

**CLARK Gerry E**

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**From:** LADD Mike F  
**Sent:** Thursday, August 06, 2015 12:41 PM  
**To:** CLARK Gerry E; THIEMANN Ken C  
**Subject:** RE: 2015.06.16 WM revised 87373-POD-INFO-Ext-2015.xlsx

Thanks Gerry for your response. Sorry for my slow reply.

Ken, will you contact the water user and explain the Willow Creek District Improvement Co. (the permit is in their name) needs to send me an email requesting an alternate measuring device be approved as allowed in condition D of page 7 of permit S-54649 for diversion point #? for water user XX. They need to tell me what type of measuring device they want me to consider approving. Also, stating why they need this type of device rather than a flowmeter would be helpful. At this time we still want to require the reporting that is required in condition B of the permit.

Please let me know if you have any question. Thanks.

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**From:** CLARK Gerry E  
**Sent:** Wednesday, July 15, 2015 7:39 AM  
**To:** LADD Mike F; THIEMANN Ken C  
**Subject:** RE: 2015.06.16 WM revised 87373-POD-INFO-Ext-2015.xlsx

Mike,

Your approach using e-mail will work fine. As you have indicated, please provide Salem with your approval of the alternative device.

My only concern is that we need to make sure that we do not somehow lose the reporting element for the diversion.

Gerry

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

Phone: 503-986-0811

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**From:** LADD Mike F  
**Sent:** Thursday, July 09, 2015 6:14 PM  
**To:** THIEMANN Ken C; CLARK Gerry E  
**Subject:** RE: 2015.06.16 WM revised 87373-POD-INFO-Ext-2015.xlsx

Let's get them a chance to request under condition D on page 7 of the permit s-54839. They can ask for alternate measure device and reporting procedure.

Gerry by copy, can they send an e-mail to me requesting I consider an alternate measuring device and reporting procedure under condition D on page 7 of the permit? And if so, if I approve I'll send a copy for the files in Salem.

Please let me know what you think? Thanks.

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**From:** THIEMANN Ken C  
**Sent:** Wednesday, June 24, 2015 11:58 AM  
**To:** LADD Mike F  
**Subject:** FW: 2015.06.16 WM revised 87373-POD-INFO-Ext-2015.xlsx

Good morning Mike,

I discussed this with June and have looked for an written approval of an alt. measuring device for the storage permit S-54839 with no luck. She said that you had allowed the flumes. How would you like me to proceed?

*Ken Thiemann  
Watermaster, District #21  
Oregon Water Resources Department  
PO Box 427  
Condon, OR 97823  
Ph: (541) 384-4207  
Fax: (541) 384-2166  
Gilliam Court House  
221 S. Oregon St., Suite 221  
Condon, OR 97823*

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**From:** Langford, Shonee D. [<mailto:SLangford@SCHWABE.com>]  
**Sent:** Wednesday, June 24, 2015 11:39 AM  
**To:** 'THIEMANN Ken C'  
**Subject:** RE: 2015.06.16 WM revised 87373-POD-INFO-Ext-2015.xlsx

Hi Ken,

The permit condition allows for OWRD approval of "alternative measuring and reporting procedures." So I'm wondering if Joe's method has been approved or if OWRD will consider his diversions out of compliance until a totalizing flow meter is installed?

Thanks.

Shonee

**Shonee Langford** | Schwabe, Williamson & Wyatt | Direct: 503-540-4261 | Fax: 503-796-2900

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**From:** THIEMANN Ken C [<mailto:kenneth.c.thiemann@state.or.us>]  
**Sent:** Wednesday, June 24, 2015 11:27 AM  
**To:** Langford, Shonee D.  
**Subject:** RE: 2015.06.16 WM revised 87373-POD-INFO-Ext-2015.xlsx

Good morning Shonee,

Yes, I have discussed the installation of an instantaneous/totalizer flow measurement device with Joe. He currently has installed flumes and records daily flow readings. Hope this helps.

*Ken Thiemann  
Watermaster, District #21*

Oregon Water Resources Department  
PO Box 427  
Condon, OR 97823  
Ph: (541) 384-4207  
Fax: (541) 384-2166  
Gilliam Court House  
221 S. Oregon St., Suite 221  
Condon, OR 97823

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**From:** Langford, Shonee D. [mailto:SLangford@SCHWABE.com]  
**Sent:** Tuesday, June 16, 2015 4:49 PM  
**To:** 'THIEMANN Ken C'  
**Subject:** RE: 2015.06.16 WM revised 87373-POD-INFO-Ext-2015.xlsx

Ken – I really appreciate the quick response. Just a couple of follow up questions.

It looks like the only diversions that are currently being used and that do not have a totalizing FM are the ones used by Joe McElligott (including Emert Ranches). Have you talked to Joe about installing totalizing FMs at those PODs? Or would some other type of measuring device be more appropriate?

Thanks again.

Shonee

**Shonee Langford** | Schwabe, Williamson & Wyatt | Direct: 503-540-4261 | Fax: 503-796-2900

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**From:** THIEMANN Ken C [mailto:kenneth.c.thiemann@state.or.us]  
**Sent:** Tuesday, June 16, 2015 4:39 PM  
**To:** Langford, Shonee D.  
**Subject:** 2015.06.16 WM revised 87373-POD-INFO-Ext-2015.xlsx

Good afternoon Shonee,

I have added the requested information to the best of my knowledge at this time. Please see disclaimer. I would defer all screen questions to Bill Duke. Hope you have a nice evening.

*Ken Thiemann*  
Watermaster, District #21  
Oregon Water Resources Department  
PO Box 427  
Condon, OR 97823  
Ph: (541) 384-4207  
Fax: (541) 384-2166  
Gilliam Court House  
221 S. Oregon St., Suite 221  
Condon, OR 97823

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Application # S-87373 Permit # S-54839

**Public Notice Route Slip ... New Application Extension of Time**  
per Division 315 Rules... (Extensions received on July 1, 2001 or after)

◆ **WRIG...**

Money Received on: 5-18-15

◆ **Extension Specialist ...**

Added to tracking spreadsheet

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

◆ **Codi Holmes...**

Publish on Public Notice (initial 30-day comment): Date of notice 6/16/15

Update WRIS Database

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

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

Yes or  No: Return file to Extension Specialist after PN Corey

# Extension PFO Checklist for Other than Muni or Quasi-Municipal

Water Use Permits  
(OAR 690-315-0010 through OAR 690-315-0060)

Application: S - 87373 Permit: <sup>original S 54649</sup> ~~superseded S - 54770~~ <sub>superseded S - 54839</sub> Permit Amendment? No  Yes  T- T-11313  
~~T-11314~~  
~~T-11612~~  
T-11664 review

Permit Holder's Name: Willow Creek District Improvement Co.

Permit Holder's Mailing Address: 530 center st. NE, suite 400

Phone Number: Salem, OR 97301 Attn: Shanee D. Langford

POD Location: Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_ 1/4 1/4 \_\_\_\_\_

Drainage Basin: 7 unatilla County: Narrow Watermaster District: 21 Region: NC  
Ken Thieman Mike Ladd

Date Permit was issued: <sup>original April 6, 2010</sup> ~~superseded Aug 7, 2012~~ <sub>superseded</sub> Priority Date: Jun 6, 2009 Date of PN: 6-16-15

Source: Willow Creek Reservoir, constructed under permit R-10850, A trib to willow CK

Use: Primary IR & SI of 2,538.14 ac

"Q": 2500.0 AF

Orig "A" Date: \_\_\_\_\_ Orig "B" Date: \_\_\_\_\_ Orig "C" Date: April 6, 2015

Extension request received: May 16, 2015 Last Authorized "B" Date: \_\_\_\_\_ Last Authorized "C" Date: \_\_\_\_\_

Request Number (1, 2, 3...): 1st Proposed "B" Date: \_\_\_\_\_ Proposed C Date: oct 1, 2030

**Conditions of Permit:**

Condition Met?	Condition Not Met?	Permit Condition
9	4 X	Totalizing flow meters ( <sup>Total</sup> 22 POD's) <u>13 members total</u>
3	10 X	water usage reports
	X	fish screens 10 of 13 have installed <del>but</del> , 1 of 10 obtained written approval. 2 of 13 have not installed diversion 1 of 13 using without fish screens.

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

- Yes No
- Work was accomplished within the time allowed in the permit or previous extension
  - Water right permit holder conformed with the permit or previous extension conditions
  - Beneficial use made of the water during the permit or previous extension time limits

GW REVIEW: Y (N)  
 MITIGATION REVIEW: Y (N)

- Permit holder has beneficially used 2,000 cfs/gpm of the total permitted quantity of water on 2,427 acres 2 members have not installed diversion & delivery
- Financial investments were made toward developing the beneficial water use.
- Amount Invested to date: \$ 1,310,000 Estimated Remaining Cost: \$ ?

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

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

Identify the closest surface water or localized water basin. Willow Creek

Ground Water Permits: Is the POA located...

Surface Water Permits: Is the POD located...

Yes No

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

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

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

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

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

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

5-year Progress Report Checkpoints (Years: \_\_\_\_\_)

Other: \_\_\_\_\_

Footnote regarding Claim of Beneficial Use. Choose the appropriate language below and insert as a footnote in the PFO:

- COBU Requirement - Surface/Ground Water - on or prior to July 9, 1987**  
"For permits applied for or received on or before July 9, 1987, upon complete development of the permit, you must notify the Department that the work has been completed and either: (1) Hire a water right examiner certified under ORS 537.798 to conduct a survey, the original to be submitted as required by the Water Resources Department, for issuance of a water right certificate; or (2) Continue to appropriate water under the water right permit until the Water Resources Department conducts a survey and issues a water right certificate under ORS 537.250 or 537.625."
- COBU Requirement - Surface Water - post July 9, 1987**  
"Pursuant to ORS 537.230(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use."
- COBU Requirement - Ground Water - post July 9, 1987**  
"Pursuant to ORS 537.630(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use."

NOTES: 8-11-15 Boon meeting w/ Dwight: No use on PODs w/o approved ODFW fish screens. Permit holder can begin use once fish screens are installed. Permit holder has 2 years per ODFW letter to install fish screens, or PODs will not be included on Cert.

Extension "PFO" Dates

Mailing / Issuance Date: \_\_\_\_\_ Protest Deadline Date: \_\_\_\_\_

Reviewer's Name: \_\_\_\_\_ Date: \_\_\_\_\_

# Completeness Checklist for Permit Extension of Time Application

Minimum completeness criteria for Extension of Time Applications are set forth in OAR 690-086-0020(3) for NON-Municipal or NON-Quasi-Municipal permits and in OAR 690-086-0070(3) for Municipal or Quasi-Municipal permits.

1. Pull the permit file. If a copy of the permit is not in the file, pull up an image of the permit in WRIS.
2. Is the permit to be extended Non-Cancelled according to WRIS and the permit file? \_\_\_\_\_  
If the permit has been cancelled, the Extension Application cannot be accepted.
3. Is the extension applicant's name and mailing address supplied? \_\_\_\_\_  
If yes, is the extension applicant a permit holder of record (i.e., permit either issued to them or assigned to them)? \_\_\_\_\_  
If the extension applicant is **NOT** a permit holder of record, a "Request for Assignment" must be processed before the Extension Application can be accepted.  
If an Assignment has **not** yet occurred, or if a concurrent "Request for Assignment" was **not** submitted along with the Extension Application, the Extension Application cannot be accepted.  
**\*NOTE:** The applicant can submit both the assignment and extension of time requests at the same time, if they present a complete application for assignment, with proof of ownership if the previous owner was not available to sign the form, and the statutory fee of \$85 for the assignment, and the necessary items for the application for Extension of Time.
4. Is the appropriate Extension of Time Application used? \_\_\_\_\_  
If the wrong application form is used, the Extension Application cannot be accepted.  
• If a Municipal or Quasi-Municipal permit, use: "Application for Extension of Time for Municipal and Quasi-Municipal Water Use Permits."  
• If a NON-Municipal or NON-Quasi-Municipal permit, use: "Application for Extension of Time for a Water Right Permit (Non-Municipal / Non-Quasi-municipal Water Use)."
5. Are the requested date(s) for extension identified (Page 1)? \_\_\_\_\_  
• Check the permit to see if it includes a "B-Date" and/or a "C-Date."  
"B-Date" = date by which construction of the water delivery system for the permit is to be completed.  
"C-Date" = date by which full beneficial use of water under the permit is to be accomplished.  
**NOTE:** For permits with both a "B-Date and a "C-Date," the applicant will likely request an extension of both dates (i.e., to complete construction of the water delivery/distribution system and to apply water to full beneficial use). Unless, of course, construction of the water delivery system is complete. In which case, the applicant would likely only request an extension of the "C-Date" (i.e., to apply water to full beneficial use).  
For permits with only a "C-Date," the applicant will only be requesting an extension of the date in which to apply water to full beneficial use.
6. Is the Extension Application signed (with an original signature) by permit holder(s) of record or an authorized agent? \_\_\_\_\_  
(If signed by agent, documentation from the permit holder(s) granting authorization to agent to sign on their behalf must be provided or already in the permit file.)  
If **not** signed by a permit holder of record or authorized agent, the Extension Application cannot be accepted.  
**NOTE:** If the permit covers land that has been subdivided and assigned to different, individual parties... we only need signatures of the permit holder(s) of record for the portion of the permit involved in the Extension of Time Application.

7. Are all questions on the application answered? \_\_\_\_\_  
 (NOTE: Supporting documentation such as: copies of the permit, well log(s), annual water use reports, static water level measurement reports, evidence demonstrating construction/work/water use accomplished, etc. may be included.)

**The tables below are informational only. No need to check off.**

**■ For NON-Municipal or NON-Quasi-Municipal Permit Extension Applications:**

▪ Ques. #1 - Information provided on beginning of construction ("A" Date) under the permit.	▪ Ques. #5-C - Well location information provided <u>and</u> whether a permit amendment is necessary.
▪ Ques. #2 - Information provided on compliance with permit conditions.	▪ Ques. #6 - Information provided on number of acres irrigated, if applicable.
▪ Ques. #3 - Description provided of progress made in developing the permit.	▪ Ques. #7 - Description provided of remaining work left to be accomplished to perfect the permit.
▪ Ques. #4 - Monetary investment made in the project to date provided.	▪ Ques. #8 - Description provided of estimated cost to complete the project associated with the permit.
▪ Ques. #5-A - Max amount of water beneficially used to date for a SW permit indicated.	▪ Ques. #9 - Explanation provided of why the permit has not been fully developed/perfected.
▪ Ques. #5-B - Well construction information provided <u>and</u> max amount of water beneficially used to date for a GW permit indicated.	▪ Ques. #10 - Justification provided of why the requested time is necessary to complete project.

**■ For Municipal/Quasi-Municipal Permit Extension Applications:**

▪ Ques. #2 - For Quasi-Municipal permits only, information provided on beginning of construction ("A" Date) under the permit.	▪ Ques. #8 - Estimate provided of current peak water demand of the population served <u>and</u> the methodology used to make the estimate.
▪ Ques. #3 - For Municipal permits issued on or after June 29, 2005, information provided on beginning of construction ("A" Date).	▪ Ques. #9 - Explanation provided of why the permit has not been fully developed/perfected.
▪ Ques. #4 - Description provided of progress made in developing the permit <u>and</u> financial expenditures made in the project to date.	▪ Ques. #10-A - Estimate provided of demand projection for the permit, the methodology used to make the estimate <u>and</u> anticipated date for full beneficial use of the permit.
▪ Ques. #5-A & #5-B - Information provided on compliance (or non-compliance) with permit conditions.	▪ Ques. #10-B - For extension requests greater than 50 years, documentation provided that the demand projection is consistent with the lands and uses proposed to be served by the permit holder.
▪ Ques. #6-A - Max amount of water beneficially used to date for a SW permit indicated.	▪ Ques. #11 - Estimate of costs to complete the project and a summary of future schedule to complete construction / perfect the water right.
▪ Ques. #6-B - Well construction information provided <u>and</u> max amount of water beneficially used to date for a GW permit indicated.	▪ Ques. #12 - Justification provided of why the requested time is necessary to complete project and/or apply water to full beneficial use.
▪ Ques. #6-C - Well location information provided <u>and</u> whether a permit amendment is necessary.	▪ Ques. #14- A copy of any agreements regarding use of the undeveloped portion of the permit and maintaining the persistence of fish, if applicable.
▪ Ques. #7 - Estimate provided of current population served under the permit <u>and</u> the methodology used to make the estimate.	▪ Attachment A - A tabular inventory of the water supplier's water rights and any other water use authorizations.

8. Has the \$575 fee been paid? \_\_\_\_\_  
 (As of July 1, 2013, the Extension of Time fee is \$575.)

If the fee has **NOT** been paid, the application cannot be accepted.

*NOTE: If the fee is the only item missing, contact the applicant to see if they can submit the fee with the next few days. If the applicant commits to submitting the fee within a certain timeframe, hold the Extension Application. If the fee does not arrive within that timeframe, return the Extension Application to the applicant.*

9. If after completing this checklist, it is not clear whether the application can be accepted, please route both the money slip and Extension Application to **Michele McAleer**. She will either: 1) accept the application; 2) return the application; or 3) prepare a deficiency letter.

Reviewed by: Machelle Bamberg Date: 5-19-15



**Oregon**  
Kate Brown, Governor

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

June 10, 2015

REFERENCE: Application for Extension of Time

Dear Extension of Time Applicant:

The Water Right Services Division has received your application for an extension of time for **APPLICATION FILE #: S-87373 (Permit S-54839)**. Your application will be reviewed in the future. Following the review, you will receive a Proposed Final Order either approving or rejecting the extension of time request. A 45-day protest period begins upon issuance of the Proposed Final Order. After the protest period closes, a Final Order is issued.

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

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

If you have questions concerning your extension of time application, please contact Corey Courchane at (503) 986-0825. For general information about the Water Resources Department, you may contact the Water Resources' Customer Service Group at (503) 986-0801 or you may access the Department's website at: [www.wrd.state.or.us](http://www.wrd.state.or.us).



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

RECEIVED BY OWRD

MAY 18 2015

SALEM, OR

**Application for Extension of Time for a Water Right Permit**  
 (Non-Municipal / Non-Quasi-municipal Water Use)

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

I, Willow Creek District Improvement Co.  
 NAME OF PERMIT HOLDER [OAR 690-315-0020(1) and (3)(a)]

the holder of: Application Number S-87373 Permit Number S-54770 [OAR 690-315-0020(3)(b)]

**\*\*A separate application must be submitted for each permit as per OAR 690-315-0020(2). \*\***

530 Center St. N.E., Suite 400  
 MAILING ADDRESS

Salem, OR. 97301  
 CITY, STATE, ZIP

(503) 540-4261  
 PHONE

Langford, Shonee D. (SLangford@SCHWABE.com)  
 E-MAIL ADDRESS

X **do hereby request that** the time to apply water to full beneficial use under the terms and conditions of the permit, which now expires on **April 6, 2015**, be extended through October 1, Year 2030.

**Please Note.** If the permit **does** specify a date when **construction** must be **completed**, you should request to extend both the time to apply water to full beneficial use **and** to complete construction. These dates are typically found on the permit above the signature of the Director.

and N/A

**do hereby request that** the time to complete construction of the water system, which now expires on Month \_\_\_ Day \_\_\_ Year \_\_\_, be extended through October 1, Year \_\_\_

Sign after completing the entire application, questions 1-11.

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

B. S. [Signature]  
 Signature

5-12-15  
 Date

Printed Name/Title President Willow Creek District Improvement Co.

**MAIL COMPLETED and SIGNED APPLICATION with the \$575 STATUTORY FEE TO:**

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

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Submit the following items with your Application for Extension of Time:

- **The signed and completed Application for Extension of Time.**
- **\$575 check to OWRD or Oregon Water Resources Department**
- **All supporting documentation and/or evidence referenced in the application.**

Reference materials needed to complete this Application:

- **Water right permit.** A copy of the water right permit can be downloaded from the Department's Website at \_\_\_\_\_ (using the link to the Water Rights Information System (WRIS)). A copy of the permit may be requested from the Water Rights Division at 503-986-0801 (copy fees will apply).
- **Documentation** which demonstrates compliance with permit conditions (for example, well construction logs; static water level measurement reports; annual water use reports; ODFW fish screen certification; a plan to monitor the effect of water use on ground water aquifers utilized under the permit; etc.).

Helpful information for completing this Application:

- Permit holders of **municipal or quasi-municipal water use permits DO NOT use this form.** The form *Application for Extension of Time for Municipal and Quasi-Municipal Water Use Permits* is at the following link:
- Request the reasonable amount of time necessary to fully complete construction of the water project and/or to fully use the permitted quantity of water under the permit terms & conditions.
- The attached *Instructions for Completing an Application for Extension of Time for a Water Right Permit* will help you answer each question on the application. If, after reading the instructions, you need assistance, please call the Extensions Specialist at 503-986-0900.
- Permit extensions are evaluated under OAR Chapter 690, Division 315, which may be viewed at: \_\_\_\_\_. Please note that OWRD may require additional information, if necessary, to evaluate the application per OAR 315-0020(3)(n).
- OWRD will review applications received for completeness and will return incomplete or deficient applications per OAR 690-315-0040(1)(a) to the applicant.

## Questions to Complete this Application for Extension of Time

Please see the instruction sheet to help you answers these questions.

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

1. **Did the “actual construction” of the water system/well drilling begin within the time specified in the permit?**    Yes    No    N/A, if not specified in this permit

Date “actual construction” began is : N/A

Describe details of construction: N/A

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

**2-A. Please describe how you have complied with each standard and special condition in the original permit [and, if applicable, conditions contained in any order approving a permit amendment and/or order approving a prior extension of time].**

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MAY 18 2015

SALEM, OR

TIP: The instruction sheet explains which typical condition

**Condition Number:** Hand-number each condition on a copy of your permit amendment and/or prior extension). Include a copy of your

**CHART-A**

Condition Number	Date Satisfied	Describe How Permit Condition
1	Prior to 4/6/2015	Totalizing flow meters and measuring devices Watermaster have been installed. Nine of the 10 met this requirement.
2	Ongoing	Prior to the permit completion date. Three reports for 2013.
3	Ongoing	The Watermaster is granted access provided he requests access upon reasonable notice.
4		This requirement has not been met because the fish screens that have been installed have not received written ODFW approval.
5	8-7-2012	No riparian areas have been disturbed because all pump stations and diversions existed at the time the permit was issued.

2013  
 McElligott Pod 1  
 Meyer Pod 1  
 Shattuck Barrow Pod 1  
 Water use reports 

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

**CHART-B**

Condition Number	Date Will Comply	Explain Why Each Permit Condition Has NOT Been Satisfied
1	10-1-2030	Two members have not installed diversion and delivery irrigation systems in order to irrigate their land that was authorized in the permit.
2	Ongoing	The members of the district did not understand this requirement and felt the information collected by the Watermaster, (both weekly and monthly), was meeting this requirement. The district will obtain all information gathered by the Watermaster and meet this requirement.
3		N/A
4	ASAP	Ten of the 13 members have installed fish screens. One of the 10 members has received written approval of his fish screen by the ODFW. The district will be working with the remaining members and the ODFW to obtain written approval.
5		N/A

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MAY 18 2015

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TIP: The instruction sheet explains which typical conditions must be addressed here.

**Condition Number:** Hand-number each condition on a copy of your permit (and, if applicable, any permit amendment and/or prior extension). Include a copy of your hand-numbered permit.

**CHART-A**

Condition Number	Date Satisfied	Describe How Permit Condition Has Been Satisfied
1	Prior to 4/6/2015	Totalizing flow meters and measuring devices as required by the Watermaster have been installed. Nine of the 13 members of the district met this requirement.
2	Ongoing	Prior to the permit completion date. Three members submitted annual reports for 2013.
3	Ongoing	The Watermaster is granted access provided he requests access upon reasonable notice.
4		This requirement has not been met because the fish screens that have been installed have not received written ODFW approval.
5	8-7-2012	No riparian areas have been disturbed because all pump stations and diversions existed at the time the permit was issued.

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

**CHART-B**

Condition Number	Date Will Comply	Explain Why Each Permit Condition Has NOT Been Satisfied
1	10-1-2030	Two members have not installed diversion and delivery irrigation systems in order to irrigate their land that was authorized in the permit.
2	Ongoing	The members of the district did not understand this requirement and felt the information collected by the Watermaster, (both weekly and monthly), was meeting this requirement. The district will obtain all information gathered by the Watermaster and meet this requirement.
3		N/A
4	ASAP	Ten of the 13 members have installed fish screens. One of the 10 members has received written approval of his fish screen by the ODFW. The district will be working with the remaining members and the ODFW to obtain written approval.
5		N/A

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

**3-A. Provide evidence of physical progress made toward completion of the water system and progress toward making beneficial use of water within the original permitted time period.**

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

**CHART-C**

DATE	LIST & DESCRIBE WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED	COST*
8-7-2012	21 diversions and irrigation delivery systems	\$1,280,000
DATE	LIST & DESCRIBE WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED and PRIOR TO DATE FOR COMPLETE APPLICATION OF WATER	COST*
	Date the permit was signed - find date above signature on last page of permit.	
10-1-2014	Flow meters and fish screens	\$30,000
	Date the permit specified "Actual Construction Work" shall begin ("A-Date") -not all permits contain this date.	
N/A		
4-6-2015	Date the permit specified complete application of water to the use shall be made ("C-Date") - all permits contain this date.	
DATE	LIST & DESCRIBE WORK ACCOMPLISHED AFTER DATE FOR COMPLETE APPLICATION OF WATER UP TO NOW Complete if this is your first request for extension of time.	COST*
4-6-2015	Nothing	\$0
<b>*Total Cost for Chart-C</b>		<b>\$1,310,000</b>

**\* If exact cost is not known, please provide your best estimate.**

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**IF this is** your first Application for an Extension of Time, write NA in Chart D below and proceed to question 4 at the bottom of this page.

**3-B) Provide evidence of physical progress made toward completion of the water system and progress toward making beneficial use of water within the most recent extension period.**

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

**CHART-D**

DATE	LIST AND DESCRIBE WORK ACCOMPLISHED <u>DURING</u> THE LAST EXTENSION PERIOD	COST*
	"Extended From" date for complete application of water used in the 1 <sup>st</sup> (or the most recent) Application for Extension of Time.	
	N/A	
	"Extended To" date for complete application of water resulting from the 1 <sup>st</sup> (or the most recent) Application for Extension of Time.	
DATE	LIST AND DESCRIBE WORK ACCOMPLISHED <u>AFTER</u> THE LAST EXPIRED EXTENSION PERIOD UP TO NOW	COST*
	N/A	
<b>Total Cost of Chart-D</b>		

**\* If exact cost is not known, please provide your best estimate.**

4. [OAR 690-315-0020(3)(f)]  
**Cost of project to date: \$1,310,000**  
*(The total combined cost from CHART-C and CHART-D)*

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

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

*TIP: Report the rate used to date in the same units of measurement as specified in the permit. Unless full beneficial use has been made, this rate will be less than the rate authorized on the permit.*

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

Maximum measured rate used to date = \_\_\_\_\_ cfs (cubic feet per second)

or

Maximum measured rate used to date = \_\_\_\_\_ gpm (gallons per minute)

or

Acre-feet stored to date = 2,000 AF

5-B) For Ground Water Permit Extensions (e.g. G-XXXX): N/A

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

**CHART-E**

Well # as identified on Permit	Water User's Well #	Has this well been drilled?	IF DRILLED					If yes, provide the Permit, Certificate, or Transfer No.
			Well Log Number e.g. MORR 50473	Well Tag Number e.g. # 27566 or N/A	Is the actual drilled location authorized on this permit or on a permit amendment? (See 5-C below)	Maximum measured rate used from this well -- under <u>this permit only</u> (CFS or GPM)	Is this well authorized or utilized under any OTHER water rights?	
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
Total measured rate from all wells utilized under this permit								

5-C) If the drilled location of a well is not authorized on this permit, please specify its location below, or provide a map showing its location. Has or will a Permit Amendment Application been/be filed? Yes  No

*If a Permit Amendment Application has been filed: Transfer No. T-N/A*

Well #N/A: Actual location: \_\_\_\_\_

Well #N/A: Actual location: \_\_\_\_\_

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

6. Provide the total number of acres actually irrigated to date under this permit (if any).

Surface Water Permits: I have applied water to 2,427 acres for irrigation to date.

Ground Water Permits: I have applied water to N/A acres for irrigation to date.

Please specify which wells are being utilized for this irrigation.

Well #N/A Acres \_\_\_\_\_ Well #N/A Acres \_\_\_\_\_

Well #N/A Acres \_\_\_\_\_ Well #N/A Acres \_\_\_\_\_

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

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

CHART-F

APPROXIMATE DATE RANGE (projected)	LIST & DESCRIBE WORK TO BE ACCOMPLISHED TO COMPLETE WATER DEVELOPMENT (projected)	ESTIMATED COST (projected)
4-2015 to 10-10-2025	4 members to install totalizing flow meters at diversion points which service flood irrigated fields	\$200,000 ?
4-2015 to 4-2016	The district will develop a system to annually report the monthly usage of the members.	\$10,000
N/A	N/A (Water master access)	\$0
10-1-2025	Obtain the written ODFW approval of all fish screens	\$300,000 - !
10-1-2025	Restore and enhance riparian areas after the installation of three diversion - fish screen structures	\$50,000
Year: 2030	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
<b>8.</b>	<b>Estimated remaining total cost to complete the water development:</b> [OAR 690-315-0020(3)(g)]	<b>\$560,000</b>

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

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

9-A) Is the project of a size and scope that was originally planned to be phased in over a time frame longer than the one allowed in the permit? If yes, describe.

\_\_\_\_\_

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9-B) Did the financial resources needed to develop the project preclude completion of the project within authorized time frames? If yes, describe.

One of the thirteen members did not have the financial resources needed to develop the project within authorized time frames.

9-C) Did good faith attempts to comply with other agency permit conditions and/or acquire permits from other agencies, or otherwise comply with government regulations, delay completion of the project? If yes, describe.

Some members have experienced a lack of cooperation from the ODFW in the design and development of plans of their fish screens.

9-D) Have other unforeseen events delayed full development of the water system and use of water within the authorized time frames? If yes, describe.

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

10. **Justify the time requested to complete the project and/or apply the water to full beneficial use.** Your justification should combine information from your answers from Questions 2-B, 7, 8, and 9 of this Application for Extension of Time. Include any other information or evidence to establish that the requested amount of time is sufficient and that you will be able to complete the project within the amount of time requested.

Some members have requested for 10 + years ODFW's participation in the design and development of fish screens for their individual diversions. Because of this lack of participation from ODFW, the members are requesting a longer period of time to obtain written approval of this requirement.

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

All thirteen members of this district have used the resource authorized in this permit to benefit themselves and the community surrounding the district. Their desires are to meet the requirements of this permit in order to continue the use of this resource.

# Facility Water Use Report



**MCELLIGOTT MAP 4 / POD 1**  
**Report ID 64601**

MCELLIGOTT MAP 4 - POD 1,  
 50 FEET NORTH AND 1960 FEET EAST FROM C 1/4 CORNER, SECTION 12  
 1S-24E-12-SE NE,  
 Permit: S 54770 \*

WILLOW CREEK DISTRICT IMPROVEMENT CO.  
 530 CENTER ST NE SUITE 400  
 SALEM, OR 97301

Records per Page: 5

<u>Water Year</u>	<u>Reporter Name</u>	<u>Type of Measurement</u>	<u>Unit</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>Jun</u>	<u>Jul</u>	<u>Aug</u>	<u>Sep</u>	<u>Irrigated Acres</u>
2013			A	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	

Type(s) of Measurement:

Unit(s) of Measurement:

A

Acre Feet

**If corrections are needed send a message to: [wateruse@wrd.state.or.us](mailto:wateruse@wrd.state.or.us) or call (503) 986-0905.**

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# Facility Water Use Report



**MEYER MAP 7 / POD 1**  
**Report ID 64608**

MEYER MAP 7 - POD 1,  
 1540 FEET NORTH AND 2100 FEET EAST FROM 1/4 CORNER, SECTION 35  
 1S-25E-35-NE SE;  
 Permit: S 54770 \*

WILLOW CREEK DISTRICT IMPROVEMENT CO.  
 530 CENTER ST NE SUITE 400  
 SALEM, OR 97301

Records per Page:

<u>Water Year</u>	<u>Reporter Name</u>	<u>Type of Measurement</u>	<u>Unit</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>Jun</u>	<u>Jul</u>	<u>Aug</u>	<u>Sep</u>	<u>Irrigated Acres</u>
2013			A	0.0	0.0	0.0	0.0	0.0	0.0	0.0	78.03	27.77	26.47	45.09	47.5	

Type(s) of Measurement:

A

Unit(s) of Measurement:

Acre Feet

**If corrections are needed send a message to: [wateruse@wr.d.state.or.us](mailto:wateruse@wr.d.state.or.us) or call (503) 986-0905.**

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# Facility Water Use Report



**SHATTUCK BARROW MAP 10 / POD 1**  
**Report ID 64613**

SHATTUCK BARROW MAP 10 - POD 1;  
 920 FEET NORTH AND 160 FEET EAST FROM C1/4 CORNER, SECTION 1  
 2S-25E-1-SW NE;  
 Permit, S 54770 \*

WILLOW CREEK DISTRICT IMPROVEMENT CO.  
 530 CENTER ST NE SUITE 400  
 SALEM, OR 97301

Records per Page: 5

<u>Water Year</u>	<u>Reporter Name</u>	<u>Type of Measurement</u>	<u>Unit</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>Jun</u>	<u>Jul</u>	<u>Aug</u>	<u>Sep</u>	<u>Irrigated Acres</u>
2013			A	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	3.77	12.3	3.85	

Type(s) of Measurement:

Unit(s) of Measurement:

A

Acres Feet

If corrections are needed send a message to: [waterusc@wrdd.state.or.us](mailto:waterusc@wrdd.state.or.us) or call (503) 986-0905.

