

REINSTATEMENT

ASSIGNED

MITCHELL BROWN
14200 ROAD 284
PORTERVILLE, CA

FILE#: G 13949

93257

Application No.

G13949

Permit No.

G13114

Certificate No.

Stream Index, Page No.

FEES PAID

Date	Amount	Receipt No.
1-23-95	200.-	121229
3-26-97	1210.00	10935
5/7/03	25.00	59750
1-17-08	380.00	91249
11/1/18	328.00	12834
	Cert. Fee	

FEES REFUNDED

Date	Amount	Check No.
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Date filed

Priority

12-12-94

Action suspended until

4-10-2028

Return to applicant

Date of approval

4-17-97

CONSTRUCTION

Date for beginning

4-17-98

Date for completion

Extended to

Date for application of water

10-1-2001

Extended to

10/1/05, 10-1-2010, 10-1-2028

PROSECUTION OF WORK

Form "A" filed

Form "B" filed

Form "C" filed

FINAL PROOF

Blank mailed

Proof received

Date certificate issued

ASSIGNMENTS

Date	To Whom	Address	Volume	Page
5/7/03	Adair Brown, HC 10	Box 16, Davis Creek, CA	96108	

REMARKS

T-9433 APOA V. 75p. 210
10-12-2018 CANCELLED Sp. Order Vol. 109 pg. 711
Reinstatement of Permit G-13114, Vol. 112, Page 91 12/20/2018

Fees Paid

8-25-2022 \$780.00 138995

Mitchell Brown
G-13949
(209) 781-6389

CW 10:
Darryl Anderson
VAT (541) 947-2321

7/15/96

KL sent copies of
existing water rights
maps to Darryl Anderson.

D. Anderson
Phone
1-541-947-4407

Mailing List for Extension FO Copies

FO Date: June 21, 2024

Copies Mailed

Application: G-13949

By: TM

Permit: G-13114

On: 6-28-2024

Original mailed to permit holder

Adair Brown
1250 County Rd 52
Davis Creek, CA 96108

Copies sent to:

1. WRD - App. File G-13949/ Permit G-13114
2. Agents or CWREs representing the Permit Holder

Fee paid as specified under ORS 536.050 to receive copy:

3. None

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

4. WRD - Watermaster District 12, Matt Anderson
5. WRD - South Central Region Manager Tom Skiles

CASEWORKER: JDP

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

Application for Extension of Time

In the Matter of the Application for an Extension of Time	)	
for Permit G-13114, Water Right Application G-13949, in	)	
the name of Adair Brown	)	FINAL ORDER

Permit Information

Application:	G-13949
Permit:	G-13114
Basin:	13 – Goose and Summer Lakes / Watermaster District 12
Date of Priority:	December 12, 1994
Source of Water:	three wells in Goose Lake Basin
Purpose or Use:	irrigation of 272.92 acres and supplemental irrigation of 281.38 acres
Maximum Rate:	6.92 cubic feet per second (cfs)

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

Appeal Rights

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

Application History

Permit G-13114 was issued by the Department on April 17, 1997, and modified by Permit Amendment T-9433 on June 25, 2008. The permit specified actual construction of the well to begin by April 17, 1998, complete application of water to beneficial use by October 1, 2001. The most recent extension authorized completion of construction and complete application of water to beneficial use by October 1, 2010. On August 25, 2022, Adair Brown submitted an Application for Extension of Time for Permit G-13114. In accordance with OAR 690-315-0050(2), on April 30, 2024, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 1, 2028. The protest period closed June 14, 2024, in accordance with OAR 690-315-0060(1). No protest was filed.

FINDINGS OF FACT

The Department adopts and incorporates by reference the findings of fact in the Proposed Final Order dated April 30, 2024.

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

LIMITATIONS AND CONDITIONS

1. **Water Use Condition**

No water may be appropriated from Well 1 (LAKE 2840) Well 2 (no well log) or Well 3 (LAKE 52528) under Permit G-13114 until the wells are altered to comply with the permit condition requiring ground water production from no shallower than 100 feet below land surface.

2. **Permit Amendment Condition**

No water may be appropriated from Well 3 (LAKE 52528) or from Unauthorized Well 4 (LAKE 52266) until approved by a Permit Amendment authorizing the use. No change of point of appropriation or additional point of appropriation may be authorized until Well 1 (LAKE 2840), Well 2, and Well 3 (LAKE 52528) are altered to comply with the permit condition requiring ground water production from no shallower than 100 feet below land surface.

3. **Development Limitation**

The use of water under this permit shall be limited to no more than 6.38 cfs for irrigation of 228.9 acres and supplemental irrigation of 281.38 acres.

4. **Last Extension Condition**

This will be the last extension of time granted for Permit G-13114. Any future extensions of time request will be denied. ORS 539.010(5); OAR 690-315-0040.

CONCLUSION OF LAW

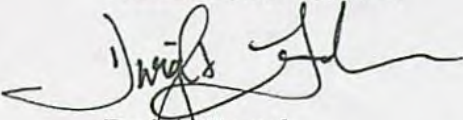
The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2).

continued on following page

ORDER

The extension of time for Application G-13949, Permit G-13114, therefore, is approved subject to conditions contained herein. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2010, to October 1, 2028.

DATED: June 28, 2024



Dwight French
Water Right Services Division Administrator, for
Douglas Woodcock, Acting Director
Oregon Water Resources Department

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- If you have any questions about statements contained in this document, please contact the Permit Extension Specialist at (503) 979-3213.
 - 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
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Mailing List for Extension PFO Copies

PFO Date: April 30, 2024

Copies Mailed

Application: G-13949

By: TM

Permit: G-13114

On: 4.30.2024

Original mailed to Applicant:

Adair Brown
1250 County Rd 52
Davis Creek, CA 96108

Copies sent to:

1. WRD - App. File G-13949/ Permit G-13114
2. Agent or CWRE representing the Permit Holder

Fee paid as specified under ORS 536.050 to receive copy:

3. None

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

4. WRD - Watermaster District 12, Matt Anderson
5. WRD – South Central Region Manager Tom Skiles

CASEWORKER: JDP

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

Application for Extension of Time

In the Matter of the Application for an Extension of Time	)	PROPOSED
for Permit G-13114, Water Right Application G-13949, in	)	FINAL
the name of Adair Brown	)	ORDER

Permit Information

Application:	G-13949
Permit:	G-13114
Basin:	13 – Goose and Summer Lakes / Watermaster District 12
Date of Priority:	December 12, 1994
Source of Water:	three wells in Goose Lake Basin
Purpose or Use:	irrigation of 272.92 acres and supplemental irrigation of 281.38 acres
Maximum Rate:	6.92 cubic feet per second (cfs)

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

In Summary, the Department proposes to:

- Grant an extension of time to apply water to full beneficial use from October 1, 2010, to October 1, 2028¹.
- Make the extension subject to certain conditions set forth below.

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

¹Pursuant to ORS 537.630(5), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and a new or revised claim of beneficial use as deemed appropriate by the Department.

ACRONYM QUICK REFERENCE

Agent – John Warinner
Application – Application for Extension of Time
Department – Oregon Department of Water Resources
FOF – Finding of Fact
PFO – Proposed Final Order
Well 1 – LAKE 2840
Well 2 – no well log
Well 3 – LAKE 52528
Unauthorized Well 4 – LAKE 52266
cfs - cubic feet per second

AUTHORITY

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

ORS 537.630(2) provides in pertinent part that the Oregon Water Resources Department (Department) for good cause shown shall order and allow an extension of time within which irrigation or other works shall be completed or the right perfected. In determining the extension, the Department shall give due weight to the considerations described under ORS 539.010(5) and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right.

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

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

FINDINGS OF FACT

1. On April 17, 1997, Permit G-13114 was issued by the Department. The permit authorized the use of up to 6.92 cfs of water from a well in Goose Lake Basin for irrigation of 272.92 acres and supplemental irrigation of 281.38 acres. The permit specified actual construction of the well to begin by April 17, 1998, and complete application of water was to be made on or before October 1, 2001.
2. On May 15, 2003, an assignment from Mitchell Brown, to Adair Brown was recorded in the records of the Water Resources Department.

3. On June 25, 2008, the Department approved Permit Amendment T-9433 (Special Order Volume 75, Page 210) authorizing two additional points of appropriation under Permit G-13114 (modified by Permit Amendment T-9433) which is hereafter referred to simply as Permit G-13114.
4. Two prior permit extensions have been granted for Permit G-13114. The most recent extension request resulted in the completion dates for construction and full application of water being extended from October 1, 2005, to October 1, 2010.
5. On August 25, 2022, the permit holder, Adair Brown, submitted an "Application for Extension of Time" (Application) to the Department, requesting the time to apply water to full beneficial use under the terms and conditions of Permit G-13114 be extended from October 1, 2010, to October 1, 2023.
6. On September 13, 2022, notification of the Application for Permit G-13114 was published in the Department's Public Notice. No public comments were received regarding the Application.
7. On December 15, 2022, the Department ground water section completed a review of the wells being used under this permit for compliance with the permit condition requiring ground water production from no shallower than 100 feet below land surface.
8. On February 20, 2024, the permit holder submitted an amendment to their Application. The amendment requested the extended time to apply water to full beneficial use of the water system be changed from October 1, 2023, to October 1, 2028.
9. On February 27, 2024, the amended application was placed on the Department's Public Notice. No public comments were received regarding the Application.

Review Criteria [OAR 690-315-0040]

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

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

10. On August 25, 2022, the Department received a completed Application and the fee specified in ORS 536.050 from the permit holder.

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

11. According to the Application, actual construction of LAKE 2840 (Well 1) began prior to the April 17, 1998 deadline specified in the permit.
12. According to the well log received by the Department on June 15, 1979, construction of Well 1 began July 6, 1977.

Based on Finding of Fact (FOF) 11 and 12, the Department has determined that the prosecution of the construction of the well began prior to April 17, 1998.

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

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

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

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

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

The amount of construction completed within the time allowed in the permit and previous extension.²

13. Construction of Well 1 and Well 2 (No Well Log available) began prior to the April 17, 1998, deadline specified in the permit.
14. No work was accomplished during the original development time frame under Permit G-13114.
15. Between October 1, 2001, and May 14, 2003³, a center pivot and mainline were installed.
16. Between May 14, 2003, and June 17, 2008⁴, a center pivot was installed, and ditches were completed.
17. Between June 17, 2008, and October 1, 2010, LAKE 52266 (Unauthorized Well 4) was constructed.
18. Since October 1, 2010, LAKE 52528 (Well 3) was constructed and a center pivot was installed. Well 3 is constructed in a location that differs from the authorized location in the permit.

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

³ First Application for Extension of Time submitted.

⁴ Second Application for Extension of Time submitted.

The Application provides evidence of progress of physical work made towards completion of the water system, enough to qualify as the minimum necessary for the Department to find good cause and reasonable diligence towards complete application of water to a beneficial use.

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

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

19. The Department has considered the permit holder's compliance with conditions, and has identified the following concerns: (1) Well 1, and Well 3, are not constructed to produce water from no shallower than 100 feet below land surface; and (2) LAKE 2845, a well identified as previously utilized under the permit is not constructed to produce water from no shallower than 100 feet below land surface. Compliance with this condition for Well 2 cannot be determined because no well log exists for this well.

Based on FOF 19, the Department has determined that the permit holder has not demonstrated compliance with following (or any of the) permit conditions as required by Permit G-13114:

- "Groundwater production shall be from no shallower than 100 feet below land surface."

Failure to comply with the above permit condition constitutes illegal use of water. In order to legally perfect the use of water under this permit, the permit holder must demonstrate that all conditions of the permit have been satisfied.

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

The amount of beneficial use made of the water during the permit time limits or previous extension conditions.

20. A maximum rate of 6.92 cfs of water has been appropriated, being 3.7 cfs from Well 1, 4.9 cfs from Well 2 from Well 2, and 6.9 cfs Well 3 for irrigation of 228.9 acres. This exceeds the amount of water for irrigation use authorized under this permit. The permit provides for 1/80th of a cfs per acre irrigated, being 228.9 acres of irrigation, and presumably 281.38 acres of supplemental irrigation, totaling 6.38 cfs.
21. There is no explanation why full beneficial use of water under G-13114 has been delayed.

Beneficial use of water has not been demonstrated under this permit as all permit conditions are not satisfied.

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

22. The Application identifies that \$295,000 has been invested. This estimate includes the cost of construction of Unauthorized Well 4. After deducting this costs, the total investment for "actual construction" to date is approximately \$255,000. The costs to alter Well 1, Well 2, and Well 3, to meet permit conditions is unknown.

Based on FOF 22, the Department has determined that the permit holder had made an investment, which provides evidence of good cause and reasonable diligence towards the complete application of water to a beneficial use.

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

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

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

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

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

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

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

23. A review of the amount of water available to satisfy other affected water rights and scenic waterway flows was determined at the time of issuance of Permit G-13114; furthermore, water availability for other affected water rights and scenic waterway flows after the permit was issued is determined when an application for a new water right is submitted.

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

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

24. The points of appropriation for Permit G-13114, located within the Goose Lake Basin, are not located within a limited or critical groundwater area.
25. Goose Lake is not located within or above any state or federal scenic waterway.
26. The points of appropriation are not in an area listed by the Department of Environmental Quality as a water quality limited stream.

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

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

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

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

Economic interests dependent on completion of the project.

28. An approximate total of \$215,000 has been invested in the project.

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

Other economic interests dependent on completion of the project.

29. The current landowner, who is not a permit holder of record, has been identified as an additional economic interest.

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

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

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

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

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

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

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

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

33. No unforeseen events were identified that contributed to the extended the length of time needed to fully develop and perfect Permit G-13114.

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

34. The Application indicates a denial of the extension would result in undue hardship, and that there are no other reasonable alternatives exist for meeting water use needs.

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

35. The Application provides minimal evidence of good faith of the appropriator under Permit G-13114.

Based on FOF 11, through 18, 22, and 28, the Department has determined that the applicant has shown good faith and reasonable diligence, enough to provide a limited extension of time.

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

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

36. As of February 20, 2024, the remaining work to be completed consists of altering construction on Well 1, Well 2, and Well 3 to meet permit requirements, and to submit a permit amendment requesting authorization of Unauthorized Well 4.

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 accomplish the application of water to beneficial use under the terms and conditions of Permit G-13114 is both reasonable and necessary.

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

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

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

LIMITATIONS AND CONDITIONS

1. OAR 690-315-0050(5) provides for extension orders to include, but are not limited to, any condition or provision needed to ensure future diligence. Based on Findings of Facts 17, the Department determined the need to place a "Permit Amendment Condition" on this extension of time in order to ensure diligence is exercised in the development and perfection of water use permit. This condition, specified under Item 1 of the "Conditions" section of this PFO, was determined to be necessary because of the construction of an unauthorized point of appropriation has been asserted as work accomplished under the permit.
2. OAR 690-315-0050(5) provides for extension orders to include, but are not limited to, any condition or provision needed to ensure future diligence. The Department determined the need to place a "Last Extension Condition" on this extension of time in order to ensure diligence is exercised in the development and perfection of the water use permit. This condition, specified under Item 2 of the "Conditions" section of this PFO, was determined to be necessary due to the amount of time previously provided to complete development.
3. OAR 690-315-0050(5) provides for extension orders to include, but are not limited to, any condition or provision needed to ensure future diligence. The Department determined the need to place a "Well Repair Condition" on this extension of time in order to ensure diligence is exercised in the development and perfection of the water use permit. This condition, specified under Item 3 of the "Conditions" section of this PFO, was determined to be necessary due to use of wells that do not comply with permit conditions.
4. OAR 690-315-0050(5) provides for extension orders to include, but are not limited to, any condition or provision needed to mitigate the effects of the subsequent development on competing demands on the resource. The Department determined the need to place a "Development Limitation" on this extension of time in order to mitigate subsequent development. This condition, specified under Item 4 of the "Conditions" section of this PFO, was determined to be necessary to limit development to current levels.

CONCLUSIONS OF LAW

1. The applicant has submitted a complete extension application form and the fee specified in ORS 536.050, as required by OAR 690-315-0040(1)(a).
2. The applicant has complied with the construction timeline requirements to begin actual construction as required by ORS 537.630, OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).
3. Based on Finding of Facts 11 through 35, application of water to beneficial use can be accomplished by October 1, 2028, as required by OAR 690-315-0040(1)(c).

4. The applicant can complete the project within the time period requested for the extension on the project, but the extension is conditioned to ensure future diligence and to mitigate the effects of the subsequent development on competing demands on the resource and is granted only for the reasonable time necessary to complete water development and apply water to beneficial use. OAR 690-315-0050(5).
5. The applicant has demonstrated good cause for the extension, but the extension must be conditioned to ensure this is the last extension granted in order to ensure future diligence; OAR 690-315-0050(5).

PROPOSED ORDER

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

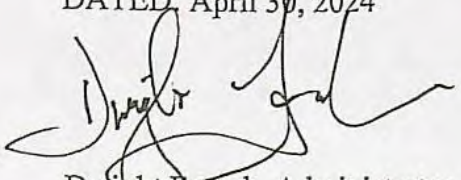
Extend the time to apply water to beneficial use under Permit G-13114 from October 1, 2010, to October 1, 2028.

Subject to the following conditions:

LIMITATIONS AND CONDITIONS

1. **Water Use Condition**
No water may be appropriated from Well 1 (LAKE 2840) Well 2 (no well log) or Well 3 (LAKE 52528) under Permit G-13114 until the wells are altered to comply with the permit condition requiring ground water production from no shallower than 100 feet below land surface.
2. **Permit Amendment Condition**
No water may be appropriated from Well 3 (LAKE 52528) or from Unauthorized Well 4 (LAKE 52266) until approved by a Permit Amendment authorizing the use. No change of point of appropriation or additional point of appropriation may be authorized until Well 1 (LAKE 2840), Well 2, and Well 3 (LAKE 52528) are altered to comply with the permit condition requiring ground water production from no shallower than 100 feet below land surface.
3. **Development Limitation**
The use of water under this permit shall be limited to no more than 6.38 cfs for irrigation of 228.9 acres and supplemental irrigation of 281.38 acres.
4. **Last Extension Condition**
This will be the last extension of time granted for Permit G-13114. Any future extensions of time request will be denied. ORS 539.010(5); OAR 690-315-0040.

DATED: April 30, 2024



Dwight French, Administrator,
Water Right Services Division

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

Protests

Pursuant to OAR 690-315-0060(1), the applicant or any other person adversely affected or aggrieved by the proposed final order may submit a written protest to the proposed final order. Protests must be received by the Water Resources Department no later than **June 14, 2024**, at this address: Oregon Water Resources Department, Water Right Services Division, 725 Summer St NE, Suite A, Salem, OR 97301-1266. Protests may not be submitted by electronic mail. OAR 690-002-0025(3).

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

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

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

If the applicant does not request a hearing within 30 days after the close of the protest period, or if the request for a hearing is withdrawn, or the Department or the administrative law judge is notified that the protestant will not appear, or the protestant fails to appear, at a scheduled

hearing, the Director may issue a Final Order by default. If the Director issues a Final Order by default, the Department designates the relevant portions of its files on this matter, including all materials submitted relating to this matter, as the record for purpose of proving a *prima facie* case upon default.

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

Notice Regarding Servicemembers: Active-duty service members have a right to stay proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 800-452-8260, or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>.

-
- If you have questions about statements contained in this document, please contact Jeffrey D. Pierceall at 503- 979-3213.
 - 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 Will Davidson at 503-507-2749.
 - If you have any questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0900.
 - Address any correspondence to : Water Right Services Division
725 Summer St NE, Suite A
Salem, OR 97301-1266
Fax: 503-986-0901
-

Application: G-13949 Permit: G-13114
Public Notice Route Slip ... New Application Extension of Time
per Division 315 Rules... (Extensions received on July 1, 2001 or after)

Applicant/Permit

Holder(s)

Adair Brown
1250 County Road 52
Davis Creek CA 96108

Proposed Completion Date: 10-1-2023 2028 JP

☒ WRIG...Money Receipted on: 8-25-22

☐ Extension Specialist ...

☒ Added to tracking spreadsheet

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

☒ Tonya Miller...

☒ Recent Assignment (Check WRIS for Update)

☒ Publish on Public Notice (initial 30-day comment): Date of
notice 9/13/2022 2-27-2024

☒ Update WRIS Database

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

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

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

NOTES:

GW Rev. Req Sent 9-16-22

Kyler, Please re-notice w/ new
proposed C-Date

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

OREGON

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

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Criteria for a Permit Extension of Time

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

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

1) Construction has begun:

A. For Groundwater Permits

Construction of the well(s), *authorized by the permit*, began within 5 years of the date the permit was issued or by the actual construction date specified in the permit.

B. For Surface Water or Reservoir Permits

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

The Department will also confirm that:

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

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

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

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

1250 COUNTY ROAD 52 DAVIS CREEK CA 96108
ADDRESS CITY STATE ZIP

530.233.2433 bevdc@frontiernet.net
PHONE E-MAIL ADDRESS

the permit holder of: Application Number G - 13949
Permit Number G - 13114
[OAR 690-315-0020(3)(b)]

do hereby request that the date by which the water development will be completed and water put to full beneficial use, which time now expires on Month: 10 Day: 1 Year: 2010, be extended to October 1, 2028 [OAR 690-315-0020(3)(i)]

I am the permit holder, and may apply for an extension of time under this permit. I understand that false or misleading statements in this extension application are grounds for OWRD to suspend processing of the request and/or reason to deny the extension.

Signature Adair Brown Date 2/16/24
Printed Name ADAIR BROWN Title PERMIT HOLDER
The agent below is authorized to represent the applicant in all matters relating to THIS application. _____
JOHN WARRINER JOHN W @ WATERSOLVING.COM Permit Holder Initials
Authorized Agent (Print Agent Name) Agent contact

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

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

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MAIL COMPLETED APPLICATION

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

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

GENERAL TIPS:

- Permit holders of **municipal or quasi-municipal water use permits DO NOT use this form**. The correct form is APPLICATION FOR EXTENSION OF TIME FOR MUNICIPAL AND QUASI-MUNICIPAL WATER USE PERMITS.
- Request the reasonable amount of time necessary to fully complete construction of the water project and/or to fully use the permitted quantity of water under the terms and conditions of your permit. Should this request be approved, it will be OWRD's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.
- A separate APPLICATION FOR EXTENSION OF TIME must be submitted for each permit. OAR 690-315-0020(2).
- Permit extensions are evaluated under OAR Chapter 690, Division 315. These rules may be viewed at the State of Oregon, Secretary of State Website. To be granted an extension of time, the Department must make four specific findings; 1) the application is complete, 2) construction of the water system began within the time specified in the permit and applicable statute, 3) there is good cause, and 4) the project can be completed within the time being requested. If the Department cannot make all four findings, the extension of time cannot be approved.
- You may provide OWRD with any additional information or evidence that will aid us in making our decision. Please note that OWRD may require other information that is necessary to evaluate the application. OAR 690-315-0020(3)(n).
- After careful review of the Application for Extension of Time, you may contact OWRD at (503) 986-0900, to ask questions and request assistance from a Permit Extensions Specialist in the Water Rights Services Division.

- An Application for an Extension of Time will be reviewed for completeness. A response is required for each item contained in the application. OWRD will return any incomplete or deficient applications to the applicant. OAR 690-315-0040(1)(a).

Reference Materials Needed to Complete this Application:

- **The water right permit.** If needed, a copy of the water right permit can be downloaded from the Department's Website, or, a copy of the permit may be requested by water right application number from the Water Rights Division at 503-986-0900 (copy fees will apply).
- **Previous Applications and Orders.** Copies of previous applications and orders that may inform the completion of the Application for Extension of Time, if available, may be downloaded from the Department's Website. **NOTE: If the document requested is not available on the Department's website, you may be required to submit a Public Record Request.**
- **Documentation which demonstrates compliance with permit conditions** (for example, well construction logs; static water level measurement reports; annual water use reports; ODFW fish screen certification; a plan to monitor the effect of water use on ground water aquifers utilized under the permit; etc.).

Questions to complete this application for an Extension of Time

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

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

For Groundwater Permits

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

☒ Yes ☐ No

Date construction began Month: 7 Day: 6 Year: 1977

Details of construction and attach documentation:

WELL 1. JUL 6, 1977
WELL 2. 1992
WELL 3. JUN 10, 2014
WELL 4. JUL 12, 2010

SEE ATTACHED WELL LOGS FOR
WELLS 1, 3, 4. WELL LOG FOR
WELL 2 IS NOT YET AVAILABLE.

For Surface/Reservoir Permit

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

Date construction began Month: Day: Year:

Details of construction and attach documentation:

N/A

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

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CHART-A

Permit Conditions in this Permit		Have Completed or Met?	Date satisfied/ or will be satisfied
Checkbox	Ground water Check those included on this permit		
☒	Installation of a meter/totalizing flow meter	☒ Yes ☐ No	1997, 1994, 2010, 2014
☒	Submittal of annual water usage report	☒ Yes ☐ No	ANNUALLY
☐	Submittal of static water level measurements in the month required	☐ Yes ☐ No	
☐		☐ Yes ☐ No	
☒	Special well construction standards	☒ Yes ☒ No	1977, 1994, 2010, 2014
☐	Submittal of a monitoring plan	☐ Yes ☐ No	
☐	Well ID tag assigned and installed:	☐ Yes ☐ No	
☐	Other (Specify):	☐ Yes ☐ No	
☐	Other (Specify):	☐ Yes ☐ No	
	Surface Water or Reservoir		
☐	Installation of a meter/ totalizing flow meter	☐ Yes ☐ No	
☐	Submittal of annual water use report	☐ Yes ☐ No	
☐	Installation of a fish screen	☐ Yes ☐ No	
☐	Installation of a fish by-pass device	☐ Yes ☐ No	
☐	Installation of a fish passage	☐ Yes ☐ No	
☐	Installation of an outlet gate/pipe/ conduit	☐ Yes ☐ No	
☐	Submittal of a letter from ODFW that fish screen, fish by-pass device, and or fish passage is not required	☐ Yes ☐ No	
☐	Submit as-built plans and specification	☐ Yes ☐ No	
☐	Submittal of a letter from an engineer prior to storage	☐ Yes ☐ No	
☐	Other (Specify):	☐ Yes ☐ No	
☐	Other (Specify):	☐ Yes ☐ No	
☐	Other (Specify):	☐ Yes ☐ No	

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

CURRENTLY INVESTIGATING COSTS TO MODIFY WELLS TO PREVENT APPROPRIATION OF WATER ABOVE 100-FOOT DEPTH.

3. Provide evidence of physical work made toward completion of the water system, and of progress made toward making beneficial use of water within the permitted time period (CHART-B); and if applicable, within the time period of the most recent extension granted (CHART-C). CHART-B (below) must be completed for all Application for Extension of Time requests. *Use chronological order.* Itemize each work item, and do not combine multiple work actions in one area. (Planning, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, surveying, clearing land, or planting crops *is not considered work in the development of the water system. Work accomplished under other water rights may not be considered work under this permit.*)

CHART-B

DATE	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List any work done before the permit was issued – eg. well drilled.</i>	COST*
1977	CONSTRUCTED WELL 1 (LAKE 2840)	\$ 15,000
1994	CONSTRUCTED WELL 2 (NO WELL LOG)	\$ 40,000
DATE	WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED and PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER <i>List work/actions done during the permitted time period.</i>	COST*
APR 1997	Date the permit was signed - find date above signature on last page of permit.	
OCT 2001	Date the permit specified complete application of water to the use shall be made- all permits contain this date.	
DATE	WORK ACCOMPLISHED AFTER the date the permit specified complete application of water and prior to any previous extension order <i>COMPLETE ONLY IF THIS IS YOUR 1st APPLICATION FOR AN EXTENSION OF TIME: List work done after the date specified in the permit for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
	NOT THE FIRST EXTENSION OF TIME	
MAY 2004	CONSTRUCTED CENTER PIVOT #1 (NORTH)	\$ 60,000
JUL 2004	CONSTRUCTED CENTER PIVOT #2 (MIDDLE)	\$ 50,000
Total Cost for Chart-B		\$ 165,000

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

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

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CHART-C

DATE	WORK ACCOMPLISHED DURING THE LAST EXTENSION PERIOD <i>List all work done during the last authorized extension period.</i>	Salem, OR COST*
OCT 2005	"Extended From" date for complete application of water used in the most recent Final Order on Extension of Time.	
JUL 2010	CONSTRUCTED WELL 4 (LAKE 52266)	\$40,000
OCT 2010	"Extended To" date for complete application of water resulting from the most recent Final Order on Extension of Time.	
DATE	WORK ACCOMPLISHED AFTER THE LAST EXTENSION PERIOD EXPIRED <i>List all work done after the last authorized date for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
JUN 2014	CONSTRUCTED WELL 3 (LAKE 52528)	\$40,000
JUN 2014	CONSTRUCTED CENTER PIVOT #3 (SOUTH)	\$50,000
Total Cost of Chart-C		\$130,000

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

5. Cost of project to date: \$295,000
(The total combined cost from CHART-B and CHART-C) [OAR 690-315-0020(f)]

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

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

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

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

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

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

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

Maximum volume stored annually to date = _____ AF

N/A

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

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

CHART-D

Well # as Identified on Permit	Water User's Well #	Has this well been drilled?	IF DRILLED					
			Well Log Number e.g. MORR 50473	Well Tag Number e.g. # 27566 or N/A	Is the actual drilled location authorized on this permit or on a permit amendment?	Maximum instantaneous rate used to date from this well - under this permit only (CFS or GPM)	Is this well authorized or utilized under any OTHER water rights?	If yes, provide the Permit, Certificate, or Transfer No.
1	1	Yes ☒ No ☐	LAKE 2840	N/A	Yes ☒ No ☐	3.7 cfs	Yes ☐ No ☒	-
2	2	Yes ☒ No ☐	LAKE N/A	N/A	Yes ☒ No ☐	4.9 cfs	Yes ☐ No ☒	-
3	3	Yes ☒ No ☐	LAKE 52524	114385	Yes ☐ No ☒	6.9 cfs	Yes ☐ No ☒	-
N/A	4	Yes ☒ No ☐	LAKE 52266	104401	Yes ☐ No ☒	TBD	Yes ☐ No ☒	-
		Yes ☐ No ☐			Yes ☐ No ☐		Yes ☐ No ☐	-
		Yes ☐ No ☐			Yes ☐ No ☐		Yes ☐ No ☐	-
		Yes ☐ No ☐			Yes ☐ No ☐		Yes ☐ No ☐	-
Total instantaneous rate from all wells utilized under this permit						6.92 cfs		

8. Has a Permit Amendment Application been filed? Yes ☒ No ☐
If yes, identify Transfer No. T- 9433

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

9. For Irrigation and Nursery Use Permits Extensions

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

a) Total acres irrigated to date: 228.9 ACRESb) List by year, the number of acres irrigated each year since permit issuance.

Year	Acres	Year	Acres	Year	Acres
	ALL ACREAGE HAS BEEN IRRIGATED SINCE PERMIT WAS ISSUED.				

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

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

(POD/POA) # 1 Acres 228.9(POD/POA) # 3 Acres 228.9(POD/POA) # 2 Acres 228.9(POD/POA) # 4 Acres 228.9

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

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

CHART-E

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
WITHIN FIVE YEARS	DETERMINE PHYSICAL CHANGES TO WELLS REQUIRED TO COMPLY WITH PERMIT CONDITIONS	TBD (IN PROGRESS)
2024	COMPLETE PERMIT AMENDMENT FOR POA CHANGES	\$5,000
TBD	COMPLETE CUMM OF BENEFICIAL USE	\$3,000
Year: 2028	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
Total Cost		TBD (IN PROGRESS)

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

11. Estimated remaining cost to complete the project:
(The total cost from CHART-E)

UNKNOWN AT THIS TIME, CURRENTLY
INVESTIGATING WELL MODIFICATIONS.

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

12. Provide a summary of your plan to complete construction, meeting all permit conditions and apply the water to beneficial use: (List all tasks or steps needed to complete the project, the date when each task will be completed, and the cost associated with each task; attach additional pages if necessary.)

ASAP • PREPARE APP FOR PERMIT AMENDMENT IMMEDIATELY UPON TIME EXTENSION

TBD • DETERMINE REQUIRED WELL MODIFICATIONS

TBD • APPLY WATER UNDER MODIFIED CONDITIONS AND COMPLETE CBLI.

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

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

MODIFICATION OF PERMIT IS NECESSARY TO AUTHORIZE LOCATION AND USE OF ALL FOUR WELLS.

MODIFICATION OF WELLS MAY BE NECESSARY TO COMPLY WITH PERMIT CONDITIONS.

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

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

YES. DENIAL OF EXTENSION WILL PREVENT PERMIT HOLDER FROM ALIGNING PERMIT & CERTIFICATE WITH ACTUAL DEVELOPMENT AND USE OF IRRIGATION INFRASTRUCTURE, AND PREVENT PERFECTING WATER RIGHT.

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

WATER USE IS FULLY DEVELOPED, JUST NEED TO AMEND PERMIT AND BRING INFRASTRUCTURE INTO COMPLIANCE WITH PERMIT CONDITIONS.

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

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

DELAYS AND DISCREPANCIES RESULTED PRIMARILY FROM CHANGES IN OWNERSHIP AND CONFUSION REGARDING PERMIT DETAILS.

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

16. Describe any unforeseen events which contributed to the delay of completion of this project that you had no control over. (Explain in detail what the unforeseen events were (i.e. health issues, natural disaster) and how much time was spent addressing the unforeseen events. Delays caused by business decisions are not considered unforeseen events) _____

CHANGES IN OWNERSHIP WERE NOT ANTICIPATED.

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

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

CONFUSION REGARDING THE NUANCES OF WATER RIGHT PERMIT DETAILS, AND APPARENT FAILURE OF LICENSED WELL DRILLERS TO CLARIFY ~~THE~~ PERMIT DETAILS AND DEVELOP WELLS IN ACCORDANCE WITH PERMIT.

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

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

PERMIT HOLDER IS CURRENTLY COMMUNICATING WITH LICENSED WELL DRILLERS TO DETERMINE OPTIMAL WAY(S) TO BRING INFRASTRUCTURE INTO COMPLIANCE WITH PERMIT CONDITIONS.

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

19. Will the income or use of the water project provide a fair and reasonable return on your investment? (Explain in detail)

YES, DEPENDING ON THE COSTS TO BRING THE WELLS INTO COMPLIANCE WITH THE PERMIT CONDITIONS.

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

20. Describe in detail if there are other economic interest, beyond those of the permit holder, which are dependent upon the completion of this project. (Who will be effected and how?)

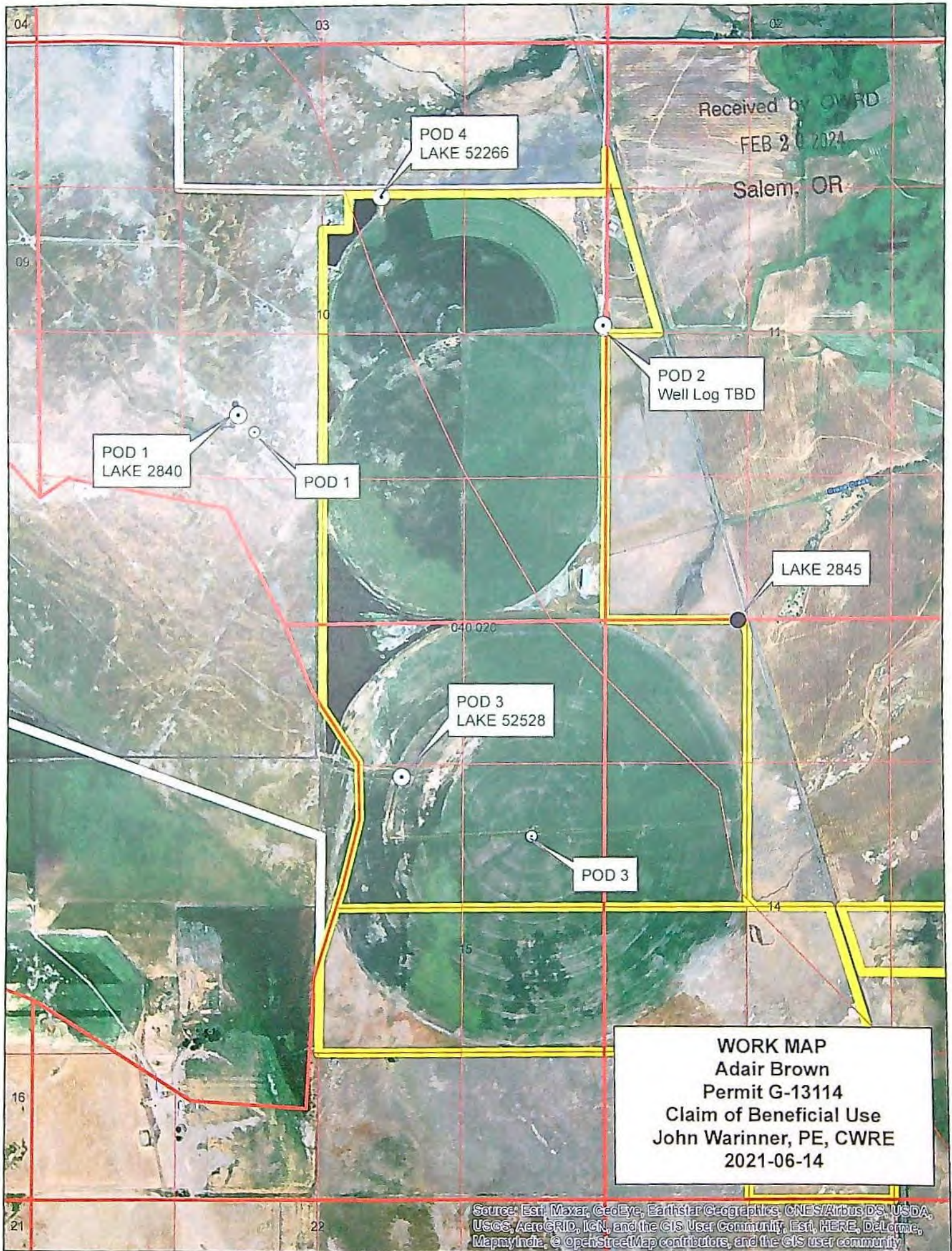
THE CURRENT LANDOWNER (NOT THE PERMIT HOLDER) MAY BE AFFECTED, DEPENDING HOW THE DETAILS WITH THE WELLS ARE RESOLVED.

