

RECEIVED  
APR 24 2003  
WATER RESOURCES DEPT.  
SALEM, OREGON

Central Oregon Irrigation District

John Herlocker Assistant Manager 541-548-6047

Oregon Government Standards and Practices Commission

L. Patrick Hearn

United States Forest Service

Crooked River National Grassland

Glen Adams Range Conservationist 541-416-6640

Department of Environmental Quality - Bend, Oregon

(refer to Bill Zelenka - Crook County about the DEQ complaint)

Bureau of Land Management - Prineville, Oregon

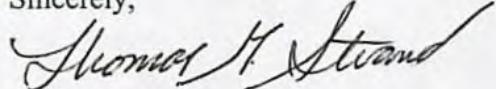
(refer to Sheriff Rodd Clark about the BLM complaint)

I feel it would still be a good idea for you, Bob Main, Kyle Gorman, and myself to get together and work this out. Please feel free to call me.

Home - 541-548-5747

Cell - 541-480-8673

Sincerely,



Thomas G. Strand

RECEIVED  
APR 24 2003  
WATER RESOURCES DEPT.  
SALEM, OREGON

Re: Thomas G. Strand and Crook County Improvement District #1  
Irrigation Water Exchange

The Board of Directors of the Crook County Improvement District #1 approved at its regular meeting on April 26, 1989 the exchange of irrigation water with Thomas G. Strand as follows: The district will furnish water to land owned by Mr. Strand and in exchange Mr. Strand will return water to the District in its canals. The same amount of water is to be returned by the end of the irrigation season. Mr. Strand has agreed to furnish and maintain Totalizing Flow meters and make them available to a representative of the district at all times.

This agreement is for a maximum of 70 acres.

Richard L. Butler Chairman

Ty Fehrenbacher Director

Thomas G. Strand Director

Thomas G. Strand Thomas G. Strand



# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

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

April 3, 2003

Thomas G. Strand  
18880 NW Lone Pine Lane  
Terrebonne, OR 97756

Reference: Application No. G-12177, Permit No. G-12561 and Exchange File No. T-7265

Dear Mr. Strand:

The Department is in receipt of your letter of March 25, 2003. Your letter does not contain the requirements of our administrative rules to be accepted. I am enclosing a copy of our rules to assist you in describing your disagreement with the proposed certificate mailed to you on February 27, 2003.

Any written request for reconsideration must be filed within 60 days from the date of mailing of the proposed certificate or within any additional time allowed as may be granted by the Department.

My letter of February 27, 2003, describes the process available to you in order to legally facilitate your exchange agreement. At this time the Department has not approved your exchange request and any irrigation of land not having a valid right of record is subject to regulation.

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

Sincerely,

Steve Brown  
Certificates

c: Northwest Farm Credit Services

enclosures

**Request for Reconsideration of the Contents of a Proposed Certificate**

(1) A request for reconsideration of the contents of a proposed certificate may be prepared by the permittee or landowner and submitted to the Department. The requests shall describe any disagreement with the contents of the proposed certificate.

(2) The request for reconsideration may be in the form of a phone call or personal contact, unless the disagreement proposes a change to any of the following:

(a) The source of water;

(b) The purpose for which the water is used;

(c) The quantity of water;

(d) The location of the points of diversion;

(e) The location of the use;

(f) The extent of the use; and

(g) Any conditions imposed upon the use.

(3) If the disagreement results in a change to any item listed in subsections (2)(a) through (g) of this rule, the request for reconsideration shall be completed in writing. The request shall set forth the changes to the proposed certificate or the final proof map, and shall include any facts which support the request. Maps, photographs, affidavits, receipts or other such evidence may be included to support the request.

(4) The Director may allow reasonable time beyond the time limit set under OAR 690-330-0010(2) for a permittee or landowner to complete and submit a written request for reconsideration.

(5) Upon receipt of a request for reconsideration, the Director shall:

(a) Approve the request without verification and issue a certificate with the changes included;

(b) Schedule field verification of the requested changes; or

(c) Deny the request by letter from Department staff to the requesting party.

(6) If field verification is scheduled, a new proposed certificate shall be prepared and sent as prescribed by OAR 690-330-0010.

(7) A request for reconsideration resulting from section (6) of this rule shall be approved or denied. If denied, the denial shall be in the form of an Order of the Director. The order shall provide for either issuance of a certificate of water right in conformance with the Director's findings, or for the scheduling of a contested case hearing as provided under OAR Chapter 690, Division 2.



# Oregon

Theodore R. Kulongoski, Governor

February 27, 2003

## Water Resources Department

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

Northwest Farm Credit SVCS  
P.O. Box 607  
Redmond, OR 97756

Thomas G. Strand  
Route 1, Box 53  
Redmond, OR 97756

Reference: Application No. G-12177, Permit No. G-12561 & Exchange File T-7265

Dear Ladies and Gentlemen:

The above referenced files were recently brought to my attention for review. Permit No. G-12561 authorizes the use of water from two wells for the irrigation of 92.5 acres. A Claim of Beneficial Use and Site Report (Report) was received in this office On September 27, 1999.

In review of our records, it appears that water is being exchanged under an agreement with Crook County Improvement District. While correspondence indicates the use of water under Permit No. G-12561 was intended to replace surface water under an exchange agreement, the permit was issued to irrigate land in Section 5. The Report does not confirm that water was actually used to irrigate the land authorized under the permit. Therefore, the use of water from Well No. 1, for the irrigation of the land in Section 5 is excluded from the proposed certificate.

Our records do not indicate any approval of the exchange of water as proposed by Exchange Application T-7265. You should consider submitting a new application for permit for replacement water in conjunction with the exchange request or file a permit amendment application for Permit G-12561 and a request for an extension of the time limits of the permit.

Please feel free to contact me if you have any questions regarding the proposed certificate. If you have any questions regarding the exchange file or a request for a permit amendment please contact Bernadette Williams, extension 275. If you have any questions regarding an extension of the time limits of the permit, you may contact Lisa Juul, extension 272.

Sincerely,

Steve Brown  
Certificates

c: Kyle Gorman, Region Manager



# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

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

DATE MAILED: FEBRUARY 27, 2003

### NOTICE

Enclosed is a proposed certificate of water right and a map which illustrates the location of the right. The map and proposed certificate represent the extent water was used within the terms of the permit based upon a survey and inspection.

If you do not agree with the proposed certificate or the map, Oregon Administrative Rule 690-330-010 (2) allows the permittee or landowner 60 days from the mailing date of this notice to request the Department to reconsider the contents of the proposed certificate.

If you agree with the proposed certificate and map no response to this notice is required. Sometime after the 60 day period, the recorded certificate of water right will be mailed to you.

If you have any questions please contact Steve Brown at (503) 378-8455, extension 263.

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STATE OF OREGON

COUNTY OF CROOK

PROPOSED CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

Northwest Farm Credit SVCS  
P.O. Box 607  
Redmond, OR 97756

Thomas G. Strand  
Route 1, Box 53  
Redmond, OR 97756

confirms the right to use the waters of WELL NO. 2 in the CROOKED RIVER BASIN for IRRIGATION OF 6.5 ACRES.

This right was perfected under Permit G-12561. The date of priority is JULY 16, 1990. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.081 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the well. The period of use under this right is March 1 through October 31 of each year.

The well is located as follows:

SW 1/4 NW 1/4, SECTION 8, TOWNSHIP 14 SOUTH, RANGE 14 EAST, W.M.; 3116 FEET NORTH AND 267 FEET EAST FROM THE SW CORNER OF SECTION 8.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

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

A description of the place of use to which this right is appurtenant is as follows:

NW 1/4 NW 1/4 0.9 ACRE  
SW 1/4 NW 1/4 5.6 ACRES  
SECTION 8  
TOWNSHIP 14 SOUTH, RANGE 14 EAST, W.M.

PROP.  
CERT  
Well No. 1  
excluding

Measurement, recording and reporting conditions:

- A. The water user shall install a meter or other suitable measuring device as approved by the Director. The water user shall maintain the meter or measuring device in good working order.
- B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the water user to keep and maintain a record of the amount (volume) of water used and may require the water user to report water use on a periodic schedule as established by the Director. In addition, the Director may require the water user to report general water use information, the periods of water use and the place and nature of use of water under the right. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.

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

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

The well shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon.

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

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

The right to use water for the above purpose is restricted to beneficial use, without waste, on the lands or place of use described. The water user is advised that new regulations may require use of best practical technologies or conservation practices to achieve this end.

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

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

The Director finds the use of water described by this right, as conditioned, will not impair or be detrimental to the public interest.

RECEIVED

MAR 28 2003

WATER RESOURCES DEPT.  
SALEM, OREGON

March 25, 2003

Thomas G. Strand  
18880 N.W. Lone Pine Lane  
Terrebonne, OR 97756

Steve Brown  
Water Resources Department  
158 12<sup>th</sup> Street N.E.  
Salem, OR 97301-4172

Reference: Application No. G-12177, Permit No. G-12561 & Exchange File T-7265

Dear Mr. Brown:

I do not agree with the proposed certificate. I would like to convene a meeting between yourself, me, and Kyle Gorman. I would also like to know what the status of T-7265 is and why it has taken approximately 8 years to process it.

I've been supplying water to the Lone Pine district in an equal amount for the lands as proposed in permit G-12561 and have irrigated them every year since 1996.

Sincerely, .



Tom Strand



# Oregon

Theodore R. Kulongoski, Governor

February 27, 2003

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

Northwest Farm Credit SVCS  
P.O. Box 607  
Redmond, OR 97756

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Route 1, Box 53  
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Sincerely,

Steve Brown  
Certificates

c: Kyle Gorman, Region Manager



# Oregon

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DATE MAILED: FEBRUARY 27, 2003

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## Water Resources Department

Commerce Building  
158 12th Street NE  
Salem, OR 97301-4172  
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April 3, 2003

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Terrebonne, OR 97756

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Sincerely,

Steve Brown  
Certificates

c: Northwest Farm Credit Services

enclosures

**Request for Reconsideration of the Contents of a Proposed Certificate**

(1) A request for reconsideration of the contents of a proposed certificate may be prepared by the permittee or landowner and submitted to the Department. The requests shall describe any disagreement with the contents of the proposed certificate.

(2) The request for reconsideration may be in the form of a phone call or personal contact, unless the disagreement proposes a change to any of the following:

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- (e) The location of the use;
- (f) The extent of the use; and
- (g) Any conditions imposed upon the use.

(3) If the disagreement results in a change to any item listed in subsections (2)(a) through (g) of this rule, the request for reconsideration shall be completed in writing. The request shall set forth the changes to the proposed certificate or the final proof map, and shall include any facts which support the request. Maps, photographs, affidavits, receipts or other such evidence may be included to support the request.

(4) The Director may allow reasonable time beyond the time limit set under OAR 690-330-0010(2) for a permittee or landowner to complete and submit a written request for reconsideration.

(5) Upon receipt of a request for reconsideration, the Director shall:

- (a) Approve the request without verification and issue a certificate with the changes included;
- (b) Schedule field verification of the requested changes; or
- (c) Deny the request by letter from Department staff to the requesting party.

(6) If field verification is scheduled, a new proposed certificate shall be prepared and sent as prescribed by OAR 690-330-0010.

(7) A request for reconsideration resulting from section (6) of this rule shall be approved or denied. If denied, the denial shall be in the form of an Order of the Director. The order shall provide for either issuance of a certificate of water right in conformance with the Director's findings, or for the scheduling of a contested case hearing as provided under OAR Chapter 690, Division 2.

Oregon Water Resources Department  
Water Rights Division

Assignment

Water Rights Application  
Number G-12177

Final Order

*Application History*

On July 16, 1990, THOMAS G STRAND submitted an application to the Department for a water use permit. On May 12, 1993, the application was assigned to NORTHWEST FARM CREDIT SERVICES, ACA, AND THOMAS G STRAND. The Department issued a Proposed Final Order on April 9, 1996. The protest period closed May 24, 1996, and no protest was filed.

The proposed use would not impair or be detrimental to the public interest, but the Department's continuing evaluation reveals that the Proposed Final Order requires modification to correctly describe the maximum quantity of water allowed.

Order

Application G-12177 therefore is approved as modified above, and Permit Number G-12561 is issued as limited by the conditions contained therein.

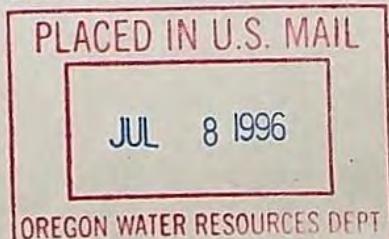
DATED July 8, 1996

*Steve Pepple*  
for Martha O. Pagel  
Director

*Hearing and Appeal Rights*

Under the provisions of ORS 537.170, the applicant may request a contested case hearing by submitting the information required for a protest under ORS 527.153(6) to the Department within 14 days after the date of mailing of this order as shown below. If a contested case hearing is requested, the Department must schedule one. In the contested case hearing, however, only those issues based on the above modifications to the proposed final order may be addressed.

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



IR CHECKLIST

Application #: 5 12177 Vol 5 Subbasin WAB: 01034400 POU-WAB 01034400  
Basin: 5 Township Range Section 1/4 1/4

1. Items have been verified on Completeness Checklist.
2. Check file for indicators that the process should not continue until a later date (ie - protest, items (other than oath) missing from the completeness check, letter to file indicating hold, or other)
3. A groundwater review has been evaluated for substantial interference with surface water (convert old gw conditions to the 7 series and add to the PFO, if necessary)  
ND a. Is the well located in a groundwater limited area?  
 b. A  B  C
4. Is the Proposed Use located in or above a Scenic Waterway?
- ND 5. Is the proposed use located in a TMDL Basin? (Tualatin, Yamhill, Pudding)
6. Is the use allowed or limited by the Basin Program? \_\_\_\_\_ 0AR(s) \_\_\_\_\_
7. Is the source withdrawn or limited? - State Engineer, Legislative (ORS 538), etc.
8. Basin Maps (metal cabinet) have been checked and River Mile (\_\_\_\_\_) has been identified
- ND 9. Water Availability Data has been verified (50% < July 17, 1992/80% [50% storage] > July 17, 1992) \_\_\_\_\_
10. Rate 1/80 Duty 3 Season ~~Feb~~ March 1 - Oct 31
11. Use Irrig. Period of Allowed Use March 1 - Oct 31
12. Priority Date(s) July 16, 1990
- ND 13. Is use from a B.O.R. project and if so, is a signed contract in the file? \_\_\_\_\_
- ND 14. Division 33 (Abv Bonn > July 17, 1992 & Blw Bonn > April 18, 1994 or June 3, 1994) \_\_\_\_\_
15. Plat cards have been checked and a copy of the map is attached showing the conflict with \_\_\_\_\_
16. Land use approval OK'd needs approval county notified
17. conditions? (BOR, GW, etc.) 7B, 7J
18. Watermaster District #: 11
19. Regional Office (NWR, NCR, ER, SCR, or SWR)
20. IR has been saved to m:\t\ir\sent\app # from m:\t\ir\work\app #

Name: A. S. Date: 1-5-96

DUTY OF WATER TO BE USED WHEN ISSHNG PERMITS

STREAMS	DUTY	STREAMS	DUTY	STREAMS	DUTY	MISC. DUTIES	
BASIN NO. 1 ALL WATER	1/80 2 1/2	BASIN NO. 7 -WEST PRONG LITTLE WALLA WALLA RIVER -UMATILLA RIVER BELOW AND WEST OF PENDLETON -WALLA WALLA RIVER -BUTTER CREEK -PINE AND WILLOW CREEKS -TRIBS. OF WALLA WALLA RIVER FOR UPLAND EARLY IRRIGATION	1/40 3 1/40 4 1/2 3/80 4 1/60 3 1/80 2 1/2	BASIN NO. 12 -COFFEE POT CREEK -RATTLESNAKE CR. AND DONNER AND BLITZEN R. -SILVER CREEK -SILVIES RIVER -BLACK CANYON, H.L., HOME, ROARING SPRINGS, ROCK, SKULL, AND THREE MILE CREEKS -GROUND WATER	1/40 2 1/2 1/40 3 1/60 3 1/80 2 1/2 1/80 3 1/80 3	FROST PROTECTION HARVESTING OF CRANBERRIES IRR. OF CRANBERRIES	0.15 CTS PER. AC.
BASIN NO. 2 ALL WATER	1/80 2 1/2	-DUGGAR CREEK, MUD CREEK AND BRANCHES, AND UMATILLA RIVER ABOVE AND EAST OF PENDLETON -JOHNSON CREEK -GROUND WATER IN MILTON-FREEWATER GRAVEL AREA -OTHER GROUND WATER	1/80 3 1/80 4 1/40 4 1/2 1/80 3	BASIN NO. 13 -CRANE CR. AND GOOSE LAKE -BUCK AND SILVER CREEKS AND HART, SUMMER, AND WARNER LAKES -CHEWAUCAN RIVER -BRIDGE CREEK -GROUND WATER	1/40 2 1/2 1/40 3 1/40 4 1/80 3 1/80 3	DOMESTIC - L. F'G 1-2 HOUSES 3-5 HOUSES 6-10 HOUSES	0.01 0.02 0.03
BASIN NO. 3 -ALL WATER	1/80 2 1/2	BASIN NO. 8 -GRANDE RONDE RIVER -HURRICANE CREEK AND WALLOWA RIVER AND SOUTH FORK -IMMANA AND SNAKE RIVERS -MILL CREEK -GROUND WATER	1/40 3 1/40 3 1/2 1/40 4 V80 3 1/80 3	BASIN NO. 14 -WILDHORSE CREEK; TRIBS. TO LOST RIVER; KLAMATH, SPRAGUE, AND WILLIAMSON RIVERS; KLAMATH AND SWAN LAKES -FOUR AND SEVEN MILE CREEKS AND WOOD R. -LOST RIVER -ANNA AND CHERRY CR. -GROUND WATER	1/40 3 1/50 5 1/80 2 1/2 1/80 3 1/80 3	DOMESTIC ONLY 1 HOUSE UP TO 10 HOUSES	0.005 0.01
BASIN NO. 4 CHENOWITH, HOLMAN OR THREE MILE, MILL, AND MOSIER CREEKS FIFTEEN MILE AND NEAL CREEKS AND HOOD RIVER GROUND WATER	1/60 3 1/80 3 1/80 3	BASIN NO. 9 -BURNET RIVER -POWDER RIVER -NORTH POWDER AND SNAKE RIVERS -PINE CREEK -GROUND WATER	1/40 3 1/40 3 1/2 1/40 4 1/40 4 1/2 1/80 3	BASIN NO. 15 -ROGUE RIVER TRIBS, IF REQUESTED -ALTHOUSE CREEK AND ILLINOIS RIVER -LITTLE BUTTE CREEK AND ROGUE RIVER -GROUND WATER	1/40 4 1/2 1/50 3 1/2 1/80 4 1/2 1/80 2 1/2	STOCK, UNLESS INFO ON STOCK AND DISTRIBUTION SYSTEM JUSTIFIES MORE	0.005
BASIN NO. 5 -HAY CREEK AND WHITE R. CROOKED AND DESCHUTES RIVERS -TROUT CREEK -SQUAW CREEK -WILLOW CREEK -METOLIOUS RIVER -TUMALO CREEK -PAHLINA LAKE AND CREEK SNOW AND THREE CREEKS -ANTLOPE CREEK GROUND WATER	1/40 3 1/40 4 1/40 6 V50 4 1/2 1/60 2 1/60 3 1/70 2 1/2 1/70 4 1/80 2 1/2 1/80 3 1/80 3	BASIN NO. 10 -WILLOW CREEK AND MALHEUR RIVER -SNAKE RIVER -COTTONWOOD CREEK -GROUND WATER	1/40 3 1/40 4 1/80 3 1/80 3	BASIN NO. 16 -COW CREEK -OTHER STREAMS -GROUND WATER	1/70 3 1/2 1/80 2 1/2 1/80 2 1/2		
BASIN NO. 6 -CHERRY CREEK -GRIDGE CREEK, SOUTH FORK JOHN DAY RIVER, AND TRIBS. JOHN DAY R. -JOHN DAY RIVER, NORTH FORK, AND MIDDLE FORK COCHRAN (CUPPER) CREEK GABLE CREEK GROUND WATER	1/40 3 1/40 4 1/40 5 V50 4 1/80 4 1/80 3	BASIN NO. 11 -SNAKE RIVER -WILDHORSE CREEK -JORDAN CR. AND ONYHEE R. -GROUND WATER	1/40 4 1/60 2 1/2 1/60 4 1/80 3	BASINS NO. 17 & 18 ALL	1/80 2 1/2		

(a) The maximum economic development of this state, the attainment of the highest and best use of the waters of the Deschutes - Upper Crooked 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 Deschutes - Upper Crooked River Basin are hereby so classified.

(b) Applications for the use of the waters of the Deschutes - Upper Crooked River Basin shall not be accepted by any state agency for any other use and the granting of applications for such other uses is declared to be prejudicial to the public interest and the granting of applications for such other uses would be contrary to the integrated and coordinated program for the use and control of the water resources of the state.

(c) Structures or works for the utilization of the waters in accordance with the aforementioned classifications are also declared to be prejudicial to the public interest unless planned, constructed, and operated in conformity with the applicable provisions of ORS 536.310 and any such structures or works are further declared to be prejudicial to the public interest which do not give proper cognizance to the multiple-purpose concept.

(2) Water Quality

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

**Lower Crooked River Basin**

690-505-005

(1) Classifications

(a) The maximum economic development of this state, the attainment of the highest and best use of the waters of the Deschutes - Lower Crooked 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 Deschutes - Lower Crooked 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) No further appropriations of water except for domestic or livestock uses shall be made or granted by any state agency for the waters of Ochoco Creek and its tributaries.

(b) Applications for the use of the waters of the Deschutes - Lower Crooked River Basin shall not be accepted by any state agency for any other use and the granting of applications for such uses is declared to be prejudicial to the public interest and the granting of applications for such other uses would be contrary to the integrated and coordinated program for the use and control of the water resources of the state.

(c) Structures or works for the utilization of the water in accordance with the aforementioned classifications are also declared to be prejudicial to the public interest unless planned, constructed and operated in conformity with the applicable provisions of ORS 536.310 and any such structures or works are further declared to be prejudicial to the public interest which do not give proper cognizance to the multiple-purpose concept.

(2) Water Quality

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

**Note:** The Upper Deschutes River, Middle Deschutes River, Lower Deschutes River, Upper Crooked River and Lower Crooked River Basins are delineated on State Water Resources Board Map, File 5.7014, available from the Water Resources Department.

**Lower Main Stem Deschutes River**

690-505-006

(1) Classifications

(a) The maximum beneficial use of that portion of the main stem of the Deschutes River from its confluence with the Columbia River to and including river mile 100.0 is for recreation, fish and wildlife purposes and no appropriations of water in this area shall be permitted except for domestic, livestock, irrigation of lawn or noncommercial garden not to exceed one-half acre in area, recreation, fish and wildlife uses.

(b) The maximum economic development of the state and the attainment of the highest and best use of the waters of the lower main stem Deschutes River from river mile 100.0 to river mile 120.0 and the attainment of an integrated and balanced program for the benefit of the state as a whole will be achieved through utilization of the aforementioned waters for domestic, livestock, irrigation of lawn or noncommercial garden not to exceed one-half acre in area, hydroelectric power, fish, wildlife, and recreation purposes and the aforementioned waters of the main stem Deschutes River are hereby so classified.

TOWNSHIP 14S RANGE 14E W. M. SECTION 5

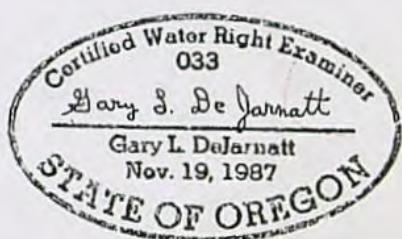
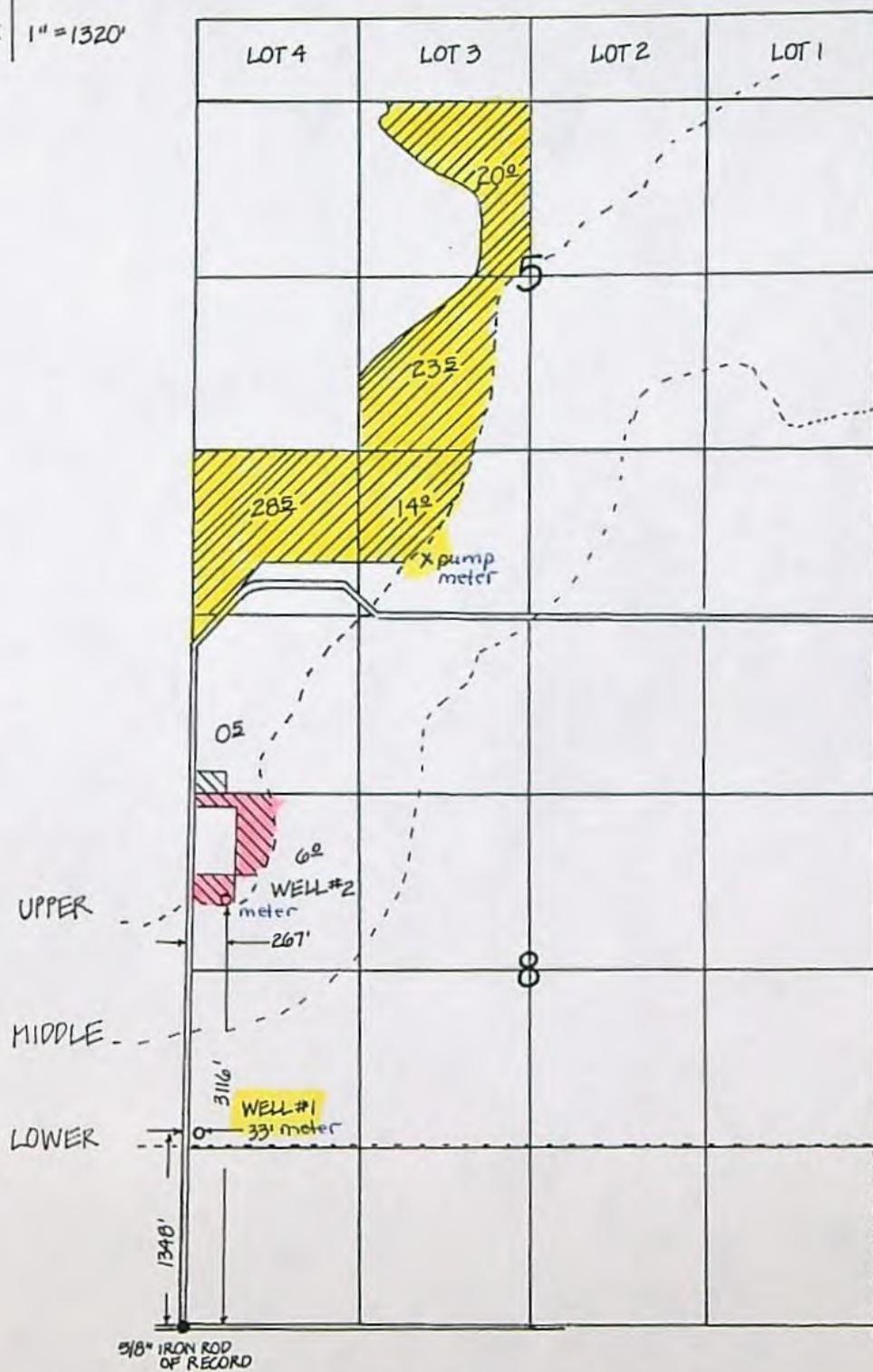
NCR  
May 14  
Sci

TOWNSHIP 14 S RANGE 14 E, W. M. SECTION 8

APPLICATION MAP  
APPROPRIATION OF WATER  
T.14S., R.14E., W.M.

