (find the link to the Water Rights Information System (WRIS). Or, a copy of the permit (or other documents) may be requested by water right application number from the Water Rights Division at 503-986-0900 (copy fees will apply).
- Water Management and Conservation Plan (OAR Chapter 690, Division 86), *if applicable*, per OWRD.

- Water System Master Plan, *if applicable*, per Oregon Health Division.
- Documentation which demonstrates compliance with permit conditions (for example, well construction logs; static water level measurement reports; annual water use reports; a long-term alternative water supply plan; a plan to monitor the effect of water use on ground water aquifers utilized under the permit, etc.).
- All other water rights (certificates, permits, permit amendments, transfers, and/or new applications) held by the applicant.

Definitions Pertinent to this Application for Extension of Time

Actual Construction - any physical work performed toward completion of the water system which demonstrates the water right permit holder's good faith and intention to complete the project with reasonable diligence. Actual construction does not include planning a diversion system, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, or surveying. This definition applies to quasi-municipal permit holders, required under the applicable statute, and for municipal water use permits issued on or after June 29, 2005. OAR 690-315-0070(3)(c) and (d), and OAR 690-315-0020(3)(d)(A)and(B).

C-Date – the date specified in the permit for complete application of water.

Permitted Time Period - period of time between the date when the permit was signed *and* the date specified in the permit for complete application of water

Time Period of the Previous Extension - For 2nd Application for Extension of Time - period of time between the date specified in the permit for complete application of water and the new "extended to date" for complete application of water specified in the 1st approved extension.

For 3rd or Application for Extension of Time - period of time between the "extended from date" for complete application of water and the "extended to date" for complete application of water specified in the most recently approved extension.

Undeveloped Portion of the Permit - the portion of the permit that is the difference between the maximum rate, or duty if applicable, specified in the permit and the maximum rate, or duty if applicable, diverted for beneficial use before the extension. OAR 690-315-0010(6)(g).

Work and Actions Accomplished - includes both physical work and other activities associated with the development of the water right, such as: water management planning; conservation planning; development of a water master plan for the Oregon Health Division; planning of a diversion system; demand forecasting; flow or water quality monitoring; source evaluation; entry into intergovernmental agreements for water delivery; property acquisition; engagement in governmental permitting or project financing; procurement of planning, design or construction services; surveying; and any physical work performed toward completion of the system and development of the right (e.g., pumps; pipes; well construction; treatment plant/facilities; transmission systems; distribution systems; and/or intake structures). OAR 690-315-0080(4).

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SALEM, OREGON

Completing the Extension of Time Application for Quasi-Municipal or Municipal Use Permits

Please provide the information requested by item numbers 1-15. OWRD will use this information to evaluate your Application for Extension of Time. A Microsoft Office Word template (.dot) for this Application for Extension of Time (For Quasi-Municipal and Municipal Water Use Permits) may be available from the Extension Specialist at OWRD.



TIP: When making a reference to any document, report, and/or plan:

(1) reference the source document along with any page number(s), table(s) and/or chart(s) used in the response, and

(2) include a copy of the source document (or appropriate pages) with the extension application.

[OAR 690-315-0070(3)]

1. Submit the appropriate extension of time fee (\$350), as specified under ORS 536.050.

If the extension application fee has already been paid, please provide indicate why and when it was paid. The statute for this fee may be viewed at www.leg.state.or.us/ors/536.html.

[OAR 690-315-0070(3)(c)]

2. For Quasi-Municipal water use permit holders, provide evidence of the actions taken to begin actual construction on the project if required under the applicable statute. All Quasi-Municipal permits issued prior to October 23, 1999, are generally required to begin actual construction within one (1) year.



TIP: See Definition of "Actual Construction"

Preferred Format for Item 2:

Begin Date Pre-1990 . Construction of Well #2 began.
(month/year) (details)

[OAR 690-315-0070(3)(d)]

3. For Municipal water use permits issued on or after June 29, 2005, evidence of the actions taken to begin actual construction on the project.



TIP: See definition of "Actual Construction"

Preferred Format for Item 3:

Begin Date _____ . Construction of _____ began.
(month/year) (details)

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SALEM, OREGON

[OAR 690-315-0070(3)(e)]

4. Provide evidence actions taken to develop the water right permit within the permitted time period and/or, if applicable, within the time period of the previous extension.



TIP: See definitions of "Permitted Time Period", "C-Date", "Time Period of the Previous Extension", "Actual Construction" and "Work and Actions Accomplished".

Preferred Format for Item 4: Answer in conjunction with Item 8

(Use these headings and fill in details in chronological order)

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INSERT DATES	ALL WORK AND ACTIONS ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List work/actions done before the permitted was issued – eg. Well drilled.</i>	COST
1980 4-24-90	Steel 700,000 gallon reservoir constructed CRRWC receives deed to Well #2	\$181,815.00 N/C
INSERT DATES	ALL WORK AND ACTIONS ACCOMPLISHED DURING PERMITTED TIME PERIOD (after permit was issued and prior to permit "C-date") <i>List work/actions done during the permitted time period.</i>	COST
11-18-91	The permit was signed - find date above signature on last page of permit.	
1990	Resurfaced cistern	\$ 7,000.00
'94-'95 10/97	Well #1 (formerly #4) completed and brought on line 20 year plan completed to establish a long range plan for the water supply	\$404,000.00
	The permit specified "Actual Construction Work" shall begin ("A-Date") -not all permits contain this date.	N/A
2000	Equipment acquisition (back hoes, crane, generator, trailer, well equipment)	\$120,000.00
5/2000	700,000 gallon standpipe rehabbed	\$ 51,000.00
6/2000	Well #2 reconditioned	\$ 31,000.00
4/10/01	Purchased Crater Loop property for new well site	\$ 30,476.00
9/03	Began negotiations with CRR Assn. For leases and easements	(see below)
1/26/04	Water Conservation & Management Plan completed. (WRD picked up for review 8/07.)	
7/04	Initiated assessment fee of \$8 per month per meter for capital improvements	\$ 4,858.00
0/20/04	Transferred water rights (point of appropriation) from Assn. Well #3 to Crater Loop site of proposed CRRWC Well #3.	\$ 494.00
10/1/2004	The permit specified complete application of water to the use shall be made ("C-Date") - all permits contain this date.	
INSERT DATES	ALL WORK AND ACTIONS ACCOMPLISHED AFTER PERMIT "C-Date" and PRIOR TO ANY EXTENSION OF TIME REQUEST <i>For the 1st Application for Extension of Time: List work/actions done after the permit "C-date" up to the date of this extension request. For Other than the 1st Application for Extension of Time: List any work/actions done after the permit C-Date but prior to the most recent extension.</i>	COST
2004 – 2008	Purchased Pipe for Well and connecting to 700,000 gallon standpipe.	\$ 43,350.00

2004 – 2008	Engineering Attorney fees, primarily in relation to gaining leases and easements from the CRR Association.	\$ 124,146.00
11/16/05	Surveying for new well and piping to tower	\$ 3,550.00
INSERT DATES	ALL WORK AND ACTIONS ACCOMPLISHED DURING THE MOST RECENT EXTENSION OF TIME GRANTED <i>For Other than 1st Application for Extension of Time: List any work/actions done during the time period most recent extension.</i>	COST
10/1/1994	Last "Extended From Date" for complete application of water (used on the most recently approved extension of time).	
4/10/01	Purchased Crater Loop property for new well site.	\$ 30,476.00
11/16/05	Surveying for new well and piping to tower.	\$ 3,550.00
2/20/08	WCMP resubmitted with corrections to WRD.	
10/1/2008	Last "Extended To" date for complete application of water (resulting from the most recently approved extension of time).	
INSERT DATES	ALL WORK AND ACTIONS ACCOMPLISHED AFTER THE MOST RECENT EXTENSION OF TIME GRANTED <i>List work/actions done after the last authorized date for complete application of water has passed.</i>	COST
	N/A	
Total Cost to Date		\$ 194,044.00

¹ OAR 690-315-0070(3)(i)

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SALEM, OREGON

[OAR 690-315-0070(3)(f)]

5. Provide evidence of compliance with conditions contained in the original permit, and any previous extension(s), or the reason the condition was not satisfied.

