

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

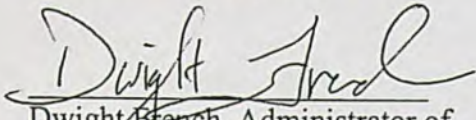
The Department issued Permit G-13114 on April 17, 1997. The permit called for complete application of water to beneficial use by October 1, 2001. On January 17, 2008, Adair Brown submitted to the Department an Application for Extension of Time for Permit G-13114. In accordance with OAR 690-315-0050(2), 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.

DATED: June 12, 2008


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

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- 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
-

Mailing List for Extension FO Copies

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

FO Date: June 12, 2008

Copies Mailed

Application G-13949

Permit G-13114

By: JS
On: 6/12/08

Original mailed to permit holder

Adair Brown
HC Box 16
Davis Creek, CA 96108

Copies sent to:

1. WRD - App. File G-13949/ Permit G-13114
2. WRD - Watermaster District 12, Brian Mayer
3. WRD - SCR Regional Manager, Kyle Gorman
4. WRD - Lisa Jaramillo, Permit Amendments (also route application file and transfer file T-9433)
5. Glender's Hydro Tech Services, 8664 SW Sand Ridge Rd, Crooked River Ranch, Oregon 97760
6. WRD - Support Staff, Salem...*Permit record update*

Fee paid as specified under ORS 536.050 to receive copy:

7. None

CASEWORKER: ALR

**Oregon Water Resources Department
Water Rights Division**

Application for Extension of Time

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

Permit Information

Application File G-13949 Permit G-13114

Basin: 13 – Goose and Summer Lakes / Watermaster District 12

Date of Priority: December 12, 1994

Authorized Use of Water

Source of Water: A Well in the Thomas Creek Basin

Purpose of Use: Primary of Irrigation of 272.92 Acres and Supplemental
Irrigation of 281.3 Acres

Maximum Rate: 6.92 Cubic Feet per Second (cfs)

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

Please read this Proposed Final Order in its entirety.

This Proposed Final Order applies only to Permit G-13114, water right Application G-13949.
A copy of Permit G-13114 is enclosed as Attachment 1.

Summary of Proposed Final Order for Extension of Time

The Department proposes to:

- Grant an extension of time to apply water to full beneficial use from October 1, 2005 to October 1, 2010.

ACRONYM QUICK REFERENCE

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

Units of Measure

cfs – cubic feet per second

AUTHORITY

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

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

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

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

FINDINGS OF FACT

Background

1. Permit G-13114 was granted by the Department to Mitchell Brown on April 17, 1997. The permit was assigned to Adair Brown on May 15, 2003. The permit authorizes the use of up to 6.92 cfs of water from a well for primary irrigation of 272.92 acres and supplemental irrigation of 281.3 acres. The permit specified actual construction of the well was to begin by April 17, 1998, and complete application of water was to be made on or before October 1, 2001.
2. One prior permit extension has been granted for Permit G-13114 resulting in the completion date for full application of water to beneficial use being extended from October 1, 2001 to October 1, 2005.
3. The permit holder submitted an "Application for Extension of Time" to the Department on January 17, 2008 requesting the time to apply water to full beneficial use under the terms of Permit G-13114 be extended from October 1, 2005 to October 1, 2010.
4. Notification of the Application for Extension of Time for Permit G-13114 was published in the Department's Public Notice dated January 22, 2008. No public comments were received regarding the extension application.

Review Criteria [OAR 690-315-0040]

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

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

5. On January 17, 2008, the Department received a completed Application for Extension of Time and the fee specified in ORS 536.050 from the permit holder.

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

6. Actual construction of the well began in 1997, which was prior to the April 17, 1998 deadline specified in the permit.

¹ ORS 537.230 applies to surface water permits only.

² ORS 537.248 applies to reservoir permits only.

³ ORS 537.630 applies to ground water permits only.

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

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.

7. As of January 17, 2008, the remaining work to be completed includes receiving Department approval for Permit Amendment T-9433 to add two points of appropriation (Well 2 and Well 3), and consists of completing construction of the water system and applying water to full beneficial use.
8. Given the amount of development left to occur, the Department has determined that the permit holder's request to have until October 1, 2010, to accomplish the application of water to beneficial use under the terms of Permit G-13114 is both reasonable and necessary.

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

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

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

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

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

9. The following construction was completed within the time allowed in the permit or previous extension:
 - a. Construction of the well and water system began in 1997 which was prior to the April 17, 1998 deadline specified in the permit.
 - b. Work was accomplished (specified in the Application for Extension of Time) during the original development time frame under Permit G-13114.
 - c. During the most recent extension period, being from October 1, 2001, to October 1, 2005, the following was accomplished:
 - in-line micrometer flow meters were installed,
 - a center pivot irrigation system was installed, and
 - ditches for supplemental flood irrigation were installed.

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

10. The following beneficial use was made of the water during the permit or previous extension time limits:
 - a. Since the issuance of Permit G-13114 on April 17, 1997, a maximum rate of 5.0

cfs of water has been appropriated for irrigation of 410 acres.

- b. Delay of full beneficial use of water under Permit G-13114 was due, in part, to insufficient yield of water from the permitted well. The permit holder needs more time in which to gain approval for the addition of additional points of appropriation to obtain the full quantity of water allowed under the permit.

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

- 11. The water right permit holder's conformance with the permit or previous extension conditions.
 - a. The Department has considered the permit holder's compliance with conditions, and did not identify any concerns.

Financial Investments [OAR 690-315-0040(3)(d)]

- 12. Financial investments made toward developing the beneficial water use.
 - a. As of January 17, 2008, the permit holder has invested approximately \$205,000, which is approximately 67 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional \$100,000 investment is needed for the completion of this project.

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

- 13. As of January 17, 2008, the permit holder has invested approximately \$205,000 which is approximately 67 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional \$100,000 investment is needed for the completion of this project.

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

- 14. The Department has found good faith of the appropriator under Permit G-13114.

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

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

- 15. The amount of water available to satisfy other affected water rights and scenic waterway flows; special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d); or the habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife [OAR 690-315-0040(4)(a-c)].

- a. The amount of water available to satisfy other affected water rights and scenic waterway flows was determined at the time of issuance of Permit G-13114; furthermore, water availability for other affected water rights and scenic waterway flows after the permit was issued is determined at such time that such application for a new water right is submitted. The point of appropriation for Permit G-13114, located within the Thomas Creek Basin, is not located within a limited or critical ground water area. Thomas Creek is not located within or above any state or federal scenic waterway, however it 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. Thomas Creek is not listed by the Department of Environmental Quality as a water quality limited stream.
16. Economic investment in the project to date [OAR 690-315-0040(4)(d)].
 - a. As of January 17, 2008, the permit holder has invested approximately \$205,000.
17. Other economic interests dependent on completion of the project [OAR 690-315-0040(4)(e)].
 - a. None have been identified.
18. Other factors relevant to the determination of the market and present demand for water and power [OAR 690-315-0040(4)(f)].
 - a. None have been identified.

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

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

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

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

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

21. None have been identified.

CONCLUSIONS OF LAW

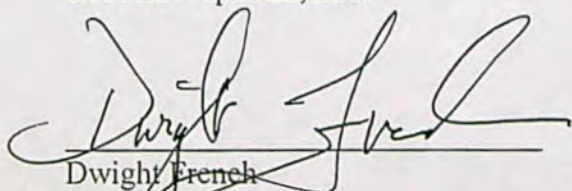
1. The applicant is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.630(1).
2. The applicant has submitted a complete extension application form and the fee specified in ORS 536.050, as required by OAR 690-315-0040(1)(a).
3. The applicant complied with begin actual construction timeline requirements pursuant to ORS 537.630 as required by OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).
4. Full application of water to beneficial use can be accomplished by October 1, 2010⁵, as required by OAR 690-315-0040(1)(c).
5. The Department has considered the reasonable diligence and good faith of the appropriator, the cost to appropriate and apply water to a beneficial purpose, the market and present demands for water to be supplied, the financial investment made and fair and reasonable return upon the investment, the requirements of other governmental agencies, and unforeseen events over which the permit holder had no control, whether denial of the extension will result in undue hardship to the applicant and whether there are no other reasonable alternatives for meeting water use needs, any other factors relevant to a determination of good cause, and has determined that the applicant has shown that good cause exists for an extension of time to apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).

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, 2005 to October 1, 2010.

DATED: April 22, 2008


Dwight French
Administrator
Water Rights & Adjudications Division

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

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

1. Under the provisions of OAR 690-315-0100(1) and 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may submit a written protest to the proposed final order. The written protest must be received by the Water Resources Department no later than **June 6, 2008**, being 45 days from the date of publication of the proposed final order in the Department's weekly notice.
2. A written protest shall include:
 - a. The name, address and telephone number of the petitioner;
 - b. A description of the petitioner's interest in the proposed final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented;
 - c. A detailed description of how the action proposed in the proposed final order would adversely affect or aggrieve the petitioner's interest;
 - d. A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;
 - e. Any citation of legal authority supporting the petitioner, if known;
 - f. Proof of service of the protest upon the water right permit holder, if petitioner is other than the water right permit holder; and
 - g. The protest fee required under ORS 536.050, if petitioner is other than the water right permit holder.
3. Within 60 days after the close of the period for requesting a contested case hearing, the Director shall:
 - a. Issue a final order on the extension request; or
 - b. Schedule a contested case hearing if a protest has been submitted, and:
 - 1) Upon review of the issues, the Director finds there are significant disputes related to the proposed agency action; or
 - 2) The applicant submits a written request for a contested case hearing within 30 days after the close of the period for submitting protests.

- If you have any questions about statements contained in this document, please contact Ann Reece at 503-986-0827.
 - If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Patricia McCarty at 503-986-0819.
 - If you have any questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0801.
 - Address any correspondence to : Water Rights and Adjudications Division
725 Summer St NE, Suite A
Salem, OR 97301-1266
- Fax: 503-986-0901

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- _____

Permit Holder's Name: Adair Brown

Permit Holder's Mailing Address: HC 10, Box 16, Davis Creek, CA 96108

Phone Number: 530 640-0162

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

Drainage Basin: 13 County: Lake Watermaster District: 12 Watermaster: Brian Mayer

Date Permit was issued: 4/17/1997

Priority Date: 12/12/1994

Date of PN: 1/22/2008

Source: A Well in the Goose Lake Basin

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

"Q": 6.92 cfs

Orig "A" Date: 4/17/1998

Orig "B" Date: 10/1/

Orig "C" Date: 10/1/2001

Extension
request rec'd: 1/17/2008

Last Authorized
"B" Date: 10/1/2005 N/A

Last Authorized
"C" Date: 10/1/2005

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

Proposed
"B" Date: 10/1/2010 N/A

Proposed
C Date: 10/1/2010

Conditions of Permit:

Condition Met?	Condition Not Met?	Permit Condition
☒	☐	Install Meter
☒	☐	Submit WU reports
☒	☐	GW production shall be from no shallower than 100 ft bls
☐	☐	
☐	☐	

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: \$205,000 Estimated Remaining Cost: \$100,000
- ☒ ☐ Beneficial use made of the water during the permit or previous extension time limits
 - Permit holder has beneficially used 5.0 ☒ cfs ☐ gpm ☐ af of the total permitted quantity of water on 410.0 acres

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

Application: G- 13949 Permit: G- 13114 Township 40S Range 20E Section 10

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

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

- Yes No
- ☐ ☒ above a state scenic waterway? 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
- ☐ ☒ 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 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:

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

Extension "PFO" Dates

Mailing / Issuance Date: _____ Protest Deadline Date: _____

Reviewer's Name: _____ Date: _____

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)

♦ **WRIG...**

Money Received on: 1/17/08

♦ **Kim French...**



Added to tracking spreadsheet

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

♦ **Jonnine Skaug...**



Publish on Public Notice (initial 30-day comment): Date of notice 1/22/08 JIS



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.

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **91249**

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

INVOICE # _____

RECEIVED FROM: Davis Creek Land
BY: Cattle Co.

APPLICATION	613949
PERMIT	
TRANSFER	

CASH: ☐ CHECK:# 10352 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 350.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$
OTHER: (IDENTIFY) \$

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES \$
0410 RESEARCH FEES \$
0408 MISC REVENUE: (IDENTIFY) \$
TC162 DEPOSIT LIAB. (IDENTIFY) \$
0240 EXTENSION OF TIME \$ 350.00

WATER RIGHTS:

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

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

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: **91249**

DATED: 11/17/08 BY: [Signature]



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

January 22, 2007

REFERENCE: Application for Extension of Time

Dear Extension of Time Applicant:

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

If you have questions concerning your extension of time application, please contact Kim French at (503) 986-0813. 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 Internet home page at: "www.wrd.state.or.us".

Division 315 - Other Than Muni or Quasi-Muni
Extension of Time Application - Completeness Checklist
OAR 690-315-0020

Place a checkmark in the box if the item is satisfied	
✓	The appropriate extension of time fee (as specified in ORS 536.050). \$350 – applications received on or after July 1, 2007 [OAR 690-315-0020(3)]
✓	The name and mailing address of the water right permit holder(s); [OAR 690-315-0020(3)(a)]
✓	The application number and the permit number for which an extension is requested; [OAR 690-315-0020(3)(b)]
/	If the water right permit holder receives delivery of the subject water right permit from a municipality, municipal corporation, or other special district, the applicant shall provide the name of the entity and evidence that a copy of the application for extension of time has been provided to the entity responsible for delivering the water; [OAR 690-315-0020(3)(c)]
✓	Evidence of the actions taken to begin actual construction within the time period in the permit or previous extension: "Actual construction" means physical work performed towards completion of the water system, which demonstrates both the present good faith of the water right permit holder and the water right permit holder's intention to complete the project with reasonable diligence ("Actual construction" does not include planning a diversion system, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, or surveying. [OAR 690-315-0020(3)(d)]
✓	Evidence of progress made toward completion of the water development and application to full beneficial use, which includes but is not limited to: [OAR 690-315-0020(3)(e)] - The annual accomplishments toward perfecting the water right under the terms and conditions of the permit, including the dates on which each condition contained in the relevant permit and any previous extension(s) was satisfied or the reason the condition was not satisfied; - The maximum rate of diversion, if any, made to date; and - If for irrigation, a listing by year of the number of acres irrigated each year since permit issuance, the total number of acres irrigated to date under the permit or previous extension, and a copy of the application map showing the acres irrigated.
✓	A description of financial expenditures made toward completion of the water development; [OAR 690-315-0020(3)(f)]
✓	An estimate of the cost to complete the water development; [OAR 690-315-0020(3)(g)]
✓	A summary of any additional unforeseen events which delayed completion of the water development or application of water to full beneficial use, including other governmental requirements, if any, relating to the project which have significantly delayed completion of construction or perfection of the right; [OAR 690-315-0020(3)(h)]
✓	The date by which the water development will be completed and water put to full beneficial use; [OAR 690-315-0020(3)(i)]
✓	A summary of the applicant's plan and schedule to complete construction and/or perfect the water right; [OAR 690-315-0020(3)(j)]
✓	Justification of why the requested time is needed to complete the project and/or apply the water to full beneficial use; [OAR 690-315-0020(3)(k)]
✓	A description of any undue hardship to the applicant which will result from denial of the extension, and that there are no other reasonable alternatives for meeting water use needs; [OAR 690-315-0020(3)(l)] <i>(NOTE: The permit holder is not asked to answer this specific question when filling out the Extension of Time Application. The Department decided this was a finding that should be determined by staff. In order to make this determination, review the Extension of Time Application and documentation in the file record. Generally, a denied extension of time may result in possible loss of investments made in the project, loss of future property value, and/or loss of future income.</i>
✓	Any other information the applicant determines is relevant to evaluate the application in accordance with applicable statutes and these rules; [OAR 690-315-0020(3)(m)]
✓	Any other information required in the application form that is necessary to evaluate the application in accordance with applicable statutory requirements; and [OAR 690-315-0020(3)(n)]
✓	Signature(s) of the water right permit holder(s).

Name of Reviewer: Kim FRENCH

Date: 1/17/08

GLENDER'S HYDRO TECH SERVICES

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

Telephone (541) 548-4882 Cell (541) 219-0806

Fax (541) 504-7728

E-mail - djglender@msn.com

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MEMO

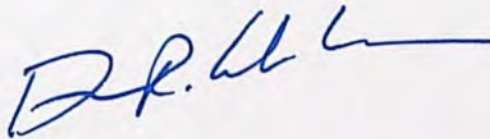
JAN 17 2008

WATER RESOURCES DEPT
SALEM, OREGON

January 16, 2008

TO: Lisa J. Jaramillo
Transfer Specialist
OWRD

FM: Dennis R. Glender



Subject: Permit G-13114 and T-9433.

Lisa,

Here is the first cut of the Extension of time. Let me know if you need more info.

Thanks,

Dennis



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

Application for Extension of Time for a Water Right Permit

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).*

*This application and a summary of review criteria and procedures that are generally applicable to this
application are available at <http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml>.*

I, ADAIR BROWN

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

HC 10, BOX 16

ADDRESS

DAVIS CREEK

CITY

CA

STATE

96108

ZIP

(530) 640-0162

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 time in which to:

- ☒ complete construction (of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water), which time now expires on October 1, 2005, be extended to October 1, 2010.

and/or the time in which to:

- ☐ apply water to full beneficial use under the terms and conditions of the permit, which time now expires on October 1, , be extended to October 1, .

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 \$350.
- Signature page (last page of this Application for Extension of Time).
- All supporting documentation and/or evidence referenced in the Application for Extension of Time.

MAIL COMPLETED APPLICATION

along with the

\$350 STATUTORY FEE TO:

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



GENERAL TIPS:

- Request the reasonable amount of time necessary to fully complete the water construction project and/or to fully use the permitted quantity of water under the terms and conditions of your permit. Should this request be approved, it will be OWRD's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.
- A separate Application for Extension of Time must be submitted for each permit. OAR 690-315-0020(2).
- An instruction sheet (Instructions for Filling Out Extension of Time Application for Permits) provides details that will help you answer each question on the application. Permit extensions are evaluated under OAR Chapter 690, Division 315. These rules may be viewed at: <http://www.wrd.state.or.us/OWRD/LAW/index.shtml>.

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JAN 17 2008

**WATER RESOURCES DEPT
SALEM, OREGON**

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

Reference Materials Needed to Complete this Application:

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

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

- [OAR 690-315-0020(3)(d)]
1. Did the actual construction of the water system/well drilling begin within the time specified in the permit? [yes/no] YES



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

Date construction began is: SUMMER 1997

Details of construction: SOME WELLS ALREADY IN EXISTANCE. CENTER PIVOT

SPRINKLE IRRIGATION SYSTEMS HAVE BEEN INSTALLED WITH APPROPRIATE

MAIN LINES FROM THE WELLS.

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

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



TIP:

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

CHART-A

Condition No.**	Date Satisfied	Describe How Permit Condition Has Been Satisfied
A	2004-2005	IN LINE MCCROMETER FLOW METERS

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

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

CHART-B

Condition No.**	Date Will Comply	Explain Why Each Permit Condition Has NOT Been Satisfied

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

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

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

CHART-C

INSERT DATES	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List any work done before the permit was issued – eg. well drilled.</i>	COST*
1979	See Lake 2840	?
1956	See Lake 2845	?

INSERT DATES	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*
	The permit was signed - find date above signature on last page of permit.	
	The permit specified "Actual Construction Work" shall begin ("A-Date") - not all permits contain this date.	
2000	Installation center pivot in SE¼, Section 10, T 40 S R 20 E. See Aerial photo.	\$60, 000
2001	Installation center pivot in S½ NE¼, Section 10, T 40 S R 20 E. See Aerial photo.	\$60,000
	See order Extension of Time	
10/1/01	The permit specified complete application of water to the use shall be made ("C-Date") - all permits contain this date.	

INSERT DATES	WORK ACCOMPLISHED AFTER "C-DATE" <u>COMPLETE ONLY IF THIS IS YOUR 1st APPLICATION FOR EXTENSION OF TIME:</u> 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.	COST*
	Still waiting for Transfer 9433 before moving forward with Well #3.	

Total Cost to Date		120,000
--------------------	--	---------

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

JAN 17 2008

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

CHART-D

INSERT DATES	WORK ACCOMPLISHED DURING THE LAST EXTENSION PERIOD <i>List all work done during the last authorized extension period.</i>	COST*
10/1/01	"Extended From" date for complete application of water used in the 1 st (or the most recent) Application for Extension of Time.	
2003	Installation center pivot in Sections 14 and 15 T 40 S R 20 E. See Aerial photo.	75,000
2004	Completion of ditches for supplemental flood irrigation in sections 10 and 15.	10,000
10/1/05	"Extended To" date for complete application of water resulting from the 1 st (or the most recent) Application for Extension of Time.	

INSERT DATES	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*
	Waiting for T-9433 to complete 3rd well	Est \$100,000
Total Cost to Date		85,000

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

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

4. Cost of project to date: \$205,000
(The total cost from CHART-C and CHART-D)

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JAN 17 2008

WATER RESOURCES DEPT
SALEM, OREGON

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



TIP: Report the rate in the same units of measurement as specified in the permit, being cfs (cubic feet per second), gpm (gallons per minute) or AF (acre-feet – usually only specified on a reservoir water right). Do not provide daily, monthly or annual water use totals.

Maximum rate = 5.0 + or - cfs (cubic feet per second) or,

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

Acre Feet Stored = _____ AF

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

Total acres irrigated to date: 410 + or -

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

CHART-E

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
10/01/1010	Complete construction of well 3 after issuance of T-9433,	100,000
	Irrigate remaining acreage under large center pivot	
Year: 1010	Intend to apply water to full beneficial use under the terms and conditions of this permit.	
Total Cost		100,000

8. Estimated remaining cost to complete the project: 100,000
(The total cost from CHART-E)

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

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

Yes

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

Yes,

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

Yes, missed time frames with the transfer publication notice. All was done in good faith but somehow the public notice did not get published on time for T-9433. Need extension to complete transfer then will complete project.

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

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

10. Justify the time requested to complete the project and/or apply the water to full beneficial use. Your justification should combine information from your answers from Questions 2, 3-A, 3-B, 7 and 9 of this Application for Extension of Time, and should also include any other information or evidence to establish that the requested amount of time is sufficient and that you will be able to complete the project within the amount of time requested.

Drilling a well in this formation is going to be very expensive and take a good deal of time.

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

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

D.R. Clark - Agent
Signature Dennis R. Clark

1/16/2008
Date

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JAN 17 2008

WATER RESOURCES DEPT
SALEM OREGON

WATER RESOURCES DEPT
SALEM, OREGON

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.

403/20E-10ca

State Permit No.

(1) OWNER:

Name DICK WAY (DOUBLE "D" LAND & CATTLE CO.)Address HWY. 395 SouthLakeview, 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 ☐

(5) 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

(6) PERFORATIONS:

Perforated? ☒ Yes ☐ No.Type of perforator used Factory-CutSize 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 "

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 a2 inch pipe along the outside of the 24 inchconductor casing to the bottom of the 32 inchbore 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 packed 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. 395South; 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	
(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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JUN 17 1979

WATER RESOURCES DEPT.

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

(USE ADDITIONAL SHEETS IF NECESSARY)

SP-45656-119

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JAN 17 2008

WATER RESOURCES DEPT
SALEM, OREGON



USDA / Farm Service Agency
Lake County
T40S, R20E, Sect: 10 and 15

Wetland Determination Identifiers

- Restricted Use
- ▼ Limited Restrictions
- Exempt from Conservation Compliance Provisions



January 11, 2008

Disclaimers:

- * Wetland identifiers do not represent the size, shape or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.
- * This acreage is for FSA program purposes only. No warranty is made for any other use.

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JAN 17 2008

WATER RESOURCES DEPT
SALEM OREGON

Mailing List for Extension PFO Copies

PFO Date: April 22, 2008

Copies Mailed

Application G-13949

Permit G-13114

By: MS
On: 4/22/08

Original mailed to Applicant:

Adair Brown
HC Box 16
Davis Creek, CA 96108

Copies sent to:

1. WRD - App. File G-13949/ Permit G-13114
2. WRD - Watermaster District 12, Brian Mayer
3. Glender's Hydro Tech Services, 8664 SW Sand Ridge Rd, Crooked River Ranch, Oregon 97730

Fee paid as specified under ORS 536.050 to receive copy:

4. None

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

5. None

CASEWORKER: ALR



Oregon

Theodore R. Kulongoski, Governor

Appl G-13949/Permit G-13114

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

November 19, 2007

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

REFERENCE: Permit Amendment Application T-9433 for Adair Brown

Dear Mr. Glender:

You submitted a permit amendment application (T-9433) on behalf of Adair Brown that proposes to add points of appropriation (wells) under water use Permit G-13114. Unfortunately, the date for complete application of water ("C" date) allowed under the permit expired before the required affidavit of publication from the newspaper was submitted to the Department. *(The last authorized date for complete application of water under Permit G-13114 was October 1, 2005. The Department did not receive the affidavit of publication until April 13, 2006.)* As a result, the Department was not able to finalize processing of the permit amendment application within a valid timeframe under the permit.

If the applicant still wishes to make the change proposed in the permit amendment application, a permit extension of time application must first be submitted and receive Department approval of the extended timeline. This will allow the applicant to complete the proposed change within a valid timeframe authorized under the permit. Please contact me if the applicant intends to pursue the permit amendment. I would be happy to answer any questions or provide assistance with this process. An "Application for Extension of Time" is enclosed for your use.

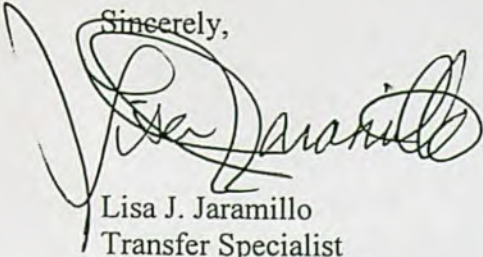
Alternatively, if the applicant **no longer** wishes to make the proposed change to Permit G-13114, a written request to withdraw the permit amendment application may be submitted and you will receive a partial refund of the application fees.

If the Department does not receive a permit extension of time application or does not receive your written request to withdraw the permit amendment application by Wednesday, December 19, 2007, we may proceed with the issuance of a final order denying the permit amendment application at which time we will be unable to refund any fees.



Please feel free to contact me at (503) 986-0880 or Lisa.J.Jaramillo@wrд.state.or.us if you have any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa J. Jaramillo", written over a horizontal line.

Lisa J. Jaramillo
Transfer Specialist
Field Services Division

cc: Permit Amendment T-9433
Appl G-13949 (Permit G-13114)
Brian Mayer, Watermaster District #12
Kim French, Water Rights
Adair Brown, HC 10, Box 16, Davis Creek, CA 96108

enclosures: Copy of Permit Amendment T-9433 application and map
Copy of Permit G-13114 and map
Permit Extension of Time Application
Extension of Time Final Order
Copy of Affidavit of Publication, received 4-13-06



Oregon

Theodore R. Kulongoski, Governor

Appl G-13949/Permit G-13114

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

December 18, 2007

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

REFERENCE: Permit Amendment Application T-9433 for Adair Brown

Dear Mr. Glender:

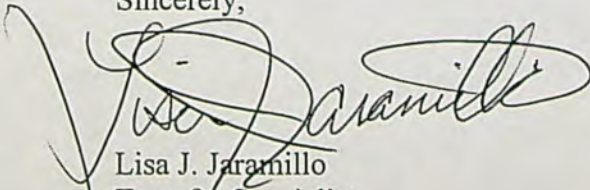
Thank you for contacting me today about my letter dated November 19, 2007, regarding the above referenced permit amendment application. As indicated during our telephone conversation, the initial mailing of the letter was returned to the Department by the U. S. Postal Service. Upon receiving the returned letter from the post office, I re-mailed the letter to you, but neglected to change the response deadline date of December 19, 2007. Because the letter did not reach you until December 17, 2007, it is clear that you did not have adequate time to respond.

In order to allow sufficient time, therefore, I am extending the deadline to submit either a permit extension of time application or a written request to withdraw the permit amendment application to **Friday, February 1, 2008**.

If the Department does not receive a permit extension of time application or your written request to withdraw the permit amendment application by that date, we **may** proceed with the issuance of a final order denying the permit amendment application at which time we will be unable to refund any fees.

I apologize for any inconvenience or trouble this may have caused. If you have any further questions or concerns, please feel free to contact me at (503) 986-0880 or Lisa.J.Jaramillo@wrdd.state.or.us.

Sincerely,



Lisa J. Jaramillo
Transfer Specialist
Field Services Division

cc: Permit Amendment T-9433
Appl G-13949 (Permit G-13114)
Brian Mayer, Watermaster District #12
Adair Brown, HC 10, Box 16, Davis Creek, CA 96108





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 30, 2006

ADAIR BROWN,
HC 10 BOX 16
DAVIS CREEK, CA 96108

REFERENCE: USER_ID 29418

Dear Water User:

We appreciate your continued cooperation with the Water Use Reporting program. We again request that you report your water use online. If you need to report on a new water right not in the reporting database, you will need to submit a hard copy form. A 2006 monthly quantities form is printed on the reverse.

To report monthly quantities data online, go to our web page at www.wrd.state.or.us and click on the link 'Water Use Reporting' under 'current topics'. Then, click on 'Submit your water use report data' on the Water Use Reporting page. Your USER_ID number is both your Username and your Password to log in. To submit data for a point of diversion, scroll down to the point of diversion and click on 'Insert' to add data for that diversion. Enter the data for one point of diversion at a time. Be sure to be careful to choose the correct units, enter the monthly amounts diverted, and then click the 'Update' button. You will then be given the opportunity to review the data for that diversion to make sure it is correct. Please do so, as once data has been submitted by clicking the 'Submit' button, you cannot edit it. Also, please remember to enter a zero if you did not use a diversion during a month. At present, the system can receive data only for the 2006 water year (October 2005 – September 2006). If you wish to submit data for another year, you will need to submit a hard copy.

Finally, if you use small water right (less than 0.1 CFS or 9.2 AF) and do not measure monthly quantities, you may report the maximum volume allowed under the right. For rates in CFS,

$$\text{AF} = 1.98 * \text{CFS} * (\# \text{ of days in the month})$$

Thank you in advance. The data you provide is valuable for water management in Oregon.

Yours truly,

Gary L. Ball, PE, PLS
Hydrographics/Measurement & Reporting Manager
Voice: 503-986-0831, Fax: 503-986-0902
Gary.L.BALL@wrdd.state.or.us

2005

APP. G 13949

Oregon Water Resources Department
October 2005 through September 2006
Annual Water Use - Monthly Quantities Form

USER-ID 29418

2006



Facility # POD-ID					
October - 2005	0				
November - 2005					
December - 2005					
January - 2006					
February - 2006					
March - 2006					
April - 2006					
May - 2006					
June - 2006	80 AF				
July - 2006	120 AF				
August - 2006	120 AF				
September - 2006	80 AF				
TOTAL *	400 AF				

* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: 1000 GPM x hrs If use is irrigation, total number acres irrigated 200

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

Adair Brown
Signature

Owner
Title

Reporting Entity

11-3-06
Date

Adair Brown
Name - Please Print

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

RECEIVED

NOV 08 2006

WATER RESOURCES DEPT
SALEM, OREGON



Oregon

Theodore R. Kulongoski, Governor

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

October 18, 2005

ADAIR BROWN,
HC 10 BOX 16
DAVIS CREEK, CA 96108

REFERENCE: USER_ID 29418

Dear Water User:

We have appreciated your cooperation with the Water Use Reporting program in the past. And now, with the loss of the water use coordinator position through budget reductions, we hope you can help us even more. We are requesting all who need to report monthly quantities and have Internet access to report those quantities online through our website. For the time being, the water use reporting database will not be updated with new water right information. If you need to report on a new water right not in the reporting database, you will need to submit a hard copy form. A 2005 monthly quantities form is printed on the reverse you can copy for your use.

To report monthly quantities data online, go to our web page at www.wrd.state.or.us and click on the link 'Water Use Reporting' under 'current topics'. Then, click on 'Submit your water use report data' on the Water Use Reporting page. A logon screen then appears and you use your USER_ID for both the Username and Password. To submit data for a point of diversion, scroll down to the point of diversion and click on 'Insert' to add data for that diversion. Be sure to be careful to choose the correct units, enter the monthly amounts diverted, and then click the 'Update' button. You will then be given the opportunity to review the data for that diversion to make sure it is correct. Please do so, as once data has been submitted by clicking the 'Submit' button, you cannot edit it. Also, please remember to enter zeros if you did not use a diversion. At present, the system can receive data only for the 2005 water year (October 2004 – September 2005). If you wish to submit data for another year, you will need to submit a hard copy. Thank you in advance for your cooperation. The data you provide is valuable for water management in Oregon.

Finally, if you have small water rights (less than 0.1 cfs or 9.2 AF) and do not report monthly quantities for them, we will assume that you have used water according to those rights.

Yours truly,

Gary L. Ball, PE, PLS
Hydrographics/Measurement & Reporting Manager
Voice: 503-986-0831, Fax: 503-986-0902
Gary.L.BALL@wrdd.state.or.us

**2004**

62255

Oregon Water Resources Department
October 2004 through September 2005
Annual Water Use - Monthly Quantities Form

USER-ID 29418**2005****RECEIVED**DEC 07 2005
WATER RESOURCES DEPT
SALEM, OREGON

Facility					
POD-ID					
October - 2004					
November - 2004					
December - 2004					
January - 2005					
February - 2005					
March - 2005					
April - 2005					
May - 2005	36 AF				
June - 2005	96 AF				
July - 2005	120 AF				
August - 2005	96 AF				
September - 2005	36 AF				
TOTAL *	384 AF				

* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: meter. If use is irrigation, total number acres irrigated 200

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

Signature

Owner

Title

Reporting Entity

12-4-05

Date

Adair Brown
Name - Please Print

Please complete and mail to: Water Resources Department; Water Use Reporting Program;
725 Summer Street NE; Suite A, Salem, OR 97301-1271, or Fax 503-986-0902.

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

Application History

On May 14, 2003, Adair Brown submitted an application to the Department for an extension of time for permit number G-13114. The Department issued permit number G-13114 on April 17, 1997. The permit called for complete application of water to the full beneficial use by October 1, 2001. In accordance with OAR 690-315-0050(2), on April 27, 2004, the Department issued a Proposed Final Order proposing to extend the time to complete application of water to beneficial use to October 1, 2005. The protest period closed June 11, 2004, in accordance with OAR 690-315-0060(1). No protest was filed.

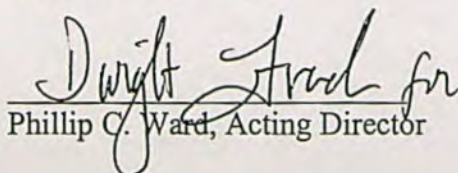
The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.230, 537.248, 537.630, 539.010(5) and/or OAR 690-315-0040(2).

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 with no additional conditions.

Order

The extension of time for Application Number G-13949, Permit Number G-13114, therefore, is approved. The deadline for applying water to full beneficial use is extended to October 1, 2005.

DATED: June 23, 2004


Phillip C. Ward, Acting Director

Extension "Final Order" Checklist

Application #G-13949 / Permit #G-13114

Permit Holder's Name: Adair Brown

This Final Order is processed under: Div. 315 Rules or- Div. 320 Rules

- ✓ 1. Date Extension Request submitted: May 14, 2003
- ✓ 2. Date permit was issued: April 17, 1997
- ✓ 3. Original "B" Date from permit: —
(Date for completion of construction)
- ✓ 4. Original "C" Date from permit: October 1, 2001
(Date for complete application of water)
- ✓ 5. Extension PFO Date: April 27, 2004
- ✓ 6. WRD recommends extending "B" Date to: n/a
and extending the "C" Date to: October 1, 2005
- ✓ 7. Any conditions from PFO: no
- ✓ 8. Protest Deadline Date from PFO: June 11, 2004
- ✓ 9. Any written Protests or written Comments received within the Protest period? Yes / No

Reviewer's Name: Jan De Vito
mergeFOjd.doc

Date: 6/22/04

Mailing List for Extension PFO Copies

Application #G-13949

PFO Date: April 27, 2004

Permit #G-13114

Original mailed to:

Applicant: Adair Brown
HC 10, Box 16
Davis Creek CA 96108

Copies Mailed

By: SB
(SUPPORT STAFF)

on: 4/27/04
(DATE)

For Extension PFO's - Copies sent to:

1. WRD - Appl. File #G-13949 / Permit #G-13114
2. WRD - Watermaster District: #12

Other interested parties:

3. Glender's HydroTech Services
93291 Pike Lane
Lakeview OR 97630

CASEWORKER: LJJ:jd

S:\groups\wr\extensions\P F O\Work_315 rules\g13949.wpd

Permit Extension Ground Water Review

Date: June 20, 2003

To: Fred Lissner, Ground Water Section Manager

From: Lisa Juul, Permit Extension Review

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

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, however, a Ground Water review for this file is necessary due to the following:

NOTE: Original Division 9 review completed by: Mike Zwart

- ☐ No Division 9 Ground Water Review Done.... *please see below*
- ☐ Located within a **Critical** Ground Water Area
- ☐ Located within a Ground Water **Limited** Area
- ☐ Located within a Ground Water **Study** Area
- ☐ 5-Year Limited Permit

☒ Other: Please See Below

For Ground Water / Hydrology Staff Use:

MJZ
7/9/03

☐ YES ☒ NO

Please complete a Div. 9 and Scenic Waterway (SWW) Review for this file. Due to the early priority date associated with this permit, no prior Div. 9 or SWW review was ever done.

