

G3

ASSIGNED

FILE# G 14413

BENJAMIN LINDNER
COLE, LESLIE D
20420 HARPER RD
BEND, OR 97703

Application No. G14413
Permit No. G13332
Certificate No. _____

Stream Index, Page No. _____

Date filed _____

Priority _____

Action suspended until C02 / 4/91

Return to applicant _____

Date of approval 2/25/98

CONSTRUCTION

Date for beginning 2/25/99

Date for completion _____

Extended to _____

Date for application of water 10/1/02

Extended to _____

PROSECUTION OF WORK

Form "A" filed _____

Form "B" filed _____

Form "C" filed _____

FINAL PROOF

Blank mailed _____

Proof received _____

Date certificate issued _____

FEES PAID

Date	Amount	Receipt No.
11/18/96	\$200.00	8537
Record 9/3/98	100.00	18854
1-27-2002	\$100.00	137360

Cert. Fee

FEES REFUNDED

Date	Amount	Check No.

ASSIGNMENTS

Date	To Whom	Address	Volume	Page
2-3-2002	20420 Harper Rd, LLC	20925 Harper Rd.; Bend, OR. 97703		

REMARKS

No Pump Test 6/7/17 12/22/2021 AL

*Benjamin Lindner 8-6-97

Status

6-14413

Initial Review

541-383-3100

2-2½ months
LRS

KEN

Conflict

COMPLETED

4/15/97 KD



Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Ste A

Salem, OR 97301

Phone: 503-986-0900

Fax: 503-986-0904

www.Oregon.gov/OWRD

February 3, 2022

Alexander Polvi
20925 Harper Rd
Bend, OR 97703

Reference: Application G-14413, Permit G-13332

The assignment by proof from Benjamin Lindner and Leslie D. Cole to 20420 Harper Rd, LLC has been recorded in the records of the Water Resources Department.

The Departments records will now show 20420 Harper Rd, LLC as the permit holder of record.

Our records have been changed accordingly and the original request is enclosed. Receipt number 137360 covering the recording fee is also enclosed.

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

Sincerely,

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

Enclosure: Original Request and Receipt #137360

cc: Benjamin Lindner – 64682 Cook Ave., Bend, OR 97703
Data Center, OWRD (cover letter & request)
File



Request for Assignment



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

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

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

I, BENJAMIN LINDNER

(Name of Current Holder of Record)

64682 Cook Ave. Bend OR 97703 5419775611
(Mailing Address) (City) (State) (Zip) (Phone #)

☒ hereby assign all my interest in and to the entire application/permit/transfer order/limited license/groundwater statement; (example, sold all the land authorized under the right)

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

☐ hereby assign a portion of my interest in and to the entire application/permit/transfer order/limited license/groundwater statement; (example, adding an additional person)

RECEIVED

JAN 27 2022

Application # G14413; Permit # _____; Transfer Order # _____

OWRD

Limited License # _____; Groundwater Statement # _____

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

20420 Harper Rd, LLC

Contact: Alexander Polvi

(Name of New Owner)

20925 Harper Rd, Bend, OR 97703

541-231-0624

(Mailing Address)

(City)

(State) (Zip)

(Phone #)

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

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

Witness my hand this 9 day of January, 20 22
(Day) (Month) (Year)

Signature of Current Holder of Record B. Lindner

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

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

Fee receipt # 137360

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

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

Assign-by Proof - Approve
MFB 2-4-2022

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **137360**

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

INVOICE # _____

RECEIVED FROM: Alexander G Polvi

BY: _____

CASH: ☐ CHECK: # 1081 OTHER: (IDENTIFY) ☐ _____

APPLICATION	<u>G-14413</u>
PERMIT	
TRANSFER	

TOTAL REC'D \$ 120.00

1083 TREASURY 4170 WRD MISC CASH ACCT

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

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

4270 WRD OPERATING ACCT

MISCELLANEOUS

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

WATER RIGHTS:

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

WELL CONSTRUCTION

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

0250 OTHER (IDENTIFY) Assignment \$ 120.00

0536 TREASURY 0437 WELL CONST. START FEE

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

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

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

TREASURY OTHER / RDX

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

RECEIPT: **137360**

DATED: 1-27-2022 BY: Mindy Cools

STATE OF OREGON)

ss.

AFFIDAVIT OF ALEXANDER POLVI

County of Deschutes)

I, Alexander Polvi, being first duly sworn, state:

RECEIVED

1. I am the sole trustee of the Willow Trust, a revocable trust.

JAN 27 2022

2. The Willow Trust is the sole member of 20420 Harper Road, LLC.

OWRD

3. Application G14413 is to be assigned to 20420 Harper Rd, LLC with Alexander Polvi as a contact.

4. Leslie Linder (Cole) has passed and a copy of her death certificate is attached.



Alexander Polvi

SUBSCRIBED AND SWORN TO before me this 24 day of Jan, 2021.

Notary Public for Oregon

My Commission Expires: _____

If possible,
please return originals
with the included stamped envelope.



Deschutes County Official Records 2022-02007

D-D

Stn=7 AP

01/14/2022 01:37 PM

\$10.00 \$11.00 \$10.00 \$61.00 \$6.00

\$98.00

I, Steve Dennison, County Clerk for Deschutes County, Oregon,
certify that the instrument identified herein was recorded in the
Official Records.

Steve Dennison - County Clerk

After recording return to:

20420 HARPER RD, LLC, an Oregon limited liability
company

20925 Harper Road

Bend, OR 97703

Until a change is requested all tax statements shall be
sent to the following address:

20420 HARPER RD, LLC, an Oregon limited liability
company

20925 Harper Road

Bend, OR 97703

File No. 517078AM

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JAN 27 2022

OWRD

STATUTORY WARRANTY DEED

Christopher T. Baker and Lucinda A. Baker, as Tenants by the Entirety ,

Grantor(s), hereby convey and warrant to

20420 HARPER RD, LLC, an Oregon limited liability company,

Grantee(s), the following described real property in the County of Deschutes and State of Oregon free of encumbrances
except as specifically set forth herein:

Parcel 1 of Partition Plat 1995-60, Recorded December 28, 1995 in Partition Cabinet 1, Page 470, Deschutes
County, Oregon.

FOR INFORMATION PURPOSES ONLY, THE MAP/TAX ACCT #(S) ARE REFERENCED HERE;

1612090000503 189396

The true and actual consideration for this conveyance is \$1,384,000.00.

The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and
those shown below, if any:

Return To:





THIS SPACE RESERVED FOR RECORDER'S USE

After recording return to:

20420 HARPER RD, LLC, an Oregon limited liability
company

20925 Harper Road

Bend, OR 97703

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JAN 27 2022

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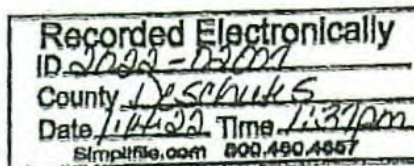
Until a change is requested all tax statements shall be
sent to the following address:

20420 HARPER RD, LLC, an Oregon limited liability
company

20925 Harper Road

Bend, OR 97703

File No. 517078AM



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1612090000503 189396

The true and actual consideration for this conveyance is \$1,384,000.00.

The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and
those shown below, if any:

Return To:



BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 14 day of January, 2022.

Christopher T. Baker
Christopher T. Baker

Lucinda A. Baker
Lucinda A. Baker

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JAN 27 2022

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State of Oregon } ss
County of Crook }

On this 14 day of January, 2022, before me, April Fawn Hensley a Notary Public in and for said state, personally appeared Christopher T. Baker and Lucinda A. Baker, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument and acknowledged to me that he/she/they executed same. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

April Fawn Hensley
Notary Public for the State of Oregon
Residing at: Prineville
Commission Expires: 8/2/2022



Business Registry Business Name Search

[New Search](#)

Business Entity Data

01-26-2022
11:30

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
1913387-98	DLLC	ACT	OREGON	01-07-2022	01-07-2023	
Entity Name	20420 HARPER RD, LLC					
Foreign Name						

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JAN 27 2022

[New Search](#)

Associated Names

Type	PPB	PRINCIPAL PLACE OF BUSINESS			OWRD
Addr 1	20925 HARPER RD				
Addr 2					
CSZ	BEND	OR	97703	Country	UNITED STATES OF AMERICA

Please click [here](#) for general information about registered agents and service of process.

Type	AGT	REGISTERED AGENT	Start Date	01-07-2022	Resign Date	
Of Record	130903-11	MOORE & LOMMEN, P.C.				
Addr 1	2002 PACIFIC AVE					
Addr 2						
CSZ	FOREST GROVE	OR	97116		Country	UNITED STATES OF AMERICA

Type	MAL	MAILING ADDRESS			
Addr 1	2002 PACIFIC AVE				
Addr 2					
CSZ	FOREST GROVE	OR	97116	Country	UNITED STATES OF AMERICA

Type	MEM	MEMBER			Resign Date	
Not of Record	WILLOW TRUST					
Addr 1	20925 HARPER RD					
Addr 2						
CSZ	BEND	OR	97703		Country	UNITED STATES OF AMERICA


[New Search](#)

Name History

Business Entity Name	<u>Name Type</u>	<u>Name Status</u>	Start Date	End Date
20420 HARPER RD, LLC	EN	CUR	01-07-2022	

Please read before ordering Copies.[New Search](#)

Summary History

Image Available	Action	Transaction Date	Effective Date	<u>Status</u>	Name/Agent Change	Dissolved By
	ARTICLES OF ORGANIZATION	01-07-2022		FI	Agent	

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JAN 27 2022

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CERTIFICATION AND MEMORANDUM OF TRUST

I, Alexander George Polvi, Trustee of the WILLOW TRUST dated February 21, 2018, as amended (the "Trust") make this certification pursuant to ORS 130.860.

1. **Trust.** The Willow Trust is presently in existence. It was executed on February 21, 2018, and amended and restated in its entirety on August 21, 2019, and amended on August 24, 2020.

2. **Settlor and Trustee.** The settlor is Alexander George Polvi. Alexander George Polvi is currently the sole trustee of the trust.

3. **Successor Trustee.** Under the terms of the trust agreement, in the event that Alexander George Polvi fails or ceases to act as trustee, Brandon Philips shall serve as successor trustee. In the event that Brandon Philips fails to qualify or ceases to act as trustee, Jacob Polvi shall serve as successor trustee. In the event that Jacob Polvi fails to qualify or ceases to act as trustee, Ronald Polvi and Mary Lou Polvi shall serve as successor co-trustees. In the event that either of Ronald Polvi and Mary Lou Polvi fail to qualify or cease to act as trustee, the remaining one of them shall act as sole trustee. If both Ronald Polvi and Mary Lou Polvi fail to qualify or cease to act as trustee, Vanessa Davis shall serve as successor trustee.

4. **Trust Powers.** Under the terms of the trust agreement, the trustee is given powers granted a trustee under the Uniform Trustees' Powers Act set forth in ORS 130.650-130.730, including the right to sell, exchange, assign, lease, encumber or otherwise alienate all or any part of the trust estate on such terms as the trustee shall determine.

5. **Trustee's Mailing Address.** The mailing address of the current acting trustee is 20925 Harper Road, Bend, Oregon 97703.

6. **Trust Revocable.** The trust is revocable. Only the settlor can revoke the trust.

7. **Modification of Trust.** The trust can be modified, amended, or revoked by the settlor only.

8. **One Trustee.** Alexander George Polvi is acting alone as trustee and has authority to exercise trust powers alone.

9. **Taxpayer Identification Number.** The trust taxpayer identification number is the social security number of Alexander George Polvi.

10. Title to Trust Property. Trust property is to be titled as follows:

Alexander George Polvi, Trustee, or the Successor Trustee of the
WILLOW TRUST dated February 21, 2018, and any amendments
thereto.

11. No Change in Trust. The trust has not been revoked, modified, or
amended in any manner that would cause the representations contained in this
certification to be incorrect.

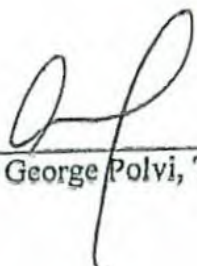
12. Jurisdiction. The trust was established under the laws of the State of
California.

DATED: August 24, 2020.

RECEIVED

JAN 27 2022

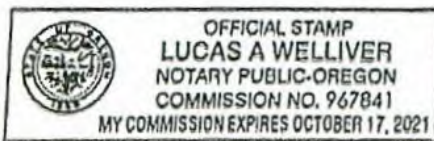
OWRD

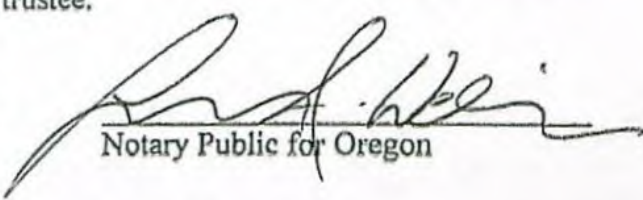


Alexander George Polvi, Trustee

STATE OF OREGON)
) ss.
County of Washington)

This instrument was acknowledged before me on August 24, 2020, by
Alexander George Polvi, as acting trustee.





Notary Public for Oregon

Records have been redacted or withheld pursuant to the exemption for vital records specified in ORS 432.350.



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** See Internat

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TRAC

UNITED STATES
POSTAL SERVICE.

Retail

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US POSTAGE PAID

\$8.95

Origin: 97701
01/26/22
4007360701-0

PRIORITY MAIL 1-DAY®

0 Lb 4.70 Oz

100¢

EXPECTED DELIVERY DAY: 01/27/22

C001

SHIP
TO:

725 SUMMER ST NE
STE A
SALEM OR 97301-1266

USPS TRACKING® #



9505 5148 7778 2026 0932 02



PS00001000014

EP14F May 2020
OD: 12 1/2 x 9 1/2

le free Package Pickup,
an the QR code.



USPS.COM/PICKUP

FROM:

A. POW!
20125 HARPER RD
BEND, OR 97703

TO:

OREGON WATER RESOURC
725 SUMMER ST NE
SUITE A
SALEM, OR 97301

CLARK Gerald E * WRD

From: CLARK Gerald E * WRD
Sent: Wednesday, December 22, 2021 8:48 AM
To: VANLANINGHAM Sam J * WRD
Subject: RE: G13332
Attachments: 14413-working-CBU Report-Baxter-20021002.pdf; 14413-working-CBU Map-Baxter-20021002.pdf

Sam,

I reviewed the file and did not find a Pump Test or a request for exemption from the requirement.

I don't know if you need a copy of the Claim and map, but I attached them just in case.

Please let me know if you have any additional questions.

Gerry

Gerry Clark

He/Him/His

Oregon Water Resources Department

Program Analyst, Certificate Section, Water Right Services Division

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

From: CLARK Gerald E * WRD
Sent: Tuesday, December 21, 2021 8:53 AM
To: VANLANINGHAM Sam J * WRD <Sam.J.VANLANINGHAM@water.oregon.gov>
Subject: RE: G13332

Sam,

That would be my guess, but I will need to pull the file to confirm. I can pull the file tomorrow and then let you know what I find.

Gerry

Gerry Clark

He/Him/His

Oregon Water Resources Department

Program Analyst, Certificate Section, Water Right Services Division

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

From: VANLANINGHAM Sam J * WRD <Sam.J.VANLANINGHAM@water.oregon.gov>
Sent: Tuesday, December 21, 2021 8:42 AM
To: CLARK Gerald E * WRD <Gerald.E.CLARK@water.oregon.gov>
Subject: G13332

Hey Gerry – Is this baby missing a pump test or something? Thanks! Take care.
Sam

Sam VanLaningham
Assistant Watermaster
District 11 - Deschutes River Basin

Oregon Water Resources Department
231 Scalehouse Loop, STE 103
Direct: 541-306-3487
sam.j.vanlaningham@oregon.gov

CLARK Gerald E * WRD

From: CLARK Gerald E * WRD
Sent: Tuesday, September 05, 2017 4:37 PM
To: 'Nunzie'; GIFFIN Jeremy T * WRD
Subject: RE: G-14413
Attachments: Application G-14413 CBU Report.pdf

Nunzie,

I pulled the file and took a look at the Claim of Beneficial Use to see if there was any information concerning the installation of the meter. At the top of page 2 of the Claim report, the CWRE indicated that as of the time of his inspection, June 25, 2001, there was a "Hersey Flow Meter, Model 2, 572 SG". I have attached a copy of the Claim for your reference. The permit did not require the water user to report water use to the Department. The file does not contain any water use report records.

The claim is a snapshot in time that describes the extent of the lands irrigated under the permit between the date the permit was issued, and the complete application of water date; those dates being February 25, 1998 and October 1, 2002. We do not have any record of what has happened on the property since that time. When preparing to issue a water right certificate, the Department looks at the Claim to determine the extent of beneficial use developed under the permit. Beneficial use is use made while complying with any conditions contained in the permit. Stated differently, beneficial use is the use of water made with the required meter in place, and that the use happened between February 25, 1998 and October 1, 2002. The extent of beneficial use made between those dates is what typically would end up in a certificate issued to confirm beneficial use under the permit.

The permit did not contain any conditions requiring mitigation.

The permit did contain a condition that required a Pump Test be submitted and approved prior to a certificate being issued for the permit. The Department has not received the required Pump Test.

Please let me know if you have any additional questions.

Gerry

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

Phone: 503-986-0811

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

From: Nunzie [<mailto:nunzie@pacifier.com>]
Sent: Tuesday, September 05, 2017 3:17 PM
To: CLARK Gerald E * WRD; GIFFIN Jeremy T * WRD
Subject: Re: G-14413

I did see where 9.3 acres is mapped for water rights on this parcel at the time of water right application.

I also see where the permit speaks to a water meter or measuring device. So is there a water meter or measuring device on this well
G-14413 ?Yes or No

Also, have any reports been made other than your COBU?

Note, the property has several buildings over the area that had been mapped for water rights.

So another question is whether the entire water right as been beneficially used in it's entirety since those buildings have been erected?

One last question, were any mitigation measure required when the irrigation water right was applied for? if so what consumptive use was assumed at that time?

Thank you in advance for your assistance.
Nunzie Gould

On Sep 5, 2017, at 3:07 PM, GIFFIN Jeremy T * WRD wrote:

> COBU is the Claim of beneficial use submitted by a Certified Water
> Rights Examiner who is licensed through the state to do inspections on
> water right infrastructure. Gerry is cc'd on this email.

>

> Jeremy

>

> -----Original Message-----

> From: Nunzie [<mailto:nunzie@pacifier.com>]

> Sent: Tuesday, September 05, 2017 3:05 PM

> To: GIFFIN Jeremy T * WRD

> Subject: Re: G-14413

>

> what is Gerry's email?

> Also what is COBU?

> Thanks

> Nunzie

> On Sep 5, 2017, at 3:01 PM, GIFFIN Jeremy T * WRD wrote:

>

>> I am not sure if it has a measurement device. I am unaware that OWRD
>> has never visited the site, however in 2002 a COBU was done and
>> turned into the department and that COBU would have the information
>> about the measurement device. If you call Gerry Clark in our
>> certificates section and ask him to pull the COBU he may be able to
>> get that information for you. Gerry can be reached at 503-986-0811.

>>

>>

>> Jeremy

>>

>> -----Original Message-----

>> From: Nunzie [<mailto:nunzie@pacifier.com>]

>> Sent: Tuesday, September 05, 2017 2:52 PM

>> To: GIFFIN Jeremy T * WRD

>> Subject: G-14413

>>

>> Howdi:

>> Please advise whether a measuring device is installed on G-14413
>> located at 20420 Harper Road in Deschutes County, Oregon.
>> What type of measuring device is it? and what year was the measuring
>> device installed?
>> Has this meter or measuring device ever been inspected? or has OWRD
>> ever received any report of use? If yes, kindly email information
>> Thank you Nunzie Gould
>> 541-420-3325
>>
>



Oregon

Kate Brown, Governor

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

July 26, 2017

Christopher Baker
20420 Harper Rd
Bend, Oregon 97703

Reference: Application G-14413, Permit G-13332

The requested assignment could not be completed as the full recording fee was not submitted.

Please note that the fee for assignments was increased as of July 1, 2017. The new fee is \$100, and must be submitted with all requests for assignment.

Your request and check are enclosed.

Sincerely,

Jerry Sauter
Water Rights Program Analyst
Water Right Services Division

Enclosure: request and check

cc: File

65950 Twin Bridges Rd
Bend OR 97701-8175

ADJ & MR
Oregon

Water Resources Department
725 Summer Street NE Suite A
Salem, OR 97301

ADDRESS SERVICE REQUESTED

*Remailed
DOES NOT
LIVE HERE
RETURN TO
SENDER*

G-14413
BENJAMIN LINDNER
20420 HARPER RD
BEND, OR 97701

J-GDSB1 97701
97301@1266

PRESORTED
FIRST CLASS
RECEIVED
UNITED STATES POSTAGE
FIRST CLASS
02 1M
0004259432
MAILED FROM ZIP CODE 97309
\$ 00.324
DEC 15 2008

DEC 23 2008

**WATER RESOURCES DEPT
SALEM, OREGON**

NIXIE 974 DC 1 00 12/22/08

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

BC: 97301126673 *2429-03695-18-39

|||||



Oregon

Theodore R. Kulongoski, Governor

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

December 15, 2008

BENJAMIN LINDNER
20420 HARPER RD
BEND, OR 97701

Subject: Water Right Permit Number G- 13332

Dear Permit holder,

Oregon Administrative Rule 690-217-0020(1) requires that ground water permit holders with a priority date after December 20, 1988, submit the results of a pump test before the Water Resources Department can issue a water right certificate. A copy of your permit is enclosed. The purpose of this letter is to remind you of the pump test requirement.

Pump tests are intended to provide aquifer and well information for ground water resource characterization and to help solve well problems. There is no penalty for not submitting a pump test.

If there is a reason why a pump test cannot be performed on a well, the owner may request from the Director an exemption from the pump test requirement. Requests shall be in writing and include the reason why a pump test cannot be performed. Exemptions, or conditioned exemptions, shall be granted if the reasons are found to be valid and eliminating the problem would place an unreasonable burden on the well owner. Exemptions shall be granted for public water supply wells if pump testing will cause interruption of service to customers.

Pump tests shall not be required of wells with diameters greater than 36 inches and depths less than 30 feet. Pump tests shall not be required of collector-type wells or infiltration galleries. If your well meets one of these two requirements please let us know.

If you are interested in conducting the pump test yourself, you should first review the requirements at http://arcweb.sos.state.or.us/rules/OARS_600/OAR_690/690_217.html or ask that a copy of the rules be sent to you.

A copy of the pump test form has been included. If you have questions, if you are not the owner of a ground water permit or if you have moved, please call the Department at 503-986-0900.

Sincerely,

Diana Durbin
Water Rights Certificate Staff

C: Permit File



690-217-0050

Qualifications for Conducting Pump Tests

Only pump tests conducted by the well owner, a full-time employee of the well owner who routinely works with and is familiar with wells and pumps, or a qualified individual authorized by the well owner shall be accepted by the Director. Individuals in the following groups will be considered qualified and authorized provided they have significant experience conducting pump tests:

- (1) Oregon licensed water well constructors.
- (2) Oregon registered professional geologists or certified engineering geologists.
- (3) Certified water rights examiners.
- (4) Oregon registered professional engineers.
- (5) Individuals whose primary occupation involves, wholly or in significant part, pump installation, service or testing.