Conditions requiring a written response in the extension of time application include those which:

- A. Stipulate a specific date by which the permit holder was to accomplish a specific action, such as a condition that requires plans and specifications for a reservoir, a Water Management and Conservation Plan, a groundwater monitoring plan or some other document which "...shall be submitted...within two years of permit issuance." If your permit requires submittal of a Water Conservation and Management Plan, please indicate the date the plan was submitted to or approved by OWRD, or whether it is still being drafted, etc.;

Permit G-11376 issued 11/18/91 required that a plan/timetable be prepared to indicate the steps CRRWC intends to pursue to obtain a long-term water supply. CRRWC prepared and submitted a 20 year plan in 10/97, and in 9/03 submitted its Water Conservation and Management Plan (WRD began review of the WCMP in 8/07, and a revision was submitted 2/08 with corrections as requested by WRD.) See attachment #1.

and/or

- B. Are triggered by the use of water, but do not stipulate a specific date. These conditions represent a milestone in development of the project and use of water, such as the permit holder, "shall install...a water meter or other suitable measuring device approved by the Director...before any use of water begins." Another common condition triggered by the use of water is that; "fish screens are to be installed according to Oregon Department of Fish and Wildlife specifications."

Permit G-11376, T-9663, required that a meter or other suitable measuring device, be installed on the new well. Since the new well has not been drilled, this has not been accomplished. Both existing wells #1 (formerly #4) and #2 have meters installed on the pumps and are read regularly. Once Well #3 is completed, a meter will be installed on the pump. See attachment #2.



TIP: Any supporting documentation submitted to demonstrate compliance with time-sensitive permit conditions or any conditions from prior permit extension(s) must be clearly referenced and may include, but is not limited to: well construction logs; static water level measurement reports, annual water use reports; a Water Management and Conservation Plan consistent with OAR Chapter 690, Division 86; an alternative long-term water supply plan; and/or a plan to monitor the effect of water use on ground water aquifers utilized under the permit.

If needed, please contact OWRD for assistance in identifying and/or interpreting which conditions in the water permit are pertinent to the Application for Extension of Time.

Preferred Format for Item 5:

Attach a copy of your permit and, if applicable, any prior permit extension(s) or permit amendments with condition(s) identified and hand-numbered in a continuous numeric sequence throughout all such documents. Your written response to Item 5 should reference each condition(s) by number to correspond with the hand-written numbers on the permit and, if applicable, any prior permit extension(s) or permit amendments.

[OAR 690-315-0070(3)(g)]

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

The maximum instantaneous rate, or duty if applicable, must be reported in the same units of measurement as specified on the permit, being cfs (cubic feet per second), gpm (gallons per minute), or AF (acre-feet – usually only specified on a reservoir right to store water).



TIP: Documentary evidence substantiating the maximum instantaneous rate, or duty if applicable, of water diverted as of the date of the extension may include, but is not limited to: water meter records; dedicated electrical meter records; business records; and/or a sworn affidavit.

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Preferred Format for Item 6:

Maximum instantaneous rate used to date = 3.75 cfs (cubic feet per second) or,

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

Acre Feet stored to date= _____ AF

[OAR 690-315-0070(3)(h)]

7. Provide an estimate of the population served under this permit and a description of the methodology(ies) used to make the estimate.

Estimate the current population that is supplied water by the municipality or quasi-municipality and if applicable, current population served under this permit. Describe how that estimate was derived, or cite the source document from which the data was obtained. Include any calculations, formulas, supporting documentation, including copies of source documents.

CRRWC currently has 1580 accounts. Using an average of 2.5 persons per household, we estimate that we currently serve 3950 persons with potable water. However, CRRWC also provides fire protection to the entire ranch which currently has an estimated population of 5000.

[OAR 690-315-0070(3)(i)]

8. Provide a description of the financial expenditures made toward completion of the water development under this permit.

Provide a list that describes all major work and actions accomplished from the date this permit was issued up to the time this extension application is prepared. Include dates the work was accomplished, the cost of each development component listed, and the total cost of all work described.



TIP: See definition of "Work and Actions Accomplished"

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Preferred Format for Item 8: Answer in conjunction with Item 4

DATE	WORK AND ACTIONS ACCOMPLISHED	COST
1980	700,000 gallon standpipe	\$ 181,815.00
1990	Resurfaced cistern	\$ 7,000.00
'94-'95	Well #1 (formerly #4) completed and brought on line	\$ 404,000.00
10/97	20 year plan completed to establish long range plan	\$ unknown
2000	Equipment acquisition (backhoes, crane, generator, trailer, well equipment)	\$ 120,000.00

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5/2000	700,000 gallon standpipe rehabbed	\$ 51,000.00
6/2000	Well #2 reconditioned	\$ 31,000.00
4/10/01	Purchased property for Well #3 on Crater Loop	\$ 30,476.00
9/03	Began Negotiations with Association for easements & leases	\$ (see legal)
1/26/04	WCMP completed	\$ 14,593.52*
7/04	Initiated assessment fee for capital improvements	\$ 4,858.00
9/20/04	Transferred water rights from Assn. Well #3 to CRRWC proposed site of Well #3.	\$ 494.00
'04-'08	Purchased pipe for well and connection to standpipe	\$ 43,350.00
'04-'08	Engineering for well, pump houses, chlorination station, etc.	\$ 22,998.00
'04-'08	Attorney fees, primarily in relation to gaining leases & easements from Association	\$ 124,146.00
*Does not include staff/labor charges		
Total Cost		\$1,035,730.52

[OAR 690-315-0070(3)(j)]

9. **Provide an estimate of the cost necessary to complete the water development.**

Provide your best estimate of the total remaining financial investment necessary to complete construction of the system and/or apply water to full beneficial use. Include a list that briefly describes the major future components or actions needed, the approximate time frames, and estimated costs anticipated to complete the water development within the parameters of this permit.



TIP: See definition of "Work and Actions Accomplished"

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Preferred Format for Item 9: Answer in conjunction with Item 12

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APPROXIMATE DATE RANGE (projected)	WORK AND ACTIONS TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
By 2028	Obtain necessary easements/leases from Association	\$ 10,000.00**
By 2028	Drill Well #3 and construct well house	\$ 2,500,000.00**
By 2028	Install piping from Well #3 to 700,000 gallon standpipe	\$ 300,000.00**
By 2028	Modify standpipe and install chlorination station	\$ 350,000.00**
By 2028	Replumb Well #1 (formerly #4)	\$ 300,000.00**
By 2028	Replace 100,000 gallon cistern with 400,000 gallons	\$)
By 2028	Redesign cistern pump station and add larger pumps	\$) 1,000,000.00**
By 2028	Perfect Water Rights	\$ unknown

	These are extremely rough estimates due to the increasing prices of pipe, fuel, oil, etc. In all likelihood, costs will be much higher.	
Total Cost		\$4,460,000.00**

[OAR 690-315-0070(3)(k)]

10. Provide a summary of any events that delayed completion of the water development or application of water to full beneficial use, including other governmental requirements (if any), relating to the project that have significantly delayed completion of construction or perfection of the right.

The primary reason that development and full beneficial use have not been completed is due to the assertion of jurisdiction by the PUC. They set rates that are dangerously low for this company to survive on a daily basis, let alone attempt to continue with the needed capital improvements. CRRWC had established an \$8 per month per meter assessment to finance the capital improvements. The PUC removed the assessment and is attempting to deplete the balance of the fund that we have remaining. The jurisdiction has been appealed to the Oregon Appellate Court – oral arguments were heard 8/8/08. Depending on the outcome of the appeal, CRRWC will determine the best way to proceed. The new well and associated piping, etc., is essential to this company, not only to prove up on our water rights, but to also provide the necessary water for both potable use and fire protection.

With today's financial situation in the world, obtaining loans may not be possible or practical. CRRWC intends to pursue another assessment in order to construct these projects at the least cost to the members of the company. The cost of pipe has risen over the past 5 years to a horrendous price, and that is why CRRWC was purchasing pipe and storing it for these projects when it could be obtained at an affordable price.

In addition, CRRWC has had to pursue legal remedies in order to obtain easements and leases from the CRR Association for these projects. At this time it still has not be resolved, and it appears more legal/court action will be forthcoming.

[OAR 690-315-0070(3)(l)]

- 11-A. Provide an estimated demand projection and a description of the methodology(ies) used for the subject water right permit, considering the other water rights held by the municipal or quasi-municipal water use permit holder, and a date by which the water development is anticipated to be completed and water put to full beneficial use.