Please answer the following questions. If necessary, attach an additional sheet.

1. Should any additional conditions be added to this permit? No
2. Should the extension of time request be further conditioned or **DENIED** due to ground water supply concerns? No
3. Should the Department establish a new reference level for water level declines due to the failure of permittee to submit annual measurements? No
4. Other issues or concerns? No

Application # G-13949 / Permit # G-13114

Route Slip ... Extension of Time

per Division 315 Rules... (Extensions received on July 1, 2001 or after)

♦ WRIG...
Money Received: \$100.⁰⁰ on 5-14-03

♦ Lisa Juul...
Extension Completeness: OK
If NOT complete, send certified letter requesting add'l information.)

If Extension Appl complete and \$100 fee submitted, route to...

♦ Jonnine Fuss...
Initial 30-day Public Notice: 6/17/03
Update Extension Database: 6/17/03
Files back to filing cabinets: back to Lisa

At the close of the Initial 30-day Comment Period...

♦ Lisa Juul...
Pull files for Ext PFO review: _____
Extension PFO completed: _____

Once Extension PFO signed by Dwight French...

♦ Jonnine Fuss...
Prepare Ext PFO for mailing to applicant: _____
Mail to those who commented and paid copy fee: _____
Include Ext PFO on weekly Public Notice: _____

*Within 60 days after the close of the 45-day PFO Protest Period...
(PFO Protest Period ends 45 days from PFO sign date)...*

♦ Lisa Juul...
Issue an Extension FO: _____

EXTENSION REVIEW CHECKLIST for PFO... per Div. 315 Rules

Application #: G-13949 / Permit #: G-13114

Permittee's Name: Adair Brown

Permittee's Mailing Address: HC 10 Box 16, Davis Creek, CA 96108

POD Location: Township 40-S Range 20-E Section 10 $\frac{1}{4}$ $\frac{1}{4}$ NE SW

Stream Basin: _____ County: Lake

✓ 1. Has the applicant completely filled out the updated Extension Application form? Yes/No Yes \$100-Yes
***If "No"..... has certified request for the new extension form been sent? Yes/No No

✓ 2. Shortcomings of Extension Request..... based upon review of updated extension form Yes/No No
*****(NOTE: Any missing Extension information that is needed before an Extension PFO can be completed???)**

✓ 3. Date Permit was issued: 4-17-97 (priority = 12-12-94)

✓ 4. Source: One Well, in the Goose Lake Basin

✓ 5. Use: Irrig of 272.92 Ac & Suppl. Irrig. of 281.38 ac

✓ 6. "Q": 6.92 cfs

✓ 7. Original "B" Date: _____ Original "C" Date: 10-1-2001

8. Conditions of Permit: Original "A" Date: 4-17-98

- Before water use begins → shall install a meter or other suitable meas. device
- Shall keep a complete record of water use & report annually to WRD.
- Groundwater production shall be from no shallower than 100 feet below land surface

✓ 9. Extension request received: 5-14-03 Request Number (...1st 2nd, 3rd): 1st

✓ 10. Last Authorized "B" Date: _____ Last Authorized "C" Date: 10-1-2001

✓ 11. Proposed "B" Date: _____ Proposed C Date: 10-1-2005

12. Amount Invested to date: \$120,000. (449) Estimated Total Cost: \$270,000.

(***Estimated Remaining Cost: \$150,000.)

___13. The water project development made to date has been accomplished in accordance with the terms and conditions contained in the permit. **Yes / No** ***If "No"..... What permit terms and/or conditions have not been met?

___14. Work on the water development project completed to date includes: _____

___15. The work remaining to be completed consists of: _____

___16. Progress in perfecting the permit is being held up by: _____

___17. Has the applicant pursued perfection of the right in good faith and with reasonable diligence? **Yes / No**

Some Factors that may be considered in determining "Reasonable Diligence" [OAR 690-315-040(3)]

- 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 permit holder conformance with the permit or previous extension conditions; and
- d. Financial investments made toward developing the beneficial water use.

___18. Determination of the market and the present demand for water or power to be supplied: _____

Some factors to consider in determining the Market and the Present Demand for water or power [OAR 690-315-040(4)]:

- 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 (such as...state scenic waterways, federal wild and scenic rivers, serious water management problem areas, water quality limited sources, etc.);
- c. The habitat needs of sensitive, threatened or endangered species, in consultation with ODFW;
- 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 the present demand for water or power.

___19. 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

___20. Conditions to be included on Extension PFO: _____

Extension "PFO" Dates

Checklist Last Revised: 9 / 12 / 2001

Mailing / Issuance Date: _____ **Reviewer's Name:** _____

Protest Deadline Date: _____ **Date:** _____

- ✓ 13. The water project development made to date has been accomplished in accordance with the terms and conditions contained in the permit. (Yes) No ***If "No"..... What permit terms and/or conditions have not been met?

"A" date met

- ✓ 14. Work on the water development project completed to date includes: _____

- well drilled; pump, booster & flow meter installed
- 1/4 mile center pivot & 1/2 mile mainline from center pivot installed

- ✓ 15. The work remaining to be completed consists of: _____ @ - cite p 1 of app

Construction of new well and permit amendment for POA location change.

- ✓ 16. Progress in perfecting the permit is being held up by: _____ change of ownership, plus

low water yield of well original well - only used 1.34 cfs of original permit (19%) on 240 acres (87% of 272.92 permitted)

- ✓ 17. Has the applicant pursued perfection of the right in good faith and with reasonable diligence? (Yes) No

Some Factors that may be considered in determining "Reasonable Diligence" [OAR 690-315-040(3)]

- 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 permit holder conformance with the permit or previous extension conditions; and
- d. Financial investments made toward developing the beneficial water use.

- Permit holder has completed approximately 25 % of the construction.
- Permit holder has beneficially used 19 % of the total permitted quantity of water.
- Has the permit holder complied with conditions? (Yes) No
—If No, reasons why not? _____
- Permit holder has invested approximately 44 % of the total estimated cost to complete the project.
- Other: _____

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

Some factors to consider in determining the Market and the Present Demand for water or power [OAR 690-315-040(4)]:

- 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 (such as...state scenic waterways, federal wild and scenic rivers, serious water management problem areas, water quality limited sources, etc.);
- c. The habitat needs of sensitive, threatened or endangered species, in consultation with ODFW;
- 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 the present demand for water or power.

Is the POD/POA located.....

- If a GW permit, is GW hydraulically connected to SW (see original Div. 09 GW review)? _____ no
- within or above a state scenic waterway? _____ no
- within a ground water limited/critical area? Interactive Mapping _____ no
- within or above a segment that has been identified as a federal wild and scenic river? _____ no
- within an area that ODFW has identified as an ST&E Area? _____ yes
- within an area that ODFW has identified as a LOW Needs Ranking Area for streamflow restoration for fish? _____
- within an area that DEQ has identified as being water quality limited? yes - Thomas and _____
- Other: Crane Creek, Per DEQ website _____

✓ 19. 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

none

✓ 20. 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

☐ Other: _____

✓ 21. 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(3), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and the claim of beneficial use."

☒ COBU Requirement - Ground Water - post July 9, 1987

"Pursuant to ORS 537.630(3), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and the claim of beneficial use."

NOTES:

cc to Dennis Glendon
Glendon's HydroTech Services
93291 Pike Lane
Lakeview OR 97630

cc Kelly Starnes

Extension "PFO" Dates

Checklist Last Revised: 3/4/ 2004

Mailing / Issuance Date:

4/20/04 4/27/04

Reviewer's Name: jd

Protest Deadline Date:

6/4/04 6/11/04

Date:

4/14/04 4/19/04

Extension "Final Order" Checklist

Application # G-13949 / Permit # G-13114

Permit Holder's Name Adair Brown

This Final Order is processed under: ☒ Div. 315 Rules -or- ☐ Div. 320 Rules

- ☒ 1. Date Extension Request submitted: 5/14/03
- ☒ 2. Date permit was issued: 4/17/97
- n/a 3. Original "B" Date from permit: —
(Date for completion of construction)
- ☒ 4. Original "C" Date from permit: 10/1/01
(Date for complete application of water)
- ☒ 5. Extension PFO Date: 4/27/04
- ☒ 6. WRD recommends extending "B" Date to: n/a
and extending the "C" Date to: 10/1/05
- ☒ 7. Protest Deadline Date from PFO: 6/11/04
- ☐ 8. Any written Protests or written Comments received within the Protest period? Yes / No

Reviewer's Name: _____

Date: _____



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
503-378-3739
FAX 503-378-8130

May 15, 2003

Adair Brown
HC 10 Box 16
Davis Creek, California 96108

Reference: Application G-13949, Permit G-13114

The assignment from Mitchell Brown to Adair Brown, has been recorded in the records of the Water Resources Department.

Our records have been changed accordingly and the original request is enclosed. Receipt number 59750 covering the recording fee of \$25.00 is also enclosed.

Sincerely,

Jerry Sauter
Water Rights Program Analyst

Enclosure: receipt 59750

cc: Watermaster 12
Mitchell Brown
Glender's Hydro Tech Services
Data Center, OWRD
Julie Forsgren
File

REQUEST FOR ASSIGNMENT

RECEIVED

MAY 07 2003

I, MITCHELL BROWN

(Name of Applicant / Permit Holder)

WATER RESOURCES DEPT
SALEM, OREGON14200 ROAD 284
(mailing address)PORTERVILLE
(City)CA
(State)93257
(Zip)(209) 781-6389
(Phone #)**CHECK ONE**

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

Application # G-13949, Permit # G-13114;

-OR-

GR Statement # _____, GR Certificate of Registration # _____

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

ADAIK BROWN

(Name of New Owner)

HC 10 BOX 16
(mailing address)DAVIS CREEK
(City)CA
(State)96108
(Zip)(530) 233-2433
(Phone #)**NOTE:**

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

I hereby certify that I have notified all other owners of the property described in this Application, Permit or Certificate of Registration of this request for assignment.

Witness my hand this 4 day of May, 20 03.Applicant/Permit holder Mitchell F Brown

Applicant/Permit holder _____

DO NOT WRITE IN THIS BOX

- This certifies assignment and record change at Oregon Water Resources Department effective 8:00a.m. on date of receipt at Salem, Oregon.
- Fee receipt # 59750
- For Director by Jerry Saxton, Program Analyst in Water Rights Division [Signature]

The completed "Request for Assignment" form *must be* submitted to the Department along with the appropriate recording fees:

- ◆ \$25 for the first page, and
 - ◆ \$5 for each additional page.
- [as required by ORS 536.050(1)(d)]

WATER RESOURCES DEPARTMENT
158 12TH STREET NE
SALEM, OREGON 97301-4172

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- 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:

G13949JS1105 2196
MITCHELL BROWN
14200 ROAD 284
PORTERVILLE CA 93257

2. Article Number

(Transfer from service label)

7001 2510 0005 1105 2196

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Linda Jordan☐ Agent☐ Addressee

B. Received by (Printed Name)

LINDA JORDAN

C. Date of Delivery

4-3-03

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

UNITED STATES POSTAL SERVICE



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

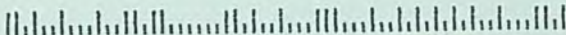
Sender: Please print your name, address, and ZIP+4 in this box •

WATER RESOURCES DEPT
ATTN: J. SAUTER
158 - 12TH STREET NE
SALEM OR 97301-4172

RECEIVED

APR 07 2003

WATER RESOURCES DEPT.
SALEM, OREGON



ADAIR BROWN
HC 10 Box 16
DAVIS CREEK, CA 96108



Oregon Water Resources Department
Commerce Building
158 12th Street NE
Salem, Oregon 97301-4172

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

158 12TH ST. N.E.
SALEM, OR 97301-4172
378-8455 / 378-8130 (FAX)

RECEIPT # **59750**

INVOICE # _____

RECEIVED FROM: Gary L. McCleese

APPLICATION G13949

BY: _____

PERMIT

TRANSFER

CASH: ☐ CHECK: # 2354 OTHER: (IDENTIFY) ☐ _____

TOTAL REC'D \$ 2500

0401 TREASURY 0417 WRD MISC CASH ACCT

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

0427 WRD OPERATING ACCT

MISCELLANEOUS

0407	COPY & TAPE FEES		\$
0410	RESEARCH FEES		\$
0408	MISC REVENUE: (IDENTIFY)	<u>Assign</u>	\$ <u>25.00</u>
TC162	DEPOSIT LIAB. (IDENTIFY)	_____	\$
0240	EXTENSION OF TIME		\$

WATER RIGHTS:

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

WELL CONSTRUCTION

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

_____ OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT: **59750**

DATED: 5/7/03 BY: Connie Vance

RECEIVED

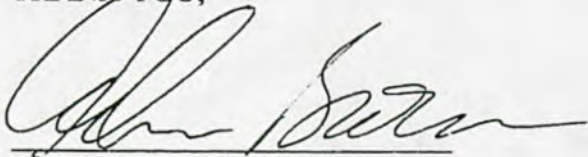
MAY 07 2003

WATER RESOURCES DEPT.
SALEM, OREGON

TO WHOM IT MAY CONCERN

I, ADAIR BROWN, AUTHORIZE DENNIS GLENDER OF GLENDER'S HYDRO TECH SERVICES TO ACT AS MY AGENT IN THE PROCESSING OF THE WATER RIGHT TRANSACTIONS ON MY BEHALF. PLEASE SEND ALL CORRESPONDENCE TO GLENDER'S HYDRO TECH SERVICES, 93291 PIKE LN, LAKEVIEW, OREGON 97630

THANK YOU,



ADAIR BROWN

5-3-03

DATE

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **59857**

158 12TH ST. N.E.
SALEM, OR 97301-4172
378-8455 / 378-8130 (FAX)

INVOICE # _____

RECEIVED FROM: Glender's Hydro-Tech

BY: _____

APPLICATION	G-13949
PERMIT	
TRANSFER	

CASH: ☐ CHECK:# 1730 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 100.00

0401 TREASURY 0417 WRD MISC CASH ACCT

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

0427 WRD OPERATING ACCT

MISCELLANEOUS

0407	COPY & TAPE FEES		\$
0410	RESEARCH FEES		\$
0408	MISC REVENUE: (IDENTIFY)		\$
TC162	DEPOSIT LIAB. (IDENTIFY)		\$
0240	EXTENSION OF TIME		\$ <u>100.00</u>

WATER RIGHTS:

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

WELL CONSTRUCTION

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

OTHER (IDENTIFY) _____

0536 TREASURY 0437 WELL CONST. START FEE

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

OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233	POWER LICENSE FEE (FWWRD)		\$
0231	HYDRO LICENSE FEE (FWWRD)		\$
	HYDRO APPLICATION		\$

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT: **59857**

DATED: 5/14/03 BY: Connie Vance

RECEIVED

MAY 14 2003

WATER RESOURCES DEPT.
SALEM, OREGON

APPLICATION FOR EXTENSION OF TIME
TO THE WATER RESOURCES DIRECTOR OF OREGON

I, Adair Brown, by Dennis R. Glender, Glender's Hydro Tech Services, Agent

NAME

HC 10 Box 16

ADDRESS

Davis Creek

CITY

CA 96108

STATE

ZIP

(530) 233-2433

PHONE

owner of record, or duly authorized agent, of Application No. G-13949, Permit No. G-13114,
do hereby request that the time in which to:

- ☒ complete the construction of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, 2001, be extended to October 1, 2005,

and/or the time in which to:

- ☐ accomplish beneficial use of water to the full extent under the terms of the permit, which time now expires on October 1, _____, be extended to October 1, _____.

NOTE:

The extension of time requested should be long enough to finish the project. Should this request be approved, it will be the Department's expectation that you will complete your project within the new time period allowed. Future extensions

CC: Dennis R. Glender
Glender's Hydro Tech Services
93291 Pike Lane
Lakeview, OR
97630

at you in completing the information on the Oregon Water Law and Administrative Rules required by the Water Resources Department application. All items must be completed or the free to provide the Department with any in making our decision. Please use fully respond to the questions.

the instruction sheet, if you have any ent at (503) 378-3739, and request a, permit extensions personnel.

also extend
C Hall

GLENDER'S HYDRO TECH SERVICES

93291 Pike Ln

Lakeview, Oregon 97630

RECEIVED

MAY 14 2003

APPLICATION FOR EXTENSION OF TIME
TO THE WATER RESOURCES DIRECTOR OF OREGON

I, Adair Brown, by Dennis R. Glender, Glender's Hydro Tech Services, Agent
NAME

HC 10 Box 16 Davis Creek CA 96108 (530) 233-2433
ADDRESS CITY STATE ZIP PHONE

owner of record, or duly authorized agent, of Application No. G-13949, Permit No. G-13114,
do hereby request that the time in which to:

- ☒ complete the construction of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, 2001, be extended to October 1, 2005,

and/or the time in which to:

- ☐ accomplish beneficial use of water to the full extent under the terms of the permit, which time now expires on October 1, _____, be extended to October 1, _____.

NOTE: The extension of time requested should be long enough to finish the project. Should this request be approved, it will be the Department's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.

Attached is an instruction sheet to assist you in completing the information on the permit extension application form. Oregon Water Law and Administrative Rules requires this information to be considered by the Water Resources Department when reviewing a permit extension application. All items must be completed or the application will be returned. Please feel free to provide the Department with any additional information that would aid us in making our decision. Please use additional sheets of paper as needed to fully respond to the questions.

After reviewing the application form and the instruction sheet, if you have any questions, you may contact the Department at (503) 378-3739, and request assistance from the Water Rights Division, permit extensions personnel.

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WATER RESOURCES DEPT.
SALEM, OREGON

1. Did water system construction/well drilling begin within the time specified in the permit [yes/no]?

Yes

2. Has construction of diversion/appropriation works, distribution system, and use of water, if any, been accomplished consistent with the limitations and conditions of this permit [yes/no]?

Yes

- A) Please describe how you have complied with each applicable permit condition (**NOTE: the instruction sheet for permit extension applications provides some direction as to what is an "applicable" condition at time of permit extension review**).

Well was constructed prior to application. Installed 30 Hp Turbine Pump with a 20 Hp Booster, 6" discharge pipe with an inline McCrometer Flow Meter.

- B) If you have not complied with all applicable conditions, please explain the reasons why and indicate a date certain, in the near future, by which time you will be in compliance with applicable conditions.

3. I have accomplished the following described works, purchases and installation of equipment necessary to the use of water under said permit:

- A) Within the past year or, if a prior extension was authorized, during the last permit extension period:

During the past year 1/4 mile center pivot installed. 1/2 mile mainline from well to center pivot install past year.

- B) Prior to the past year or, if a prior extension was authorized, prior to the last extension period:

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WATER RESOURCES DEPT.
SALEM, OREGON

Pump, Booster and Flow Meter Installed

4. I have accomplished beneficial use of water under the permit to the extent of (amount of water used and acres irrigated):

A) Quantity of Water Used [in cubic feet per second (cfs) or gallons per minute (gpm) if using surface water or ground water.....and/or..... in acre-feet (af) if using stored water]:

1.34 cfs

B) Number of Acres Irrigated (if an irrigation permit):

240 acres

5. Cost of project to date \$120,000 EST. Estimated remaining cost to complete the project \$150,000.

6. Please list the reasons why the project was not constructed, and/or water not beneficially used within permit time limits under the appropriate categories below. Please provide supporting information for each reason identified:

A) The project is of a size and scope that the original intent was to phase it in over a period longer than the timeframes allowed in the permit.

Above statement partially correct. It did take longer to project than anticipated. However, the property changed ownership and the new owners discovered need for completion of project at escrow. Simply need more time for completion.

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MAY 14 2003

WATER RESOURCES DEPT.
SALEM, OREGON

- B) Financing and/or cash-flow needs to develop the project precluded completion of the project within authorized timeframes.
Yes, a new well was constructed, need to produce more water. Need permit amendment to identify new well locations. Need another well.

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

- D) Acts of God or other unforeseen events delayed full development of the water system and use of water.
N/A

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

Adair Brown by D. C. Cole
Signature (Agent)

5/12/2003
Date

MAIL COMPLETED APPLICATION and STATUTORY FEE OF \$100 TO:

WATER RIGHT PERMIT EXTENSIONS
WATER RESOURCES DEPARTMENT
158 12th STREET NE
SALEM, OREGON 97301-4172

RECEIVED

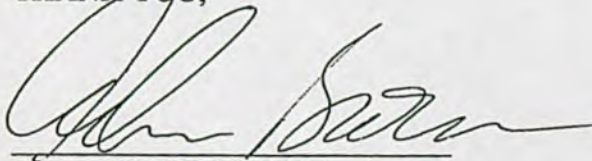
MAY 14 2003

WATER RESOURCES DEPT.
SALEM, OREGON

TO WHOM IT MAY CONCERN

I, ADAIR BROWN, AUTHORIZE DENNIS GLENDER OF GLENDER'S HYDRO TECH SERVICES TO ACT AS MY AGENT IN THE PROCESSING OF THE WATER RIGHT TRANSACTIONS ON MY BEHALF. PLEASE SEND ALL CORRESPONDENCE TO GLENDER'S HYDRO TECH SERVICES, 93291 PIKE LN, LAKEVIEW, OREGON 97630

THANK YOU,



ADAIK BROWN

5-3-03

DATE

GLENDER'S HYDRO TECH SERVICES

93291 Pike Ln, LAKEVIEW, OREGON 97630

Telephone/Fax (541) 947-4718 Cell (541) 219-0806

E-mail djglender@gooselake.com

RECEIVED

MAY 14 2003

WATER RESOURCES DEPT.
SALEM, OREGON

**Oregon Water Resources Department
Water Rights Division**

Application for Extension of Time

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

Permit Information

Application File #G-13949 / Permit #G-13114

Basin: #13 -Goose Lake Basin / Watermaster District: #12

Date of Priority: December 12, 1994

Authorized Use of Water

Source of Water:	One 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 (cfs)

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

Please read this Proposed Final Order in its entirety.

This Proposed Final Order applies only to Permit #G-13114, water right Application #G-13949. A copy of Permit #G-13114 is enclosed as Attachment 1.

Summary of Proposed Final Order for Extension of Time

The Department proposes to:

- grant the extension for complete application of water from October 1, 2001, to October 1, 2005.

AUTHORITY

ORS 537.230 and ORS 537.630(1) provide in pertinent part that the Water Resources Department shall, for good cause shown, order an extension of time within which: irrigation or other works shall be completed; the well or other means of developing and securing ground water shall be completed; or the right perfected. In determining the extension, the Department shall give due weight to the considerations described under ORS 539.010(5).

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

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

FINDINGS OF FACT

Background

1. Permit #G-13114 was granted by the Water Resources Department on April 17, 1997. The permit authorizes the use of up to 6.92 cfs of water from a well in Goose Creek Basin, for irrigation of 272.92 acres and supplemental irrigation of 281.38 acres. The permit specified that complete application of water was to be made on or before October 1, 2001.
2. The permit holder submitted an "Application for Extension of Time" to the Department on May 14, 2003, requesting the time in which to accomplish beneficial use of water to the full extent under the terms of Permit #G-13114 be extended from October 1, 2001, to October 1, 2005. This is the first permit extension requested for Permit #G-13114.

3. Notification of the permit holder's extension of time request for Permit #G-13114 was published on the Department's Public Notice dated June 17, 2003. No public comment on the extension application was received.

Review Criteria *[OAR 690-315-0040(1)(2)]*

As set forth under OAR 690-315-0040(1)(2), the time limits to complete construction or to apply the water to a beneficial use may be extended upon showing of good cause for the untimely completion. This determination shall consider the applicable requirements of ORS 537.230, 537.248¹, 537.630 and 539.010(5).

Other Governmental Requirements *[ORS 537.230(2)]*

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

Start of Construction *[ORS 537.630]*

5. Construction of the well and water system began within the time specified in the permit, being April 17, 1998.

Financial Investment *[ORS 539.010(5)]*

6. As of May 14, 2003, the permit holder had invested a total of \$120,000 into the project, consisting of: complete construction of the well with installation of pump, booster and flow meter; and installation of 0.25 mile center pivot and 0.50 mile mainline from center pivot. An additional \$150,000 investment is anticipated for the completion of this project.

Reasonable Diligence and Good Faith of the Appropriator *[ORS 537.230(1), 537.630(1) and 539.010(5)]*

Reasonable diligence during the permit period constitutes a continuing test of whether and under what conditions to grant an extension [ORS 537.260, OAR 690-315-0040(3)].

In accordance with OAR 690-315-0040(3), the Department shall consider, but is not limited to, the following factors when determining whether the applicant has demonstrated reasonable diligence in previous performance under the permit:

¹ ORS 537.248 applies to reservoir permits only.

Amount of Construction

7. The following construction was completed within the time allowed in the permit or previous extension:
 - a. Construction of the well and water system began within the time specified in the permit, being April 17, 1998. Work thus far consists of: complete construction of the well with installation of pump, booster and flow meter; and installation of 0.25 mile center pivot and 0.50 mile mainline from center pivot.

Beneficial Use of Water

8. The following beneficial use was made of the water during the permit or previous extension time limits:
 - a. Since the issuance of Permit #G-13114 on April 17, 1997, a maximum rate of 1.34 cubic feet per second has been appropriated from the well and been applied to 240 acres.
 - b. Delay of full beneficial use of water under Permit #G-13114 was due to change of ownership plus low water yield of original well. The permit holder needs more time to obtain a permit amendment for a new well at a different location in order to obtain the full quantity of water allowed under the permit.

Compliance with Conditions

9. The water right permit holder's conformance with the permit or previous extension conditions.
 - a. The record does not raise concerns about the permit holder's compliance with conditions.

Financial Investments

10. Financial investments made toward developing the beneficial water use.
 - a. As of May 14, 2003, the permit holder had invested approximately 44 percent of the total projected cost for complete development of this project. A total of \$120,000 has been invested into the project, consisting of consisting of: complete construction of the well with installation of pump, booster and flow meter; and installation of 0.25 mile center pivot and 0.50 mile mainline from center pivot. An additional \$150,000 investment is anticipated for the completion of this project.

The Market and Present Demands for Water (ORS 539.010(5) and OAR 690-315-0040(4))

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:

11. The amount of water available to satisfy other affected water rights and scenic waterway flows.
 - a. The Department determined on March 13, 1996, that this use of ground water will, if properly conditioned, adequately protect the surface water from interference. Conditions were, therefore, placed upon Permit #G-13114 in order to avoid injury to existing rights or to the ground water resource.
 - b. The permitted well, authorized under Permit #G-13114, is not located within the boundaries of any designated ground water limited area.
 - c. The permitted well, authorized under Permit #G-13114, is not located within or above the designated boundaries of any state scenic waterway.
12. 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).
 - a. The permitted well, authorized under Permit #G-13114, is located within an area that has been identified by the Oregon Department of Fish and Wildlife as a "low" needs ranking area for streamflow restoration for fish. The permitted well, authorized under Permit #G-13114 is located within the Goose Lake Basin which has been designated by the Oregon Department of Environmental Quality as an area containing water quality limited streams. The Department determined on March 13, 1996, however, that this use of groundwater will, if properly conditioned, adequately protect the surface water from interference. The Department, therefore, placed conditions upon Permit #G-13114 in order to avoid injury to existing rights or to the ground water resource. Because of this determination, this application does not raise concerns about surface water impacts.

13. The habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife.
 - a. The permitted well is located within a designated sensitive, threatened or endangered species area for aquatic species utilizing surface water resources, as identified by the Oregon Department of Fish and Wildlife. The Department determined on March 13, 1996, however, that this use of groundwater will, if properly conditioned, adequately protect the surface water from interference. The Department, therefore, placed conditions upon Permit #G-13114 in order to avoid injury to existing rights or to the ground water resource. Because of this determination, this application does not raise concerns about surface water impacts.
14. Economic investment in the project to date.
 - a. As of May 14, 2003, the permit holder had invested approximately 44 percent of the total projected cost for complete development of this project. A total of \$120,000 has been invested into the project, consisting of: complete construction of the well with installation of pump, booster and flow meter; and installation of 0.25 mile center pivot and 0.50 mile mainline from center pivot. An additional \$150,000 investment is anticipated for the completion of this project.
15. Other economic interests dependent on completion of the project.
 - a. None have been identified.
16. Other factors relevant to the determination of the market and present demand for water and power.
 - a. None have been identified.

Fair Return Upon Investment [ORS 539.010(5)]

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

Duration of Extension [OAR 690-315-0040(1)(c), ORS 539.010(5)]

As set forth under OAR 690-315-0040(1)(c), time extensions granted shall be for the reasonable time period necessary to complete construction and application of water to beneficial use.

18. As of May 14, 2003, the remaining work to be completed consists of complete application of water to beneficial use.
19. Unforeseen events extended the length of time needed to fully develop and perfect the permit, caused mainly by change of ownership plus low water yield of original well. Additionally, the permit holder needs more time to obtain a permit amendment for a new well at a different location in order to obtain the full quantity of water allowed under the permit.
20. Given the amount of development left to occur, the Department has determined that the permittee's request to have until October 1, 2005, to complete the full application of water to beneficial use under the terms of Permit #G-13114 is both reasonable and necessary.

CONCLUSIONS OF LAW

1. The applicant is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.230 and ORS 537.630.
2. The applicant has submitted a complete extension application form and the fee specified under ORS 536.050(1)(k), as required by OAR 690-315-0040(1)(a).
3. The applicant demonstrated that actual construction on the project began within the time specified in the permit, as required by OAR 690-315-0040(1)(b).
4. Construction of a new well at a different location in order to obtain the full quantity of water allowed under the permit and full application of water to beneficial use can be completed by October 1, 2005², as required by OAR 690-315-0040(1)(c).
5. The Department has considered the requirements of other governmental agencies, the financial investment made, the reasonable diligence and good

² Pursuant to ORS 537.630(3), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and the claim of beneficial use.

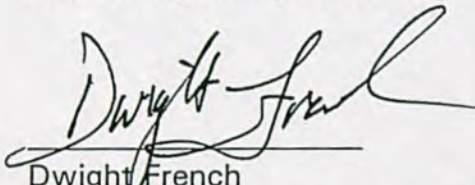
faith of the appropriator, the market and present demands for water and the fair return upon the investment, and has determined that the applicant has shown that good cause exists for an extension of time in order to construct a new well at a different location to obtain the full quantity of water allowed under the permit and apply the water full to beneficial use pursuant to OAR 690-315-0040(1)(d).

Proposed Order

Based upon the foregoing findings of fact and conclusions of law, the Department proposes to issue an order to:

Extend the time for complete application of water to beneficial use under Permit #G-13114 from October 1, 2001, to October 1, 2005.

DATED: April 27, 2004


Dwight French
Water Rights Section Manager

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

Proposed Final Order Hearing Rights

1. Under the provisions of OAR 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may request a contested case hearing on the proposed final order. Your request for contested case hearing must be in writing and must be received by the Water Resources Department no later than June 11, 2004, being 45 days from the date of publication of the proposed final order in the Department's weekly public notice.
2. A written request for contested case hearing shall include:
 - a. The name, address and telephone number of the petitioner;
 - b. A description of the petitioner's interest in the final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented;
 - c. A detailed description of how the action proposed in the final order would adversely affect or aggrieve the petitioner's interest;
 - d. A detailed description of how the final order is in error or deficient and how to correct the alleged error or deficiency;

- e. Any citation of legal authority supporting the petitioner, if known;
 - f. Proof of service of the petition upon the water right permit holder, if petitioner is other than the water right permit holder; and
 - g. The protest fee required under ORS 536.050.
3. Within 60 days after the close of the period for requesting a contested case hearing, the Director shall:
- a. Issue a final order on the extension request; or
 - b. Schedule a contested case hearing if a request for contested case hearing has been submitted, and:
 - A. Upon review of the issues, the Director finds there are significant disputes related to the proposed agency action; or
 - B. The applicant submitted a timely request for a contested case hearing.

If you have other questions about the Department, or any of its programs, please contact our Water Rights Information Group at (503)986-0801. Address all other correspondence to:

Water Rights Section
Oregon Water Resources Department
725 NE Summer Street, Suite A
Salem, OR 97301-1271
Fax #: (503)986-0901

If you have any questions about any of the statements contained in this document, you may contact Lisa Juul at (503)986-0808.

If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Renee Moulun. Her telephone number is (503)986-0824.

If you have other questions about the Department or any of its programs, please contact our Water Rights Information Group at (503)986-0801.



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
503-378-3739
FAX 503-378-8130

March 31, 2003

Certified mail number 1105 2196
Return receipt requested

MITCHELL BROWN
14200 ROAD 284
PORTERVILLE CA 93257

Reference: Application G13949, Permit G13114

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, to include a final proof survey map of the development. The map and claim of beneficial use was to have been submitted to our Department within one year of October 1, 2001. A list of certified water right examiners is enclosed for your use.

If you are not finished with the development of your permit, you need to file for an extension of time to complete your development. An extension form is also enclosed with this letter.

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. A cancellation form is enclosed, 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 of your permit within 60 days of the date of this letter (May 30, 2003) the Department may cancel your permit without further notice.

Please give me a call if you have questions. My phone number is 503-378-8455 extension 274.

Sincerely,

Jerry Sauter
Water Rights Program Analyst

E-MAIL FROM DENNIS GLENDON
"ATTACHED"

Enclosures (3)

cc: OWRD Watermaster District 12
D ANDERSON, CWRE ANDERSON ENGRNG & SURVEYING PO BOX 28, LAKEVIEW OR 97630
File G13949



X-Mailer: Calypso Version 3.30.00.00 (4)
Date: Wed, 09 Apr 2003 14:03:12 -0700
From: "Dennis and Julie Glender" <djglender@gooselake.com>
To: Jerry.K.SAUTER@wrdd.state.or.us
Subject: Application G-13949, Permit G-13114, Mitchell Brown
X-Security: MIME headers sanitized on funnel
See <http://www.impsec.org/email-tools/sanitizer-intro.html>
for details. \$Revision: 1.133 \$Date: 2002-01-05 17:09:21-08

Good Morning Jerry,

A note to let you know that Adair Brown, owner of the lands covered by Application G-13949, Permit G-13114 has contacted me and asked that I assist in preparing an extension of time for the above mentioned Permit.

There seem to be some confusion on the owners part as to where he stands in this process. I am doing the research now and will meet with him in a few days. We may need to do an assignment on this one.

I will be in touch.

Thanks,

Dennis

PERMIT STATUS REVIEW BY jd DATE 3/5/03 FILE # 6-13949

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

no Permit is for municipal or quasi-municipal use or in Bonanza study area
(per DF, when in doubt about MU/QM, change database code)

no Extension pending _____ final _____

no Assignment is pending _____

no Cancellation is requested _____ final _____

no Dept. has already sent a certified "Form 100" letter (date _____, # _____)

Was 60 days notice allowed? _____

Was mail deliverable as addressed? _____ date _____

Send cancellation letter _____

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

Date information received _____

2. IF NONE OF THE ABOVE APPLY

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

"C" DATE 10/11/2001

WATERMASTER DISTR # 12

WATERMASTER NAME Poe

CWRE or AGENT Darrell Anderson

Anderson Engineering

Application: 613949



MITCHELL BROWN GENERAL ENGINEERING, INC.