Application No. 6-12177  
Permit No.

SCALE 1" = 1320'



DEJARNATT LAND SURVEYS, INC.

63885 N. HWY. 97  
BEND, OREGON 97701  
(503) 382-4192

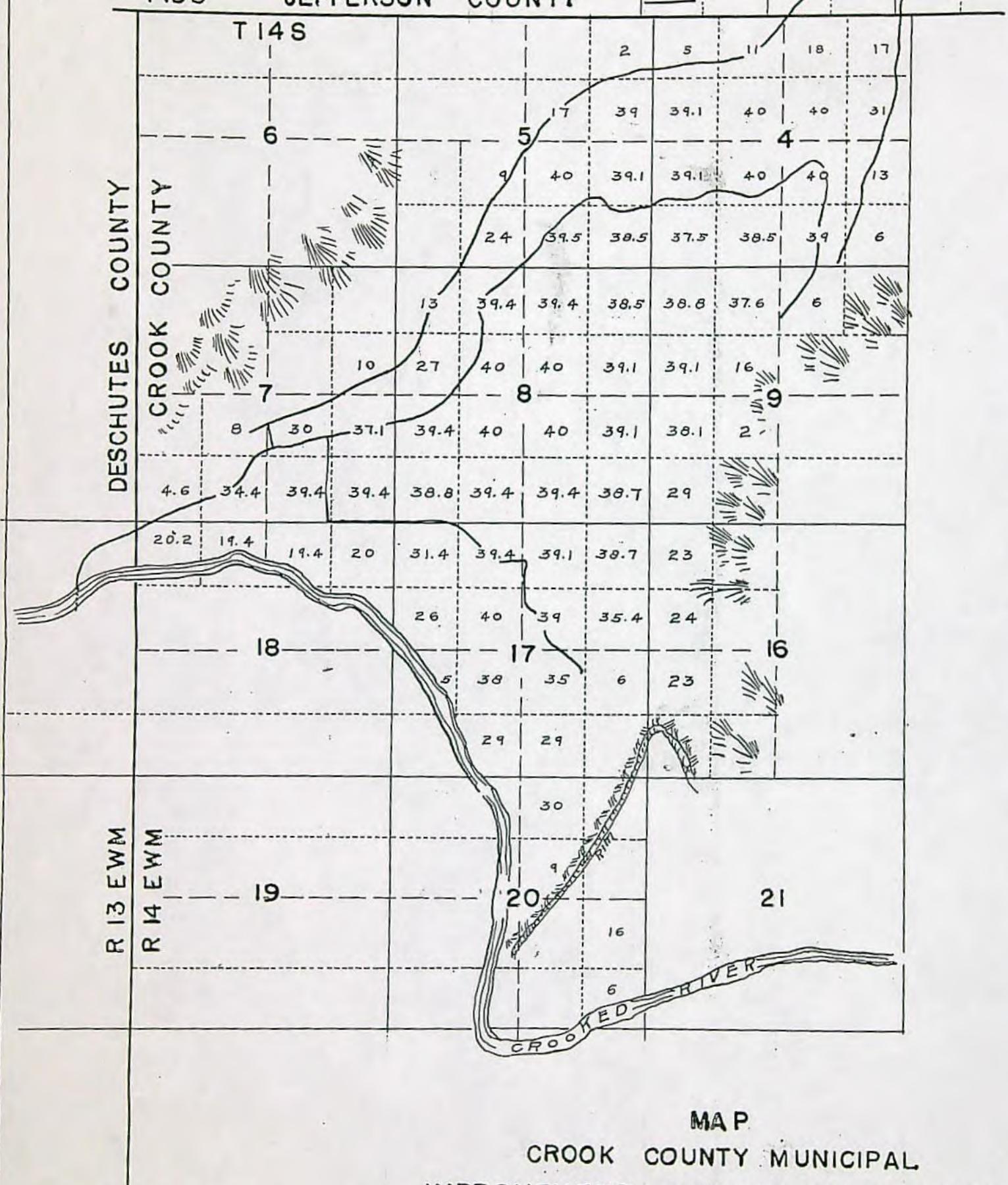
JOB # 90061  
SHEET 1 OF 1  
JULY 11, 1990  
REVISED 4-12-93

RECEIVED

JUL 15 1954  
STATE ENGINEER  
SALEM, OREGON

-33

T13S JEFFERSON COUNTY



MAP  
CROOK COUNTY MUNICIPAL  
IMPROVEMENT DISTRICT NUMBER ONE  
APPLICATION RI3179  
CRANE PRAIRIE RESERVOIR  
SHOWING ACRES TO BE IRRIGATED  
BY

REGISTERED  
OREGON.  
LAND SURVEYOR

Elton Mansfield  
June 15, 1954

MARCH 10, 1944  
Ellithorpe G. Mansfield  
10

MARCH 10, 1944  
Ellithorpe G. Mansfield  
10

Permit No.

CROOK COUNTY MUNICIPAL  
IMPROVEMENT DISTRICT NUMBER ONE

added to file  
9/14 SGI



3. INTENDED USE(s) OF WATER: irrigation

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	<u>Well # 1 86 acres</u>
	<u>Well # 2 6.5 acres</u>
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).

# 1 3 handlines 3"-2-1000', 1-1300', 1 Pivot 1180'- 1180' 6" mainline, 1000' 5" mainline  
# 2 2 handlines 1-1000', 1-320' - 600' 4" mainline  
\_\_\_\_\_

5. PROJECT SCHEDULE: (List month and year)

Proposed date construction work will begin # 1

Proposed date construction work will be completed # 2 7-12-90

Proposed date water use will be completed 7-12-90

NOTE: A map prepared by a Certified Water Right Examiner (CWRE) and a complete legal description of the subject property are required under ORS 537.140 and OAR 690 as a part of your application. The legal description may be copied from your deed, title insurance policy, or land sales contract.

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

*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)*

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

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

*REMARKS:* \_\_\_\_\_

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

*NOTE: The permit, when issued, is for the beneficial use of water without waste. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan. It is possible the land use you propose may not be allowed if it is not in keeping with the goals and acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.*

Thomas H. Siemard  
Signature of Applicant

Signature of Applicant

1

7-12-90

Signature of Co-Applicant, if any

Date

FOR WATER RESOURCES DEPARTMENT USE ONLY

Dear Applicant:

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

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

\_\_\_\_\_, 19\_\_\_\_.

WITNESS my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
*Water Resources Director*

By: \_\_\_\_\_

This instrument was first received in the office of the Water Resources Director at Salem,  
Oregon, on the 16<sup>th</sup> day of July, 1970, at 8 o'clock, a M.

APPLICATION NO: 9-12177

STATE OF OREGON

COUNTY OF CROOK

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

THOMAS G STRAND  
RT 1 BOX 53  
TERREBONNE, OREGON 97760

(541) 548-5747

NORTHWEST FARM CREDIT SERVICES, ACA  
PO BOX 607  
REDMOND, OREGON 97756

(541) 548-2126

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

APPLICATION FILE NUMBER: G-12177

SOURCE OF WATER: TWO WELLS WITHIN THE CROOKED RIVER BASIN

PURPOSE OR USE: IRRIGATION OF 92.5 ACRES

VOLUME OF USE: 1.16 CUBIC FOOT PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: JULY 16, 1990

POINT OF DIVERSION LOCATION: SW 1/4 NW 1/4, NW 1/4 SW 1/4, SECTION 8, T14S, R14E, W.M.; WELL 1 - 1348 FEET NORTH AND 33 FEET EAST; WELL 2 - 3116 FEET NORTH AND 267 FEET EAST, BOTH FROM THE SW CORNER OF SECTION 8

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:

SE 1/4 NW 1/4	20.0 ACRES
NE 1/4 SW 1/4	23.5 ACRES
SW 1/4 SW 1/4	28.5 ACRES
SE 1/4 SW 1/4	14.0 ACRES
SECTION 5	

NW 1/4 NW 1/4	0.5 ACRE
SW 1/4 NW 1/4	6.0 ACRES
SECTION 8	

TOWNSHIP 14 SOUTH, RANGE 14 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.

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.

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.

**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.

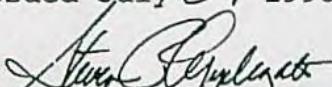
The use of water shall be limited when it interferes with any prior surface or ground water rights.

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 wells shall begin within one year from permit issuance and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued July 8, 1996

BC 24

  
Martha O. Pagek, Director  
Water Resources Department

BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of Transfer Application ) ORDER WITHDRAWING A  
T-7265, Crook County, Oregon ) TRANSFER APPLICATION

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

**Applicant**

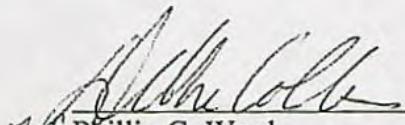
Thomas G. Strand  
18880 NW Lone Pine Lane  
Terrebonne, OR 97760

Transfer Application T-7265, in the name of Thomas G. Strand, was filed September 30, 1994. On May 11, 2006, Thomas G. Strand requested that Transfer Application T-7265 be withdrawn.

**Now, therefore, it is ORDERED:**

Transfer Application T-7265, in the name of Thomas G. Strand, is withdrawn and of no further force or effect. Any unearned fees will be refunded.

Dated at Salem, Oregon this 15<sup>th</sup> day of May, 2006.

  
pph  
Phillip C. Ward  
Director

MAY 26 2006

Mailing date: \_\_\_\_\_

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

This is an order other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2).

Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005, you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

To: Jeremy Giffin  
From: Steve Brown <Stephen.C.BROWN@wrd.state.or.us>  
Subject: Strand - Permit G-12561  
Cc: Kyle Gorman, Dwight W French <Dwight.W.FRENCH@wrd.state.or.us>  
Bcc:  
Attached:

Dear Jeremy,

Mr. Chuck Hegele was in this date to discuss the status of the above referenced file. Mr. Hegele stated, since the installation of a new pump in the Strand well, two of his wells and one of his neighbors wells have been influenced by Strand's well.

I am not asking you to do anything at this time, only to inform you of his visit and my advice to file any complaint with you or the groundwater/hydrology section and the Department would respond to his complaint and he would have the appropriate avenues to challenge any action or non-action taken.

As always, I asked he work through you with any issues regarding his neighbors well(s) and if he had any concerns about your actions to contact Kyle.

Steve

c: file

Oregon Water Resources Department  
Water Rights Division

Water Rights Application  
Number G-12177

**Final Order**  
**Extension of Time for Permit Number G-12561**

***Appeal Rights***

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

***Application History***

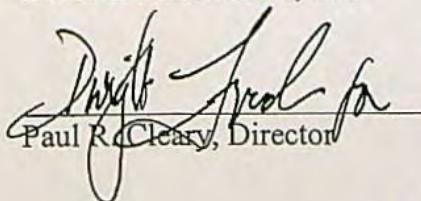
On SEPTEMBER 4, 2003, THOMAS G. STRAND submitted an application to the Department for an extension of time for permit number G-12561. The Department issued permit number G-12561 on JULY 8, 1996. The permit called for completion of construction of the water development project by OCTOBER 1, 1998, and complete application of water to the full beneficial use by OCTOBER 1, 1999. In accordance with OAR 690-315-0050(2), on OCTOBER 21, 2003, the Department issued a Proposed Final Order proposing to extend the time to complete construction of the water development project and the time to fully apply water to beneficial use to OCTOBER 1, 2004.

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

***Order***

The extension of time for Application Number G-12177, Permit Number G-12561, therefore, is approved. The deadline for completing construction is extended to OCTOBER 1, 2004. The deadline for applying water to full beneficial use is extended to OCTOBER 1, 2004.

**DATED: March 16, 2004**

  
Paul R. Cleary, Director

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

## **Mailing List for Extension FO Copies**

**Application #G-12177  
Permit #G-12561**

**FO Date: March 16, 2004**

Original mailed to:

Applicant: Thomas G. Strand  
18880 NW Lone Pine Lane  
Terrebonne, OR 97760

Copies Mailed
By: <u>SJ</u>
(SUPPORT STAFF)
on: <u>3/18/04</u>
(DATE)

**For Extension PFO's - Copies sent to:**

1. WRD - Appl. File #G-12177 / Permit #G-12561
2. WRD - Watermaster District: #11 - Jeremy Giffin, Bend
3. WRD - Regional Manager: SCR - Kyle Gorman, Bend
4. ODFW - Biologist District: #7 - Steve Marx, Bend
5. DEQ - Regional Office: Eastern Region - Dick Nichols, Bend
6. WRD - Greg Nelson, Salem
7. WRD - Steve Brown, Salem
8. WRD - Bernadette Williams, Salem
9. WRD - Jonnine Fuss, Salem...*Permit record update*

**Other interested parties:**

10. Chuck Hegele 7950 North Lone Pine Rd. Terrebonne, OR 97760	11. Travis Hegele c/o SAR Environmental Consulting, LLC 10818 NW St. Helens Hwy Portland, OR 97231
--	---

CASEWORKER: LJJ

3-8-04

Div.  
315

## Extension "Final Order" Checklist

Application # G-12177 / Permit # G-12561

Permit Holder's Name Thomas G. Strand  
18880 NW Lone Pine Lane, Terrebonne, OR 97760

and Northwest Farm Credit Services, ACA  
PO Box 607, Redmond OR 97756

1. Date Extension Request submitted: 9-4-03

2. Date permit was issued: 7-8-96

3. Original "B" Date from permit: 10-1-98  
*(Date for completion of construction)*

4. Original "C" Date from permit: 10-1-99  
*(Date for complete application of water)*

5. Extension PFO Date: 10-21-2003

6. WRD recommends extending "B" Date to: 10-1-2004  
and extending the "C" Date to: 10-1-2004

7. Protest Deadline Date from PFO: 12-5-2003

8. Any written Protests or written Comments received within the Protest period? Yes No OK per Renee Moulin → protest NOT accepted.  
It did not deal with this Ext. of Time for Permit G-12561. It addressed a transfer/exchange issue. → 3-15-04.

9. Conditions from Extension PFO? No

→ CC: Chuck Hegeler  
7950 North Lone Pine Rd  
Terrebonne, OR 97760  
Travis Hegeler 1/3 SAR Environ Consult. LLC  
10818 NW St. Helens Hwy  
Portland, OR 97231



# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

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

### VIA MAIL

March 8, 2004

Travis Hegele  
SAR Environmental Consulting LLC  
10818 NW St. Helens Hwy.  
Portland, OR 97231

RE: Protest to Permit G 12561; Application G 12177

Dear Mr. Hegele:

Thank you for visiting the Oregon Water Resources Department, I was glad to have had a chance to meet with you to discuss your protest of the above-captioned application. As we discussed at our impromptu meeting on February 10, the issues you raised in your letter are likely not within the Department's authority to resolve. After reading your letter carefully and considering the comments you provided, I will reiterate this conclusion and am now returning your \$250.00 fee to you.

With regard to the water quality concerns you raise, these issues are not within the scope of the Department's authority to consider when processing a water right extension request. I suggest that you contact the Oregon Department of Environmental Quality or the Oregon Department of Human Services, Drinking Water Program, if you continue to have concerns regarding water quality in the "canal." In addition, the issues you discuss in your letter with regard to possible injury you assert would be sustained as a result of this "exchange" or "transfer" are inapplicable to the Department's current actions on this application. In this case the Department is proposing to approve an extension of time so that Mr. Strand can continue to perfect his water right. No exchange of water or transfer is pending with this request. If you have concerns regarding possible injury to a water right you may have, please call the watermaster in your district, Jeremy Giffin (541) 388-6669. As I am sure you are aware, senior water rights are protected against junior water rights in Oregon.

Let me know if you have any further questions, I would be happy to discuss this further with you: (503) 986-0824.

Sincerely,  
*Renee Moulton*  
Renee Moulton  
Protest Program Coordinator

Enclosure (as specified)

Cc: Kyle Gorman, Jeremy Giffin, Tom Paul

## STATE OF OREGON REMITTANCE ADVICE

TO SIGN UP FOR DIRECT DEPOSIT PAYMENT SERVICE AND RECEIVE CONVENIENT, ELECTRONIC PAYMENTS, LOG-ON TO <http://scd.das.state.or.us/scd.htm> ON THE INTERNET, AND CLICK ON EFT/ACH VENDOR PAYMENTS

WARRANT NO. [REDACTED]

WATER RESOURCES DEPARTMENT

(503) 986-0926 EXT.

INVOICE NO.	INVOICE DATE	INVOICE DESCRIPTION	AGY	DOCUMENT	AMOUNT
64684	- G12177	REVENUE REFUND	690	VP019683	250.00

Records have been redacted or withheld pursuant to the exemption for financial transfer records specified in ORS 192.345(27).

VENDOR NAME:	ISSUE DATE:	WARRANT AMOUNT
TRAVIS HEGELE	03/04/04	250.00



DO NOT ACCEPT THIS CHECK UNLESS YOU CAN SEE A TRUE WATERMARK OF CHAIN LINKED SHAPES WHEN HELD TO THE LIGHT  
**STATE OF OREGON**  
 Dept of Administrative Services  
 To the State Treasurer, Salem, OR 97301-3896  
**WATER RESOURCES DEPARTMENT**  
 (503) 986-0926 EXT.

96-10  
1232  
CHECK DATE  
03/04/04

BANK WARRANT NO.  
11 [REDACTED]

PAY THIS AMOUNT  
\$250.00

DOCUMENT NO.  
VP019683

\*\*\*\*\*TWO HUNDRED FIFTY AND 00/100 DOLLARS  
 PAY TO THE ORDER OF:

TRAVIS HEGELE  
 SAR ENVIRONMENTAL CONSULTING LLC  
 10818 NW ST HELENS HWY  
 PORTLAND OR 97231

VOID AFTER 2 YEARS FROM DATE OF ISSUE

*John J. Foy*  
 AUTHORIZED SIGNATURE

STATE OF OREGON  
WATER RESOURCES DEPARTMENT

INTEROFFICE MEMORANDUM

TO: GINA BEAMAN, FISCAL  
CC: FILE  
FR: RENEE MOULUN

SUBJECT: REQUEST FUND TRANSFER

PLEASE TRANSFER \$ 250.00 FROM FILE # G 12177

RECEIPT# 64684, FILE # G 12177, FOR:

PERMIT RECORDING FEES

✓ OTHER: Postage fee

see attached letter for address

return to Renee

47235

0223

6



# Oregon

Theodore R. Kulongoski, Governor

File

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

January 28, 2004

Thomas G. Strand  
18880 Lone Pine Lane  
Terrebonne, OR 97760

REFERENCE: Application #G-12177 (Permit #G-12561)

Dear Permit Holder:

As you are aware, on October 21, 2003, the Department issued a proposed final order in accordance with Oregon Administrative Rule (OAR) Division 690, Chapter 315 to grant an extension of time in which to complete construction and accomplish full beneficial use of water under Permit #G-12561 through October 1, 2004.

The Department received a protest to the proposed final order for extension of Permit #G-12561 and the protest fee from Travis Hegele on December 5, 2003. I have enclosed a copy of the protest for your reference.

The Department will first try to reach an informal negotiated resolution with both participants. If this approach fails, the Department will then proceed with a formal hearing process.

If you have any questions or concerns regarding the protest, you may contact me by telephone at (503) 986-0824.

Sincerely,

*Renee Moulun*

Renee Moulun  
Hearings Coordinator  
Water Rights and Adjudication Division

enclosure

cc: Northwest Farm Credit Services, ACA  
PO Box 607  
Redmond, OR 97756



# Oregon

Theodore R. Kulongoski, Governor

File

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

January 28, 2004

Travis Hegele  
c/o SAR Environmental Consulting, LLC  
10818 NW St. Helens Hwy  
Portland, OR 97231

REFERENCE: Application #G-12177 (Permit #G-12561)

Dear Mr. Hegele:

As you are aware, on October 21, 2003, the Department issued a proposed final order in accordance with Oregon Administrative Rule (OAR) Division 690, Chapter 315 to grant an extension of time in which to complete construction and accomplish full beneficial use of water under Permit #G-12561 through October 1, 2004.

The Department hereby acknowledges receipt of your protest to the proposed final order for extension of Permit #G-12561 issued on October 21, 2003. Your protest and the appropriate fee were received in the Salem office of the Water Resources Department on December 5, 2003. A copy of your receipt numbered 64684 is enclosed for your reference.

The Department will first try to reach an informal negotiated resolution with both participants. If this approach fails, the Department will then proceed with a formal hearing process.

If you have any questions, you may contact me by telephone at (503) 986-0824.

Sincerely,

Renee Moulun  
Hearings Coordinator  
Water Rights and Adjudication Division

enclosure

STATE OF OREGON  
WATER RESOURCES DEPARTMENT

RECEIPT # 64684

725 Summer St. N.E.  
SALEM, OR 97301-4172  
378-8455 / 378-8130 (FAX)

INVOICE # \_\_\_\_\_

RECEIVED FROM: American Sprinklers

BY: \_\_\_\_\_

CASH:  CHECK: #  1164 OTHER: (IDENTIFY)

APPLICATION	<input type="checkbox"/>
PERMIT	<input type="checkbox"/>
TRANSFER	<input checked="" type="checkbox"/> \$150.00
TOTAL REC'D	\$250.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407	COPIES	RECEIVED	\$
_____	OTHER: (IDENTIFY)	OVER THE COUNTER	\$
_____	OTHER: (IDENTIFY)		\$

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	\$	0202
0203	GROUND WATER	\$	0204
0205	TRANSFER	\$	
WELL CONSTRUCTION			
0218	WELL DRILL CONSTRUCTOR	\$	0219
LANDOWNER'S PERMIT			
0223	OTHER (IDENTIFY)	RCA 47235 Protect Fee	0220
			\$250.00

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: 64684

DATED: 12/5/03 *Leona Albin*

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

*SAR*

Environmental Consulting LLC  
10818 NW St. Helens Hwy.  
Portland, OR 97231  
(503) 519-3604

RECEIVED

11/26/03

DEC 02 2003

To: Oregon Water Resources Department  
At: Renee Moulon  
Re: Permit # G-12561 and Application # G-12177

WATER RESOURCES DEPT  
SALEM, OREGON

Renee,

I would like to take this opportunity to formally protest the above stated water transfer an/or exchange. I am submitting the following information and would like this information to be made into this applications permanent record. Please feel free to contact me if you have any questions.

Approximately 8 years ago Mr. Strand applied for a transfer and/or water exchange for the above subject property. On February 27, 2002 I questioned Mr. Strand, who is the chairman of the board, at a Crook County Improvement District #1 meeting if his water exchange had been completed. He stated that his exchange was in compliance. On October 30, 2001 Charles Hegele had previously expressed concern about the exchange being approved at a Crook County Improvement District #1 meeting. Kyle Gorman, of the Oregon Water Resources, attended this meeting. As we now know, the original exchange was never approved, and the Oregon Water Resources Department has sent Mr. Strand several letters stating that his exchange has never been approved. On March 25, 2003 Mr. Strand sent your department a letter regarding application # G-12177 Permit #G-12561 and Exchange File T-7265 stating that he has been using this water for approximately 8 years. According to my estimates, this would account for over 77 million gallons of water in which Mr. Strand has used without your departments approval. Mr. Strand has continually neglected to supply documentation as to how he has replaced this water. If needed, I can supply documentation of my requests for this information.

In the matter of the application for extension of time for Permit # G-12561, water right application #G-12177 please be advised of the following;

In respect to the 11 page proposed final order received from the Water Resources Department regarding this application we are questioning the following;

- 1) Page 3 of 11, Line Item 7 indicates that \$53,700 of capitol improvements have previously been made for the proposed water distribution system. However, no documentation has been provided in reference to this monetary amount. We are requesting that this information be supplied.
- 2) How is this exchange going to be monitored. Mr. Strand has not previously made this information available.

*SAR*

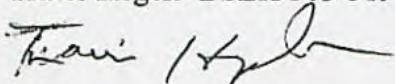
Environmental Consulting LLC  
10818 NW St. Helens Hwy.  
Portland, OR 97231  
(503) 519-3604

- 3) The applicant has made no attempt to insure the water quality being exchanged meets the states requirements for surface water contaminants.
- 4) Mr. Strand is not in compliance of state regulations regarding mitigating the impacts on surrounding wells in the vicinity.
- 5) Within 3000 feet of Mr. Strands proposed exchange well, over the past 3 years 4 private wells have had to be extended to lower depths to maintain domestic demand.
- 6) It is my belief that 2003 was the first year in which Mr. Strand utilized his exchange well to irrigate the subject property. A residence is located approximately 100 feet from this exchange well and this year the private well located on this property failed to meet domestic demand. The existing well had been in operation for many years. This is the first time in which the well had failed to meet demand.

In closing I believe it is relevant to state that Mr. Strand is Chairman of the Board of Crook County Improvement District #1. I believe that this creates a conflict of interest regarding this water exchange. Mr. Strand has previously demonstrated that he has no intentions of following Water Resource regulations. He further has submitted documentation regarding his noncomplying water usage regarding the subject property. Mr. Strand has continuously neglected to respond to letters from your department over the last 5 years. I furthermore believe that this exchange could dramatically impact the water table in the Lone Pine vicinity and further research needs to be conducted to assess the groundwater impacts.

