

**Final Order**  
**Extension of Time for Permit Number #G-12039**

**Appeal Rights**

**This is a final order in other than contested case.** This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

**Application History**

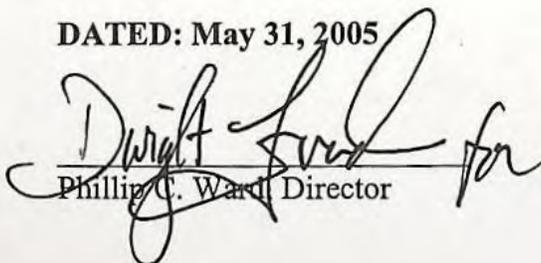
On FEBRUARY 7, 2005, TOM MAC KERNS submitted an application to the Department for an extension of time for permit number #G-12039. The Department issued permit number #G-12039 on MAY 23, 1995. The permit called for completion of construction by OCTOBER 1, 1997, and complete application of water to beneficial use by OCTOBER 1, 1998. In accordance with OAR 690-315-0050(2), on APRIL 5, 2005, the Department issued a Proposed Final Order proposing to extend the time to complete construction of the water development project and the time to fully apply water to beneficial use to OCTOBER 1, 2008. The protest period closed MAY 20, 2005, in accordance with OAR 690-315-0060(1). No protest was filed.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630 and OAR 690-315-0040(2).

**Order**

The extension of time for Application Number #G-13175, Permit Number #G-12039, therefore, is approved. The deadline for completing construction is extended to OCTOBER 1, 2008. The deadline for applying water to full beneficial use is extended to OCTOBER 1, 2008.

**DATED: May 31, 2005**

  
Phillip C. Ward, Director

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

**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.**

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

## Mailing List for Extension FO Copies

Application #G-13175  
Permit #G-12039

FO Date: May 31, 2005

Original mailed to:

Tom Mac Kerns  
45296 Pocahontas Road ✓  
Haines, OR 97833

<b>Copies Mailed</b>	
By: <u>[Signature]</u>	(SUPPORT STAFF)
on: <u>6/2/05</u>	(DATE)

For Extension FO's - Copies sent to:

1. WRD - Appl. File #G-13175 / Permit #G-12039 ✓
2. WRD - Watermaster District: #8 - Rick Lusk, Baker City ✓
3. WRD - Regional Manager: Eastern Region - Jerry Rodgers, Baker City ✓
4. ODFW - Biologist District: #6 - Nadine Craft, La Grande ✓
5. WRD - Support Staff, Salem...*Permit record update* ✓

Other interested parties:

NONE

CASEWORKER: LJJ

S:\groups\wr\extensions\F O\Work\_FO\g13175.wpd

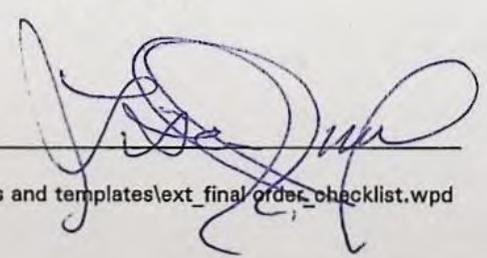
# Extension "Final Order" Checklist

Application # G-13175 / Permit # G-12039

Permit Holder's Name Tom Mac Kerns  
45296 Pocahontas Road, Haines, OR 97833

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

- ✓ 1. Date Extension Request submitted: 2-7-2005
- ✓ 2. Date permit was issued: 5-23-95
- ✓ 3. Original "B" Date from permit: 10-1-97  
(Date for completion of construction)
- ✓ 4. Original "C" Date from permit: 10-1-98  
(Date for complete application of water)
- ✓ 5. Extension PFO Date: 4-5-2005
- ✓ 6. WRD recommends extending "B" Date to: 10-1-2008  
and extending the "C" Date to: 10-1-2008
- ✓ 7. Any conditions from PFO: No
- ✓ 8. Protest Deadline Date from PFO: 5-20-2005
- \_\_\_ 9. Any written Protests or written Comments received within the Protest period? Yes / No

Reviewer's Name:  Date: 5-27-05

Application # G 13175 / Permit # G 12039

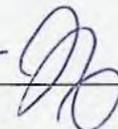
## Route Slip ... Extension of Time

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

- ◆ **WRIG...**  
Money Received on: \$250.<sup>00</sup> paid on 2-17-05  
by transfer of funds
- ◆ **Lisa Juul...**  
Extension Completeness: Return to Lisa  
( If **NOT** complete, send certified letter requesting add'l information. )

***If Extension Appl complete and \$250 fee submitted, route to...***

◆ **Jonine Fuss...**

Publish on Public Notice (initial 30-day comment): 2/15/05 

**Update "cdatewext.DB" 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.

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

◆ **Lisa Juul...**

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

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

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

◆ **Jonine Fuss...**

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

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

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

# EXTENSION REVIEW CHECKLIST for PFO... Div. 315 - Regular

Application #: G-13175 / Permit #: G-12039

Permittee's Name: Tom Mac Kerns

Permittee's Mailing Address: 45296 Pocahontas Rd. Haines, OR 97833

POD Location: Township 8S Range 39E Section 18 <sup>7</sup> <sub>NE SW SE SE</sub>  $\frac{1}{4}$   $\frac{1}{4}$  NW NW

Drainage Basin: #9 - Powder County: Baker Watermaster District #: #8 - Rick Cusk

- ✓ 1. Has the applicant submitted the appropriate fee? (Yes) / No  
\*\*\*If "No"..... STOP. (Extension of Time cannot be processed if insufficient fees submitted.)  
\*\*\*NOTE: Any missing Extension information that is needed before an Extension PFO can be completed???
- ✓ 2. Has the applicant completely filled out the Extension Application form? (Yes) / ~~No~~  
\*\*\*If "No"..... List the shortcomings below and send a letter requesting the additional/missing information that is needed before the Extension of Time can be processed.

~~\_\_\_\_\_~~

✓ 3. Date Permit was issued: 5-23-95 Priority Date: 11-9-92

✓ 4. Source: Wells 1, 2, and 3 in the Willow Creek Basin

✓ 5. Use: Supplemental Irrigation of 354.9 Acres

✓ 6. "Q": 1991 gallons per minute (4.44 cfs)

✓ 7. Orig "A" Date: 5-23-96 Orig "B" Date: 10-1-97 Orig "C" Date: 10-1-98

✓ 8. Conditions of Permit: \_\_\_\_\_

• Before water use shall install a meter

✓ 9. Extension request received: 2-7-05 Request Number (...1<sup>st</sup> 2<sup>nd</sup>, 3<sup>rd</sup>): 1<sup>st</sup>

✓ 10. Last Authorized "B" Date: 10-1-97 Last Authorized "C" Date: 10-1-98

✓ 11. Proposed "B" Date: 10-1-08 Proposed C Date: 10-1-08

✓ 12. Amount Invested to date: 110,000 Estimated Total Cost: 160,000

(\*\*\*Estimated Remaining Cost: 50,000 )

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

"A" Date Met → at least Well #3 • Meters installed on Wells #1 & #3 drilled in May 1995.

Also appears that Well #1 drilled by A Date as well (see Ext. Appl.)  
14. Work on the water development project completed to date includes: pre-mature Final Proof Report

- constr. of Wells #1 & #3
- installed meters
- Existing irrig system developed under primary right.
- Suppl. Irrig of 354.9 ac → Used 790 gpm from Well #1 & 890 gpm from Well #3

15. The work remaining to be completed consists of: (1.76 cfs) (1.98 cfs)

• Completion of Construction

• Beneficial Use of Water.

Total of 3.74 cfs  
Used

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

- Needed to raise funds to construct Well #2
- Now able to drill.