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SALEM, OR

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

**Application for Extension of Time**

In the Matter of the Application for an Extension of Time    )  
for Permit S-54839, Water Right Application S-87373        )        PROPOSED FINAL ORDER  
in the name of Willow Creek District Improvement Co.    )

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**Permit Information**

Application:	S-87373
Permit:	S-54839
Basin:	7 – Umatilla / Watermaster District 21
Date of Priority:	January 6, 2009
Source of Water:	Willow Creek Reservoir, Constructed under Permit R-10880, tributary to Willow Creek
Purpose of Use:	Primary irrigation and Supplemental irrigation of 2538.14 Acres
Maximum Volume:	2,500.0 Acre-Feet (AF)

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

*In summary, the Department proposes to:*

- Grant an extension of time to complete construction of the water system from April 6, 2015 to October 1, 2030.
- Grant an extension of time to apply water to full beneficial use from April 6, 2015 to October 1, 2030.<sup>1</sup>
- Make the extension subject to certain conditions set forth below.

This Extension of Time request is being processed in accordance with Oregon Revised Statute 537.230 and 539.010(5), and Oregon Administrative Rule Chapter 690, Division 315

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<sup>1</sup> Pursuant to ORS 537.230(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use.

### ACRONYM QUICK REFERENCE

Department – Oregon Water Resources Department  
PFO – Proposed Final Order  
cfs – cubic feet per second  
AF – acre-feet  
ODFW – Oregon Department of Fish and Wildlife  
POD – Point of diversion

### AUTHORITY

Generally, see **ORS 537.230** and **OAR Chapter 690 Division 315**.

**ORS 537.230(3)** provides in pertinent part that the Oregon Water Resources Department (Department) may, for good cause shown, order an extension of time within which irrigation or other works shall be completed or the right perfected. In determining the extension, the Department shall give due weight to the considerations described under **ORS 539.010(5)** and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right.

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

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

**OAR 690-315-0050(5)** states that extension orders may include, but are not limited to, any condition or provision needed to: ensure future diligence; mitigate the effects of the subsequent development on competing demands on the resource; and periodically document the continued need for the permit.

**OAR 690-315-0050(6)** requires the Department, for extensions exceeding five years, to establish checkpoints to determine if diligence is being exercised in the development and perfection of the water use permit. Intervals between checkpoints will not exceed five year periods.

## FINDINGS OF FACT

### Background

1. Permit S-54649 was issued by the Department on April 6, 2010. The permit authorizes the use of up to 2,500.0 AF of water from the Willow Creek Reservoir, constructed under Permit R-10880, tributary to Willow Creek, for primary irrigation and supplemental irrigation of 2,538.14 acres. The permit specified construction of the water system was to be completed by April 6, 2015, and complete application of water was to be made on or before April 6, 2015.
2. On August 7, 2012, the Department approved Permit Amendment T-11313 (Special Order Volume 88, Page 331) authorizing a change in the place of use under Certificate 64437, for irrigation of 13.9 acres.
3. On August 7, 2012, the Department approved Permit Amendment T-11314 (Special Order Volume 88, Page 336) authorizing a change in the place of use under Certificate 184 ½, for irrigation and supplemental irrigation of 2.5 acres.
4. On August 7, 2012, Permit S-54770, in the name of Willow Creek District Improvement Co., was issued to replace Permit S-54649, incorporating the change in place of use approved by the order issued for Permit Amendment T-11313 and T-11314.
5. On September 23, 2013, the Department received an application for a permit amendment, which was assigned Permit Amendment T-11664, proposing to add an additional point of appropriation. Permit Amendment T-11664 is currently under review by the Department, awaiting approval of the Extension of Time, submitted by Willow Creek District Improvement Company.
6. On March 20, 2014, the Department approved Permit Amendment T-11512 (Special Order Volume 91, Page 1021) authorizing a change in the point of diversion and place of use under Certificate 194, for primary and supplemental irrigation of 40.0 acres.
7. On May 27, 2015, Permit S-54839, in the name of Willow Creek District Improvement Company, was issued to replace Permit S-54770, incorporating the change in place of use approved by the order issued for Permit Amendment T-11512. Here forward, the permit will be referred to as Permit S-54839.
8. The permit holder, Willow Creek District Improvement Company, submitted an "Application for Extension of Time" to the Department on May 18, 2015, requesting the time in which to accomplish beneficial use of water to the full extend under the terms of Permit S-54770 be extended from April 6, 2015, to October 1, 2030. Permit S-54770 was superseded by Permit S-54839. The extension application form clearly suggests that construction is not complete. The Department, therefore, determined that the permit holder's intent was to also request the time in which to complete construction of the water systems under Permit S-54839 to be extended from April 6, 2015, to October 1,

2030. This is the first permit extension request for Permit S-54839.
9. Notification of the Application for Extension of Time for Permit S-54839 was published in the Department's Public Notice dated June 16, 2015. No public comments were received regarding the extension application.
  10. On June 30, 2015, the permit holder, Willow Creek District Improvement Company, submitted additional information to supplement their Application for Extension of Time. The amendment clarified the amount of PODs currently developed as authorized under Permit S-54839, as well as permit conditions met.

Review Criteria [OAR 690-315-0040]

*The time limits to complete construction and/or apply water to full beneficial use may be extended if the Department finds that the permit holder has met the requirements set forth under OAR 690-315-0040. This determination shall consider the applicable requirements of ORS 537.230<sup>2</sup>, 537.248<sup>3</sup> and/or 539.010(5)<sup>4</sup>.*

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

11. On May 18, 2015, the Department received a completed Application for Extension of Time and the fee specified in ORS 536.050 from the permit holder.

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

12. Construction of the water delivery system began within 5 years of permit issuance, as specified in Permit S-54649. The permit holder states, construction was completed by August 7, 2012.

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

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

13. As of May 18, 2015, the permit holder states the remaining work to be completed consists of meeting the permit conditions, including installing totalizing flow meters, reporting annual water use, installing ODFW approved fish screens and obtaining written approval from ODFW of all fish screens, restoring and enhancing riparian areas of three points of diversion; completing construction of the water system; and applying water to full beneficial use.
14. Given the amount of development left to occur, the Department has determined that the permit holder's request to have until October 1, 2030, to complete construction of the water system and to accomplish the application of water to beneficial use under the terms and conditions of Permit S-54649 is both reasonable and necessary.

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<sup>2</sup>ORS 537.230 applies to surface water permits only.

<sup>3</sup>ORS 537.248 applies to reservoir permits only.

<sup>4</sup>ORS 539.010(5) applies to surface water and ground water permits.

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

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

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

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

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

15. The permit holder states work was accomplished within the time allowed in the permit or previous extension as follows:
  - a. Construction of the water system began prior to April 6, 2015. Construction of 15 points of diversion and the irrigation delivery system was completed by August 7, 2012.
  - b. Work was completed during the original development time frame under Permit S-54839. Construction of 15 points of diversion and irrigation delivery systems was completed. Of the 21 authorized PODs, 12 have installed totalizing flow meters and 2 have installed flumes. Of the 21 authorized PODs, 20 have installed fish screens not approved by ODFW.

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

16. According to the water user a maximum rate of 2,000.0 AF of water has been appropriated from Willow Creek Reservoir for irrigation of 2,427 acres.
17. Beneficial use of water has not yet been demonstrated under this permit because not all permit conditions were satisfied by April 6, 2015.

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

18. The water right permit holder's conformance with the permit or previous extension conditions.
  - a. The Department has considered the permit holder's compliance with conditions, and has identified the following concerns: (1) the record does not show that a totalizing flow meter or other suitable measuring device has been installed on all PODs authorized under this permit, (2) not all of the PODs authorized by the permit have an ODFW approved fish screening and by-pass devices, (3) the permit holder has not yet obtained written documentation from the Oregon Department of Fish and Wildlife approving the installation of fish screens on all points of diversion authorized under this permit.

- b. **Failure to comply with permit conditions constitutes illegal use of water.** Beneficial use of water under this permit, therefore, has not yet been demonstrated. In order to legally perfect the use of water under this permit, the permit holder must demonstrate that all conditions of the permit have been satisfied.

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

19. As of May 16, 2015, the permit holder states they have invested approximately \$1,310,000, which is about 79 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional \$350,000 investment is needed for the completion of this project.

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

20. Based on Findings of Fact 11(b) and 14(a), the Department has found marginal faith of the appropriator under Permit S-54649, for non-compliance of permit conditions.

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

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

21. The amount of water available to satisfy other affected water rights and scenic waterway flows; special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d); or the habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife [OAR 690-315-0040(4)(a-c)].
- a. The amount of water available to satisfy other affected water rights and scenic waterway flows was determined at the time of issuance of Permit S-54649; furthermore, water availability for other affected water rights and scenic waterway flows after the permit was issued is determined when an application for a new water right is submitted. The points of diversion are located on Willow Creek Reservoir, tributary to Willow Creek, and are not located within a Withdrawn Area. Willow Creek Reservoir is not located within or above a state or federal scenic waterway, however, it is located within an area ranked "moderate" for stream flow restoration needs as determined by the Department in consultation with the Oregon Department of Fish and Wildlife, and is located within a Sensitive, Threatened or Endangered Fish Species Area as identified by the Department in consultation with Oregon Department of Fish and Wildlife. The points of diversion are not in a location listed by the Department of Environmental Quality as a water quality limited stream.

22. Other economic interests dependent on completion of the project [OAR 690-315-0040(4)(e)].
  - a. None have been identified.
23. Other factors relevant to the determination of the market and present demand for water and power [OAR 690-315-0040(4)(f)].
  - a. None have been identified.
24. OAR 690-315-0050(5) provides for extension orders to include, but are not limited to, any condition or provision needed to ensure future diligence, and/or mitigate the effects of the subsequent development on competing demands on the resource. The department has determined a need to condition the use of any water from any POD authorized under Permit S-54839 with a "**Fish Screen Condition**." This condition, specified under Item 1 of the "Conditions" section of this PFO, was determined to be necessary due to non-compliance with the fish screening condition specified in Permit S-54839, and the lack of due diligence in satisfying this condition. This condition requires the water user to install an ODFW approved fish screen and obtain written approval on each authorized POD, on or before June 1, 2017. This condition prohibits diversion of any water from any authorized POD not yet screened; diversion may begin only after ODFW has given written approval of an installed fish screen. Any POD unscreened or screened without ODFW written approval will be excluded from a final certificate.
25. OAR 690-315-0050(6) requires the Department to place a checkpoint condition on this extension of time in order to ensure diligence is exercised in the development and perfection of the water use permit. A "Checkpoint Condition" is specified under Item 2 of the "Conditions" section of this PFO to meet this condition.

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

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

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

27. Delay in the development of this project was caused other governmental requirements. According to the permit holder as stated on the Application for Extension of Time, some members experienced a lack of cooperation from ODFW in the design and development of plans of their fish screens.

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

28. None have been identified.

## CONCLUSIONS OF LAW

1. The applicant is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.230(3).
2. The applicant has submitted a complete extension application form and the fee specified in ORS 536.050, as required by OAR 690-315-0040(1)(a).
3. Full application of water to beneficial use can be accomplished by October 1, 2030<sup>5</sup>, as required by OAR 690-315-0040(1)(c).
4. The Department has considered the reasonable diligence and good faith of the appropriator, the cost to appropriate and apply water to a beneficial purpose, the market and present demands for water to be supplied, the financial investment made and fair and reasonable return upon the investment, the requirements of other governmental agencies, and unforeseen events over which the permit holder had no control, whether denial of the extension will result in undue hardship to the applicant and whether there are no other reasonable alternatives for meeting water use needs, any other factors relevant to a determination of good cause, and has determined that the applicant has shown that marginal cause exists for an extension of time to apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).
5. As authorized in OAR 690-315-0050(5) and as described in Finding 20, above, the Department has established, as specified in the "Conditions" section of this PFO (Item 1), a Fish Screen Condition that applies to the use of any water from an authorized POD not containing a fish screen with ODFW written approval under Permit S-54839 in order to ensure future diligence.
6. As required by OAR 690-315-0050(6) and as described in Finding 21, above, the Department has established, as specified in the "Conditions" section of this PFO (Item 2), progress checkpoints in order to ensure future diligence is exercised in the development and perfection of Permit S-54649.

Continued on the following page

---

<sup>5</sup>Pursuant to ORS 537.230(3), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and a new or revised claim of beneficial use as deemed appropriate by the Department.

## PROPOSED ORDER

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

Extend the time to apply water to beneficial use under Permit S-54649 from April 6, 2015 to October 1, 2030.

Subject to the following conditions:

### CONDITIONS

1. **Fish Screen Condition**

On or before June 1, 2017 the water user shall install, maintain, and operate fish screening on each authorized POD consistent with current ODFW standards. PODs not currently screened must have the required screen in place and functional, and approved in writing by ODFW on or before June 1, 2017, **prior to** diversion of water. PODs screened but without ODFW written approval, must obtain approval in writing on or before June 1, 2017. If a fish screen without ODFW written approval is not installed on or before June 1, 2017, that authorized POD will be excluded on the final certificate.

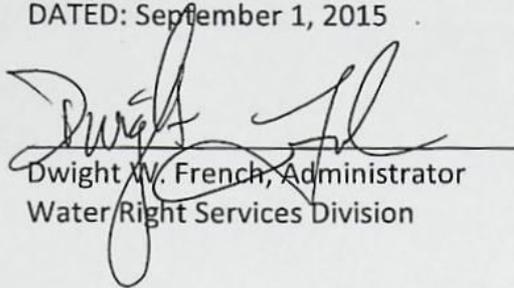
2. **Checkpoint Condition**

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2017, 2020, 2025, and 2030. A form will be enclosed with your Final Order.**

(a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;

(b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

DATED: September 1, 2015



Dwight W. French, Administrator  
Water Right Services Division

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

#### Proposed Final Order Hearing Rights

1. Under the provisions of OAR 690-315-0100(1) and 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may submit a written protest to the proposed final order. The written protest must be received by the Water Resources Department no later than **October 16, 2015**, being 45 days from the date of publication of the proposed final order in the Department's weekly notice.
2. A written protest shall include:
  - a. The name, address and telephone number of the petitioner;
  - b. A description of the petitioner's interest in the proposed final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented;
  - c. A detailed description of how the action proposed in the proposed final order would adversely affect or aggrieve the petitioner's interest;
  - d. A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;
  - e. Any citation of legal authority supporting the petitioner, if known;
  - f. Proof of service of the protest upon the water right permit holder, if petitioner is other than the water right permit holder; and
  - g. The applicant or non-applicant protest fee required under ORS 536.050.



Mailing List for Extension PFO Copies

PFO Date: September 1, 2015

Copies Mailed

Application: S-87373

Permit: S-54649

By: BN

On: 9/1/15

Original mailed to Applicant:

Willow Creek District Improvement Co.  
530 Center St NE Suite 400  
Salem, OR 97301

Copies sent to:

1. WRD - App. File S-87373/ Permit S-54649
2. Schwabe, Williamson, & Wyatt, P.C.  
Attn: Shonee D. Langford  
530 Center St NE Suite 400  
Salem, OR 97301

Fee paid as specified under ORS 536.050 to receive copy:

3. None

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

4. WRD - Watermaster District 21, Ken Thiemann
5. WRD – NCR Regional Manager, Mike Ladd

CASEWORKER: CAC

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

**Application for Extension of Time**

In the Matter of the Application for an Extension of Time                    )  
for Permit R-54839, Water Right Application R-87373                        )  
in the name of Willow Creek District Improvement Co.                    )                    **FINAL ORDER**

---

**Permit Information**

Application:                    S-87373  
Permit:                         S-54839  
Basin:                         7 – Umatilla / Watermaster District 21  
Date of Priority:             January 6, 2009  
Source of Water:             Willow Creek Reservoir, Constructed under Permit  
                                      R-10880, tributary to Willow Creek  
Purpose of Use:             Primary irrigation and Supplemental irrigation of 2538.14  
                                      Acres  
Maximum Volume:         2500.0 Acre-Feet (AF)

---

**This Extension of Time request is being processed in accordance with Oregon Revised Statute 537.230 and 539.010(5), and Oregon Administrative Rule Chapter 690, Division 315**

Appeal Rights

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

Application History

Permit S-54649 was issued by the Department on April 6, 2010. The permit called for complete application of water to beneficial use by April 6, 2015. On May 16, 2015, Willow Creek District Improvement Co. submitted to the Department an Application for Extension of Time for Permit S-54649. In accordance with OAR 690-315-0050(2), on September 1, 2015, the Department

issued a Proposed Final Order proposing to extend the time to apply water to full beneficial use from April 6, 2015 to October 1, 2030. The protest period closed October 16, 2015, in accordance with OAR 690-315-0060(1). No protest was filed.

## FINDINGS OF FACT

The Department adopts and incorporates by reference the findings in the Proposed Final Order dated September 1, 2015.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions.

## CONDITIONS

### 1. Fish Screen Condition

On or before June 1, 2017 the water user shall install, maintain, and operate fish screening on each authorized POD consistent with current ODFW standards. PODs not currently screened must have the required screen in place and functional, and approved in writing by ODFW on or before June 1, 2017, prior to diversion of water. PODs screened but without ODFW written approval, must obtain approval in writing on or before June 1, 2017. If a fish screen without ODFW written approval is not installed on or before June 1, 2017, that authorized POD will be excluded on the final certificate.

### 2. Checkpoint Condition

The permit holder must submit a completed Progress Report Form to the Department by **October 1, 2017, 2020, 2025, and 2030. A form is enclosed with this Final Order.**

(a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;

(b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

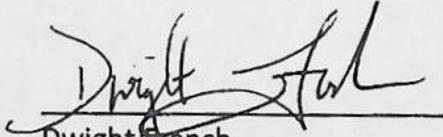
### CONCLUSION OF LAW

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

### ORDER

The extension of time for Application S-87373, Permit S-54649, therefore, is approved subject to conditions contained herein. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from April 6, 2015 to October 1, 2030.

DATED: October 30, 2015



Dwight Finch  
Water Right Services Division Administrator, for  
Thomas M. Byler, Director  
Oregon Water Resources Department

- 
- If you have any questions about statements contained in this document, please contact Permit Extension Specialist at (503) 986-0825.
  - If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900
-

Mailing List for Extension FO Copies

FO Date: October 30, 2015

Copies Mailed

Application: S-87373

Permit: S-54649

By: KF

On: 10/30/15

Original mailed to permit holder

Willow Creek District Improvement Co.  
530 Center St NE Suite 400  
Salem, OR 97301

Copies sent to:

1. WRD - App. File S-87373/ Permit S-54649
2. Schwabe, Williamson, & Wyatt, P.C.  
Attn: Shonee D. Langford  
530 Center St NE Suite 400  
Salem, OR 97301

Fee paid as specified under ORS 536.050 to receive copy:

3. None

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

4. WRD - Watermaster District 21, Ken Thiemann
5. WRD - NCR Regional Manager, Mike Ladd

If Progress Reports are included:

(DONE BY EXTENSION SPECIALIST)

Add record to Progress Report tracking sheet.xls Done: by CC Date 10-30-15

CASEWORKER: CAC

Final Order: Permit S-54649

Page 1 of 1



United States Department of the Interior

BUREAU OF RECLAMATION  
Pacific Northwest Regional Office  
1150 North Curtis Road, Suite 100  
Boise, ID 83706-1234

IN REPLY REFER TO:  
PN-3324  
WTR-4.00

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S-87373  
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**WATER RESOURCES DEPT  
SALEM, OREGON**

Willow Creek District Improvement Company  
c/o Ms. Martha Pagel  
530 Center Street NE, Suite 400  
Salem, OR 97301

Subject: Long-term Water Service Contract No. 129E101776, Willow Creek Project, Oregon

Dear Ms. Pagel:

Enclosed for Willow Creek District Improvement Company's records is a fully executed original of Contract No. 129E101776. The contract provides for irrigation use of up to 2,500 acre-feet of stored water annually from the Willow Creek Project, from the date first written on the contract, and will continue for a term of 40 years.

This letter also serves as written notice of the Bureau of Reclamation's acceptance of the evidence provided pursuant to Article 15 (c) Confirmation of Contract in the General Provisions that Willow Creek District Improvement Company is a legally constituted entity, and the contract is lawful, valid, and binding on both parties.

Finally, please note that if less water is used during any irrigation season, information on the amount delivered must be received in writing by this office no later than December 1 of the subject season to receive a partial refund or credit as set forth in Article 6 of the contract.

Thank you for promptly executing the subject contract. If you have any questions, please contact Mr. Bill Parks, Economist, at the above address or by telephone at 208-378-5344.

Sincerely,

*Acting for*

Lorri J. Lee  
Regional Director

Enclosure

cc: See next page.

cc: Oregon Water Resources Department  
Attention: Mr. Jerry Sauter  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271

Mr. Shonee Langford  
Schwabe, Williamson & Wyatt, P.C.  
530 Center Street NE, Suite 400  
Salem, OR 97301

Mr. Scott White  
District 21 Watermaster  
P.O. Box 427  
Condon, OR 97823-0427

Mr. Bernard Damon  
2315 Rocky Lane  
Eugene, OR 97401  
(w/copy of contract to each)

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF RECLAMATION

Willow Creek Project, Oregon

CONTRACT FOR WATER SERVICE

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WATER RESOURCES DEPT  
SALEM, OREGON

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UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF RECLAMATION

Willow Creek Project, Oregon

CONTRACT FOR WATER SERVICE

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SALEM, OREGON

THIS CONTRACT, made this 12<sup>th</sup> day of April, 2012, pursuant to section 9(e) of the Act of August 4, 1939 (53 Stat. 1187), and section 8 of the Act of December 22, 1944 (58 Stat. 887, 891), (which acts are commonly known and referred to as the Reclamation Laws), the Flood Control Act of 1965 (P.L. 89-298), and the Act of October 18, 1978 (P.L. 95-482), between the **UNITED STATES OF AMERICA**, hereinafter referred to as the United States, represented by the Contracting Officer executing this contract, and The Willow Creek District Improvement Company, hereinafter referred to as the Contractor;

WITNESSETH, THAT:

EXPLANATORY RECITALS

2. **WHEREAS**, The United States has constructed and operates Willow Creek Reservoir of the Willow Creek Project, Oregon, from which there is a flow of water that can be used for irrigation of land and other beneficial uses, which flow, as it has been developed or as it will be augmented, has been appropriated by the United States pursuant to the laws of Oregon for beneficial use under the Federal Reclamation Laws; and

3. **WHEREAS**, the Contractor owns or serves land hereinafter described, for which a supplemental source of water is desired to be secured from the United States for the irrigation of lands that have previously been irrigated; and

**NOW, THEREFORE**, in consideration of the premises and payments by the Contractor to the United States in the manner hereinafter provided, it is agreed:

**TERM OF CONTRACT**

4. This contract shall become effective as of the date first above written and will continue in effect for a period of 40 years unless sooner terminated in accordance with the provisions of Article 10 or by agreement of the parties hereto: Provided; that upon expiration of the 40-year term, renewals may be made by the Secretary of the Interior for successive periods not to exceed 40 years and under terms and conditions mutually agreeable to the parties hereto: Provided further; that the terms and conditions of each renewal shall be negotiated in light of circumstances prevailing at the time of renewal and agreed upon not later than 1 year prior to the expiration of the then existing contract.

**LANDS FOR WHICH WATER IS FURNISHED: LIMITATIONS ON DELIVERIES**

5. The United States shall release each year to the Contractor during the irrigation season from April 1 to October 31, inclusive, water from the Willow Creek Project for the irrigation of land owned by the Contractor described as follows:

See attachment 1.

Of the land described in attachment 1, not more than 2,538.14 acres are to be irrigated. The amount of stored water to be made available hereunder shall be that quantity which may be applied beneficially in accordance with good usage in the irrigation of the land above described, up to a maximum diversion of 2,500 acre-feet of stored water, measured at the point of release of said water.

## PAYMENTS FOR WATER

6. (a) An annual payment of \$34,695.50 for the first irrigation season shall be made to the United States at the time of executing this contract, and subsequent annual payments of \$87,500.00 will be due on or before April 1 of each succeeding irrigation season in advance of water use. This payment will entitle the Contractor to receive up to a maximum of 2,500 acre-feet of stored water for irrigation of the lands described in Article 5 of this contract. In the event some portion of the 2,500 acre-feet is not requested by the Contractor, pursuant to Article 8(g) of this contract, the Contracting Officer will refund or credit a portion of the water service payment; Provided, that in order for a refund or credit to be made, information on the amounts of stored water requested each month must be received in writing by the Contracting Officer by December 1 of that year; Provided, further, that regardless of the amount of water released to the Contractor under this contract, a minimum charge of \$21,875.00 shall apply.

(b) The annual charge set forth in (a) above is based on an initial rate of \$35 per acre-foot of stored water. From time to time, but not less often than once every 5 years, the rate per acre-foot of stored water and the minimum payment shall be reviewed by the Contracting Officer and revised, if necessary, by the United States for the irrigation water marketing program of the Willow Creek Project. Any revision by the Contracting Officer will apply only to future payments and shall be announced by written notice to the Contractor at least 3 months prior to the beginning of the irrigation season to which the new rate would be applicable.

(c) All payments from the Contractor to the United States under this contract shall be made by the medium requested by the United States. The required medium of payment may include checks, wire transfers, or other types of payment specified by the United States. Except when otherwise specified by the United States, all payments shall be made by check.

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WATER RESOURCES DEPT  
SALEM, OREGON

(d) Payments required hereunder shall be made to the Bureau of Reclamation at the location described in Article 14 of this contract.

**CONTRACT ADMINISTRATION FEES**

7. All future contract actions, contract amendments, supplements, and assignments will be subject to a charge in an amount sufficient to cover costs to the United States.

**RELEASE OF WATER**

8. (a) Upon payment of the monies specified in subarticle 6(a) above, the United States will release water to the Contractor from the Willow Creek Project pursuant to this contract. No water shall be released if the Contractor is delinquent in payment of the required payments.

(b) Water shall be made available to the Contractor at the outlet works of Willow Creek Dam. The Contractor shall receive the water at that point and shall be wholly responsible for diverting, conveying, and utilizing any water under this contract.

(c) Water made available hereunder will be measured by the United States at the release point stated in subarticle 8(b). All losses of water from seepage, evaporation, or other cause, below said point of measurement, shall be borne by the Contractor.

(d) Water released under this contract shall be used by the Contractor for the purpose of irrigating the lands described in Article 5 and shall not be sold or used for other purposes.

(e) Water for the purposes described herein shall be taken by the Contractor at the following point(s) of diversion:

See attachment 2.

The water taken by the Contractor hereunder shall be measured by means of measuring or controlling devices satisfactory to the Contracting Officer and the State-appointed watermaster.

Such devices shall be furnished, installed, and maintained by and at the expense of the Contractor, but they shall be and remain at all times available for reading and monitoring by the United States or an appropriate State-appointed watermaster whose representative may at all times have access to them over any lands of the Contractor.

(f) The Contractor agrees to comply with all applicable Federal, State, and local laws governing water use under this contract. The Contractor shall secure from the State of Oregon any needed licenses or permits governing the diversion and use of water hereunder. The Contractor shall be responsible for the cost of any fees, licenses, permits, and administrative and distribution costs charged by the State of Oregon. All diversions shall be subject to the jurisdiction of the State official in charge of the distribution of the waters of the river from which the diversion is made.

(g) All requests to the United States for water releases and flow changes at Willow Creek Project under this agreement shall be coordinated with authorized representatives of the Oregon Department of Water Resources (OWRD) to insure proper compliance with State law.

#### SPECIAL CONDITIONS

9. (a) It is the responsibility of the Contractor to comply with the laws of the State of Oregon regarding the obtaining and perfecting of permits to divert water to the lands described in Article 5. Prior to executing this contract, the Contractor shall secure any easements from the Corps of Engineers which may be required for constructing facilities to divert and convey the stored water and provide written verification of such agreements to the Contracting Officer. The obligation of the United States to release water under this contract is subject to an operating plan for the Willow Creek Project determined in accordance with the law governing the project.

(b) In the interest of conservation and protection of environmental resources, this contract may be reviewed by the Contracting Officer at any time. The terms and conditions of

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SALEM, OREGON

this contract, including the amount of stored water provided hereunder, may be modified, if deemed necessary by the Contracting Officer, to avoid or minimize impacts to candidate, listed or proposed threatened and endangered species; proposed or designated critical habitat; or other valuable natural resources. Any modification by the Contracting Officer shall be announced by written notice to the Contractor.

#### **TERMINATION OF CONTRACT**

10. (a) This contract may be terminated and water service hereunder shall cease at the option of the United States at any time if the Contractor is delinquent in payment of the water service charge for a period of 90 days or upon failure of the Contractor to abide by any notice, order, rule, or regulation of the United States or the State of Oregon now or hereafter established affecting water service hereunder.

(b) The Contractor shall have the right to terminate this contract for any reason: Provided, that notice of the intent by the Contractor to terminate this contract shall be in writing to the Contracting Officer at least 60 days prior to the termination date proposed: Provided further, that termination under this provision shall become effective no sooner than April 1 of the next calendar year following such written notice.

(c) Termination of this contract for any cause shall not relieve the Contractor of any financial obligations incurred by way of this contract prior to termination.

#### **CONSTRAINTS ON THE AVAILABILITY OF WATER (WATER SHORTAGES)**

11. In its operation of the Project, the United States will use all reasonable means to guard against a Condition of Shortage in the quantity of water to be made available to the Contractor pursuant to this Contract. In the event the United States determines that a Condition of Shortage appears probable, the Contracting Officer will notify the Contractor of said determination as soon as practicable.

If there is a Condition of Shortage because of errors in physical operations of the Project, drought, other physical causes beyond the control of the United States, or actions taken by the Contracting Officer to meet current and future legal obligations, then no liability shall accrue against the United States or any of its officers, agents or employees for any damage, direct or indirect, arising therefrom.

**HOLD HARMLESS AND INDEMNIFICATION**

12. To the extent permitted by law, the Contractor shall indemnify, defend, and hold harmless the United States and Reclamation, and their officers, employees, and agents, from and against all claims, suits, actions, losses, damages, liabilities, costs and expenses of any character (hereinafter collectively referred to as "claims") that result from , arise out of, or relate to the quality or quantity of water released pursuant to this contract, including but not limited to claims by patrons or others in privity with the Contractor derived from the settlement or adverse results of litigation brought against the United States or Reclamation by third parties. The Contractor does not agree to indemnify the United States for any damages arising from intentional torts or malicious actions committed by employees of the United States.

**DISCLAIMER**

13. No provision of this contract nor the furnishing of water hereunder will be construed to bind the United States after the expiration of this contract as the basis of a permanent water right. Water service, such as that provided hereunder, may only be provided in a subsequent irrigation season, or seasons, upon execution of a suitable contract for that purpose. Because of possible fluctuations in reservoir surface elevations and downstream flows associated with the Willow Creek Project, the United States does not guarantee the availability of water at the point of the Contractor's diversion facilities as they may now be constructed or constructed hereafter. Further, the United States will not be held responsible for any acts or omissions of the Contractor's agents or of persons to whom water is furnished.

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SALEM, OREGON

## NOTICES

14. Any notice, demand, or request authorized or required by this contract shall be deemed to have been given, on behalf of the Contractor, when mailed, postage prepaid, or delivered to the Program Manager, Repayment and Acreage Limitation, Pacific Northwest Region, Bureau of Reclamation, 1150 N. Curtis Road, Suite 100, Boise, ID 83706-1234, and on behalf of the United States, when mailed, postage prepaid, or delivered to Willow Creek District Improvement Company, c/o Mr. Bernard Damon, 2315 Rocky Lane, Eugene, OR 97401. The designation of the addressee or the address may be changed by notice given in the same manner as provided in this article for other notices.

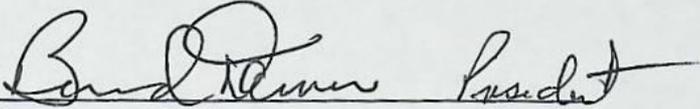
## GENERAL PROVISIONS

15. The general provisions applicable to this contract are listed below. The full text of these general provisions is attached as Exhibit A and is hereby made a part of this contract.

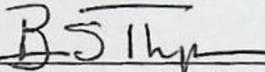
- a. CHARGES FOR DELINQUENT PAYMENTS
- b. GENERAL OBLIGATION—BENEFITS CONDITIONED UPON PAYMENT
- c. CONFIRMATION OF CONTRACT
- d. CONTINGENT UPON APPROPRIATION OR ALLOTMENT OF FUNDS
- e. OFFICIALS NOT TO BENEFIT
- f. CHANGES IN CONTRACTORS ORGANIZATION
- g. ASSIGNMENT LIMITED--SUCCESSORS AND ASSIGNS OBLIGATED
- h. BOOKS, RECORDS, AND REPORTS
- i. COMPLIANCE WITH FEDERAL RECLAMATION LAWS
- j. PROTECTION OF WATER AND AIR QUALITY
- k. WATER CONSERVATION
- l. EQUAL EMPLOYMENT OPPORTUNITY
- m. COMPLIANCE WITH CIVIL RIGHTS LAWS AND REGULATIONS
- n. PRIVACY ACT COMPLIANCE
- o. MEDIUM FOR TRANSMITTING PAYMENTS
- p. CONTRACT DRAFTING CONSIDERATIONS

IN WITNESS WHEREOF, the parties hereto have signed their names the day and year first above written.

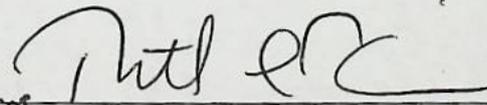
**Willow Creek District Improvement Company**

By:   
Signature and Title

Attest:

By:   
Signature and Title

**UNITED STATES OF AMERICA**

  
Acting for Regional Director  
Pacific Northwest Regional Office  
Bureau of Reclamation  
1150 N. Curtis Road, Suite 100  
Boise, ID 83706-1234

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WATER RESOURCES DEPT  
SALEM, OREGON

STATE OF Oregon )  
County of Morrow ) : ss

On this 26<sup>th</sup> day of March, 2012, before me, a notary public, personally appeared Bernard Damon and Brian Thompson known to me to be the official(s) of the WILLOW CREEK DISTRICT IMPROVEMENT COMPANY, that executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of said WILLOW CREEK DISTRICT IMPROVEMENT COMPANY, for the uses and purposes therein mentioned, and on oath stated that he/she/they (circle one) is/are authorized to execute said instrument on its behalf.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal as of the day and year first above written.