Respectfully submitted,

Travis Hegele BSEH 503-519-3604



**RECEIVED**

DEC 02 2003

WATER RESOURCES DEPT  
SALEM, OREGON

STATE OF OREGON  
WATER RESOURCES DEPARTMENT

RECEIPT # **64684**

725 Summer St. N.E.  
SALEM, OR 97301-4172  
378-8455 / 378-8130 (FAX)

INVOICE # \_\_\_\_\_

RECEIVED FROM: American Sprinklers

BY: \_\_\_\_\_

CASH:  CHECK: # 1169 OTHER: (IDENTIFY)

APPLICATION	<input type="checkbox"/>
PERMIT	<input checked="" type="checkbox"/>
TRANSFER	<input type="checkbox"/>
TOTAL REC'D	<u>\$250.00</u>

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES

RECEIVED  
OVER THE COUNTER

\$
\$
\$

OTHER: (IDENTIFY)

OTHER: (IDENTIFY)

MISCELLANEOUS

0407 COPY & TAPE FEES

\$
\$
\$
\$
\$

0410 RESEARCH FEES

\$
\$
\$
\$
\$

0408 MISC REVENUE: (IDENTIFY)

TC162 DEPOSIT LIAB. (IDENTIFY)

0240 EXTENSION OF TIME

WATER RIGHTS:

0201 SURFACE WATER

EXAM FEE

0202

RECORD FEE
\$
\$

0203 GROUND WATER

EXAM FEE

0204

\$

0205 TRANSFER

EXAM FEE

0219

LICENSE FEE
\$
\$

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR

EXAM FEE

0220

\$

LANDOWNER'S PERMIT

PCA 47235  
Protect Fee

0223

\$250.00

OTHER (IDENTIFY)

**0536 TREASURY 0437 WELL CONST START FEE**

0211 WELL CONST START FEE

\$

CARD #

0210 MONITORING WELLS

\$

CARD #

OTHER (IDENTIFY)

**0607 TREASURY 0457 HYDRO ACTIVITY**

0233 POWER LICENSE FEE (FW/WRD)

\$
\$

0231 HYDRO LICENSE FEE (FW/WRD)

\$
\$

HYDRO APPLICATION

**TREASURY OTHER / RDX**

FUND \_\_\_\_\_ TITLE \_\_\_\_\_

OBJ. CODE \_\_\_\_\_ VENDOR # \_\_\_\_\_

DESCRIPTION \_\_\_\_\_ \$ \_\_\_\_\_

RECEIPT: **64684**

DATED: 12/5/03

*by Leon Albin*

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

Cpl. Travis Hegde

2/10/04

Hegde visited AWPD to enquire re: status of PWT filed against rendering recharge & fee?

Told him have not yet received the PWT or fee. Explained a bit about the process. Told him that on first glance comes inapplicability. Called Judd - clarification?

Ken Lire - Leechukas Area.



# While You Were Out

To Renee

Date 1-20-04

Time 4:25

see attached

called

of \_\_\_\_\_

Phone \_\_\_\_\_

<input type="checkbox"/> Telephoned	<input type="checkbox"/> In person
<input checked="" type="checkbox"/> Please call	<input type="checkbox"/> Wants to see you
<input type="checkbox"/> Will call again	<input type="checkbox"/> Returned your call

Message Re Protest

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Taken by \_\_\_\_\_

FORM Z5-097883

**SAR Environmental Consulting**  
Specializing in Hazardous Waste Management  
and  
Wetland Delineation, Mitigation & Construction

Travis Hegele, B.S.E.H.  
(503) 519-3604  
10818 NW St. Helens Hwy.  
Portland, Oregon 97231

*SAR*

Environmental Consulting LLC  
10818 NW St. Helens Hwy.  
Portland, OR 97231  
(503) 519-3604

*RECEIVED*

11/26/03

To: Oregon Water Resources Department  
At: Renee Moulon  
Re: Permit # G-12561 and Application # G-12177

*12-10-03*  
DEC 02 2003  
WATER RESOURCES DEPT  
SALEM, OREGON

Renee,

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Approximately 8 years ago Mr. Strand applied for a transfer and/or water exchange for the above subject property. On February 27, 2002 I questioned Mr. Strand, who is the chairman of the board, at a Crook County Improvement District #1 meeting if his water exchange had been completed. He stated that his exchange was in compliance. On October 30, 2001 Charles Hegele had previously expressed concern about the exchange being approved at a Crook County Improvement District #1 meeting. Kyle Gorman, of the Oregon Water Resources, attended this meeting. As we now know, the original exchange was never approved, and the Oregon Water Resources Department has sent Mr. Strand several letters stating that his exchange has never been approved. On March 25, 2003 Mr. Strand sent your department a letter regarding application # G-12177 Permit #G-12561 and Exchange File T-7265 stating that he has been using this water for approximately 8 years. According to my estimates, this would account for over 77 million gallons of water in which Mr. Strand has used without your departments approval. Mr. Strand has continually neglected to supply documentation as to how he has replaced this water. If needed, I can supply documentation of my requests for this information.

In the matter of the application for extension of time for Permit # G-12561, water right application #G-12177 please be advised of the following;

In respect to the 11 page proposed final order received from the Water Resources Department regarding this application we are questioning the following;

- 1) Page 3 of 11, Line Item 7 indicates that \$53,700 of capitol improvements have previously been made for the proposed water distribution system. However, no documentation has been provided in reference to this monetary amount. We are requesting that this information be supplied.
- 2) How is this exchange going to be monitored. Mr. Strand has not previously made this information available.

*SAR*

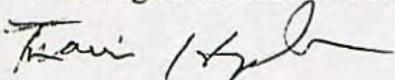
Environmental Consulting LLC  
10818 NW St. Helens Hwy.  
Portland, OR 97231  
(503) 519-3604

- 3) The applicant has made no attempt to insure the water quality being exchanged meets the states requirements for surface water contaminants.
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- 5) Within 3000 feet of Mr. Strands proposed exchange well, over the past 3 years 4 private wells have had to be extended to lower depths to maintain domestic demand.
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In closing I believe it is relevant to state that Mr. Strand is Chairman of the Board of Crook County Improvement District #1. I believe that this creates a conflict of interest regarding this water exchange. Mr. Strand has previously demonstrated that he has no intentions of following Water Resource regulations. He further has submitted documentation regarding his noncomplying water usage regarding the subject property. Mr. Strand has continuously neglected to respond to letters from your department over the last 5 years. I furthermore believe that this exchange could dramatically impact the water table in the Lone Pine vicinity and further research needs to be conducted to assess the groundwater impacts.

Respectfully submitted,

Travis Hegele BSEH 503-519-3604



**RECEIVED**

DEC 02 2003

WATER RESOURCES DEP  
SALEM, OREGON

Oregon Water Resources Department  
Water Rights Division

**Application for Extension of Time**

In the Matter of the Application )  
for an Extension of Time for )  
Permit #G-12561, Water Right ) PROPOSED FINAL ORDER  
Application #G-12177 )  
(Thomas G. Strand) )

**Permit Information**

Application File #G-12177 / Permit #G-12561  
Basin: #05 - Deschutes Basin / Watermaster District: #11  
Date of Priority: July 16, 1990

Authorized Use of Water

Source of Water: Two Wells in the Crooked River Basin  
Purpose or Use: Irrigation of 92.5 acres  
Maximum Rate: 1.16 cubic foot per second (cfs)

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

*Please read this Proposed Final Order in its entirety.*

This Proposed Final Order applies only to Permit #G-12561, water right Application #G-12177. A copy of Permit #G-12561 is enclosed as Attachment 1.

## Summary of Proposed Final Order for Extension of Time

### The Department proposes to:

- grant the extension for complete construction of the water system from October 1, 1998, to October 1, 2004; and
- grant the extension for complete application of water from October 1, 1999, to October 1, 2004.

### AUTHORITY

1. ORS 537.230 and ORS 537.630(1) provide in pertinent part that the Water Resources Department shall, for good cause shown, order an extension of time within which irrigation or other works shall be completed or the right perfected. In determining the extension, the Department shall give due weight to the considerations described under ORS 539.010(5).
2. OAR 690-315-0040 provides that the Department may approve an extension of time to complete construction and/or apply water to full beneficial use pursuant to ORS 537.230 and/or 537.630, or to begin construction pursuant to ORS 537.248.

### FINDINGS OF FACT

#### Background

3. Permit #G-12561 was granted by the Water Resources Department on July 8, 1996. The permit authorizes the use of up to 1.16 cfs of water from two wells, in the Crooked River Basin, for irrigation of 92.5 acres. The permit specified that construction of the water development project was to be completed by October 1, 1998, and that complete application of water was to be made on or before October 1, 1999.

4. The permit holder submitted an "Application for Extension of Time" to the Department on September 4, 2003, requesting the time in which to complete construction of the water system be extended from October 1, 1998, to October 1, 2004, and the time in which to accomplish beneficial use of water to the full extent under the terms of Permit #G-12561 be extended from October 1, 1999, to October 1, 2004. This is the first permit extension requested for Permit #G-12561.
5. Notification of the extension of time request for Permit #G-12561 was published on the Department's Public Notice dated September 16, 2003. No public comment on the extension application was received.

**Review Criteria /OAR 690-315-0040/**

*As set forth under OAR 690-315-0040, the time limits to complete construction or to apply the water to a beneficial use may be extended upon showing of good cause for the untimely completion. This determination shall consider the applicable requirements of ORS 537.230, 537.248<sup>1</sup>, 537.630 and 539.010(5).*

**Start of Construction /ORS 537.630/**

6. Construction of the wells and water system began within the time specified in the permit, being July 8, 1997.

**Financial Investment and Cost to Appropriate and Apply Water to a Beneficial Purpose /ORS 539.010(5), OAR 690-315-0040(2)(b)/**

7. As of September 4, 2003, the permit holder had invested a total of \$53,700 into the project, consisting of construction of two wells, installation of a meter on each well, and installation of the water distribution system including pumps and mainline pipe. An additional \$7,500 investment is anticipated for the completion of this project.

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

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

---

<sup>1</sup>

ORS 537.248 applies to reservoir permits only.

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

*The amount of construction completed within the time allowed in the permit or previous extension; the amount of beneficial use made of the water during the permit or previous extension time limits; water right permit holder conformance with the permit or previous extension conditions; and financial investments made toward developing the beneficial water use.*

8. Construction of the wells and water system began within the time specified in the permit, being July 8, 1997.
9. As of September 4, 2003, the following work was accomplished: complete construction of two wells, installation of a meter on each well, and installation of the water distribution system including pumps and mainline pipe.
10. Since the issuance of Permit #G-12561 on July 8, 1996, the permit holder has appropriated 270.0 gallons per minute (0.78 cfs) of water from the wells for irrigation of 60.0 acres of land.
11. Delay of full beneficial use of water under Permit #G-12561 was due, in part, to the Department's failure to take action on the permit holder exchange application (T-7265) in a timely manner. In order to resume development of Permit #G-12561, the permit holder recently decided to reconfigure the water delivery system in order to alleviate the need for approval of the exchange application.
12. Based upon information contained in the permit record, the permit holder is in compliance with all permit and previous extension conditions.
13. As of September 4, 2003, the permit holder had invested approximately 87 percent of the total projected cost for complete development of this project. A total of \$53,700 has been invested into the project, consisting of construction of two wells, installation of a meter on each well, and installation of the water distribution system including pumps and mainline pipe. An additional \$7,500 investment is anticipated for the completion of this project.

**The Market and Present Demands for Water (ORS 539.010(5), OAR 690-315-0040(4))**  
*In accordance with OAR 690-315-0040(4)(a)(b)(c), the Department shall consider, but is not limited to, the following factors when determining the market and the present demand for water or power to be supplied:*

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

14. The authorized points of appropriation, under Permit #G-12561, are located within or above the Deschutes State Scenic Waterway and within the Deschutes Ground Water Study Area.
15. The points of appropriation are also above a portion of the Deschutes River that: contains instream water rights; has been identified by the Oregon Department of Fish and Wildlife as a "high" needs ranking area for streamflow restoration for fish; has been designated a sensitive, threatened or endangered species area for aquatic species utilizing surface water resources; has been identified by the Oregon Department of Environmental Quality as water quality limited; and has been designated a federal wild and scenic river.
16. When Permit #G-12561 was issued in July 1996, the Department concluded that the proposed use would not have the potential for substantial interference with surface water. However, pursuant to ORS 390.835(9)(g), the Department included a condition that provides for the regulation of the use of water upon finding a preponderance of evidence that the proposed use of ground water will "measurably reduce" the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife. Permit #G-12561 is also conditioned to provide for regulation for senior water rights.
17. Since the issuance of Permit #G-12561, the Department, in conjunction with the United States Geological Survey, completed a ground water study quantifying a hydraulic connection between ground water and surface water within the Deschutes Ground Water Study Area. Based in part on the study, in September 2002, the Water Resources Commission adopted rules under

OAR Chapter 690, Division 505 to implement the provisions of the Scenic Waterway Act regarding mitigation. [ORS 390.835(9) through (12)]

18. As part of the OAR Chapter 690, Division 505 rules, the Commission determined that the "measurably reduce" standard in ORS 390.835(12) had been triggered and that holders of existing ground water rights in the Deschutes Ground Water Study Area that were specifically conditioned to allow for regulation for scenic waterway flows may choose to provide mitigation (meeting the standards of the rules) in order to avoid future regulation.
19. The Commission's OAR Chapter 690, Division 505 rules also establish a comprehensive mitigation program monitoring structure. Under the rules, the Department shall evaluate ground water appropriations, streamflow, and mitigation activity in order to determine whether scenic waterway flows and instream water right flows in the Deschutes Basin continue to be met on at least an equivalent or more frequent basis as compared to long-term, representative base period flows.

If the evaluation described above indicates the mitigation program is resulting in scenic waterway flows and instream water right flows in the Deschutes Basin being met less frequently as compared to long-term, representative base period flows, then the Commission is required to initiate proceedings to designate all or portions of the Deschutes Ground Water Study Area as a critical ground water area(s) under ORS 537.730, immediately close certain areas of the Deschutes Basin to further ground water appropriations, or take other administrative action(s) to ensure scenic waterway flows and instream water right flows in the Deschutes Basin continue to be met on at least an equivalent or more frequent basis as compared to long-term, representative base period flows.

*In accordance with OAR 690-315-0040(d)(e)(f), the Department shall also consider the following factors when determining the market and the present demand for water or power to be supplied:*

*The economic investments in the project to date; other economic interests dependant on completion of the project; and other factors relevant to the determination of the market and present demand for water and power.*

20. As of September 4, 2003, the permit holder had invested approximately 87 percent of the total projected cost for complete development of this project. A total of \$53,700 has been invested into the project, consisting of

construction of two wells, installation of a meter on each well, and installation of the water distribution system including pumps and mainline pipe. An additional \$7,500 investment is anticipated for the completion of this project.

21. There is no evidence in the record regarding other economic interests dependent on completion of the project.
22. No other factors relevant to the determination of the market and present demand for water and power have been identified.

**Fair Return Upon Investment (ORS 539.010(5), OAR 690-315-0040(2)(f))**

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

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

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

24. As of September 4, 2003, the remaining work to be accomplished consists of complete construction of the water distribution system and complete application of water to beneficial use.
25. Given the amount of development left to occur, the permit holder has requested to have until October 1, 2004, to complete construction of the water system and to complete the application of water to beneficial use under the terms of Permit #G-12561.

**Other Governmental Requirements (ORS 537.230(2), OAR 690-315-0040(2)(g))**

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

**Unforeseen Events (OAR 690-315-0040(2)(h))**

27. Unforeseen events extended the length of time needed to fully develop and perfect the permit, caused mainly by the Department's failure to take action

on the permit holder's exchange application (T-7265) in a timely manner. In order to resume development of Permit #G-12561, the permit holder recently decided to reconfigure the water delivery system in order to alleviate the need for approval of the exchange application.

### Conclusions of Law

1. The applicant is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.230 and ORS 537.630.
2. The applicant has submitted a complete extension application form and the fee required by ORS 536.050(1)(k), as required by OAR 690-315-0040(1)(a).
3. The applicant demonstrated that actual construction on the project began within the time specified in the permit, as required by OAR 690-315-0040(1)(b).
4. Completion of construction and full application of water to beneficial use can be completed by October 1, 2004.<sup>2</sup> [OAR 690-315-0040(1)(c)]
5. The applicant has pursued perfection of the right in good faith and prosecuted construction with reasonable diligence.
6. The Department has considered the requirements of other governmental agencies, the financial investment made, the reasonable diligence and good faith of the appropriator, the market and present demands for water and the fair return upon the investment, and has determined that the applicant has shown good cause exists for an extension to complete construction and apply water to full beneficial use pursuant to ORS 537.630(1). [OAR 690-315-0040(1)(d)]

---

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

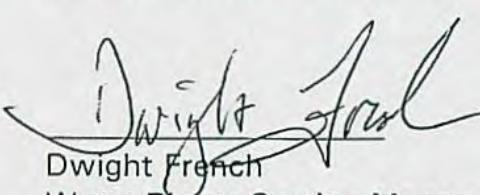
## Proposed Order

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

Extend the time for complete construction of the water system under Permit #G-12561 from October 1, 1998, to October 1, 2004; and

Extend the time for complete application of water to beneficial use under Permit #G-12561 from October 1, 1999, to October 1, 2004.

DATED: October 21, 2003



Dwight French

Water Rights Section Manager

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

## Proposed Final Order Hearing Rights

1. Under the provisions of OAR 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may request a contested case hearing on the proposed final order. Your request for contested case hearing must be in writing and must be received by the Water Resources Department no later than ***Friday, December 5, 2003***, being 45 days from the date of publication of the proposed final order in the Department's weekly public notice.
2. A written request for contested case hearing shall include:
  - a. The name, address and telephone number of the petitioner;
  - b. A description of the petitioner's interest in the final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented;
  - c. A detailed description of how the action proposed in the final order would adversely affect or aggrieve the petitioner's interest;
  - d. A detailed description of how the final order is in error or deficient and how to correct the alleged error or deficiency;

- e. Any citation of legal authority supporting the petitioner, if known;
- f. Proof of service of the petition upon the water right permit holder, if petitioner is other than the water right permit holder; and
- g. The protest fee required under ORS 536.050.

3. Within 60 days after the close of the period for requesting a contested case hearing, the Director shall:

- a. Issue a final order on the extension request; or
- b. Schedule a contested case hearing if a request for contested case hearing has been submitted, and:
  - A. Upon review of the issues, the Director finds there are significant disputes related to the proposed agency action; or
  - B. The applicant submitted a timely request for a contested case hearing.

If you have other questions about the Department, or any of its programs, please contact our Water Rights Information Group at (503)986-0900. Address all other correspondence to:

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

This document was prepared by Lisa J. Juul. If you have any questions about any of the statements contained in this document, I am most likely the best person to answer your questions. You may contact me by telephone at (503)986-0808.

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

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

# Mailing List for Extension PFO Copies

Application #G-12177  
Permit #G-12561

PFO Date: October 21, 2003

Original mailed to:

Applicant: Thomas G. Strand  
18880 NW Lone Pine Lane  
Terrebonne, OR 97760

Copies Mailed
By: <u>SM</u>
(SUPPORT STAFF)
on: <u>10/21</u>
(DATE)

For Extension PFO's - Copies sent to:

1. WRD - Appl. File #G-12177 / Permit #G-12561
2. WRD - Watermaster District: #11 - Jeremy Giffin, Bend
3. WRD - Regional Manager: SCR - Kyle Gorman, Bend
4. WRD - Greg Nelson, Salem
5. WRD - Steve Brown, Salem
6. WRD - Bernadette Williams, Salem
7. DEQ - Eastern Region: Dick Nichols, Bend
8. ODFW - District #7: Steve Marx, Bend

Other interested parties:

9. NONE Chuck Hegele  
7950 N. Lone Pine Rd.  
Terrebonne, OR 97760

*SM*  
Mailed  
10-27-03

CASEWORKER: LJJ

S:\groups\wr\extensions\P F O\Work\_315 rules\g12177.wpd



# Oregon

Theodore R. Kulongoski, Governor

Adm# G-12177 LISA

Water Resources Department

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

February 7, 2003

G 12561  
THOMAS G,STRAND  
RT 1 BOX 53  
TERREBONNE,OR 97760

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>

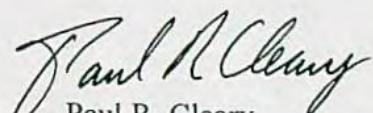
The primary purpose of the rules is to provide a mechanism for those with pending ground water use applications in the Study Area to mitigate for the impact of their proposed ground water use on surface water flows. The rules do not require those with existing conditioned ground water permits (or subsequent 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@wrd.state.or.us](mailto:Laura.K.Snedaker@wrd.state.or.us).

Sincerely,



Paul R. Cleary  
Director

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

RECEIVED  
OVER THE COUNTER

10/12/03

To: Oregon Water Resource Department  
Att: Steve Brown  
Re: Application # G-121177, Permit #G-12561 and Exchange File T-7265  
CC: Lone Pine Irrigation District

RECEIVED

OCT 23 2003

WATER RESOURCES DEPT  
SALEM, OREGON

Gentleman,

I am formally protesting the above applications and am requesting to be notified of the board meeting regarding this issue and wish to attend the meeting. I am also requesting the disciplinary action taken against Mr. Strand for irrigating without an approved permit.

- 1) I have previously stated at the COI and Lone Pine Irrigation districts board meeting that I felt it was unethical for Mr. Strand to flush his irrigation pivot into the irrigation canal after injecting agricultural chemicals into his pivot. He stated that he has been performing this action for "years." However, this information was not entered into the minutes of the board meeting. I believe this is in direct violation of the Resource Conservation and Recovery Act. (40 CFR)
- 2) It was recently brought to my attention by Mr. Russell, a Lone Pine Water User, at a public meeting that he is concerned about the water quality at the Lone Pine School. I share his concern regarding this issue. I have also received a letter from the Oregon Water Resource Department stating that Mr. Strand has applied to extend his water exchange permit application. The application states that Mr. Strand would like to pump ground water from a well into the irrigation canal for his water exchange. This canal flows throughout the Lone Pine Valley. There are numerous shallow domestic wells located in the surrounding area. I feel before the wells are allowed to discharge water into our irrigation canals the water should be tested for quality and regulatory compliance. I also believe that it is common practice to allow the districts irrigation tail water to enter into the Crooked River. Therefore, any potential contaminants generated by the water exchange could potentially enter the Crooked River. I have volunteered to induce nontoxic food grade die into the canal to confirm if our tailwater actually entering into the Crooked River. However, Mr. Strand objected to this proposal.

Tom P. & Greg  
Nelson talked to  
Mr. Hendee  
about water exchange  
10/23/03  
SD

3) I have also requested the electric meter readings from Mr. Strand's exchange well and have been denied this request. I would like to again request this information under Oregon Public Records Laws. If Mr. Strand would like to presume his proposed water exchange I believe that he first needs to provide documentation of how he has replaced the water which he has already taken. I also believe that he needs to provide a method of monitoring the water quality of his exchange wells.

At a previous water board meeting I asked the board how much water we actually use a year and Mr. Strand replied 3.5 acre feet of water. This would mean, using Mr. Strand's figure, that he has irrigated 69 acres for 9 years using 3.5 acre feet of water. This is equivalent to approximately 77 million gallons of water. How can the water exchange be documented without the makeup wells meter reading? I personally live in Lone Pine and drive the road past Mr. Strand's makeup wells frequently and have not yet witnessed them operating.

I am interested in working with Mr. Strand and Mr. Russell to ensure that the quality and quantity of our water will be preserved for future generations.

Respectfully submitted,

Chuck Hegele

541-504-0837

RECEIVED

OCT 23 2003

WATER RESOURCES DEPT  
SALEM, OREGON

STATE OF OREGON  
WATER RESOURCES DEPARTMENT

RECEIPT # 64684

725 Summer St. N.E.  
SALEM, OR 97301-4172  
378-8455 / 378-8130 (FAX)

INVOICE # \_\_\_\_\_

RECEIVED FROM: American Spring Klers  
BY: \_\_\_\_\_

CASH: CHECK #: OTHER: (IDENTIFY)

1111

APPLICATION	_____
PERMIT	_____
TRANSFER	_____

**TOTAL REC'D**

**\$ 250.00**

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES

**RECEIVED**

\$

OTHER: (IDENTIFY)

**OVER THE COUNTER**

\$

OTHER: (IDENTIFY)

\$

**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:

**EXAM FEE**

0201 SURFACE WATER

\$

0203 GROUND WATER

\$

0205 TRANSFER

\$

WELL CONSTRUCTION

**EXAM FEE**

0218 WELL DRILL CONSTRUCTOR

\$

LANDOWNER'S PERMIT

\$

0223 OTHER (IDENTIFY)

PCA 47235  
Ticket Fee

0219

0220

\$

\$

**LICENSE FEE**

1250.00

**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: 64684

DATED: 12/5/03

BY: Leona Aley

*SAR*

Environmental Consulting LLC  
10818 NW St. Helens Hwy.  
Portland, OR 97231  
(503) 519-3604

RECEIVED

11/26/03

DEC 02 2003

To: Oregon Water Resources Department  
At: Renee Moulon  
Re: Permit # G-12561 and Application # G-12177

WATER RESOURCES DEPT  
SALEM, OREGON

Renee,

I would like to take this opportunity to formally protest the above stated water transfer an/or exchange. I am submitting the following information and would like this information to be made into this applications permanent record. Please feel free to contact me if you have any questions.

Approximately 8 years ago Mr. Strand applied for a transfer and/or water exchange for the above subject property. On February 27, 2002 I questioned Mr. Strand, who is the chairman of the board, at a Crook County Improvement District #1 meeting if his water exchange had been completed. He stated that his exchange was in compliance. On October 30, 2001 Charles Hegele had previously expressed concern about the exchange being approved at a Crook County Improvement District #1 meeting. Kyle Gorman, of the Oregon Water Resources, attended this meeting. As we now know, the original exchange was never approved, and the Oregon Water Resources Department has sent Mr. Strand several letters stating that his exchange has never been approved. On March 25, 2003 Mr. Strand sent your department a letter regarding application # G-12177 Permit #G-12561 and Exchange File T-7265 stating that he has been using this water for approximately 8 years. According to my estimates, this would account for over 77 million gallons of water in which Mr. Strand has used without your departments approval. Mr. Strand has continually neglected to supply documentation as to how he has replaced this water. If needed, I can supply documentation of my requests for this information.

In the matter of the application for extension of time for Permit # G-12561, water right application #G-12177 please be advised of the following;

In respect to the 11 page proposed final order received from the Water Resources Department regarding this application we are questioning the following;

- 1) Page 3 of 11, Line Item 7 indicates that \$53,700 of capitol improvements have previously been made for the proposed water distribution system. However, no documentation has been provided in reference to this monetary amount. We are requesting that this information be supplied.
- 2) How is this exchange going to be monitored. Mr. Strand has not previously made this information available.

*SAR*

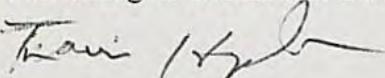
Environmental Consulting LLC  
10818 NW St. Helens Hwy.  
Portland, OR 97231  
(503) 519-3604

- 3) The applicant has made no attempt to insure the water quality being exchanged meets the states requirements for surface water contaminants.
- 4) Mr. Strand is not in compliance of state regulations regarding mitigating the impacts on surrounding wells in the vicinity.
- 5) Within 3000 feet of Mr. Strands proposed exchange well, over the past 3 years 4 private wells have had to be extended to lower depths to maintain domestic demand.
- 6) It is my belief that 2003 was the first year in which Mr. Strand utilized his exchange well to irrigate the subject property. A residence is located approximately 100 feet from this exchange well and this year the private well located on this property failed to meet domestic demand. The existing well had been in operation for many years. This is the first time in which the well had failed to meet demand.