In developing your estimated demand projections for the permit being extended, you should include the following items:

- a) Inventory of Water Rights Held

See attachment A

- b) Water Supply Contracts and/or Agreements

List any water supply contracts or agreements for water that will be supplied by the permit holder to other entities. List any water supply contracts or agreements for water that will be

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supplied from other entities that the permit holder will depend on to meet its own current or anticipated future water needs.

Crooked River Ranch is not located near any potential water supplier where an interconnection could be accomplished at a reasonable cost. Therefore, CRRWC will not be depending on any outside source to provide water service to our members. In addition, there are no contracts for water held by this company. The only agreement in place is to provide water for fire protection to our local fire department.

c) Current Peak Water Demands

Identify the total rate, or duty if applicable, of water being used to meet the current peak demands for water from all water rights held by the municipal or quasi-municipal entity. This must be reported in the same units of measurement as specified in the permits, being cfs (cubic feet per second), gpm (gallons per minute), and/or AF (acre-feet – usually only specified on a reservoir right to store water). This total rate should be based on the information provided on “Attachment A” in the column named “*Max Amount of Beneficial Water Used to Date*” (under Item 11-A (a).

The current peak water demand for CRRWC is 3.75 cfs. Under permit #75144, .06 is for irrigation, so deducting this from the peak water demand of 3.75 cfs leaves actual use under G-11376 at 3.69 cfs.

d) Projected Population

Identify the projected population growth rate. The population projection must be extended out, at a minimum, to the year requested for complete application of water. Describe the methodology used to create the population projections such as historical growth rates or any factors affecting growth trends.

CRRWC currently has 1580 existing accounts. There are approximately 268 residential lots which the water system fronts that are not connected to the system. Many of these have private wells at this time. In addition, there are 53 vacant lots in the commercial district that have not connected to the water system.

Statistics provided by The Garner Group show that between the years of 2000 – 2007, population increased by 49% in Bend, 79% in Redmond, and 30% in Madras. Using the average of these numbers $(158 \div 3 =) 52\%$ is a reasonable expectation of population growth in our community. We currently have approximately 3500 people on our water system. In 21 years, our system would be serving approximately 10,500 persons.

These numbers are based upon current lot sizes and zoning regulations in place in Jefferson County. However, Crooked River Ranch consists of approximately 2600 lots spread out over 11,000 acres. It is probable that in the near future, changes will be made in zoning laws allowing 5 acre lots and larger to be subdivided. This will bring even more residents to the Crooked River Ranch.

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Last Revised: 6/20/2008

e) Future Peak Water Demands

Identify the projected peak water. The peak water demand projection must be extended out, at a minimum, to the year requested for complete application of water. Describe the methodology used to create the water demand projection, such as historical growth rates or any factors affecting growth trends. Include a summary of how the subject permit, and other water rights and /or supply contracts held by the permit holder are planned or expected to be used to meet anticipated future water needs

CRRWC estimates future peak water demands to be at 5 cfs. Our current permit of 5 cfs will allow the co-op to meet the demands of the future, based upon the current service area. Using the projected population growth over the next 21 years (10,500) and allowing 283 gallons of water per day per person, that would result in a total daily estimated usage of 2,971,500 gallons per day. When the third well is in place, CRRWC will be able to pump 2400 gallons per minute. At 1440 minutes per day, we will be pumping 3,456,000 gallons per day. This will cover the basic needs of the projected population. In addition, expected growth in the commercial area will potentially require the balance of the water pumped.

In order to perfect the water rights, CRRWC needs to drill another well, increase the storage at the cistern, and install a pumping station that will handle the amount of water the wells can pump to it. This is all expected to be accomplished by 2028.

f) Potential Growth

Describe the potential for growth of the service area (such as the annexation of lands or new industrial and/or commercial ventures locating within the service area) and describe how those projects are expected to affect future water demands.

In addition to the potential population growth as outlined in "d" above, the Commercial area of CRR has approximately 53 lots that are not currently connected to the water system. Because of county zoning laws and the covenants of CRR, there is a limitation as to the type of commercial enterprise that may be erected. Commercial properties currently use about the same amounts of water as the residential customers. However, there are several RV parks planned in the commercial area which will increase usage. There has been interest in developing here, however, due to the economy, this has not yet occurred. In addition, should the economy improve in the near future, there will be more single family dwellings erected on vacant parcels connected by our water system. The possibility exists that sometime in the future, lot sizes of 5 acres and more may be subdivided into smaller parcels, allowing for increased housing and population.

g) Completion Date

Provide the date by which the water development is anticipated to be completed and water put to full beneficial use

At this time, CRRWC anticipates it will be able to complete the required improvements and perfects its water rights by 10/2028. If the economy doesn't improve and money remains tight, there may be a need to request a further extension of the permit, but at this time, we believe we will be able to accomplish this goal.

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- 11-B. Application for Extension of Time requests for greater than 50 years must include documentation that the demand projection is consistent with the amount and types of lands and uses proposed to be served by the permit holder.



TIP: If you are requesting an extension of greater than 50 years, it is very important to provide all available documentation (including estimates, projections, other related information, and all associated data) supporting the position that the demand projection is consistent with the amount and type of lands and uses to be served by the permit holder.

Show that permit holder's potential for future growth and expansion is feasible and consistent with the amounts and types of lands and uses proposed to be served. Information that may be addressed includes, but is not limited to: land use plan(s); current service area(s) in relation to the urban growth boundary; amounts of lands currently un-served and available for future development; and/or low-density vs. high-density areas.

N/A

12. Provide a summary of the future plan and schedule to complete construction and/or perfect the water right.

Considering the demand projections in Item 11-A, describe major future work and actions that must be accomplished in order to fully develop and perfect the subject permit. Provide a list of the planning, work and/or actions that must occur, and give an approximate date range by which that work or action is expected to be accomplished. The review of a Capital Improvement Plan (CIP) or other system infrastructure improvement plan may help when formulating a response.

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Preferred Format for Item 12: Answer in conjunction with Item 9

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APPROXIMATE DATE RANGE	WORK AND ACTIONS TO BE ACCOMPLISHED	ESTIMATED COST ¹
By 12/2009	Obtain necessary easements and leases from Association	\$ 10,000.00
By 12/2011	Drill Well #3 and construct well house	\$ 2,500,000.00
By 12/2012	Install piping from Well #3 to 700,000 gallon standpipe	\$ 300,000.00
By 12/2014	Modify standpipe and install chlorination station	\$ 350,000.00
By 12/2015	Replumb Well #1 (formerly #4)	\$ 300,000.00
By 12/2020	Replace 100,000 gallon cistern with 400,000 gallons	\$)
By 12/2022	Redesign cistern pump station and add larger pumps	\$) 1,000,000.00
By 10/2028	Perfect Water Rights	\$ unknown

¹ In combination with Item 9

[OAR 690-315-0070(3)(n)]

13. Justify the time requested to complete the project and/or apply the water to full beneficial use.

A justification should integrate information from Items 9, 10, 11-A, 11-B, and 12 of this application, and should include any other information or evidence to establish that the requested amount of time is reasonable, and that you will be able to complete the project within the amount of time requested.

CRRWC was well on it's way to begin construction of a new well, etc., when the PUC stepped in and applied jurisdiction. As a result, they reduced rates and basically depleted our capital investment fund. In addition, they removed the assessment fee that had been charged for the capital improvement projects. The Appellate Court has granted a stay on the jurisdiction issue, and on 12/24/08, remanded the case back to the PUC to correct their error, so the company is in a holding pattern awaiting their final decision. Also, the CRR Association has been refusing to negotiate for leases and easements required by the company. This case has been in court and has not been resolved.

[OAR 690-315-0070(3)(o)]

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

If the Appellate Court finds in the company's favor re PUC jurisdiction, the company will begin to re-establish rates that will support the company and begin to save again for these projects. If needed the company will apply for a loan, but that is the last thing we want to do. The PUC has hampered the efforts of the company to build the required well and pump houses in order to perfect our water rights. Should the PUC continue jurisdiction, CRRWC will have no choice but to continue to work through their administrative processes in hopes of being able to fund and build the well, cistern, and pump houses. But at this time, we are unable to do anything while we wait for the court decision.