(SEAL)

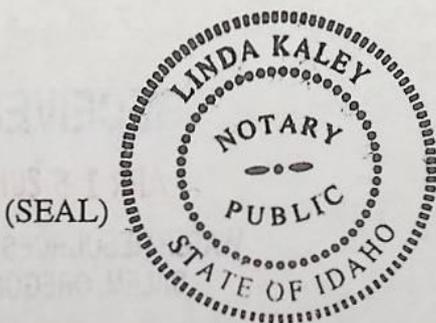
Kay Rene Qualls  
Notary Public in and for the  
State of Oregon  
Residing at: Hippner, OR  
My commission expires: 12-09-2014

\*\*\*\*\*

STATE OF IDAHO )  
County of Ada ) : ss

On this 13<sup>th</sup> day of April, 2012, personally appeared before me Timothy L. Personius, known to me to be the official of the UNITED STATES OF AMERICA that executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of said United States, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal as of the day and year first above written.



(SEAL)

Linda Kaley  
Notary Public in and for the  
State of IDAHO  
Residing at: Meridian ID  
My commission expires: 6/2/2012

GENERAL PROVISIONS --- WILLOW CREEK PROJECT

CHARGES FOR DELINQUENT PAYMENTS

(a). (1) The Contractor shall subject to interest, administrative, and penalty charges on delinquent payments. If a payment is not received by the due date, the Contractor shall pay an interest charge on the delinquent payment for each day the payment is delinquent beyond the due date. If a payment becomes 60 days delinquent, in addition to the interest charge, the Contractor shall pay an administrative charge to cover additional costs of billing and processing the delinquent payment. If a payment is delinquent 90 days or more, in addition to the interest and administrative charges, the Contractor shall pay a penalty charge for each day the payment is delinquent beyond the due date, based on the remaining balance of the payment due at the rate of 6 percent per year. The Contractor shall also pay any fees incurred for debt collection services associated with a delinquent payment.

(2) The interest charge rate shall be the greater of either the rate prescribed quarterly in the Federal Register by the Department of the Treasury for application to overdue payments or the interest rate of 0.5 percent per month. The interest charge rate will be determined as of the due date and remain fixed for the duration of the delinquent period.

(3) When a partial payment on a delinquent account is received, the amount received shall be applied first to the penalty charges, second to the administrative charges, third to the accrued interest, and finally to the overdue payment.

GENERAL OBLIGATION--BENEFITS CONDITIONED UPON PAYMENT

(b). (1) The obligation of the Contractor to pay the United States as provided in this contract is a general obligation of the Contractor notwithstanding the manner in which the obligation may be distributed among the Contractor's water users and notwithstanding the default of individual water users in their obligation to the Contractor.

(2) The payment of charges becoming due pursuant to this contract is a condition precedent to receiving benefits under this contract. The Contractor shall not deliver water under the terms and conditions of this contract for lands or parties that are in arrears in the advance payment of water rates as levied or established by the Contractor.

CONFIRMATION OF CONTRACT

(c). The Contractor shall furnish to the Contracting Officer evidence that pursuant to the laws of the State of Oregon, the Contractor is a legally constituted entity and the contract is lawful, valid, and binding on the Contractor. This contract shall not be binding on the United States until such evidence has been provided to the Contracting Officer's satisfaction. The Contracting Officer shall provide the Contractor written notice of the Contracting Officer's acceptance of such evidence. The Contracting

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SALEM OREGON

Officer represents that he is authorized to execute this contract and perform all obligations of the Contracting Officer hereunder.

#### CONTINGENT UPON APPROPRIATION OR ALLOTMENT OF FUNDS

(d). The expenditure or advance of any money or the performance of any obligation of the United States under this contract shall be contingent upon appropriation or allotment of funds. Absence of appropriation or allotment of funds shall not relieve the Contractor from any obligations under this contract. No liability shall accrue to the United States in case funds are not appropriated or allotted.

#### OFFICIALS NOT TO BENEFIT

(e). No Member of or Delegate to the Congress, Resident Commissioner, or official of the Contractor shall benefit from this contract other than as a water user or landowner in the same manner as other water users or landowners.

#### CHANGES IN CONTRACTOR'S ORGANIZATION

(f). While this contract is in effect, no change may be made in the Contractor's organization, by inclusion or exclusion of lands or by any other changes which may affect the respective rights, obligations, privileges, and duties of either the United States or the Contractor under this contract including, but not limited to, dissolution, consolidation, or merger, except upon the Contracting Officer's written consent.

#### ASSIGNMENT LIMITED--SUCCESSORS AND ASSIGNS OBLIGATION

(g). The provisions of this contract shall apply to and bind the successors and assigns of the parties hereto, but no assignment or transfer of this contract or any right or interest therein by either party shall be valid until approved in writing by the other party.

#### BOOKS, RECORDS, AND REPORTS

(h). The Contractor shall establish and maintain accounts and other books and records pertaining to administration of the terms and conditions of this contract, including the Contractor's financial transactions; water supply data; project operation, maintenance, and replacement logs; project land and rights-of-way use agreements; the water users' land-use (crop census), land-ownership, land-leasing, and water-use data; and other matters that the Contracting Officer may require. Reports shall be furnished to the Contracting Officer in such form and on such date or dates as the Contracting Officer may require. Subject to applicable Federal laws and regulations, each party to this contract shall have the right during office hours to examine and make copies of the other party's books and records relating to matters covered by this contract.

#### COMPLIANCE WITH FEDERAL RECLAMATION LAWS

(i). The parties agree that the delivery of irrigation water or use of Federal facilities pursuant to this contract is subject to Federal reclamation law, including but not limited to the Reclamation Reform Act of 1982 (43 U.S.C. 390aa *et seq.*), as amended and supplemented, and the rules and regulations promulgated by the Secretary of the Interior under Federal reclamation law.

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WATER RESOURCES DEPT  
SALEM, OREGONPROTECTION OF WATER AND AIR QUALITY

(j). (1) Project facilities used to make available and deliver water to the Contractor shall be operated and maintained in the most practical manner to maintain the quality of the water at the highest level possible as determined by the Contracting Officer: *Provided, That* the United States does not warrant the quality of the water delivered to the Contractor and is under no obligation to furnish or construct water treatment facilities to maintain or improve the quality of water delivered to the Contractor.

(2) The Contractor shall comply with all applicable water and air pollution laws and regulations of the United States and the State of Oregon and shall obtain all required permits or licenses from the appropriate Federal, State, or local authorities necessary for the delivery of water by the Contractor; and shall be responsible for compliance with all Federal, State, and local water quality standards applicable to surface and subsurface drainage and/or discharges generated through the use of Federal or Contractor facilities or project water provided by the Contractor within the Contractor's Project Water Service Area.

(3) This article shall not affect or alter any legal obligations of the Secretary to provide drainage or other discharge services.

WATER CONSERVATION

(k). Prior to the delivery of water provided from or conveyed through federally constructed or federally financed facilities pursuant to this contract, the Contractor shall develop a water conservation plan, as required by Section 210(b) of the Reclamation Reform Act of 1982 and 43 C.F.R. 427.1 (Water Conservation Rules and Regulations).

EQUAL EMPLOYMENT OPPORTUNITY

(l). During the performance of this contract, the Contractor agrees as follows:

(1) The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, disability, or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, disability, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Contracting Officer setting forth the provisions of this nondiscrimination clause.

(2) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, disability, or national origin.

(3) The Contractor will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the Contracting Officer, advising the labor union or workers' representative of the Contractor's commitments under Section 202 of Executive Order 11246 of September 24, 1965, as

amended (EO 11246), and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The Contractor will comply with all provisions of EO 11246, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The Contractor will furnish all information and reports required by EO 11246, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the Contracting Agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the Contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be canceled, terminated or suspended in whole or in part and the Contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in EO 11246, and such other sanctions may be imposed and remedies invoked as provided in EO 11246, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(7) The Contractor will include the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by the rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of EO 11246, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as may be directed by the Secretary of Labor as a means of enforcing such provisions, including sanctions for noncompliance: *Provided, however*, that in the event the Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

#### COMPLIANCE WITH CIVIL RIGHTS LAWS AND REGULATIONS

(m). (1) The Contractor shall comply with Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352; 42 U.S.C. § 2000d), the Rehabilitation Act of 1973 (Pub. L. 93-112, Title V, as amended; 29 U.S.C. § 791, et seq.), the Age Discrimination Act of 1975 (Pub. L. 94-135, Title III; 42 U.S.C. § 6101, et seq.), [Title II of the Americans with Disabilities Act of 1990 (Pub. L. 101-336; 42 U.S.C. § 12131, et seq.),] [Title III of the Americans with Disabilities Act of 1990 (Pub. L. 101-336; 42 U.S.C. § 12181, et seq.),]2 and any other applicable civil rights laws, and with the applicable implementing regulations and any guidelines imposed by the U.S. Department of the Interior and/or Bureau of Reclamation.

(2) These statutes require that no person in the United States shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving financial assistance from the Bureau of Reclamation on the grounds of race, color, national origin, disability, or age. By executing this contract, the Contractor agrees to immediately take any measures necessary to implement this obligation, including permitting officials of the United States to inspect premises, programs, and documents.

(3) The Contractor makes this agreement in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property discounts, or other Federal financial assistance extended after the date hereof to the Contractor by the Bureau of Reclamation, including installment payments after such date on account of arrangements for Federal financial assistance which were approved before such date. The Contractor recognizes and agrees that such Federal assistance will

be extended in reliance on the representations and agreements made in this article and that the United States reserves the right to seek judicial enforcement thereof.

(4) Complaints of discrimination against the Contractor shall be investigated by the Contracting Officer's Office of Civil Rights.

#### PRIVACY ACT COMPLIANCE

(n). (1) The Contractor shall comply with the Privacy Act of 1974 (5 U.S.C. 552a) (Privacy Act) and the Department of the Interior rules and regulations under the Privacy Act (43 CFR 2.45 et seq.) in maintaining landholder certification and reporting records required to be submitted to the Contractor for compliance with Sections 206, 224(c), and 228 of the Reclamation Reform Act of 1982 (43 U.S.C. §§ 390ff, 390ww, and 390zz), and pursuant to 43 C.F.R. § 426.18.

(2) With respect to the application and administration of the criminal penalty provisions of the Privacy Act (5 U.S.C. 552a(i)), the Contractor and the Contractor's employees who are responsible for maintaining the certification and reporting records referenced in (a) above and are considered to be employees of the Department of the Interior. See 5 U.S.C. 552a(m).

(3) The Contracting Officer or a designated representative shall provide the Contractor with current copies of the Interior Department Privacy Act regulations and the Bureau of Reclamation Federal Register Privacy Act System of Records Notice (Interior/WBR-31, Acreage Limitation) which govern the maintenance, safeguarding, and disclosure of information contained in the landholders' certification and reporting records.

(4) The Contracting Officer shall designate a full-time employee of the Bureau of Reclamation to be the System Manager responsible for making decisions on denials pursuant to 43 CFR 2.61 and 2.64 and amendment requests pursuant to 43 CFR 2.72. The Contractor is authorized to grant requests by individuals for access to their own records.

(5) The Contractor shall forward promptly to the System Manager each proposed denial of access under 43 CFR 2.64 and each request for amendment of records filed under 43 CFR 2.71; notify the requester accordingly of such referral; and provide the System Manager with information and records necessary to prepare an appropriate response to the requester. These requirements do not apply to individuals seeking access to their own certification and reporting forms filed with the Contractor pursuant to 43 CFR 426.18 unless the requester elects to cite the Privacy Act as authority for the request.

#### MEDIUM FOR TRANSMITTING PAYMENTS

(o). (1) All payments from the Contractor to the United States under this contract shall be by the medium requested by the United States on or before the date payment is due. The required method of payment may include checks, wire transfers, or other types of payment specified by the United States.

(2) Upon execution of the contract, the Contractor shall furnish the Contracting Officer with the Contractor's taxpayer's identification number (TIN). The purpose for requiring the Contractor's TIN is for collecting and reporting any delinquent amounts arising out of the Contractor's relationship with the United States.

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CONTRACT DRAFTING CONSIDERATIONS

(p). This Contract has been, negotiated and reviewed by the parties hereto, each of whom is sophisticated in the matters to which this Contract pertains. Articles 1 through 14 of this Contract have been drafted, negotiated, and reviewed by the parties, and no one party shall be considered to have drafted the stated articles.

### Willow Creek Contractors' Lands and Water Rights

Owner	Township	Range	Section	1/4 1/4	No. Acres	Certificate/Permit	Source	Irrigated Crop	Notes:
Hoskins	2S	26E	27	NE NW	4.50	T-6754	Willow Cr.	Alfalfa/wheat	require fish screens
Hoskins	2S	26E	27	NW NW	4.20	T-6754	Willow Cr.	Alfalfa/wheat	require fish screens
Hoskins	2S	26E	27	SW NW	4.70	T-6754	Willow Cr.	Alfalfa/wheat	require fish screens
Hoskins	2S	26E	27	SE NW	19.90	T-6754	Willow Cr.	Alfalfa/wheat	require fish screens
(Griffith)	2S	26E	27	SW NE	1.00	T-6754	Willow Cr.	Alfalfa/wheat	require fish screens
(Griffith)	2S	26E	27	SE NW	1.10	T-6754	Willow Cr.	Alfalfa/wheat	require fish screens
(Griffith)	2S	26E	27	NE SW	1.00	T-6754	Willow Cr.	Alfalfa/wheat	require fish screens
(Griffith)	2S	26E	27	NW SE	2.00	T-6754	Willow Cr.	Alfalfa/wheat	require fish screens
					38.40				
Damon	2S	26E	7	NE SE	1.70	P: 12063 (1.7)	Well	Alfalfa/wheat	
Damon	2S	26E	7	SE SW	40.00	P:12506	Well	Alfalfa/wheat	
Damon	2S	26E	7	NE SE	15.00	C:156	Willow Cr.	Alfalfa/wheat	
Damon	2S	26E	7	SW SE	5.00	C:156	Willow Cr.	Alfalfa/wheat	
Damon	2S	26E	7	SE SE	30.00	C:156	Willow Cr.	Alfalfa/wheat	
Damon	2S	26E	7	NW SE	1.40	C: 136	Willow Cr.	Alfalfa/wheat	
Damon	2S	26E	7	NE SE	11.80	C: 65078	Well	Alfalfa/wheat	
Damon	2S	26E	7	SE SE	2.80	P: 15697	Well	Alfalfa/wheat	
Damon	2S	26E	8	SW SW	7.00	C: 34277	Well	Alfalfa/wheat	
Damon	2S	26E	8	NW SW	3.40	C: 65078	Well	Alfalfa/wheat	
Damon	2S	26E	8	SW SW	9.40	C: 65078	Well	Alfalfa/wheat	
Damon	2S	26E	8	SW SW	1.85	P: 15697	Well	Alfalfa/wheat	
Damon	2S	26E	17	SE SE	4.00	C: 113	Willow Cr.	Alfalfa/wheat	
Damon	2S	26E	17	SE SE	4.20	C: 52223	Willow Cr.	Alfalfa/wheat	
Damon	2S	26E	17	SW SE	15.80	C: 52223	Willow Cr.	Alfalfa/wheat	
Damon	2S	26E	17	NW SE	12.50	C: 52224	Willow Cr.	Alfalfa/wheat	
Damon	2S	26E	17	SE SE	4.50	C: 52224	Willow Cr.	Alfalfa/wheat	
Damon	2S	26E	17	SE SE	2.80	C: 52224	Willow Cr.	Alfalfa/wheat	
Damon	2S	26E	17	SE SE	4.10	C: 53730	Well	Alfalfa/wheat	
Damon	2S	26E	17	NE SE	0.02	C: G13308	Well	Alfalfa/wheat	
Damon	2S	26E	17	NW SE	9.00	C: G13308	Well	Alfalfa/wheat	
Damon	2S	26E	17	SW SE	0.02	C: G13308	Well	Alfalfa/wheat	
Damon	2S	26E	17	SE SE	2.60	C: G13308	Well	Alfalfa/wheat	
Damon	2S	26E	18	NE NE	5.10	P: 15697	Well	Alfalfa/wheat	

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Damon	2S	26E	20	NE NE	19.00	C 113	Willow Cr.	Alfalfa/wheat
Damon	2S	26E	20	NE NE	0.30	C: 52224	Willow Cr.	Alfalfa/wheat
Damon	2S	26E	20	SE NE	1.90	C: 52224	Willow Cr.	Alfalfa/wheat
Damon	2S	26E	20	NE NE	3.00	P: 15697	Well	Alfalfa/wheat
Damon	2S	26E	21	NW NW	16.00	C: 113	Willow Cr.	Alfalfa/wheat
Damon	2S	26E	21	SW NW	32.00	C: 52223	Willow Cr.	Alfalfa/wheat
Damon	2S	26E	21	SE NW	4.50	C: 52223	Willow Cr.	Alfalfa/wheat
Damon	2S	26E	21	NE SW	4.00	C: 52223	Willow Cr.	Alfalfa/wheat
Damon	2S	26E	21	NW SW	3.00	C: 52223	Willow Cr.	Alfalfa/wheat
Damon	2S	26E	21	SE NW	2.30	C: 53730	Well	Alfalfa/wheat
Damon	2S	26E	21	NW SW	2.20	C: 53730	Well	Alfalfa/wheat
Damon	2S	26E	21	NW NW	1.15	P: G13308	Well	Alfalfa/wheat
Damon	2S	26E	21	SW NW	0.17	P: G13308	Well	Alfalfa/wheat
Damon	2S	26E	21	SE NW	1.65	P: G13308	Well	Alfalfa/wheat
					285.16			
Neiffer	1S	25E	28	NE SE	20.00	C: 185	Willow Cr.	Alfalfa/wheat
(Lexington)	1S	25E	28	SWNE	18.00	C: 184	Willow Cr.	Alfalfa/wheat
(Lexington)	1S	25E	28	NE NW	5.50	C: 184	Willow Cr.	Alfalfa/wheat
(Lexington)	1S	25E	28	SE NW	8.00	C: 184	Willow Cr.	Alfalfa/wheat
(Lexington)	1S	25E	28	NW SE	1.50	C: 184	Willow Cr.	Alfalfa/wheat
(McNabb)	1S	23E	12	NW NE	22.9	C: 64437	Well	Alfalfa/wheat
(McNabb)	1S	23E	12	NE NW	14.2	C: 64437	Well	Alfalfa/wheat
(McNabb)	1S	23E	12	NW NW	0.7	C: 64437	Well	Alfalfa/wheat
(McNabb)	1S	23E	1	SW NW	4.4	C: 64437	Well	Alfalfa/wheat
(McNabb)	1S	23E	1	NE SW	1.3	C: 64437	Well	Alfalfa/wheat
(McNabb)	1S	23E	1	NW SW	27.1	C: 64437	Well	Alfalfa/wheat
(McNabb)	1S	23E	1	SW SW	20.7	C: 64437	Well	Alfalfa/wheat
(McNabb)	1S	23E	1	SE SW	16.3	C: 64437	Well	Alfalfa/wheat
(McNabb)	1S	23E	1	SW SE	0.7	C: 64437	Well	Alfalfa/wheat
(McNabb)	1S	23E	2	NE SE	2.6	C: 64437	Well	Alfalfa/wheat
(McNabb)	1S	23E	2	SE SE	0.1	C: 64437	Well	Alfalfa/wheat
					164.00			
L.J. McElligott	1S	24E	12	SW NW	17.00	C:195	Willow Cr.	Alfalfa/wheat
L.J. McElligott	1S	24E	12	SE NW	5.00	C:195	Willow Cr.	Alfalfa/wheat
L.J. McElligott	1S	24E	12	NE SW	28.00	C:195	Willow Cr.	Alfalfa/wheat

L.J. McElligott	1S	24E	12	NW SW	29.00	C:195	Willow Cr.	Alfalfa/wheat
L.J. McElligott	1S	24E	12	SE SW	13.00	C:195	Willow Cr.	Alfalfa/wheat
					92.00			
Emert Ranches	1S	24E	2	SW SW	1.50	T-9454	Willow Cr.	Alfalfa/wheat
Emert Ranches	1S	24E	3	SE SE	22.00	T-9454	Willow Cr.	Alfalfa/wheat
Emert Ranches	1S	24E	3	SW SE	21.90	T-9454	Willow Cr.	Alfalfa/wheat
Emert Ranches	1S	24E	3	SE SW	13.30	T-9454	Willow Cr.	Alfalfa/wheat
Emert Ranches	1S	24E	10	NE NE	22.20	T-9454	Willow Cr.	Alfalfa/wheat
Emert Ranches	1S	24E	10	NW NE	15.50	T-9454	Willow Cr.	Alfalfa/wheat
Emert Ranches	1S	24E	10	NE NW	22.65	T-9454	Willow Cr.	Alfalfa/wheat
Emert Ranches	1S	24E	10	NW NW	12.40	T-9454	Willow Cr.	Alfalfa/wheat
Emert Ranches	1S	24E	11	SE NE	31.00	T-9454	Willow Cr.	Alfalfa/wheat
Emert Ranches	1S	24E	11	SW NE	37.10	T-9454	Willow Cr.	Alfalfa/wheat
Emert Ranches	1S	24E	11	NW NE	3.20	T-9454	Willow Cr.	Alfalfa/wheat
Emert Ranches	1S	24E	11	NE SE	10.90	T-9454	Willow Cr.	Alfalfa/wheat
Emert Ranches	1S	24E	11	NW SE	1.70	T-9454	Willow Cr.	Alfalfa/wheat
Emert Ranches	1S	24E	11	NE NW	13.70	T-9454	Willow Cr.	Alfalfa/wheat
Emert Ranches	1S	24E	11	SE NW	19.84	T-9454	Willow Cr.	Alfalfa/wheat
Emert Ranches	1S	24E	11	SW NW	5.60	T-9454	Willow Cr.	Alfalfa/wheat
Emert Ranches	1S	24E	11	NW NW	26.90	T-9454	Willow Cr.	Alfalfa/wheat
					281.39			
Thompson (Bloodsworth)	2S	25E	12	NE NE	12.00	P: 13392 (12.0)	Well	Alfalfa/wheat
Thompson (Bloodsworth)	2S	25E	12	SE NE	24.00	P: 13392 (24)	Well	Alfalfa/wheat
Thompson (Bloodsworth)	2S	25E	12	NE SE	5.00	P: 13392 (5)	Well	Alfalfa/wheat
Thompson (Brian)	2S	26E	7	NE NE	19.60	P: 12063 (16.6), P: 13319 (3)	Well	Alfalfa/wheat
Thompson (Brian)	2S	26E	7	SE NE	16.00	C: 42435 (1.6), P: 12063 (8.4), P: 13319 (6)	Well	Alfalfa/wheat
Thompson (Brian)	2S	26E	7	SW NE	34.90	C: 42435 (32.4), P: 12063 (1.4), P: 13319 (1.1)	Well	Alfalfa/wheat
Thompson (Brian)	2S	26E	7	NW NE	29.70	C: 42435 (12.7), P: 12063 (10.0), P: 13319 (7)	Well	Alfalfa/wheat
Thompson (Brian)	2S	26E	7	NE SE	2.00	C: 42435 (2.0)	Well	Alfalfa/wheat

Thompson (Brian)	2S	26E	7	NW SE	31.1	C: 42435(10), T-6743(18), P: 13319(3.1)	Both	Alfalfa/wheat
Thompson (Brian)	2S	26E	7	NE SW	29.00	P:12506 (25), T-6743(4)	Both	Alfalfa/wheat
Thompson (Brian)	2S	26E	7	SW SW	38.80	P:12506 (38.8)	Well	Alfalfa/wheat
Thompson (Brian)	2S	26E	7	NW SW	38.50	P:12506 (38.5)	Well	Alfalfa/wheat
Thompson (Brian)	2S	26E	7	NE NW	38.2	C: 42435(9.6), T-6743(26), P: 13319 (2.4), P: 12063(0.2)	Both	Alfalfa/wheat
Thompson (Brian)	2S	26E	7	SE NW	32.3	C: 42435(19.1), T-6743(9), P: 13319(2.7), P:12506 (1.5)	Both	Alfalfa/wheat
Thompson (Brian)	2S	26E	7	SW NW	32.30	C: 42435(1.3), P: 12506 (31)	Well	Alfalfa/wheat
Thompson (Brian)	2S	26E	7	NW NW	27	C: 42435(7.8), T-6743(10), P: 13319(1.2), P: 12506(8)	Both	Alfalfa/wheat
Thompson (Brian)	2S	26E	8	NW NW	6	P: 12063 (6)	Well	Alfalfa/wheat
Thompson (Brian)	2S	26E	8	SW NW	0.5	P: 12063 (0.5)	Well	Alfalfa/wheat
Thompson (Terry)	2S	26E	17	NE SW	34.9	C: 114(2.39), C-38861 (32.51) -needs transfer	Both	Alfalfa/wheat
Thompson (Terry)	2S	26E	17	SE SW	39.80	C-38861 (39.8)	Well	Alfalfa/wheat
Thompson (Terry)	2S	26E	17	SW SW	34.50	C-38861 (34.5) -needs transfer	Well	Alfalfa/wheat
Thompson (Terry)	2S	26E	17	NW SW	33.20	C-38861 (33.2) -needs transfer	Well	Alfalfa/wheat
Thompson (Terry)	2S	26E	17	NE NW	1	C: 114(1)	Both	Alfalfa/wheat
Thompson (Terry)	2S	26E	17	SE NW	24.5	C: 114(8.87), C-38861 (15.63)	Both	Alfalfa/wheat
Thompson (Terry)	2S	26E	17	SW NW	17.2	C: 114(4); C-38861 (13.2)	Both	Alfalfa/wheat
Thompson (Terry)	2S	26E	17	NW NW	28	C: 114(28)	Both	Alfalfa/wheat
					630.00	Bloodsworth (41.0); B. Thompson (375.9); T. Thompson (213.1)		
Meyer	1S	25E	34	NENE	15.7	C: 82489(11.2), C:82491(4.2), P-15586(0.3)	Both	Alfalfa/wheat
Meyer	1S	25E	34	SENE	40	C:82491(38.6), P-15586(1.4)	Both	Alfalfa/wheat
Meyer	1S	25E	34	SWNE	39.3	C:82491	Both	Alfalfa/wheat
Meyer	1S	25E	34	NWNE	17.2	C: 82489(1.0), C:82491(16.2)	Both	Alfalfa/wheat
Meyer	1S	25E	34	NENW	10.90	P-15586	Well	Alfalfa/wheat
Meyer	1S	25E	34	NWNW	21.90	P-15586	Well	Alfalfa/wheat
Meyer	1S	25E	34	SWNW	30.40	P-15586	Well	Alfalfa/wheat
Meyer	1S	25E	34	SENW	16.80	P-15586	Well	Alfalfa/wheat
Meyer	1S	25E	34	NESE	40	C:82491(39.7), P-15586(0.3)	Both	Alfalfa/wheat
Meyer	1S	25E	34	SESE	40	C:82491(36.7), P-15586(3.3)	Both	Alfalfa/wheat
Meyer	1S	25E	34	SWSE	30.1	C:82491(30), P-15586(0.1)	Both	Alfalfa/wheat

Meyer	1S	25E	34	NWSE	34.4	C:82491(34.1), P-15586(0.3)	Both	Alfalfa/wheat
Meyer	1S	25E	35	SWNE	3.20	C: 30021(2.8), C:82491(0.4)	Both	Alfalfa/wheat
Meyer	1S	25E	35	NWNW	2.10	C: 30021(1.4), C:82491(0.7)	Both	Alfalfa/wheat
Meyer	1S	25E	35	SWNW	37.9	C: 30021(5.1), C:82491(32.8)	Both	Alfalfa/wheat
Meyer	1S	25E	35	SENW	24.9	C: 30021(11.6), C:82491(13.3)	Both	Alfalfa/wheat
Meyer	1S	25E	35	NESW	40	C:82491(39.3), P-15586(0.7)	Both	Alfalfa/wheat
Meyer	1S	25E	35	NWSW	40.00	C:82491	Both	Alfalfa/wheat
Meyer	1S	25E	35	SWSW	40	C:82491(36), P-15586(4)	Both	Alfalfa/wheat
Meyer	1S	25E	35	SESW	40	C:82491(28.4), P-15586(11.6)	Both	Alfalfa/wheat
Meyer	1S	25E	35	NESE	10.5	C: 30021(3.2), C:82491(7.3)	Both	Alfalfa/wheat
Meyer	1S	25E	35	NWSE	35.8	C: 30021(9.8), C:82491(26)	Both	Alfalfa/wheat
Meyer	1S	25E	35	SWSE	40.00	C:82491	Well	Alfalfa/wheat
Meyer	1S	25E	35	SESE	31.5	C:82491	Well	Alfalfa/wheat
Meyer	2S	25E	2	NENE	17.6	C:82491	Well	Alfalfa/wheat
Meyer	2S	25E	2	NWNE	40	C:82491(30.7), P-15586(9.3)	Well	Alfalfa/wheat
Meyer	2S	25E	2	SWNE	36.80	C:82491	Well	Alfalfa/wheat
Meyer	2S	25E	2	SENE	9.40	C:82491	Both	Alfalfa/wheat
Meyer	2S	25E	2	NENW	40.00	C:82491(32.1), P-15586 (7.9)	Both	Alfalfa/wheat
Meyer	2S	25E	2	NWNW	39.20	C:82491(39.2)	Both	Alfalfa/wheat
Meyer	2S	25E	2	SWNW	40.00	C:82491(32.2), P-15586(7.8)	Both	Alfalfa/wheat
Meyer	2S	25E	2	SENW	40.00	C:82491(36.9), P-15586(3.1)	Both	Alfalfa/wheat
					945.60			
Harrison	1S	25E	20	NESE	2.50	C: 194	Willow Cr.	Alfalfa/wheat
Harrison	1S	25E	20	SESE	7.00	C: 194	Willow Cr.	Alfalfa/wheat
Harrison	1S	25E	20	SENW	5.50	C: 194	Willow Cr.	Alfalfa/wheat
Harrison	1S	25E	20	SWNW	5.00	C: 194	Willow Cr.	Alfalfa/wheat
Harrison	1S	25E	20	NWSE	7.00	C: 194	Willow Cr.	Alfalfa/wheat
Harrison	1S	25E	20	NESW	18.14	C:2154	Willow Cr.	Alfalfa/wheat
Harrison	1S	25E	20	NWSW	1.54	C:2154	Willow Cr.	Alfalfa/wheat
Harrison	1S	25E	20	SENW	1.21	C:2154	Willow Cr.	Alfalfa/wheat
Harrison	1S	25E	20	SWNW	7.18	C:2154	Willow Cr.	Alfalfa/wheat
Harrison	1S	25E	21	SWSW	13.00	C: 194	spring	Alfalfa/wheat
					68.07			
Temple	1S	25E	36	SWSW	13.32	C: 80055	Willow Cr.	Alfalfa/wheat
					13.32			

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 10/10/05

Shattuck/Barrow	1S	25E	36	SE SW	1.90	C: 64312:	Willow Cr.	Alfalfa/wheat
Shattuck/Barrow	2S	25E	1	NE NW	13.40	C: 64312	Willow Cr.	Alfalfa/wheat
Shattuck/Barrow	2S	25E	1	SE NW	2.20	C: 64312:	Willow Cr.	Alfalfa/wheat
Shattuck/Barrow	2S	25E	1	NE NW	2.40	T-8627 :	Willow Cr.	Alfalfa/wheat
Shattuck/Barrow	2S	25E	1	SE NW	0.30	T-8627	Willow Cr.	Alfalfa/wheat
					20.20	:		
Doc 2690649.2				<b>TOTAL</b>	<b>2538.14</b>			

APR 16 2012

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## Willow Creek Points of Diversion

## Hoskins:

- (1) SE1/4 NW1/4, Section 27, T. 2 S., R. 26 E., W.M.; 1,810 feet South and 400 feet West from the North one-quarter corner of Section 27.
- (2) NE1/4 NE1/4, Section 28, T. 2 S., R. 26 E., W.M.; 300 feet South and 1,040 feet West from the Northeast corner of Section 28.
- (3) SW1/4 NE1/4, Section 27, T. 2 S., R. 26 E., W.M.; 2,510 feet South and 200 feet East from the North one-quarter corner of Section 27.

## Damon

- (1) NE1/4 SW1/4, Section 21, T. 2 S., R. 26 E., W.M.; 240 feet South and 1,120 feet West from the Center of Section 21.
- (2) SE1/4 NW1/4, Section 21, T. 2 S., R. 26 E., W.M.; 1,950 feet South and 1,490 feet East from the Southeast corner of Section 21.
- (3) SE1/4 SE1/4, Section 17, T. 2 S., R. 26 E., W.M.; 600 feet North and 680 feet West from the Southeast corner of Section 17.
- (4) SW1/4 SW1/4, Section 8, T. 2 S., R. 26 E., W.M.; 550 feet East and 100 feet North from the Southwest corner of section 8.

## Thompson

- (1) SE1/4 NW1/4, Section 7, T. 2 S., R. 26 E., W.M.; 2,350 feet South and 3,040 feet West from the Northeast corner of Section 7.
- (2) NW1/4 SE1/4, Section 17, T. 2 S., R. 26 E., W.M.; Lydie Ditch.

## Meyer

- (1) NE1/4 SE1/4, Section 35, T. 1 S., R. 25 E., W.M.; 1550 feet North and 640 feet West from the Southeast corner of Section 21.