In closing I believe it is relevant to state that Mr. Strand is Chairman of the Board of Crook County Improvement District #1. I believe that this creates a conflict of interest regarding this water exchange. Mr. Strand has previously demonstrated that he has no intentions of following Water Resource regulations. He further has submitted documentation regarding his noncomplying water usage regarding the subject property. Mr. Strand has continuously neglected to respond to letters from your department over the last 5 years. I furthermore believe that this exchange could dramatically impact the water table in the Lone Pine vicinity and further research needs to be conducted to assess the groundwater impacts.

Respectfully submitted,

Travis Hegele BSEH 503-519-3604



RECEIVED

DEC 02 2003

WATER RESOURCES DEPT  
SALEM, OREGON

SAR

Environmental Consulting LLC  
10818 NW St. Helens Hwy.  
Portland, OR 97231  
(503) 519-3604

TO THE RIGHT OF RETURN ADDRESS.  
FOLD AT DOTTED LINE

**CERTIFIED MAIL**



7099 3220 0002 9824 8388

**RETURN RECEIPT  
REQUESTED**

OREGON WATER RESOURCES DEPT  
725 SUMMER ST NE SUITE A  
SALEM OR 97301-1271



U.S. POSTAGE  
PAID  
TERREBONNE, OR  
97760  
DEC 01 '03  
AMOUNT

\$4.42  
00049047-01

97301#3433

||||||||||||||||||||||||||||||||||||

RECEIVED  
OVER THE COUNTER

10/12/03

To: Oregon Water Resource Department  
Att: Steve Brown  
Re: Application # G-121177, Permit #G-12561 and Exchange File T-7265  
CC: Lone Pine Irrigation District

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RECEIVED

OCT 23 2003

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SALEM, OREGON

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Respectfully submitted,

Chuck Hegele

541-504-0837

RECEIVED  
OCT 23 2003  
WATER RESOURCES DEPT  
SALEM, OREGON

Application # G-12177 / Permit # G-12561

## Route Slip ... Extension of Time

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

♦ WRIG...

Money Received: \$100.00 on 9-4-03

♦ Lisa Juul...

Extension Completeness:

(If NOT complete, send certified letter requesting add'l information.)

OK

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

♦ Jonnine Fuss...

Initial 30-day Public Notice: 9/16/03 M

Update Extension Database: 9/16/03 M

Files back to filing cabinets: back to Lisa

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

♦ Lisa Juul...

Pull files for Ext PFO review: \_\_\_\_\_

Extension PFO completed: \_\_\_\_\_

*Once Extension PFO signed by Dwight French...*

♦ Jonnine Fuss...

Prepare Ext PFO for mailing to applicant: \_\_\_\_\_

Mail to those who commented and paid copy fee: \_\_\_\_\_

Include Ext PFO on weekly Public Notice: \_\_\_\_\_

*Within 60 days after the close of the 45-day PFO Protest Period...*

(PFO Protest Period ends 45 days from PFO sign date)...

♦ Lisa Juul...

Issue an Extension FO: \_\_\_\_\_

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

Application #: G-12177 / Permit #: G-12561

Permittee's Name: Thomas G. Strand

Permittee's Mailing Address: 18880 NW Lone Pine Lane, Terrebonne, OR 97760

POD Location: Township 14-S Range 14-E Section 8  $\frac{1}{4} \frac{1}{4}$  SWNW NESE

Stream Basin: \_\_\_\_\_ County: Crook

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

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

3. Date Permit was issued: 7-8-96 (priority = 7-16-90)

4. Source: Two Wells in Crooked River Basin

5. Use: Irrigation of 92.5 ac

6. "Q": 1.16 cfs

7. Original "B" Date: 10-1-98 Original "C" Date: 10-1-99

8. Conditions of Permit: Original "A" Date: 7-8-97

• Before Use begins → shall install a meter or other suitable meas. device

• "7j" condition - SWW.

9. Extension request received: 9-4-03 Request Number (...1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>): 1<sup>st</sup>

10. Last Authorized "B" Date: 10-1-98 Last Authorized "C" Date: 10-1-99

11. Proposed "B" Date: 10-1-2004 Proposed C Date: 10-1-2004

12. Amount Invested to date: \$53,700.00 Estimated Total Cost: \$61,200.00  
\*\*\*Estimated Remaining Cost: \$7,500.00

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

• Meter has been installed on well.

• "A" Date = Met.  
• #1 Well drilled 5-20-88 (See Pump Test Report) received 9-27-99.

✓ 14. Work on the water development project completed to date includes:  See Also COBUL received 9-27-99

• Constructed wells • meter installed on each well • installation of the main line & water distribution system  
• Used 350 gpm (0.78 cfs) • Irrigated 60.0 ac for irrigation installed.  
• pumps installed on each well

✓ 15. The work remaining to be completed consists of:

• Completion of Construction & • Full beneficial use of water.

✓ 16. Progress in perfecting the permit is being held up by:

• Have been held up by WRD not yet taking action on Mr. Strand's "exchange" application.

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

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

- a. The amount of construction completed within the time allowed in the permit or previous extension;
- b. The amount of beneficial use made of the water during the permit or previous extension time limits;
- c. Water right permit holder conformance with the permit or previous extension conditions; and
- d. Financial investments made toward developing the beneficial water use.

• Have invested approx 87% of total proj. cost  Have used approx. 68% of total allowed "Q".  Have irrigated approx. 65% of permitted lands  Have complied with conditions.

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

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

- a. The amount of water available to satisfy other affected water rights and scenic waterway flows;
- b. Special water use designations established since permit issuance (such as...state scenic waterways, federal wild and scenic rivers, serious water management problem areas, water quality limited sources, etc.);
- c. The habitat needs of sensitive, threatened or endangered species, in consultation with ODFW;
- d. Economic investment in the project to date;
- e. Other economic interests dependent on completion of the project; and
- f. Other factors relevant to the determination of the market and the present demand for water or power.

• Within a "HIGH" needs ranking area (ODFW) for flow restoration for fish  Is within an ODFW ST & E Area  Is within a SWW  Is a federal wild & scenic river.  Is within the DESC GW Study Area  Is within a DEQ water quality limited area.

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

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

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

✓ 20. Conditions to be included on Extension PFO:

~~DESC GW Study Area language~~  No Conditions -  Not a condition

Extension "PFO" Dates

Checklist Last Revised: 9/12/2001

Mailing / Issuance Date:

Reviewer's Name:

Protest Deadline Date:

Date:

**OREGON  
WATER  
RESOURCES  
DEPARTMENT**



Commerce Building  
158 12th Street NE  
Salem OR 97301-4172

**PUBLIC NOTICE OF WATER USE REQUESTS**  
September 16, 2003

*This notice is also available on our web page at the following address:  
[http://www.wrd.state.or.us/cgi-bin/notices.pl?water\\_rights](http://www.wrd.state.or.us/cgi-bin/notices.pl?water_rights)*

This publication lists agency activities requiring public notice. It also describes public comment processes and deadlines. Types of water use requests in this week's Public Notice include:

- \* **Permit Application Initial Reviews, Proposed Final Orders, and Final Orders**  
Applications for permits to use, store, divert or pump surface water or groundwater.  
Includes applications by the state Departments of Fish & Wildlife, Environmental Quality or Parks and Recreation for water to be used and kept in-channel.
- \* **Applications for Extensions of Time to Perfect Water Right Permits**  
New applications received and proposed final orders regarding requests to extend time limits to fully develop water use projects and beneficially apply water.
- \* **Extension of Time Checkpoint Progress Reports filed pursuant to OAR Chapter 690, Division 320**
- \* **Proposed Final Orders Regarding Applications for Extensions of Time for Water Right Permits**
- \* **Applications for Limited Licenses**  
Requests to use water for 5 years or less. Licenses are subordinate to other rights and may be revoked if a use is found to injure other water right holders.

The Public Notice is published each week on the Department's web site at <http://www.wrd.state.or.us/>. If you would like to receive a *free* weekly notification when it is published, please send your request to "Jonnine.L.FUSS@wrd.state.or.us".

## **Permit Application Initial Reviews and Proposed Final Orders**

The following pages of this notice list permit applications that the Oregon Water Resources Department is evaluating for compliance with state water laws and regulations. Public participation and comment is encouraged. Opportunities for public involvement vary according to the stage of the permit evaluation.

### **Initial Review Stage (IR in the "Stage" column of the permit listing)**

The Department has given the applicant the results of an initial review of water use restrictions, water availability and other limits that affect the agency's decision on whether to issue a permit. The applicant has asked the agency to proceed to the next stage of evaluation. The Department welcomes comments from interested persons, agencies and organizations on the proposed water use.

**The comment deadline for initial reviews appearing in this public notice is 5pm, Thursday, October 16, 2003.**

Although we cannot respond individually to all comments, each will be considered as the agency makes its permit decision.

### **Proposed Final Order Stage (PFO in the "Stage" column of the permit listing)**

The proposed final order is the Department's preliminary decision on the water use request. It will indicate how the comments received on the application in the first stage were considered. The PFO documents the agency's decision through specific findings. If appropriate, it includes a draft permit specifying any conditions or restrictions on the use.

Persons interested in receiving a mailed copy of a PFO must pay a statutorily-required fee of \$10. (Any person paying \$10 to receive a PFO by mail will also receive a copy of the Final Order when it is issued.) PFO's may be viewed for free at the Department's Salem Office or at the district watermaster office nearest the proposed use.

Those disagreeing with the Department's decision as expressed in the PFO have 45 days to file a protest.

**The protest deadline for proposed final orders appearing in this public notice is 5pm, Friday, October 31, 2003.**

The protest filing fee is \$200 for everyone except the applicant. Detailed requirements for filing a protest will be sent with copies of the PFO. Persons who support the PFO may file a "standing" fee of \$50 to retain the ability to participate in future proceedings relating to an application. Before participation is allowed, an additional \$150 will be required at the time of the proceeding.

## How to Read the Listing

Applications on the next page are sorted by application number in the following format:

App#	Basin	Source	Township/Range	County	Priority	Quantity	Stage Status
G-15693	JOHN DOE PO BOX 123 EUGENE OR 97123	02 A WELL > SPRING CR Uses: IR	16.00S 03.00W 19 NESW	Lane	01/29/2002	0.3700 C	IR 3

**FIRST LINE:**

- \* Application number:  
G: groundwater  
R: reservoir  
S: surface water  
I: instream
- \* Applicant name & address
- \* Stage of review:  
IR: Initial Review  
PFO: Proposed Final Order
- \* Decision status codes  
1: permit may be issued as requested  
2: permit may be issued with conditions  
3: permit unlikely to be issued

**SECOND LINE:**

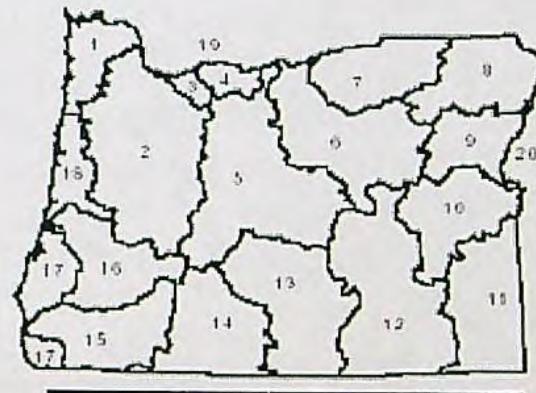
- \* Basin number (see map below right)
- \* Source > what it flows into  
(in the case of wells, this describes the basin in which the well is located)
- \* General legal description
- \* County & Priority date
- \* Amount
- \* Unit of measure:  
C: cubic feet per second  
G: gallons per minute  
A: acre-feet
- THIRD LINE:  
\* Type of use (see abbreviations below)

**BASINS:**

1. North Coast	11. Owyhee
2. Willamette	12. Malheur L.
3. Sandy	13. Goose/Summer L.
4. Hood	14. Klamath
5. Deschutes	15. Rogue
6. John Day	16. Umpqua
7. Umatilla	17. S. Coast
8. Grande Ronde	18. Mid-Coast
9. Powder	19. Columbia
10. Malheur	20. Snake

Commonly used "Type of Use" abbreviations (for definitions, consult Oregon Administrative Rules 690-300):

AG: Agriculture	GR: Groundwater recharge	MU: Municipal
CF,CH,CL, CR: Cranberry uses	GT: Geothermal	NU: Nursery use
CM: Commercial	IC: Irrigation, primary & supplemental	PA: Pollution abatement
CS: Campground	ID: Irrigation with domestic	PW: Power
DI, DN: Domestic including non-commercial lawn & garden	IL: Irrigation with livestock	QM: Quasi-municipal
DO: Domestic	IM: Industrial or manufacturing	RC: Recreation
DS: Domestic & stock	IR: Irrigation	RW: Road construction
FI: Fish	IS: Irrigation, supplemental	ST: Storage
FP: Fire protection	LV: Livestock	SW: Swimming
FW: Fish & wildlife	LW: Livestock & wildlife	TC: Temperature control
GD: Group domestic	MI: Mining	WI: Wildlife



App#	Basin	Source	Township/Range	County	Priority	Quantity	Stage	Status
G-15258	BOB TERRY 9650 SW HARDEBECK RD GASTON OR 97119 02 A WELL > PALMER CR Uses: NU		04.00S 03.00W 19 SENW	Yamhill	12/07/2000	0.6740 C	PFO	2
S-85221	TERRIL NURMI 3762 UPPER COW CREEK RD AZALEA OR 97410 16 COW CR > S UMPQUA R Uses: DO		32.00S 04.00W 05 SENW	Douglas	07/01/2002	0.0050 C	PFO	2
G-15822	TONY SOTER SOMAR VINEYARDS LLC PO BOX 400 YAMHILL OR 97148 02 A WELL > HAWN CR 02 A WELL > HAWN CR Uses: IM IR		03.00S 04.00W 24 NSW 03.00S 04.00W 23 NESE	Yamhill Yamhill	08/13/2002 08/13/2002	0.1150 C (est) 0.1150 C (est)	PFO	2
S-85293	ROBERT MAHAFFY 97356 HWY 241 COOS BAY OR 97420 17 A SPR > MILLICOMA R Uses: DN		25.00S 12.00W 23 NENE	Coos	09/17/2002	0.0100 C	PFO	2
G-15847	KENT MADISON BAR M RANCH 29299 MADISON RD ECHO OR 97826 07 A WELL > UMATILLA R Uses: IR FP		03.00N 37.00E 18 NENE	Umatilla	10/07/2002	0.2010 C	PFO	2
G-15889	JAMES BUTSCH 15234 BUTSCH LANE NE MOUNT ANGEL OR 97362 02 A WELL > BUTTE CR 02 A WELL > BUTTE CR 02 A WELL > BUTTE CR Uses: IS IR		06.00S 01.00W 01 NESW 06.00S 01.00W 01 SWNE 05.00S 01.00W 36 SWNW	Marion Marion Clackamas	12/10/2002 12/10/2002 12/10/2002	0.2220 C 0.2220 C 1.5370 C	PFO	3
G-15891	RAINTREE TROPICAL 3408 CASCADE HWY NE SILVERTON OR 97381 02 A WELL > DRIFT CR Uses: NU		07.00S 01.00W 09 SENE	Marion	12/12/2002	0.0600 C	PFO	2
G-15895	STANLEY SCHULTZ STANS GROUND COLORS LLC 29722 S MOLALLA AVE MOLALLA OR 97038 02 A WELL > MOLALLA R Uses: NU		04.00S 02.00E 32 SENE	Clackamas	12/19/2002	0.0670 C	PFO	2
G-15922	ANDREW RUSTAN 12971 HWY 395 LAKEVIEW OR 97630 13 A WELL > TANDY CR Uses: IS IR		41.00S 20.00E 01 NSW	Lake	02/06/2003	1.1000 C	IR	2
G-15928	NORTH DOUGLAS SCHOOL DISTRICT PO BOX 428 DRAIN OR 97435 16 A WELL > HEDRICK CR Uses: IR		22.00S 05.00W 17 NENE	Douglas	02/19/2003	0.0500 C	PFO	3
G-15946	RANCE KASTER 21202 SE PINE CREEK RD POST OR 97752 05 A WELL > CROOKED R Uses: IR		17.00S 19.00E 02 NENE	Crook	03/10/2003	0.5000 C	PFO	2
G-15959	WADE BINGAMAN PO BOX 137 IMBLER OR 97841 08 A WELL > GRANDE RONDE R Uses: IR		01.00S 39.00E 29 NWNW	Union	03/24/2003	0.4800 C	PFO	2
G-15999	RAYMOND BATES 57891 GODLEY RD UNION OR 97883 08 A WELL > LITTLE CR Uses: IR		04.00S 39.00E 12 SESW	Union	04/30/2003	0.4460 C	IR	2

App#	Basin	Source	Township/Range	County	Priority	Quantity	Stage	Status
G-16007		WENDY CHADSEY PO BOX 449 SCOTTS MILLS OR 97375 02 A WELL > MARQUAM CR Uses: NU	06.00S 01.00E 10 SWSW	Clackamas	05/13/2003	0.7000 C	IR	3
S-85595		WILLIAM FUZIA 36899 HWY 26 SEASIDE OR 97138 01 A SPR > N FK NECANICUM R Uses: DN	05.00N 09.00W 16 SESW	Clatsop	05/12/2003	0.0110 C	PFO	3
G-16014		MELVIN OMEG 2965 DRY HOLLOW LANE THE DALLES OR 97058 04 A WELL > THREEMILE CR Uses: IR	01.00N 13.00E 33 NWNW	Wasco	05/21/2003	0.8910 C	IR	2
G-16021		LINDA ESHRAGHI NORTHWEST FARM CREDIT SERVICES 5895 SW MINTER BRIDGE RD HILLSBORO OR 97123 02 A WELL > TUALATIN R 02 A WELL > TUALATIN R Uses: NU	01.00S 02.00W 29 NESW 01.00S 02.00W 29 SENW	Washington	05/28/2003 05/28/2003	0.6680 C (est) 0.6680 C (est)	IR	2
S-85728		JIM STANLEY 13934 SILVER FALLS HWY SE SUBLIMITY OR 97385 02 A RES > BEAVER CR Uses: IR	08.00S 01.00W 23 NWSE	Marion	08/05/2003	11.0000 A	IR	2

## Permit Application Final Orders

Following is a list of applications that have had final orders issued recently. If you would like a copy of one of the final orders, you may send a request with \$10.00 for each final order to the Water Rights Section, Oregon Water Resources Department, 158 12th Street, Salem OR 97301. If you have any questions, please contact the Water Rights Information Group at 503-378-8455, extension 201.

Application	Basin	County	Priority	Other Name	Name	FO Date
G 15811	5	DESCHUTES	8/5/02	PHILLIPS, ELLEN J	LARRY R	9/8/03
R 85474	18	LINC	2/21/03	CITY OF LINCOLN CITY		9/10/03
G 14998	2	MULTNOMAH	6/16/99	RHODIN INC.; ODRZYWOLSKI, JOSEPH M		9/15/03
G 15130	2	YAMHILL	4/18/00	DAYTON NURSERY LLC		9/15/03
G 15807	7	MORROW	8/1/02	HELLBERG, MARILYN	MAX	9/15/03
G 15825	6	GILLIAM	8/19/02	CITY OF LONEROCK; PARROT, FLOYD		9/15/03
G 15831	12	HARNEY	8/29/02	YOUNG, MERILEE	JACK	9/15/03
G 15872	2	YAMH	11/13/02		SCOTT	9/15/03
G 15881	14	KLAM	11/29/02	CHERRY CREEK AGGREGATE LLC		9/15/03
G 15885	4	WASC	12/4/02		NEAL	9/15/03
G 15890	13	LAKE	12/11/02		JOE	9/15/03
G 15906	15	KLAM	1/7/03	LAKEWOODS DEVELOPMENT LLC	STEVE	9/15/03
G 15913	2	BENT	1/21/03		MARVIN	9/15/03
R 85576	2	BENT	4/30/03		PAUL	9/15/03
R 85584	9	BAKE	5/2/03		JOHN	9/15/03
R 85589	2	LANE	5/7/03		ADRIENNE	9/15/03
R 85619	16	DOUG	5/27/03		DOUG	9/15/03
R 85621	4	HOOD	5/23/03		GARY	9/15/03
R 85627	16	DOUG	6/2/03		RUPERT	9/15/03
R 85645	2	CLAC	6/13/03		DAVE	9/15/03
R 85776	2	BENT	4/30/03		PAUL	9/15/03
S 85392	16	DOUG	12/24/02		JAMES	9/15/03
S 85493	17	CURR	3/13/03	HW3 LLC ET AL	STEVE	9/15/03
S 85519	18	LANE	3/31/03		MARTIN	9/15/03
					CABLE	

**Applications for Extensions of Time  
to Perfect Water Right Permits filed pursuant to OAR 690-315**

Consistent with OAR 690-315-0050, the Department will accept public comment on the following extension applications until October 16, 2003. Following the comment period, the Department will prepare and issue a proposed final order. Individuals who would like a copy of the proposed final order may request copies by sending a request and \$7.00 (the estimated copy fee charge). Please indicate the file number. Copies of the proposed final order may be viewed at the Department and/or self copied for a lesser charge. Individuals wishing to obtain a copy of the extension application should contact the Department by phone or in person as extension application materials can range between four to fifty pages.

Extension file information is included in the following format:

- (a) Applicant name and address;
- (b) County of application
- (c) Amount of water use permitted in gallons per minute (gpm), cubic feet per second (cfs) or acre feet (af) of storage;
- (d) Common name of water source(s) listed in the permit;
- (e) Application Number - Permit number;
- (f) Use allowed in the permit;
- (g) Proposed extended date of completion as requested by the extension applicant

THOMAS G STRAND  
18880 NW LONE PINE LANE  
TERREBONNE, OR 97760  
CROOK COUNTY  
1.16 CUBIC FEET PER SECOND  
TWO WELLS IN CROOKED RIVER BASIN  
Application Number: G-12177 Permit Number: G-12561  
IRRIGATION OF 92.5 ACRES  
OCTOBER 1, 2004

PATRICIA SCHWARZ-SCHWEPP  
PO BOX 1783  
SISTERS, OR 97759  
DESCHUTES COUNTY  
0.15 CUBIC FOOT PER SECOND  
ONE WELL IN SQUAW CREEK BASIN  
Application Number: G-13493 Permit Number: G-12883  
IRRIGATION OF 12.0 ACRES  
OCTOBER 1, 2004

GARY & STEVE GANT  
PO BOX 765  
BANDON, OR 97411  
COOS COUNTY  
0.245 CUBIC FOOT PER SECOND  
THREE WELLS IN JOHNSON CREEK BASIN  
Application Number: G-14666 Permit Number: G-13489  
CRANBERRY USE ON 10.3 ACRES  
OCTOBER 1, 2007

DANIEL L & CINDY A TOBISKA  
55246 MORRISON RD  
BANDON, OR 97411  
COOS COUNTY  
0.18 CUBIC FOOT PER SECOND  
TWO WELLS IN THE FERRY CREEK BASIN  
Application Number: G-14679 Permit Number: G-13546  
CRANBERRY OPERATIONS ON 6.0 ACRES  
OCTOBER 1, 2011

ROBERT A DONALDSON  
PO BOX 918  
LANGLOIS, OR 97450  
CURRY COUNTY  
0.18 CUBIC FOOT PER SECOND  
ONE WELL IN FLORAS CREEK BASIN  
Application Number: G-14685 Permit Number: G-13677  
CRANBERRY USE ON 20.0 ACRES  
OCTOBER 1, 2013

CITY OF CORVALLIS  
ATTN: TOM PENPRAZE  
PO BOX 1083  
CORVALLIS, OR 97339-1083  
BENTON COUNTY  
65.0 CUBIC FEET PER SECOND  
WILLAMETTE RIVER, TRIBUTARY OF COLUMBIA RIVER  
Application Number: S-47453 Permit Number: S-35551  
MUNICIPAL USE  
OCTOBER 1, 2075

CITY OF RICHLAND  
PO BOX 266  
RICHLAND, OR 97870  
BAKER COUNTY  
2.0 CUBIC FEET PER SECOND  
EAGLE CREEK, TRIBUTARY OF POWDER RIVER  
Application Number: S-69032 Permit Number: S-50156  
MUNICIPAL USE  
OCTOBER 1, 2103

**Extension of Time Checkpoint Progress Reports filed pursuant to OAR  
Chapter 690, Division 320**

Consistent with OAR 690-320-0010(10), the Department will accept public comment on the following Extension of Time Checkpoint Progress Reports for 30 days from the date of this notice. Comments must be in writing and must indicate the application file and permit numbers. Following the comment period, the Department shall review evidence to determine whether or not the permit holder has been diligent in developing and perfecting the water use permit and has complied with all terms and conditions of the permit and/ or extension of time. Additionally, the Department will provide notice of its determination to anyone who has submitted comments.

Extension file information is included in the following format:

- (a) Permit holder's name and mailing address
- (b) Application File Number / Permit Number
- (c) County of use
- (d) Quantity of permitted water use in gallons per minute (gpm), cubic feet per second (cfs) or acre-feet (af)
- (e) Common name of water source(s) listed in the permit;
- (f) Use of water allowed under the permit;
- (g) Current authorized extension date ("C" Date)

CITY OF TROUTDALE  
ATTN: JAMES GALLOWAY  
104 SE KIBLING  
TROUTDALE, OR 97060  
Application Number: G-9291 Permit Number: G-8655  
MULTNOMAH COUNTY  
1.1 CUBIC FEET PER SECOND  
ONE WELL (WELL #3)  
MUNICIPAL USE  
OCTOBER 1, 2017

SUBURBAN EAST SALEM WATER DISTRICT  
3805 LABRANCH ST SE  
SALEM, OR 97301  
Application Number: G-12216 Permit Number: G-11286  
MARION COUNTY  
1.894 CUBIC FEET PER SECOND (BEING 1.225 CFS FROM WELL #1, 0.223 CFS FROM WELL  
2A & 0.446 CFS FROM WELL 2B)  
THREE WELLS IN THE LITTLE PUDDING RIVER BASIN  
QUASI-MUNICIPAL  
OCTOBER 1, 2020

LUCKIAMUTE DOMESTIC WATER CO  
8585 SUVER RD  
MONMOUTH, OR 97361  
Application Number: G-12706 Permit Number: G-12001  
POLK COUNTY  
3.7 CUBIC FEET PER SECOND  
FOUR WELLS IN THE WILLAMETTE RIVER BASIN  
QUASI-MUNICIPAL USE  
OCTOBER 1, 2015

COLTON WATER DISTRICT  
PO BOX 171  
COTTON, OR 97017  
Application Number: S-58553 Permit Number: S-44505  
CLACKAMAS COUNTY  
1.0 CUBIC FEET PER SECOND  
JACKSON CREEK, TRIBUTARY OF MILL CREEK (MOLALLA RIVER)  
MUNICIPAL USE  
OCTOBER 1, 2014

## Proposed Final Orders Regarding Applications for Extensions of Time for Water Right Permits

ORS 537.320, 537.248 and 537.630 authorize the Water Resources Department to extend time limits contained in water rights permits for completing construction of water development projects and applying water to full beneficial use. Procedures for permit holders to apply for extensions and for the Department to evaluate and determine whether or not to approve extensions of time are contained in OAR 690-320-0010 for extensions filed before July 1, 2001, and in OAR 690-315-0010 for extensions filed on or after July 1, 2001.

