

Name Robert A. and Nora R. Neill (Nora)

By

Address 15480 Jones Road
White City, OR 97503

Date filed May 11, 1987

Priority May 11, 1987

Action suspended until SLUR

Return to applicant

Date of approval MAY 16 1988

CONSTRUCTION

Date for beginning MAY 16 1989

Date for completion 001 1 1990

Extended to

Date for application of water OCT 1 1991

Extended to

PROSECUTION OF WORK

Form "A" filed

Form "B" filed Completed

Form "C" filed Nov 6, 1991

FINAL PROOF

Blank mailed

Proof received

Date certificate issued

Application No. G11649

Permit No. 61002

Certificate No.

Stream Index, Page No. 15-118

Protest

exc. for
1/2

FEES PAID

Date	Amount	Receipt No.
5-11-87	308 ⁰⁰	52049

Cert. Fee

FEES REFUNDED

Date	Amount	Check No.
6/27/88	2.00	6589

ASSIGNMENTS

Date	To Whom	Address	Volume	Page

REMARKS

CARD FOR C OCT 28 1991
138 sent 11/8/91

Results of the aquifer test conducted on 7/1/87 and comparison of lithology on drillers logs indicates that Mr. Neill's 220 foot well and the 278 foot well (the Dorrell well; see 66317) are producing from separate aquifers. *revised/summit 7/24/87*

Form C (690-9-77)

IMPORTANT—This form is a notice to the Water Resources Director that permittee is ready to make final proof to the extent to which the water has actually been applied to the intended use under the terms of the permit. Permittee is cautioned that Certificate of Water Right will be issued based on the extent of the quantity and use as determined by the final proof inspection and survey which will be made in response to the filing of this Form C.

NOTE: In the case of an irrigation permit, this Form C should not be mailed to the Water Resources Department until all of the land described in the permit, which it is intended to irrigate under this permit at any time, has actually been irrigated.

Fill out, detach and mail to the Water Resources Department, Salem, OR 97310, when all of the water has been applied.

Application No. *B-11649*

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

I, *Robert A. Neill*, the holder of Permit No. *610802* to appropriate the public waters of the state of Oregon, completely applied the waters to a beneficial use in accordance with the terms of said permit, on the *27* day of *JUNE*, 19*90*.

Remarks: _____

IN WITNESS WHEREOF, I have hereunto set my hand this *4* day of *NOV*, 19*91*.

Robert A. Neill

(Signature of Applicant)

15455 SHILOH RD WHITE CITY

(Address)

97503

4/12/88

Wayne -

*Jim said we can issue
a permit. -
understand what the permit.*

*affidavit to
diminish earlier
right needs to
be acted on
when this is
approved*

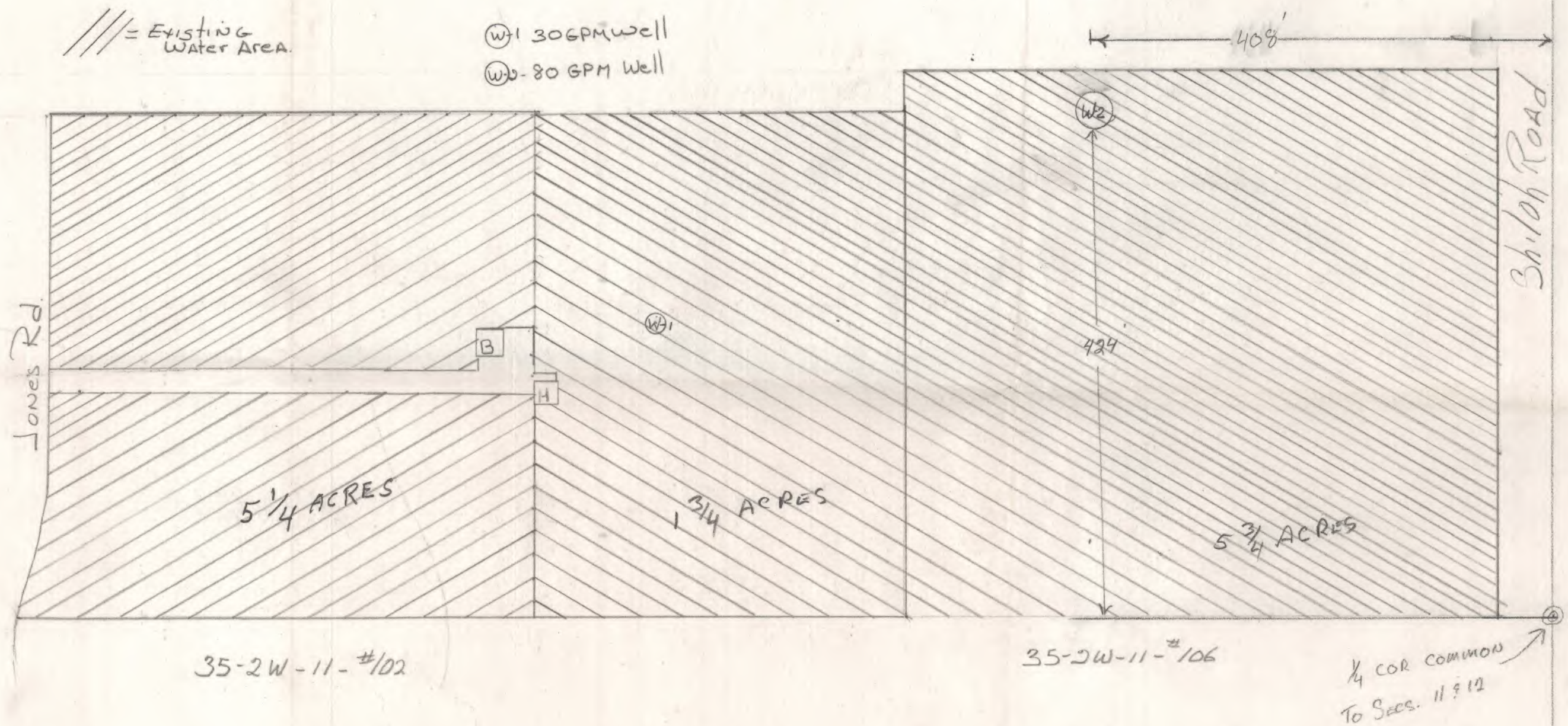
JAK

S.E. ⁴ N.E. ⁴
Sec. 11

/// = Existing Water Area

W1 306 GPM Well
W2 80 GPM Well

/// = Proposed Water Area



Application No. **9-11649**
Permit No. **G10802**

RECEIVED

JUL 09 1987

WATER RESOURCES DEPT.
SALEM, OREGON

11	12
14	13

Robert & Norma Neill		APPROVED BY:	DRAWN BY: T. S.
SCALE: 1"=100'	DATE: 5-5-87	REVISOR:	DRAWING NUMBER:
Proposed Water rights			

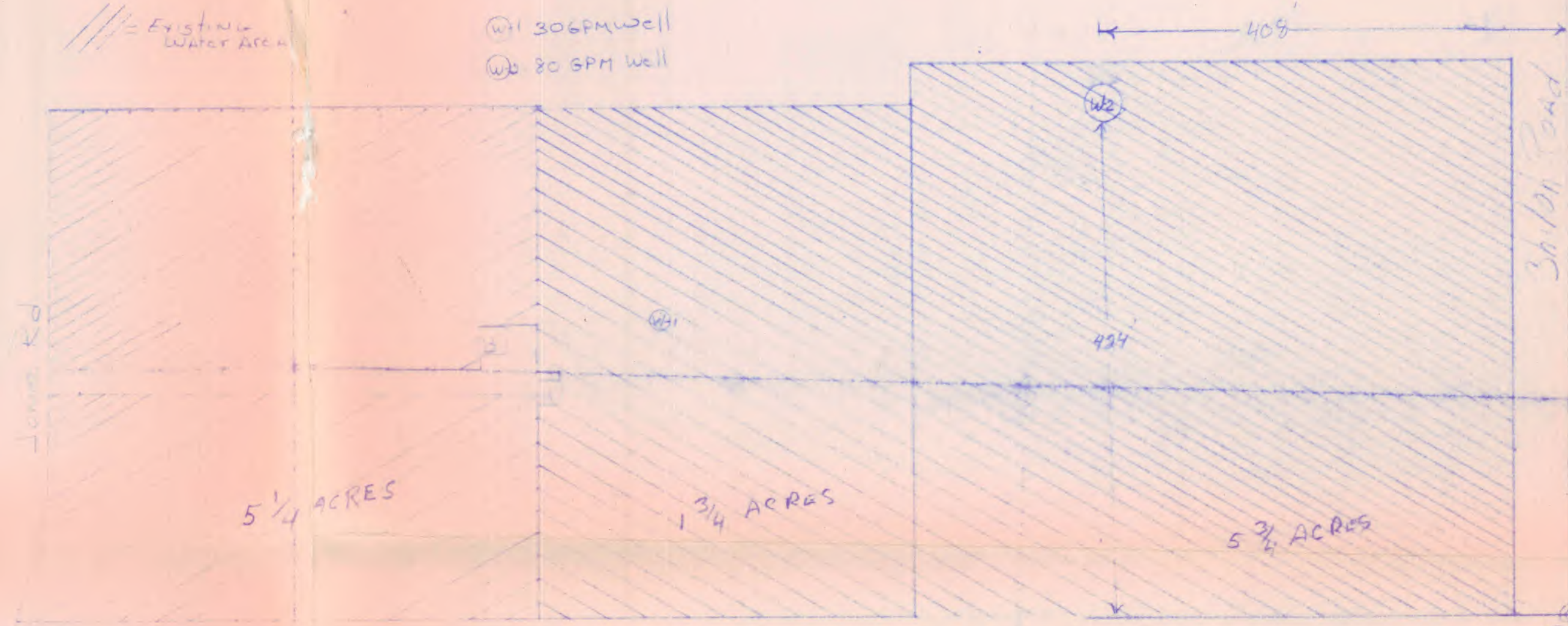
RECEIVED
AUG 25 1987
WATER RESOURCES DEPT.
SALEM, OREGON

S.E. 4 N.E. 4
Sec. 11

/// = Proposed Water Area

/// = Existing Water Area

W1 306 PM Well
W2 80 GPM Well



Application No. 8-11649
Permit No. G10802

RECEIVED

JUL 09 1987

WATER RESOURCES DEPT.
SALEM, OREGON

11

12

14

13

Robert & Norma Neill

SCALE: 1"=100'
DATE: 5-5-87

APPROVED BY:

DRAWN BY: T. R.