## Neiffer

- (1) NE1/4 SE1/4, Section 28, T. 1 S., R. 25 E., W.M.; 3,870 feet South and 140 feet West from the Northeast corner of Section 28.
- (2) NE1/4 SE1/4, Section 28, T. 1 S., R. 25 E., W.M.; 3,395 feet South and 450 feet West from the Northeast corner of Section 28.
- (3) NE1/4 SE1/4, Section 1, T. 1 S., R. 23 E., W.M.; 15 feet North and 1,330 feet West from the Southeast corner of Section 1.

## McElligott

- (1) SE1/4 NE1/4, Section 11, T. 1 S., R. 24 E., W.M.; 2,120 feet South and 30 feet West from the Northeast corner of Section 11.
- (2) SW1/4 NE1/4, Section 11, T. 1 S., R. 24 E., W.M.; 1,400 feet South and 1,000 feet East from the North one-quarter corner of Section 11. (Petty's Ditch)
- (3) SW1/4 NE1/4, Section 11, T. 1 S., R. 24 E., W.M.; 1,750 feet South and 2,060 feet East from the Northwest corner of Section 11. (Hammer & Howard Ditch)
- (4) NE1/4 NE1/4, Section 10, T. 1 S., R. 24 E., W.M.; 20 feet South and 1,240 feet West from the Northeast corner of Section 10.

Harrison

- (1) NE1/4 NW1/4, Section 28, T. 1 S., R. 25 E., W.M.; 560 feet South and 1,920 feet East from the Northwest corner of Section 28.
- (2) NW1/4 SE1/4, Section 20, T. 1 S., R. 25 E., W.M.; 1,695 feet North and 1,325 feet East from the Southeast corner of Section 20.

Temple

- (1) SW 1/4 SW1/4, Section 36, T. 1 S., R. 25 E., W.M.; 560 feet North and 450 feet East from the Southwest corner of Section 36.
- (2) SW1/4 NE1/4, Section 1, T. 2 S., R. 25 E., W.M.; 920 feet North and 160 feet East from the Center of Section 1.

Shattuck/Barrow

- (1) SW1/4 NE1/4, Section 1, T. 2 S., R. 25 E., W.M.; 920 feet North and 160 feet East from the Center of Section 1.

## BAMBERGER Machelle A

---

**From:** LADD Mike F <michael.f.ladd@state.or.us>  
**Sent:** Friday, July 31, 2015 3:39 PM  
**To:** BAMBERGER Machelle A (machelle.a.bamberger@state.or.us)  
**Cc:** THIEMANN Ken C  
**Subject:** FW: Willow Ck. Dist. Improvement Co. Fish screen verification.  
**Attachments:** WM confirmaton of fish screens.pdf

Attached above is your original spread sheet with Ken's notes on what he found. If you have any questions, please work with Ken. It appears mostly what you had regarding screens if fairly accurate.

Ken, thanks and let us know if you get any updated information. I hope to be discussing this with Dwight French sometime next week.

---

**From:** THIEMANN Ken C  
**Sent:** Thursday, July 30, 2015 5:33 PM  
**To:** LADD Mike F  
**Subject:** Willow Ck. Dist. Improvement Co. Fish screen verification.

Good afternoon Mike,

I have collected the information you asked for with some additional information needed. I will contact the owners to verify that they have screens installed. I will update as more information is available.

*Ken Thiemann  
Watermaster, District #21  
Oregon Water Resources Department  
PO Box 427  
Condon, OR 97823  
Ph: (541) 384-4207  
Fax: (541) 384-2166  
Gilliam Court House  
221 S. Oregon St., Suite 221  
Condon, OR 97823*

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POD	TOTALIZING FLOW METER INSTALLED (Yes or No)	ODFW CURRENT STANDARD FISH SCREEN	WRITTEN ODFW APPROVAL OF FISH	WM Notes 7/30/2015
<b>HOSKINS MAP #1</b>				
1 MACS ~RM 49.72	Yes	Yes	No	SCREEN INSTALLED
3 JOHN'S ~RM 49.91	No	No	No	PUMP INSTALLED NO SCREEN UNDER W/PS HOSKINS #1 C-161
<b>DAMON MAP #2A AND 2B</b>				
1 ~RM 46.05	Yes. *making Appl. to Change this POD to new	YES	No	
2 ~RM 48.12	Yes. *making Appl. to Change this POD to new	YES	No	STATIONARY SCREEN INSTALLED
3 ~RM 48.9	Yes. *making Appl. to Change this POD to new	YES	No	NO INFRASTRUCTURE NEED TO ADD POD @
<b>NEIFFER MAP #3A AND 3B</b>				
1 ~RM 40.21	Has not developed under this permit		SELF CLEANING SCREEN @ INSTALLED & OPERATING	47.76 SW' NW USES @ ~RM 40.0
2 ~RM 40.0	Has not developed under this permit			COULD NOT VERIFY LOOKED LIKE A SCREEN INSTALLED
3 ~RM 27.5	YES	YES	No	
<b>McELIGOTT MAP #4</b>				
1 ~RM 34.85	No. Making transfer	No		T-12068 UNDER REVIEW A POD @ ~RM 33.75 NO SCREEN
<b>EMERT RANCHES MAP #5</b>				
2 ~RM 33.75	No. Has H2O Master Approved Measuring	No	No	NO SCREEN
3 ~RM 33.36	No. Has H2O Master Approved Measuring	No	No	NO SCREEN
4 ~RM 33.0	No	No	No	NO INFRASTRUCTURE
5 ~RM 32.24	No	No	No	NO INFRASTRUCTURE
<b>THOMPSON MAP #6B</b>				
1 BRIAN'S ~RM	Yes. *making Appl. to Change this POD to new	YES	No	FLOW OVER SCREEN INSTALLED & OPERATING
2 TERRY'S ~RM	Yes. *making Appl. to Change this POD to new	YES	No	FLOW OVER FISH SCREEN INSTALLED & OPERATING
<b>MEYER MAP #7</b>				
1 ~RM	Yes. *making Appl. to Change this POD to new	YES	No	CALLED OWNER COULD NOT VERIFY FISH SCREEN
<b>HARRISON MAP #8</b>				
1 ~RM 38.78	Discontinue			USES FROM ~RM 38.20
2 ~RM 38.20	YES	YES	YES	INSTALLED & OPERATING SCREEN ON SUCTION LINE PUMP
<b>TEMPLE MAP #9</b>				
1 ~RM 42.61	Yes. *making Appl. to Change this POD to new	YES	No	COULD NOT VERIFY ANY SCREEN INSTALLED TOO DEEP & QUIET
2 ~RM 43.26	Yes. *making Appl. to Change this POD to new	YES	No	NO SCREEN OR MEASUREMENT DEVICE ON DITCH
<b>SHATTUCK/BARROW MAP</b>				
1 ~RM 43.26	Yes. *making Appl. to Change this POD to new	YES	No	SMALL SCREEN ON PUMP INLET.
	*This new Pipeline is being designed with	Fish Screens and approved Flow Meter.		

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 WATER RESOURCES DEPT  
 SALEM, OREGON

JIN BOLGE

## BAMBERGER Machel A

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**From:** BAMBERGER Machel A  
**Sent:** Friday, July 24, 2015 10:52 AM  
**To:** 'Langford, Shonee D.'  
**Subject:** RE: Willow Creek District Improvement Company, Permit S-54770, Fish Screen

Good Morning Shonee;

We are still in the review stage for this application. I do not have a projected date yet, but I will let you know when I do.

Thank you,  
Machel

**Machel A Bamberger** | Extension Specialist

**Water Resources Department** | 725 Summer St. NE, Suite A | Salem, Oregon 97301

Ph: 503 986-0802 | Fax: 503 986-0901

Email: [Machel.A.Bamberger@wrdd.state.or.us](mailto:Machel.A.Bamberger@wrdd.state.or.us) | Web: <http://www.wrdd.state.or.us>



---

**From:** Langford, Shonee D. [mailto:SLangford@SCHWABE.com]  
**Sent:** Thursday, July 23, 2015 6:10 PM  
**To:** 'BAMBERGER Machel A'  
**Subject:** RE: Willow Creek District Improvement Company, Permit S-54770, Fish Screen

Hi Machel,

Just checking the status of this extension application. I sort of lost track of it for a while. Please let me know how soon to expect the PFO.

Thanks.

Shonee

**Shonee Langford** | Schwabe, Williamson & Wyatt | Direct: 503-540-4261 | Fax: 503-796-2900

---

**From:** Langford, Shonee D.  
**Sent:** Tuesday, June 30, 2015 12:45 PM  
**To:** 'BAMBERGER Machel A'  
**Cc:** 'LADD Mike F'; 'THIEMANN Ken C'  
**Subject:** RE: Willow Creek District Improvement Company, Permit S-54770, Fish Screen

Machel,

This email provides additional justification to support the Application for Extension of Time filed by the Willow Creek District Improvement Company (District). I have attached two spreadsheets addressing the individual landowners' compliance with measuring device and fish screen requirements – one prepared by the watermaster, Ken Thiemann (only the flow meter column is filled in) and the other prepared by the District's consultant, Bill Porfily. Also attached is a May 29, 2015 letter from ODFW's Bill Duke, granting a two year grace period for installation of required fish screening.

As you know, some landowners need to install fish screening and/or obtain ODFW's approval of current fish screening on existing diversions. In addition, several landowners are planning to change from existing diversions to a new approximately 8-mile pipeline. The District and two of its members filed a permit amendment application (T-11664) for permission to construct a new point of diversion for the pipeline. That application has been on hold, because it needs to be revised to include additional landowners and their diversions. Ultimately, the pipeline is expected to replace approximately 9 existing diversions and deliver water to roughly 80 percent of the permitted lands. The District needs time to amend the application, obtain OWRD approval, construct the pipeline, comply with metering and fish screen requirements at the new diversion, and fully apply water to beneficial use. The District has permission to lay pipeline across property not owned by the District or its members, but still needs to identify the exact location in some areas. Once underway, construction could take several years to complete, and then the affected landowners would need at least 2-3 years to divert and apply water to beneficial use.

Based on the above considerations, the District reiterates its request for a 15-year extension to October 1, 2030. Alternatively, if the Department deems that request to be unjustified, the District requests at least a 10-year extension to October 1, 2025, based on the following potential timeline for completion of the above-described actions:

- 2016 – Changes to/ OWRD approval of application T-11664
- 2018 – Finish working with landowners/surveyor as needed to identify exact location of new pipeline
- 2022 – Complete construction of new pipeline, required fish screen, etc.
- Oct. 1, 2025 – Fully apply permitted water to beneficial use

We appreciate your consideration. Please let me know if you have questions or need additional information to complete your review.

Best Regards,

Shonee

**Shonee Langford | Schwabe, Williamson & Wyatt | Direct: 503-540-4261 | Fax: 503-796-2900**

---

**From:** BAMBERGER Mabelle A [<mailto:mabelle.a.bamberger@state.or.us>]

**Sent:** Tuesday, June 02, 2015 12:59 PM

**To:** 'LADD Mike F'; Langford, Shonee D.

**Cc:** COURCHANE Corey A ([corey.a.courchane@state.or.us](mailto:corey.a.courchane@state.or.us)); THIEMANN Ken C; BAMBERGER Mabelle A

**Subject:** RE: Willow Creek District Improvement Company, Permit S-54770, Fish Screen

Shonee;

We will not issue the PFO for 30 days. If you could also fill out the spreadsheet Corey emailed you that would be useful also. If you have ANY questions, please feel free to contact me.

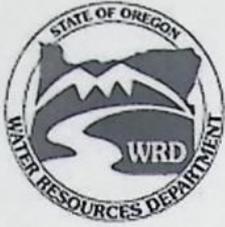
Mabelle

**Mabelle A Bamberger | Extension Specialist**

**Water Resources Department | 725 Summer St. NE, Suite A | Salem, Oregon 97301**

Ph: 503 986-0802 | Fax: 503 986-0901

Email: [Mabelle.A.Bamberger@wrdd.state.or.us](mailto:Mabelle.A.Bamberger@wrdd.state.or.us) | Web: <http://www.wrdd.state.or.us>



---

**From:** Langford, Shonee D. [mailto:SLangford@SCHWABE.com]  
**Sent:** Tuesday, June 02, 2015 10:15 AM  
**To:** 'LADD Mike F'  
**Cc:** COURCHANE Corey A (corey.a.courchane@state.or.us); THIEMANN Ken C; BAMBERGER Machel A  
**Subject:** RE: Willow Creek District Improvement Company, Permit S-54770, Fish Screen

Thank you, Mike. We will absolutely need more time than 2 years.

Machelle, I will send you an email as soon as possible, hopefully by end of today. In the meantime I ask that issuance of the Proposed Final Order be delayed to allow time for additional consideration.

Shonee

**Shonee Langford | Schwabe, Williamson & Wyatt | Direct: 503-540-4261 | Fax: 503-796-2900**

---

**From:** LADD Mike F [mailto:michael.f.ladd@state.or.us]  
**Sent:** Tuesday, June 02, 2015 9:49 AM  
**To:** Langford, Shonee D.  
**Cc:** COURCHANE Corey A (corey.a.courchane@state.or.us); THIEMANN Ken C; BAMBERGER Machel A  
**Subject:** Willow Creek District Improvement Company, Permit S-54770, Fish Screen

Per our talk this morning, please write an e-mail (please copy me) to Machel Bamberger (Salem Office, time extensions) and explain to her all the moving parts associated with the project the district is working on to justify more than a two year time extension. Work yet to be done: ie. amending a recently filed permit amendment (add more pods), installation of approved fish screens on the old pods associated with the delivery point for the Willow Creek Reservoir water (S-54770), installation of fish screens needed on the new pipeline(s), securing funding for the project and then getting it all installed. I doubt that all this can be done in two years.

Please let me know if you have any questions.

Mike Ladd  
Regional Manager, North Central Region  
Oregon Water Resources Department  
116 SE Dorion Ave  
Pendleton, OR 97801  
(541) 278-5456

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## COURCHANE Corey A

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**From:** LADD Mike F <michael.f.ladd@state.or.us>  
**Sent:** Tuesday, June 02, 2015 10:16 AM  
**To:** 'LADD Mike F'; Langford, Shonee D.  
**Cc:** COURCHANE Corey A (corey.a.courchane@state.or.us); THIEMANN Ken C; BAMBERGER Mabelle A  
**Subject:** RE: Willow Creek District Improvement Company, Permit S-54770, Fish Screen

Very good and you are welcome.

---

**From:** Langford, Shonee D. [mailto:SLangford@SCHWABE.com]  
**Sent:** Tuesday, June 02, 2015 10:15 AM  
**To:** 'LADD Mike F'  
**Cc:** COURCHANE Corey A (corey.a.courchane@state.or.us); THIEMANN Ken C; BAMBERGER Mabelle A  
**Subject:** RE: Willow Creek District Improvement Company, Permit S-54770, Fish Screen

Thank you, Mike. We will absolutely need more time than 2 years.

Mabelle, I will send you an email as soon as possible, hopefully by end of today. In the meantime I ask that issuance of the Proposed Final Order be delayed to allow time for additional consideration.

Shonee

**Shonee Langford** | Schwabe, Williamson & Wyatt | Direct: 503-540-4261 | Fax: 503-796-2900

---

**From:** LADD Mike F [mailto:michael.f.ladd@state.or.us]  
**Sent:** Tuesday, June 02, 2015 9:49 AM  
**To:** Langford, Shonee D.  
**Cc:** COURCHANE Corey A (corey.a.courchane@state.or.us); THIEMANN Ken C; BAMBERGER Mabelle A  
**Subject:** Willow Creek District Improvement Company, Permit S-54770, Fish Screen

Per our talk this morning, please write an e-mail (please copy me) to Mabelle Bamberger (Salem Office, time extensions) and explain to her all the moving parts associated with the project the district is working on to justify more than a two year time extension. Work yet to be done: ie. amending a recently filed permit amendment (add more pods), installation of approved fish screens on the old pods associated with the delivery point for the Willow Creek Reservoir water (S-54770), installation of fish screens needed on the new pipeline(s), securing funding for the project and then getting it all installed. I doubt that all this can be done in two years.

Please let me know if you have any questions.

Mike Ladd  
Regional Manager, North Central Region  
Oregon Water Resources Department  
116 SE Dorion Ave  
Pendleton, OR 97801  
(541) 278-5456

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# Oregon

Kate Brown, Governor

Department of Fish and Wildlife

Fish Division

4034 Fairview Industrial Drive SE

Salem, OR 97302

(503) 947-6201

FAX (503) 947-6202

[www.dfw.state.or.us/](http://www.dfw.state.or.us/)

May 29, 2015

WILLOW CREEK DISTRICT IMPROVEMENT CO.  
SHONEE LANGFORD  
530 CENTER ST NE SUITE 400  
SALEM, OR 97301



The Oregon Department of Fish and Wildlife (ODFW) has determined that a fish screen is necessary at all points of diversion (POD's) associated with the Willow Creek District Improvement Company who order water from Willow Creek Reservoir under permit S-54770. Fish screens are necessary to prevent fish from entering the POD's; some of those POD's are not currently equipped with an appropriate fish screen. A grace period of two years is being granted to allow landowners time to acquire the appropriate screening. The required screening may be eligible for ODFW's cost share program and/or the tax incentive program. The water users must screen within the indicated time regardless of the availability of cost share funding.

By June 1, 2017 the permit holder shall install an approved fish screen at all POD's diverting water authorized in permit S-54770 or any subsequent permit amendments approved by the Oregon Water Resources Department (OWRD). The permit holder may withdraw water at the authorized POD's without an approved screen until May 31, 2017. The permit holder shall provide to OWRD all written statements from ODFW that an installed screen at the specified authorized locations meets the state's criteria.

The permit holder shall maintain and operate the fish screen at the point of diversion consistent with ODFW's operational and maintenance standards. If ODFW determines the screen is not functioning properly and is unsuccessful in working with the permit holder to meet ODFW standards, ODFW may request that OWRD regulate the use of water until OWRD receives notification from ODFW that the fish screen is functioning properly.

For additional information, feel free to contact me.

Bill Duke

Umatilla District Fish Biologist

Phone: 541-276-2344

Fax: 541-276-4414

[William.b.duke@state.or.us](mailto:William.b.duke@state.or.us)



# While You Were Out

To \_\_\_\_\_

Date 5-27-15 Time 08:30

Bill Duke ODFW called  
of ODFW Fish Bio

Phone \_\_\_\_\_

Telephoned

In person

Please call

Wants to see you

Will call again

Returned your call

Message \_\_\_\_\_

→ needs Authorized diversion rates, he is working with Ken (wm),

Also he is concerned the fish screens are not approved

Taken by I stated if that is so just let us know

Approved or not

## **BAMBERGER Machelle A**

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**From:** PEDERSEN Dorothy I  
**Sent:** Wednesday, May 27, 2015 8:53 AM  
**To:** BAMBERGER Machelle A  
**Subject:** Permit S-54770 Willow Creek

Machelle,

Here is some information I received from Ken Thiemann related to the measuring condition in Permit S-54770 (Willow Creek Improvement District):

All users have instantaneous totalizing flow meters installed except for the flumes on the Emert Ranch that were approved by Mike Ladd, as long as they keep flow books. I have had conversations with Joe McElligott (Operator for Emert) about the flow books. He assures me that his field staff is keeping the flow books up to date.

It would be good to have this documented in the water right file, for future reference.

Dorothy I. Pedersen  
Water Measurement Analyst  
Hydrographics Section  
Oregon Water Resources Department  
725 Summer St. NE  
Salem, OR.97301-1266  
(503) 986-0824

## COURCHANE Corey A

---

**From:** Langford, Shonee D. <SLangford@SCHWABE.com>  
**Sent:** Tuesday, May 26, 2015 10:28 AM  
**To:** COURCHANE Corey A  
**Cc:** 'William Porfily'; Brian Thompson  
**Subject:** RE: Willow Creek District Improvement Company, Application S-87373, Extension

Thank you, Corey. We will work on getting you the requested information.

Shonee

**Shonee Langford** | Schwabe, Williamson & Wyatt | Direct: 503-540-4261 | Fax: 503-796-2900

---

**From:** Langford, Shonee D.  
**Sent:** Friday, May 22, 2015 5:37 PM  
**To:** Langford, Shonee D.  
**Subject:** FW: Willow Creek District Improvement Company, Application S-87373, Extension

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**From:** COURCHANE Corey A [<mailto:corey.a.courchane@state.or.us>]  
**Sent:** Wednesday, May 20, 2015 2:40 PM  
**To:** Langford, Shonee D.  
**Subject:** Willow Creek District Improvement Company, Application S-87373, Extension

Good Afternoon,

The Department is in the process of issuing a superseding permit, Permit S-54839, as Permit S-54770 is no longer in effect. The extension application will not be public noticed until superseding permit is issued. In the meantime, the Department is requesting additional information on the extension application. I have attached an excel spreadsheet for each point of diversion and permit conditions that needs to be updated at your convenience. If you have any questions, feel free to contact me.

Thank you,

Corey A Courchane

**COREY A COURCHANE** | EXTENSION SPECIALIST

**Water Resources Department** | 725 Summer St. NE, Suite A | Salem, Oregon 97301

Ph: 503 986-0825 | Fax: 503 986-0901

Email: [corey.a.courchane@ wrd.state.or.us](mailto:corey.a.courchane@ wrd.state.or.us) | Web: <http://www.wrd.state.or.us>

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## **COURCHANE Corey A**

---

**From:** THIEMANN Ken C  
**Sent:** Thursday, May 21, 2015 2:45 PM  
**To:** Brian Thompson; Cristopher T. Shattuck (ctcritter@aol.com); Travis Harrison; Bernie & Gene Damon; Duane Neiffer; 'Joe McElligott'  
**Cc:** LADD Mike F; COURCHANE Corey A; BAMBERGER Machelles A; DUKE William B  
**Subject:** Written approval of Fish Screens by ODFW

Good afternoon,

This message is for the participants of the Willow Creek District Improvement Company who order stored water under permit S-54770 from the Willow Creek reservoir. An extension of time application has been submitted for this permit, and during the review, a problem has been brought to my attention that a condition exists that needs to be addressed. The condition states:

The water user shall install, maintain, and operate fish screening and bypass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion, while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of water. The water user may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

Please contact **Bill Duke (ODFW District Fish Biologist)** [william.b.duke@state.or.us](mailto:william.b.duke@state.or.us) (541) 276-2344 Ext. 321 **ASAP** to schedule a time to have him inspect and hopefully approve your fish screens.

I urge you address this immediately. Please let me know if you have questions.

*Ken Thiemann  
Watermaster, District #21  
Oregon Water Resources Department  
PO Box 427  
Condon, OR 97823  
Ph: (541) 384-4207  
Fax: (541) 384-2166  
Gilliam Court House  
221 S. Oregon St., Suite 221  
Condon, OR 97823*

## **BAMBERGER Machelle A**

---

**From:** THIEMANN Ken C  
**Sent:** Thursday, May 21, 2015 2:45 PM  
**To:** Brian Thompson; Christopher T. Shattuck (ctcritter@aol.com); Travis Harrison; Bernie & Gene Damon; Duane Neiffer; 'Joe McElligott'  
**Cc:** LADD Mike F; COURCHANE Corey A; BAMBERGER Machelle A; DUKE William B  
**Subject:** Written approval of Fish Screens by ODFW

Good afternoon,

This message is for the participants of the Willow Creek District Improvement Company who order stored water under permit S-54770 from the Willow Creek reservoir. An extension of time application has been submitted for this permit, and during the review, a problem has been brought to my attention that a condition exists that needs to be addressed. The condition states:

The water user shall install, maintain, and operate fish screening and bypass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion, while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of water. The water user may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

Please contact Bill Duke (ODFW District Fish Biologist) [william.b.duke@state.or.us](mailto:william.b.duke@state.or.us) (541) 276-2344 Ext. 321 ASAP to schedule a time to have him inspect and hopefully approve your fish screens.

I urge you address this immediately. Please let me know if you have questions.

*Ken Thiemann  
Watermaster, District #21  
Oregon Water Resources Department  
PO Box 427  
Condon, OR 97823  
Ph: (541) 384-4207  
Fax: (541) 384-2166  
Gilliam Court House  
221 S. Oregon St., Suite 221  
Condon, OR 97823*

			WILLOW CREEK
POD			TOTALIZING FLOW METER INSTALLED (Yes or No)
HOSKINS MAP #1			
1	~River Mile 49.72 (Mac's)	POD 1	Yes
2	~ River Mile 49.91 (John's)	POD 3	No infrastructure (Uses Mac's pump)
DAMON MAP #2A AND 2B			
3	~ River Mile 46.05	N. POD 1	Yes
4	~ River Mile 47.76	Middle POD 2	Yes
5	~ River Mile 48.12	S. POD 3	Yes
NEIFFER MAP #3A AND 3B			
6	~ River Mile 27.5	N. POD 1	No/ No infrastructure
7	~ River Mile 39.57	Middle POD 2	No/ No infrastructure (uses River Mile 40)
8	~ River Mile 40	S. POD 3	Yes
McELLAGOTT MAP #4			
9	~ River Mile 34.85	POD 1	No/ APOD Transfer in progress to ~RM 33.75
EMERT RANCHES MAP #5			
10	~ River Mile 33.75	N. POD 2	No totalizing FM (Flumes installed)
11	~ River Mile 33.36	S. POD 3	No totalizing FM (Flumes installed)
12	~ River Mile 33.0	POD 4	No/ No infrastructure
13	~ River Mile 32.24	POD 5	No/ No infrastructure
THOMPSON MAP #6B AND 6C			
14	~ River Mile 44.91 (Brian's)	POD 1	Yes
15	~ River Mile 46.83 (Terry's)	POD 2	Yes
MEYER MAP #7			
16	~ River Mile 42.3	POD 1	Yes
HARRISON MAP #8			
17	~ River Mile 38.78	POD 1	No (uses RM 38.20)
18	~ River Mile 38.20	POD 2	Yes
TEMPLE MAP #9			
19	~ River Mile 42.61	POD 1	Yes
20	~ River Mile 43.26	POD 2	Yes
SHATTUCK/BARROW MAP #10			
21	~ River Mile 43.26	POD 1	Yes





STATE OF OREGON  
COUNTY OF MORROW  
PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO:

WILLOW CREEK DISTRICT IMPROVEMENT CO.  
530 CENTER ST NE, SUITE 400  
SALEM OR 97301

**This superseding permit is issued to describe a change in place of use proposed under Transfer Application T-11512 and approved by Special Order Vol. 91, Pages 1021-1025, entered March 20, 2014. This permit supersedes Permit S-54770.**

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

APPLICATION FILE NUMBER: S-87373

SOURCE OF WATER: WILLOW CREEK RESERVOIR, CONSTRUCTED UNDER PERMIT R-10880, TRIBUTARY TO WILLOW CREEK

USE: PRIMARY IRRIGATION AND SUPPLEMENTAL IRRIGATION OF 2538.14 ACRES

MAXIMUM VOLUME: 2500.0 ACRE FEET

DATE OF PRIORITY: JANUARY 6, 2009

PERIOD: SEE TABLE BELOW

**Authorized Dam Location:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	26 E	WM	35	NW SE	1530 FEET NORTH AND 3050 FEET EAST FROM THE SW CORNER OF SECTION 35

**Authorized Points of Diversion (POD):**

HOSKINS MAP #1	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
POD 1	2 S	26 E	WM	27	SE NW	1810 FEET SOUTH AND 400 FEET WEST FROM THE N $\frac{1}{4}$ CORNER OF SECTION 27
POD 3	2 S	26 E	WM	27	SW NE	2510 FEET SOUTH AND 200 FEET EAST FROM THE N $\frac{1}{4}$ CORNER OF SECTION 27

DAMON MAP #2A AND 2B	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
POD 1	2 S	26 E	WM	8	SW SW	100 FEET NORTH AND 550 FEET EAST FROM THE SW CORNER OF SECTION 8
POD 2	2 S	26 E	WM	21	NE SW	2150 FEET NORTH AND 1300 FEET WEST FROM THE S $\frac{1}{4}$ CORNER OF SECTION 21
POD 3	2 S	26 E	WM	21	SW SE	50 FEET NORTH AND 1150 FEET EAST FROM THE S $\frac{1}{4}$ CORNER OF SECTION 21

NEIFFER MAP #3A AND 3B	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
POD 1	1S	25 E	WM	27	SW SW	1200 FEET NORTH AND 120 FEET EAST FROM THE SW CORNER OF SECTION 27
POD 2	1 S	25 E	WM	28	NE SE	1730 FEET NORTH AND 580 FEET WEST FROM THE SE CORNER OF SECTION 28
POD 3	1 S	23 E	WM	1	SW SE	100 FEET NORTH AND 1340 FEET WEST FROM THE SE CORNER OF SECTION 1

McELGOTT MAP #4	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
POD 1	1S	24 E	WM	12	SE NE	50 FEET NORTH AND 1960 FEET EAST FROM THE C <sup>1</sup> / <sub>4</sub> CORNER OF SECTION 12

EMERT RANCHES MAP #5	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
POD 2	1S	24 E	WM	11	SE NE	2120 FEET SOUTH AND 30 FEET WEST FROM THE NE CORNER OF SECTION 11
POD 3	1S	24 E	WM	11	SW NE	1400 FEET SOUTH AND 1000 FEET EAST FROM THE N <sup>1</sup> / <sub>4</sub> CORNER OF SECTION 11
POD 4	1S	24 E	WM	11	SE NW	1750 FEET SOUTH AND 2060 FEET EAST FROM THE NW CORNER OF SECTION 11
POD 5	1S	24 E	WM	10	NE NE	20 FEET SOUTH AND 1240 FEET WEST FROM THE NE CORNER OF SECTION 10

THOMPSON MAP #6B AND 6C	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
POD 1	2S	26 E	WM	7	SE NW	2350 FEET SOUTH AND 3040 FEET WEST FROM THE NE CORNER OF SECTION 7
POD 2	2S	26 E	WM	17	NE SW	800 FEET SOUTH FROM THE C <sup>1</sup> / <sub>4</sub> CORNER OF SECTION 17

MEYER MAP #7	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
POD 1	1 S	25 E	WM	35	NE SE	1540 FEET NORTH AND 2100 FEET EAST FROM THE S <sup>1</sup> / <sub>4</sub> CORNER OF SECTION 35

HARRISON MAP #8	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
POD 1	1S	25 E	WM	28	NE NW	560 FEET SOUTH AND 1920 FEET EAST FROM THE NW CORNER OF SECTION 28
POD 2	1S	25 E	WM	20	NW SE	1695 FEET NORTH AND 1325 FEET WEST FROM THE SE CORNER OF SECTION 20

TEMPLE MAP #9	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
POD 1	1S	25 E	WM	36	SW SW	560 FEET NORTH AND 450 FEET EAST FROM THE SW CORNER OF SECTION 36
POD 2	2 S	25 E	WM	1	SW NE	910 FEET NORTH AND 140 FEET EAST FROM THE C¼ CORNER OF SECTION 1

SHATTUCK /BARROW MAP #10	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
POD 1	2S	25 E	WM	1	SW NE	920 FEET NORTH AND 160 FEET EAST FROM THE C¼ CORNER OF SECTION 1

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall not exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

Authorized Place of Use: (\* represents land with existing ground water right for primary irrigation)

Q-Q	Acres	Twp	Rng	Mer	Sec	Primary Irrigation Season	Supplemental Irrigation Season	Primary Irrigation Season
SW NW*	4.40	1 S	23 E	WM	1		3/1 through 10/31	
NE SW*	1.30	1 S	23 E	WM	1		3/1 through 10/31	
NW SW*	25.10	1 S	23 E	WM	1		3/1 through 10/31	
SW SW*	14.70	1 S	23 E	WM	1		3/1 through 10/31	
SE SW*	18.80	1 S	23 E	WM	1		3/1 through 10/31	
SW SE*	0.70	1 S	23 E	WM	1		3/1 through 10/31	
NW NE*	31.10	1 S	23 E	WM	12		3/1 through 10/31	
NE NW*	14.20	1 S	23 E	WM	12		3/1 through 10/31	
NW NW*	0.70	1 S	23 E	WM	12		3/1 through 10/31	
SW SW	1.50	1 S	24 E	WM	2		3/1 through 10/31	
SE SW	5.20	1 S	24 E	WM	3	3/1 through 3/14	3/15 through 10/1	10/2 through 10/31
SE SW	3.00	1 S	24 E	WM	3		3/1 through 9/1	9/2 through 10/31
SE SW	4.00	1 S	24 E	WM	3		3/1 through 10/31	
SE SW	1.10	1 S	24 E	WM	3		3/1 through 10/31	
SW SE	1.80	1 S	24 E	WM	3	3/1 through 3/14	3/15 through 10/1	10/2 through 10/31
SW SE	4.30	1 S	24 E	WM	3		3/1 through 10/31	
SW SE	0.40	1 S	24 E	WM	3		3/1 through 9/1	9/2 through 10/31
SW SE	15.40	1 S	24 E	WM	3		3/1 through 10/31	
SE SE	2.70	1 S	24 E	WM	3		3/1 through 10/31	
SE SE	6.80	1 S	24 E	WM	3		3/1 through 10/31	
SE SE	12.50	1 S	24 E	WM	3		3/1 through 10/31	
NE NE	2.70	1 S	24 E	WM	10		3/1 through 10/31	
NE NE	14.50	1 S	24 E	WM	10		3/1 through 9/1	9/2 through 10/31
NE NE	5.00	1 S	24 E	WM	10		3/1 through 10/31	
NW NE	14.50	1 S	24 E	WM	10		3/1 through 9/1	9/2 through 10/31
NW NE	1.00	1 S	24 E	WM	10		3/1 through 10/31	
NE NW	22.65	1 S	24 E	WM	10		3/1 through 9/1	9/2 through 10/31
NW NW	3.40	1 S	24 E	WM	10		3/1 through 10/31	
NW NW	9.00	1 S	24 E	WM	10		3/1 through 9/30	10/1 through 10/31
NW NE	1.70	1 S	24 E	WM	11		3/1 through 10/31	
NW NE	0.10	1 S	24 E	WM	11		3/1 through 9/30	10/1 through 10/31
NW NE	1.40	1 S	24 E	WM	11		3/1 through 9/30	10/1 through 10/31