Proposed Final Orders (PFOs) are the Department's preliminary decision on extension requests. They document the agency's decision through specific findings. Persons interested in receiving a mailed copy of a PFO must pay a statutorily-required fee of \$2 for the first page and 50 cents for each additional page. These proposed orders are generally seven pages in length. (Any person paying \$10 to receive a PFO by mail will also receive a copy of the Final Order when it is issued.) PFO's may be viewed for free at the Department's Salem Office or at the appropriate district watermaster office.

### Extension of Time Public Notice and Comment Procedures

**Written comments on or written protests against a PFO must be submitted on or before October 31, 2003.** There is no fee for submission of comments. However, protests shall include the \$25 fee as required by ORS 536.050 (1)(j) and raise all reasonably ascertainable issues and available arguments supporting the person's position by the close of the comment period.

### **1.) OAR-690-320**

County of Use:	YAMHILL
Application File Number:	R-80297
Permit Number:	R-11739
Applicant:	MICHAEL W HINTERMEYER
Address:	13501 FORD RD, GASTON, OR 97119
River Basin:	WILLAMETTE BASIN
Water Source:	SPRINGS & HAY CREEK, TRIBUTARIES OF TURNER CREEK
Authorized Use of Water:	STORED WATER TO BE APPROPRIATED UNDER PERMIT # S-52053 FOR IRRIGATION OF 12.0 ACRES & LIVESTOCK WATERING
Maximum Diversion/ Appropriation Rate:	1.4 ACRE-FEET, BEING 0.2 AF IN POND #1, 1.0 AF IN POND #2, & 0.2 AF IN POND #3

Recommendation: The Department proposes to issue an order to approve the extension for complete construction of the water system from October 1, 1998, to October 1, 2005; and approve the extension for complete application of water from October 1, 1999 to October 1, 2005.

County of Use: YAMHILL  
Application File Number: R-80298  
Permit Number: R-52053  
Applicant: MICHAEL W HINTERMEYER  
Address: 13501 FORD RD, GASTON, OR 97119  
River Basin: WILLAMETTE BASIN  
Water Source: THREE RESERVOIRS ( BEING PONDS  
#1, #2, & #3), TO BE CONSTRUCTED  
UNDER PERMIT #R-11739,  
TRIBUTARIES OF TURNER CREEK  
Authorized Use of Water: IRRIGATION OF 12.0 ACRES &  
LIVESTOCK WATERING  
Maximum Diversion/  
Appropriation Rate: 1.4 ACRE-FEET, BEING 0.2 AF IN  
POND #1, 1.0 AF IN POND #2, & 0.2  
AF IN POND #3  
Recommendation: The Department proposes to issue an order to  
approve the extension for complete construction of the water  
system from October 1, 1998, to October 1, 2005; and approve the  
extension for complete application of water from October 1, 1999  
to October 1, 2005.

## Applications for Limited Licenses

A limited license allows the right to use or store water for no more than 5 consecutive years. Use of water under a limited license is subordinate to all other authorized uses and may be shut-off at any time to satisfy those other uses. In addition, the Department may revoke a limited license if its use causes injury to any other water right or minimum perennial streamflow.

Licensees must maintain a record of how much water they are using (ORS 537.143). The Department may approve a license after September 30, 2003, upon finding that the proposed water use will not impair or be detrimental to the public interest (OAR 690-340-030). The public may comment on injury to existing water rights caused by allowing use of water under the terms of a limited license.

### WASHINGTON

LL # 753      US BUREAU OF RECLAMATION  
CONTACT PERSON: RON EGGERS OR RUTH PAGE  
1150 N CURTIS SUITE 100  
BOISE, ID 83706  
190 ACRES FEET FROM PERMIT 35792, FROM SCOGGINS  
RESERVOIR (STORED WATER ONLY), TRIBUTARY TO THE  
TUALATIN RIVER, FOR MANUFACTURING.  
POD- SW 1/4 NE 1/4 OF SECTION 20, T 1 SOUTH, R  
4 WEST, W.M.

### CLACKAMAS

LL # 754      NW NATURAL  
CONTACT PERSON: MICHAEL HAYWARD  
220 NW SECOND AVE  
PORTLAND, OR 97209  
2,000.0 GALLONS PER MINUTE, FROM THE WILLAMETTE  
RIVER, A TRIBUTARY OF THE COLUMBIA RIVER, FOR  
INSTALLATION AND TESTING OF A 24" NATURAL GAS  
PIPELINE.  
POD- NE 1/4 SE 1/4 OF SECTION 23, T 3 SOUTH, R 1  
WEST, W.M.

**OREGON  
WATER  
RESOURCES  
DEPARTMENT**



Commerce Building  
158 12th Street NE  
Salem OR 97301-4172

**PUBLIC NOTICE OF WATER USE REQUESTS**  
September 16, 2003

Use the back of this form to offer comments on water use requests or other items in this notice or to order copies of proposed final and final orders. You are welcome to submit comments on a separate sheet, but please be sure to include your name and address and reference the specific request or document that concerns you. Please mail your comments to the address listed above.

**Water Use Request Type & File Number**  
(e.g. "Permit Application G-12345" or "Transfer T-1234"):

Mail me the order  
(payment enclosed)\*

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[ ]  
[ ]  
[ ]  
[ ]

**Your Name, Address, and Phone Number:**

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\* We are required by law to charge a fee of \$10 to mail a copy of a proposed final or final order for a permit application to any interested person. Please include a check made out to the Oregon Water Resources Department in the amount of \$10 for each proposed final order you would like mailed to you. This fee entitles you to also receive a copy of the final order, when issued. (Copies of proposed final and final orders are also available for viewing—at no charge—at our Salem office or at the local watermaster office.)

STATE OF OREGON  
WATER RESOURCES DEPARTMENT

RECEIPT # 62598

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

INVOICE # \_\_\_\_\_

RECEIVED FROM: T C Ranches

BY: \_\_\_\_\_

CASH:  CHECK:  OTHER: (IDENTIFY)

APPLICATION	<u>G12177</u>
PERMIT	<u>G12561</u>
TRANSFER	

TOTAL REC'D \$ 100.00

**0401 TREASURY 0417 WRD MISC CASH ACCT**

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

**0427 WRD OPERATING ACCT**

MISCELLANEOUS

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

WATER RIGHTS:

0201 SURFACE WATER	\$	0202	\$
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$		
WELL CONSTRUCTION	EXAM FEE		RECORD FEE
0218 WELL DRILL CONSTRUCTOR	\$	0219	\$
LANDOWNER'S PERMIT		0220	\$

OTHER (IDENTIFY) \_\_\_\_\_

**0536 TREASURY 0437 WELL CONST. START FEE**

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

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

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

**TREASURY OTHER / RDX**

FUND \_\_\_\_\_ TITLE \_\_\_\_\_

OBJ. CODE \_\_\_\_\_ VENDOR # \_\_\_\_\_

DESCRIPTION \_\_\_\_\_ \$ \_\_\_\_\_

RECEIPT: 62598

DATED: 9/4/13 BY: Linda Doepker

9/4/03 Receipt  
62598 00 RECEIVED  
SEP 04 2003  
WATER RESOURCES DEPT  
SALEM, OREGON

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

I, Thomas G. Strand  
NAME

TC RANCH  
18880 N.W. Lone Pine Lane  
Tereboho, OR 97760

541-546-5747

18880 N.W. Lone Pine Lane CITY Tereboho STATE OR ZIP 97760 PHONE 460-8673

owner of record, or duly authorized agent, of Application No. G-12177, Permit No. G-12561,  
do hereby request that the time in which to:

- complete the construction of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, 1998,  
be extended to October 1, 2004,
- and/or the time in which to:
- accomplish beneficial use of water to the full extent under the terms of the permit, which time now expires on October 1, 1999, be extended to October 1, 2004.

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

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

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

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SEP 04 2003

WATER RESOURCES DEPT  
SALEM, OREGON

1. Did water system construction/well drilling begin within the time specified in the permit [yes/no]?  
Yes
2. Has construction of diversion/appropriation works, distribution system, and use of water, if any, been accomplished consistent with the limitations and conditions of this permit [yes/no]?  
Yes

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

A meter has been installed on the well.

The conditions have been complied with.

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

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

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

Installed all necessary equipment to irrigate the property, just waiting for the exchange approval from the Water Resources Dept.

---

---

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

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SEP 04 2003

WATER RESOURCES DEPT  
SALEM, OREGON

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

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

ability to irrigate 60 acres  
350 gallons per minute and up to 3 af/acre  
on the acres irrigated.

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

60 acres

5. Cost of project to date 53,700. Estimated remaining cost to complete the project 7500.00.

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

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

The project was on schedule. I have been delayed by the Department's failure to decide or take action on my exchange application. I am therefore re-configuring the delivery system to alleviate the need for an exchange and is doing so, I will need 1 more year to complete.

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SEP 04 2003

WATER RESOURCES DEPT  
SALEM, OREGON

B) Financing and/or cash-flow needs to develop the project precluded completion of the project within authorized timeframes.

N/A

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

N/A

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

N/A

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

Thomas J. Staud

Signature

8-25-03

Date

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

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

revised: September 18, 2002

STATE OF OREGON

COUNTY OF CROOK

RECEIVED

SEP 04 2003

WATER RESOURCES DEPT  
SALEM, OREGON

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

THOMAS G STRAND  
RT 1 BOX 53  
TERREBONNE, OREGON 97760

(541) 548-5747

NORTHWEST FARM CREDIT SERVICES, ACA  
PO BOX 607  
REDMOND, OREGON 97756

(541) 548-2126

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

APPLICATION FILE NUMBER: G-12177

SOURCE OF WATER: TWO WELLS WITHIN THE CROOKED RIVER BASIN

PURPOSE OR USE: IRRIGATION OF 92.5 ACRES

VOLUME OF USE: 1.16 CUBIC FOOT PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: JULY 16, 1990

POINT OF DIVERSION LOCATION: SW 1/4 NW 1/4, NW 1/4 SW 1/4, SECTION 8, T14S, R14E, W.M.; WELL 1 - 1348 FEET NORTH AND 33 FEET EAST; WELL 2 - 3116 FEET NORTH AND 267 FEET EAST, BOTH FROM THE SW CORNER OF SECTION 8

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:

SE 1/4	NW 1/4	20.0 ACRES
NE 1/4	SW 1/4	23.5 ACRES
SW 1/4	SW 1/4	28.5 ACRES
SE 1/4	SW 1/4	14.0 ACRES
SECTION 5		

NW 1/4	NW 1/4	0.5 ACRE
SW 1/4	NW 1/4	6.0 ACRES
SECTION 8		

TOWNSHIP 14 SOUTH, RANGE 14 EAST, W.M.

RECEIVED

SEP 04 2003

WATER RESOURCES DEPT  
SALEM, OREGON

PAGE 2

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.

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.

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.

#### 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.

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SEP 04 2003

WATER RESOURCES DEPT  
SALEM, OREGON PAGE 3

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.

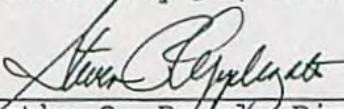
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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 wells shall begin within one year from permit issuance and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued July 8, 1996

  
for Martha O. Pagel, Director

Water Resources Department



# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

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

October 2, 2003

Chuck Hegele  
7950 N. Lone Pine Rd.  
Terrebonne, OR 97760

T-7265

RE: Transfer Application T-7265

Dear Mr. Hegele:

Enclosed is the Department's September 16, 2003, public notice of water use requests. Please note that Mr. Strand has applied for an extension of time to perfect Permit G-12561. Mr. Strand's development of water use under the permit will lead to withdrawal of transfer application T-7265.

Sincerely,

ll

Greg Nelson  
Field Services Division  
503-986-0888

Enclosure

c: Jeremy Giffin, District 11 Watermaster  
Kyle Gorman, South Central Region Manager  
Thomas Strand

*Please note: The Department recently relocated and has yet to receive new letterhead with the current address.*

*The new address is:*

*Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, OR 97301-1271*

# MEMORANDUM

**Date:** October 15, 2003

**To:** Application #G-12177 (Permit #G-12561)

**From:** Lisa Juul, Permit Extension Review

**Subject:** Third party complaint

On April 24, 2003, Chuck Hegele (third party) sent a letter raising issues that Application #G-12177 (Permit #G-12561) and exchange file #T-7265 do not follow ORS 536, 537, 540, 545 and OAR 690-330-0010 requirements. It does not appear that the Department responded to this letter.

Per Renee Moulun (WRD Protest Coordinator), if a complaint or request for reconsideration (under OAR 690-320) goes longer than 60 days with no action, the request is deemed denied.

Further, the third party complaint does not address the Extension of Time application for Permit #G-12561 (Application #G-12177).

RECEIVED  
APR 24 2003  
WATER RESOURCES DEPT.  
SALEM, OREGON

4-21-03

To Oregon Water Resource Department  
158 -12<sup>th</sup> Street NE  
Salem OR 97301-4172

Att: Lisa Juul

Re: Formal Protest

Dear Mr. Brown:

I am registering a formal complaint against application #G-12177 permit No. 6-12561 and exchange file No. T-7265. I believe that some of information in these files is wrong, and I also believe that they do not follow ORS-536, 537,540,545, and OAR 690-330-0010 requirements. In my opinion they should not be allowed as submitted.

\

Thank you.

  
Chuck Hegele

Chuck Hageley

503-519-3608

Re Strand

5,6 | 9:00  
PM

Charles Hegele  
7950 N. Lone Pine Rd  
Tremonton UT 84337

CERTIFIED MAIL



7099 3400 0016 9429 8490



0000

\$4.42  
00061922-01

RETURN RECEIPT  
REQUESTED

OR Water Resources Department  
158 - 12th Street NE  
SA/CM OR 97301-4172

att Yvonne Juvel  
97301#4172



RECEIVED

APR 24 2003

WATER RESOURCES DEPT.  
SALEM, OREGON

4-21-03

To Oregon Water Resource Department  
158 -12<sup>th</sup> Street NE  
Salem OR 97301-4172

Att: Steve Brown

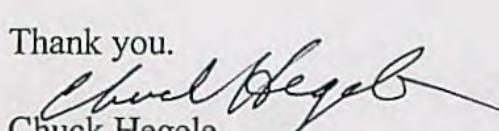
Re: Formal Protest

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\

Thank you.

  
Chuck Hegele

Charles Hegel  
7950 N. Zone Line Road  
Teneboma OR 97116

RETURN RECEIPT  
REQUESTED

**CERTIFIED MAIL**



7099 3400 0016 9429 8508

0000



U.S. POSTAGE  
PAID  
TERREBUNE, DE  
57-80  
APR 22 '03  
-MOUNT

**\$4.42**  
00061922-0

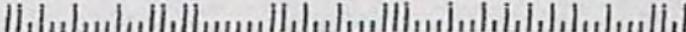
# Oregon Water Resources Dept.

158-120 Street NE

Salem OR 97301-4122

at Steve Brown

37301#4172



RECEIVED

APR 24 2003

WATER RESOURCES DEPT.  
SALEM, OREGON

4-21-03

To Oregon Water Resource Department  
158 -12<sup>th</sup> Street NE  
Salem OR 97301-4172

Att: Lisa Juul

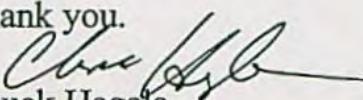
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\

Thank you.

  
Chuck Hegele

Chuck Hageky

503-519-3608

Re Strand

5-6 | 9:00  
PM

Charles Hegel  
7950 N. Lone Pine Rd  
Temecula CA 92546

## **CERTIFIED MAIL**



2099 3400 0016 9429 8490

- 0000



U.S. PO  
PAID  
TERREB  
9-17  
OPP. 22  
OMIT

~~\$4.49~~

RETURN RECEIPT  
REQUESTED

OR Water Resources Dept  
158 - 12th Street NE  
SA/CM OR 97301-41

att Yia Jewl  
97301#4172

37301#4172

**SENDER:**

- Complete items 1 and/or 2 for additional services.  
Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write *"Return Receipt Requested"* on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1.  Addressee's Address
2.  Restricted Delivery

**3. Article Addressed to:**

THOMAS STRAND  
RT 1 BOX 53  
TERREBONNE OR 97760

**4a. Article Number**

6-12177

WR's

56638

**4b. Service Type**

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

**7. Date of Delivery****8. Addressee's Address (Only if requested and fee is paid)****5. Received By: (Print Name)**

CAROL STRAND

**6. Signature (Addressee or Agent)**

X Carol Strand

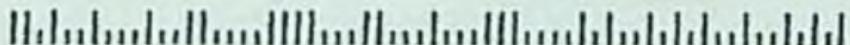
UNITED STATES POSTAL SERVICE



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

- Print your name, address, and ZIP Code in this box •

WATER RESOURCES DEPT  
158 12TH ST NE  
SALEM OR 97310





# Oregon

John A. Kitzhaber, M.D., Governor

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

June 30, 1999

THOMAS STRAND  
RT 1 BOX 53  
TERREBONNE OR 97760

REFERENCE: File G-12177

This letter is in regard to your water use Permit g-12561. As we pointed out to you in our letter of January 16, 1999, your claim of beneficial use must be received in this office by **September 28, 1999**.

Oregon Administrative Rule 690-14-190 states: "The claim of beneficial use shall be submitted to the Department within one year after the use was reported...as being complete...Failure to comply with this section shall cause the Director to initiate permit cancellation proceedings as provided by ORS 537.260."

The "claim" consists of a site report and map of the developed use prepared by a Certified Water Rights Examiner, which accompany a request from the permittee for issuance of a certificate of water right.

You are hereby notified that unless your claim is received on or before **September 28, 1999**, your permit will be canceled without further notice.

If you have any questions, please contact the Water Rights Section.

Sincerely,

DALLAS MILLER  
Water Rights Specialist

DM:jh

cc: Kyle Gorman, Watermaster  
Gary DeJarnatt, CWRE  
NW Farm Credit Services, ACA - P.O. Box 607 - Redmond, OR 97756

CERTIFIED - RETURN RECEIPT REQUESTED

From: UMPQUA::BUSHNELL "receptionist" 22-AUG-1994 10:23  
To: Brown  
CC: phonenotes  
Subj: Bruce Estes 585-7593

Please call

To clear message light, press 1-#-1-0.

BAE  
Call in this date to discuss  
Exchange accs req'd.

DET

# Oregon

---

WATER  
RESOURCES  
DEPARTMENT

---

August 23, 1994

Thomas G. Strand  
Route 1, Box 53  
Terrebonne, OR 97760

Reference: Files G-12177

Dear Mr. Strand:

I have had the opportunity to review your application file with Bruce Estes. Please let me know if Mr. Estes is authorized to act on your behalf and I will work with him to complete the necessary requirements for your proposed use of water.

It appears that your groundwater application, in part, proposes to exchange the use of groundwater for surface water. If this is the case, it will be necessary to submit an application for exchange of water, in addition to Application G-12177. I am enclosing forms for your use to submit such a request.

After completion of the technical requirements of the exchange application, it will need to be reviewed by the Water Resources Commission prior to approval.

I apologize for the delay in response to your request. Please feel free to contact me if you have any questions and I will be happy to address any concerns you may have.

Respectfully,

Steve Brown  
Water Rights Program Analyst  
Water Right/Adjudication Division

cc: Bruce Estes, PLS, CWRE

1213



---

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

# FO CHECKLIST

FILE # G-12177  
WEEK # 37

PFO TO FO CONVERSION

REVIEW DATE: 6/14/96  
INITIALS: 7wg

In preparing the FO, you should check the following:

1.  Y / N - Sharon WD #11 Were comments or protests received in response to the PFO?
2.  List names and addresses of **ALL** commentors (regardless of comment date) on the PFO CC list.
3.  Verify payment of recording fees (circle the appropriate option)  
(1) Issue FO w/permit if fees are paid - Prepare refund request for excess fees  
(2) Issue FO w/o permit if fees are lacking
4.  Y / N Is the file lacking a signed oath of accuracy for the application?
5.  Y / N Has ODFW asked for self certification on screening condition?
6.  Y / N Is water use prohibited for one or more months of the normal use period?
7.  Y / N If #6 = "Y", is short season letter on file?
8.  Assign permit numbers to files with oath, fees, and no protests or other issues

Route to: (circle one)		
DENIAL	FO w/o PERMIT	FO & PERMIT
LARRY	CORY	<input checked="" type="checkbox"/> JERRY
		COMMENTS
		DOUG

7B175

9.  Y / N Is further processing possible? If not state reason: \_\_\_\_\_

10.  July Notify applicant of additional information or fees required prior to permit issuance (Use standard wording from M:\T\FO\TOOLS if possible)

Modify FO as needed to:

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

Once FO document is completed:

14.  July Save WordPerfect document in M:\T\FO\WEEK<sup>40</sup> & delete duplicates
15.  Print final draft of document and submit to team leader for review
16.  Y / N Team leader review completed

300 - EXAM  
100 - 10 AC  
166 - 83 AC  
466

## TECHNICAL REVIEW CHECKLIST

9/26/94

1. Application: G-12177

2. Review Date: \_\_\_\_\_

S indicates information was completed or adequately addressed.

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

N/A indicates Not Applicable

WIFE CAROC TO SIGN APP. SEE COPY OF DEED

## SUMMARY

NALand Use FOCUSED PRIOR TO 8-8-90NA/yes/noSubstantial SW interference w/GW  
(if yes, see results of surface water availability analysis)S

Conflicts

\_\_\_\_\_

Water Availability (\_\_\_\_\_)  
(Water Availability Sub-basin#)

\_\_\_\_\_

The application, map and supporting data are complete and free of defects.

yes/NA

A TMDL letter has been received for this source or tributary. If yes, the period of use has been adjusted.

3. \_\_\_\_\_ The applicant has certified that the information provided in the application is an accurate representation of the proposed use and is true and correct to the best of their knowledge. An oath is required before a permit is issued regardless of the application's priority date.

5. \_\_\_\_\_ Application fees:

Examination fee:	\$	HOLD UP
Recording fee:	\$	
TOTAL REQUIRED	\$	
TOTAL SUBMITTED	\$	
AMOUNT DUE prior to issuance of permit	\$	POSSIBLE EXCHANGE
AMOUNT OVERPAID	\$	
refund due applicant	\$	

6. \_\_\_\_\_ Proposed dates of beginning and completion of construction, and complete application of water.

7. \_\_\_\_\_ A satisfactory map of the proposed place of water use prepared by a certified water right examiner, unless exempt under OAR 690-14-150(3). (A CWRE map is not required for applications filed before November 9, 1987.)

POSSIBLE  
EXCHANGE  
of WATER

8. S A written copy of the legal description of the property on which the water is to be used.

9. ? A copy of written authorization, contract or easement permitting access to the land or reservoir not owned by the applicant. *SEE LETTER MAIL. 07, 1993 FROM TOM STROOK*

10. \_\_\_\_\_ No statement of ownership was required for applications filed before August, 1990. *RESOLVED  
WECC #1 POD  
8' pipeline under  
ROADWAY*

11. \_\_\_\_\_ The proposed use is not restricted or prohibited by statute.

12. \_\_\_\_\_ The source of water is not withdrawn from appropriation by order of the State Engineer or Water Resources Commission, or legislatively withdrawn under ORS Chapter 538.

13. \_\_\_\_\_ use(s) is/are classified uses(s) under the \_\_\_\_\_ Basin Program, OAR 690 - \_\_\_\_\_.

Land Use Compatibility:

14. As expressed by the Planning Department of pre 8-8-90

15. WHA The land uses to be served by proposed water uses (including proposed construction) are allowed or are not regulated by the local comprehensive plan (ordinance section \_\_\_\_\_).

16. WHA The land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals which have been obtained.

17. WHA The local government was notified, and sent no comment pursuant to the rules at the time; land use was presumed in compliance per such statement printed on the application.

For reservoir applications:

18. \_\_\_\_\_ Plans, specifications and supporting information for the dam and impoundment area must be approved by dam safety before a technical review is issued. Plans and specifications are not required for dams less than 10 feet in height and store less than 9.2 acre-feet. (OAR 690, Div 20)

TECHNICAL REVIEW CHECKLIST

Application: 612177

Review Date: 3-22-93

S indicates information was completed or adequately addressed.  
U indicates information is needed, or incomplete, or inadequately addressed  
N/A indicates Not Applicable

SUMMARY

✓ Completeness  
3 Land Use  
S GW Interference (if potential interference with surface water, see results of water availability analysis)  
  Conflicts  
S Water Availability

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

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

S Application fees:

Examination fee:	\$ 200	10-100
Recording fee:	<u>\$ 266</u>	83-166
TOTAL REQUIRED	\$ 466	
TOTAL SUBMITTED	\$ 466	
AMOUNT DUE prior to issuance of permit	\$ —	
AMOUNT OVERPAID		
refund due applicant	\$ —	

S Proposed dates of beginning and completion of construction, and complete application of water.

S A satisfactory map of the proposed place of water use prepared by a certified water right examiner, unless exempt under OAR 690-14-150(3).

N/A A CWRE map is not required for applications filed before November 9, 1987.

U A written copy of the legal description of the property on which the water is to be used.

— A copy of written authorization, contract or easement permitting access to the land or reservoir not owned by the applicant.

N/A No statement of ownership was required for applications filed before August, 1990.

N/A The report from watermaster has been received.

S The proposed use is not restricted or prohibited by statute.

S The source of water is not withdrawn from appropriation by order of the State Engineer or Water Resources Commission, or legislatively withdrawn under ORS Chapter 538.

S IRRIGATION use(s) is/are classified uses(s)<sup>9</sup> under the RIVER Basin Program, OAR 690 - 505-005 (1)(a)  
Lower Crooked

U The application, map and supporting data are complete and free of defects.

#### Land Use Compatibility:

As expressed by the Planning Department of CROOK COUNTY

N/A The land uses to be served by proposed water uses (including proposed construction) are allowed or are not regulated by the local comprehensive plan (ordinance section \_\_\_\_\_).

N/A The land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals which have been obtained.

S The local government was notified, and sent no comment pursuant to the rules at the time; land use was presumed in compliance per such statement printed on the application.

#### For ground water applications:

S A copy of the constructor's log, if available, for any well already constructed, or required information regarding actual or anticipated construction.

S The report from groundwater section has been received.