STATE OF OREGON
COUNTY OF DESCHUTES

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

BENJAMIN LINDNER
LESLIE D. COLE
20420 HARPER RD.
BEND, OREGON 97701

PHONE: (541) 383-3100

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

APPLICATION FILE NUMBER: G-14413

SOURCE OF WATER: A WELL IN THE DESCHUTES RIVER BASIN

PURPOSE OR USE: IRRIGATION OF 9.73 ACRES

MAXIMUM RATE: 0.122 CUBIC FOOT PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: NOVEMBER 18, 1996

POINT OF DIVERSION LOCATION: SW 1/4 NW 1/4, SECTION 9, T16S, R12E, W.M.;
1535 FEET SOUTH & 223 FEET EAST FROM NW CORNER, SECTION 9

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:

SW 1/4 NW 1/4 9.73 ACRES
SECTION 9
TOWNSHIP 16 SOUTH, RANGE 12 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.
- 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.

Application G-14413 Water Resources Department

PERMIT G-13332

- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

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.

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.

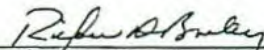
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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. Complete application of water to the use shall be made on or before October 1, 2002.

Issued February 25, 1998


Martha O. Pagel, Director
Water Resources Department

Application G-14413
Basin 05
LKS

Water Resources Department
Volume 1 DESCHUTES R MISC
MGMT.CODES 7BG 7BR 7JG 7JR

PERMIT G-13332
District 3

Oregon Water Resources Department
PUMP TEST FORM COVER SHEET

Well Owner:

Name: _____
Address: _____
County: _____
City: _____ State: _____ Zip: _____
Original owner (from well log): _____

Well Location:

Township: _____ (N/S) Range: _____ (E/W)
Section: _____ 1/4: _____ 1/16: _____ 1/64: _____
Well depth: _____ Date drilled: _____
Owners well no. (if any): _____
POD ID: _____

Water Right Information:

Application: _____ Permit: _____ Certificate: _____
Is this well listed on more than one water right? ☐ Yes If yes, list additional water rights below:
Application: _____ Permit: _____ Certificate: _____
Application: _____ Permit: _____ Certificate: _____

Pump Test:

Test Conducted by: _____ Well Owner? ☐ Yes
Company: _____
Address: _____ Date of Test: _____
City: _____ State: _____ Zip: _____
Daytime phone: _____

Method of discharge measurement (see our brochure for acceptable methods): _____
Method of water-level measurement (pick one or enter other method used): _____
Length of air line (if used): _____

Pump type (pick one or enter other method used): _____

Was the pump test conducted during normal use of the well? ☐ Yes Note: _____

Are you aware of any wells, other than domestic or stock wells, pumping within 1000 feet of the tested well during the test or within 24 hours prior to the test? ☐ Yes Note: _____

If yes, give approximate distances to each and approximate pumping rate of each. If possible, indicate if they were turned on or off during the test: _____

Is there a lake, stream or other surface water body within 1/4 mile of the tested well? ☐ Yes If yes, give approximate distance from the well and approximate elevation difference between the surface water and the well head. Approx. distance: _____ ft Approx. elevation difference: _____ ft

Well elevation is _____ surface water body.

Description of measuring point (e.g. top port of 1 inch port pipe, west side) _____

Measuring point distance _____ land surface _____ feet.

Static water level measurements: (A minimum of three measurements are required in the hour before pumping begins at no less than 20 minutes apart):

Time	Depth to water below meas. point	Depth to water below land surface
_____	_____	_____
_____	_____	_____
_____	_____	_____

Discharge measurements: (A discharge measurement is required at the start of pumping and at least once an hour during the test; additional measurements should be noted on the Pump Test Data Sheet):

Time	Discharge Rate	Discharge Units (e.g. gpm, cfs, etc)
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Time pump turned on: Date _____ Time _____
Time pump turned off: Date _____ Time _____
Total pumping time: _____ hours _____ minutes

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

Additional forms can be obtained from our web site at: <http://www.wrd.state.or.us>

OWRD 2/9/2000

Required Signature: _____

PUMP TEST DATA SHEET

Application: _____ Permit: _____ Certificate: _____ Pod_Id: _____

Drawdown Data

Recovery Data

[illegible]



Oregon

Theodore R. Kulongoski, Governor

December 15, 2008

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

BENJAMIN LINDNER
20420 HARPER RD
BEND, OR 97701

Subject: Water Right Permit Number G- 13332

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Diana Durbin
Water Rights Certificate Staff

C: Permit File



690-217-0050

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COUNTY OF DESCHUTES

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Application G-14413 Water Resources Department

PERMIT G-13332

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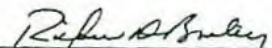
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Martha O. Pagel, Director
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Application G-14413
Basin 05
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Water Resources Department
Volume 1 DESCHUTES R MISC
MGMT.CODES 7BG 7BR 7JG 7JR

PERMIT G-13332
District 3

Oregon Water Resources Department
PUMP TEST FORM COVER SHEET

Well Owner:

Name: _____
Address: _____
County: _____
City: _____ State: _____ Zip: _____
Original owner (from well log): _____

Well Location:

Township: _____ (N/S) Range: _____ (E/W)
Section: _____ 1/4: _____ 1/16: _____ 1/64: _____
Well depth: _____ Date drilled: _____
Owners well no. (if any): _____
POD ID: _____

Water Right Information:

Application: _____ Permit: _____ Certificate: _____
Is this well listed on more than one water right? ☐ Yes If yes, list additional water rights below:
Application: _____ Permit: _____ Certificate: _____
Application: _____ Permit: _____ Certificate: _____

Pump Test:

Test Conducted by: _____ Well Owner? ☐ Yes
Company: _____
Address: _____ Date of Test: _____
City: _____ State: _____ Zip: _____
Daytime phone: _____

Method of discharge measurement (see our brochure for acceptable methods): _____
Method of water-level measurement (pick one or enter other method used): _____
Length of air line (if used): _____
Pump type (pick one or enter other method used): _____
Was the pump test conducted during normal use of the well? ☐ Yes Note: _____
Are you aware of any wells, other than domestic or stock wells, pumping within 1000 feet of the tested well during the test or within 24 hours prior to the test? ☐ Yes Note: _____
If yes, give approximate distances to each and approximate pumping rate of each. If possible, indicate if they were turned on or off during the test: _____

Is there a lake, stream or other surface water body within 1/4 mile of the tested well? ☐ Yes If yes, give approximate distance from the well and approximate elevation difference between the surface water and the well head. Approx. distance: _____ ft Approx. elevation difference: _____ ft
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_____	_____	_____
_____	_____	_____

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_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Time pump turned on: Date _____ Time _____
Time pump turned off: Date _____ Time _____
Total pumping time: _____ hours _____ minutes

Note: Well must be idle for at least 16 hours prior to the test.
Additional forms can be obtained from our web site at: <http://www.wrd.state.or.us>

OWRD 2/9/2000

Required Signature: _____

Oregon Water Resources Department

Page _____ of _____

Application: _____ Permit: _____ Certificate: _____ Pod_Id: _____

All water-level measurements must either be in feet and inches, or feet and decimal fractions.

Drawdown Data

Recovery Data

[illegible]



Oregon

Theodore R. Kulongoski, Governor

App# G-14413

Water Resources Department

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

February 7, 2003

G 13332
BENJAMIN, LINDNER
COLE, LESLIE D
20420 HARPER RD
BEND, OR 97701

RE: Deschutes Ground Water Mitigation Rules, Division 505
Deschutes Basin Mitigation Bank and Mitigation Credit Rules, Division 521

Dear Water Right Permit Holder:

Our records indicate that you are the holder of a ground water permit issued by the Department after July 17, 1995, in the Deschutes Basin Ground Water Study Area (Study Area). Your permit (or subsequent certificate) was issued with a condition allowing for regulation of use if it was later determined that the use would "measurably reduce" scenic waterway flows in the Deschutes River.

As you may be aware, the Department has been working over the last several years to develop administrative rules that address the impact of ground water use in the Study Area upon surface water flows—specifically those flows designated for the Deschutes Scenic Waterway and Instream Water Rights. Recently, the Department finalized the Deschutes Ground Water Mitigation Rules and Deschutes Basin Mitigation Bank and Mitigation Credit Rules. The rules were adopted by the Water Resources Commission (WRC) on September 13, 2002, and were effective on September 27, 2002. Copies of the rules can be obtained from the Department's web page at:

<http://www.wrd.state.or.us/law/oar1999.shtml>


The primary purpose of the rules is to provide a mechanism for those with pending ground water use applications in the Study Area to mitigate for the impact of their proposed ground water use on surface water flows. The rules do not require those with existing conditioned ground water permits (or subsequent certificates) in the Study Area to mitigate for their ground water uses.

While only those requesting new ground water uses from the Department are required to provide mitigation, the rules provide an opportunity for holders of existing conditioned permits to provide mitigation. Holders of existing conditioned permits that provide mitigation will no longer be subject to future regulation for scenic waterway flows.

Department staff are presently working internally to develop the processes and structure to implement the new rules. While you are not required to mitigate for your ground water use, we will be sending you a letter, sometime within the next several months, letting you know what you would need to do if you choose to mitigate for your ground water use. You may also receive additional information updates from the Department in our effort to keep you informed.

If you have any questions about the new administrative rules for the Deschutes Basin and the mitigation opportunity described in the rules; or would like to request a copy of the new rules, please contact Laura Snedaker at (503) 378-8455, extension 331, or by e-mail at Laura.K.Snedaker@wrdd.state.or.us.

Sincerely,

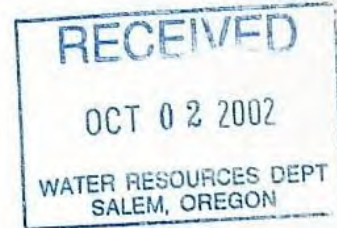


Paul R. Cleary
Director

c: Kyle Gorman, South Central Region Manager
Jeremy Giffin, District 11 Watermaster
Deschutes Steering Committee Members

Cole & Lindner
541-383-3100

October 1, 2002



Water Resources Board
Att: Steve Brown

Re; Application #G-14413
Permit #G-13332

Dear Mr. Brown,

Enclosed please find the Site Report and Claim of Beneficial Use prepared by
Baxter Land Surveying Inc.

We request an extension to complete the pump test.

Thank you.

Sincerely,

Benjamin Lindner &

Leslie D. Cole

BZ

20420 Harper Rd.
Bend OR 97701
Fax 541-383-7667

SITE REPORT AND CLAIM OF BENEFICIAL USE
FOR GROUND WATER - IRRIGATION
Reference: APPLICATION FILE G-14413, Permit G-13332

Permittee:

Benjamin Lindner and Leslie D. Cole
20420 Harper Rd.
Bend, OR 97701



Date of inspection: 6-25-01

Person Interviewed: Benjamin Lindner

Source: The well was originally drilled on 12-8-95 and deepened on 10-29-96. The well is 12" in diameter, to 18.5 feet, 8" in diameter to 425 feet, 6" in diameter to 560 feet. Static water level was 443 feet below the surface as of 10-29-96, (see well logs enclosed).

Well Driller: Aiken Well Drilling

Well log dated: 12-8-95 and 10-29-96

Location of well and point of diversion: Well is 1498 feet South and 213 feet East of the Northwest corner of Section 9, T. 16 S., R. 12 E., W.M.

Rate:

Rate Allowed by Permit: 1.22 cfs for irrigation of 9.73 acres.

Rate calculated based on system: The system was not in operation at the time of inspection. The rate of 72 gpm was determined from a chart listing the equipment used (see chart enclosed). A 100 series "Big Gun" with a .5" nozzle at 100 psi (per Benjamin Lindner).

Rate of beneficial use calculated: 8.2 acres are being irrigated.

[1/80 cfs per second per acre x 8.2 acres = 0.10225 cfs x 448.83 gpm/cfs = 46 gpm]

Note: Mr. Lindner operates his system 12 to 16 hours per day.

Time Limits: March 1st through October 31st.

Description of Delivery System:

Well: The well head has an access port.

A 15 H.P, single phase motor, (220 Volt) and submersible "Aermotor" pump with a "Hersey Flow Meter", Model 2" 572 SG is installed on the outflow side that measures to the nearest 1 gallon.

Water is pumped into a 2" PVC line to a pond or "bulge" in the system and then pumped by a 10 HP single phase Valdor motor with Berkley pump through 3" PVC mainline (buried) to risers with a Nelson 100 "Big Gun" with a 0.5" nozzle. There are a total of 15 risers and one Big Gun is used at any one time.

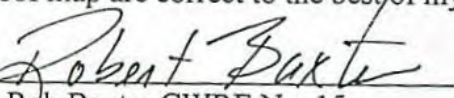
Use: Water is used for irrigation purposes to raise Orchard Grass Mix for pasture and grass hay.

Permit Requirements:

- A. Water Meter: a water meter has been installed as described above.
- B. Access: the water meter is installed along the mainline with access available.
- C. The well head has an access port.
- D. Pump Test: in process.

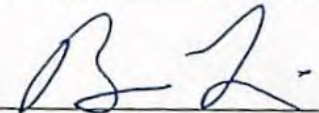
The final proof inspection of the use was found to be completed as per the terms and conditions of Permit file G-13332 (with the exception of the pump test) and was completed by me on 10-03-01 and the facts contained in this report and accompanying final proof map are correct to the best of my knowledge.

signed:

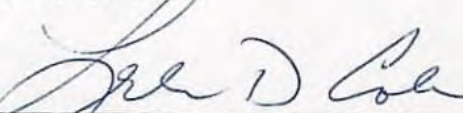

Rob Baxter CWRE No. 15

We, Benjamin Lindner and Leslie D. Cole, owners of the land hereon described, agree to the findings of the CWRE and do submit this site report and map as my Claim of Beneficial use under the terms and conditions of Permit No. G-13332.

signed:


Benjamin Lindner

signed:


Leslie D. Cole

Prepared by: Rob Baxter, CWRE No. 015
Baxter Land Surveying, Inc.
P.O. Box 7022
Bend, OR 97708
(541) 382-1962



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

Well Number

WWC Number 1755
Date 11-30-

STATE OF OREGON
WATER SUPPLY WELL REPORT
(as required by ORS 537.765)

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

(START CARD) #

85163
55135

(1) OWNER: Well Number _____
Name Mike Constantine
Address P.O. Box 792
City Terrebonne State Or. Zip 97752

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

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

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

(5) BORE HOLE CONSTRUCTION:
Special Construction approval ☐ Yes ☒ No Depth of Completed Well 500 ft.
Explosives used ☐ Yes ☒ No Type _____ Amount _____

HOLE SEAL
Diameter From To Material From To Sacks or pounds
12 0 18 1/2 Bentonite 0 18 1/2 10
8 18 1/2 500

How was seal placed: Method ☐ A ☐ B ☐ C ☐ D ☐ E
☐ Other Poured in Dry
Backfill placed from _____ ft. to _____ ft. Material _____
Gravel placed from _____ ft. to _____ ft. Size of gravel _____

(6) CASING/LINER:
Diameter From To Gauge Steel Plastic Welded Threaded
Casing: 8 7 1/2 18 1/2 2500 ☒ ☐ ☐ ☐
Liner: 6 7 1/2 500 18 1/2 ☒ ☐ ☐ ☐

Final location of shoe(s) _____

(7) PERFORATIONS/SCREENS:
☒ Perforations Method Factory
☐ Screens Type _____ Material _____
From To Slot size Number Diameter Tele/pipe size Casing Liner
180 500 8 X 3 256 6 ☐ ☒

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

☐ Pump ☐ Bailor ☒ Air ☐ Flowing
Yield gal/min Drawdown Drill stem at Time
25+ 0 495 (hr)

Temperature of water 52° Depth Artesian Flow Found _____
Was a water analysis done? ☐ Yes By whom _____
Did any strata contain water not suitable for intended use? ☐ Too little
☐ Salty ☐ Muddy ☐ Odor ☐ Colored ☐ Other _____
Depth of strata: _____

(9) LOCATION OF WELL by legal description:
County Deschutes Latitude _____ Longitude _____
Township 16 N or S Range 12 E or W. WM.
Section 09 SW 1/4 NW 1/4
Tax Lot 507 Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) Harper Rd
Tumalo, Ore

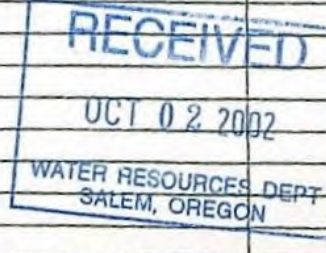
(10) STATIC WATER LEVEL:
443 ft. below land surface. Date 12-8-95
Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:
Depth at which water was first found _____

From	To	Estimated Flow Rate	SWL
<u>465</u>	<u>500</u>	<u>75+</u>	<u>443</u>

(12) WELL LOG:
Ground Elevation _____

Material	From	To	SWL
<u>Top Soil</u>	<u>0</u>	<u>1</u>	
<u>Lava</u>	<u>1</u>	<u>3</u>	
<u>Brown Congl.</u>	<u>3</u>	<u>9</u>	
<u>Lava</u>	<u>9</u>	<u>29</u>	
<u>Brown Sand Stone</u>	<u>29</u>	<u>41</u>	
<u>Lava</u>	<u>41</u>	<u>173</u>	
<u>Brown Sand Stone</u>	<u>173</u>	<u>226</u>	
<u>Brown Course Congl.</u>	<u>226</u>	<u>249</u>	
<u>Gray Congl.</u>	<u>249</u>	<u>465</u>	<u>443</u>
<u>W.B. Brown Sand</u>	<u>465</u>	<u>500</u>	
<u>Signe</u>			



Date started 12-7-95 Completed 12-8-95
(unbonded) Water Well Constructor Certification:

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

Signed Hepler WWC Number _____ Date 12-8-95

(bonded) Water Well Constructor Certification:

I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.
Signed Dana L. Linn WWC Number 1255 Date 12-8-95

STATE OF
COUNTY OF

PERMIT TO APPROPRIATE THE PUBLIC

To <i>Rob</i>	7671	Date <i>4/2/01</i>	Pages <i>4</i>
Co/Dept		From <i>Ben</i>	
Phone #		Co.	
Fax #		Phone #	
		Fax #	

THIS PERMIT IS HEREBY ISSUED TO

BENJAMIN LINDNER
LESLIE D. COLE
20420 HARPER RD.
BEND, OREGON 97701

PHONE: (541) 383-3100

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

APPLICATION FILE NUMBER: G-14413

SOURCE OF WATER: A WELL IN THE DESCHUTES RIVER BASIN

PURPOSE OR USE: IRRIGATION OF 9.73 ACRES

MAXIMUM RATE: 0.122 CUBIC FOOT PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: NOVEMBER 18, 1996

POINT OF DIVERSION LOCATION: SW 1/4 NW 1/4, SECTION 9, T16S, R12E, W.M.;
1535 FEET SOUTH & 223 FEET EAST FROM NW CORNER, SECTION 9

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:

SW 1/4 NW 1/4 9.73 ACRES
SECTION 9
TOWNSHIP 16 SOUTH, RANGE 12 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.
- 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.

Application G-14413 Water Resources Department

PERMIT G-13332



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WATER RESOURCES DEPT
SALEM, OREGON

PAGE 2

- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

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.

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.

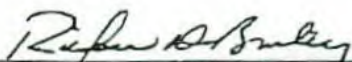
PAGE 3

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. Complete application of water to the use shall be made on or before October 1, 2002.

Issued February 25, 1998



Martha O. Pagel, Director
Water Resources Department



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WATER RESOURCES DEPT
SALEM, OREGON

Application G-14413
Basin 05
LKS

Water Resources Department
Volume 1 DESCHUTES R MISC
MGMT.CODES 7BG 7BR 7JG 7JR

PERMIT G-13332
District 3

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PHONE NO. : 5413837657

OCT 02 2002

Sep. 25 2001 06:13AM P1

PERFORMANCE - U.S. UNITS

100 SERIES BIG GUN - 24° TRAJECTORY - TAPER BORE NOZZLE

WATER RESOURCES DEPT

NOZZLE TRAJECTORY - TAPER BOX NOZZLE																				
P.S.I.	Nozzle .5"		Nozzle .55"		Nozzle .6"		Nozzle .65"		Nozzle .7"		Nozzle .75"		Nozzle .8"		Nozzle .85"		Nozzle .9"		Nozzle 1.0"	
	GPM	DIA.	GPM	DIA.	GPM	DIA.	GPM	DIA.	GPM	DIA.	GPM	DIA.	GPM	DIA.	GPM	DIA.	GPM	DIA.	GPM	DIA.
40	57	191'	57	202'	66	213'	78	222'	91	233'	103	240'	118	250'	134	258'	152	265'	-	-
50	50	205'	51	216'	61	227'	73	236'	86	245'	98	253'	113	263'	129	270'	147	278'	165	280'
60	56	215'	57	226'	67	237'	81	246'	95	255'	110	263'	126	270'	143	280'	161	288'	182	295'
70	59	225'	60	236'	70	247'	83	256'	98	265'	112	273'	128	283'	145	290'	163	300'	187	310'
80	64	235'	65	246'	75	257'	89	266'	104	275'	118	283'	134	293'	151	300'	169	314'	210	325'
90	68	245'	69	256'	79	267'	93	276'	108	285'	122	293'	139	303'	156	310'	174	324'	223	335'
100	72	255'	73	266'	83	277'	97	286'	112	295'	126	303'	143	313'	161	320'	180	328'	235	345'
110	76	265'	77	276'	87	287'	101	296'	116	305'	130	313'	147	323'	165	330'	184	338'	247	355'

150 SERIES BIG GUN - 24° TRAJECTORY - TAPER BORE NOZZLE

P.S.I.	Nozzle .7" DIA.	Nozzle .8" DIA.	Nozzle .9" DIA.	Nozzle 1.0" DIA.	Nozzle 1.1" DIA.	Nozzle 1.2" DIA.	Nozzle 1.3" DIA.
GPM	DIA.	GPM	DIA.	GPM	DIA.	GPM	DIA.
50	100 250'	130 270'	162 290'	205 310'	255 330'	300 345'	350 360'
60	110 265'	140 285'	172 305'	215 325'	265 345'	310 360'	360 375'
70	120 280'	150 300'	182 320'	225 340'	275 360'	320 375'	370 390'
80	128 290'	158 310'	190 330'	235 350'	285 370'	330 385'	380 400'
90	135 300'	165 320'	197 340'	240 360'	290 380'	335 395'	385 410'
100	143 310'	173 330'	205 350'	245 370'	295 390'	340 405'	390 420'
110	150 320'	180 340'	212 360'	250 380'	300 400'	345 415'	395 430'
120	157 330'	187 350'	219 370'	255 390'	305 410'	350 425'	400 440'