REVISED

Proposed Water rights

DRAWING NUMBER

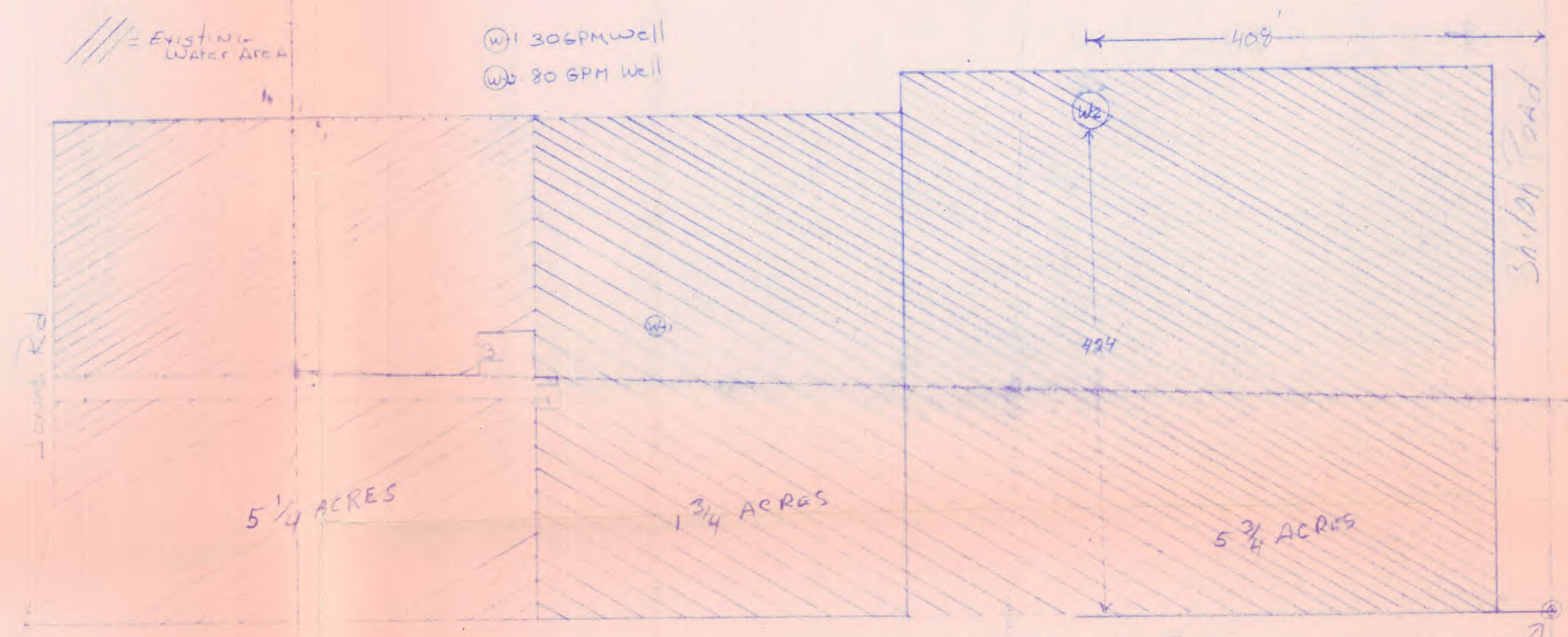
RECEIVED
AUG 25 1987
WATER RESOURCES DEPT.
SALEM, OREGON

S.E. ⁴ N.E. ⁴
Sec. 11

/// = Existing Water Area

W1 306 GPM Well
W2 80 GPM Well

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Application No. **9-11649**
Permit No. **G10802**

RECEIVED

JUL 09 1987

WATER RESOURCES DEPT.
SALEM, OREGON

11

12

14

13

Robert & Norma Neill

SCALE: 1"=100'
DATE: 5-5-87

APPROVED BY:

DRAWN BY: T. R.

REVISED

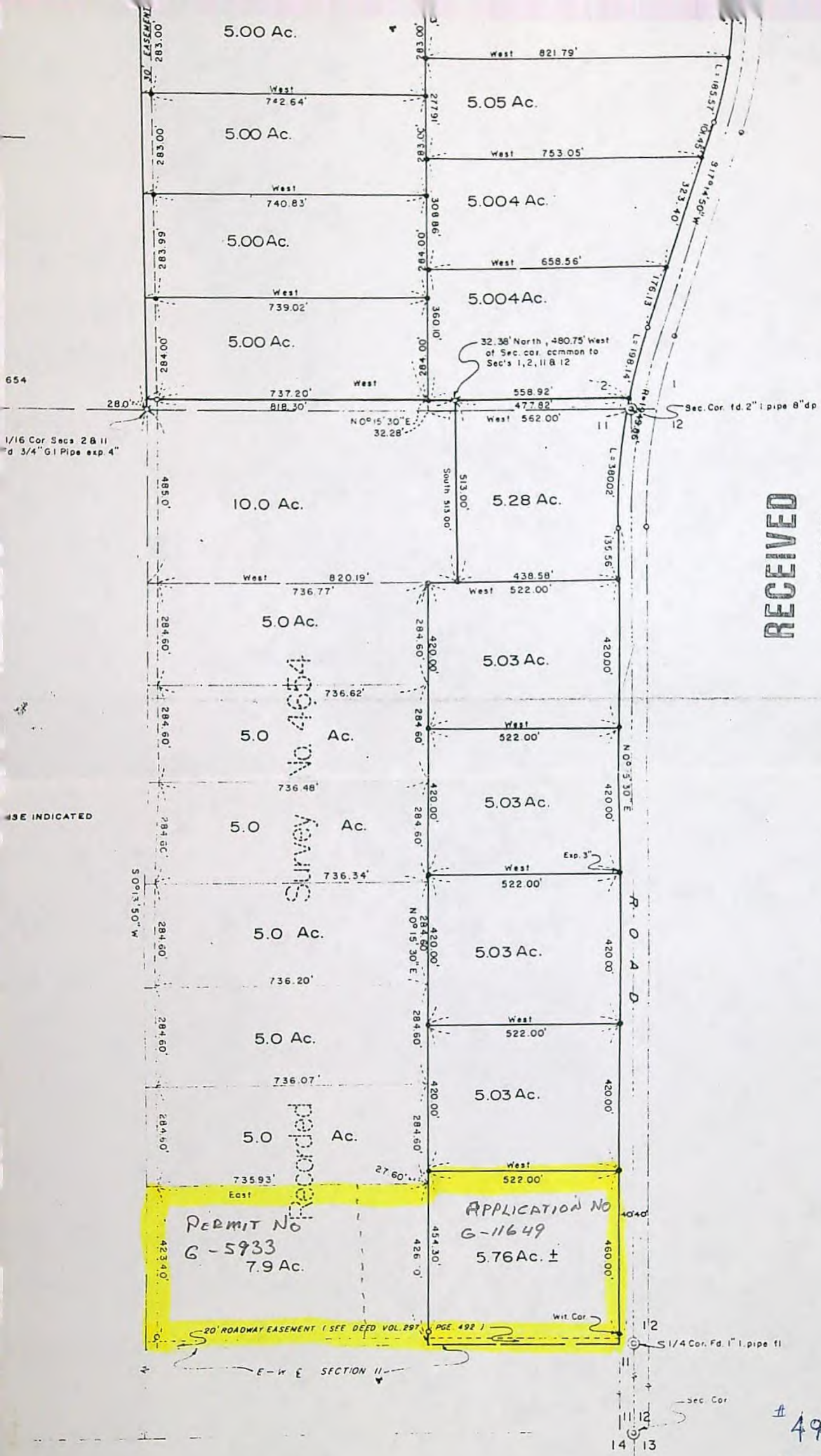
Proposed Water rights

DRAWING NUMBER

RECEIVED

AUG 25 1987

WATER RESOURCES DEPT.
SALEM, OREGON



RECEIVED

JUL 09 1987

WATER RESOURCES DEPT.
SALEM, OREGON

4984
1" = 300'

$\frac{1}{4}$ cor. common to Secs. 11 & 12

Abstract of Permit

This is to certify that I have examined APPLICATION G-11649 and do hereby grant the same SUBJECT TO EXISTING RIGHTS and the following limitations and conditions:

This permit is issued to Robert A. and Norma R. Neill of 15480 Jones Road, White City, Oregon 97503, phone 826-3706, for the use of water from one well,

for the PURPOSE of irrigation of 12.75 acres,

that the PRIORITY OF THE RIGHT dates from May 11 1987,

and is limited to the amount of water which can be applied to beneficial use and shall not exceed 0.16 cubic foot per second

measured at the point of diversion from the well, or its equivalent in case of rotation with other water users.

The well is to be LOCATED: 424 feet North and 408 feet West from the East Quarter corner of Section 11, being within the SE1/4 NE1/4 of Section 11, Township 35 South, Range 2 West, W.M., in the County of Jackson.

A description of the PLACE OF USE under the permit, and to which such right is appurtenant, is as follows:

Township 35 South, Range 2 West, W.M., Section 11 SE1/4 NE1/4 12.75 acres

The AMOUNT OF WATER used for irrigation, together with the the amount secured under any other right existing for the same lands shall be limited to 1/80 of one cubic foot per second per acre, and shall be further limited to a diversion of not to exceed 2.5 acre feet per acre for each acre irrigated during the irrigation season of each year, and shall be further limited to appropriation of water only to the extent that it does not impair or substantially interfere with prior surface water rights, as well as ground water rights of others, and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

The well shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works constructed shall include an air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the well at all times. The permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

Actual construction work shall begin on or before May 16, 1989, and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 19 90.

Complete application of the water to the proposed use shall be made on or before October 1, 19 91.

Witness my hand this 16th day of May, 19 88.

WATER RESOURCES DIRECTOR

This permit is for the beneficial use of water. 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 that the land use you propose may not be allowed if it is not in keeping with the goals and the acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

November 7, 1991

ROBERT A & NORNA NEILL
15480 JONES ROAD
WHITE CITY OR 97503

REFERENCE: File G-11649

We have received your notice that complete application of water has been made under Permit G-10802.

At a later date, a representative of this office will make an inspection and survey of your project.

You will then be mailed a proposed certificate of water right covering the actual use of water as found by our Inspector. Any use described in the permit that was not made will not be included in the certificate.

In the meantime, the permit you hold is valid evidence of your right so long as you continue to use the water.

If you have any questions, please contact the Water Rights Section at 378-3739.

1183W



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



Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3066

June 30, 1988

Robert A. and Norna R. Neill
15480 Jones Road
White City, OR 97503

Dear Mr. and Mrs. Neill:

REFERENCE: File G-11649

Please find enclosed our refund check 6589 in the amount of \$2 refunding the unearned Permit Recording fees you submitted.