#### For reservoir applications:

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

STATE OF OREGON  
WATER RESOURCES DEPARTMENT  
WATER RIGHTS DIVISION

Before the Director of the Water Resources Department

In the matter of ) PROPOSED  
Groundwater Application ) FINAL  
G-12177 submitted by ) ORDER  
THOMAS G STRAND AND  
NORTHWEST FARM CREDIT  
SERVICES, ACA

**FINDINGS OF FACT**

*Water Use Request*

1. THOMAS G STRAND AND NORTHWEST FARM CREDIT SERVICES, ACA requested use of 1.34 CUBIC FEET PER SECOND (CFS), BEING 1.123 CFS FROM WELL #1 FOR IRRIGATION OF 86.0 ACRES AND 0.11 CFS FROM WELL 2 FOR IRRIGATION OF 6.5 ACRES, of water from TWO WELLS LOCATED IN THE CROOKED RIVER BASIN within the Deschutes basin.
2. The area of proposed use is in Crook County within SECTIONS 5 AND 8, TOWNSHIP 14 SOUTH, RANGE 14 EAST, W.M.
3. The water delivery system is described by the applicant as follows: Well #1 contains three 3 inch handlines, two of which are 1000 feet long and 1 that is 1300 feet long. There is one pivot being 1180 feet. It also consists of 1180 feet of 6 inch mainline and 1000 feet of 5 inch mainline. Well #2 contains two handlines. One is 1000 feet long and the other is 320 feet long. There is also 600 feet of 4 inch mainline.
4. The request was made in Application G-12177 which was received by the Water Resources Department on July 16, 1990.

*Affected Waters*

1. This proposed use of groundwater is above a State Scenic Waterway.
2. There are no senior water rights from this point of appropriation.

*Department Actions*

1. The application was determined to be complete and not defective.
2. The Department determined, based upon OAR 690-09, that the proposed groundwater use will not have the potential for substantial interference with the nearest surface water source, namely CROOKED RIVER.
3. An Initial Review of the application was completed and a report of the results of that review was mailed to the applicant on JANUARY 9, 1996.

4. The Initial Review determined:
  - a. IRRIGATION OF 92.5 ACRES is allowed under the Deschutes Basin Program, [OAR 690-505-005(1)(a)].
  - b. The use is not prohibited by Statute.
  - c. Water for the proposed use is likely available in the amounts requested for the period MARCH 1 through OCTOBER 31.
  - d. The use would not injure existing water rights.
5. The report of Initial Review listed these determinations and disclosed a number of conditions and restrictions that would likely be included in the permit if issued. These conditions and restrictions are listed in the attached draft permit.
6. The applicant did not notify the Department to stop processing this application within 14 days after the report was mailed as provided in ORS 537.150(5).
7. The Department proceeded with processing the application and on JANUARY 23, 1996, published notice of the application in its weekly Public Notice of Water Rights.
8. At the close of the 30 day comment period provided in ORS 537.150(7), the Department had not received comments on the application.

#### Assessment

1. In proceeding with evaluation of Application G-12177, the following criteria were found to be relevant by the Department.
  - a. The Deschutes Basin Program (OAR Chapter 690, Division 505)
  - b. The Crook County Comprehensive Plan and Zoning Ordinance
  - c. Groundwater availability as determined by the Groundwater/Hydrology staff (OAR Chapter 690, Division 9)
  - d. The Scenic Waterway Act ORS 390.835 (8) Groundwater related applications
  - e. The established rate and duty for the proposed use
  - f. Pending, senior applications and existing water rights of record
  - g. An application for Exchange of Water and the required fees must be completed

#### CONCLUSIONS OF LAW

1. Based upon continued evaluation, the Department finds the determinations of the Initial Review remain valid.
2. Based on data received, the Department has determined that at this time the Department is unable to find that there is a preponderance of evidence that the proposed use of ground water will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife. The Department has further determined that, to protect the resource, an additional condition(s) on the proposed water use is necessary.

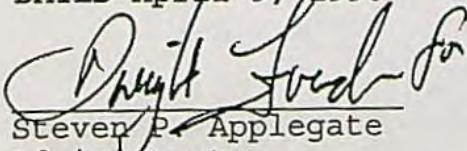
The condition, as further described on the attached draft permit, would require that the use may be regulated if analysis of data available after the permit or certificate is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing 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. Water may be appropriated for irrigation from March 1 through October 31.
4. The Department finds that no more than 1.34 CFS would be necessary for the proposed use. The amount of water requested, 1.34 CFS, BEING 1.123 CFS FROM WELL #1 FOR IRRIGATION OF 86.0 ACRES AND 0.11 CFS FROM WELL #2 FOR IRRIGATION OF 6.5 ACRES, is allowed for the proposed use.
5. The application was filed prior to the adoption of OAR 690-05, therefore the submission of land use information with the application is not required.
6. The proposed use would not conflict with existing water rights, and, if exercised in accordance with law, rule, and the proposed conditions would not result in injury to existing water users.
7. The proposed use complies with all other rules of the Commission.
8. Pursuant to Chapter 416, Oregon laws, 1995, enacted by the 68th Oregon Legislative Assembly, and given the findings listed above, a rebuttable presumption has been established that the use will not impair or be detrimental to the public interest if exercised in the manner described in the attached draft permit.
9. Therefore, the proposed use, as conditioned, and described in the attached draft permit, would not impair or be detrimental to the public interest.

#### PROPOSED ORDER

IT IS PROPOSED that Application G-12177 in the name of THOMAS G STRAND AND NORTHWEST FARM CREDIT SERVICES, ACA be approved for the use of 1.34 CUBIC FOOT PER SECOND, BEING 1.123 CFS FROM WELL #1 FOR IRRIGATION OF 86.0 ACRES AND 0.11 CFS FOR IRRIGATION OF 6.5 ACRES, from two wells located within the Deschutes Basin as provided in the attached draft permit.

DATED April 9, 1996



Steven P. Applegate  
Administrator  
Water Rights and Adjudications Division

**NOTICE:**

This Proposed Final Order is issued by the Department pursuant to Chapter 416, Oregon laws, 1995, enacted by the 68th Oregon Legislative Assembly.

To seek changes in this proposed final order, you must file a formal protest.

Formal protests to this proposed final order must be made in proper form and accompanied by the statutory fee in the amount of \$200. Note: The applicant is not subject to this fee.

For other than the applicant, if you agree with the findings in this proposed order, but wish to maintain your right to participate in any contested case proceeding or judicial review, you must file a written request for standing. Requests for standing in proceedings relating to this application must be made in the proper form and accompanied by the statutory fee in the amount of \$50.

Protests or requests for standing, along with the appropriate fees must be received by the Water Resources Department in Salem, Oregon by 5:00 pm on May 24, 1996.

Only the applicant and any persons who timely file a protest or request for standing may participate in further proceedings before the Department or the Commission which deal with this Application.

DRAFT  
STATE OF OREGON  
COUNTY OF CROOK

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

THOMAS G STRAND  
RT 1 BOX 53  
TERREBONNE, OREGON 97760

(541) 548-5747

NORTHWEST FARM CREDIT SERVICES, ACA  
PO BOX 607  
REDMOND, OREGON 97756

(541) 548-2126

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

APPLICATION FILE NUMBER: G-12177

SOURCE OF WATER: TWO WELLS WITHIN THE DESCHUTES BASIN

PURPOSE OR USE: IRRIGATION OF 92.5 ACRES

VOLUME OF USE: 1.34 CUBIC FOOT PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: JULY 16, 1990

POINT OF DIVERSION LOCATION: WELL #1 - NW 1/4 SW 1/4, SECTION 8, T14S, R14E, W.M.; 1348 FEET NORTH AND 33 FEET EAST FROM SW CORNER, SECTION 8, WELL #2 - SW 1/4 NW 1/4, SECTION 8, T14S, R14E, W.M.; 3116 FEET NORTH AND 267 FEET EAST FROM SW CORNER, SECTION 8

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:

SE 1/4 NW 1/4 20.0 ACRES  
NE 1/4 SW 1/4 23.5 ACRES  
SW 1/4 SW 1/4 28.5 ACRES  
SE 1/4 SW 1/4 14.0 ACRES  
SECTION 5

NW 1/4 NW 1/4 0.5 ACRE  
SW 1/4 NW 1/4 6.0 ACRES  
SECTION 8  
TOWNSHIP 14 SOUTH, RANGE 14 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.

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.

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.

**STANDARD CONDITIONS**

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

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

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

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

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

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

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

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

Actual construction of the well shall begin within one year from permit issuance, and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued \_\_\_\_\_, 199\_\_\_\_\_

DRAFT

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Water Resources Department  
Director

CONTRACT OF SALE

THIS AGREEMENT, made this 1st day of December, 1976,  
by W. A. BUCKNER and DORIS BUCKNER, husband and wife, herein called SELLER,  
and THOMAS G. STRAND and CAROL J. STRAND, husband and wife, herein called  
BUYER.

WITNESSETH:

Seller agrees to sell to buyer and buyer agrees to purchase  
that certain land, and all improvements thereon, situated in Crook  
County, State of Oregon, as described on EXHIBIT "A" attached hereto  
and made a part hereof.

1. PURCHASE PRICE AND TERMS:

The purchase price of the property which buyer agrees to  
pay, shall be the sum of FIVE HUNDRED THOUSAND and no/100 DOLLARS  
(\$500,000.00) payable as follows:

(a) The sum of \$120,000.00 which is paid upon APR 28 1993  
execution hereof.

(b) The remaining balance of \$380,000.00 shall WATER RESOURCES DEPT.  
SALEM, OREGON  
be paid in annual installments of not less  
than \$37,278.00 each including interest at the  
rate of 7 1/2 percent per annum on the  
 unpaid balances, the first of such install-  
ments to be paid on or before the 5th day of  
January, 1978, and subsequent installments  
to be paid on or before the 5th day of each  
January thereafter until the entire  
purchase price, including both principal and  
interest, is paid in full.

Interest on all unpaid balances shall commence  
on the 1st day of January, 1977.

MENT - PRIVILEGES:

Prior to January 5, 1980 buyer may not make any additional  
payment on this contract without prior written consent of seller.

Thereafter, buyer shall have the privilege of increasing any annual payment or prepaying the whole consideration, or any part thereof, at any time; provided that no additional payments shall be credited as regular annual payments provided for in this agreement.

3. POSSESSION:

Buyer shall be entitled to possession of the premises as of December 15, 1976. Seller shall have until January 5, 1977, to remove his possessions therefrom.

4. TAXES:

All taxes levied against the above described property for the current year shall be prorated between seller and buyer as of January 1, 1977. Buyer agrees to pay when due all taxes which are hereafter levied against the property and all public, municipal and statutory liens which may be hereafter lawfully imposed upon the premises. Until a change is requested, all tax statements shall be sent to the following address: Thomas G. & Carol J. Strand, Lone Pine, Oregon.

5. INSURANCE:

Buyer agrees to keep the buildings on said premises insured against loss by fire or other casualty in not less than the following amounts:

1. Dwelling House	\$15,000.00
2. Garage and Shop	\$ 1,500.00
3. Potato Cellar	\$15,000.00
4. Hay Shed	\$15,000.00
5. 1965 Van Dyke trailer	\$ 3,000.00
6. 1969 Chevrolet feed truck	\$ 3,000.00

All policies shall be issued with loss payable to the parties hereto as their interests appear at the time of loss with priority in payment to seller. Any amount received by seller under the insurance in payment of a loss shall be applied upon the unpaid balance of the purchase price and shall reduce said unpaid balance to the extent of the amount of the insurance payment received by seller. All uninsured losses shall be borne by buyer, on or after the date buyer becomes entitled to possession.

In the event buyer fails to pay, when due, any amounts required of him to be paid hereunder, by the terms of this contract, seller may pay any or all such amounts. If seller makes any such payments, the amounts thereof shall be added to the purchase price of the property on the date such payments are made by seller and such amounts shall bear interest at the rate of 10% per annum.

#### 6. IMPROVEMENTS, ALTERATIONS AND REPAIRS:

Buyer agrees that all improvements now located or which shall hereafter be placed on the premises, shall remain a part of the real property and shall not be removed at any time prior to the expiration of this agreement without the written consent of seller. Buyer shall not commit or suffer any waste of the property, or any improvements thereof, or alterations thereof, shall maintain the property, and all improvements thereon and alterations thereof, in good condition and repair.

#### TITLE INSURANCE:

Seller shall furnish at his expense a Purchaser's title

insurance policy in the amount of \$500,000.00 within a reasonable time from the date hereof insuring buyer against loss or damage sustained by him by reason of the unmarketability of seller's title, or liens or encumbrances thereon, excepting matters contained in usual printed exceptions in such title insurance policies, easements, conditions and restrictions of record and encumbrances herein specified, if any.

8. COVENANTS OF TITLE:

Seller covenants that he is the owner of the above described property free of all encumbrances except as set forth on EXHIBIT "A". The Parties specifically understand and agree that the premises is presently mortgaged as set forth in paragraphs 5, 6 and 7 of the preliminary title report No. 30416 issued by the Central Oregon Title & Loan Company. Seller agrees to keep the mortgages in good standing and not to permit the same to become in default. In the event seller neglects to make any payments required by said mortgages, buyer may do so and claim such payment as a credit against the next succeeding annual payment due under the terms of this contract.

9. DELIVERY OF DEED:

Upon payment of the entire purchase price for the property, as provided herein, and performance by buyer of all other terms, conditions and provisions hereof, seller shall forthwith execute and deliver to buyer a good and sufficient deed conveying said property free and clear of all liens and encumbrances, except as above provided and those placed upon the property or suffered by buyer subsequent to the date of this agreement.

10. DEFAULT PROVISIONS:

In the event buyer shall fail to perform any of the terms of this agreement, time of payment and performance being of the essence, seller shall, at his option, subject to the requirements of notice as herein provided, have the following rights:

- (a) To foreclose this contract by strict foreclosure in equity.
- (b) To declare the full unpaid balance of the purchase price immediately due and payable.
- (c) To specifically enforce the terms of this agreement by suit in equity.
- (d) To declare this agreement null and void as of the date of the breach and to retain as liquidated damages the amount of the payment theretofore made upon said premises. Under this option all of the right, title and interest of the buyer shall revert and revest in seller without any act of re-entry or without any other act by seller to be performed, and buyer agrees to peaceably surrender the premises to seller, or in default thereof buyer may, at the option of seller, be treated as a tenant holding over unlawfully after the expiration of a lease and may be ousted and removed as such.

11. NOTICE:

Buyer shall not be deemed in default for failure to perform any covenant or condition of this contract, other than the failure to make payments as provided for herein, until notice of said default has been given by seller to buyer and buyer shall have failed to remedy said default within thirty (30) days after the giving of the notice. Notice for this purpose shall be deemed to have been given by the deposit in the mails of a certified letter containing said

notice and addressed to buyer at

Lone Pine, OR

12. ATTORNEY FEES:

In case litigation is instituted arising directly or indirectly out of this contract, the losing party shall pay to the prevailing party his reasonable attorney fees.

13. REPRESENTATIONS:

Buyer certifies that this contract of purchase is accepted and executed on the basis of his own examination and personal knowledge of the premises and opinion of the value thereof; that no attempt has been made to influence his judgment; that no representations as to the condition or repair of said premises have been made by seller or by any agent of seller; that no agreement or promise to alter, repair, or improve said premises has been made by seller or by any agent of seller; and that buyer takes said property and the improvements thereon in the condition existing at the time of this agreement.

14. WAIVER:

Failure by seller at any time to require performance by buyer of any of the provisions hereof shall in no way affect seller's rights hereunder to enforce the same, nor shall any waiver by seller of any breach hereof be held to be a waiver of any succeeding breach, or a waiver of this non-waiver clause.

15. ASSIGNMENT:

Buyer shall not assign this agreement, his rights thereunder or in the property covered thereby without the written consent of

seller. Seller will not unreasonably withhold such consent.

16. SUCCESSOR INTERESTS:

The covenants, conditions and terms of this agreement shall extend to and be binding upon and inure to the benefit of the heirs, administrators, executors and assigns of the parties hereto, provided, however, that nothing contained in this paragraph shall alter the restrictions hereinabove contained relating to assignment.

17. ESCROW:

After closing an executed copy of this contract and a deed from seller to buyer, along with appropriate escrow instructions will be delivered to the United States National Bank, Redmond, Oregon, which bank is hereby designated escrow agent to collect the moneys due on this contract and to deliver the deed upon full payment of this contract.

18. MISCELLANEOUS:

The parties understand and agree that the seller is the owner of additional handline irrigation pipe which is not a part of this sale. Seller agrees that the buyer may use such additional handlines to irrigate the new seeding of alfalfa through the 1977 crop year.

Seller represents that there are 336 acres of water rights

County Improvement District #1 which are included as part of the sale.

As additional consideration for this sale, seller agrees to drill an irrigation well on the premises as follows:

- (1) The well will be a 12 inch cased well.
- (2) It will be drilled at seller's cost and at a location as agreed upon by the parties.

- (3) Seller will furnish the casing at seller's cost.
- (4) The pump and related equipment including all electrical installation will be the obligation of the buyer.
- (5) Said well will be drilled by April 1, 1977.
- (6) Seller makes no guarantee as to the quantity or quality of the water to be obtained from said well, but agrees only to drill the well as herein provided to a depth reasonable for the area.

The parties agree that the office of Bodie, Minturn, Van Voorhees, Larson & Dixon has been retained to prepare the documents in this transaction and that said attorneys are representing the seller.

IN WITNESS WHEREOF, the parties have caused this agreement to be executed the day and year first above written.

SELLER:

W. A. Buckner  
W. A. Buckner  
Doris Buckner  
Doris Buckner

BUYER:

Thomas G. Strand  
Thomas G. Strand  
Carol J. Strand  
Carol J. Strand

EXHIBIT "A"

BUCKNER - STRAND

IN TOWNSHIP 14 SOUTH, RANGE 14 EAST OF THE WILLAMETTE MERIDIAN  
CROOK COUNTY, OREGON:

Section 8: NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ .

Section 5: All that portion of the S $\frac{1}{2}$ NE $\frac{1}{4}$  and Lot 1 lying and  
being South and East of the South bank of the Pump  
Ditch of Crook County Improvement District No. 1,  
as located and constructed.

All that portion of the E $\frac{1}{2}$ SE $\frac{1}{4}$  lying and being  
North of the Main Gravity Canal of Crook County  
Improvement District No. 1, as located and con-  
structed.

All that portion of the W $\frac{1}{2}$ SE $\frac{1}{4}$  and the E $\frac{1}{2}$ SW $\frac{1}{4}$  lying  
and being South and East of the South bank of the  
pump ditch of Crook County Improvement District  
No. 1 and North and West of the Main Gravity Canal  
of said District, as located and constructed.

All that portion of the S $\frac{1}{2}$ SW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , and SE $\frac{1}{4}$ NW $\frac{1}{4}$   
lying and being North and West of the right of way  
of the Pump Ditch of Crook County Improvement  
District No. 1, as located and constructed.

SUBJECT TO:

1. Existing rights of way for roads, highways, irrigation  
ditches, canals, and pole lines; and assessments of the  
Crook County Improvement District No. 1, within which said  
lands are situated.

2. Rights of way reserved in deed from Denton G. Burdick and  
wife, to E. O. Reed dated June 28, 1928 and recorded July 20,  
1928 in Book 46 of Deeds at page 438, Records of Crook County,  
Oregon.

3. Reservation of rights of way for irrigation ditches and  
water rights as set out in deed from L. R. Lynam and wife,  
to Monroe N. Walker and wife, dated August 20, 1945 and  
recorded in Book 55 of Deeds at page 310, Records of Crook  
County, Oregon.

4. Rights of way reserved in deed from Minnie Snapp and  
husband, to E. J. Stringer, as recorded in Book 45 of Deeds  
at page 16, Records of Crook County, Oregon.

5. A Mortgage executed according to its terms by W. A. Buckner  
and Doris Buckner, husband and wife, to The Federal Land Bank  
of Spokane, a corporation, dated June 23, 1970 and recorded  
July 6, 1970 in Book 81 of Mortgages at page 238, Records of

Crook County, Oregon, for the sum of \$150,000.00. (Covers other lands also.)

6. A Mortgage executed according to its terms by W. A. Buckner and Doris Buckner, husband and wife, to Central Oregon Production Credit Association, a corporation, dated July 2, 1970 and recorded July 7, 1970 in Book 81 of Mortgages at page 246, Records of Crook County, Oregon, for the sum of \$265,970.00. (Covers other lands also)

7. A Mortgage executed according to its terms by W. A. Buckner and Doris Buckner, husband and wife, to Central Oregon Production Credit Association, dated February 11, 1976 and recorded February 20, 1976 in Mortgages No. 34282, Records of Crook County, Oregon, for the sum of \$142,681.00. (Covers other lands also)

8. The assessment roll and the tax roll disclose that the within described premises were specially assessed as farm land. If the land has become or becomes disqualified for the special assessment under the statute, an additional tax may be levied for the years since October 5, 1968, in which the land was subject to the special land use assessment.

9. Restrictions, easements, rights of way and reservations of record together with all existing rights of way and easements.

TOGETHER WITH the following described personal personal:

1. Irrigation equipment consisting of:

(a) 1000 feet of 6 inch mainline.

(b) 900 feet of 5 inch mainline.

(c) 100 40 foot hand lines.

3. ~~Reserv~~ water <sup>(d)</sup> ~~right~~ All irrigation pumps and related electrical equipment to Monica as now installed and located on said premises. recorded

2. Feedlot equipment consisting of:

(a) 1 feed truck

(b) 1 hay shredder.

(c) 1 small grain bin with all auger

3. 1 mobile home, blue in color.

4. The land hereby being sold includes approximately 20 acres upon which a potato cellar is located which potato cellar passes as a part of this sale.
5. A 200 cow grazing permit issued on the Crooked River Grass Lands. Seller agrees to execute all required documents to effect a transfer of said grazing lease.

BODIE, MINTURN, VAN VOORHEES,  
LARSON & DIXON  
ATTORNEYS AT LAW  
P.O. BOX 623  
PRINEVILLE, OREGON 97754

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 \*\*\* ACTIVITY REPORT \*\*\*  
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ACTY#	MODE	CONNECTION TEL	CONNECTION ID	START TIME	USAGE T.	PAGES	RESULT
#6373	TX	ECM	915417461861		04/01 12:35	05'16	1 OK
#6374	TX	G2	5033737210		04/01 13:09	00'17	1 NG
							1 ##007
#6375	TX	ECM	95033737210	DAS FACILITIES	04/01 13:11	00'47	2 OK
#6376	AUTO RX	ECM			04/01 14:06	01'05	2 OK
#6377	MEMORY RX	ECM			04/01 16:46	02'52	2 OK
#6378	MEMORY RX	ECM	5033750961		04/01 16:51	01'16	1 OK
#6379	AUTO RX	ECM	503 868 7043		04/01 20:07	00'49	1 OK
#6380	AUTO RX	G3			04/01 22:22	00'48	1 OK
#6381	AUTO RX	ECM	541 888 6860		04/02 08:15	00'52	2 OK
#6382	AUTO RX	G3			04/02 08:19	00'58	1 OK
#6383	TX	ECM	915035389812		04/02 08:49	00'55	2 OK
#6384	AUTO RX	ECM	5036495015		04/02 09:03	00'59	1 OK
#6385	AUTO RX	ECM	5033750961		04/02 09:05	03'13	7 OK
#6386	AUTO RX	ECM	541 928 1988		04/02 09:11	03'47	10 OK
#6387	TX	ECM	915037225926	MIKE MCCORD	04/02 09:48	20'09	7 NG
							7 ##750
#6387	TX	ECM	915037225926	MIKE MCCORD	04/02 10:12	22'14	7 NG
							7 ##750
#6387	TX	ECM	915037225926	MIKE MCCORD	04/02 10:37	32'27	10 OK
#6388	TX	ECM	915419476399		04/02 11:10	00'34	2 OK
#6389	TX	ECM	915037225926	MIKE MCCORD	04/02 11:45	17'14	3 OK
#6390	AUTO RX	ECM	5417476602		04/02 12:12	01'01	1 OK
#6391	AUTO RX	G3	541 385 1341		04/02 12:15	02'56	10 OK
#6392	AUTO RX	ECM	5032287781		04/02 12:44	00'23	1 OK
#6393	AUTO RX	ECM	5032287781		04/02 12:53	01'04	3 OK
#6394	AUTO RX	ECM			04/02 12:57	01'12	2 OK
#6395	AUTO RX	G3	503 842 5888		04/02 13:14	01'39	1 OK
#6396	TX	ECM	915038725269		04/02 13:39	00'42	2 OK
6397	AUTO RX	ECM	503 588 0949		04/02 15:00	00'49	2 OK
6398	TX	ECM	913034437776		04/02 15:54	01'07	3 OK
6399	AUTO RX	G3	503+847 5470		04/02 16:24	01'07	1 OK
6400	TX		915415734411		04/02 16:36	00'00	0 NG
							0 #001
6401	TX	ECM	915415734411	BLM BURNS OFFICE	04/02 16:38	01'15	3 OK
6402	AUTO RX	ECM	503 543 7182		04/02 16:41	00'57	2 OK
6403	AUTO RX	ECM	6576808		04/02 16:50	01'04	2 OK
6404	AUTO RX	ECM			04/02 18:04	02'15	1 OK
6405	AUTO RX	ECM	503 692 4759		04/03 10:07	00'18	0 NG
							0 ##201
6406	AUTO RX	ECM	503 692 4759		04/03 10:12	02'09	4 OK
6407	AUTO RX	G3			04/03 10:19	00'55	0 NG
							0 ##107
6408	TX		* 915415044244		04/03 11:08	00'00	0 NG
							0 #018
6409	AUTO RX	ECM	503 378 3802		04/03 11:40	03'33	11 OK
6410	AUTO RX	ECM	5036572188		04/03 11:46	00'57	2 OK

\* I tried 3 times myself & there was no answer on the other end.  
 Maybe a wrong #?

—Tim

RECEIVED

APR 28 1993

WATER RESOURCES DEPT.  
SALEM, OREGON

Re: Thomas G. Strand and Crook County Improvement District #1  
Irrigation Water Exchange

The Board of Directors and Crook County Improvement District #1 approved at its regular meeting on April 26, 1989 the exchange of irrigation water with Thomas G. Strand as follows: The district will furnish water to land owned by Mr. Strand and in exchange Mr. Strand will return water to the district in its canals. The same amount of water is to be returned by the end of the irrigation season. Mr. Strand has agreed to furnish and maintain Totalizing Flow meters and make them available to a representative of the district at all times.

This agreement is for a maximum of 86 acres.

Richard Butler Chairman

Ty Fehmbacker Director

Thomas H. Strand Director

Thomas H. Strand Thomas G. Strand

# Oregon

WATER  
RESOURCES  
DEPARTMENT

May 13, 1993

NORTHWEST FARM CREDIT SERVICES, ACA  
PO BOX 607  
REDMOND OR 97756

THOMAS G STRAND  
ROUTE 1 BOX 53  
TERREBONNE OR 97760

REFERENCE: File G-12177

The assignment of Application G-12177 from Thomas G. Strand to you has been recorded in the records of the Water Resources Department.