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

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

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

- Permit holder has completed approximately 90% of the construction. — Still need to drill a
- Permit holder has beneficially used 84% of the total permitted quantity of water. new well
- Has the permit holder complied with conditions? Yes / No
- If No, reasons why not? \_\_\_\_\_
- Permit holder has invested approximately 69% of the total estimated cost to complete the project.
- Other: \_\_\_\_\_

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

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

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

Is the POD/POA located.....

- If a GW permit, is GW hydraulically connected to SW (see original Div. 09 GW review)? NO
- within or above a state scenic waterway? NO
- within a ground water limited/critical area? NO
- within a segment that has been identified as a federal wild and scenic river? NO
- within an area that ODFW has identified as an ST&E Area? YES
- within an area that ODFW has identified as a Moderate Needs Ranking Area for streamflow restoration for fish?
- within an area that DEQ has identified as being water quality limited? NO
- Other: \_\_\_\_\_

See Superceding GW Review dated 8-30-94

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

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

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

20. Conditions to be included in Extension PFO (if applicable)? ~~Yes~~ / No  
(NOTE: Check the file record for documentation to add a condition(s) at the extension stage.)

5-year Progress Report Checkpoints

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

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

~~COBU Requirement - Surface/Ground Water - on or prior to July 9, 1987~~

~~"For permits applied for or received on or before July 9, 1987, upon complete development of the permit, you must notify the Department that the work has been completed and either: (1) Hire a water right examiner certified under ORS 537.798 to conduct a survey, the original to be submitted as required by the Water Resources Department, for issuance of a water right certificate; or (2) Continue to appropriate water under the water right permit until the Water Resources Department conducts a survey and issues a water right certificate under ORS 537.250 or 537.625."~~

~~COBU Requirement - Surface Water - post July 9, 1987~~

~~"Pursuant to ORS 537.230(3), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and the claim of beneficial use."~~

COBU Requirement - Ground Water - post July 9, 1987

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

NOTES:

Extension "PFO" Dates

Checklist Last Revised: 3/4/2004

Mailing / Issuance Date:

Ext. Reviewer:  
WRD Project Manager:

Protest Deadline Date:

Date:

3-30-05

## Permit Extension Ground Water Review

Date: March 7, 2005  
To: Doug Woodcock, Ground Water Section Manager  
From: Lisa Juul, Permit Extension Review ~~\_\_\_\_\_~~  
Subject: Ground Water Review for File #G-13175 / Permit #G-12039

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The above referenced permit is currently being reviewed for an extension of time. Before I can determine whether or not an extension of time should be granted, a Ground Water review for this file is necessary. Special designations affecting this permit are as follows:

**NOTE:** Original Division 9 review completed by: Don Miller

- Located within a **Critical** Ground Water Area
- Located within a Ground Water **Limited** Area
- Located within a Ground Water **Study** Area
- 5-Year Limited Permit
- Other: \_\_\_\_\_
- None (no special designations)

<b>For Ground Water / Hydrology Staff Use:</b> <span style="float: right;">MJZ, 03/09/2005</span>	
<b>Please answer the following questions. If necessary, attach an additional sheet.</b>	
1.	Should any additional conditions be added to this permit? <u>No</u>
2.	Should the extension of time request be further conditioned or <b>DENIED</b> due to ground water supply concerns? <u>No</u>
3.	Should the Department establish a new reference level for water level declines due to the failure of permittee to submit annual measurements? <u>N/A</u>
4.	Other issues or concerns? <u>No</u>

This is a superceding review.

TO: Water Rights Section

8/30, 1994

FROM: Groundwater/Hydrology Section Donna Miller  
Reviewer's Name

SUBJECT: Application G- 13175

GROUNDWATER/SURFACE WATER CONSIDERATIONS

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

GROUNDWATER AVAILABILITY CONSIDERATIONS

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

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

(Well Construction Considerations on Reverse Side)

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

5. THE WELL which is the point of appropriation for this application does not meet current well construction standards based upon:

- a.  review of the well log;
- b.  field inspection by \_\_\_\_\_;
- c.  report of CWRE \_\_\_\_\_;
- d.  other: (specify) \_\_\_\_\_

6. THE WELL construction deficiency:

- a.  constitutes a health threat under Division 200 rules;
- b.  commingles water from more than one groundwater reservoir;
- c.  permits the loss of artesian head;
- d.  permits the de-watering of one or more groundwater reservoirs;
- e.  other: (specify) \_\_\_\_\_

7. THE WELL construction deficiency is described as follows: \_\_\_\_\_

8. THE WELL a.  was, or constructed according to the standards in effect at the time of  
b.  was not original construction or most recent modification.  
c.  I don't know if it met standards at the time of construction.

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RECOMMENDATION:

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

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THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL

I concur in G/H's recommendation A or B above relating to conditioning or withholding the permit

\_\_\_\_\_, 199\_\_  
(Signature)

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

\_\_\_\_\_, 199\_\_  
(Signature)

**STATE OF OREGON**  
**Water Resources Department**  
**158 12th St. N.E.**  
**Salem, OR 95310**

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**INTEROFFICE MEMORANDUM**

**DATE:** 2/17/95

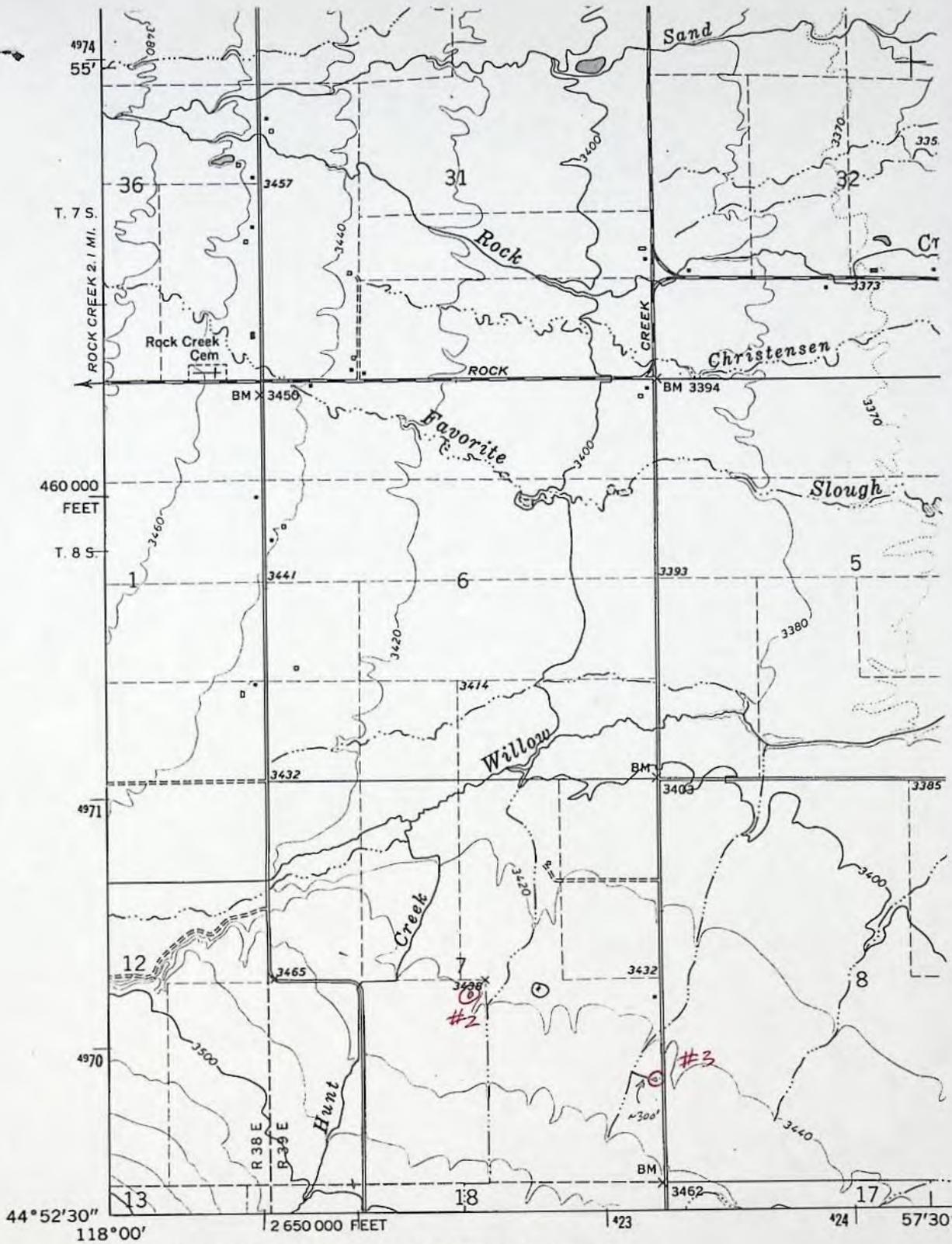
**TO:** File  
**FROM:** Donn Miller  
**SUBJECT:** Amendment to add Well #3 to Application

The applicant submitted a map and letter dated February 7, 1995, seeking to add a third well to the application. That well is located at T8S/R39E-7daa and is about 300' away from an intermittent stream per the Haines quadrangle.