[OAR 690-315-0070(3)(q)]

15. For Municipal water use permits issued before November 2, 1998, for the first extension issued after June 29, 2005, provide a copy of any agreements regarding use of the undeveloped portion of the permit between the permit holder and a federal or state agency that include conditions or required actions that maintain the persistence of listed fish species in the portions of the waterways affected by water use under the permit.

N/A

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Company
Crooked River Ranch, Oregon
INVENTORY OF EXISTING WATER RIGHTS
 (certificates, permits, transfers, or new applications)

Attachment "A"

Ground Water

Application/Permit Number	Certificate Number	Source	Use	Priority Date	Authorized Amount of Water	Max Amount of Beneficial Water Used To Date	*Use Limitations
G-12579/G11376 T-9663	N/A	Wells #1 & 2 & proposed #3	Quasi-Municipal	6/18/91	5 cfs	3.69 cfs	Unable to use due to water pumping issues, and Well #3 not yet drilled.
	75144	Well #2	Irrigation	1/24/1963	0.06 cfs	0.06 cfs	

Surface Water

Application/Permit Number	Certificate Number	Source	Use	Priority Date	Authorized Amount of Water	Max Amount of Beneficial Water Used To Date	*Use Limitations

Pending Applications

Application Number	Proposed Source	Proposed Use	Priority Date	Proposed Amount of Water	*Use Limitations

- If a particular water right certificate, permit, or transfer is not being utilized to meet current demands or its use is limited, please explain why.

CRRWC has a permit totaling 5 cfs between 3 wells. As soon as Well #3 is completed, CRRWC will be able to prove up on the 5 cfs. The original permit had the points of diversion from CRRWC Well #1 and 2 with the Association's Well #3 also included. CRRWC transferred the rights from the Association Well to the new proposed site of CRRWC's Well #3, which is yet to be constructed.

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9-20-09
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Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

Application for Extension of Time for Municipal and Quasi-Municipal Water Use Permits

Make use of this form, *Application for Extension of Time for Municipal and Quasi-Municipal Water Use Permits*, only if the permit uses the word "Municipal" or "Quasi-municipal" in the description of the purpose or use to which water is to be applied.

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

A separate extension application must be submitted for each permit as per OAR 690-315-0070(2). This page, with an original signature by the permit holder of record, must accompany any application for extension of time.

This application and a summary of review criteria and procedures that are generally applicable to this application are available at <http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml>

I, Crooked River Ranch Water Co-op James Rooks
NAME OF PERMIT HOLDER [OAR 690-315-0070(1) and (3)(a)] NAME OF CONTACT
PO Box 2319 Terrebonne OR 97760
ADDRESS CITY STATE ZIP
541-923-1041 jr@crrwc.com
PHONE E-MAIL ADDRESS

the permit holder of: Application Number G - 12579
Permit Number G - 11376
[OAR 690-315-0070(3)(b)]

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do hereby request that the time in which to:

☒ complete construction (of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water), which time now expires on October 1, 2008, be extended to October 1, 2028,

and/or the time in which to:

☒ apply water to full beneficial use under the terms and conditions of the permit, which time now expires on October 1, 2008, be extended to October 1, 2028.

I am the permittee, or have written authorization from the permittee, to apply for an extension of time under this permit. I certify that the information I have provided in this application is true and correct to the best of my knowledge.

[Signature]
Signature

11-3-08
Date



GENERAL TIPS:

- A separate Application for Extension of Time must be submitted for each permit. OAR 690-315-0070(2).
- Request the reasonable amount of time necessary to fully develop the permit and complete the project. If you don't request enough time, OWRD may be unable to find that you can complete the project within the time requested.
- Permit extensions for Municipal and Quasi-Municipal permits are evaluated under OAR Chapter 690, Division 315. Except under limited circumstances (see OAR 690-315-0090), upon issuance of an order approving an extension of time, the permit holder will be required to submit a Water Management and Conservation Plan (WMCP) under OAR Chapter 690, Division 86 within 3 years. Diversion of water beyond the maximum rate currently diverted under the permit shall only be authorized upon approval of a WMCP. These rules may be viewed at: <http://www.wrd.state.or.us/OWRD/LAW/index.shtml>.
- The Application for Extension of Time includes more detailed tips and instructions to help you respond to each item of the application. Oregon water law and administrative rules require the OWRD to consider each of these items when reviewing a Municipal or Quasi-Municipal water use Application for Extension of Time. However, please feel free to provide OWRD with any additional information or evidence that will aid us in making our decision. Please note that OWRD may require other information that is necessary to evaluate the application. OAR 315-0070(3)(p).
- After careful review of the Application for Extension of Time, you may contact OWRD at (503) 986-0900, to ask questions and request assistance from a Permit Extensions Specialist in the Water Rights and Adjudications Division.
- Once an Application for Extension of Time is received by OWRD, it will be reviewed for completeness. OWRD will return any incomplete or deficient applications to the applicant. OAR 690-315-0080(1)(a).

Reference Materials Needed to Complete this Application

Below is a listing of the items that must be reviewed and considered when completing an Application for Extension of Time for a Municipal or Quasi-Municipal water use permit:

- The subject water right permit. If needed, a copy of the water right permit can be downloaded from the Department's Website at <http://www.wrd.state.or.us> (find the link to the Water Rights Information System (WRIS). Or, a copy of the permit (or other documents) may be requested by water right application number from the Water Rights Division at 503-986-0900 (copy fees will apply).
- Water Management and Conservation Plan (OAR Chapter 690, Division 86), *if applicable*, per OWRD.

NOV 06 2008
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SALEM, OREGON

- Water System Master Plan, *if applicable*, per Oregon Health Division.
- Documentation which demonstrates compliance with permit conditions (for example, well construction logs; static water level measurement reports; annual water use reports; a long-term alternative water supply plan; a plan to monitor the effect of water use on ground water aquifers utilized under the permit, etc.).
- All other water rights (certificates, permits, permit amendments, transfers, and/or new applications) held by the applicant.

Definitions Pertinent to this Application for Extension of Time

Actual Construction - any physical work performed toward completion of the water system which demonstrates the water right permit holder's good faith and intention to complete the project with reasonable diligence. Actual construction does not include planning a diversion system, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, or surveying. This definition applies to quasi-municipal permit holders, required under the applicable statute, and for municipal water use permits issued on or after June 29, 2005. OAR 690-315-0070(3)(c) and (d), and OAR 690-315-0020(3)(d)(A) and (B).

C-Date – the date specified in the permit for complete application of water.

Permitted Time Period - period of time between the date when the permit was signed *and* the date specified in the permit for complete application of water

Time Period of the Previous Extension - For 2nd Application for Extension of Time - period of time between the date specified in the permit for complete application of water and the new "extended to date" for complete application of water specified in the 1st approved extension.

For 3rd or Application for Extension of Time - period of time between the "extended from date" for complete application of water and the "extended to date" for complete application of water specified in the most recently approved extension.

Undeveloped Portion of the Permit - the portion of the permit that is the difference between the maximum rate, or duty if applicable, specified in the permit and the maximum rate, or duty if applicable, diverted for beneficial use before the extension. OAR 690-315-0010(6)(g).

Work and Actions Accomplished - includes both physical work and other activities associated with the development of the water right, such as: water management planning; conservation planning; development of a water master plan for the Oregon Health Division; planning of a diversion system; demand forecasting; flow or water quality monitoring; source evaluation; entry into intergovernmental agreements for water delivery; property acquisition; engagement in governmental permitting or project financing; procurement of planning, design or construction services; surveying; and any physical work performed toward completion of the system and development of the right (e.g., pumps; pipes; well construction; treatment plant/facilities; transmission systems; distribution systems; and/or intake structures). OAR 690-315-0080(4).

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Completing the Extension of Time Application for Quasi-Municipal or Municipal Use Permits

On separate sheets of paper, please provide the information requested by item numbers 1-15. OWRD will use this information to evaluate your Application for Extension of Time. *This is not meant to be a fill-in-the-blank type of application.* A Microsoft Office Word template (.dot) for this Application for Extension of Time (For Quasi-Municipal and Municipal Water Use Permits) may be available from the Extension Specialist at OWRD.



TIP: When making a reference to any document, report, and/or plan:

- (1) reference the source document along with any page number(s), table(s) and/or chart(s) used in the response, and
- (2) include a copy of the source document (or appropriate pages) with the extension application.