Attach permit, and documentation to the application

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STATE OF OREGON

COUNTY OF LAKE

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

MITCHELL BROWN
14200 ROAD 284
PORTERVILLE, CALIFORNIA 93257

(209) 781-6389

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

APPLICATION FILE NUMBER: G-13949

SOURCE OF WATER: A WELL IN THE GOOSE LAKE BASIN

PURPOSE OR USE: IRRIGATION OF 272.92 ACRES AND SUPPLEMENTAL IRRIGATION
OF 281.38 ACRES

MAXIMUM RATE: 6.92 CUBIC FEET PER SECOND

PERIOD OF USE: MARCH 15 THROUGH SEPTEMBER 15

DATE OF PRIORITY: DECEMBER 12, 1994

POINT OF DIVERSION LOCATION: NE 1/4 SW 1/4, SECTION 10, T40S, R20E,
W.M.; 2250 FEET SOUTH AND 2010 FEET EAST FROM NW CORNER, SECTION 10

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
SW 1/4 NE 1/4	40.0 ACRES	
SE 1/4 NE 1/4	40.0 ACRES	
SW 1/4 NW 1/4	7.32 ACRES	32.68 ACRES
SE 1/4 NW 1/4	29.5 ACRES	10.5 ACRES
NE 1/4 SW 1/4	10.2 ACRES	29.8 ACRES
NW 1/4 SW 1/4		40.0 ACRES
SW 1/4 SW 1/4		40.0 ACRES
NE 1/4 SE 1/4	40.0 ACRES	
NW 1/4 SE 1/4	39.0 ACRES	1.0 ACRE
SW 1/4 SE 1/4	15.0 ACRES	8.6 ACRES
	SECTION 10	
SW 1/4 NW 1/4	9.6 ACRES	
	SECTION 11	

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NE 1/4 SW 1/4	2.3 ACRES	28.3 ACRES
SE 1/4 SW 1/4	40.0 ACRES	
SECTION 14		
NW 1/4 NW 1/4		40.0 ACRES
NE 1/4 NE 1/4		6.2 ACRES
NW 1/4 NE 1/4		22.3 ACRES
SW 1/4 NE 1/4		21.5 ACRES
SE 1/4 NE 1/4		0.5 ACRE

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SECTION 15

TOWNSHIP 40 SOUTH, RANGE 20 EAST, W.M.

Measurement, recording and reporting conditions:

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

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

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

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

Groundwater production shall be from no shallower than 100 feet below the land surface.

STANDARD CONDITIONS

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

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

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

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

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

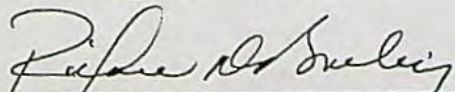
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

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

Actual construction of the well shall begin within one year from permit issuance. The reservoirs shall be filled and complete application of water shall be made on or before October 1, 2001.

Issued April 17, 1997



for Martha O. Pagel, Director
Water Resources Department

Received by OWRD

FEB 20 2024

Salem, OR

Application G-13949
Basin 13

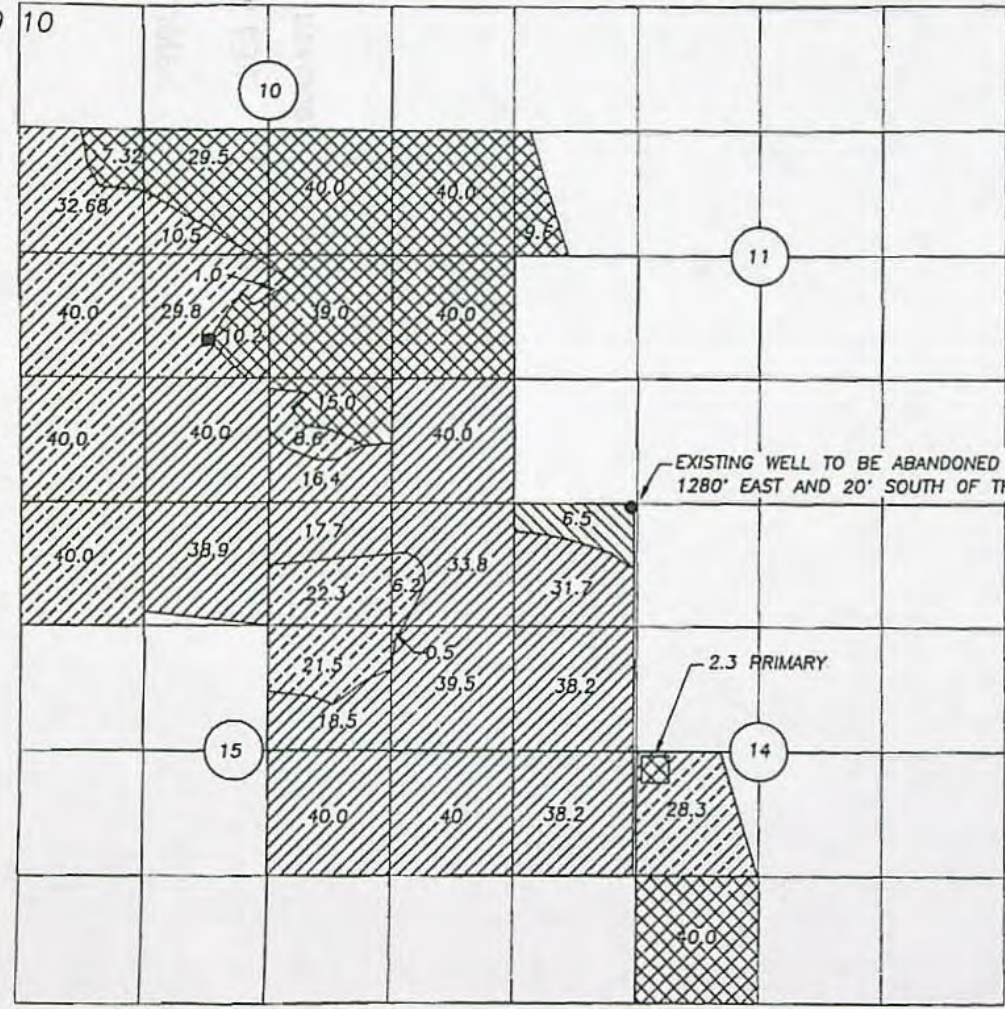
Water Resources Department
Volume 1 Crane Creek & Misc.
MGMT.CODE 7BG, 7BR

PERMIT G-13114
District 12

Current permit file

MAP TO ACCOMPANY APPLICATION TO APPROPRIATE GROUND WATER
AND
TO CHANGE POINT OF DIVERSION FOR CERTIFICATE 26987
LOCATED IN SECTIONS 10,11,14,15
TOWNSHIP 40 SOUTH, RANGE 20 EAST WILLAMETTE MERIDIAN
LAKE COUNTY OREGON

4 3
9 10



Copy of
Current
Revised Map
from file
App G-13949
(Permit G-13114)

PREPARATION OF THIS MAP IS FOR INDICATING
AREAS OF WATER RIGHTS ONLY AND DOES NOT
INDICATE PROPERTY OR OWNERSHIP LINES

APPLICATION: G13949
PERMIT: G13114

- EXISTING SUPPLEMENTAL GROUND WATER RIGHTS AS PER CERTIFICATE 26987
- EXISTING PRIMARY GROUND WATER RIGHTS AS PER CERTIFICATE 26987
- NEW PRIMARY GROUND WATER RIGHT FOR THIS APPLICATION
- SUPPLEMENTAL GROUND WATER TO EXISTING SURFACE WATER RIGHTS FOR THIS APPLICATION
- OLD WELL LOCATION FOR CERTIFICATE 26987
- NEW WELL LOCATION FOR CERTIFICATE 26987 AND FOR NEW PRIMARY AND SUPPLEMENTAL GROUND WATER FOR THIS APPLICATION
NEW WELL LOCATED 3570 FEET SOUTH AND 2010 FEET EAST OF THE NORTH WEST CORNER OF SECTION 10

RECEIVED

OCT - 4 1996

WATER RESOURCES DEPT.
SALEM, OREGON



REVISIONS	BY
7/22/96	DJA
10/2/96	RFC

ANDERSON ENGINEERING & SURVEYING
INC 64 BOX 24-RTY 356
P.O. BOX 25
LAKEVIEW, OREGON 97630
(503) 847-4407
FAX 847-4381

APPLICATION FOR
MITCHELL BROWN, ADAIR BROWN
P.O. BOX 1010
ALTURAS CALIFORNIA
(916) 233-2433

DATE:	OCT. 94
SCALE:	1"=1320'
DWG. BY:	DJA
JOB #	94074
DWG. FILE:	94074
SHEET	1
OF 1 SHEETS	

Salem, OR

FEB 20 2024

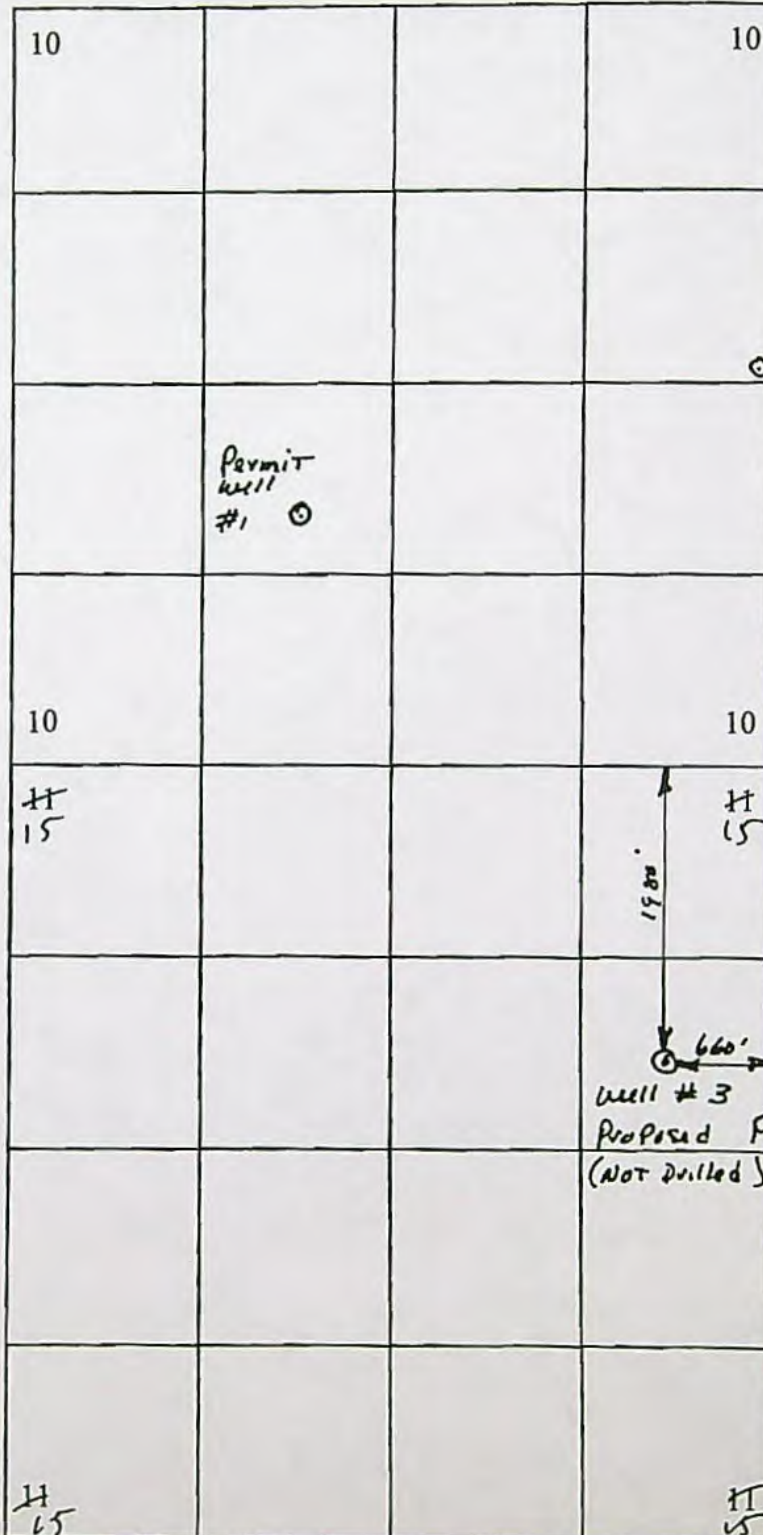
Received by OWRD

Township 40 South, Range 20 East, W.M.

RECEIVED

MAY 14 2003

WATER RESOURCES DEPT
SALEM, OREGON



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FEB 20 2024

Salem, OR

Scale - 1" = 1320'

T9433

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-13949

Final Order
Extension of Time for Permit Number G-13114

Appeal Rights

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

Application History

The Department issued Permit G-13114 on April 17, 1997. The permit called for complete application of water to beneficial use by October 1, 2001. On January 17, 2008, Adair Brown submitted to the Department an Application for Extension of Time for Permit G-13114. In accordance with OAR 690-315-0050(2), on April 22, 2008, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 1, 2010. The protest period closed June 6, 2008, in accordance with OAR 690-315-0060(1). No protest was filed.

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

Order

The extension of time for Application G-13949, Permit G-13114, therefore, is approved subject to conditions contained herein. The deadline for applying water to full beneficial use is extended to October 1, 2010.

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FEB 20 2024

Salem, OR

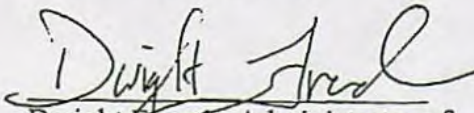
Page 1 of 2

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FEB 20 2024

Salem, OR

DATED: June 12, 2008



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
-

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Permit Amendment	)	FINAL ORDER APPROVING
T-9433, Lake County	)	ADDITIONAL POINTS OF
	)	APPROPRIATION

Authority

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

Applicant

ADAIR BROWN
HC 10 BOX 16
DAVIS CREEK, CA 96108

Findings of Fact

1. On May 7, 2003, Permit G-13114 (Application G-13949) was assigned from Mitchell Brown to Adair Brown.
2. On May 14, 2003, Adair Brown filed an application to add two points of appropriation (Wells #2 and #3) under Permit G-13114 (Application G-13949). The Department assigned the application number T-9433.
3. Additional information and a revised map were submitted on July 16, 2004, to correct describe the proposed location measurements for Well #3.

4. The permit to be amended is as follows:

Permit: G-13114 (Application G-13949), in the name of ADAIR BROWN

Priority Date: DECEMBER 12, 1994

Source: A WELL, in the GOOSE LAKE BASIN

Use: IRRIGATION of 272.92 ACRES and SUPPLEMENTAL IRRIGATION of 281.38 ACRES

Quantity: 6.92 CUBIC FEET PER SECOND (CFS)

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

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

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FEB 20 2024
Salem, OR

Period of Use: MARCH 15 through SEPTEMBER 15

FEB 20 2024

Date of Complete Application of Water: OCTOBER 1, 2005

Salem, OR

Authorized Point of Appropriation:

Twp		Rng		Mer	Sec	¼ ¼	Location
40	S	20	E	W.M.	10	NE SW	2250 feet South and 2010 feet East from the NW Corner of Section 10

Authorized Place of Use:

PRIMARY IRRIGATION								
Twp	Rng	Mer	Sec	¼ ¼	Acres			
40	S	20	E	W.M.	10	SW	NE	40.00
40	S	20	E	W.M.	10	SE	NE	40.00
40	S	20	E	W.M.	10	SW	NW	7.32
40	S	20	E	W.M.	10	SE	NW	29.50
40	S	20	E	W.M.	10	NE	SW	10.20
40	S	20	E	W.M.	10	NE	SE	40.00
40	S	20	E	W.M.	10	NW	SE	39.00
40	S	20	E	W.M.	10	SW	SE	15.00
40	S	20	E	W.M.	11	SW	NW	9.60
40	S	20	E	W.M.	14	NE	SW	2.30
40	S	20	E	W.M.	14	SE	SW	40.00

SUPPLEMENTAL IRRIGATION								
Twp	Rng	Mer	Sec	¼ ¼	Acres			
40	S	20	E	W.M.	10	SW	NW	32.68
40	S	20	E	W.M.	10	SE	NW	10.50
40	S	20	E	W.M.	10	NE	SW	29.80
40	S	20	E	W.M.	10	NW	SW	40.00
40	S	20	E	W.M.	10	SW	SW	40.00
40	S	20	E	W.M.	10	NW	SE	1.00
40	S	20	E	W.M.	10	SW	SE	8.60
40	S	20	E	W.M.	14	NE	SW	28.30
40	S	20	E	W.M.	15	NE	NE	6.20
40	S	20	E	W.M.	15	NW	NE	22.30
40	S	20	E	W.M.	15	SW	NE	21.50
40	S	20	E	W.M.	15	SE	NE	0.50
40	S	20	E	W.M.	15	NW	NW	40.00

5. There is a scrivener's error in the description of the authorized point of appropriation under Permit G-13114. The point of appropriation location coordinates listed in the permit (being 2250 feet South and 2010 feet East from the NW Corner of Section 10, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 10, T. 40S, R. 20E, W.M.) are in error. Based upon revised maps contained in the file for Water Right Application G-13949 (Permit G-13114) and conversations with the permit holder's agent (Dennis Glender), the location coordinates of the authorized point of appropriation should be as follows:

Corrected Authorized Point of Appropriation:

Twp		Rng		Mer	Sec	¼ ¼		Location
40	S	20	E	W.M.	10	NE	SW	<u>3570 feet South</u> and 2010 feet East from the NW Corner of Section 10

6. Application T-9433 proposes two additional points of appropriation, located as follows:

Twp		Rng		Mer	Sec	¼ ¼		Location
40	S	20	E	W.M.	10	SE	NE	Well 2 – 10 feet North and 10 feet West from the E¼ Corner of Section 10
40	S	20	E	W.M.	15	SE	NE	Well 3 – 1980 feet South and 660 feet West from the NE Corner of Section 15

7. Notice of the application for the permit amendment was published in the Department's weekly notice on June 10, 2003, and in the *Lake County Examiner* newspaper on July 29, August 5 and August 12, 2004, pursuant to ORS 540.520(5). No comments were filed in response to the notices.
8. The change would not result in injury to other water rights.
9. The change does not enlarge the permit.
10. The change does not alter all other terms of the permit.

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FEB 20 2024

Salem, OR

Conclusion of Law

The additional points of appropriation proposed by Permit Amendment Application T-9433 are consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

The change and subsequent use of water shall be subject to the following conditions:

1. The location description of the original point of appropriation is corrected.
2. The combined quantity of water diverted at the new points of appropriation (wells), together with that diverted at the old point of appropriation (as corrected herein), shall not exceed the maximum rate and duty allowed under Permit G-13114.

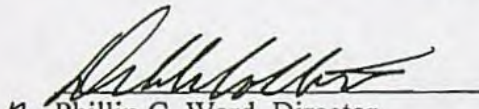
3. Water shall be acquired from the same aquifer as the original point of appropriation.
4. Prior to water use from the proposed point of appropriation, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, and shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.

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

5. All other terms and conditions of Permit G-13114 remain the same.

6. Permit G-13114, in the name of Adair Brown, is amended as described herein.

Dated at Salem, Oregon this 25th day of June, 2008


Phillip C. Ward, Director

Received by OWARD
FEB 20 2024
Salem, OR

Mailing date: JUN 27 2008

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

WATER RESOURCES DEPARTMENT
SALEM, OREGON 97310
within 30 days from the date
of well completion.

WATER WELL REPORT

STATE OF OREGON

(Please type or print)

(Do not write above this line)

State Well No.

405/20E-10ca

State Permit No.

(1) OWNER:

Name DICK WAY (DOUBLE "D" LAND & CATTLE CO.)

Address HWY. 395 South
Lakeview, Oregon 97630

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐
If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

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

(4) PROPOSED USE (check):

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

CASING INSTALLED:

Threaded ☐ Welded ☒
14" Diam. from 0 ft. to 476 ft. Gage 250
" Diam. from ft. to ft. Gage
" Diam. from ft. to ft. Gage

PERFORATIONS:

Perforated? ☒ Yes ☐ No.

Type of perforator used Factory-Cut

Size of perforations 1/8 in. by 3 in.
2,880 perforations from 36 ft. to 476 ft.
perforations from ft. to ft.
perforations from ft. to ft.

(7) SCREENS:

Well screen installed? ☐ Yes ☒ No

Manufacturer's Name
Type Model No.
Diam. Slot size Set from ft. to ft.
Diam. Slot size Set from ft. to ft.

(8) WELL TESTS:

Drawdown is amount water level is lowered below static level

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

Yield: 1,200 gal./min. with 80 ft. drawdown after 72 hrs.
1,700 " 95 " 72 "
2,500 " 130 " 72 "

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

Artesian flow g.p.m.

Temperature of water 58° Depth artesian flow encountered ft.

(9) CONSTRUCTION:

Well seal—Material used Cement Grout

Well sealed from land surface to 20 ft.

Diameter of well bore to bottom of seal 32 in.

Diameter of well bore below seal 24 in.

Number of sacks of cement used in well seal 32 sacks

How was cement grout placed? Grout was pumped down a 2 inch pipe along the outside of the 24 inch conductor casing to the bottom of the 32 inch bore hole & slowly forced to the surface.

Was a drive shoe used? ☐ Yes ☒ No Plugs No Size: location ft.

Did any strata contain unusable water? ☐ Yes ☒ No

Type of water? depth of strata

Method of sealing strata off

Was well gravel packed? ☒ Yes ☐ No Size of gravel: 1/2 to 1/8

Gravel placed from 20 ft. to 476 ft.

(10) LOCATION OF WELL:

County Lake Driller's well number MR 519-77

N.E. 1/4 S.W. 1/4 Section 10 T. 40 S. R. 20 E. W.M.

Bearing and distance from section or subdivision corner

7 miles South of Lakeview Oregon on Hwy. 395
South; Then West 1.5 miles.

(11) WATER LEVEL: Completed well.

Depth at which water was first found 128 ft.

Static level 7 ft. below land surface. Date 8/6/77

Artesian pressure lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing 9 7/8"

Depth drilled 616 ft. Depth of completed well 476 ft.

Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
Soil Zone	0	5	
Blue Clay	5	128	
Sand, Coarse, Blue	128	226	
(H ₂ O Aquifer- 800 G.P.M.)			7
Clay & Sand stone Blue	226	272	
Sand, Coarse, Blue			
(H ₂ O Aquifer-1500 G.P.M.)	272	385	
Clay & Sand Stone Layers	385	560	
Sand, Fine Blue			
(H ₂ O Aquifer- (# or - 200)	560	590	
Clay & Sand Stone Layers	590	616	

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FEB 20 2024

JUN 10 1979

WATER RESOURCES DEPT.

Salem, OR

SALEM, OREGON

Work started 7/6/ 1977 Completed 8/5/ 1977

Date well drilling machine moved off of well 8/5/ 1977

Drilling Machine Operator's Certification:

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

[Signed] Gary Stooksberry Date 6/7/ 1979
(Drilling Machine Operator)

Drilling Machine Operator's License No. 801

Water Well Contractor's Certification:

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

Name RAPID WATER WELL DRILLING COMPANY
(Person, firm or corporation) (Type or print)

Address 545 North G Street, Lakeview, Oregon

[Signed] Gary Stooksberry
(Water Well Contractor)

Contractor's License No. 652 Date 6/7/ 1979

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

LAKE 52528

WELL LABEL # L 114385
START CARD # 1023299
ORIGINAL LOG #

Instructions for completing this report are on the last page of this form.

(1) LANDOWNER Owner Well I.D.
First Name ADAIR Last Name BROWN
Company _____
Address HC 10 Box 16
City DAVIS CREEK State CA Zip 96108

(2) TYPE OF WORK ☒ New ☐ Conversion ☐ Deepening
☐ Alteration (complete Sections 2a & 10) ☐ Abandonment (complete Section 5a)

(2a) PRE-ALTERATION: Well Depth _____ ft.
Seal Material _____
Casing Type: ☐ Steel ☐ Plastic ☐ Other _____
Casing Gauge _____ Casing Diameter _____

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

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

(5) BORE HOLE CONSTRUCTION
Depth of Completed Well 232 ft. Special Standard: ☐ Yes (attach copy)

BORE HOLE				SEAL			
Dia	From	To	Material	From	To	Amount	Scks/lbs
24"	0	53	CEMENT	0	53	40	SCKS
20"	53	232					
8"	232	300					

How was seal placed: Method ☐ A ☐ B ☒ C ☐ D ☐ E
☐ Other _____
Backfill placed from _____ ft. to _____ ft. Material _____
Filter pack from 0 ft. to 232 ft. Material GRAVEL Size 3/8

(5a) ABANDONMENT USING UNHYDRATED BENTONITE:
Calculated Amount Proposed to be Used: _____ sacks/lbs
Actual Amount Used: _____ sacks/lbs

Casing	Liner	Dia	+	From	To	Gauge	Steel	Plastic	Welded	Thrd
<u>L</u>		<u>20"</u>	<u>+</u>	<u>1 1/2</u>	<u>53</u>	<u>.250</u>	<u>L</u>		<u>L</u>	
	<u>L</u>	<u>16"</u>	<u>+</u>	<u>2</u>	<u>232</u>	<u>.250</u>	<u>-</u>		<u>L</u>	

Shoe ☐ Inside ☐ Outside ☐ Other Location of shoe(s) _____
Temporary casing ☐ Yes Diameter _____ From _____ To _____

(7) PERFORATIONS/SCREENS
Perforations Method FACT. SAW CUT
Screens Type _____ Material _____

Perf	Scm	Casing	Liner	Screen Dia	From	To	Screen slot width	Slot length	# of slots	Tele/ pipe size
<u>✓</u>			<u>L</u>		<u>112</u>	<u>232</u>	<u>7/8</u>	<u>3</u>	<u>3744</u>	<u>PIPE</u>

(8) WELL TESTS: Minimum testing time is 1 hour
☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian
Yield gal/min _____ Drawdown 120 Duration (hr) 2
Temperature 57 °F Lab analysis ☐ Yes By _____
Water quality concerns? ☐ Yes (describe below) TDS _____ ppm
From _____ To _____ Description _____ Amount _____ Units _____

(9) LOCATION OF WELL (legal description)
County LAKE Twp 40E S 20 R 20 E or W W.M.
Sec 15 SW 1/4 of the NE 1/4 Tax Lot 01
Tax Map Number _____ Lot _____
Lat _____ " or _____ DMS or DD
Long _____ " or _____ DMS or DD
Street Address of Well (or nearest address) 96556 CRANE LK. RD
LAKEVIEW

(10) STATIC WATER LEVEL				
Existing Well/Pre-Alteration	Date	SWL (psi)	+	SWL (ft)
Completed Well	<u>7-07-14</u>		-	<u>12</u>

WATER BEARING ZONES						
SWL Date	From	To	Est Flow	SWL (psi)	+	SWL (ft)
<u>7-07-14</u>	<u>56</u>	<u>232</u>	<u>500+</u>		-	<u>12</u>

(11) WELL LOG		Ground Elevation	
Material	From	To	
SANDY TOPSOIL	0	2	
CLAY - GRAVEL	2	7	
PEA GRAVEL - BRN. SAND	7	12	
STICKY GRAY CLAY	12	19	
BLACK SAND	19	22	
GRAY CLAY - GRAVEL	22	30	
BLACK SAND	30	38	
LAYERS GRAY CLAY + GRAVEL	38	64	
BLACK SANDSTONE - SAND - CLAY	64	86	
GRAY SANDY CLAY	86	104	
GRAY CLAY	104	132	
GRAY CLAY - GRAVEL - SAND	132	186	
SANDY CLAY	186	212	
GRAY CLAY - SAND	212	242	
GRAY CLAY	242	300	
BOTTOM 68' FILLED WITH SAND - GRAVEL			
Date Started 6-10-14		Completed 7-07-14	

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

License Number _____ Date _____
Signed _____

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

License Number 1355 Date 7-15-14
Signed Arthur L. J. J. RECEIVED BY OW
Contact Info. (optional)

RECEIVED BY OWRD JUL 21 2014

AUG 04 2014 SALEM, OR

STATE OF OREGON

WATER SUPPLY WELL REPORT

(as required by ORS 537.765 & OAR 690-205-0210)

09-13-2010

WELL LABEL # L 104401

START CARD # 1010619

(1) LAND OWNER

Owner Well I.D. _____

First Name ADAIR

Last Name BROWN

Company _____

Address HC 10 BOX 16

City DAVIS CREEK

State CA

Zip 96108

(2) TYPE OF WORK

☒ New Well ☐ Deepening ☐ Conversion☐ Alteration (repair/recondition) ☐ Abandonment

(3) DRILL METHOD

☐ Rotary Air ☒ Rotary Mud ☐ Cable ☐ Auger ☐ Cable Mud☐ Reverse Rotary ☐ Other _____

(4) PROPOSED USE

☐ Domestic ☒ Irrigation ☐ Community☐ Industrial/ Commercial ☐ Livestock ☐ Dewatering☐ Thermal ☐ Injection ☐ Other _____

(5) BORE HOLE CONSTRUCTION

Special Standard ☐ Attach copy)

Depth of Completed Well 260.00 ft.

BORE HOLE			SEAL			Amt	sacks/ lbs
Dia	From	To	Material	From	To		
22	0	258	Cement	0	100	13,290	P
8	258	420					

How was seal placed:

Method ☐ A ☐ B ☒ C ☐ D ☐ E☐ Other _____

Backfill placed from 255 ft. to 258 ft. Material cement

Filter pack from 100 ft. to 255 ft. Material gravel Size .25

Explosives used: ☐ Yes Type _____ Amount _____

(6) CASING/LINER

Casing	Liner	Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd
☒	☐	16	☒	2	260	.250	☒	☐	☒	☐

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

(7) PERFORATIONS/SCREENS

Perforations Method mill slot

Screens Type _____ Material _____

Perf/S	Casing/Screen	Liner	Dia	From	To	Screen slot width	Slot length	# of slots	Tele/pipe size
Perf	Casing	16	100	120	.09	2.5	64		
Perf	Casing	16	120	160	.09	2.5	128		
Perf	Casing	16	160	200	.09	2.5	64		
Perf	Casing	16	200	240	.09	2.5	128		

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

☒ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)
1,500	120	220	12

Temperature 75 °F Lab analysis ☐ Yes By _____Water quality concerns? ☐ Yes (describe below)

From	To	Description	Amount	Units
100	250	black sand in water		

(9) LOCATION OF WELL (legal description)

County Lake Twp 40.00 S N/S Range 20.00 E E/W WM

Sec 10 SW 1/4 of the NE 1/4 Tax Lot 2300

Tax Map Number _____ Lot _____

Lat _____ " or 42.11651800 DMS or DD

Long _____ " or 120.34439400 DMS or DD

☐ Street address of well ☒ Nearest address

14745 HWY 395 LAKEVIEW, OR

(10) STATIC WATER LEVEL

Date _____ SWL(psi) + SWL(ft)

Existing Well / Predeepening		
Completed Well	08-14-2010	31

Flowing Artesian? ☐ Dry Hole? ☐

WATER BEARING ZONES

Depth water was first found 30

SWL Date	From	To	Est Flow	SWL (psi)	+ SWL (ft)
07-16-2010	30	97	200		31
07-16-2010	109	235	2,000		31

(11) WELL LOG

Ground Elevation 4,717

Material	From	To
topsoil	0	6
sand	6	16
gray clay	16	44
gravel and gray clay	44	62
gray clay	62	85
large gravel and gray clay	85	97
fine gravel and gray clay	97	109
medium gravel and sand	109	125
large gravel (cobble) and sand	125	135
fine to medium gravel	135	146
sand	146	155
clay	155	165
sand	165	170
clay	170	180
sand	180	188
clay	188	200
sand	200	235
clay	235	420

Received by OWRD

FEB 20 2024

Salem, OR

Date Started 07-12-2010 Completed 08-14-2010

(unbonded) Water Well Constructor Certification

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

License Number _____ Date _____

Electronically Filed

Signed _____

(bonded) Water Well Constructor Certification

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

License Number 1928 Date 09-13-2010

Electronically Filed

Signed JAMES HALPENNY (E-filed)

Contact Info (optional) _____

PIERCEALL Jeffrey D * WRD

From: PIERCEALL Jeffrey D * WRD
Sent: Friday, January 12, 2024 1:58 PM
To: 'John Warinner'
Subject: RE: FW: Application for Extension of Time, Permit G-13114

John,
I am following up again on an updated extension of time application.

Jeffrey D. Pierceall
Extension Specialist
Oregon Water Resources Department
503-979-3213
Jeffrey.D.Pierceall@water.oregon.gov



From: John Warinner <johnw@watersolving.com>
Sent: Thursday, October 19, 2023 10:39 AM
To: PIERCEALL Jeffrey D * WRD <Jeffrey.D.PIERCEALL@water.oregon.gov>
Cc: Beverley Palmer <bevdc12@gmail.com>
Subject: Re: FW: Application for Extension of Time, Permit G-13114

Hi Jeffrey. Thank you for checking in with me and sorry for my tardy response. I/we received the copy of the documents associated with the original Application G-13949, and I started to review it, then got pulled off on some other priorities. Here are my intended next steps and anticipated schedule (not completely in my control):

- TODAY (10/19). Finish reviewing the Application G-13949 file provided by OWRD Public Records Request.
- TODAY (10/19). Provide Adair Brown, Mitchell Brown and Beverley Palmer (via Beverley) with a summary of my findings and recommendations.
- EARLY NEXT WEEK. Respond to you with a revised Application for Time Extension or other response (TBD).

Thank you and more soon,
JohnW

John Warinner, PE, CWRE
Watersolving LLC | 541.815.4103 | johnw@watersolving.com

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On Fri, Oct 13, 2023 at 3:46 PM PIERCEALL Jeffrey D * WRD <Jeffrey.D.PIERCEALL@water.oregon.gov> wrote:

John,

I wanted to follow up on the submittal of an updated application.

Jeffrey D. Pierceall

Extension Specialist

Oregon Water Resources Department

503-979-3213

Jeffrey.D.Pierceall@water.oregon.gov



From: John Warinner <johnw@watersolving.com>

Sent: Wednesday, September 6, 2023 3:50 PM

To: PIERCEALL Jeffrey D * WRD <Jeffrey.D.PIERCEALL@water.oregon.gov>

Cc: bevdc@frontiernet.net; BOSCHMANN Darrick E * WRD <Darrick.E.BOSCHMANN@water.oregon.gov>

Subject: Re: FW: Application for Extension of Time, Permit G-13114

Hi Jeffrey -

Can you please help me access the original application documents for App G-13949 (which led to issuance of Permit G-13114). I have tried to access this information through The Vault, but was unsuccessful.

Thank you,

JohnW

John Warinner, PE, CWRE

Watersolving LLC | 541.815.4103 | johnw@watersolving.com

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On Tue, Aug 29, 2023 at 12:15 PM PIERCEALL Jeffrey D * WRD <Jeffrey.D.PIERCEALL@water.oregon.gov> wrote:

John,

Thank you for your response. Please be aware that the Departments groundwater section has reviewed the wells in question, and have determined that the wells do not meet the requirements of the permit (review attached). An update to the application, which identifies the steps that will be taken to address the well issues, must be submitted. The current application for extension of time would not result in an approval as there is not sufficient time being requested to address the well issues.

Jeffrey D. Pierceall

Extension Specialist

Oregon Water Resources Department

503-979-3213

Jeffrey.D.Pierceall@water.oregon.gov

From: John Warinner <johnw@watersolving.com>

Sent: Tuesday, August 29, 2023 12:03 PM

To: PIERCEALL Jeffrey D * WRD <Jeffrey.D.PIERCEALL@water.oregon.gov>

Cc: bevdc@frontiernet.net

Subject: Re: FW: Application for Extension of Time, Permit G-13114

Hi Jeffrey -

Thank you for your email message dated March 24, 2023. I apologize for my delay responding to you.

Re: POD 1 (described by Well Log LAKE 2840)

Here is my interpretation of this well log:

1. The well is apparently drilled to a depth of 616 feet.
2. A 14-inch casing is installed from 0 to 416 feet and is perforated from a depth of 36 feet to 416 feet.
3. The borehole is uncased from a depth of 416 to 616 feet.
4. The well is sealed with grout from the land surface to a depth of 20 feet.
5. The casing penetrates a layer of blue clay from a depth of 5 to 128 feet. There does not appear to be any significant water yield in this layer.
6. From a depth of 128 to 226 feet the well penetrates a layer of coarse blue sand that yielded water at a rate of 800 gpm. This appears to be the first water-yielding aquifer.
7. The well apparently penetrates two additional water-yielding aquifers from 272-385 feet (1500 gpm) and 560-590 feet (200 gpm).
8. So my conclusion is that this well satisfies the permit condition: *Groundwater production shall be from no shallower than 100 feet below the land surface.*

Re: POD 2 (no well log available)

I was unable to secure a copy of the well log for this well using the Department's Well Log Information System. I was also unable to reach the well driller by phone, despite making multiple calls to the available phone number AND making a personal visit to Alturas, CA where the well driller is apparently based. It is my opinion that these efforts represent reasonable due diligence on behalf of the landowner. Since the well driller is licensed and has an obligation to the Department to submit a well log after construction of the well, I request that the Department assume responsibility for securing a well log for this well (and waive any further responsibility for the landowner to obtain/produce this required document).

Re: POD 3 (described by Well Log LAKE 52528)

Here is my interpretation of this well log:

1. The well is apparently drilled to a depth of 300 feet. The bottom 68 feet filled with sand and gravel, resulting in a completed depth of 232 feet.

2. The well is cased throughout the full depth from above the ground surface to a depth of 232 feet.
3. The well is sealed with cement grout from the land surface to a depth of 53 feet.
4. The well casing is perforated from a depth of 112 feet to the bottom of the well at 232 feet.
5. The well penetrates a layer of gray clay (no mention of sand) that extends from a depth of 104 to 132 feet (the casing perforations begin within this layer).
6. The next layer below the gray clay that includes gravel and sand extends from a depth of 132 to 186 feet.
7. This gravel and sand layer and the sandy layers below this layer appear to be the only water-yielding layers that are likely to produce water into the well (500 gpm).
8. So my conclusion is that this well satisfies the permit condition: *Groundwater production shall be from no shallower than 100 feet below the land surface.*

Re: POD 4 (described by Well Log LAKE 52266)

Here is my interpretation of this well log:

1. The well is apparently drilled to a depth of 420 feet.
2. The well is cased from the ground surface to a depth of 260 feet.
3. The well is sealed with cement grout from the land surface to a depth of 100 feet.
4. The well casing is perforated in from a depth of 100 to 240 feet and open borehole from 240 to 420 feet..
5. The water bearing zone observed during construction from 30-97 feet is sealed from entry into the well.
6. The water bearing zone observed during construction from 109-235 feet yielded 2,000 gpm at the time of construction.
7. So my conclusion is that this well satisfies the permit condition: *Groundwater production shall be from no shallower than 100 feet below the land surface.*

Re: Well Described by Well Log LAKE 2845

This well is no longer in use. There is no pump in the well and the electrical service has been removed. This well is not included in the changes that we intend to make to Permit G-13114 or the final Claim of Beneficial Use we intend to submit for Permit G-13114 once the Department has granted the requested time extension.

To the best of our knowledge, all of the wells currently in use do comply with the permit condition.