I spoke to Vern Church who is the local Watermaster about the well addition. He tells me that the area has been changed since the map was made and that there is no longer a drainage there for an intermittent stream. There is no longer any water flowing there ever.

On Vern's observations, I conclude that, relative to adding the third well, there is no potential for substantial interference with surface water per the Division 9 rule analysis. I also conclude that the additional well is not likely to cause injury to senior groundwater rights.

G-13175



Mapped, edited, and published by the Geological Survey

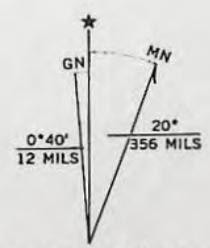
Control by USGS and USC&GS

Topography by photogrammetric methods from aerial photographs taken 1966. Field checked 1967

Polyconic projection. 1927 North American datum  
10,000-foot grid based on Oregon coordinate system, north zone

1000-meter Universal Transverse Mercator grid ticks, zone 11, shown in blue

Fine red dashed lines indicate selected fence lines



UTM GRID AND 1967 MAGNETIC NORTH DECLINATION AT CENTER OF SHEET

FOR S/

STATE OF OREGON  
WATER RESOURCES DEPARTMENT

INTEROFFICE MEMO

DATE: 3/1/93

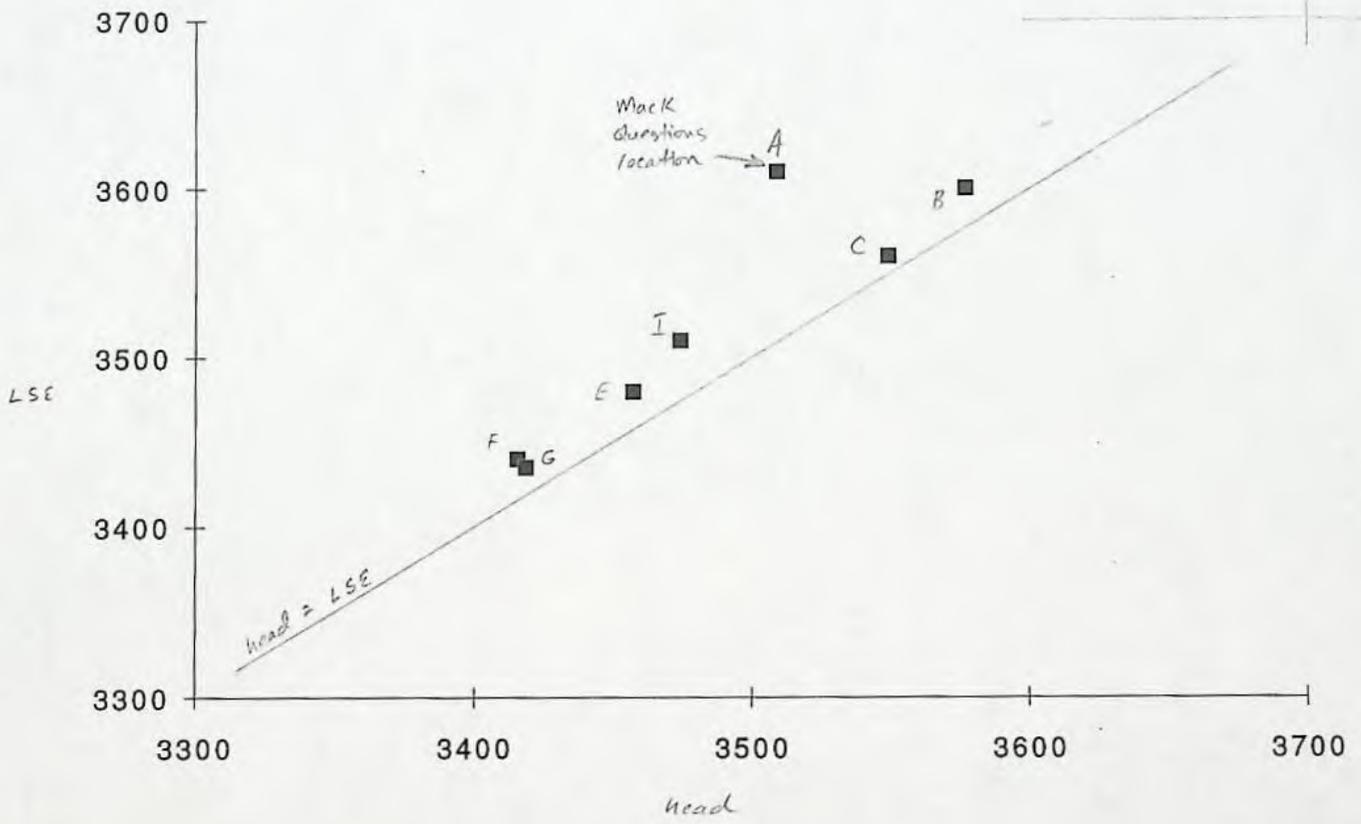
TO: File G-13175  
FROM: Donn Miller <sup>DM</sup>  
SUBJECT: Conversation With Mack Kerns

I spoke to Mack today regarding his letter of 1/27/93 and our letter to him of 2/19/93. He was under the impression that WRD could not accept what he was telling us.

At this point, the "will have" the potential for substantial interference judgment of my 1/7/93 review continues. His letter did not convince me otherwise.

An important consideration for the technical review is surface water availability. Statements in his 1/27/93 letter suggest that occurrences are rare. It seems to me that the information which he has supplied and is capable of supplying is worth strong consideration in the water availability issue.

Wells per Mac's 1/27/93 Letter



Worksheet1

RE: G-13175

well #	lse	swl	head	lse
A	3610	100	3510	3610
B	3600	22	3578	3600
C	3560	9.8	3550.2	3560
E	3480	22	3458	3480
F	3440	24	3416	3440
G	3435	16	3419	3435
H	4400	33	4367	4400
I	3510	35	3475	3510

8/76  
10/75  
5/49  
6/71  
6/88  
9/84  
6/67  
7/84

N	T	swl	1st water	
Monpas	domestic	49'	65	
		30	90	42?
		70	60	
		30	46	
		38	63	
		36	108	
		20	26	
Sing hay		40	40	
		17	22	
		17	20	
		14	42	

STATE OF OREGON  
WATER RESOURCES DEPARTMENT

INTEROFFICE MEMO

To: TOM SHOOK

Date: February 26, 1993

From: MICHAEL ZWART

Subject: APPLICATION G-13175, TOM "MAC" KERNS

I have several concerns regarding this application.