Sincerely,

WAYNE J. OVERCASH
Water Rights Specialist

WJO:tcb

Enclosure



STATE OF OREGON

INTEROFFICE MEMO

Shrull

TO: Roseanne ~~Wardell~~, A/P Specialist

DATE:

5/19/88

FROM:

Timmie
Authorized Examiner

SUBJECT Request for Refund Check

Please refund \$ 2.00 toRobert A. & Noura R. Neelfile no. 2-11649, receipt no. 52049. These funds are refunded due
to:☐ Application rejected☐ Application withdrawn☒ Excess fees collected for application☐ File closed☐ Other: _____



Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3066

May 19, 1988

Robert A. & Norma R. Neill
15480 Jones Road
White City, OR 97503

REFERENCE: File G-11649

ENCLOSED: Permit G-10802

PLEASE READ THE FOLLOWING INSTRUCTIONS CAREFULLY

Your permit has been recorded in this office, but you should hold the original permit as evidence of your water right. If the land is sold, an assignment to the new owner must be recorded in this office. Assignment blanks will be furnished upon request.

The permit fixes time limits for beginning of construction, completion of construction and complete application of water to beneficial use. The law requires that you begin actual construction within one year from the date of issuance of the permit or your right will be lost. The Water Resources Director is authorized to extend the time for completion of construction and for complete application of water upon proper showing, but has no authority to extend the time limit for beginning of construction.

Forms A, B and C may be attached for submitting (A) Notice of Beginning of Construction, (B) Notice of Completion of Construction and (C) Notice of Complete Application of Water. If your application has stated that construction has already been started, or that construction work is completed, or that complete application of water has been made, only the required forms will be attached.

The start of the drilling operation or other means of constructing the well will be considered as beginning of construction. If no canal system or other permanent type of distribution works is employed, the acquisition and installation of all the machinery or equipment necessary for the project will be considered as completion of construction.

When complete application of water has been made, Form C should be submitted as the first step in proof of appropriation. When proof satisfactory to the Water Resources Director has been made, the right will be confirmed by issuance of a certificate. The certificate will limit the right to the extent that water has been applied to beneficial use in accordance with the terms of the permit.

The permit requires that an access port or other installation be provided to allow the measurement of the water level within the well at any time. Sketches of suggested methods of installation are attached.

Sincerely,

William H. Young
WILLIAM H. YOUNG
Director

WHY:wpc
enclosures



Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3066

February 23, 1988

Jeffrey W. Foxx
PO Box 4490
Medford, OR 97501

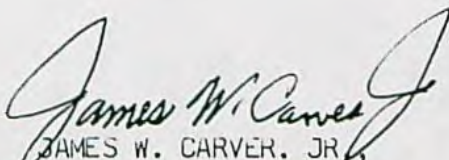
Thomas L. and Granita M. Russell
15380 Jones Road
White City, OR 97503

REFERENCE: Application G-11649

A true copy of the Water Resources Director's final order document in the matter of Application G-11649 in the names of Robert A. Neill and Norna R. Neill is enclosed.

The date of service is the date of mailing of this letter.

Sincerely,


JAMES W. CARVER, JR.
Hearings Supervisor

JWC/jw

Enclosures

cc: Bruce Sund, Watermaster, District #13

3149E



Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310
January 12, 1988

PHONE 378-3066

Jeffrey W. Foux
PO Box 4490
Medford, OR 97501

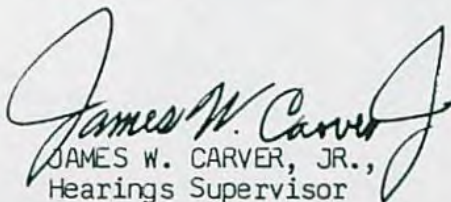
Thomas L. & Granita M. Russell
15380 Jones Road,
White City, OR 97503

REFERENCE: Application G-11649

A true copy of the Water Resources Director's proposed order document in the matter of Application G-11649 in the names of Robert A. Neill and Norna R. Neill is enclosed.

The date of service is the date of mailing of this letter.

Sincerely,


JAMES W. CARVER, JR.,
Hearings Supervisor

JWC/jw

Enclosure

cc: Bruce Sund, Watermaster, District #13

CERTIFIED---Return Receipt Requested



NEIL GOLDSCHMIDT
GOVERNOR

Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 738-3066

September 23, 1987

H. Dewey Wilson
Brophy, Wilson and Duhaime
Attorneys at Law
PO Box 128
Medford, OR 97501

Robert A. and Nora R. Neill
15480 Jones Road
White City, OR 97503

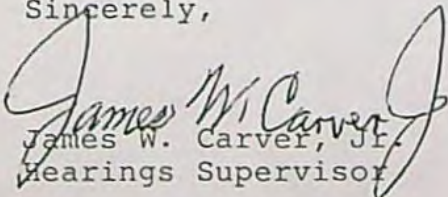
REFERENCE: Application G-11649, Neill

Application G-11649 proposes the appropriation of 80 gallons of water per minute from a well located within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11, Township 35 South, Range 2 West, WM, for irrigation of a certain 7 acres in Tax Lot 102 and 5.75 acres in Tax Lot 106, being within the said SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11.

On June 11, 1987, a protest was filed in behalf of Thomas L. Russel and Granita M. Russell by H. Dewey Wilson, Attorney at Law, against approval of the application.

Is there any reason why the matter of Application G-11649 and the protest should not be set for hearing in Medford on Tuesday, November 24, 1987, commencing at 9:30 a.m? Unless we are notified by Monday, October 12th, that you will not be available for the proposed date, we will serve notice for the proposed date.

Sincerely,


James W. Carver, Jr.
Hearings Supervisor

cc: Bruce Sund, Watermaster, District 13



Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-8456

September 21, 1987

Thomas L. Russell
15380 Jones Road
White City OR 97503

Dear Mr. Russell:

Thank you for your letter of August 28 reiterating your problems and concerns regarding ground water. I'm sorry we were unable to meet as planned last Friday. In response to your letter, I would like to offer the following comments.

There is data to suggest a ground water problem exists in parts of Sams Valley and adjacent areas. While ground water levels naturally rise and fall with the seasons, it appears that the late summer/early fall low water levels have been getting lower in recent years in some areas. The spring high water levels seem to be at normal historic levels. The purpose of my investigation is to determine the area or areas where seasonal declines are occurring, determine the cause, and ultimately suggest a solution. At this time, the problem cannot be attributed to any single well or group of wells.

At this point I do not know what the major cause of your particular well problem is. We have water level data for your well from four different dates. A depth to water of 20 feet was reported by the driller in October 1971. We measured water levels of 23.6 feet on July 1 of this year, 30.4 feet on August 7 and 50.7 on September 18.

It is important to note that when the September 18 reading was taken, your well was still recovering from use that morning. I measured a water level of 60 feet at 8:00 am and a level of 50.7 at 8:40. The water level was still rising in the well as the last reading was taken. Therefore, that reading cannot be considered a static level.

While you may suspect that the pumping by Mr. Neill may be causing interference to your well, the facts suggest otherwise. Well interference is the lowering of the static water level in one well due to the pumping of another well. When the pumping stops, the water levels in both wells recover with time, essentially to their pre-pumping levels. Generally speaking, in cases where well interference is occurring a response to pumping will be observed in nearby affected wells in a matter of minutes to hours. This has been my experience elsewhere in the Sams Valley area. During the test we conducted on July 1, we were unable to detect any response at all in your well when we pumped the Neill well for five hours at 60 gallons per minute. This indicates that interference is not occurring at all, or if it is, that it is insignificant.

Thomas L. Russell
September 21, 1987
Page Two

This interpretation is substantiated by other water level data. When we measured the 23.6 foot static level in your well on July 1, Mr. Neill's well had been idle for two days. When we measured the 29.5 foot water level in your well on August 7, Mr. Neill reported he had been pumping for 24 hours. The 5.9 foot drop in water level over this period in your well is similar to drops recorded elsewhere in the Sams Valley area during the same period. It is unlikely that much, if any, of the drop can be attributed to Mr. Neill's 24 hours of pumping.

This suggests that there may be some other problem with your well. Some other possibilities include caving or silting in of the well, or a problem with your pump. A qualified water well constructor or pump service company could help you out in this regard.

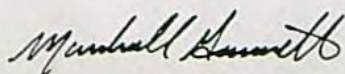
You bring up the point in your letter that Mr. Neill is being allowed to irrigate without a permit while you are protesting his application. I have discussed this with Mr. Bud Bartels, the Administrator of the Watermaster Section, and he has indicated to me he will instruct the Watermaster to cut Mr. Neill's water use back to his currently permitted amount of water.

You also mention that there is excessive runoff across your land when Mr. Neill irrigates. This is something the Watermaster must actually witness to do anything about. I suggest you work with the Watermaster to arrive at some arrangement whereby you can notify him and he can come out when this excessive runoff is happening. I will forward the photographs of runoff you sent to the Watermaster Section.

Mr. Neill will probably request a hearing to resolve the issue raised by your protest. You should be aware that the burden of proof is on the protestant. This means that it will be up to you to present testimony and evidence to establish that Mr. Neill's pumping will interfere with your continued use of your well.

I hope this clarifies the situation a bit for you. I will be continuing my investigation into the ground water problems in the area. If you have any questions pertaining to the resource or to wells please contact me. If you have any questions about Watermaster activities or responsibilities, please contact Bud Bartels at the same address or at 378-8128.

Sincerely,



MARSHALL GANNETT
Hydrogeologist

MG:wpc
1528E

August 28, 1987

RECEIVED

SEP - 3 1987

Mr. Marshall Gannett
Ground Water Division
Water Resources Dept.
3850 Portland Road N.E.
Salem, Oregon 97310

WATER RESOURCES DEPT.
SALEM, OREGON

Dear Mr. Gannett:

Addressing the problem of the low ground water table on Jones Road and in relation to your water study in July, I now don't have enough water from my 123' domestic well to water my animals. My yard, shrubs and plants are dying because the water table has dropped. We feel it is due to the irrigation of the neighbor, Mr. Neill. We feel he is abusing his right to irrigate because of the run off.

This neighbor is irrigating 7 acres of pasture and for this 7 acres of pasture he runs this system as high as 24 hours straight. At times, there is a creek running through our property due to the run off. (see enclosed pictures)

Mr. Neill was running 100 gal per minute when Mr. Sund was notified and we were told by the board office that he had a permit for 29.7 gal. per minute. Mr. Neill ran 14 Rainbirds prior to the call to Mr. Sund's office. Mr. Sund assured us there was a non-adjustable flow meter of 30 GPM installed on the Neill well and when you ran the test, you informed my wife that you tested the well at 60 GPM. Neill is still running 14 rainbirds. You can not run 14, 7 gal. per minute heads and have them work close to efficiency on 30 gal. per minute. We feel there is still 60 gal. a minute being pumped because of your statement to my wife. (this was not to be an adjustable flow meter) Mr. Sund assured me of that, so therefore, we feel Mr. Bob Neill and Mr. Sund are in State violation because neither one have upheld the laws of Jackson County of the State Laws for the State of Oregon.