We have made every reasonable effort (and beyond!) to obtain a well log for the one well for which remains uncertain. We request the Department's support in any ongoing efforts to communicate with the responsible well driller to obtain the well log for this well.

We request that the Department approve the Application for Extension of Time for Permit G-13114 so we can continue the extensive efforts that we have made to get the water rights administratively aligned with the historic and existing patterns of use occurring on this property.

If you have remaining concerns that you would like to discuss, please let me know. I am happy to get on a phone call with you to talk through any outstanding questions and/or concerns.

Thank you and sorry again for the delay responding to you,

JohnW

John Warinner, PE, CWRE

Watersolving LLC | 541.815.4103 | johnw@watersolving.com

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On Fri, Aug 11, 2023 at 11:47 AM PIERCEALL Jeffrey D * WRD <Jeffrey.D.PIERCEALL@water.oregon.gov> wrote:

John,

I am following up on the email below. Please respond by no later than September 1, 2023.

If the requested updates are not received by September 1, 2023, the application will be reviewed as submitted, which will likely result in a denial of the extension request.

Jeffrey D. Pierceall

Extension Specialist

Oregon Water Resources Department

503-979-3213

Jeffrey.D.Pierceall@water.oregon.gov

From: PIERCEALL Jeffrey D * WRD
Sent: Friday, March 24, 2023 9:43 AM
To: johnW@watersolving.com; bevdc@frontiernet.net
Subject: Application for Extension of Time, Permit G-13114

John,

On August 25, 2022, an extension of time for the above permit was filed. Upon review of the application, it was determined that a review of well construction was needed to ensure that the condition requiring groundwater production from no shallower than 100 feet below land surface.

I have received a review of the wells identified in the application as being constructed for, or are being used under the permit, or have been previously asserted as a well utilized under this permit. These wells include LAKE 2840, LAKE 52266, LAKE 52528, LAKE 2845, and an unknown well.

The review of the wells identifies that LAKE 2840, LAKE 52528, and LAKE 2845 do not meet the requirement in the condition. Additionally LAKE 2845 has also been identified as not meeting minimum well construction standards. The fourth well could not be evaluated because no well log or identification has been provided.

Because most of the wells do not comply with the permit condition, and one does not meet minimum construction standards, an extension of time to October 1, 2023, will not likely be sufficient to bring these wells into compliance and accomplish the additional desire to submit a permit amendment to add an additional point of appropriation.

At this time, the Department is requesting an update to the application for extension of time to address a work timeline that will allow for the wells to be reconstructed to meet the condition set forth in the permit, and to bring

LAKE 2845 up to minimum construction standards. The update to the application should also include information about the construction of the unknown well so the Department can review its construction as well.

Please be aware that if an extension of time is authorized for this permit, it will likely include a condition requiring any well reported as being used to be reconstructed to the permit condition, and to meet minimum construction standards within a year of the issuance of a final order on extension of time. The amount of time being requested should account for these repairs to be completed.

If you have any questions, please do not hesitate to contact me.

Jeffrey D. Pierceall

Extension Specialist

Oregon Water Resources Department

503-979-3213

Jeffrey.D.Pierceall@water.oregon.gov

Permit Extension Ground Water Review

Date: September 16, 2022

To: Justin Iverson, Ground Water Section Manager

From: Jeffrey Pierceall, Permit Extension Review

Subject: Ground Water Review for File G- 13949 / Permit G- 13114

(Date permit issued: April 17, 1997)

Reviewed By:
D. Boschmann

Date Reviewed:
12/15/2022

The above referenced permit is currently being reviewed for an Extension of Time. Before I can determine whether or not an Extension of Time should be granted, a Ground Water review for this file is necessary. Special designations affecting this permit are as follows:

NOTE: Original Division 9 review completed by: M. Zwart

For Ground Water / Hydrology Staff Use: (Well Construction)

Please review as per checked boxes:

- ☐ Permit G-13114 contains the following condition:
- Groundwater production shall be from no shallower than 100 feet below land surface.

The wells being utilized under this permit are: LAKE 2840, LAKE 52528, LAKE 52266, LAKE 2845, and an UNKNOWN well.

As constructed, do the wells meet the condition(s) above?

- LAKE 2840 – no
- LAKE 52528 – no
- LAKE 52266 – yes
- LAKE 2845 – no
- Unknown well – unable to evaluate

Information in WRIS indicates that permit G-13114 authorizes groundwater pumping from 3 POA wells. It is not clear why 5 wells are listed here for review.

Typically, a permit condition requiring groundwater production below a specified depth would explicitly require continuous casing and continuous seal to that specified depth. Although the permit condition for permit G-13114 does not explicitly state this, a continuous casing and continuous seal to a depth of 100 feet would be required to ensure that no groundwater is produced from water bearing zones above 100 feet.

LAKE 2840 was drilled to a total depth of 616 feet. A 14-inch steel casing was installed to a depth of 416 feet, and a cement grout seal was installed to a depth of 20 feet. This 20-foot seal is not sufficient to preclude groundwater migrating vertically along the outside of the well casing from water bearing zones above 100 feet. As constructed, this

well does not meet the requirements of the permit condition. A continuous seal to a depth of 100 feet is required to meet the requirements of the permit condition.

LAKE 52528 was drilled to a total depth of 300 feet and filled-in to a completed depth of 232 feet. A 20-inch steel casing was installed to a depth of 53 feet, and a cement seal was installed to a depth of 53 feet. This 53-foot seal is not sufficient to preclude groundwater migrating vertically along the outside of the well casing from water bearing zones above 100 feet. As constructed, this well does not meet the requirements of the permit condition. A continuous seal to a depth of 100 feet is required to meet the requirements of the permit condition.

LAKE 52266 was drilled to a total depth of 420 feet and completed at a depth of 260 feet. A 16-inch steel casing was installed to a depth of 260 feet, and a cement seal was installed to a depth of 100 feet. This 100-foot seal is sufficient to preclude groundwater migrating vertically along the outside of the well casing from water bearing zones above 100 feet. As constructed, this well does meet the requirements of the permit condition.

LAKE 2845 (LAKE 4471) was drilled to a total depth of 305 feet. A 16-inch steel casing was installed to a depth of 220 feet, and no seal was installed. Without any seal the well construction is not sufficient to preclude groundwater migrating vertically along the outside of the well casing from water bearing zones above 100 feet. As constructed, this well does not meet the requirements of the permit condition. A continuous seal to a depth of 100 feet is required to meet the requirements of the permit condition. Additionally, this well does not meet minimum well construction standards for water supply wells in Oregon.

There is no well construction information available for the "UNKNOWN well", and so no finding can be made regarding compliance with the permit condition for this well.

If unable to determine if the unknown well meets the condition, what additional information is needed to make the determination?

Evaluation of the "UNKNOWN well" for compliance with the permit condition would require a water supply well report (well log) signed by an Oregon licensed well driller describing the casing and sealing of the well.



JOHNNIE,

PLEASE SEND A COPY OF THE ASSIGNMENT
REQUEST WITH A COPY OF THIS LETTER TO THE
ORIGINAL PERMITTEE - MITCHELL BROWN.

THANKS.

USPS TRACKING#



9590 9402 4402 8248 9648 18

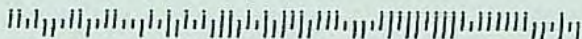


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USPS
Permit No. G-10

United States
Postal Service

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

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



SENDER: COMPLETE THIS SECTION

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

G-13949

ADAIR BROWN

HC 10 BOX 16

DAVIS CREEK CA 96108



9590 9402 4402 8248 9648 18

2. Article Number (Transfer from service label)

7018 0680 0002 0041 6814

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

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☒ Agent☐ Addressee

B. Received by (Printed Name)

Beverly Palmer

C. Date of Delivery

04/12/21

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

1250 Co Rd 52

P.O. Box 65

Davis Creek CA 95818

HOLD PILE

3. S

☐ Ad☐ Ad☒ Ce☐ Cel☐ Col☐ Col☐ Ins☐ Ins☐ (ova

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G-13949

ADAIR BROWN

HC 10 BOX 16

DAVIS CREEK CA 96108



9590 9402 4402 8248 9648 18

2. Article Number (Transfer from service label)

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

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A. Signature

☒ Agent☐ Addressee

B. Received by (Printed Name)

Beverly Palmer

C. Date of Delivery

04/12/21

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

1250 Co Rd 52
 P.O. Box 65
 Davis Creek, CA 96108

3. Service Type

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

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

LATCH

Domestic Return Receipt

Extension PFO Checklist for
Other than Muni or Quasi-Municipal

Water Use Permits

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

Application: G- 13949 Permit: G- 13114 Permit Amendment? No ☐ Yes ☒ T- 9433 ☐ pending ☒ approved

Permit Holder's Name: Adair Brown

Permit Holder's Mailing Address: 1250 County Rd 52, Davis Creek, CA 96108 email bevdc@frontiernet.net

Phone Number: 530-233-2433

POD Location: Township 40S Range 20E Section 10&15 $\frac{1}{4}$

Drainage Basin: 13 County: Lake Watermaster District: 12 Watermaster: Matt Anderson

Date Permit was issued: 4/17/1997

Priority Date: 12/12/1998

Date of PN: 9/13/2022

Source: three wells in Goose Lake Basin

Use: irrigation of 272.92 acres and supplemental irrigation of 281.38 acres

"Q": 6.92 cfs

Orig "A" Date: 4/17/1997

Orig "B" Date:

Orig "C" Date: 10/1/2001

Extension
request rec'd: 8/25/2022

Last Authorized
"B" Date: 10/1/

Last Authorized
"C" Date: 10/1/2010

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

Proposed
"B" Date: 10/1/

Proposed
C Date: 10/1/2023

Conditions of Permit:

Condition Met?	Condition Not Met?	Permit Condition
☐	☒	GW Production from no shallower than 100 feet below land surface., except for LAKE 52266
☐	☒	Wells shall be constructed in accordance with General Standards ...LAKE 2845
☒	☐	AWUR
☐	☐	
☒	☐	Construction began

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

Yes No

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

• Amount Invested to date: \$ Estimated Remaining Cost: \$

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

• Permit holder has beneficially used 6.92 ☒ cfs ☐ gpm ☐ af of the total permitted quantity of water on 228.9 acres

GW REVIEW: Y N

MITIGATION REVIEW: Y N

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

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

Identify the closest surface water or localized water basin. _____

Ground Water Permits: Is the POA located...

Surface Water Permits: Is the POD located...

Yes No

- ☐ ☒ above a state scenic waterway? Name _____ Source: OWRD "Areas Above State Scenic Waterways" Map
- ☐ ☒ within a stream segment designated as a federal wild and scenic river? Source: www.rivers.gov/wildriverslist.html
- ☒ ☐ within a sensitive, threatened or endangered species area Source: "/gisdata/dev/projects/salmon/div33map.aml"
- ☐ ☒ within a critical or limited Ground Water Area? Name of area _____
- ☐ ☒ within a Withdrawn Area? Name of area _____
- ☐ ☒ in a waterbody listed on the DEQ Section 303(d) List of Water Quality Limited Areas? Date added to list _____
- ☒ ☐ within an area ranking ☒ low / ☐ moderate / ☐ high / ☐ highest for stream flow restoration needs Source: OWRD "Streamflow Restoration Needs" Maps (by region)

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

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

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

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

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

☐ 5-year Progress Report Checkpoints (Years: _____)

☐ 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:

GW review identifies none of the authorized wells meet the permit condition of GW prod below 100'. Well 4, unauthorized, does meet requirement. LAKE 8745 does not meet minimum well const standards

Extension "PFO" Dates

Mailing / Issuance Date: _____ Protest Deadline
Date: _____

Reviewer's Name: _____ Date: _____

Oregon Water Resources Department
Workflow Maintenance
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Permit G13114 Workflow Tracking

 ADAIR BROWN
 HC 10 BOX 16
 DAVIS CREEK, CA 95108
Workflow Process: [Permit Tracking](#)

Action	Status	Begin Date	Remind Date	Deadline	Completed Date	Reviewer	Remark(Public Viewable for Transfers Only)	Location	Receipt Nbr	Fee	Fee Reduced	Fee Xfr
Select Extension Application Received					5/14/2003	ANN REECE		SLM				
Select Extension PFO 315 Issued					4/27/2004	ANN REECE		SLM				
Select Extension Comment Period Ends					6/17/2003	ANN REECE		SLM				
Select Extension FO Issued					6/23/2004			SLM				
Select Extended Completion Date [Extension C Date]				10/1/2005	10/1/2005			SLM				
Select Completion Date [C Date]		10/1/2001			10/1/2001			SLM				
Select Extension Application Received		1/17/2008			1/17/2008	KIM FRENCH		SLM				
Select Extension Comment Period Ends		1/22/2008			1/22/2008	KIM FRENCH		SLM				
Select Extension PFO 315 Issued	Propose to Approve	2/21/2008			4/22/2008	KIM FRENCH		SLM				
Select Extension PFO Protest Period Ends		4/22/2008			6/6/2008	ANN REECE		SLM				
Select Extension FO Issued	Approved	6/6/2008			6/12/2008	ANN REECE		SLM				
Select Extended Completion Date [Extension C Date]		6/12/2008			10/1/2010	ANN REECE		SLM				
Select Data Technician Review		1/23/2009			1/23/2009	KARA MORRIS		SLM				
Select Completion Date (Proposed [C Date])		10/1/2010			10/1/2010	KIM FRENCH		SLM				
Select 60 Day Letter Mailed		4/9/2021		6/18/2021	4/9/2021	CODI HOLMES		SLM				
Select 60 Day Letter Deadline		4/9/2021			6/18/2021	CODI HOLMES		SLM				
Select 60 Day Hold Action Deadline		8/17/2021			8/17/2021	GERALD CLARK		SLM				
Select 60 Day Hold Action Deadline		10/18/2021			10/18/2021	GERALD CLARK		SLM				
Select Extension Application Received		8/25/2022			8/25/2022	JEFFREY PIERCEALL		SLM				
Select Extension Comment Period Ends		9/13/2022			10/13/2022	JEFFREY PIERCEALL		SLM				
Select Completion Date (Proposed [C Date])		9/13/2022			10/1/2023	JEFFREY PIERCEALL		SLM				
Select Extension GW Review Request		9/16/2022				GENERAL GW REVIEWER	GW Review memo located: "S:\groups\wr\apps\G113901-14000\13949\13949-EOT-GW-Review.docx"	SLM				

[New Item](#)

General Information

Fish Friendly

Internal Remark (Worklist) GW Review memo located: "S:\groups\wr\apps\G113901-14000\13949\13949-EOT-GW-Review.docx"

[Edit](#)

**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 # **138995**

INVOICE # _____

RECEIVED FROM: Davis Creek Land and Cattle;
BY: Adair Brown

APPLICATION	G-13949
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 17472 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 780.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$ _____
OTHER: (IDENTIFY) \$ _____

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

4270 WRD OPERATING ACCT

MISCELLANEOUS 46110
0407 COPY & TAPE FEES \$ _____
0410 RESEARCH FEES \$ _____
0408 MISC REVENUE: (IDENTIFY) \$ _____
TC162 DEPOSIT LIAB. (IDENTIFY) \$ _____
0240 EXTENSION OF TIME \$ 780.00

WATER RIGHTS:

0201 SURFACE WATER	EXAM FEE	0202	RECORD FEE
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: **138995**

DATED: 8-25-2022 BY: Mindy Custer



Oregon
Kate Brown, Governor

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

September 12, 2022

REFERENCE: Application for Extension of Time

Dear Extension of Time Applicant:

The Water Right Services Division has received your application for an extension of time for **APPLICATION FILE #: G-13949 (Permit G-13114)**. Your application will be reviewed in the future. Following the review, you will receive a Proposed Final Order either approving or rejecting the extension of time request. A 45-day protest period begins upon issuance of the Proposed Final Order. After the protest period closes, a Final Order is issued.

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

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

If you have questions concerning your extension of time application, please contact Jeffrey Pierceall at (503) 979-3213. For general information about the Water Resources Department, you may contact the Water Resources' Customer Service Group at (503) 986-0801 or you may access the Department's website at: www.wrd.state.or.us.

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



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

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Criteria for a Permit Extension of Time

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

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

1) Construction has begun:

A. For Groundwater Permits

Construction of the well(s), *authorized by the permit*, began within 5 years of the date the permit was issued or by the actual construction date specified in the permit.

B. For Surface Water or Reservoir Permits

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

The Department will also confirm that:

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

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

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

I, ADAIR BROWN
 NAME OF PERMIT HOLDER [OAR 690-315-0020(1) and (3)(a)]
1250 COUNTY ROAD 52 DAVIS CREEK CA 96108
 ADDRESS CITY STATE ZIP
530.233.2433 bevdc@frontiernet.net
 PHONE E-MAIL ADDRESS

the permit holder of: Application Number G - 13949
 Permit Number G - 13114
 [OAR 690-315-0020(3)(b)]

do hereby request that the date by which the water development will be completed and
 water put to full beneficial use, which time now expires on Month: 10 Day: 1 Year: 2010, be
 extended to October 1, 2023 [OAR 690-315-0020(3)(i)]

I am the permit holder, and may apply for an extension of time under this permit. I understand that false or misleading
 statements in this extension application are grounds for OWRD to suspend processing of the request and/or reason to deny
 the extension.

Signature

Date

ADAIR BROWN

PERMIT HOLDER

Printed Name

Title

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

Permit Holder Initials

JOHN WARINNER

JOHN W @ WATERSOLVING.COM

Authorized Agent (Print Agent Name)

Agent contact

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

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

MAIL COMPLETED APPLICATION

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

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

GENERAL TIPS:

- Permit holders of municipal or quasi-municipal water use permits **DO NOT use this form**. The correct form is APPLICATION FOR EXTENSION OF TIME FOR MUNICIPAL AND QUASI-MUNICIPAL WATER USE PERMITS.
- Request the reasonable amount of time necessary to fully complete construction of the water project and/or to fully use the permitted quantity of water under the terms and conditions of your permit. Should this request be approved, it will be OWRD's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.
- A separate APPLICATION FOR EXTENSION OF TIME must be submitted for each permit. OAR 690-315-0020(2).
- Permit extensions are evaluated under OAR Chapter 690, Division 315. These rules may be viewed at the State of Oregon, Secretary of State Website. To be granted an extension of time, the Department must make four specific findings; 1) the application is complete, 2) construction of the water system began within the time specified in the permit and applicable statute, 3) there is good cause, and 4) the project can be completed within the time being requested. If the Department cannot make all four findings, the extension of time cannot be approved.
- You may provide OWRD with any additional information or evidence that will aid us in making our decision. Please note that OWRD may require other information that is necessary to evaluate the application. OAR 690-315-0020(3)(n).
- After careful review of the Application for Extension of Time, you may contact OWRD at (503) 986-0900, to ask questions and request assistance from a Permit Extensions Specialist in the Water Rights Services Division.

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- An Application for an Extension of Time will be reviewed for completeness. A response is required for each item contained in the application. OWRD will return any incomplete or deficient applications to the applicant. OAR 690-315-0040(1)(a).

Reference Materials Needed to Complete this Application:

- The water right permit. If needed, a copy of the water right permit can be downloaded from the Department's Website, or, a copy of the permit may be requested by water right application number from the Water Rights Division at 503-986-0900 (copy fees will apply).
- Previous Applications and Orders. Copies of previous applications and orders that may inform the completion of the Application for Extension of Time, if available, may be downloaded from the Department's Website. NOTE: If the document requested is not available on the Department's website, you may be required to submit a Public Record Request.
- Documentation which demonstrates compliance with permit conditions (for example, well construction logs; static water level measurement reports; annual water use reports; ODFW fish screen certification; a plan to monitor the effect of water use on ground water aquifers utilized under the permit; etc.).

Questions to complete this application for an Extension of Time

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

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

For Groundwater Permits

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

☒ Yes ☐ No

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

Details of construction and attach documentation:

SEE ATTACHED WELL LOGS FOR
WELLS 1, 3 AND 4. WELL LOG
FOR WELL 2 NOT AVAILABLE.

WELL 1. JUL 6, 1977

WELL 2. 1992 (EST)

WELL 3. JUN 10, 2014

WELL 4. JUL 12, 2010

For Surface/Reservoir Permit

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

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

Details of construction and attach documentation:

N/A

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

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

CHART-A

Permit Conditions in this Permit		Have Completed or Met?	Date satisfied/ or will be satisfied
Checkbox	Ground water Check those included on this permit		
☒	Installation of a meter/totalizing flow meter	☒ Yes ☐ No	1977, 1994, 2010, 2014
☒	Submittal of annual water usage report	☒ Yes ☐ No	ANNUALLY
☐	Submittal of static water level measurements in the month required	☐ Yes ☐ No	N/A
☐		☐ Yes ☐ No	
☒	Special well construction standards	☒ Yes ☐ No	1977, 1994, 2010, 2014
☐	Submittal of a monitoring plan	☐ Yes ☐ No	N/A
☐	Well ID tag assigned and installed:	☐ Yes ☐ No	
☐	Other (Specify):	☐ Yes ☐ No	
☐	Other (Specify):	☐ Yes ☐ No	
	Surface Water or Reservoir		
☐	Installation of a meter/ totalizing flow meter	☐ Yes ☐ No	
☐	Submittal of annual water use report	☐ Yes ☐ No	
☐	Installation of a fish screen	☐ Yes ☐ No	
☐	Installation of a fish by-pass device	☐ Yes ☐ No	
☐	Installation of a fish passage	☐ Yes ☐ No	
☐	Installation of an outlet gate/pipe/ conduit	☐ Yes ☐ No	
☐	Submittal of a letter from ODFW that fish screen, fish by-pass device, and or fish passage is not required	☐ Yes ☐ No	
☐	Submit as-built plans and specification	☐ Yes ☐ No	
☐	Submittal of a letter from an engineer prior to storage	☐ Yes ☐ No	
☐	Other (Specify):	☐ Yes ☐ No	
☐	Other (Specify):	☐ Yes ☐ No	
☐	Other (Specify):	☐ Yes ☐ No	

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

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

3. Provide evidence of physical work made toward completion of the water system, and of progress made toward making beneficial use of water within the permitted time period (CHART-B); and if applicable, within the time period of the most recent extension granted (CHART-C). CHART-B (below) must be completed for all Application for Extension of Time requests. *Use chronological order.* Itemize each work item, and do not combine multiple work actions in one area. (Planning, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, surveying, clearing land, or planting crops *is not considered work in the development of the water system. Work accomplished under other water rights may not be considered work under this permit.*)

CHART-B

DATE	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List any work done before the permit was issued – eg. well drilled.</i>	COST*
1977	CONSTRUCTION OF WELL 1 (LAKE 2840)	\$15,000
1994	CONSTRUCTION OF WELL 2 (NO WELL LOG)	\$45,000
DATE	WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED and PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER <i>List work/actions done during the permitted time period.</i>	COST*
APR 1997	Date the permit was signed - find date above signature on last page of permit.	
OCT 2001	Date the permit specified complete application of water to the use shall be made- all permits contain this date.	
DATE	WORK ACCOMPLISHED AFTER the date the permit specified complete application of water and prior to any previous extension order <i>COMPLETE ONLY IF THIS IS YOUR 1st APPLICATION FOR AN EXTENSION OF TIME: List work done after the date specified in the permit for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
	N/A... NOT FIRST EXTENSION OF TIME	
MAY 2004	CONSTRUCTED CENTER PIVOT #1 (NORTH)	\$60,000
JUL 2004	CONSTRUCTED CENTER PIVOT #2 (MIDDLE)	\$50,000
Total Cost for Chart-B		\$165,000

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

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

CHART-C

DATE	WORK ACCOMPLISHED DURING THE LAST EXTENSION PERIOD <i>List all work done during the last authorized extension period.</i>	COST*
OCT 2005 2010	"Extended From" date for complete application of water used in the most recent Final Order on Extension of Time.	
JUL 2010	CONSTRUCTION OF WELL 4 (LAKE 52266)	\$45,000
OCT 2010	"Extended To" date for complete application of water resulting from the most recent Final Order on Extension of Time.	
DATE	WORK ACCOMPLISHED AFTER THE LAST EXTENSION PERIOD EXPIRED <i>List all work done after the last authorized date for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
JUN 2014	CONSTRUCTION OF WELL 3 (LAKE 52528)	\$40,000
JUN 2014	CONSTRUCTED CENTER PIVOT #3	\$50,000
Total Cost of Chart-C		\$130,000

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

5. Cost of project to date: \$295,000
(The total combined cost from CHART-B and CHART-C) [OAR 690-315-0020(f)]

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

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

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

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

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

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

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

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

Maximum volume stored annually to date = _____ AF

N/A

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

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

CHART-D

Well # as identified on Permit	Water User's Well #	Has this well been drilled?	IF DRILLED					
			Well Log Number e.g. MORR 50473	Well Tag Number e.g. # 27566 or N/A	Is the actual drilled location authorized on this permit or on a permit amendment?	Maximum instantaneous rate used to date from this well - under this permit only (CFS or GPM)	Is this well authorized or utilized under any OTHER water rights?	If yes, provide the Permit, Certificate, or Transfer No.
1	1	Yes ☒ No ☐	LAKE 2840	N/A	Yes ☒ No ☐	3.7 cfs	Yes ☐ No ☒	-
2	2	Yes ☒ No ☐	N/A	N/A	Yes ☒ No ☐	4.9 cfs	Yes ☐ No ☒	-
3	3	Yes ☒ No ☐	LAKE 52528	L- 114385	Yes ☐ No ☒	6.9 cfs	Yes ☐ No ☒	-
4	4	Yes ☒ No ☐	LAKE 52266	L- 104401	Yes ☐ No ☒	TBD	Yes ☐ No ☒	-
		Yes ☐ No ☐			Yes ☐ No ☐		Yes ☐ No ☐	-
		Yes ☐ No ☐			Yes ☐ No ☐		Yes ☐ No ☐	-
		Yes ☐ No ☐			Yes ☐ No ☐		Yes ☐ No ☐	-
Total instantaneous rate from all wells utilized under this permit						6.92 cfs		

8. Has a Permit Amendment Application been filed? Yes ☒ No ☐
If yes, identify Transfer No. T- 9433

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

9. For Irrigation and Nursery Use Permits Extensions

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

a) Total acres irrigated to date: 228.9 ACRESb) List by year, the number of acres irrigated each year since permit issuance.

Year	Acres	Year	Acres	Year	Acres
	ALL THE ACREAGE BEING IRRIGATED NOW HAS BEEN IRRIGATED SINCE THE PERMIT WAS ISSUED. IRRIGATION METHODS HAVE CHANGED PER CHARTS B AND C.				

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

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

(POD/POA) # 1 Acres 228.9 (POD/POA) # 3 Acres 228.9(POD/POA) # 2 Acres 228.9 (POD/POA) # 4 Acres 228.9

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

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

CHART-E

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
	ALL PHYSICAL IMPROVEMENTS HAVE BEEN COMPLETED. JUST NEED ADDITIONAL TIME TO COMPLETE PERMIT AMENDMENT FOR POA CHANGES AND FINALIZE CLAIM OF BENEFICIAL USE.	
Year: <u>2022</u>	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
Total Cost		<u>N/A</u>

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

11. Estimated remaining cost to complete the project: N/A (SEE NOTE IN CHART E)
 (The total cost from CHART-E)

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

12. Provide a summary of your plan to complete construction, meeting all permit conditions and apply the water to beneficial use: (List all tasks or steps needed to complete the project, the date when each task will be completed, and the cost associated with each task; attach additional pages if necessary.)

SEE NOTE IN CHART E

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

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

SEE NOTE IN CHART E

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

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

YES. INFRASTRUCTURE HAS ALREADY BEEN CONSTRUCTED AND
BENEFICIALLY USED. JUST NEED TO AMEND PERMIT ~~AND~~
SO AUTHORIZATION MATCHES PHYSICAL IMPROVEMENTS IN USE.

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

USE IS FULLY DEVELOPED. JUST NEED TO AMEND PERMIT.

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

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

DELAYS AND DISCREPANCIES MAINLY RESULTED ^{FROM} ~~THE~~ CHANGES IN OWNERSHIP AND CONFUSION REGARDING PERMIT DETAILS AND AUTHORIZATIONS.

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

16. Describe any unforeseen events which contributed to the delay of completion of this project that you had no control over. (Explain in detail what the unforeseen events were (i.e. health issues, natural disaster) and how much time was spent addressing the unforeseen events. Delays caused by business decisions are not considered unforeseen events) _____

CHANGES IN OWNERSHIP ~~AND~~ WERE NOT ANTICIPATED.

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

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

WATER USER CONFUSION REGARDING THE NUANCES OF WATER RIGHT PERMIT DETAILS. SPECIFIC NUMBER AND LOCATION(S) OF AUTHORIZED POINTS OF APPROPRIATION.

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

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

NO ADDITIONAL DEVELOPMENT REQUIRED, JUST NEED TIME TO AUTHORIZE PERMIT AMENDMENT SO PERMIT MATCHES WHAT HAS ALREADY BEEN DEVELOPED AND USED.

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

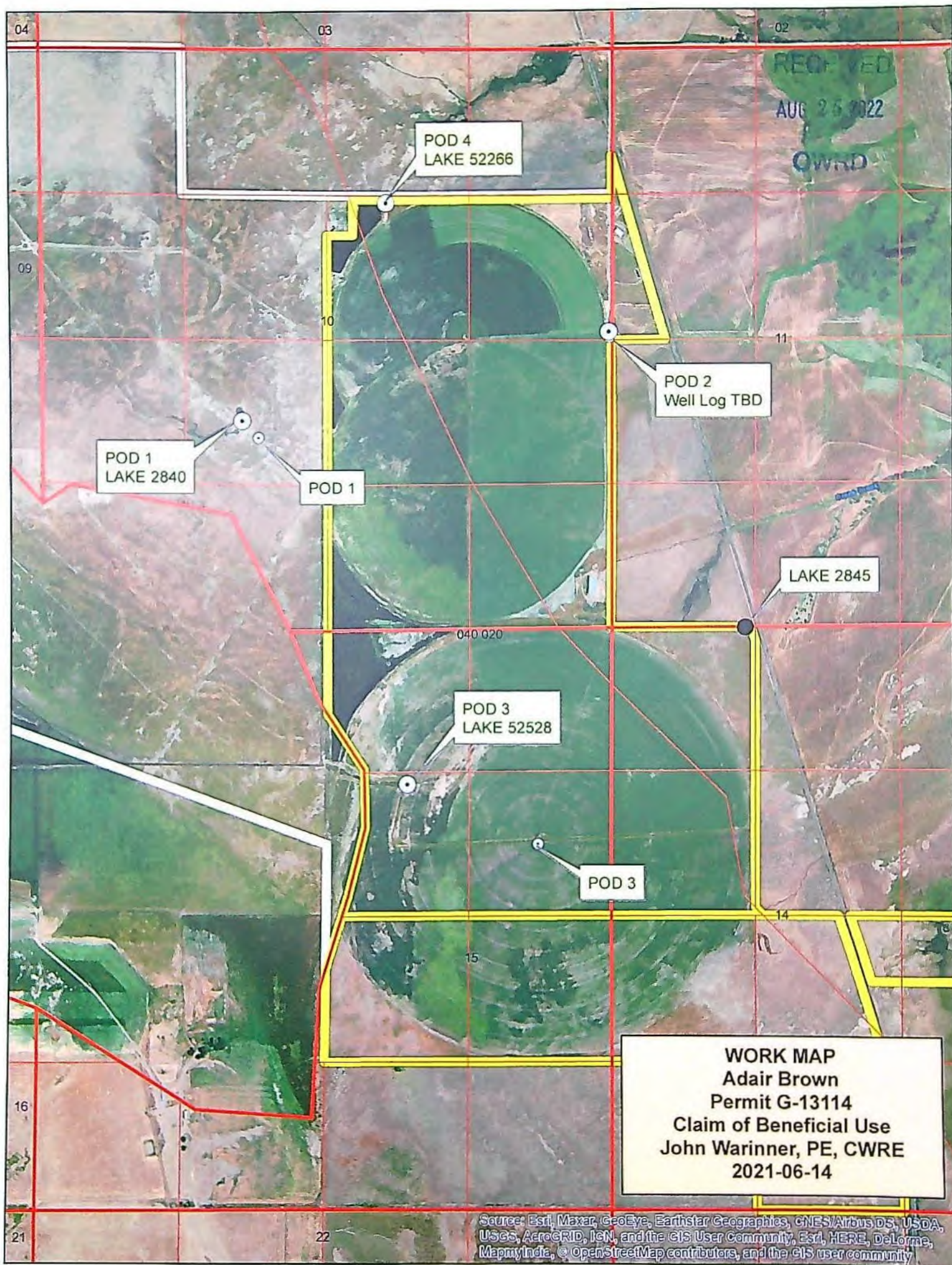
19. Will the income or use of the water project provide a fair and reasonable return on your investment? *(Explain in detail)* YES

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

20. Describe in detail if there are other economic interest, beyond those of the permit holder, which are dependent upon the completion of this project. *(Who will be effected and how?)*

_____ NONE

Attach permit, and documentation to the application



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STATE OF OREGON

COUNTY OF LAKE

OWRD

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

MITCHELL BROWN
14200 ROAD 284
PORTERVILLE, CALIFORNIA 93257

(209) 781-6389

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

APPLICATION FILE NUMBER: G-13949

SOURCE OF WATER: A WELL IN THE GOOSE LAKE BASIN

PURPOSE OR USE: IRRIGATION OF 272.92 ACRES AND SUPPLEMENTAL IRRIGATION OF 281.38 ACRES

MAXIMUM RATE: 6.92 CUBIC FEET PER SECOND

PERIOD OF USE: MARCH 15 THROUGH SEPTEMBER 15

DATE OF PRIORITY: DECEMBER 12, 1994

POINT OF DIVERSION LOCATION: NE 1/4 SW 1/4, SECTION 10, T40S, R20E, W.M.; 2250 FEET SOUTH AND 2010 FEET EAST FROM NW CORNER, SECTION 10

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
SW 1/4 NE 1/4	40.0 ACRES	
SE 1/4 NE 1/4	40.0 ACRES	
SW 1/4 NW 1/4	7.32 ACRES	32.68 ACRES
SE 1/4 NW 1/4	29.5 ACRES	10.5 ACRES
NE 1/4 SW 1/4	10.2 ACRES	29.8 ACRES
NW 1/4 SW 1/4		40.0 ACRES
SW 1/4 SW 1/4		40.0 ACRES
NE 1/4 SE 1/4	40.0 ACRES	
NW 1/4 SE 1/4	39.0 ACRES	1.0 ACRE
SW 1/4 SE 1/4	15.0 ACRES	8.6 ACRES
	SECTION 10	
SW 1/4 NW 1/4	9.6 ACRES	
	SECTION 11	

Application G-13949 Water Resources Department

PERMIT G-13114

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NE 1/4 SW 1/4	2.3 ACRES	28.3 ACRES
SE 1/4 SW 1/4	40.0 ACRES	
SECTION 14		
NW 1/4 NW 1/4		40.0 ACRES
NE 1/4 NE 1/4		6.2 ACRES
NW 1/4 NE 1/4		22.3 ACRES
SW 1/4 NE 1/4		21.5 ACRES
SE 1/4 NE 1/4		0.5 ACRE

SECTION 15

TOWNSHIP 40 SOUTH, RANGE 20 EAST, W.M.

Measurement, recording and reporting conditions:

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

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

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

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

Groundwater production shall be from no shallower than 100 feet below the land surface.

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PAGE 3

STANDARD CONDITIONS

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

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

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

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

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

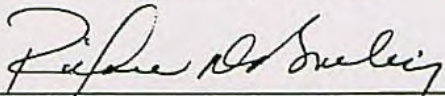
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

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

Actual construction of the well shall begin within one year from permit issuance. The reservoirs shall be filled and complete application of water shall be made on or before October 1, 2001.