Q-Q	Acres	Twp	Rng	Mer	Sec	Primary Irrigation Season	Supplemental Irrigation Season	Primary Irrigation Season
SW NE	11.70	1 S	24 E	WM	11		3/1 through 9/30	10/1 through 10/31
SW NE	5.00	1 S	24 E	WM	11		3/1 through 9/30	10/1 through 10/31
SW NE	17.30	1 S	24 E	WM	11		3/1 through 10/31	
SW NE	3.10	1 S	24 E	WM	11		3/1 through 10/31	
SE NE	3.60	1 S	24 E	WM	11		3/1 through 9/30	10/1 through 10/31
SE NE	5.20	1 S	24 E	WM	11		3/1 through 10/31	
SE NE	22.20	1 S	24 E	WM	11		3/1 through 10/31	
NE NW	13.70	1 S	24 E	WM	11		3/1 through 10/31	
NW NW	4.40	1 S	24 E	WM	11		3/1 through 10/31	
NW NW	13.40	1 S	24 E	WM	11		3/1 through 9/1	9/2 through 10/31
NW NW	2.60	1 S	24 E	WM	11		3/1 through 9/30	10/1 through 10/31
NW NW	3.80	1 S	24 E	WM	11		3/1 through 10/31	
NW NW	2.70	1 S	24 E	WM	11		3/1 through 10/31	
SW NW	5.30	1 S	24 E	WM	11		3/1 through 9/1	9/2 through 10/31
SW NW	0.30	1 S	24 E	WM	11		3/1 through 10/31	
SE NW	5.11	1 S	24 E	WM	11		3/1 through 10/31	
SE NW	6.60	1 S	24 E	WM	11		3/1 through 9/30	10/1 through 10/31
SE NW	5.80	1 S	24 E	WM	11		3/1 through 10/31	
SE NW	2.33	1 S	24 E	WM	11		3/1 through 9/1	9/2 through 10/31
NE SE	10.90	1 S	24 E	WM	11		3/1 through 10/31	
NW SE	1.70	1 S	24 E	WM	11		3/1 through 10/31	
SW NW	17.00	1 S	24 E	WM	12		3/1 through 10/31	
SE NW	5.00	1 S	24 E	WM	12		3/1 through 10/31	
NE SW	28.00	1 S	24 E	WM	12		3/1 through 10/31	
NW SW	29.00	1 S	24 E	WM	12		3/1 through 10/31	
SE SW	13.00	1 S	24 E	WM	12		3/1 through 10/31	
SW NW	3.50	1 S	25 E	WM	20		3/1 through 8/1	8/2 through 10/31
SW NW	7.18	1 S	25 E	WM	20		3/1 through 10/31	
SE NW	1.21	1 S	25 E	WM	20		3/1 through 10/31	
SE NW	6.00	1 S	25 E	WM	20		3/1 through 8/1	8/2 through 10/31
NE SW	18.14	1 S	25 E	WM	20		3/1 through 10/31	
NW SW	1.54	1 S	25 E	WM	20		3/1 through 10/31	
NE SE	8.40	1 S	25 E	WM	20		3/1 through 8/1	8/2 through 10/31
NW SE	6.00	1 S	25 E	WM	20		3/1 through 8/1	8/2 through 10/31
SE SE	5.00	1 S	25 E	WM	20		3/1 through 8/1	8/2 through 10/31
SW SW	11.10	1 S	25 E	WM	21		3/1 through 8/1	8/2 through 10/31
NW SW	2.50	1 S	25 E	WM	27	3/1 through 3/31	4/1 through 7/15	7/16 through 10/31
SW NE	15.50	1 S	25 E	WM	28	3/1 through 3/31	4/1 through 7/15	7/16 through 10/31
NE NW	5.50	1 S	25 E	WM	28	3/1 through 3/31	4/1 through 7/15	7/16 through 10/31
SE NW	8.00	1 S	25 E	WM	28	3/1 through 3/31	4/1 through 7/15	7/16 through 10/31
NE SE	20.00	1 S	25 E	WM	28	3/1 through 3/31	4/1 through 10/31	
NW SE	1.50	1 S	25 E	WM	28	3/1 through 3/31	4/1 through 7/15	7/16 through 10/31
NE NE	11.20	1 S	25 E	WM	34		3/1 through 10/31	
NE NE*	4.50	1 S	25 E	WM	34		3/1 through 10/31	
NW NE	1.00	1 S	25 E	WM	34		3/1 through 10/31	
NW NE*	16.20	1 S	25 E	WM	34		3/1 through 10/31	
SW NE*	39.30	1 S	25 E	WM	34		3/1 through 10/31	
SE NE*	40.00	1 S	25 E	WM	34		3/1 through 10/31	
NE NW*	10.90	1 S	25 E	WM	34		3/1 through 10/31	
NW NW*	21.90	1 S	25 E	WM	34		3/1 through 10/31	
SW NW*	30.40	1 S	25 E	WM	34		3/1 through 10/31	

Q-Q	Acres	Twp	Rng	Mer	Sec	Primary Irrigation Season	Supplemental Irrigation Season	Primary Irrigation Season
SE NW*	16.80	1 S	25 E	WM	34		3/1 through 10/31	
NE SE*	40.00	1 S	25 E	WM	34		3/1 through 10/31	
NW SE*	34.40	1 S	25 E	WM	34		3/1 through 10/31	
SW SE*	30.10	1 S	25 E	WM	34		3/1 through 10/31	
SE SE*	40.00	1 S	25 E	WM	34		3/1 through 10/31	
SW NE*	0.40	1 S	25 E	WM	35		3/1 through 10/31	
SW NE	2.80	1 S	25 E	WM	35		3/1 through 10/31	
NW NW	1.40	1 S	25 E	WM	35		3/1 through 10/31	
NW NW*	0.70	1 S	25 E	WM	35		3/1 through 10/31	
SW NW	5.10	1 S	25 E	WM	35		3/1 through 10/31	
SW NW*	32.80	1 S	25 E	WM	35		3/1 through 10/31	
SE NW	11.60	1 S	25 E	WM	35		3/1 through 10/31	
SE NW*	13.30	1 S	25 E	WM	35		3/1 through 10/31	
NE SW*	40.00	1 S	25 E	WM	35		3/1 through 10/31	
NW SW*	40.00	1 S	25 E	WM	35		3/1 through 10/31	
SW SW*	40.00	1 S	25 E	WM	35		3/1 through 10/31	
SE SW*	40.00	1 S	25 E	WM	35		3/1 through 10/31	
NE SE	3.20	1 S	25 E	WM	35		3/1 through 10/31	
NE SE*	7.30	1 S	25 E	WM	35		3/1 through 10/31	
NW SE	9.80	1 S	25 E	WM	35		3/1 through 10/31	
NW SE*	26.00	1 S	25 E	WM	35		3/1 through 10/31	
SW SE*	40.00	1 S	25 E	WM	35		3/1 through 10/31	
SE SE*	31.50	1 S	25 E	WM	35		3/1 through 10/31	
SW SW	13.32	1 S	25 E	WM	36		3/1 through 9/1	9/2 through 10/31
SE SW	1.90	1 S	25 E	WM	36		3/1 through 10/31	
NE NW	13.40	2 S	25 E	WM	1		3/1 through 10/31	
NE NW	2.40	2 S	25 E	WM	1		3/1 through 9/1	9/2 through 10/31
SE NW	2.20	2 S	25 E	WM	1		3/1 through 10/31	
SE NW	0.30	2 S	25 E	WM	1		3/1 through 9/1	9/2 through 10/31
NE NE*	17.60	2 S	25 E	WM	2		3/1 through 10/31	
NW NE*	40.00	2 S	25 E	WM	2		3/1 through 10/31	
SW NE*	36.80	2 S	25 E	WM	2		3/1 through 10/31	
SE NE*	9.40	2 S	25 E	WM	2		3/1 through 10/31	
NE NW*	40.00	2 S	25 E	WM	2		3/1 through 10/31	
NW NW*	39.20	2 S	25 E	WM	2		3/1 through 10/31	
SW NW*	40.00	2 S	25 E	WM	2		3/1 through 10/31	
SE NW*	40.00	2 S	25 E	WM	2		3/1 through 10/31	
NE NE*	12.00	2 S	25 E	WM	12		3/1 through 10/31	
SE NE*	24.00	2 S	25 E	WM	12		3/1 through 10/31	
NE SE*	5.00	2 S	25 E	WM	12		3/1 through 10/31	
NE NE*	19.60	2 S	26 E	WM	7		3/1 through 10/31	
NW NE*	29.70	2 S	26 E	WM	7		3/1 through 10/31	
SW NE*	34.90	2 S	26 E	WM	7		3/1 through 10/31	
SE NE*	16.00	2 S	26 E	WM	7		3/1 through 10/31	
NE NW	26.00	2 S	26 E	WM	7		3/1 through 10/31	
NE NW*	12.20	2 S	26 E	WM	7		3/1 through 10/31	
NW NW	10.00	2 S	26 E	WM	7		3/1 through 10/31	
NW NW*	17.00	2 S	26 E	WM	7		3/1 through 10/31	
SW NW*	32.30	2 S	26 E	WM	7		3/1 through 10/31	
SE NW	9.00	2 S	26 E	WM	7		3/1 through 10/31	
SE NW*	23.30	2 S	26 E	WM	7		3/1 through 10/31	

Q-Q	Acres	Twp	Rng	Mer	Sec	Primary Irrigation Season	Supplemental Irrigation Season	Primary Irrigation Season
NE SW	4.00	2 S	26 E	WM	7		3/1 through 10/31	
NE SW*	25.00	2 S	26 E	WM	7		3/1 through 10/31	
NW SW*	38.50	2 S	26 E	WM	7		3/1 through 10/31	
SW SW*	38.80	2 S	26 E	WM	7		3/1 through 10/31	
SE SW*	40.00	2 S	26 E	WM	7		3/1 through 10/31	
NE SE	15.00	2 S	26 E	WM	7		3/1 through 9/1	9/2 through 10/31
NE SE*	1.70	2 S	26 E	WM	7		3/1 through 10/31	
NE SE*	11.80	2 S	26 E	WM	7		3/1 through 10/31	
NE SE*	2.00	2 S	26 E	WM	7		3/1 through 10/31	
NW SE	18.00	2 S	26 E	WM	7		3/1 through 10/31	
NW SE*	13.10	2 S	26 E	WM	7		3/1 through 10/31	
NW SE	1.40	2 S	26 E	WM	7		3/1 through 10/31	
SW SE	5.00	2 S	26 E	WM	7		3/1 through 9/1	9/2 through 10/31
SE SE	30.00	2 S	26 E	WM	7		3/1 through 9/1	9/2 through 10/31
SE SE*	2.80	2 S	26 E	WM	7		3/1 through 10/31	
NW NW*	6.00	2 S	26 E	WM	8		3/1 through 10/31	
SW NW*	0.50	2 S	26 E	WM	8		3/1 through 10/31	
NW SW*	3.40	2 S	26 E	WM	8		3/1 through 10/31	
SW SW*	9.40	2 S	26 E	WM	8		3/1 through 10/31	
SW SW*	1.85	2 S	26 E	WM	8		3/1 through 10/31	
SW SW*	7.00	2 S	26 E	WM	8		3/1 through 10/31	
NE NW	1.00	2 S	26 E	WM	17		3/1 through 9/20	9/21 through 10/31
NW NW	28.00	2 S	26 E	WM	17		3/1 through 9/20	9/21 through 10/31
SW NW	4.00	2 S	26 E	WM	17		3/1 through 9/20	9/21 through 10/31
SW NW*	13.20	2 S	26 E	WM	17		3/1 through 10/31	
SE NW	8.87	2 S	26 E	WM	17		3/1 through 9/20	9/21 through 10/31
SE NW*	15.63	2 S	26 E	WM	17		3/1 through 10/31	
NE SW	2.39	2 S	26 E	WM	17		3/1 through 9/20	9/21 through 10/31
NE SW*	32.51	2 S	26 E	WM	17		3/1 through 10/31	
NW SW*	33.20	2 S	26 E	WM	17		3/1 through 10/31	
SW SW*	34.50	2 S	26 E	WM	17		3/1 through 10/31	
SE SW*	39.80	2 S	26 E	WM	17		3/1 through 10/31	
NE SE*	0.02	2 S	26 E	WM	17		3/1 through 9/30	10/1 through 10/31
NW SE*	9.00	2 S	26 E	WM	17		3/1 through 9/30	10/1 through 10/31
NW SE	12.50	2 S	26 E	WM	17	3/1 through 3/31	4/1 through 10/31	
SW SE	15.80	2 S	26 E	WM	17		3/1 through 7/1	7/2 through 10/31
SW SE*	0.02	2 S	26 E	WM	17		3/1 through 9/30	10/1 through 10/31
SE SE*	2.60	2 S	26 E	WM	17		3/1 through 9/30	10/1 through 10/31
SE SE	4.50	2 S	26 E	WM	17	3/1 through 3/31	4/1 through 10/31	
SE SE	2.80	2 S	26 E	WM	17	3/1 through 3/31	4/1 through 10/31	
SE SE*	4.10	2 S	26 E	WM	17		3/1 through 10/31	
SE SE	4.00	2 S	26 E	WM	17	3/1 through 3/14	3/15 through 9/15	9/16 through 10/31
SE SE	4.20	2 S	26 E	WM	17		3/1 through 7/1	7/2 through 10/31
NE NE*	5.10	2 S	26 E	WM	18		3/1 through 10/31	
NE NE	19.00	2 S	26 E	WM	20	3/1 through 3/14	3/15 through 9/15	9/16 through 10/31
NE NE	0.30	2 S	26 E	WM	20	3/1 through 3/31	4/1 through 10/31	
NE NE*	3.00	2 S	26 E	WM	20		3/1 through 10/31	
SE NE	1.90	2 S	26 E	WM	20	3/1 through 3/31	4/1 through 10/31	
SW NW	32.00	2 S	26 E	WM	21		3/1 through 7/1	7/2 through 10/31
SW NW*	0.17	2 S	26 E	WM	21		3/1 through 9/30	10/1 through 10/31
NW NW*	1.15	2 S	26 E	WM	21		3/1 through 9/30	10/1 through 10/31

Q-Q	Acres	Twp	Rng	Mer	Sec	Primary Irrigation Season	Supplemental Irrigation Season	Primary Irrigation Season
NW NW	16.00	2 S	26 E	WM	21	3/1 through 3/14	3/15 through 9/15	9/16 through 10/31
SE NW	4.50	2 S	26 E	WM	21		3/1 through 7/1	7/2 through 10/31
SE NW*	2.30	2 S	26 E	WM	21		3/1 through 10/31	
SE NW*	1.65	2 S	26 E	WM	21		3/1 through 9/30	10/1 through 10/31
NE SW	4.00	2 S	26 E	WM	21		3/1 through 7/1	7/2 through 10/31
NW SW	3.00	2 S	26 E	WM	21		3/1 through 7/1	7/2 through 10/31
NW SW*	2.20	2 S	26 E	WM	21		3/1 through 10/31	
SW NE	1.00	2 S	26 E	WM	27		3/1 through 10/31	
NE NW	4.50	2 S	26 E	WM	27		3/1 through 10/31	
NW NW	4.20	2 S	26 E	WM	27		3/1 through 10/31	
SW NW	4.70	2 S	26 E	WM	27		3/1 through 10/31	
SE NW	19.90	2 S	26 E	WM	27		3/1 through 10/31	
SE NW	1.10	2 S	26 E	WM	27		3/1 through 10/31	
NE SW	1.00	2 S	26 E	WM	27		3/1 through 10/31	
NW SE	2.00	2 S	26 E	WM	27		3/1 through 10/31	

(Acreage in bold type indicates acres changed by Transfer Application T-11512)

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of diversion. The permittee shall maintain the meter in good working order.
- B. The permittee shall keep a complete record of the amount of water used each month, and shall submit an annual report which includes the recorded water use measurements to the Department by December 1 of each year. Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.
- C. 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.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

The water user shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion, while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of water. The water user may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

The use of water under this right is subject to the terms and conditions of Contract No. 129E101776, or a satisfactory replacement, between the Bureau of Reclamation and the applicant, a copy of which is on file in the records of the Water Resources Department.

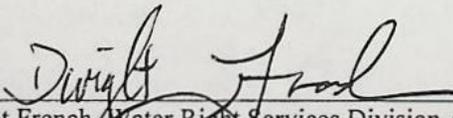
Use of water under this permit shall be subject to applicable provisions of the articles of incorporation, bylaws, rules and regulations of the Willow Creek District Improvement Company.

The use of stored water under this permit may be used in place of any existing ground water right for primary irrigation of the same land in order to conserve ground water supplies.

### STANDARD CONDITIONS

1. 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.
2. Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.
3. 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.
4. 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.
5. The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.
6. If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, shall be followed.
7. The use may be restricted if the quality of the source stream or downstream waters decreases to the point that those waters no longer meet existing state or federal water-quality standards due to reduced flows.
8. Completion of construction and application of the water shall be made by April 6, 2015. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.
9. Within one year after making beneficial use of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Issued May 27, 2015.

  
Dwight French, Water Right Services Division Administrator, for  
Thomas M. Byler, Director  
Oregon Water Resources Department

**CLARK Gerry E**

---

**From:** CLARK Gerry E  
**Sent:** Wednesday, July 15, 2015 7:39 AM  
**To:** LADD Mike F; THIEMANN Ken C  
**Subject:** RE: 2015.06.16 WM revised 87373-POD-INFO-Ext-2015.xlsx

Mike,

Your approach using e-mail will work fine. As you have indicated, please provide Salem with your approval of the alternative device.

My only concern is that we need to make sure that we do not somehow lose the reporting element for the diversion.

Gerry

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

Phone: 503-986-0811

---

**From:** LADD Mike F  
**Sent:** Thursday, July 09, 2015 6:14 PM  
**To:** THIEMANN Ken C; CLARK Gerry E  
**Subject:** RE: 2015.06.16 WM revised 87373-POD-INFO-Ext-2015.xlsx

Let's get them a chance to request under condition D on page 7 of the permit s-54839. They can ask for alternate measure device and reporting procedure.

Gerry by copy, can they send an e-mail to me requesting I consider an alternate measuring device and reporting procedure under condition D on page 7 of the permit? And if so, if I approve I'll send a copy for the files in Salem.

Please let me know what you think? Thanks.

---

**From:** THIEMANN Ken C  
**Sent:** Wednesday, June 24, 2015 11:58 AM  
**To:** LADD Mike F  
**Subject:** FW: 2015.06.16 WM revised 87373-POD-INFO-Ext-2015.xlsx

Good morning Mike,

I discussed this with June and have looked for an written approval of an alt. measuring device for the storage permit S-54839 with no luck. She said that you had allowed the flumes. How would you like me to proceed?

*Ken Thiemann*  
Watermaster, District #21  
Oregon Water Resources Department  
PO Box 427

Condon, OR 97823  
Ph: (541) 384-4207  
Fax: (541) 384-2166  
Gilliam Court House  
221 S. Oregon St., Suite 221  
Condon, OR 97823

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**From:** Langford, Shonee D. [mailto:SLangford@SCHWABE.com]  
**Sent:** Wednesday, June 24, 2015 11:39 AM  
**To:** 'THIEMANN Ken C'  
**Subject:** RE: 2015.06.16 WM revised 87373-POD-INFO-Ext-2015.xlsx

Hi Ken,

The permit condition allows for OWRD approval of "alternative measuring and reporting procedures." So I'm wondering if Joe's method has been approved or if OWRD will consider his diversions out of compliance until a totalizing flow meter is installed?

Thanks.

Shonee

**Shonee Langford** | Schwabe, Williamson & Wyatt | Direct: 503-540-4261 | Fax: 503-796-2900

---

**From:** THIEMANN Ken C [mailto:kenneth.c.thiemann@state.or.us]  
**Sent:** Wednesday, June 24, 2015 11:27 AM  
**To:** Langford, Shonee D.  
**Subject:** RE: 2015.06.16 WM revised 87373-POD-INFO-Ext-2015.xlsx

Good morning Shonee,

Yes, I have discussed the installation of an instantaneous/totalizer flow measurement device with Joe. He currently has installed flumes and records daily flow readings. Hope this helps.

Ken Thiemann  
Watermaster, District #21  
Oregon Water Resources Department  
PO Box 427  
Condon, OR 97823  
Ph: (541) 384-4207  
Fax: (541) 384-2166  
Gilliam Court House  
221 S. Oregon St., Suite 221  
Condon, OR 97823

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**From:** Langford, Shonee D. [mailto:SLangford@SCHWABE.com]  
**Sent:** Tuesday, June 16, 2015 4:49 PM  
**To:** 'THIEMANN Ken C'  
**Subject:** RE: 2015.06.16 WM revised 87373-POD-INFO-Ext-2015.xlsx

Ken – I really appreciate the quick response. Just a couple of follow up questions.

It looks like the only diversions that are currently being used and that do not have a totalizing FM are the ones used by Joe McElligott (including Emert Ranches). Have you talked to Joe about installing totalizing FMs at those PODs? Or would some other type of measuring device be more appropriate?

Thanks again.

Shonee

**Shonee Langford | Schwabe, Williamson & Wyatt | Direct: 503-540-4261 | Fax: 503-796-2900**

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**From:** THIEMANN Ken C [<mailto:kenneth.c.thiemann@state.or.us>]  
**Sent:** Tuesday, June 16, 2015 4:39 PM  
**To:** Langford, Shonee D.  
**Subject:** 2015.06.16 WM revised 87373-POD-INFO-Ext-2015.xlsx

Good afternoon Shonee,

I have added the requested information to the best of my knowledge at this time. Please see disclaimer. I would defer all screen questions to Bill Duke. Hope you have a nice evening.

*Ken Thiemann  
Watermaster, District #21  
Oregon Water Resources Department  
PO Box 427  
Condon, OR 97823  
Ph: (541) 384-4207  
Fax: (541) 384-2166  
Gilliam Court House  
221 S. Oregon St., Suite 221  
Condon, OR 97823*

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**PEDERSEN Dorothy I**

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**From:** PEDERSEN Dorothy I  
**Sent:** Thursday, July 02, 2015 16:42  
**To:** 'Langford, Shonee D.'; PEDERSEN Dorothy I  
**Cc:** 'William Porfily'  
**Subject:** RE: Willow Creek District Improvement Company/ User ID 1002

Shonee,

I acknowledge the Willow Creek District Improvement Company's request for an alternative plan for reporting water use, consistent with Permit S-54839, Measurement, recording and reporting condition Section D. The proposal to report all monthly use under one Reporting ID, instead of reporting use at each point of diversion listed in the permit is reasonable, considering that the source of water for the permit is stored water from one reservoir, changes to the right that would reduce the number of diversion points are planned, and record-keeping would be considerably simplified.

Therefore, the request is approved. Water use reporting will consist of monthly total amounts of stored water released from the reservoir and delivered to Willow Creek District Improvement Company's clients for beneficial use under Permit S-54839. One Reporting ID will be set up in the User ID 1002 water use reporting account for this purpose.

Sections A, B and C of the permit's Measurement, recording and reporting conditions remain unaffected by approval of this alternative reporting plan for Section D.

Don't hesitate to contact me if you have further questions about water use reporting for Permit S-54839.

Sincerely,

Dorothy I. Pedersen  
Water Measurement Analyst  
Hydrographics Section  
Oregon Water Resources Department  
725 Summer St. NE  
Salem, OR 97301-1266  
(503) 986-0824

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**From:** Langford, Shonee D. [<mailto:SLangford@SCHWABE.com>]  
**Sent:** Wednesday, July 01, 2015 16:54  
**To:** PEDERSEN Dorothy I  
**Cc:** 'William Porfily'  
**Subject:** Willow Creek District Improvement Company/ User ID 1002

Dorothy,

I appreciate the Department's willingness to consider an alternative plan for annual water use reporting under Permit S-54839. As we discussed over the phone, the permit allows the Department to consider and approve such alternate plans. Ultimately, the permittee is required to keep a complete record of the amount of water used each month and to submit an annual report to the Department by Dec. 1 of each year.

The District hereby requests that it be allowed to annually report a lump-sum total of the amount of water used each month under Permit S-54839, rather than submitting monthly water use information for each water user and/or point of diversion. I've been assured that this would greatly simplify the process and reduce the time and expense associated

with reporting in future years. The District is small and does not have a full-time staff, and this would make the reporting much easier.

Thank you for your consideration.

Best Regards,

Shonee

**Shonee D. Langford | Attorney**  
**Schwabe, Williamson & Wyatt**  
**530 Center Street NE, Suite 400, Salem, OR 97301**  
**Direct: 503-540-4261 | Fax: 503-796-2900**  
**Email: SLangford@SCHWABE.com**  
**Assistant: Karen Donohue | Direct: 503-540-4262 | kdonohue@schwabe.com**  
*Legal advisors for the future of your business®*  
**www.schwabe.com**

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BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE STATE OF OREGON

In the Matter of Water Rights Application )  
S-87373, Morrow County )

FINAL ORDER  
APPROVING THE USE OF  
STORED WATER

**Authority**

ORS 537.147 establishes the process by which an application to use stored water exclusively may be submitted. OAR Chapter 690, Divisions 310 and 340 implement the statute, and provide the Department's procedures and criteria for evaluating applications to use stored water.

**Findings of Fact**

1. On January 6, 2009, Willow Creek District Improvement Co., submitted an application for a water-use permit pursuant to ORS 537.147. The Department provided public notice of the application in the Department's weekly public notice on January 20, 2009. A 30-day comment period followed.
2. The use of stored water under this permit may be used in place of any existing ground water right for primary irrigation of the same land in order to conserve ground water supplies (OAR 690-320-0070(3)).
3. The Department has evaluated the application and any comments received, and finds that no public interest in ORS 537.170(8) would be affected adversely by the proposed use.

**Conclusions of Law**

Application S-87373 is consistent with the requirements of ORS 537.147 and OAR Chapter 690.

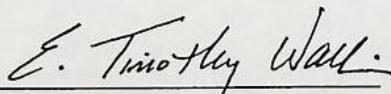
**Now Therefore, it is Ordered:**

Application S-87373 is approved pursuant to ORS 537.147. Upon submission of an executed and valid contract with the Bureau of Reclamation authorizing appropriation of stored water from Willow Creek Reservoir, constructed under Permit R-10880, a permit shall be issued authorizing the proposed water use.

Failure to meet this requirement within 60 days from the date of this Final Order may result in the proposed rejection of the application.

*If you need to request additional time, your written request should be received in the Salem office of the Department within 60 days of this Final Order. The Department will evaluate the request and determine whether or not the request may be approved.*

Dated at Salem, Oregon on MARCH 1 2010.



for Phillip C. Ward, Director

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

This is an order in 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 137-004-0080, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

This order was produced by Joel Plahn. If you have any questions about any of the statements contained in this document, I am probably the best person to answer your questions. You may reach me at 503-986-0815 or [Joel.M.Plahn@wrд.state.or.us](mailto:Joel.M.Plahn@wrд.state.or.us).

If you have other questions about the Department or any of its programs please contact our Customer Service Group at 503-986-0801. Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 725 Summer St NE, Suite A, Salem OR 97301-1266, Fax: 503-986-0901.

STATE OF OREGON

COUNTY OF MORROW

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO:

WILLOW CREEK DISTRICT IMPROVEMENT CO.  
530 CENTER ST NE, SUITE 400  
SALEM OR 97301

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

APPLICATION FILE NUMBER: S-87373

SOURCE OF WATER: WILLOW CREEK RESERVOIR, CONSTRUCTED UNDER PERMIT R-10880, TRIBUTARY TO WILLOW CREEK

USE: PRIMARY IRRIGATION AND SUPPLEMENTAL IRRIGATION OF 2538.14 ACRES

MAXIMUM VOLUME: 2500.0 ACRE FEET

DATE OF PRIORITY: JANUARY 6, 2009

PERIOD: SEE TABLE BELOW

Authorized Dam Location:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
2 S	26 E	WM	35	NW SE	1530 FEET NORTH AND 3050 FEET EAST FROM SW CORNER, SECTION 35

Authorized Points of Diversion (POD):

HOSKINS MAP #1	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
POD 1	2 S	26 E	WM	27	SE NW	1810 FEET SOUTH AND 400 FEET WEST FROM N1/4 CORNER, SECTION 27
POD 3	2 S	26 E	WM	27	SW NE	2510 FEET SOUTH AND 200 FEET EAST FROM N 1/4 CORNER, SECTION 27

DAMON MAP #2A & 2B	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
POD 1	2 S	26 E	WM	8	SW SW	100 FEET NORTH AND 550 FEET EAST FROM SW CORNER, SECTION 8
POD 2	2 S	26 E	WM	21	NE SW	2150 FEET NORTH AND 1300 FEET WEST FROM S1/4 CORNER, SECTION 21
POD 3	2 S	26 E	WM	21	SW SE	50 FEET NORTH AND 1150 FEET EAST FROM S1/4 CORNER, SECTION 21

NEIFFER MAP #3A & 3B	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
POD 1	1S	25 E	WM	27	SW SW	1200 FEET NORTH AND 120 FEET EAST FROM SW CORNER, SECTION 27
POD 2	1 S	25 E	WM	28	NE SE	1730 FEET NORTH AND 580 FEET WEST FROM SE CORNER, SECTION 28
POD 3	1 S	23 E	WM	1	SW SE	100 FEET NORTH AND 1340 FEET WEST FROM SE CORNER, SECTION 1

McELLAGOTT MAP #4	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
POD 1	1S	24 E	WM	12	SE NE	50 FEET NORTH AND 1960 FEET EAST FROM C1/4 CORNER, SECTION 12

EMERT RANCHES MAP #5	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
POD 2	1S	24 E	WM	11	SE NE	2120 FEET SOUTH AND 30 FEET WEST FROM NE CORNER, SECTION 11
POD 3	1S	24 E	WM	11	SW NE	1400 FEET SOUTH AND 1000 FEET EAST FROM N 1/4 CORNER, SECTION 11
POD 4	1S	24 E	WM	11	SE NW	1750 FEET SOUTH AND 2060 FEET EAST FROM NW CORNER, SECTION 11
POD 5	1S	24 E	WM	10	NE NE	20 FEET SOUTH AND 1240 FEET WEST FROM NE CORNER, SECTION 10

THOMPSON MAP #6B & 6C	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
POD 1	2S	26 E	WM	7	SE NW	2350 FEET SOUTH AND 3040 FEET WEST FROM NE CORNER, SECTION 7
POD 2	2S	26 E	WM	17	NE SW	800 FEET SOUTH FROM C1/4 CORNER, SECTION 17

MEYER MAP #7	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
POD 1	1 S	25 E	WM	35	NE SE	1540 FEET NORTH AND 2100 FEET EAST FROM S1/4 CORNER, SECTION 35

HARRISON MAP #8	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
POD 1	1S	25 E	WM	28	NE NW	560 FEET SOUTH AND 1920 FEET EAST FROM NW CORNER, SECTION 28
POD 2	1S	25 E	WM	20	NW SE	1695 FEET NORTH AND 1325 FEET WEST FROM SE CORNER, SECTION 20

TEMPLE MAP #9	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
POD 1	1S	25 E	WM	36	SW SW	560 FEET NORTH AND 450 FEET EAST FROM SW CORNER, SECTION 36
POD 2	2 S	25 E	WM	1	SW NE	910 FEET NORTH AND 140 FEET EAST FROM C1/4 CORNER, SECTION 1

SHATTUCK /BARROW MAP #10	Twp	Rng	Mer	Sec	Q-Q	Measured Distances
POD 1	2S	25 E	WM	1	SW NE	920 FEET NORTH AND 160 FEET EAST FROM C1/4 CORNER, SECTION 1

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall not exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year. The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

**Authorized Place of Use: (\* represents land with existing ground water right for primary irrigation)**

Q-Q	Acres	Twp	Rng	Mer	Sec	Primary Irrigation Season	Supplemental Irrigation Season	Primary Irrigation Season
SW NW*	4.40	1 S	23 E	WM	1		3/1 through 10/31	
NE SW*	1.30	1 S	23 E	WM	1		3/1 through 10/31	
NW SW*	27.10	1 S	23 E	WM	1		3/1 through 10/31	
SW SW*	20.70	1 S	23 E	WM	1		3/1 through 10/31	
SE SW*	16.30	1 S	23 E	WM	1		3/1 through 10/31	
SW SE*	0.70	1 S	23 E	WM	1		3/1 through 10/31	
NE SE*	2.60	1 S	23 E	WM	2		3/1 through 10/31	
SE SE*	0.10	1 S	23 E	WM	2		3/1 through 10/31	
NW NE*	22.90	1 S	23 E	WM	12		3/1 through 10/31	
NE NW*	14.20	1 S	23 E	WM	12		3/1 through 10/31	
NW NW*	0.70	1 S	23 E	WM	12		3/1 through 10/31	
SW SW	1.50	1 S	24 E	WM	2		3/1 through 10/31	
SE SW	5.20	1 S	24 E	WM	3	3/1 through 3/14	3/15 through 10/1	10/2 through 10/31
SE SW	3.00	1 S	24 E	WM	3		3/1 through 9/1	9/2 through 10/31
SE SW	4.00	1 S	24 E	WM	3		3/1 through 10/31	
SE SW	1.10	1 S	24 E	WM	3		3/1 through 10/31	
SW SE	1.80	1 S	24 E	WM	3	3/1 through 3/14	3/15 through 10/1	10/2 through 10/31
SW SE	4.30	1 S	24 E	WM	3		3/1 through 10/31	
SW SE	0.40	1 S	24 E	WM	3		3/1 through 9/1	9/2 through 10/31
SW SE	15.40	1 S	24 E	WM	3		3/1 through 10/31	
SE SE	2.70	1 S	24 E	WM	3		3/1 through 10/31	
SE SE	6.80	1 S	24 E	WM	3		3/1 through 10/31	
SE SE	12.50	1 S	24 E	WM	3		3/1 through 10/31	
NE NE	2.70	1 S	24 E	WM	10		3/1 through 10/31	
NE NE	14.50	1 S	24 E	WM	10		3/1 through 9/1	9/2 through 10/31
NE NE	5.00	1 S	24 E	WM	10		3/1 through 10/31	
NW NE	14.50	1 S	24 E	WM	10		3/1 through 9/1	9/2 through 10/31
NW NE	1.00	1 S	24 E	WM	10		3/1 through 10/31	
NE NW	22.65	1 S	24 E	WM	10		3/1 through 9/1	9/2 through 10/31
NW NW	3.40	1 S	24 E	WM	10		3/1 through 10/31	
NW NW	9.00	1 S	24 E	WM	10		3/1 through 9/30	10/1 through 10/31
NW NE	1.70	1 S	24 E	WM	11		3/1 through 10/31	