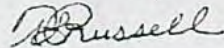
We sincerely need some help in this area. Since we have proof from you that the 29.7 gal. per minute has not been enforced and Mr. Neill does not have a permit to pump more than 29.7 GPM. As a result, this has caused a drastic decrease in the water table. Until 3 years ago, when Mr. Neill began irrigating, we had no water problem. On days he does not irrigate, our water situation is somewhat better.

A year ago May, Mr. Neill had to deepen his own domestic well. That well is only 700 feet from my domestic well.

This irrigation has put a burden and hardship on my family and I sincerely ask for more help again, before I take further action with the legislature of this state. This problem is very serious to me because I pride myself in upholding the law and we have a water master that is not upholding the law in Jackson County.

I am anxiously awaiting your reply and help.

Sincerely,



Thomas L. Russell
15380 Jones Road
White City, Oregon 97503

cc: State Water Master
Bud Bartell

Encl. 4



Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3066

September 4, 1987

Robert A. and Norna R. Neill
15480 Jones Road
White City, OR 97503

Dear Mr. and Mrs. Neill:

REFERENCE: Files G-11649 and G-6317

This is to acknowledge return of your ground water Application G-11649 indicating that you wish to use the well for primary irrigation of 12.75 acres. The affidavit to diminish your earlier water right described by Certificate 51454 to a supplemental status was also received.

It will now be necessary for us to continue holding action on the application pending completion of matters regarding the protests filed against its approval.

Sincerely,

WAYNE J. OVERCASH
Senior Water Rights Examiner

WJO:wpc

1357E



Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3066

August 3, 1987

Robert A. and Norna R. Neill
15480 Jones Road
White City, OR 97503

Dear Mr. and Mrs. Neill:

REFERENCE: File G-11649 and G-6317

Pursuant to our recent telephone discussions, I am enclosing a statement which when properly completed by both of you before a Notary Public and returned to this office will provide for changing the status of your existing water right from a primary right to a supplemental right.

If you should have any questions, please call or write and advise me of a telephone number and time you can be reached.

Sincerely,

WAYNE J. OVERCASH
Senior Water Rights Examiner

WJO:wpc
1031E

July 22, 1987

Robert A. and Norna R. Neill
15480 Jones Road
White City, Oregon 97503

Dear Mr. and Mrs. Neill:

REFERENCE: File G-11649

This is to acknowledge return of your Application G-11649, the map prepared on tracing paper and a print of a portion of another map. The legal descriptions of the two parcels were also received.

If the well described is in a different aquifer than the well described in your earlier water right (perfected under Permit G-593) and you wish to use the well described in Application G-11649 as a supplemental supply for the irrigation of the acreage allowed under the earlier right, you will need to further complete Item 3 of the application to list separately the 4.9 acres to receive the supplemental supply.

The 4.9 acres to receive the supplemental supply will need to be hatched in a different manner on your supporting map along with placing a legend on the map to clearly indicate the lands to receive the supplemental supply and the other acreage to receive the primary supply.

A permit approving your Application G-11649 will limit the use of water from the well to any deficiency in the available supply of water at the well covered by your existing right for the irrigation of any part of the 4.9 acres covered by the existing right.

I am enclosing a print of the final proof survey map made in connection with the earlier right. You may use this map as a guide in completing your supporting map.

I am returning your application and the map prepared on tracing paper for correction and completion. The application is endorsed so that in order to retain its priority date it must be received in this office on or before September 23, 1987.

Sincerely,

WAYNE J. OVERCASH
Senior Water Rights Examiner

WJO:wpc
enclosures



NEIL GOLDSCHMIDT
GOVERNOR

Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3066

June 9, 1987

RECEIVED

JUL 09 1987

WATER RESOURCES DEPT.
SALEM, OREGON

Robert A. and Nora R. Neill
15480 Jones Road
White City, OR 97503

Dear Mr. and Mrs. Neill:

REFERENCE: File G-11649

Your application for a permit to appropriate 80 gallons of water per minute from one well for the irrigation of 12.75 acres has been filed and for reference numbered G-11649. The map prepared on tracing paper and fees in the amount of \$308 were also received. Our Receipt 52049 is enclosed.

It will be necessary for you to make certain amendments to the application before it can be considered for approval.

① { The water right as described by the Certificate 51454 issued to you in 1983 describes a right to the use of 0.06 cubic foot per second from the Dorrell well for the irrigation of 4.9 acres. The 0.06 cubic foot per second equals about 27 gallons per minute and is the full duty of water that may be allowed for the irrigation of the 4.9 acres. Therefore, if there is inadequate supply of water in the Dorrell well and both of your wells are developing the same ground water aquifer, your new application should only list the additional acreage that you may wish to irrigate not presently covered by the earlier water right. Incidentally, the maximum rate of flow that we may allow for the use of water from a well in your area amounts to 5.61 gallons of water per minute per acre irrigated.

② { Item 2 on the application will need to be completed by locating the well by distances and directions from a public land survey corner such as a corner of a section. Based upon the information submitted, it appears that the East quarter corner of Section 11 would be a short distance East of the Southeast of your property. If so, this quarter corner could be located on your map along with properly designating it and you could then locate the well by distances from this corner. The common corner of the four sections you have presently illustrated on your map does not appear to be in proper relationship to your property.

③ { The number of acres to be irrigated under a permit approving your application also need to be noted on the map and be in agreement with the information to be supplied in Item 3 of the application.

THEY ARE ON
DIFFERENT AQUIFERS

Robert A. & Nora R. Neill

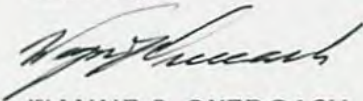
June 9, 1987

Page Two

④ ✓ { We will need a legal description of the property upon which the water will be used. We have a legal description in the earlier file of lands you refer to as Tax Lot 102. We will need a legal description of the parcel you refer to as Tax Lot 106. This legal description may be copied from your deed, title insurance policy, or sales contract.

I am returning Application G-11649 and map for correction and completion. The Application is endorsed so that in order to retain its priority date it must be received in this office on or before August 10, 1987.

Sincerely,



WAYNE J. OVERCASH
Senior Water Rights Examiner

WJO:wpc
Enclosures
0152E

June 9, 1987

Robert A. and Nora R. Neill
15480 Jones Road
White City, OR 97503

Dear Mr. and Mrs. Neill:

REFERENCE: File G-11649

Your application for a permit to appropriate 80 gallons of water per minute from one well for the irrigation of 12.75 acres has been filed and for reference numbered G-11649. The map prepared on tracing paper and fees in the amount of \$308 were also received. Our Receipt 52049 is enclosed.

It will be necessary for you to make certain amendments to the application before it can be considered for approval.

The water right as described by the Certificate 51454 issued to you in 1983 describes a right to the use of 0.06 cubic foot per second from the Dorrell well for the irrigation of 4.9 acres. The 0.06 cubic foot per second equals about 27 gallons per minute and is the full duty of water that may be allowed for the irrigation of the 4.9 acres. Therefore, if there is inadequate supply of water in the Dorrell well and both of your wells are developing the same ground water aquifer, your new application should only list the additional acreage that you may wish to irrigate not presently covered by the earlier water right. Incidentally, the maximum rate of flow that we may allow for the use of water from a well in your area amounts to 5.61 gallons of water per minute per acre irrigated. ✓

Item 2 on the application will need to be completed by locating the well by distances and directions from a public land survey corner such as a corner of a section. Based upon the information submitted, it appears that the East quarter corner of Section 11 would be a short distance East of the Southeast of your property. If so, this quarter corner could be located on your map along with properly designating it and you could then locate the well by distances from this corner. The common corner of the four sections you have presently illustrated on your map does not appear to be in proper relationship to your property.

The number of acres to be irrigated under a permit approving your application also need to be noted on the map and be in agreement with the information to be supplied in Item 3 of the application.

Robert A. & Nora R. Neill
June 9, 1987
Page Two

We will need a legal description of the property upon which the water will be used. We have a legal description in the earlier file of lands you refer to as Tax Lot 102. We will need a legal description of the parcel you refer to as Tax Lot 106. This legal description may be copied from your deed, title insurance policy, or sales contract.

I am returning Application G-11649 and map for correction and completion. The Application is endorsed so that in order to retain its priority date it must be received in this office on or before August 10, 1987.

Sincerely,

WAYNE J. OVERCASH
Senior Water Rights Examiner

WJO:wpc
Enclosures
0152E

May 6, 1987
Robert A. & Norma R. Neill
15480 Jones Rd.
White City, Or. 97503

Water Rights Division
Water Resources Department
3850 Portland, N.E.
Salem, Or. 97310

RECEIVED

MAY 11 1987

WATER RESOURCES DEPT.
SALEM, OREGON

Dear Sirs:

Application No. **W-11649**
Permit No.

We would appreciate an earlier than 30 day consideration for approval. Our existing irrigated area is planted in hay. Robert is now working more hours per week which does not allow him enough time for adequate irrigation. The addition of irrigation rights from our second well would eliminate this problem and the failure of an adequate hay crop by allowing us to operate more sprinklers at one time. Additionally we could, as time allows, start irrigating the additional acres to provide more pasture for our cows.

Any assistance in accomplishing these goals will be appreciated. Thank you.

Sincerely

Robert A. & Norma R. Neill

BEFORE THE WATER RESOURCES DEPARTMENT OF OREGON

IN THE MATTER OF APPLICATION G-11649	)	
IN THE NAMES OF ROBERT A. NEILL AND	)	STATEMENT, FINDINGS,
NORNA R. NEILL FOR USE OF GROUND	)	CONCLUSIONS OF LAW AND
WATER, JACKSON COUNTY	)	FINAL ORDER
-----	)	

STATEMENT

On May 11, 1987, Application G-11649 in the names of Robert A. and Norna R. Neill was filed for a permit to appropriate 80 gallons of water per minute from a 220-foot deep well for irrigation of a certain 12.75 acres within the SE 1/4 NE 1/4 of Section 11, Township 35 South, Range 2 West, WM. The application describes the location of the well as being 424 feet north and 408 feet west from the East Quarter Corner of Section 11 and within the said SE 1/4 NE 1/4 of Section 11.

On June 11, 1987, a protest by Thomas L. and Granita M. Russell against approval of application G-11649 was filed with the Water Resources Director. In the protest it is alleged that the proposed appropriation would conflict with the existing water rights of the protestants and others and interfere with the use of their wells for domestic purposes.