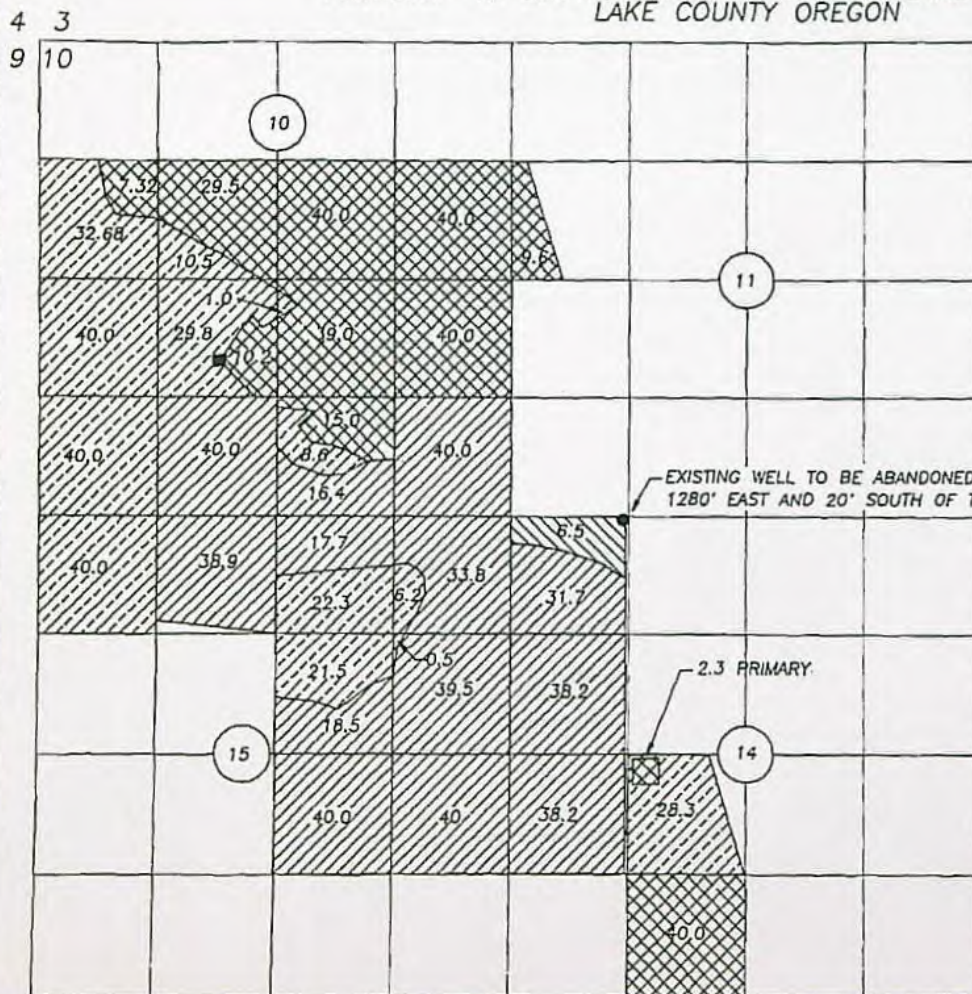
Issued April 17, 1997



for Martha O. Pagel, Director
Water Resources Department

Current permit file

MAP TO ACCOMPANY APPLICATION TO APPROPRIATE GROUND WATER
AND
TO CHANGE POINT OF DIVERSION FOR CERTIFICATE 26987
LOCATED IN SECTIONS 10,11,14,15
TOWNSHIP 40 SOUTH, RANGE 20 EAST WILLAMETTE MERIDIAN
LAKE COUNTY OREGON



Copy of
Current
Revised Map
from file
App G-13949
(Permit G-13114)

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OCT - 4 1996

WATER RESOURCES DEPT.
SALEM, OREGON



PREPARATION OF THIS MAP IS FOR INDICATING
AREAS OF WATER RIGHTS ONLY AND DOES NOT
INDICATE PROPERTY OR OWNERSHIP LINES

APPLICATION: G13949

PERMIT: G13114

-  EXISTING SUPPLEMENTAL GROUND
WATER RIGHTS AS PER CERTIFICATE 26987
-  EXISTING PRIMARY GROUND
WATER RIGHTS AS PER CERTIFICATE 26987
-  NEW PRIMARY GROUND WATER RIGHT
FOR THIS APPLICATION
-  SUPPLEMENTAL GROUND WATER TO EXISTING SURFACE WATER
RIGHTS FOR THIS APPLICATION
- OLD WELL LOCATION FOR CERTIFICATE 26987
- NEW WELL LOCATION FOR CERTIFICATE 26987
AND FOR NEW PRIMARY AND SUPPLEMENTAL
GROUND WATER FOR THIS APPLICATION
NEW WELL LOCATED 3570 FEET SOUTH AND 2010 FEET
EAST OF THE NORTH WEST CORNER OF SECTION 10

REVISIONS	BY
7/22/96	DJA
10/2/96	RFC

ANDERSON ENGINEERING & SURVEYING
INC 64 BOX 24-RTY 396
P.O. BOX 28
LAKEVIEW, OREGON 97630
(503) 647-8471
FAX 647-8481



APPLICATION FOR
MITCHELL BROWN, ADAIR BROWN
P.O. BOX 1010
ALTURAS CALIFORNIA
(916) 233-2433

DATE: OCT. 94
SCALE: 1"=1320'
DWG. BY: DJA
JOB # 94074
DWG. FILE: 94074
SHEET
1
OF 1 SHEETS

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BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Permit Amendment	)	FINAL ORDER APPROVING
T-9433, Lake County	)	ADDITIONAL POINTS OF
	)	APPROPRIATION

Authority

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

Applicant

ADAIR BROWN
HC 10 BOX 16
DAVIS CREEK, CA 96108

Findings of Fact

1. On May 7, 2003, Permit G-13114 (Application G-13949) was assigned from Mitchell Brown to Adair Brown.
2. On May 14, 2003, Adair Brown filed an application to add two points of appropriation (Wells #2 and #3) under Permit G-13114 (Application G-13949). The Department assigned the application number T-9433.
3. Additional information and a revised map were submitted on July 16, 2004, to correctly describe the proposed location measurements for Well #3.
4. The permit to be amended is as follows:

Permit:	G-13114 (Application G-13949), in the name of ADAIR BROWN
Priority Date:	DECEMBER 12, 1994
Source:	A WELL, in the GOOSE LAKE BASIN
Use:	IRRIGATION of 272.92 ACRES and SUPPLEMENTAL IRRIGATION of 281.38 ACRES
Quantity:	6.92 CUBIC FEET PER SECOND (CFS)
Rate/Duty:	The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre feet for each acre irrigated during the irrigation season of each year.

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

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Period of Use: MARCH 15 through SEPTEMBER 15

Date of Complete Application of Water: OCTOBER 1, 2005

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	¼ ¼	Location
40	S	20	E	W.M. 10	NE SW 2250 feet South and 2010 feet East from the NW Corner of Section 10

Authorized Place of Use:

PRIMARY IRRIGATION							
Twp	Rng	Mer	Sec	¼ ¼	Acres		
40	S	20	E	W.M. 10	SW NE	40.00	
40	S	20	E	W.M. 10	SE NE	40.00	
40	S	20	E	W.M. 10	SW NW	7.32	
40	S	20	E	W.M. 10	SE NW	29.50	
40	S	20	E	W.M. 10	NE SW	10.20	
40	S	20	E	W.M. 10	NE SE	40.00	
40	S	20	E	W.M. 10	NW SE	39.00	
40	S	20	E	W.M. 10	SW SE	15.00	
40	S	20	E	W.M. 11	SW NW	9.60	
40	S	20	E	W.M. 14	NE SW	2.30	
40	S	20	E	W.M. 14	SE SW	40.00	

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	¼ ¼	Acres		
40	S	20	E	W.M. 10	SW NW	32.68	
40	S	20	E	W.M. 10	SE NW	10.50	
40	S	20	E	W.M. 10	NE SW	29.80	
40	S	20	E	W.M. 10	NW SW	40.00	
40	S	20	E	W.M. 10	SW SW	40.00	
40	S	20	E	W.M. 10	NW SE	1.00	
40	S	20	E	W.M. 10	SW SE	8.60	
40	S	20	E	W.M. 14	NE SW	28.30	
40	S	20	E	W.M. 15	NE NE	6.20	
40	S	20	E	W.M. 15	NW NE	22.30	
40	S	20	E	W.M. 15	SW NE	21.50	
40	S	20	E	W.M. 15	SE NE	0.50	
40	S	20	E	W.M. 15	NW NW	40.00	

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5. There is a scrivener's error in the description of the authorized point of appropriation under Permit G-13114. The point of appropriation location coordinates listed in the permit (being 2250 feet South and 2010 feet East from the NW Corner of Section 10, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 10, T. 40S, R. 20E, W.M.) are in error. Based upon revised maps contained in the file for Water Right Application G-13949 (Permit G-13114) and conversations with the permit holder's agent (Dennis Glender), the location coordinates of the authorized point of appropriation should be as follows:

Corrected Authorized Point of Appropriation:

Twp		Rng		Mer	Sec	$\frac{1}{4}$ $\frac{1}{4}$		Location
40	S	20	E	W.M.	10	NE	SW	<u>3570 feet South</u> and 2010 feet East from the NW Corner of Section 10

6. Application T-9433 proposes two additional points of appropriation, located as follows:

Twp		Rng		Mer	Sec	$\frac{1}{4}$ $\frac{1}{4}$		Location
40	S	20	E	W.M.	10	SE	NE	Well 2 – 10 feet North and 10 feet West from the E $\frac{1}{4}$ Corner of Section 10
40	S	20	E	W.M.	15	SE	NE	Well 3 – 1980 feet South and 660 feet West from the NE Corner of Section 15

7. Notice of the application for the permit amendment was published in the Department's weekly notice on June 10, 2003, and in the *Lake County Examiner* newspaper on July 29, August 5 and August 12, 2004, pursuant to ORS 540.520(5). No comments were filed in response to the notices.
8. The change would not result in injury to other water rights.
9. The change does not enlarge the permit.
10. The change does not alter all other terms of the permit.

Conclusion of Law

The additional points of appropriation proposed by Permit Amendment Application T-9433 are consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

The change and subsequent use of water shall be subject to the following conditions:

1. The location description of the original point of appropriation is corrected.
2. The combined quantity of water diverted at the new points of appropriation (wells), together with that diverted at the old point of appropriation (as corrected herein), shall not exceed the maximum rate and duty allowed under Permit G-13114.

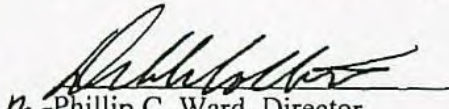
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3. Water shall be acquired from the same aquifer as the original point of appropriation.
4. Prior to water use from the proposed point of appropriation, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, and shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.

The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
5. All other terms and conditions of Permit G-13114 remain the same.
6. Permit G-13114, in the name of Adair Brown, is amended as described herein.

Dated at Salem, Oregon this 25th day of June, 2008


Phillip C. Ward, Director

Mailing date: JUN 27 2008

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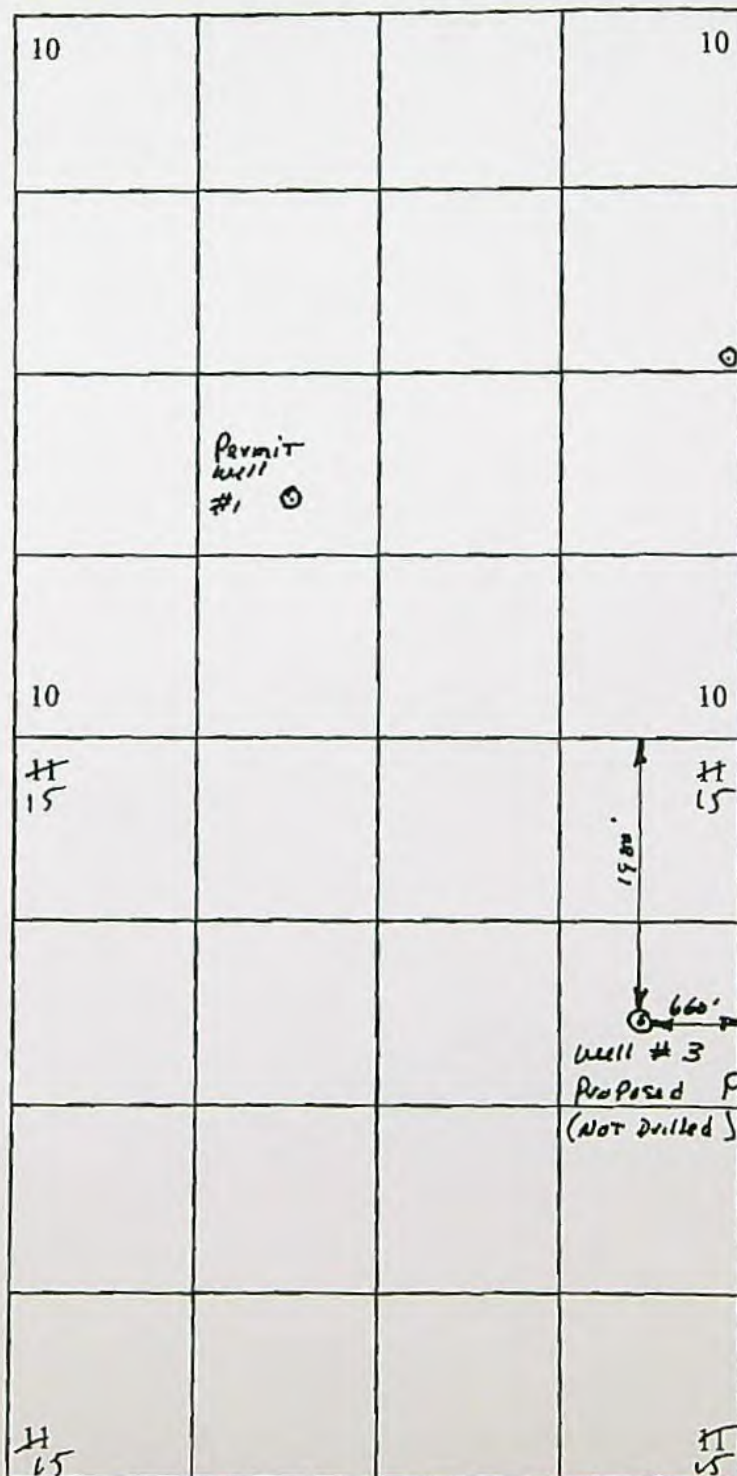
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Township 40 South, Range 20 East, W.M.

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MAY 14 2003

WATER RESOURCES DEPT.
SALEM, OREGON



Scale - 1" = 1320'

T9433

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Permit-G-13114

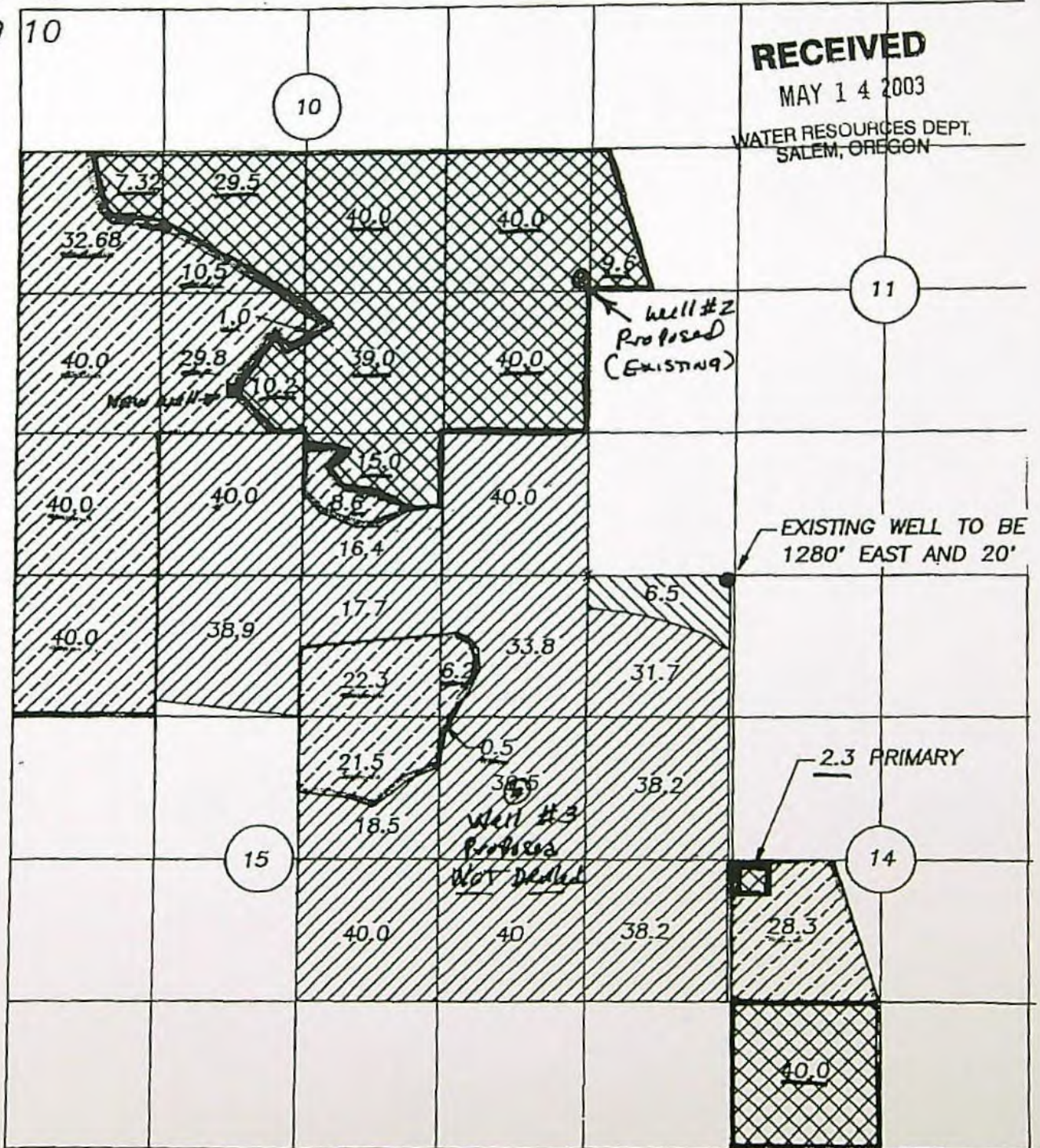
MAP TO ACCOMPANY APPLICATION TO APPLI
AND

PRIMARY ACRES

TO CHANGE POINT OF DIVERSION FOR
LOCATED IN SECTIONS 10,11
TOWNSHIP 40 SOUTH, RANGE 20 EAST
LAKE COUNTY OREG

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T 9433

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Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-13949

Final Order
Extension of Time for Permit Number G-13114

Appeal Rights

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

Application History

The Department issued Permit G-13114 on April 17, 1997. The permit called for complete application of water to beneficial use by October 1, 2001. On January 17, 2008, Adair Brown submitted to the Department an Application for Extension of Time for Permit G-13114. In accordance with OAR 690-315-0050(2), on April 22, 2008, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 1, 2010. The protest period closed June 6, 2008, in accordance with OAR 690-315-0060(1). No protest was filed.

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

Order

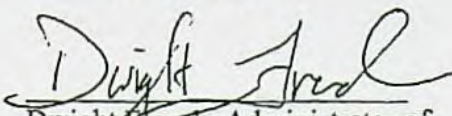
The extension of time for Application G-13949, Permit G-13114, therefore, is approved subject to conditions contained herein. The deadline for applying water to full beneficial use is extended to October 1, 2010.

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DATED: June 12, 2008



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
-

NOTICE TO WATER WELL CONTRACTOR
The original and first copy of this report
are to be filed with the

WATER RESOURCES DEPARTMENT
SALEM, OREGON 97310
within 30 days from the date
of well completion.

WATER WELL REPORT

STATE OF OREGON

(Please type or print)

(Do not write above this line)

State Well No.

405/20E-10ca

State Permit No.

(1) OWNER:

Name DICK WAY (DOUBLE "D" LAND & CATTLE CO.)

Address HWY. 395 South

Lakeview, Oregon 97630

(2) TYPE OF WORK (check):

New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

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

(4) PROPOSED USE (check):

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

CASING INSTALLED:

Threaded ☐ Welded ☒

14" Diam. from 0 ft. to 416 ft. Gage 250

" Diam. from " ft. to " ft. Gage "

" Diam. from " ft. to " ft. Gage "

PERFORATIONS:

Perforated? ☒ Yes ☐ No.

Type of perforator used Factory-Cut

Size of perforations 1/8 in. by 3 in.

2,880 perforations from 36 ft. to 416 ft.

" perforations from " ft. to " ft.

" perforations from " ft. to " ft.

(7) SCREENS:

Well screen installed? ☐ Yes ☒ No

Manufacturer's Name _____

Type _____ Model No. _____

Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.

Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.

(8) WELL TESTS:

Drawdown is amount water level is
lowered below static level

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

Yield: 1,200 gal./min. with 80 ft. drawdown after 72 hrs.

1,700 " 95 " 72 "

" 2,500 " 130 " 72 "

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

Artesian flow g.p.m.

Temperature of water 58° Depth artesian flow encountered _____ ft.

(9) CONSTRUCTION:

Well seal—Material used Cement Grout

Well sealed from land surface to 20 ft.

Diameter of well bore to bottom of seal 32 in.

Diameter of well bore below seal 24 in.

Number of sacks of cement used in well seal 32 sacks

How was cement grout placed? Grout was pumped down a

2 inch pipe along the outside of the 24 inch

conductor casing to the bottom of the 32 inch

bore hole & slowly forced to the surface.

Was a drive shoe used? ☐ Yes ☒ No Plugs NO Size: location _____ ft.

Did any strata contain unusable water? ☐ Yes ☒ No

Type of water? _____ depth of strata _____

Method of sealing strata off _____

Was well gravel packed? ☒ Yes ☐ No Size of gravel: 1/2 to 1/8

Gravel placed from 20 ft. to 416 ft.

(10) LOCATION OF WELL:

County Lake Driller's well number MR 519-77

N.E. 1/4 S.W. 1/4 Section 10 T. 40 S. R. 20 E. W.M.

Bearing and distance from section or subdivision corner

7 miles South of Lakeview Oregon on Hwy. 395

South; Then West 1.5 miles.

(11) WATER LEVEL: Completed well.

Depth at which water was first found 128 ft.

Static level 7 ft. below land surface. Date 8/6/77

Artesian pressure _____ lbs. per square inch. Date _____

(12) WELL LOG:

Diameter of well below casing 9 7/8"

Depth drilled 616 ft. Depth of completed well 416 ft.

Formation: Describe color, texture, grain size and structure of materials;
and show thickness and nature of each stratum and aquifer penetrated,
with at least one entry for each change of formation. Report each change in
position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
Soil Zone	0	5	
Blue Clay	5	128	
Sand, Coarse, Blue	128	226	
(H2O Aquifer- 800 G.P.M.)			7
Clay & Sand stone Blue	226	272	
Sand, Coarse, Blue			
(H2O Aquifer-1500 G.P.M.)	272	385	
Clay & Sand Stone Layers	385	560	
Sand, Fine Blue			
(H2O Aquifer- (# or - 200)	560	590	
Clay & Sand Stone Layers	590	616	

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Work started 7/6/ 1977 Completed 8/5/ 1977

Date well drilling machine moved off of well 8/5/ 1977

Drilling Machine Operator's Certification:

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

[Signed] Gary Stoksbury Date 6/7/ 1977
(Drilling Machine Operator)

Drilling Machine Operator's License No. 801

Water Well Contractor's Certification:

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

Name RAPID WATER WELL DRILLING COMPANY

(Person, firm or corporation) (Type or print)

Address 545 North G Street, Lakeview, Oregon

[Signed] Gary Stoksbury
(Water Well Contractor)

Contractor's License No. 652 Date 6/7/ 1977

STATE OF OREGON
WATER SUPPLY WELL REPORT

(ORS 537.765 & OAR 690-205-0210)

Instructions for completing this report are on the last page of this form.

LAKE 52528

WELL LABEL # L 114385

START CARD # 1023299

ORIGINAL LOG #

(1) LANDOWNER

Owner Well I.D. _____

Company Name ADAIR Last Name BROWNAddress HC 10 Box 16City DAVIS CREEK State CA. Zip 96107

(2) TYPE OF WORK

☒ New ☐ Conversion ☐ Deepening☐ Alteration (complete Sections 2a & 10) ☐ Abandonment (complete Section 5a)

(2a) PRE-ALTERATION:

Well Depth _____ ft.

Seal Material _____

Casing Type: ☐ Steel ☐ Plastic ☐ Other _____

Casing Gauge _____ Casing Diameter _____

(3) DRILL METHOD

☐ Rotary Air ☒ Rotary Mud ☐ Auger☐ Cable ☐ Cable Mud ☐ Reverse Rotary ☐ Other _____

(4) PROPOSED USE

☐ Domestic ☒ Irrigation ☐ Community☐ Industrial/Commercial ☐ Livestock ☐ Dewatering ☐ Injection☐ Thermal ☐ Other _____

(5) BORE HOLE CONSTRUCTION

Depth of Completed Well 232 ft. Special Standard: ☐ Yes (attach copy)

BORE HOLE			SEAL			Amount	Scks/lbs
Dia	From	To	Material	From	To		
24"	0	53	CEMENT	0	53	40	SECS
20"	53	232					
8"	232	300					

How was seal placed: Method ☐ A ☐ B ☒ C ☐ D ☐ E☐ Other _____

Backfill placed from _____ ft. to _____ ft. Material _____

Filter pack from 0 ft. to 232 ft. Material GRAVEL Size 3/8

(5a) ABANDONMENT USING UNHYDRATED BENTONITE:

Calculated Amount Proposed to be Used: _____ sacks/lbs

Actual Amount Used: _____ sacks/lbs

(6) CASING/LINER

Casing	Linr	Dia	+	From	To	Gauge	Steel	Plastic	Welded	Thrd
✓		20"	+	1 1/2	53	.250	✓		✓	
	✓	16"	+	2	232	.250	✓		✓	

Shoe ☐ Inside ☐ Outside ☐ Other Location of shoe(s) _____Temporary casing ☐ Yes Diameter _____ From _____ To _____

(7) PERFORATIONS/SCREENS

Perforations Method FACT. SAW CUT

Screens Type _____ Material _____

Perf	Scrn	Casing	Linr	Screen Dia	From	To	Screen slot width	Slot length	# of slots	Tele/ pipe size
✓			✓		112	232	1/8	3	3744	PIPE

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

☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian

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

Temperature 57 °F Lab analysis ☐ Yes By _____Water quality concerns? ☐ Yes (describe below) TDS _____ ppm

From	To	Description	Amount	Units

(9) LOCATION OF WELL (legal description)

County LAKE Twp 40 N of S Range 20 E of W W.M.Sec 15 SW 1/4 of the NE 1/4 Tax Lot 01

Tax Map Number _____ Lot _____

Lat _____ " or _____ DMS or DD

Long _____ " or _____ DMS or DD

Street Address of Well (or nearest address) 96556 CRANE LK. RDLAKEVIEW

(10) STATIC WATER LEVEL

	Date	SWL (psi)	+	SWL (ft)
Existing Well/Pre-Alteration				
Completed Well	<u>7-07-14</u>		-	<u>12</u>

Flowing Artesian? ☐ Yes Dry Hole? ☐ YesWATER BEARING ZONES Depth water was first found 19'

SWL Date	From	To	Est Flow	SWL (psi)	+	SWL (ft)
<u>7-07-14</u>	<u>56</u>	<u>232</u>	<u>500+</u>		-	<u>12</u>

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(11) WELL LOG

Ground Elevation _____

Material	From	To
SANDY TOP SOIL	0	2
CLAY - GRAVEL	2	7
PEN GRAVEL - BRN SAND	7	12
STICKY GRAY CLAY	12	19
BLACK SAND	19	22
GRAY CLAY - GRAVEL	22	30
BLACK SAND	30	38
LAYERS GRAY CLAY + GRAVEL	38	64
BLACK SANDSTONE - SAND - CLAY	64	86
GRAY SANDY CLAY	86	104
GRAY CLAY	104	132
GRAY CLAY - GRAVEL - SAND	132	186
SANDY CLAY	186	212
GRAY CLAY - SAND	212	242
GRAY CLAY	242	300
BOTTOM 68' FILLED WITH SAND - GRAVEL		

Date Started 6-10-14 Completed 7-07-14

(unbonded) Water Well Constructor Certification

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

License Number _____ Date _____

Signed _____

(bonded) Water Well Constructor Certification

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

License Number 1355 Date 7-15-14Signed Arthur L. Jay RECEIVED BY OWRD

Contact Info. (optional) _____

RECEIVED BY OWRD

JUL 21 2014

AUG 04 2014

SALEM, OR

ORIGINAL - WATER RESOURCES DEPARTMENT ONE COPY FOR CONSTRUCTOR ONE COPY FOR CUSTOMER
SUBMITTED TO THE WATER RESOURCES DEPARTMENT WITHIN 30 DAYS OF COMPLETION OF WORK

SALEM, OR

01/02/2019

STATE OF OREGON

WATER SUPPLY WELL REPORT

(as required by ORS 537.765 & OAR 690-205-0210)

09-13-2010

WELL LABEL # L 104401

START CARD # 1010619

(1) LAND OWNER

Owner Well I.D. _____

First Name ADAIR

Last Name BROWN

Company _____

Address HC 10 BOX 16

City DAVIS CREEK

State CA

Zip 96108

(2) TYPE OF WORK

☒ New Well ☐ Deepening ☐ Conversion☐ Alteration (repair/recondition) ☐ Abandonment

(3) DRILL METHOD

☐ Rotary Air ☒ Rotary Mud ☐ Cable ☐ Auger ☐ Cable Mud☐ Reverse Rotary ☐ Other _____

(4) PROPOSED USE

☐ Domestic ☒ Irrigation ☐ Community☐ Industrial/ Commercial ☐ Livestock ☐ Dewatering☐ Thermal ☐ Injection ☐ Other _____

(5) BORE HOLE CONSTRUCTION

Special Standard ☐ (Attach copy)

Depth of Completed Well 260.00 ft.

BORE HOLE			SEAL			Amt	lbs
Dia	From	To	Material	From	To		
22	0	258	Cement	0	100	13,290	P
8	258	420					

How was seal placed: Method ☐ A ☐ B ☒ C ☐ D ☐ E☐ Other _____

Backfill placed from 255 ft. to 258 ft. Material cement

Filter pack from 100 ft. to 255 ft. Material gravel Size 25

Explosives used: ☐ Yes Type _____ Amount _____

(6) CASING/LINER

Casing	Liner	Dia	+	From	To	Gauge	Stl	Plste	Wld	Thrd
☒	☒	16	☒	2	260	.250	☒	☒	☒	☒

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

(7) PERFORATIONS/SCREENS

Perforations Method mill slot

Screens Type _____ Material _____

Perf/S	Casing/Screen	Perf	Liner	Dia	From	To	Screen slot width	Slot length	# of slots	Tele/pipe size
Perf	Casing	16		100	120		.09	2.5	64	
Perf	Casing	16		120	160		.09	2.5	128	
Perf	Casing	16		160	200		.09	2.5	64	
Perf	Casing	16		200	240		.09	2.5	128	

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

☒ Pump ☐ Bailor ☐ Air ☐ Flowing Artesian

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)
1,500	120	220	12

Temperature 75 °F Lab analysis ☐ Yes By _____Water quality concerns? ☐ Yes (describe below)

From	To	Description	Amount	Units
100	250	black sand in water		

(9) LOCATION OF WELL (legal description)

County Lake Twp 40.00 S N/S Range 20.00 E E/W WM

Sec 10 SW 1/4 of the NE 1/4 Tax Lot 2300

Tax Map Number _____ Lot _____

Lat _____ " or 42.11651800 DMS or DD

Long _____ " or 120.34439400 DMS or DD

☐ Street address of well ☒ Nearest address

14745 HWY 395 LAKEVIEW, OR

(10) STATIC WATER LEVEL

Date _____ SWL(psi) + SWL(ft)

Existing Well / Predeepening		
Completed Well	08-14-2010	31

Flowing Artesian? ☐ Dry Hole? ☐

WATER BEARING ZONES

Depth water was first found 30

SWL Date	From	To	Est Flow	SWL (psi)	+ SWL (ft)
07-16-2010	30	97	200		31
07-16-2010	109	235	2,000		31

(11) WELL LOG

Ground Elevation 4,717

Material	From	To
topsoil	0	6
sand	6	16
gray clay	16	44
gray and gray clay	44	62
gray clay	62	85
large gravel and gray clay	85	97
fine gravel and gray clay	97	109
medium gravel and sand	109	125
large gravel (cobble) and sand	125	135
fine to medium gravel	135	146
sand	146	155
clay	155	165
sand	165	170
clay	170	180
sand	180	188
clay	188	200
sand	200	235
clay	235	420

Date Started 07-12-2010 Completed 08-14-2010

(unbonded) Water Well Constructor Certification

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

License Number _____ Date _____

Electronically Filed

Signed _____

(bonded) Water Well Constructor Certification

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

License Number 1928 Date 09-13-2010

Electronically Filed

Signed JAMES HALPENNY (E-filed)

Contact Info (optional)

HOLMES Codi N * WRD

From: John Warinner <jwarinner@aspectconsulting.com>
Sent: Tuesday, October 26, 2021 12:55 PM
To: HOLMES Codi N * WRD; CLARK Gerald E * WRD
Cc: bevdc@frontiernet.net
Subject: RE: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

Hi Codi –

Thank you for checking in with me/us. I am attempting to connect and coordinate with Adair Brown. I will get back to you as soon as I have updated information for you. Meanwhile, please continue to keep the administrative hold on this. Thank you,
JohnW

John Warinner, PE, CWRE | Aspect Consulting LLC | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103

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From: HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Sent: Thursday, October 21, 2021 10:17 AM
To: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>; John Warinner <jwarinner@aspectconsulting.com>
Cc: bevdc@frontiernet.net
Subject: RE: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

Good Morning John:

I am following up on this file. The Hold date was 10/18/2021. Can you provide me a status of this file?

Codi Holmes

Certificate Specialist
Oregon Water Resources
725 Summer St NE Suite A
Salem OR 97301
503-979-3184 cell / 503-986-0887 office (only in office every other week)



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From: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Sent: Monday, August 16, 2021 1:53 PM
To: John Warinner <jwarinner@aspectconsulting.com>
Cc: bevdc@frontiernet.net; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Subject: RE: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

John,

I will extend for an additional 60 days. The updated hold action date is now October 18, 2021:

https://apps.wrd.state.or.us/apps/wr/wrinfo/wr_details.aspx?snp_id=164449

Please let me know if you have any additional questions.

Gerry

Gerry Clark

He/Him/His

Oregon Water Resources Department

Program Analyst, Certificate Section, Water Right Services Division

725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-979-9103

From: John Warinner <jwarinner@aspectconsulting.com>

Sent: Monday, August 16, 2021 12:54 PM

To: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>

Cc: bevdc@frontiernet.net; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>

Subject: RE: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

Hi Gerry –

On Tuesday, June 15, 2021, you placed a 60 day hold action on Permit G-13114. As I mentioned on August 3, we have completed a site visit and prepared a CBU for this permit. However, we have not yet nailed down the preferred path forward. Are you able to extend the 60-day hold action for another 30-to-60 days to provide time for further consideration, decision-making, and follow-up action?

Thank you,

JohnW

John Warinner, PE, CWRE | Aspect Consulting LLC | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103

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From: John Warinner

Sent: Tuesday, August 3, 2021 12:43 PM

To: 'CLARK Gerald E * WRD' <Gerald.E.Clark@oregon.gov>

Cc: 'bevdc@frontiernet.net' <bevdc@frontiernet.net>; 'HOLMES Codi N * WRD' <Codi.N.Holmes@oregon.gov>

Subject: RE: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

Hi again Gerry –

We have prepared a Claim of Beneficial Use for Adair Brown for Permit G-13114.

I am now preparing a letter to Adair to clarify his overall situation and my recommended path forward.

I have one lingering challenge that I am hoping you can help me with.

I do not currently have a clear understanding of the relationship(s) between Permit G-13114 and the permit, certificate(s) and transfer resulting from Application G-366.

I have attempted to track the genealogy of Application G-366, which I currently understand as follows:

- Application G-366
 - I am not able to access a copy of this application through [The Vault](#).

- QUESTION
 - Is a copy of this application available?
- Permit G-301
 - The copy of this permit accessible through WRIS is not legible.
 - QUESTION
 - Is a legible copy of this permit available?
- Certificate 26987
 - This certificate authorized primary irrigation of 6.5 acres and supplemental irrigation of 432.9 acres.
 - However, the WRIS record indicates primary irrigation of 6.5 acres and supplemental irrigation of 96.4 acres.
 - The WRIS record also indicates that this certificate was cancelled and/but does not include any genealogy linking this certificate to Certificate 74650.
 - QUESTIONS
 - Why does WRIS reference only 96.4 acres?
 - Why was this certificate cancelled?
 - Why is this certificate not linked to Cert 74650?
 - Why doesn't this WRIS record reference Transfer 7295?
 - How did we get from Certificate 26987 to Certificate 74650?
- Certificate 74650
 - The WRIS record for this certificate references Transfer 7295.
 - The WRIS record for T-7295 references Certificate 74650... but not Certificate 26987.
 - The Final Order approving T-7295 references Certificate 26987... but not Certificate 74650.
 - You previously sent me a copy of the letter from Darryl Anderson reporting that "Mr. Brown" (referring to Mitchell Brown) received authorization for Permit G-13114, chose not to make proof on T-7295, and chose to cancel T-7295.
 - I do not understand the net result of this decision in terms of the resulting fate of Permit G-301, Certificate 26987, Certificate 74650 and/or Transfer 7295.
 - QUESTIONS
 - What is the current status of Permit G-301... and can that status be changed?
 - What is the current status of Certificate 26987... and can that status be changed?
 - What is the current status of Certificate 74650... and can that status be changed?
 - What is the current status of Transfer 7295... and can that status be changed?

I understand this may be a lot to unpack via email, so please let me know if you prefer to connect by phone again to review this fact pattern and address my remaining questions.

Thank you Gerry!
JohnW

John Warinner, PE, CWRE | Aspect Consulting LLC | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103

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From: John Warinner

Sent: Wednesday, June 16, 2021 10:26 AM

To: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>

Cc: bevdc@frontiernet.net; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>

Subject: RE: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

Thank you Gerry. I appreciate your prompt and helpful follow-through on this.
JW

John Warinner, PE, CWRE | Aspect Consulting LLC | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103

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From: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Sent: Wednesday, June 16, 2021 9:54 AM
To: John Warinner <jwarinner@aspectconsulting.com>
Cc: bevdc@frontiernet.net; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Subject: RE: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

John,

As we discussed, I have attached a copy of the correspondence that we received related to the notice of non-completion of the transfer. Hope this helps.

Have a great day!

Gerry

Gerry Clark
He/Him/His
Oregon Water Resources Department
Program Analyst, Certificate Section, Water Right Services Division
725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-979-9103

From: John Warinner <jwarinner@aspectconsulting.com>
Sent: Tuesday, June 15, 2021 3:13 PM
To: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Cc: bevdc@frontiernet.net; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Subject: Re: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

Hi Gerry. I am sorry I missed your second message. Are you available to connect after 3:30 pm today?

Thank you,

JohnW

John Warinner, PE, CWRE | Associate Water Resources Engineer | Direct: [541.306.3614](tel:541.306.3614) | Cell: [541.815.4103](tel:541.815.4103)
Aspect Consulting LLC | 532 SW 13th Street, Suite 103, Bend, OR 97702 | www.aspectconsulting.com

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From: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Sent: Tuesday, June 15, 2021 3:09:31 PM
To: John Warinner <jwarinner@aspectconsulting.com>
Cc: bevdc@frontiernet.net <bevdc@frontiernet.net>; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Subject: RE: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

John,

I have placed a 60 day hold action on the permit (see workflow for the permit):
Permit: G 13114 * (state.or.us)

Please let me know if there is a good time for you to meet. Since I last replied, in addition to 8:15 – 8:45 tomorrow, I am also busy from 9:15 – 10:15 tomorrow morning.

I will be out of the office on Thursday this week, but am available on Friday before 2:00

Gerry

Gerry Clark

He/Him/His

Oregon Water Resources Department

Program Analyst, Certificate Section, Water Right Services Division

725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-979-9103

From: John Warinner <jwarinner@aspectconsulting.com>

Sent: Tuesday, June 15, 2021 2:45 PM

To: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>

Cc: bevdc@frontiernet.net; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>

Subject: Re: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

Yes thank you Gerry.

JW

John Warinner, PE, CWRE | Associate Water Resources Engineer | Direct: [541.306.3614](tel:541.306.3614) | Cell: [541.815.4103](tel:541.815.4103)

Aspect Consulting LLC | 532 SW 13th Street, Suite 103, Bend, OR 97702 | www.aspectconsulting.com

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From: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>

Sent: Tuesday, June 15, 2021 9:10:10 AM

To: John Warinner <jwarinner@aspectconsulting.com>

Cc: bevdc@frontiernet.net <bevdc@frontiernet.net>; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>

Subject: RE: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

John,

I have discussed the situation with Codi. I plan to work with you regarding possible paths for moving forward. Do you have any time available either today or tomorrow when we could meet either by phone or through Teams?

My schedule is wide open except for a meeting tomorrow morning from 8:15 to 8:45.

Thanks

Gerry

Gerry Clark

He/Him/His

Oregon Water Resources Department

Program Analyst, Certificate Section, Water Right Services Division

725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-979-9103

From: CLARK Gerald E * WRD
Sent: Tuesday, June 15, 2021 6:00 AM
To: John Warinner <jwarinner@aspectconsulting.com>
Cc: bevdc@frontiernet.net; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Subject: RE: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

John,

I will meet with Codi to discuss your questions. One of us will respond back to you within the next day.