200 SERIES BIG GUN - 27° TRAJECTORY - TAPER BORE NOZZLE

P.S.I.	Nozzle 1.05" DIA.	Nozzle 1.1" DIA.	Nozzle 1.2" DIA.	Nozzle 1.3" DIA.	Nozzle 1.4" DIA.	Nozzle 1.5" DIA.	Nozzle 1.6" DIA.	Nozzle 1.75" DIA.	Nozzle 1.9" DIA.
GPM	DIA.	GPM	DIA.	GPM	DIA.	GPM	DIA.	GPM	DIA.
50	250 345'	285 365'	330 375'	385 390'	445 410'	515 430'	585 450'	695 470'	825 495'
70	270 360'	310 380'	355 395'	410 410'	480 430'	555 450'	630 470'	750 490'	880 515'
90	290 375'	330 395'	380 410'	435 430'	515 450'	590 470'	675 490'	805 515'	950 535'
110	310 390'	350 410'	400 425'	455 440'	535 460'	610 480'	700 500'	835 520'	985 545'
130	330 405'	370 425'	420 440'	475 455'	555 475'	630 495'	720 515'	855 535'	1005 560'
150	350 420'	390 440'	440 455'	495 470'	575 490'	650 510'	740 530'	875 550'	1025 575'
170	370 435'	410 455'	460 470'	515 485'	595 505'	670 525'	760 545'	895 565'	1045 590'
190	390 450'	430 470'	480 485'	535 500'	615 520'	690 540'	780 560'	915 580'	1065 605'

PERFORMANCE - METRIC UNITS

100 SERIES BIG GUN - 24° TRAJECTORY - TAPER BORE NOZZLE

NOZZLE DIAMETER	3.5mm	4.0mm	4.5mm	5.0mm	5.5mm	6.0mm	6.5mm	7.0mm	7.5mm	8.0mm	9.0mm
PRESSURE PSI	3.5	4.0	4.5	5.0	5.5	6.0	6.5	7.0	7.5	8.0	9.0
GPM	3.00 10.8 59.5	3.75 13.4 62.6	4.30 15.6 66.1	5.09 18.3 68.8	5.82 21.0 71.4	6.71 24.1 74.5	7.64 27.5 77.5	8.74 31.5 79.5	9.97 34.8 81.4	11.9 42.8 86.1	14.0 49.5 91.0
FEET	340 12 264	410 15 316	460 17 341	530 20 366	600 23 391	680 26 416	760 29 441	860 33 466	980 37 491	1150 45 546	1350 53 601
M	103 3.7 18.2	125 4.5 21.3	140 5.2 23.8	162 6.0 26.3	183 7.3 28.8	205 8.1 31.3	227 9.4 33.8	259 11.0 36.3	300 12.6 38.8	350 14.2 44.3	400 16.8 50.8
FEET	370 13.0 60.0	470 17.0 72.7	540 20.1 75.4	630 23.0 80.2	730 27.4 84.4	840 31.2 89.7	960 35.9 90.1	1100 40.5 92.5	1250 45.2 94.7	1450 53.6 103	1650 61.0 110
M	113 3.9 23.4	144 5.1 27.2	164 6.3 29.7	192 7.3 33.4	222 8.6 35.9	252 9.9 38.4	282 11.2 40.9	320 12.6 43.4	360 14.2 45.9	410 16.8 50.8	460 19.4 55.7
FEET	553 16.3 77.0	552 19.9 81.6	561 23 85.0	575 27.3 89.3	592 32.5 93.0	613 37.0 96.1	633 41.3 99.0	653 45.6 102.2	683 49.9 105.2	723 54.2 108.2	763 58.5 111.2
M	169 5.0 18.6	173 6.1 21.7	174 7.3 24.3	177 8.2 26.9	181 9.4 29.5	186 10.6 32.1	190 11.8 34.7	194 13.0 37.3	200 14.2 39.9	205 15.4 42.5	210 16.6 45.1

150 SERIES BIG GUN - 24° TRAJECTORY - TAPER BORE NOZZLE

NOZZLE DIAMETER	3.5mm	4.0mm	4.5mm	5.0mm	5.5mm	6.0mm	6.5mm	7.0mm	7.5mm	8.0mm	9.0mm
PRESSURE PSI	3.5	4.0	4.5	5.0	5.5	6.0	6.5	7.0	7.5	8.0	9.0
GPM	6.29 23.0 76.0	8.29 28.5 82.0	10.5 37.5 88.0	13.0 46.9 95.0	15.9 57.1 101	19.0 68.3 106	22.8 80.1 110	27.6 95.8 121	33.0 110 126	39.0 127 134	45.0 144 142
FEET	60.9 19.2 70.9	81.2 25.0 78.2	103 33.0 86.3	125 42.0 94.4	150 51.0 103	180 62.2 111	210 73.4 119	240 84.6 127	280 95.8 135	320 107 143	360 118 151
M	18.6 5.9 21.5	24.9 7.3 24.9	31.3 11.6 27.1	38.1 14.0 29.8	45.9 17.3 32.5	54.6 20.7 35.2	63.4 24.0 37.9	72.2 27.4 40.6	81.0 30.8 43.3	90.8 34.2 46.0	100.6 37.6 48.7
FEET	9.03 32.5 95.0	11.7 42.2 101	14.9 53.5 108	18.4 63.3 114	22.4 73.7 122	26.8 84.6 128	31.6 95.5 134	36.8 106 140	42.4 117 146	48.4 128 152	54.4 139 158
M	2.75 10.0 35.0	3.62 12.9 39.6	4.59 15.8 47.2	5.61 19.0 55.8	6.67 22.3 64.3	7.74 25.6 72.8	8.81 28.9 81.3	9.88 32.2 89.8	10.9 35.5 98.3	11.9 38.8 106.8	12.9 42.1 115.3
FEET	10.2 32.0 104	13.4 47.9 110	16.9 60.6 117	20.9 75.1 123	25.4 91.5 131	30.4 110 137	35.7 129 142	41.4 148 148	47.4 167 154	53.4 186 160	59.4 205 166

200 SERIES BIG GUN - 27° TRAJECTORY - TAPER BORE NOZZLE

NOZZLE DIAMETER	3.5mm	4.0mm	4.5mm	5.0mm	5.5mm	6.0mm	6.5mm	7.0mm	7.5mm	8.0mm	9.0mm
PRESSURE PSI	3.5	4.0	4.5	5.0	5.5	6.0	6.5	7.0	7.5	8.0	9.0
GPM	15.5 57.7 104	17.6 63.9 106	20.3 73.1 112	23.8 85.8 117	27.5 99.9 123	32.3 115 125	37.1 130 134	42.9 154 141	49.6 178 148	57.4 202 155	66.2 226 162
FEET	170 55.7 104	191 63.9 106	212 73.1 112	243 85.8 117	275 99.9 123	317 115 125	369 130 134	421 154 141	483 178 148	545 202 155	627 226 162
M	52.4 17.8 32.6	58.2 19.8 33.0	65.6 22.9 34.1	75.8 26.8 35.2	84.6 30.8 36.3	95.0 34.7 37.4	106 38.6 38.5	118 42.5 39.6	130 46.4 40.7	142 50.3 41.8	154 54.2 42.9
FEET	19.0 66.2 115	21.8 78.3 121	24.9 89.5 126	28.2 105 132	31.7 121 132	36.4 142 144	41.2 159 149	46.8 180 156	52.4 202 163	58.0 224 169	64.6 246 176
M	5.8 20.3 35.0	6.7 24.0 35.6	7.6 28.8 36.3	8.7 33.6 37.0	9.9 38.4 37.7	11.2 43.2 38.4	12.5 48.0 39.1	13.8 52.8 40.8	15.1 57.6 41.5	16.4 62.4 42.2	17.7 67.2 42.9
FEET	21.9 78.6 126	25.1 92.4 132	28.7 109 136	32.7 121 144	37.2 140 152	42.5 164 159	48.6 184 165	55.0 204 171	61.7 224 177	68.4 244 183	75.1 264 189
M	6.7 24.0 35.0	7.6 28.8 36.3	8.7 33.6 37.0	9.9 38.4 37.7	11.2 43.2 38.4	12.5 48.0 39.1	13.8 52.8 40.8	15.1 57.6 41.5	16.4 62.4 42.2	17.7 67.2 42.9	19.0 72.0 43.6

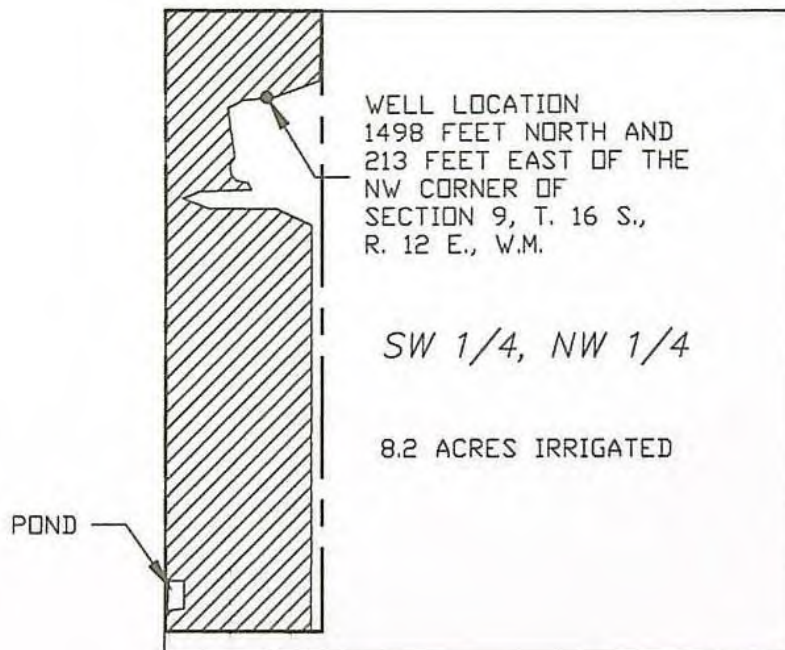
Performance is shown with Taper Bore nozzles only. Distance of throw with Ring nozzles and Taper/Ring nozzles is slightly less. Consult factory for complete performance details.

The lower trajectory angles result in better wind fighting ability, but reduced throw distances. Throw reduction depends upon nozzle flow rate. In general the throw distance is reduced approximately 9% with each 3° drop in trajectory angle.

Performance data has been obtained under ideal test conditions and may be adversely affected by wind, poor hydraulic entrance conditions or other factors. Test riser height of three feet above measurement surface. No representation regarding droplet condition, uniformity, application rate or suitability for a particular application is made herein.

FINAL PROOF MAP
APPLICATION NO. G-14413, PERMIT NO. G-13332

FOR
BENJAMIN LINDNER & LESLIE D. COLE
LOCATED IN THE SW 1/4 OF THE NW 1/4
OF SECTION 9, T. 16 S., R. 12 E., W.M.
TAX LOT 16-12-09 #00503
DESCHUTES COUNTY, OREGON



= IRRIGATED AREA
(8.2 ACRES)



SCALE: 1" = 400'
DATE: 6-24-02



I, ROBERT E. BAXTER, CERTIFIED WATER RIGHT EXAMINER
IN THE STATE OF OREGON, HEREBY CERTIFY THAT THIS
WATER RIGHT SURVEY MAP WAS PREPARED BY ME.

THE PREPARATION OF THIS MAP IS FOR THE PURPOSE
OF IDENTIFYING THE LOCATION OF THE WATER RIGHT
ONLY AND HAS NO INTENT TO PROVIDE DIMENSIONS OR
LOCATIONS OF PROPERTY OWNERSHIP LINES.



Cole & Lindner
541-383-3100

October 1, 2002

Water Resources Board
Att: Steve Brown

Re; Application #G-14413
Permit #G-13332

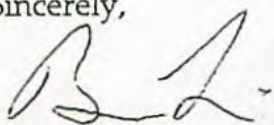
Dear Mr. Brown,

Enclosed please find the Site Report and Claim of Beneficial Use prepared by
Baxter Land Surveying Inc.


We request an extension to complete the pump test.

Thank you.

Sincerely,



Benjamin Lindner &



Leslie D. Cole

BZ

20420 Harper Rd.
Bend OR 97701
Fax 541-383-7667

SITE REPORT AND CLAIM OF BENEFICIAL USE
FOR GROUND WATER - IRRIGATION
Reference: APPLICATION FILE G-14413, Permit G-13332

Permittee:

Benjamin Lindner and Leslie D. Cole
20420 Harper Rd.
Bend, OR 97701

Date of inspection: 6-25-01

Person Interviewed: Benjamin Lindner

Source: The well was originally drilled on 12-8-95 and deepened on 10-29-96. The well is 12" in diameter, to 18.5 feet, 8" in diameter to 425 feet, 6" in diameter to 560 feet. Static water level was 443 feet below the surface as of 10-29-96, (see well logs enclosed).

Well Driller: Aiken Well Drilling

Well log dated: 12-8-95 and 10-29-96

Location of well and point of diversion: Well is 1498 feet South and 213 feet East of the Northwest corner of Section 9, T. 16 S., R. 12 E., W.M.

Rate:

Rate Allowed by Permit: 1.22 cfs for irrigation of 9.73 acres.

Rate calculated based on system: The system was not in operation at the time of inspection. The rate of 72 gpm was determined from a chart listing the equipment used (see chart enclosed). A 100 series "Big Gun" with a .5" nozzle at 100 psi (per Benjamin Lindner).

Rate of beneficial use calculated: 8.2 acres are being irrigated.

$[1/80 \text{ cfs per second per acre} \times 8.2 \text{ acres} = 0.10225 \text{ cfs} \times 448.83 \text{ gpm/cfs} = 46 \text{ gpm}]$

Note: Mr. Lindner operates his system 12 to 16 hours per day.

Time Limits: March 1st through October 31st.

Description of Delivery System:

Well: The well head has an access port.

A 15 H.P, single phase motor, (220 Volt) and submersible "Aermotor" pump with a "Hersey Flow Meter", Model 2" 572 SG is installed on the outflow side that measures to the nearest 1 gallon.

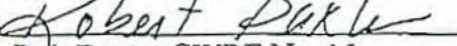
Water is pumped into a 2" PVC line to a pond or "bulge" in the system and then pumped by a 10 HP single phase Valdor motor with Berkley pump through 3" PVC mainline (buried) to risers with a Nelson 100 "Big Gun" with a 0.5" nozzle. There are a total of 15 risers and one Big Gun is used at any one time.

Use: Water is used for irrigation purposes to raise Orchard Grass Mix for pasture and grass hay.

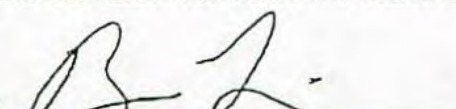
Permit Requirements:

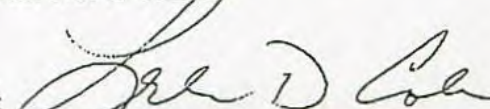
- A. Water Meter: a water meter has been installed as described above.
- B. Access: the water meter is installed along the mainline with access available.
- C. The well head has an access port.
- D. Pump Test: in process.

The final proof inspection of the use was found to be completed as per the terms and conditions of Permit file G-13332 (with the exception of the pump test) and was completed by me on 10-03-01 and the facts contained in this report and accompanying final proof map are correct to the best of my knowledge.

signed: 
Rob Baxter CWRE No. 15

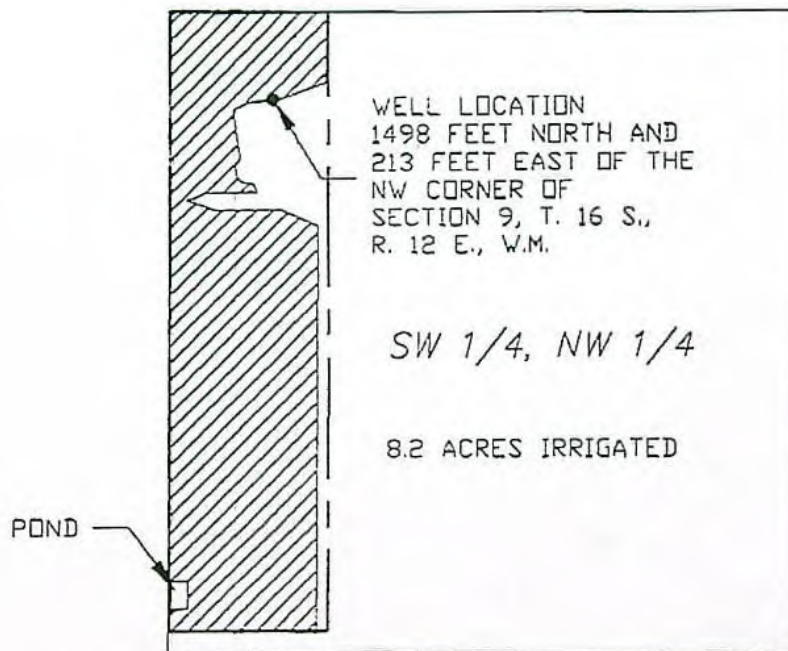
We, Benjamin Lindner and Leslie D. Cole, owners of the land hereon described, agree to the findings of the CWRE and do submit this site report and map as my Claim of Beneficial use under the terms and conditions of Permit No. G-13332


signed: 
Benjamin Lindner

signed: 
Leslie D. Cole

Prepared by: Rob Baxter, CWRE No. 015
Baxter Land Surveying, Inc.
P.O. Box 7022
Bend, OR 97708
(541) 382-1962

FINAL PROOF MAP
APPLICATION NO. G-14413, PERMIT NO. G-13332
FOR
BENJAMIN LINDNER & LESLIE D. COLE
LOCATED IN THE SW 1/4 OF THE NW 1/4
OF SECTION 9, T. 16 S., R. 12 E., W.M.
TAX LOT 16-12-09 #00503
DESCHUTES COUNTY, OREGON



 = IRRIGATED AREA
(8.2 ACRES)



SCALE: 1" = 400'
DATE: 6-24-02

I, ROBERT E. BAXTER, CERTIFIED WATER RIGHT EXAMINER
IN THE STATE OF OREGON, HEREBY CERTIFY THAT THIS
WATER RIGHT SURVEY MAP WAS PREPARED BY ME.

THE PREPARATION OF THIS MAP IS FOR THE PURPOSE
OF IDENTIFYING THE LOCATION OF THE WATER RIGHT
ONLY AND HAS NO INTENT TO PROVIDE DIMENSIONS OR
LOCATIONS OF PROPERTY OWNERSHIP LINES.



L0000114

STATE OF OREGON
WATER SUPPLY WELL REPORT
(as required by ORS 537.765)

(START CARD) # 92990

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

(1) OWNER: Well Number _____
Name Ben Lindner
Address 20420 Harper Rd
City Bend State Ore. Zip 97701

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

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

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

(5) BORE HOLE CONSTRUCTION:
Special Construction approval ☐ Yes ☒ No Depth of Completed Well 545 ft.
Explosives used ☐ Yes ☒ No Type _____ Amount _____

HOLE SEAL
Diameter From To Material From To Sacks or pounds
8 500 545 Already Grouted
6 500 545

How was seal placed: Method ☐ A ☐ B ☐ C ☐ D ☐ E
☐ Other _____
Backfill placed from _____ ft. to _____ ft. Material _____
Gravel placed from _____ ft. to _____ ft. Size of gravel _____

(6) CASING/LINER:
Diameter From To Gauge Steel Plastic Welded Threaded
Casing: _____
Liner: 6 0 500-128 R

Final location of shoe(s) _____

(7) PERFORATIONS/SCREENS:
☒ Perforations Method Factory
☐ Screens Type _____ Material _____
From To Slot size Number Diameter Tube/pipe size Casing Liner
508 528 413 256 6

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

☐ Pump ☐ Bailor ☒ Air ☐ Flowing
Yield gal/min Drawdown Depth stem at Time
40+ 0 540 1 hr

Temperature of water 52.0 Depth Artesian Flow Found _____
Was a water analysis done? ☐ Yes By whom _____
Did any strata contain water not suitable for intended use? ☐ Too little
☐ Salty ☐ Muddy ☐ Odor ☐ Colored ☐ Other _____
Depth of strata: _____

(9) LOCATION OF WELL by legal description:

County Oeschute Latitude _____ Longitude _____
Township 16 N or S Range 12 E or W W.M.
Section 09 SW 1/4 NW 1/4
Tax Lot 503 Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) 20420 Harper Rd Bend Ore 97701

(10) STATIC WATER LEVEL:
443 ft. below land surface. Date 10-10-02
Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:
Depth at which water was first found 465

From	To	Estimated Flow Rate	SWL
<u>465</u>	<u>545</u>	<u>40+</u>	<u>443</u>

(12) WELL LOG:
Ground Elevation _____

Material	From	To	SWL
<u>W.B. GRAVEL SANDSTONE</u>	<u>500</u>	<u>543</u>	
<u>LAVA</u>	<u>543</u>	<u>545</u>	

Date started 10-9-96 Completed 10-10-96
(unbonded) Water Well Constructor Certification:

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

Signed Heidi WWC Number _____ Date 12-12-02
(bonded) Water Well Constructor Certification:

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

Signed Jim WWC Number 1251 Date 12-12-02

PERFORMANCE - U.S. UNITS

100 SERIES BIG GUN - 24° TRAJECTORY - TAPER BORE NOZZLE

P.S.I.	Nozzle 5" DIA.	Nozzle 5.5" DIA.	Nozzle 6" DIA.	Nozzle 6.5" DIA.	Nozzle 7" DIA.	Nozzle 7.5" DIA.	Nozzle 8" DIA.	Nozzle 8.5" DIA.	Nozzle 9" DIA.	Nozzle 1.0" DIA.
40	17 191'	57 202'	66 213'	76 222'	91 233'	103 240'	115 250'	134 255'	150 260'	165 265'
50	55 215'	60 227'	67 235'	76 245'	91 257'	103 265'	115 275'	134 280'	150 285'	165 290'
60	64 235'	70 248'	74 259'	84 269'	100 281'	112 290'	125 300'	144 305'	160 310'	175 315'
70	72 255'	77 268'	81 279'	91 289'	107 301'	119 310'	132 320'	151 325'	167 330'	182 335'
80	77 265'	82 276'	86 287'	96 297'	112 309'	124 318'	137 328'	156 333'	172 338'	187 343'
90	81 275'	86 286'	90 297'	100 307'	116 319'	128 328'	141 338'	160 343'	176 348'	191 353'
100	84 285'	89 296'	93 307'	103 317'	119 329'	131 338'	144 348'	163 353'	179 358'	194 363'
110	87 295'	92 306'	96 317'	106 327'	122 339'	134 348'	147 358'	166 363'	182 368'	197 373'
120	90 305'	95 316'	99 327'	109 337'	125 349'	137 358'	150 368'	169 373'	185 378'	200 383'

150 SERIES BIG GUN - 24° TRAJECTORY - TAPER BORE NOZZLE

P.S.I.	Nozzle 7" DIA.	Nozzle 8" DIA.	Nozzle 9" DIA.	Nozzle 1.0" DIA.	Nozzle 1.1" DIA.	Nozzle 1.2" DIA.	Nozzle 1.3" DIA.
50	100 250'	130 270'	162 290'	205 310'	255 330'	300 348'	350 360'
60	110 260'	140 280'	172 300'	215 320'	265 340'	310 358'	360 370'
70	120 270'	150 290'	182 310'	225 330'	275 350'	320 368'	370 380'
80	130 280'	160 300'	192 320'	235 340'	285 360'	330 378'	380 390'
90	140 290'	170 310'	202 330'	245 350'	295 370'	340 388'	390 400'
100	150 300'	180 320'	212 340'	255 360'	305 380'	350 398'	400 410'
110	160 310'	190 330'	222 350'	265 370'	315 390'	360 408'	410 420'
120	170 320'	200 340'	232 360'	275 380'	325 400'	370 418'	420 430'