Notice of Hearing was served on October 23, 1987 on the applicants and H. Dewey Wilson, attorney at law, legal counsel for protestants. On November 9, the Department was advised by Mr. Wilson that he was withdrawing as counsel for the Russells and that they intended to proceed pro se. Not having received a return receipt showing delivery of the Notice of Hearing on the applicants, the Neills were contacted by telephone. Mr. Neill indicated that while he had not received the Notice, he was prepared to go to hearing on November 24 and that they would be represented in the hearing by an attorney. A second copy of the notice of hearing was sent by regular mail to the applicants.

Pursuant to the Director's Notice of Hearing, the matter of Application G-11649 and the protest against approval of said application was brought to hearing at Medford, Oregon on November 24, 1987, before James W. Carver, Jr., an employee of the Water Resources Department, authorized to preside on behalf of the Water Resources Director as a finder of fact.

The protestants were present at the hearing and appeared pro se. The applicants appeared at the hearing and were represented by Jeff Foxx, Attorney at Law, Medford, Oregon.

The relative locations of the applicant's property and wells, the Russell property and well, and the property and wells of Johnson and Shurma are shown on Figure 1. Figure 1 is a photocopy of WRD Exhibit 4, with added labels.

A proposed order was served on the parties on January 12, 1988, by Certified Mail, Return Receipt Requested. No objections or exceptions to the proposed order were received for filing either within or subsequent to the time allowed. Therefore, the Water Resources Director acting under authority delegated by the Water Resources Commission pursuant to ORS 536.025(2) makes the following:

FINDINGS

1. The property and wells of the applicant and protestant are located in an area known as the Sams Valley. The soil type of the Sams Valley is primarily sedimentary, composed of sandstone, silt and clay, with some occurrences of intrusive igneous rock (basalt).

2. Applicants own Tax Lots (TL) 102 and 106 in the SE 1/4 NE 1/4 of said Section 11. Applicants have two wells on their property, an existing 300-foot well primarily for domestic use located on TL 102, deepened from 223 feet to 300 feet in 1986, and the 220-foot well which is the subject of this application and protest, located on TL 106. The domestic well is in the sedimentary substrate. The well at issue has as its source water from or below the intruded basalt. The domestic well is not at issue in this proceeding.

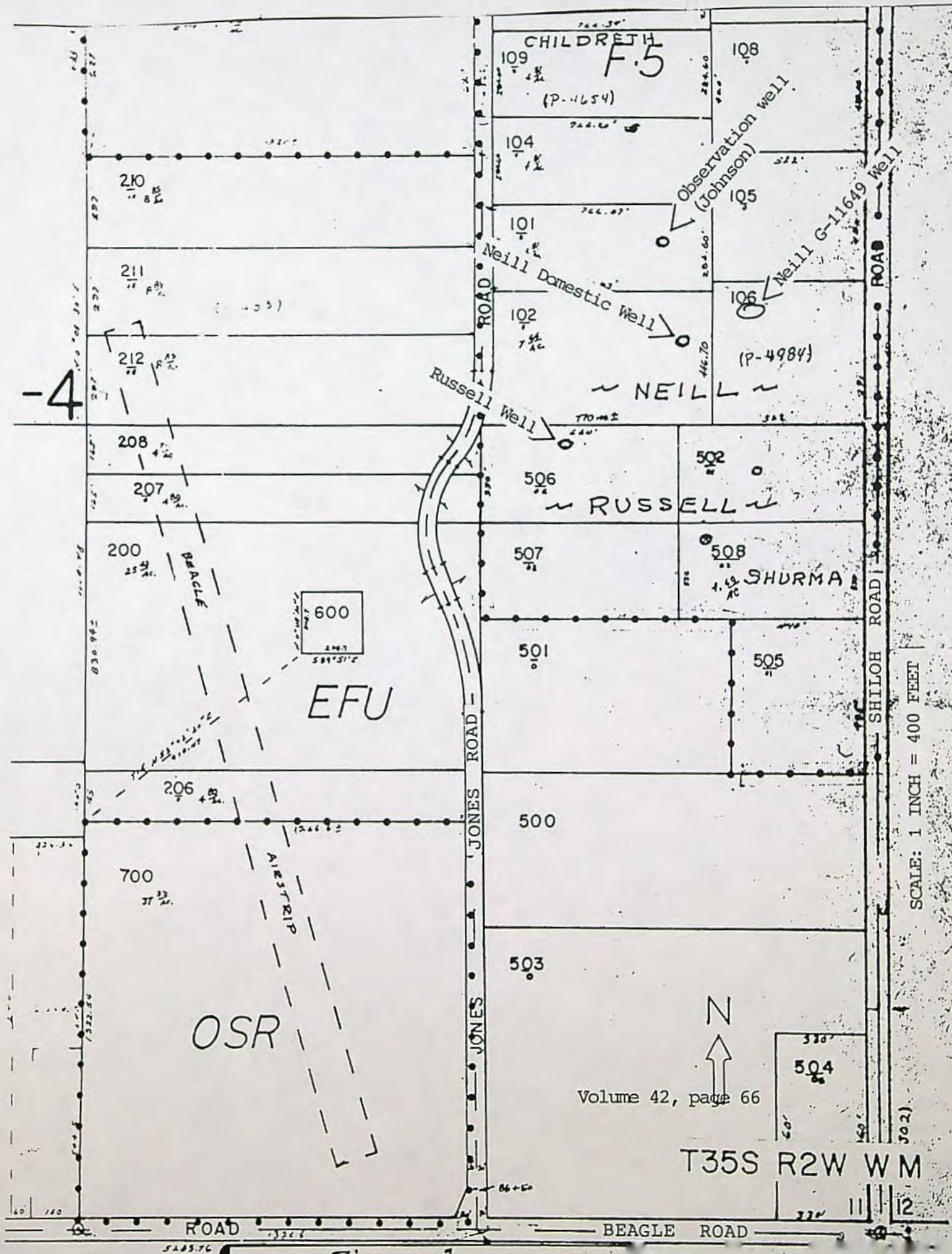
3. Protestants own TL 502 and TL 506 in said Section 11. Their well is located on TL 506 and is in the sedimentary substrate.

4. Applicant used the domestic well for irrigation of lands in TL 106 as well as for domestic uses on TL 102 in 1984, August of 1986, and in the first part of June, 1987.

The 220-foot well (G-11649) was used for irrigation during the remainder of the 1987 irrigation season. Applicant indicates that on approval of his application, the domestic well would only be used for irrigation of TL 106 in the event the 220-foot well was not functioning for some unforeseen reason.

5. Protestant indicated that his domestic well had insufficient water in September 1985, August 1986, and July 1987.

6. As result of the protest filed with the Department, a well pump test was performed on the 220-foot well by the Hydrology Section of the Water Resources Department on July 1, 1987. The test was run for five consecutive hours. Three observation wells were also used to



determine if use of the subject well would cause any measurable interference on wells in the surrounding area, including that of protestant. Observation wells were those domestic wells located on TL 506 (Russell), TL 101 (Johnson), and TL 102 (Neill).

7. Throughout the pumping test the observation wells were checked at approximately 45 minute-1 hour intervals. No measurable, significant or undue interference between the applicants' 220-foot well and the three observation wells was observed. Expert opinion

testimony suggested that the intruded basalt in or below which the 220-foot well is located, acts as a barrier between the waters supplying this well and the waters supplying the observation wells which are located in the sedimentary strata.

CONCLUSION OF LAW

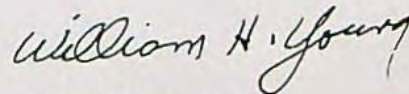
The protestants have the initial burden to show now the appropriation of water proposed by the application would result in conflict with their existing water rights. That burden was not met.

The testimony and evidence adduced does not show a measureable conflict or interference with the water rights of the protestants or others as a result of pumping the applicants' well at approximately the rate proposed by the pending application. Therefore, the said pending Groundwater Application G-11649 in the names of Robert A. and Norna R. Neill may be considered for approval, subject to existing water rights, pursuant to ORS 537.620 to 537.625.

FINAL ORDER

It is ORDERED that Water Right Application G-11649 be approved by issuance of a permit to appropriate not to exceed 0.16 cubic foot per second of water from the well described by the said application, for irrigation of a certain 12.75 acres in the SE 1/4 NE 1/4 of Section 11, Township 35 South, Range 2 East, WM.

DATED at Salem this 23rd day of February, 1988.



WILLIAM H. YOUNG
Director

NOTICE: You are entitled to judicial review of this order. Judicial review may be obtained by filing a petition for review within 60 days from the service (date of mailing) of this order. Judicial review is pursuant to the provisions of ORS 536.075 and 183.483.

BEFORE THE WATER RESOURCES DEPARTMENT OF OREGON

IN THE MATTER OF APPLICATION G-11649	)	
IN THE NAMES OF ROBERT A. NEILL AND	)	STATEMENT, FINDINGS,
NORNA R. NEILL FOR USE OF GROUND	)	CONCLUSIONS OF LAW AND
WATER, JACKSON COUNTY	)	PROPOSED ORDER
-----	)	

STATEMENT

On May 11, 1987, Application G-11649 in the names of Robert A. and Norna R. Neill was filed for a permit to appropriate 80 gallons of water per minute from a 220-foot deep well for irrigation of a certain 12.75 acres within the SE 1/4 NE 1/4 of Section 11, Township 35 South, Range 2 West, WM. The application describes the location of the well as being 424 feet north and 408 feet west from the East Quarter Corner of Section 11 and within the said SE 1/4 NE 1/4 of Section 11.

On June 11, 1987, a protest by Thomas L. and Granita M. Russell against approval of application G-11649 was filed with the Water Resources Director. In the protest it is alleged that the proposed appropriation would conflict with the existing water rights of the protestants and others and interfere with the use of their wells for domestic purposes.

Notice of Hearing was served on October 23, 1987 on the applicants and H. Dewey Wilson, attorney at law, legal counsel for protestants. On November 9, the Department was advised by Mr. Wilson that he was withdrawing as counsel for the Russells and that they intended to proceed pro se. Not having received a return receipt showing delivery of the Notice of Hearing on the applicants, the Neills were contacted by telephone. Mr. Neill indicated that while he had not received the Notice, he was prepared to go to hearing on November 24 and that they would be represented in the hearing by an attorney. A second copy of the notice of hearing was sent by regular mail to the applicants.

Pursuant to the Director's Notice of Hearing, the matter of Application G-11649 and the protest against approval of said application was brought to hearing at Medford, Oregon on November 24, 1987, before James W. Carver, Jr., an employee of the Water Resources Department, authorized to preside on behalf of the Water Resources Director as a finder of fact.

The protestants were present at the hearing and appeared pro se. The applicants appeared at the hearing and were represented by Jeff Fox, Attorney at Law, Medford, Oregon.

The relative locations of the applicant's property and wells, the Russell property and well, and the property and wells of Johnson and Shurma are shown on Figure 1. Figure 1 is a photocopy of WRD Exhibit 4, with added labels.