Regardless of the plan moving forward, it would seem reasonable to place a hold on the 60 Day Process to allow time for the submittal of whatever will be coming (claim, extension, permit amendment). Would an additional 60 days be enough time?

Gerry

Gerry Clark
He/Him/His
Oregon Water Resources Department
Program Analyst, Certificate Section, Water Right Services Division
725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-979-9103

From: John Warinner <jwarinner@aspectconsulting.com>
Sent: Monday, June 14, 2021 12:21 PM
To: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Cc: bevdc@frontiernet.net
Subject: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

Hi Gerry and Codi –

Over the past several weeks, I have been communicating with Adair Brown and initiating DRAFT documents for the Claim of Beneficial Use for the referenced permit.

Yesterday, I performed my Claim of Beneficial Use site visit for Adair Brown's Permit G-13114.

In the course of my site visit and associated meeting with Adair, I became aware of several variations from the permit that I would like to discuss with you:

1. Points of Appropriation
 - a. The actual location of POD 3 is in a different (adjacent) quarter-quarter section than the location authorized in the amended permit.
 - b. A fourth well (POD 4) is being used that is not authorized in the amended permit.
2. Place of Use
 - a. The actual place of use differs from the place of use authorized in the amended permit (actual acreage is less than or equal to authorized acreage).
3. Conditions (meters)
 - a. The amended permit includes conditions requiring installation of "a meter or other approved measuring device." In this case, the permit specifically uses the term "meter" rather than "inline flowmeter" as is used on some water right permits. The water right owner installed flowmeters on several of the wells,

but they proved to be difficult to keep working reliably due to the quality of the groundwater being pumped. So we would prefer to reference the dedicated electrical meters associated with each well as a suitable measuring device.

I have attached two Work Maps to help illustrate the details of the first two variations.

In the past, Gerry has mentioned two different approaches to address variations: through the Claim of Beneficial Use; or through a Permit Amendment process.

Given the time limit established under the 60-Day Letter, I request your guidance on whether we can proceed with documenting these changes with the Claim of Beneficial Use... or if we should focus instead on submitting a Request for Time Extension, followed by a Request for Permit Amendment, followed by a Claim of Beneficial Use.

I also request some flexibility in the deadline established on the 60-Day Letter (June 18, 2021). Depending on the pathway we take from here, we may need a little extra time to produce documents, gather signatures and submit the appropriate documents to OWRD.

Please let me know if you would like to discuss the details by phone before you respond to us via email.

Thank you both,
JohnW

John Warinner, PE, CWRE | Aspect Consulting LLC | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103

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From: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>

Sent: Wednesday, April 21, 2021 9:01 AM

To: John Warinner <jwarinner@aspectconsulting.com>; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>

Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

John,

Here is a copy of the 60 Day Letter and resource sheet that was included.

Please let us know if you have any additional questions.

Gerry

Gerry Clark

He/Him/His

Oregon Water Resources Department

Program Analyst, Certificate Section, Water Right Services Division

725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-979-9103

From: John Warinner <jwarinner@aspectconsulting.com>

Sent: Tuesday, April 20, 2021 7:16 AM

To: HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>

Cc: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>

Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

Thank you! I appreciate your help with this.
JohnW

John Warinner, PE, CWRE | Aspect Consulting LLC | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103

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From: HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Sent: Tuesday, April 20, 2021 7:14 AM
To: John Warinner <jwarinner@aspectconsulting.com>
Cc: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

Here's a copy of it.

Codi Holmes

Certificate Specialist
Oregon Water Resources
725 Summer St NE Suite A
Salem OR 97301
503-986-0887



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From: John Warinner <jwarinner@aspectconsulting.com>
Sent: Tuesday, April 20, 2021 7:12 AM
To: HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>; CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

Thank you Gerry and Codi. Does the letter communicate a standard message and call to action that you can summarize for me?
JohnW

John Warinner, PE, CWRE | Aspect Consulting LLC | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103

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From: HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Sent: Tuesday, April 20, 2021 7:10 AM
To: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>; John Warinner <jwarinner@aspectconsulting.com>
Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

I was in the office yesterday, I likely won't be until next week at the earliest. Gerry this file should be in the "Compliance Cube". Thank you for handling this while you're in the office.

Codi Holmes

Certificate Specialist

Oregon Water Resources
725 Summer St NE Suite A
Salem OR 97301
503-986-0887



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From: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Sent: Tuesday, April 20, 2021 6:43 AM
To: John Warinner <jwarinner@aspectconsulting.com>
Cc: HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

John,

We do not scan the 60 day letter into WRIS.

Due to our schedules, I am not sure when Codi plans to be in the office next. I plan to head into the office tomorrow and can get you a copy if Codi is unable to.

Gerry

From: John Warinner <jwarinner@aspectconsulting.com>
Sent: Tuesday, April 20, 2021 6:34 AM
To: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

Thank you Gerry. I did not find a link to access a copy of the 60 Day Letter. Is the letter available online? If not, is Codi Holmes the best person to provide a copy of it?

Thanks again,
JohnW

John Warinner, PE, CWRE | Aspect Consulting LLC | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103

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From: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Sent: Tuesday, April 20, 2021 6:27 AM
To: John Warinner <jwarinner@aspectconsulting.com>
Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

John,

Due to the mailing of a 60 day letter, I would say that we have not received a Claim for this permit. Prior to the mailing of the 60 day letter the file is reviewed to confirm that no claim has been submitted.

Gerry

Gerry Clark

He/Him/His

Oregon Water Resources Department

Program Analyst, Certificate Section, Water Right Services Division

725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-986-0811

From: John Warinner <jwarinner@aspectconsulting.com>

Sent: Monday, April 19, 2021 2:41 PM

To: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>

Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

Hi Gerry –

Do you have any record of receiving a Claim of Beneficial Use for [Permit G-13114](#)?

Thank you,

JohnW

John Warinner, PE, CWRE | Aspect Consulting LLC | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103

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From: John Warinner

Sent: Monday, April 19, 2021 2:38 PM

To: Codi Holmes <codi.n.holmes@oregon.gov>

Subject: App G-13949 and Permit G-13114 | 60-Day Letter

Hi Codi –

I was recently contacted by a realtor who is involved with the property associated with [Permit G-13114](#). At her request, I just started reviewing the documents available on WRIS. Could you provide me with (or direct me to) a copy of the 60 Day Letter mailed by OWRD on April 9, 2021?

Thank you,

JohnW

John Warinner, PE, CWRE | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103

Aspect Consulting LLC | 532 SW 13th Street, Suite 103, Bend, OR 97702 | www.aspectconsulting.com

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HOLMES Codi N * WRD

From: HOLMES Codi N * WRD
Sent: Thursday, October 21, 2021 10:17 AM
To: CLARK Gerald E * WRD; John Warinner
Cc: bevdc@frontiernet.net
Subject: RE: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

Good Morning John:

I am following up on this file. The Hold date was 10/18/2021. Can you provide me a status of this file?

Codi Holmes

Certificate Specialist
Oregon Water Resources
725 Summer St NE Suite A
Salem OR 97301
503-979-3184 cell / 503-986-0887 office (only in office every other week)



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From: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Sent: Monday, August 16, 2021 1:53 PM
To: John Warinner <jwarinner@aspectconsulting.com>
Cc: bevdc@frontiernet.net; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Subject: RE: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

John,

I will extend for an additional 60 days. The updated hold action date is now October 18, 2021:

https://apps.wrd.state.or.us/apps/wr/wrinfo/wr_details.aspx?snp_id=164449

Please let me know if you have any additional questions.

Gerry

Gerry Clark

He/Him/His
Oregon Water Resources Department
Program Analyst, Certificate Section, Water Right Services Division
725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-979-9103

From: John Warinner <jwarinner@aspectconsulting.com>
Sent: Monday, August 16, 2021 12:54 PM
To: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>

Cc: bevdc@frontiernet.net; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>

Subject: RE: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

Hi Gerry –

On Tuesday, June 15, 2021, you placed a 60 day hold action on Permit G-13114. As I mentioned on August 3, we have completed a site visit and prepared a CBU for this permit. However, we have not yet nailed down the preferred path forward. Are you able to extend the 60-day hold action for another 30-to-60 days to provide time for further consideration, decision-making, and follow-up action?

Thank you,

JohnW

John Warinner, PE, CWRE | Aspect Consulting LLC | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103

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From: John Warinner

Sent: Tuesday, August 3, 2021 12:43 PM

To: 'CLARK Gerald E * WRD' <Gerald.E.Clark@oregon.gov>

Cc: 'bevdc@frontiernet.net' <bevdc@frontiernet.net>; 'HOLMES Codi N * WRD' <Codi.N.Holmes@oregon.gov>

Subject: RE: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

Hi again Gerry –

We have prepared a Claim of Beneficial Use for Adair Brown for Permit G-13114.

I am now preparing a letter to Adair to clarify his overall situation and my recommended path forward.

I have one lingering challenge that I am hoping you can help me with.

I do not currently have a clear understanding of the relationship(s) between Permit G-13114 and the permit, certificate(s) and transfer resulting from Application G-366.

I have attempted to track the genealogy of Application G-366, which I currently understand as follows:

- Application G-366
 - I am not able to access a copy of this application through [The Vault](#).
 - QUESTION
 - Is a copy of this application available?
- Permit G-301
 - The [copy of this permit accessible through WRIS](#) is not legible.
 - QUESTION
 - Is a legible copy of this permit available?
- Certificate 26987
 - This [certificate](#) authorized primary irrigation of 6.5 acres and supplemental irrigation of 432.9 acres.
 - However, the [WRIS record](#) indicates primary irrigation of 6.5 acres and supplemental irrigation of 96.4 acres.
 - The [WRIS record](#) also indicates that this certificate was cancelled and/but does not include any genealogy linking this certificate to Certificate 74650.
 - QUESTIONS
 - Why does WRIS reference only 96.4 acres?
 - Why was this certificate cancelled?
 - Why is this certificate not linked to Cert 74650?

- Why doesn't this WRIS record reference Transfer 7295?
- How did we get from Certificate 26987 to Certificate 74650?
- Certificate 74650
 - The [WRIS record for this certificate](#) references Transfer 7295.
 - The [WRIS record for T-7295](#) references Certificate 74650... but not Certificate 26987.
 - The [Final Order approving T-7295](#) references Certificate 26987... but not Certificate 74650.
 - You previously sent me a copy of the letter from Darryl Anderson reporting that "Mr. Brown" (referring to Mitchell Brown) received authorization for Permit G-13114, chose not to make proof on T-7295, and chose to cancel T-7295.
 - I do not understand the net result of this decision in terms of the resulting fate of Permit G-301, Certificate 26987, Certificate 74650 and/or Transfer 7295.
 - QUESTIONS
 - What is the current status of Permit G-301... and can that status be changed?
 - What is the current status of Certificate 26987... and can that status be changed?
 - What is the current status of Certificate 74650... and can that status be changed?
 - What is the current status of Transfer 7295... and can that status be changed?

I understand this may be a lot to unpack via email, so please let me know if you prefer to connect by phone again to review this fact pattern and address my remaining questions.

Thank you Gerry!
JohnW

John Warinner, PE, CWRE | Aspect Consulting LLC | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103

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From: John Warinner
Sent: Wednesday, June 16, 2021 10:26 AM
To: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Cc: bevdc@frontiernet.net; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Subject: RE: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

Thank you Gerry. I appreciate your prompt and helpful follow-through on this.
JW

John Warinner, PE, CWRE | Aspect Consulting LLC | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103

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From: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Sent: Wednesday, June 16, 2021 9:54 AM
To: John Warinner <jwarinner@aspectconsulting.com>
Cc: bevdc@frontiernet.net; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Subject: RE: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

John,

As we discussed, I have attached a copy of the correspondence that we received related to the notice of non-completion of the transfer. Hope this helps.

Have a great day!

Gerry

Gerry Clark

He/Him/His

Oregon Water Resources Department

Program Analyst, Certificate Section, Water Right Services Division

725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-979-9103

From: John Warinner <jwarinner@aspectconsulting.com>

Sent: Tuesday, June 15, 2021 3:13 PM

To: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>

Cc: bevdc@frontiernet.net; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>

Subject: Re: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

Hi Gerry. I am sorry I missed your second message. Are you available to connect after 3:30 pm today?

Thank you,

JohnW

John Warinner, PE, CWRE | Associate Water Resources Engineer | Direct: [541.306.3614](tel:541.306.3614) | Cell: [541.815.4103](tel:541.815.4103)

Aspect Consulting LLC | 532 SW 13th Street, Suite 103, Bend, OR 97702 | www.aspectconsulting.com

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From: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>

Sent: Tuesday, June 15, 2021 3:09:31 PM

To: John Warinner <jwarinner@aspectconsulting.com>

Cc: bevdc@frontiernet.net <bevdc@frontiernet.net>; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>

Subject: RE: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

John,

I have placed a 60 day hold action on the permit (see workflow for the permit):

Permit: G 13114 * (state.or.us)

Please let me know if there is a good time for you to meet. Since I last replied, in addition to 8:15 – 8:45 tomorrow, I am also busy from 9:15 – 10:15 tomorrow morning.

I will be out of the office on Thursday this week, but am available on Friday before 2:00

Gerry

Gerry Clark

He/Him/His

Oregon Water Resources Department

Program Analyst, Certificate Section, Water Right Services Division

725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-979-9103

From: John Warinner <jwarinner@aspectconsulting.com>
Sent: Tuesday, June 15, 2021 2:45 PM
To: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Cc: bevdc@frontiernet.net; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Subject: Re: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

Yes thank you Gerry.
JW

John Warinner, PE, CWRE | Associate Water Resources Engineer | Direct: [541.306.3614](tel:541.306.3614) | Cell: [541.815.4103](tel:541.815.4103)
Aspect Consulting LLC | 532 SW 13th Street, Suite 103, Bend, OR 97702 | www.aspectconsulting.com

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From: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Sent: Tuesday, June 15, 2021 9:10:10 AM
To: John Warinner <jwarinner@aspectconsulting.com>
Cc: bevdc@frontiernet.net; bevdc@frontiernet.net; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Subject: RE: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

John,

I have discussed the situation with Codi. I plan to work with you regarding possible paths for moving forward. Do you have any time available either today or tomorrow when we could meet either by phone or through Teams?

My schedule is wide open except for a meeting tomorrow morning from 8:15 to 8:45.

Thanks

Gerry

Gerry Clark
He/Him/His
Oregon Water Resources Department
Program Analyst, Certificate Section, Water Right Services Division
725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-979-9103

From: CLARK Gerald E * WRD
Sent: Tuesday, June 15, 2021 6:00 AM
To: John Warinner <jwarinner@aspectconsulting.com>
Cc: bevdc@frontiernet.net; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Subject: RE: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

John,

I will meet with Codi to discuss your questions. One of us will respond back to you within the next day.

Regardless of the plan moving forward, it would seem reasonable to place a hold on the 60 Day Process to allow time for the submittal of whatever will be coming (claim, extension, permit amendment). Would an additional 60 days be enough time?

Gerry

Gerry Clark

He/Him/His

Oregon Water Resources Department

Program Analyst, Certificate Section, Water Right Services Division

725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-979-9103

From: John Warinner <jwarinner@aspectconsulting.com>

Sent: Monday, June 14, 2021 12:21 PM

To: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>

Cc: bevdc@frontiernet.net

Subject: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

Hi Gerry and Codi –

Over the past several weeks, I have been communicating with Adair Brown and initiating DRAFT documents for the Claim of Beneficial Use for the referenced permit.

Yesterday, I performed my Claim of Beneficial Use site visit for Adair Brown's Permit G-13114.

In the course of my site visit and associated meeting with Adair, I became aware of several variations from the permit that I would like to discuss with you:

1. Points of Appropriation
 - a. The actual location of POD 3 is in a different (adjacent) quarter-quarter section than the location authorized in the amended permit.
 - b. A fourth well (POD 4) is being used that is not authorized in the amended permit.
2. Place of Use
 - a. The actual place of use differs from the place of use authorized in the amended permit (actual acreage is less than or equal to authorized acreage).
3. Conditions (meters)
 - a. The amended permit includes conditions requiring installation of "a meter or other approved measuring device." In this case, the permit specifically uses the term "meter" rather than "inline flowmeter" as is used on some water right permits. The water right owner installed flowmeters on several of the wells, but they proved to be difficult to keep working reliably due to the quality of the groundwater being pumped. So we would prefer to reference the dedicated electrical meters associated with each well as a suitable measuring device.

I have attached two Work Maps to help illustrate the details of the first two variations.

In the past, Gerry has mentioned two different approaches to address variations: through the Claim of Beneficial Use; or through a Permit Amendment process.

Given the time limit established under the 60-Day Letter, I request your guidance on whether we can proceed with documenting these changes with the Claim of Beneficial Use... or if we should focus instead on submitting a Request for Time Extension, followed by a Request for Permit Amendment, followed by a Claim of Beneficial Use.

I also request some flexibility in the deadline established on the 60-Day Letter (June 18, 2021). Depending on the pathway we take from here, we may need a little extra time to produce documents, gather signatures and submit the appropriate documents to OWRD.

Please let me know if you would like to discuss the details by phone before you respond to us via email.

Thank you both,
JohnW

John Warinner, PE, CWRE | Aspect Consulting LLC | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103

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From: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Sent: Wednesday, April 21, 2021 9:01 AM
To: John Warinner <jwarinner@aspectconsulting.com>; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

John,

Here is a copy of the 60 Day Letter and resource sheet that was included.

Please let us know if you have any additional questions.

Gerry

Gerry Clark
He/Him/His
Oregon Water Resources Department
Program Analyst, Certificate Section, Water Right Services Division
725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-979-9103

From: John Warinner <jwarinner@aspectconsulting.com>
Sent: Tuesday, April 20, 2021 7:16 AM
To: HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Cc: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

Thank you! I appreciate your help with this.
JohnW

John Warinner, PE, CWRE | Aspect Consulting LLC | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103

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From: HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Sent: Tuesday, April 20, 2021 7:14 AM
To: John Warinner <jwarinner@aspectconsulting.com>
Cc: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

Here's a copy of it.

Codi Holmes

Certificate Specialist
Oregon Water Resources
725 Summer St NE Suite A
Salem OR 97301
503-986-0887



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

From: John Warinner <jwarinner@aspectconsulting.com>

Sent: Tuesday, April 20, 2021 7:12 AM

To: HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>; CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>

Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

Thank you Gerry and Codi. Does the letter communicate a standard message and call to action that you can summarize for me?

JohnW

John Warinner, PE, CWRE | Aspect Consulting LLC | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103

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From: HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>

Sent: Tuesday, April 20, 2021 7:10 AM

To: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>; John Warinner <jwarinner@aspectconsulting.com>

Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

I was in the office yesterday, I likely won't be until next week at the earliest. Gerry this file should be in the "Compliance Cube". Thank you for handling this while you're in the office.

Codi Holmes

Certificate Specialist
Oregon Water Resources
725 Summer St NE Suite A
Salem OR 97301
503-986-0887



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From: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>

Sent: Tuesday, April 20, 2021 6:43 AM

To: John Warinner <jwarinner@aspectconsulting.com>

Cc: HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

John,

We do not scan the 60 day letter into WRIS.

Due to our schedules, I am not sure when Codi plans to be in the office next. I plan to head into the office tomorrow and can get you a copy if Codi is unable to.

Gerry

From: John Warinner <jwarinner@aspectconsulting.com>
Sent: Tuesday, April 20, 2021 6:34 AM
To: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

Thank you Gerry. I did not find a link to access a copy of the 60 Day Letter. Is the letter available online? If not, is Codi Holmes the best person to provide a copy of it?

Thanks again,
JohnW

John Warinner, PE, CWRE | Aspect Consulting LLC | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103

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From: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Sent: Tuesday, April 20, 2021 6:27 AM
To: John Warinner <jwarinner@aspectconsulting.com>
Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

John,

Due to the mailing of a 60 day letter, I would say that we have not received a Claim for this permit. Prior to the mailing of the 60 day letter the file is reviewed to confirm that no claim has been submitted.

Gerry

Gerry Clark
He/Him/His
Oregon Water Resources Department
Program Analyst, Certificate Section, Water Right Services Division
725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-986-0811

From: John Warinner <jwarinner@aspectconsulting.com>
Sent: Monday, April 19, 2021 2:41 PM
To: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

Hi Gerry –

Do you have any record of receiving a Claim of Beneficial Use for Permit G-13114?

Thank you,

JohnW

John Warinner, PE, CWRE | Aspect Consulting LLC | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103

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From: John Warinner

Sent: Monday, April 19, 2021 2:38 PM

To: Codi Holmes <codi.n.holmes@oregon.gov>

Subject: App G-13949 and Permit G-13114 | 60-Day Letter

Hi Codi –

I was recently contacted by a realtor who is involved with the property associated with [Permit G-13114](#). At her request, I just started reviewing the documents available on WRIS. Could you provide me with (or direct me to) a copy of the 60 Day Letter mailed by OWRD on April 9, 2021?

Thank you,

JohnW

John Warinner, PE, CWRE | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103
Aspect Consulting LLC | 532 SW 13th Street, Suite 103, Bend, OR 97702 | www.aspectconsulting.com

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HOLMES Codi N * WRD

From: HOLMES Codi N * WRD
Sent: Thursday, October 21, 2021 10:17 AM
To: CLARK Gerald E * WRD; John Warinner
Cc: bevdc@frontiernet.net
Subject: RE: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

Good Morning John:

I am following up on this file. The Hold date was 10/18/2021. Can you provide me a status of this file?

Codi Holmes

Certificate Specialist
Oregon Water Resources
725 Summer St NE Suite A
Salem OR 97301
503-979-3184 cell / 503-986-0887 office (only in office every other week)



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From: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Sent: Monday, August 16, 2021 1:53 PM
To: John Warinner <jwarinner@aspectconsulting.com>
Cc: bevdc@frontiernet.net; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Subject: RE: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

John,

I will extend for an additional 60 days. The updated hold action date is now October 18, 2021:

https://apps.wrd.state.or.us/apps/wr/wrinfo/wr_details.aspx?snp_id=164449

Please let me know if you have any additional questions.

Gerry

Gerry Clark

He/Him/His
Oregon Water Resources Department
Program Analyst, Certificate Section, Water Right Services Division
725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-979-9103

From: John Warinner <jwarinner@aspectconsulting.com>
Sent: Monday, August 16, 2021 12:54 PM
To: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>

Cc: bevdc@frontiernet.net; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>

Subject: RE: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

Hi Gerry –

On Tuesday, June 15, 2021, you placed a 60 day hold action on Permit G-13114. As I mentioned on August 3, we have completed a site visit and prepared a CBU for this permit. However, we have not yet nailed down the preferred path forward. Are you able to extend the 60-day hold action for another 30-to-60 days to provide time for further consideration, decision-making, and follow-up action?

Thank you,
JohnW

John Warinner, PE, CWRE | Aspect Consulting LLC | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103

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From: John Warinner

Sent: Tuesday, August 3, 2021 12:43 PM

To: 'CLARK Gerald E * WRD' <Gerald.E.Clark@oregon.gov>

Cc: 'bevdc@frontiernet.net' <bevdc@frontiernet.net>; 'HOLMES Codi N * WRD' <Codi.N.Holmes@oregon.gov>

Subject: RE: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

Hi again Gerry –

We have prepared a Claim of Beneficial Use for Adair Brown for Permit G-13114.

I am now preparing a letter to Adair to clarify his overall situation and my recommended path forward.

I have one lingering challenge that I am hoping you can help me with.

I do not currently have a clear understanding of the relationship(s) between Permit G-13114 and the permit, certificate(s) and transfer resulting from Application G-366.

I have attempted to track the genealogy of Application G-366, which I currently understand as follows:

- Application G-366
 - I am not able to access a copy of this application through [The Vault](#).
 - QUESTION
 - Is a copy of this application available?
- Permit G-301
 - The [copy of this permit accessible through WRIS](#) is not legible.
 - QUESTION
 - Is a legible copy of this permit available?
- Certificate 26987
 - This [certificate](#) authorized primary irrigation of 6.5 acres and supplemental irrigation of **432.9** acres.
 - However, the [WRIS record](#) indicates primary irrigation of 6.5 acres and supplemental irrigation of **96.4** acres.
 - The [WRIS record](#) also indicates that this certificate was [cancelled](#) and/but does not include any genealogy linking this certificate to Certificate 74650.
 - QUESTIONS
 - Why does WRIS reference only 96.4 acres?
 - Why was this certificate cancelled?
 - Why is this certificate not linked to Cert 74650?

- Why doesn't this WRIS record reference Transfer 7295?
- How did we get from Certificate 26987 to Certificate 74650?
- Certificate 74650
 - The WRIS record for this certificate references Transfer 7295.
 - The WRIS record for T-7295 references Certificate 74650... but not Certificate 26987.
 - The Final Order approving T-7295 references Certificate 26987... but not Certificate 74650.
 - You previously sent me a copy of the letter from Darryl Anderson reporting that "Mr. Brown" (referring to Mitchell Brown) received authorization for Permit G-13114, chose not to make proof on T-7295, and chose to cancel T-7295.
 - I do not understand the net result of this decision in terms of the resulting fate of Permit G-301, Certificate 26987, Certificate 74650 and/or Transfer 7295.
 - QUESTIONS
 - What is the current status of Permit G-301... and can that status be changed?
 - What is the current status of Certificate 26987... and can that status be changed?
 - What is the current status of Certificate 74650... and can that status be changed?
 - What is the current status of Transfer 7295... and can that status be changed?

I understand this may be a lot to unpack via email, so please let me know if you prefer to connect by phone again to review this fact pattern and address my remaining questions.

Thank you Gerry!
JohnW

John Warinner, PE, CWRE | Aspect Consulting LLC | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103

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From: John Warinner
Sent: Wednesday, June 16, 2021 10:26 AM
To: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Cc: bevdc@frontiernet.net; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Subject: RE: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

Thank you Gerry. I appreciate your prompt and helpful follow-through on this.
JW

John Warinner, PE, CWRE | Aspect Consulting LLC | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103

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From: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Sent: Wednesday, June 16, 2021 9:54 AM
To: John Warinner <jwarinner@aspectconsulting.com>
Cc: bevdc@frontiernet.net; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Subject: RE: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

John,

As we discussed, I have attached a copy of the correspondence that we received related to the notice of non-completion of the transfer. Hope this helps.

Have a great day!

Gerry

Gerry Clark

He/Him/His

Oregon Water Resources Department

Program Analyst, Certificate Section, Water Right Services Division

725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-979-9103

From: John Warinner <jwarinner@aspectconsulting.com>

Sent: Tuesday, June 15, 2021 3:13 PM

To: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>

Cc: bevdc@frontiernet.net; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>

Subject: Re: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

Hi Gerry. I am sorry I missed your second message. Are you available to connect after 3:30 pm today?

Thank you,

JohnW

John Warinner, PE, CWRE | Associate Water Resources Engineer | Direct: [541.306.3614](tel:541.306.3614) | Cell: [541.815.4103](tel:541.815.4103)

Aspect Consulting LLC | 532 SW 13th Street, Suite 103, Bend, OR 97702 | www.aspectconsulting.com

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From: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>

Sent: Tuesday, June 15, 2021 3:09:31 PM

To: John Warinner <jwarinner@aspectconsulting.com>

Cc: bevdc@frontiernet.net <bevdc@frontiernet.net>; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>

Subject: RE: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

John,

I have placed a 60 day hold action on the permit (see workflow for the permit):

[Permit: G 13114 * \(state.or.us\)](#)

Please let me know if there is a good time for you to meet. Since I last replied, in addition to 8:15 – 8:45 tomorrow, I am also busy from 9:15 – 10:15 tomorrow morning.

I will be out of the office on Thursday this week, but am available on Friday before 2:00

Gerry

Gerry Clark

He/Him/His

Oregon Water Resources Department

Program Analyst, Certificate Section, Water Right Services Division

725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-979-9103

From: John Warinner <jwarinner@aspectconsulting.com>

Sent: Tuesday, June 15, 2021 2:45 PM

To: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>

Cc: bevdc@frontiernet.net; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>

Subject: Re: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

Yes thank you Gerry.

JW

John Warinner, PE, CWRE | Associate Water Resources Engineer | Direct: [541.306.3614](tel:541.306.3614) | Cell: [541.815.4103](tel:541.815.4103)
Aspect Consulting LLC | 532 SW 13th Street, Suite 103, Bend, OR 97702 | www.aspectconsulting.com

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From: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>

Sent: Tuesday, June 15, 2021 9:10:10 AM

To: John Warinner <jwarinner@aspectconsulting.com>

Cc: bevdc@frontiernet.net <bevdc@frontiernet.net>; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>

Subject: RE: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

John,

I have discussed the situation with Codi. I plan to work with you regarding possible paths for moving forward. Do you have any time available either today or tomorrow when we could meet either by phone or through Teams?

My schedule is wide open except for a meeting tomorrow morning from 8:15 to 8:45.

Thanks

Gerry

Gerry Clark

He/Him/His

Oregon Water Resources Department

Program Analyst, Certificate Section, Water Right Services Division

725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-979-9103

From: CLARK Gerald E * WRD

Sent: Tuesday, June 15, 2021 6:00 AM

To: John Warinner <jwarinner@aspectconsulting.com>

Cc: bevdc@frontiernet.net; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>

Subject: RE: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

John,

I will meet with Codi to discuss your questions. One of us will respond back to you within the next day.

Regardless of the plan moving forward, it would seem reasonable to place a hold on the 60 Day Process to allow time for the submittal of whatever will be coming (claim, extension, permit amendment). Would an additional 60 days be enough time?

Gerry

Gerry Clark

He/Him/His

Oregon Water Resources Department

Program Analyst, Certificate Section, Water Right Services Division

725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-979-9103

From: John Warinner <jwarinner@aspectconsulting.com>

Sent: Monday, June 14, 2021 12:21 PM

To: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>

Cc: bevdc@frontiernet.net

Subject: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

Hi Gerry and Codi –

Over the past several weeks, I have been communicating with Adair Brown and initiating DRAFT documents for the Claim of Beneficial Use for the referenced permit.

Yesterday, I performed my Claim of Beneficial Use site visit for Adair Brown's Permit G-13114.

In the course of my site visit and associated meeting with Adair, I became aware of several variations from the permit that I would like to discuss with you:

1. Points of Appropriation
 - a. The actual location of POD 3 is in a different (adjacent) quarter-quarter section than the location authorized in the amended permit.
 - b. A fourth well (POD 4) is being used that is not authorized in the amended permit.
2. Place of Use
 - a. The actual place of use differs from the place of use authorized in the amended permit (actual acreage is less than or equal to authorized acreage).
3. Conditions (meters)
 - a. The amended permit includes conditions requiring installation of "a meter or other approved measuring device." In this case, the permit specifically uses the term "meter" rather than "inline flowmeter" as is used on some water right permits. The water right owner installed flowmeters on several of the wells, but they proved to be difficult to keep working reliably due to the quality of the groundwater being pumped. So we would prefer to reference the dedicated electrical meters associated with each well as a suitable measuring device.

I have attached two Work Maps to help illustrate the details of the first two variations.

In the past, Gerry has mentioned two different approaches to address variations: through the Claim of Beneficial Use; or through a Permit Amendment process.

Given the time limit established under the 60-Day Letter, I request your guidance on whether we can proceed with documenting these changes with the Claim of Beneficial Use... or if we should focus instead on submitting a Request for Time Extension, followed by a Request for Permit Amendment, followed by a Claim of Beneficial Use.

I also request some flexibility in the deadline established on the 60-Day Letter (June 18, 2021). Depending on the pathway we take from here, we may need a little extra time to produce documents, gather signatures and submit the appropriate documents to OWRD.

Please let me know if you would like to discuss the details by phone before you respond to us via email.

Thank you both,
JohnW

John Warinner, PE, CWRE | Aspect Consulting LLC | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103

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From: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Sent: Wednesday, April 21, 2021 9:01 AM
To: John Warinner <jwarinner@aspectconsulting.com>; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

John,

Here is a copy of the 60 Day Letter and resource sheet that was included.

Please let us know if you have any additional questions.

Gerry

Gerry Clark
He/Him/His
Oregon Water Resources Department
Program Analyst, Certificate Section, Water Right Services Division
725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-979-9103

From: John Warinner <jwarinner@aspectconsulting.com>
Sent: Tuesday, April 20, 2021 7:16 AM
To: HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Cc: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

Thank you! I appreciate your help with this.
JohnW

John Warinner, PE, CWRE | Aspect Consulting LLC | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103

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From: HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Sent: Tuesday, April 20, 2021 7:14 AM
To: John Warinner <jwarinner@aspectconsulting.com>
Cc: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

Here's a copy of it.

Codi Holmes

Certificate Specialist
Oregon Water Resources
725 Summer St NE Suite A
Salem OR 97301
503-986-0887



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

From: John Warinner <jwarinner@aspectconsulting.com>

Sent: Tuesday, April 20, 2021 7:12 AM

To: HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>; CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>

Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

Thank you Gerry and Codi. Does the letter communicate a standard message and call to action that you can summarize for me?

JohnW

John Warinner, PE, CWRE | Aspect Consulting LLC | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103

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From: HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>

Sent: Tuesday, April 20, 2021 7:10 AM

To: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>; John Warinner <jwarinner@aspectconsulting.com>

Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

I was in the office yesterday, I likely won't be until next week at the earliest. Gerry this file should be in the "Compliance Cube". Thank you for handling this while you're in the office.

Codi Holmes

Certificate Specialist
Oregon Water Resources
725 Summer St NE Suite A
Salem OR 97301
503-986-0887



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

From: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>

Sent: Tuesday, April 20, 2021 6:43 AM

To: John Warinner <jwarinner@aspectconsulting.com>

Cc: HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

John,

We do not scan the 60 day letter into WRIS.

Due to our schedules, I am not sure when Codi plans to be in the office next. I plan to head int the office tomorrow and can get you a copy if Codi is unable to.

Gerry

From: John Warinner <jwarinner@aspectconsulting.com>
Sent: Tuesday, April 20, 2021 6:34 AM
To: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

Thank you Gerry. I did not find a link to access a copy of the 60 Day Letter. Is the letter available online? If not, is Codi Holmes the best person to provide a copy of it?

Thanks again,
JohnW

John Warinner, PE, CWRE | Aspect Consulting LLC | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103

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From: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Sent: Tuesday, April 20, 2021 6:27 AM
To: John Warinner <jwarinner@aspectconsulting.com>
Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

John,

Due to the mailing of a 60 day letter, I would say that we have not received a Claim for this permit. Prior to the mailing of the 60 day letter the file is reviewed to confirm that no claim has been submitted.

Gerry

Gerry Clark
He/Him/His
Oregon Water Resources Department
Program Analyst, Certificate Section, Water Right Services Division
725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-986-0811

From: John Warinner <jwarinner@aspectconsulting.com>
Sent: Monday, April 19, 2021 2:41 PM
To: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

Hi Gerry –

Do you have any record of receiving a Claim of Beneficial Use for [Permit G-13114](#)?

Thank you,

JohnW

John Warinner, PE, CWRE | Aspect Consulting LLC | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103

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From: John Warinner

Sent: Monday, April 19, 2021 2:38 PM

To: Codi Holmes <codi.n.holmes@oregon.gov>

Subject: App G-13949 and Permit G-13114 | 60-Day Letter

Hi Codi –

I was recently contacted by a realtor who is involved with the property associated with Permit G-13114. At her request, I just started reviewing the documents available on WRIS. Could you provide me with (or direct me to) a copy of the 60 Day Letter mailed by OWRD on April 9, 2021?

Thank you,

JohnW

John Warinner, PE, CWRE | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103
Aspect Consulting LLC | 532 SW 13th Street, Suite 103, Bend, OR 97702 | www.aspectconsulting.com

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HOLMES Codi N * WRD

From: CLARK Gerald E * WRD
Sent: Monday, August 16, 2021 1:53 PM
To: John Warinner
Cc: bevdc@frontiernet.net; HOLMES Codi N * WRD
Subject: RE: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

John,

I will extend for an additional 60 days. The updated hold action date is now October 18, 2021.

https://apps.wrd.state.or.us/apps/wr/wrinfo/wr_details.aspx?snp_id=164449

Please let me know if you have any additional questions.

Gerry

Gerry Clark

He/Him/His

Oregon Water Resources Department

Program Analyst, Certificate Section, Water Right Services Division

725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-979-9103

From: John Warinner <jwarinner@aspectconsulting.com>
Sent: Monday, August 16, 2021 12:54 PM
To: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Cc: bevdc@frontiernet.net; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Subject: RE: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

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On Tuesday, June 15, 2021, you placed a 60 day hold action on Permit G-13114. As I mentioned on August 3, we have completed a site visit and prepared a CBU for this permit. However, we have not yet nailed down the preferred path forward. Are you able to extend the 60-day hold action for another 30-to-60 days to provide time for further consideration, decision-making, and follow-up action?

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Sent: Tuesday, August 3, 2021 12:43 PM
To: 'CLARK Gerald E * WRD' <Gerald.E.Clark@oregon.gov>
Cc: 'bevdc@frontiernet.net' <bevdc@frontiernet.net>; 'HOLMES Codi N * WRD' <Codi.N.Holmes@oregon.gov>
Subject: RE: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

Hi again Gerry –

We have prepared a Claim of Beneficial Use for Adair Brown for Permit G-13114.

I am now preparing a letter to Adair to clarify his overall situation and my recommended path forward.

I have one lingering challenge that I am hoping you can help me with.

I do not currently have a clear understanding of the relationship(s) between Permit G-13114 and the permit, certificate(s) and transfer resulting from Application G-366.

I have attempted to track the genealogy of Application G-366, which I currently understand as follows:

- Application G-366
 - I am not able to access a copy of this application through [The Vault](#).
 - QUESTION
 - Is a copy of this application available?
- Permit G-301
 - The [copy of this permit accessible through WRIS](#) is not legible.
 - QUESTION
 - Is a legible copy of this permit available?
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 - This [certificate](#) authorized primary irrigation of 6.5 acres and supplemental irrigation of 432.9 acres.
 - However, the [WRIS record](#) indicates primary irrigation of 6.5 acres and supplemental irrigation of 96.4 acres.
 - The [WRIS record](#) also indicates that this certificate was [cancelled](#) and/but does not include any genealogy linking this certificate to Certificate 74650.
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 - Why was this certificate cancelled?
 - Why is this certificate not linked to Cert 74650?
 - Why doesn't this WRIS record reference Transfer 7295?
 - How did we get from Certificate 26987 to Certificate 74650?
- Certificate 74650
 - The [WRIS record for this certificate](#) references Transfer 7295.
 - The [WRIS record for T-7295](#) references Certificate 74650... but not Certificate 26987.
 - The [Final Order approving T-7295](#) references Certificate 26987... but not Certificate 74650.
 - You previously sent me a copy of the letter from Darryl Anderson reporting that "Mr. Brown" (referring to Mitchell Brown) received authorization for Permit G-13114, chose not to make proof on T-7295, and chose to cancel T-7295.
 - I do not understand the net result of this decision in terms of the resulting fate of Permit G-301, Certificate 26987, Certificate 74650 and/or Transfer 7295.
 - QUESTIONS
 - What is the current status of Permit G-301... and can that status be changed?
 - What is the current status of Certificate 26987... and can that status be changed?
 - What is the current status of Certificate 74650... and can that status be changed?
 - What is the current status of Transfer 7295... and can that status be changed?