Q-Q	Acres	Twp	Rng	Mer	Sec	Primary Irrigation Season	Supplemental Irrigation Season	Primary Irrigation Season
NW NE	0.10	1 S	24 E	WM	11		3/1 through 9/30	10/1 through 10/31
NW NE	1.40	1 S	24 E	WM	11		3/1 through 9/30	10/1 through 10/31
SW NE	11.70	1 S	24 E	WM	11		3/1 through 9/30	10/1 through 10/31
SW NE	5.00	1 S	24 E	WM	11		3/1 through 9/30	10/1 through 10/31
SW NE	17.30	1 S	24 E	WM	11		3/1 through 10/31	
SW NE	3.10	1 S	24 E	WM	11		3/1 through 10/31	
SE NE	3.60	1 S	24 E	WM	11		3/1 through 9/30	10/1 through 10/31
SE NE	5.20	1 S	24 E	WM	11		3/1 through 10/31	
SE NE	22.20	1 S	24 E	WM	11		3/1 through 10/31	
NE NW	13.70	1 S	24 E	WM	11		3/1 through 10/31	
NW NW	4.40	1 S	24 E	WM	11		3/1 through 10/31	
NW NW	13.40	1 S	24 E	WM	11		3/1 through 9/1	9/2 through 10/31
NW NW	2.60	1 S	24 E	WM	11		3/1 through 9/30	10/1 through 10/31
NW NW	3.80	1 S	24 E	WM	11		3/1 through 10/31	
NW NW	2.70	1 S	24 E	WM	11		3/1 through 10/31	
SW NW	5.30	1 S	24 E	WM	11		3/1 through 9/1	9/2 through 10/31
SW NW	0.30	1 S	24 E	WM	11		3/1 through 10/31	
SE NW	5.11	1 S	24 E	WM	11		3/1 through 10/31	
SE NW	6.60	1 S	24 E	WM	11		3/1 through 9/30	10/1 through 10/31
SE NW	5.80	1 S	24 E	WM	11		3/1 through 10/31	
SE NW	2.33	1 S	24 E	WM	11		3/1 through 9/1	9/2 through 10/31
NE SE	10.90	1 S	24 E	WM	11		3/1 through 10/31	
NW SE	1.70	1 S	24 E	WM	11		3/1 through 10/31	
SW NW	17.00	1 S	24 E	WM	12		3/1 through 10/31	
SE NW	5.00	1 S	24 E	WM	12		3/1 through 10/31	
NE SW	28.00	1 S	24 E	WM	12		3/1 through 10/31	
NW SW	29.00	1 S	24 E	WM	12		3/1 through 10/31	
SE SW	13.00	1 S	24 E	WM	12		3/1 through 10/31	
SW NW	5.00	1 S	25 E	WM	20		3/1 through 8/1	8/2 through 10/31
SW NW	7.18	1 S	25 E	WM	20		3/1 through 10/31	
SE NW	1.21	1 S	25 E	WM	20		3/1 through 10/31	
SE NW	5.50	1 S	25 E	WM	20		3/1 through 8/1	8/2 through 10/31
NE SW	18.14	1 S	25 E	WM	20		3/1 through 10/31	
NW SW	1.54	1 S	25 E	WM	20		3/1 through 10/31	
NE SE	2.50	1 S	25 E	WM	20		3/1 through 8/1	8/2 through 10/31
NW SE	7.00	1 S	25 E	WM	20		3/1 through 8/1	8/2 through 10/31
SE SE	7.00	1 S	25 E	WM	20		3/1 through 8/1	8/2 through 10/31
SW SW	13.00	1 S	25 E	WM	21		3/1 through 8/1	8/2 through 10/31
SW NE	18.00	1 S	25 E	WM	28	3/1 through 3/31	4/1 through 7/15	7/16 through 10/31
NE NW	5.50	1 S	25 E	WM	28	3/1 through 3/31	4/1 through 7/15	7/16 through 10/31
SE NW	8.00	1 S	25 E	WM	28	3/1 through 3/31	4/1 through 7/15	7/16 through 10/31
NE SE	20.00	1 S	25 E	WM	28	3/1 through 3/31	4/1 through 10/31	
NW SE	1.50	1 S	25 E	WM	28	3/1 through 3/31	4/1 through 7/15	7/16 through 10/31
NE NE	11.20	1 S	25 E	WM	34		3/1 through 10/31	
NE NE*	4.50	1 S	25 E	WM	34		3/1 through 10/31	
NW NE	1.00	1 S	25 E	WM	34		3/1 through 10/31	
NW NE*	16.20	1 S	25 E	WM	34		3/1 through 10/31	
SW NE*	39.30	1 S	25 E	WM	34		3/1 through 10/31	
SE NE*	40.00	1 S	25 E	WM	34		3/1 through 10/31	
NE NW*	10.90	1 S	25 E	WM	34		3/1 through 10/31	
NW NW*	21.90	1 S	25 E	WM	34		3/1 through 10/31	

Q-Q	Acres	Twp	Rng	Mer	Sec	Primary Irrigation Season	Supplemental Irrigation Season	Primary Irrigation Season
SW NW*	30.40	1 S	25 E	WM	34		3/1 through 10/31	
SE NW*	16.80	1 S	25 E	WM	34		3/1 through 10/31	
NE SE*	40.00	1 S	25 E	WM	34		3/1 through 10/31	
NW SE*	34.40	1 S	25 E	WM	34		3/1 through 10/31	
SW SE*	30.10	1 S	25 E	WM	34		3/1 through 10/31	
SE SE*	40.00	1 S	25 E	WM	34		3/1 through 10/31	
SW NE*	0.40	1 S	25 E	WM	35		3/1 through 10/31	
SW NE	2.80	1 S	25 E	WM	35		3/1 through 10/31	
NW NW	1.40	1 S	25 E	WM	35		3/1 through 10/31	
NW NW*	0.70	1 S	25 E	WM	35		3/1 through 10/31	
SW NW	5.10	1 S	25 E	WM	35		3/1 through 10/31	
SW NW*	32.80	1 S	25 E	WM	35		3/1 through 10/31	
SE NW	11.60	1 S	25 E	WM	35		3/1 through 10/31	
SE NW*	13.30	1 S	25 E	WM	35		3/1 through 10/31	
NE SW*	40.00	1 S	25 E	WM	35		3/1 through 10/31	
NW SW*	40.00	1 S	25 E	WM	35		3/1 through 10/31	
SW SW*	40.00	1 S	25 E	WM	35		3/1 through 10/31	
SE SW*	40.00	1 S	25 E	WM	35		3/1 through 10/31	
NE SE	3.20	1 S	25 E	WM	35		3/1 through 10/31	
NE SE*	7.30	1 S	25 E	WM	35		3/1 through 10/31	
NW SE	9.80	1 S	25 E	WM	35		3/1 through 10/31	
NW SE*	26.00	1 S	25 E	WM	35		3/1 through 10/31	
SW SE*	40.00	1 S	25 E	WM	35		3/1 through 10/31	
SE SE*	31.50	1 S	25 E	WM	35		3/1 through 10/31	
SW SW	13.32	1 S	25 E	WM	36		3/1 through 9/1	9/2 through 10/31
SE SW	1.90	1 S	25 E	WM	36		3/1 through 10/31	
NE NW	13.40	2 S	25 E	WM	1		3/1 through 10/31	
NE NW	2.40	2 S	25 E	WM	1		3/1 through 9/1	9/2 through 10/31
SE NW	2.20	2 S	25 E	WM	1		3/1 through 10/31	
SE NW	0.30	2 S	25 E	WM	1		3/1 through 9/1	9/2 through 10/31
NE NE*	17.60	2 S	25 E	WM	2		3/1 through 10/31	
NW NE*	40.00	2 S	25 E	WM	2		3/1 through 10/31	
SW NE*	36.80	2 S	25 E	WM	2		3/1 through 10/31	
SE NE*	9.40	2 S	25 E	WM	2		3/1 through 10/31	
NE NW*	40.00	2 S	25 E	WM	2		3/1 through 10/31	
NW NW*	39.20	2 S	25 E	WM	2		3/1 through 10/31	
SW NW*	40.00	2 S	25 E	WM	2		3/1 through 10/31	
SE NW*	40.00	2 S	25 E	WM	2		3/1 through 10/31	
NE NE*	12.00	2 S	25 E	WM	12		3/1 through 10/31	
SE NE*	24.00	2 S	25 E	WM	12		3/1 through 10/31	
NE SE*	5.00	2 S	25 E	WM	12		3/1 through 10/31	
NE NE*	19.60	2 S	26 E	WM	7		3/1 through 10/31	
NW NE*	29.70	2 S	26 E	WM	7		3/1 through 10/31	
SW NE*	34.90	2 S	26 E	WM	7		3/1 through 10/31	
SE NE*	16.00	2 S	26 E	WM	7		3/1 through 10/31	
NE NW	26.00	2 S	26 E	WM	7		3/1 through 10/31	
NE NW*	12.20	2 S	26 E	WM	7		3/1 through 10/31	
NW NW	10.00	2 S	26 E	WM	7		3/1 through 10/31	
NW NW*	17.00	2 S	26 E	WM	7		3/1 through 10/31	
SW NW*	32.30	2 S	26 E	WM	7		3/1 through 10/31	
SE NW	9.00	2 S	26 E	WM	7		3/1 through 10/31	

Q-Q	Acres	Twp	Rng	Mer	Sec	Primary Irrigation Season	Supplemental Irrigation Season	Primary Irrigation Season
SE NW*	23.30	2 S	26 E	WM	7		3/1 through 10/31	
NE SW	4.00	2 S	26 E	WM	7		3/1 through 10/31	
NE SW*	25.00	2 S	26 E	WM	7		3/1 through 10/31	
NW SW*	38.50	2 S	26 E	WM	7		3/1 through 10/31	
SW SW*	38.80	2 S	26 E	WM	7		3/1 through 10/31	
SE SW*	40.00	2 S	26 E	WM	7		3/1 through 10/31	
NE SE	15.00	2 S	26 E	WM	7		3/1 through 9/1	9/2 through 10/31
NE SE*	1.70	2 S	26 E	WM	7		3/1 through 10/31	
NE SE*	11.80	2 S	26 E	WM	7		3/1 through 10/31	
NE SE*	2.00	2 S	26 E	WM	7		3/1 through 10/31	
NW SE	18.00	2 S	26 E	WM	7		3/1 through 10/31	
NW SE*	13.10	2 S	26 E	WM	7		3/1 through 10/31	
NW SE	1.40	2 S	26 E	WM	7		3/1 through 10/31	
SW SE	5.00	2 S	26 E	WM	7		3/1 through 9/1	9/2 through 10/31
SE SE	30.00	2 S	26 E	WM	7		3/1 through 9/1	9/2 through 10/31
SE SE*	2.80	2 S	26 E	WM	7		3/1 through 10/31	
NW NW*	6.00	2 S	26 E	WM	8		3/1 through 10/31	
SW NW*	0.50	2 S	26 E	WM	8		3/1 through 10/31	
NW SW*	3.40	2 S	26 E	WM	8		3/1 through 10/31	
SW SW*	9.40	2 S	26 E	WM	8		3/1 through 10/31	
SW SW*	1.85	2 S	26 E	WM	8		3/1 through 10/31	
SW SW*	7.00	2 S	26 E	WM	8		3/1 through 10/31	
NE NW	1.00	2 S	26 E	WM	17		3/1 through 9/20	9/21 through 10/31
NW NW	28.00	2 S	26 E	WM	17		3/1 through 9/20	9/21 through 10/31
SW NW	4.00	2 S	26 E	WM	17		3/1 through 9/20	9/21 through 10/31
SW NW*	13.20	2 S	26 E	WM	17		3/1 through 10/31	
SE NW	8.87	2 S	26 E	WM	17		3/1 through 9/20	9/21 through 10/31
SE NW*	15.63	2 S	26 E	WM	17		3/1 through 10/31	
NE SW	2.39	2 S	26 E	WM	17		3/1 through 9/20	9/21 through 10/31
NE SW*	32.51	2 S	26 E	WM	17		3/1 through 10/31	
NW SW*	33.20	2 S	26 E	WM	17		3/1 through 10/31	
SW SW*	34.50	2 S	26 E	WM	17		3/1 through 10/31	
SE SW*	39.80	2 S	26 E	WM	17		3/1 through 10/31	
NE SE*	0.02	2 S	26 E	WM	17		3/1 through 9/30	10/1 through 10/31
NW SE*	9.00	2 S	26 E	WM	17		3/1 through 9/30	10/1 through 10/31
NW SE	12.50	2 S	26 E	WM	17	3/1 through 3/31	4/1 through 10/31	
SW SE	15.80	2 S	26 E	WM	17		3/1 through 7/1	7/2 through 10/31
SW SE*	0.02	2 S	26 E	WM	17		3/1 through 9/30	10/1 through 10/31
SE SE*	2.60	2 S	26 E	WM	17		3/1 through 9/30	10/1 through 10/31
SE SE	4.50	2 S	26 E	WM	17	3/1 through 3/31	4/1 through 10/31	
SE SE	2.80	2 S	26 E	WM	17	3/1 through 3/31	4/1 through 10/31	
SE SE*	4.10	2 S	26 E	WM	17		3/1 through 10/31	
SE SE	4.00	2 S	26 E	WM	17	3/1 through 3/14	3/15 through 9/15	9/16 through 10/31
SE SE	4.20	2 S	26 E	WM	17		3/1 through 7/1	7/2 through 10/31
NE NE*	5.10	2 S	26 E	WM	18		3/1 through 10/31	
NE NE	19.00	2 S	26 E	WM	20	3/1 through 3/14	3/15 through 9/15	9/16 through 10/31
NE NE	0.30	2 S	26 E	WM	20	3/1 through 3/31	4/1 through 10/31	
NE NE*	3.00	2 S	26 E	WM	20		3/1 through 10/31	
SE NE	1.90	2 S	26 E	WM	20	3/1 through 3/31	4/1 through 10/31	
SW NW	32.00	2 S	26 E	WM	21		3/1 through 7/1	7/2 through 10/31
SW NW*	0.17	2 S	26 E	WM	21		3/1 through 9/30	10/1 through 10/31

Q-Q	Acres	Twp	Rng	Mer	Sec	Primary Irrigation Season	Supplemental Irrigation Season	Primary Irrigation Season
NW NW*	1.15	2 S	26 E	WM	21		3/1 through 9/30	10/1 through 10/31
NW NW	16.00	2 S	26 E	WM	21	3/1 through 3/14	3/15 through 9/15	9/16 through 10/31
SE NW	4.50	2 S	26 E	WM	21		3/1 through 7/1	7/2 through 10/31
SE NW*	2.30	2 S	26 E	WM	21		3/1 through 10/31	
SE NW*	1.65	2 S	26 E	WM	21		3/1 through 9/30	10/1 through 10/31
NE SW	4.00	2 S	26 E	WM	21		3/1 through 7/1	7/2 through 10/31
NW SW	3.00	2 S	26 E	WM	21		3/1 through 7/1	7/2 through 10/31
NW SW*	2.20	2 S	26 E	WM	21		3/1 through 10/31	
SW NE	1.00	2 S	26 E	WM	27		3/1 through 10/31	
NE NW	4.50	2 S	26 E	WM	27		3/1 through 10/31	
NW NW	4.20	2 S	26 E	WM	27		3/1 through 10/31	
SW NW	4.70	2 S	26 E	WM	27		3/1 through 10/31	
SE NW	19.90	2 S	26 E	WM	27		3/1 through 10/31	
SE NW	1.10	2 S	26 E	WM	27		3/1 through 10/31	
NE SW	1.00	2 S	26 E	WM	27		3/1 through 10/31	
NW SE	2.00	2 S	26 E	WM	27		3/1 through 10/31	

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter at each point of diversion. The permittee shall maintain the meter in good working order.
- B. The permittee shall keep a complete record of the amount of water used each month, and shall submit an annual report which includes the recorded water use measurements to the Department by December 1 of each year. Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.
- C. 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.
- D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.

The water user shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion, while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of water. The water user may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

The use of water under this right is subject to the terms and conditions of Contract No. XXXXXXXXXX, or a satisfactory replacement, between the Bureau of Reclamation and the applicant, a copy of which is on file in the records of the Water Resources Department.

Use of water under this permit shall be subject to applicable provisions of the articles of incorporation, bylaws, rules and regulations of the Willow Creek District Improvement Company.

The use of stored water under this permit may be used in place of any existing ground water right for primary irrigation of the same land in order to conserve ground water supplies.

### STANDARD CONDITIONS

1. 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.
  2. Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to such agreement.
  3. 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.
  4. 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.
  5. The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.
  6. If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR Chapter 635, Division 415, shall be followed.
  7. The use may be restricted if the quality of the source stream or downstream waters decreases to the point that those waters no longer meet existing state or federal water-quality standards due to reduced flows.
  8. Completion of construction and application of the water shall be made within five years of the date of permit issuance. If beneficial use of permitted water has not been made before this date, the permittee may submit an application for extension of time, which may be approved based upon the merit of the application.
- 
9. Within one year after making beneficial use of water, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner.

Issued \_\_\_\_\_ 2010

## DRAFT – NOT A PERMIT

\_\_\_\_\_  
for Phillip C. Ward, Director  
Water Resources Department



SCHWABE, WILLIAMSON & WYATT®  
ATTORNEYS AT LAW

Equitable Center, 530 Center St. NE, Suite 400  
Salem, OR 97301

Shonee D. Langford

Joel M Plahn  
Oregon Water Resources Department  
725 Summer St NE Ste A  
Salem, OR 97301-1271

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OVER THE COUNTER**

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**FEB 03 2010**

**WATER RESOURCES DEPT  
SALEM, OREGON**

# Mailing List for FO

Scheduled Mailing Date:

**Application:** S-87373

**Permit:**

**Original mailed to Applicant with CBU form:**

WILLOW CREEK DISTRICT IMPROVEMENT CO.  
530 CENTER ST NE, SUITE 400  
SALEM OR 97301

**Copies of FO sent to:**

1. File S-87373
2. Water Availability (Ken Stahr)  
*3 Data Center*

**Copies of FO sent to other interested persons (CWRE, Agent, Commenter, etc.):**

1. Martha Pagel

**Copies of Map sent to (remember to reduce copy margins):**

1. Watermaster District 21
2. Region: NC
3. DEQ – Bill Duke
4. Mr. and Mrs. Damon, 2315 Rocky Lane Eugene, OR 97401
5. Mr. and Mrs. Thompson, 55805 HWY 74 Heppner, OR 97836-7210
6. Charles and William Bloodsworth 81166 N Ott RD, Hermiston, OR 97838
7. Mr. and Mrs. Thompson 72948 Bunker Hill Lane Heppner, OR 97836
8. Mr. and Mrs. Neiffer 67795 McNab Lane Ione, OR 97843
9. Mr. and Mrs. Meyer 57736 HWY 74 PO Box 459 Lexington, OR 97839
10. Mr. and Mrs. Temple PO Box 427 Lexington, OR 97839
11. Mr. and Mrs. Harrison 58906 HWY 74 Lexington, OR 97839
12. Cristopher Shattuck and Lauri Barrow PO Box 295 Heppner, OR 97836
13. Emert Ranches Inc. 61940 HWY 74 Box 251 Ione, OR 97843
14. John Griffith and Karen Smith-Griffith PO Box 433 Heppner, OR 97836
15. Kathryn Hoskins 53542 HWY 74 Heppner, OR 97836
16. Lawrence Jerome McElligott 61180 HWY 74 Ione, OR 97843
17. Port of Morrow PO BOX 200, Boardman OR 97818-0200
18. Jeneva Palmer RT 1 BOX 45 Ione OR 97843

**Copies Mailed**

by: *JDS*  
(STAFF)

on: *4/16/10*  
(DATE)

## Application Maps

*Amended*  
5/11/09  
9/23/09

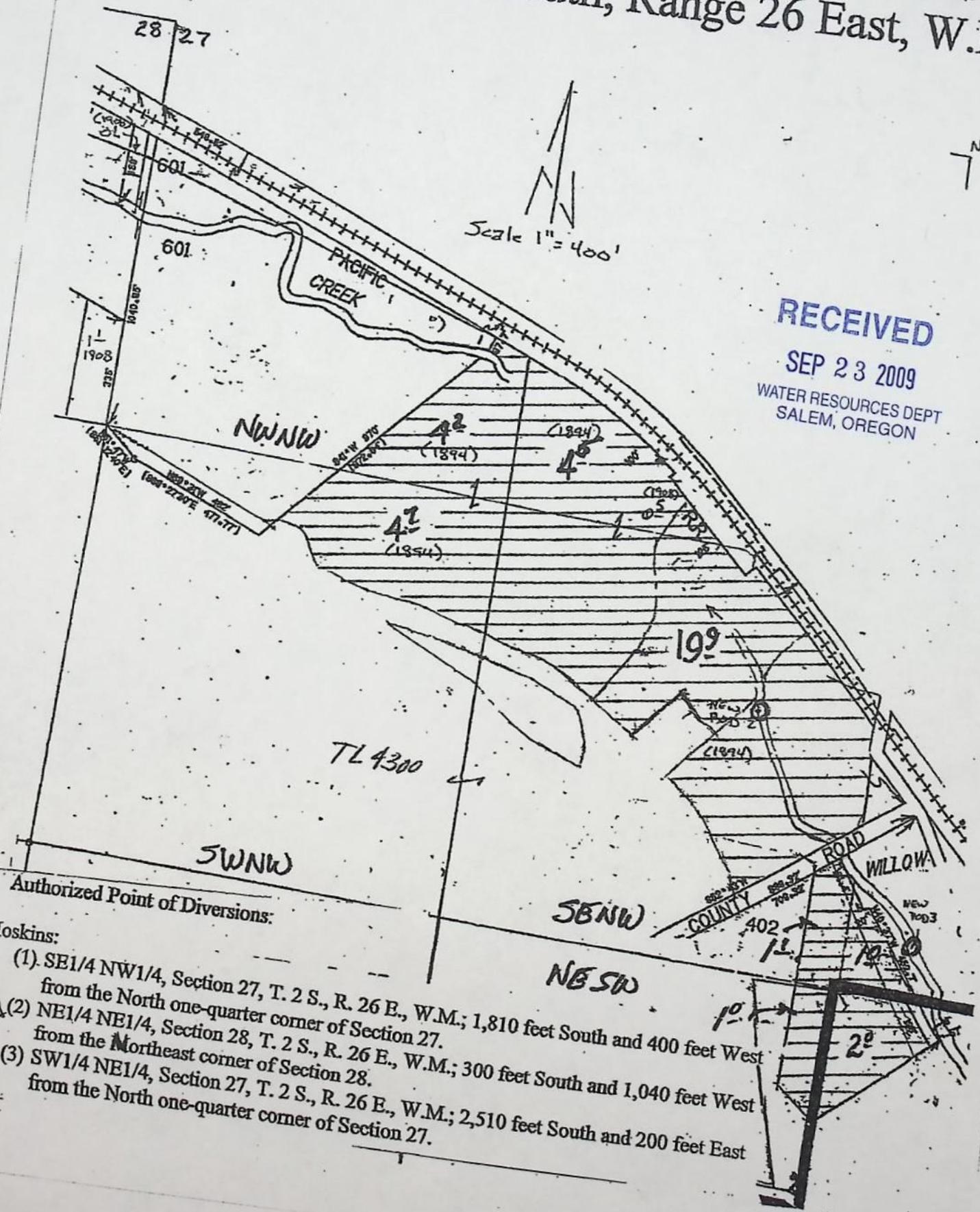
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**SEP 23 2009**

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# Township 2 South, Range 26 East, W.M.

Map #1 -  
HOSKINS



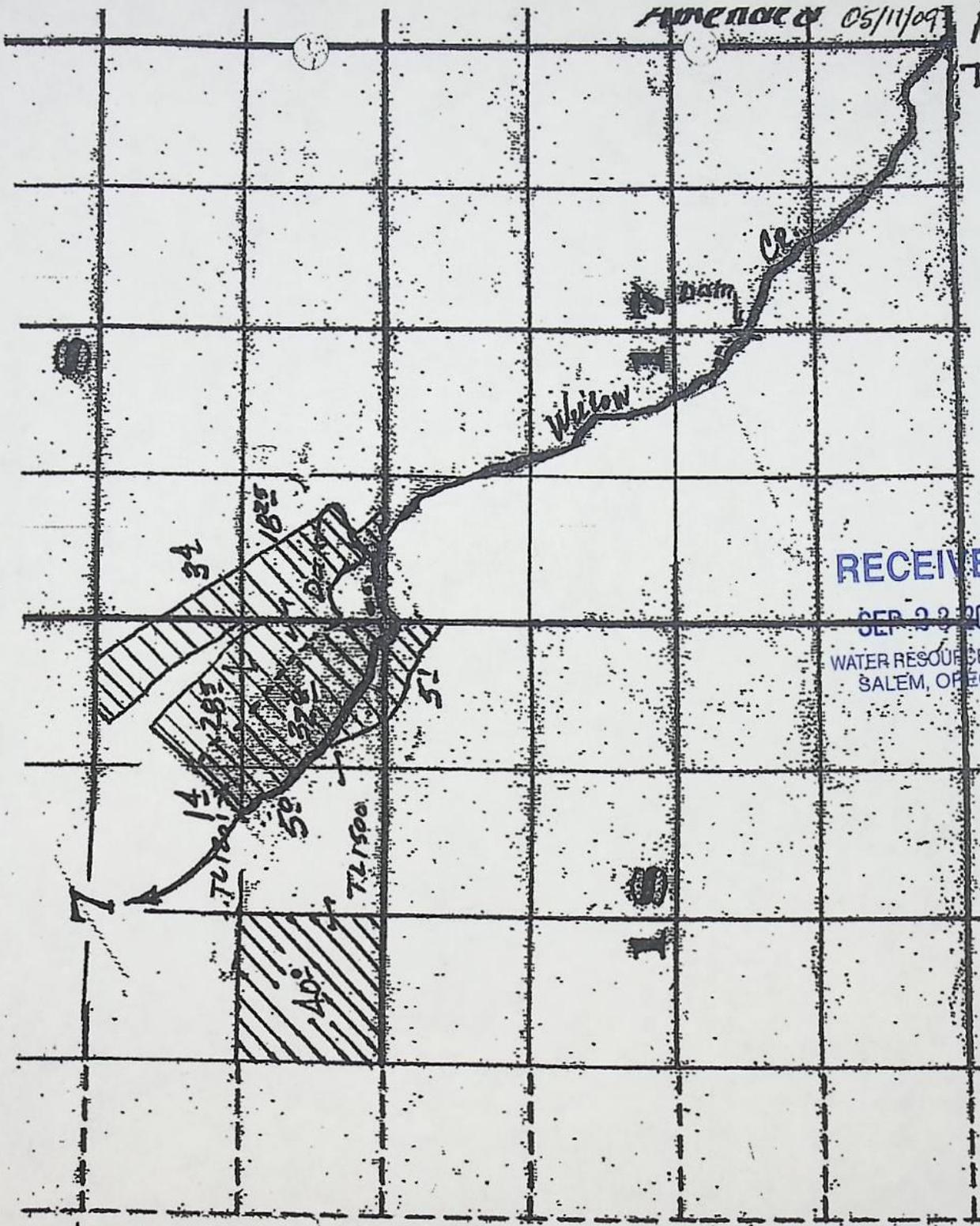
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SALEM, OREGON

**Authorized Point of Diversions:**

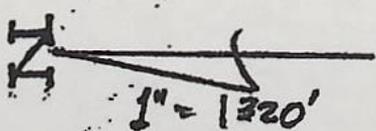
- Hoskins:
- (1) SE1/4 NW1/4, Section 27, T. 2 S., R. 26 E., W.M.; 1,810 feet South and 400 feet West from the North one-quarter corner of Section 27.
  - N/A (2) NE1/4 NE1/4, Section 28, T. 2 S., R. 26 E., W.M.; 300 feet South and 1,040 feet West from the Northeast corner of Section 28.
  - (3) SW1/4 NE1/4, Section 27, T. 2 S., R. 26 E., W.M.; 2,510 feet South and 200 feet East from the North one-quarter corner of Section 27.