14200 Road 284 • Porterville, CA 93257 • (559) 781-6389 • Fax: (559) 781-2358

RECEIVED

APR 30 2001

WATER RESOURCES DEPT.
SALEM, OREGON

April 26, 2001

Water Resources Department
Commerce Building
158 12th Street NE
Salem, OR 97301-4172

Attn: John A. Wynn

Ref: User ID 28239

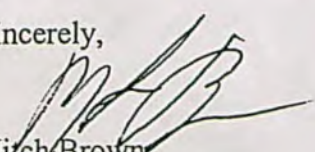
Dear Mr. Wynn,

The following is a record of the monthly quantity of water used by the above referenced User ID 28239 for the 2000 water year.

	<u>38283.1C</u>
July	1,498,300 Gls.
August	1,406,900 Gls.
September	<u>20,800 Gls.</u>
Total	2,926,999 Gls.

If you should need any additional information, we can be reached at 559-781-6389.

Sincerely,


Mitch Brown

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

X 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	
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SECTION 15

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

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

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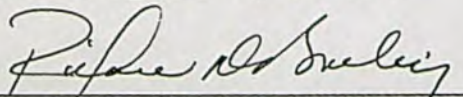
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Actual construction of the well shall begin within one year from permit issuance. The reservoirs shall be filled and complete application of water shall be made on or before October 1, 2001.

Issued April 17, 1997



for Martha O. Pagel, Director
Water Resources Department

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>
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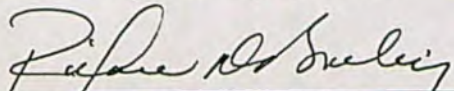
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Issued April 17, 1997



for Martha O. Pagel, Director
Water Resources Department

STATE OF OREGON

COUNTY OF LAKE

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MITCHELL BROWN
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(209) 781-6389

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

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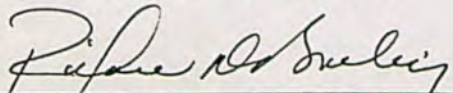
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Issued April 17, 1997



for Martha O. Pagel, Director
Water Resources Department



Anderson Engineering & Surveying

Professional Engineers & Land Surveyors

RECEIVED

MAR 24 1997

WATER RESOURCES DEPT.
SALEM, OREGON

March 20, 1997

Steve Brown
Oregon Water Resources Department
158 12th Street N.E.
Salem OR 97310-0210

RE: APPLICATION # G-13949

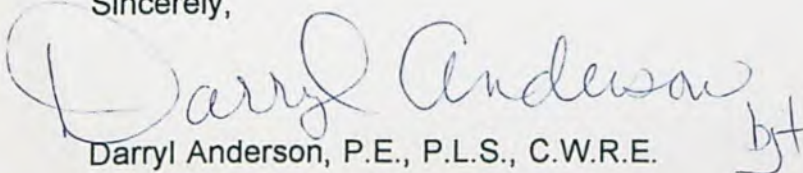
Dear Mr. Brown:

Please find enclosed Check #514 for \$1,210.00 to cover the permit recording fees for Mitchell Brown's water right application - G-13949.

As I discussed over the telephone with your staff the permit will still be issued now that the fees are paid.

If there are any questions, please give me a call.

Sincerely,

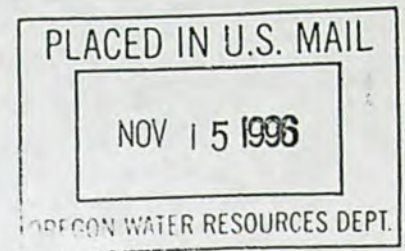

Darryl Anderson, P.E., P.L.S., C.W.R.E.

cc: Mitchell Brown
Adair Brown

HC 64 Box 24 - P.O. Box 28
Lakeview, Oregon 97630
(541)947-4407
FAX 947-2321

1516 SW Highland • P.O. Box 419
Redmond, Oregon 97756
(541) 923-4307
FAX 923-4308

Oregon Water Resources Department
Water Rights Division



Water Rights Application
Number G-13949

Final Order

Application History

On December 12, 1994, MITCHELL BROWN submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on August 27, 1996. The protest period closed October 11, 1996, and no protest was filed.

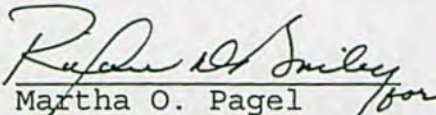
The proposed use would not impair or be detrimental to the public interest.

Order

Upon payment of outstanding permit recording fees, Application G-13949 shall be approved as proposed by the Proposed Final Order and as provided on the attached draft permit.

Permit recording fees are required in the amount of \$ 1210.00. Said fees are due and payable no later than 60 days from the date of this Final Order. Failure to pay the required permit recording fees within 60 days from the date of this Final Order will result in the proposed rejection of Application G-13949.

DATED October 29, 1996


Martha O. Pagel
Director

Appeal Rights

Under the provisions of ORS 183.484, the applicant may appeal this order by filing a petition for review in the Circuit Court for Marion County or the circuit court for the county in which the applicant resides or has a principal business office. The petition for review must be filed within 60 days after the date this order is served.

STATE OF OREGON

COUNTY OF LAKE

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

MITCHELL BROWN
14200 ROAD 284
PORTERVILLE, CALIFORNIA 93257

(209) 781-6389

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

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{ DATE }

DRAFT

Martha O. Pagel, Director
Water Resources Department

FO CHECKLIST

WEEK # 57

PFO TO FO CONVERSION

INITIALS : JTG

In preparing the FO, you should check the following:

1. Y / ☒ N Were comments or protests received in response to the PFO?
2. ☒ If #1 = "Y", from whom were the comments received and when?
3. ☒ Verify names and addresses on the PFO CC list. **ALL** commentors (regardless of comment date), **affected landowners (were they notified?)**, and **those who paid the \$10 fee** should be listed. 200
100
1110
4. ☒ 1210 Verify payment of recording fees (circle the appropriate option)
(1) Issue FO w/permit if fees are paid -- Prepare refund request for excess fees, including **standing fees if no protest is filed and no modifications are being made to the PFO**
(2) ☒ Issue FO w/o permit if fees are lacking
5. Y / ☒ N Is the file lacking a signed oath of accuracy for the application?
6. Y / ☒ N Has ODFW asked for self certification on screening condition?
7. Y / ☒ N Is water use prohibited for one or more months of the normal use period?
8. Y / ☒ N If # 7 = "Y", is short season letter on file? Note: If short season letter is lacking prepare FO with Draft permit giving applicant 60 days to submit letter.
9. Y / N Is further processing possible? If not state reason: _____
10. _____ Notify applicant of additional information or fees required prior to permit issuance (**SEND CERTIFIED LETTER** & use standard wording from M:\T\FO\TOOLS if possible)
11. _____ Assign permit numbers to files with oath, fees, and no protests or other issues

DENIAL
LARRY☒ FO w/o PERMIT
JERRY

Route to: (circle one)

FO & PERMIT	COMMENTS
JEREMY	DOUG

7B

Initials JTG

Modify FO as needed to:

12. ☒ Respond to significant comments, issues, or disputes related to the proposed use of water (see notes, if any, listed above)
13. ☒ Include or exclude permit conditions and management codes
14. ☒ Correct PFO errors (such as POD or POU location (verify from map), Permit format)

Once FO document is completed:

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

**ANDERSON
ENGINEERING & SURVEYING, INC.**

HC 64 Box 24 539 SW 7th Street
P.O. Box 28 P.O. Box 419
LAKEVIEW, OR 97630 REDMOND, OR 97756
(541) 947-4407 (541) 923-4307
FAX (541) 947-2321 FAX (541) 923-4308

LETTER OF TRANSMITTAL

TO Oregon Water Resources Department
158 12th Street / Commerce Building
Salem, OR 97310-0210

DATE	10/03/96	JOB NO.	94074
ATTENTION	Laura K. Snedaker		
RE:	Brown Water Right		

WE ARE SENDING YOU ☐ Attached ☐ Under separate cover via _____ the following items:

- ☐ Shop drawings ☐ Prints ☐ Plans ☐ Samples ☐ Specifications
☐ Copy of letter ☐ Change order ☐ _____

COPIES	DATE	NO.	DESCRIPTION
1			REVISED APPLICATION MAP FOR MITCHELL BROWN

RECEIVED

OCT - 4 1996

WATER RESOURCES DEPT.
SALEM, OREGON

THESE ARE TRANSMITTED as ch

- ☐ For approval ☐ Submitted ☐ Resubmit _____ copies for approval
☐ For your use ☐ Noted ☐ Submit _____ copies for distribution
☐ As requested ☐ Corrections ☐ Return _____ corrected prints
☐ For review and comment ☐ _____
☐ FOR BIDS DUE _____ 19 _____ ☐ PRINTS RETURNED AFTER LOAN TO US

REMARKS _____

COPY TO Owner / Watermaster

SIGNED: Darryl Anderson, P.E., P.L.S.

If enclosures are not as noted, kindly notify us at once.

**ANDERSON
ENGINEERING & SURVEYING, INC.**

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Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-13949

Proposed Final Order

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

Additional Information Required: A review of Department records revealed two existing water rights, Certificates 21982 and 37004, on a few of the lands requested under this application for primary irrigation. A revised application map correctly identifying the number of acres in each quarter section to receive primary and supplemental irrigation needs to be submitted to the Department before a permit may be issued.

Application History

On December 12, 1994, MITCHELL BROWN submitted an application to the Department for the following water use permit:

- Amount of Water: 6.93 CUBIC FEET PER SECOND (CFS)
- Use of Water: IRRIGATION OF 273.52 ACRES AND SUPPLEMENTAL IRRIGATION OF 280.28 ACRES
- Source of Water: A WELL IN THE GOOSE LAKE BASIN
- Area of Proposed Use: Lake County within SECTION 10, SECTION 11, SECTION 14 AND SECTION 15, TOWNSHIP 40 SOUTH, RANGE 20 EAST, W.M.
- Water Delivery System: According to the applicant the well will discharge in 8 inch or 10 mainline and be distributed to wheel type sprinkler lines.

On MAY 10, 1996, the Department mailed the applicant notice of its Initial Review, determining that the use of 6.92 CFS for Irrigation and Supplemental Irrigation of 553.81 acres, from one well within the Goose and Summer Lakes Basin, for Irrigation may be allowed from March 1 through October 31 of each year and for Supplemental Irrigation may be allowed from March 15 through September 15. The applicant did not notify the Department to stop processing the application within 14 days of that date.

On MAY 28, 1996, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about both obtaining future notices and a copy of the proposed final order.

No written comments were received within 30 days.

In reviewing applications, the Department may consider any relevant sources of information, including the following:

- comments by or consultation with another state agency
- any applicable basin program
- any applicable comprehensive plan or zoning ordinance
- the amount of water available
- the rate and duty for the proposed use
- pending senior applications and existing water rights of record
- designations of any critical groundwater areas
- the Scenic Waterway requirements of ORS 390.835
- applicable statutes, administrative rules, and case law
- any general basin-wide standard for flow rate and duty of water allowed
- the need for a flow rate and duty higher than the general standard
- any comments received

Findings of Fact

During a review of Department records existing water rights were identified on approximately 3.12 acres of the lands requested under this application for Primary Irrigation. Irrigation of these 3.12 acres shall be made supplemental.

The Goose and Summer Lakes Basin Program allows the following uses: Irrigation of 270.4 acres and Supplemental Irrigation of 283.4 acres.

Senior water rights exist on A WELL IN THE GOOSE LAKE BASIN.

A WELL IN THE GOOSE LAKE BASIN is not within or above a State Scenic Waterway.

Water is available for further appropriation for the period MARCH 15 THROUGH SEPTEMBER 15.

The Department finds that no more than 6.92 CFS would be necessary for the proposed use. The amount of water requested, 6.93 CFS, shall be restricted to 6.92 CFS.

The Department determined, based upon OAR 690-09, that the proposed groundwater use will, if properly conditioned, adequately protect the surface water from interference.

The Groundwater Section finds that there is NOT a preponderance of evidence that the proposed use of groundwater will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife.

Conclusions of Law

Under the provisions of ORS 537.621, the Department must presume that a proposed use will ensure the preservation of the public welfare, safety and health if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

The proposed use requested in this application is allowed in the an 80 Basin Plan.

No preference for this use is granted under the provisions of ORS 536.310(12).

Water is available for the proposed use.

The proposed use will not injure other water rights.

The proposed use complies with rules of the Water Resources Commission.

The proposed use complies with the State Agency Agreement for land use.

No proposed flow rate and duty of water higher than the general basin-wide standard is needed.

For these reasons, the required presumption has been established.

Under the provisions of ORS 537.621, once the presumption has been established, it may be overcome by a preponderance of evidence that either:

- (a) One or more of the criteria for establishing the presumption are not satisfied; or
- (b) The proposed use would not ensure the preservation of the public welfare, safety and health as demonstrated in comments, in a protest . . . or in a finding of the department that shows:
 - (A) The specific aspect of the public welfare, safety and health under ORS 537.525 that would be impaired or detrimentally affected; and
 - (B) Specifically how the identified aspect of the public welfare, safety and health under ORS 537.525 would be impaired or be adversely affected.

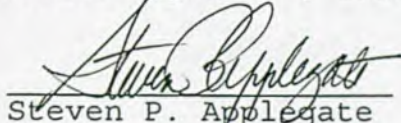
In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use would impair or be detrimental to the public interest.

The Department therefore concludes that water is available in the amount necessary for the proposed use; the proposed use will not result in injury to existing water rights; and the proposed use would ensure the preservation of the public welfare, safety and health as described in ORS 537.525.

Recommendation

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

DATED August 27, 1996



Steven P. Applegate
Administrator
Water Rights and Adjudications Division

Protest Rights

Under the provisions of ORS 537.621(7), you have the right to submit a protest against this proposed final order. Your protest must be in writing, and must include the following:

- Your name, address, and telephone number;
- A description of your interest in the proposed final order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
- A detailed description of how the action proposed in this proposed final order would impair or be detrimental to your interest;
- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known; and
- If you are not the applicant, the \$200 protest fee required by ORS 536.050 and proof of service of the protest upon the applicant.
- If you are the applicant, a statement of whether or not you are requesting that a contested case hearing be held. If you do not request a hearing, the Department will presume that you do not wish for a hearing to be held.

Your protest must be received in the Water Resources Department no later than October 11, 1996.

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

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

LKS

DRAFT

This is not a permit!!!
STATE OF OREGON

DRAFT

COUNTY OF LAKE

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

MITCHELL BROWN
14200 ROAD 284
PORTERVILLE, CALIFORNIA 93257

PHONE: (209) 781-6389

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

APPLICATION FILE NUMBER: G-13949

SOURCE OF WATER: A WELL IN THE GOOSE LAKE BASIN

-> PURPOSE OR USE: IRRIGATION OF ^{272.92}~~273.52~~ ACRES AND SUPPLEMENTAL IRRIGATION OF ^{281.38}~~280.28~~ 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	^{47.34} 47.8 ACRES	^{32.48} 35.2 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

Application G-13949 Water Resources Department

PERMIT DRAFT

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	
NE 1/4 SW 1/4	2.3 ACRES	28.3 ACRES
SE 1/4 SW 1/4	40.0 ACRES	
	SECTION 14	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	SECTION 15	0.5 Acres
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, and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued _____, 199_

DRAFT - THIS IS NOT A PERMIT

Water Resources Department
Director

Application G-13949 Water Resources Department
Basin 13 Volume 1 Crane Creek & Misc.
LKS MGMT.CODE

PERMIT DRAFT
District 12

CERTIFIED MAIL
Return Receipt Requested

WATER
RESOURCES
DEPARTMENT

August 27, 1996

MITCHELL BROWN
14200 ROAD 284
PORTERVILLE, CALIFORNIA 93257

RE: Application File # G-13949

Dear MITCHELL BROWN:

On AUGUST 27, 1996, a Proposed Final Order was issued requesting additional information necessary to complete the application. These items have not been received:

- Review of Department records of the acres identified in the application map with the correct supplemental irrigation in each quarter section to the Department. Final Proposed Order highlighted, of the land irrigated under the certificates identified in the Proposed Final Order are enclosed with this letter. Also, while reviewing the application map a discrepancy was also noted in the SE 1/4 NE 1/4 of Section 15. The map shows that there is supplemental irrigation in this quarter quarter section but does not identify the number of acres.

Please submit these items by OCTOBER 11, 1996. If we do not receive the items requested above by this date, we may deny your application consistent with ORS 537.153. If your application is denied, any fees submitted in excess of the examination fee will be refunded; however, the examination fee is non-refundable and will not be returned. In addition, the priority date associated with your application will be lost.

Please fax to
Darryl Anderson
at
1-541-947-2321
S.

FAXED



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

CERTIFIED MAIL
Return Receipt Requested

WATER
RESOURCES
DEPARTMENT

August 27, 1996

MITCHELL BROWN
14200 ROAD 284
PORTERVILLE, CALIFORNIA 93257

RE: Application File # G-13949

Dear MITCHELL BROWN:

On AUGUST 27, 1996, a Proposed Final Order was sent from the Department requesting additional information necessary to complete your application for water use. As of today, these items have not been received:

- ▶ Review of Department records identified existing water rights on a few of the acres identified in the application for primary irrigation. A revised application map with the correct number of acres to receive primary and supplemental irrigation in each quarter quarter section needs to be submitted to the Department. Final Proof maps, with the quarter quarter sections in question highlighted, of the lands irrigated under the certificates identified in the Proposed Final Order are enclosed with this letter. Also, while reviewing the application map a discrepancy was also noted in the SE 1/4 NE 1/4 of Section 15. The map shows that there is supplemental irrigation in this quarter quarter section but does not identify the number of acres.

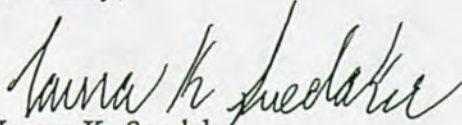
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Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

Should you have any questions regarding your application or the required materials listed above, or if you need to request an extension of time, please call me personally at 1-800-624-3199, extension 331.

Sincerely,

A handwritten signature in cursive script, reading "Laura K. Snedaker". The signature is written in dark ink and is positioned above the printed name and title.

Laura K. Snedaker
Senior Water Rights Examiner

Enclosures

CERTIFIED MAIL
Return Receipt Requested

WATER
RESOURCES
DEPARTMENT

August 27, 1996

MITCHELL BROWN
14200 ROAD 284
PORTERVILLE, CALIFORNIA 93257

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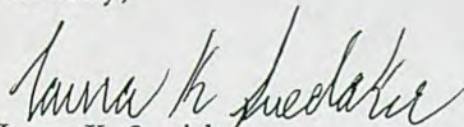
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Sincerely,

A handwritten signature in cursive script, reading "Laura K. Snedaker". The signature is written in dark ink and is positioned above the printed name.

Laura K. Snedaker
Senior Water Rights Examiner

Enclosures

PFO ACCURACY CHECKLIST

Application #: G-13949

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

Name:
LKS

Laura Swadlow

Date:

8-20-96

PFO CHECKLIST

Application #: 6 13949

P.N. = 5128196

Basin: Goose & Summer WAB: _____

Township 40S Range 20E Section 10, 11, 14 1/4 1/4 _____

15

V.I. Crane Cr + Misc

- ☒ A1. Public Interest Screen Criteria No
- ☒ 1. Is the file complete by the Completeness Checklist? Yes
- ☒ 2. Fees or other shortcomings (items needed before a permit and/or FO can be issued) Fees
- ☒ 3. Check file for indicators that the process should not continue until a later date (ie - protest, letter to file indicating hold, or other) map @ pri/supp per 1/4 1/4
- ☒ 4. A groundwater review has been evaluated for substantial interference with surface water (convert old gw conditions to the 7 series and add to the PFO, if necessary) properly conditioned
 - ☒ a. Is second groundwater review necessary? (objection) No
 - ☒ b. Is HB 1033 review complete? Yes
- ☒ 5. Is the source withdrawn or limited? - State Engineer, Legislative (ORS 538), etc. No
- ☒ 6. Is the Proposed Use located in or above a Scenic Waterway? No
- ☒ 7. Is the proposed use located in a TMDL Basin? (Tualatin, Yamhill, Pudding) No
- ☒ 8. Is the use allowed or limited by the Basin Program? Allowed
- ☒ 9. If source is groundwater, is the well located in a groundwater limited area? (If applicable, include map with POD) No
- ☐ 10. Water Availability Data has been verified (50% before July 17, 1992; 80% live flow & 50% storage after July 17, 1992)
- ☒ 11. Rate 1/80 Duty 3.0 Irrigation Season March 15 -> Sept 15
- ☒ 12. Period of Allowed Use March 15 -> Sept 15
- ☒ 13. Is use from a B.O.R. project and if so, is a signed contract in the file? N/A
- ☒ 14. Division 33 has been addressed - if applicable (Above Bonn after July 17, 1992 & Below Bonn after April 8, 1994 or June 3, 1994) N/A / Triage - N/A
- ☒ 15. Have conflicts been identified, verified and/or addressed? redline from I.R. - overlap onto primary lands by
- ☒ 16. Is the use Small (≤ 0.1 cfs, ≤ 9.2 AF), Medium (> 0.1 or < 1.5 cfs, > 9.2 or < 100 AF) or Large (≥ 1.5 cfs, ≥ 100 AF)? 6.92 cfs
- ☒ 17. Check TR/IR for permit conditions not included in the Draft Permit attached to the PFO requesting 6.93 cfs
- ☒ 18. Fill out Accuracy Checklist POD, TB, see GW review, 3B
- ☒ 19. Spell Check 553.8 x 1/80 = 6.92 cfs
- ☒ 20. Documents used in determination are attached and highlighted see I.R. checklist also
- ☒ 21. Fill out PFO CC List (a.k.a. the Check-Off Sheet) - don't forget to check for other property owners.
 - ☒ a. Does Ken Stahr need to be on the CC list (Rate, Duty and Period of Allowed Use changes) No
- ☒ 22. Final PFO report hard copy check (format, margins, etc.)
- ☒ 23. Final PFO has been saved to m:\t\pfo\done\week#\application #

Name: Laura Smedaker Date: 8-19-96 LKS

Darryl J. Anderson, GORE

STATE OF OREGON

COUNTY OF LAKE

CERTIFICATE OF WATER RIGHT

This is to Certify, That the ESTATE OF I. S. ECCLESTON, deceased,
 of Lakeview, State of Oregon, 97630 c/o Chas. E. Eccleston,
 has a right to the use of
 the waters of Crane Creek

for the purpose of Irrigation of 61.8 acres, and domestic and stock use,

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
 Lake County, and the said decree entered of record at Salem, in the Order
 Record of the STATE ENGINEER, in Volume 11, at page 421; that the priority
 of the right thereby confirmed dates from 1875;

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an
 amount actually beneficially used for said purposes, and shall not exceed three-fourths acre-foot
 per acre during any 30-day period prior to June 1st; and one-half acre foot per
 acre during any 30-day period after June 1st of each year; and two and one-half
 acre feet per acre during any irrigation season; to be diverted under a head of
 not to exceed one-fortieth of a second foot per acre.
 A description of the lands irrigated under such right, and to which the water is appurtenant
 (or, if for other purposes, the place where such water is put to beneficial use), is as follows:

OK
 20.6 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ (Lot 5)
 Section 10;
 32.6 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 1)
 6.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 2)
 Section 14;
 2.6 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ (Lot 1)
 Section 15,
 Township 40 South, Range 20 East, W.M.

AND said right shall be subject to all other conditions and limitations
 contained in said Decree.

The right to the use of the water for irrigation purposes is restricted to the lands or place
 of use herein described.

WITNESS the signature of the State Engineer,

affixed this 15th day

of November, 1933.

CHAS. E. STRICKLIN

State Engineer.

Recorded in State Record of Water Right Certificates, Volume 10, page 10,595

VER

STATE OF OREGON

COUNTY OF LAKE

CERTIFICATE OF WATER RIGHT

This is to Certify, That R. K. FUNK

of Lakeview, State of Oregon, 97630 has a right to the use of
the waters of Crane Creek

for the purpose of Irrigation of 59.1 acres, and domestic and stock use,

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
Lake County, and the said decree entered of record at Salem, in the Order
Record of the STATE ENGINEER, in Volume 11, at page 421; that the priority
of the right thereby confirmed dates from 1885;

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an
amount actually beneficially used for said purposes, and shall not exceed three-fourths acre foot
per acre during any 30-day period prior to June 1st, and one-half acre-foot per
acre during any 30-day period after June 1st, of each year, and two and one-half
acre feet per acre during any irrigation season; to be diverted under a head of
not to exceed the footfall of a second foot per acre
(or, if for other purposes, the place where such water is put to beneficial use), is as follows:

28.5 acres in NE 1/4 SW 1/4 - where?
7.6 acres in SW 1/4 SE 1/4
Section 14;
25.2 acres in NW 1/4 NE 1/4,
Section 25;
Township 40 South, Range 20 East, W.M.

AND said right shall be subject to all other conditions and limitations
contained in said Decree.

The right to the use of the water for irrigation purposes is restricted to the lands or place
of use herein described.

WITNESS the signature of the State Engineer,

affixed this 15th day

of November, 1935

CHAS. E. STRICKLIN

State Engineer.

Recorded in State Record of Water Right Certificates, Volume 10, page 10,597.

VAP

STATE OF OREGON

COUNTY OF LAKE

CERTIFICATE OF WATER RIGHT

This is to Certify, That JAMES P. DUKE

of Lakeview, State of Oregon, has a right to the use of
the waters of Crane Creek
for the purpose of Irrigation of 197.1 acres,

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
Lake County, and the said decree entered of record at Salem, in the Order
Record of the STATE ENGINEER, in Volume 11, at page 421; that the priority
of the right thereby confirmed dates from Spring, 1889;

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an
amount actually beneficially used for said purposes, and shall not exceed three-fourths acre foot
per acre during any 30-day period prior to June 1st, and one-half acre foot per
acre during any 30-day period after June 1st of each year; and two and one-half
acre feet per acre during any irrigation season; to be diverted under a head of
not to exceed one-fortieth of a second foot per acre.

A description of the lands irrigated under such right, and to which the water is appurtenant
(or, if for other purposes, the place where such water is put to beneficial use), is as follows:

14.0 acres in NW 1/4 NW 1/4 (Lot 8)
34.0 acres in SE 1/4 NW 1/4 (Lot 7)
20.0 acres in NW 1/4 SW 1/4
17.0 acres in NW 1/4 SE 1/4
2.1 acres in SW 1/4 SE 1/4,
Section 14;
27.0 acres in NE 1/4 NE 1/4
25.0 acres in SE 1/4 NE 1/4
40.0 acres in NE 1/4 SE 1/4
20.0 acres in NW 1/4 SE 1/4,
Section 15;
Township 40 South, Range 20 East, W.M.

Where located?

AND said right shall be subject to all other conditions and limitations
contained in said Decree.

The right to the use of the water for irrigation purposes is restricted to the lands or place
of use herein described.

WITNESS the signature of the State Engineer,
affixed this 15th day
of November, 1935.

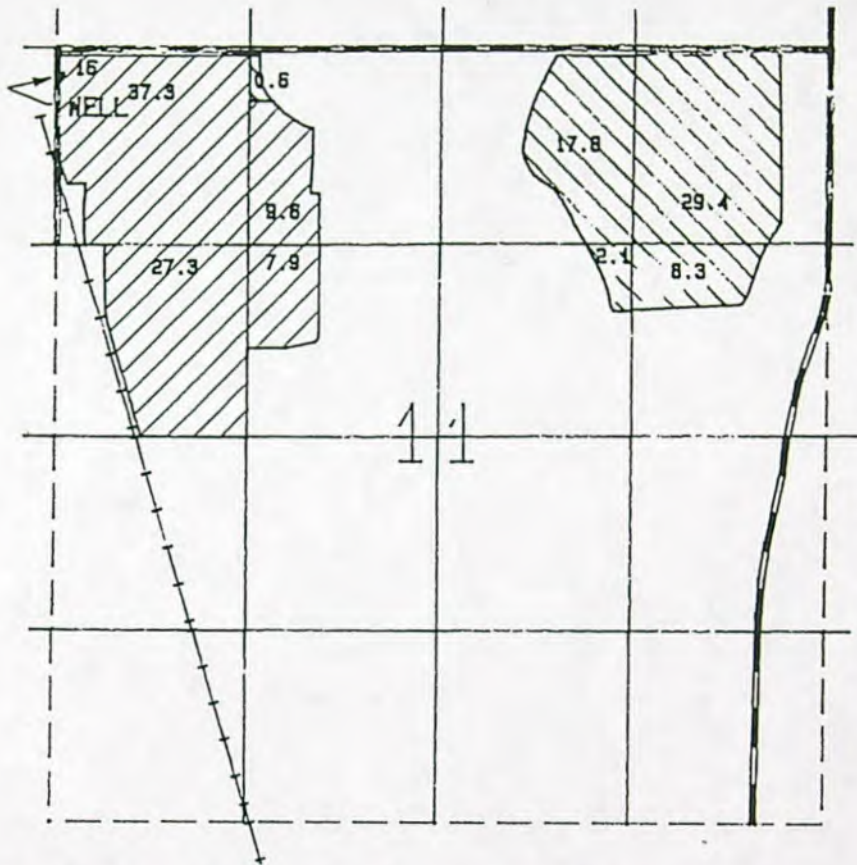
CHAS. E. STRICKLIN

State Engineer.

Recorded in State Record of Water Right Certificates, Volume 10, page 10,594

T. 40 S., R. 20 E., W.M.

NCR



SCALE: 1" = 1320'



PRIM.



SUPP.

WELL LOCATED 170 FT. S. AND 30 FT. E. FROM N.W. COR. SEC. 11

FINAL PROOF SURVEY
UNDER

Cert 38667

APPLICATION NO. G-11163 PERMIT NO. G-10371

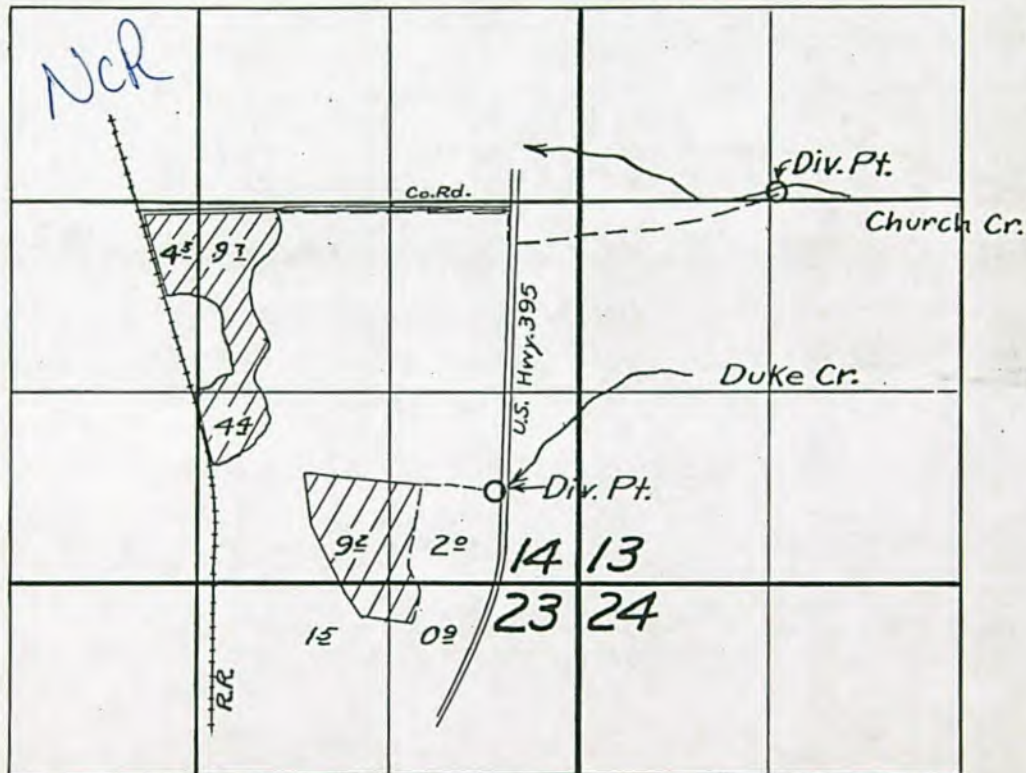
IN NAME OF

JOHN GAREE

Surveyed Oct. 15, 1987 By V.L. CHURCH

Photo: 379-167D JCL

T.40S.R.20E.W.M.



Cert 21726
FINAL PROOF SURVEY
UNDER

Application No. 20687 Permit No. 16183
IN NAME OF

James S. Snider & C.F. Snider

Surveyed June 17, 1955, by T. Jones

CHZ-38K-178

RECEIVED

JUN 13 1996

WATER RESOURCES DEPT.
SALEM, OREGON



Anderson Engineering & Surveying, Inc.

Professional Engineers & Land Surveyors

June 11, 1996

Kerry Lafever
Water Rights Specialist
Oregon Water Resources Department
158 E 12th Street
Salem, Oregon 97310

RE: APPLICATION G-13949

Dear Ms. Lafever:

I still have some confusion concerning Item #6 of the initial review dated May 10th concerning the above referenced application. After reviewing all records at the Watermaster's office, I still do not find the overlaps in the water rights as you indicated.

Would you please furnish me with copies of the maps and data that you are referring to so that I may make any changes that are necessary to the application map.

Sincerely,

Darryl Anderson
P.E., P.L.S., C.W.R.E.

cc: Mr. Mitchell Brown
Dennis Glender, Lake County Watermaster

HC 64 Box 24 • P.O. Box 28
Lakeview, OR 97630
(503)947-4407
FAX 947-2321

539 SW 7th Street • P.O. Box 419
Redmond, Oregon 97756
(503)923-4307
FAX 923-4308

May 10, 1996

MITCHELL BROWN
14200 ROAD 284
PORTERVILLE, CALIFORNIA 93257

Reference: File G-13949

Dear Applicant:

**THIS IS NOT A PERMIT AND IS
SUBJECT TO CHANGE AT NEXT PHASE OF PROCESS**

This letter is to inform you of the potential limitations to your proposed use of water and to describe some of your options. Based on the information you have supplied, the Water Resources Department has reached the following conclusions:

Initial Review Determinations:

1. Your application is complete and not defective.
2. The proposed use is not prohibited by law or rule.
3. The use of water for IRRIGATION is allowed under OAR 513, the Goose & Summer Lakes Basin Program (OAR 690-513-030 (2)).
4. Based on a groundwater review, the Department has determined that this well, if properly conditioned, will adequately protect the surface water from interference.
5. The Department finds that no more than 6.92 cubic foot per second (cfs) would be necessary for Irrigation and Supplemental Irrigation of 553.81 acres. The amount of water requested, 6.93 cfs, shall be restricted to 6.92 cfs.
6. Based on review of existing water rights, it was determined that a portion of lands requested under application G-13949 for Primary Irrigation covers the same lands for IRRIGATION as existing Certificates 10594, 10595, 10597, 21982 and 37004 (located in SW 1/4 NW 1/4 and SE 1/4 NW 1/4 in Section 10, Township 40 South, Range 20 East, W.M.) and will be made SUPPLEMENTAL.



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

Mitchell Brown
File G-13949
May 10, 1996
Page 2

7. A map which identifies the number of acres to be primary and the number of acres to supplemental must be returned within 30 days. Failure to return the map may result in the Department withholding issuance of a permit and eventual rejection of your application.
8. The use of 6.92 cfs, for IRRIGATION and SUPPLEMENTAL IRRIGATION OF 553.81 ACRES, from one well within the Goose & Summer Lake basin, is available year round.
9. The irrigation season is limited to March 1 through October 31 by Department policy. Supplemental irrigation is limited by the Crane Creek and Kelly Creek Decree to March 15 through September 15.

Summary of Initial Determinations

The use of 6.92 cfs for IRRIGATION AND SUPPLEMENTAL IRRIGATION OF 553.81 ACRES, from one well within the Goose & Summer Lake basin, for IRRIGATION may be allowed from March 1 through October 31 of each year and for SUPPLEMENTAL IRRIGATION may be allowed from March 15 through September 15.

Because of the Departments determination, your application can be moved to the next phase of the water rights application review process. However, due to #5, 6, and 9 above your application will likely be limited as summarized above or may be rejected if you do not comply with #7 above.

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

At this time, you must decide whether to proceed or to withdraw your application as described below.

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$50 processing charge per application.) To accomplish this you must notify the Department in writing by May 24, 1996. For your convenience you may use the enclosed "STOP PROCESSING" form.