I understand this may be a lot to unpack via email, so please let me know if you prefer to connect by phone again to review this fact pattern and address my remaining questions.

Thank you Gerry!
JohnW

John Warinner, PE, CWRE | Aspect Consulting LLC | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103

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From: John Warinner

Sent: Wednesday, June 16, 2021 10:26 AM

To: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>

Cc: bevdc@frontiernet.net; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>

Subject: RE: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

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JW

John Warinner, PE, CWRE | Aspect Consulting LLC | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103

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Sent: Wednesday, June 16, 2021 9:54 AM

To: John Warinner <jwarinner@aspectconsulting.com>

Cc: bevdc@frontiernet.net; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>

Subject: RE: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

John,

As we discussed, I have attached a copy of the correspondence that we received related to the notice of non-completion of the transfer. Hope this helps.

Have a great day!

Gerry

Gerry Clark

He/Him/His

Oregon Water Resources Department

Program Analyst, Certificate Section, Water Right Services Division

725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-979-9103

From: John Warinner <jwarinner@aspectconsulting.com>

Sent: Tuesday, June 15, 2021 3:13 PM

To: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>

Cc: bevdc@frontiernet.net; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>

Subject: Re: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

Hi Gerry. I am sorry I missed your second message. Are you available to connect after 3:30 pm today?

Thank you,

JohnW

John Warinner, PE, CWRE | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103
Aspect Consulting LLC | 532 SW 13th Street, Suite 103, Bend, OR 97702 | www.aspectconsulting.com

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From: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Sent: Tuesday, June 15, 2021 3:09:31 PM
To: John Warinner <jwarinner@aspectconsulting.com>
Cc: bevdc@frontiernet.net <bevdc@frontiernet.net>; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Subject: RE: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

John,

I have placed a 60 day hold action on the permit (see workflow for the permit):
Permit: G 13114 * (state.or.us)

Please let me know if there is a good time for you to meet. Since I last replied, in addition to 8:15 – 8:45 tomorrow, I am also busy from 9:15 – 10:15 tomorrow morning.

I will be out of the office on Thursday this week, but am available on Friday before 2:00

Gerry

Gerry Clark
He/Him/His
Oregon Water Resources Department
Program Analyst, Certificate Section, Water Right Services Division
725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-979-9103

From: John Warinner <jwarinner@aspectconsulting.com>
Sent: Tuesday, June 15, 2021 2:45 PM
To: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Cc: bevdc@frontiernet.net; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Subject: Re: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

Yes thank you Gerry.
JW

John Warinner, PE, CWRE | Associate Water Resources Engineer | Direct: [541.306.3614](tel:541.306.3614) | Cell: [541.815.4103](tel:541.815.4103)
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From: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Sent: Tuesday, June 15, 2021 9:10:10 AM
To: John Warinner <jwarinner@aspectconsulting.com>
Cc: bevdc@frontiernet.net <bevdc@frontiernet.net>; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Subject: RE: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

John,

I have discussed the situation with Codi. I plan to work with you regarding possible paths for moving forward. Do you have any time available either today or tomorrow when we could meet either by phone or through Teams?

My schedule is wide open except for a meeting tomorrow morning from 8:15 to 8:45.

Thanks

Gerry

Gerry Clark

He/Him/His

Oregon Water Resources Department

Program Analyst, Certificate Section, Water Right Services Division

725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-979-9103

From: CLARK Gerald E * WRD

Sent: Tuesday, June 15, 2021 6:00 AM

To: John Warinner <jwarinner@aspectconsulting.com>

Cc: bevdc@frontiernet.net; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>

Subject: RE: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

John,

I will meet with Codi to discuss your questions. One of us will respond back to you within the next day.

Regardless of the plan moving forward, it would seem reasonable to place a hold on the 60 Day Process to allow time for the submittal of whatever will be coming (claim, extension, permit amendment). Would an additional 60 days be enough time?

Gerry

Gerry Clark

He/Him/His

Oregon Water Resources Department

Program Analyst, Certificate Section, Water Right Services Division

725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-979-9103

From: John Warinner <jwarinner@aspectconsulting.com>

Sent: Monday, June 14, 2021 12:21 PM

To: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>

Cc: bevdc@frontiernet.net

Subject: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

Hi Gerry and Codi –

Over the past several weeks, I have been communicating with Adair Brown and initiating DRAFT documents for the Claim of Beneficial Use for the referenced permit.

Yesterday, I performed my Claim of Beneficial Use site visit for Adair Brown's Permit G-13114.

In the course of my site visit and associated meeting with Adair, I became aware of several variations from the permit that I would like to discuss with you:

1. Points of Appropriation
 - a. The actual location of POD 3 is in a different (adjacent) quarter-quarter section than the location authorized in the amended permit.
 - b. A fourth well (POD 4) is being used that is not authorized in the amended permit.
2. Place of Use
 - a. The actual place of use differs from the place of use authorized in the amended permit (actual acreage is less than or equal to authorized acreage).
3. Conditions (meters)
 - a. The amended permit includes conditions requiring installation of "a meter or other approved measuring device." In this case, the permit specifically uses the term "meter" rather than "inline flowmeter" as is used on some water right permits. The water right owner installed flowmeters on several of the wells, but they proved to be difficult to keep working reliably due to the quality of the groundwater being pumped. So we would prefer to reference the dedicated electrical meters associated with each well as a suitable measuring device.

I have attached two Work Maps to help illustrate the details of the first two variations.

In the past, Gerry has mentioned two different approaches to address variations: through the Claim of Beneficial Use; or through a Permit Amendment process.

Given the time limit established under the 60-Day Letter, I request your guidance on whether we can proceed with documenting these changes with the Claim of Beneficial Use... or if we should focus instead on submitting a Request for Time Extension, followed by a Request for Permit Amendment, followed by a Claim of Beneficial Use.

I also request some flexibility in the deadline established on the 60-Day Letter (June 18, 2021). Depending on the pathway we take from here, we may need a little extra time to produce documents, gather signatures and submit the appropriate documents to OWRD.

Please let me know if you would like to discuss the details by phone before you respond to us via email.

Thank you both,
JohnW

John Warinner, PE, CWRE | Aspect Consulting LLC | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103

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From: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>

Sent: Wednesday, April 21, 2021 9:01 AM

To: John Warinner <jwarinner@aspectconsulting.com>; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>

Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

John,

Here is a copy of the 60 Day Letter and resource sheet that was included.

Please let us know if you have any additional questions.

Gerry

Gerry Clark

He/Him/His

Oregon Water Resources Department

Program Analyst, Certificate Section, Water Right Services Division

725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-979-9103

From: John Warinner <jwarinner@aspectconsulting.com>
Sent: Tuesday, April 20, 2021 7:16 AM
To: HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Cc: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

Thank you! I appreciate your help with this.

JohnW

John Warinner, PE, CWRE | Aspect Consulting LLC | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103

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From: HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Sent: Tuesday, April 20, 2021 7:14 AM
To: John Warinner <jwarinner@aspectconsulting.com>
Cc: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

Here's a copy of it.

Codi Holmes

Certificate Specialist

Oregon Water Resources

725 Summer St NE Suite A

Salem OR 97301

503-986-0887



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

From: John Warinner <jwarinner@aspectconsulting.com>
Sent: Tuesday, April 20, 2021 7:12 AM
To: HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>; CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

Thank you Gerry and Codi. Does the letter communicate a standard message and call to action that you can summarize for me?

JohnW

John Warinner, PE, CWRE | Aspect Consulting LLC | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103

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From: HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Sent: Tuesday, April 20, 2021 7:10 AM
To: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>; John Warinner <jwarinner@aspectconsulting.com>
Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

I was in the office yesterday, I likely won't be until next week at the earliest. Gerry this file should be in the "Compliance Cube". Thank you for handling this while you're in the office.

Codi Holmes
Certificate Specialist
Oregon Water Resources
725 Summer St NE Suite A
Salem OR 97301
503-986-0887



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

From: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Sent: Tuesday, April 20, 2021 6:43 AM
To: John Warinner <jwarinner@aspectconsulting.com>
Cc: HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

John,

We do not scan the 60 day letter into WRIS.

Due to our schedules, I am not sure when Codi plans to be in the office next. I plan to head into the office tomorrow and can get you a copy if Codi is unable to.

Gerry

From: John Warinner <jwarinner@aspectconsulting.com>
Sent: Tuesday, April 20, 2021 6:34 AM
To: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

Thank you Gerry. I did not find a link to access a copy of the 60 Day Letter. Is the letter available online? If not, is Codi Holmes the best person to provide a copy of it?

Thanks again,
JohnW

John Warinner, PE, CWRE | Aspect Consulting LLC | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103

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From: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Sent: Tuesday, April 20, 2021 6:27 AM
To: John Warinner <jwarinner@aspectconsulting.com>
Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

John,

Due to the mailing of a 60 day letter, I would say that we have not received a Claim for this permit. Prior to the mailing of the 60 day letter the file is reviewed to confirm that no claim has been submitted.

Gerry

Gerry Clark
He/Him/His
Oregon Water Resources Department
Program Analyst, Certificate Section, Water Right Services Division
725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-986-0811

From: John Warinner <jwarinner@aspectconsulting.com>
Sent: Monday, April 19, 2021 2:41 PM
To: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

Hi Gerry –
Do you have any record of receiving a Claim of Beneficial Use for Permit G-13114?
Thank you,
JohnW

John Warinner, PE, CWRE | Aspect Consulting LLC | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103

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From: John Warinner
Sent: Monday, April 19, 2021 2:38 PM
To: Codi Holmes <codi.n.holmes@oregon.gov>
Subject: App G-13949 and Permit G-13114 | 60-Day Letter

Hi Codi –
I was recently contacted by a realtor who is involved with the property associated with Permit G-13114. At her request, I just started reviewing the documents available on WRIS. Could you provide me with (or direct me to) a copy of the 60 Day Letter mailed by OWRD on April 9, 2021?
Thank you,
JohnW

John Warinner, PE, CWRE | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103
Aspect Consulting LLC | 532 SW 13th Street, Suite 103, Bend, OR 97702 | www.aspectconsulting.com

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HOLMES Codi N * WRD

From: CLARK Gerald E * WRD
Sent: Tuesday, August 3, 2021 1:18 PM
To: HOLMES Codi N * WRD
Subject: FW: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

Codi,

I called John and responded to his questions.

Gerry

Gerry Clark

He/Him/His

Program Analyst, Certificate Section, Water Right Services Division | Phone 503-979-9103

From: John Warinner <jwarinner@aspectconsulting.com>
Sent: Tuesday, August 3, 2021 12:43 PM
To: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Cc: bevdc@frontiernet.net; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Subject: RE: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

Hi again Gerry –

We have prepared a Claim of Beneficial Use for Adair Brown for Permit G-13114.

I am now preparing a letter to Adair to clarify his overall situation and my recommended path forward.

I have one lingering challenge that I am hoping you can help me with.

I do not currently have a clear understanding of the relationship(s) between Permit G-13114 and the permit, certificate(s) and transfer resulting from Application G-366.

I have attempted to track the genealogy of Application G-366, which I currently understand as follows:

- Application G-366
 - I am not able to access a copy of this application through [The Vault](#).
 - QUESTION
 - Is a copy of this application available?
- Permit G-301
 - The [copy of this permit accessible through WRIS](#) is not legible.
 - QUESTION
 - Is a legible copy of this permit available?
- Certificate 26987
 - This [certificate](#) authorized primary irrigation of 6.5 acres and supplemental irrigation of 432.9 acres.
 - However, the [WRIS record](#) indicates primary irrigation of 6.5 acres and supplemental irrigation of 96.4 acres.

- The WRIS record also indicates that this certificate was cancelled and/but does not include any genealogy linking this certificate to Certificate 74650.
- QUESTIONS
 - Why does WRIS reference only 96.4 acres?
 - Why was this certificate cancelled?
 - Why is this certificate not linked to Cert 74650?
 - Why doesn't this WRIS record reference Transfer 7295?
 - How did we get from Certificate 26987 to Certificate 74650?
- Certificate 74650
 - The WRIS record for this certificate references Transfer 7295.
 - The WRIS record for T-7295 references Certificate 74650... but not Certificate 26987.
 - The Final Order approving T-7295 references Certificate 26987... but not Certificate 74650.
 - You previously sent me a copy of the letter from Darryl Anderson reporting that "Mr. Brown" (referring to Mitchell Brown) received authorization for Permit G-13114, chose not to make proof on T-7295, and chose to cancel T-7295.
 - I do not understand the net result of this decision in terms of the resulting fate of Permit G-301, Certificate 26987, Certificate 74650 and/or Transfer 7295.
 - QUESTIONS
 - What is the current status of Permit G-301... and can that status be changed?
 - What is the current status of Certificate 26987... and can that status be changed?
 - What is the current status of Certificate 74650... and can that status be changed?
 - What is the current status of Transfer 7295... and can that status be changed?

I understand this may be a lot to unpack via email, so please let me know if you prefer to connect by phone again to review this fact pattern and address my remaining questions.

Thank you Gerry!
JohnW

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From: John Warinner

Sent: Wednesday, June 16, 2021 10:26 AM

To: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>

Cc: bevdc@frontiernet.net; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>

Subject: RE: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

Thank you Gerry. I appreciate your prompt and helpful follow-through on this.
JW

John Warinner, PE, CWRE | Aspect Consulting LLC | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103

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From: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>

Sent: Wednesday, June 16, 2021 9:54 AM

To: John Warinner <jwarinner@aspectconsulting.com>

Cc: bevdc@frontiernet.net; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>

Subject: RE: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

John,

As we discussed, I have attached a copy of the correspondence that we received related to the notice of non-completion of the transfer. Hope this helps.

Have a great day!

Gerry

Gerry Clark

He/Him/His

Oregon Water Resources Department

Program Analyst, Certificate Section, Water Right Services Division

725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-979-9103

From: John Warinner <jwarinner@aspectconsulting.com>

Sent: Tuesday, June 15, 2021 3:13 PM

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Cc: bevdc@frontiernet.net; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>

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[Permit: G 13114 * \(state.or.us\)](#)

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Program Analyst, Certificate Section, Water Right Services Division
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Subject: Re: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

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From: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Sent: Tuesday, June 15, 2021 9:10:10 AM
To: John Warinner <jwarinner@aspectconsulting.com>
Cc: bevdc@frontiernet.net <bevdc@frontiernet.net>; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Subject: RE: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

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Program Analyst, Certificate Section, Water Right Services Division
725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-979-9103

From: CLARK Gerald E * WRD
Sent: Tuesday, June 15, 2021 6:00 AM
To: John Warinner <jwarinner@aspectconsulting.com>
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Subject: RE: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

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Gerry Clark

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Oregon Water Resources Department

Program Analyst, Certificate Section, Water Right Services Division

725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-979-9103

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Sent: Monday, June 14, 2021 12:21 PM

To: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>

Cc: bevdc@frontiernet.net

Subject: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

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Yesterday, I performed my Claim of Beneficial Use site visit for Adair Brown's Permit G-13114.

In the course of my site visit and associated meeting with Adair, I became aware of several variations from the permit that I would like to discuss with you:

1. Points of Appropriation
 - a. The actual location of POD 3 is in a different (adjacent) quarter-quarter section than the location authorized in the amended permit.
 - b. A fourth well (POD 4) is being used that is not authorized in the amended permit.
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 - a. The actual place of use differs from the place of use authorized in the amended permit (actual acreage is less than or equal to authorized acreage).
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I also request some flexibility in the deadline established on the 60-Day Letter (June 18, 2021). Depending on the pathway we take from here, we may need a little extra time to produce documents, gather signatures and submit the appropriate documents to OWRD.

Please let me know if you would like to discuss the details by phone before you respond to us via email.

Thank you both,
JohnW

John Warinner, PE, CWRE | Aspect Consulting LLC | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103

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From: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Sent: Wednesday, April 21, 2021 9:01 AM
To: John Warinner <jwarinner@aspectconsulting.com>; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

John,

Here is a copy of the 60 Day Letter and resource sheet that was included.

Please let us know if you have any additional questions.

Gerry

Gerry Clark
He/Him/His
Oregon Water Resources Department
Program Analyst, Certificate Section, Water Right Services Division
725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-979-9103

From: John Warinner <jwarinner@aspectconsulting.com>
Sent: Tuesday, April 20, 2021 7:16 AM
To: HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Cc: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

Thank you! I appreciate your help with this.
JohnW

John Warinner, PE, CWRE | Aspect Consulting LLC | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103

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From: HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Sent: Tuesday, April 20, 2021 7:14 AM
To: John Warinner <jwarinner@aspectconsulting.com>
Cc: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

Here's a copy of it.

Codi Holmes

Certificate Specialist
Oregon Water Resources
725 Summer St NE Suite A
Salem OR 97301
503-986-0887



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

From: John Warinner <jwarinner@aspectconsulting.com>
Sent: Tuesday, April 20, 2021 7:12 AM
To: HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>; CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

Thank you Gerry and Codi. Does the letter communicate a standard message and call to action that you can summarize for me?
JohnW

John Warinner, PE, CWRE | Aspect Consulting LLC | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103

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From: HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Sent: Tuesday, April 20, 2021 7:10 AM
To: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>; John Warinner <jwarinner@aspectconsulting.com>
Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

I was in the office yesterday, I likely won't be until next week at the earliest. Gerry this file should be in the "Compliance Cube". Thank you for handling this while you're in the office.

Codi Holmes

Certificate Specialist
Oregon Water Resources
725 Summer St NE Suite A
Salem OR 97301
503-986-0887



From: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Sent: Tuesday, April 20, 2021 6:43 AM
To: John Warinner <jwarinner@aspectconsulting.com>
Cc: HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

John,

We do not scan the 60 day letter into WRIS.

Due to our schedules, I am not sure when Codi plans to be in the office next. I plan to head into the office tomorrow and can get you a copy if Codi is unable to.

Gerry

From: John Warinner <jwarinner@aspectconsulting.com>
Sent: Tuesday, April 20, 2021 6:34 AM
To: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

Thank you Gerry. I did not find a link to access a copy of the 60 Day Letter. Is the letter available online? If not, is Codi Holmes the best person to provide a copy of it?

Thanks again,
JohnW

John Warinner, PE, CWRE | Aspect Consulting LLC | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103

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From: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Sent: Tuesday, April 20, 2021 6:27 AM
To: John Warinner <jwarinner@aspectconsulting.com>
Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

John,

Due to the mailing of a 60 day letter, I would say that we have not received a Claim for this permit. Prior to the mailing of the 60 day letter the file is reviewed to confirm that no claim has been submitted.

Gerry

Gerry Clark
He/Him/His
Oregon Water Resources Department
Program Analyst, Certificate Section, Water Right Services Division
725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-986-0811

From: John Warinner <jwarinner@aspectconsulting.com>
Sent: Monday, April 19, 2021 2:41 PM

To: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

Hi Gerry –
Do you have any record of receiving a Claim of Beneficial Use for Permit G-13114?
Thank you,
JohnW

John Warinner, PE, CWRE | Aspect Consulting LLC | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103

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From: John Warinner
Sent: Monday, April 19, 2021 2:38 PM
To: Codi Holmes <codi.n.holmes@oregon.gov>
Subject: App G-13949 and Permit G-13114 | 60-Day Letter

Hi Codi –
I was recently contacted by a realtor who is involved with the property associated with Permit G-13114. At her request, I just started reviewing the documents available on WRIS. Could you provide me with (or direct me to) a copy of the 60 Day Letter mailed by OWRD on April 9, 2021?
Thank you,
JohnW

John Warinner, PE, CWRE | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103
Aspect Consulting LLC | 532 SW 13th Street, Suite 103, Bend, OR 97702 | www.aspectconsulting.com

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HOLMES Codi N * WRD

From: johnw@watersolving.com
Sent: Friday, July 22, 2022 5:42 PM
To: HOLMES Codi N * WRD
Cc: bevdc@frontiernet.net; 'Beverley Palmer'
Subject: RE: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

Hi Codi –

I am 90 percent complete on the Request for Time Extension. I have requested a few final details from Adair Brown that I need to complete the Request. Once we have submitted the Request for Time Extension, we intend to submit a Request for Permit Amendment to revise the permit to align with what has actually been constructed in the field. No additional construction or field work is required. We simply need to get the details of the permit consistent with what has been constructed and beneficially used. Thanks for your patience and understanding. We will follow up with you ASAP.

Thanks again,
JohnW

John Warinner PE, CWRE
Watersolving LLC
(541) 815-4103 mobile
johnw@watersolving.com

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From: John Warinner <johnw@watersolving.com>
Sent: Thursday, July 14, 2022 7:45 AM
To: HOLMES Codi N * WRD <Codi.N.HOLMES@water.oregon.gov>
Subject: Re: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

Hi Codi. Thank you for checking in with me. I am currently working on a request for time extension and a request for permit amendment. I apologize for the delay responding to you. I will touch base with you again early next week. Thank you for your patience,
JohnW

541.815.4103 mobile

From: HOLMES Codi N * WRD <Codi.N.HOLMES@water.oregon.gov>
Sent: Wednesday, July 13, 2022 2:15:27 PM
To: johnw@watersolving.com <johnw@watersolving.com>
Subject: FW: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

Hello John-

Please provide a status update for this file. At this time you are way past the normal 180-day timeframe (which was October 18, 2021). If no response with an updated request to hold date, I will move to cancel this permit.

Codi Holmes

Certificate Specialist
Oregon Water Resources
725 Summer St NE Suite A
Salem OR 97301
503-979-3184 cell



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From: HOLMES Codi N * WRD

Sent: Thursday, October 21, 2021 10:17 AM

To: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>; John Warinner <jwarinner@aspectconsulting.com>

Cc: bevdc@frontiernet.net

Subject: RE: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

Good Morning John:

I am following up on this file. The Hold date was 10/18/2021. Can you provide me a status of this file?

Codi Holmes

Certificate Specialist
Oregon Water Resources
725 Summer St NE Suite A
Salem OR 97301
503-979-3184 cell / 503-986-0887 office (only in office every other week)



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

From: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>

Sent: Monday, August 16, 2021 1:53 PM

To: John Warinner <jwarinner@aspectconsulting.com>

Cc: bevdc@frontiernet.net; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>

Subject: RE: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

John,

I will extend for an additional 60 days. The updated hold action date is now October 18, 2021:

https://apps.wrd.state.or.us/apps/wr/wrinfo/wr_details.aspx?snp_id=164449

Please let me know if you have any additional questions.

Gerry

Gerry Clark

He/Him/His

Oregon Water Resources Department

From: John Warinner <jwarinner@aspectconsulting.com>
Sent: Monday, August 16, 2021 12:54 PM
To: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Cc: bevdc@frontiernet.net; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Subject: RE: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

Hi Gerry –

On Tuesday, June 15, 2021, you placed a 60 day hold action on Permit G-13114. As I mentioned on August 3, we have completed a site visit and prepared a CBU for this permit. However, we have not yet nailed down the preferred path forward. Are you able to extend the 60-day hold action for another 30-to-60 days to provide time for further consideration, decision-making, and follow-up action?

Thank you,
JohnW

John Warinner, PE, CWRE | Aspect Consulting LLC | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103

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From: John Warinner
Sent: Tuesday, August 3, 2021 12:43 PM
To: 'CLARK Gerald E * WRD' <Gerald.E.Clark@oregon.gov>
Cc: 'bevdc@frontiernet.net' <bevdc@frontiernet.net>; 'HOLMES Codi N * WRD' <Codi.N.Holmes@oregon.gov>
Subject: RE: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

Hi again Gerry –

We have prepared a Claim of Beneficial Use for Adair Brown for Permit G-13114.

I am now preparing a letter to Adair to clarify his overall situation and my recommended path forward.

I have one lingering challenge that I am hoping you can help me with.

I do not currently have a clear understanding of the relationship(s) between Permit G-13114 and the permit, certificate(s) and transfer resulting from Application G-366.

I have attempted to track the genealogy of Application G-366, which I currently understand as follows:

- Application G-366
 - I am not able to access a copy of this application through [The Vault](#).
 - QUESTION
 - Is a copy of this application available?
- Permit G-301
 - The [copy of this permit accessible through WRIS](#) is not legible.
 - QUESTION
 - Is a legible copy of this permit available?
- Certificate 26987
 - This [certificate](#) authorized primary irrigation of 6.5 acres and supplemental irrigation of **432.9** acres.
 - However, the [WRIS record](#) indicates primary irrigation of 6.5 acres and supplemental irrigation of **96.4** acres.

- The WRIS record also indicates that this certificate was cancelled and/but does not include any genealogy linking this certificate to Certificate 74650.
- QUESTIONS
 - Why does WRIS reference only 96.4 acres?
 - Why was this certificate cancelled?
 - Why is this certificate not linked to Cert 74650?
 - Why doesn't this WRIS record reference Transfer 7295?
 - How did we get from Certificate 26987 to Certificate 74650?
- Certificate 74650
 - The WRIS record for this certificate references Transfer 7295.
 - The WRIS record for T-7295 references Certificate 74650... but not Certificate 26987.
 - The Final Order approving T-7295 references Certificate 26987... but not Certificate 74650.
 - You previously sent me a copy of the letter from Darryl Anderson reporting that "Mr. Brown" (referring to Mitchell Brown) received authorization for Permit G-13114, chose not to make proof on T-7295, and chose to cancel T-7295.
 - I do not understand the net result of this decision in terms of the resulting fate of Permit G-301, Certificate 26987, Certificate 74650 and/or Transfer 7295.
 - QUESTIONS
 - What is the current status of Permit G-301... and can that status be changed?
 - What is the current status of Certificate 26987... and can that status be changed?
 - What is the current status of Certificate 74650... and can that status be changed?
 - What is the current status of Transfer 7295... and can that status be changed?

I understand this may be a lot to unpack via email, so please let me know if you prefer to connect by phone again to review this fact pattern and address my remaining questions.

Thank you Gerry!
JohnW

John Warinner, PE, CWRE | Aspect Consulting LLC | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103

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From: John Warinner
Sent: Wednesday, June 16, 2021 10:26 AM
To: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Cc: bevdc@frontiernet.net; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Subject: RE: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

Thank you Gerry. I appreciate your prompt and helpful follow-through on this.
JW

John Warinner, PE, CWRE | Aspect Consulting LLC | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103

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From: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Sent: Wednesday, June 16, 2021 9:54 AM
To: John Warinner <jwarinner@aspectconsulting.com>
Cc: bevdc@frontiernet.net; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Subject: RE: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

John,

As we discussed, I have attached a copy of the correspondence that we received related to the notice of non-completion of the transfer. Hope this helps.

Have a great day!

Gerry

Gerry Clark

He/Him/His

Oregon Water Resources Department

Program Analyst, Certificate Section, Water Right Services Division

725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-979-9103

From: John Warinner <jwarinner@aspectconsulting.com>

Sent: Tuesday, June 15, 2021 3:13 PM

To: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>

Cc: bevdc@frontiernet.net; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>

Subject: Re: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

Hi Gerry. I am sorry I missed your second message. Are you available to connect after 3:30 pm today?

Thank you,

JohnW

John Warinner, PE, CWRE | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103

Aspect Consulting LLC | 532 SW 13th Street, Suite 103, Bend, OR 97702 | www.aspectconsulting.com

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From: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>

Sent: Tuesday, June 15, 2021 3:09:31 PM

To: John Warinner <jwarinner@aspectconsulting.com>

Cc: bevdc@frontiernet.net <bevdc@frontiernet.net>; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>

Subject: RE: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

John,

I have placed a 60 day hold action on the permit (see workflow for the permit):

Permit: G 13114 * (state.or.us)

Please let me know if there is a good time for you to meet. Since I last replied, in addition to 8:15 – 8:45 tomorrow, I am also busy from 9:15 – 10:15 tomorrow morning.

I will be out of the office on Thursday this week, but am available on Friday before 2:00

Gerry

Gerry Clark

He/Him/His

Oregon Water Resources Department
Program Analyst, Certificate Section, Water Right Services Division
725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-979-9103

From: John Warinner <jwarinner@aspectconsulting.com>
Sent: Tuesday, June 15, 2021 2:45 PM
To: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Cc: bevdc@frontiernet.net; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Subject: Re: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

Yes thank you Gerry.
JW

John Warinner, PE, CWRE | Associate Water Resources Engineer | Direct: [541.306.3614](tel:541.306.3614) | Cell: [541.815.4103](tel:541.815.4103)
Aspect Consulting LLC | 532 SW 13th Street, Suite 103, Bend, OR 97702 | www.aspectconsulting.com

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From: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Sent: Tuesday, June 15, 2021 9:10:10 AM
To: John Warinner <jwarinner@aspectconsulting.com>
Cc: bevdc@frontiernet.net <bevdc@frontiernet.net>; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Subject: RE: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

John,

I have discussed the situation with Codi. I plan to work with you regarding possible paths for moving forward. Do you have any time available either today or tomorrow when we could meet either by phone or through Teams?

My schedule is wide open except for a meeting tomorrow morning from 8:15 to 8:45.

Thanks

Gerry

Gerry Clark

He/Him/His

Oregon Water Resources Department
Program Analyst, Certificate Section, Water Right Services Division
725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-979-9103

From: CLARK Gerald E * WRD
Sent: Tuesday, June 15, 2021 6:00 AM
To: John Warinner <jwarinner@aspectconsulting.com>
Cc: bevdc@frontiernet.net; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Subject: RE: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

John,

I will meet with Codi to discuss your questions. One of us will respond back to you within the next day.

Regardless of the plan moving forward, it would seem reasonable to place a hold on the 60 Day Process to allow time for the submittal of whatever will be coming (claim, extension, permit amendment). Would an additional 60 days be enough time?

Gerry

Gerry Clark

He/Him/His

Oregon Water Resources Department

Program Analyst, Certificate Section, Water Right Services Division

725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-979-9103

From: John Warinner <jwarinner@aspectconsulting.com>

Sent: Monday, June 14, 2021 12:21 PM

To: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>

Cc: bevdc@frontiernet.net

Subject: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

Hi Gerry and Codi –

Over the past several weeks, I have been communicating with Adair Brown and initiating DRAFT documents for the Claim of Beneficial Use for the referenced permit.

Yesterday, I performed my Claim of Beneficial Use site visit for Adair Brown's Permit G-13114.

In the course of my site visit and associated meeting with Adair, I became aware of several variations from the permit that I would like to discuss with you:

1. Points of Appropriation
 - a. The actual location of POD 3 is in a different (adjacent) quarter-quarter section than the location authorized in the amended permit.
 - b. A fourth well (POD 4) is being used that is not authorized in the amended permit.
2. Place of Use
 - a. The actual place of use differs from the place of use authorized in the amended permit (actual acreage is less than or equal to authorized acreage).
3. Conditions (meters)
 - a. The amended permit includes conditions requiring installation of "a meter or other approved measuring device." In this case, the permit specifically uses the term "meter" rather than "inline flowmeter" as is used on some water right permits. The water right owner installed flowmeters on several of the wells, but they proved to be difficult to keep working reliably due to the quality of the groundwater being pumped. So we would prefer to reference the dedicated electrical meters associated with each well as a suitable measuring device.

I have attached two Work Maps to help illustrate the details of the first two variations.

In the past, Gerry has mentioned two different approaches to address variations: through the Claim of Beneficial Use; or through a Permit Amendment process.

Given the time limit established under the 60-Day Letter, I request your guidance on whether we can proceed with documenting these changes with the Claim of Beneficial Use... or if we should focus instead on submitting a Request for Time Extension, followed by a Request for Permit Amendment, followed by a Claim of Beneficial Use.

I also request some flexibility in the deadline established on the 60-Day Letter (June 18, 2021). Depending on the pathway we take from here, we may need a little extra time to produce documents, gather signatures and submit the appropriate documents to OWRD.

Please let me know if you would like to discuss the details by phone before you respond to us via email.

Thank you both,
JohnW

John Warinner, PE, CWRE | Aspect Consulting LLC | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103

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From: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Sent: Wednesday, April 21, 2021 9:01 AM
To: John Warinner <jwarinner@aspectconsulting.com>; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

John,

Here is a copy of the 60 Day Letter and resource sheet that was included.

Please let us know if you have any additional questions.

Gerry

Gerry Clark
He/Him/His
Oregon Water Resources Department
Program Analyst, Certificate Section, Water Right Services Division
725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-979-9103

From: John Warinner <jwarinner@aspectconsulting.com>
Sent: Tuesday, April 20, 2021 7:16 AM
To: HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Cc: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

Thank you! I appreciate your help with this.
JohnW

John Warinner, PE, CWRE | Aspect Consulting LLC | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103

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From: HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Sent: Tuesday, April 20, 2021 7:14 AM
To: John Warinner <jwarinner@aspectconsulting.com>
Cc: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

Here's a copy of it.

Codi Holmes

Certificate Specialist
Oregon Water Resources
725 Summer St NE Suite A
Salem OR 97301
503-986-0887



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

From: John Warinner <jwarinner@aspectconsulting.com>
Sent: Tuesday, April 20, 2021 7:12 AM
To: HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>; CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

Thank you Gerry and Codi. Does the letter communicate a standard message and call to action that you can summarize for me?
JohnW

John Warinner, PE, CWRE | Aspect Consulting LLC | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103

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From: HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Sent: Tuesday, April 20, 2021 7:10 AM
To: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>; John Warinner <jwarinner@aspectconsulting.com>
Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

I was in the office yesterday, I likely won't be until next week at the earliest. Gerry this file should be in the "Compliance Cube". Thank you for handling this while you're in the office.

Codi Holmes

Certificate Specialist
Oregon Water Resources
725 Summer St NE Suite A
Salem OR 97301
503-986-0887



From: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Sent: Tuesday, April 20, 2021 6:43 AM
To: John Warinner <jwarinner@aspectconsulting.com>
Cc: HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

John,

We do not scan the 60 day letter into WRIS.

Due to our schedules, I am not sure when Codi plans to be in the office next. I plan to head int the office tomorrow and can get you a copy if Codi is unable to.

Gerry

From: John Warinner <jwarinner@aspectconsulting.com>
Sent: Tuesday, April 20, 2021 6:34 AM
To: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

Thank you Gerry. I did not find a link to access a copy of the 60 Day Letter. Is the letter available online? If not, is Codi Holmes the best person to provide a copy of it?

Thanks again,
JohnW

John Warinner, PE, CWRE | Aspect Consulting LLC | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103

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From: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Sent: Tuesday, April 20, 2021 6:27 AM
To: John Warinner <jwarinner@aspectconsulting.com>
Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

John,

Due to the mailing of a 60 day letter, I would say that we have not received a Claim for this permit. Prior to the mailing of the 60 day letter the file is reviewed to confirm that no claim has been submitted.

Gerry

Gerry Clark
He/Him/His
Oregon Water Resources Department
Program Analyst, Certificate Section, Water Right Services Division
725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-986-0811

From: John Warinner <jwarinner@aspectconsulting.com>
Sent: Monday, April 19, 2021 2:41 PM

To: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

Hi Gerry –
Do you have any record of receiving a Claim of Beneficial Use for [Permit G-13114](#)?
Thank you,
JohnW

John Warinner, PE, CWRE | Aspect Consulting LLC | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103

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From: John Warinner
Sent: Monday, April 19, 2021 2:38 PM
To: Codi Holmes <codi.n.holmes@oregon.gov>
Subject: App G-13949 and Permit G-13114 | 60-Day Letter

Hi Codi –
I was recently contacted by a realtor who is involved with the property associated with [Permit G-13114](#). At her request, I just started reviewing the documents available on WRIS. Could you provide me with (or direct me to) a copy of the 60 Day Letter mailed by OWRD on April 9, 2021?
Thank you,
JohnW

John Warinner, PE, CWRE | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103
Aspect Consulting LLC | 532 SW 13th Street, Suite 103, Bend, OR 97702 | www.aspectconsulting.com

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HOLMES Codi N * WRD

From: John Warinner <johnw@watersolving.com>
Sent: Thursday, July 14, 2022 7:45 AM
To: HOLMES Codi N * WRD
Subject: Re: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

Hi Codi. Thank you for checking in with me. I am currently working on a request for time extension and a request for permit amendment. I apologize for the delay responding to you. I will touch base with you again early next week. Thank you for your patience,
JohnW

541.815.4103 mobile

From: HOLMES Codi N * WRD <Codi.N.HOLMES@water.oregon.gov>
Sent: Wednesday, July 13, 2022 2:15:27 PM
To: johnw@watersolving.com <johnw@watersolving.com>
Subject: FW: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

Hello John-

Please provide a status update for this file. At this time you are way past the normal 180-day timeframe (which was October 18, 2021). If no response with an updated request to hold date, I will move to cancel this permit.

Codi Holmes

Certificate Specialist
Oregon Water Resources
725 Summer St NE Suite A
Salem OR 97301
503-979-3184 cell



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

From: HOLMES Codi N * WRD
Sent: Thursday, October 21, 2021 10:17 AM
To: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>; John Warinner <jwarinner@aspectconsulting.com>
Cc: bevdc@frontiernet.net
Subject: RE: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

Good Morning John:

I am following up on this file. The Hold date was 10/18/2021. Can you provide me a status of this file?

Codi Holmes

Certificate Specialist
Oregon Water Resources
725 Summer St NE Suite A

Salem OR 97301

503-979-3184 cell / 503-986-0887 office (only in office every other week)



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

From: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Sent: Monday, August 16, 2021 1:53 PM
To: John Warinner <jwarinner@aspectconsulting.com>
Cc: bevdc@frontiernet.net; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Subject: RE: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

John,

I will extend for an additional 60 days. The updated hold action date is now October 18, 2021:

https://apps.wrd.state.or.us/apps/wr/wrinfo/wr_details.aspx?snp_id=164449

Please let me know if you have any additional questions.

Gerry

Gerry Clark

He/Him/His

Oregon Water Resources Department

Program Analyst, Certificate Section, Water Right Services Division

725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-979-9103

From: John Warinner <jwarinner@aspectconsulting.com>
Sent: Monday, August 16, 2021 12:54 PM
To: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Cc: bevdc@frontiernet.net; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Subject: RE: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

Hi Gerry –

On Tuesday, June 15, 2021, you placed a 60 day hold action on Permit G-13114. As I mentioned on August 3, we have completed a site visit and prepared a CBU for this permit. However, we have not yet nailed down the preferred path forward. Are you able to extend the 60-day hold action for another 30-to-60 days to provide time for further consideration, decision-making, and follow-up action?