- 1) Why does Mr. Kerns disagree with us? What does he stand to gain at this time by proving us wrong, assuming that he can?
- 2) Why was he told to hire a geologist? Prior to the completion of the technical review, this makes little sense to me, unless it is obvious that he would not likely be issued a permit.
- 3) Has the Watermaster in effect signed off on Hunt Creek being dry below elevation 3600 feet for all but during spring snowmelt? Vern Church has reviewed the letter, but I have no idea as to whether he concurs with any of the statements made.
- 4) If he has, then perhaps a re-evaluation of the application is necessary on the basis that the nearest point of concern on Hunt Creek is no longer less than one-fourth mile, but more like 3/8 mile as his letter indicates.

The fact that Hunt Creek, and many others for that matter, is intermittent, raises the issue that the distance to the nearest surface water body may vary. Staff hydrogeologists only look at the nearest reach of the stream bed when reviewing applications. In other words, we always presume that surface water is available there. However, if surface water is never available in that reach at any time when groundwater use is contemplated, then this information could be used to trigger a re-evaluation, because the nearest reach may then be at a distance which may result in a different conclusion, per the Division 9 rules.

STATE OF OREGON  
WATER RESOURCES DEPARTMENT

INTEROFFICE MEMO

To: FILE

Date: February 17, 1993

From: MICHAEL ZWART MJZ

Subject: APPLICATION G-13175, TOM "MAC" KERNS

At the request of you and Donn Miller, I am reviewing this file in light of the letter from Mr. Kerns. I have previously reviewed the file as indicated in his letter and also briefly at the time of Donn's review. I concur with Donn's memo of 1/7/93. The aquifer is interbedded, with variable thicknesses of clay, sand, gravel and boulders. Many shallow sand and gravels are described as water-bearing, with static water levels similar to the depth at which water was first found (well "F" as attached to Mr. Kerns' letter). Well "A" may penetrate an underlying bedrock aquifer or may commingle two aquifers. Other wells (e.g., wells "B") in the area do indicate that the aquifer may be very locally semi-confined below thicker clay beds, as he indicates. However, despite the anecdotal information regarding the shallow water-bearing zone in well "F," it appears that shallow beds of permeable material, where present, have more often than not been described as being water-bearing. Note also that the shallow gravel at 26 feet in well "H" was described as water-bearing. This differs from the table provided in his letter. I conclude that the aquifer appears to be generally unconfined, with a water-table of 15 to 40 feet below land surface locally.

His other concerns appear to be related to surface water availability. If a Division 9 re-evaluation is necessary as a result of these other concerns, such as Welch Ditch being privately owned, please let either Donn or me know.

STATE OF OREGON  
WATER RESOURCES DEPARTMENT

Reed  
F91

INTEROFFICE MEMO

DATE: 1/7/93

TO: FILE  
FROM: DONN MILLER  
SUBJECT: REVIEW OF APPLICATION G-13175

This application proposes the diversion of 2128 gpm from two wells for the irrigation of 380 acres.

My review of well reports and USGS groundwater report (HA 242) leads me to conclude that the wells, when constructed, would develop unconfined groundwater from sands and gravels of an alluvial fan. That source would be in hydraulic connection with Hunt Creek and an unnamed ditch. Both wells would be located about 1100' from Hunt Creek. Well #2 would be about 300' from the unnamed ditch. Well #1 would be 1400' from that ditch.

The proposed well locations, unconfined aquifer conclusion, and hydraulic connection conclusion mean that the proposed use of water displays the potential to cause substantial interference with Hunt Creek and the unnamed ditch. These factors reflect the criteria on "potential for substantial interference" found in the current Division 9 rules.

DONN G-13175  
THIS FELLOW CALLED  
& WANTED TO KNOW STATUS  
OF HIS APPLICATION.  
HE SENT A LETTER  
TO US LAST MONTH.  
WILL YOU LOOK OVER  
HIS INFO & SEE IF OUR POSITION  
WILL CHANGE?  
LOM

**Oregon Water Resources Department  
Water Rights Division**

**Application for Extension of Time**

In the Matter of the Application	)	
for an Extension of Time for	)	
Permit #G-12039, Water Right	)	PROPOSED FINAL ORDER
Application #G-13175	)	
(Tom Mac and Joyce A. Kerns)	)	

**Permit Information**

**Application File #G-13175 / Permit #G-12039**

Basin: #09 - Powder Basin / Watermaster District: #08

Date of Priority: November 9, 1992

**Authorized Use of Water**

Source of Water:	Three Wells (#1, #2 and #3) in the Willow Creek Basin
Purpose or Use:	Supplemental Irrigation of 354.9 acres
Maximum Rate:	1,991 gallons per minute (gpm) [or 4.44 cubic feet per second (cfs)]

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

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

This Proposed Final Order applies only to Permit #G-12039, water right Application #G-13175. A copy of Permit #G-12039 is enclosed as Attachment 1.

## Summary of Proposed Final Order for Extension of Time

### The Department proposes to:

- grant the extension for complete construction of the water system from October 1, 1997, to October 1, 2008; and
- grant the extension for complete application of water from October 1, 1998, to October 1, 2008.

### AUTHORITY

**ORS 537.630(1)** provide in pertinent part that the Water Resources Department shall, for good cause shown, order an extension of time within which: irrigation or other works shall be completed; the well or other means of developing and securing ground water shall be completed; or the right perfected.

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

### FINDINGS OF FACT

#### Background

1. Permit #G-12039 was granted by the Water Resources Department on May 23, 1995. The permit authorizes the use of up to 4.44 cfs (1,991 gpm) of water from three wells, within the Willow Creek Basin, for supplemental irrigation of 354.9 acres. The permit specified that construction of the water system was to be completed by October 1, 1997, and that complete application of water was to be made on or before October 1, 1998.
2. The permit holder submitted an "Application for Extension of Time" to the Department on February 7, 2005, requesting the time in which to complete construction of the water system to be extended from October 1, 1997, to October 1, 2008, and the time in which to accomplish beneficial use of water to the full extent under the terms of Permit #G-12039 be extended from October 1, 1998, to October 1, 2008. This is the first permit extension requested for Permit #G-12039.

3. Notification of the permit holder's extension of time request for Permit #G-12039 was published on the Department's Public Notice dated February 15, 2005. No public comment on the extension application was received.

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

As set forth under OAR 690-315-0040(1)(2), the time limits to complete construction and/or to apply the water to a beneficial use may be extended upon showing of good cause for the untimely completion. This determination shall consider the applicable requirements of ORS 537.230<sup>1</sup>, 537.248<sup>2</sup>, 537.630<sup>3</sup> and/or 539.010(5)<sup>4</sup>.

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

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

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

5. Construction of the wells and water system began within the time specified in the permit, being May 23, 1996.

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

6. As of February 7, 2005, the permit holder had invested a total of \$110,000 into the project, consisting of complete construction of two wells (Well #1 and Well #3) and installation of meters. An additional \$50,000 investment is anticipated for the completion of this project.

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<sup>1</sup> ORS 537.230 applies to surface water permits only.

<sup>2</sup> ORS 537.248 applies to reservoir permits only.

<sup>3</sup> ORS 537.630 applies to ground water permits only.

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

**Reasonable Diligence and Good Faith of the Appropriator [OAR 690-315-0040(3)]**

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

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

**Amount of Construction**

7. The following construction was completed within the time allowed in the permit or previous extension:
  - a. Prior to October 1, 1998, the permit holder constructed two wells (Wells #1 and #3) and installed meters.

**Beneficial Use of Water**

8. The following beneficial use was made of the water during the permit or previous extension time limits:
  - a. Since the issuance of Permit #G-12039 on May 23, 1995, 3.74 cfs of the permitted 4.44 cfs of water has been appropriated from Wells #1 and #3 and applied to 354.9 acres for supplemental irrigation.
  - b. Delay of full beneficial use of water under Permit #G-12039 was due to financial constraints which prevented the permit holder from constructing the third well allowed under the permit (Well #2). The permit holder needs to construct Well #2 in order to develop the full permitted quantity of water.