200 SERIES BIG GUN - 27° TRAJECTORY - TAPER BORE NOZZLE

P.S.I.	Nozzle 1.05" DIA.	Nozzle 1.1" DIA.	Nozzle 1.2" DIA.	Nozzle 1.3" DIA.	Nozzle 1.4" DIA.	Nozzle 1.5" DIA.	Nozzle 1.6" DIA.	Nozzle 1.75" DIA.	Nozzle 1.9" DIA.
40	950 345'	285 355'	130 375'	385 390'	445 410'	515 430'	585 445'	695 470'	825 495'
50	1000 360'	300 370'	140 385'	400 400'	460 420'	530 440'	600 455'	710 480'	840 505'
60	1050 375'	310 380'	150 395'	410 410'	470 430'	540 450'	610 465'	720 490'	850 515'
70	1100 390'	320 390'	160 405'	420 420'	480 440'	550 460'	620 475'	730 500'	860 525'
80	1150 405'	330 400'	170 415'	430 430'	490 450'	560 470'	630 485'	740 510'	870 535'
90	1200 420'	340 410'	180 425'	440 440'	500 460'	570 480'	640 495'	750 520'	880 545'
100	1250 435'	350 420'	190 435'	450 450'	510 470'	580 490'	650 505'	760 530'	890 555'
110	1300 450'	360 430'	200 445'	460 460'	520 480'	590 500'	660 515'	770 540'	900 565'
120	1350 465'	370 440'	210 455'	470 470'	530 490'	600 510'	670 525'	780 550'	910 575'

PERFORMANCE - METRIC UNITS

100 SERIES BIG GUN - 24° TRAJECTORY - TAPER BORE NOZZLE

NOZZLE DIAMETER	3.5"	4.0"	4.5"	5.0"	5.5"	6.0"	6.5"	7.0"	7.5"	8.0"	8.5"	9.0"	9.5"	10.0"
Pressure (PSI)	40	50	60	70	80	90	100	110	120	130	140	150	160	170
Distance (Feet)	300	370	430	490	550	610	670	730	790	850	910	970	1030	1090
Distance (Meters)	91.4	112.8	131.1	149.3	167.6	185.9	204.2	222.5	240.8	259.1	277.4	295.7	314.0	332.3

150 SERIES BIG GUN - 24° TRAJECTORY - TAPER BORE NOZZLE

NOZZLE DIAMETER	7"	8"	9"	10"	11"	12"	13"	14"	15"	16"	17"	18"	19"	20"
Pressure (PSI)	50	60	70	80	90	100	110	120	130	140	150	160	170	180
Distance (Feet)	100	130	160	190	220	250	280	310	340	370	400	430	460	490
Distance (Meters)	30.5	39.6	48.8	57.9	67.1	76.2	85.3	94.4	103.5	112.6	121.7	130.8	139.9	149.0

200 SERIES BIG GUN - 27° TRAJECTORY - TAPER BORE NOZZLE

NOZZLE DIAMETER	1.05"	1.1"	1.2"	1.3"	1.4"	1.5"	1.6"	1.75"	1.9"
Pressure (PSI)	40	50	60	70	80	90	100	110	120
Distance (Feet)	155	185	215	245	275	305	335	365	395
Distance (Meters)	47.2	56.4	65.5	74.7	83.8	92.9	102.0	111.1	120.2

Performance is shown with Taper Bore nozzles only. Distance of throw with Ring nozzles and Taper/Ring nozzles is slightly less. Consult factory for complete performance details.

The lower trajectory angles result in better wind fighting ability, but reduced throw distances. Throw reduction depends upon nozzle flow rate. In general the throw distance is reduced approximately 5% with each 3° drop in trajectory angle.

Performance data has been obtained under ideal test conditions and may be adversely affected by wind, poor hydraulic entrance conditions or other factors. Test riser height of three feet above measurement surface. No representation regarding droplet condition, uniformity, application rate or

STATE OF
COUNTY OF

PERMIT TO APPROPRIATE THE PUBLIC

THIS PERMIT IS HEREBY ISSUED TO

BENJAMIN LINDNER
LESLIE D. COLE
20420 HARPER RD.
BEND, OREGON 97701

PHONE: (541) 383-3100

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

APPLICATION FILE NUMBER: G-14413

SOURCE OF WATER: A WELL IN THE DESCHUTES RIVER BASIN

PURPOSE OR USE: IRRIGATION OF 9.73 ACRES

MAXIMUM RATE: 0.122 CUBIC FOOT PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: NOVEMBER 18, 1996

POINT OF DIVERSION LOCATION: SW 1/4 NW 1/4, SECTION 9, T16S, R12E, W.M.;
1535 FEET SOUTH & 223 FEET EAST FROM NW CORNER, SECTION 9

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:

SW 1/4 NW 1/4 9.73 ACRES
SECTION 9
TOWNSHIP 16 SOUTH RANGE 12 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.
- 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.

To: <i>Rob</i>		7671	Date: <i>2/1/01</i>	Pages: <i>4</i>
Cc: <i>Dep.</i>			From: <i>Ren</i>	
Phone: <i>*</i>			Co: <i>*</i>	
Fax: <i>*</i>			Phone: <i>*</i>	
			Fila: <i>*</i>	

PAGE 2

- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

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.

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.

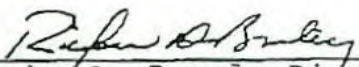
PAGE 3

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. Complete application of water to the use shall be made on or before October 1, 2002.

Issued February 25, 1998


Martha O. Pagel, Director
Water Resources Department



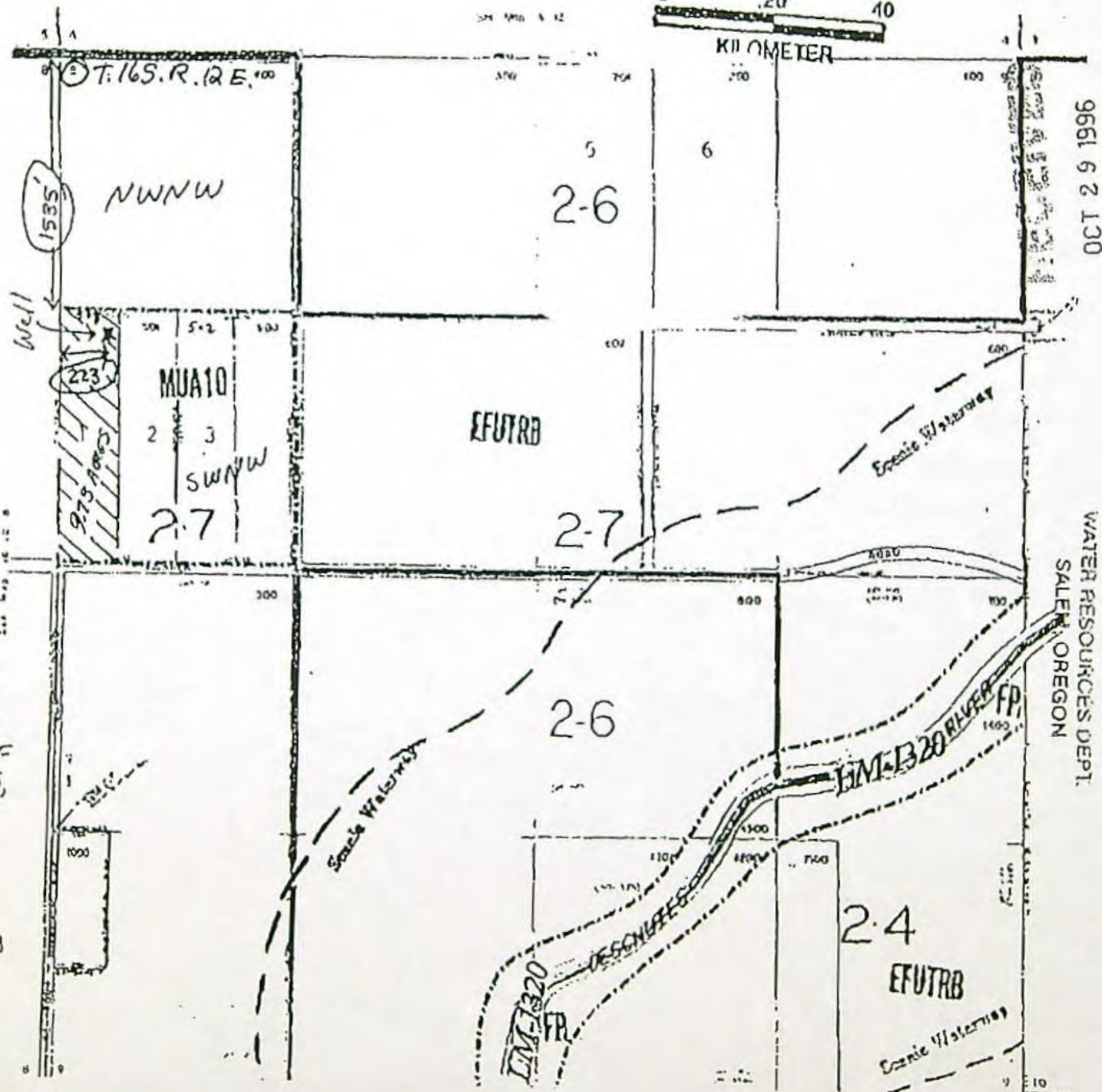
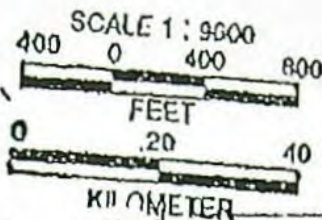
Cole & Lindner
20420 Harper Rd.
Bend OR 97701

FIRM MAP 140c
WETLAND

SECTION 9 T16S R12E W1M
DESCHUTES COUNTY

1:4000

North Arrow



WATER RESOURCES DEPT.
SALEM, OREGON

NOV 18 1996

RECEIVED

FROM : NUTSHELL

PHONE NO. : 5413837667

DATE: 02/20/01 06:55:41 PM

PHONE NO. : 5413837667

Oct. 01 2002 10:59AM P12

WELL LOCATION:
1535' S + 223' E
FROM NW COR. OF
SEC. 9 IN T.16S,
R.12E.
BEING IN SW &
NW &.

THX LOT
16-12-09-00-00503

Date: Mon, 6 Apr 1998 10:44:06 -0700 (PDT)
X-Sender: frenchdw@mailhub.wrd.state.or.us
To: Russell.W.KLASSEN@wrđ.state.or.us
From: Dwight W French <Dwight@wrđ.state.or.us>
Subject: G 13332

Please I
thank you
Dwight

>X-Sender:
>Date: Mon,
>To: Dwight
>From: Kyle
>Subject: G
>
>Good morning

>Permit G-133

>of land 9.73

Irrigation

>District Water rights on this parcel already. The District wrote a letter

>(they say, please try to locate it in the file) protesting this water right

>and say the WR group did not respond.

>
>My question is: At the time of final proof, can the primary GW just be

>diminished to supplemental to the district?
>
>

Ross
Please email Kyle and tell him
no protests were received. A letter
came in per PFO from Tum. I.D. -
Cory responded. FAX both plus Kent Ben's
email exchange to Kyle cc to me.
Thx Dwight

PROBABLY BETTER ANSWERED
BY DON KNAUER
Dwight,
I DON'T SEE A PROBLEM w/ MAKING
IT SUPP @ TIME OF PROOF. HOWEVER,
IT APPEARS TO ALREADY HAVE BEEN
RESEARCHED. SEE ATTACHED,
INCLUDING NOTES ON CONFLICT
CHECK. I DID NOT DOUBLE
CHECK THE INFO
RWK
4/8/98

Dwight W French, 10:44 AM 4/6/98 -, G 13332

Date: Mon, 6 Apr 1998 10:44:06 -0700 (PDT)
X-Sender: frenchdw@mailhub.wrd.state.or.us
To: Russell.W.KLASSEN@wrđ.state.or.us
From: Dwight W French <Dwight.W.FRENCH@wrđ.state.or.us>
Subject: G 13332

Please look into this for me.
thank you
Dwight

>X-Sender: gormankg@mailhub.wrd.state.or.us
>Date: Mon, 06 Apr 1998 10:26:33 -0700
>To: Dwight.W.FRENCH@wrđ.state.or.us
>From: Kyle Gorman <Kyle.G.GORMAN@wrđ.state.or.us>
>Subject: G 13332
>
>Good morning Dwight:
>
>Permit G-13332 was issued for primary irrigation of 9.73 acres on a
parcel
>of land 9.73 acres in size. There existed 1.43 acres of Tumalo
Irrigation
>District Water rights on this parcel already. The District wrote a
letter
>(they say, please try to locate it in the file) protesting this water
right
>and say the WR group did not respond.
>
>My question is: At the time of final proof, can the primary GW just
be
>diminished to supplemental to the district?
>
>

IR CHECKLIST

Application #: 6 14413 Vol _____ Subbasin _____
 Basin: 5 WAB: _____ POU-WAB _____
 Township 16S Range 12E Section 9 1/4 1/4 _____

- ✓ 1. Completeness checklist verified. Y / N or No Checklist
- ✓ 2. Indicators that the process should not continue (ie - protest, items missing, letter to file indicating hold, or other) Y / N
- ✓ 3. Groundwater review A B C D _____
 a. Is the well located in a groundwater limited area? Y / N _____
- ✓ 4. SWW Y / N Triage Y / N conditions/restrictions Y / N _____
- ✓ 5. Basin Program limitations? Y / N _____
- ✓ 6. Withdrawn? Y / N season allowed _____
- ✓ 7. Basin Maps have been checked. Y / N The River Mile is _____
- ✓ 8. Water Availability (50% < July 17, 1992 ** 80% [50% storage] > July 17, 1992) NA _____
- ✓ 9. Rate/Duty/Season 1/80th + 3 3/1 - 10/31
- ✓ 10. Use 1R 9.73 acres Period of Allowed Use 3/1 - 10/31
- ✓ 11. Priority Date(s) 11-18-96
- ✓ 12. B.O.R. project Y / N contract # _____
- ✓ 13. TMDL Basin? Y / N (Tualatin, Yamhill, Pudding) DIVISION 33 Y / N New or Old? Map Date _____
- ✓ 14. Conflicts Y / N
- ✓ 15. Conditions? (BOR, GW, other) Y / N 7J + 7B
- ✓ 16. Land use approval OK'd needs approval county notified NA
- ✓ 17. Watermaster Dist: (1 2 16 18 - NWR) (3 4 5 - NCR) (6 8 9 10 - ER) (11) 12 17 - SCR (14 15 19 - SWR)
- ✓ 18. Letter will be Good Limited Bad Bad w/IRshort because _____

GW COND 7J + 7B

$$56 \text{ GPM} = .12 \text{ CFS}$$

$$9.73 \text{ ACRES} / 80 = .12$$

Name: _____ Date: _____

save to m:\t\ir\sent\app#.w51

NCR

(B) Water legally released from storage.

(b) Attainment of the specified flow levels during some portions of the year will require development of water storage or implementation of other measures to augment flows.

(3) Water Quality

Rights to use of water for industrial or mining purposes granted by any state agency shall be issued only on the condition that any effluents or return flows from such uses shall not interfere with other beneficial uses of water.

Middle Deschutes River Basin

690-505-002

(1) Classifications

(a) The maximum economic development of this state, the attainment of the highest and best use of the waters of the Middle Deschutes River Basin, and the attainment of an integrated and coordinated program for the benefit of the state as a whole will be furthered through utilization of the aforementioned waters only for domestic, livestock, municipal, irrigation, power development, industrial, mining, recreation, wildlife and fish life uses and the waters of the Middle Deschutes River Basin are hereby so classified with the following exceptions:

(A) OAR 690-505-006, Lower Main Stem Deschutes River, adopted April 3, 1964, as modified by the Water Policy Review Board.

(B) The maximum economic development of this state, the attainment of the highest and best use of the waters of the main stem, Metolius River, above river mile 13.0, and the attainment of an integrated and coordinated program for the benefit of the state as a whole will be furthered through utilization of the aforementioned waters only for domestic, livestock, irrigation of lawn or non-commercial garden not to exceed one-half acre in area, power development, recreation, wildlife and fish life uses and the waters of the main stem, Metolius River, above river mile 13.0, are hereby so classified.

(C) Further, no out-of-basin diversions of the waters of the mainstem Metolius River, above river mile 13.0, shall be permitted for any use.

(D) No further appropriations except for domestic or livestock uses shall be permitted for waters of the mainstem Deschutes River, from the head of Lake Billy Chinook near river mile 120 to the North Canal Dam near river mile 165.

Date: Tue, 15 Apr 1997 13:24:44 -0700 (PDT)
X-Sender: bishopbw@mailhub.wrd.state.or.us
To: Kenneth D Dowden <Kenneth.D.DOWDEN@wrд.state.or.us>
From: Ben Bishop <Benjamin.W.Bishop@wrд.state.or.us>
Subject: Re: research

At 10:33 4/15/97 -0700, you wrote:

> Ben, I am researching rights of record for conflicts check on a file appl#
> G-14413.
>
> Located in T 16 S, R 12 E, SECTION 9, SW 1/4 NW 1/4, and more specifically
> in the west 1/2 of the west 1/2 of that 40. (=9.73 acres)
>
> After totally giving up on WRIS and finding out there is nothing there,
> what I need from you is whether there are any lands there covered by
> Tumalo ID under HB 3111.
>
> Thanks for any help you can come up with.
>
> Ken Dowden
>
>
> Ken, nanner, nanner, nanner. My plat cards work and your's don't.
Seriously, in the SW 1/4 NW 1/4 of Section 9, T. 16 S., R. 12 E., and more
specifically the W 1/2 Of the W 1/2 of that "40", is tax lot 501. In the SW
corner of tax lot 501 is a square totaling 1.02 acres being petitioned under
HB-3111. According to our map tax lot 501 is approximately 20 acres or the W
1/2.

Ben Bishop
Field Water Right Tech.
South Central Region

THIS APPLICATION
IS ON TL 503
NCR

Ken Dowden
4/15/97

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
T 6348 CD 29052	0	V													4.50 (IR)		13.00 (IR)	29.50 (IR)
D 26508	26508	V											38.80 (ID)	38.50 (ID)				
D 31412	31412	V							37.80 (IR) (S)				38.80 (IR) (S)	38.50 (IR) (S)				
S 3263 S 19628	26050	V											38.80 (IL) (S)	38.50 (IL) (S)				
S 13180 S 23256	0	V				4.00 (IR) (S)												29.00 (IR) (S)
S 37239 S 27840	0	V			35.00 (IR)					40.00 (IR)								
S 37241 S 27841	0	V			35.00 (IR) (S)				37.80 (IR) (S)	40.00 (IR) (S)		38.80 (IR) (S)	38.50 (IR) (S)					
TUNALO DEGREE EASING. WS p.321 (1907) priority									37.8 (IR)									
Sp. OR. V.10 p.79 TRANSFERRED Δ USE, DATE of USE THE 37.8 ac. (1907) OUT									37.8 OUT									
Sp. OR. V.11, p.123 TRANSFER T-50	C# 26050 C# 26051 C# 31412						(1913)											
						(1905)	(1911)											
Sp. OR. V. 31, pg.56 TRANSFER T-3990	SAME																	

DISAPPEARED

WENT AWAY

**WHEN PRIMARY
WENT.** Sp. OR. V.10 p.79

APP. NO. / PERMIT NO.	CERT NO.	GOV'T LOT DLC	NE	NW	SE	SW	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
T 6348 CD 29052	0	V													4.50 (IR)		13.00 (IR)	29.50 (IR)
D 26508	26508	V											38.80 (ID)	38.50 (ID)				
D 31412	31412	V								37.80 (IR) (S)			38.80 (IR) (S)	38.50 (IR) (S)				
S 3263 S 19628	26050	V											38.80 (IL) (S)	38.50 (IL) (S)				
S 13180 S 23256	0	V								4.00 (IR) (S)								29.00 (IR) (S)
S 37239 S 27840	0	V																
S 37241 S 27841	0	V								35.00 (IR) (S)			35.00 (IR) (S)	40.00 (IR) (S)		38.80 (IR) (S)	38.50 (IR) (S)	

SEE COPIES
of:

SP. OR. V. 10 p. 79

" " V. 11 p. 123

" " V. 31 p. 56

EVERYTHING IN SW NW HAS
BEEN TRANSFERRED OUT

WRIS HAS INSUFFICIENT DATA REPORTED HERE,

SEE ORIGINAL PLAT CARD COPY.

ENDS UP → No CONFLICT

NOTE: APPLICANT HAS ALSO STATED NO IRR. WATER IS AVAILABLE IN DISTRICT.