Thank you,

JohnW

John Warinner, PE, CWRE | Aspect Consulting LLC | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103

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From: John Warinner
Sent: Tuesday, August 3, 2021 12:43 PM
To: 'CLARK Gerald E * WRD' <Gerald.E.Clark@oregon.gov>

Cc: 'bevdc@frontiernet.net' <bevdc@frontiernet.net>; 'HOLMES Codi N * WRD' <Codi.N.Holmes@oregon.gov>
Subject: RE: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

Hi again Gerry –

We have prepared a Claim of Beneficial Use for Adair Brown for Permit G-13114.

I am now preparing a letter to Adair to clarify his overall situation and my recommended path forward.

I have one lingering challenge that I am hoping you can help me with.

I do not currently have a clear understanding of the relationship(s) between Permit G-13114 and the permit, certificate(s) and transfer resulting from Application G-366.

I have attempted to track the genealogy of Application G-366, which I currently understand as follows:

- Application G-366
 - I am not able to access a copy of this application through [The Vault](#).
 - QUESTION
 - Is a copy of this application available?
- Permit G-301
 - The [copy of this permit accessible through WRIS](#) is not legible.
 - QUESTION
 - Is a legible copy of this permit available?
- Certificate 26987
 - This [certificate](#) authorized primary irrigation of 6.5 acres and supplemental irrigation of 432.9 acres.
 - However, the [WRIS record](#) indicates primary irrigation of 6.5 acres and supplemental irrigation of 96.4 acres.
 - The [WRIS record](#) also indicates that this certificate was cancelled and/or does not include any genealogy linking this certificate to Certificate 74650.
 - QUESTIONS
 - Why does WRIS reference only 96.4 acres?
 - Why was this certificate cancelled?
 - Why is this certificate not linked to Cert 74650?
 - Why doesn't this WRIS record reference Transfer 7295?
 - How did we get from Certificate 26987 to Certificate 74650?
- Certificate 74650
 - The [WRIS record for this certificate](#) references Transfer 7295.
 - The [WRIS record for T-7295](#) references Certificate 74650... but not Certificate 26987.
 - The [Final Order approving T-7295](#) references Certificate 26987... but not Certificate 74650.
 - You previously sent me a copy of the letter from Darryl Anderson reporting that "Mr. Brown" (referring to Mitchell Brown) received authorization for Permit G-13114, chose not to make proof on T-7295, and chose to cancel T-7295.
 - I do not understand the net result of this decision in terms of the resulting fate of Permit G-301, Certificate 26987, Certificate 74650 and/or Transfer 7295.
 - QUESTIONS
 - What is the current status of Permit G-301... and can that status be changed?
 - What is the current status of Certificate 26987... and can that status be changed?
 - What is the current status of Certificate 74650... and can that status be changed?
 - What is the current status of Transfer 7295... and can that status be changed?

I understand this may be a lot to unpack via email, so please let me know if you prefer to connect by phone again to review this fact pattern and address my remaining questions.

Thank you Gerry!
JohnW

John Warinner, PE, CWRE | Aspect Consulting LLC | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103

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From: John Warinner
Sent: Wednesday, June 16, 2021 10:26 AM
To: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Cc: bevdc@frontiernet.net; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Subject: RE: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

Thank you Gerry. I appreciate your prompt and helpful follow-through on this.
JW

John Warinner, PE, CWRE | Aspect Consulting LLC | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103

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From: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Sent: Wednesday, June 16, 2021 9:54 AM
To: John Warinner <jwarinner@aspectconsulting.com>
Cc: bevdc@frontiernet.net; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Subject: RE: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

John,

As we discussed, I have attached a copy of the correspondence that we received related to the notice of non-completion of the transfer. Hope this helps.

Have a great day!

Gerry

Gerry Clark
He/Him/His
Oregon Water Resources Department
Program Analyst, Certificate Section, Water Right Services Division
725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-979-9103

From: John Warinner <jwarinner@aspectconsulting.com>
Sent: Tuesday, June 15, 2021 3:13 PM
To: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Cc: bevdc@frontiernet.net; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Subject: Re: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

Hi Gerry. I am sorry I missed your second message. Are you available to connect after 3:30 pm today?

Thank you,
JohnW

John Warinner, PE, CWRE | Associate Water Resources Engineer | Direct: [541.306.3614](tel:541.306.3614) | Cell: [541.815.4103](tel:541.815.4103)
Aspect Consulting LLC | 532 SW 13th Street, Suite 103, Bend, OR 97702 | www.aspectconsulting.com

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From: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Sent: Tuesday, June 15, 2021 3:09:31 PM
To: John Warinner <jwarinner@aspectconsulting.com>
Cc: bevdc@frontiernet.net <bevdc@frontiernet.net>; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Subject: RE: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

John,

I have placed a 60 day hold action on the permit (see workflow for the permit):
[Permit: G 13114 * \(state.or.us\)](#)

Please let me know if there is a good time for you to meet. Since I last replied, in addition to 8:15 – 8:45 tomorrow, I am also busy from 9:15 – 10:15 tomorrow morning.

I will be out of the office on Thursday this week, but am available on Friday before 2:00

Gerry

Gerry Clark
He/Him/His
Oregon Water Resources Department
Program Analyst, Certificate Section, Water Right Services Division
725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-979-9103

From: John Warinner <jwarinner@aspectconsulting.com>
Sent: Tuesday, June 15, 2021 2:45 PM
To: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Cc: bevdc@frontiernet.net; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Subject: Re: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

Yes thank you Gerry.
JW

John Warinner, PE, CWRE | Associate Water Resources Engineer | Direct: [541.306.3614](tel:541.306.3614) | Cell: [541.815.4103](tel:541.815.4103)
Aspect Consulting LLC | 532 SW 13th Street, Suite 103, Bend, OR 97702 | www.aspectconsulting.com

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From: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Sent: Tuesday, June 15, 2021 9:10:10 AM
To: John Warinner <jwarinner@aspectconsulting.com>
Cc: bevdc@frontiernet.net <bevdc@frontiernet.net>; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Subject: RE: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

John,

I have discussed the situation with Codi. I plan to work with you regarding possible paths for moving forward. Do you have any time available either today or tomorrow when we could meet either by phone or through Teams?

My schedule is wide open except for a meeting tomorrow morning from 8:15 to 8:45.

Thanks

Gerry

Gerry Clark
He/Him/His
Oregon Water Resources Department
Program Analyst, Certificate Section, Water Right Services Division
725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-979-9103

From: CLARK Gerald E * WRD
Sent: Tuesday, June 15, 2021 6:00 AM
To: John Warinner <jwarinner@aspectconsulting.com>
Cc: bevdc@frontiernet.net; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Subject: RE: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

John,

I will meet with Codi to discuss your questions. One of us will respond back to you within the next day.

Regardless of the plan moving forward, it would seem reasonable to place a hold on the 60 Day Process to allow time for the submittal of whatever will be coming (claim, extension, permit amendment). Would an additional 60 days be enough time?

Gerry

Gerry Clark
He/Him/His
Oregon Water Resources Department
Program Analyst, Certificate Section, Water Right Services Division
725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-979-9103

From: John Warinner <jwarinner@aspectconsulting.com>
Sent: Monday, June 14, 2021 12:21 PM
To: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Cc: bevdc@frontiernet.net
Subject: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

Hi Gerry and Codi –

Over the past several weeks, I have been communicating with Adair Brown and initiating DRAFT documents for the Claim of Beneficial Use for the referenced permit.

Yesterday, I performed my Claim of Beneficial Use site visit for Adair Brown's Permit G-13114.

In the course of my site visit and associated meeting with Adair, I became aware of several variations from the permit that I would like to discuss with you:

1. Points of Appropriation
 - a. The actual location of POD 3 is in a different (adjacent) quarter-quarter section than the location authorized in the amended permit.
 - b. A fourth well (POD 4) is being used that is not authorized in the amended permit.
2. Place of Use
 - a. The actual place of use differs from the place of use authorized in the amended permit (actual acreage is less than or equal to authorized acreage).
3. Conditions (meters)
 - a. The amended permit includes conditions requiring installation of "a meter or other approved measuring device." In this case, the permit specifically uses the term "meter" rather than "inline flowmeter" as is used on some water right permits. The water right owner installed flowmeters on several of the wells, but they proved to be difficult to keep working reliably due to the quality of the groundwater being pumped. So we would prefer to reference the dedicated electrical meters associated with each well as a suitable measuring device.

I have attached two Work Maps to help illustrate the details of the first two variations.

In the past, Gerry has mentioned two different approaches to address variations: through the Claim of Beneficial Use; or through a Permit Amendment process.

Given the time limit established under the 60-Day Letter, I request your guidance on whether we can proceed with documenting these changes with the Claim of Beneficial Use... or if we should focus instead on submitting a Request for Time Extension, followed by a Request for Permit Amendment, followed by a Claim of Beneficial Use.

I also request some flexibility in the deadline established on the 60-Day Letter (June 18, 2021). Depending on the pathway we take from here, we may need a little extra time to produce documents, gather signatures and submit the appropriate documents to OWRD.

Please let me know if you would like to discuss the details by phone before you respond to us via email.

Thank you both,
JohnW

John Warinner, PE, CWRE | Aspect Consulting LLC | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103

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From: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>

Sent: Wednesday, April 21, 2021 9:01 AM

To: John Warinner <jwarinner@aspectconsulting.com>; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>

Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

John,

Here is a copy of the 60 Day Letter and resource sheet that was included.

Please let us know if you have any additional questions.

Gerry

Gerry Clark

He/Him/His

Oregon Water Resources Department

Program Analyst, Certificate Section, Water Right Services Division

725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-979-9103

From: John Warinner <jwarinner@aspectconsulting.com>
Sent: Tuesday, April 20, 2021 7:16 AM
To: HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Cc: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

Thank you! I appreciate your help with this.
JohnW

John Warinner, PE, CWRE | Aspect Consulting LLC | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103

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From: HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Sent: Tuesday, April 20, 2021 7:14 AM
To: John Warinner <jwarinner@aspectconsulting.com>
Cc: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

Here's a copy of it.

Codi Holmes

Certificate Specialist

Oregon Water Resources

725 Summer St NE Suite A

Salem OR 97301

503-986-0887



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

From: John Warinner <jwarinner@aspectconsulting.com>
Sent: Tuesday, April 20, 2021 7:12 AM

To: HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>; CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

Thank you Gerry and Codi. Does the letter communicate a standard message and call to action that you can summarize for me?

JohnW

John Warinner, PE, CWRE | Aspect Consulting LLC | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103

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From: HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Sent: Tuesday, April 20, 2021 7:10 AM
To: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>; John Warinner <jwarinner@aspectconsulting.com>
Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

I was in the office yesterday, I likely won't be until next week at the earliest. Gerry this file should be in the "Compliance Cube". Thank you for handling this while you're in the office.

Codi Holmes

Certificate Specialist
Oregon Water Resources
725 Summer St NE Suite A
Salem OR 97301
503-986-0887



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From: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Sent: Tuesday, April 20, 2021 6:43 AM
To: John Warinner <jwarinner@aspectconsulting.com>
Cc: HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

John,

We do not scan the 60 day letter into WRIS.

Due to our schedules, I am not sure when Codi plans to be in the office next. I plan to head into the office tomorrow and can get you a copy if Codi is unable to.

Gerry

From: John Warinner <jwarinner@aspectconsulting.com>
Sent: Tuesday, April 20, 2021 6:34 AM
To: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

Thank you Gerry. I did not find a link to access a copy of the 60 Day Letter. Is the letter available online? If not, is Codi Holmes the best person to provide a copy of it?

Thanks again,
JohnW

John Warinner, PE, CWRE | Aspect Consulting LLC | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103

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From: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Sent: Tuesday, April 20, 2021 6:27 AM
To: John Warinner <jwarinner@aspectconsulting.com>
Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

John,

Due to the mailing of a 60 day letter, I would say that we have not received a Claim for this permit. Prior to the mailing of the 60 day letter the file is reviewed to confirm that no claim has been submitted.

Gerry

Gerry Clark
He/Him/His
Oregon Water Resources Department
Program Analyst, Certificate Section, Water Right Services Division
725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-986-0811

From: John Warinner <jwarinner@aspectconsulting.com>
Sent: Monday, April 19, 2021 2:41 PM
To: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

Hi Gerry –
Do you have any record of receiving a Claim of Beneficial Use for Permit G-13114?
Thank you,
JohnW

John Warinner, PE, CWRE | Aspect Consulting LLC | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103

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From: John Warinner
Sent: Monday, April 19, 2021 2:38 PM
To: Codi Holmes <codi.n.holmes@oregon.gov>
Subject: App G-13949 and Permit G-13114 | 60-Day Letter

Hi Codi –
I was recently contacted by a realtor who is involved with the property associated with Permit G-13114. At her request, I just started reviewing the documents available on WRIS. Could you provide me with (or direct me to) a copy of the 60 Day Letter mailed by OWRD on April 9, 2021?
Thank you,
JohnW

John Warinner, PE, CWRE | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103
Aspect Consulting LLC | 532 SW 13th Street, Suite 103, Bend, OR 97702 | www.aspectconsulting.com

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HOLMES Codi N * WRD

From: HOLMES Codi N * WRD
Sent: Wednesday, July 13, 2022 2:15 PM
To: johnw@watersolving.com
Subject: FW: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

Hello John-

Please provide a status update for this file. At this time you are way past the normal 180-day timeframe (which was October 18, 2021). If no response with an updated request to hold date, I will move to cancel this permit.

Codi Holmes

Certificate Specialist
Oregon Water Resources
725 Summer St NE Suite A
Salem OR 97301
503-979-3184 cell



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

From: HOLMES Codi N * WRD
Sent: Thursday, October 21, 2021 10:17 AM
To: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>; John Warinner <jwarinner@aspectconsulting.com>
Cc: bevdc@frontiernet.net
Subject: RE: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

Good Morning John:

I am following up on this file. The Hold date was 10/18/2021. Can you provide me a status of this file?

Codi Holmes

Certificate Specialist
Oregon Water Resources
725 Summer St NE Suite A
Salem OR 97301
503-979-3184 cell / 503-986-0887 office (only in office every other week)



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

From: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Sent: Monday, August 16, 2021 1:53 PM
To: John Warinner <jwarinner@aspectconsulting.com>

Cc: bevdc@frontiernet.net; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>

Subject: RE: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

John,

I will extend for an additional 60 days. The updated hold action date is now October 18, 2021:

https://apps.wrd.state.or.us/apps/wr/wrinfo/wr_details.aspx?snp_id=164449

Please let me know if you have any additional questions.

Gerry

Gerry Clark

He/Him/His

Oregon Water Resources Department

Program Analyst, Certificate Section, Water Right Services Division

725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-979-9103

From: John Warinner <jwarinner@aspectconsulting.com>

Sent: Monday, August 16, 2021 12:54 PM

To: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>

Cc: bevdc@frontiernet.net; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>

Subject: RE: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

Hi Gerry –

On Tuesday, June 15, 2021, you placed a 60 day hold action on Permit G-13114. As I mentioned on August 3, we have completed a site visit and prepared a CBU for this permit. However, we have not yet nailed down the preferred path forward. Are you able to extend the 60-day hold action for another 30-to-60 days to provide time for further consideration, decision-making, and follow-up action?

Thank you,

JohnW

John Warinner, PE, CWRE | Aspect Consulting LLC | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103

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From: John Warinner

Sent: Tuesday, August 3, 2021 12:43 PM

To: 'CLARK Gerald E * WRD' <Gerald.E.Clark@oregon.gov>

Cc: 'bevdc@frontiernet.net' <bevdc@frontiernet.net>; 'HOLMES Codi N * WRD' <Codi.N.Holmes@oregon.gov>

Subject: RE: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

Hi again Gerry –

We have prepared a Claim of Beneficial Use for Adair Brown for Permit G-13114.

I am now preparing a letter to Adair to clarify his overall situation and my recommended path forward.

I have one lingering challenge that I am hoping you can help me with.

I do not currently have a clear understanding of the relationship(s) between Permit G-13114 and the permit, certificate(s) and transfer resulting from Application G-366.

I have attempted to track the genealogy of Application G-366, which I currently understand as follows:

- Application G-366
 - I am not able to access a copy of this application through [The Vault](#).
 - QUESTION
 - Is a copy of this application available?
- Permit G-301
 - The [copy of this permit accessible through WRIS](#) is not legible.
 - QUESTION
 - Is a legible copy of this permit available?
- Certificate 26987
 - This [certificate](#) authorized primary irrigation of 6.5 acres and supplemental irrigation of **432.9** acres.
 - However, the [WRIS record](#) indicates primary irrigation of 6.5 acres and supplemental irrigation of **96.4** acres.
 - The [WRIS record](#) also indicates that this certificate was [cancelled](#) and/but does not include any genealogy linking this certificate to Certificate 74650.
 - QUESTIONS
 - Why does WRIS reference only 96.4 acres?
 - Why was this certificate cancelled?
 - Why is this certificate not linked to Cert 74650?
 - Why doesn't this WRIS record reference Transfer 7295?
 - How did we get from Certificate 26987 to Certificate 74650?
- Certificate 74650
 - The [WRIS record for this certificate](#) references Transfer 7295.
 - The [WRIS record for T-7295](#) references Certificate 74650... but not Certificate 26987.
 - The [Final Order approving T-7295](#) references Certificate 26987... but not Certificate 74650.
 - You previously sent me a copy of the letter from Darryl Anderson reporting that "Mr. Brown" (referring to Mitchell Brown) received authorization for Permit G-13114, chose not to make proof on T-7295, and chose to cancel T-7295.
 - I do not understand the net result of this decision in terms of the resulting fate of Permit G-301, Certificate 26987, Certificate 74650 and/or Transfer 7295.
 - QUESTIONS
 - What is the current status of Permit G-301... and can that status be changed?
 - What is the current status of Certificate 26987... and can that status be changed?
 - What is the current status of Certificate 74650... and can that status be changed?
 - What is the current status of Transfer 7295... and can that status be changed?

I understand this may be a lot to unpack via email, so please let me know if you prefer to connect by phone again to review this fact pattern and address my remaining questions.

Thank you Gerry!
JohnW

John Warinner, PE, CWRE | Aspect Consulting LLC | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103

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From: John Warinner

Sent: Wednesday, June 16, 2021 10:26 AM

To: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>

Cc: bevdc@frontiernet.net; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>

Subject: RE: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

Thank you Gerry. I appreciate your prompt and helpful follow-through on this.

JW

John Warinner, PE, CWRE | Aspect Consulting LLC | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103

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From: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>

Sent: Wednesday, June 16, 2021 9:54 AM

To: John Warinner <jwarinner@aspectconsulting.com>

Cc: bevdc@frontiernet.net; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>

Subject: RE: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

John,

As we discussed, I have attached a copy of the correspondence that we received related to the notice of non-completion of the transfer. Hope this helps.

Have a great day!

Gerry

Gerry Clark

He/Him/His

Oregon Water Resources Department

Program Analyst, Certificate Section, Water Right Services Division

725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-979-9103

From: John Warinner <jwarinner@aspectconsulting.com>

Sent: Tuesday, June 15, 2021 3:13 PM

To: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>

Cc: bevdc@frontiernet.net; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>

Subject: Re: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

Hi Gerry. I am sorry I missed your second message. Are you available to connect after 3:30 pm today?

Thank you,

JohnW

John Warinner, PE, CWRE | Associate Water Resources Engineer | Direct: [541.306.3614](tel:5413063614) | Cell: [541.815.4103](tel:5418154103)
Aspect Consulting LLC | 532 SW 13th Street, Suite 103, Bend, OR 97702 | www.aspectconsulting.com

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From: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>

Sent: Tuesday, June 15, 2021 3:09:31 PM

To: John Warinner <jwarinner@aspectconsulting.com>

Cc: bevdc@frontiernet.net <bevdc@frontiernet.net>; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Subject: RE: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

John,

I have placed a 60 day hold action on the permit (see workflow for the permit):
[Permit: G 13114 * \(state.or.us\)](#)

Please let me know if there is a good time for you to meet. Since I last replied, in addition to 8:15 – 8:45 tomorrow, I am also busy from 9:15 – 10:15 tomorrow morning.

I will be out of the office on Thursday this week, but am available on Friday before 2:00

Gerry

Gerry Clark
He/Him/His
Oregon Water Resources Department
Program Analyst, Certificate Section, Water Right Services Division
725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-979-9103

From: John Warinner <jwarinner@aspectconsulting.com>
Sent: Tuesday, June 15, 2021 2:45 PM
To: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Cc: bevdc@frontiernet.net; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Subject: Re: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

Yes thank you Gerry.
JW

John Warinner, PE, CWRE | Associate Water Resources Engineer | Direct: [541.306.3614](tel:541.306.3614) | Cell: [541.815.4103](tel:541.815.4103)
Aspect Consulting LLC | 532 SW 13th Street, Suite 103, Bend, OR 97702 | www.aspectconsulting.com

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From: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Sent: Tuesday, June 15, 2021 9:10:10 AM
To: John Warinner <jwarinner@aspectconsulting.com>
Cc: bevdc@frontiernet.net <bevdc@frontiernet.net>; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Subject: RE: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

John,

I have discussed the situation with Codi. I plan to work with you regarding possible paths for moving forward. Do you have any time available either today or tomorrow when we could meet either by phone or through Teams?

My schedule is wide open except for a meeting tomorrow morning from 8:15 to 8:45.

Thanks

Gerry

Gerry Clark

He/Him/His

Oregon Water Resources Department

Program Analyst, Certificate Section, Water Right Services Division

725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-979-9103

From: CLARK Gerald E * WRD

Sent: Tuesday, June 15, 2021 6:00 AM

To: John Warinner <jwarinner@aspectconsulting.com>

Cc: bevdc@frontiernet.net; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>

Subject: RE: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

John,

I will meet with Codi to discuss your questions. One of us will respond back to you within the next day.

Regardless of the plan moving forward, it would seem reasonable to place a hold on the 60 Day Process to allow time for the submittal of whatever will be coming (claim, extension, permit amendment). Would an additional 60 days be enough time?

Gerry

Gerry Clark

He/Him/His

Oregon Water Resources Department

Program Analyst, Certificate Section, Water Right Services Division

725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-979-9103

From: John Warinner <jwarinner@aspectconsulting.com>

Sent: Monday, June 14, 2021 12:21 PM

To: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>

Cc: bevdc@frontiernet.net

Subject: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

Hi Gerry and Codi –

Over the past several weeks, I have been communicating with Adair Brown and initiating DRAFT documents for the Claim of Beneficial Use for the referenced permit.

Yesterday, I performed my Claim of Beneficial Use site visit for Adair Brown's Permit G-13114.

In the course of my site visit and associated meeting with Adair, I became aware of several variations from the permit that I would like to discuss with you:

1. Points of Appropriation
 - a. The actual location of POD 3 is in a different (adjacent) quarter-quarter section than the location authorized in the amended permit.
 - b. A fourth well (POD 4) is being used that is not authorized in the amended permit.

2. Place of Use

- a. The actual place of use differs from the place of use authorized in the amended permit (actual acreage is less than or equal to authorized acreage).

3. Conditions (meters)

- a. The amended permit includes conditions requiring installation of "a meter or other approved measuring device." In this case, the permit specifically uses the term "meter" rather than "inline flowmeter" as is used on some water right permits. The water right owner installed flowmeters on several of the wells, but they proved to be difficult to keep working reliably due to the quality of the groundwater being pumped. So we would prefer to reference the dedicated electrical meters associated with each well as a suitable measuring device.

I have attached two Work Maps to help illustrate the details of the first two variations.

In the past, Gerry has mentioned two different approaches to address variations: through the Claim of Beneficial Use; or through a Permit Amendment process.

Given the time limit established under the 60-Day Letter, I request your guidance on whether we can proceed with documenting these changes with the Claim of Beneficial Use... or if we should focus instead on submitting a Request for Time Extension, followed by a Request for Permit Amendment, followed by a Claim of Beneficial Use.

I also request some flexibility in the deadline established on the 60-Day Letter (June 18, 2021). Depending on the pathway we take from here, we may need a little extra time to produce documents, gather signatures and submit the appropriate documents to OWRD.

Please let me know if you would like to discuss the details by phone before you respond to us via email.

Thank you both,
JohnW

John Warinner, PE, CWRE | Aspect Consulting LLC | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103

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From: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>

Sent: Wednesday, April 21, 2021 9:01 AM

To: John Warinner <jwarinner@aspectconsulting.com>; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>

Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

John,

Here is a copy of the 60 Day Letter and resource sheet that was included.

Please let us know if you have any additional questions.

Gerry

Gerry Clark

He/Him/His

Oregon Water Resources Department

Program Analyst, Certificate Section, Water Right Services Division

725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-979-9103

From: John Warinner <jwarinner@aspectconsulting.com>
Sent: Tuesday, April 20, 2021 7:16 AM
To: HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Cc: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

Thank you! I appreciate your help with this.
JohnW

John Warinner, PE, CWRE | Aspect Consulting LLC | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103

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From: HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Sent: Tuesday, April 20, 2021 7:14 AM
To: John Warinner <jwarinner@aspectconsulting.com>
Cc: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

Here's a copy of it.

[Codi Holmes](#)
Certificate Specialist
Oregon Water Resources
725 Summer St NE Suite A
Salem OR 97301
503-986-0887



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

From: John Warinner <jwarinner@aspectconsulting.com>
Sent: Tuesday, April 20, 2021 7:12 AM
To: HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>; CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

Thank you Gerry and Codi. Does the letter communicate a standard message and call to action that you can summarize for me?
JohnW

John Warinner, PE, CWRE | Aspect Consulting LLC | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103

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From: HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Sent: Tuesday, April 20, 2021 7:10 AM

To: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>; John Warinner <jwarinner@aspectconsulting.com>
Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

I was in the office yesterday, I likely won't be until next week at the earliest. Gerry this file should be in the "Compliance Cube". Thank you for handling this while you're in the office.

Codi Holmes

Certificate Specialist
Oregon Water Resources
725 Summer St NE Suite A
Salem OR 97301
503-986-0887



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From: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Sent: Tuesday, April 20, 2021 6:43 AM
To: John Warinner <jwarinner@aspectconsulting.com>
Cc: HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

John,

We do not scan the 60 day letter into WRIS.

Due to our schedules, I am not sure when Codi plans to be in the office next. I plan to head into the office tomorrow and can get you a copy if Codi is unable to.

Gerry

From: John Warinner <jwarinner@aspectconsulting.com>
Sent: Tuesday, April 20, 2021 6:34 AM
To: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

Thank you Gerry. I did not find a link to access a copy of the 60 Day Letter. Is the letter available online? If not, is Codi Holmes the best person to provide a copy of it?

Thanks again,
JohnW

John Warinner, PE, CWRE | Aspect Consulting LLC | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103

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From: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Sent: Tuesday, April 20, 2021 6:27 AM
To: John Warinner <jwarinner@aspectconsulting.com>
Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

John,

Due to the mailing of a 60 day letter, I would say that we have not received a Claim for this permit. Prior to the mailing of the 60 day letter the file is reviewed to confirm that no claim has been submitted.

Gerry

Gerry Clark

He/Him/His

Oregon Water Resources Department

Program Analyst, Certificate Section, Water Right Services Division

725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-986-0811

From: John Warinner <jwarinner@aspectconsulting.com>
Sent: Monday, April 19, 2021 2:41 PM
To: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

Hi Gerry –

Do you have any record of receiving a Claim of Beneficial Use for [Permit G-13114](#)?

Thank you,

JohnW

John Warinner, PE, CWRE | Aspect Consulting LLC | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103

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From: John Warinner
Sent: Monday, April 19, 2021 2:38 PM
To: Codi Holmes <codi.n.holmes@oregon.gov>
Subject: App G-13949 and Permit G-13114 | 60-Day Letter

Hi Codi –

I was recently contacted by a realtor who is involved with the property associated with [Permit G-13114](#). At her request, I just started reviewing the documents available on WRIS. Could you provide me with (or direct me to) a copy of the 60 Day Letter mailed by OWRD on April 9, 2021?

Thank you,

JohnW

John Warinner, PE, CWRE | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103
Aspect Consulting LLC | 532 SW 13th Street, Suite 103, Bend, OR 97702 | www.aspectconsulting.com

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CLARK Gerald E * WRD

From: CLARK Gerald E * WRD
Sent: Tuesday, June 15, 2021 3:10 PM
To: John Warinner
Cc: bevdc@frontiernet.net; HOLMES Codi N * WRD
Subject: RE: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

John,

8/17/2021 AC

I have placed a 60 day hold action on the permit (see workflow for the permit):

[Permit: G 13114 * \(state.or.us\)](#)

Please let me know if there is a good time for you to meet. Since I last replied, in addition to 8:15 – 8:45 tomorrow, I am also busy from 9:15 – 10:15 tomorrow morning.

I will be out of the office on Thursday this week, but am available on Friday before 2:00

Gerry

Gerry Clark

He/Him/His

Oregon Water Resources Department

Program Analyst, Certificate Section, Water Right Services Division

725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-979-9103

From: John Warinner <jwarinner@aspectconsulting.com>
Sent: Tuesday, June 15, 2021 2:45 PM
To: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Cc: bevdc@frontiernet.net; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Subject: Re: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

Yes thank you Gerry.

JW

John Warinner, PE, CWRE | Associate Water Resources Engineer | Direct: [541.306.3614](tel:541.306.3614) | Cell: [541.815.4103](tel:541.815.4103)
Aspect Consulting LLC | 532 SW 13th Street, Suite 103, Bend, OR 97702 | www.aspectconsulting.com

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From: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Sent: Tuesday, June 15, 2021 9:10:10 AM
To: John Warinner <jwarinner@aspectconsulting.com>
Cc: bevdc@frontiernet.net <bevdc@frontiernet.net>; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Subject: RE: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

John,

I have discussed the situation with Codi. I plan to work with you regarding possible paths for moving forward. Do you have any time available either today or tomorrow when we could meet either by phone or through Teams?

My schedule is wide open except for a meeting tomorrow morning from 8:15 to 8:45.

Thanks

Gerry

Gerry Clark

He/Him/His

Oregon Water Resources Department

Program Analyst, Certificate Section, Water Right Services Division

725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-979-9103

From: CLARK Gerald E * WRD

Sent: Tuesday, June 15, 2021 6:00 AM

To: John Warinner <jwarinner@aspectconsulting.com>

Cc: bevdc@frontiernet.net; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>

Subject: RE: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

John,

I will meet with Codi to discuss your questions. One of us will respond back to you within the next day.

Regardless of the plan moving forward, it would seem reasonable to place a hold on the 60 Day Process to allow time for the submittal of whatever will be coming (claim, extension, permit amendment). Would an additional 60 days be enough time?

Gerry

Gerry Clark

He/Him/His

Oregon Water Resources Department

Program Analyst, Certificate Section, Water Right Services Division

725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-979-9103

From: John Warinner <jwarinner@aspectconsulting.com>

Sent: Monday, June 14, 2021 12:21 PM

To: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>

Cc: bevdc@frontiernet.net

Subject: TIME SENSITIVE | Adair Brown | App G-13949 and Permit G-13114 | 60-Day Letter | CBU Site Visit

Hi Gerry and Codi –

Over the past several weeks, I have been communicating with Adair Brown and initiating DRAFT documents for the Claim of Beneficial Use for the referenced permit.

Yesterday, I performed my Claim of Beneficial Use site visit for Adair Brown's Permit G-13114.

In the course of my site visit and associated meeting with Adair, I became aware of several variations from the permit that I would like to discuss with you:

1. Points of Appropriation
 - a. The actual location of POD 3 is in a different (adjacent) quarter-quarter section than the location authorized in the amended permit.
 - b. A fourth well (POD 4) is being used that is not authorized in the amended permit.
2. Place of Use
 - a. The actual place of use differs from the place of use authorized in the amended permit (actual acreage is less than or equal to authorized acreage).
3. Conditions (meters)
 - a. The amended permit includes conditions requiring installation of "a meter or other approved measuring device." In this case, the permit specifically uses the term "meter" rather than "inline flowmeter" as is used on some water right permits. The water right owner installed flowmeters on several of the wells, but they proved to be difficult to keep working reliably due to the quality of the groundwater being pumped. So we would prefer to reference the dedicated electrical meters associated with each well as a suitable measuring device.

I have attached two Work Maps to help illustrate the details of the first two variations.

In the past, Gerry has mentioned two different approaches to address variations: through the Claim of Beneficial Use; or through a Permit Amendment process.

Given the time limit established under the 60-Day Letter, I request your guidance on whether we can proceed with documenting these changes with the Claim of Beneficial Use... or if we should focus instead on submitting a Request for Time Extension, followed by a Request for Permit Amendment, followed by a Claim of Beneficial Use.

I also request some flexibility in the deadline established on the 60-Day Letter (June 18, 2021). Depending on the pathway we take from here, we may need a little extra time to produce documents, gather signatures and submit the appropriate documents to OWRD.

Please let me know if you would like to discuss the details by phone before you respond to us via email.

Thank you both,
JohnW

John Warinner, PE, CWRE | Aspect Consulting LLC | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103

This email is intended solely for the addressee(s) and may contain confidential or legally privileged information. If you are not the intended recipient, please immediately alert the sender by reply email and delete this message and any attachments without storing, copying, distributing, or using the contents.

From: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>

Sent: Wednesday, April 21, 2021 9:01 AM

To: John Warinner <jwarinner@aspectconsulting.com>; HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>

Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

John,

Here is a copy of the 60 Day Letter and resource sheet that was included.

Please let us know if you have any additional questions.

Gerry

Gerry Clark

He/Him/His

Oregon Water Resources Department

Program Analyst, Certificate Section, Water Right Services Division

725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-979-9103

From: John Warinner <jwarinner@aspectconsulting.com>
Sent: Tuesday, April 20, 2021 7:16 AM
To: HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Cc: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

Thank you! I appreciate your help with this.
JohnW

John Warinner, PE, CWRE | Aspect Consulting LLC | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103

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From: HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>
Sent: Tuesday, April 20, 2021 7:14 AM
To: John Warinner <jwarinner@aspectconsulting.com>
Cc: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

Here's a copy of it.

Codi Holmes

Certificate Specialist

Oregon Water Resources

725 Summer St NE Suite A

Salem OR 97301

503-986-0887



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

From: John Warinner <jwarinner@aspectconsulting.com>
Sent: Tuesday, April 20, 2021 7:12 AM
To: HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>; CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

Thank you Gerry and Codi. Does the letter communicate a standard message and call to action that you can summarize for me?
JohnW

John Warinner, PE, CWRE | Aspect Consulting LLC | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103

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From: HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>

Sent: Tuesday, April 20, 2021 7:10 AM

To: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>; John Warinner <jwarinner@aspectconsulting.com>

Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

I was in the office yesterday, I likely won't be until next week at the earliest. Gerry this file should be in the "Compliance Cube". Thank you for handling this while you're in the office.

Codi Holmes

Certificate Specialist
Oregon Water Resources
725 Summer St NE Suite A
Salem OR 97301
503-986-0887



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

From: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>

Sent: Tuesday, April 20, 2021 6:43 AM

To: John Warinner <jwarinner@aspectconsulting.com>

Cc: HOLMES Codi N * WRD <Codi.N.Holmes@oregon.gov>

Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

John,

We do not scan the 60 day letter into WRIS.

Due to our schedules, I am not sure when Codi plans to be in the office next. I plan to head into the office tomorrow and can get you a copy if Codi is unable to.

Gerry

From: John Warinner <jwarinner@aspectconsulting.com>

Sent: Tuesday, April 20, 2021 6:34 AM

To: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>

Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

Thank you Gerry. I did not find a link to access a copy of the 60 Day Letter. Is the letter available online? If not, is Codi Holmes the best person to provide a copy of it?

Thanks again,

JohnW

John Warinner, PE, CWRE | Aspect Consulting LLC | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103

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From: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Sent: Tuesday, April 20, 2021 6:27 AM
To: John Warinner <jwarinner@aspectconsulting.com>
Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

John,

Due to the mailing of a 60 day letter, I would say that we have not received a Claim for this permit. Prior to the mailing of the 60 day letter the file is reviewed to confirm that no claim has been submitted.

Gerry

Gerry Clark
He/Him/His
Oregon Water Resources Department
Program Analyst, Certificate Section, Water Right Services Division
725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-986-0811

From: John Warinner <jwarinner@aspectconsulting.com>
Sent: Monday, April 19, 2021 2:41 PM
To: CLARK Gerald E * WRD <Gerald.E.Clark@oregon.gov>
Subject: RE: App G-13949 and Permit G-13114 | 60-Day Letter

Hi Gerry –
Do you have any record of receiving a Claim of Beneficial Use for [Permit G-13114](#)?
Thank you,
JohnW

John Warinner, PE, CWRE | Aspect Consulting LLC | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103

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From: John Warinner
Sent: Monday, April 19, 2021 2:38 PM
To: Codi Holmes <codi.n.holmes@oregon.gov>
Subject: App G-13949 and Permit G-13114 | 60-Day Letter

Hi Codi –
I was recently contacted by a realtor who is involved with the property associated with [Permit G-13114](#). At her request, I just started reviewing the documents available on WRIS. Could you provide me with (or direct me to) a copy of the 60 Day Letter mailed by OWRD on April 9, 2021?
Thank you,
JohnW

John Warinner, PE, CWRE | Associate Water Resources Engineer | Direct: 541.306.3614 | Cell: 541.815.4103
Aspect Consulting LLC | 532 SW 13th Street, Suite 103, Bend, OR 97702 | www.aspectconsulting.com

This email is intended solely for the addressee(s) and may contain confidential or legally privileged information. If you are not the intended recipient, please immediately alert the sender by reply email and delete this message and any attachments without storing, copying, distributing, or using the contents.



Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE Ste A

Salem, OR 97301-1266

Phone: 503-986-0900

Fax: 503-986-0904

www.Oregon.gov/OWRD

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

www.oregon.gov/OWRD

Certified mail number 7018 0680 0002 0041 6814

April 9, 2021

ADAIR BROWN
HC 10 BOX 16
DAVIS CREEK, CA 96108

Reference: Application G-13949, Permit G-13114

Dear Permit Holder:

This letter is in regard to your water use permit as referenced above. Your permit required you to complete the development of your water use by October 1, 2001.

In order for the Department to consider issuance of a certificate of water right, you are required by law to hire a certified water right examiner to prepare and submit a claim of beneficial use that includes a final proof survey map of the development. The map and claim of beneficial use were to have been submitted to our Department within one year of October 1, 2001. The fee for submitting a claim of beneficial use is \$200.00. Please see the enclosed 'Resource Sheet' for our current database of CWRE's.

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

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

If you have not submitted either a Claim of Beneficial Use or a request for an extension of time for your permit within 60 days of the date of this letter (June 18, 2021) the Department may issue a Final Order to cancel your permit without further notice. If the Department issues a Final Order to cancel your permit, and you request reconsideration of the final order and reinstatement of your permit, there is a \$520.00 reinstatement fee that is charged in addition to the claim of beneficial use or extension of time fee.

Should you have any questions, please contact me at Codi.N.Holmes@oregon.gov, the address above or by telephone at 503-986-0887. Due to Covid-19, email may be the best way to reach me.