Our records have been changed accordingly and the original is enclosed along with our receipt number 99814 covering the recording fee of \$10 you submitted.

Sincerely,

THOMAS E. SHOOK  
Water Rights Specialist

TES:jh

Enclosure



3850 Portland Rd NE  
Salem, OR 97310  
(503) 378-3739  
FAX (503) 378-8130



Farm Credit Services

RECEIVED

MAY 12 1993

WATER RESOURCES DEPT.  
SALEM, OREGON

559 South Seventh Street  
P.O. Box 607  
Redmond, Oregon 97756  
503/548-2126 FAX 503/548-5416

May 10, 1993

Oregon Water Resources Director  
555 13th Street NE  
Salem, OR 97310

Re: Permit No. G12177

We request that you record the enclosed Assignment of the above referenced permit. As this permit is included in security for a loan which Farm Credit Services has made to Thomas G. and Carol J. Strand, we request that copies of all notices and correspondence be sent to this office. Our check in the amount of \$10.00 is included for the recording fee.

At such time as the Certificate is issued, please forward same to this office to be held in the borrower's file.

We would ask that your office acknowledge receipt of our above request. Thank you for your assistance in this matter.

Sincerely,

Rose Wakefield  
Operations Assistant

Encl.

Date: \_\_\_\_\_

Receipt acknowledged by: \_\_\_\_\_

Authorized Agent

# Oregon

WATER  
RESOURCES  
DEPARTMENT

1994  
July 29, ~~1994~~

Wes Cooley  
State Senator  
District 28  
State Senate  
Salem, OR 97310

Reference: Application File G-12661 - Mr. Fehrenbacher and  
Application File G-12177 - Mr. Strands

Dear Senator Cooley:

Reed Marbut has asked me to respond to your letter of April 17, 1994, requesting the status of the above referenced applications. In addition, he asked me to describe the application processing status throughout the state. I apologize for the delay in responding to your letter in a more timely fashion, however the demands on my time seem to exceed my ability to perform tasks as promptly as I would like.

Currently, staff are working on completing technical review reports in the coastal basins of the state. We plan to review applications in the Rogue River Basin next and then concentrating our efforts in the greater Columbia Basin as well as the basins in the south central portion of the state. In addition, we are processing groundwater applications statewide where staff have determined the proposed use of groundwater will not have the potential to interfere with surface water.

Mr. Fehrenbachers' application (G-12661), has received a satisfactory report of technical review. WaterWatch of Oregon raised objections to our Report. Staff currently are preparing a response to the objections and will be completed within a short period of time. I am enclosing a copy of the report and objections so you will understand the issues that we are attempting to address. Hopefully, this will give you an understanding of the complexity of the issues and why dealing with the issues is a time consuming process.

Mr. Strands' application (G-12177), has yet to undergo a complete review. Upon a cursory review of the application, it appears that we need to work out some technical issues with Mr. Strands' to insure what he proposes to accomplish is in compliance with the law.



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

Wes Cooley, State Senator  
Application File G-12661 - Mr. Fehrenbacher and  
Application File G-12177 - Mr. Strands  
Page Two

I realize I am being a bit ambiguous about the status of his request, however his proposed use of water is not as straight forward of a request as a regular application. The application proposes to exchange the use of ground water for surface water which can not be accomplished without following the process outlined in ORS 540.520 through 540.539.

I will be contacting Mr. Strands to discuss my concerns and to address the requirements for completing his application.

Again I apologize for the delay in responding to your request. Please feel free to contact me if you have any questions and I will be happy to address any concerns you may have.

Respectfully,

Steve Brown  
Water Rights Program Analyst  
Water Right/Adjudication Division

cc: Reed Marbut, Administrator

1206

WES COOLEY  
DISTRICT 28

BAKER, CROOK, GRANT, GILLIAM, HOOD RIVER,  
SHERMAN & WHEELER COUNTIES  
PORTIONS OF: CLACKAMAS, MORROW,  
MULTNOMAH & WASCO COUNTIES

REPLY TO ADDRESS INDICATED:

State Senate  
Salem, OR 97310  
 P. O. Box 24  
Powell Butte, OR 97753  
Home & FAX: (503) 388-1825



COMMITTEES  
Water Policy  
Labor & Government Operations  
Human Resources

OREGON STATE SENATE  
SALEM, OREGON  
97310

APR 24 1994

WATER RESOURCES  
SALEM, OREGON

April 17, 1994

Mr. Reed Marbut, Administrator  
Water Resources Department  
Water Rights Division  
158 12th St. NE  
Salem, OR 97310

Dear Mr. Marbut:

Thank you for taking the time to review the following letter. As a state senator, I have made it a priority to accurately and expeditiously facilitate any questions my constituents may have regarding issues of particular concern. This case is no exception.

Mr. Ted Ferenbacher and Mr. Tom Strand, both of Crook County, have asked if I might inquire as to the current status of their water rights applications. The specific questions are as follows:

- 1.) What Basin is the Water Rights Division currently working on?
- 2.) What is the status of Mr. Fehrenbachers' application (#G-12661)?
- 3.) What is the status of Mr. Strands' application (#G-12177)?

Any assistance your office may be able to provide would be greatly appreciated. If I can provide any more information, please do not hesitate to contact my office.

Sincerely,

Wes Cooley  
State Senator  
District 28

# Water Right Conditions Tracking Slip

*Groundwater/Hydrology Section*

FILE ## G-12177

ROUTED TO: Water Rights

TOWNSHIP/

RANGE-SECTION: 14S/14E - 8

CONDITIONS ATTACHED?  yes  no

REMARKS OR FURTHER INSTRUCTIONS:

Permit should contain  
conditions 7B & 7J

Reviewer: K. Lite

## Water Resources Department

**MEMO**

December 18, 1995

TO Application G-12177

FROM GW: K. Lite  
(Reviewer's Name)

**SUBJECT Scenic Waterway Interference Evaluation**

Yes  
 No

The source of appropriation is within or above a Scenic Waterway.

Yes  
 No

Use the Scenic Waterway condition (Condition 7J).

**PREPONDERANCE OF EVIDENCE FINDING:** (Check box only if statement is true)

At this time the Department is unable to find that there is a preponderance of evidence that the proposed use of ground water will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife.

FLOW REDUCTION: (To be filled out only if Preponderance of Evidence box is not checked)

Exercise of this permit is calculated to reduce monthly flows in \_\_\_\_\_ Scenic Waterway by the following amounts expressed as a proportion of the consumptive use by which surface water flow is reduced

TO: Water Rights Section  
FROM: Groundwater/Hydrology Section  
SUBJECT: Application G- 12177

Sept. 30, 1991

Michael Zwart  
Reviewer's Name

1. PER THE \_\_\_\_\_ Basin rules, one or more of the proposed POA's is within \_\_\_\_\_ mile of a surface water source and taps a groundwater source hydraulically connected to the surface water.
  
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 surface water
  - b. will not } source, namely Crooked River; or
  - c. will, if properly conditioned, adequately protect the surface water from interference:
    - i. ✓The permit should contain condition #(s) 713; KEL 12/18/95
    - 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 repair of well construction deficiency, adequately protect the surface water from substantial interference.
  
3. BASED UPON available data, I have determined that groundwater for the proposed use
  - a. ✓ will, or }
  - b. will not } likely be available in the amounts requested without injury to prior rights; or
  - c. can, if properly conditioned, be made without injury to existing rights or to the groundwater resource contrary to statute:
    - 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.
  
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 (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. \_\_\_\_\_, 1991.

(Signature)

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

\_\_\_\_\_, 1991.

(Signature)

(WRFORM7\91)



121760

PFO CHECKLIST

Application #: G-12177 Vol Subbasin  
 Basin: 5 - Deschutes WAB: 01034400  
 Township 14S Range 14E Section 5 1/4 1/4 NENW, SENW, NESW, NWSE  
48 - NW NW, SW NW

1. Items have been verified on Completeness Checklist.

2. Check file for indicators that the process should not continue until a later date (ie - protest, items (other than oath) missing from the completeness check, letter to file indicating hold or other)

3. A groundwater review has been evaluated for substantial interference with surface water (convert old gw conditions to the 7 series and add to the PFO, if necessary)  
NO a. Is second groundwater review necessary? (objection, in or within a mile of scenic waterway)

YES 4. Is the Proposed Use located in or above a Scenic Waterway? - Not within 1/4 mile of Deschutes

NO 5. Is the proposed use located in a TMDL Basin? (Tualatin, Yamhill, Pudding)

YES 6. Is the use allowed or limited by the Basin Program?

NO 7. Is the source withdrawn or limited? (State Engineer, Legislative (ORS 538), etc.)

8. Priority Date July 16, 1990

9. Date TR/IR sent Jan. 9, 1996

10. TR/IR... Valid or Modified

11. Objections None

N/A 12. Water Availability Data has been verified (50% before July 17, 1992; 80% live flow & 50% storage after July 17, 1992)

13. Rate 1/80 Duty 3 Irrigation Season March 1 - Oct. 31

14. Period of Allowed Use March 1 - Oct. 31

N/A 15. Is use from a BOR project and if so, is a signed contract in the file?

N/A 16. Division 33 has been addressed - if applicable (Above Bonn. after July 17, 1992 & Below Bonn. after April 18, 1994 or June 3, 1994)

YES 17. Have conflicts been identified, verified and/or addressed? - OK - No Conflict

18. Comments None

19. Land use approval OK'd needs approval county notified

20. Is the use Small (<0.1cfs, <9.2AF), Medium (>0.1 or <1.5cfs, >9.2 or <100AF) or Large (>1.5 cfs, >100AF)?

YES 21. Does TR/IR have permit conditions that need to be included in the Draft Permit? 7J & 7B

22. Watermaster District #: 11 - Kyle Gorman

23. Regional Office (NWR, NCR, ER, SCR or SWR)

24. PFO has been saved and moved to M:\t\pfo\done\application # from M:\t\pfo\work\application#

Conditions - 7J (SWR), 7B \* Send copy to: Farm Credit Serv.  
PO Box 6007  
Redmond, OR

97756

Name: John Paul Date: 2-22-96

*file*

# Oregon

January 9, 1996

WATER  
RESOURCES  
DEPARTMENT

THOMAS G STRAND  
RT 1 BOX 53  
TERREBONNE, OREGON 97760

Reference: File G-12177

Dear Applicant:

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

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

Initial Review Determinations:

1. Your application is complete and not defective.
2. The proposed use is not prohibited by law or rule.
3. The use of water for IRRIGATION OF 92.5 ACRES is allowed under OAR 505, the Deschutes Basin Program.
4. The use of 1.34 cubic foot per second, being 1.123 cfs from Well #1 for Irrigation of 86.0 acres and 0.11 cfs from Well #2 for Irrigation of 6.5 acres, is available year round.
5. The irrigation season is March 1 through October 31 set by Department policy.

Summary of Initial Determinations

The use of 1.34 cfs, being 1.123 cfs from Well #1 for Irrigation of 86.0 acres and 0.11 cfs from Well #2 for Irrigation of 6.5 acres, from March 1 through October 31 of each year may be allowed.



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

Because of the Department's determination, your application can be moved to the next phase of the water rights application review process. However, due to #5 above your application will likely be limited as summarized above.

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

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

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$50 processing charge per application.) To accomplish this you must notify the Department in writing by January 23, 1996. For your convenience you may use the enclosed "STOP PROCESSING" form.

To Proceed With Your Application:

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

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

1. You may be required to measure the amount of water used and report that use annually.
2. The priority date for this application is July 16, 1990.
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.

G-12177

January 9, 1996

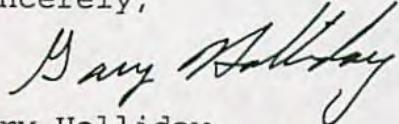
Page 3

4. 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 you have any questions:

Feel free to call me at (503) 378-8455 ext. 454 or 1 (800) 624-3199 if you have any questions. Please have your application number available if you call.

Sincerely,



Gary Holliday  
Initial Reviewer

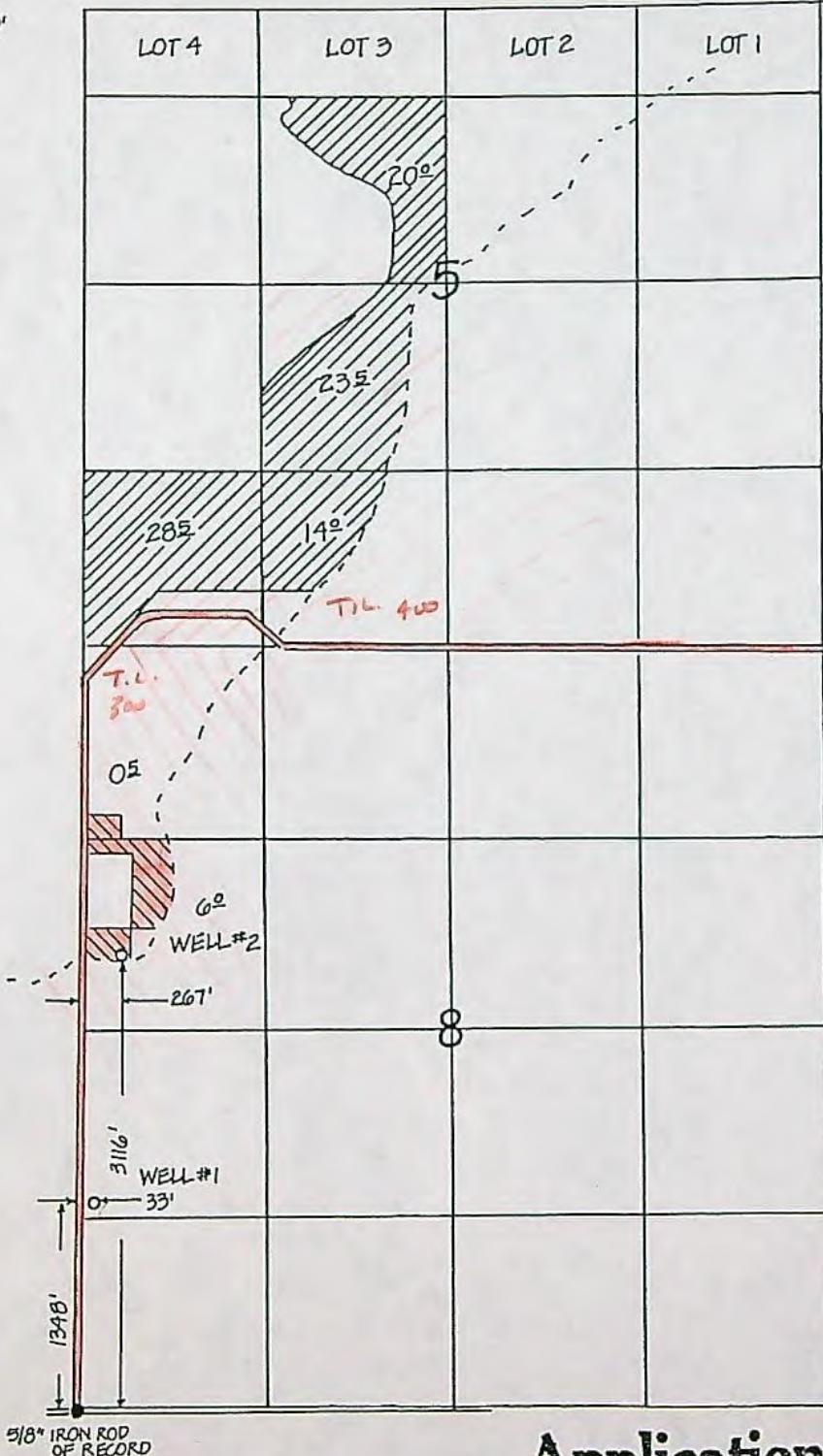
cc: Regional Manager, Watermaster, Water Availability Section, NORTHWEST FARM CREDIT SERVICES ACA  
enclosures: Flow Chart of Water Right Process  
Stop Processing Form

APPLICATION MAP  
APPROPRIATION OF WATER  
T.14S., R.14E., W.M.

*Superseded  
4-28-93*

JUL 1 6 1990

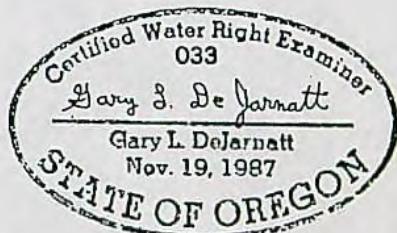
LE 1" = 1320'



JEFFERSON COUNTY  
CROOK COUNTY

NEED STATEMENT: 1. BOTH WELLS ON  
ALL LAND 2. MAP TO SHOW POS ON  
CANAL 3. AGREEMENT: USE CANAL  
UNDER ROADWAY 4. WILL REQUIRE  
METEERING DEVICES.

NO REPRESENTATION IS  
INTENDED TO PROVIDE  
DIMENSIONS OR LOCATION  
OF PROPERTY OWNERSHIP  
LINES.



LEGEND

WELL #1 TOTAL = 86 ACRES

WELL #2 TOTAL = 65 ACRES

NEED ANOTHER  
FILING?

Application No. 91-12177  
Permit No.

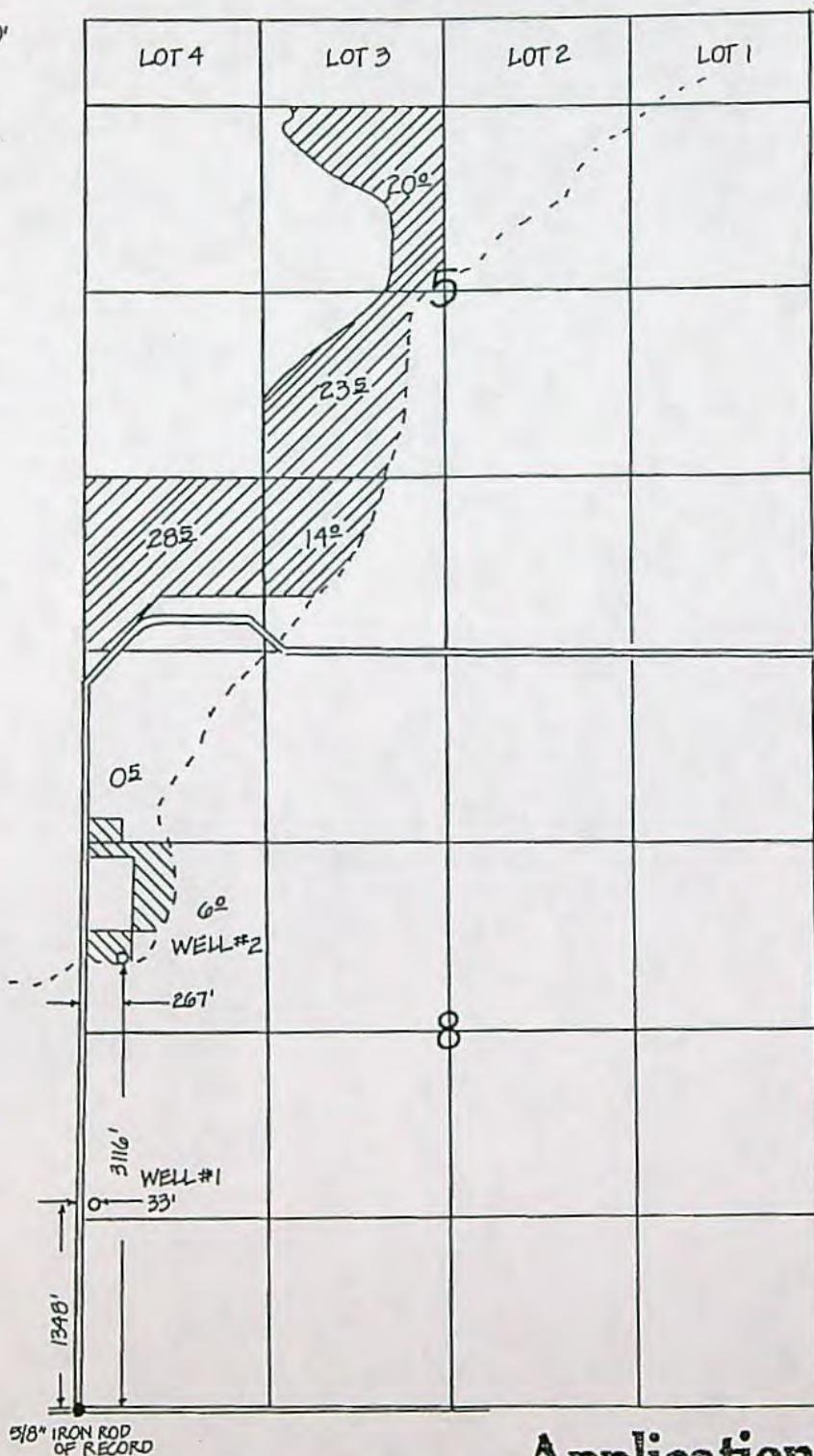
EJARNATT LAND SURVEYS, INC.  
63885 N. HWY. 97  
BEND, OREGON 97701  
(503) 382-4192

JOB # 90061  
SHEET 1 OF 1  
JULY 11, 1990

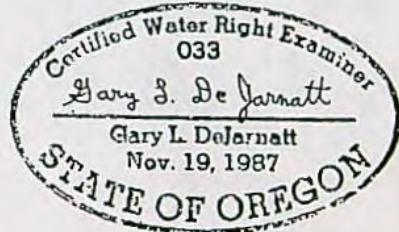
APPLICATION MAP  
APPROPRIATION OF WATER  
T.14S., R.14E., W.M.

JULY 16 1988

LE 1" = 1320'



NO REPRESENTATION IS  
INTENDED TO PROVIDE  
DIMENSIONS OR LOCATION  
OF PROPERTY OWNERSHIP  
LINES.



LEGEND

WELL #1 TOTAL = 86.0 ACRES

WELL #2 TOTAL = 6.5 ACRES

Application No. 9-12177  
Permit No.

EJARNATT LAND SURVEYS, INC.  
63885 N. HWY. 97  
BEND, OREGON 97701  
(503) 382-4192

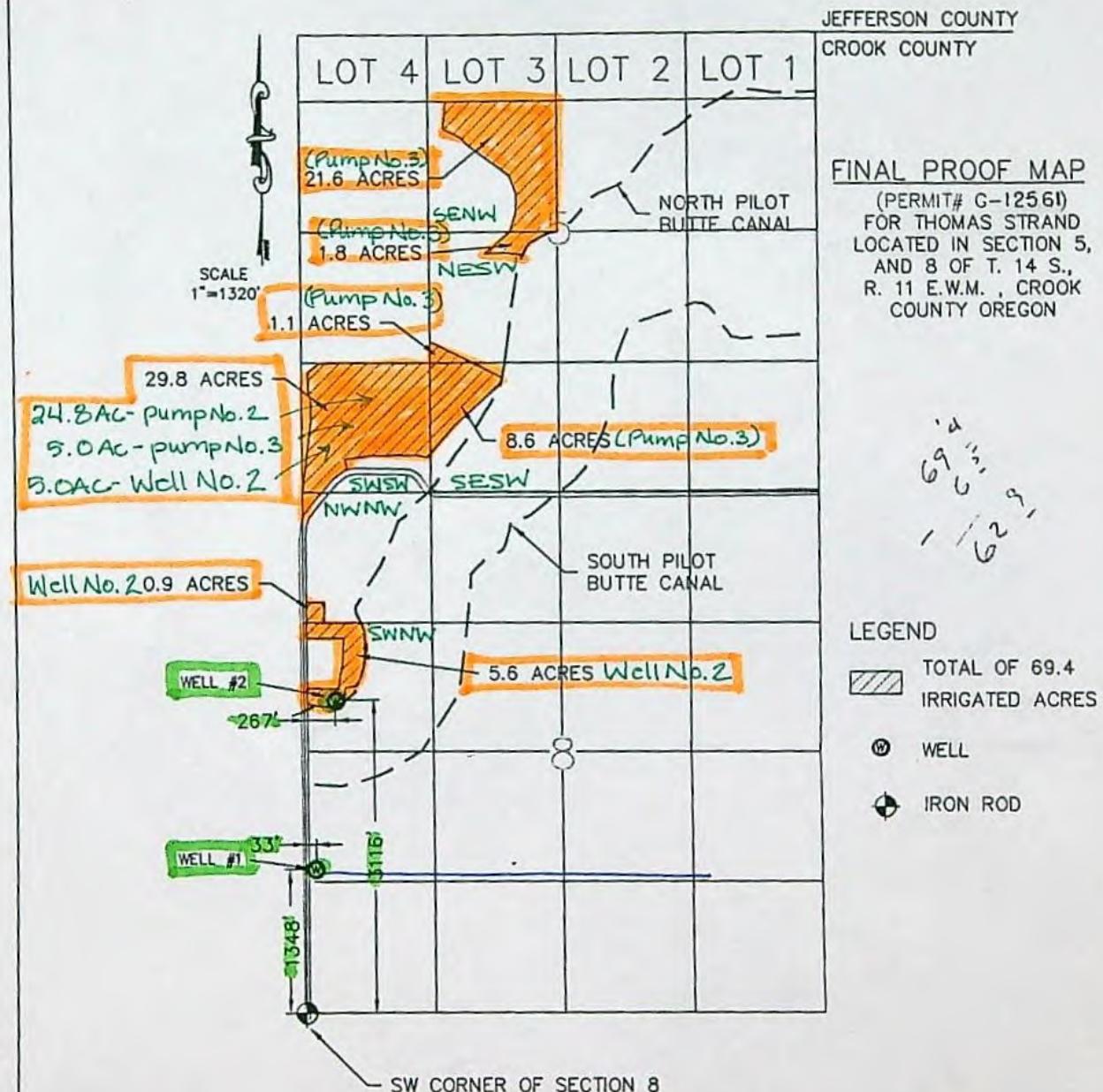
JOB # 90061  
SHEET 1 OF 1  
JULY 11, 1990

# Superseded

RECEIVED

SEP 27 1999

WATER RESOURCES DEPT.  
SALEM, OREGON



I, William R. Tye, Certified Water Right Examiner  
in the State of Oregon, hereby certify the above  
application map was prepared under my direct  
supervision.

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.