TOWNSHIP 16S RANGE 12E W. M. Card #1 SECTION 9

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
		36° 9'														CANCELLED	Spec. Or. V. 12 p. 232	50
						115'										CANCELLED	Spec. Or. V. 12 p. 239	60
										45'						295	Decree, Vol. 14 page 138 Findings, Vol. 15 page 267	24052
						37°											Findings, Vol. 15 page 281 Decree, Vol. 16 page 138 Findings, Vol. 15 page 322	Female 26508(2)
								38° 38'									Supplemental 3263 19628	26050
										42						292	Supplemental 13180 23256	
						OUT 37°											Trs. Sp. Or. V. 11 p. 123	
								38° 38'									Supplemental 1343 624	26051
						IN 37°											Trs. Sp. Or. V. 11 p. 123	
						IN 37°											Trs. Sp. Or. V. 11 p. 123	
35°							40°										37239 27840	24
35°						37°	40°	38° 38'									37247 27841	37
						37°		38° 38'									Supplemental Deschates River	31412
																132	H-169 (C-129052) V. 15 p. 101	

1907 → CRY OF SOUND
V. 10 p. 79

OUT
OUT

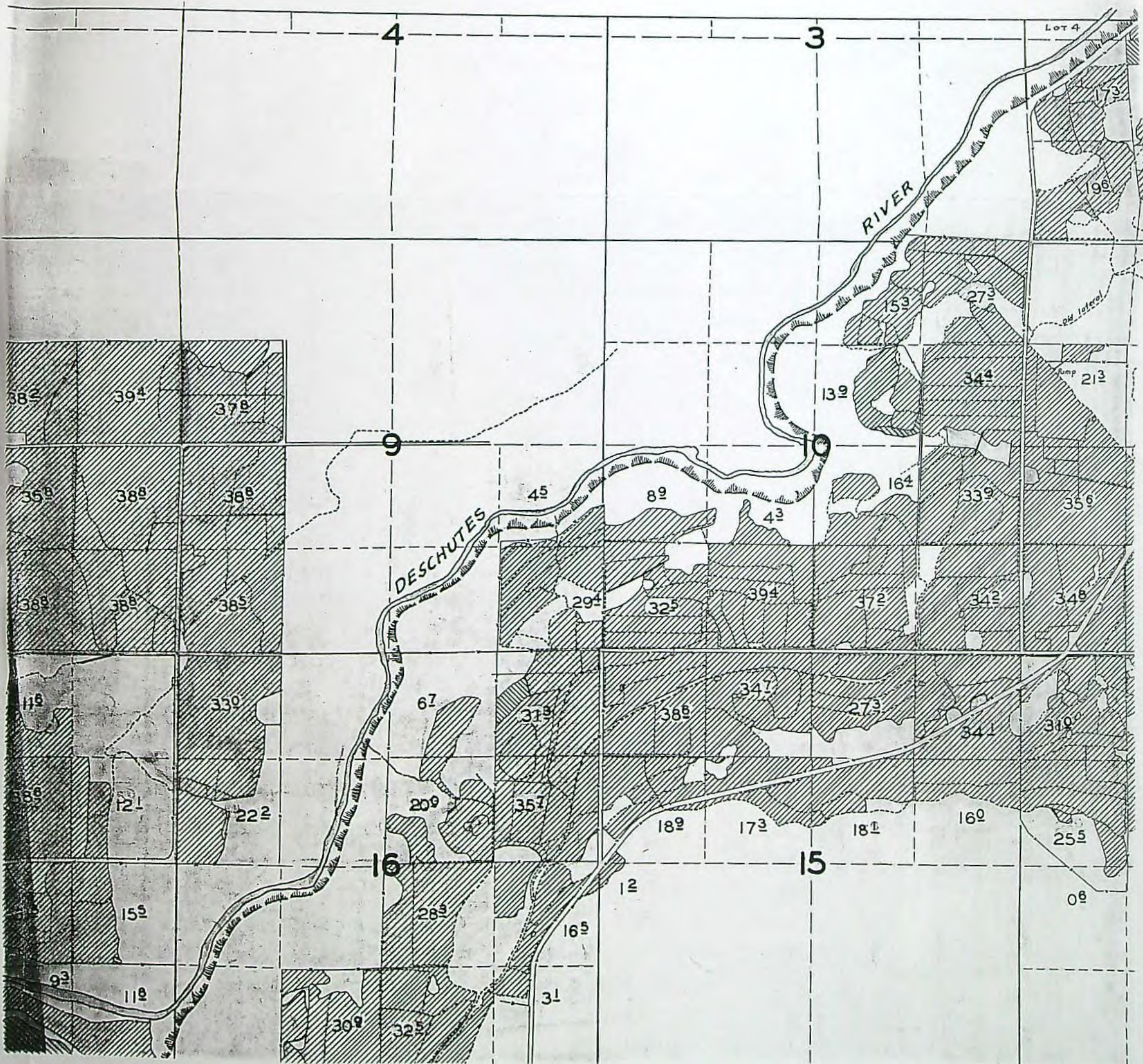
TOWNSHIP 16S RANGE 12E W. M. Card #2 SECTION 9

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT. IF OTHER THAN 40 ACRES																		
ALL OUT																T-3990	(C-26050)	
																T-3990	(C-26051)	
																T-3990	(C-31412)	
																IN 54 20	T-6043 (C-29052)	
																	T-6044 (C-29052)	

Name and Postoffice Address of Appropriator	Date of Relative Priority	Amount Cubic Feet Per Second	Number Acres	Use	Name of Work	Stream	Description of Land or Piece of the
2650 Deschutes County Municipal Improvement District Route 2, Box 79 Bend, Ore. T-7431 Δ POU T-7432 Δ POU Now Tumalo Irr. Dist	Aug. 5, 1900	3.679	257.6	Irrigation and Domestic	Tumalo Canal, Columbia Southern Canal & Laterals	Tumalo Creek	(See description of la of individual land- owners following)
T-7177 Δ USE T-7178 Δ POU T-7179 Δ USE See T-7672 Δ POU	Sept. 1900 April 28, 1905 May 27, 1907 June 1, 1907	23.625 1.870 0.474 15.703	1782.3 130.9 33.2 1099.05	" " " "	" " " "	" " " "	
S. T. Bristow	Sept. 1900 June 1, 1907	0.278 0.109	19.5 7.6				16.4 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ - 3.1 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ - Section 7 - 7.6 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ - Section 7 - T. 16 S., R. 12 E., W.
Q. C. McDowell	Sept. 1900 June 1, 1907	0.285 0.190	30.5 13.3				12.1 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$ - 10.4 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ - Section 7 - 13.3 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$ - Section 7 - T. 16 S., R. 12 E., W.
Out E. W. Putnam	Sept. 1900	0.518	55.3	Transferred - Sp. Or. Vol. 10, p. 59 (553 ac.)			29.8 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ - 25.5 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ - Section 7 - T. 16 S., R. 12 E., W.
H. S. Applegate	Sept., 1900	0.285	30.4				11.0 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ - 19.4 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ - Section 7 - T. 16 S., R. 12 E., W.
James Mulvahill T-2939 POU - 3.2 ac SW $\frac{1}{4}$ NE $\frac{1}{4}$ 3.5 ac SE $\frac{1}{4}$ NW $\frac{1}{4}$	Sept., 1900	0.574	40.2				11.2 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ - 29.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ - Section 8 - T. 16 S., R. 12 E., W.
John L. Jones (Finding. 6)	June 1, 1907	0.286	20.0				20.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ - Section 8 - T. 16 S., R. 12 E., W.
R. V. Gillispie	June 1, 1907	1.103	77.2				39.4 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ - Section 8 - 37.8 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ - Section 9 - T. 16 S., R. 12 E., W.
George Hailman	Sept. 1900	0.628	67.0				34.2 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ - 32.8 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ - Section 8 - T. 16 S., R. 12 E., W.
Lester Garbutt	Sept. 1900	0.283	19.8				19.8 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ - Section 8 - T. 16 S., R. 12 E., W.

TOWNSHIP 16 SOUTH, RANGE 12 EAST, W.M.

ADJUDICATION
MAP



STATE OF OREGON

COUNTY OF DESCHUTES

CERTIFICATE OF WATER RIGHT

This Is to Certify, That TUMALO IRRIGATION DISTRICT

of Tumalo

, State of Oregon 97709

, has a right to the use of

the waters of Deschutes River

for the purpose of irrigation and storage

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Deschutes County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume 9, at page 362; that the priority of the right thereby confirmed dates from 1905

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 9.5 cubic feet per second for irrigation of lands within the district during the irrigation season from April 1 to November 1 and to store said water in its reservoir at Crescent Lake during the non-irrigation season.

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:

Twp. Rge. Sec.	NE				NW				SW				SE			
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
16 S 11 E 12	29.7			15.0							36.8	4.0	9.0		10.0	12.5
13	35.7	31.0	34.9	34.5	12.5	39.4	11.0	16.5					38.0	38.0	4.5	5.5
14							40.0	13.8	3.2	23.2		9.4				
15			6.3	39.5	8.0	22.6	34.1	21.7	39.4	40.0	19.4	39.4				
21									11.4		2.2	35.3	21.0	17.2	16.5	16.5
22		15.3	28.0	28.0	31.4	33.1	1.3	7.5	27.5	23.1	19.1	30.5			38.0	35.0
23					19.3				31.7	13.0	25.8	31.8	0.5	29.6	36.0	11.4
24	35.0	2.4	34.9	38.5			3.7	27.7					33.0	32.2		36.5
25	38.9		31.5				15.4		36.2	34.1	23.1		27.2	25.6		
26	19.8			32.2	21.0	31.0	38.0	38.5	40.0	40.0			37.2	33.4	38.8	35.1
27	6.0	36.8	36.6	20.0	29.0	33.6	31.8	4.0	37.0	39.1	37.5	24.0		31.8	26.8	
28	25.0	0.7	35.1	34.0									32.4		4.4	36.1
33	19.0		12.0	25.0									39.2	32.5	36.0	29.8
34	15.0	33.0	2.4		34.4	6.4	31.3	34.3		37.6					32.5	
35	24.4	12.0	23.6	20.0		19.7	24.3	36.6		36.0	35.0	19.0				0.3
16 S 12 E 7							21.0		33.1		13.3	39.4	38.8	40.0	39.4	28.5
8			38.2	39.4			20.4	38.5	3.0	37.0	34.8	36.3	36.8	38.8	38.8	38.8
9							37.8			38.8	38.5					
16							2.6									
17			38.6		37.5	38.0	27.26	35.5	30.2	34.8	31.5		15.5	33.0		
18	37.46	39.1	37.1	38.5	38.8		26.2	39.0	27.2	17.3	31.5	33.0	30.7	33.0	31.0	31.2
19	38.0	37.6		31.8			32.0	31.7			34.2	35.0	17.7	6.7	31.6	
30			36.0	18.7	26.3	31.9	33.9	38.5					32.0	24.4		
31									19.0	16.0	34.1	13.3				
17 S 11 E 1	37.5	29.6	33.8	29.05	34.2			36.0					30.8	16.1	39.0	36.2
2					24.7	28.5	20.5			10.5						
11		35.5														
12		30.5	15.9	35.0	34.5	28.8	11.8	17.2	2.6				10.0			
13		13.2	10.0		19.0	24.5		12.0								
14	9.4															
17 S 12 E 6		6.0			22.0	23.0			2.8	9.0						
7							24.6	2.7								
Total Acres: 6433.9																

This certificate involves lands irrigated under rights from the Tumalo Creek Decree.

T-64- 2.8 Ac. Trsf. Sp. Or. Vol. 13 p 494 NESW 6-17-11 → NESE 1-17-11
 M-152 1.4 A. Trsf. Sp. Or. Vol. 13 p 510 NWNW 2-17-11 → NESW 35-16-11
 T-61 0.3 A. Trsf. Sp. Or. Vol. 14 p 117 NWNW 28-16-11 → SESE 35-16-11
 178 52 A. Trsf. Sp. Or. Vol. 14 p 109 SCSE 22-16-11 → NESE 22-16-11
 179 222 ac Trsf. Sp. Or. Vol. 16 p 189
 ① D-139 75 ac Trsf. Sp. Or. Vol. 20 p. 10
 ② M-201 152 A Trsf. Sp. Or. Vol. 20 p. 4
 ③ S-210 0.2 A Trsf. Sp. Or. Vol. 20 p. 13
 ④ 2502 82 A Trsf. Sp. Or. Vol. 21 P 53
 ⑤ 2498 7 ac Trsf. Sp. Or. Vol. 21 P 64
 ⑥ 2500 102 ac Trsf. Sp. Or. Vol. 21 P 70
 ⑦ 2499 12 ac Trsf. Sp. Or. Vol. 21 P 79
 ⑧ 2555 102 ac Trsf. Sp. Or. Vol. 21 p. 313
 ⑨ 2557 412 ac Trsf. Sp. Or. Vol. 21 p. 319
 ⑩ 2560 12 ac Trsf. Sp. Or. Vol. 21 p. 310
 ⑪ 2561 32 ac Trsf. Sp. Or. Vol. 21 p. 362
 ⑫ 2667 42 ac Trsf. Sp. Or. Vol. 22 p. 304
 ⑬ 2666 102 ac Trsf. Sp. Or. Vol. 22 p. 323
 ⑭ 2721 22 ac Trsf. Sp. Or. Vol. 24 p 139
 ⑮ 2724 22 ac Trsf. Sp. Or. Vol. 24 p 146
 ⑯ 2724 102 ac Trsf. Sp. Or. Vol. 24 p 143
 ⑰ 2727 62 ac Trsf. Sp. Or. Vol. 24 p 140
 ⑱ 2727 62 ac Trsf. Sp. Or. Vol. 24 p 140
 ⑲ 3005 42 A Trsf. Sp. Or. Vol. 24, P 419
 ⑳ 2927 32 A Trsf. Sp. Or. Vol. 24, P 436
 ㉑ 2940 6.5 A Trsf. Sp. Or. Vol. 24, P 421
 ㉒ 2928 20.0 A Trsf. Sp. Or. Vol. 24, P 427
 ㉓ 2930 3.0 ac Trsf. Sp. Or. Vol. 24, P 430
 ㉔ 2935 19.5 ac Trsf. Sp. Or. Vol. 24, P 433
 ㉕ 2938 1.8 ac Trsf. Sp. Or. Vol. 24, P 465
 ㉖ 3007 6.0 ac Trsf. Sp. Or. Vol. 24, P 416
 ㉗ 3006 6.0 ac Trsf. Sp. Or. Vol. 24, P 413
 ㉘ 2926 75 ac Trsf. Sp. Or. Vol. 24, P 456
 ㉙ 2929 Trsf. Sp. Or. Vol. 27, P 136
 ㉚ 2501 4.0 ac Trsf. Sp. Or. Vol. 21 P 67
 ㉛ T-3128 POW 20 ac
 ㉜ T-2925 POW 24 ac
 ㉝ T-4053 POW 22
 ㉞ T-4050 POW 82
 ㉟ T-4049 POW 42 from T-2428
 ㊱ T-4054 POW
 ㊲ T-4143 POW
 ㊳ T-4193 POW
 ㊴ T-4194 POW

NOTE: The tabulation of acreage contained in this certificate of water right shows all of the acreage having water rights under the Tumalo Irrigation District to date of issuance, having incorporated therein all transfers of water rights affecting the Tumalo Irrigation District which have been completed.

Pending transfers, T-55, T-56, T-58 and E-42, approved by Orders of the State Engineer dated July 20, 1962, July 27, 1962, October 23, 1962 and October 4, 1963 respectively, are not included in this certificate.

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 the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this 3rd day of February, 1964

CHRIS L. WHEELER

State Engineer

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION)
 OF THE CITY OF BEND, OREGON, FOR)
 THE APPROVAL OF A CHANGE IN USE,)
 PLACE OF USE AND POINT OF DIVER-)
 SION OF WATER FROM TUMALO CREEK)
 AND A CHANGE IN PLACE OF USE OF)
 WATER FROM DESCHUTES RIVER.)

O R D E R

APPROVING APPLICATION

On December 29, 1958, the City of Bend, Oregon, filed an application in the office of the State Engineer for the approval of a change in use, place of use and point of diversion of water from Tumalo Creek and a change in place of use of water from Deschutes River pursuant to the provisions of ORS 540.510 to 540.530.

In the adjudication proceedings determining the relative rights to the use of the waters of Tumalo Creek and its tributaries a water right was established for the irrigation of 39.4 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 8 and 37.8 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 9, Township 16 South, Range 12 East, W. M., with a date of priority of June 1, 1907. These lands are irrigated through either the Tumalo Feed Canal or the Columbia Southern Canal, the point of diversion of the Tumalo Feed Canal being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 23, Township 17 South, Range 11 East, W. M., and the point of diversion of the Columbia Southern Canal being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 2, Township 18 South, Range 10 East, W. M. The right to the use of water from Tumalo Creek for the irrigation of these lands is limited to a rate of flow of one-seventieth of one cubic foot per second per acre and the quantity of water diverted during the irrigation season from April 15 to October 15 of each year is limited to a diversion of not to exceed 1.8 acre feet per acre.

In the Deschutes River adjudication proceedings the Deschutes County Municipal Improvement District was adjudicated a right to the use of 9.5 cubic feet per second of the waters of Deschutes River with a date of

37.8 acres & EQUIVALENT WATER
 TRANSFERRED TO MUNICIPAL USE
 CITY of BEND

priority of 1905, which right was made appurtenant to all lands within the district.

The district has made proof of application of water to a beneficial use under Permits Nos. 624 and 19628 for supplemental supply for the irrigation of, among other lands, the lands involved herein. Permit No. 624 is for the use of water stored in Crescent Lake Reservoir and Permit No. 19628 is for the use of water from Tumalo, Crater and Little Crater Creeks and three spring branches.

An agreement dated December 12, 1957 between the City of Bend and Deschutes County Municipal Improvement District provides that the right to the use of water from Tumalo Creek only for the irrigation of 77.2 acres is to be transferred to the City of Bend for municipal purposes. The agreement further provides that the City of Bend will perpetually pay to the Deschutes County Municipal Improvement District the annual assessments for operation and maintenance, the payment of outstanding indebtedness including outstanding bonds, and for replacements and capital repairs on the basis of 77.2 acres, each acre to be assessed equally as all other lands within the district are assessed.

It is the desire of the district to divest the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 8 and SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 9, Township 16 South, Range 12 East, W. M., of all remaining water rights. That part of the 9.5 cubic feet per second right from Deschutes River appurtenant to the above lands is to be transferred to the remaining lands within the district and that part of the right from Tumalo, Crater and Little Crater Creeks and three spring branches under Permit No. 19628 and storage from Crescent Lake Reservoir under Permit No. 624 for supplemental irrigation of said lands is to be eliminated from the certificates of water right being issued to the district.

The applicant herein, owner of 77.2 acres described in the second paragraph herein, proposes to transfer the water right from Tumalo Creek with a date of priority of June 1, 1907 for irrigation purposes to that of municipal use within the corporate limits of the City of Bend, Oregon and surrounding territory served by its water supply pipeline and to divert the water at the City of Bend's intake from Tumalo Creek in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 7, Township 18 South, Range 10 East, W. M.

Notice of the filing of the application was given by publication setting forth a time and place certain for hearing objections to the proposed change in use, place of use and point of diversion of water, if any there were, namely: at the county courthouse in Bend, Oregon on April 23, 1959, beginning at 9:30 o'clock a.m. The notice was published in the Bend Bulletin, a newspaper printed and having general circulation in Deschutes County, Oregon, for a period of three weeks in the issues of February 27, and March 6 and 13, 1959. The date set for hearing in said notice was not less than thirty days after the last publication of the notice.

No objections having been filed and it appearing that the proposed change in use, place of use and point of diversion of water may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the water right from Tumalo Creek hereinbefore described as appurtenant to 39.4 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 8, and 37.8 acres in the SW $\frac{1}{2}$ NW $\frac{1}{4}$, Section 9, Township 16 South, Range 12 East, W. M., with a date of priority of June 1, 1907, be severed therefrom and simultaneously and without loss of priority transferred to the City of Bend, Oregon for municipal use within the corporate limits of the said city and surrounding territory served by its water supply

pipelines and said water shall be diverted at the City of Bend's intake from Tumalo Creek located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 7, Township 18 South, Range 10 East, W. M.

It is FURTHER ORDERED that the water so transferred shall be applied to beneficial use by the City of Bend, Oregon, on or before October 1, 1965 or within such extension of time as may be granted by the State Engineer for good cause shown.

It is FURTHER ORDERED that the quantity of water heretofore used for the irrigation of 77.2 acres from Tumalo Creek described in paragraph 7 hereof and by this order transferred to municipal purposes by the City of Bend, Oregon, shall be limited to a maximum diversion of 1.103 cubic feet per second, beginning on April 15 and ending on October 15 of each year, and the total quantity diverted during said period shall not exceed 129.96 acre feet, measured at the existing meters in the city's parallel pipelines.

It is FURTHER ORDERED that that part of the right to the use of 9.5 cubic feet per second of the waters of Deschutes River with a date of priority of 1905, appurtenant to the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 8, and the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 9, Township 16 South, Range 12 East, W. M., be severed therefrom and simultaneously and without loss of priority transferred to the remaining lands having water rights within the Deschutes County Municipal Improvement District.

It is FURTHER ORDERED that the right to the use of water from Tumalo Creek, Crater and Little Crater Creeks and three spring branches under Permit No. 19628, and water stored in Crescent Lake Reservoir under Permit No. 624, for the irrigation of the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 8, and the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 9, Township 16 South, Range 12 East, W. M., be eliminated from the certificates of water right in the process of being issued to the Deschutes County Municipal Improvement District, now Tumalo Irrigation District.

It is FURTHER ORDERED that upon receipt of proof satisfactory to the State Engineer of application of water to beneficial use for municipal purposes within the corporate limits of the City of Bend, Oregon, and surrounding territory served by its water supply pipelines, a certificate of water right shall be issued to the City of Bend, Oregon, to the extent to which the water has been used beneficially.

Dated at Salem, Oregon this 8th day of May, 1959.

Noted on Decr.

Vol. 16, p. 191

*Cert. #26502 as issued
confirms this Order.*

Lewis A. Stanley

LEWIS A. STANLEY
State Engineer

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION)
 OF TUMALO IRRIGATION DISTRICT FOR)
 THE APPROVAL OF A CHANGE IN PLACE)
 OF USE OF WATER FROM DESCHUTES)
 RIVER.)

O R D E R

Tr. T-50

APPROVING APPLICATION

I

On February 15, 1961, Tumalo Irrigation District filed an application in the office of the State Engineer for the approval of a change in place of use of water from Deschutes River pursuant to the provisions of ORS 540.510 to 540.530.

II

The Tumalo Irrigation District has heretofore acquired title to lands with certain water rights appurtenant thereto located within the boundaries of the district, said lands and water rights being described as follows:

Sub-division	Section	Township & Range	Deschutes River	Tumalo Creek	Tumalo, Crater and Little Crater Creeks and 3 Springs	Crescent Lake Storage
(1)	(2)	(3)	(4)	(5)	(6)	(7)
SW $\frac{1}{4}$ SW $\frac{1}{4}$	14	16S 11E	3.0		3.0 P	3.0
NW $\frac{1}{4}$ SW $\frac{1}{4}$	21	16S 11E	2.8		2.8 P	2.8
SW $\frac{1}{4}$ SW $\frac{1}{4}$	21	16S 11E	8.6		8.6 P	8.6
NE $\frac{1}{4}$ NE $\frac{1}{4}$	22	16S 11E	17.0		17.0 P	17.0
SW $\frac{1}{4}$ NW $\frac{1}{4}$	22	16S 11E	12.0	(1) 7.3	(4.7 P) (7.3 S)	12.0
SW $\frac{1}{4}$ NE $\frac{1}{4}$	23	16S 11E	1.0		1.0 P	1.0
SE $\frac{1}{4}$ NW $\frac{1}{4}$	23	16S 11E	5.0		5.0 P	5.0
NW $\frac{1}{4}$ NE $\frac{1}{4}$	33	16S 11E	4.0		4.0 P	4.0
SE $\frac{1}{4}$ NE $\frac{1}{4}$	34	16S 11E	3.3		3.3 P	3.3
NE $\frac{1}{4}$ SE $\frac{1}{4}$	34	16S 11E	0.7		0.7 P	0.7
SE $\frac{1}{4}$ SE $\frac{1}{4}$	35	16S 11E	0.6	(2) 0.6		
NW $\frac{1}{4}$ NE $\frac{1}{4}$	17	16S 12E	11.6	(1) 11.6	11.6 S	11.6
SE $\frac{1}{4}$ NE $\frac{1}{4}$	17	16S 12E	12.1		12.1 P	12.1
NW $\frac{1}{4}$ NW $\frac{1}{4}$	1	17S 11E	6.0	(2) 6.0	6.0 S	6.0
NW $\frac{1}{4}$ NE $\frac{1}{4}$	4	17S 11E	5.8		5.8 P	5.8
NE $\frac{1}{4}$ NE $\frac{1}{4}$	11	17S 11E	5.6	(2) 5.6	5.6 S	5.6
SW $\frac{1}{4}$ NE $\frac{1}{4}$	11	17S 11E	2.5	(2) 2.5	2.5 S	2.5
NE $\frac{1}{4}$ SE $\frac{1}{4}$	12	17S 11E	1.2		1.2 P	1.2

NOTE: See Column (5) - - (1) Date of Priority of June 1, 1907
 (2) Date of Priority of September, 1900.