Sincerely,

Leona Albin

for

Codi Holmes
Certificate Specialist

Enclosures (1)

cc: File
OWRD Watermaster District 12



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

Voluntary Cancellation of a Permit

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

Additional information and links to the forms are available at:

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

- For questions related to Voluntary Cancellation of a Permit, contact Mary Bjork by phone at 503-986-0817 or by email at Mary.F.Bjork@oregon.gov

Application for Permit Extension of Time

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

Additional information and links to the forms are available at:

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

- For questions related to Extensions of Time, contact Jeffrey Pierceall by phone at 503-986-0802 or by email at Jeffrey.D.Pierceall@oregon.gov

Assignments

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

Additional information and links to the forms are available at:

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

- For questions related to Assignments, contact Mary Bjork by phone at 503-986-0817 or by email at Mary.F.Bjork@oregon.gov

Mailing List for 60-Day Letter

Application: G-13949

Permit: G-13114

Permit Holder(s):

ADAIR BROWN
HC 10 BOX 16
DAVIS CREEK CA 96108

Copies Mailed	
by: <u>La</u>	(STAFF)
on: <u>4-9-21</u>	(DATE)

Is the Permit Holder(s) of record currently identified as a landowner of any tax lots involved as confirmed by the County records? YES NO

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

1. Watermaster District #12
2. File

Other persons to receive copies:

- 1.

7018 0680 0002 0041 6814

U.S. Postal Service™	
CERTIFIED MAIL® RECEIPT	
Domestic Mail Only	
For delivery information, visit our website at www.usps.com	
OFFICIAL USE	
Certified Mail Fee \$	Postmark Here
Extra Services & Fees (check box, add fee as appropriate)	
☐ Return Receipt (hardcopy) \$	
☐ Return Receipt (electronic) \$	
☐ Certified Mail Restricted Delivery \$	
☐ Adult Signature Required \$	
☐ Adult Signature Restricted Delivery \$	
Postage \$	
Total Postage and Fees \$	
Sent To	
Street and Apt. No., or PO Box No.	
City, State, ZIP+4®	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

Page 1

PERMIT STATUS REVIEW BY: Holmes

DATE: 3.9.21

FILE # G 13949

update WRIS if appropriate

Date information received

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

Send cancellation order Y N

2. IF NONE OF THE ABOVE APPLY

Reinstatement Dec. 19 2018

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

"C" DATE Oct. 1 2010 BASIN NUMBER 13 WM # 12

CWRE or AGENT Yes/No

3. AOI	Yes	NO	If Yes, name(s) of AOI
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100			

4. Current Landowner(s) and Mailing Address

If new owner: _____

County of Place of Use Lake Co. Tax Lot(s) _____

Attach copy of email from County Assessor or Printout from Assessor's Site

Contacts regarding 60 Day Letter:

Hold Action Request from Permit/Landowner – Date of Request _____ Requesting Parties Name _____

Hold Action Until (Date)

No more than 60 days beyond original deadline to submit an extension, assignment, or Alt Res CBU

Hold Action Request from CWRE – Date of Request	CWRE Name
---	-----------

Hold Action Until (Date) _____

No more than 6 months beyond original deadline to submit a CBU

COMPLETENESS PROJECT

Page 2

Final Cancellation Review

PERMIT STATUS REVIEW BY _____ DATE _____

1. C Date ____/____/____
 2. Certified Letter Date ____/____/____
 3. Return Receipt Rcvd. ____/____/____
 4. Return Receipt Signed By _____
 5. Other Communication: ____/____/____
-

Recommend Cancellation ☐ or
Hold Action until ____/____/____

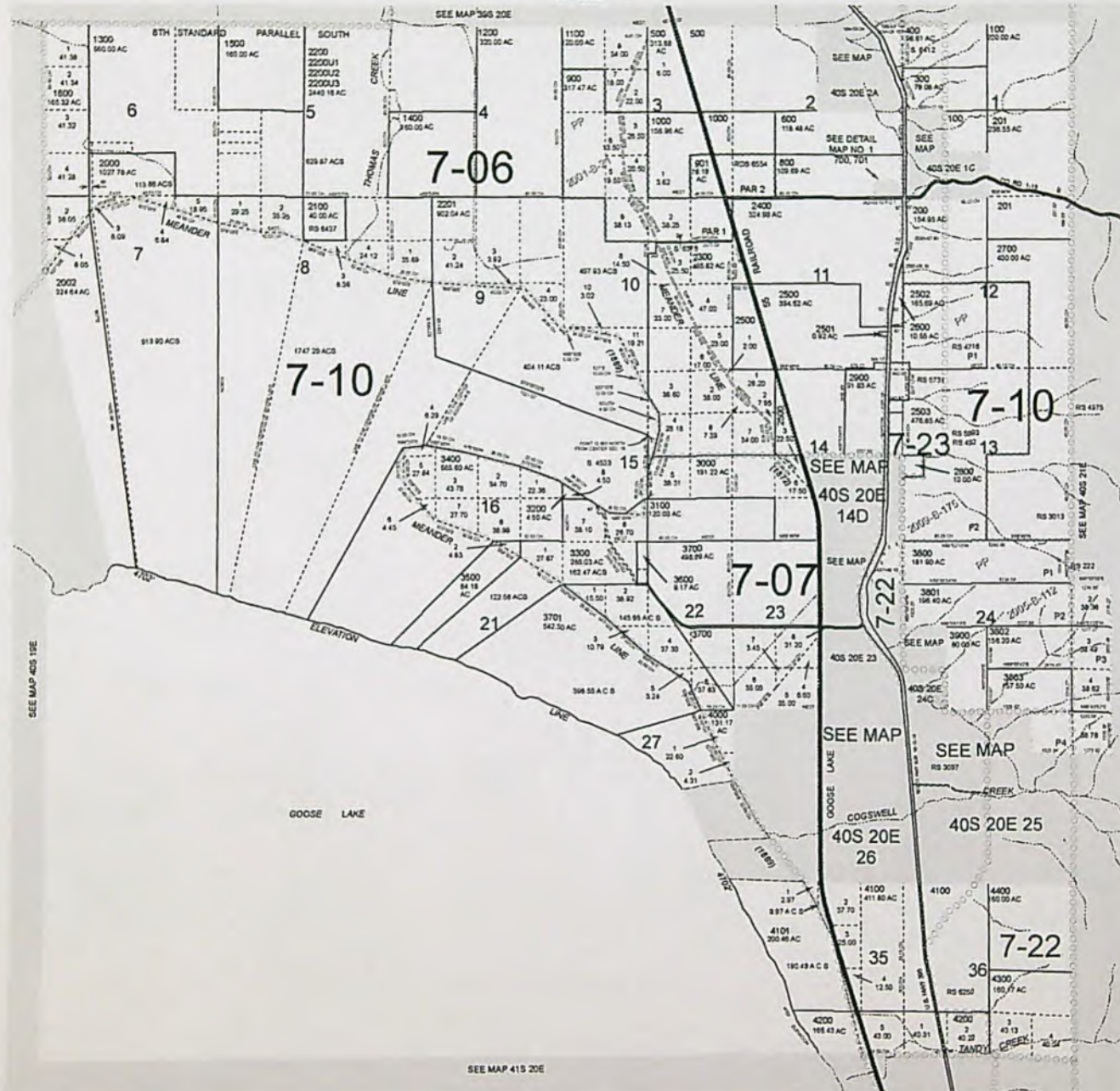
THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

T.40S. R.20E. W.M.
LAKE COUNTY
1" = 2000'

40S20E

4/17/2019

CANCELLED
1301
3801
4500
1700
1600
1901
1900
2001



40S20E



Lake County Property Summary Report

Report Date: 3/5/2021 9:41:42 AM

Disclaimer

The information and maps presented in this report are provided for your convenience. Every reasonable effort has been made to assure the accuracy of the data and associated maps. Lake County makes no warranty, representation or guarantee as to the content, sequence, accuracy, timeliness or completeness of any of the data provided herein. Lake County explicitly disclaims any representations and warranties, including, without limitation, the implied warranties of merchantability and fitness for a particular purpose. Lake County shall assume no liability for any errors, omissions, or inaccuracies in the information provided regardless of how caused. Lake County assumes no liability for any decisions made or actions taken or not taken by the user of this information or data furnished hereunder.

Account Summary

Account Information

Mailing Name: BROWN C. ADAIR
Map and Taxlot: 40S20E00-00-03000
Account: 15844
Tax Status: Taxable
Situs Address: UNDETERMINED SITUS ADDRESS

Ownership

Mailing Address:
BROWN C. ADAIR
1250 COUNTY RD 52
DAVIS CREEK, CA 96108-7506

Property Taxes

Current Tax Year: 2020
Tax Code Area: 0707

Assessment

Subdivision:
Lot:
Block:
Assessor Acres: 191.22
Property Class: 550

Valuation

Real Market Values as of Jan. 1, 2020

Land \$218,730

Structures

Total \$218,730

Current Assessed Values:

Maximum Assessed \$0

Assessed Value \$44,976

Veterans Exemption \$0.00

Warnings, Notations, and Special Assessments

Valuation History *All values are as of January 1 of each year. Tax year is July 1st through June 30th of each year.*

	2010 - 2011	2011 - 2012	2012 - 2013	2013 - 2014	2014 - 2015
Real Market Value - Land	\$186,666	\$186,666	\$186,344	\$195,620	\$207,363
Real Market Value - Structures	\$4,645	\$41,360	\$0	\$0	\$0
Total Real Market Value	\$191,311	\$228,026	\$186,344	\$195,620	\$207,363
Maximum Assessed Value	\$0	\$0	\$0	\$0	\$0
Total Assessed Value	\$0	\$0	\$35,506	\$36,570	\$37,667
Exemption Value	\$0	\$0	\$0	\$0	\$0



Lake County Property Summary Report

Report Date: 3/5/2021 9:41:03 AM

Disclaimer

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Account Summary

Account Information

Mailing Name: BROWN C ADAIR
Map and Taxlot: 40S20E00-00-02300
Account: 15832
Tax Status: Taxable
Situs Address: 96556 CRANE CREEK LN , LAKEVIEW OR 97630

Property Taxes

Current Tax Year: 2020
Tax Code Area: 0706

Assessment

Subdivision:
Lot:
Block:
Assessor Acres: 465.82
Property Class: 559

Ownership

Mailing Address:
BROWN C ADAIR
1250 COUNTY RD 52
DAVIS CREEK, CA 96108-7506

Valuation

Real Market Values as of Jan. 1, 2020

Land	\$765,430
Structures	\$125,920
Total	\$891,350

Current Assessed Values:

Maximum Assessed	\$136,841
Assessed Value	\$285,809
Veterans Exemption	\$0.00

Warnings, Notations, and Special Assessments

Valuation History *All values are as of January 1 of each year. Tax year is July 1st through June 30th of each year.*

	2010 - 2011	2011 - 2012	2012 - 2013	2013 - 2014	2014 - 2015
Real Market Value - Land	\$863,635	\$863,635	\$894,489	\$937,509	\$710,225
Real Market Value - Structures	\$0	\$0	\$133,001	\$132,171	\$131,990
Total Real Market Value	\$863,635	\$863,635	\$1,027,490	\$1,069,680	\$842,215
Maximum Assessed Value	\$0	\$0	\$112,308	\$115,677	\$119,147
Total Assessed Value	\$154,906	\$158,687	\$112,308	\$115,677	\$119,147
Exemption Value	\$0	\$0	\$0	\$0	\$0

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

ADAIR BROWN
HC10 BOX 16
DAVIS CREEK, CA 96108



9590 9402 3788 8032 06!

2. Article Number (Transfer from service label)

7018 0360 0000 1345 5605

PS Form 3811, July 2015 PSN 7530-02-000-9053 Tm/comp.

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Beverly Palmer

☒ Agent☐ Addressee

B. Received by (Printed Name)

Beverly Palmer

C. Date of Delivery

10/19/18

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

5
k, CA 96108

RECEIVED

- 12/20/18
- very
- OWRD
- ☐ Priority Mail Express®
 - ☐ Registered Mail™
 - ☐ Registered Mail Restricted Delivery
 - ☐ Return Receipt for Merchandise
 - ☐ Signature Confirmation™
 - ☐ Signature Confirmation Restricted Delivery

- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)

SENDER: COMPLETE THIS SECTION

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

G-13949
Adair Brown
HC 10 Box 16
Davis Creek, CA. 96108



9590 9402 4402 8248 9865 44

2. Article Number (Transfer from service label)

7018 0680 0002 0041 3455

PS Form 3811, July 2015 PSN 7530-02-000-9053 Tm/Rein.

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Beverly Palmer

☒ Agent☐ Addressee

B. Received by (Printed Name)

Beverly Palmer

C. Date of Delivery

12/27/18

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

1250 Co Rd 52
Davis Creek, CA
96108

RECEIVED
DEC 31 2018
OWRD

3. Service Type

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

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

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

ADAIR BROWN
HC10 BOX 16
DAVIS CREEK, CA 96108



9590 9402 3788 8032 0656 08

2. Article Number (Transfer from service label)

7018 0360 0000 1345 5665

PS Form 3811, July 2015 PSN 7530-02-000-9053 TM/comp.

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☒ Agent☐ Addressee

B. Received by (Printed Name)

Beverly Palmer

C. Date of Delivery

10/19/18

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

P.O. Box 65
Davis Creek, CA 96108

RECEIVED

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

OCT 23 2018

OWRD

SENDER: COMPLETE THIS SECTION

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

G-13949
Adair Brown
HC 10 Box 16
Davis Creek, CA. 96108



9590 9402 4402 8248 9865 44

2. Article Number (Transfer from service label)

7018 0680 0002 0041 3455

PS Form 3811, July 2015 PSN 7530-02-000-9053 TM/Rein.

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☒ Agent☐ Addressee

B. Received by (Printed Name)

Beverly Palmer

C. Date of Delivery

12/27/18

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

250 Co Rd 52
Davis Creek, CA
96108

RECEIVED
DEC 31 2018
OWRD

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☒ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

USPS TRACKING#



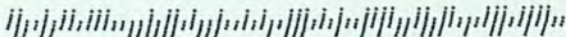
9590 9402 3788 8032 0656 08



United States
Postal Service

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

Oregon Water Resources Department
725 Summer St. NE, Ste. A
Salem, Or. 97301



USPS TRACKING#



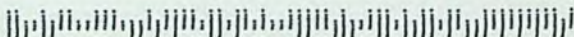
9590 9402 4402 8248 9865 44



United States
Postal Service

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

Oregon Water Resources Department
725 Summer St. NE, Ste. A
Salem, OR. 97301-1266



IN THE MATTER OF THE)
REINSTATEMENT OF PERMIT G-13114) ORDER

1. On October 12th, 2018, the Department cancelled this permit in accordance with the provisions of ORS 537.260.
2. The Permittee requested reconsideration of the October 12th, 2018, order canceling the permit.
3. The petition for reconsideration was submitted within the timeline provided by the order, and necessary re-instatement fees required under ORS 536.050 were received.

<u>Name</u>	<u>Basin Number</u>	<u>Watermaster District</u>	<u>Application Number</u>	<u>Permit Number</u>
ADAIR BROWN	13	12	G-13949	G-13114

1. Permit(s) may be re-instated by the Department upon reconsideration pursuant to OAR 137-004-0080.

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


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

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

**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 # **128340**

INVOICE # _____

RECEIVED FROM: Davis Creek Land
BY: + Cattle; Adair Brown

APPLICATION	<u>G-13949</u>
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 15272 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 520.00

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) <u>Reinstate Canceled Permit</u>	\$ <u>520.00</u>
TC162	DEPOSIT LIAB. (IDENTIFY)	\$
0240	EXTENSION OF TIME	\$
WATER RIGHTS:		
0201	SURFACE WATER	EXAM FEE \$
0203	GROUND WATER	0202 \$
0205	TRANSFER	0204 \$
WELL CONSTRUCTION		
0218	WELL DRILL CONSTRUCTOR	EXAM FEE \$
	LANDOWNER'S PERMIT	0219 \$
	OTHER (IDENTIFY)	0220 \$
		RECORD FEE
		LICENSE FEE

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: **128340**

DATED: 11/1/18

BY: C. W. Waltrich

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON

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

Findings of Fact

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

PERMIT(S) TO USE GROUNDWATER:

Name	Basin Number	Watermaster District	Application Number	Permit Number
ADAIR BROWN	13	12	G-13949	G-13114

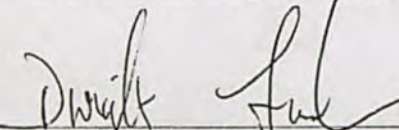
Conclusions of Law

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

Order

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

Dated at Salem, Oregon on October 12th, 2018.


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

RE-INITIATE
JR
PLACED IN U.S. MAIL OCT 15 2018
BY OREGON WATER RESOURCES DEPARTMENT

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

Special Order Volume 109 Page 711

RECEIVED

NOV 01 2018

OWRD

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON

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

Findings of Fact

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

PERMIT(S) TO USE GROUNDWATER:

Name	Basin Number	Watermaster District	Application Number	Permit Number
ADAIR BROWN	13	12	G-13949	G-13114

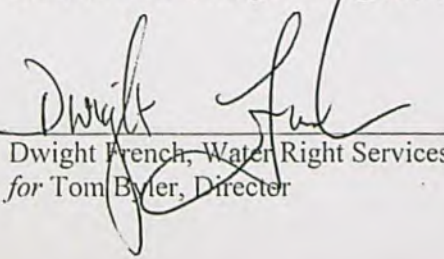
Conclusions of Law

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Order

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

Dated at Salem, Oregon on October 12th, 2018.


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

PLACED IN U.S. MAIL OCT 15 2018
BY OREGON WATER RESOURCES DEPARTMENT

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

PATS Links: [PATS Home](#) [Help](#)| [Lake County Links: Home](#) [Other Property Applications](#)[Other Online Applications](#)

LAKE COUNTY PROPERTY INFORMATION

Summary for account #15832

Summary information is displayed for the selected property.

Account Information

Mailing Name: BROWN C ADAIR
Map and Taxlot: 40S20E000002300
Account: 15832
Situation Address: 96556 CRANE CREEK LN LAKEVIEW, OR 97630
Tax Status: Taxable

Warning

This account may have potential additional tax liabilities, taxes due, or other special development conditions.

Ownership

Mailing To:
BROWN C ADAIR
HC 10 BOX 16
DAVIS CREEK, CA 96108

Taxes

Property Tax (Current Year): \$3,557.39
Tax Code Area: 706

Assessment

Assessor Acres: 465.82
Property Class: 559

Valuation

Current Year Value Summary
As of Jan.1, 2016 - 2017 Tax Year

Real Market Values:

Land	\$726,003
Structures	\$129,048
Total	\$298,053

Assessed Values:

Specially Assessed	\$126,403
Assessed Value	\$266,769
Veterans Exemption	\$0

THE INFORMATION AND MAPS ACCESSED THROUGH THIS WEB SITE PROVIDE A VISUAL DISPLAY FOR YOUR CONVENIENCE. EVERY REASONABLE EFFORT HAS BEEN MADE TO ASSURE THE ACCURACY OF THE MAPS AND ASSOCIATED DATA. LAKE COUNTY MAKES NO WARRANTY, REPRESENTATION OR GUARANTEE AS TO THE CONTENT, SEQUENCE, ACCURACY, TIMELINESS OR COMPLETENESS OF ANY OF THE DATA PROVIDED HEREIN. LAKE COUNTY EXPLICITLY DISCLAIMS ANY REPRESENTATIONS AND WARRANTIES, INCLUDING, WITHOUT LIMITATION, THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. LAKE COUNTY SHALL ASSUME NO LIABILITY FOR ANY ERRORS, OMISSIONS, OR INACCURACIES IN THE INFORMATION PROVIDED REGARDLESS OF HOW CAUSED. LAKE COUNTY ASSUMES NO LIABILITY FOR ANY DECISIONS MADE OR ACTIONS TAKEN OR NOT TAKEN BY THE USER OF THIS INFORMATION OR DATA FURNISHED HEREUNDER.

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LAKE COUNTY PROPERTY INFORMATION

Summary for account #15844

Summary information is displayed for the selected property.

Account Information

Mailing Name: BROWN C. ADAIR

Map and Taxlot: 40S20E000003000

Account: 15844

Situs Address: UNDETERMINED SITUS ADDRESS UNDETERMINED CITY, OR

Tax Status: Taxable

Warning

This account may have potential additional tax liabilities, taxes due, or other special development conditions.

Ownership

Mailing To:

BROWN C. ADAIR

HC 10 BOX 16

DAVIS CREEK, CA 96108

Taxes

Property Tax (Current Year): \$600.88

Tax Code Area: 707

Assessment

Assessor Acres: 191.22

Property Class: 550

Valuation

Current Year Value Summary

As of Jan.1, 2016 - 2017 Tax Year

Real Market Values:

Land	\$211,531
Structures	\$00
Total	\$47,744

Assessed Values:

Specially Assessed	\$0
Assessed Value	\$39,962
Veterans Exemption	\$0

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PATS Links: PATS Home Help

| Lake County Links: Home

Other Property Applications

Other Online Applications

LAKE COUNTY PROPERTY INFORMATION

Summary for account #19437

Summary information is displayed for the selected property.

Account Information

Mailing Name: KEEGAN MATTHEW JAMES III

Map and Taxlot: 40S20E000002201

Account: 19437

Situs Address: UNDETERMINED SITUS ADDRESS UNDETERMINED CITY, OR

Tax Status: Taxable

Warning

This account may have potential additional tax liabilities, taxes due, or other special development conditions.

Ownership

Mailing To:

KEEGAN MATTHEW JAMES III

2626 BEAR VALLEY RD

WILLIAMS, CA 95987

Taxes

Property Tax (Current Year): \$768.82

Tax Code Area: 710

Assessment

Assessor Acres: 404.11

Property Class: 550

Valuation

Current Year Value Summary

As of Jan.1, 2016 - 2017 Tax Year

Real Market Values:

Land	\$494,631
Structures	\$00
Total	\$63,207

Assessed Values:

Specially Assessed	\$0
Assessed Value	\$59,238
Veterans Exemption	\$0

THE INFORMATION AND MAPS ACCESSED THROUGH THIS WEB SITE PROVIDE A VISUAL DISPLAY FOR YOUR CONVENIENCE. EVERY REASONABLE EFFORT HAS BEEN MADE TO ASSURE THE ACCURACY OF THE MAPS AND ASSOCIATED DATA. LAKE COUNTY MAKES NO WARRANTY, REPRESENTATION OR GUARANTEE AS TO THE CONTENT, SEQUENCE, ACCURACY, TIMELINESS OR COMPLETENESS OF ANY OF THE DATA PROVIDED HEREIN. LAKE COUNTY EXPLICITLY DISCLAIMS ANY REPRESENTATIONS AND WARRANTIES, INCLUDING, WITHOUT LIMITATION, THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. LAKE COUNTY SHALL ASSUME NO LIABILITY FOR ANY ERRORS, OMISSIONS, OR INACCURACIES IN THE INFORMATION PROVIDED REGARDLESS OF HOW CAUSED. LAKE COUNTY ASSUMES NO LIABILITY FOR ANY DECISIONS MADE OR ACTIONS TAKEN OR NOT TAKEN BY THE USER OF THIS INFORMATION OR DATA FURNISHED HEREUNDER.

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THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

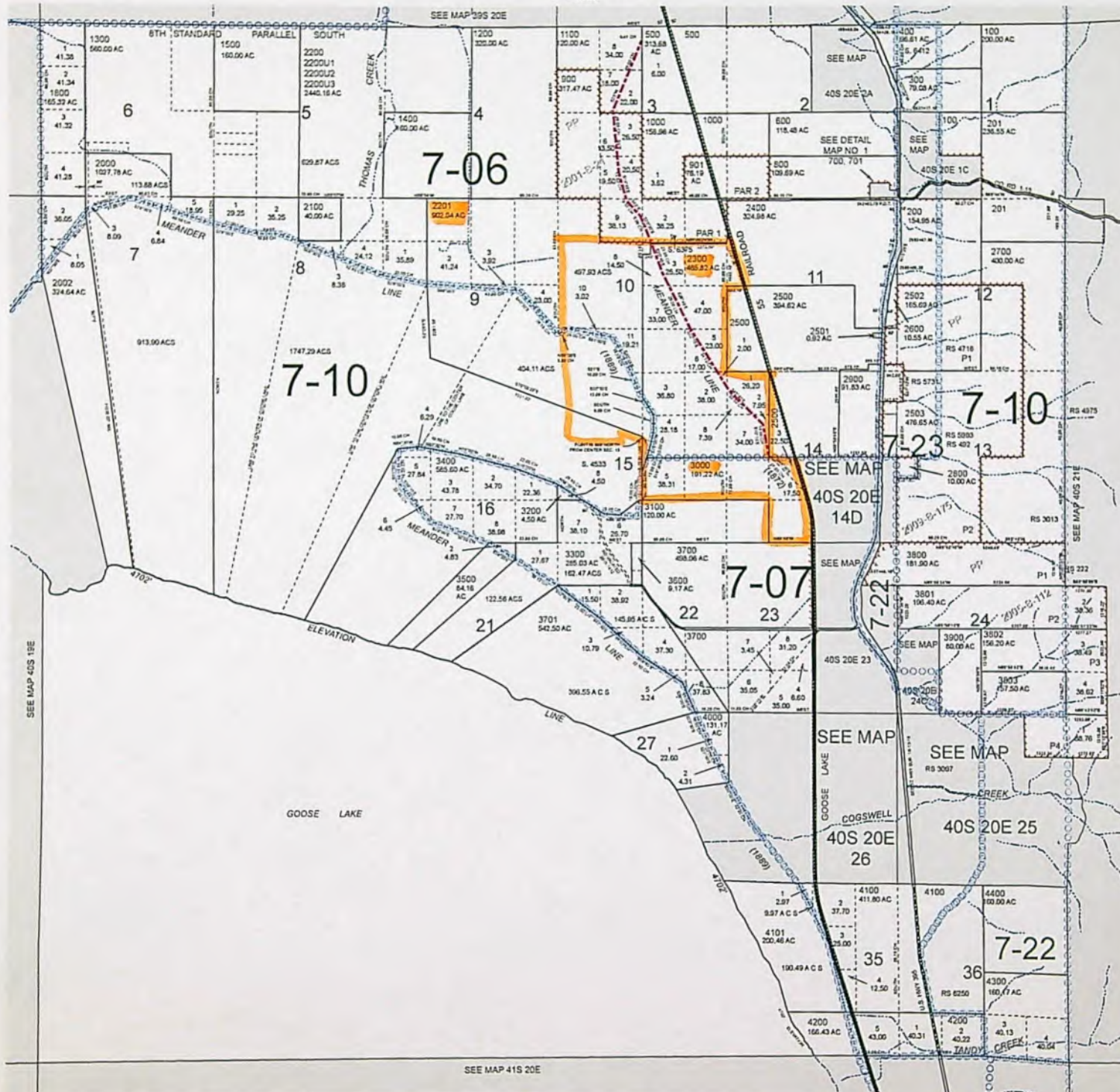
T.40S. R.20E. W.M.
LAKE COUNTY
1" = 2000'

40S20E

LCATDWC - 2016-04-11 12:00

CANCELLED

1301
3601
4500
1700
1600
1901
1800
2001



SEE MAP 41S 20E

40S20E

SENDER: COMPLETE THIS SECTION

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

ADAIR BROWN
HC 10 BOX 16
DAVIS CREEK, CA 96108



9590 9402 1623 6053 0248 26

2. Article Number (Transfer from service label)

7016 1370 0000 0680 7774

COMPLETE THIS SECTION ON DELIVERY

A. Signature

Beverly Palmer

☒ Agent

☐ Addressee

B. Received by (Printed Name)

Beverly Palmer

C. Date of Delivery

11/8/16

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☒ No

G-3949

NOV 14 2016

3. Service Type

☐ Adult Signature

☐ Adult Signature Restricted Delivery

☒ Certified Mail®

☐ Certified Mail Restricted Delivery

☐ Collect on Delivery

☐ Collect on Delivery Restricted Delivery

☐ Insured Mail

☐ Insured Mail Restricted Delivery
(over \$500)

☐ Priority Mail Express®

☐ Registered Mail™

☐ Registered Mail Restricted
Delivery

☒ Return Receipt for
Merchandise

☐ Signature Confirmation™

☐ Signature Confirmation
Restricted Delivery

USPS TRACKING #



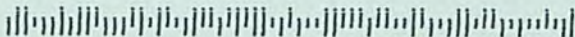
9590 9402 1623 6053 0248 26



United States
Postal Service

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

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





Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone (503) 986-0900

Fax (503) 986-0904

www.wrd.state.or.us

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

November 1, 2016

Certified mail number 7016 1370 0000 0680 7774

Return receipt requested

ADAIR BROWN
HC 10 BOX 16
DAVIS CREEK, CA 96108

Reference: Application G-13949, Permit G-13114

Dear Permit Holder:

This letter is in regard to your water use permit as referenced above. Your permit required you to complete the development of your water use by October 1, 2010.

In order for the Department to consider issuance of a certificate of water right, you are required by law to hire a certified water right examiner to prepare and submit a claim of beneficial use that includes a final proof survey map of the development. The map and claim of beneficial use were to have been submitted to our Department within one year of October 1, 2010. The fee for submitting a claim of beneficial use is \$175.00. Please see the enclosed 'Resource Sheet' for our current database of CWRE's.

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

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

If you have not submitted either a Claim of Beneficial Use or a request for an extension of time for your permit within 60 days of the date of this letter (December 30, 2016) the Department may issue a Final Order to cancel your permit without further notice. If the Department issues a Final Order to cancel your permit, and you request reconsideration of the final order and reinstatement of your permit, there is a \$450.00 reinstatement fee that is charged in addition to the claim of beneficial use or extension of time fee.

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

Sincerely,

Jerry Sauter
Water Rights Program Analyst

Enclosures (1)

cc: File G-13949

OWRD Watermaster District 12

*Cancel
FTMP
cc
8/17/17*



PERMIT STATUS REVIEW BY Corey Courchane DATE _____ FILE # _____

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

no Extension pending _____

no Assignment is pending _____

no Cancellation has been requested _____

yes ~~yes~~ Dept. has already sent a certified 60-Day Compliance letter (date 3/31/03, # 1105 2196)

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

Was mail deliverable as addressed? Y N date 4/3/03

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

Re-send Cert. Letter ? Y N date _____

Send cancellation order Y N

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

Date information received _____

2. IF NONE OF THE ABOVE APPLY

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

"C" DATE October 1, 2005 BASIN NUMBER _____ WM # _____

CWRE or AGENT Glendon's Hydro Tech Services 93291 Pike Ln Lukeview OR 97630

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

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

Send letter
10-17-06
cc

U3080

app G-13949 (perm + 13114)

USER-ID 29418

2007

Oregon Water Resources Department
October 2007 through September 2008
Annual Water Use - Monthly Quantities Form

2008

Facility →					
Report ID →					
October - 2007	0				
November - 2007	0				
December - 2007	0				
January - 2008	0				
February - 2008	0				
March - 2008	0				
April - 2008	0				
May - 2008	50				
June - 2008	167				
July - 2008	167				
August - 2008	147				
September - 2008	50				
Total *					

RECEIVED

MAR 16 2009

WATER RESOURCES DEPT
SALEM, OREGON

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

Describe the method of measurement used: GPM x hr.If used for irrigation, total number of acres irrigated: 200

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

Signature Adair Brown

Signature

Title Owner

Title

Reporting Entity

Date

Name Adair Brown

Name

Mailing Address Hc 10 Box 16

Mailing Address

Davis Grub Co. 96108

Phone Number 530 233 2433

Phone Number

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



Oregon

Theodore R. Kulongoski, Governor

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

October 6, 2008

ADAIR BROWN
HC 10 BOX 16
DAVIS CREEK, CA 96108

REFERENCE: User Id and Password 29418

Dear Water User,

You are receiving this letter as a reminder of a water use reporting requirement listed on a water right. Online reporting is available at our web site (www.wrd.state.or.us). To begin, locate the *Water Use Reporting* link under *Featured Links*. By clicking this link, your browser will open a new page where you will be able to log in with your User Id and Password (above). Once you are logged in, the *Select* link will allow you to add data for a particular diversion. Please remember to report zeros for any given month when water was not used. Online reporting will be available through March 31, 2009. If the internet is not accessible, you may use the form provided on the back of this letter to submit your monthly water use data.

Although much effort has been done to add new permits to the Water Use Reporting database, there still may be diversions not included on the web site. Please be aware that most Transfer orders approved within the last few years will not likely appear online. If you notice a diversion not listed that should be, you can either use the form provided to report water use or let me know and we will add it to the database as soon as possible. Additionally, if you would like to designate a facility name for a diversion, please feel free to contact me.

For water rights authorizing less than 0.1 cubic foot per second (CFS) or 9.2 acre-feet, you may assume the maximum quantity allowed under the right and report that volume. For reporting purposes, please convert cubic feet per second to acre feet, using $(1.98)(\text{CFS})(\# \text{ of days used per month})$.

The time and effort of both recording and reporting your water use is greatly appreciated. If you have any questions or need additional time, please let me know.

Sincerely,

Alyssa Mucken
Water Measurement Specialist
Oregon Water Resources Department
Phone 503.986.0837 Fax 503.986.0902
alyssa.m.mucken@wrdd.state.or.us

BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON

In the Matter of Permit Amendment) FINAL ORDER APPROVING
T-9433, Lake County) ADDITIONAL POINTS OF
) APPROPRIATION

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.

ADAIR BROWN
HC 10 BOX 16
DAVIS CREEK, CA 96108

1. On May 7, 2003, Permit G-13114 (Application G-13949) was assigned from Mitchell Brown to Adair Brown.
2. On May 14, 2003, Adair Brown filed an application to add two points of appropriation (Wells #2 and #3) under Permit G-13114 (Application G-13949). The Department assigned the application number T-9433.
3. Additional information and a revised map were submitted on July 16, 2004, to correctly describe the proposed location measurements for Well #3.
4. The permit to be amended is as follows:
Permit: G-13114 (Application G-13949), in the name of ADAIR BROWN
Priority Date: DECEMBER 12, 1994
Source: A WELL, in the GOOSE LAKE BASIN
Use: IRRIGATION of 272.92 ACRES and SUPPLEMENTAL IRRIGATION of 281.38 ACRES
Quantity: 6.92 CUBIC FEET PER SECOND (CFS)
Rate/Duty: The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre feet for each acre irrigated during the irrigation season of each year.

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

Period of Use: MARCH 15 through SEPTEMBER 15

Date of Complete Application of Water: OCTOBER 1, 2005

Authorized Point of Appropriation:

Twp		Rng		Mer	Sec	¼ ¼	Location
40	S	20	E	W.M.	10	NE SW	2250 feet South and 2010 feet East from the NW Corner of Section 10

Authorized Place of Use:

PRIMARY IRRIGATION							
Twp		Rng		Mer	Sec	¼ ¼	Acres
40	S	20	E	W.M.	10	SW NE	40.00
40	S	20	E	W.M.	10	SE NE	40.00
40	S	20	E	W.M.	10	SW NW	7.32
40	S	20	E	W.M.	10	SE NW	29.50
40	S	20	E	W.M.	10	NE SW	10.20
40	S	20	E	W.M.	10	NE SE	40.00
40	S	20	E	W.M.	10	NW SE	39.00
40	S	20	E	W.M.	10	SW SE	15.00
40	S	20	E	W.M.	11	SW NW	9.60
40	S	20	E	W.M.	14	NE SW	2.30
40	S	20	E	W.M.	14	SE SW	40.00

SUPPLEMENTAL IRRIGATION							
Twp		Rng		Mer	Sec	¼ ¼	Acres
40	S	20	E	W.M.	10	SW NW	32.68
40	S	20	E	W.M.	10	SE NW	10.50
40	S	20	E	W.M.	10	NE SW	29.80
40	S	20	E	W.M.	10	NW SW	40.00
40	S	20	E	W.M.	10	SW SW	40.00
40	S	20	E	W.M.	10	NW SE	1.00
40	S	20	E	W.M.	10	SW SE	8.60
40	S	20	E	W.M.	14	NE SW	28.30
40	S	20	E	W.M.	15	NE NE	6.20
40	S	20	E	W.M.	15	NW NE	22.30
40	S	20	E	W.M.	15	SW NE	21.50
40	S	20	E	W.M.	15	SE NE	0.50
40	S	20	E	W.M.	15	NW NW	40.00

5. There is a scrivener's error in the description of the authorized point of appropriation under Permit G-13114. The point of appropriation location coordinates listed in the permit (being 2250 feet South and 2010 feet East from the NW Corner of Section 10, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 10, T. 40S, R. 20E, W.M.) are in error. Based upon revised maps contained in the file for Water Right Application G-13949 (Permit G-13114) and conversations with the permit holder's agent (Dennis Glender), the location coordinates of the authorized point of appropriation should be as follows:

Corrected Authorized Point of Appropriation:

Twp		Rng		Mer	Sec	$\frac{1}{4}$ $\frac{1}{4}$		Location
40	S	20	E	W.M.	10	NE	SW	<u>3570 feet South</u> and 2010 feet East from the NW Corner of Section 10

6. Application T-9433 proposes two additional points of appropriation, located as follows:

Twp		Rng		Mer	Sec	$\frac{1}{4}$ $\frac{1}{4}$		Location
40	S	20	E	W.M.	10	SE	NE	Well 2 – 10 feet North and 10 feet West from the E $\frac{1}{4}$ Corner of Section 10
40	S	20	E	W.M.	15	SE	NE	Well 3 – 1980 feet South and 660 feet West from the NE Corner of Section 15

7. Notice of the application for the permit amendment was published in the Department's weekly notice on June 10, 2003, and in the *Lake County Examiner* newspaper on July 29, August 5 and August 12, 2004, pursuant to ORS 540.520(5). No comments were filed in response to the notices.
8. The change would not result in injury to other water rights.
9. The change does not enlarge the permit.
10. The change does not alter all other terms of the permit.

Conclusion of Law

The additional points of appropriation proposed by Permit Amendment Application T-9433 are consistent with the requirements of ORS 537.211.

Now, therefore, it is ORDERED:

The change and subsequent use of water shall be subject to the following conditions:

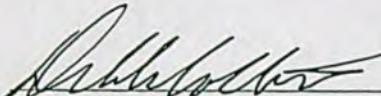
1. The location description of the original point of appropriation is corrected.
2. The combined quantity of water diverted at the new points of appropriation (wells), together with that diverted at the old point of appropriation (as corrected herein), shall not exceed the maximum rate and duty allowed under Permit G-13114.

3. Water shall be acquired from the same aquifer as the original point of appropriation.
4. 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, and shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.

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

5. All other terms and conditions of Permit G-13114 remain the same.
6. Permit G-13114, in the name of Adair Brown, is amended as described herein.

Dated at Salem, Oregon this 25th day of June, 2008


Phillip C. Ward, Director

Mailing date: JUN 27 2008