**Compliance with Conditions**

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

**Financial Investments**

10. Financial investments made toward developing the beneficial water use.

- a. As of February 7, 2005, the permit holder had invested approximately 69 percent of the total projected cost for complete development of this project. A total of \$110,000 has been invested into the project, consisting of complete construction of two wells (Wells #1 and #3) and installation of meters. An additional \$50,000 investment is anticipated for the completion of this project.

### **The Market and Present Demands for Water [OAR 690-315-0040(4)]**

In accordance with OAR 690-315-0040(4), the Department shall consider, but is not limited to, the following factors when determining the market and the present demand for water or power to be supplied:

11. The amount of water available to satisfy other affected water rights and scenic waterway flows.
  - a. The Department determined on August 30, 1994, that this use of ground water will not have the potential for substantial interference with the nearest surface water source. Because of this determination, this application does not raise concerns about surface water impact.
  - b. The permitted points of appropriation, authorized under Permit #G-12039, are not located within the boundaries of any designated ground water limited area.
  - c. The permitted points of appropriation, authorized under Permit #G-12039, are not located within or above the designated boundaries of any state scenic waterway.
12. Special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d).
  - a. The permitted points of appropriation, authorized under Permit #G-12039, are located within an area of the Willow Creek Basin which has been identified by the Oregon Department of Fish and Wildlife as a "moderate" needs ranking area for streamflow restoration for fish. The Department determined on August 30, 1994, however, that this use of ground water will not have the potential for substantial

interference with the nearest surface water source. Because of this determination, this application does not raise concerns about surface water impact.

- b. The Willow Creek basin has not been designated by the Oregon Department of Environmental Quality as a water quality limited stream.
  - c. The permitted points of appropriation, authorized under Permit #G-12039, are not located within a designated reach of any federal wild and scenic river.
13. The habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife.
- a. The permitted wells are located within a designated sensitive, threatened or endangered species area for aquatic species utilizing surface water resources, as identified by the Oregon Department of Fish and Wildlife. The Department determined on August 30, 1994, however, that this use of ground water will not have the potential for substantial interference with the nearest surface water source. Because of this determination, this application does not raise concerns about surface water impact.
14. Economic investment in the project to date.
- a. As of February 7, 2005, the permit holder had invested approximately 69 percent of the total projected cost for complete development of this project. A total of \$110,000 has been invested into the project, consisting of complete construction of two wells (Wells #1 and #3) and installation of meters. An additional \$50,000 investment is anticipated for the completion of this project.
15. Other economic interests dependent on completion of the project.
- a. None have been identified.
16. Other factors relevant to the determination of the market and present demand for water and power.
- a. None have been identified.

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

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

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

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

18. As of February 7, 2005, the remaining work to be completed consists of complete construction of the water system and complete application of water to beneficial use.
19. Unforeseen events extended the length of time needed to fully develop and perfect the permit, caused mainly by financial constraints which prevented the permit holder from constructing the third well allowed under the permit (Well #2). The permit holder needs to construct Well #2 in order to develop the full permitted quantity of water.
20. Given the amount of development left to occur, the Department has determined that the permittee's request to have until October 1, 2008, to complete construction of the water system and to accomplish the application of water to beneficial use under the terms of Permit #G-12039 is both reasonable and necessary.

**CONCLUSIONS OF LAW**

1. The applicant is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.630.
2. The applicant has submitted a complete extension application form and the fee specified under ORS 536.050(1)(k), as required by OAR 690-315-0040(1)(a).
3. The applicant demonstrated that actual construction on the project began within the time specified in the permit, as required by OAR 690-315-0040(1)(b).

4. Completion of construction and full application of water to beneficial use can be accomplished by October 1, 2008<sup>5</sup>, as required by OAR 690-315-0040(1)(c).
5. The Department has considered the requirements of other governmental agencies, the financial investment made, the reasonable diligence and good faith of the appropriator, the market and present demands for water and the fair return upon the investment, and has determined that the applicant has shown good cause exists for an extension to apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).

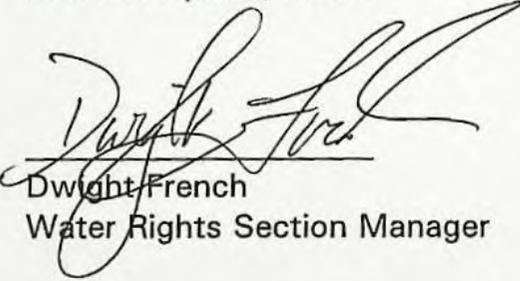
**Proposed Order**

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

Extend the time for complete construction of the water system under Permit #G-12039 from October 1, 1997, to October 1, 2008.

Extend the time for complete application of water to beneficial use under Permit #G-12039 from October 1, 1998, to October 1, 2008.

DATED: April 5, 2005

  
Dwight French  
Water Rights Section Manager

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

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<sup>5</sup> Pursuant to ORS 537.630(3), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and the claim of beneficial use.

## Proposed Final Order Hearing Rights

1. Under the provisions of OAR 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may request a contested case hearing on the proposed final order. Your request for contested case hearing must be in writing and must be received by the Water Resources Department no later than Friday, May 20, 2005, being 45 days from the date of publication of the proposed final order in the Department's weekly public notice.
2. A written request for contested case hearing shall include:
  - a. The name, address and telephone number of the petitioner;
  - b. A description of the petitioner's interest in the final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented;
  - c. A detailed description of how the action proposed in the final order would adversely affect or aggrieve the petitioner's interest;
  - d. A detailed description of how the final order is in error or deficient and how to correct the alleged error or deficiency;
  - e. Any citation of legal authority supporting the petitioner, if known;
  - f. Proof of service of the petition upon the water right permit holder, if petitioner is other than the water right permit holder; and
  - g. The protest fee required under ORS 536.050.
3. Within 60 days after the close of the period for requesting a contested case hearing, the Director shall:
  - a. Issue a final order on the extension request; or
  - b. Schedule a contested case hearing if a request for contested case hearing has been submitted, and:
    - 1) Upon review of the issues, the Director finds there are significant disputes related to the proposed agency action; or
    - 2) The applicant submitted a timely request for a contested case hearing.

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

**If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Mike Reynolds. His telephone number is (503)986-0820.**

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

**Address any correspondence to:**

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

# Mailing List for Extension PFO Copies

Application #G-13175

PFO Date: April 5, 2005

Permit #G-12039 *Xfer*

**Original mailed to:**

Applicant: **Tom Mac and Joyce A. Kerns**  
45296 Pocahontas Road  
Haines, OR 97833

<b>Copies Mailed</b>	
By: <u><i>D</i></u>	(SUPPORT STAFF)
on: <u>4/5/06</u>	(DATE)

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

1. WRD - Appl. File #G-13175 / Permit #G-12039
2. WRD - Watermaster District: #8 - Rick Lusk, Baker City
3. ODFW - Dist #6 - Nadine Craft, La Grande  
*(If hydraulically connected GW permit)*

**Other interested parties:**

NONE

CASEWORKER: LJJ

S:\groups\wr\extensions\PFO\Work\_315 rules\g13175.wpd

Tom "Mac" Kerns  
45296 Pocahontas RD.  
Haines, Oregon 97833

February 3, 2005

Mr. Dwight French  
Oregon Water Resources Department  
North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271

Reference: Permit G12039 and Application G-15975  
And Telephone conversation with you on 2-1-2005

I request the attached "Application for Extension of Time" be substituted for application G-15975.

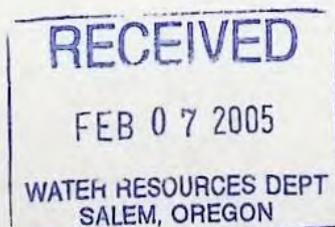
I further request the claim for beneficial use for permit G-12039 received in your office on 12-17-1999 be returned to me for modification after well number two is constructed.

Snow surveys indicate the growing season of 2005 is going to be one of the driest on record. We would like to construct the well in April or early May and have it on line by June 1, 2005. It is hoped the permit extension will be available to accommodate this time frame.