Mitchell Brown
File G-13949
May 10, 1996
Page 3

To Proceed With Your Application:

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

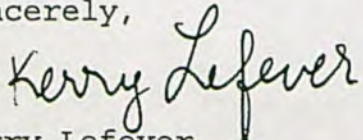
If A Permit Is Issued It Will Likely Include The Following Conditions:

1. You may be required to measure the amount of water used and report that use annually.
2. 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.
3. The permit shall allow groundwater production from no shallower than 100 feet below the ground surface.
4. The priority date for this application is December 12, 1994.

If you have any questions:

Feel free to call me at (503) 378-8455 ext. 455 or 1 (800) 624-3199 if you have any questions. Please have your application number available if you call.

Sincerely,



Kerry Lefever
Water Rights Specialist

cc: Regional Manager, Watermaster, Water Availability
Section
enclosures: Flow Chart of Water Right Process
Stop Processing Form

IR MAILING LIST ADDITIONS

G-13949

OWNERS OF PROPERTY (OTHER THAN APPLICANT) CROSSED BY THE
DELIVERY SYSTEM OR OTHER WATER WORKS:

GOVERNMENTAL ENTITIES ON THE LAND USE FORM OTHER THAN
COUNTIES:

OTHER:

IR CHECKLIST

ONE WELL

Application #: G 13949 Vol Subbasin Goose Lake Subbasin
 Basin: 13 - Goose & Summer WAB: 0800 POU-WAB: 0800
 Township 40S Range 20E Section 10 1/4 1/4 NE SW - well

per 4x/20E/sec 10, 11, 14, 15

- ☒ 1. Items have been verified on Completeness Checklist.
- ☒ 2. Check file for indicators that the process should not continue until a later date (ie - protest, items (other than oath) missing from the completeness check, letter to file indicating hold, or other)
- ☒ 3. A groundwater review has been evaluated for substantial interference with surface water (convert old gw conditions to the 7 series and add to the PFO, if necessary)
 - ☒ a. Is the well located in a groundwater limited area? 7B,
 - ☒ b. A "X" B "X" C "X" D allow gw production from no shallower than 100 feet
 - ☒ c. SWW "X"
- ☒ 4. Is the Proposed Use located in or above a Scenic Waterway?
- ☒ 5. Is the proposed use located in a TMDL Basin? (Tualatin, Yamhill, Pudding)
- ☒ 6. Is the use allowed or limited by the Basin Program? IRRIG OAR(s) 690-513-030 (2)
- ☒ 7. Is the source withdrawn or limited? - State Engineer, Legislative (ORS 538), etc.
- ☒ 8. Basin Maps (metal cabinet) have been checked and River Mile (Crane Creek) has been identified
- ☒ 9. Water Availability Data has been verified (50% < July 17, 1992 ** 80% [50% storage] > July 17, 1992)
- ☒ 10. Rate 1/80 1/40 2 1/2 3 Crane Cr Duty 3 dgw Season Mar 15 to Sept 15 Crane Creek
- ☒ 11. Use IRRIG Period of Allowed Use { Mar 15 to Sept 15 - supple
{ Mar 1 through Oct 31 - primary
- ☒ 12. Priority Date(s) 12/12/94
- ☒ 13. Is use from a B.O.R. project and if so, is a signed contract in the file?
- ☒ 14. Division 33 (Abv Bonn > July 17, 1992 & Blw Bonn > April 18, 1994 or June 3, 1994) 28.6 ac in SWNN sec 10 supp to Cert 21982
- ☒ 15. Plat cards have been checked and a copy of the map is attached showing the conflict with
- ☒ 16. Land use approval OK'd needs approval county notified NA LAKE Co.
- ☒ 17. conditions? (BOR, GW, etc.) 7B, No gw production shallower than 100 feet
- ☒ 18. Watermaster District #: 12
- ☒ 19. Regional Office (NWR, NCR, ER, SCR, or SWR) sent G13949.W51
- ☒ 20. IR has been saved to m:\t\ir\sent\app # from m:\t\ir\work\app #

6.93 cfs IRRIG
 Primary - 273.53 ac
 Supple - 280.28 ac
553.81 ac

553.81 ac (1/80) = 6.92 cfs

On Map: 273.52 ac Primary & 280.28 ac Supplemental

Primary: 1/80 & 3 Mar 1 - Oct 31
 Supple: 1/80 & 3 Mar 15 - Sept 15

Name: Kerry Lefever Date: 3/22/96

	<u>PRIMARY</u>	<u>SUPP</u>
SENE	40.0	
SWNE	40.0	
SENW	29.5	10.5
SWNW	7.92	32.08
NESE	40.0	
NWSE	39.0	1.0
SWSE	15.0	8.6
NESW	10.2	29.8
NWSW		40.0
SWSW		40.0

Section 10, T 40S, R 20E

SWNW 9.6

Section 11, T 40S, R 20E

NESW 2.3

28.3

SESW 40.0

Section 14, T 40S, R 20E

NE NE

6.2

NW NE

22.3

SW NE

21.5

NW NW

40.0

Section 15, T 40S, R 20E

273.52 ac

280.28 ac

TO: Water Rights Section March 13 1996
FROM: Groundwater/Hydrology Section Michael Zwart
SUBJECT: Application G-13949 Reviewer's Name

GROUNDWATER/SURFACE WATER CONSIDERATIONS

1. PER THE _____ Basin rules, one or more of the proposed POA's is/is not within _____ feet/mile of a surface water source (_____) and taps a groundwater source hydraulically connected to the surface water.
2. BASED UPON OAR 690-09 currently in effect, I have determined that the proposed groundwater use
a. _____ will, or _____ have the potential for substantial interference with the nearest
b. _____ will not _____ surface water source, namely _____; or
c. ☒ will if properly conditioned, adequately protect the surface water from interference:
i. ☒ The permit should contain condition #(s) 7 B;
ii. _____ The permit should contain special condition(s) as indicated in "Remarks" below;
iii. ☒ The permit should be conditioned as indicated in item 4 below; or
d. _____ will, with well reconstruction, adequately protect the surface from substantial interference.

GROUNDWATER AVAILABILITY CONSIDERATIONS

3. BASED UPON available data, I have determined that groundwater for the proposed use
a. _____ will, or _____ likely be available in the amounts requested without injury to prior rights
b. _____ will not _____ and/or within the capacity of the resource; or
c. ☒ will if properly conditioned, avoid injury to existing rights or to the groundwater resource:
i. ☒ The permit should contain condition #(s) 7 B;
ii. _____ The permit should contain special condition(s) as indicated in "Remarks" below;
iii. _____ The permit should be conditioned as indicated in item 4 below; or
4. a. _____ THE PERMIT should allow groundwater production from no deeper than _____ ft. below land surface;
b. ☒ The permit should allow groundwater production from no shallower than 100 ft. below land surface;
c. _____ The permit should allow groundwater production only from the _____ groundwater reservoir between approximately _____ ft. and _____ ft. below land surface;
d. _____ Well reconstruction is necessary to accomplish one or more of the above conditions.
e. _____ One or more POA's commingle 2 or more sources of water. The applicant must select one source of water per POA and specify the proportion of water to be produced from each source.

REMARKS: Confined aquifer conditions should exist below depth
at 100 feet, or perhaps less.

(Well Construction Considerations on Reverse Side)

13949

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

5. THE WELL which is the point of appropriation for this application does not meet current well construction standards based upon:
- a. ☐ review of the well log;
 - b. ☐ field inspection by _____;
 - c. ☐ report of CWRE _____;
 - d. ☐ other: (specify) _____
6. THE WELL construction deficiency:
- a. ☐ constitutes a health threat under Division 200 rules;
 - b. ☐ commingles water from more than one groundwater reservoir;
 - c. ☐ permits the loss of artesian head;
 - d. ☐ permits the de-watering of one or more groundwater reservoirs;
 - e. ☐ other: (specify) _____
7. THE WELL construction deficiency is described as follows: _____
8. THE WELL
- a. ☐ was, or constructed according to the standards in effect at the time of
 - b. ☐ was not original construction or most recent modification.
 - c. ☐ I don't know if it met standards at the time of construction.

RECOMMENDATION:

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

THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL

I concur in G/H's recommendation A or B above relating to conditioning or withholding the permit
_____, 199____.
(Signature)

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

_____, 199____.
(Signature)

**Water Right Conditions
Tracking Slip**

Groundwater/Hydrology Section

FILE ## G- 13949

ROUTED TO: Water Rights

TOWNSHIP/

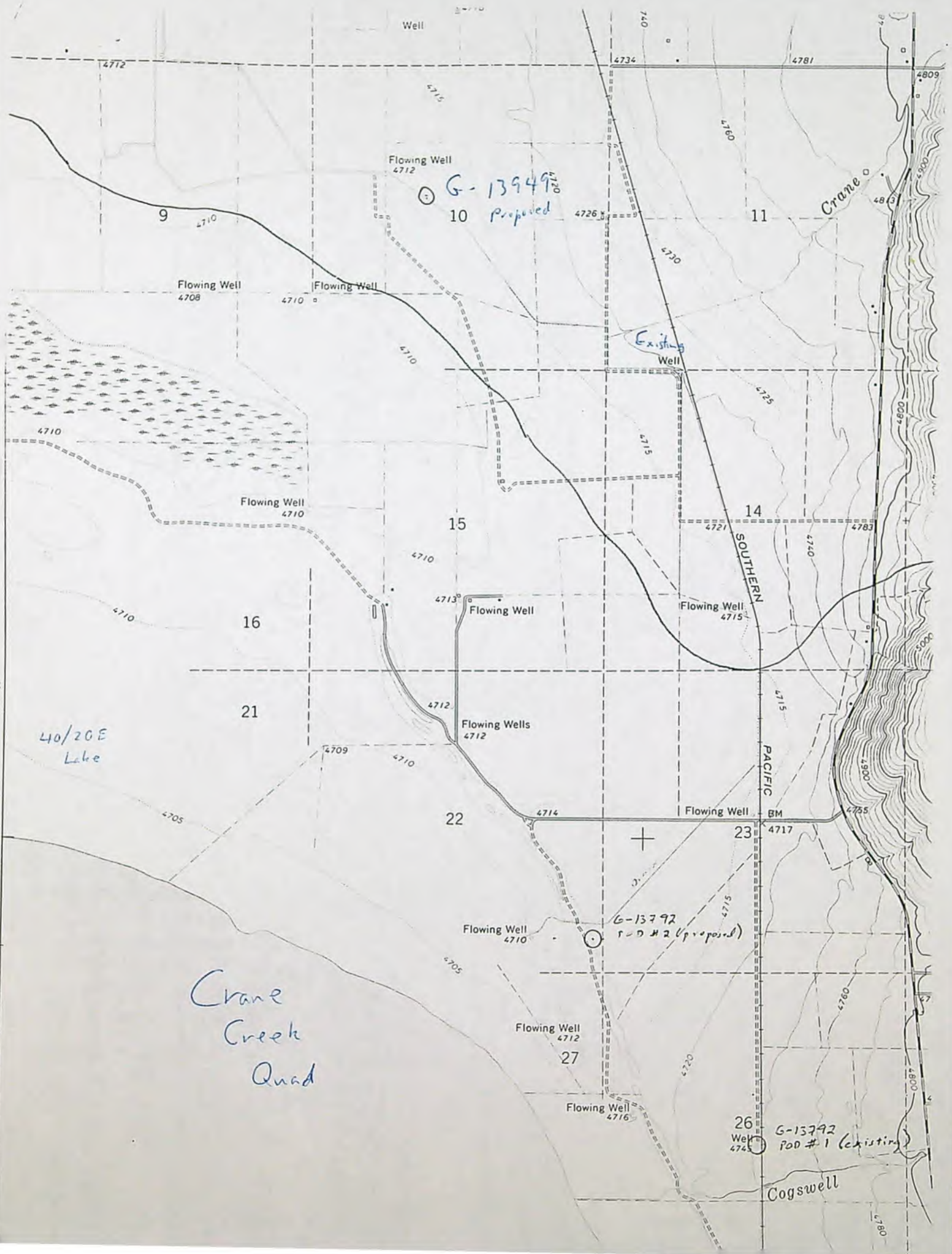
RANGE-SECTION: T240 S/R 20 E - 10

CONDITIONS ATTACHED? ☒ Yes ☐ No

REMARKS OR FURTHER INSTRUCTIONS:

Use condition 7B and well
construction condition (see Div. 9 form)

Reviewer: Michael Zwart



Water Right Conditions Tracking Slip

Groundwater/Hydrology Section

FILE ## G- 13949

ROUTED TO: Water Rights

TOWNSHIP/

RANGE-SECTION: T240 S/R20 E-10

CONDITIONS ATTACHED? ☒ Yes ☐ No

REMARKS OR FURTHER INSTRUCTIONS:

Use condition 7B and well
construction condition (see Div. 9 form).

Reviewer: Michael Zwart

TO: Water Rights Section

FROM: Groundwater/Hydrology Section Michael Zwart March 13, 1996.
Reviewer's Name

SUBJECT: Application G- 13949

GROUNDWATER/SURFACE WATER CONSIDERATIONS

1. PER THE _____ Basin rules, one or more of the proposed POA's is/is not within _____ feet/mile of a surface water source (_____) and taps a groundwater source hydraulically connected to the surface water.
2. BASED UPON OAR 690-09 currently in effect, I have determined that the proposed groundwater use
 - a. _____ will, or _____ have the potential for substantial interference with the nearest
 - b. _____ will not _____ surface water source, namely _____; or
 - c. ☒ will if properly conditioned, adequately protect the surface water from interference:
 - i. ☒ The permit should contain condition #(s) 7B;
 - ii. _____ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. ☒ The permit should be conditioned as indicated in item 4 below; or
 - d. _____ will, with well reconstruction, adequately protect the surface from substantial interference.

GROUNDWATER AVAILABILITY CONSIDERATIONS

3. BASED UPON available data, I have determined that groundwater for the proposed use
 - a. _____ will, or _____ likely be available in the amounts requested without injury to prior rights
 - b. _____ will not _____ and/or within the capacity of the resource; or
 - c. ☒ will if properly conditioned, avoid injury to existing rights or to the groundwater resource:
 - i. ☒ The permit should contain condition #(s) 7B;
 - ii. _____ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. _____ The permit should be conditioned as indicated in item 4 below; or
4.
 - a. _____ THE PERMIT should allow groundwater production from no deeper than _____ ft. below land surface;
 - b. ☒ The permit should allow groundwater production from no shallower than 100 ft. below land surface;
 - c. _____ The permit should allow groundwater production only from the _____ groundwater reservoir between approximately _____ ft. and _____ ft. below land surface;
 - d. _____ Well reconstruction is necessary to accomplish one or more of the above conditions.
 - e. _____ One or more POA's commingle 2 or more sources of water. The applicant must select one source of water per POA and specify the proportion of water to be produced from each source.

REMARKS: Confined aquifer conditions should exist below depth
at 100 feet, or perhaps less.

(Well Construction Considerations on Reverse Side)

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

5. THE WELL which is the point of appropriation for this application does not meet current well construction standards based upon:
- a. ☐ review of the well log;
 - b. ☐ field inspection by _____;
 - c. ☐ report of CWRE _____;
 - d. ☐ other: (specify) _____
6. THE WELL construction deficiency:
- a. ☐ constitutes a health threat under Division 200 rules;
 - b. ☐ commingles water from more than one groundwater reservoir;
 - c. ☐ permits the loss of artesian head;
 - d. ☐ permits the de-watering of one or more groundwater reservoirs;
 - e. ☐ other: (specify) _____
7. THE WELL construction deficiency is described as follows: _____
8. THE WELL
- a. ☐ was, or constructed according to the standards in effect at the time of
 - b. ☐ was not original construction or most recent modification.
 - c. ☐ I don't know if it met standards at the time of construction.

RECOMMENDATION:

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

THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL

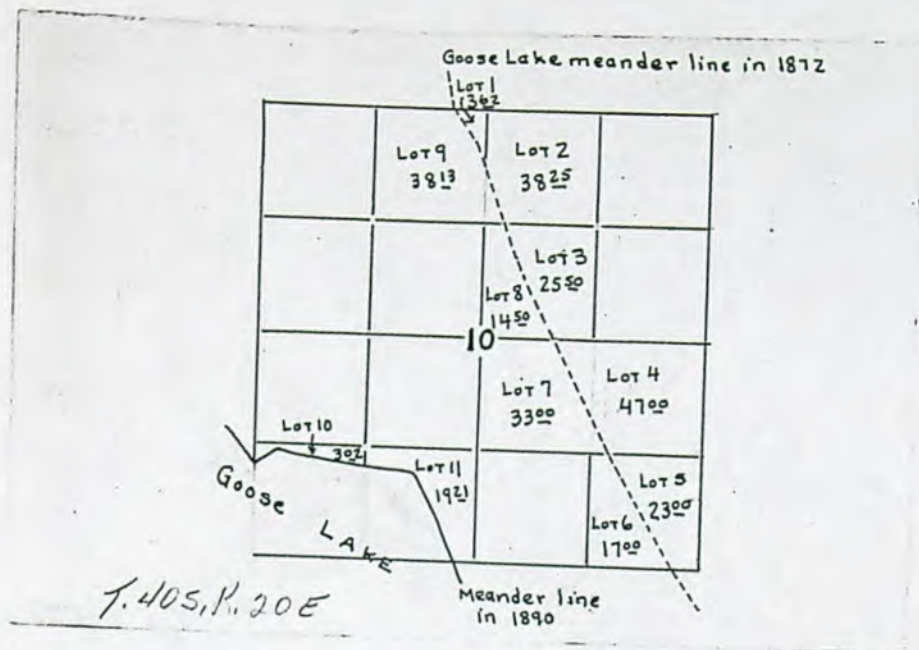
I concur in G/H's recommendation A or B above relating to conditioning or withholding the permit
_____, 199__.

(Signature)

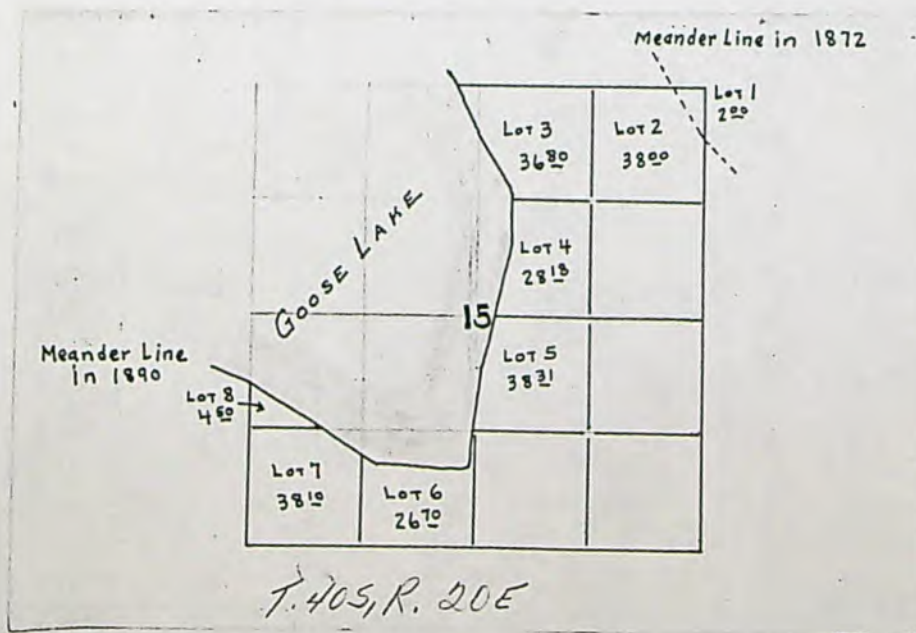
I do not concur in G/H's recommendation A or B above relating to conditioning or withholding the permit for the following reasons: _____

_____, 199__.

(Signature)



T. 40S, R. 20E Goose Lake meander line in 1872



(8) Ensure the perpetual availability of ground water resources by protecting the resource from the demands of future uses where necessary.

Goose Lake Subbasin

690-513-030

(1) Objectives. The objectives of the Commission in managing the surface and ground water resources of the Goose Lake Subbasin consistent with the provisions of the Goose Lake Compact are to:

(a) Avoid additional conflicts over inadequate supplies of water from and protect the remaining instream flows in Thomas Creek.

(b) Prevent the spread of the contaminated water originating at the uranium mill tailings site near Lakeview through regulation of well construction.

(2) Classifications. Except as otherwise provided in this subsection, the surface and ground waters of the Goose Lake Subbasin are classified for agriculture, domestic, fish life, ground water recharge, industrial, instream, irrigation, mining, municipal, pollution abatement, power, recreation and stockwater uses.

(a) Surface waters of Thomas Creek and tributaries below the point where Thomas Creek enters Section 15, Township 38S, Range 19E, except Cottonwood Creek, are classified for any beneficial use of stored water, domestic and stockwater uses.

(b) Surface waters of Thomas Creek and tributaries above the point where Thomas Creek enters Section 15, Township 38S, Range 19E are classified for any beneficial use of stored water, domestic, instream and stockwater uses.

(c) Ground water from alluvial aquifers within the Thomas Creek drainage above the point where Thomas Creek enters Section 15, Township 38S, Range 19E, is classified for domestic and stockwater uses only.

(d) Ground water from any well within 1,000 feet of Thomas Creek, or a tributary, and taking water from an unconfined aquifer is classified for domestic and stockwater uses only. This paragraph only applies to wells within the following areas:

(A) Sections 28, 29 and 31-35; Township 37S; Range 20E.

(B) Sections 10-15, 21-27 and 34-36; Township 38S; Range 19E.

(C) Sections 2-11, 14-22 and 28-33; Township 38S; Range 20E.

(D) Sections 1-3 and 10-15; Township 39S; Range 19E.

(E) Sections 3-10, 15-22 and 27-34; Township 39S; Range 20E.

(3) Reservoir Standards. Development of a reservoir may be permitted on any stream in the Goose Lake Subbasin, however, in addition to meeting any other standards required by the Commission, any person proposing development of a reservoir in the subbasin shall give due consideration to:

LKS - 8/19/96
if produced below
100ft - it is confined
aquifer - first
GW Div review

- (a) Alternative sizing of the project to achieve a reasonable economic development of the proposed site,
- (b) The potential for use of the reservoir, and any water which is stored and released, for multiple beneficial uses, and
- (c) The maintenance of natural flows downstream from the reservoir at levels sufficient to meet instream and out-of-stream needs.

Warner Lakes Subbasin

690-513-040

(1) Objectives. The objectives of the Commission in managing the surface and ground water resources of the Warner Lakes Subbasin are to:

- (a) Avoid additional conflicts over inadequate supplies of water from and protect the remaining instream flows in Deep and Camas, Honey and Snyder, and Twentymile Creeks.
- (b) Maintain water levels in Pelican and Crump Lakes.

(2) Classifications. Except as otherwise provided in this subsection, the surface and ground waters of the Warner Lakes Subbasin are classified for agriculture, domestic, fish life, ground water recharge, industrial, instream, irrigation, mining, municipal, pollution abatement, power, recreation and stockwater uses.

- (a) Except as provided in paragraphs (C) and (D) of this subsection, surface waters of Deep Creek and tributaries below the point where Deep Creek enters Section 20, Township 40S, Range 22E are classified for any beneficial use of stored water, domestic and stockwater uses.
- (b) Surface waters of Deep Creek and tributaries above the point where Deep Creek enters Section 20, Township 40S, Range 22E are classified for any beneficial use of stored water, domestic, instream and stockwater uses.
- (c) Surface waters of Burnt Creek and tributaries above the point where Burnt Creek enters the east 1/2 section, Section 5, Township 40S, Range 22E are classified for any beneficial use of stored water, domestic, instream and stockwater uses.
- (d) Surface waters of Willow Creek and tributaries above the point where Willow Creek enters Section 8, Township 40S, Range 22E are classified for any beneficial use of stored water, domestic, instream and stockwater uses.
- (e) Surface waters of Honey Creek and tributaries below the point where Honey Creek enters Section 28, Township 36S, Range 22E are classified for any beneficial use of stored water, domestic and stockwater uses.
- (f) Surface waters of Honey Creek and tributaries above the point where Honey Creek enters Section 28, Township 36S, Range 22E are classified for any beneficial use of stored water, domestic, instream and stockwater uses.
- (g) Surface waters of Twentymile Creek and tributaries are classified for any beneficial use of stored water, domestic and stockwater uses.

FINAL PROOF SURVEY

UNDER

APPLICATION No. 34445 PERMIT No. 27100

34446

R-34505

27100

R-2571

IN NAME OF

JAMES SNIDER

SURVEYED AUGUST 5,6, & 7 1968 BY W.J. RUPPERT

4

T405 R20E



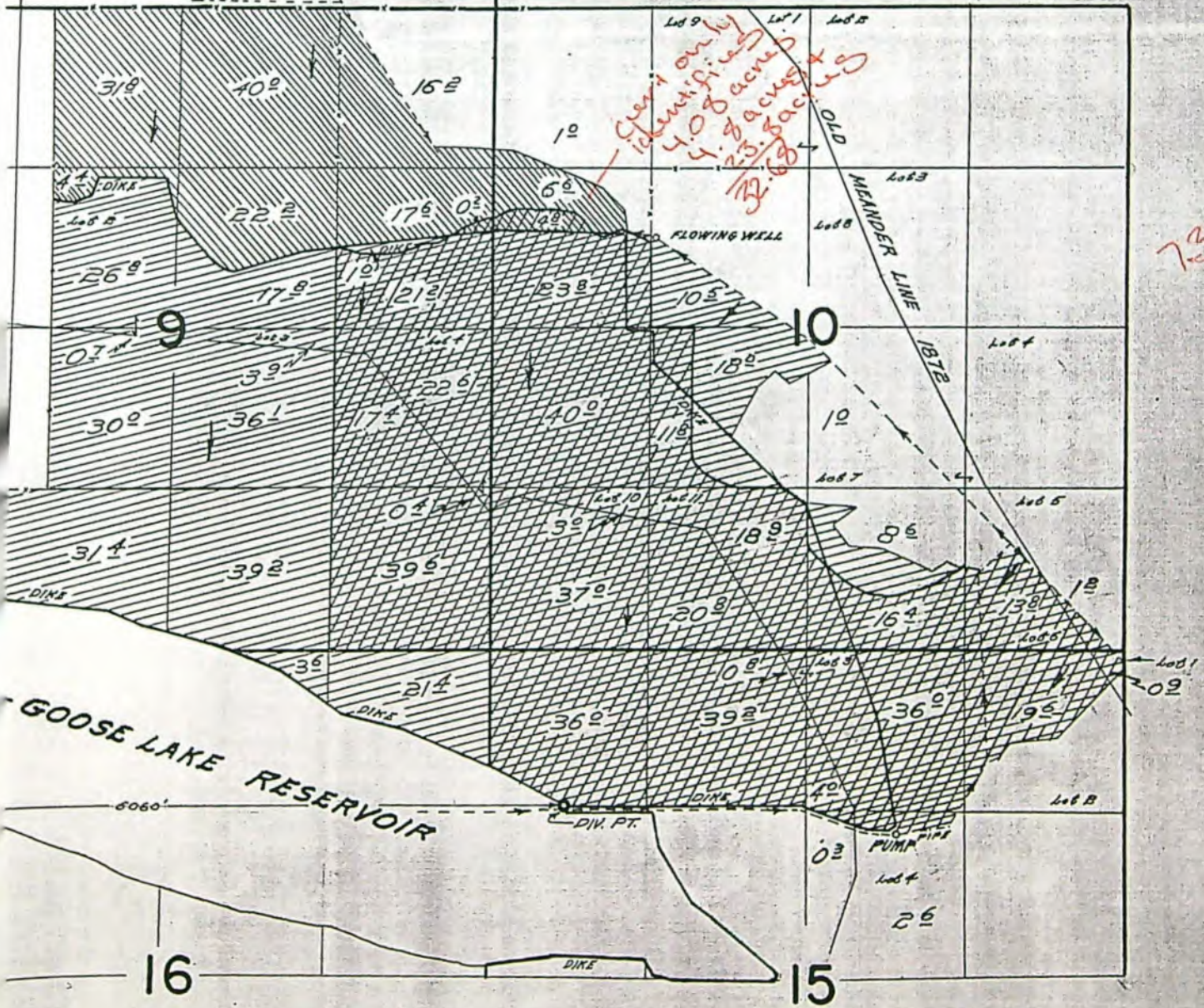
SUPPLEMENTAL



DIRECT FLOW ONLY

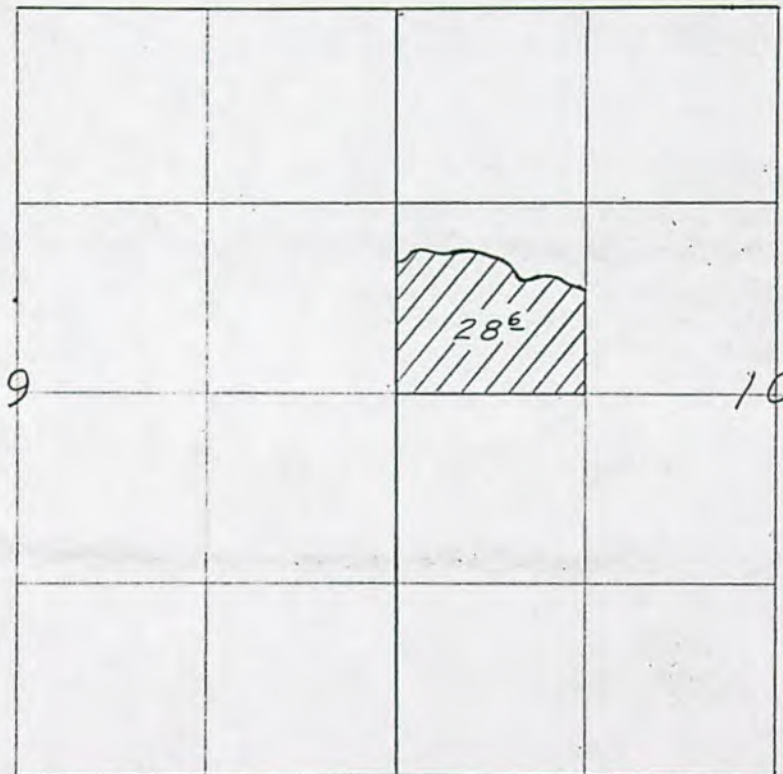


DIRECT FLOW & STORAGE



732

T. 40 S. R. 20 E. W. M.



*Final Proof Survey
Under*

*Application No. 20686 Permit No. 16182
In Name Of*

James S. Snider & C. F. Snider

Inspected June 17, 1955 by T. Jones

CH2-38K-146

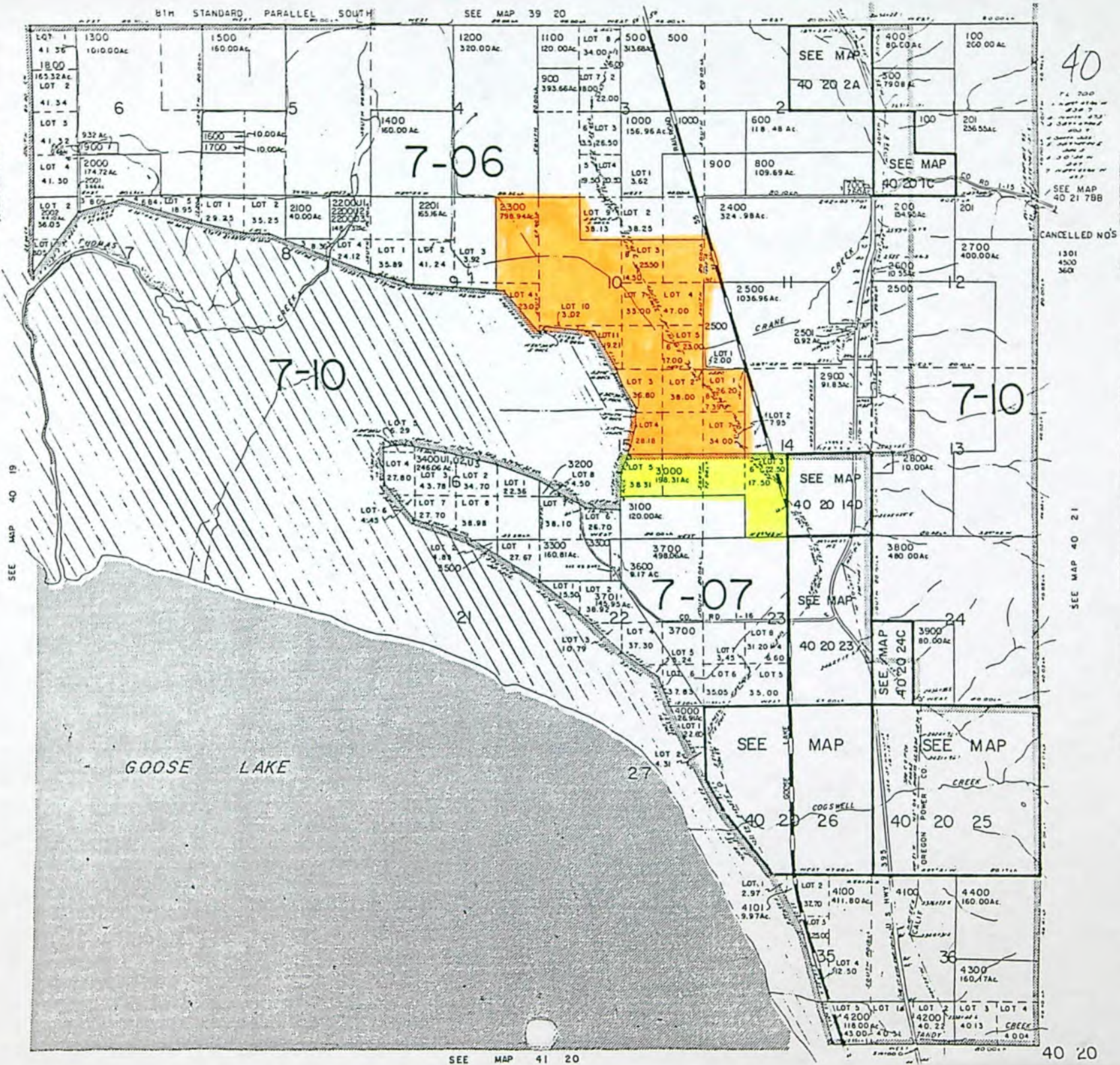
CB

81M STANDARD PARALLEL SOUTH

SEE MAP 39 20

LAKE

SCALE 1:40000



40 20

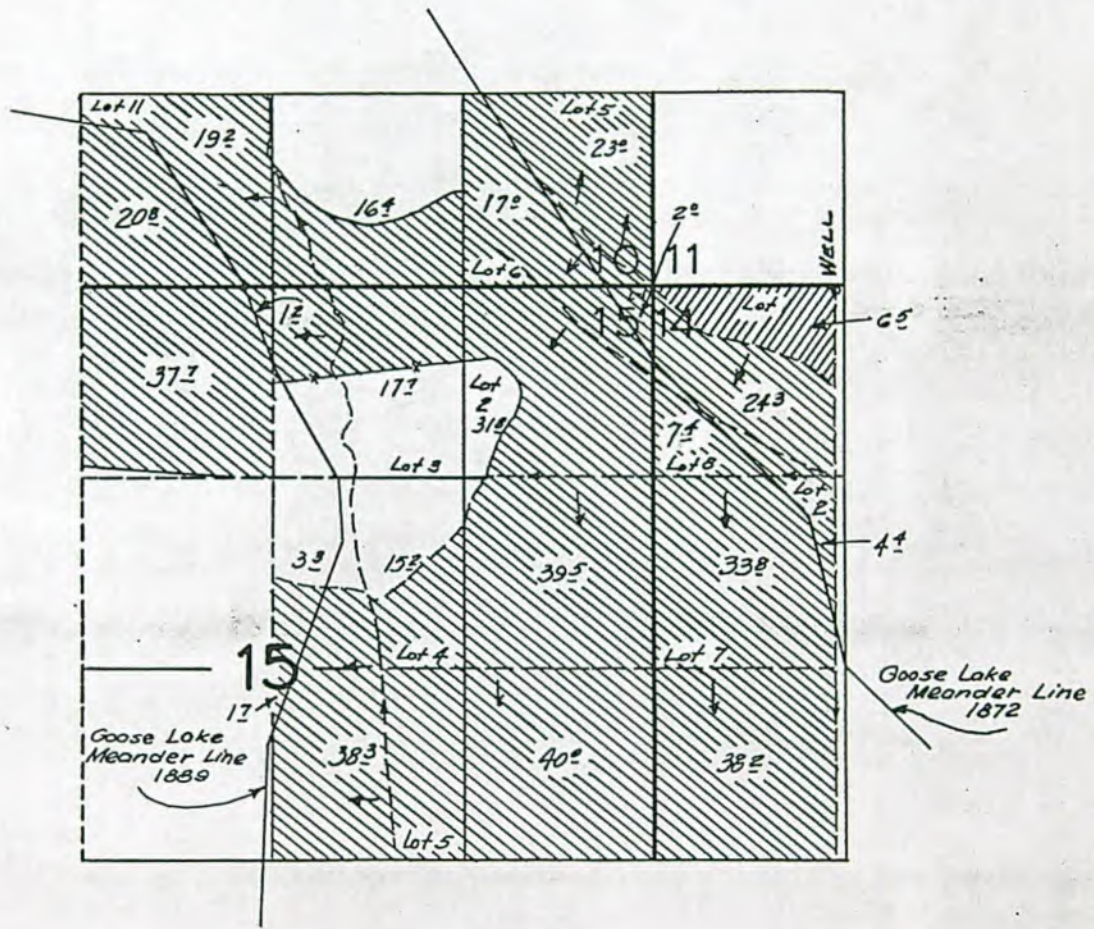
SEE MAP 40 21 788
CANCELLED NOS
1301
4500
3600

SEE MAP 40 21

SEE MAP 41 20

40 20

T. 40 S. R. 20 E. W. M.



FINAL PROOF SURVEY
UNDER

Application No. G-366 Permit No. G-301
IN NAME OF

SNYDER & ALEXIS

Surveyed May 12 1959, by R. Jackson

CHZ-38K-146

STATE OF OREGON
COUNTY OF LAKE
CERTIFICATE OF WATER RIGHT

This Is To Certify, That JAMES SNIDER

of Route 2, Box 17, Lakeview, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Thomas Creek and Thomas Creek-Goose Lake Reservoir, constructed under Application No. R-34505, Permit No. R-2571 for the purpose of a tributary of Goose Lake
irrigation of 267.88 acres, supplemental irrigation of 432.1 acres and stock under Permit No. 27100 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from October 31, 1960

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 17.55 cubic feet per second; being 17.50 c.f.s. for irrigation and supplemental irrigation and 0.05 c.f.s. for stock

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the Creek - NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 4; Reservoir - NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 15, T. 40 S., R. 20 E., W. M. Diversion points located: 60 feet South and 40 feet East from NW Corner, Section 4; 2590 feet South and 6060 feet East from NW Corner; SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 9.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-fortieth of one cubic foot per second per acre, or its equivalent for each acre irrigated from direct flow and shall be further limited to a diversion of not to exceed $2\frac{1}{2}$ acre feet per acre for each acre irrigated during the irrigation season of each year from direct flow and storage from reservoir constructed under Permit No. R-2571; provided further that no water in addition to that diverted for irrigation is to be diverted for stock use during the irrigation season;

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

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

THOMAS CREEK

Primary	Supplemental	
4.08 acres	4.8 acres	SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 10 T. 40 S., R. 20 E., W. M.