Amended 05/11/09

MAP 2A  
Damon



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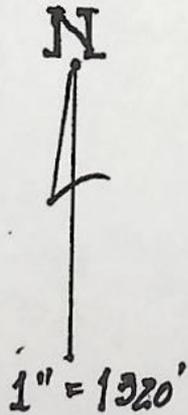
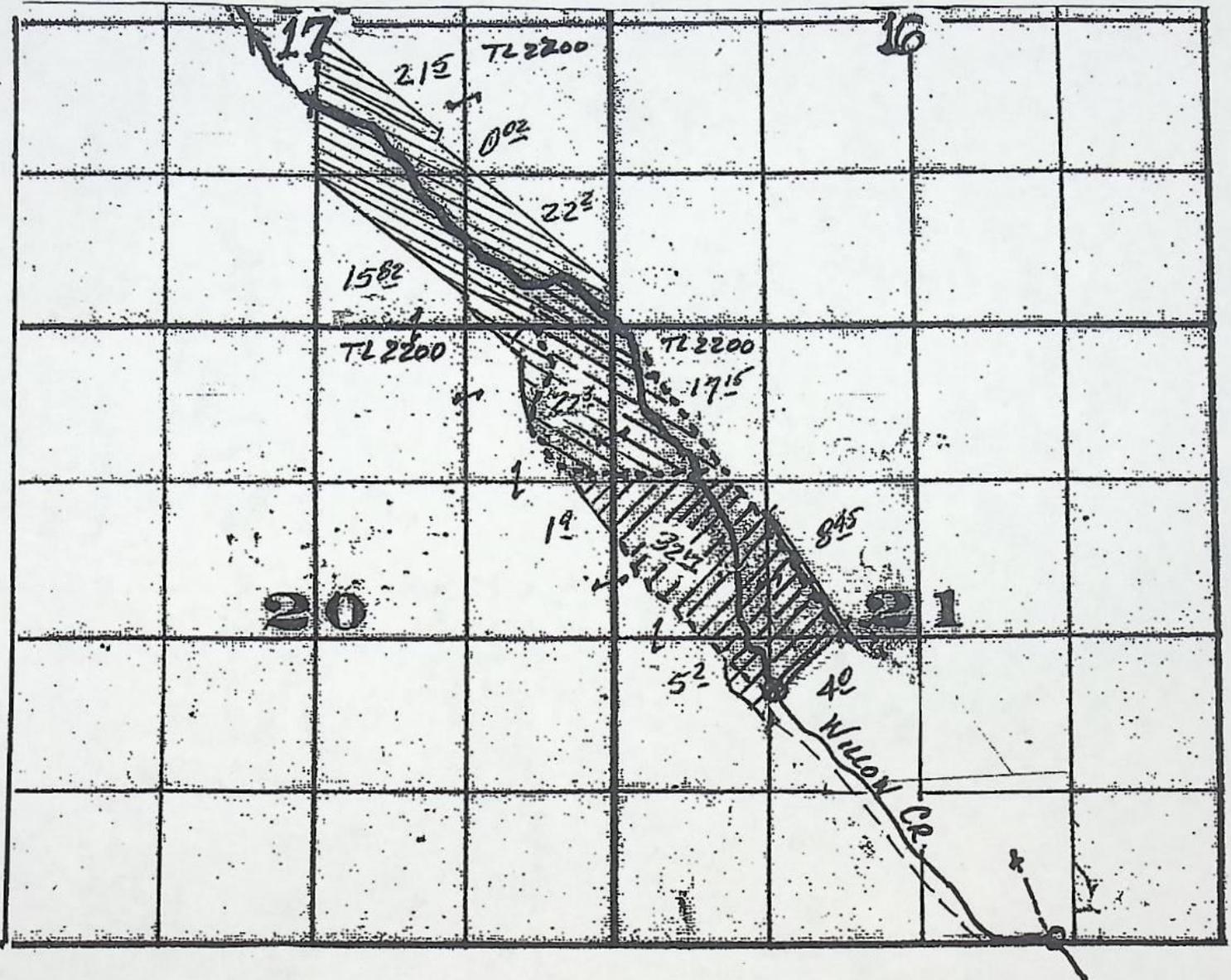


T. 2S., R. 26E., WM.

POD - 550' E. & 100' N. from SW Cor. Sec. 8

T. 2 S., R. 26 E., W. M. Amended 9/23/09

MAP 2B  
DAMON



POD's - 2150' N. & 1300' W.;  
50' N. & 1150' E.; both from S 1/4 Cor. Sec 21

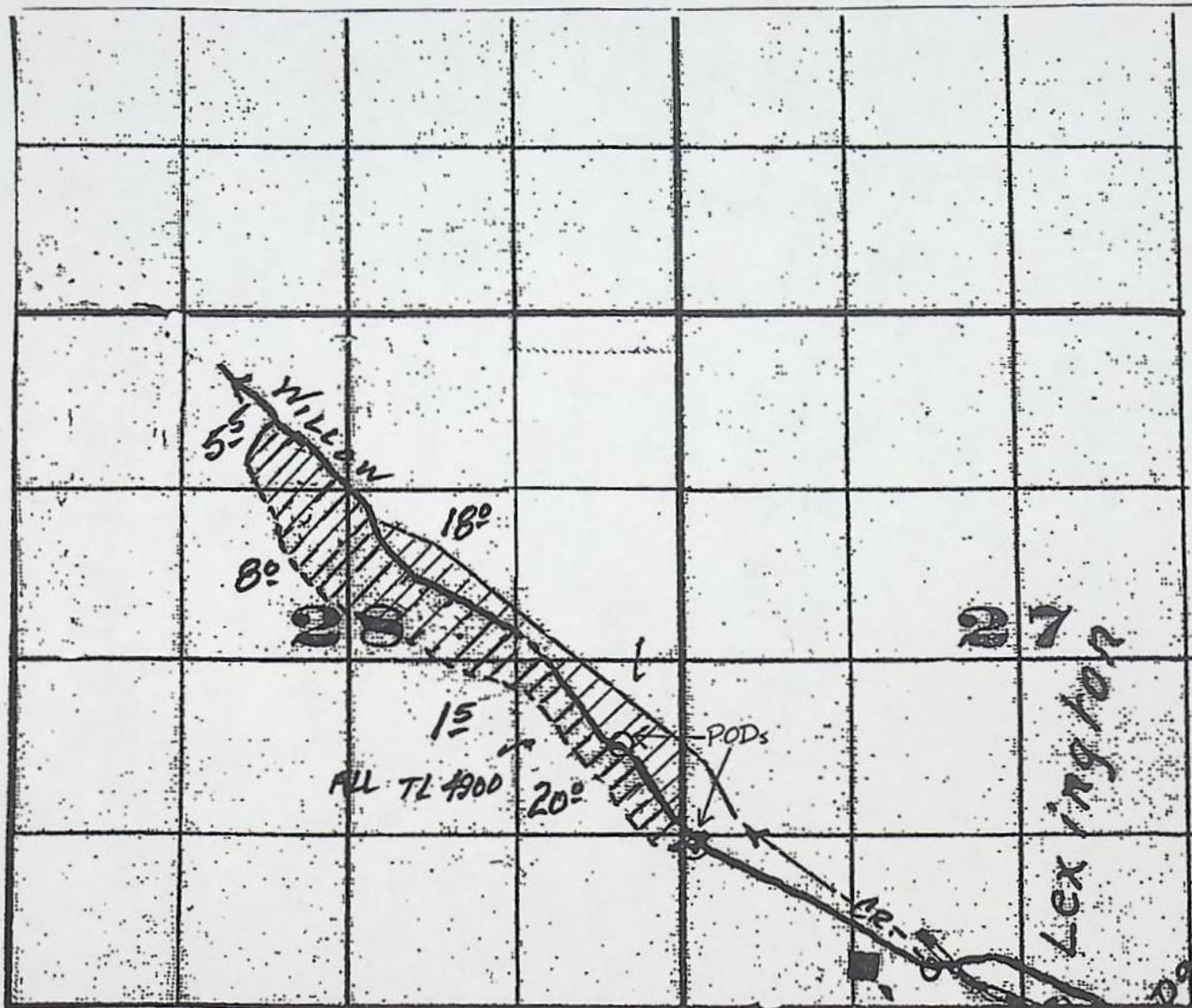
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SALEM, OREGON

Amended 9/23/09 MAP 3A  
NEIFFER

T. 1 S., R. 25 E., W. M.



N



1" = 1320'

PODs - 1200' N. & 120' E.; both from SW Cor. Sec. 27  
1730' N. + 580' W.;

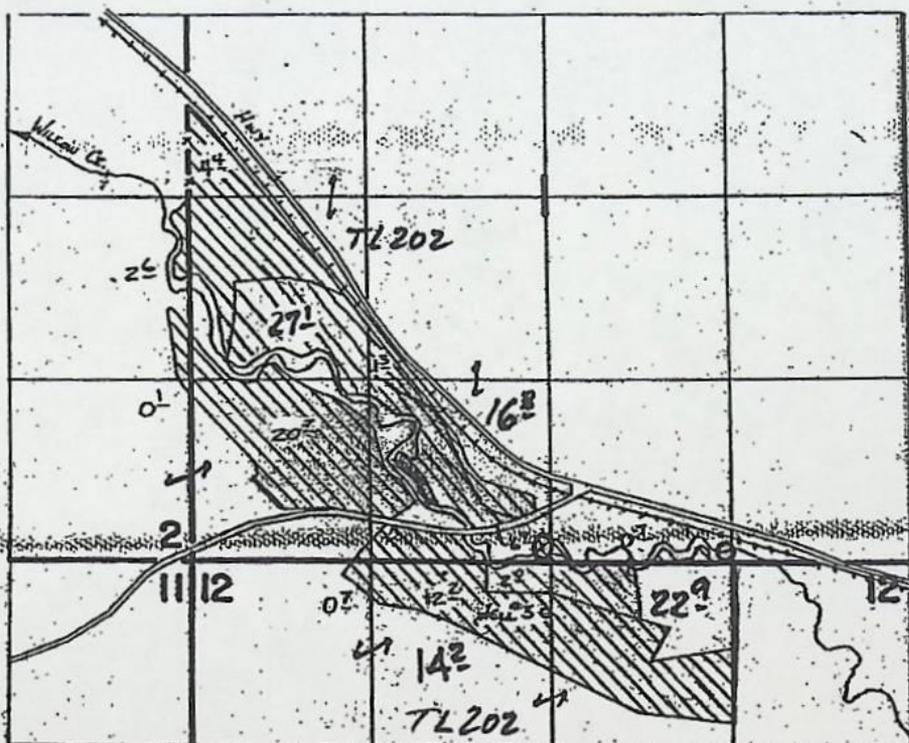
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MAP 33  
NEPPER

T. 1S., R. 23E., W.M.



Well Loc: 340'S. & 2580'E FROM NW COR. SEC 12

POD - 100'N. & 1340'W. FROM SE COR. SEC. 1

SCALE 1" = 1320'

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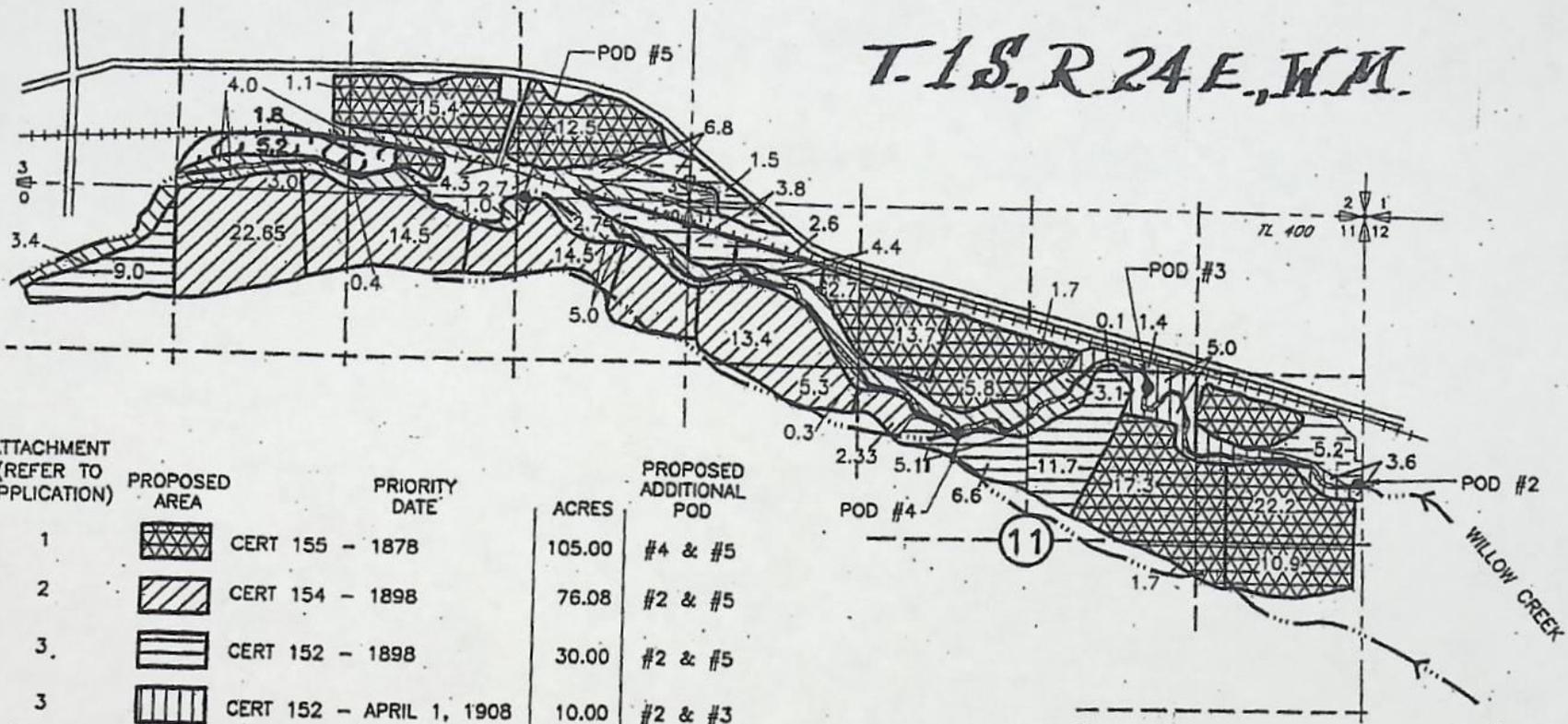
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TO

T. 1 S., R. 24 E., W. 1 M.



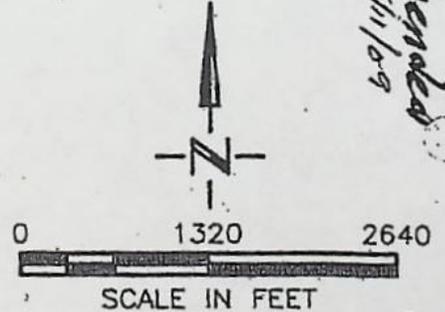
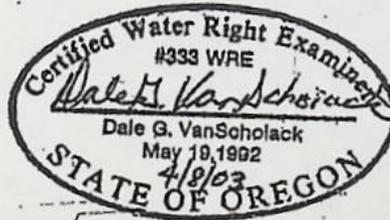
ATTACHMENT (REFER TO APPLICATION)	PROPOSED AREA	PRIORITY DATE	ACRES	PROPOSED ADDITIONAL POD
1		CERT 155 - 1878	105.00	#4 & #5
2		CERT 154 - 1898	76.08	#2 & #5
3		CERT 152 - 1898	30.00	#2 & #5
3		CERT 152 - APRIL 1, 1908	10.00	#2 & #3
4		CERT 124 - 1906	7.00	#2, #3 & #5
5		CERT 79486 - 1908	20.00	#2, #4 & #5
6		CERT 962 - DEC 12, 1912	33.31	#2, #4 & #5

DIVERSION ...

- #2 2120'S & 130'W FROM THE NE COR OF SECTION 11
- #3 PETTYS-DITCH 1400'S & 1000'E FROM THE N 1/4 COR OF SECTION 11
- #4 HAMMERS & HOWARD DITCH - 1750'S & 2060'E FROM THE NW COR OF SECTION 11
- #5 PUMP 20'S & 1240'W FROM THE NE CORNER OF SECTION 10

NOTE:  
THE PURPOSE OF THIS MAP IS TO IDENTIFY THE APPROXIMATE LOCATION  
OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION  
RELATIVE TO THE LOCATION OF PROPERTY OWNERSHIP BOUNDARY LINES.

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Amended  
05/11/09

MAP 5  
ENERGY  
RAUDHES

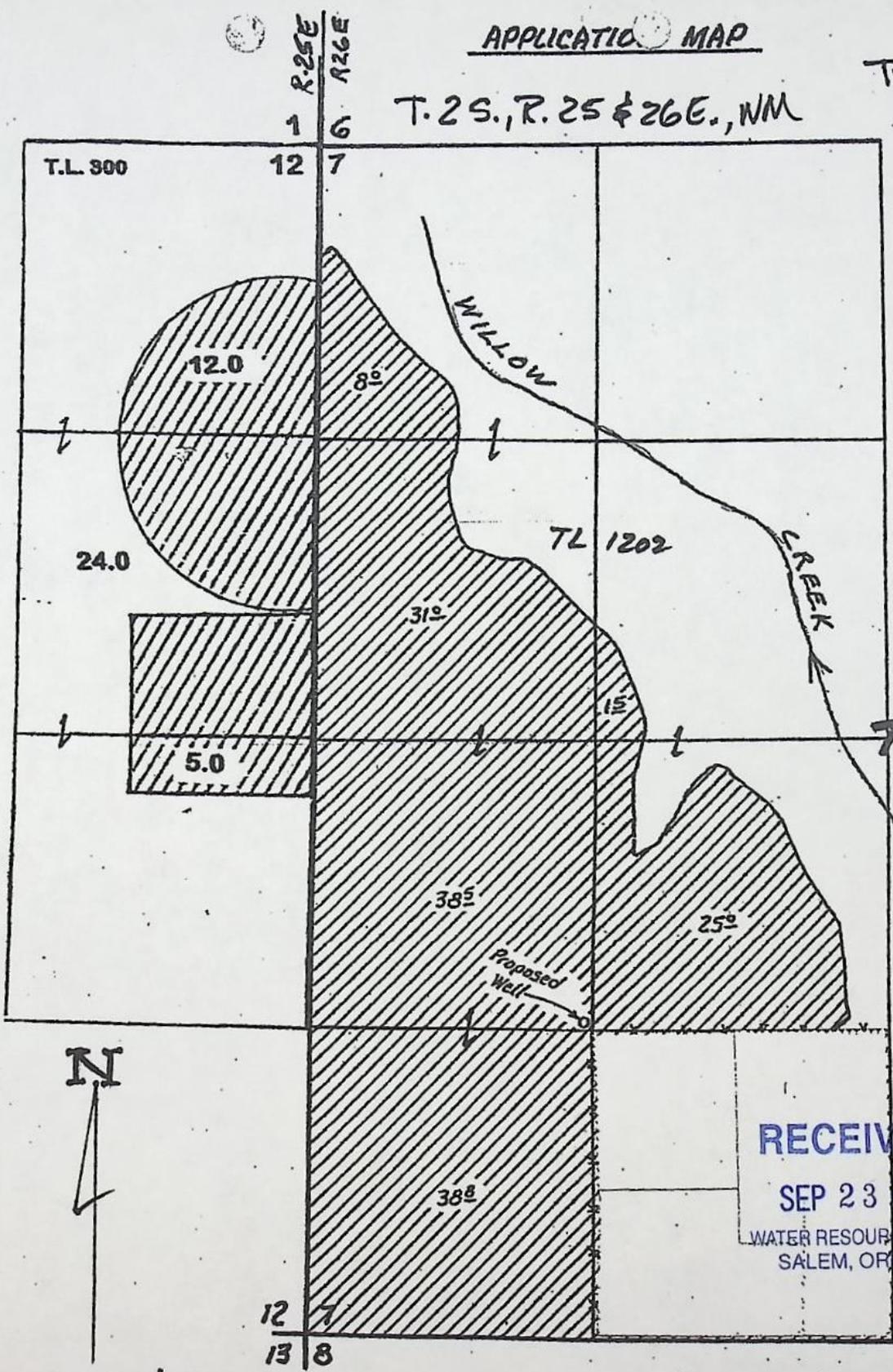
SCM Consultants, Inc.  
A Tetra Tech Company  
DRAWING: H:\CAD\AG\3522\160\3522160TR.dwg  
PRINTED BY: rogerw on 04/03/03 06:39 AM

T-9454

APPLICATION MAP

MAP 6A  
THOMPSON

T. 2 S., R. 25 & 26 E., NM



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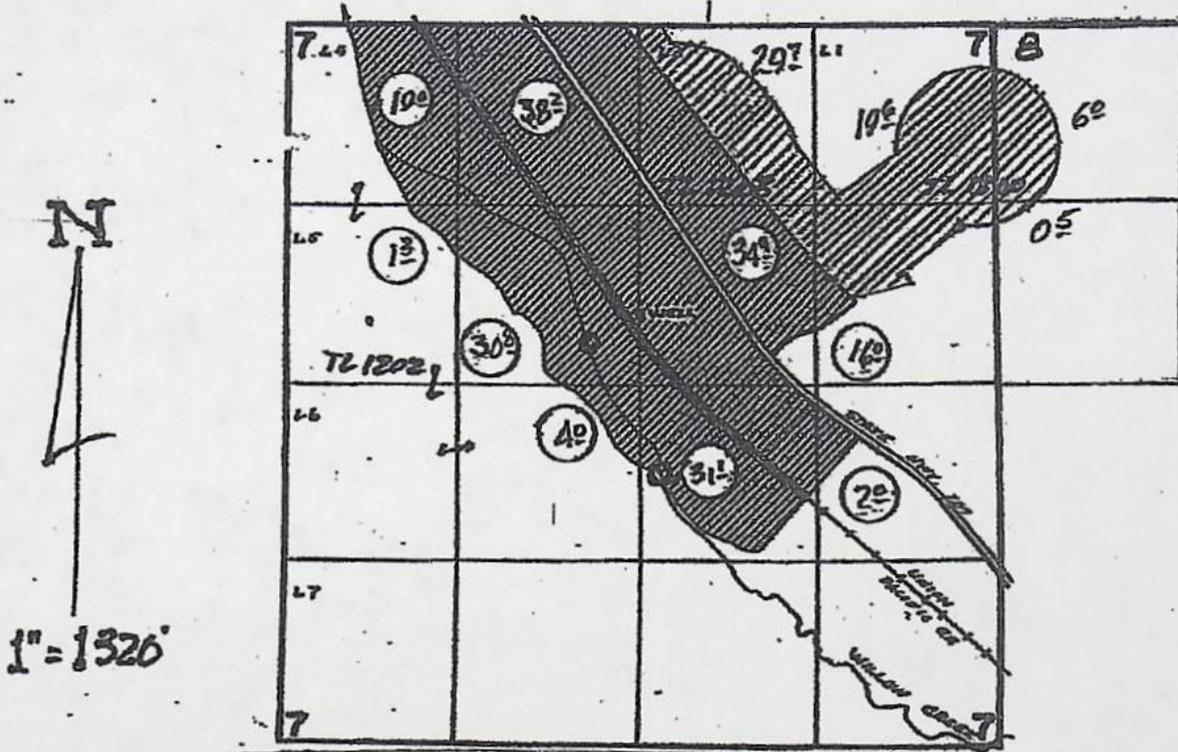
WATER RESOURCES DEPT  
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POD'S - SEE MAP 6B

Amended  
05/11/09

MAP 6B  
THOMPSON

T.2S., R.26E., W.M.



POB - 2350' S. & 3040' W.; from NE Cor. Sec 7

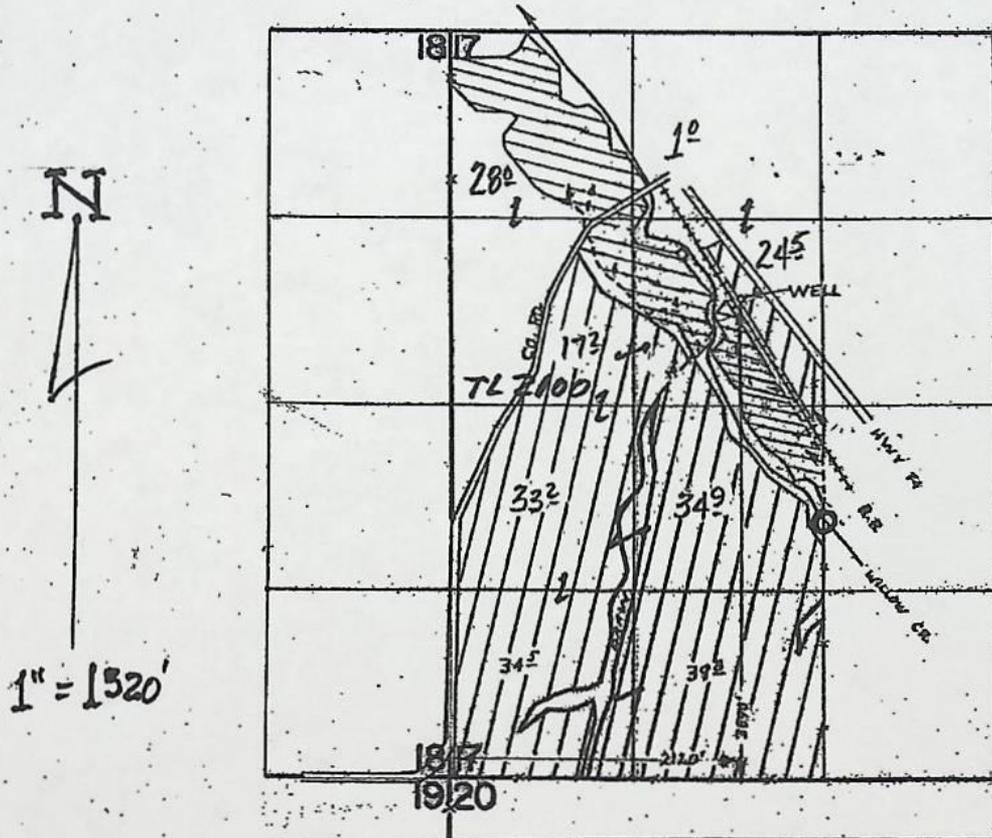
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MAP GC  
THOMPSON

T.2S.R26E.W.M.



POD - 800' S. from Center Sec. 17

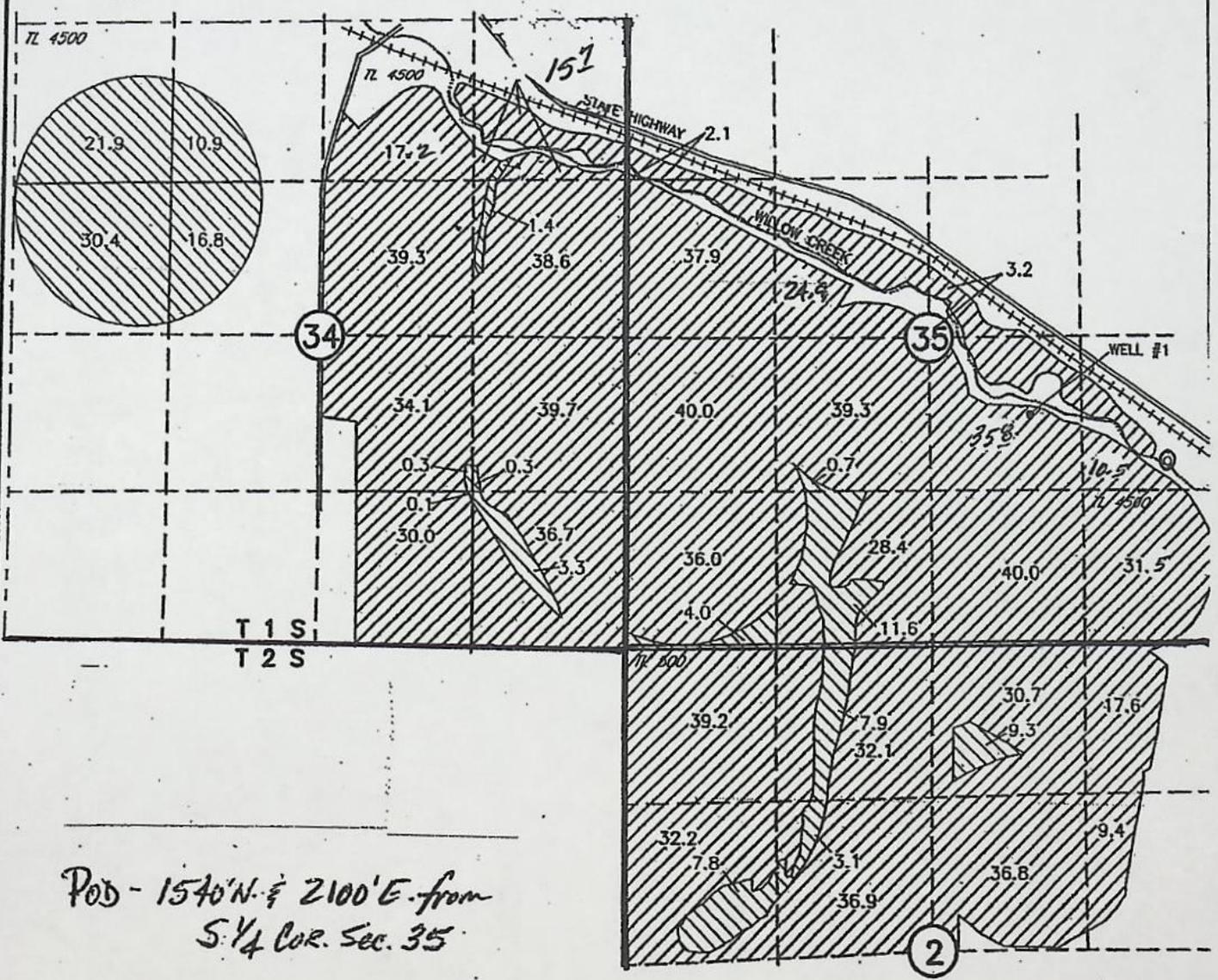
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MAP 7  
MEYER

T1&2S, R25E WM

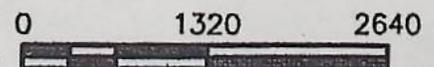


POB - 1540' N. & 2100' E. from  
S 1/4 COR. SEC. 35

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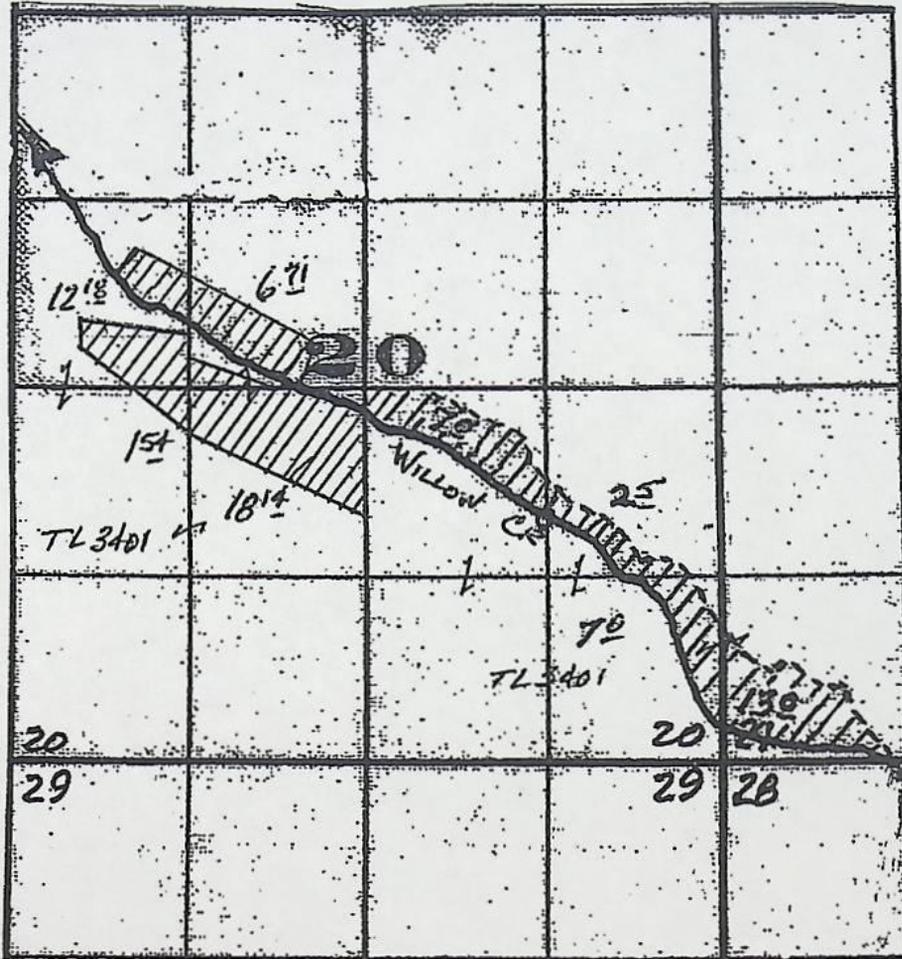
SCALE IN FEET

NOTE:

Amended  
9/23/09

MAP 8  
HARRISON

T. 1 S., R. 25 E., W.M.



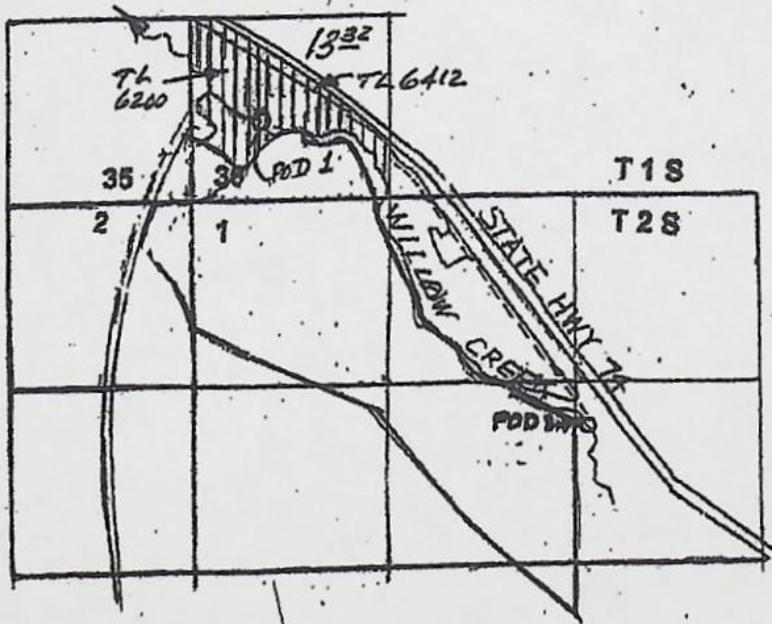
POD'S - 560' S. & 1920' E.  
1695' N. & 1325' W. } both from SE Cor. Sec. 20

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T. 1 & 2 S., R 25 E., W.M.



SCALE 1" = 1320'

DIV PT 1- LOC 560' N & 460' E FROM SW CORNER SECTION 36. AUTHORIZED POD  
DIV PT 3- LOC 910' N & 140' E FROM CENTER SECTION 1. AUTHORIZED POD

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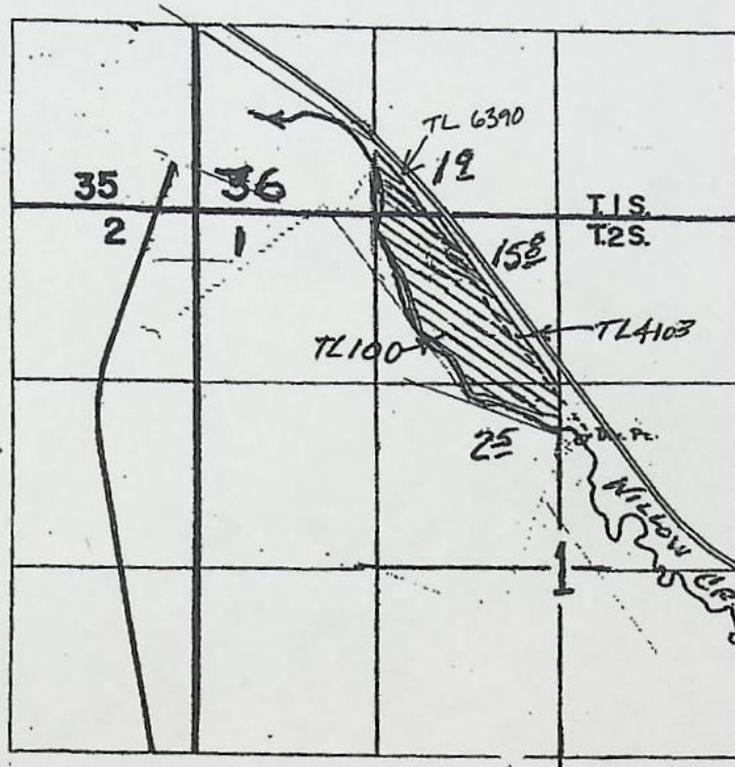
*Amended*  
05/11/09  
9/23/09

MAP 9  
TEMPLE

Amended  
9/23/09

MAP 10  
SHATTUCK/  
BARROW

T.1 & 2S., R. 25E., W. M.



Dir. Pt. Loc: 920'N & 160'E FROM CENTER SEC. 1

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SALEM, OREGON

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF RECLAMATION

Willow Creek Project, Oregon

CONTRACT FOR WATER SERVICE

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	EXHIBIT A	

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WATER RESOURCES DEPT  
SALEM, OREGON

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF RECLAMATION

Willow Creek Project, Oregon

TEMPORARY CONTRACT FOR WATER SERVICE

THIS CONTRACT, made this 2<sup>nd</sup> day of April, 2010, pursuant to section 9(e) of the Act of August 4, 1939 (53 Stat. 1187), and section 8 of the Act of December 22, 1944 (58 Stat. 887, 891), (which acts are commonly known and referred to as the Reclamation Laws), the Flood Control Act of 1965 (P.L. 89-298), and the Act of October 18, 1978 (P.L. 95-482), between the UNITED STATES OF AMERICA, hereinafter referred to as the United States, represented by the Contracting Officer executing this contract, and The Willow Creek District Improvement Company, hereinafter referred to as the Contractor;

WITNESSETH, THAT:

EXPLANATORY RECITALS

2. WHEREAS, The United States has constructed and operates Willow Creek Dam as a feature of the Willow Creek Project, Oregon, has impounded therein a quantity of water that can be used for irrigation of land and other beneficial uses, and has appropriated such water pursuant to the laws of the State of Oregon for beneficial use under the Federal Reclamation Laws; and

3. WHEREAS, the Contractor owns or serves land hereinafter described for which a supplemental source of water is desired to be secured from the United States for the irrigation of lands that have previously been irrigated; and

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SALEM, OREGON

NOW, THEREFORE, in consideration of the premises and payments by the Contractor to the United States in the manner hereinafter provided, it is agreed:

**TERM OF CONTRACT**

4. This contract shall become effective as of the date first above written and shall continue through December 31, 2011, unless sooner terminated in accordance with Article 10, or by agreement of the parties hereto.