FINDINGS

1. The property and wells of the applicant and protestant are located in an area known as the Sams Valley. The soil type of the Sams Valley is primarily sedimentary, composed of sandstone, silt and clay, with some occurrences of intrusive igneous rock (basalt).

2. Applicants own Tax Lots (TL) 102 and 106 in the SE 1/4 NE 1/4 of said Section 11. Applicants have two wells on their property, an existing 300-foot well primarily for domestic use located on TL 102, deepened from 223 feet to 300 feet in 1986, and the 220-foot well which is the subject of this application and protest, located on TL 106. The domestic well is in the sedimentary substrate. The well at issue has as its source water from or below the intruded basalt. The domestic well is not at issue in this proceeding.

3. Protestants own TL 502 and TL 506 in said Section 11. Their well is located on TL 506 and is in the sedimentary substrate.

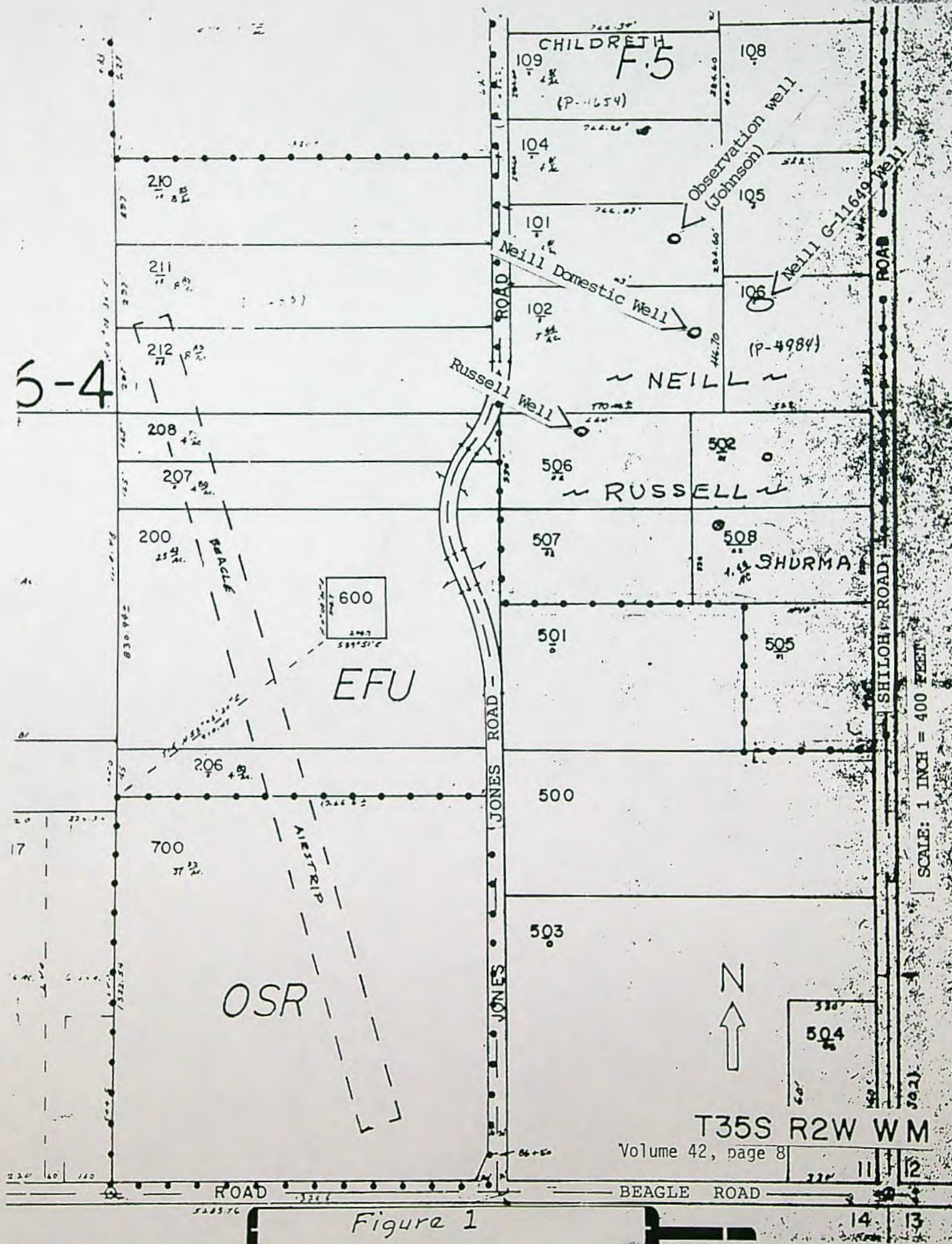
4. Applicant used the domestic well for irrigation of lands in TL 106 as well as for domestic uses on TL 102 in 1984, August of 1986, and in the first part of June, 1987.

The 220-foot well (G-11649) was used for irrigation during the remainder of the 1987 irrigation season. Applicant indicates that on approval of his application, the domestic well would only be used for irrigation of TL 106 in the event the 220-foot well was not functioning for some unforeseen reason.

5. Protestant indicated that his domestic well had insufficient water in September 1985, August 1986, and July 1987.

6. As result of the protest filed with the Department, a well pump test was performed on the 220-foot well by the Hydrology Section of the Water Resources Department on July 1, 1987. The test was run for five consecutive hours. Three observation wells were also used to determine if use of the subject well would cause any measurable interference on wells in the surrounding area, including that of protestant. Observation wells were those domestic wells located on TL 506 (Russell), TL 101 (Johnson), and TL 102 (Neill).

7. Throughout the pumping test the observation wells were checked at approximately 45 minute-1 hour intervals. No measurable, significant or undue interference between the applicants' 220-foot well and the three observation wells was observed. Expert opinion



testimony suggested that the intruded basalt in or below which the 220-foot well is located, acts as a barrier between the waters supplying this well and the waters supplying the observation wells which are located in the sedimentary strata.

CONCLUSION OF LAW

The protestants have the initial burden to show how the appropriation of water proposed by the application would result in conflict with their existing water rights. That burden was not met.

The testimony and evidence adduced does not show a measureable conflict or interference with the water rights of the protestants or others as a result of pumping the applicants' well at approximately the rate proposed by the pending application. Therefore, the said pending Groundwater Application G-11649 in the names of Robert A. and Norna R. Neill may be considered for approval, subject to existing water rights, pursuant to ORS 537.620 to 537.625.

PROPOSED ORDER

It is ORDERED that Water Right Application G-11649 be approved by issuance of a permit to appropriate not to exceed 0.16 cubic foot per second of water from the well described by the said application, for irrigation of a certain 12.75 acres in the SE 1/4 NE 1/4 of Section 11, Township 35 South, Range 2 East, WM.

DATED at Salem this 12th day of January, 1988.

William H. Young

WILLIAM H. YOUNG
Director

NOTICE: The above order is issued by the Director pursuant to authority delegated by the Water Resources Commission (Commission) pursuant to ORS 536.025(2). A party to the proceeding may file objections and exceptions to this proposed final order, with the Commission, within 30 days from date of service (date of mailing) of a copy of this order on that party. If objections and exceptions are filed, opportunity will be issued by the Commission.

If objections and exceptions are not filed within the said 30-day period, a final order will be issued by the Director pursuant to authority delegated to the Director by an action of the Commission.

BEFORE THE WATER RESOURCES DEPARTMENT OF OREGON

IN THE MATTER OF APPLICATION G-11649)
IN THE NAMES OF ROBERT A. NEILL AND)
NORNA R. NEILL FOR USE OF GROUND)
WATER, JACKSON COUNTY)

NOTICE OF HEARING

To: H. Dewey Wilson
Brophy, Wilson & Duhaime
Attorneys at Law
PO Box 128
Medford, OR 97501

Robert A. Neill and
Norna R. Neill
15480 Jones Road
White City, OR 97503

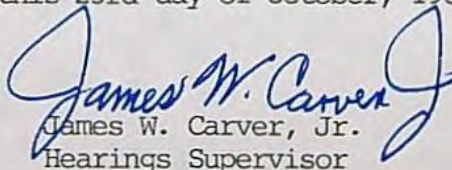
You are hereby notified pursuant to the provisions of ORS 183.415 and 537.622, that a contested case hearing in the matter of Application G-11649 in the names of Robert A. Neill and Norna R. Neill and the protest by Thomas L. Russell and Granita M. Russell will be held in Room 310 of the Jackson County Courthouse, 10 S. Oakdale, Medford, Oregon. The hearing will begin at 9:30 a.m. on Tuesday, November 24, 1987. James W. Carver, Jr., an employee of the Water Resources Department will preside over the hearing on behalf of the Water Resources Director as a finder of fact.

Application G-11649 is for the appropriation of 80 gallons of water per minute from ground water by means of a 220-foot deep well located 424 feet North and 408 feet West from the East Quarter-Corner of Section 11, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11, Township 35 South, Range 2 West, WM, for irrigation of a certain 12.75 acres within the said SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11.

In the protest it is alleged that the proposed appropriation would conflict with the existing water rights of the protestants and others for domestic purposes.

Attached is information on the procedures, right of representation and other rights of parties relating to conduct of the hearing, as required under the provisions of ORS 183.413(2).

Dated and signed at Salem, Oregon, this 23rd day of October, 1987.


James W. Carver, Jr.
Hearings Supervisor

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

cc: Bruce Sund, Watermaster, District 13

BEFORE THE WATER RESOURCES DEPARTMENT OF OREGON

IN THE MATTER OF APPLICATION G-11649)
IN THE NAMES OF ROBERT A. NEILL AND)
NORNA R. NEILL FOR USE OF GROUND)
WATER, JACKSON COUNTY)

NOTICE OF HEARING

To: H. Dewey Wilson
Brophy, Wilson & Duhaime
Attorneys at Law
PO Box 128
Medford, OR 97501

Robert A. Neill and
Norna R. Neill
15480 Jones Road
White City, OR 97503

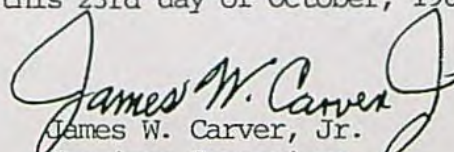
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In the protest it is alleged that the proposed appropriation would conflict with the existing water rights of the protestants and others for domestic purposes.

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Dated and signed at Salem, Oregon, this 23rd day of October, 1987.


James W. Carver, Jr.
Hearings Supervisor

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

cc: Bruce Sund, Watermaster, District 13

STATEMENT OF PARTIES' RIGHTS IN CONTESTED CASE HEARINGS
BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

The matter set for hearing by the accompanying notice is defined by Oregon law as a "contested case" so the procedures for conducting the hearing are established by the Administrative Procedures Act (ORS chapter 183) and certain Oregon Administrative Rules of the Water Resources Commission, which rules are OAR 137-03-001 to 137-03-080 and 137-04-010 (Attorney General's Model Rules) and OAR 690-01-005 and 690-01-040.