THOMAS CREEK and
THOMAS CREEK-GOOSE LAKE RESERVOIR

	Primary	Supplemental	
Stock	17.8 acres		SW $\frac{1}{4}$ NE $\frac{1}{4}$
Stock	1.0 acre	21.2 acres	SE $\frac{1}{4}$ NE $\frac{1}{4}$
	26.8 acres		Lot 2 (SE $\frac{1}{4}$ NW $\frac{1}{4}$)
	0.7 acre		Lot 2 (NE $\frac{1}{4}$ SW $\frac{1}{4}$)
	30.0 acres		NE $\frac{1}{4}$ SW $\frac{1}{4}$
	13.8 acres		SW $\frac{1}{4}$ SW $\frac{1}{4}$
	31.4 acres		SE $\frac{1}{4}$ SW $\frac{1}{4}$
		22.6 acres	Lot 4 (NE $\frac{1}{4}$ SE $\frac{1}{4}$)
		17.4 acres	NE $\frac{1}{4}$ SE $\frac{1}{4}$
	36.1 acres		NW $\frac{1}{4}$ SE $\frac{1}{4}$
	3.9 acres		Lot 3 (NW $\frac{1}{4}$ SE $\frac{1}{4}$)
	39.2 acres		SW $\frac{1}{4}$ SE $\frac{1}{4}$
		0.4 acre	Lot 4 (SE $\frac{1}{4}$ SE $\frac{1}{4}$)
		39.6 acres	SE $\frac{1}{4}$ SE $\frac{1}{4}$
			Section 9 T. 40 S., R. 20 E., W. M.

THOMAS CREEK and
THOMAS CREEK-GOOSE LAKE RESERVOIR

	Primary	Supplemental	
Stock		23.8 acres	SW $\frac{1}{4}$ NW $\frac{1}{4}$
	10.5 acres		SE $\frac{1}{4}$ NW $\frac{1}{4}$
	18.0 acres	11.8 acres	NE $\frac{1}{4}$ SW $\frac{1}{4}$
		40.0 acres	NW $\frac{1}{4}$ SW $\frac{1}{4}$
		3.0 acres	Lot 10 (SW $\frac{1}{4}$ SW $\frac{1}{4}$)
		37.0 acres	SW $\frac{1}{4}$ SW $\frac{1}{4}$
		18.9 acres	Lot 11 (SE $\frac{1}{4}$ SW $\frac{1}{4}$)
		20.8 acres	SE $\frac{1}{4}$ SW $\frac{1}{4}$
	1.0 acre		Lot 7 (NW $\frac{1}{4}$ SE $\frac{1}{4}$)
	8.6 acres	16.4 acres	SW $\frac{1}{4}$ SE $\frac{1}{4}$
		1.2 acres	Lot 5 (SE $\frac{1}{4}$ SE $\frac{1}{4}$)
		13.8 acres	Lot 6 (SE $\frac{1}{4}$ SE $\frac{1}{4}$)
			Section 10
		0.9 acre	Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$)
		19.6 acres	Lot 2 (NE $\frac{1}{4}$ NE $\frac{1}{4}$)
		36.0 acres	Lot 3 (NW $\frac{1}{4}$ NE $\frac{1}{4}$)
		4.0 acres	NW $\frac{1}{4}$ NE $\frac{1}{4}$
		2.6 acres	Lot 4 (SW $\frac{1}{4}$ NE $\frac{1}{4}$)
		0.3 acre	SW $\frac{1}{4}$ NE $\frac{1}{4}$
		0.8 acre	Lot 3 (NE $\frac{1}{4}$ NW $\frac{1}{4}$)
		39.2 acres	NE $\frac{1}{4}$ NW $\frac{1}{4}$
		36.0 acres	NW $\frac{1}{4}$ NW $\frac{1}{4}$
			Section 15
	21.4 acres		NE $\frac{1}{4}$ NE $\frac{1}{4}$
	3.6 acres		NW $\frac{1}{4}$ NE $\frac{1}{4}$
			Section 16
			T. 40 S., R. 20 E., W. M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this 21st day of October , 1970 .

CHRIS L. WHEELER

State Engineer

STATE OF OREGON

COUNTY OF LAKE

CERTIFICATE OF WATER RIGHT

This is to Certify, That JAMES P. DUKE

of Lakeview, State of Oregon, 97630 has a right to the use of
the waters of Crane Creek
for the purpose of Irrigation of 197.1 acres,

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
Lake County, and the said decree entered of record at Salem, in the Order
Record of the STATE ENGINEER, in Volume 11 at page 421; that the priority
of the right thereby confirmed dates from Spring, 1889;

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an
amount actually beneficially used for said purposes, and shall not exceed three-fourths acre foot
per acre during any 60-day period prior to June 1st, and one-half acre foot per
acre during any 30-day period after June 1st of each year; and two and one-half
acre feet per acre during any irrigation season; to be diverted under a head of
not to exceed one-fortieth of a second foot per acre.

A description of the lands irrigated under such right, and to which the water is appurtenant
(or, if for other purposes, the place where such water is put to beneficial use), is as follows:

14.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 8)
34.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 7)
20.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$
17.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$
2.1 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$,
Section 14;
27.0 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$
25.0 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$
40.0 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$
20.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$,
Section 15;
Township 40 South, Range 20 East, W.M.

AND said right shall be subject to all other conditions and limitations
contained in said Decree.

The right to the use of the water for irrigation purposes is restricted to the lands or place
of use herein described.

WITNESS the signature of the State Engineer,

affixed this 15th day
of November, 1935.

CHAS. E. STRICKLIN

State Engineer.

Recorded in State Record of Water Right Certificates, Volume 10, page 10,594.

STATE OF OREGON

COUNTY OF LAKE

CERTIFICATE OF WATER RIGHT

This is to Certify, That the ESTATE OF I. S. ECCLESTON, deceased,
 of Lakeview, State of Oregon, 97630 c/o Chas. E. Eccleston,
 has a right to the use of
 the waters of Crane Creek

for the purpose of Irrigation of 61.8 acres, and domestic and stock use,

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
 Lake County, and the said decree entered of record at Salem, in the Order
 Record of the STATE ENGINEER, in Volume 11, at page 421; that the priority
 of the right thereby confirmed dates from 1875;

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an
 amount actually beneficially used for said purposes, and shall not exceed three-fourths acre-foot
 per acre during any 30-day period prior to June 1st, and one-half acre foot per
 acre during any 30-day period after June 1st of each year; and two and one-half
 acre feet per acre during any irrigation season; to be diverted under a head of
 not to exceed one-fortieth of a second foot per acre.
 A description of the lands irrigated under such right, and to which the water is appurtenant
 (or, if for other purposes, the place where such water is put to beneficial use), is as follows:

20.6 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ (Lot 5)
 Section 10;
 32.8 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 1)
 6.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 2)
 Section 14;
 2.6 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$ (Lot 1)
 Section 15,
 Township 40 South, Range 20 East, W.M.

AND said right shall be subject to all other conditions and limitations
 contained in said Decree.

The right to the use of the water for irrigation purposes is restricted to the lands or place
 of use herein described.

WITNESS the signature of the State Engineer,

affixed this 15th day

of November, 1933.

CHAS. E. STRICKLIN

State Engineer.

Recorded in State Record of Water Right Certificates, Volume 10, page 10,595

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STATE OF OREGON

COUNTY OF LAKE

CERTIFICATE OF WATER RIGHT

This is to Certify, That R. K. FUNK

of Lakeview, State of Oregon, 97630 has a right to the use of
the waters of Crane Creek

for the purpose of Irrigation of 59.1 acres, and domestic and stock use,

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for
Lake County, and the said decree entered of record at Salem, in the Order
Record of the STATE ENGINEER, in Volume 11, at page 421; that the priority
of the right thereby confirmed dates from 1885;

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an
amount actually beneficially used for said purposes, and shall not exceed ~~three-fourths~~ acre foot
per acre during any 30-day period prior to June 1st, and one-half acre-foot per
acre during any 30-day period after June 1st, of each year, and two and one-half
acre feet per acre during any irrigation season; to be diverted under a head of
not to exceed ~~one foot~~ of a second foot per acre.
(or, if for other purposes, the place where such water is put to beneficial use), is as follows:

28.5 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$
7.6 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 14;
23.2 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$,
Section 25;
Township 40 South, Range 20 East, W.M.

AND said right shall be subject to all other conditions and limitations
contained in said Decree.

The right to the use of the water for irrigation purposes is restricted to the lands or place
of use herein described.

WITNESS the signature of the State Engineer,

affixed this 15th day
of November, 1935

CHAS. E. STRICKLIN

State Engineer.

Recorded in State Record of Water Right Certificates, Volume 10, page 10,597.

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STATE OF OREGON
COUNTY OF LAKE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That JAMES S. SNIDER & C. F. SNIDER

of Route 8, Lakeview, State of Oregon, has made proof
to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of
Crane Creek flood waters
a tributary of
irrigation for the purpose of

under Permit No. 16181 of the State Engineer, and that said right to the use of said waters
has been perfected in accordance with the laws of Oregon; that the priority of the right hereby
confirmed dates from February 12, 1945

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

or its equivalent in case of rotation, measured at the point of diversion from the stream.
The point of diversion is located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 15, NW $\frac{1}{4}$ NW $\frac{1}{4}$ & SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 14,
Township 40 South, Range 20 East, W. M.

The amount of water used for irrigation, together with the amount secured under any other
right existing for the same lands, shall be limited to one-fortieth of one cubic foot per second
per acre, or its equivalent for each acre irrigated and shall be limited to a
diversion of not to exceed $\frac{3}{4}$ of one acre foot per acre for each acre irrigated
during any period of 30 days prior to June 1st, $\frac{1}{2}$ of one acre foot per acre for
each acre irrigated during any period of 30 days after June 1st and shall be
further limited to a total diversion of not to exceed $2\frac{1}{2}$ acre feet per acre for
each acre irrigated during the irrigation season from March 15 to September 15
of each year,

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

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

21.4 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$
40.0 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$
40.0 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 9
11.8 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$
40.0 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$
40.0 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$
40.0 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$

Section 10
Township 40 South, Range 20 East, W. M.

20.0 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 14
11.0 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$
40.0 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$
40.0 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$
17.0 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$
40.0 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$
40.0 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$
20.0 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 15
Township 40 South, Range 20 East, W. M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of
use herein described.

WITNESS the signature of the State Engineer, affixed

this 7th day of February, 1947.

LEWIS A. STANLEY

State Engineer

STATE OF OREGON

COUNTY OF LAKE

CERTIFICATE OF WATER RIGHT

This Is to Certify, That JAMES S. SNIDER & C. F. SNIDER

of Route 8, Lakeview, State of Oregon, 97630, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of flood & waste water from Crane Creek & small unnamed streams, which water drains naturally across lands to be irrigated for the purpose of irrigation under Permit No. 16182 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from February 12, 1945

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.71 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 10, Township 40 South, Range 20 East, W. M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ~~one-fortieth~~ of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be limited to a diversion of not to exceed $\frac{3}{4}$ of one acre foot per acre for each acre irrigated during any period of 30 days prior to June 1st, $\frac{1}{2}$ of one acre foot per acre for each acre irrigated during any period of 30 days after June 1st and shall be further limited to a total diversion of not to exceed $2\frac{1}{2}$ acre feet per acre for each acre irrigated during the irrigation season from March 15 to September 15 of each year, and shall be also limited to the water available at the proposed point of diversion, and shall not carry with it the right to compel the and shall continuance of the waste water conform to such reasonable rotation system as may be ordered by the proper state officer.

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

28.6 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$
Section 10
Township 40 South, Range 20 East, W. M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

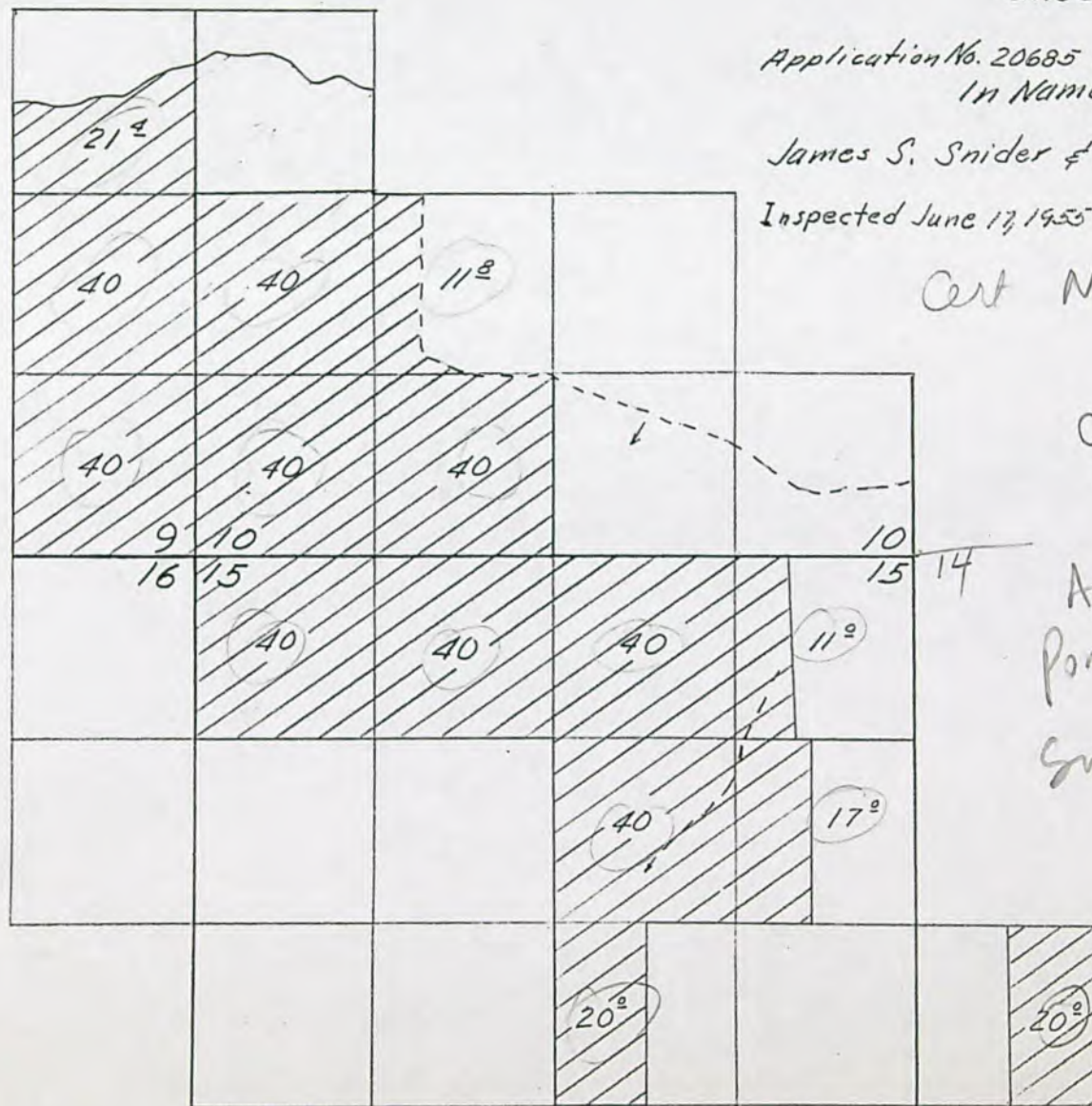
this 7th day of February, 19 57.

LEWIS A. STANLEY

State Engineer

Cert No. 21981

correct
of Certificate
App 9 - 13949
Portion will be
Supplemental.

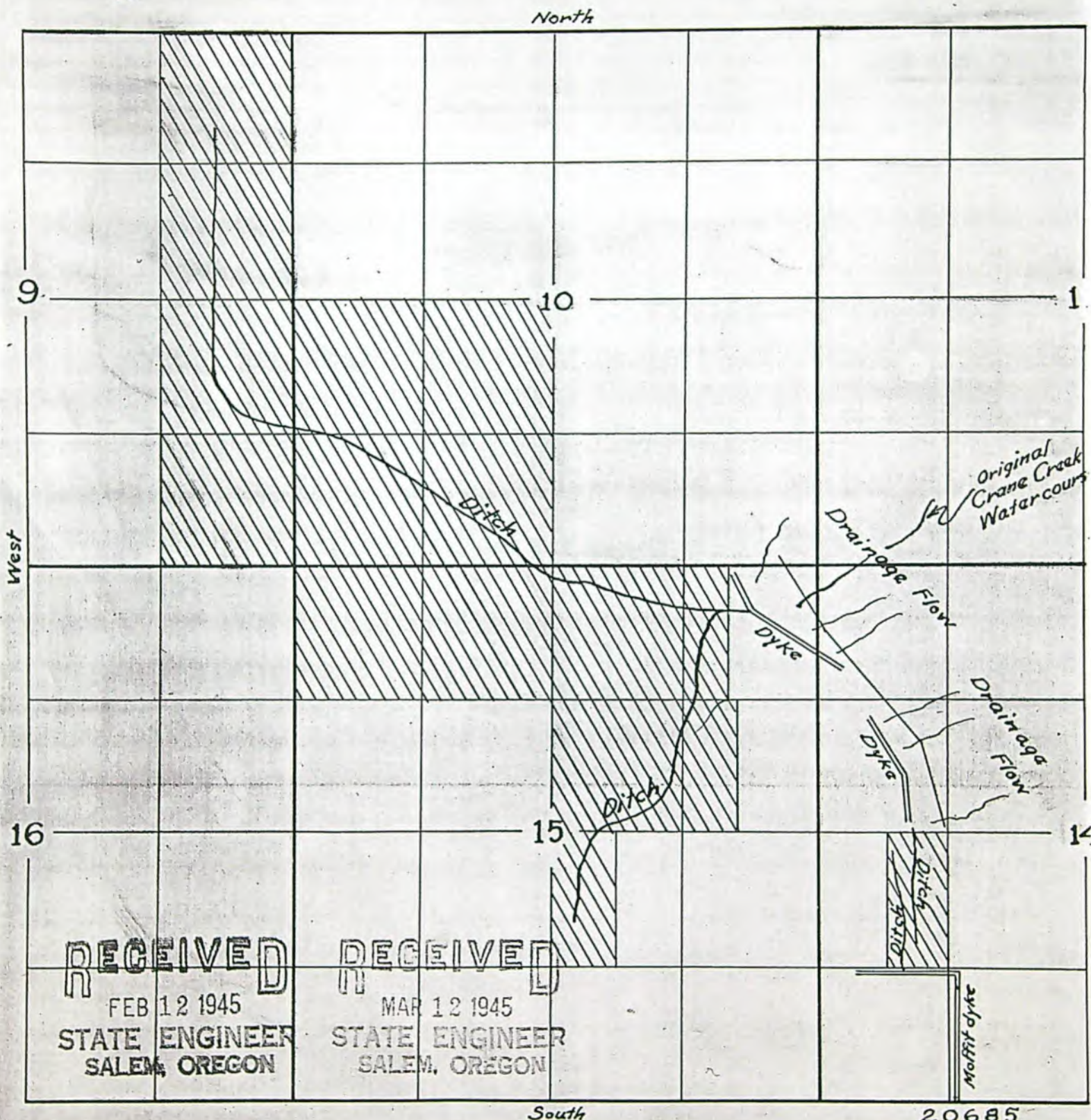


N

SECTIONS

9
10
14
15

TOWNSHIP 40 S., RANGE 20 E.W.M.



20685
13-26

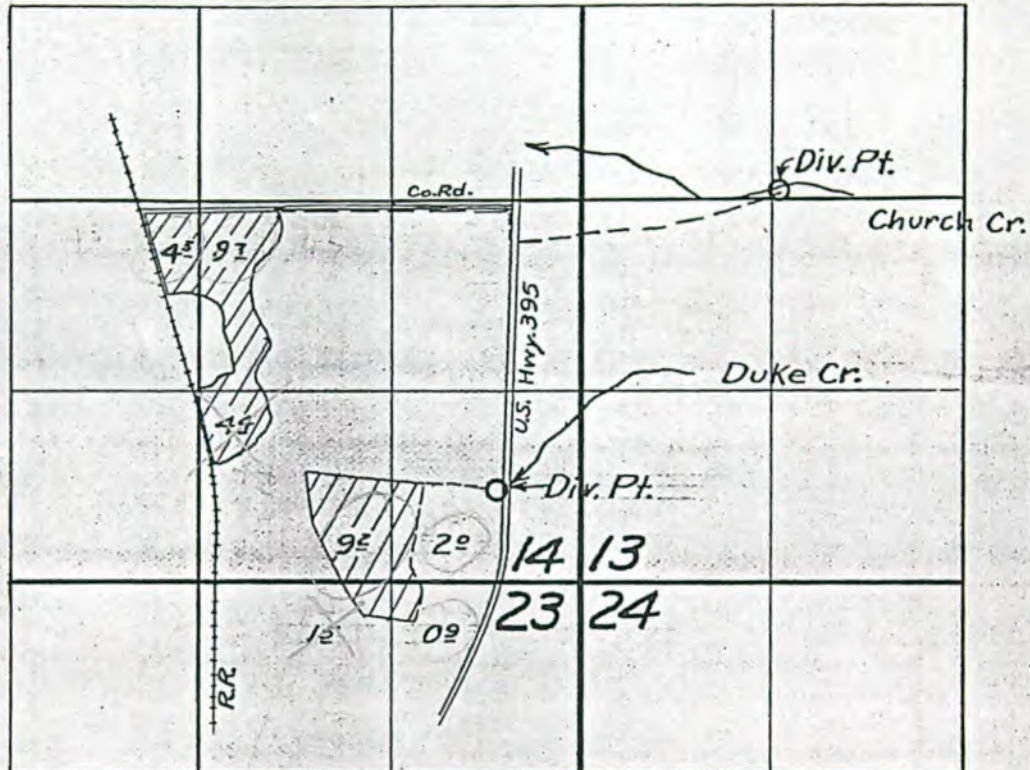
Indicates lands to be irrigated

APPLICATION No. 20685

PERMIT No. 16181

Cert No. 21981

T.40S.R.20E.W.M.



NCR

91 or Cert

FINAL PROOF SURVEY
UNDER

Application No. 20687 Permit No. 16183
IN NAME OF

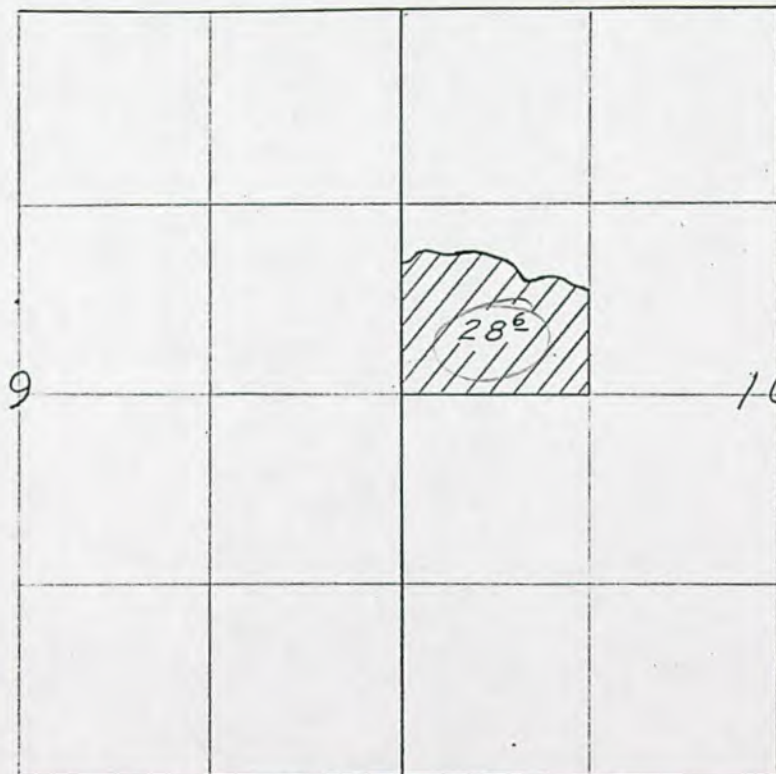
James S. Snider & C.F. Snider

Surveyed June 17, 1955, by T. Jones

Cert No. 21726

CHZ-38K-178

T. 40 S. R. 20 E. W. M.



I certify
App G-13949
will be made
Supplemental

28.6 ac
in SWNW
Sec 10

but app G-13949
shows 32.08 ac
Supp

Final Proof Survey
Under

Application No. 20686 Permit No. 16182 Cert No. 21982
In Name Of

James S. Snider & C. F. Snider

Inspected June 17, 1955 by T. Jones

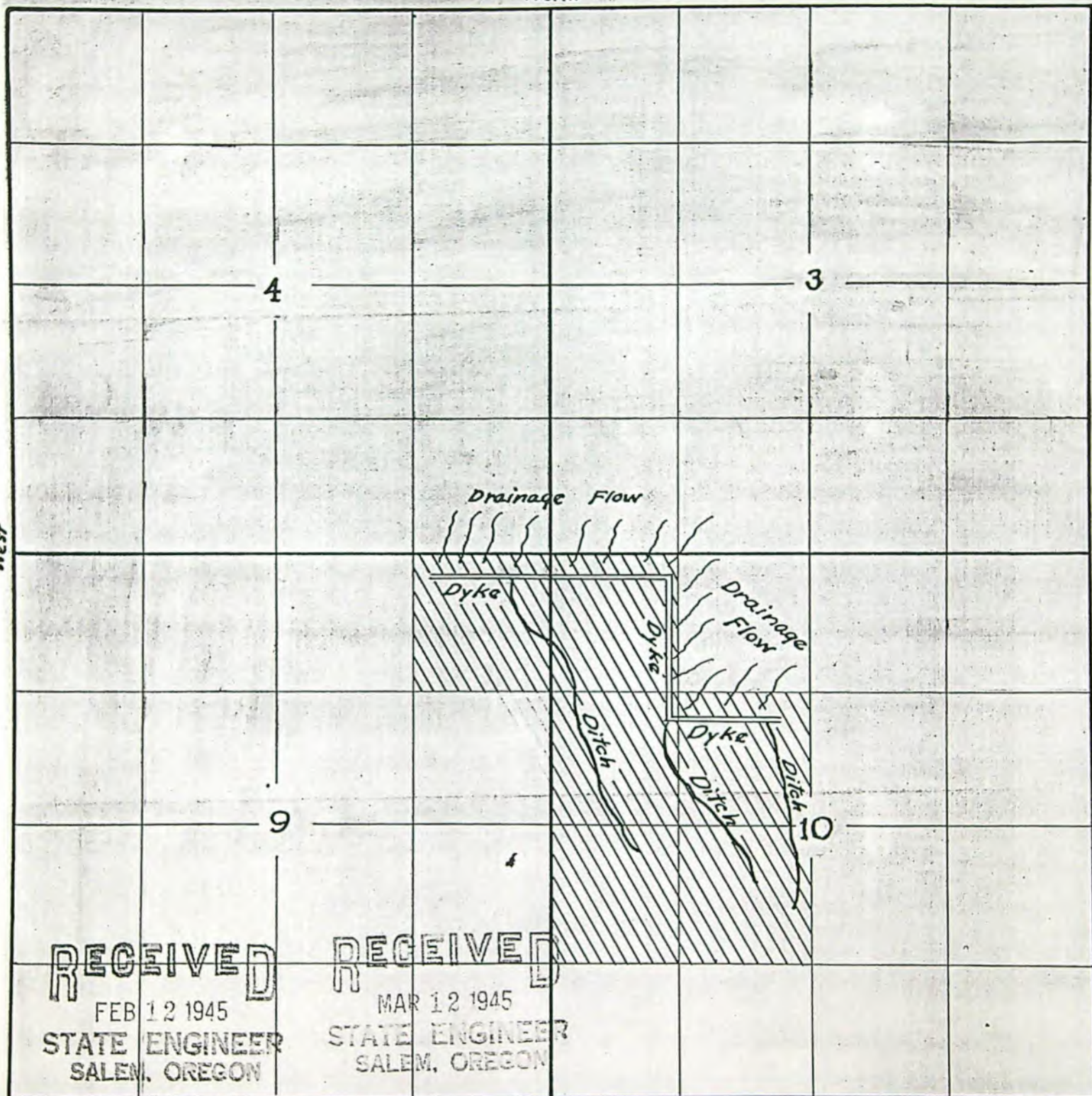
CHZ-38K-146

CB

3
4
9
10

TOWNSHIP 40S., RANGE 20E. W.M.

North



RECEIVED

FEB 12 1945
STATE ENGINEER
SALEM, OREGON

RECEIVED

MAR 12 1945
STATE ENGINEER
SALEM, OREGON

South

20686



Indicates lands to be irrigated

APPLICATION No. 20686

PERMIT No. 16182

Cert No. 21982

NOTE TO LOCAL GOVERNMENTS

WATER
RESOURCES
DEPARTMENT

Application No. G-13949
Permit No.

JAN 23 1995

The person presenting the attached request for land use information is applying for a water right. The Water Resources Department (WRD) requires its applicants to obtain land use information to be sure water rights do not result in land uses that would violate your comprehensive plan.

WRD will not accept applications which are not accompanied by this completed land use form or the signed, dated receipt stub detached from the bottom of the land use information form.

You will receive notice once the applicant formally submits his or her request to WRD. The notice will give more detailed information about WRD's water rights process and comment opportunities. If you give the applicant the receipt stub in lieu of completing the form, you will have 30 days from the date of the notice mentioned above to complete the form and return it to WRD. If no land use information is received from you within that 30 day period, WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan.

Your attention to this request for information is greatly appreciated by both the applicant and WRD. If you have questions concerning the form, please contact WRD at 378-3739.



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

Description of Water Use

Note to Applicant: This sheet will provide local planning staff with a basic description of your proposed water use. Please fill out this sheet before bringing the attached land use form to your local planning office. It will help local planning offices complete your land use information form quickly.

Note to Local Planning Officials: Please initial this sheet. Do not separate it from the land use information form. If needed, please make a separate copy for your records.

Applicant Name: Mitchell Brown
 Address: 14200 Road 284
Porterville, CA 93257
 Phone: _____

Please indicate what you will use the water for. Check all boxes that apply and fill in the blanks with key characteristics of the project

- ☒ Irrigation (crop type, golf course, nursery or greenhouse): _____
- ☐ Livestock (type of livestock, feedlot, slaughterhouse): _____
- ☐ Residential (# units, single or multi-family, # lots if partition or subdivision): _____
- ☐ Commercial (i.e., retail, office, restaurant, gas station, hotel, service, etc.): _____
- ☐ Industrial (i.e., factory, pulp mill, research and development, processing, etc.): _____
- ☐ Institutional (i.e., school, library, etc.): _____
- ☐ Mining (aggregate, metal, open pit, placer, etc.): _____
- ☐ Recreation (park, campsite, pond, etc.): _____
- ☐ Fish and Wildlife (pond, hatchery, etc.): _____
- ☐ Hydropower (dam, reservoir, power generating or transmitting facilities): _____
- ☐ Other (Name and list key characteristics): _____

Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
☐ Surface Water Name sources _____ _____ _____	<u>6.93</u> Cubic feet per second. _____ Gallons per minute. _____ Acre-Feet
☐ Reservoir or pond	
☒ Ground Water	

Land Use Information Form: Permits, Hydroelectric Licenses,
Water Uses in Addition to Classified Uses

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the water use application. DO NOT FILL OUT THIS FORM IF water is to be diverted, conveyed, and/or used only on federal lands.

Applicant's Name: Mitchell Brown
Address: 14200 Road 284
City: Porterville State: CA Zip: 93257 Day Phone: (209) 781-6389

JAN 23 1995

Please provide information as requested below for all tax lots on or through which water will be diverted or used. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

(CHECK ALL THAT APPLY)

TAX LOT LOCAL ID #	PLAN DESIGNATION/ZONING Rural Residential/RR-5) (e.g.	WATER DIVERTED	WATER CONVEYED	WATER USE
40-20-2300	Agriculture			X
40-20-3000	Agriculture			X

Please list all counties and cities within which water is proposed to be diverted, conveyed, and/or used.

The following section must be completed by a planning official from each county and city listed unless your project will be located entirely within the city limits. In this case, only the city planning agency must complete this form. Please request additional forms as needed.

=====

For Local Government Use Only

Local planning officials are to complete the remainder of this form. If it cannot be completed while the applicant waits, sign and detach the receipt as instructed below. You will receive notice when the applicant's water right request is filed with the Water Resources Department (WRD). You will have 30 days from the notice date to return this completed land use form to WRD. If no land use information is received from you within that period, WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan.

a) Check the appropriate box below and provide requested information.

- ☐ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan.
Cite applicable ordinance section(s); 2.01(A). Go to section b) on reverse side.
- ☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table on the reverse of this form. **Note:** Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus accompanying findings is sufficient.)

=====

Receipt for Request for Land Use Information

WRD Applicant Name: _____

This receipt must be signed by a local government representative and returned to the applicant for inclusion in the WRD application IF the local government cannot provide the above requested land use information while the applicant waits.

City or County: Lake County
Staff Contact: Ray Grooms Phone: 947-6032
Signature: Ray Grooms Date of Information Request: 1-13-95

(for Local Use Continued)

(CHECK THE BOX THAT APPLIES)

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Already Obtained	Already Denied	Being Pursued Satisfactorily

b) Please provide printed name and written signature.

Name: Ray Simms Date: 1-13-95

Title: Planning Director Phone: 947-6032

Signature: Kay Linnis

Local governments are invited to express special land use concerns or make recommendations to the Department regarding this proposed use of water below, or on a separate sheet.