NOTE: See Column (6) - - P means primary water right
 S means supplemental water right

In the matter of the determination of the relative rights to the use of the waters of Deschutes River and its tributaries, a water right was established in the name of the Deschutes County Municipal Improvement District, now Tumalo Irrigation District, for the use of 9.5 cubic feet per second of the waters of Deschutes River, with a date of priority of 1905, for the irrigation of all lands within the District, which include those lands described in Column 4 on the preceding page.

In the matter of the determination of the relative rights to the use of the waters of Tumalo Creek and its tributaries, a water right was established for the irrigation of those lands described in Column 5 above with dates of priority of June 1, 1907 and September, 1900.

Certificate of water right issued to Tumalo Irrigation District and recorded at Page 26050, Volume 18, State Record of Water Right Certificates, confirms a right, under Permit No. 19628, to the use of the waters of Tumalo, Crater and Little Crater Creeks and three springs, with a date of priority of October 29, 1913, for the irrigation of, among other lands, those described in Column 6 on the preceding page.

Certificate of water right issued to the Tumalo Irrigation District and recorded at Page 26051, Volume 18, State Record of Water Right Certificates, confirms a right under Permit No. 624 to the use of the waters stored in Crescent Lake Reservoir, with a date of priority of April 7, 1911, for supplemental irrigation of all lands within the District which include those described in Column 7 on the preceding page.

III

The District proposes to transfer the water rights described in Paragraph II above, except 2.2 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 21, and 1.3 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 22, Township 16 South, Range 11 East, W. M., from sources set forth in Columns 4, 6 and 7 of said Paragraph II, without loss of priority, to the lands set forth in the following table:

Sub- division (1)	Sec- tion (2)	Township & Range (3)	Des- chutes River (4)	Tumalo Creek (5)	Tumalo, Crater and Little Crater Creeks and 3 Springs (6)	Crescent Lake Storage (7)
SW $\frac{1}{4}$ NE $\frac{1}{4}$	34	16S 11E	2.43		2.43 P	2.43
NW $\frac{1}{4}$ SE $\frac{1}{4}$	35	16S 11E	3.40		3.40 P	3.40
SE $\frac{1}{4}$ SE $\frac{1}{4}$	35	16S 11E	2.70		2.70 P	2.70
SE $\frac{1}{4}$ NE $\frac{1}{4}$	8	16S 12E	39.40	(3) 33.6	(33.00 S) (5.80 P)	38.80
SW $\frac{1}{4}$ NW $\frac{1}{4}$	9	16S 12E	37.80		37.80 P	37.80
SW $\frac{1}{4}$ NW $\frac{1}{4}$	17	16S 12E	.26		.26 P	.26
NE $\frac{1}{4}$ SW $\frac{1}{4}$	17	16S 12E	3.70		3.70 P	3.70
NE $\frac{1}{4}$ NE $\frac{1}{4}$	18	16S 12E	.36		.36 P	.36
SW $\frac{1}{4}$ SW $\frac{1}{4}$	18	16S 12E	4.10		4.10 P	4.10
NE $\frac{1}{4}$ NE $\frac{1}{4}$	1	17S 11E	.70		.70 P	.70
SE $\frac{1}{4}$ NE $\frac{1}{4}$	1	17S 11E	4.45		4.45 P	4.45

NOTE: See Column 5 - - (3) 18.9 acres have a date of priority of June 1, 1907
14.7 acres have a date of priority of September, 1900.

IV

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason that said section provides notice is not required on an application for a change in place of use of water only.

V

No objections having been filed and it appearing such change in place of use of water will inure to the benefit of the District, and may be made without injury to existing rights, the application should be approved.

VI

NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water be and the same hereby is approved and the water rights hereinbefore described in Paragraph II, except for 2.2 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 21 and 1.3 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 22, Township 16 South, Range 11 East, W. M., from sources set forth in Columns 4, 6 and 7 of said Paragraph II, be severed therefrom and simultaneously and without loss of priority, transferred to the lands set forth in the tabulation in Paragraph III hereof.

VII

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1962, or within such extension of time as may be granted by the State Engineer for good cause shown.

VIII

It is FURTHER ORDERED that upon receipt of proof satisfactory to the State Engineer of the complete application of water to beneficial use on the lands to which the water is transferred hereby, certificate of water right shall be issued to Tumalo Irrigation District, or their successor in interest, to the extent to which the water has been applied beneficially and the certificates of water right heretofore issued to Tumalo Irrigation District and recorded at pages 26050 and 26051, Volume 18, and page 26508, Volume 18, State Record of Water Right Certificates, shall be canceled.

Dated at Salem, Oregon, this 10th day of April, 1961.

Noted on Decree
Vol. 16, p. 172
Cert. # 26508

App # 3263 # 1343
Cert # 26051 & 26050

T-26051 & 26050

Lewis A. Stanley
LEWIS A. STANLEY
State Engineer

T-26051 & 26050

V. 31 p. 56

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
DESCHUTES COUNTY

IN THE MATTER OF THE APPLICATION)
OF TUMALO IRRIGATION DISTRICT FOR)
APPROVAL OF A CHANGE IN PLACE OF)
USE OF WATER)

ORDER APPROVING
TRANSFER NO. 3990

On July 3, 1978, Tumalo Irrigation District filed an application in the office of the Water Resources Director for approval of a change in place of use of water from Tumalo Creek, Deschutes River, Crater Creek, Little Crater Creek and three springs and Crescent Lake Reservoir, pursuant to the provisions of ORS 540.510 to 540.530.

As modified in accord with the provisions of the order of the State Engineer, entered April 10, 1961, approving transfer application No. T-50, the right previously described by the certificate of water right issued to Tumalo Irrigation District and recorded at page 26050, Volume 18, State Record of Water Right Certificates, now exists for the use of water from Tumalo Creek, supplemented by the use of water from Crater Creek, from Little Crater Creek and from three spring branches, for irrigation of, among other lands, 37.8 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 9, Township 16 South, Range 12 East, W.M., with a date of priority of October 29, 1913.

As modified in accord with the provisions of said order of the State Engineer, the lands above described also have supplemental rights, being rights to the use of water from Deschutes River, with a date of priority of 1905, previously described by certificate recorded at page 31412, Volume 23, State Record of Water Right Certificates; and to the use of waters of Crescent Lake Reservoir, with a date of priority of April 7, 1911, previously described by certificate recorded at page 26051, Volume 18, State Record of Water Right Certificates.

The applicant herein, owner of the lands above described, proposes to transfer the water rights therefrom, without loss of priority, and to irrigate in lieu thereof a certain 20.0 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 11, Township 16 South, Range 11 East, W.M.; 5.0 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, 5.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 17; 5.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ and 2.8 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 20, Township 17 South, Range 12 East, W.M.

The lands involved herein are within the boundaries of the Tumalo Irrigation

District and the Board of Directors of said District approved the proposed change in place of use of water at a regular meeting held May 9, 1978.

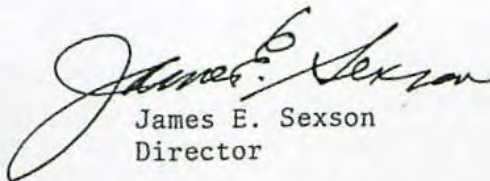
No objections having been filed and it appearing that the proposed change in place of use of water may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested change in place of use described herein, without loss of priority, is approved.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1979.

It is FURTHER ORDERED that upon receipt of proof satisfactory to the Water Resources Director of complete application of water to beneficial use on the lands to which the water is transferred hereby, certificate of water right shall be issued to Tumalo Irrigation District confirming this and prior changes within the District.

Dated at Salem, Oregon this 14th day of July, 1978.


James E. Sexson
Director

TUMALO IRRIGATION DISTRICT

64697 COOK AVE
BEND, OREGON 97701
Phone (541) 382-3053
FAX (541) 383-3287

RECEIVED

JUL 21 1997

WATER RESOURCES DEPT.
SALEM, OREGON

July 17, 1997

Mr. Corey Engel
Oregon Water Resources Department
158 12th St. NE
Salem, Oregon 97310

Re: Ben Lindner Water Right Application
16-12-09-SW/NW-502, G14413

Dear Mr. Engel:

In a conversation with Mr. Lindner about two weeks ago, he indicated that the State had issued a permit for an irrigation well for 9.73 acres on his property. The total acres on his property is 9.73 acres. He has a water right under Tumalo Irrigation District for 1.43 acres, and also has a long driveway and house, etc.

1. Is there an overlap of water rights?
2. Has the State in fact issued a water right?
3. Does the State issue a water right within the boundaries of an irrigation district without notifying the irrigation district?

If he does have a permit for an irrigation well, please send the District a map of the area to be irrigated to prevent an overlap with the District's water right area.

I would appreciate any help you can give me in this matter.

Respectfully,

TUMALO IRRIGATION DISTRICT



Elmer G. McDaniels
Manager/Secretary

EGM:ss

July 22, 1997

Elmer G. McDaniels
Tumalo Irrigation District
64697 Cook Ave.
Bend OR 97701

Copy

RE: Lindner Application, G-14413

Dear Mr. McDaniels,

This is in reply to your letter dated July 17, 1997. In answer to your questions:

1. *Is there an overlap of water rights?* Before I performed the Initial Review for G-14413, a conflict check was done to ensure that there were no existing primary irrigation rights on the same land proposed to be irrigated under this application. No existing rights were found.
2. *Has the State in fact issued a water right [in light of Mr. Lindner's comment that "the State had issued a permit for an irrigation well for 9.73 acres"]?* I am unable to locate any existing permit or right on the same lands proposed to be irrigated under this application. Perhaps Mr. Lindner was referring to this application.
3. *Does the State issue a water right within the boundaries of an irrigation district without notifying the irrigation district?* It is the current practice of the Department to notify irrigation districts of water right applications only in cases where the applicant proposes to either cross district-owned land, or use water directly from district ditches, pipelines, or other conveyance structures. The Department does not currently inform irrigation districts of any other applications within district boundaries. If you would like to be informed of applications within T.I.D., I recommend subscribing to the weekly Public Notice of water right filings. This notice contains applicant information (including location), which would indicate whether it is within district boundaries.

If you have any questions, please feel free to call me at 503-378-8455, extension 457.

Sincerely,

Mr. Cory C. Engel
Water Right Processing Technician

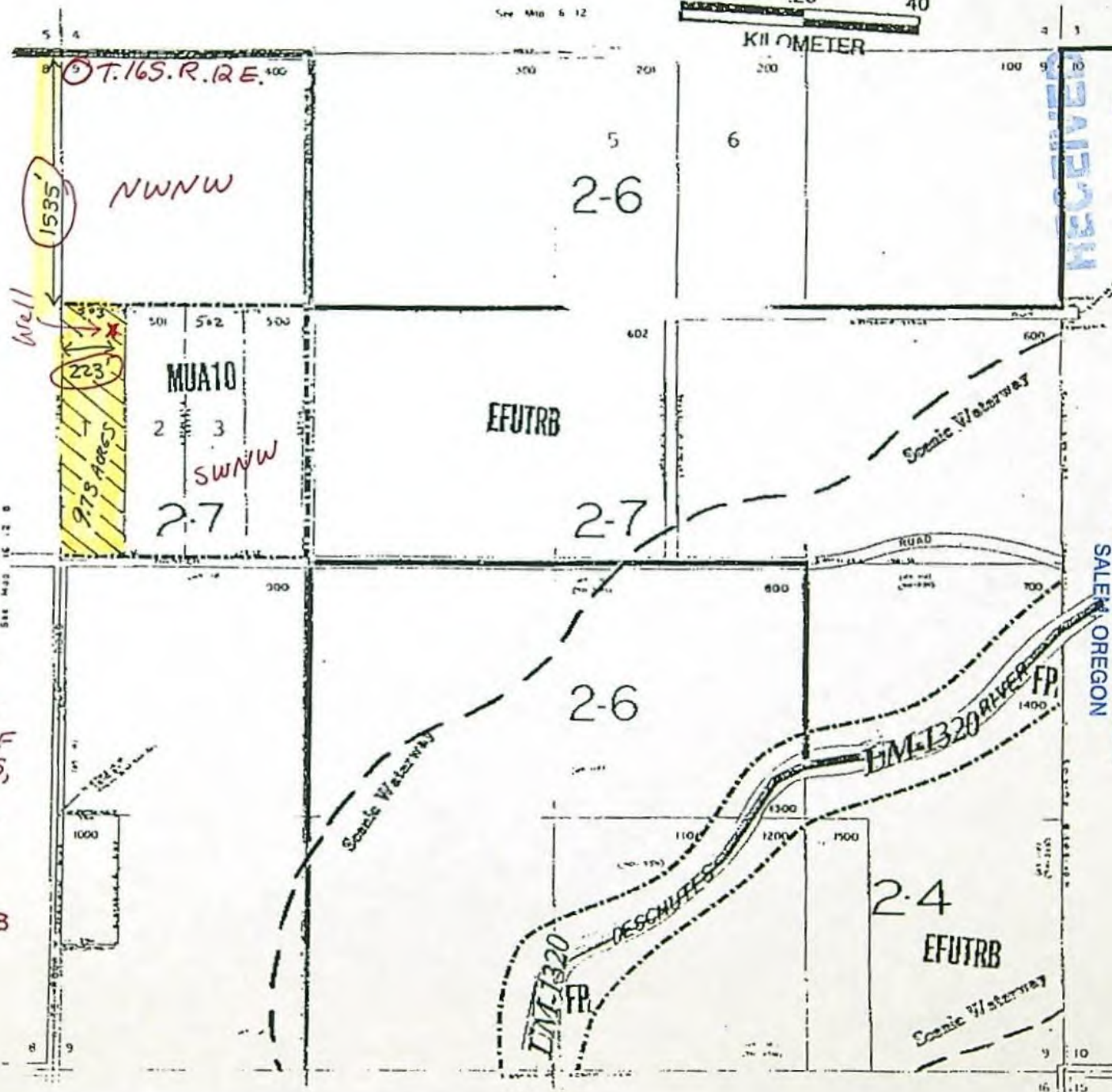
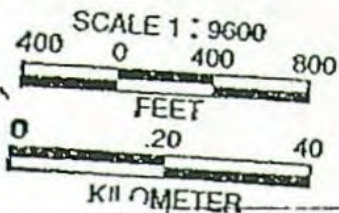
FIRM MAP 140c
WETLAND

SECTION 9 T16S. R12E. WM
DESCHUTES COUNTY

Acad Numbers 601, 602

16 12 9

Cole & Lindner
20420 Harper Rd.
Bend OR 97701



RECEIVED
OCT 29 1996
WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED
NOV 18 1996
WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

Application No. B-14413
Permit No. G13332

WELL LOCATION :
1535' S + 223' E
FROM NW COR. OF
SEC. 9 IN T.16S,
R.12E.
BEING IN SW &
NW &.

TAX LOT
16-12-09-00-00503

JUL 20 14:14

FEB : 503-446-7510

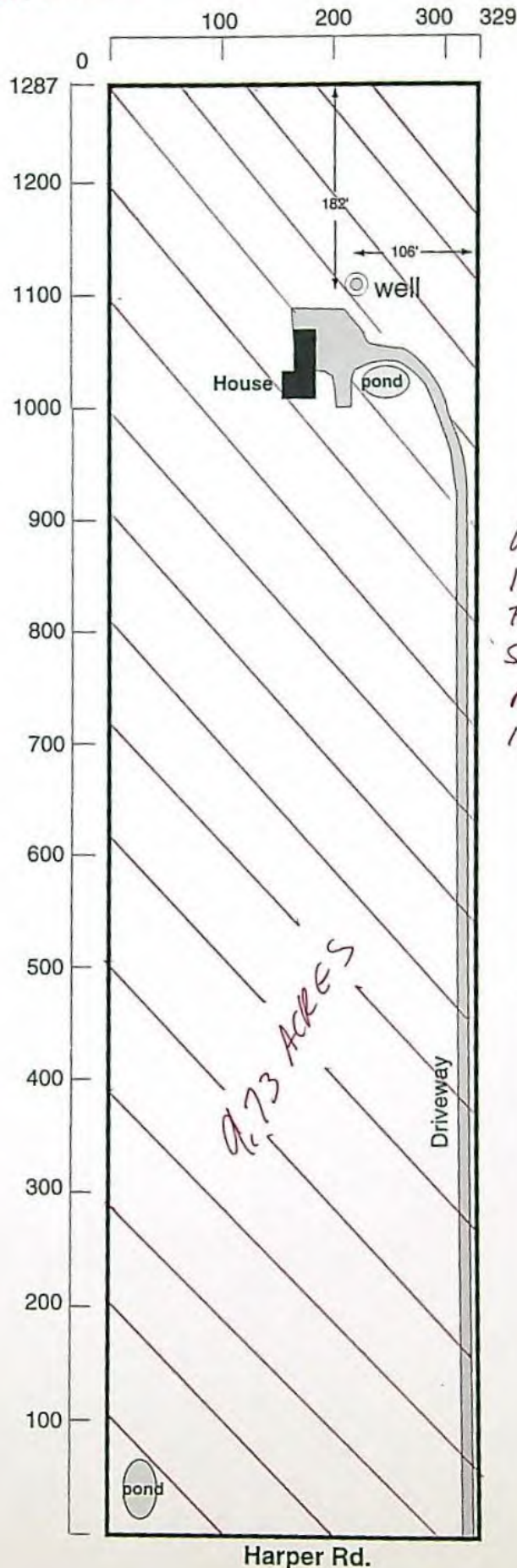
ENC PROPERTIES

Application No. *G-14413*
Permit No. **FOR REFERENCE ONLY**

RECEIVED

NOV 18 1996

WATER RESOURCES DEPT.
SALEM, OREGON



WELL LOCATION:
1535' S + 223' E
FROM NW COR. OF
SEC. 9 IN T. 16 S,
R. 12 E. BEING
IN SW 1/4 NW 1/4.

TL
16-12-09-00-00503

Cole & Lindner
20420 Harper Rd.
Bend OR 97701

one inch = 150'



RECEIVED

OCT 29 1996

WATER RESOURCES DEPT.
SALEM, OREGON

STATE OF OREGON
COUNTY OF DESCHUTES

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

BENJAMIN LINDNER
LESLIE D. COLE
20420 HARPER RD.
BEND, OREGON 97701

PHONE: (541) 383-3100

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

APPLICATION FILE NUMBER: G-14413

SOURCE OF WATER: A WELL IN THE DESCHUTES RIVER BASIN

PURPOSE OR USE: IRRIGATION OF 9.73 ACRES

MAXIMUM RATE: 0.122 CUBIC FOOT PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: NOVEMBER 18, 1996

POINT OF DIVERSION LOCATION: SW 1/4 NW 1/4, SECTION 9, T16S, R12E, W.M.;
1535 FEET SOUTH & 223 FEET EAST FROM NW CORNER, SECTION 9

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:

SW 1/4 NW 1/4 9.73 ACRES
SECTION 9
TOWNSHIP 16 SOUTH, RANGE 12 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.
- 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.

- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

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.

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.

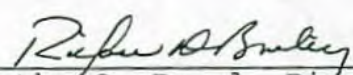
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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. Complete application of water to the use shall be made on or before October 1, 2002.

Issued February 15, 1998


Martha O. Pagel, Director
Water Resources Department

Application G-14413
Basin 05
LKS

Water Resources Department
Volume 1 DESCHUTES R MISC
MGMT.CODES 7BG 7BR 7JG 7JR

PERMIT G-13332
District 3

Mailing List for PFO Copies

Application #G-14413

PFO Date August 26, 1997

Original mailed to:

Applicant: BENJAMIN LINDNER & LESLIE D. COLE, 20420 HARPER RD, BEND, OREGON 97701

Copies sent to:

1. WRD - File # G-14413
2. WRD - Water Availability: Ken Stahr

PFO, Map, and Fact Sheet Copies sent to:

3. WRD - Watermaster # District 3
4. WRD - Regional Manager (**not Bob Main**):
5. ODFW District Biologist: Deschutes District

6. State Parks

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

6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____
13. _____

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

1. Elmer G. McDaniels, Tumalo Irrigation District, 64697 Cook Ave., Bend, Oregon 97701

2. _____
3. _____

CASEWORKER : LKS

Copies Mailed
By: <u>CAH</u>
(SUPPORT STAFF)
ON: <u>9/4/97</u>
(DATE)

STATE OF OREGON
WATER RESOURCES DEPARTMENT

RECEIPT # **18854**

158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)

INVOICE # _____

RECEIVED FROM: Roc Kin' C & L Ranch

BY: _____

APPLICATION	G 14413
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # X 24-738 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 100.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS

PUBLICATIONS / MAPS

OTHER: (IDENTIFY) _____

OTHER: (IDENTIFY) _____

\$
\$
\$
\$

REDUCTION OF EXPENSE

CASH ACCT.

PCA AND OBJECT CLASS

VOUCHER #

\$

0427 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES

0410 RESEARCH FEES

0408 MISC REVENUE: (IDENTIFY) _____

(New) TC165 DEPOSIT LIAB. (IDENTIFY) _____

(Existing) TC168

WATER RIGHTS:

0201 SURFACE WATER

0203 GROUND WATER

0205 TRANSFER

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR

LANDOWNER'S PERMIT

OTHER (IDENTIFY) _____

EXAM FEE

\$
\$
\$
EXAM FEE
\$

0202

0204

0206

0219

0220

RECORD FEE

\$
\$ 100.00
\$

LICENSE FEE

\$
\$

0437 WELL CONST. START FEE

0211 WELL CONST START FEE

0210 MONITORING WELLS

OTHER (IDENTIFY) _____

\$
\$

CARD #
CARD #

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 # **18854**

DATED: 2-3-98 BY: D. Buschnell

Distribution-White Copy-Customer, Yellow Copy-Fiscal, Blue Copy-File, Buff Copy-Fiscal

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-14413

Final Order

Application History

On November 18, 1996, BENJAMIN LINDNER and LESLIE D COLE submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on September 9, 1997. The protest period closed October 24, 1997, and no protest was filed.

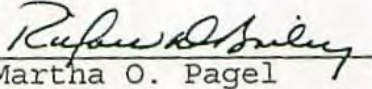
The proposed use would not impair or be detrimental to the public interest.

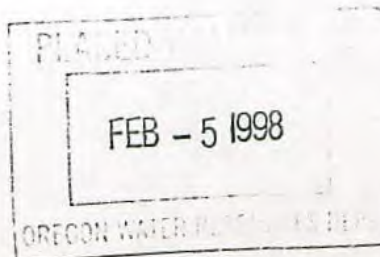
Order

Upon payment of outstanding permit recording fees, Application G-14413 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 \$ 100.00. 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-14413.

DATED January 24, 1998


Martha O. Pagel
Director



Appeal Rights

No changes have been made to the findings of the Proposed Final Order and no protests were filed during the protest period following the Proposed Final Order, therefore, there is no opportunity for appeal or judicial review of this final order (690-310-160(5)).