[OAR 690-315-0070(3)]

1. **Submit the appropriate extension of time fee (\$350), as specified under ORS 536.050.**
Payment is enclosed.
If the extension application fee has already been paid, please provide indicate why and when it was paid. *The statute for this fee may be viewed at www.leg.state.or.us/ors/536.html.*

[OAR 690-315-0070(3)(c)]

2. **For Quasi-Municipal water use permit holders, provide evidence of the actions taken to begin actual construction on the project if required under the applicable statute.** All Quasi-Municipal permits issued prior to October 23, 1999, are generally required to begin actual construction within one (1) year.



TIP: See Definition of "Actual Construction"

Preferred Format for Item 2:

Begin Date Pre 1990. Construction of Well #2 began.
(month/year) (details)

[OAR 690-315-0070(3)(d)]

3. **For Municipal water use permits issued on or after June 29, 2005, evidence of the actions taken to begin actual construction on the project.**

N/A



TIP: See definition of "Actual Construction"

Preferred Format for Item 3:

Begin Date _____. Construction of _____ began.
(month/year) (details)

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4. Provide evidence of actions taken to develop the water right permit within the permitted time period and/or within the time period of the previous extension.



TIP: See definitions of "Permitted Time Period", "C-Date", "Time Period of the Previous Extension", "Actual Construction" and "Work and Actions Accomplished".

Preferred Format for Item 4: Answer in conjunction with Item 8

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of ARIZONA REGION

(Use these headings and fill in details in chronological order on separate sheet(s) of paper.)

INSERT DATES	ALL WORK AND ACTIONS ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List work/actions done before the permitted was issued – eg. Well drilled.</i>	COST ¹
1980 4-24-90	Steel 700,000 gallon reservoir constructed CRRWC receives deed to Well #2	\$181,815.00 N/C
INSERT DATES	ALL WORK AND ACTIONS ACCOMPLISHED DURING PERMITTED TIME PERIOD (after permit was issued and prior to permit "C-date") <i>List work/actions done during the permitted time period.</i>	COST
11-18-91	The permit was signed - find date above signature on last page of permit.	
1990	Resurfaced cistern	\$ 7,000.00
'94-'95 10/97	Well #1 (formerly #4) completed and brought on line 20 year plan completed to establish a long range plan for the water supply.	\$404,000.00
	The permit specified "Actual Construction Work" shall begin ("A-Date") - not all permits contain this date. N/A	
2000	Equipment acquisition (back hoes, crane, generator, trailer, well equip.)	\$120,000.00
5/2000	700,000 gallon standpipe rehabbed	\$ 51,000.00
6/2000	Well #2 reconditioned	\$ 31,000.00
4/10/01	Purchased Crater Loop property for new well site	\$ 30,476.00
9/03	Began negotiations with CRR Assn. For leases and easements	(see below)
1/26/04	Water Conservation & Management Plan completed. (WRD picked up for Review 8/07.)	
7/04	Initiated assessment fee of \$8 per month per meter for capital improvements	\$ 4,858.00
9/20/04	Transferred water rights (point of appropriation) from Assn. Well #3 to Crater Loop site of proposed CRRWC Well #3.	\$ 494.00
10/1/2004	The permit specified complete application of water to the use shall be made ("C-Date") - all permits contain this date.	
INSERT DATES	ALL WORK AND ACTIONS ACCOMPLISHED AFTER PERMIT "C-Date" and PRIOR TO ANY EXTENSION OF TIME REQUEST <i>For the 1st Application for Extension of Time: List work/actions done after the permit "C-date" up to the date of this extension request. For Other than the 1st Application for Extension of Time: List any work/actions done after the permit C-Date but prior to the most recent extension.</i>	COST
2004 – 2008	Purchased pipe for well and connecting to 700,000 gallon standpipe.	\$ 43,350.00
2004-2008	Engineering Attorney fees, primarily in relation to gaining leases and easements from	\$ 22,998.00

	Assn.	\$ 124,146.00
11/16/05	Surveying for new well and piping to tower	\$ 3,550.00
INSERT DATES	ALL WORK AND ACTIONS ACCOMPLISHED DURING THE MOST RECENT EXTENSION OF TIME GRANTED <i>For Other than 1st Application for Extension of Time: List any work/actions done during the time period most recent extension.</i>	COST
10/1/1994	Last "Extended From Date" for complete application of water (used on the most recently approved extension of time).	
4/10/01	Purchased Crater Loop property for new well site	\$ 30,476.00 ✓
11/16/05	Surveying for new well and piping to tower	\$ 3,550.00 ✓
2/20/08	WCMP resubmitted with corrections to WRD	
10/1/2008	Last "Extended To" date for complete application of water (resulting from the most recently approved extension of time).	
INSERT DATES	ALL WORK AND ACTIONS ACCOMPLISHED AFTER THE MOST RECENT EXTENSION OF TIME GRANTED <i>List work/actions done after the last authorized date for complete application of water has passed.</i>	COST
	N/A	
Total Cost to Date		\$194,044.00

¹ In combination with Item 8

110241687
[OAR 690-315-0070(3)(f)]

5. Provide evidence of compliance with conditions contained in the original permit, and any previous extension(s), or the reason the condition was not satisfied.

Conditions requiring a written response in the extension of time application include those which:

- A. Stipulate a specific date by which the permit holder was to accomplish a specific action, such as a condition that requires plans and specifications for a reservoir, a Water Management and Conservation Plan, a groundwater monitoring plan or some other document which "...shall be submitted...within two years of permit issuance." If your permit requires submittal of a Water Conservation and Management Plan, please indicate the date the plan was submitted to or approved by OWRD, or whether it is still being drafted, etc.;

Permit G-11376 issued 11/18/91 required that a plan/timetable be prepared to indicate the steps CRRWC intends to pursue to obtain a long-term water supply. CRRWC prepared and submitted a 20 year plan in 10/97, and in 9/03 submitted its Water Conservation and Management Plan (WRD began review of the WCMP in 8/07, and a revision was submitted 2/08 with corrections as requested by WRD.). See attachment #1.

and/or

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WATER RESOURCES DEPT
SALEM, OREGON

- B. Are triggered by the use of water, but do not stipulate a specific date. These conditions represent a milestone in development of the project and use of water, such as the permit holder, "shall install...a water meter or other suitable measuring device approved by the Director...before any use of water begins." Another common condition triggered by the use of water is that; "fish screens are to be installed according to Oregon Department of Fish and Wildlife specifications."

Permit G-11376, T-9663, required that a meter or other suitable measuring device, be installed on the new well. Since the new well has not been drilled, this has not been accomplished. Both existing wells #1 (formerly #4) and #2 have meters installed on the pumps and are read regularly. Once Well #3 is completed, a meter will be installed on the pump. See attachment #2.

[OAR 690-315-0070(3)(g)]

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

The maximum instantaneous rate, or duty if applicable, must be reported in the same units of measurement as specified on the permit, being cfs (cubic feet per second), gpm (gallons per minute), or AF (acre-feet – usually only specified on a reservoir right to store water).



TIP: Documentary evidence substantiating the maximum instantaneous rate, or duty if applicable, of water diverted as of the date of the extension may include, but is not limited to: water meter records; dedicated electrical meter records; business records; and/or a sworn affidavit.

Preferred Format for Item 6:

Maximum instantaneous rate used to date = 5 cfs (cubic feet per second) or,

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

Acre Feet stored to date= _____ AF

[OAR 690-315-0070(3)(h)]

7. Provide an estimate of the population served under this permit and a description of the methodology(ies) used to make the estimate.

CRRWC currently has 1580 accounts. Using an average of 2.5 persons per household, we estimate that we currently serve 3950 persons with potable water. However, CRRWC also provides fire protection to the entire ranch which currently has an estimated population of 5000.

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8. Provide a description of the financial expenditures made toward completion of the water development under this permit.

Provide a list that describes all major work and actions accomplished from the date this permit was issued up to the time this extension application is prepared. Include dates the work was accomplished, the cost of each development component listed, and the total cost of all work described.