The purpose of the hearing is to allow each party (persons directly affected by the decision to be made by the Water Resources Director) the opportunity to put into the record of the hearing, first-hand knowledge of witnesses, records, documents and/or objects that will make the truth of the matter being heard known to the Water Resources Director. Under the laws governing the matter, only information and facts that are part of the record can be considered by the Water Resources Director in reaching his decision.

Each party should approach the hearing prepared to present the testimony of witnesses, the party's own testimony, and other evidence that will fully support that party's position on the matter being heard.

The Water Resources Director will not be represented by an attorney. The hearing will be conducted by a presiding officer who is an employee of the Water Resources Department, unless otherwise identified at the beginning of the hearing.

The pattern of conduct of the hearing is similar to that of a court of law, but not quite as formal. All witnesses must take an oath to "tell the truth" before testifying; and all testimony will be recorded for later consideration by the Water Resources Director.

At the discretion of the presiding officer, the order of presenting evidence will be as follows:

- (1) Statement and evidence of party:
 - a) Protesting application for water right permit (ORS 537.180 or 537.622); or
 - b) Applying for water right transfer (ORS 540.530); or
 - c) Seeking cancellation of a perfected water right (ORS 540.641(2)); or
 - d) Seeking water right certificate on which a protest has been filed (ORS 537.260(3)); or
 - e) Department, in hearing on license of Water Well Constructor (ORS 537.747).
- (2) Statement and evidence of parties in opposition to claim or position asserted in (1).
- (3) Rebuttal testimony.

Any party may request a necessary recess during the course of the hearing. Also, if it appears that some or all the matters in dispute might be settled by an agreement between the parties, the hearing may be recessed for that purpose.

Each party has the right to present witnesses and to question them to bring out what the witness knows, first-hand, about the matter being heard. Each party also has the right to question the other party's witnesses in regard to matters the witness has already testified about. The presiding officer, authorized to represent the Director as a finder of fact, has the authority to present witnesses and to question witnesses presented by any party.

Unless a witness is established on the record as an expert in the kind of matter he is testifying about, the opposing party has the right to object to testimony that is not the first-hand knowledge of the witness.

The Attorney General of Oregon has concluded that organizations and public bodies must be represented in contested case hearings by an attorney at law. Individuals may appear on their own behalf or may choose to be represented by an attorney at law. The attorney would act particularly in the questioning of witnesses and in objecting to wrong kinds of evidence becoming a part of the hearing record. A majority of persons have chosen to obtain the services of an attorney to represent them.

A party may subpoena witnesses. The Water Resources Director will prepare and issue subpoenas to the requesting party upon a showing of good cause and general relevance of the evidence sought. If the party is represented by an attorney at law, the attorney has legal authority to issue subpoenas. Service of the subpoena upon the intended witness, together with payment of witness and mileage fees to that witness, is the responsibility of the party.

Four kinds of evidence may be admitted at the hearing. They are:

- a. Knowledge of the agency. The hearings officer may take "official notice" of commonly known facts and of facts and conclusions developed from experience in the specialized field of activity. This includes notice of technical or scientific facts. You will be informed at the hearing if the agency takes "official notice" of any fact so that you may contest those facts.
- b. Testimony of witnesses. This includes your own testimony.
- c. Writings. This includes letters, maps, diagrams and other written material offered as evidence.
- d. Photographs, experiments, demonstrations and similar means used to prove a fact.

Objections to the admissibility of evidence may be made generally on one of the following grounds:

- a. Irrelevant. The evidence has no tendency to prove or disprove any issue involved.
- b. Immaterial. The evidence is offered to prove a proposition which is not a matter in issue.
- c. Unduly Repetitious. The evidence is merely repetitive of what has already been offered and admitted.

ORS 183.450(1) provides in part that:

"Evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their serious affairs shall be admissible."

The above provision in the statute, if applicable, will prevail over objections to the admissibility of evidence. In reaching a decision, the agency will only consider evidence which has been admitted.

A party may request a recess during the course of the hearing to obtain the services of an attorney. Also, at the end of the hearing, a party may request an adjournment and reopening of the hearing at a later date to present additional evidence. The requesting party should NOT expect approval of such requests without having shown good and sufficient cause. For example, why the matter was beyond the party's reasonable control prior to the hearing.

A decision on the matter being heard will not be reached at the hearing. The decision will be given in the form of a Proposed Order. A copy of the Proposed Order will be served on each party or the party's attorney of record.

A party may file objections and exceptions to the Proposed Order with the Water Resources Commission. The Commission will give opportunity for arguments in support of the written objections and exceptions. After receiving any timely objections and exceptions, and any argument, the Commission may modify the Proposed Order, reject it and prepare its own Order, or adopt the Proposed Order as its own. The Commission's decision constitutes a Final Order for purposes of judicial review.

NOTE: If no objections and exceptions to the Proposed Order are filed within the time allowed, a Final Order will be issued by the Director.

Any party has the right to appeal the Final Order after a contested case hearing to the Oregon Court of Appeals. The appeal is taken by the filing of a petition with the Court of Appeals for a review on the record of the matter. The petition to the Court of Appeals must be filed within 60 days from the date of service of the Final order on that party. (Appeals of Orders issued without a contested case hearing are to be appropriate circuit court pursuant to chapter 687, Oregon Laws 1985, Section 9).

The law requires that during the hearing, a word-for-word oral, written, or mechanical record be made of all motions, rulings, and testimony. In contested case hearings before the Water Resources Director, or a hearing officer authorized to preside in behalf of the Director, the word-for-word record is usually made in the form of a magnetic tape recording. Except when the Final Order is appealed to the Court of Appeals, a certified, written word-for-word transcript of the recording is not usually prepared unless the party who wants it is willing to pay the cost of making the transcript. However, any party may obtain a duplicate copy of the tape recording of the hearing by paying the cost of making the duplicate tape.

February, 1987
4829D

RECEIVED

JUN 11 1987

P R O T E S T

WATER RESOURCES DEPT.
SALEM, OREGON

XX(We), Thomas L. Russell and Granita M. Russell, husband and wife
name(s)

15380 Jones Road
mailing address

White City, OR 97503, 826-5422
city state Zip telephone

do hereby protest the approval of pending application numbered G-11649

in the name(s) of Robert A. and Nora R. Neill

pertaining to use of water from Well located at the southeast quarter
name of river, creek, etc.

of the northeast quarter of Sec. 11, T35S, R2W, WM, in Jackson
County, Oregon.

My (Our) water rights which would be adversely affected by the proposed use of

water are: See Addendum
(identify by permit or certificate number and priority date)

My (Our) water rights would be adversely affected in the following way(s):

See Addendum

Therefore, X (we) request the Water Resources Director to See Addendum

(the action you want the director to take in this matter)

X (We) recognize that it may be necessary to present testimony and evidence in
an administrative hearing before the Water Resources Director, in support of the
allegations made in this protest.

Proof of service of a copy of this protest on the applicant is attached.

Dated and signed this 10th day of June, 19 87.

Filed this 11th day of June 19 87

James M. Carver

\$25. fee paid - Rec #

Thomas L. Russell and Granita M. Russell
signature

By: H. Dewey Wilson
H. Dewey Wilson, Attorney for Protestants

A D D E N D U M T O P R O T E S T

Our Water Rights which would be adversely affected by the proposed use of water are: Unnumbered Jackson County well water right with priority date of 10/9/71, being a 123 foot well, with 19 feet of casing, for 20 gallons per minute, drilled by Virgle Gribble immediately prior to the priority date.

Our water rights would be adversely affected in the following ways: The applicant, Neill, has on many occasions drawn from his existing wells in excess of his current permit for 29 gallons, and used for irrigation purposes as much as 100 gallons per minute for extended periods of time. His current equipment includes an irrigation gun and 14 rainbird sprinklers for agricultural irrigation. He has run them on some occasions as long as all day, and on other occasions all night. I am advised that Gribble deepened the Neill's well to 300 feet, in order to maintain his domestic capacity well, while using his irrigation well. Protestants are adversely affected, in that when applicant uses his irrigation to the extent which would be permitted under the presently pending 80 gallon application (80 gallons plus existing 29 gallons), protestant's well is drawn down to the point that protestant's well water is discolored, and it will not supply the capacity of a 5/8" garden hose, although normally the well produces 20 gallons per minute. We are informed and believe that other domestic water wells in the immediate vicinity are also adversely affected.

Therefore, we request the Water Resources Director to: deny the pending application for an 80 gallon well permit, identified by No. G-11649, applied for by Robert A. and Nora R. Neill, or in the alternative to hold said permit in abeyance until a thorough survey of the area can be made by Marshall Gannutt of the Oregon Water Resources Department, which study is presently pending, and thereafter to take only such appropriate action as may be indicated, after a properly publicized hearing is held.

P R O O F O F S E R V I C E

I, H. Dewey Wilson, being first duly sworn,
depose and say that on the date of June 10, 1987, I did
mail a copy of the attached protest to the applicant by regular mail
by placing it in an envelope addressed to:

Robert A. and Nora R. Neill
(name)

15480 Jones Road
(address)

White City OR 97503
(city) (state) (zip)

and depositing it in the United States Mail with sufficient postage
prepaid thereon.

In Witness Whereof, I have hereunto set my hand this 10th day
of June, 1987.

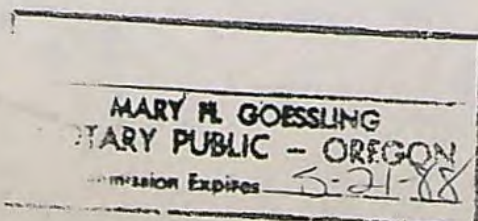
H. Dewey Wilson
(signature)
H. Dewey Wilson

Subscribed and sworn to before me this 10th day of June
1987.

(Notarial Seal)

Mary H. Goessling
Notary Public for Oregon

My commission expires 5/21/88



DESCRIPTION SHEET

See page 1 for vesting and encumbrances, if any.

Description of the tract of land which is the subject of this report:

Commencing at the corner common to Sections 1, 2, 11 and 12, Township 35 South, Range 2 West, Willamette Meridian, Jackson County, Oregon; thence along the East boundary of said Section 11, South $0^{\circ} 15' 30''$ West, 2160.63 feet; thence West, 40.00 feet, to a point on the West boundary of Jones Road, as described in Volume 295, Page 15, Jackson County, Oregon, Deed Records, for the true point of beginning; thence West, 522.00 feet; thence South $0^{\circ} 15' 30''$ West, 479 feet, more or less, to intersect the East-West center line of said Section 11; thence Easterly, along said East-West center line of Section 11, to the West boundary of said Jones Road; thence along said road boundary, North $0^{\circ} 15' 30''$ East, 482 feet, more or less, to the true point of beginning.

tax lot 106

THE ABOVE MENTIONED JONES ROAD
HAS BEEN RENAMED SHILOH ROAD

DESCRIPTION SHEET

See page 1 for vesting and encumbrances, if any.