STATE OF OREGON
COUNTY OF DESCHUTES

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

BENJAMIN LINDNER
LESLIE D. COLE
20420 HARPER RD.
BEND, OREGON 97701

PHONE: (541) 383-3100

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

APPLICATION FILE NUMBER: G-14413

SOURCE OF WATER: A WELL IN THE DESCHUTES RIVER BASIN

PURPOSE OR USE: IRRIGATION OF 9.73 ACRES

MAXIMUM RATE: 0.122 CUBIC FOOT PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: NOVEMBER 18, 1996

POINT OF DIVERSION LOCATION: SW 1/4 NW 1/4, SECTION 9, T16S, R12E, W.M.;
1535 FEET SOUTH & 223 FEET EAST FROM NW CORNER, SECTION 9

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:

SW 1/4 NW 1/4 9.73 ACRES
SECTION 9
TOWNSHIP 16 SOUTH, RANGE 12 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.
- 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.

- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

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.

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. Complete application of the water to the use shall be made on or before October 1, 2002.

Issued _____, 199_

DRAFT - THIS IS NOT A PERMIT

Martha O. Pagel, Director
Water Resources Department

FILE # G14413
~~G144124~~
 WEEK # ~~117~~ 111

FO CHECKLIST

PFO TO FO CONVERSION

REVIEW DATE: 1 / 12 / 98

INITIALS: DB

In preparing the FO, you should check the following:

1. Y / ☒ Were comments or protests received? If so, from whom and when?
2. ☒ On the PFO CC list, verify names and addresses of ALL commentors (regardless of comment date), affected landowners, and those who paid the \$10 fee.
3. Y / N / ☒ NA If for Surface water, Have affected landowners been notified?
4. Y / ☒ Is the file lacking a signed oath of accuracy for the application?
5. Y / ☒ NA Has ODFW asked for self certification of screening condition? If so, write "ODFW CERT" in the permit blank on the front of the file.
6. Y / ☒ Is water use prohibited for one or more months of the normal use period?
7. Y / ☒ If # 6 = "Y", is short season letter on file? Note: If short season letter is lacking, see Item #10 below. Give applicant 60 days to submit required information.
8. ☒ 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
9. ☒ / 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:\...\FO\TOOLS if possible)
11. ☒ Assign permit numbers to files with oath, fees, and no protests or other issues
12. Y / ☒ Do the PFO conclusions requires modification? Why? _____
 (If YES, circle FOMOD and one other type below)

FO Type: (circle types)	DENIAL	FO w/o PERMIT	FO & PERMIT	FOMOD
COMMENTS:		<u>Fee</u>		MGMT CODES: 7J 7B

Modify FO as needed to:

Initials DB

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

Once FO document is completed:

16. ☒ Save WordPerfect document in M:\...\FO\WEEK 120 & delete duplicates
17. ☒ Print final draft of document and submit to team leader for review
18. Y / N Team leader review completed

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-14413

Proposed Final Order

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

Application History

On November 18, 1996, BENJAMIN LINDNER AND LESLIE D. COLE submitted an application to the Department for the following water use permit:

- Amount of Water: 56.0 GALLONS PER MINUTE (GPM)
- Use of Water: IRRIGATION OF 9.73 ACRES
- Source of Water: A WELL IN THE DESCHUTES RIVER BASIN
- Area of Proposed Use: DESCHUTES County within SECTION 9, TOWNSHIP 16 SOUTH, RANGE 12 EAST, W.M.

On 4/25/97, the Department mailed the applicant notice of its Initial Review, determining that the use of 0.12 Cubic Foot per Second (CFS) from a well in the Deschutes River Basin for Irrigation of 9.73 acres is allowable from March 1 to October 31 of each year. The applicant did not notify the Department to stop processing the application within 14 days of that date and did not submit any additional information about the pond identified on the application as part of the delivery system.

On 5/13/97, 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

The Deschutes Basin Program allows the following uses: IRRIGATION OF 9.73 ACRES.

The applicant has identified a pond as part of the delivery system. Additional information regarding use of the pond was requested from the applicant, in the Initial Review, if water was to be stored in the pond for uses in addition to irrigation or beyond the irrigation season. No additional information has been received by the Department.

Senior water rights exist on A WELL, IN THE DESCHUTES RIVER BASIN, or on downstream waters.

A WELL, IN THE DESCHUTES RIVER BASIN, is above a State Scenic Waterway.

Water is available for further appropriation for the period MARCH 1 THROUGH OCTOBER 31, the Irrigation Season.

The Department finds that no more than 0.122 CFS (54.7 GPM) would be necessary for the proposed use. The amount of water requested, 56.0 GPM (0.125 CFS), shall be restricted to 0.122 CFS (54.7 GPM).

The well is not within a designated critical ground water area.

The Department determined, based upon OAR 690-09, that the proposed groundwater use will not have the potential for substantial interference with the nearest surface water source, namely the Deschutes River.

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 Deschutes 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.

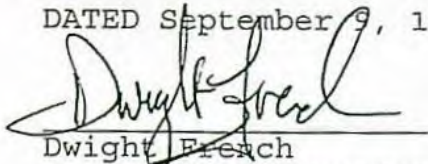
In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use would impair or be detrimental to the public interest.

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 September 9, 1997



Dwight French
Water Rights Section Manager

Protest Rights

Under the provisions of 537.621(7), you have the right to protest 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 a contested case hearing. If you do not request a hearing, the Department will presume that you do not wish to contest the findings of the proposed final order.
- If you do not protest this Proposed Final Order and if no substantive changes are made in the final order, you will not have an opportunity for judicial review, protest or appeal of the final order when it is issued.

Your protest must be received in the Water Resources Department no later than October 24, 1997.

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.

DRAFT

This is not a permit!!!
STATE OF OREGON

DRAFT

COUNTY OF DESCHUTES

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

BENJAMIN LINDNER
LESLIE D. COLE
20420 HARPER RD.
BEND, OREGON 97701

PHONE: (541) 383-3100

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

APPLICATION FILE NUMBER: G-14413

SOURCE OF WATER: A WELL IN THE DESCHUTES RIVER BASIN

PURPOSE OR USE: IRRIGATION OF 9.73 ACRES

MAXIMUM RATE: 0.122 CUBIC FOOT PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: NOVEMBER 18, 1996

POINT OF DIVERSION LOCATION: SW 1/4 NW 1/4, SECTION 9, T16S, R12E, W.M.;
1535 FEET SOUTH & 223 FEET EAST FROM NW CORNER, SECTION 9

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:

SW 1/4 NW 1/4 9.73 ACRES
SECTION 9
TOWNSHIP 16 SOUTH, RANGE 12 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.
- 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.

- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

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.

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. Complete application of the water to the use shall be made on or before October 1, 2001.

Issued _____, 199_

DRAFT - THIS IS NOT A PERMIT

Water Resources Department
Director

RECEIVED

JAN - 2 1998

WATER RESOURCES DEPT.
SALEM, OREGON

December 30, 1997

Water Rights Division
Water Resources Dept.
Attention: Dwight French, Section Manager
158 12th St. NE
Salem OR 97310-0210

Re: Application #G-14413. initiated Nov. 18, 1996

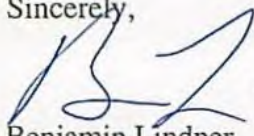
Dear Mr. French:

We were led to expect, according to the time line mandated by Administrative Procedures Act ORS 183, that the application process would be completed by mid-August.

We received a draft permit that was issued on September 9, 1997. The letter accompanying the draft said the final permit could be issued on October 24th, two months after the mandated deadline.

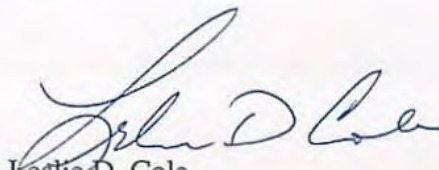
Please be advised that, almost five months past the original mandated completion date, we still have not received our final permit.

Sincerely,



Benjamin Lindner

&



Leslie D. Cole

cc: Representative Lynn Lundquist, 12503 S. Shumway Rd., Powell Butte, OR 97753

20420 Harper Rd.
Bend OR 97701 USA
Fax 541-383-7667

APRIL 25, 1997

BENJAMIN LINDNER & LESLIE D COLE
20420 HARPER RD
BEND, OREGON 97701

WATER
RESOURCES
DEPARTMENT

Reference: File G-14413

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 status of your application for water use. 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 OF 9.73 ACRES is allowable under OAR 690-505-002(1)(a), the Deschutes Basin Program.
4. The Department finds that no more than 53.9 gallons per minute is necessary for the proposed use. The amount of water requested, 56.0 gallons per minute, shall be limited to 53.9 gallons per minute, or 0.12 CUBIC FOOT PER SECOND (CFS).
5. The Department determined, based upon OAR 690-09, that the proposed groundwater use will not have the potential for substantial interference with surface water sources.
6. Water in the amount of 0.12 CFS for IRRIGATION OF 9.73 ACRES is available March 1 through October 31.

Summary of Initial Determinations

The use of 0.12 CFS from A WELL IN DESCHUTES RIVER BASIN for IRRIGATION OF 9.73 ACRES is allowable from March 1 to October 31 of each year.

Because of these favorable determinations to your application the Department can now move your application to the next phase of the water rights application review process. This phase is where public interest factors will be evaluated.



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

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.

NOTE: If more water is pumped into the pond than is used for irrigation (i.e. if additional water is used in the pond for aesthetic or other uses), it will be necessary to amend your application to include an additional amount of water for maintenance of the pond for uses in addition to irrigation. If you choose to amend your application for uses in addition to irrigation, please do so within 30 days. (If no more water is pumped into the pond than is used for irrigation, and the pond is empty at the end of each irrigation season, then no amendment is necessary.)

To Proceed With Your Application:

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

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$50 processing charge per application.) To accomplish this you must notify the Department in writing by MAY 9, 1997. For your convenience you may use the enclosed "STOP PROCESSING" form.

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

1. Measurement, recording and reporting conditions:
 - A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
 - 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.
 - C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In

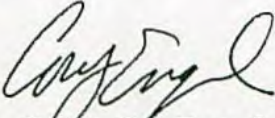
addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

2. Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.
3. 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.
4. You will be required to comply with state and federal water quality standards.
5. The priority date for this application is November 18, 1996.

If you have any questions:

Feel free to call me at (503) 378-8455 or 1 (800) 624-3199 extension 457 if you have any questions. Please have your application number available if you call.

Sincerely,



Mr. Cory C. Engel
Initial Reviewer

cc: Regional Manager, Watermaster District 03, Water
Availability Section
enclosures: Flow Chart of Water Right Process
Stop Processing Form

Application No.

G-14413

State of Oregon
WATER RESOURCES DEPARTMENT

RECEIVED

Application for a Permit to Appropriate Groundwater

NOV 18 1996
WATER RESOURCES DEPT.
SALEM, OREGON

Applicant(s) Benjamin Lindner & Leslie D. Cole

(Please print or type - use dark ink)

Mailing Address: 20420 Harper Rd.

Bend

City

OR

State

97701

Zip

541-383-3100

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

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NOV 18 1996

If development is less than one mile from a natural stream, give the following:

Distance from development to stream: _____

WATER RESOURCES DEPT.
SALEM, OREGON

Elevation difference between streambed and development: _____

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.

SEE WELL REPORT ENCLOSED

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: _____

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

2. TOTAL AMOUNT OF WATER to be applied to beneficial use: _____ cubic feet per second, OR 56 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: irrigate pasture

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;

Irrigation 9.73

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).

5 HP well pump to lined pond.

Application by big gun system powered by
7 1/2 HP pump thru 3" buried main line.

5. PROJECT SCHEDULE: (List month and year)

Proposed date construction work will begin _____

Proposed date construction work will be completed all work has been completed.

Proposed date water use will be completed _____

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 ☐ 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 ☐ CWRE ☐ Other (Identify in REMARKS section)

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OCT 29 1996

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.

WATER RESOURCES DEPT.
SALEM, OREGON

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:

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NOV 18 1996

WATER RESOURCES DEPT.
SALEM, OREGON

8. If you answered "NO" to question #7 above, do you have written authorization or an easement permitting access to the lands you do not own?

YES ☐ NO ☐

I understand that if I do not own all property associated with this application, I may be required to submit a copy of my written authorization or easement for access before a permit can be issued.

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

Date

Date

10/18/96

10/18/96

FOR WATER RESOURCES DEPARTMENT USE ONLY

Dear Applicant:

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

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

_____, 19____.

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

Water Resources Director

By: _____

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the 18th day of November, 1976, at 8 o'clock, PM M.

APPLICATION NO: G-14413

RECEIVED

OAR 690-310-040(1)(K)
APPLICATION REQUIREMENTS
INFORMATIONAL SHEET

OCT 29 1996

WATER RESOURCES DEPT.
SALEM, OREGON

(If information is not available, or does not apply, please indicate)

Describe why the amount of water requested is needed, measures you propose to prevent waste and how you propose to measure the amount of water appropriated/diverted.

No irrigation water is available in our district.

We have lined our pond to prevent seepage, and we use a big gun irrigation system, which is closely monitored. Our pump is on a timer so we can accurately measure the amount of water we are applying.

Describe measures to prevent the discharge of contaminated water to a surface stream.

We will have no discharge, and there are no streams in our area.

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NOV 18 1996

If for surface water, describe how you plan to protect damage to aquatic life and riparian habitat and measures to prevent damage to public uses of affected surface waters.

N/A

Applicant Name *Benjamin Lindner & Leske D Cole* File No. _____

Water Right Conditions Tracking Slip

Groundwater/Hydrology Section

FILE ## G-14413

ROUTED TO: Craig

TOWNSHIP/

RANGE-SECTION: 16S/12E/09

APPLICATION ACCEPTED? ☒ yes ☐ no

CONDITIONS ATTACHED? ☒ yes ☐ no

REMARKS OR FURTHER INSTRUCTIONS:

Reviewer: Sarah

TO: Water Rights Section 12/10, 199 6
FROM: Groundwater/Hydrology Section Sarah Galt
SUBJECT: Application G-144/3
Reviewer's Name

GROUNDWATER/SURFACE WATER CONSIDERATIONS

1. PER THE Deschutes 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. X will not surface water source, namely Deschutes River; or
 - c. ___ will if properly conditioned, adequately protect the surface water from interference:
 - i. ___ The permit should contain condition #(s) _____;
 - ii. ___ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. ___ The permit should be conditioned as indicated in item 4 below; 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. X will if properly conditioned, avoid injury to existing rights or to the groundwater resource:
 - i. ___ The permit should contain condition #(s) 7J, 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 _____ 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: _____

(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)

STATE OF OREGON
WATER RESOURCES DEPARTMENT

INTEROFFICE MEMO

TO: FILE G- 14413
FROM: SARAH M. GATES
SUBJECT: SURFACE/GROUND WATER CONSIDERATIONS

DATE: 12/10/96

The applicant seeks 56 gpm from a well for irrigation of pasture

Township 16S Range 12E Section 9 County Deschutes
1535' S and 223' E from NW CORNER

Per Division 9

The well is located 4000 feet from Deschutes River
Elevation of well 3170 river 3020 difference 150
Well # L0000114

Well was
drilled in
12/8/95
And
deepened
in 10/10/96

LOG # _____

Depth of well 545

Casing to 18 1/2

Lined to 528

Sealed to 18 1/2

SWL 443 on 10/10/96

Depth water first found 465

Applicant Benjamin Lindner + Leslie D. Cole
20420 Harper Road
Bend, OR 97701
541-383-3100

Perforations/screens 480-560 (replaced?) units Brown Sandstone
508-528 units Brown Sandstone
/ units /
/ units /

Well Tests (P/A/B/FA) 40+ / 0' / @ 540' / 1 hr

Information sources Well log, Tumble Creek
Observation wells? _____

Conceptual model Thick capping lava @ top (with some thin ss layers)
and a thick Brown Sandstone layer / conglomerate layer
below. Groundwater flows to the NNE direction for
several miles before discharging into the
Deschutes River. Several domestic users
nearby (90 total) and 4 Municipal Wells.
Recommend interference Condition.

Confined, semi-confined, or unconfined?

DIRECT hydraulic connection?

Potential to cause substantial interference?

Objections? NO

CONDITIONS: FI, FB

YES NO
YES NO

County: Deschutes

Quad name & #: _____

REVIEW CHECKLIST

FOR G-144B

- ☒ Appropriate parts of the stream index
- ☒ Estimated number of wells within a one-mile radius & identified types.
- ☒ State Observation wells within a five-mile radius.
- ☒ Verify that well log is in file. If not provide one.
- ☒ List groundwater permits within a five-mile radius with extraordinary conditions.

Number of wells: _____

Well location: 16S/12E - Sec 09

APPLICATIONS WITH PERMIT CONDITIONS:

G-12905

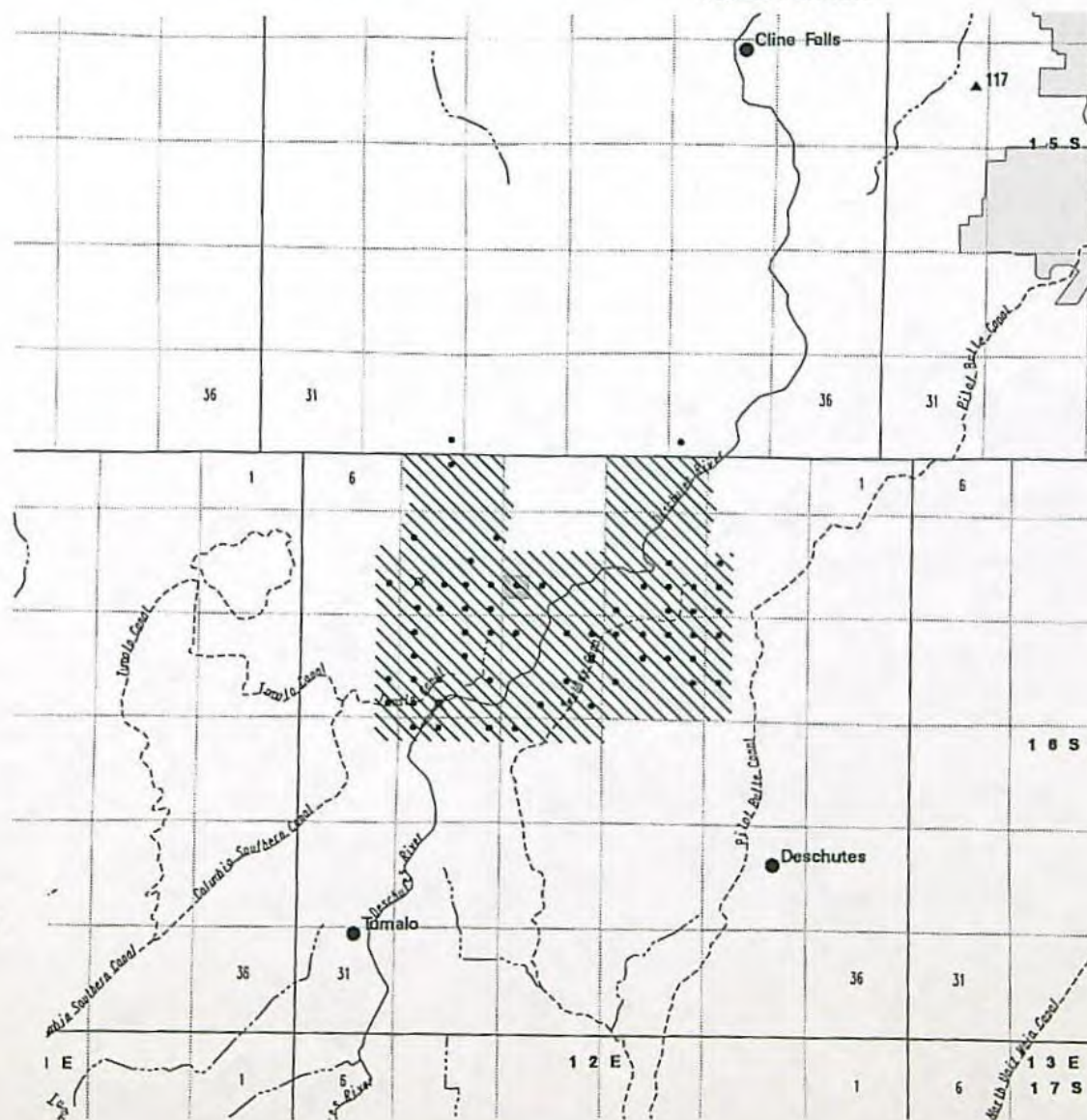
G-12742

G-13100

G-13345

Wells in the vicinity of application G 14413

- Application well(s) in this 1/4-1/4 section
- Well(s) identified in this section from OWRD's well log database within 1 mi. radius of application well(s)
- Well(s) identified in this 1/4-1/4 section from OWRD's well log database within 1 mi. radius of application well(s)
- ✕ Permitted well(s) in this 1/4-1/4 section within 1 mi. radius of application well(s)
- ▲ OWRD Observation well and well-id within 5 mi. radius of application well(s)
- Critical GW Area
- Regulated GW Area



WELLS WITHIN 1 MILE OF G 14413
DO 90
MU 4

PERMITTED WELLS WITHIN 1 MILE OF APPLICATION G 14413

	PERMIT	T/R/S/QQ	USE	RATE	UNITS
G	11016	16.00S12.00E 8SWNW	IS	0.8200	C
G	11018	16.00S12.00E17NESW	IR	0.0400	C

Deschutes
Co

PFO CHECKLIST

Application #: 6 14413

Basin: Deschutes-5 WAB: _____

Township 16S Range 12E Section 9 1/4 1/4 SW NW

- ✓ 1. Is the file complete by the Completeness Checklist? Y N
- ✓ 2. Shortcomings (items needed before a permit and/or FO can be issued) Y N
- ✓ 3. Check file for indicators that the process should not continue until a later date (ie - protest, letter to file indicating hold, or other)
- ✓ 4. Groundwater Review A B C D River/Stream Name Deschutes R. Conditions 75, 7B
✓ a. Groundwater Availability A B C
✓ b. Is second groundwater review necessary? (comments) Y N
✓ c. Is HB 1033 review complete? Y N
- ✓ 5. If source is groundwater, is the well located in a groundwater limited area? (If applicable, include map with POD) Y N
- ✓ 6. Is use from a B.O.R. project? Y N Contract in file? Y / N Contract # _____
- ✓ 7. Is the use allowed by the Basin Program? Y / N Limited? Y / N
- ✓ 8. Water Availability Data OK / REDONE NA (50% before July 17, 1992; 80% live flow & 50% storage after July 17, 1992)
- ✓ 9. Is the source withdrawn or limited by statute or Department withdrawal order? Y / N
- ✓ 10. Is the Proposed Use located in or above a Scenic Waterway? Y / N Deschutes R.
- ✓ 11. Division 33: Above Bonn (after July 17, 1992) Y / N / NA
Below Bonn (after April 8, 1994; June 3, 1994) Y / N / NA
Statewide - (in shaded areas on T, E, and S Map - after June 3, 1994) Y / N / NA
- ✓ 12. Have conflicts been identified, verified and/or addressed? Y / N none identified by I.R.
- ✓ 13. Rate 1/80 Duty 3.0 Irrigation Season March → Oct
- ✓ 14. Period of Allowed Use March → Oct
- ✓ 15. Allowed Rate of Use 0.122 cfs (54.7 gpm)
requesting 56 gpm = 0.125 cfs
- ✓ 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)?
- ✓ 17. Conditions 75, 7B
- ✓ 18. IR Public Notice Date 5-13-97
- ✓ 19. Documents used in determination are attached and highlighted
See I.R. checklist
- ✓ 20. Spell Check
- ✓ 21. Check for Accuracy
- ✓ 22. Final PFO report hard copy check (format, margins, etc.)
- ✓ 23. Final PFO has been saved to m:\tpfo\done\week#Application #
- ✓ 24. Fill out PFO CC List (don't forget to check for other property owners)
✓ a. Re-notify Water Availability? (Rate, Duty and Period of Allowed Use changes) Y / N

Name: Laura Sweelaker

Date: 8-14-97

$$9.73 \text{ ac} \times \frac{1}{80} = 0.122 \text{ cfs max}$$

or 54.7 gpm

Application No. *G-14413*
Permit No.