Additional Comments:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Application No. 6-73949
Permit No.

418

073458

M0131846 JAN 23 1995

WALL
SALEM, OREGON

STATUTORY SPECIAL WARRANTY DEED

DOWNEY SAVINGS AND LOAN ASSOCIATION, a California corporation, Grantor, conveys and specially warrants to MITCHELL F. BROWN, Grantee, the real property situated in Lake County, Oregon, Described on the attached Exhibit "A", free of encumbrances created or suffered by the Grantor except as specifically set forth in Exhibit "A".

The true consideration for this conveyance is THREE HUNDRED EIGHTY THOUSAND AND NO/100 (\$380,000.00).

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

DATED this 9th day of January, 1991.

DOWNEY SAVINGS AND LOAN ASSOCIATION,
a California corporation

BY: Jane Wolfe
EXECUTIVE VICE PRESIDENT
Its:

BY: Cathy Tombruzzo
SENIOR VICE PRESIDENT

LR-78(1/85)

(Corporation)

STATE OF CALIFORNIA
COUNTY OF ORANGE } SS.

On JANUARY 4, 1991 before me, the undersigned, a Notary Public in and for said State, personally appeared JANE WOLFE personally known to me or proved to me on the basis of satisfactory evidence to be the person who executed the within instrument as the EXECUTIVE VICE President, and CATHY TOMBRUZZO personally known to me or proved to me on the basis of satisfactory evidence to be the person who executed the within instrument as the SE. VICE PRES. Secretary of the Corporation that executed the within instrument and acknowledged to me that such corporation executed the within instrument pursuant to its by-laws or a resolution of its board of directors.

WITNESS my hand and official seal.

Signature Janice Genelle

**DOWNEY
SAVINGS**
AND LOAN ASSOCIATION



(This area for official notarial seal)

EXHIBIT "A"

M0131847

SCHEDULE OF LANDS

JAN 22 1995

The following described property in the County of Lake, State of Oregon, to-wit:

- Township 40 South, Range 20 East of the Willamette Meridian,
Section 9: NE~~1~~, NE~~1~~NW~~1~~, Government Lots 2, 3 and 4.
Section 10: Government Lots 3, 4, 5, 6, 7, 8, 10 and 11,
SE~~1~~NE~~1~~, W~~1~~NW~~1~~, SE~~1~~NW~~1~~, N~~1~~SW~~1~~, SW~~1~~SE~~1~~.
Section 11: Beginning at the Southwest corner of the Northwest
Quarter of Section 11, Township 40 South, Range 20
E.W.M., thence North 0°19' East 1,662.18 feet;
thence South 16°28' East 1,731.36 feet; thence North
90°00" West 502.01 feet to the point of beginning.
Section 14: Government Lot 1, EXCEPTING THEREFROM: Beginning at
a point 1280 feet East from the Northwest corner of
Section 14, Township 40 South, Range 20 E.W.M., thence
East 40 feet; thence South 186.78 feet; thence North
12°45' West 191.50 feet to the point of beginning.
Section 14: Government Lots 2, 3, 4, 5, 6, 7 and 8, NW~~1~~SW~~1~~, SE~~1~~SW~~1~~,
NW~~1~~SE~~1~~, That part of the E~~1~~SE~~1~~ lying WEST of the
Fremont Highway.
Section 15: Government Lots 1, 2, 3 and 4, SE~~1~~NE~~1~~, N~~1~~SE~~1~~.
Section 23: Government Lots 1, 9 and 10, NE~~1~~NE~~1~~.

EXCEPTING THEREFROM that portion of Section 14 and
Section 23 conveyed to the State of Oregon, more
particularly described in Deeds recorded February 24,
1966 in Book 143 at page 109, and July 21, 1971 in Book
158 at page 494 of the Record of Deeds for Lake County.

- Section 24: N~~1~~, SE~~1~~.
Section 25: NE~~1~~NE~~1~~.

- Township 40 South, Range 21 East of the Willamette Meridian,
Section 19: Government Lots 2, 3 and 4.
Section 30: Government Lot 1.

420

M0131848

SUBJECT TO:

JAN 23 1995

1. ~~Ad valorem~~ real property taxes (none outstanding). ^{WAL.} SALEM OREGON
2. Location of power and telephone lines and public roads, including but not limited to right of way granted to State of Oregon, by and through its State Highway Commission recorded in Book 143 at page 109 of the Record of Deeds.
3. Reservations and exceptions contained in deeds from the State of Oregon.
4. Right of the Nevada-California-Oregon Railway Company, its successors and assigns, including but not limited to right of way conveyed under deed recorded in Book 44 at page 598 of the Record of Deeds.
5. An outstanding interest in Glen E. Biggers and Aleen Biggers, husband and wife, for geothermal, steam water rights of by-products therefrom, under that certain deed, including the terms and provisions thereof, recorded in Book 165 at page 471 of the Record of Deeds.
6. As disclosed by the assessment and tax roll, the premises herein have been specially assessed for farm use. If the land becomes disqualified for this special assessment under the statutes, an additional tax, plus interest and penalty will be levied for the number of years in which this special assessment was in effect for the land.
7. A deed of trust to secure an indebtedness in the original principal sum of \$380,000.00 and any other amounts and/or obligations secured thereby
- DATED : December 19, 1990
- TRUSTOR : C. Adair Brown and Mitchell F. Brown
- TRUSTEE : Lake County Title and Insurance Agency
Lakeview, Oregon
- BENEFICIARY : Downey Savings and Loan Association,
a California corporation
- LOAN NO : 20403937

Note: The real property account numbers are: 402023-101;
4020-3800; 402025-100; 4021-1000; 4020-2201; 4020-2300;
4020-3000; 402014D-200; 202023-100

EXHIBIT A - Page 2 of 2

State of Oregon } Reel 13
County of Lake } ss. File 1846

I hereby certify that the within instrument was received and filed for record on the 15 day of January, 1991 at 4:40 o'clock PM and recorded on Page 418 in Book 1846 Record of Deeds of said County

By _____ Deputy

RECEIVED

Application No. G-13949

JAN 23 1995

WATER RESOURCES DEPT.
SALEM, OREGON

State of Oregon

WATER RESOURCES DEPARTMENT



Application for a Permit to Appropriate Groundwater

Applicant(s) Mitchell Brown

(Please print or type - use dark ink)

Mailing Address: 14200 Road 284

Porterville, CA 93257 (209) 781-6389

City

State

Zip

Daytime Phone No.

I (We) make application for a permit to appropriate the following described ground waters of the State of Oregon:

1. **THE DEVELOPMENT** (number of wells, tile lines, infiltration galleries, etc.): _____

One Well

If development is less than one mile from a natural stream, give the following: Crane Creek
No defined channel

Distance from development to stream: +/- 2640'

Elevation difference between streambed and development: +15'

NOTE: Wells must be constructed according to standards set by the department for the construction and maintenance of water wells. If the well is already constructed, please enclose a copy of the well driller's log with this application, and skip to Section 2 below.

Diameter of well: _____ Depth in feet: _____

Type and size of well casing: _____ No. of feet: _____

Estimated depth to water: _____

Type of access port or measuring device: _____

Wells to be drilled by: _____

Address: TO BE DETERMINED

If the water well is flowing artesian, describe your water control and conservation works: _____

Cap as per Administrative Rule Requirements

2. **TOTAL AMOUNT OF WATER** to be applied to beneficial use: 6.93 cubic feet per second, OR _____ gallons per minute. If water is to be used from more than one groundwater source, give the quantity of water from each: _____

3. **INTENDED USE(s) OF WATER:** Irrigation of crop land

If for more than one use, give the quantity of water from each source for each use; _____

If for DOMESTIC use, state the number of households to be supplied; _____

If for MUNICIPAL OR QUASI-MUNICIPAL use, state the present population to be served, and an estimate of the future requirements; (List population projections, water needs, anticipated areas to be provided water.)

If for MINING use, state the nature (gold, silver, etc.) of the mines to be served; _____

If for IRRIGATION, or other land area use, state the TOTAL number of acres to be developed under each use;

	Primary 273.53
Irrigation	Supplemental 280.28
Other (describe)	_____

4. **DESCRIPTION OF WATER DELIVERY SYSTEM:** *Include dimensions and type of construction of diversion works, length and dimensions of supply ditches or pipelines, size and type of pump and motor. If for irrigation, describe the type of system (i.e., flood, wheel line, hand line, drip, other).*

Well will discharge in 8" or 10" mainline and be distributed to wheel type
sprinkler lines

5. **PROJECT SCHEDULE:** *(List month and year)*

Proposed date construction work will begin	<u>1/95</u>
Proposed date construction work will be completed	<u>1/96</u>
Proposed date water use will be completed	<u>1/97</u>

NOTE: Prior to the issuance of a permit it will be necessary to submit a map prepared by a Certified Water Right Examiner (CWRE) and a complete legal description of the property on which the water is to be used. The legal description may be copied from your deed, title insurance policy, or land sales contract.

RECEIVED

DEC 12 1994

WATER RESOURCES DEPT.
SALEM, OREGON

STATE OF OREGON
WATER RESOURCES DEPARTMENT
APPLICATION FOR TRANSFER OF WATER RIGHT

RECEIVED

JAN 23 1995

WATER RESOURCES DEPT.
SALEM, OREGON

2. LOCATION OF AUTHORIZED USE

E) Give the location of the authorized area irrigated or place of use other than for irrigation:

TOWNSHIP	RANGE	SECTION	1/4, 1/4 OF SECTION	NO. OF ACRES
40S	20E	14	NW 1/4, NW 1/4	38.2
40S	20E	14	SW 1/4, NW 1/4	38.2
40S	20E	14	NW 1/4, SW 1/4	38.2
40S	20E	15	NE 1/4, SE 1/4	40.0
40S	20E	15	NW 1/4, SE 1/4	38.3
40S	20E	15	SE 1/4, NE 1/4	39.5
40S	20E	15	SW 1/4, NE 1/4	18.5
40S	20E	15	NE 1/4, NE 1/4	33.8
40S	20E	15	NW 1/4, NE 1/4	17.7
40S	20E	15	NE 1/4, NW 1/4	38.9
40S	20E	10	SE 1/4, SW 1/4	40.0
40S	20E	10	SW 1/4, SE 1/4	16.4
40S	20E	10	SE 1/4, SE 1/4	40.0

ADAIR BROWN
P.O. BOX 1010
ALTURAS, CA 96101

6. a) In the event any deficiencies are noted involving the application map enclosed herein, please return the map with instructions for correction to (check one):

_____ Applicant X CWRE _____ Other (Identify in REMARKS section)

- b) In the event any deficiencies are noted involving the application, please return the application with instructions for correction to (check one):

_____ Applicant X CWRE _____ Other (Identify in REMARKS section)

7. Are all lands involved (including the proposed diversion site, place of use, and access for conveying the water) under your ownership? YES. If not, list in the REMARKS section below, or on an attached sheet, the names and mailing addresses of the legal owners of all property involved in the proposed development.

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

REMARKS: _____

I/We certify that the information I have provided in this application is an accurate representation of the proposed water use and is true and correct to the best of my knowledge:

Signature

[Signature]
Signature

Date

11-4-94
Date

FOR WATER RESOURCES DEPARTMENT USE ONLY

Dear Applicant:

I certify that I have examined the foregoing application, together with the accompanying information, and am returning it to you for:

In order to retain its tentative priority, this application must be returned with the requested corrections or additions on or before:

_____, 19____.

WITNESS my hand this _____ day of _____, 19____.

Water Resources Director

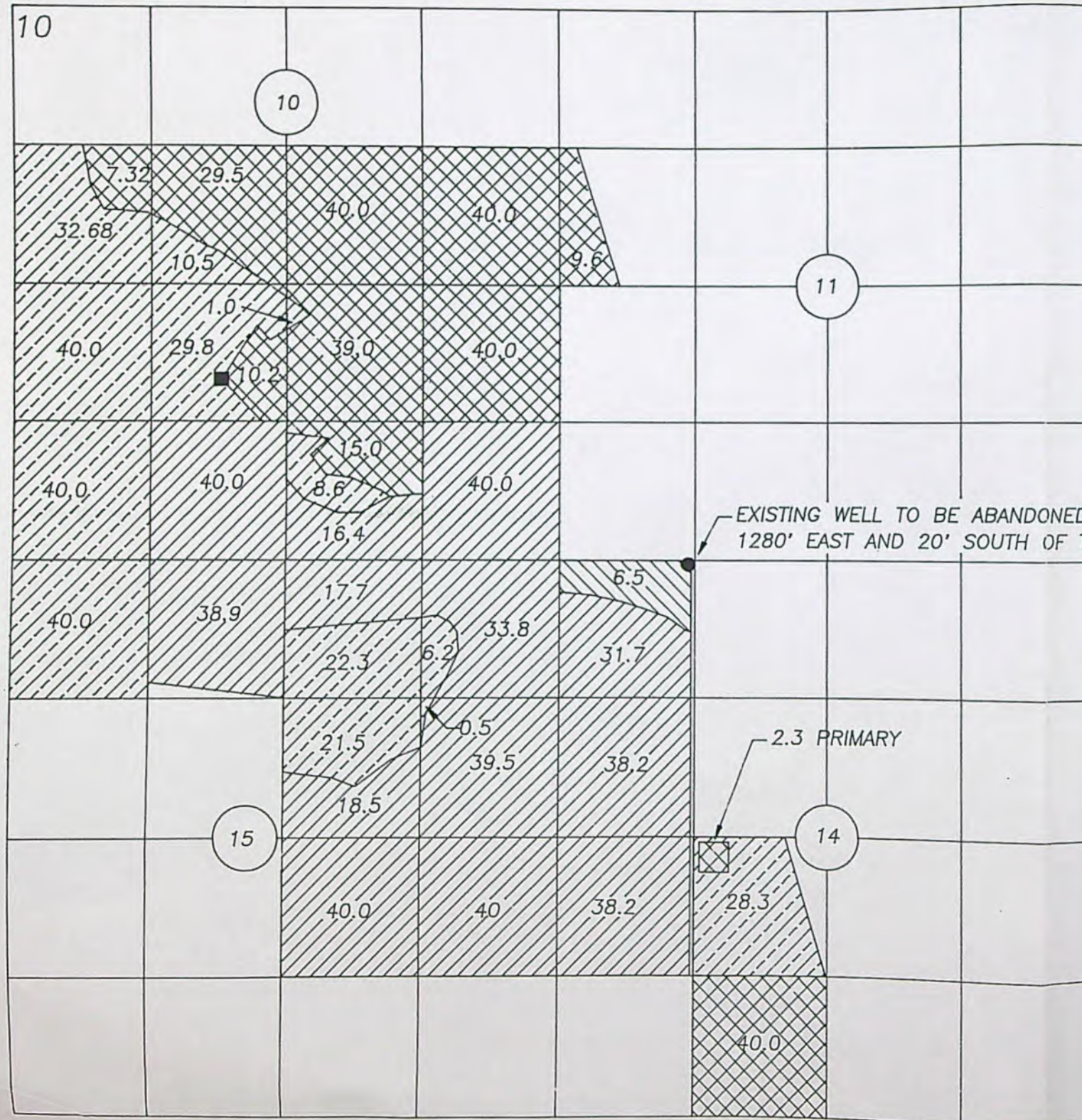
By: _____

This instrument was first received in the office of the Water Resources Director at _____, Oregon, on the _____ day of _____, 19____, at _____ o'clock, ____ M.

APPLICATION NO: G-13949

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

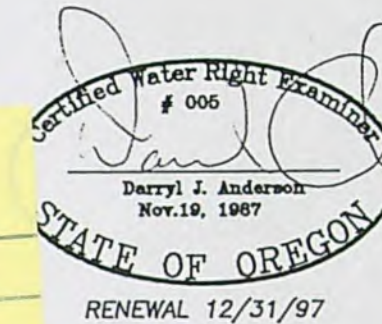


Current
Revised
Map

RECEIVED

OCT - 4 1996

WATER RESOURCES DEPT.
SALEM, OREGON



IS FOR INDICATING
ONLY AND DOES NOT
OWNERSHIP LINES

N: G13949

PERMIT : G13114

- EXISTING SUPPLEMENTAL GROUND WATER RIGHTS AS PER CERTIFICATE 26987
- EXISTING PRIMARY GROUND WATER RIGHTS AS PER CERTIFICATE 26987
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- 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
HC 84 BOX 24-Hwy. 396
P.O. BOX 28
LAKEVIEW, OREGON 97630
(503) 947-4407
FAX 947-8321



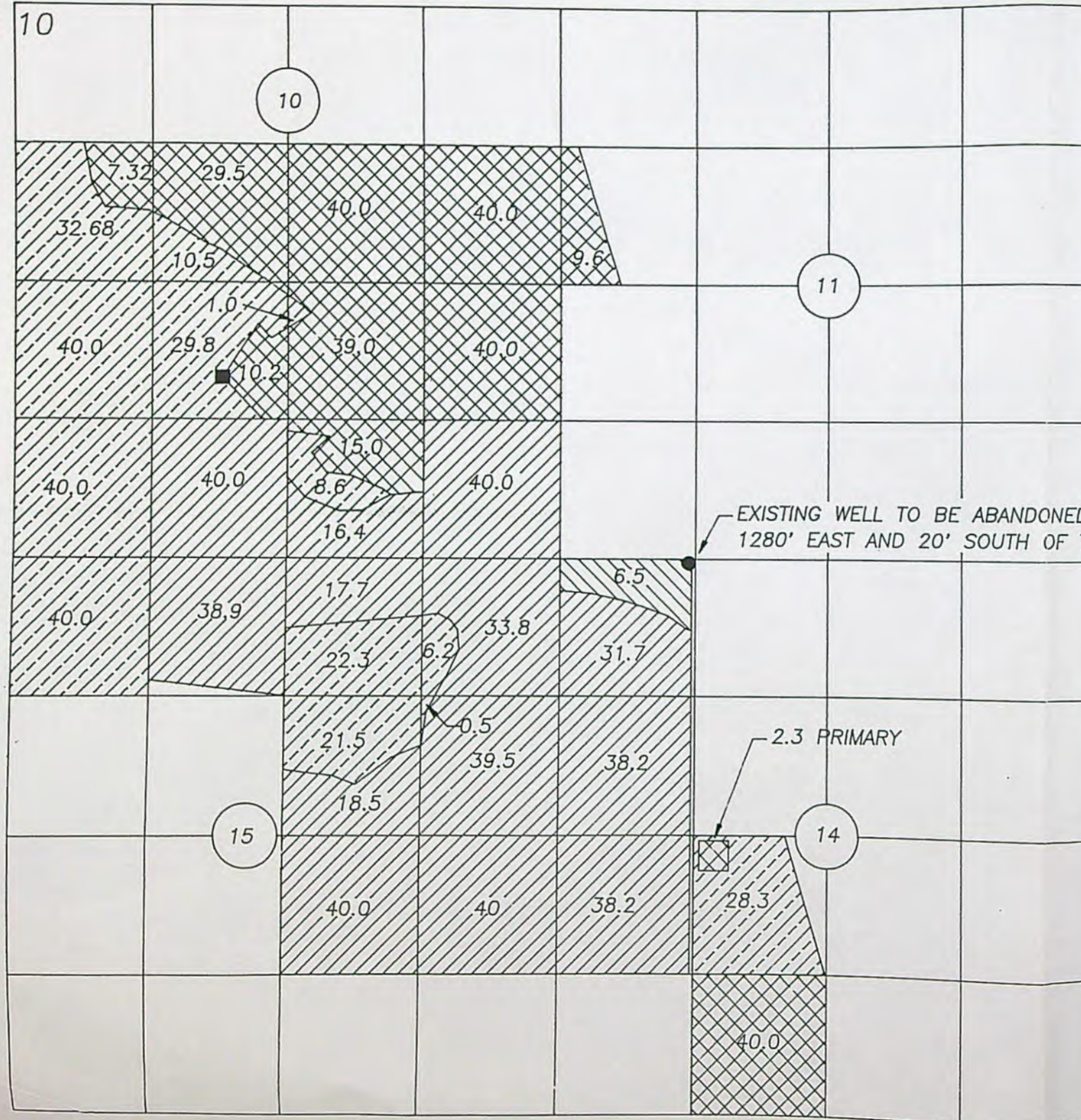
APPLICATION FOR
MITCHELL BROWN, ADAIR BROWN
P.O. BOX 1010
ALTURAS CALIFORNIA
(916) 233-2433

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

SHEET
1
OF 1 SHEETS

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TOWNSHIP 40 SOUTH, RANGE 20 EAST WILLAMETTE MERIDIAN
LAKE COUNTY OREGON

4 3
9 10



EXISTING WELL TO BE ABANDONED NOT USABLE AT THIS TIME
1280' EAST AND 20' SOUTH OF THE NW CORNER OF SECTION 14.

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

APPLICATION: G13949
PERMIT: G13114

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WATER RESOURCES DEPT.
SALEM, OREGON



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

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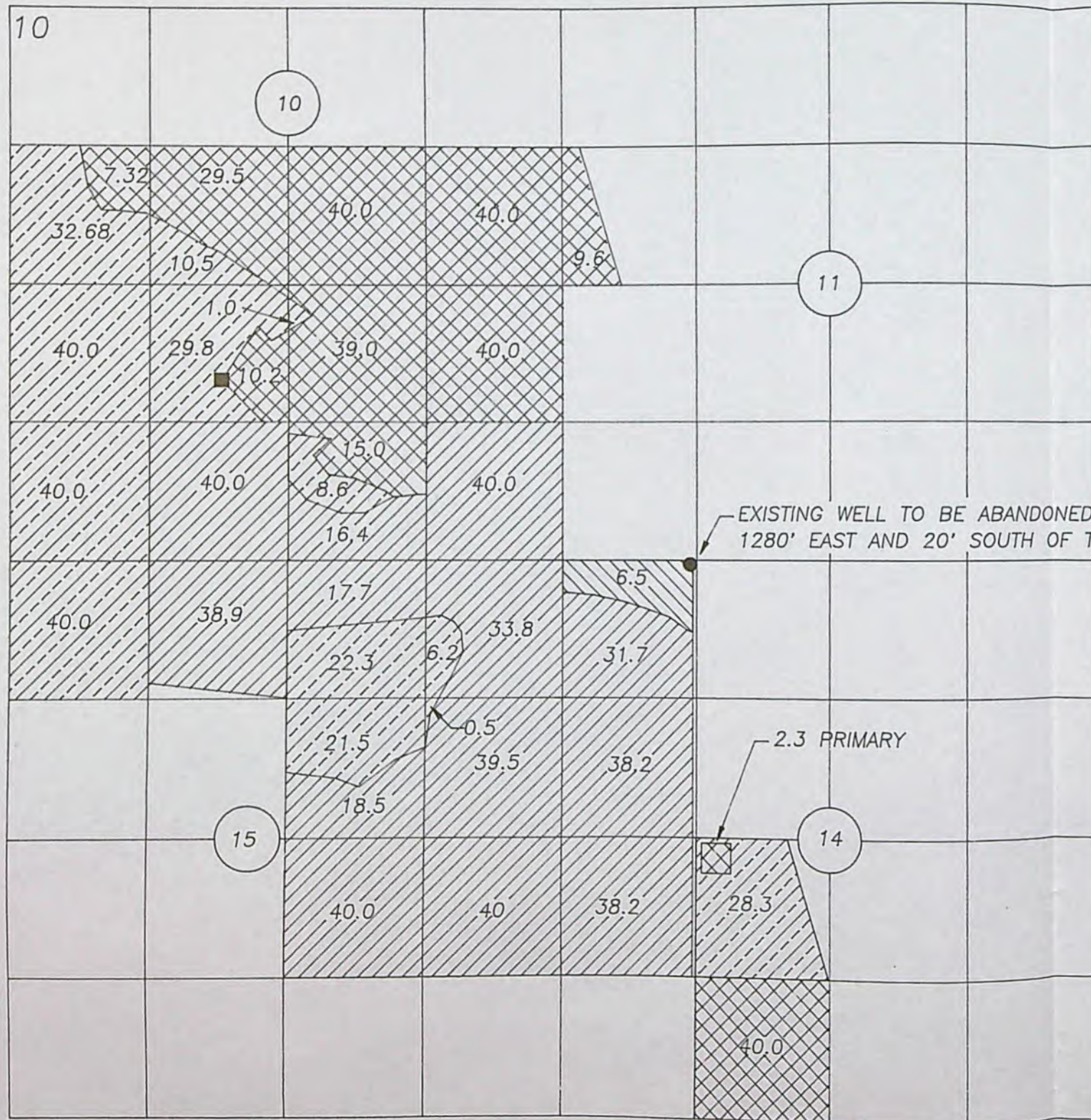
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LAKE COUNTY OREGON

4 3
9 10



Current
REVISED
map

RECEIVED

OCT - 4 1996

WATER RESOURCES DEPT.
SALEM, OREGON



RENEWAL 12/31/97

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

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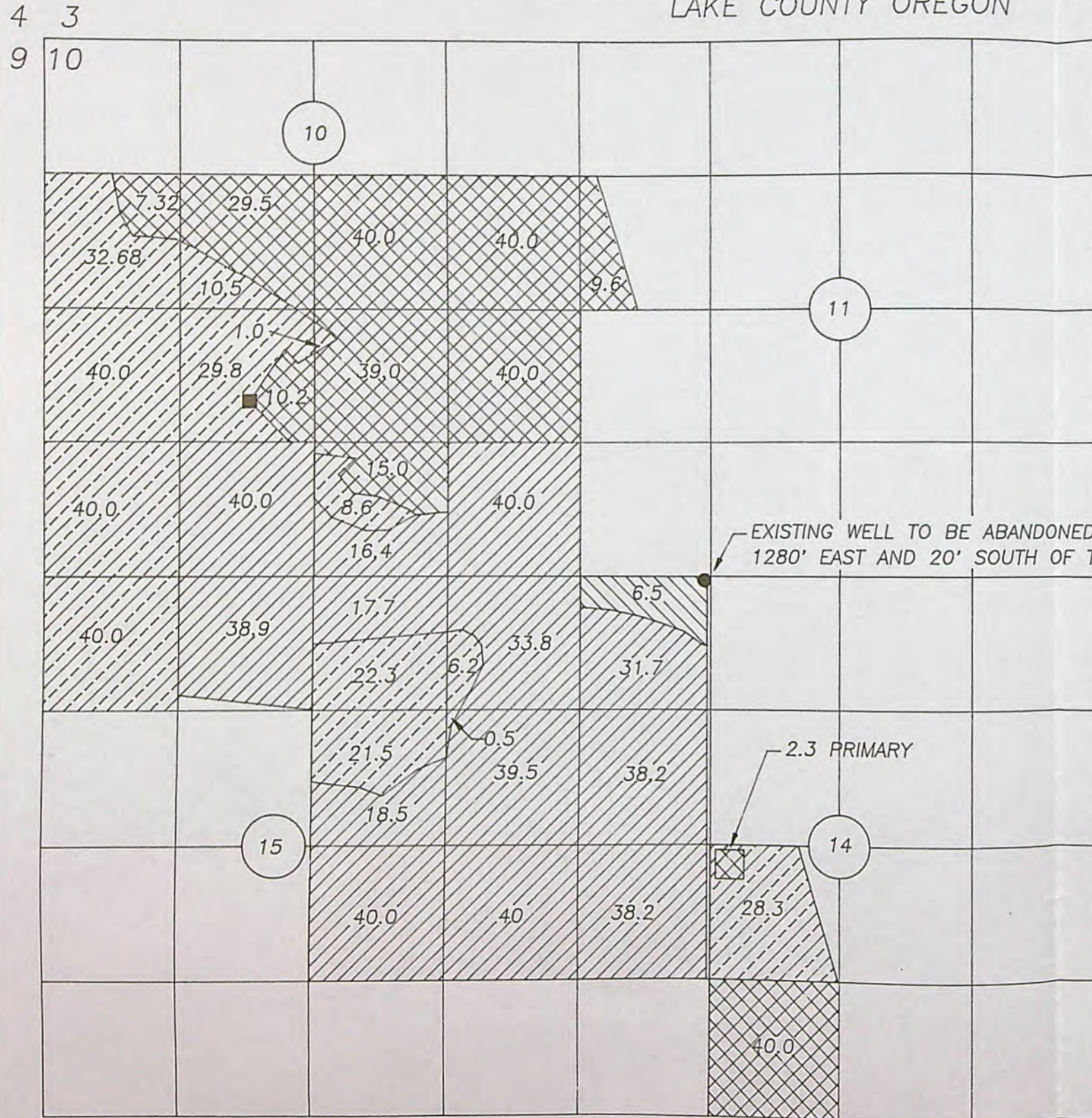


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SALEM, OREGON



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OF 1 SHEETS

10/1/96

Laura Sweelaker

Darryl Anderson 1-541-947-4407

re map for G-13949

10:20 - could not find a revised final proof map for case 37004

can just correct # of acres in SW NW to 32.68 supplemental & 7.32 primary - should then be ok.

other revisions, on map received Sept 30, 96 appear to be ok

D.A. - will do revision & send another revised map.

Copies of
Superseded
Maps

9/10/96

Darryl J Anderson

10:35 - left message
re Application for
Mitchell Brown
G-13949

out of office today

9-11-96 8:18 am

map sent to me from Ben Bishop,
OWRD Bend Office, was requested
by Dennis Glander to be sent
to Ben in Bend.

Revisions/corrections requested
in the PFO for the map have
not been completed yet.

Did not receive copy of certified
letter - please fax

541-947-2321

Certified letter + copies of existing
certificate final proof maps faxed

✓ ~~34245222888~~

I N T E R

O F F I C E

MEMO

To: LAURA SNEDAKER
From: BEN BISHOP
Subject: APPLICATION MAP FOR FILE G-13949
Date: September 4, 1996

Here is the map that I talked to you about on the phone. I hope that there hasn't been too much of a delay.

RECEIVED

SEP - 6 1996

WATER RESOURCES DEPT.
SALEM, OREGON

**ANDERSON
ENGINEERING & SURVEYING, INC.**

HC 64 Box 24 539 SW 7th Street
P.O. Box 28 P.O. Box 419
LAKEVIEW, OR 97630 REDMOND, OR 97756
(541) 947-4407 (541) 923-4307
FAX (541) 947-2321 FAX (541) 923-4308

LETTER OF TRANSMITTAL

DATE 08/27/96	JOB NO. 94074
ATTENTION Ben Bishop	
RE: Mitchell Brown Water Right Map	
RECEIVED	
SEP - 6 1996	
WATER RESOURCES DEPT. SALEM, OREGON	

TO Oregon Water Resources Department
1340 NW Wall Street Suite 100
Bend, OR 97701-1939

WE ARE SENDING YOU ☒ Attached ☐ Under separate cover via _____ the following items:

- ☐ Shop drawings ☐ Prints ☐ Plans ☐ Samples ☐ Specifications
☐ Copy of letter ☐ Change order ☐ _____

COPIES	DATE	NO.	DESCRIPTION
1			Mylar Copy of Map to Accompany Water Application

THESE ARE TRANSMITTED as checked below:

- ☐ For approval ☐ Approved as submitted ☐ Resubmit _____ copies for approval
☐ For your use ☐ Approved as noted ☐ Submit _____ copies for distribution
☐ As requested ☐ Returned for corrections ☐ Return _____ corrected prints
☐ For review and comment ☐ _____
☐ FOR BIDS DUE _____ 19 _____ ☐ PRINTS RETURNED AFTER LOAN TO US

REMARKS

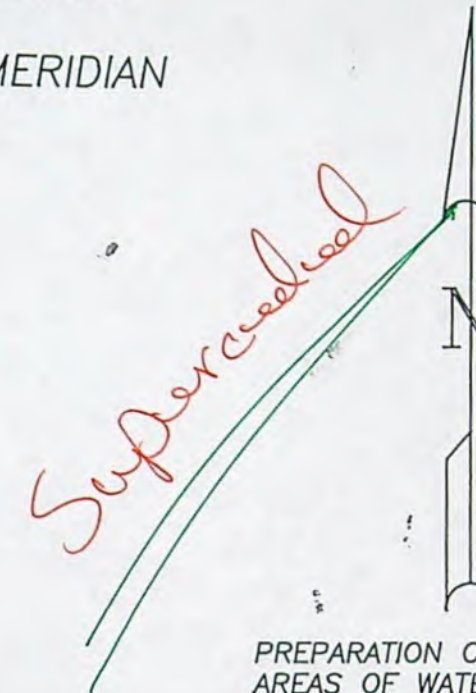
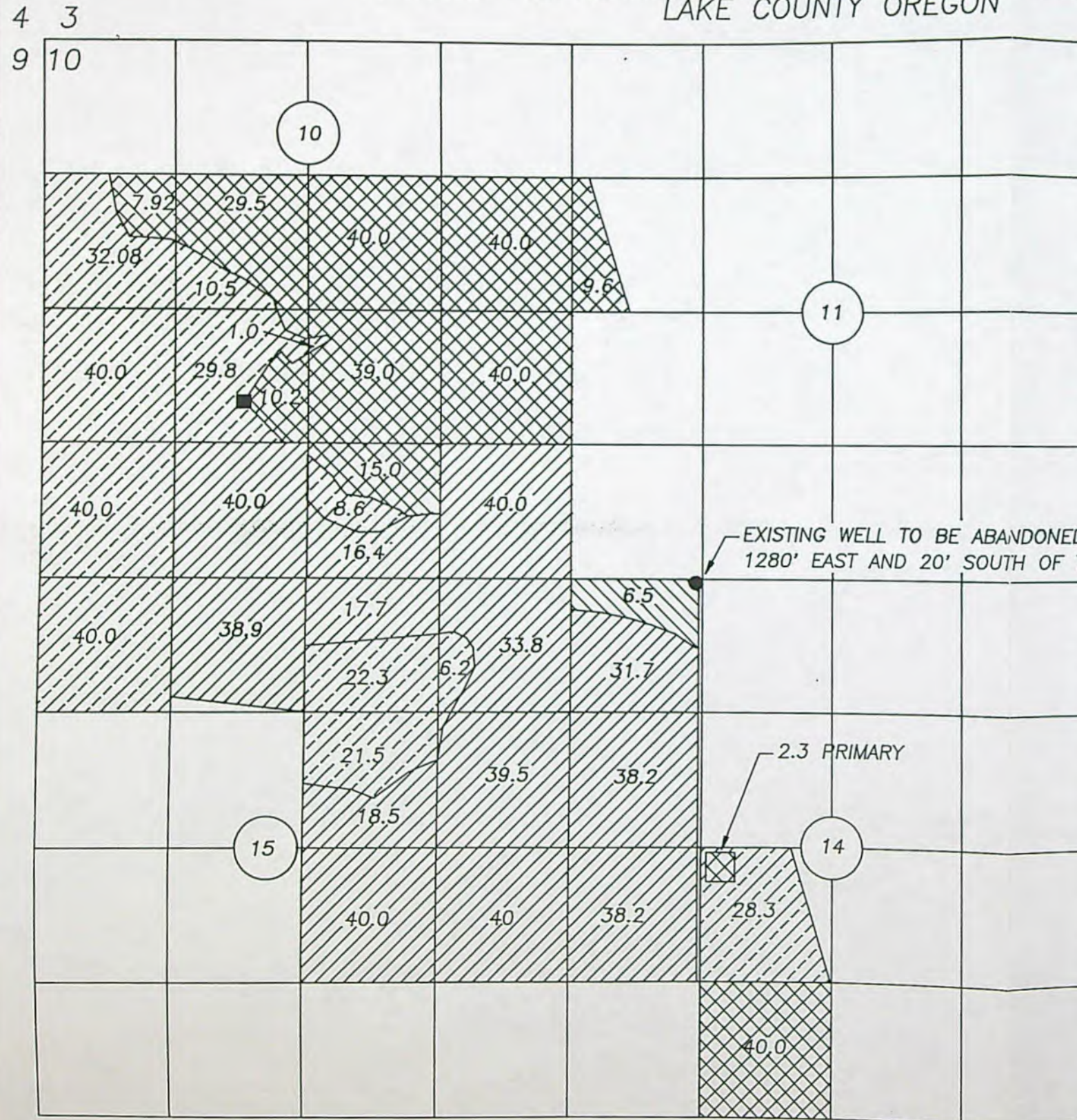
Please call if there is a question.

COPY TO Mitchell Brown - Dennis Glender

SIGNED: Darryl Anderson, C.W.R.E.

If enclosures are not as noted, kindly notify us at once.