Description of the tract of land which is the subject of this report.

Commencing at the corner common to Sections 1, 2, 11 and 12, Township 35 South, Range 2 West, Willamette Meridian, Jackson County, Oregon; thence along the East boundary of said Section 11, South $0^{\circ} 15' 30''$ West, 2188.23 feet; thence West, 562.00 feet, to the true point of beginning; thence West, 765.93 feet, to the West boundary of the East half of the Northeast quarter of said Section 11; thence along said West boundary, South $0^{\circ} 13' 50''$ West, a more or less distance of 447 feet, to an intersection with the East-West center line of said Section 11; thence Easterly, along said East-West center line of Section 11, to a point (from which the true point of beginning bears North $0^{\circ} 15' 30''$ East); thence North $0^{\circ} 15' 30''$ East, a more or less distance of 451 feet, to the true point of beginning.

EXHIBIT A
RECEIVED
JUL 09 1987
WATER RESOURCES DEPT.
SALEM, OREGON

Box lat 102

are to be filed with the
WATER RESOURCES DEPARTMENT,
SALEM, OREGON 97310
within 30 days from the date
of well completion.

WATER WELL REPORT

STATE OF OREGON

(Please type or print)

(Do not write above this line)

well for
this
application

State Well No. 355/20-11ac1

State Permit No.

(1) OWNER:

Name Bob Neill

Address 15480 Jones Rd.

Central Point, Ore.

(2) TYPE OF WORK (check):

New Well ☐ Deepening ☒ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

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

(4) PROPOSED USE (check):

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

(5) CASING INSTALLED:

Threaded ☐ Welded ☐
" Diam. from ft. to ft. Gage
" Diam. from ft. to ft. Gage
" Diam. from ft. to ft. Gage

(6) PERFORATIONS:

Type of perforator used
Size of perforations in by in.
perforations from ft. to ft.
perforations from ft. to ft.
perforations from ft. to ft.

(7) SCREENS:

Well screen installed? ☐ Yes ☐ No
Manufacturer's Name
Type Model No.
Diam. Slot size Set from ft. to ft.
Diam. Slot size Set from ft. to ft.

(8) WELL TESTS:

Drawdown is amount water level is lowered below static level
Was a pump test made? ☐ Yes ☒ No If yes, by whom?
Yield: gal./min. with ft. drawdown after hrs.
" " " " " "
" " " " " "
AIR
Bailer test 75 gal./min. with 200 ft. drawdown after 1 1/2 hrs.
Artesian flow g.p.m.
Temperature of water Depth artesian flow encountered ft.

(9) CONSTRUCTION:

Well seal—Material used
Well sealed from land surface to ft.
Diameter of well bore to bottom of seal in.
Diameter of well bore below seal in.
Number of sacks of cement used in well seal sacks
How was cement grout placed?

Was a drive shoe used? ☐ Yes ☐ No Plugs Size: location ft.
Did any strata contain unusable water? ☐ Yes ☐ No
Type of water? depth of strata
Method of sealing strata off
Was well gravel packed? ☐ Yes ☐ No Size of gravel:
Gravel placed from ft. to ft.

(10) LOCATION OF WELL:

County Jackson Driller's well number
SE 1/4 NE 1/4 Section 11 T. 35S R. 2W W.M.
Bearing and distance from section or subdivision corner
Tax lot 106

(11) WATER LEVEL: Completed well.

Depth at which water was first found ft.
Static level 20 ft. below land surface. Date 6/23/79
Artesian pressure lbs. per square inch. Date

(12) WELL LOG: Diameter of well below casing 6

Depth drilled 137 ft. Depth of completed well 220 ft.
Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
Sandstone--gray	83	135	
Basalt--gray	135	140	
Basalt--black	140	158	
Basalt--gray	158	175	
Basalt--black	175	195	
Claystone--black	195	210	
Sandstone--gray	210	220	20

30 gpm when started--increased to 75 gpm.
Static 20' when started--no change

RECEIVED

JUN 27 1979

WATER RESOURCES DEPT
SALEM, OREGON

Work started 6/23 19 79 Completed 6/23 1979
Date well drilling machine moved off of well 6/23 19 79

Drilling Machine Operator's Certification:

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

[Signed] Big M. Melbourn Date 6/26, 1979.
(Drilling Machine Operator)

Drilling Machine Operator's License No. 483

Water Well Contractor's Certification:

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

Name Virgle Gribble Well Drilling
(Person, firm or corporation) (Type or print)

Address 8380 Ramsey Rd., Gold Hill, Ore.

[Signed] Big M. Melbourn
(Water Well Contractor)

Contractor's License No. 705 Date 6/26, 1979

Application No. D-11649

Permit No. _____

RECEIVED

STATE OF OREGON
WATER RESOURCES DEPARTMENT

MAY 11 1987

Application for a Permit to Appropriate Groundwater

WATER RESOURCES DEPT.
SALEM, OREGON

Applicant: ROBERT A. AND NORNA R. NEILL

Mailing address: 15480 JONES ROAD

WHITE CITY OREGON 97503 826-3706
City State Zip Phone No.

I hereby make application for a permit to appropriate the following described groundwaters of the State of Oregon:

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

ONE WELL (EXISTING - DRILLED 6/23/79)

Use of water: IRRIGATION

Amount of water: _____ or 80
(cubic feet per second) (gallons per minute)

Diameter of well: 6" Depth in feet: 220'

Type and size of well casing: 6" WELDED - 250 GAGE No. of feet: 18

Estimated depth to water: STATIC LEVEL 20' / WATER IN WELL 200'
(feet)

Type of access port or measuring device: 6" WELL SEAL WITH 1/2 PIPE ACCESS PORT

Wells to be drilled by: WAS DRILLED BY VIRGLE GRIBBLE WELL DRILLING

Address: 8380 RAMSEY RD. GOLD HILL, OR 97525
City State Zip

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

If development is less than 1/4 mile from a natural stream, give the following:

Distance from development to stream: _____

Elevation difference between streambed and development: _____

Note: Wells must be constructed according to standards set by the department for the construction and maintenance of water wells.

200' 2x
100' 10
6 3
306

Type of irrigation system (check appropriate box): ☐ Flood ☐ Wheel line

☒ Hand line ☐ Drip ☐ Other _____

Other systems: _____

Proposed date construction will begin: COMPLETED

Proposed date of completion of system: COMPLETED

Proposed date water use will be completed: COMPLETED

Is this groundwater source supplemental to another supply? YES see affidavit

If so, identify the supply and the existing water right: WELL - APPLICATION # G6317,
PERMIT # G-5933, CERT. # 51454 - PRIORITY 10-10-73

Comments: _____

Robert A. Neill
Signature of Applicant

Norna R. Neill

NOTE: This permit, when issued, is for the beneficial use of water. 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 that the land use you propose may not be allowed if it is not in keeping with the goals and the acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

Application No. D-11649

Permit No. _____

(DO NOT WRITE IN THIS SPACE)

Dear Applicant:

I certify that I have examined the foregoing application, together with any accompanying information. I am returning it to you for the following reason(s): correction and completion

In order to retain your priority, you must return this application with the requested corrections or additions on or before August 14/19, September 23, 19 87.

Date: July 19, July 22, 19 87

WATER RESOURCES DEPARTMENT

By: Wayne J. Overcash

WAYNE J. OVERCASH

RECEIVED

JUL 09 1987

WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

AUG 25 1987

WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED at Oregon Water Resources Department on: May 11, 19 87
at 8:00 o'clock AM/PM.

Application No. 8-11649 Permit No. _____

Application No. G-11649

Permit No.

Permit to Appropriate the Public Waters of the State of Oregon

This is to certify that I have examined the foregoing application and do hereby grant the same, **SUBJECT TO EXISTING RIGHTS INCLUDING THE EXISTING MINIMUM FLOW POLICIES ESTABLISHED BY THE WATER POLICY REVIEW BOARD** and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed 0.16 cubic feet per second measured at the point of diversion from the well or source of appropriation, or its equivalent in case of rotation with other water users, from one well

The use to which this water is to be applied is irrigation of 12.75 acres

If for irrigation, this appropriation shall be limited to 1/80 of one cubic foot per second or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 1/2 acre feet per acre for each acre irrigated during the irrigation season of each year;
92 (w)

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

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

The works constructed shall include an air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the well at all times.

The permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

The priority date of this permit is May 11, 1987

Actual construction work shall begin on or before and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 19.....

Complete application of the water to the proposed use shall be made on or before October 1, 19.....

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

wrong range
35 | 11 | 11

State Well No. 351W-11

State Permit No. _____

(10) LOCATION OF WELL:

County	Jackson	Driller's well number	
1/4	1/4 Section	11 T. 35 R. 1W	W.M.
Bearing and distance from section or subdivision corner			

(11) **WATER LEVEL:** Completed well.

Depth at which water was first found	31	ft.
Static level	20	ft. below land surface. Date 10/9/71
Artesian pressure		lbs. per square inch. Date

(11) **WATER LEVEL:** Completed well.

Depth at which water was first found	31	ft.
Static level	20	ft. below land surface. Date 10/9/71
Artesian pressure		lbs. per square inch. Date

(12) WELL LOG: Diameter of well below casing 6
Depth drilled 123 ft. Depth of completed well 123 ft.

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

[illegible]

Work started 10/8/ 1971 Completed 10/9 1971
Date well drilling machine moved off of well 10/9 1971

Drilling Machine Operator's Certification:
This well was constructed under my direct supervision.
Materials used and information reported above are true to my
best knowledge and belief.
[Signed] Wayne Milbouski Date 10/11, 1977
(Drilling Machine Operator)
Drilling Machine Operator's License No. 88

Water Well Contractor's Certification:

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

Name Virgle Gribble Well Drilling
(Person, firm or corporation) (Type or print)

Address Rt. 2 Box 404, Gold Hill, Oregon

[Signed] Wayne Milkowski
(Water Well Contractor)

Contractor's License No. 461 Date 10/11 1977

5112
Application No.

G11649

Permit No.

G10802

5-11-87

Name Robert A. & Nora R. Neill

Address 15480 Jones Rd., White City, OR 97503

Assigned

Address

Beginning construction MAY 1 6 1989

Completion of construction OCT 1 1990

Extended to

Complete application of water OCT 1 1991

Extended to