TIP: See definition of "Work and Actions Accomplished"

Preferred Format for Item 8: Answer in conjunction with Item 4

DATE	WORK OR ACTIONS ACCOMPLISHED	COST
1980	700,000 gallon standpipe installed	\$ 181,815.00
1990	Resurfaced Cistern	\$ 7,000.00
'94-'95	Well #1 (formerly #4) completed and brought on line	\$ 404,000.00
10/97	20 year plan completed to establish long range plan	\$ unknown
2000	Equipment Acquisition (backhoes, crane, generator, trailer, well equip.)	\$ 120,000.00
5/2000	700,000 gallon standpipe rehabbed	\$ 51,000.00
6/2000	Well #2 reconditioned	\$ 31,000.00
4/10/01	Purchased property for Well #3 on Crater Loop	\$ 30,476.00
9/03	Began negotiations with Association for easements & leases	(see legal)
1/26/04	WCMP completed	\$ 14,593.52*
7/04	Initiated assessment fee for capital improvements	\$ 4,858.00
9/20/04	Transferred water rights from Assn. Well #3 to CRRWC proposed site of Well #3.	\$ 494.00
'04-'08	Purchased pipe for well and connection to standpipe	\$ 43,350.00
'04-'08	Engineering for well, pump houses, chlorination station, etc.	\$ 22,998.00
'04-'08	Attorney fees, primarily in relation to gaining leases & easements from Association.	\$ 124,146.00
*Does not include staff/labor charges		
Total Cost		\$1,035,730.52

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9. Provide an estimate of the cost necessary to complete the water development.

Provide your best estimate of the total remaining financial investment necessary to complete construction of the system and/or apply water to full beneficial use. Include a list that briefly describes the major future components or actions needed, the approximate time frames, and estimated costs anticipated to complete the water development within the parameters of this permit.



TIP: See definition of "Work and Actions Accomplished"

Preferred Format for Item 9: Answer in conjunction with Item 12

APPROXIMATE DATE RANGE (projected)	WORK AND ACTIONS TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
By 2028	Obtain necessary easements/leases from Association	\$ 10,000.00**
By 2028	Drill Well #3 and construct well house	\$ 2,500,000.00**
By 2028	Install piping from well #3 to 700,000 gallon standpipe	\$ 300,000.00**
By 2028	Modify standpipe and install chlorination station	\$ 350,000.00**
By 2028	Replumb Well #1 (formerly #4)	\$ 300,000.00**
These are extremely rough estimates due to the increasing prices of pipe, fuel, oil, etc. In all likelihood, costs will be much higher.		
Total Cost		\$ 3,460,000.00

[OAR 690-315-0070(3)(k)]

10. Provide a summary of any events that delayed completion of the water development or application of water to full beneficial use, including other governmental requirements (if any), relating to the project that have significantly delayed completion of construction or perfection of the right.

The primary reason that development and full beneficial use have not been completed is due to the assertion of jurisdiction by the PUC. They set rates that are dangerously low for this company to survive on a daily basis, let alone attempt to continue with the needed capital improvements. CRRWC had established an \$8 per month per meter assessment to finance the capital improvements. The PUC removed the assessment and is attempting to deplete the balance of the fund that we have remaining. The jurisdiction has been appealed to the Oregon Appellate Court – oral arguments were heard 8/8/08. Depending on the outcome of the appeal, CRRWC will determine the best way to proceed. The new well and associated piping, etc., is essential to this company, not only to prove up on our water rights, but to also provide the necessary water for both potable use and fire protection.

With today's financial situation in the world, obtaining loans may not be possible or practical. CRRWC intends to pursue another assessment in order to construct these projects at the least cost to the members of the company. The cost of pipe has risen over the past 5 years to a horrendous price, that is why CRRWC was purchasing pipe and storing it for these projects when it could be obtained at an affordable price.

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In addition, CRRWC has had to pursue legal remedies in order to obtain easements and leases from the CRR Association for these projects. At this time it still has not been resolved, and it appears more legal/court action will be forthcoming.



TIP: *Such events may include, but are not limited to: the size and scope of the project; financing and/or cash flow issues; local referendums or initiatives; actual growth rates; economic downturns; loss of territory to annexation; water conservation efforts; the need to meet other governmental requirements relating to the project; natural disasters and severe weather; and/or any other events over which the water right permit holder had no control and which delayed development under the permit.*

[OAR 690-315-0070(3)(l)]

- 11-A. **Provide an estimated demand projection and a description of the methodology(ies) used for the subject water right permit, considering the other water rights held by the municipal or quasi-municipal water use permit holder, and a date by which the water development is anticipated to be completed and water put to full beneficial use.**

In developing your estimated demand projections for the permit being extended, you should include the following items:

- a) Inventory of Water Rights Held

See attachment A

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WATER RESOURCES DEPT
SALEM, OREGON

- b) Water Supply Contracts and/or Agreements

List any water supply contracts or agreements for water that will be supplied by the permit holder to other entities. List any water supply contracts or agreements for water that will be supplied from other entities that the permit holder will depend on to meet its own current or anticipated future water needs.

Crooked River Ranch is not located near any potential water supplier where an interconnection could be accomplished at a reasonable cost. Therefore, CRRWC will not be depending on any outside source to provide water service to our members. In addition, there are no contracts for water held by this company. The only agreement in place is to provide water for fire protection to our local fire department.

- c) Current Peak Water Demands

Identify the total rate, or duty if applicable, of water being used to meet the current peak demands for water from all water rights held by the municipal or quasi-municipal entity. This must be reported in the same units of measurement as specified in the permits, being cfs (cubic feet per second), gpm (gallons per minute), and/or AF (acre-feet – usually only specified on a reservoir right to store water). This total rate should be based on the information provided on “Attachment A” in the column named “Max Amount of Beneficial Water Used to Date” (under Item 11-A (a)).

d) Projected Population
CRRWC currently has 1580 existing accounts. There are approximately 268 residential lots which the water system fronts that are not connected to the system. Many of these have private wells at this time. In addition, there are 53 vacant lots in the commercial district that have not connected to the water system. Allowing 168 additional connections in residential over the next 20 years would give us a total of 1748 residential connections. Allowing 2.5 persons per household, we predict the water company population to be 4370 in 2028.

e) Future Peak Water Demands
CRRWC estimates future peak water demands to be at 5 cfs. Our current permit of 5cfs will allow the co-op to meet the demands of the future, based upon the current service area. In order to perfect the water rights, CRRWC needs to drill another well, increase the storage at the cistern, and install a pumping station that will handle the amount of water the wells can pump to it. This is all expected to be accomplished by 2028.

f) Potential Growth
The Commercial area of CRR has approximately 53 lots that are not currently connected to the water system. Because of county zoning laws and the covenants of CRR, there is a limitation as to the type of commercial enterprise that may be erected. There has been interest in developing here, however, due to the economy, this has not yet occurred. In addition, should the economy improve in the near future, there will be more single family dwellings erected on vacant parcels connected by our water system. The possibility exists that sometime in the future, lot sizes of 5 acres and more may be subdivided into smaller parcels, allowing for increased housing and population.

g) Completion Date
At this time, CRRWC anticipates it will be able to complete the required improvements and perfect it's water rights by 10/2028. If the economy doesn't improve and money remains tight, there may be a need to request a further extension of the permit, but at this time, we believe we will be able to accomplish this goal.

[OAR 690-315-0070(3)(l)]

- 11-B. Application for Extension of Time requests for greater than 50 years must include documentation that the demand projection is consistent with the amount and types of lands and uses proposed to be served by the permit holder.



TIP: If you are requesting an extension of greater than 50 years, it is very important to provide all available documentation (including estimates, projections, other related information, and all associated data) supporting the position that the demand projection is consistent with the amount and type of lands and uses to be served by the permit holder.

Show that permit holder's potential for future growth and expansion is feasible and consistent with the amounts and types of lands and uses proposed to be served. Information that may be addressed includes, but is not limited to: land use plan(s); current service area(s) in relation to the urban growth boundary; amounts of lands currently un-served and available for future development; and/or low-density vs. high-density areas.

[OAR 690-315-0070(3)(m)]

12. Provide a summary of the future plan and schedule to complete construction and/or perfect the water right.

Considering the demand projections in Item 11-A, describe major future work and actions that must be accomplished in order to fully develop and perfect the subject permit. Provide a list of the planning, work and/or actions that must occur, and give an approximate date range by which that work or action is expected to be accomplished. The review of a Capital Improvement Plan (CIP) or other system infrastructure improvement plan may help when formulating a response.