**LANDS FOR WHICH WATER IS FURNISHED: LIMITATIONS ON DELIVERIES**

5. The United States shall release each year to the Contractor during the irrigation season from April 1 to October 31, inclusive, water from the Willow Creek Project for the irrigation of land owned or served by the Contractor described as follows:

See attachment 1.

Of the land described in attachment 1, not more than 2,538.14 acres are to be irrigated. The amount of stored water to be made available hereunder shall be that quantity which may be applied beneficially in accordance with good usage in the irrigation of the land above described, up to a maximum diversion of 2,011.6 acre-feet of stored water, measured at the point of release of said water.

**PAYMENTS FOR WATER**

6. (a) An annual payment of \$70,406.00 for the first irrigation season shall be made to the United States at the time of executing this contract, and a subsequent annual payment of \$70,406.00 will be due on or before April 1 of the 2011 irrigation season in advance of water use. This payment will entitle the Contractor to receive up to a maximum of 2,011.6 acre-feet of stored water for irrigation of the lands described in Article 5 of this contract. In the event some portion of the 2,011.6 acre-feet is not required by the Contractor, the Contracting Officer will refund or credit a portion of the water service payment based on

information received from the Contractor or other reliable sources and substantiated by the State of Oregon as to the actual amount of stored water diverted each month by the Contractor during the irrigation season and on other factors in addition to the amount of stored water actually diverted, as deemed appropriate by the Contracting Officer; Provided, that in order for a refund or credit to be made, information on the amounts of stored water delivered each month must be received in writing by the Contracting Officer by December 1 of that year; Provided, further, that regardless of the amount of water released to the Contractor under this contract, a minimum charge of \$17,601.50 shall apply.

(b) The annual charge set forth in (a) above is based on an initial rate of \$35 per acre-foot of stored water. From time to time, but not less often than once every 5 years, the rate per acre-foot of stored water and the minimum payment shall be reviewed by the Contracting Officer and revised, if necessary, by the United States for the irrigation water marketing program of the Willow Creek Project. Any revision by the Contracting Officer will apply only to future payments and shall be announced by written notice to the Contractor at least 3 months prior to the beginning of the irrigation season to which the new rate would be applicable.

(c) All payments from the Contractor to the United States under this contract shall be made by the medium requested by the United States. The required medium of payment may include checks, wire transfers, or other types of payment specified by the United States. Except when otherwise specified by the United States, all payments shall be made by check.

(d) Payments required hereunder shall be made to the Bureau of Reclamation at the location described in Article 14 of this contract.

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### CONTRACT ADMINISTRATION FEES

7. All future contract actions, contract amendments, supplements, and assignments will be subject to a charge in an amount sufficient to cover costs to the United States.

### RELEASE OF WATER

8. (a) Upon payment of the monies specified in subarticle 6(a) above, the United States will release water to the Contractor from the Willow Creek Project pursuant to this contract. No water shall be released if the Contractor is delinquent in payment of the required payments.

(b) Water shall be made available to the Contractor at the outlet works of Willow Creek Dam. The Contractor shall receive the water at that point and shall be wholly responsible for diverting, conveying, and utilizing any water under this contract.

(c) Water made available hereunder will be measured by the United States at the release point stated in subarticle 8(b). All losses of water from seepage, evaporation, or other cause, below said point of measurement, shall be borne by the Contractor.

(d) Water released under this contract shall be used by the Contractor for the purpose of irrigating the lands described in Article 5 and shall not be sold or used for other purposes.

(e) Water for the purposes described herein shall be taken by the Contractor at the following point(s) of diversion:

See attachment 2.

The water taken by the Contractor hereunder shall be measured by means of measuring or controlling devices satisfactory to the Contracting Officer or the State-appointed watermaster.

Such devices shall be furnished, installed, and maintained by (and at the expense of) the Contractor, but they shall be and remain at all times available for reading and monitoring by the

United States or an appropriate State-appointed watermaster whose representative may at all times have access to them over any lands of the Contractor.

(f) The Contractor agrees to comply with all applicable Federal, State, and local laws governing water use under this contract. The Contractor shall secure from the State of Oregon any needed licenses or permits governing the diversion and use of water hereunder. The Contractor shall be responsible for the cost of any fees, licenses, permits, and administrative and distribution costs charged by the State of Oregon. All diversions shall be subject to the jurisdiction of the State official in charge of the distribution of the waters of the river from which the diversion is made.

(g) All requests to the United States for water releases and flow changes at Willow Creek Project under this agreement shall be coordinated with authorized representatives of the Oregon Department of Water Resources (OWRD) to ensure proper compliance with State law.

#### SPECIAL CONDITIONS

9. (a) It is the responsibility of the Contractor to comply with the laws of the State of Oregon regarding the obtaining and perfecting of permits to divert water to the lands described in Article 5. Prior to executing this contract, the Contractor shall secure any easements from the Corps of Engineers which may be required for constructing facilities to divert and convey the stored water, and provide written verification of such agreements to the Contracting Officer. The obligation of the United States to release water under this contract is subject to an operating plan for the Willow Creek Project determined in accordance with the law governing the project.

(b) In the interest of conservation and protection of environmental resources, this contract may be reviewed by the Contracting Officer at any time. The terms and conditions

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of this contract, including the amount of stored water provided hereunder, may be modified, if deemed necessary by the Contracting Officer, to avoid or minimize impacts to candidate, listed or proposed threatened and endangered species; proposed or designated critical habitat; or other valuable natural resources. Any modification by the Contracting Officer shall be announced by written notice to the Contractor.

#### TERMINATION OF CONTRACT

10. (a) This contract may be terminated and water service hereunder shall cease at the option of the United States at any time if the Contractor is delinquent in payment of the water service charge for a period of 90 days or upon failure of the Contractor to abide by any notice, order, rule, or regulation of the United States or the State of Oregon now or hereafter established affecting water service hereunder.

(b) The Contractor shall have the right to terminate this contract for any reason: Provided, that notice of the intent by the Contractor to terminate this contract shall be in writing to the Contracting Officer at least 60 days prior to the termination date proposed: Provided further, that termination under this provision shall become effective no sooner than March 1 of the next calendar year following such written notice.

(c) Termination of this contract for any cause shall not relieve the Contractor of any financial obligations incurred by way of this contract prior to termination.

#### CONSTRAINTS ON THE AVAILABILITY OF WATER (WATER SHORTAGES)

11. In its operation of the Project, the United States will use all reasonable means to guard against a condition of shortage in the quantity of water to be made available to the Contractor pursuant to this Contract. In the event the United States determines that a Condition of Shortage appears probable, the Contracting Officer will notify the Contractor of said determination as soon as practicable.

If there is a Condition of Shortage because of errors in physical operations of the Project, drought, other physical causes beyond the control of the United States, or actions taken by the Contracting Officer to meet current and future legal obligations, then no liability shall accrue against the United States or any of its officers, agents or employees for any damage, direct or indirect, arising therefrom.

**HOLD HARMLESS AND INDEMNIFICATION**

12. To the extent permitted by law, the Contractor shall indemnify, defend, and hold harmless the United States and Reclamation, and their officers, employees, and agents, from and against all claims, suits, actions, losses, damages, liabilities, costs and expenses of any character (hereinafter collectively referred to as "claims") that result from, arise out of, or relate to the quality or quantity of water released pursuant to this contract, including but not limited to claims by patrons or others in privity with the Contractor derived from the settlement or adverse results of litigation brought against the United States or Reclamation by third parties. The Contractor does not agree to indemnify the United States for any damages arising from intentional torts or malicious actions committed by employees of the United States.

**DISCLAIMER**

13. No provision of this contract nor the furnishing of water hereunder will be construed to bind the United States after the expiration of this contract as the basis of a permanent water right. Water service, such as that provided hereunder, may only be provided in a subsequent irrigation season, or seasons, upon execution of a suitable contract for that purpose. Because of possible fluctuations in reservoir surface elevations and downstream flows associated with the Willow Creek Project, the United States does not guarantee the availability of water at the point of the Contractor's diversion facilities as they may now be constructed or constructed hereafter. Further, the United States will not be held responsible for any acts or omissions of the Contractor's agents or of persons to whom water is furnished.

**NOTICES**

14. Any notice, demand, or request authorized or required by this contract shall be deemed to have been given, on behalf of the Contractor, when mailed, postage prepaid, or delivered to the Program Manager, Repayment and Acreage Limitation, Pacific Northwest Region, Bureau of Reclamation, 1150 N. Curtis Road, Suite 100, Boise, Idaho, 83706-1234, and on behalf of the United States, when mailed, postage prepaid, or delivered to Willow

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Creek District Improvement Company, c/o Ms. Martha Pagel, 530 Center St. NE, Ste 400, Salem, OR 97301. The designation of the addressee or the address may be changed by notice given in the same manner as provided in this article for other notices.

#### GENERAL PROVISIONS

15. The general provisions applicable to this contract are listed below. The full text of these general provisions is attached as Exhibit A and is hereby made a part of this contract.

- a. CONTINGENT UPON APPROPRIATION OR ALLOTMENT OF FUNDS
- b. OFFICIALS NOT TO BENEFIT
- c. CHANGES IN CONTRACTORS ORGANIZATION
- d. ASSIGNMENT LIMITED—SUCCESSORS AND ASSIGNS OBLIGATED
- e. BOOKS, RECORDS, AND REPORTS
- f. COMPLIANCE WITH FEDERAL RECLAMATION LAWS
- g. PROTECTION OF WATER AND AIR QUALITY
- h. EQUAL EMPLOYMENT OPPORTUNITY
- i. COMPLIANCE WITH CIVIL RIGHTS LAWS AND REGULATIONS
- j. PRIVACY ACT COMPLIANCE
- k. MEDIUM FOR TRANSMITTING PAYMENTS
- l. CONTRACT DRAFTING CONSIDERATIONS

IN WITNESS WHEREOF, the parties hereto have signed their names the day  
and year first above written.

Willow Creek District Improvement Company

By: [Signature]  
Signature and Title  
President of Willow Creek  
District Improvement Company

Attest:

By: [Signature] MEMBER  
Signature and Title

UNITED STATES OF AMERICA

ACTING [Signature]  
Regional Director  
PN Region  
Bureau of Reclamation  
1150 N. Curtis Road, Suite 100  
Boise, ID 83706-1234

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APR 05 2010

WATER RESOURCES DEPT  
SALEM, OREGON

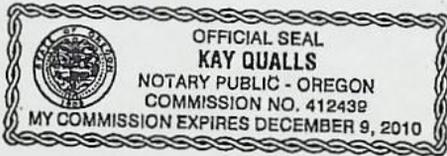
STATE OF )

: ss

County of Marion )

On this 25<sup>th</sup> day of March, 2010, before me, a notary public, personally appeared Bernard Damon and Brian Thomas known to me to be the official(s) of the WILLOW CREEK DISTRICT IMPROVEMENT COMPANY, that executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of said WILLOW CREEK DISTRICT IMPROVEMENT COMPANY, for the uses and purposes therein mentioned, and on oath stated that he/she/they (circle one) is/are authorized to execute said instrument on its behalf.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal as of the day and year first above written.



(SEAL)

Kay Qualls  
Notary Public in and for the  
State of OREGON  
Residing at: Hamlet  
My commission expires: 12-9-2010

\*\*\*\*\*

STATE OF IDAHO )

: ss

County of Ada )

On this 2 day of April, 2010, personally appeared before me Steven L. Brawley, to me known to be the official of the UNITED STATES OF AMERICA that executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of said United States, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal as of the day and year first above written.



Susan Hickman  
Notary Public in and for the  
State of IDAHO  
Residing at: Meridian  
My commission expires: 1-7-2016

GENERAL PROVISIONS --- WILLOW CREEK PROJECT

CONTINGENT UPON APPROPRIATION OR ALLOTMENT OF FUNDS

(a). The expenditure or advance of any money or the performance of any obligation of the United States under this contract shall be contingent upon appropriation or allotment of funds. Absence of appropriation or allotment of funds shall not relieve the Contractor from any obligations under this contract. No liability shall accrue to the United States in case funds are not appropriated or allotted.

OFFICIALS NOT TO BENEFIT

(b). No Member of or Delegate to the Congress, Resident Commissioner, or official of the Contractor shall benefit from this contract other than as a water user or landowner in the same manner as other water users or landowners.

CHANGES IN CONTRACTOR'S ORGANIZATION

(c). While this contract is in effect, no change may be made in the Contractor's organization, by inclusion or exclusion of lands or by any other changes which may affect the respective rights, obligations, privileges, and duties of either the United States or the Contractor under this contract including, but not limited to, dissolution, consolidation, or merger, except upon the Contracting Officer's written consent.

ASSIGNMENT LIMITED--SUCCESSORS AND ASSIGNS OBLIGATION

(d). The provisions of this contract shall apply to and bind the successors and assigns of the parties hereto, but no assignment or transfer of this contract or any right or interest therein by either party shall be valid until approved in writing by the other party.

BOOKS, RECORDS, AND REPORTS

(e). The Contractor shall establish and maintain accounts and other books and records pertaining to administration of the terms and conditions of this contract, including the Contractor's water supply data; the water users' land-use (crop census), land-ownership, land-leasing, and water-use data; and other matters that the Contracting Officer may require. Reports shall be furnished to the Contracting Officer in such form and on such date or dates as the Contracting Officer may require. Subject to applicable Federal laws and regulations, each party to this contract shall have the right during office hours to examine and make copies of the other party's books and records relating to matters covered by this contract.

COMPLIANCE WITH FEDERAL RECLAMATION LAWS

(f). The parties agree that the delivery of irrigation water or use of Federal facilities pursuant to this contract is subject to Federal reclamation law, including but not limited to the Reclamation Reform Act of 1982 (43 U.S.C. 390aa *et seq.*), as amended and supplemented, and the rules and regulations promulgated by the Secretary of the Interior under Federal reclamation law.

PROTECTION OF WATER AND AIR QUALITY

(g). (1) Project facilities used to make available and deliver water to the Contractor shall be operated and maintained in the most practical manner to maintain the quality of the water at the highest level possible as determined by the Contracting Officer: *Provided, That* the United States does not warrant the quality of the water delivered to the Contractor and is under no obligation to furnish or construct water treatment facilities to maintain or improve the quality of water delivered to the Contractor.

(2) The Contractor shall comply with all applicable water and air pollution laws and regulations of the United States and the State of Oregon and shall obtain all required permits or licenses from the appropriate Federal, State, or local authorities necessary for the delivery of water by the Contractor; and shall be responsible for

compliance with all Federal, State, and local water quality standards applicable to surface and subsurface drainage and/or discharges generated through the use of Federal or Contractor facilities or project water provided by the Contractor within the Contractor's Project Water Service Area.

(3) This article shall not affect or alter any legal obligations of the Secretary to provide drainage or other discharge services.

#### EQUAL EMPLOYMENT OPPORTUNITY

(h). During the performance of this contract, the Contractor agrees as follows:

(1) The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, disability, or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, disability, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Contracting Officer setting forth the provisions of this nondiscrimination clause.

(2) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, disability, or national origin.

(3) The Contractor will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the Contracting Officer, advising the labor union or workers' representative of the Contractor's commitments under Section 202 of Executive Order 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The Contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The Contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the Contracting Agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the Contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be canceled, terminated or suspended in whole or in part and the Contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965 or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(7) The Contractor will include the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by the rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as may be directed by the Secretary of Labor as a means of enforcing such provisions, including sanctions for noncompliance: *Provided, however*, that in the event the Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

#### COMPLIANCE WITH CIVIL RIGHTS LAWS AND REGULATIONS

(i). (1) The Contractor shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), Section 504 of the Rehabilitation Act of 1973 (P.L. 93-112, as amended), the Age Discrimination Act of 1975 (42 U.S.C. 6101, *et seq.*), Title II of the Americans with Disabilities Act of 1990 if the entity is a State or local

government entity [Title III if the entity is a non-government entity], and any other applicable civil rights laws, as well as with their respective implementing regulations and guidelines imposed by the U.S. Department of the Interior and/or Bureau of Reclamation.

(2) These statutes require that no person in the United States shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving financial assistance from the Bureau of Reclamation on the grounds of race, color, national origin, disability, or age. By executing this contract, the Contractor agrees to immediately take any measures necessary to implement this obligation, including permitting officials of the United States to inspect premises, programs, and documents.

(3) The Contractor makes this agreement in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property discounts, or other Federal financial assistance extended after the date hereof to the Contractor by the Bureau of Reclamation, including installment payments after such date on account of arrangements for Federal financial assistance which were approved before such date. The Contractor recognizes and agrees that such Federal assistance will be extended in reliance on the representations and agreements made in this article and that the United States reserves the right to seek judicial enforcement thereof.

(4) Complaints of discrimination against the Contractor shall be investigated by the Contracting Officer's Office of Civil Rights.

#### PRIVACY ACT COMPLIANCE

(j). (1) The Contractor shall comply with the Privacy Act of 1974 (5 U.S.C. 552a) (Privacy Act) and the Department of the Interior rules and regulations under the Privacy Act (43 CFR 2.45 et seq.) in maintaining landholder certification and reporting records required to be submitted to the Contractor for compliance with Sections 206, 224(c), and 228 of the Reclamation Reform Act of 1982 (96 Stat. 1261), and pursuant to 43 CFR 426.18.

(2) With respect to the application and administration of the criminal penalty provisions of the Privacy Act (5 U.S.C. 552a(i)), the Contractor and the Contractor's employees who are responsible for maintaining the certification and reporting records referenced in (a) above and are considered to be employees of the Department of the Interior. See 5 U.S.C. 552a(m).

(3) The Contracting Officer or a designated representative shall provide the Contractor with current copies of the Interior Department Privacy Act regulations and the Bureau of Reclamation Federal Register Privacy Act System of Records Notice (Interior/WBR-31, Acreage Limitation) which govern the maintenance, safeguarding, and disclosure of information contained in the landholders' certification and reporting records.

(4) The Contracting Officer shall designate a full-time employee of the Bureau of Reclamation to be the System Manager responsible for making decisions on denials pursuant to 43 CFR 2.61 and 2.64 and amendment requests pursuant to 43 CFR 2.72. The Contractor is authorized to grant requests by individuals for access to their own records.

(5) The Contractor shall forward promptly to the System Manager each proposed denial of access under 43 CFR 2.64 and each request for amendment of records filed under 43 CFR 2.71; notify the requester accordingly of such referral; and provide the System Manager with information and records necessary to prepare an appropriate response to the requester. These requirements do not apply to individuals seeking access to their own certification and reporting forms filed with the Contractor pursuant to 43 CFR 426.18 unless the requester elects to cite the Privacy Act as authority for the request.

#### MEDIUM FOR TRANSMITTING PAYMENTS

(k). (1) All payments from the Contractor to the United States under this contract shall be by the medium requested by the United States on or before the date payment is due. The required method of payment may include checks, wire transfers, or other types of payment specified by the United States.

(2) Upon execution of the contract, the Contractor shall furnish the Contracting Officer with the Contractor's taxpayer's identification number (TIN). The purpose for requiring the Contractor's TIN is for collecting and reporting any delinquent amounts arising out of the Contractor's relationship with the United States.

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WATER RESOURCES DEPT  
SALEM, OREGON

CONTRACT DRAFTING CONSIDERATIONS

(I). Articles 1 through 14 of this Contract have been drafted, negotiated, and reviewed by the parties hereto, each of whom is sophisticated in the matters to which this Contract pertains, and no one party shall be considered to have drafted the stated articles.

**Joel Plahn**

---

**From:** Langford, Shonee D. [SLangford@SCHWABE.com]  
**Sent:** Monday, April 05, 2010 12:53 PM  
**To:** Joel Plahn; Joel Plahn  
**Subject:** App. S-87373 (Willow Creek)  
**Follow Up Flag:** Follow up  
**Flag Status:** Red  
**Attachments:** 2629\_001.pdf

Hi Joel,  
Attached is a copy of the fully executed contract between the Willow Creek District Improvement Company and the U.S. Bureau of Reclamation. We understand that submission of this contract will allow OWRD to issue a permit to the Company, per the final order issued by OWRD on March 1, 2010.

Please let me know how soon we can expect to receive the permit. We are hoping for a quick turnaround now that the irrigation season is underway. Thanks for your help.

Shonee  
<<2629\_001.pdf>>  
SHONEE D. LANGFORD | Attorney at Law  
SCHWABE, WILLIAMSON & WYATT  
Direct: 503-540-4261 | Fax: 503-796-2900  
Legal advisors for the future of your business®  
[www.schwabe.com](http://www.schwabe.com)

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To comply with IRS regulations, we are required to inform you that this message, if it contains advice relating to federal taxes, cannot be used for the purpose of avoiding penalties that may be imposed under federal tax law. Any tax advice that is expressed in this message is limited to the tax issues addressed in this message. If advice is required that satisfies applicable IRS regulations, for a tax opinion appropriate for avoidance of federal tax law penalties, please contact a Schwabe attorney to arrange a suitable engagement for that purpose.

---

NOTICE: This communication (including any attachments) may contain privileged, or confidential information intended for a specific individual and purpose, and is protected by law. If you are not the intended recipient, you should delete this communication and/or shred the materials and any attachments, and are hereby notified that any disclosure, copying or distribution of this communication, or the taking of any action based on it, is strictly prohibited. Thank you.

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APR 05 2010

WATER RESOURCES DEPT  
SAAS, OREGON





Oregon Water Resources Dept
Land Use Information Form

APP. S-87373

Attn: Joel Plahn

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FEB 03 2010

WATER RESOURCES DEPT
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OVER THE COUNTER

This form is NOT required if:

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; OR
2) The application is for a water right transfer, allocation of conserved water, exchange, permit registration modification, and all of the following apply:
a) only the place of use is proposed for change;
b) there are no structural changes;
c) the use of water is for irrigation; and
d) the use is located in an irrigation district or exclusive farm-use zone.

Applicant: Willow Creek District Improvement Company
First Last

Mailing Address: c/o Shonee D. Langford, Schwabe Williamson & Wyatt, 530 Center St. NE, Ste 400

Salem OR 97301 Daytime Phone: 503-540-4261
City State Zip

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Table with 8 columns: Township, Range, Section, 1/4, Tax Lot #, Plan Designation (e.g., Rural Residential/RR-5), Water to be: (Diverted, Conveyed, Used), Proposed Land Use.

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

Morrow County

B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- Permit to Use or Store Water, Limited Water Use License, Water Right Transfer, Allocation of Conserved Water, Permit Amendment or Ground Water Registration Modification, Exchange of Water

Source of water: Reservoir/Pond, Ground Water, Surface Water (name)

Estimated quantity of water needed: 2500 cubic feet per second, gallons per minute, acre-feet

Intended use of water: Irrigation, Commercial, Industrial, Domestic for household(s), Municipal, Quasi-Municipal, Instream, Other

Briefly describe:

The applicant is pursuing authorization from the Oregon Water Resources Dept. to divert water stored in Willow Creek reservoir from several points of diversion along Willow Creek. Two of the points of diversion and a portion of the place of use are located on these tax lots.

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department. See bottom of next page. ->



# Oregon Water Resources Department Land Use Information Form

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FEB 03 2010

WATER RESOURCES DEPT  
SALEM, OREGON

This form is NOT required if:

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; OR
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply:
  - a) only the place of use is proposed for change;
  - b) there are no structural changes;
  - c) the use of water is for irrigation; and
  - d) the use is located in an irrigation district or exclusive farm-use zone.

Applicant: Willow Creek District Improvement Company  
First Last

Mailing Address: c/o Shonee D. Langford, Schwabe Williamon & Wyatt, 530 Center St. NE, Ste 400

Salem OR 97301 Daytime Phone: 503-540-4261  
City State Zip

### A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
2 S	26 E	21	--	2201 (Map 2S 26)		<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	Irrigation
1 S	24 E	12	--	2700 (Map 1S 24)		<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	Irrigation
1 S	35 E	36	SESW	6390 (Map 1S 25 Detail)		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

Morrow County

### B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- Permit to Use or Store Water
- Water Right Transfer
- Permit Amendment or Ground Water Registration Modification
- Limited Water Use License
- Allocation of Conserved Water
- Exchange of Water

Source of water:  Reservoir/Pond  Ground Water  Surface Water (name) \_\_\_\_\_

Estimated quantity of water needed: 2500  cubic feet per second  gallons per minute  acre-feet

Intended use of water:  Irrigation  Commercial  Industrial  Domestic for \_\_\_\_\_ household(s)  
 Municipal  Quasi-Municipal  Instream  Other \_\_\_\_\_

Briefly describe:

The applicant is pursuing authorization from the Oregon Water Resources Dept. to divert water stored in Willow Creek reservoir from several points of diversion along Willow Creek. Two of the points of diversion and a portion of the place of use are located on these tax lots.

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department. See bottom of next page. →

### For Local Government Use Only

WATER RESOURCES DEPT  
SALEM, OREGON

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

**Please check the appropriate box below and provide the requested information**

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): Morrow County Zoning Ordinance Article 3 Section 3.010
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

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

Name: CAROL B. McLane Title: PLANNING DIRECTOR  
 Signature: [Signature] Phone: 541 922 4624 Date: 2/1/2010  
 Government Entity: MORROW COUNTY

**Note to local government representative:** Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

**Receipt for Request for Land Use Information**

Applicant name: \_\_\_\_\_  
 City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

**Expedited Secondary Final Order Checklist**

Application #: S-87373 Applicant: WILLOW CREEK DISTRICT IMPROVEMENT COMPANY

If municipal or quasi-municipal: Y / N /  NA  reviewed by Bill Fujii  Construction will be completed within 20 years.

Is the application complete?  Y / N

WM Dist (NWR - 1 2 16 18 20)  NCR - 3 4 5  21 (ER - 6 8 9 10) (SCR - 11 12 17) (SWR - 13 14 15 19)

Is water available? (Is the water legally stored, with a contract if necessary?)  Y / N Application / Permit #: R-10880

\* Storage Contracts:  USBOR  Army Corps of Engineers  Douglas County  NA

contract # Needed

Is there a conflict? Y / N /  NA

- If conflict, are rights from a different source?
- If supplemental, check for primary right on same land
- will this be making up a deficiency in rate?

303D  Y / N / NA (cc: DEQ Regional Manager)  IN GEOGRAPHIC UMATILLA Y /  N (cc: CTUIR)  BOTTLED WATER Y /  N (cc: DOA Food Safety Division)

     Duty      Limited? Y / N Season March 1 through October 31 Limited? Y / N

Land use:  OK needs approval county notified NA

Agent: Has the applicant authorized someone to act as an agent?  Y / N

Conditions: Large Totalizing, Applicant requested two special conditions

Medium Totalizing < 100AF, Large Totalizing ≥ 100 AF

Use "Large" for temp control (including NU), or when the applicant is a government entity

Above or within a SWW Y /  N (If so, notify Parks.)

Were there any comments that raise a public interest described in ORS 537.170(8)? Y /  N  
If yes, issue a PFO. If no, issue a positive FO.

CWRE, representative, etc. to notify?  Y / N Schwabe, Williamson & Wyatt

\*  Addn'l info req'd?  Y /  N ?  
(If yes, don't do an FO yet; send a certified letter.)

Attachments included? Y /  N / NA

Copy FO to all affected landowners See List

Application #: S-87373 Applicant: WILLOW CREEK DISTRICT IMPROVEMENT COMPANY

     Fees

<u>Base Fee</u>	<u>Water Amount (Q)</u>			
\$250 / \$400	<u>    </u> AF up to 10 AF \$20	=	<u>    150</u>	
	<u>    </u> AF at \$1 each	=	<u>   2490</u>	
<hr/>				
<u>   250</u>		+	<u>   2640</u>	=
(base)			(Q)	<u>   2890</u>
				(total exam fee)

EXAM FEE REQUIRED	<u>   2890</u>	RECORDING FEE REQUIRED	\$300 <u>\$400</u>
EXAM FEE PAID	<u> -2890</u>	RECORDING FEE PAID	<u>   0</u>
STILL OWED	<u>   0</u>	STILL OWED	<u>   400</u>

     FO w/ permit #                     

  X   FO w/ draft permit; still needed:

- fees
- easement
- X   st water contract
- land use

*maps* :)

Name: Joel Plahn

Date: 7/10/2009

Peer Reviewer:                     

*Michael* *KKK 12-309*

The purpose of this checklist is to be used as a working document by Department staff to aid in the production of the related Initial Review, Proposed Final Order, or Final Order. It is not intended to be a complete record of all factors which were considered to produce the document, nor is it intended to serve any purpose other than that stated above. The related Initial Review, Proposed Final Order, or Final Order is intended to stand alone as the record of factors considered in its production.

**Joel Plahn**

**From:** Joel Plahn  
**Sent:** Friday, July 10, 2009 10:52 AM  
**To:** Langford, Shonee D.  
**Cc:** Joel Plahn  
**Subject:** RE: Willow Creek: Application S-87373

Hello Shonee,

I received the phone message you left regarding a timeline for Application S-87373. My phone is not function correctly at this time so I thought it would be alright if I responded via email. I am currently working on the application but I do not feel I can give you a realistic timeline. The application is very complex with fifteen maps containing more than 2,500 acres of land and multiple points of diversion. I could be done in a short time or it may take longer. As for the special conditions you mentioned below I have made note and will implement them into the Final Order. At this time I have not received a contract to use stored water so I am proceeding with a Final Order with Draft Permit. Please let me know if you have any further questions.

Thanks,  
 Joel Plahn  
 Oregon Water Resources Department  
 725 Summer St. NE Suite A  
 Salem, Oregon 97301  
 (503) 986-0815

---

**From:** Langford, Shonee D. [mailto:SLangford@SCHWABE.com]  
**Sent:** Friday, July 10, 2009 10:11 AM  
**To:** Joel Plahn  
**Subject:** Willow Creek: Application S-87373

Good morning Joel,

Please let me know the status of the above-referenced application. Last we spoke, you were expecting to move forward with the review in July. We believe that the additional information and revised maps we provided in May should be satisfactory, but please let me know if you have any lingering concerns.

As a reminder, we need this permit to be conditioned to allow optional use of stored water ahead of existing ground water rights, as noted in the "Remarks" section of the application. This condition is expressly allowed under OAR 690-320-0070(3), which states: "...if requested by the applicant, a permit may be issued which describes a surface water source as supplemental to a groundwater right and shall provide that, in the interest of conserving the groundwater supplies, the supplemental right may be exercised at time when water is available from the surface water supply."

*\* substitution ?!*

We also requested another condition in our Remarks; however, we understand that it may not be standard practice for OWRD to include a condition of that nature.

I just wanted to re-emphasize these points as you get closer to issuing a permit.

Thank you.

SHONEE D. LANGFORD | Attorney at Law  
 SCHWABE, WILLIAMSON & WYATT  
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7/10/2009

# Point of Diversion Characteristics

Right:	App:S 87373 *
Name:	WILLOW CREEK DISTRICT IMPROVEMENT COMPANY BERNARD DAMON

**TRSQQ: 02.00S-26.00E-35-NWSE** [Digital Map of TRSQQ](#)

County: Morrow

Basin: Umatilla

WM District: 21

WM Region: NC

Withdrawn Area:

WAB: [WILLOW CR > COLUMBIA R - AB SHOBE CAN \(30710422\)](#)

Priority WAB:

Rule 4D: Rules apply

Groundwater Restricted Area:

Scenic Water Way:

Division 33:

Water Quality Limited: Yes

**690-507-0090****Willow Creek Subbasin**

(1) Objectives: In developing a program for the management, use and control of the surface and ground water resources of the Willow Creek subbasin, the Commission has the following objectives:

- (a) Protect instream values by limiting future appropriations to selected nonirrigation or nonconsumptive uses;
- (b) Preserve the opportunity for future upstream storage for all beneficial uses;
- (c) Permit artificial ground water recharge to offset declining ground water levels and supplement existing ground water uses;
- (d) Achieve a balance between ground water pumpage and natural recharge in designated critical ground water areas and ground water study areas;
- (e) Protect municipal ground water supplies;
- (f) Prevent new appropriations from causing ground water/ surface water interference.

(2) Surface Water: Appropriation and use of surface water in the Willow Creek subbasin shall comply with the following provisions:

(a) Classification: Permits to use surface water may be issued only for the following classified uses:

(A) The surface waters of Willow Creek and tributaries are classified for domestic, livestock, irrigation of noncommercial lawn and garden not to exceed 1/2 acre, municipal, industrial, power development (subject to the limitations of OAR Chapter 690, Division 51) mining (including sand and gravel mining), fish life, wildlife, recreation, pollution abatement, artificial ground water recharge, and public instream uses; and

(B) Subject to the rights and priorities existing on June 24, 1988, Willow Creek and tributaries are further classified for all beneficial uses in conjunction with storage. All natural flow rights issued on Willow Creek and tributaries after this date shall be subordinate to this classification. Any storage project built under this classification shall include provisions for municipal, fish and wildlife, and recreation uses acceptable to the Commission.

(b) Storage: Surface water legally stored and legally released, may be used for any beneficial purpose;

(c) Artificial ground water recharge: Use of surface water for ground water recharge shall be subject to the following conditions:

(A) Recharged water used under a secondary permit for irrigation may only provide supplemental water to lands with existing irrigation rights or permits on June 24, 1988;

(B) Diversion of surface water for recharge for irrigation under a secondary permit shall not exceed 2.25 acre feet per acre to be irrigated; and

(C) If the recharged water is to be used for municipal or industrial purposes under a secondary permit, the applicant shall demonstrate to the satisfaction of the Commission that it has an active water conservation program.