Sincerely,

*Tom Mac Kerns*

TOM "MAC" KERNS  
CWRE  
Attachment



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

I, Tom "Mac" and Joyce A. Kerns  
NAME

45296 Pocahontas Rd. Haines Or 97833 541-856-3351  
ADDRESS CITY STATE ZIP PHONE

owner of record, or duly authorized agent, of Application No. G-13175, Permit No. G-12039,  
do hereby request that the time in which to:

complete the construction of diversion/appropriation works and/or purchase and installation of  
the equipment necessary to the use of water, which time now expires on October 1, 1997,  
be extended to October 1, 2008,

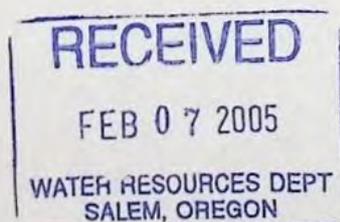
and/or the time in which to:

accomplish beneficial use of water to the full extent under the terms of the permit, which time  
now expires on October 1, 1998, be extended to October 1, 2008.

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

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

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



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

yes Wells 1 & 3 were constructed and hooked into the system

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

yes for wells 1 & 3. Work for well number 2 will be completed after permit extension

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

Wells number 1 and 3 comply with permit conditions. Well 2 will comply with permit conditions when constructed and connected to the irrigation system.

Meter has been installed in wells 1 and 3

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

Well number 2 was not constructed because of financial considerations

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

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

NA

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WATER RESOURCES DEPT  
SALEM, OREGON

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

NA

Existing irrigation system was developed under the primary right.

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

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

Wells are for supplemental irrigation. Use will not exceed quantities specified in the permit

Well #1 Max use 790 GPM, Well #3 Max use 890 GPM.

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

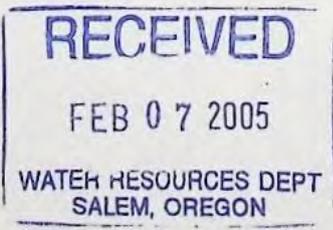
Supplemental irrigation of 354.9 acres

5. Cost of project to date \$110,000<sup>00</sup>. Estimated remaining cost to complete the project \$50,000<sup>00</sup>.

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

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

Wells 1 & 3 were constructed and placed in use. Finances didn't allow for construction of well number 2 until the present.



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

See A)

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

See A)

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

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

Tom Mac Kerns & Joyce A Kerns  
Signature

2-3-2005  
Date

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

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

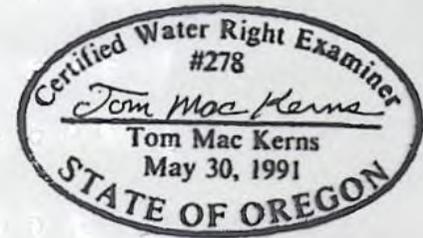
revised: September 18, 2002



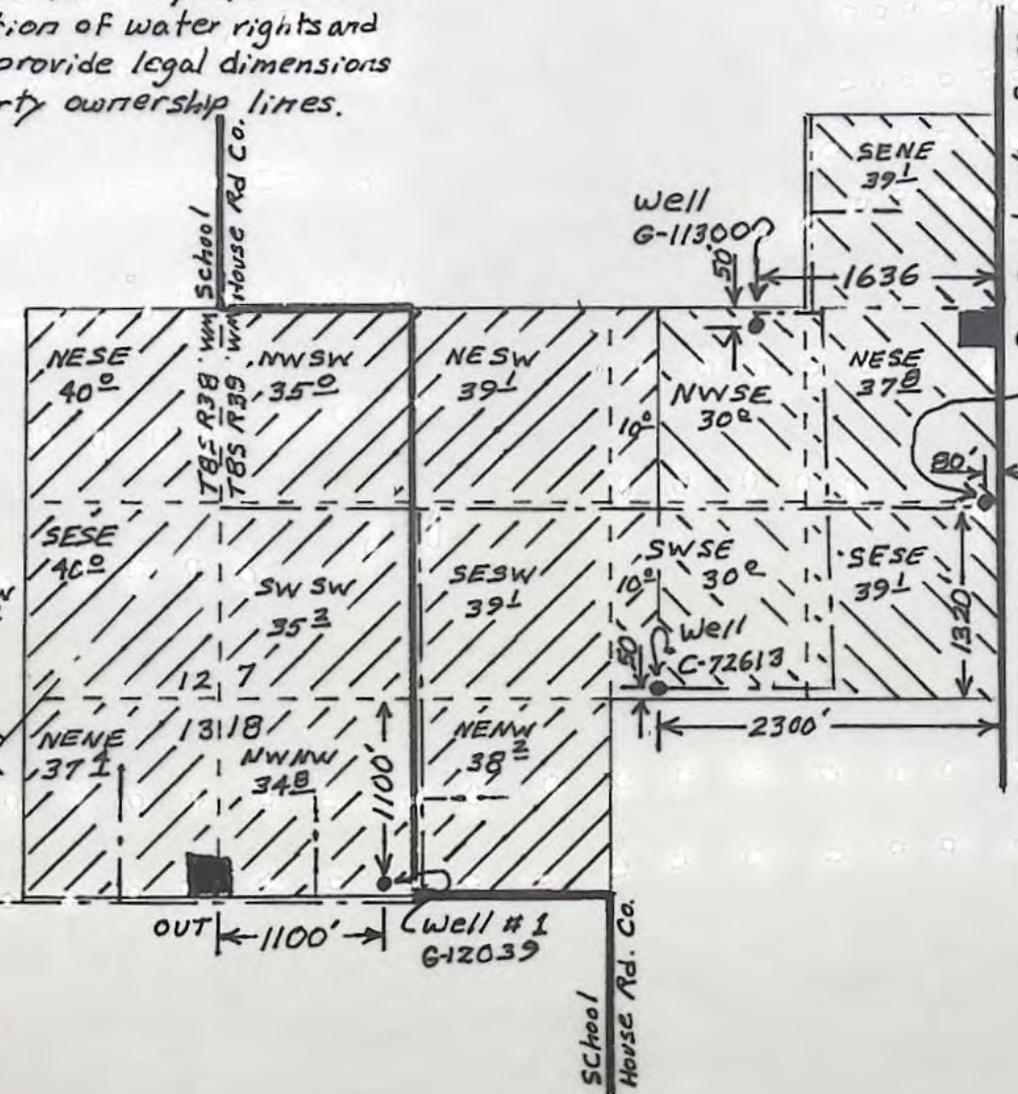
EXHIBIT "C"  
 FINAL PROOF MAP FOR PERMIT G-12039  
 AND ALTERNATE POINT OF DIVERSION  
 FOR G-12039, G-11300 AND C-72613

I certify the information provided in this final proof is an accurate representation of the permitted water use and is true and correct to the best of my knowledge. This map is to be used for the purpose of identifying the location of water rights and is not intended to provide legal dimensions or location of property ownership lines.

All land is being irrigated by center pivots with corners covered by hand lines



**LEGEND**  
 Co. Road ———  
 Main line - - -  
 subdivision & acres  
 Land irrigated under G-12039  
 Land irrigated under G-11300 & C-72613  
 well •  
 scale 4" = 1 mile  
 Drawn 12-13-99 by TMK



- Alternate points of diversion for G-12039, G-11300 and C-72613 are as follows:
- 1100 ft south and 1100 ft east from the NW Cr S. 18, T8S, R39E, WM
  - 1320 ft North and 80 ft west from the SE Cr S 7, T8S, R38E, WM
  - 50 ft south and 1636 ft West from the East 1/4 Cr S 7, T8S, R38E, WM
  - 50 ft North and 2300 ft West from the SE Cr S 7, T8S, R38E, WM

STATE OF OREGON

COUNTY OF BAKER

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

TOM MAC AND JOYCE A KERNS  
ROUTE 1 BOX 10  
HAINES, OREGON 97833

503-856-3351

to use the waters of WELLS 1, 2, AND 3 IN THE WILLOW CREEK BASIN for SUPPLEMENTAL IRRIGATION OF 354.9 ACRES.