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Preferred Format for Item 12: Answered in conjunction with Item 9

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WATER RESOURCES DEPT
SALEM, OREGON

APPROXIMATE DATE RANGE	WORK AND ACTIONS TO BE ACCOMPLISHED	ESTIMATED COST ¹
By 12/2009	Obtain necessary easements and leases from Association	\$ 10,000.00
By 12/2011	Drill Well #3 and construct well house	\$ 2,500,000.00
By 12/2012	Install piping from well #3 to 700,000 gallon standpipe	\$ 300,000.00
By 12/2014	Modify standpipe and install chlorination station	\$ 350,000.00
By 12/2015	Replumb Well #1 (formerly #4)	\$ 300,000.00
By 12/2020	Replace 100,000 gallon cistern with 400,000 gallons	\$)
By 12/2022	Redesign cistern pump station and add larger pumps	\$) 1,000,000.00
By 10/2028	Perfect water rights	\$ unknown
Total Cost		\$ 4,460,000.00 ** With #8: \$5,495,730.52

¹ In combination with Item 8⁹

No duplicate costs

**NOTE: ESTIMATED COSTS ARE AT TODAY'S RATES. WILL MOST LIKELY BE CONSIDERABLE MORE WHEN CONSTRUCTION IS ABLE TO BEGIN.

[OAR 690-315-0070(3)(n)]

13. Justify the time requested to complete the project and/or apply the water to full beneficial use. CRRWC was well on it's way to begin construction of a new well, etc., when the PUC stepped in and applied jurisdiction. As a result, they reduced rates and basically depleted our capital investment fund. In addition, they removed the assessment fee that had been charged. The Appellate Court has granted a stay on the jurisdiction issue, so the company is in a holding pattern awaiting their final decision. Also, the CRR Association has been refusing to negotiate for leases and easements required by the company. The case has been court and has not been resolved.

[OAR 690-315-0070(3)(o)]

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

If the Appellate Court finds in the company's favor re PUC jurisdiction, the company will begin to re-establish rates that will support the company and begin to save again for these projects. If needed the company will apply for a loan, but that is the last thing we want to do. The PUC has hampered the efforts of the company to build the required well and pump houses in order to perfect our water rights. Should the PUC continue jurisdiction, CRRWC will have no choice but to continue to work through their administrative processes in hopes of being able to fund and build the well, cistern, and pump houses. But at this time, we are unable to do anything while we wait for the court decision.

15. For Municipal water use permits issued before November 2, 1998, for the first extension issued after June 29, 2005, provide a copy of any agreements regarding use of the undeveloped portion of the permit between the permit holder and a federal or state agency that include conditions or required actions that maintain the persistence of listed fish species in the portions of the waterways affected by water use under the permit.

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WATER RESOURCES DEPT
SALEM, OREGON

Crooked River Ranch, Oregon
INVENTORY OF EXISTING WATER RIGHTS
(certificates, permits, transfers, or new applications)

Attachment "A"

Ground Water

Application/Permit Number	Certificate Number	Source	Use	Priority Date	Authorized Amount of Water	Max Amount of Beneficial Water Used To Date	*Use Limitations
G-12579/G11376 T-9663	N/A	Wells #1 & 2 & proposed #3	Quasi-Municipal	6/18/1991	5 cfs	3.5 cfs	unable to use due to water pumping issues, and Well #3 not drilled yet.
	75144	Well #2 <i>same well</i>	Irrigation	1/24/1963	0.06 cfs	0.06 cfs	

Surface Water

Application/Permit Number	Certificate Number	Source	Use	Priority Date	Authorized Amount of Water	Max Amount of Beneficial Water Used To Date	*Use Limitations
N/A							

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Pending Applications

Application Number	Proposed Source	Proposed Use	Priority Date	Proposed Amount of Water	*Use Limitations
N/A					

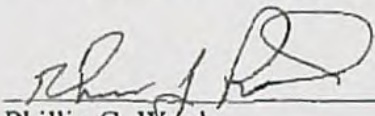
*** If a particular water right certificate, permit, or transfer is not being utilized to meet current demands or its use is limited, please explain why.**
CRRWC has a permit totaling 5 cfs between 3 wells. As soon as Well #3 is completed, CRRWC will be able to prove up on the 5cfs. The original permit had the points of diversion from CRRWC Well #1 and 2 with the Association's Well #3 also included. CRRWC transferred the rights from the Association Well to the new proposed site of CRRWC's Well #3, which is yet to be constructed.

Now, therefore, it is ORDERED:

The change and subsequent use of water shall be subject to the following conditions:

1. The quantity of water diverted at the new point of appropriation (well) shall not exceed the maximum rate and duty allowed for Well 3 under Permit G-11376.
2. Prior to water use from the proposed point of appropriation, 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. The permittee shall keep a complete record of ground water withdrawn.
3. Water shall be acquired from the same aquifer as the original point of appropriation.
4. All other terms and conditions of Permit G11376 remain the same.
5. Permit G-11376, in the name of Crooked River Ranch Water Company, is amended as described herein.

Dated at Salem, Oregon this 20th day of September 2004.


FEL Phillip C. Ward,
Acting Director

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Within one year of permit issuance, Crooked River Ranch Water Company shall prepare a plan/timetable for the Water Resources Commission which shall indicate the steps which the Water Company intends to pursue to obtain a long-term water supply.

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 wells at all times. When required by the department, 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.

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.

Actual construction work shall begin on or before November 18, 1992, and shall be completed on or before October 1, 1993. Complete application of the water shall be made on or before October 1, 1994.

B+C to 10-1-98
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 beneficial use of water without waste. The water user is advised that new regulations may require 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.

Issued this date, NOVEMBER 18, 1991.

/s/ WILLIAM H. YOUNG

Water Resources Department
William H. Young
Director

C08

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SALEM OREGON

AMENDED by special order

v. 51 pg. 1235

Application G-12579
Basin 5
G-12579.SCB

Water Resources Department
Volume 2 Crooked River & Misc.
MGMT.CODE 4FR

PERMIT G-11376
District 11

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WATER RESOURCES DEPT
SALEM OREGON



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

December 2, 2008

Crooked River Ranch Water Cooperative
P.O. Box 2319
Terrebonne, Oregon 97760

Reference: Application G-12579, Permit G-11376

The assignment from Crooked River Ranch Water Company to Crooked River Ranch Water Cooperative has been recorded in the records of the Water Resources Department.

Our records have been changed accordingly and the original request is enclosed. Receipt number 95072 covering the recording fee of \$50 is also enclosed.

Sincerely,

Jerry Sauter
Water Rights Program Analyst

Enclosure: Receipt 95072

cc: Watermaster 11
Data Center, OWRD (Complete Copy of Assignment Request)
Hydrographics
File





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

Request for Assignment

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

I, Crooked River Ranch Water Company

(Name of Applicant / Permit / Transfer Holder)

PO Box 2319 Terrebonne OR 97760 541-923-1041
(Mailing address) (City) (State) (Zip) (Phone #)

- ☒ ...hereby assign all my interest in and to application/permit/transfer;
- ☐ ...hereby assign all my interest in and to a portion of application/permit/transfer;
(You must include a map showing the portion of the application/permit to be assigned.)
- ☐ ...hereby assign a portion of my interest in and to the entire application/permit/transfer;

Application # G-12579, Permit # G-11376; Transfer # T-9663

-OR-

GR Statement # _____, GR Certificate of Registration # _____

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DEC 01 2008

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

Crooked River Ranch Water Cooperative
(Name of New Owner)

WATER RESOURCES DEPT
SALEM, OREGON

PO Box 2319 Terrebonne OR 97760 541-923-1041
(Mailing address) (City) (State) (Zip) (Phone #)

NOTE: If there are other owners of the property described in this Application, Permit, Transfer or Certificate of Ground Water Registration, you must provide a list of all other owners' names and mailing addresses and attach it to this form.

I hereby certify that I have notified all other owners of the property described in this Application, Permit or Certificate of Registration of this request for assignment.

Witness my hand this 14th day of NOVEMBER, 2008.