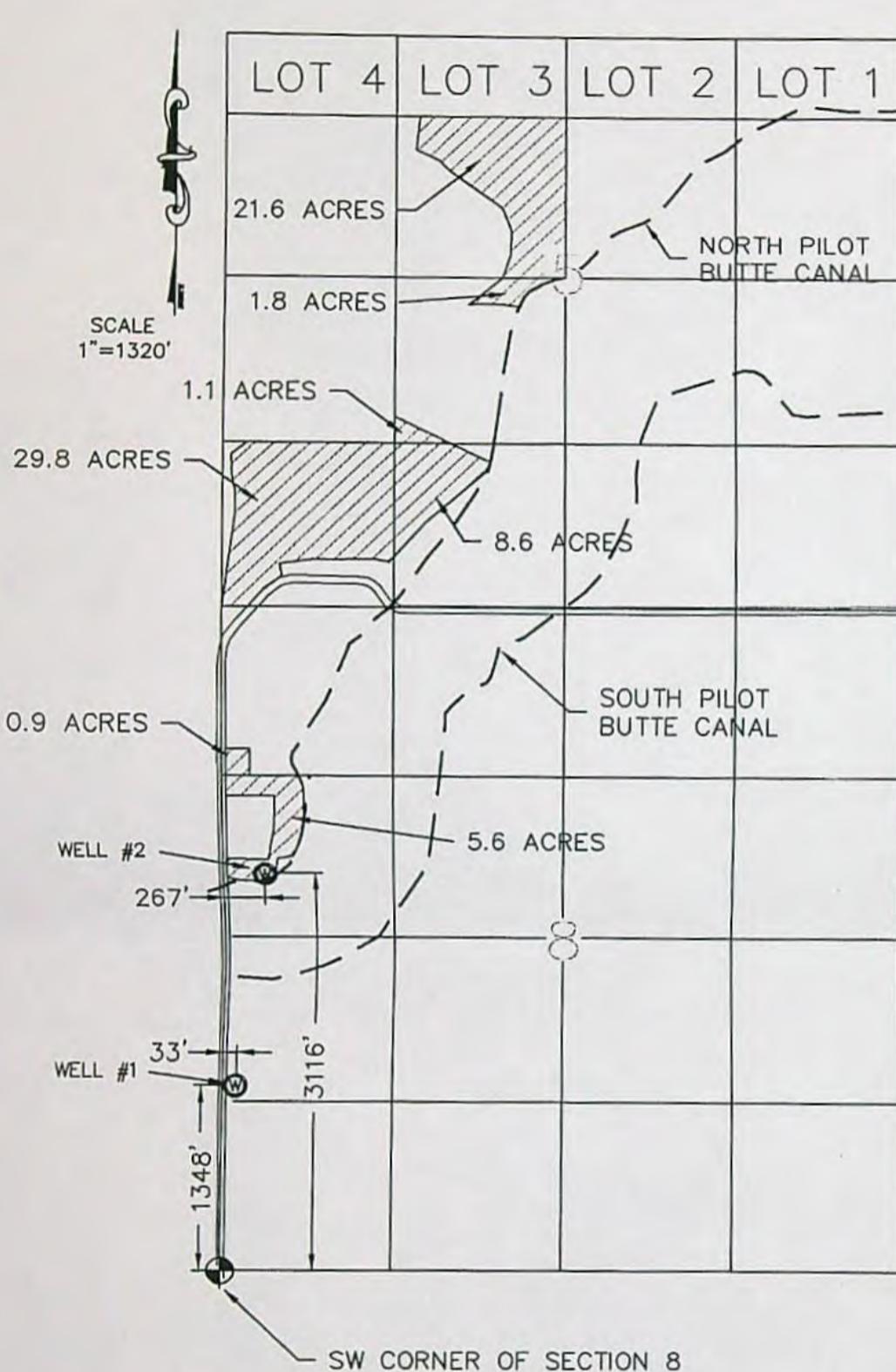
G12177

# Superseded

RECEIVED

SEP 27 1999

WATER RESOURCES DEPT.  
SALEM, OREGON



I, William R. Tye, Certified Water Right Examiner in the State of Oregon, hereby certify the above application map was prepared under my direct supervision.

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RENEWAL: JUNE 30, 2000

TITLE: FINAL PROOF MAP

JOB NO: 703-22

SCALE: 1"=1320'

DRAWN BY: DPD

FIELD BOOK NO:

DATE: 9/24/99

TYE  
ENGINEERING & SURVEYING, INC.  
725 NW HILL, BEND, OR 97701  
541-389-6959

DWG NAME: 703-22

SHEET: 1 OF 1

RECEIVED

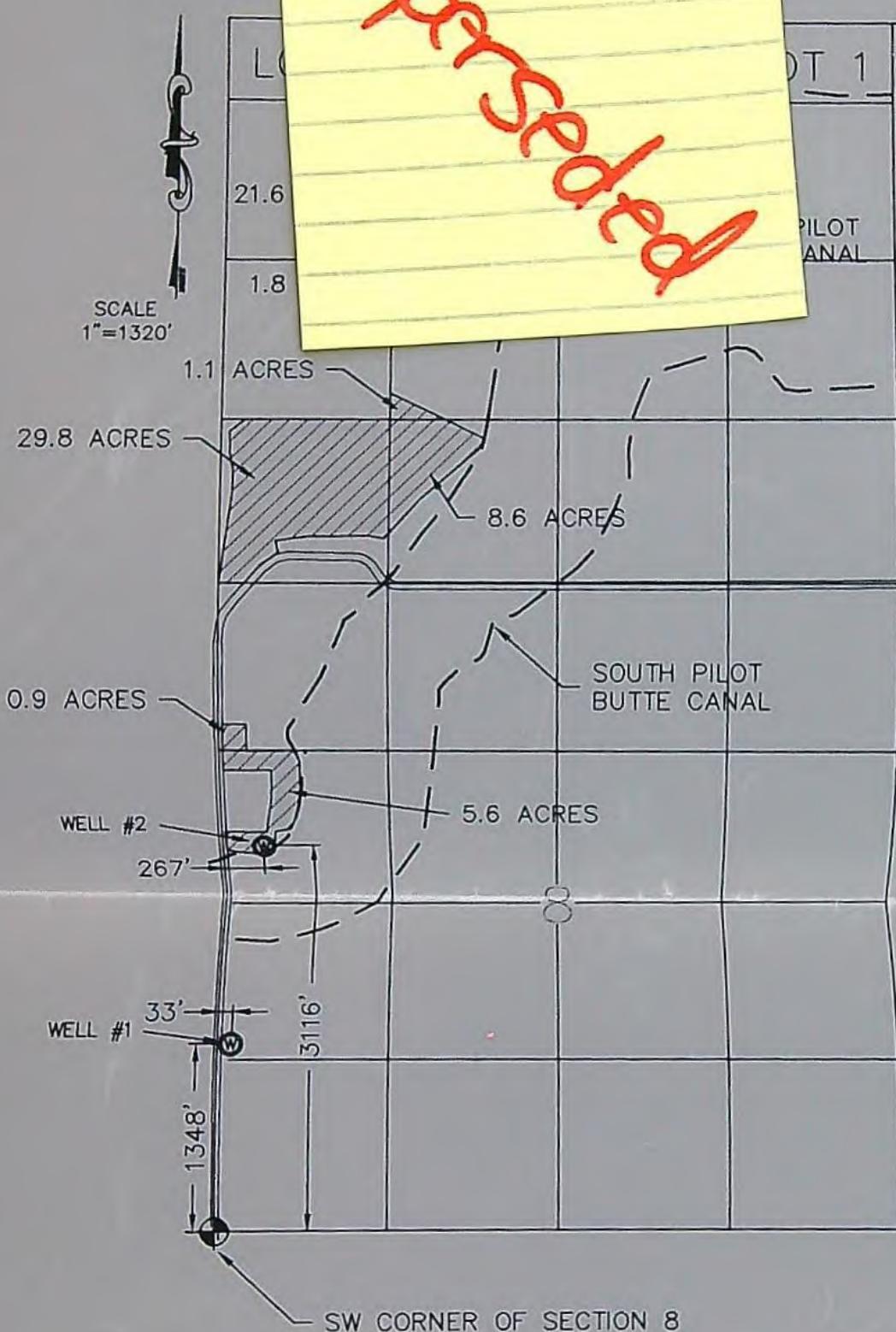
SEP 27 1999

WATER RESOURCES DEPT.  
SALEM, OREGON

JEFFERSON COUNTY  
CROOK COUNTY

FINAL PROOF MAP

(PERMIT# G-12561)  
FOR THOMAS STRAND  
LOCATED IN SECTION 5,  
AND 8 OF T. 14 S.,  
R. 11 E.W.M., CROOK  
COUNTY OREGON



I, William R. Tye, Certified Water Right Examiner in the State of Oregon, hereby certify the above application map was prepared under my direct supervision.

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.



G 12177



TITLE: FINAL PROOF MAP

JOB NO: 703-22

SCALE: 1"=1320'

DRAWN BY: DPD

FIELD BOOK NO:

DATE: 9/24/99

ENGINEERING & SURVEYING, INC.  
725 NW HILL, BEND, OR 97701  
541-389-6959

DWG NAME: 703-22

SHEET: 1 OF 1

RECEIVED

SEP 27 1999

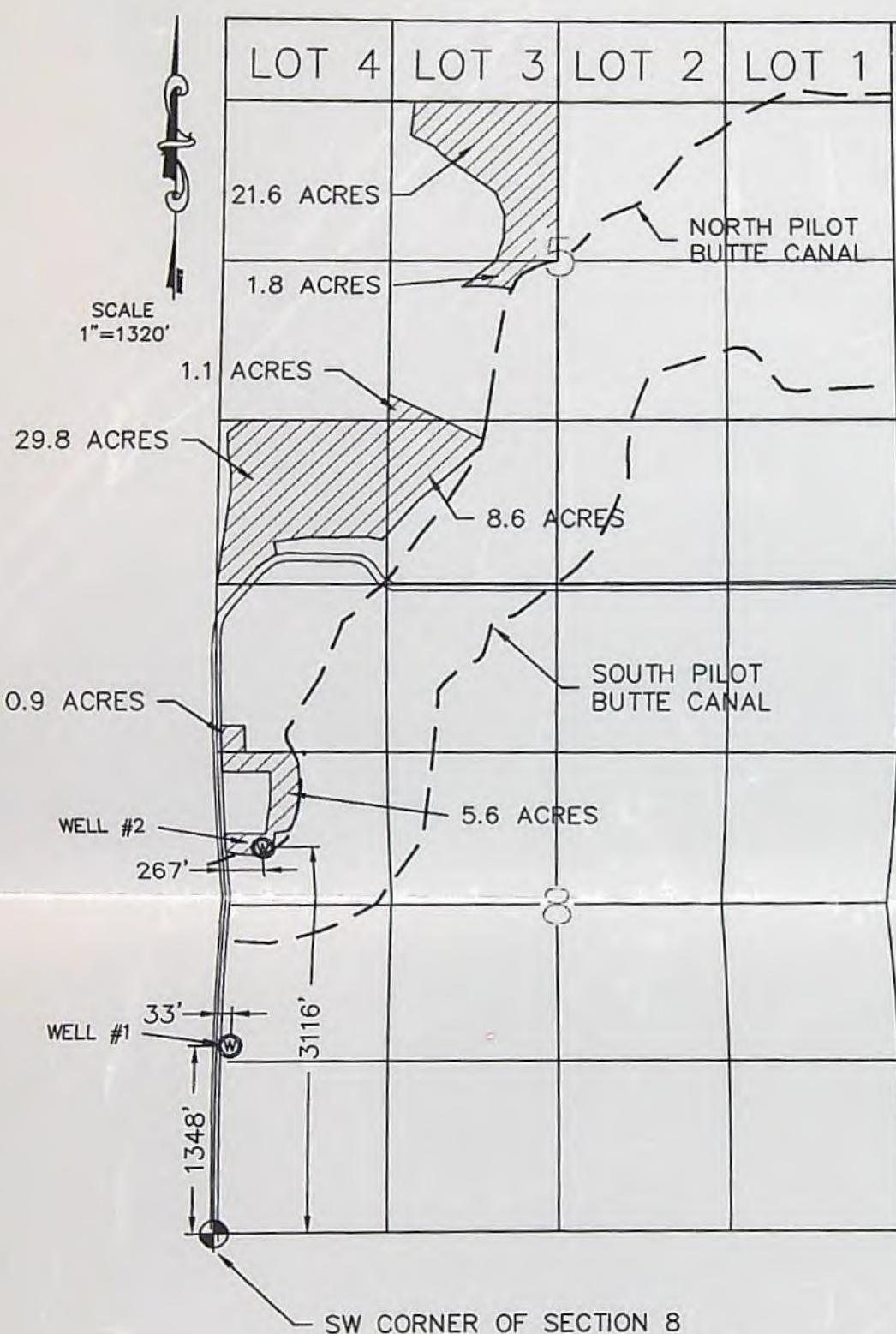
WATER RESOURCES DEPT.  
SALEM, OREGON

JEFFERSON COUNTY

CROOK COUNTY

FINAL PROOF MAP

(PERMIT# G-12561)  
FOR THOMAS STRAND  
LOCATED IN SECTION 5,  
AND 8 OF T. 14 S.,  
R. 11 E.W.M., CROOK  
COUNTY OREGON



LEGEND

- TOTAL OF 69.4 IRRIGATED ACRES
- WELL
- IRON ROD

I, William R. Tye, Certified Water Right Examiner  
in the State of Oregon, hereby certify the above  
application map was prepared under my direct  
supervision.

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.



G 12177



TITLE: FINAL PROOF MAP

JOB NO: 703-22

SCALE: 1"=1320'

DRAWN BY: DPD

FIELD BOOK NO:

DATE: 9/24/99

ENGINEERING & SURVEYING, INC.  
725 NW HILL, BEND, OR 97701  
541-389-6959

DWG NAME: 703-22

SHEET: 1 OF 1

SITE REPORT FOR CLAIM OF BENEFICIAL USE

Permit No. G 12561  
Thomas Strand  
Route 1 Box 53  
Terrebonne, OR 97760

2 claim  
Reports  
SS by claim  
Rec'd 9/29/05

A. TYPE OF USE:

Primary Irrigation

B. PLACE OF USE:

Irrigated Land is located in Sections 5 and 8, T14S, R14E,  
WM, Crook County, Oregon

C. EXTENT OF USE:

Primary irrigation of 69.4 acres

D. LOCATION OF POINT OF DIVERSION:

Well #1: Located 1348' North and 33' East of the Southwest corner of section 8,  
T14S, R14E.

Well #2: Located 3116 ' North and 267' East of the Southwest corner of section 8,  
T14S, R14E.

E. SOURCE OF WATER:

Above mentioned wells in the Crooked River Basin.

F. RATE:

The rate of water being applied will be a total of .867 cfs.

G. INSTALLATION OF MEASURING DEVICES:

A 4 inch meter was installed on the discharge pipe of each well.

H. MOTOR AND PUMP:

Well #1 is equipped with a 25 HP submersible pump capable of pumping 375 gpm. Well #1 replaces water to a lower canal. Water is pumped from an upper canal to irrigate the land applied for under permit G 12561.

Well #2 is equipped with a 15 HP pump capable of producing 161 gpm open discharge, or 75 gpm and 50 psi.

**RECEIVED**

SEP 27 1999

WATER RESOURCES DEPT.  
SALEM, OREGON

TYE ENGINEERING & SURVEYING, INC.

725 NW Hill, Bend, Oregon 97701 • (541) 389-6959 • Fax (541) 385-1341 • tyeengr@bendcable.com

SITE REPORT FOR CLAIM OF BENEFICIAL USE FOR

Permit No. G 12561

Thomas Strand

Route 1 Box 53

Terrebonne, OR 97760

A. TYPE OF USE: Primary Irrigation

B. PLACE OF USE: Irrigated Land is located in Sections 5 and 8, T14S, R14E, WM, Crook County, Oregon

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D. LOCATION OF POINT OF DIVERSION:

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Well #2: Located 3116 ' North and 267' East of the Southwest corner of section 8, T14S, R14E.

E. SOURCE OF WATER: Above mentioned wells in the Crooked River Basin.

F. RATE: The rate of water being applied will be a total of .867 cfs.

G. INSTALLATION OF MEASURING DEVICES:

A 4 inch meter was installed on the discharge pipe of each well.

H. MOTOR AND PUMP: Well #1 is equipped with a 25 HP submersible pump capable of pumping 375 gpm. Well #1 replaces water to a lower canal. Water is pumped from an upper canal to irrigate the land applied for under permit G 12561.

Well #2 is equipped with a 15 HP pump capable of producing 161 gpm open discharge, or 75 gpm and 50 psi.

**RECEIVED**

**SEP 27 1999**

WATER RESOURCES DEPT.  
SALEM, OREGON

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725 NW Hill, Bend, Oregon 97701 • (541) 389-6959 • Fax (541) 385-1341 • tyeengr@bendcable.com

I. PIPING: A total of 62.9 acres of land are irrigated in section 5 at a rate of 353 gpm. A gate valve on well #1 is set to replace 353 gpm through a meter to the canal system.

The 29.8 acres of land irrigated in the Southwest 1/4 of the Southwest 1/4 of section 5 is irrigated by a separate 20 HP pump and a 4" meter. The land is irrigated by a 1/4 mile of buried main line with hydrants at 60'. The land is irrigated by a 900' wheel line and 3" of hand lines.

The 21.6 acres in the Southeast 1/4 of the Northwest 1/4, and the 1.8 acres in the Northeast 1/4 of the Southwest 1/4 of section 5, is irrigated by a 40 HP pump that also irrigates other land in section 5. A 4" meter is installed at the canal to measure the water usage. The land is irrigated by a buried main line and hand lines.

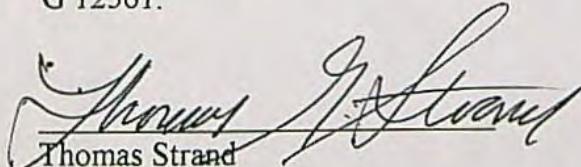
The 8.6 acres of land irrigated in the Southeast 1/4 of the Southwest 1/4, and the 1.1 acres in the Northeast 1/4 of the Southwest 1/4 of section 5, is irrigated by center pivot which also irrigates an additional 90 acres or 10% of the total area.

In section 8, well #2 irrigates 6.5 acres by a 4" buried main line and a 3" hand line.

The final proof survey and inspection of the use as found to be completed under the terms and conditions of Permit No. 12561 were completed by me on Sept. 23, 1999 and the facts contained in this report and accompanying final proof map are correct to the best of my knowledge.



I, Thomas Strand, agree to the findings of the C.W.R.E. and do submit this report and map as my claim of Beneficial Use of the water as provided under the terms and conditions of my Permit No. G 12561.

  
Thomas Strand

RECEIVED

SEP 27 1999

WATER RESOURCES DEPT.  
SALEM, OREGON

TYE ENGINEERING & SURVEYING, INC.

725 NW Hill, Bend, Oregon 97701 • (541) 389-6959 • Fax (541) 385-1341 • tyeengr@bendcable.com

# IMPORTANT MESSAGE

FOR \_\_\_\_\_

DATE 3-12-16 TIME 3:04 A.M.  
P.M.

## WHILE YOU WERE OUT

M \_\_\_\_\_

OF Dan w/ 4LazyF Ranch

PHONE NO. 541. 233. 8350

TELEPHONED		PLEASE CALL
CAME TO SEE YOU		WILL CALL AGAIN
WANTS TO SEE YOU		RUSH

RETURNED YOUR CALL

MESSAGE G-12561

proving up on well

FourLazyF Ranch@hotmail.com

Spoke w/ Dan Gave him  
info. regarding who to contact

SIGNED about pump test &  
OfficeMax ex emptim OM97295

# IMPORTANT MESSAGE

FOR \_\_\_\_\_

DATE 3.10.16

TIME

9:24

A.M.  
P.M.

## WHILE YOU WERE OUT

M Claim of Beneficial Use G-12561  
OF Dan w/ 4Lazy FRanch

PHONE NO. 541.233.8350

TELEPHONED		PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANT TO SEE YOU		RUSH	
RETURNED YOUR CALL			

MESSAGE

FourLazy FRanch@hotmai|com  
returned call and sent  
message

SIGNED \_\_\_\_\_

OfficeMax

OM97295

## ASSIGNED

Name Thomas G. Strand  
By  
Address Route 1, Box 53 18880 NW Lone Pine Lane  
Terrebonne, OR 97760

Application No. G12177 Q P

Permit No. G12561

Certificate No. 97159

Stream Index, Page No. 5

Date filed July 16, 1990

Priority

Action suspended until CO4

Extended to 10-1-04

Return to applicant

Date of approval

## CONSTRUCTION

Date for beginning JUL 8 1997

Date for completion OCT 1 1998

Extended to 10-1-04

Date for application of water OCT 1 1999

Extended to 10-1-04

## PROSECUTION OF WORK

Form "A" filed

Form "B" filed

Form "C" filed 9/28/98 CRB due

9/28/99

## FINAL PROOF

Blank mailed 2-27-03

Proof received FPD 9/29/2005

Date certificate issued JUL 7 2023

## FEES PAID

Date	Amount	Receipt No.
7-16-90	\$466.00	65161
5-12-93	10.00	99814
9-4-03	\$100.00	62598
2-12-16	85.00	118912
3/5/04		

## FEES REFUNDED

Date	Amount	Check No.
3/5/04	100.00	822395

## ASSIGNMENTS

Date	To Whom	Address	Volume	Page
5/12/93	Northwest Farm Credit Svcs. ACA	Po Box 607 Redmond, OR	7	2765
and	Thomas G. Strand	18880 NW Lone Pine 217160 Rt 1 Box 53 Terrebonne, OR	7	2765

## REMARKS

GORU MAP #0187

May 6 10:15 Hagle

Walked him through  
what we need to do

on <sup>May 5</sup> He'd asked Kefle about  
illegal use, etc.

Will notify of process steps

Mail to Terrelane address

APPLICATION  
CHECK-OFF LIST

RECEIPT POSTED  
STREAM INDEXED & STREAM CODED  
CONTENTS MARKED/STAMPED  
FILE FOLDER TYPED  
CALENDAR CARD TYPED  
KARDEX TYPED  
MAPS COPIED  
APPLICATION COPIED  
SCENIC WATERWAY NOTED  
ACK LETTER TYPED

STATE OF OREGON  
WATER RESOURCES DEPARTMENT

RECEIPT # 118912

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # \_\_\_\_\_

RECEIVED FROM:	Farm Credit Services	APPLICATION	G-12177
BY:		PERMIT	
CASH:	46009750	TRANSFER	
CHECK #		TOTAL REC'D \$85.00	
<input type="checkbox"/>	<input checked="" type="checkbox"/> <u>↑</u>	<input type="checkbox"/>	

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

46111

0407 COPY & TAPE FEES

\$

0410 RESEARCH FEES

\$

0408 MISC REVENUE: (IDENTIFY)

\$ 85.00

TC162 DEPOSIT LIAB. (IDENTIFY)

\$

0240 EXTENSION OF TIME

\$

WATER RIGHTS:

0201 SURFACE WATER

EXAM FEE

0202

0203 GROUND WATER

EXAM FEE

0204

0205 TRANSFER

EXAM FEE

0218 WELL CONSTRUCTION

0219

WELL DRILL CONSTRUCTOR

EXAM FEE

LANDOWNER'S PERMIT

0220

OTHER (IDENTIFY)

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE

\$

CARD #

0210 MONITORING WELLS

\$

CARD #

OTHER (IDENTIFY)

0607 TREASURY 0467 HYDRO ACTIVITY

LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

\$

0231 HYDRO LICENSE FEE (FW/WRD)

\$

HYDRO APPLICATION

\$

TREASURY

OTHER / RDX

FUND \_\_\_\_\_ TITLE \_\_\_\_\_

OBJ. CODE \_\_\_\_\_ VENDOR # \_\_\_\_\_

DESCRIPTION \_\_\_\_\_ \$ \_\_\_\_\_

RECEIPT: 118912

DATED: 2/12/16

BY: Mineral

Control No.: 46009750

Paid To:

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

Comments:

Request for Assignment/Water Resource Permit #G-12561, Application #  
G-12177 for Thomas Strand

Mail To:

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

RECEIVED BY OWRD

FEB 12 2016

SALEM, OR

Customer No. Account No.

Amount  
\$85.00

Date: 02/10/2016

Amount:  
\$85.00

Memo:

DETACH BEFORE DEPOSITING

TO JANET  
AOK

TO BOTT PARTIES

REFUSE FOLDER  
NO SET UP

EXCHANGE

APPLICATION

540. 533.

FOR DETAILS

---

1. TELL HIM TO CHANGE  
M&P
2. HOLD UP ON FEES  
& NEW REGULAR APPL.

3/24/93

JCL

Check : Heyde  
503-519-3608

Ty Fawn  
lone live round  
feed lot

# Route Slip

6-12177



Date 2-27-03

TO: Name	Division/Section	Initial	Date
1. <u>Support</u>			
2.			
3.			
4.			
5.			

as requested	investigate		per conversation
approval	justify		prepare reply
comment	necessary action		return with more detail
confer	initial and return		review and circulate
for your information	note and file		signature

please set up  
5-1-03 SB

FROM: <u>Stan</u>	Phone No.
-------------------	-----------

Z5-097677

See Other Side

STATE OF OREGON  
 WATER RESOURCES DEPARTMENT  
 3850 PORTLAND ROAD NE  
 SALEM, OR 97310  
 378-8455/378-8130 (FAX)

RECEIPT # 99814

RECEIVED FROM:  
 BY:

APPLICATION	
PERMIT	
TRANSFER	

CASH:  CHECK: #  OTHER: (IDENTIFY)

TOTAL REC'D \$ 11.00

01-00-0 WRD MISC CASH ACCT

842.010 ADJUDICATIONS  
 831.087 PUBLICATIONS/MAPS  
 830.650 PARKING FEES Name/month  
 OTHER: (IDENTIFY)

S
S
S
S

REDUCTION OF EXPENSE

CASH ACCT.

COST CENTER AND OBJECT CLASS

VOUCHER #

S
---

03-00-0 WRD OPERATING ACCT

MISCELLANEOUS:

840.001 COPY FEES  
 850.200 RESEARCH FEES  
 880.109 MISC REVENUE: (IDENTIFY)  
 520.000 OTHER (P-6): (IDENTIFY)

assignment

S
S
S
S

WATER RIGHTS:

842.001 SURFACE WATER  
 842.003 GROUND WATER  
 842.005 TRANSFER  
 WELL CONSTRUCTION  
 842.022 WELL DRILL CONSTRUCTOR  
 842.016 WELL DRILL OPERATOR  
 LANDOWNER'S PERMIT

EXAM FEE
S
S
S
EXAM FEE

RECORD FEE
S
S
S
LICENSE FEE

06-00-0 WELL CONST START FEE

842.013 WELL CONST START FEE  
 MONITORING WELLS

S
S

CARD #
CARD #

45-00-0 LOTTERY PROCEEDS

864.000 LOTTERY PROCEEDS

S
---

07-00-0 HYDRO ACTIVITY

842.011 POWER LICENSE FEE(FW/WRD)  
 842.115 HYDRO LICENSE FEE(FW/WRD)

LIC NUMBER

S
S

HYDRO APPLICATION

S
---

RECEIPT # 99814

DATED: 5-12-93

BY: *Hadley*

The completed assignment must be submitted to the Water Resources Director, 3850 Portland Road, N.E., Salem, OR 97310, together with a recording fee of \$10.