This permit is issued approving APPLICATION G-13175. The date of priority is NOVEMBER 9, 1992. The use is limited to not more than 1991 GALLONS PER MINUTE, or its equivalent in case of rotation, measured at the well.

The wells are located as follows:

NE 1/4 SW 1/4, SE 1/4 SE 1/4, SECTION 7, NW 1/4 NW 1/4, SECTION 18, T 8 S, R 39 E, W.M.; WELL 1 - 1100 FEET SOUTH & 1100 FEET EAST FROM THE NW CORNER OF SECTION 18; WELL 2 - 200 FEET SOUTH & 2640 FEET EAST FROM THE W 1/4 CORNER OF SECTION 7; WELL 3 - 1320 FEET NORTH AND 80 FEET WEST FROM THE SE CORNER OF SECTION 7.

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year. The period of allowed use is March 1 through October 31.

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

A description of the proposed place of use under this permit is as follows:

NE 1/4 SE 1/4 40.0 ACRES  
SE 1/4 SE 1/4 40.0 ACRES  
SECTION 12  
NE 1/4 NE 1/4 37.6 ACRES  
SECTION 13  
TOWNSHIP 8 SOUTH, RANGE 38 EAST, W.M.

NE 1/4 SW 1/4 38.9 ACRES  
NW 1/4 SW 1/4 34.8 ACRES  
SW 1/4 SW 1/4 34.3 ACRES  
SE 1/4 SW 1/4 38.4 ACRES  
NW 1/4 SE 1/4 10.0 ACRES  
SW 1/4 SE 1/4 10.0 ACRES  
SECTION 7  
NE 1/4 NW 1/4 38.1 ACRES  
NW 1/4 NW 1/4 32.8 ACRES  
SECTION 18  
TOWNSHIP 8 SOUTH, RANGE 39 EAST, W.M.

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

## Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

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

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

Actual construction work shall begin on or before May 23, 1996, and shall be completed on or before October 1, 1997. Complete application of the water shall be made on or before October 1, 1998.

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

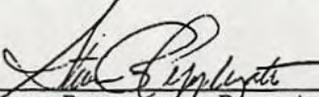
This permit is for beneficial use of water without waste. The water user is advised that new regulations may require use of best practical technologies or conservation practices to achieve this end.

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

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

The Director of the Water Resources Department has found that the proposed use of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Issued this date, May 22, 1995.

  
 Water Resources Department  
 Martha O. Pagel  
 Director

G-12355

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12/6/99 WATER RESOURCES DEPT.  
SALEM, OREGON

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FINAL PROOF REPORT  
for Permit Number G-12039

GENERAL INFORMATION:

Permittee is TOM "Mac" and Joyce A. Kerns  
45296 Pocahonts Rd  
Haines, Or 97833  
Land Owner is the same as the Permittee.

Wells Number 1 and number 3 have been completed in accordance with the terms and conditions of the permit except acreage adjustments were made in the primary water right under 3111 process and this supplemental water right needs to be adjusted to reflect these acres which are the acres actually irrigated.

No work has been done on well number 2.

SOURCE:

The primary source is shown on the following tables:

Acres	Tax Lot	1/41/4	Sect	Tw	range	Cert#	Source
39.1	\2400	SENE	7	8S	39E	72619	Rock, Pine, Willow Cr
35.0	2400	NWSW	7	8S	39E	72612	Pine Cr
35.8	2400	SWSW	7	8S	39E	72612	Pine Cr
39.1	2400	SESW	7	8S	39E	72612	Pine Cr
40.0	2400	SWSE	7	8S	39E	72612	Pine Cr
40.0	2400	NWSE	7	8S	39E	72612	Pine Cr
39.1	2400	NESW	7	8S	39E	72612	Pine Cr
37.8	2400	NESE	7	8S	39E	72612	Pine Cr
39.1	2400	SESE	7	8S	39E	72612	Pine Cr
40.0	2301	SESE	12	8S	38E	72612	Pine Cr
40.0	2302	NESE	12	8S	38E	72612	Pine Cr
37.4	2301/2302	NENE	13	8S	38E	72612	Pine Cr
34.8	201	NWNW	18	8S	39E	72612	Pine Cr
38.2	2400	NENW	18	8S	39E	72612	Pine Cr

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WATER RESOURCES DEPT. Page 2  
SALEM, OREGON

The primary source has been used continuously.

In addition to the primary source, portions of the area are covered by supplemental sources from certificates numbered 72613, 72614, 72617, & 72618 and permit number G-11300.

Driller's logs for wells number 1 and 3 are attached as (Exhibit "A")

DIVERSION POINTS:

The new supplemental source and certificate number 72163, and permit number G11300 are all wells located within 3/4 miles of each other, and all feed into the same pipeline and irrigation system. Therefore, they should all be considered as alternate points of diversion.

Diversion points for certificate number 72613, well 2 and 3 and permit number G-11300 are as follows:

- o Permit G11300 NW1/4, SE1/4, Section 7, T8SR39E; WM., 50 feet South and 1636 feet West from the E1/4 corner Section 7, T.8S., R.39E., WM..
- o Well Number 1 NW1/4NW1/4 Section 18, T8S., R39E, WM, 1100 feet South and 1100 feet East from the NW corner of Section 18, T8S, R39E, WM..
- o Well Number 2 SE1/4SE1/4 Section 7, T8S, R39E, WM, 1320 feet North and 80 feet West from the SE corner of Section 7, T8S, R39E, WM..
- o Certificate 72613 SW1/4SE1/4, Section 7, T8S, R39E, WM, 50 feet North and 2300 feet West from the SE Corner of Section 7, T8S, R39E, WM..

Water levels for wells 1 and 3 and permit G12039 are given on the attached pump test (Exhibit "B"). All wells are equipped with an access port and an air line.

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Page 3

PUMPS and MOTORS

WATER RESOURCES DEPT.  
SALEM, OREGON

Pumps and Motors for wells 1 and 3 and for permit G-12039 are described as follows:

Well number 1

Motor make U.S.

Type RV Vertical Hollow shaft

Hp 100

RPM 1800

Pump make Floway

Model 7 stage line shaft

Pump column size 6 inch

Pump Column length 332 ft.

Pump operates at 310 to 420 feet of head and produces 790 gallons per minute, which should be the final certified amount.

This well pumps directly into a main line at 50 PSI at the well head or into a pond with zero PSI or into a booster pump at -5 PSI at the well head. When operating the booster pump, total head is 310 feet and pump produces 790 gallons per minute.

Well number 3

Motor make Newman

Type Vertical hollow shaft

HP 100

RPM 1800

Pump make Peerless

Model 12 stage

Pump Column size 6 inches

Pump Column length 205 ft.

Pump operates at 250 to 350 / feet of head and produces 890 gallons per minute at the lower head, which should be the final certified amount

/ varies depending on equipment and pumps operating

IRRIGATION SYSTEM

Irrigation transmission and distribution system is as shown on the attached final proof map (Exhibit "C").

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Page 4

WATER USE

WATER RESOURCES DEPT.  
SALEM, OREGON

The water is used to irrigate agricultural crops commonly grown in Baker valley, such as pasture, alfalfa, grain, potatoes etc., in addition, water from these wells is used to water livestock.