MAP TO ACCOMPANY APPLICATION TO APPROPRIATE GROUND WATER,
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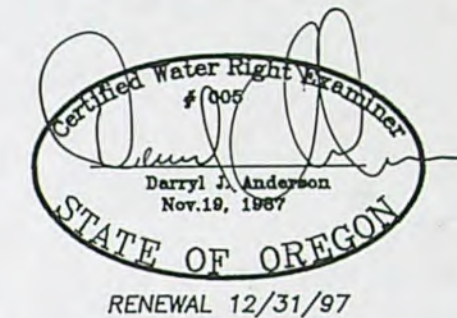


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RECEIVED

SEP - 6 1996

WATER RESOURCES DEPT.
SALEM, OREGON



RENEWAL 12/31/97

POD
correction
from previous
map

-  EXISTING SUPPLEMENTAL GROUND
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-  EXISTING PRIMARY GROUND
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REVISIONS	BY
7/22/96	DJA
8/26/96	RFC

ANDERSON ENGINEERING & SURVEYING
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FAX 847-2381



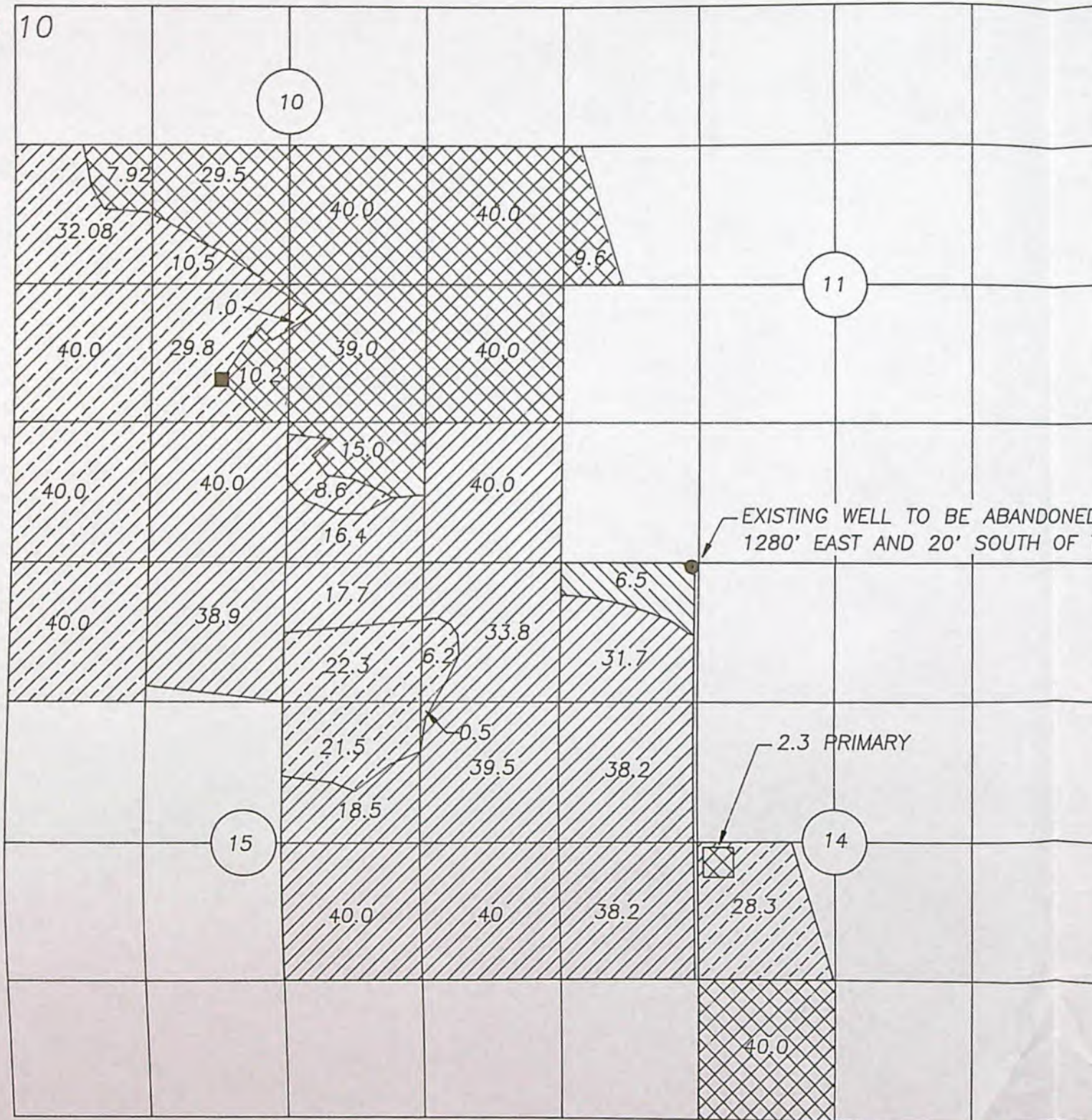
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P.O. BOX 1010
ALTURAS CALIFORNIA
(916) 233-2433

DATE:	OCT. 94
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RECEIVED

SEP 30 1996

WATER RESOURCES DEPT.
SALEM, OREGON

Supervised



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REVISIONS	BY
7/22/96	DJA
9/26/96	RFC

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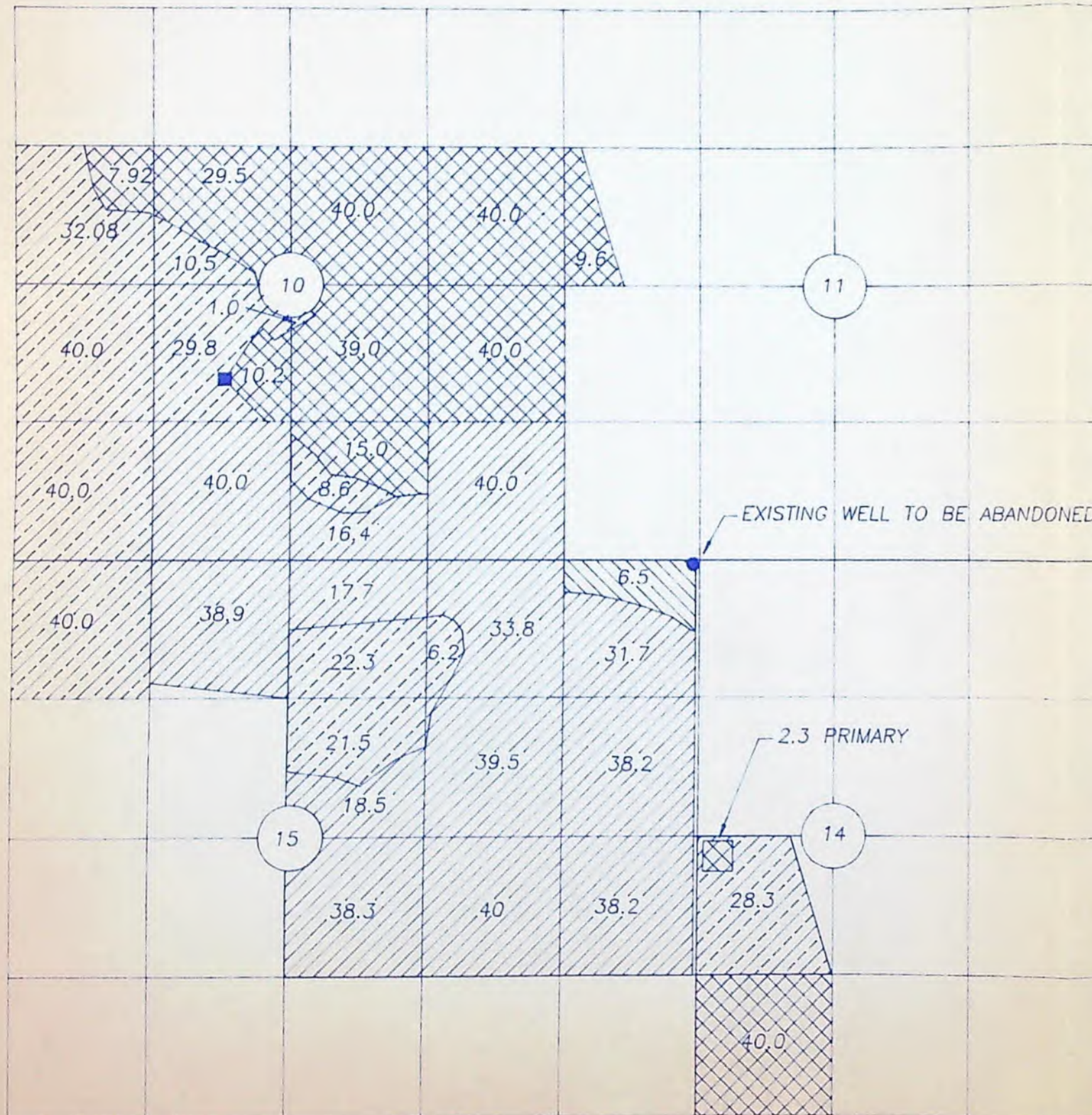


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LAKE COUNTY OREGON



NOT USABLE AT THIS TIME

- 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
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NEW WELL LOCATED 2250 FEET SOUTH AND 2010 FEET EAST OF THE NORTH WEST CORNER OF SECTION 10

N



Expires 12/31/95

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

ANDERSON ENGINEERING & SURVEYING
HC 84 BOX 24-HWY. 395
P.O. BOX 28
LAKEVIEW, OREGON 97630
(503) 947-4407
FAX 947-2321

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

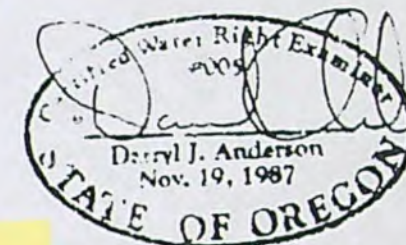
DATE: OCT. 94
SCALE: 1"=1320'
DWG. BY: DJA
JOB # 94074
DWG. FILE: 94074
SHEET
1
OF 1 SHEETS

Supp to
/cont 21982

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

WORKING COPY

Superseded



Expires 12/31/95

[illegible]

ANDERSON ENGINEERING & SURVEYING
HC 64 BOX 24-HWY. 396
P.O. BOX 28
LAKEVIEW, OREGON 97630
(503) 947-4407
FAX 947-2321

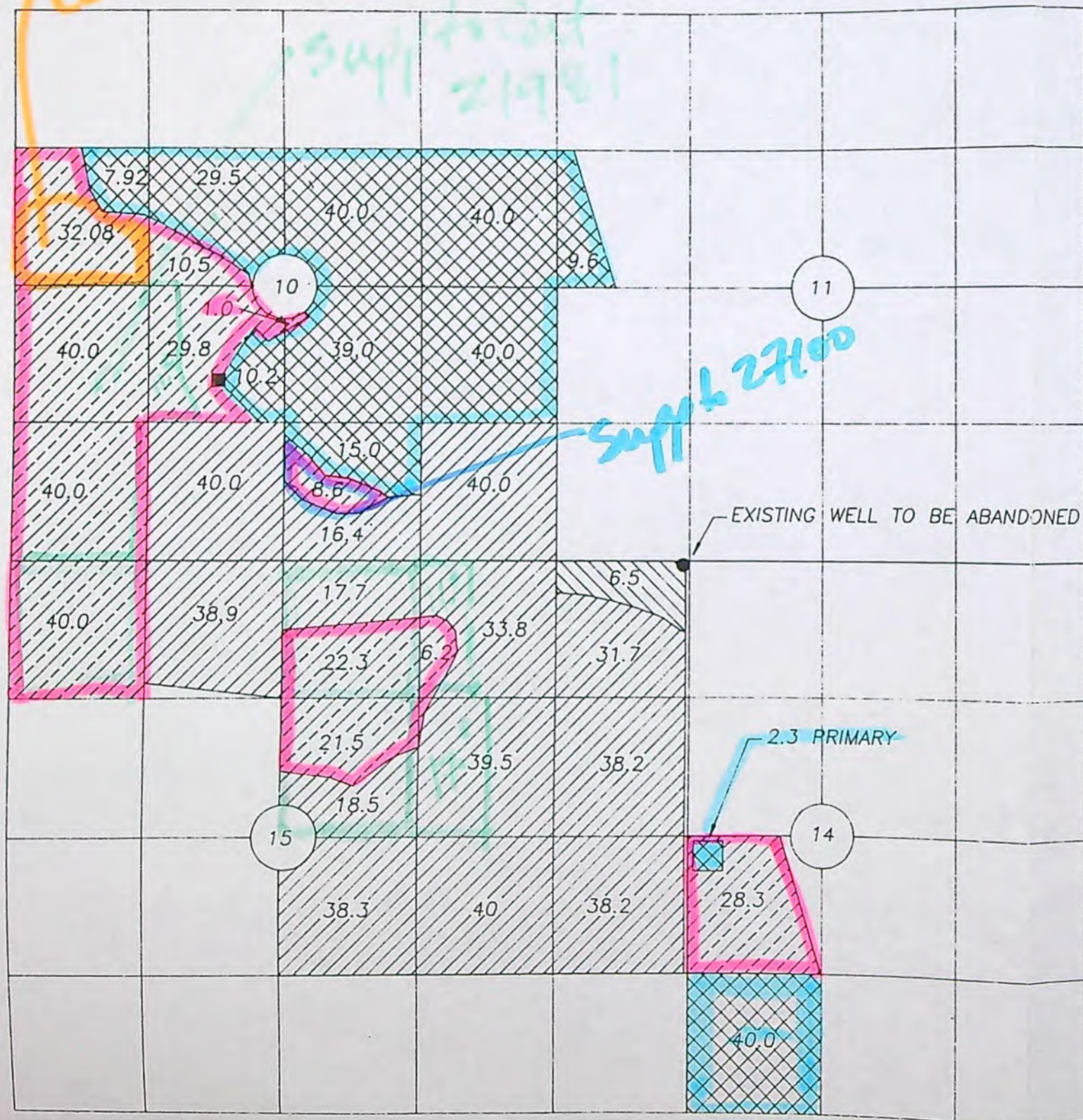


APPLICATION FOR
MITCHELL BROWN, ADAIR BROWN
P.O. BOX 1010
ALTURAS CALIFORNIA
(916) 233-2433

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

SHEET

OF 1 SHEETS



NOT US.

-  EXISTING SUPPLEMENTAL GROUND WATER RIGHTS AS PER CERTIFICATE 26987
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TOWNSHIP 40 SOUTH, RANGE 20 EAST WILLAMETTE MERIDIAN
LAKE COUNTY OREGON

WORKING COPY

Superseded



Expires 12/31/95

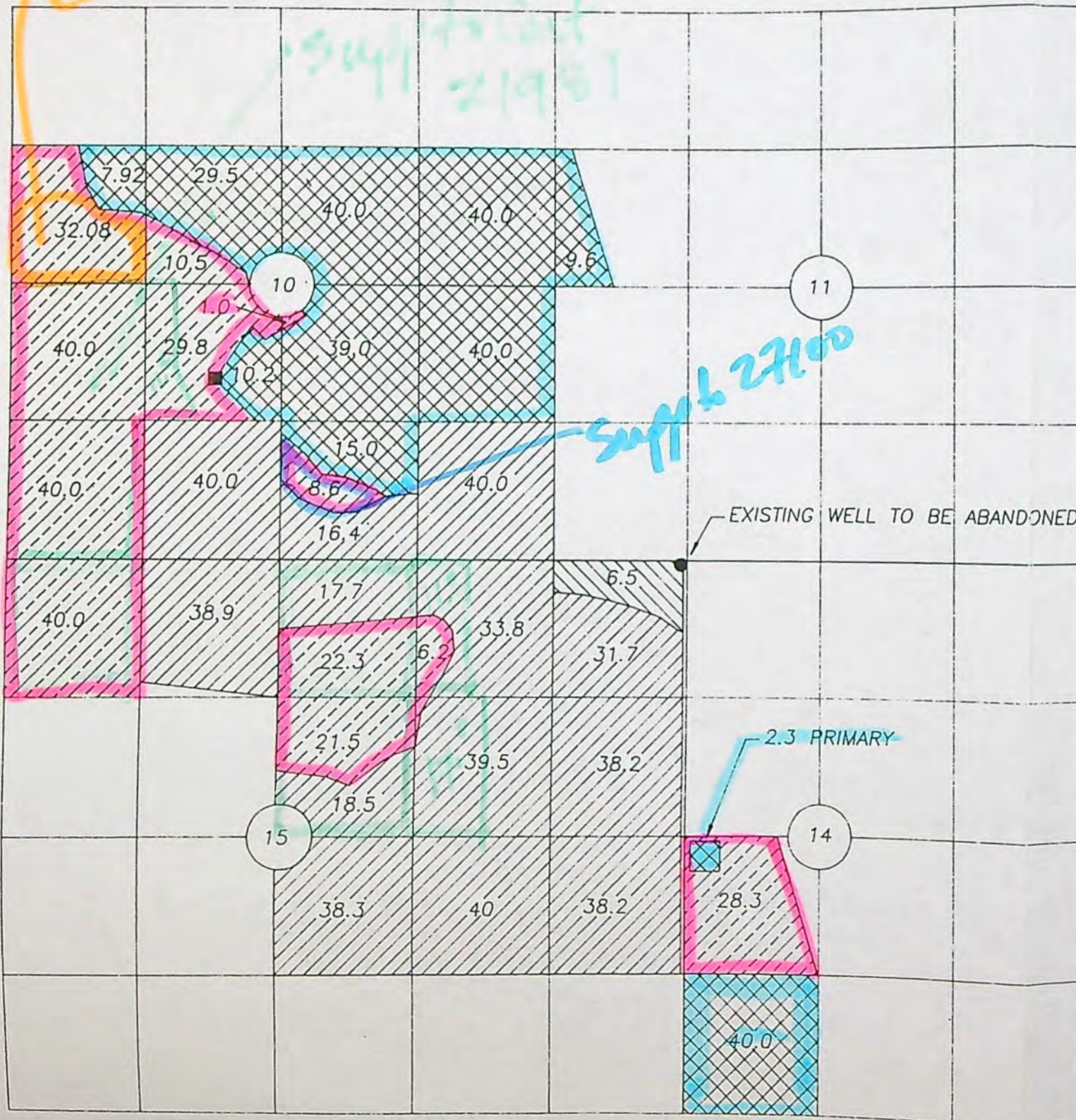
REVISIONS BY

ANDERSON ENGINEERING & SURVEYING
HC 84 BOX 24-HWY. 395
P.O. BOX 28
LAKEVIEW, OREGON 97630
(503) 947-4407
FAX 947-2321

APPLICATION FOR
MITCHELL BROWN, ADAIR BROWN
P.O. BOX 1010
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DATE: OCT. 94
SCALE: 1"=1320'
DWG. BY: DJA
JOB # 94074
DWG. FILE: 94074

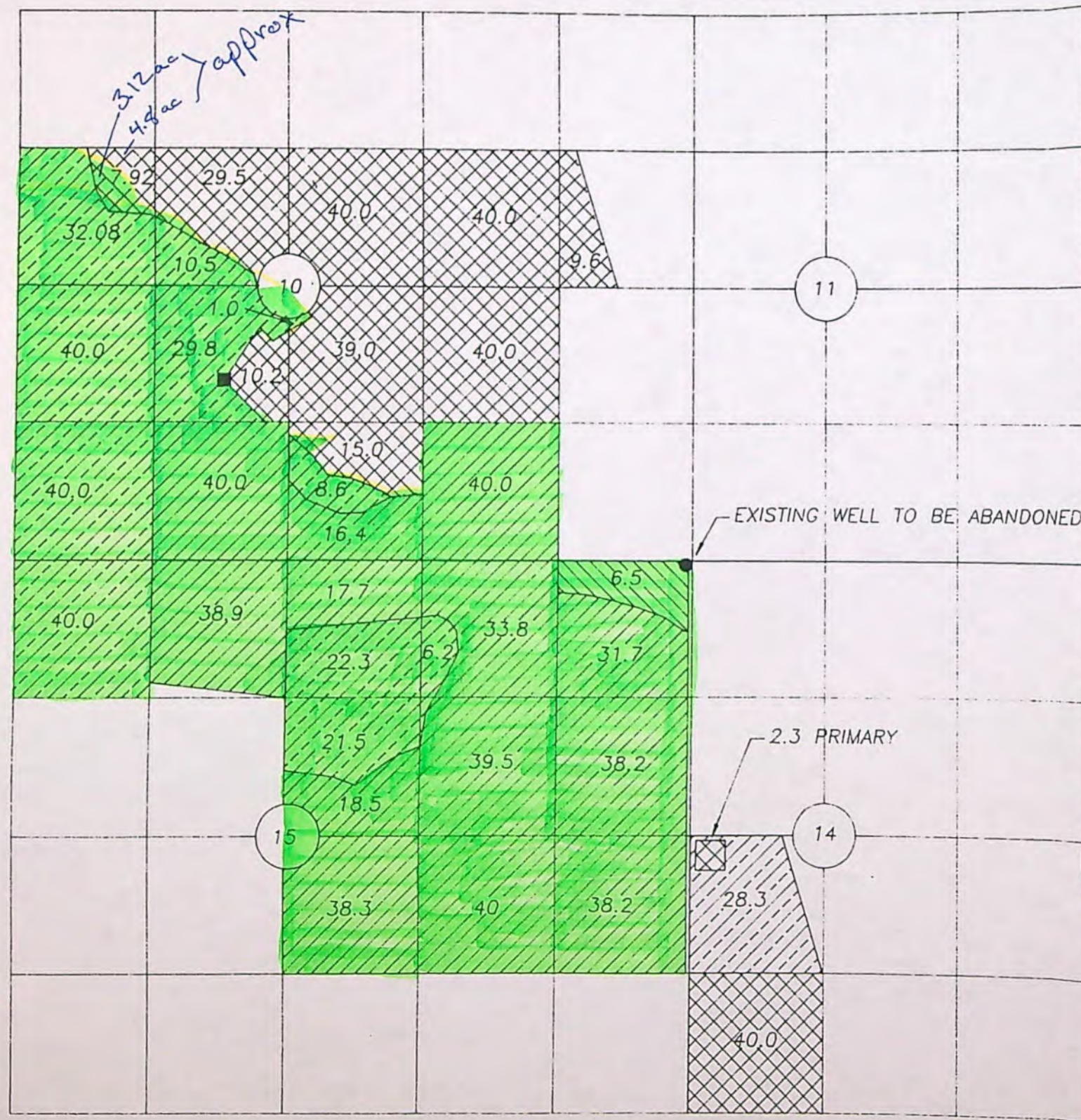
SHEET
1
OF 1 SHEETS



NOT USABLE AT THIS TIME

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LOCATED IN SECTIONS 10,11,14,15
TOWNSHIP 40 SOUTH, RANGE 20 EAST WILLAMETTE MERIDIAN
LAKE COUNTY OREGON



Existing

Superseded



Expires 12/31/95

PREPARATION OF THIS MAP IS FOR INDICATING
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NOT USABLE AT THIS TIME



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 2250 FEET SOUTH AND 2010 FEET
EAST OF THE NORTH WEST CORNER OF SECTION 10

only requesting these lands under
this application

273.52ac

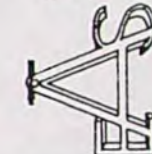
279.38ac

280.28ac

553.8ac Total

REVISIONS BY

ANDERSON ENGINEERING & SURVEYING
HC 84 BOX 24-HWY. 396
P.O. BOX 28
LAKEVIEW, OREGON 97630
(503) 947-4407
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APPLICATION FOR
MITCHELL BROWN, ADAIR BROWN
P.O. BOX 1010
ALTURAS CALIFORNIA
(916) 233-2433

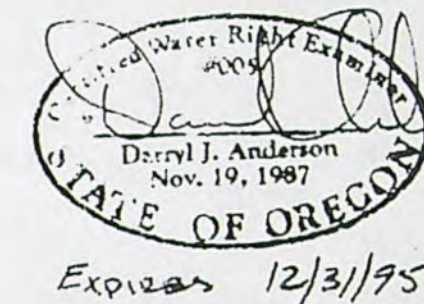
DATE: OCT. 94
SCALE: 1"=1320'
DWG. BY: DJA
JOB # 94074
DWG. FILE: 94074

SHEET
1
OF 1 SHEETS

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



Cert 21982
* overlap onto
primary request



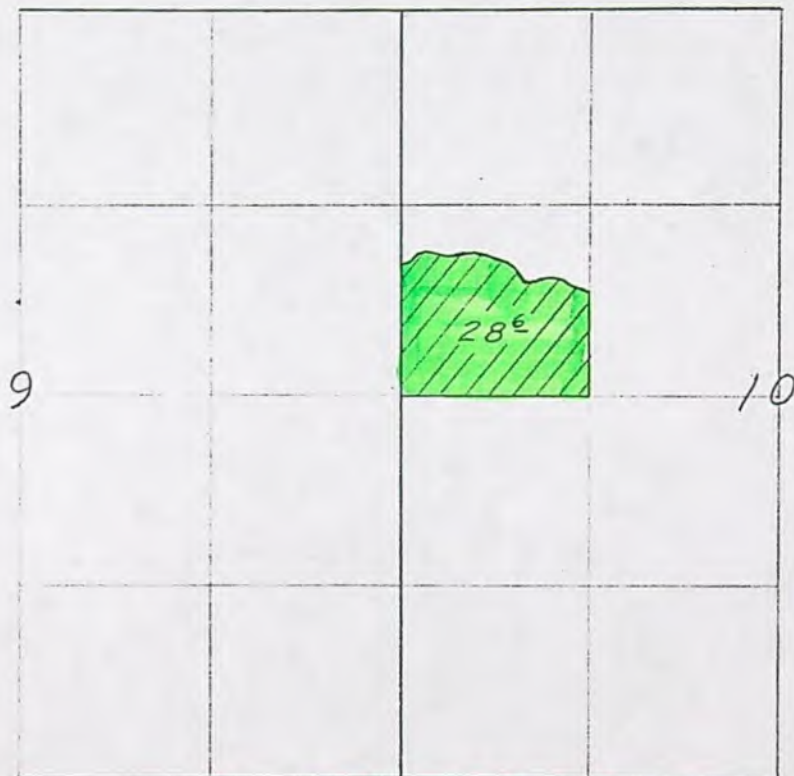
PREPARATION OF THIS MAP IS FOR INDICATING
AREAS OF WATER RIGHTS ONLY AND DOES NOT
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NOT USABLE AT THIS TIME

-  EXISTING SUPPLEMENTAL GROUND
WATER RIGHTS AS PER CERTIFICATE 26987
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EAST OF THE NORTH WEST CORNER OF SECTION 10

REVISIONS	BY
ANDERSON ENGINEERING & SURVEYING HC 84 BOX 24-Hwy. 396 P.O. BOX 28 LAKEVIEW, OREGON 97830 (503) 947-4407 FAX 947-2321 AS	
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	

T. 40 S. R. 20 E. W. M.



Final Proof Survey
Under

Application No. 20686 Permit No. 16182
In Name Of

Cert 21982

James S. Snider & C. F. Snider

Inspected June 17, 1955 by T. Jones

CHZ-38K-146

CB

T.40S. R.20E. W.M.