Applicant/Permit holder [Signature]

Applicant/Permit holder [Signature]

DO NOT WRITE IN THIS BOX

This certifies assignment and record change at Oregon Water Resources Department effective 8:00 a.m. on date of receipt at Salem, Oregon.
Fee receipt # 95672
For Director by Jerry Sauter, Program Analyst in Water Rights Division [Signature]

The completed "Request for Assignment" form *must* be submitted to the Department along with a recording fee of \$50.

ASSIGNED 12-2-2008

**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 # **95072**

INVOICE # _____

RECEIVED FROM: Crooked River Ranch
BY: Water Group

APPLICATION	G-12579
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 6058 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 50.00

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) Assignment \$ 50.00
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	\$

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE	\$	CARD #	
0210 MONITORING WELLS	\$	CARD #	

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FWWRD)		\$
0231 HYDRO LICENSE FEE (FWWRD)		\$
HYDRO APPLICATION		\$

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT: **95072**

DATED: 12/1/08 BY: L. Bell

STATE OF OREGON

COUNTY OF CROOK

ORDER APPROVING AN ADDITIONAL POINT OF APPROPRIATION

Pursuant to ORS 537.211, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, PERMIT AMENDMENT T-7828 submitted by

CROOKED RIVER RANCH WATER COMPANY
P.O. BOX 1388
CROOKED RIVER RANCH, OREGON 97760.

The permit to be modified is Permit G-11376 with a date of priority of JUNE 18, 1991. The permit allows the use of WELLS 2 AND 3, in the CROOKED RIVER BASIN, for QUASI-MUNICIPAL USE. The amount of water to which this permit is entitled is limited to an amount actually beneficially used and shall not exceed 5.0 CUBIC FOOT PER SECOND (CFS), BEING 2.5 CFS FROM EACH WELL, if available at the original wells; NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 24, T 13 S, R 12 E, W.M.; WELL 2 - 680 FEET SOUTH AND 780 FEET EAST FROM THE NW CORNER OF SECTION 24, WELL 3 - 80 FEET NORTH AND 480 FEET EAST FROM THE S $\frac{1}{4}$ CORNER OF SECTION 24, or its equivalent in case of rotation, measured at the well.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is as follows:

NW $\frac{1}{4}$ NW $\frac{1}{4}$
S $\frac{1}{2}$ SW $\frac{1}{4}$
SECTION 4

E $\frac{1}{2}$ NE $\frac{1}{4}$
SE $\frac{1}{4}$ SW $\frac{1}{4}$
SE $\frac{1}{4}$
SECTION 5

NE $\frac{1}{4}$
NE $\frac{1}{4}$ NW $\frac{1}{4}$
SECTION 8

NW $\frac{1}{4}$ NW $\frac{1}{4}$
S $\frac{1}{2}$ NW $\frac{1}{4}$
S $\frac{1}{2}$
SECTION 9

N $\frac{1}{2}$
NW $\frac{1}{4}$ SW $\frac{1}{4}$
N $\frac{1}{2}$ SE $\frac{1}{4}$
SE $\frac{1}{4}$ SE $\frac{1}{4}$
SECTION 22

NE $\frac{1}{4}$
E $\frac{1}{2}$ NW $\frac{1}{4}$
E $\frac{1}{2}$ SW $\frac{1}{4}$
SE $\frac{1}{4}$
SECTION 23

NW $\frac{1}{4}$
S $\frac{1}{2}$
SECTION 24

ALL
SECTION 25

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S½ NW¼
SW¼
S½ SE¼
SECTION 10

SW¼ SW¼
SECTION 13

SW¼ NE¼
NW¼ NW¼
S½ NW¼
S½
SECTION 14

ALL
SECTION 15

ALL
SECTION 16

E½ NE¼
E½ SE¼
SECTION 17

N½
SECTION 21

TOWNSHIP 13 SOUTH, RANGE 12 EAST, W.M.

S½ SW¼
SW¼ SE¼
SECTION 31

TOWNSHIP 13 SOUTH, RANGE 13 EAST, W.M.

N½ NE¼
N½ NW¼
SW¼ NW¼
SECTION 1

N½ NE¼
SE¼ NE¼
W½ SW¼
SE¼ SW¼
SECTION 2

TOWNSHIP 14 SOUTH, RANGE 12 EAST, W.M.

ALL
SECTION 26

E½
N½ NW¼
SE¼ NW¼
NE¼ SW¼
S½ SW¼
SECTION 27

N½ NE¼
SW¼ NE¼
NW¼
E½ SW¼
SE¼
SECTION 34

ALL
SECTION 35

N½ NE¼
SW¼ NE¼
W½
SE¼
SECTION 36

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NW¼ NE¼
N½ NW¼
SECTION 6

TOWNSHIP 14 SOUTH, RANGE 13 EAST, W.M.

This use may be regulated if analysis of data available discloses that the appropriation 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 in effect as of the priority date of this right or as those quantities may be reduced.

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

The applicant proposes an additional point of appropriation to:

WELL 4 - NE¼ SE¼, SECTION 16, T 13 S, R 12 E, W.M.;
990 FEET SOUTH AND 680 FEET WEST FROM THE E¼ CORNER OF SECTION 16.

THIS CHANGE TO AN EXISTING WATER PERMIT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The quantity of water diverted at the new point of appropriation (well), together with the quantity diverted at the old points of appropriation, shall not exceed the quantity of water lawfully available from the original points of appropriation.
2. Water shall be acquired from the same aquifer as the original points of appropriation.
3. All other terms and conditions of the permit remain the same.

Permit G-11376, in the name of CROOKED RIVER RANCH WATER COMPANY is amended as described herein.

WITNESS the signature of the Water Resources Director,
OCT 30 1997
affixed _____.

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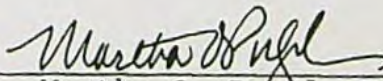
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Special Order Volume 51, Page 1237.


Martha O. Pagel, Director

Kelly Starnes

From: BARB [barb@crrwc.com]
Sent: Tuesday, February 20, 2007 10:33 AM
To: Patrick.K.Starnes@wrд.state.or.us
Subject: INCORRECT ADDRESS

Patrick,

I was reviewing our Permit Amendment T-9663, and find that the address for our company is incorrect. The address should be:

Crooked River Ranch Water Co.

PO Box 2319

Terrebonne, OR 97760

If you have any questions, please email or give me a call at 923-1041. Thanks!

Barb Oakley, Admin. Assistant
Crooked River Ranch Water Company
541-923-1041
Barb@crrwc.com

2/20/2007

Final Order
Extension of Time for Permit Number G-11376

Appeal Rights

This is a final order other than contested case. Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition the Director for reconsideration of this order or petition for judicial review of this order. As provided in ORS 536.075, this order is subject to judicial review under ORS 183.484. Any petition for judicial review of the order must be filed within the 60 day time period specified by ORS 183.484(2).

Application History

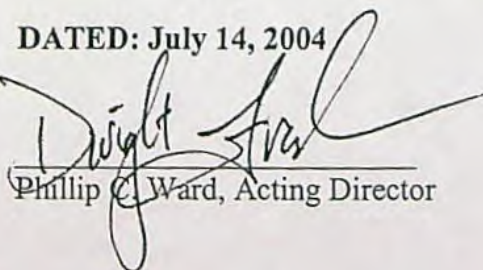
On APRIL 3, 2000, CROOKED RIVER RANCH WATER CO. submitted an application to the Department for an extension of time for permit number G-11376. The Department issued permit number G-11376 on NOVEMBER 18, 1991. The permit called for completion of construction of the water development project by OCTOBER 1, 1993, and complete application of water to the full beneficial use by OCTOBER 1, 1994. In accordance with OAR 690-315-0050(2), on MAY 25, 2004, the Department issued a Proposed Final Order proposing to extend the time to complete construction of the water development project and the time to fully apply water to beneficial use to OCTOBER 1, 2008. The protest period closed JULY 9, 2004, in accordance with OAR 690-315-0060(1). No protest was filed.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.230, 537.248, 537.630, 539.010(5) and/or OAR 690-315-0040(2).

Order

The extension of time for Application Number G-12579, Permit Number G-11376, therefore, is approved. The deadline for completing construction is extended to OCTOBER 1, 2008. The deadline for applying water to full beneficial use is extended to OCTOBER 1, 2008.

DATED: July 14, 2004



Phillip C. Ward, Acting Director

If you have any questions about statements contained in this document, please contact Lisa Juul at (503) 986-0808.

If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900.