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OCT 29 1996

WATER RESOURCES DEPT.
SALEM, OREGON

Oregon

WATER

RESOURCES

DEPARTMENT

NOTE TO LOCAL GOVERNMENTS

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NOV 18 1996

WATER RESOURCES DEPT.
SALEM, OREGON

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.

*Deschutes County
Planning*



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: Benjamin Lindner & Leslie Cole
 Address: 20420 Harper Rd.
Bend OR 97701
 Phone: 541-383-3100

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): pasture
- ☐ 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.
<input type="checkbox"/> Surface Water Name sources _____ _____ _____	_____ Cubic feet per second. <u>56</u> Gallons per minute. _____ Acre-Feet
<input type="checkbox"/> Reservoir or pond	
<input checked="" type="checkbox"/> Ground Water	

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OCT 29 1996

WATER RESOURCES DEPT.
 SALEM, OREGON

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

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OCT 29 1996

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.

NOV 18 1996

Applicant's Name: Benjamin Lindner & Leslie D. Cole

Address: 20420 Harper Rd.

City: Bend State: OR Zip: 97701 Day Phone: 541-383-3100

WATER RESOURCES DEPT.
SALEM, OREGON

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
16-12-09-00-	00503	MUA-10			✓

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): SECT. 18.32.020. 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: DESCHUTES COUNTY PLANNING

Staff Contact: JAMES J. LEWIS Phone: 541-388-6575

Signature: James J. Lewis Date of Information Request: 10-23-96

(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: JAMES J. LEWIS Date: 10-23-96

Title: ASSOCIATE PLANNER Phone: 541-388-6575

Signature: James J. Lewis

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:

* AGRICULTURAL USE & SINGLE-FAMILY DWELLING
PERMITTED OUTRIGHT. (18.32.020)
* NO LAND-USE PERMITS NECESSARY.

STATE OF OREGON
WATER SUPPLY WELL REPORT
(as required by ORS 537.765)

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

(1) OWNER: Mike Constantine Well Number _____
Name Mike Constantine
Address P.O. Box 292
City Terrebonne State Ind. Zip 47775

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

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

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

(5) BORE HOLE CONSTRUCTION:
Special Construction approval ☐ Yes ☒ No Depth of Completed Well 500 ft.
Explosives used ☐ Yes ☒ No Type _____ Amount _____

HOLE		SEAL					
Diameter	From	To	Material	From	To	Sacks or pounds	
12"	0	18 1/2'	Bentonite	0	18 1/2'	10	
8"	18 1/2'	500					

How was seal placed: Method ☐ A ☐ B ☐ C ☐ D ☐ E
☐ Other Poured in Dry
Backfill placed from _____ ft. to _____ ft. Material _____
Gravel placed from _____ ft. to _____ ft. Size of gravel _____

Diameter		From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing:		8"	7 1/2'	18 1/2'	2500	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Liner:		10"	7 1/2'	500	18 1/2'	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Final location of shoe(s) _____

Diameter		From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
From		480	500	8x3	256	6		<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

Yield gal/min	Drawdown	Drill stem at	Time
25+	0	495	1 hr

Temperature of water 52° Depth Artesian Flow Found _____
Was a water analysis done? ☐ Yes By whom _____
Did any strata contain water not suitable for intended use? ☐ Too little
☐ Salty ☐ Muddy ☐ Odor ☐ Colored ☐ Other _____
Depth of strata: _____

(9) LOCATION OF WELL by legal description:
County Deschutes Latitude _____ Longitude _____
Township 16 N or S-Range 12 E or W. WM.
Section 09 SW 1/4 NW 1/4
Tax Lot 507 Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) Harper Rd
Tumalo, Ore

(10) STATIC WATER LEVEL:
443 ft. below land surface. Date 12-8-95
Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:
Depth at which water was first found _____

From	To	Estimated Flow Rate	SWL
465	500	25+	443

(12) WELL LOG: WATER RESOURCES DEPT.
Ground Elevation SALEM, OREGON

Material	From	To	SWL
Top Soil	0	1	
Loam	1	3	
Brown Concl.	3	9	
Loam	9	29	
Brown Sand Stone	29	41	
Loam	41	173	
Brown Sand Stone	173	221	
Brown Course Concl.	221	249	
Gray Concl.	249	465	443
White, Brown Sand	465	500	
Stone			

Date started 12-7-95 Completed 12-8-95

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

Signed Mike Constantine WWC Number _____ Date 12-8-95

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

Signed Mike Constantine WWC Number 1255 Date 12-8-95

STATE OF OREGON
WATER SUPPLY WELL REPORT
(as required by ORS 537.765)

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

Application No. 674413

(START CARD) # 92990

10000114

(1) OWNER:

Well Number _____

Name Ben Lindner
Address 20420 Harper Rd
City Bend State Ore. Zip 97701

(2) TYPE OF WORK

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

(3) DRILL METHOD:

☒ Rotary Air ☐ Rotary Mud ☐ Cable ☐ Auger

☐ Other _____

(4) PROPOSED USE:

☒ Domestic ☐ Community ☐ Industrial ☐ Irrigation
☐ Thermal ☐ Injection ☐ Livestock ☐ Other _____

(5) BORE HOLE CONSTRUCTION:

Special Construction approval ☐ Yes ☒ No Depth of Completed Well 545 ft.

Explosives used ☐ Yes ☒ No Type _____ Amount _____

HOLE

SEAL

Diameter From To Material From To Sacks or pounds

8 500 Already Grouted
6 500 545

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

☐ Other _____

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

Gravel placed from _____ ft. to _____ ft. Size of gravel _____

(6) CASING/LINER:

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing:				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Liner:	<u>6</u>	<u>0</u>	<u>500-545</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Final location of shoe(s) _____

(7) PERFORATIONS/SCREENS:

☒ Perforations Method Factory
☐ Screens Type _____ Material _____

From	To	Slot size	Number	Diameter	Tube/pipe size	Casing	Liner
<u>508</u>	<u>528</u>	<u>4x3</u>	<u>256</u>	<u>6</u>		<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

Yield gal/min	Drawdown	Drill stem at	Time
<u>40+</u>	<u>0</u>	<u>540</u>	<u>1 hr</u>

Temperature of water 54.0 Depth Artesian Flow Found _____

Was a water analysis done? ☐ Yes By whom _____

Did any strata contain water not suitable for intended use? ☐ Too little

☐ Salty ☐ Muddy ☐ Odor ☐ Colored ☐ Other _____

Depth of strata: _____

(9) LOCATION OF WELL by legal description:

County Deschutes Latitude _____ Longitude _____
Township 16 N or S Range 12 E or W. WM.
Section 09 SW 1/4 NW 1/4
Tax Lot 503 Lot _____ Block _____ Subdivision _____

Street Address of Well (or nearest address) 20420 Harper Rd Bend Ore. 97701

(10) STATIC WATER LEVEL:

443 ft. below land surface. Date 10-10-96
Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:

Depth at which water was first found 465

From	To	Estimated Flow Rate	SWL
<u>465</u>	<u>545</u>	<u>40+</u>	<u>443</u>

(12) WELL LOG:

Ground Elevation _____

Material	From	To	SWL
<u>Li. B. Brown Sandstone</u>	<u>500</u>	<u>543</u>	
<u>Lava</u>	<u>543</u>	<u>545</u>	
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NOV 18 1996			
WATER RESOURCES DEPT.			
SALEM OREGON			
RECEIVED			
OCT 29 1996			
OCT 29 1996			
WATER RESOURCES DEPT.			
SALEM, OREGON			

Date started 10-9-96 Completed 10-10-96

(unbonded) Water Well Constructor Certification:

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

Signed Halper WWC Number _____ Date 12-12-96

(bonded) Water Well Constructor Certification:

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

Signed Tim Allen WWC Number 1257 Date 12-12-96

Sandra Smith, 10:31 AM 5/5/97 -, Initial Review G-14413

Received: from tdl11.netcnct.net (tdl11.netcnct.net [206.58.160.20]) by
klamath.wrd.state.or.us (8.7.5/8.7.3) with SMTP id KAA10715; Mon, 5 May 1997
10:31:12 -0700 (PDT)
Date: Mon, 5 May 1997 10:31:12 -0700 (PDT)
Message-Id: <1.5.4.16.19970505092621.1d2f2b28@mailhub.wrd.state.or.us>
X-Sender: smithsr@mailhub.wrd.state.or.us (Unverified)
X-Mailer: Windows Eudora Light Version 1.5.4 (16)
Mime-Version: 1.0
Content-Type: text/plain; charset="us-ascii"
To: Cory.C.ENGEL@wrд.state.or.us
From: Sandra Smith <Sandra.R.SMITH@wrд.state.or.us>
Subject: Initial Review G-14413
X-UIDL: 845e45234054d4d00f93095d09b80821

Cory, we just received the Initial Review for Benjamin Lindner & Leslie D.
Cole, G-14413. The Initial Review shows a carbon copy to Watermaster
District #3, this should be changed to Watermaster District #11. We mailed
the copy we received to Kyle.

APPLICATION FACT SHEET

Mail to: Applicant, Watermaster, District Biologist (ODFW)

If necessary, also mail to : Regional Water quality manager (DEQ), and DOA

Application File Number: G-14413

Applicant: BENJAMIN LINDNER COLE, LESLIE D

County: DESCHUTES

Watermaster: District 03

Priority Date: November 18, 1996

Source: A WELL IN DESCHUTES RIVER BASIN

Use: IRRIGATION OF 9.73 ACRES

Quantity: 0.12 CUBIC FOOT PER SECOND

Basin Name & Number: Deschutes, #05

Stream Index Reference: Volume 1 DESCHUTES R MISC

Point of Diversion Location: SWNW, SECTION 9, T16, R12E, W.M.; 1535 FEET
SOUTH & 223 FEET EAST FROM NW CORNER, SECTION 9

Place of Use: SWNW 9.73 ACRES, SECTION 9, TOWNSHIP 16 SOUTH, RANGE 12
EAST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: MAY 9, 1997

PUBLIC NOTICE DATE: Tuesday, MAY 13, 1997

30 DAY COMMENT DEADLINE DATE: Thursday, JUNE 12, 1997

APRIL 25, 1997

WATER
RESOURCES
DEPARTMENT

BENJAMIN LINDNER & LESLIE D COLE
20420 HARPER RD
BEND, OREGON 97701

Reference: File G-14413

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 status of your application for water use. 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 OF 9.73 ACRES is allowable under OAR 690-505-002(1)(a), the Deschutes Basin Program.
4. The Department finds that no more than 53.9 gallons per minute is necessary for the proposed use. The amount of water requested, 56.0 gallons per minute, shall be limited to 53.9 gallons per minute, or 0.12 CUBIC FOOT PER SECOND (CFS).
5. The Department determined, based upon OAR 690-09, that the proposed groundwater use will not have the potential for substantial interference with surface water sources.
6. Water in the amount of 0.12 CFS for IRRIGATION OF 9.73 ACRES is available March 1 through October 31.

Summary of Initial Determinations

The use of 0.12 CFS from A WELL IN DESCHUTES RIVER BASIN for IRRIGATION OF 9.73 ACRES is allowable from March 1 to October 31 of each year.

Because of these favorable determinations to your application the Department can now move your application to the next phase of the water rights application review process. This phase is where public interest factors will be evaluated.



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

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.

NOTE: If more water is pumped into the pond than is used for irrigation (i.e. if additional water is used in the pond for aesthetic or other uses), it will be necessary to amend your application to include an additional amount of water for maintenance of the pond for uses in addition to irrigation. If you choose to amend your application for uses in addition to irrigation, please do so within 30 days. (If no more water is pumped into the pond than is used for irrigation, and the pond is empty at the end of each irrigation season, then no amendment is necessary.)

To Proceed With Your Application:

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

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$50 processing charge per application.) To accomplish this you must notify the Department in writing by MAY 9, 1997. For your convenience you may use the enclosed "STOP PROCESSING" form.

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

1. Measurement, recording and reporting conditions:
 - A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
 - 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.
 - C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In

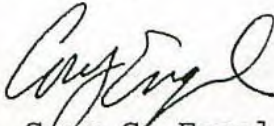
addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

2. Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.
3. 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.
4. You will be required to comply with state and federal water quality standards.
5. The priority date for this application is November 18, 1996.

If you have any questions:

Feel free to call me at (503) 378-8455 or 1 (800) 624-3199 extension 457 if you have any questions. Please have your application number available if you call.

Sincerely,



Mr. Cory C. Engel
Initial Reviewer

cc: Regional Manager, Watermaster District 03, Water
Availability Section
enclosures: Flow Chart of Water Right Process
Stop Processing Form

7-14413

INITIALS: IR CE PFO SPFO PROTEST FO

IR - STANDARD

REGION & DIST: (1 2 16 18 - NWR) (3 4 5 - NCR)
(6 8 9 10 - ER) (11 12 17 - SCR) (14 15 19 - SWR)

WATER AVAILABILITY

DISTRICT BIO TOWISE

IR, PFO, SPFO, PROTEST, FO - CONDITIONAL

DIVISION 33-115 thru 140 Y / N (ODFW District Bio
Col Riv Intertribal Fish Comm; USF&W; NW Power Plan Council; & NMFS)
DIVISION 33-310 thru 340 Y / N (ODFW District Bio
Agriculture; DEQ Office; WM) Send-IR Fact Sheet & Map
AGENT

PFO, SPFO, PROTEST, FO - STANDARD:

REGION, DIST & ODFW BIO (see ir standard above)

ODFW DIST BIO (see ir standard above)

PFO, SPFO, PROTEST, FO - CONDITIONAL

WATER AVAILABILITY Y / N

AGENT

\$10 Letter To:

MAILERS INITIALS & DATE

IR PFO SPFO PROTEST FO

CH 4/25

OVER Y / N

Revised 3/10/96

NEW APPLICATION ROUTING SLIP

RECEIPTING 11/21/96 cak

DATA CENTER 12/2/96 mo

FRED LISSNER _____

WR DATA ENTRY 12/12/96 gwg

INITIAL REVIEW 4/16/97 CE

WR SUPPORT 12/12/96 Cam

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

158 12TH ST. N.E.

SALEM, OR 97310-0210

378-8455 / 378-8130 (FAX)

RECEIPT # **8537**

INVOICE # _____

RECEIVED FROM: Leorio S. Pate

BY: _____

APPLICATION	614412
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # X 24731 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 200.00

0417 WRD MISC CASH ACCT

ADJUDICATIONS

\$

PUBLICATIONS / MAPS

\$

OTHER: (IDENTIFY) _____

\$

OTHER: (IDENTIFY) _____

\$

REDUCTION OF EXPENSE

CASH ACCT.

\$

PCA AND OBJECT CLASS

VOUCHER #

0427 WRD OPERATING ACCT

MISCELLANEOUS

0407

COPY & TAPE FEES

\$

0410

RESEARCH FEES

\$

0408

MISC REVENUE: (IDENTIFY) _____

\$

TC165

DEPOSIT LIAB. (IDENTIFY) _____

\$

WATER RIGHTS:

EXAM FEE

RECORD FEE

0201

SURFACE WATER

\$

0202

\$

0203

GROUND WATER

\$ 200.00

0204

\$ -0-

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 #

8537

DATED:

11-18-96

BY:

P. Richard

Distribution-White Copy-Customer, Yellow Copy-Fiscal, Blue Copy-File, Buff Copy-Fiscal

FILE#: G 14413

BENJAMIN LINDNER
COLE, LESLIE D
20420 HARPER RD
BEND, OR 97701

FILE#: G 14413

BENJAMIN LINDNER
COLE, LESLIE D
20420 HARPER RD
BEND, OR 97701

FILE#: G 14413

BENJAMIN LINDNER
COLE, LESLIE D
20420 HARPER RD
BEND, OR 97701

Application No. G-14413
Permit No.

Oregon

November 1, 1996

COPY
COPY

RECEIVED

RCES
WATER RESOURCES DEPT.

NOV 18 1996

WATER RESOURCES DEPT.
SALEM, OREGON

Permit No. Linder
1000 Cole
2000 Harper Rd.
Portland, OR 97701

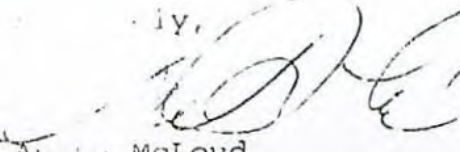
We received your application to use water. We need additional information so we can accept, review and decide if the application is approved.

You must provide the following:

1. A map that shows the Township, Range, Section, Quarter-quarter section and Tax Lot for the place of use. The location must be referenced by distance and bearing or coordinates to a recognized public land survey corner. And the place of use must be shown on the map by hatchuring or shading with the number of acres irrigated in each quarter-quarter indicated. Please refer to the Map Requirements for more information.

2. The application, supporting data and check no. 2582 in the amount of \$100 are being returned. We will complete our analysis when the application and information noted above is received.

3. Contact the Water Rights Information Group at 1-800-628-4949 or 503-596-4999 if you need any assistance with the map.

Sincerely,

Anna McLoud
Water Rights Specialist

SCAL
EN COR
WM DIST 11

Dear Ms. McLoud -
We added the requested information to the map, enclosed.

Thank you.
John Cole



Building
Street NE
97310-0210
739
78-8130

RECORDATION REQUESTED BY:

BANK OF THE CASCADES
61250 S HWY 97
P O BOX 9099
BEND, OR 97708

WHEN RECORDED MAIL TO:

BANK OF THE CASCADES
61250 S HWY 97
P O BOX 9099
BEND, OR 97708

Application No. 6-14413
Permit No.

RECEIVED

NOV 18 1996

WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

OCT 29 1996

WATER RESOURCES DEPT.
SALEM, OREGON

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE ONLY



Bank of the Cascades

MODIFICATION OF DEED OF TRUST

THIS MODIFICATION OF DEED OF TRUST IS DATED MARCH 18, 1996, BETWEEN BENJAMIN LINDNER and LESLIE D COLE, HUSBAND AND WIFE (referred to below as "Grantor"), whose address is 7162 SW BARBARA LANE, TIGARD, OR 97223; and BANK OF THE CASCADES (referred to below as "Lender"), whose address is 61250 S HWY 97, P O BOX 9099, BEND, OR 97708.

DEED OF TRUST. Grantor and Lender have entered into a Deed of Trust dated January 3, 1996 (the "Deed of Trust") recorded in DESCHUTES County, State of Oregon as follows:

RECORDED JANUARY 9, 1996 IN BOOK 396, PAGE 0659 DESCHUTES COUNTY OFFICIAL RECORDS

REAL PROPERTY DESCRIPTION. The Deed of Trust covers the following described real property (the "Real Property") recorded in DESCHUTES County, State of Oregon:

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (SW1/4 NW1/4) OF SECTION NINE (9), TOWNSHIP SIXTEEN (16) SOUTH, RANGE TWELVE (12), EAST OF THE WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS PARCEL 1, OF MINOR LAND PARTITION MP95-45 AND FILED DECEMBER 28, 1995, IN THE OFFICE OF THE COUNTY CLERK, AS PLAT PARTITION 1995-60.

The Real Property or its address is commonly known as 20420 HARPER RD, BEND, OR 97701. The Real Property tax identification number is 16 12 09 00 00501.


MODIFICATION. Grantor and Lender hereby modify the Deed of Trust as follows:

INCREASE AMOUNT TO \$168,000.00

CONTINUING VALIDITY. Except as expressly modified above, the terms of the original Deed of Trust shall remain unchanged and in full force and effect. Consent by Lender to this Modification does not waive Lender's right to require strict performance of the Deed of Trust as changed above nor obligate Lender to make any future modifications. Nothing in this Modification shall constitute a satisfaction of the promissory note or other credit agreement secured by the Deed of Trust (the "Note"). It is the intention of Lender to retain as liable all parties to the Deed of Trust and all parties, makers and endorers to the Note, including accommodation parties, unless a party is expressly released by Lender in writing. Any maker or endorser, including accommodation makers, shall not be released by virtue of this Modification. If any person who signed the original Deed of Trust does not sign this Modification, then all persons signing below acknowledge that this Modification is given conditionally, based on the representation to Lender that the non-signing person consents to the changes and provisions of this Modification or otherwise will not be released by it. This waiver applies not only to any initial extension or modification but also to all such subsequent actions.

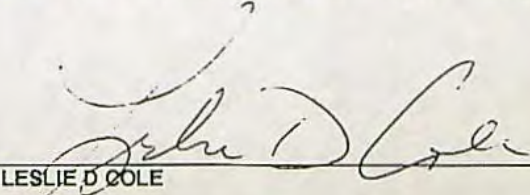
EACH GRANTOR ACKNOWLEDGES HAVING READ ALL THE PROVISIONS OF THIS MODIFICATION OF DEED OF TRUST, AND EACH GRANTOR AGREES TO ITS TERMS.

GRANTOR:

X 

BENJAMIN LINDNER

X


LESLIE D COLE

PRE-TR APPLICATION PROCESSING OUTLINE

G14413

Application File #

MINIMUM REQUIREMENTS TO FILE

OAD 690-11-020

DATE STAMP

DATE

INITIAL

4.9.97

DWP

Name and mailing address of applicant

Source of water

Quantity of water

Map showing location of POD & POU

Use of water

Names and addresses of legal owners

Signature of applicant

Oath

Application date stamped per money receipt date

Land use approved pending

If reservoir < 5 AF \$, if > 5 AF \$

HB 2153/HB 2107 APPLICATION -- SEE REVERSE

Route to Data Center (Unless 2153/2107)

DATA CENTER

Stream Code

Entered into WRIS

SUPPORT SERVICES

Stamp contents with application number

Mail ack letter (provided by Data Center) with receipt to applicant, cc to CWRE and file

Place label on file and calender card

APPLICATION SECTION

Stream Indexed Basin #

Plat Carded and copy made YES NO

If dam is over 10 feet or storage exceeds 9.2

AC-FT, route file to Dam Safety Section

TR CASEWORKER

TR Checklist complete

YES NO

Within Irrigation District

District Notified

District excerpt received

TR Mailed DATE

Public Interest Checklist complete

Management Codes

REMARKS:

C62

Application No. G 14413

Permit No. G13354

Name BENJAMIN LINDNER
COLE, LESLIE D

Address 20420 HARPER RD
BEND, OR 97701

Assigned

Address

Beginning construction 2/28/99

Completion of construction

Extended to

Complete application of water 10/1/62

Extended to