Card 37004

FINAL PROOF SURVEY

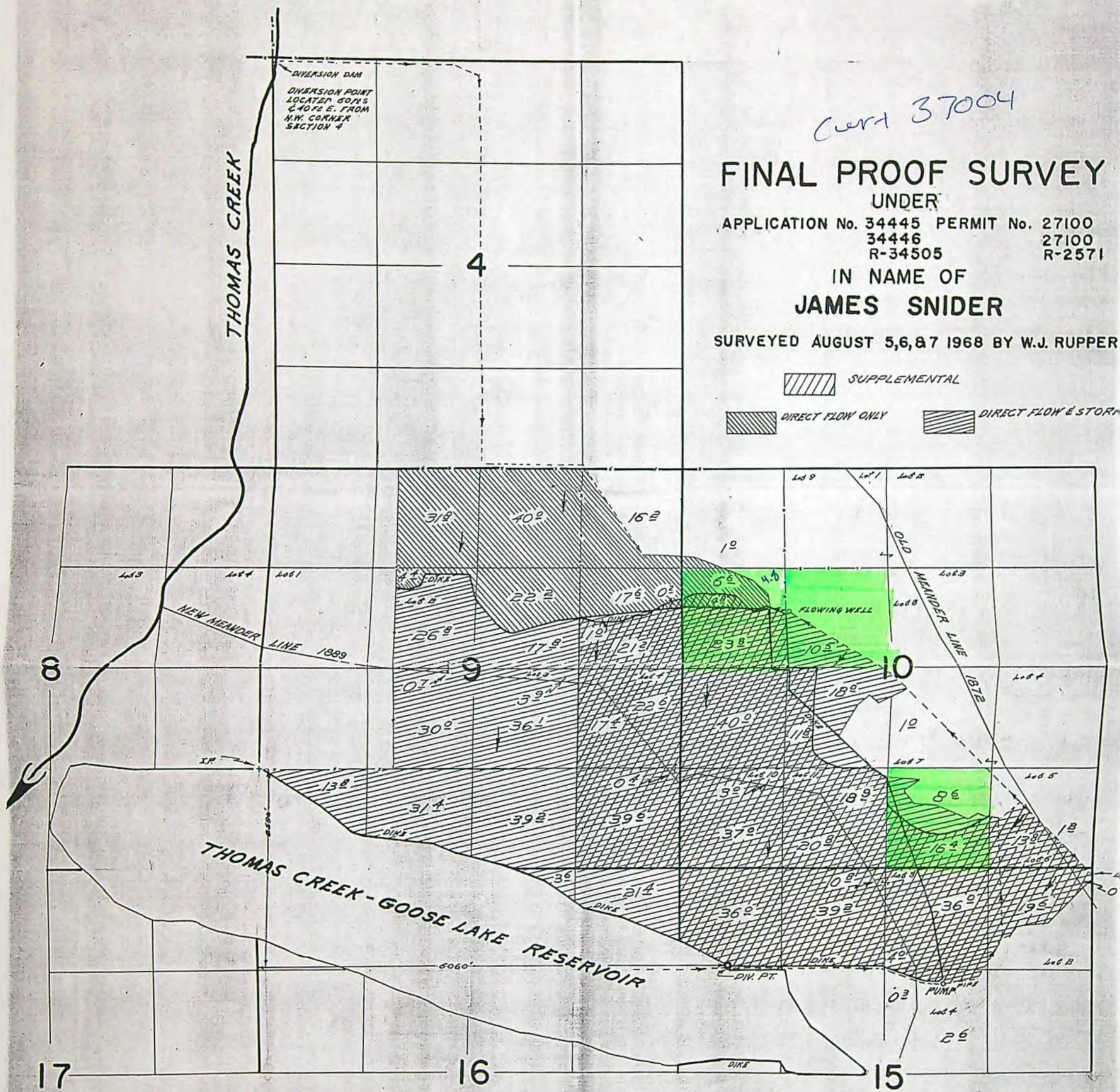
UNDER

APPLICATION No. 34445 PERMIT No. 27100
34446 27100
R-34505 R-2571

IN NAME OF

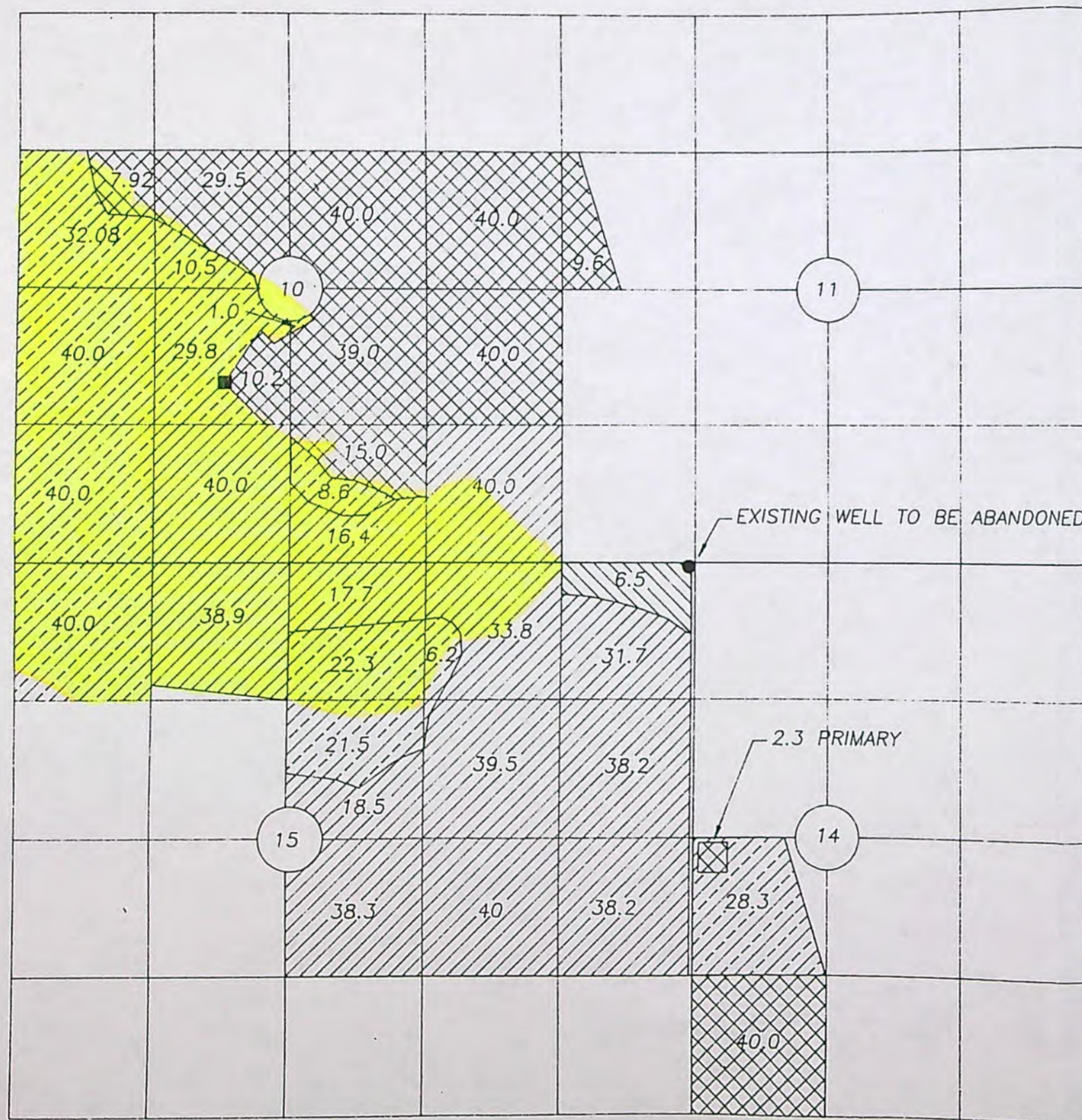
JAMES SNIDER

SURVEYED AUGUST 5,6,8,7 1968 BY W.J. RUPPER

 SUPPLEMENTAL *DIRECT FLOW ONLY* DIRECT FLOW & STORM

35.2

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



Cert 37004



Expires 12/31/95

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REVISIONS BY

ANDERSON ENGINEERING & SURVEYING
HC 64 BOX 24-HWY. 396
P.O. BOX 28
LAKEVIEW, OREGON 97830
(503) 947-4407
FAX 947-2321



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



T. 40S R. 20E W.M.

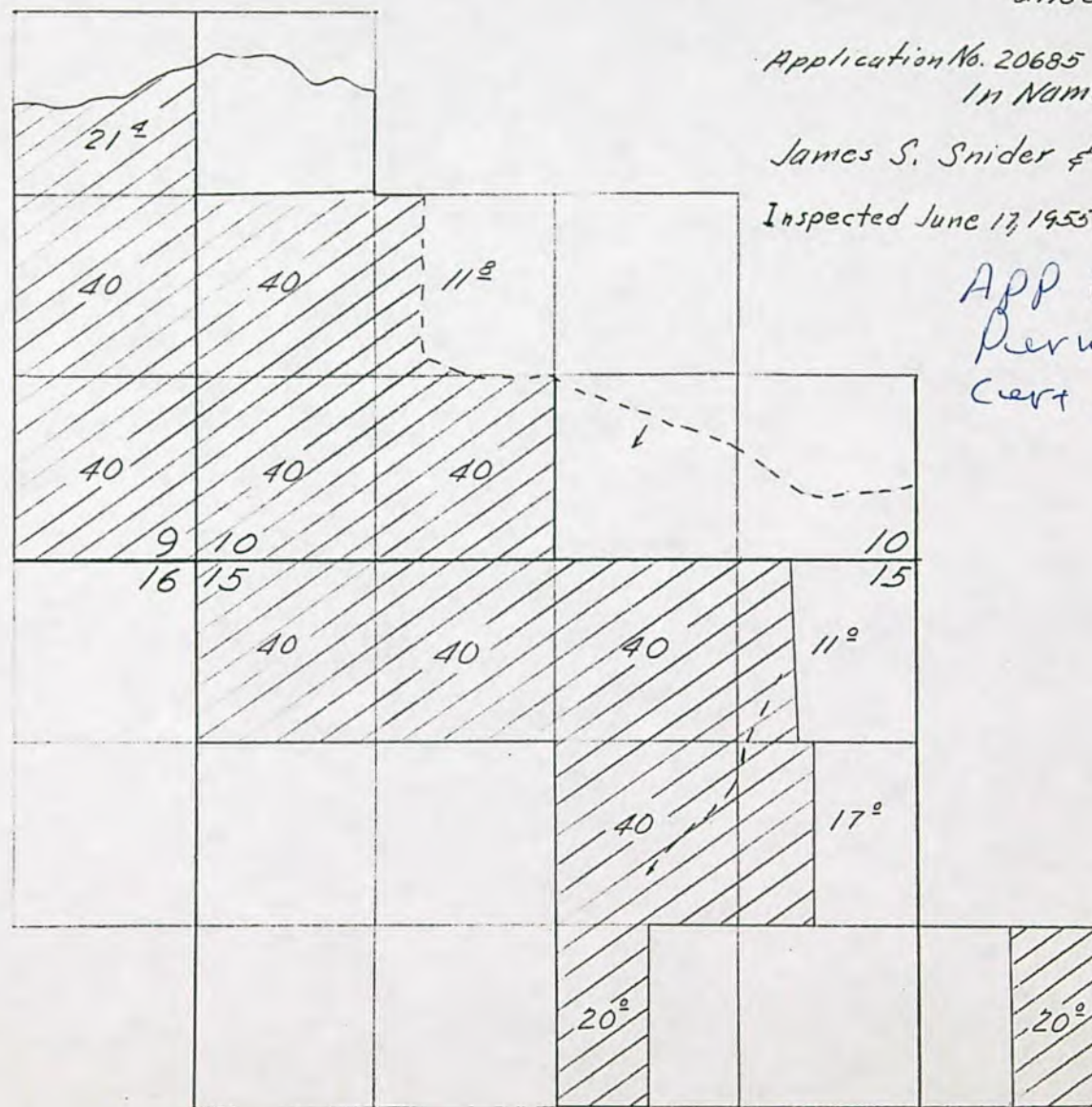
Final Proof Survey
Under

Application No. 20685 Permit No. 16181
In Name Of

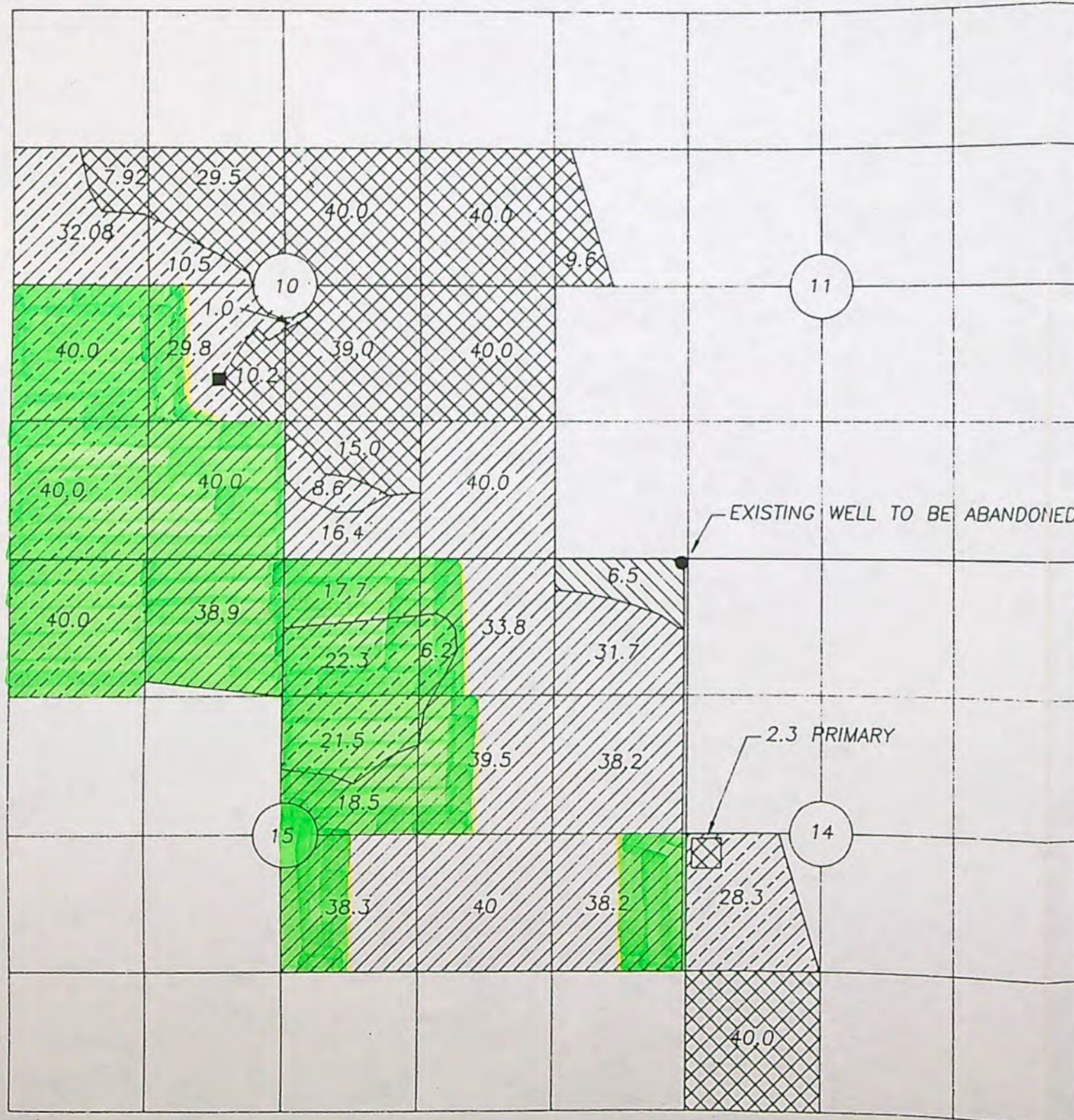
James S. Snider & C. F. Snider

Inspected June 17, 1955 by T. Jones

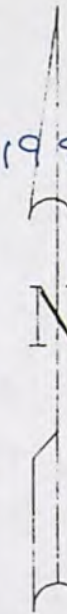
App 20685
Permit 16182
Cert 21981



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



Does not overlap
into Primary
Lands



Expires 12/31/95

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- EXISTING SUPPLEMENTAL GROUND WATER RIGHTS AS PER CERTIFICATE 26987
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REVISIONS BY

ANDERSON ENGINEERING & SURVEYING
HC 84 BOX 24-Hwy. 396
P.O. BOX 28
LAKEVIEW, OREGON 97630
(503) 947-4407
FAX 947-2321



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

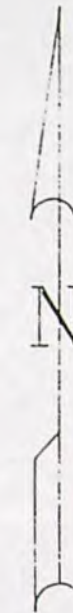
DATE: OCT. 94
SCALE: 1"=1320'
DWG. BY: DJA
JOB # 94074
DWG. FILE: 94074

SHEET
1
OF 1 SHEETS

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



Cert 26987



Superseded



Expires 12/31/95

PREPARATION OF THIS MAP IS FOR INDICATING
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● OLD WELL LOCATION FOR CERTIFICATE 26987

■ NEW WELL LOCATION FOR CERTIFICATE 26987
AND FOR NEW PRIMARY AND SUPPLEMENTAL
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EAST OF THE NORTH WEST CORNER OF SECTION 10

REVISIONS BY

ANDERSON ENGINEERING & SURVEYING
HC 84 BOX 24-HWY. 396
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LAKEVIEW, OREGON 97630
(503) 947-4407
FAX 947-2321



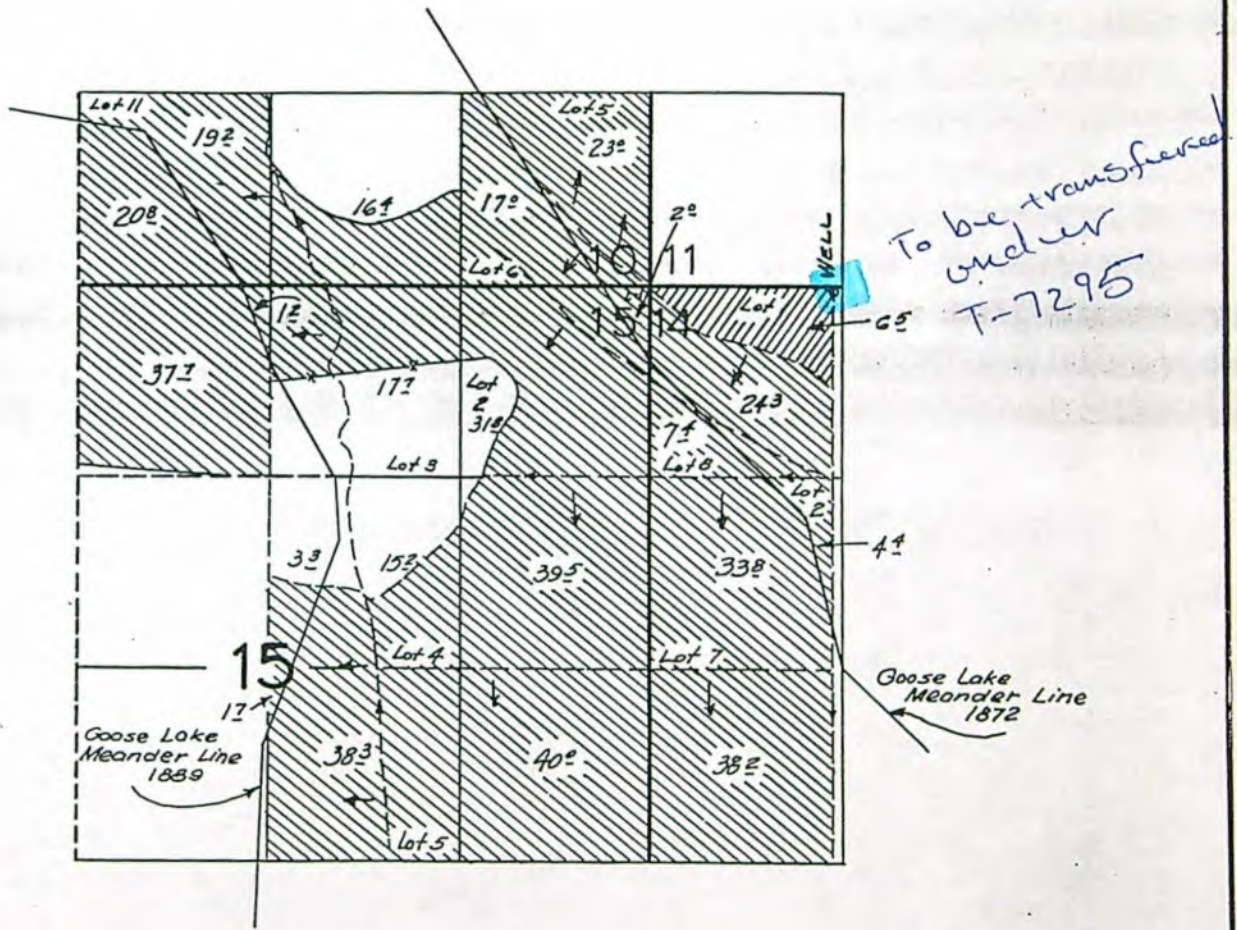
APPLICATION FOR
MITCHELL BROWN, ADAIR BROWN
P.O. BOX 1010
ALTURAS CALIFORNIA
(916) 233-2433

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

SHEET
1
OF 1 SHEETS

NCR

T. 40 S. R. 20 E. W.M.



FINAL PROOF SURVEY
UNDER

Cert 26987

Application No. G-366... Permit No. G-301...
IN NAME OF

SNYDER & ALEXIS

Surveyed May 12 1959, by Jackson

CHZ-38K-146

[illegible]

9

Adjudication Survey
Crane & Kelly Creeks
Lake Co.
T 40S / R 20E

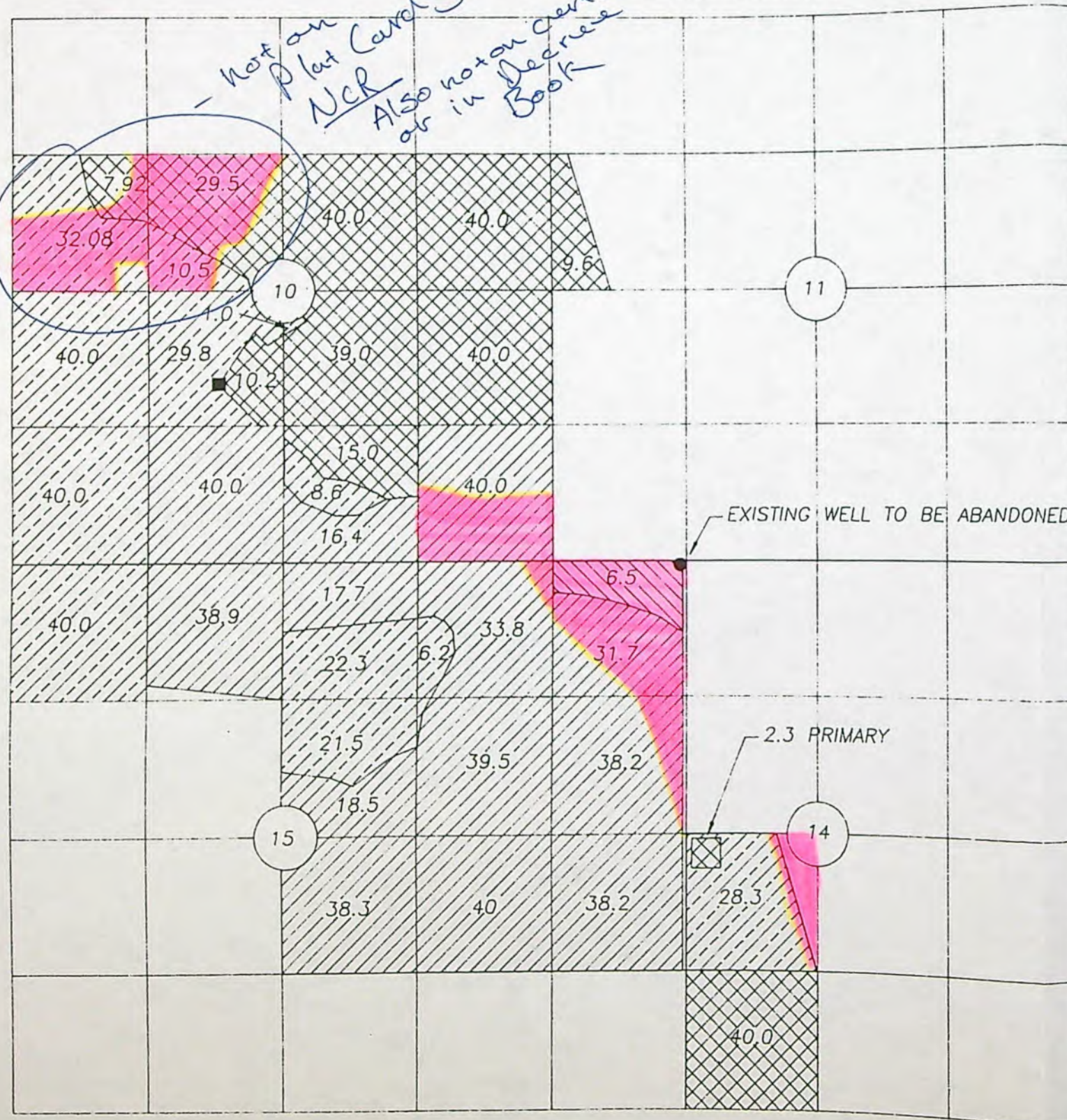
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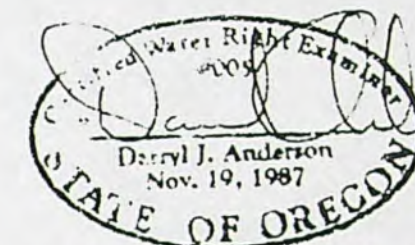
MAP TO ACCOMPANY APPLICATION TO APPROPRIATE GROUND WATER
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LOCATED IN SECTIONS 10, 11, 14, 15
TOWNSHIP 40 SOUTH, RANGE 20 EAST WILLAMETTE MERIDIAN
LAKE COUNTY OREGON

- not on
Plot Cards
NCR
Also not on cards
or in Decree
Book



Decree
Adjudicated lands
Curt
10595

Superseded



Expires 12/31/95

PREPARATION OF THIS MAP IS FOR INDICATING
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REVISIONS	BY

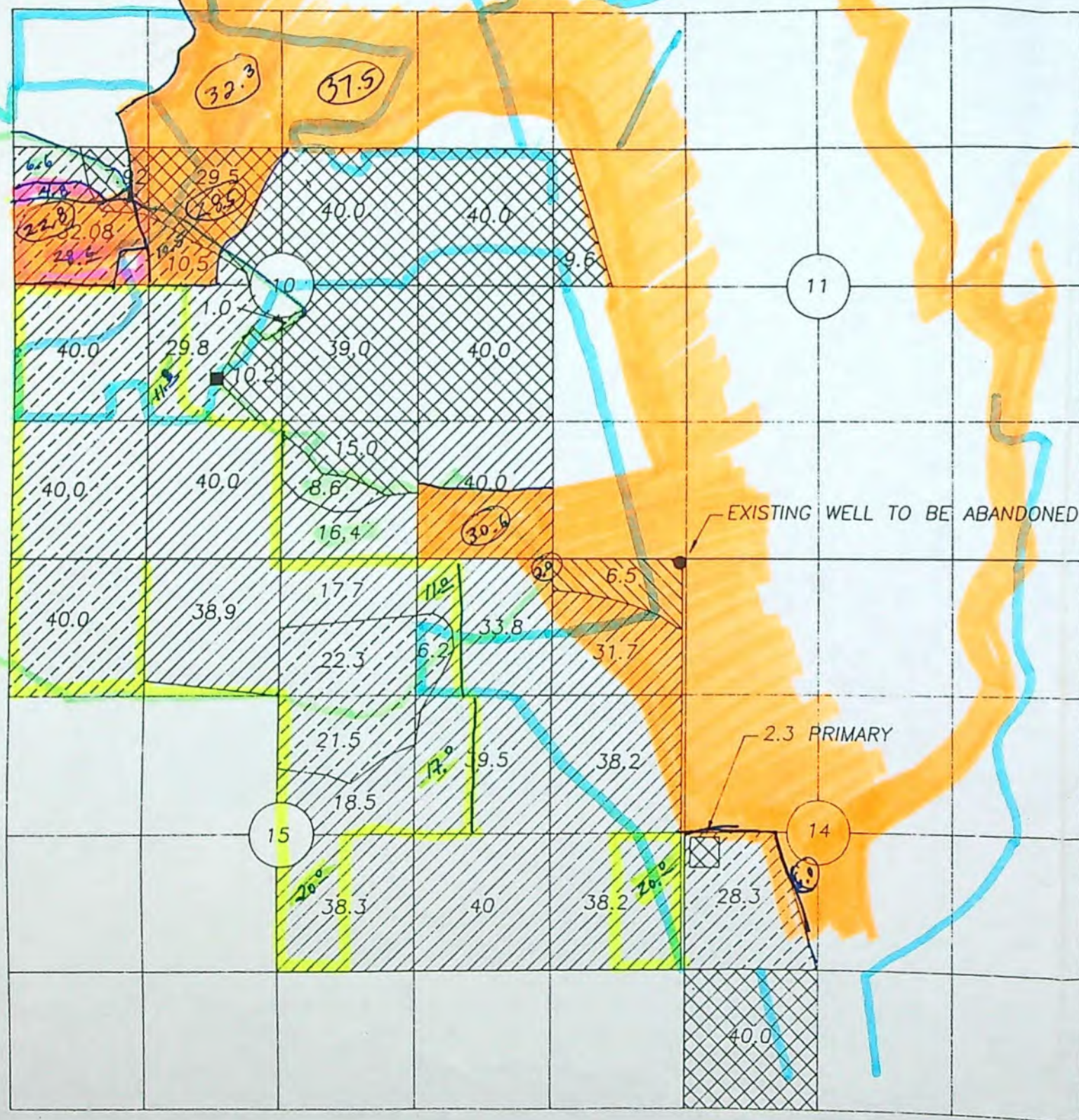
ANDERSON ENGINEERING & SURVEYING
HC 84 BOX 24-HWY. 396
P.O. BOX 28
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APPLICATION FOR
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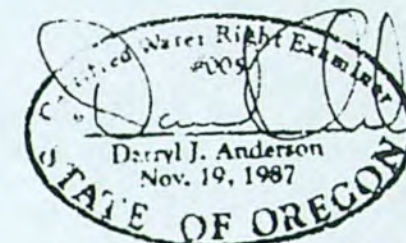
DATE: OCT. 94
SCALE: 1"=1320'
DWG. BY: DJA
JOB # 94074
DWG. FILE: 94074
SHEET 1 OF 1 SHEETS

NW SW SEC 14 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



Disregard
Superceded

App 20685 Cert 21981
App 20686 Cert 21982
App 34445 Cert 37004
34446
R-34905 cert 37003



Expires 12/31/95

PREPARATION OF THIS MAP IS FOR INDICATING
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Deer map
Crane & Kelly Creeks
Cent 10597
10594
10595

NOT USABLE AT THIS TIME

- 155
-  EXISTING SUPPLEMENTAL GROUND
WATER RIGHTS AS PER CERTIFICATE 26987
-  EXISTING PRIMARY GROUND
WATER RIGHTS AS PER CERTIFICATE 26987
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APPLICATION FOR MITCHELL BROWN, ADAIR BROWN P.O. BOX 1010 ALTURAS CALIFORNIA (916) 233-2433		REVISIONS BY
DATE: OCT. 94 SCALE: 1"=1320' DWG. BY: DJA JOB # 94074 DWG. FILE: 94074		
SHEET 1		
OF 1 SHEETS		

Continuing with Township 40.00 S Range 20.00 E SECTION 10

(1R)
(S)
3/22/1986

APP. NO. / CERT			GOV'T LOT	NE				NW				SW				SE			
PERMIT NO	NO.	DEC		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****
S 34445	37004	V								4.08	10.50	18.00							8.50
S 27100										(1R)	(1R)	(1R)							(1R)
										23.80									
										(1R)									
										(S)									
										4.80									
										(1R)									
										(S)									

GREGON WATER RESOURCES PLAT CARD: Township 40.00 S Range 20.00 E SECTION 11

3/22/1986

APP. NO. / CERT	GOV'T LOT	NE	NW	SW	SE
-----------------	-----------	----	----	----	----

OREGON WATER RESOURCES PLAT CARD: Township 40.00 S Range 20.00 E SECTION 10

3/22/1996

APP. NO. / CERT		GOV'T LOT	NE				NW				SW				SE			
PERMIT NO.	NO.	DLC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****	*****
G 13949 0	0 V																	40.00 (1R)
G 13949 0	0 V																16.40 (1R)	
G 13949 0	0 V													40.00 (1R)				

3/22/1996

OREGON WATER RESOURCES PLAT CARD: Township 40.00 S Range 20.00 E SECTION 15

3/22/1996

APP. NO. / PERMIT NO.	CERT NO.	GOV'T LOT DLC	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
G 13949 0	0 V																38.30 (1R)	
G 13949 0	0 V		33.80 (1R)															
G 13949 0	0 V					39.50 (1R)												
G 13949 0	0 V			17.70 (1R)														
G 13949 0	0 V					38.90 (1R)												
G 13949 0	0 V				18.50 (1R)													
G 13949 0	0 V														40.00 (1R)			

LOT 5
LOT 4
LOT 2

40
(IR)
(S)
24.31
(IR)
(S)

4.40
(IR)
(S)

38.20
(IR)
(S)

20.00
(IR)

4.30
(IR)

9.70 (IR) 9.10 (IR) 2.00 (IR)

X X ~~HA~~ X X ~~HA~~ X

OREGON WATER RESOURCES PLAY CARD: Township 40.00 S Range 20.00 E SECTION 15

8/10/1998

APP NO. / PERMIT NO.	GOV'T LOT	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
10594 V		27.00 (IR)			23.00 (IR)									40.00 (IR)	20.00 (IR)		
10595 V	LOT 1	2.50 (IR*)															
26987 V	LOT 3		17.70 (IR) (S)														
	LOT 1	2.00 (IR) (S)															
	LOT 2	31.00 (IR) (S)															
				3.30 (IR) (S)				37.70 (IR) (S)								1.70 (IR) (S)	
	LOT 3							1.20 (IR) (S)									
	LOT 4			15.20 (IR) (S)													
					39.50 (IR) (S)									40.00 (IR) (S)	38.30 (IR) (S)		

WCR

yes

✓

20.00
(18)

APP. NO. / CERT	GOV'T LOT	NE				NW				SW				SE			
PERMIT NO.	NO.	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
✓ 5 75465	37004 V																
5 27100																	

x x x x x x

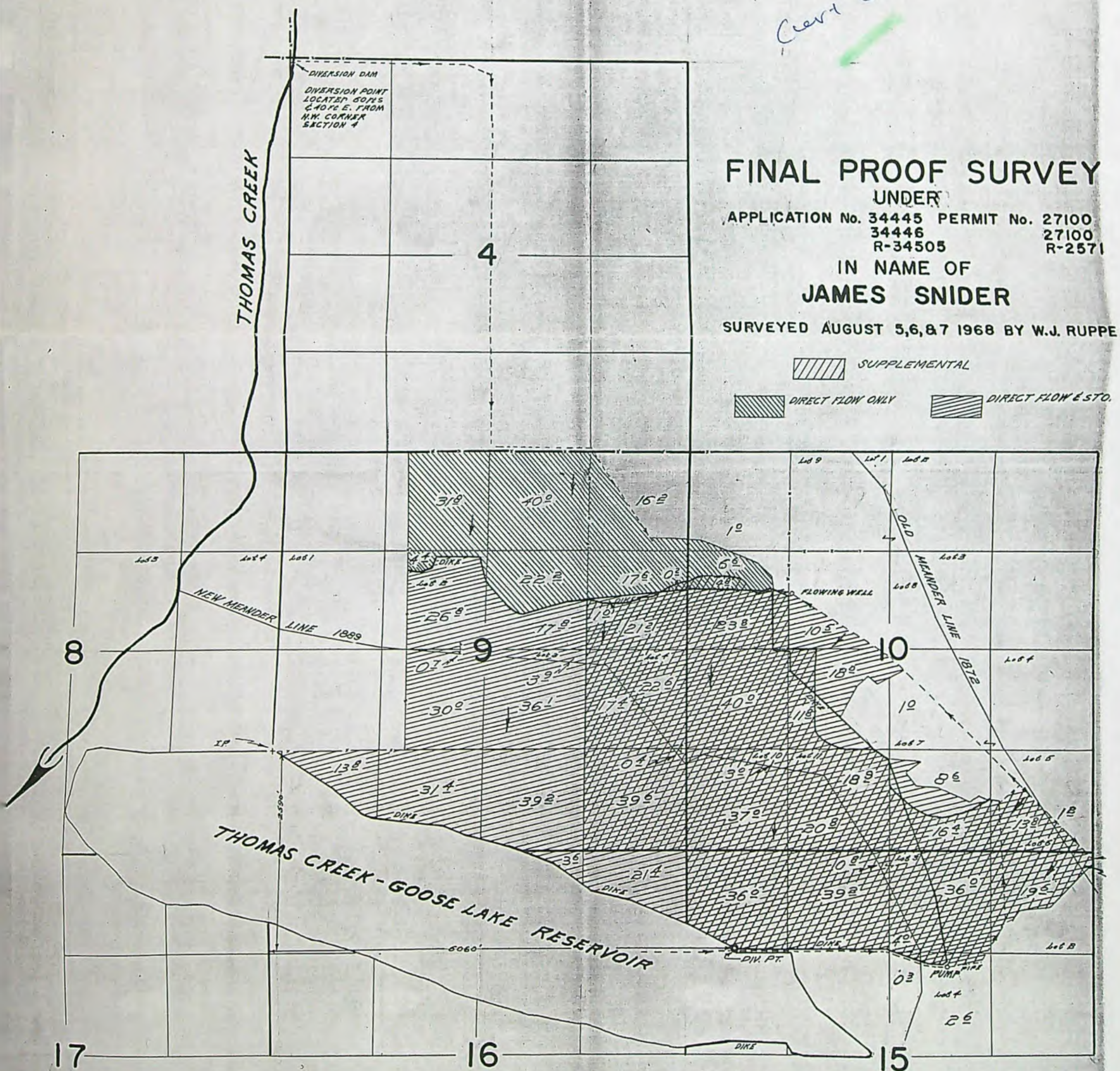
x x



Surveyed June 19-21, 1929.

Adjudication Survey
Crane & Kelly Creeks
Lake Co.
T 40S / R 20E

Chart 37004



NUMBER 0228 . 10935

Check 1210⁰⁰ Mo _____ Cash _____

____ Surface Application

____ Reservoir Application

☒ Ground Water Application

____ Transfer Application

____ PFO Request

____ Research

____ Hydroelectric Fees

____ Copying

____ Assignment

____ Extension of Time

____ Protest

____ Other

0
1210
fo

ADAIR BROWN
HC10 BOX 16
DAVIS CREEK, CA 96108

ADAIR BROWN
HC10 BOX 16
DAVIS CREEK, CA 96108

ADAIR BROWN
HC10 BOX 16
DAVIS CREEK, CA 96108

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HC10 BOX 16
DAVIS CREEK, CA 96108

ADAIR BROWN
HC10 BOX 16
DAVIS CREEK, CA 96108



FILE#: G 13949

MITCHELL BROWN
14200 ROAD 284
PORTERVILLE, CA

93257

FILE#: G 13949

MITCHELL BROWN
14200 ROAD 284
PORTERVILLE, CA

93257

FILE#: G 13949

MITCHELL BROWN
14200 ROAD 284
PORTERVILLE, CA

93257

FILE#: G 13949

MITCHELL BROWN
14200 ROAD 284
PORTERVILLE, CA

93257

FILE#: G 13949

MITCHELL BROWN
14200 ROAD 284
PORTERVILLE, CA

93257

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **121229**

158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)

INVOICE # _____

RECEIVED FROM: Match B
BY: _____

APPLICATION	134
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # X 90-3702 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 25

01-00-0 WRD MISC CASH ACCT

842.010	ADJUDICATIONS	\$
831.087	PUBLICATIONS / MAPS	\$
830.650	PARKING FEES Name / month	\$
OTHER:	(IDENTIFY)	\$

REDUCTION OF EXPENSE

COST CENTER AND OBJECT CLASS

CASH ACCT. \$
VOUCHER #

03-00-0 WRD OPERATING ACCT

MISCELLANEOUS		
840.001	COPY FEES	\$
850.200	RESEARCH FEES	\$
880.109	MISC REVENUE: (IDENTIFY)	\$
520.000	OTHER (P-6) (IDENTIFY)	\$
WATER RIGHTS:		
842.001	SURFACE WATER	EXAM FEE \$
842.003	GROUND WATER	\$ 200.00 842.002 \$
842.005	TRANSFER	842.004 \$
WELL CONSTRUCTION		842.006 \$
842.022	WELL DRILL CONSTRUCTOR	EXAM FEE \$
	LANDOWNER'S PERMIT	842.023 \$
		842.024 \$
OTHER	(IDENTIFY)	

06-00-0 WELL CONST. START FEE

842.013	WELL CONST START FEE	\$	CARD #
	MONITORING WELLS	\$	CARD #
OTHER	(IDENTIFY)		

45-00-0 LOTTERY PROCEEDS

864.000	LOTTERY PROCEEDS	\$
---------	------------------	----

07-00-0 HYDRO ACTIVITY

	LIC NUMBER	
842.011	POWER LICENSE FEE (FW/WRD)	\$
842.115	HYDRO LICENSE FEE (FW/WRD)	\$
HYDRO APPLICATION		\$

RECEIPT # **121229** DATED: 1-23-95 BY: D. Bushnell

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **10935**

158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)

INVOICE # _____

RECEIVED FROM: Mitchell Brown
BY: _____

APPLICATION	613949
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 90-3704 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 1210.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS

\$

PUBLICATIONS / MAPS

\$

OTHER: (IDENTIFY) _____

\$

OTHER: (IDENTIFY) _____

\$

REDUCTION OF EXPENSE

CASH ACCT.

\$

PCA AND OBJECT CLASS

VOUCHER #

0427 WRD OPERATING ACCT

PCA 66111

MISCELLANEOUS

0407 COPY & TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY) _____

\$

TC165 DEPOSIT LIAB. (IDENTIFY) _____

\$

WATER RIGHTS:

0201 SURFACE WATER

EXAM FEE

\$

0202

RECORD FEE

\$

0203 GROUND WATER

\$

0204

\$ 1210.00

0205 TRANSFER

\$

0206

\$

WELL CONSTRUCTION

EXAM FEE

0218 WELL DRILL CONSTRUCTOR

\$

0219

LICENSE FEE

\$

LANDOWNER'S PERMIT

0220

\$

OTHER (IDENTIFY) _____

0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$

CARD #

0210 MONITORING WELLS

\$

CARD #

OTHER (IDENTIFY) _____

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS

\$

0467 HYDRO ACTIVITY

LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

\$

0231 HYDRO LICENSE FEE (FW/WRD)

\$

HYDRO APPLICATION

\$

RECEIPT # **10935**

DATED: 3-26-97

BY: Melissa Smith

Distribution-White Copy-Customer, Yellow Copy-Fiscal, Blue Copy-File, Buff Copy-Fiscal

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **10935**

158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)

INVOICE # _____

RECEIVED FROM: Mitchell Brown
BY: _____

APPLICATION	613949
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 90-3704 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 1210.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS

\$

PUBLICATIONS / MAPS

\$

OTHER: (IDENTIFY) _____

\$

OTHER: (IDENTIFY) _____

\$

REDUCTION OF EXPENSE

CASH ACCT.

\$

PCA AND OBJECT CLASS

VOUCHER #

0427 WRD OPERATING ACCT

PCA 66111

MISCELLANEOUS

\$

0407 COPY & TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY) _____

\$

TC165 DEPOSIT LIAB. (IDENTIFY) _____

\$

WATER RIGHTS:

EXAM FEE

RECORD FEE

0201 SURFACE WATER

\$

0202

\$

0203 GROUND WATER

\$

0204

\$ 1210.00

0205 TRANSFER

\$

0206

\$

WELL CONSTRUCTION

EXAM FEE

LICENSE FEE

0218 WELL DRILL CONSTRUCTOR

\$

0219

\$

LANDOWNER'S PERMIT

0220

\$

OTHER (IDENTIFY) _____

0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$

CARD #

0210 MONITORING WELLS

\$

CARD #

OTHER (IDENTIFY) _____

0539 LOTTERY PROCEEDS

1302 LOTTERY PROCEEDS

\$

0467 HYDRO ACTIVITY

LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

\$

0231 HYDRO LICENSE FEE (FW/WRD)

\$

HRDRO APPLICATION

\$

RECEIPT # **10935**

DATED: 3-26-97

BY: Melissa J. Jaffe

Distribution-White Copy-Customer, Yellow Copy-Fiscal, Blue Copy-File, Buff Copy-Fiscal

NUMBER 00125

Check 250 NO Cash

 Surface Application ...

 Reservoir Application

X Ground Water Application 200

X Transfer Application 0

 Power Claim

*Auto
Contract*

 Hydroelectric Examination

 Hydroelectric License 50

 Copying

Janet

 Assignment

H.

 Extension of Time

 Other

 P-6

 Quadrangle

 Basin

 Protest

 Constructors Examination

 Constructors License

 Adjudication

A 98

Application No. G-13949

Permit No. ~~C-613114~~

Name Mitchell Brown

Address 14200 Rd. 284, Porterville, Ca. 93257

Assigned

Address

Beginning construction 4-17-98

Completion of construction

Extended to

Complete application of water 10-1-01

Extended to