Tom "Mac" Kerns

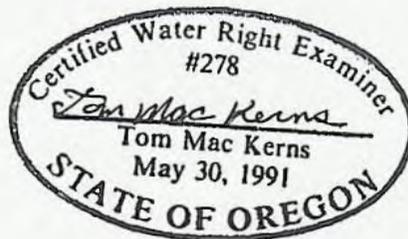
*Tom Mac Kerns*

Permittee & CWRE

Joyce A. Kerns

*Joyce A. Kerns*

Permittee



G-13175 & G-12355

Tom "Mac" Kerns  
45296 Pocahontas Rd.  
Haines, Or 97833

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WATER RESOURCES DEPT.  
SALEM, OREGON

Martha Pagel Director  
Water Resource Department  
158 12th Street N.E.  
Salem Or 97310-0210

12/13/99

Dear Mrs. Pagel,

G-11300 *dap*

Referance Permit G-12039, ~~G-1130~~ and Certifcate 72613

Enclosed is a final poof report for permit G-12039 along with alternate points of diversionn for G-12039, G-11300 and C-72613.

Very truly yours,

*Tom Mac Kerns*

Tom "Mac" Kerns

**EXHIBIT "C"**  
**FINAL PROOF MAP FOR PERMIT G-12039**  
**AND ALTERNATE POINT OF DIVERSION**  
**FOR G-12039, G-11300 AND C-72613**

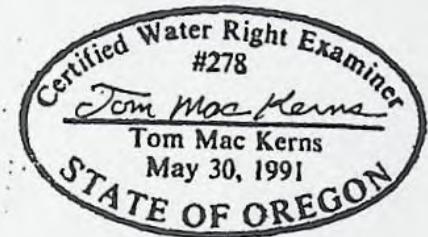
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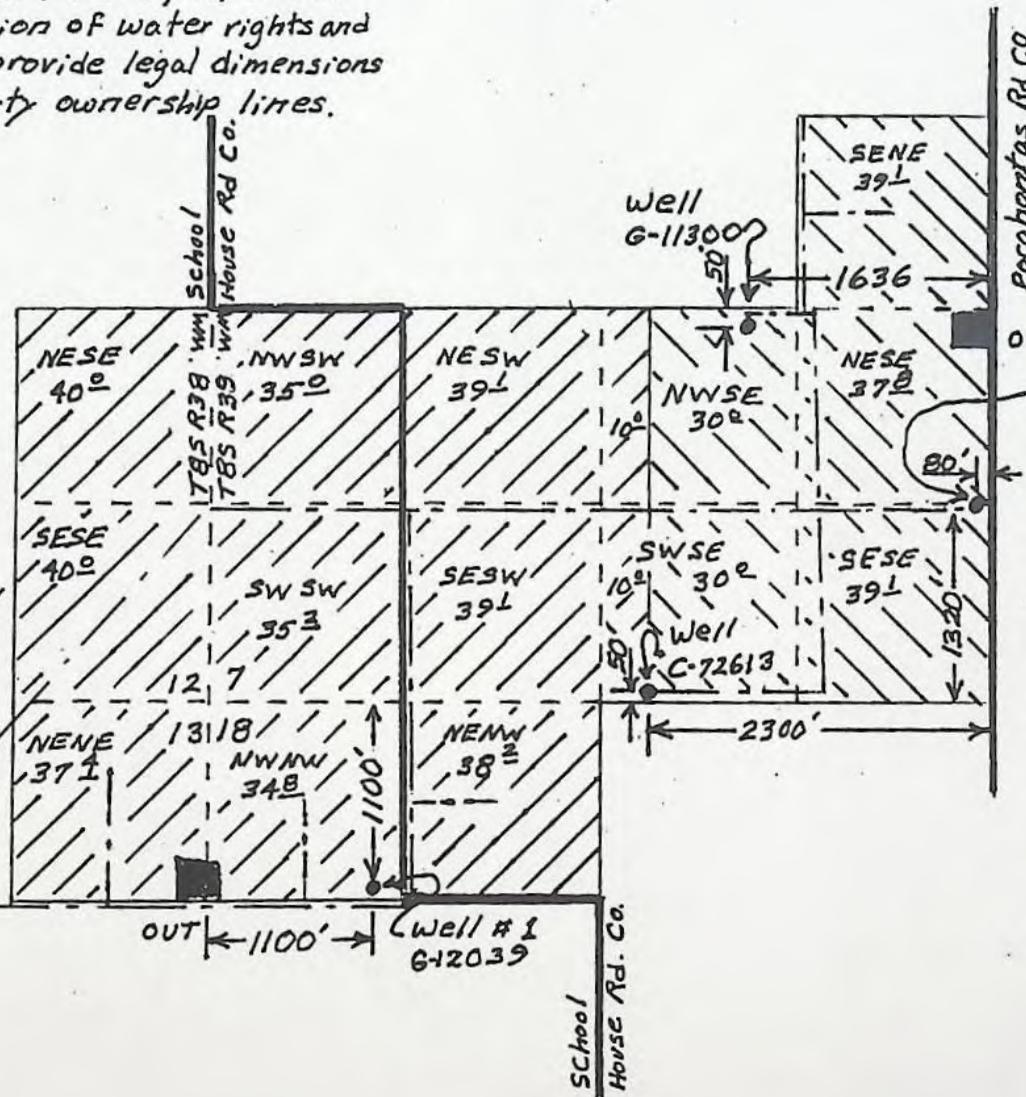
WATER RESOURCES DEPT.  
 SALEM, OREGON

I certify the information provided in this final proof is an accurate representation of the permitted water use and is true and correct to the best of my knowledge. This map is to be used for the purpose of identifying the location of water rights and is not intended to provide legal dimensions or location of property ownership lines.

All land is being irrigated by center pivots with corners covered by hand lines.



**LEGEND**  
 Co. Road ———  
 Main line - - -  
 subdivision & acres SWSW 35<sup>0</sup>  
 Land irrigated under G-12039   
 Land irrigated under G-11300 & C-72613   
 well •  
 scale 4" = 1 mile  
 Drawn 12-13-99 by TMK



- Alternate points of diversion for G-12039, G-11300 and C-72613 are as follows:
- 1100 ft south and 1100 ft east from the NW Cr S. 18, T8 S, R39E, WM
  - 1320 ft North and 80 ft west from the SE Cr S 7, T8 S, R38 E, WM
  - 50 ft south and 1636 ft west from the East 1/4 Cr S 7, T8 S, R38 E, WM
  - 50 ft North and 2300 ft west from the SE Cr S 7, T8 S, R38 E, WM

WATER RESOURCES DEPARTMENT

INTEROFFICE MEMO

TO: PUMP TEST PROGRAM

DATE: December 21, 1999

FROM: TIMMIE BRANDT JCB

SUBJECT: PUMP TEST INFO

RE: File G-12355 / Permit G-11300 and File G-13175/ Permit G-12039

The attached pump test info was submitted as part of the claim of beneficial use. (A copy of these were placed in the file) The Certificates Section needs to know if it meets the requirements. Please send a copy of any correspondence in regard to this info to the Water Rights Section so it can be placed in the file. Thank you.


 Oregon Water Resources Department  
**PUMP TEST COVER SHEET**

DEC 17 1009

WATER RESOURCES DEPT.  
SALEM, OREGON**Well Owner:**
 Name Tom "Mac" & Joyce Kerns  
 Address 45296 Pocatowatus Rd  
 City, State, Zip Haines, Or 97833  
 County Baker
**Well Location:**
 Township 8S (N or S), Range 39E (E or W)  
 Section 18 1/4, 1/4, 1/4 NW NW  
 Well Depth \_\_\_\_\_ Date Drilled \_\_\_\_\_  
 Owner's Well No. (if any) #1 or Upper Well  
 POD-ID 1100'S and 1100'E from NW Cr S18T85 R39E
**Water Right Information:**
 Application No. G13175 Permit No. G12039 Certificate No. \_\_\_\_\_  
 Is this well used for more than one water right? N (Y/N) If Yes, fill out numbers below:  
 App. No. \_\_\_\_\_ Permit No. \_\_\_\_\_ Cert. No. \_\_\_\_\_  
 App. No. \_\_\_\_\_ Permit No. \_\_\_\_\_ Cert. No. \_\_\_\_\_
**Pump Test:**
 Test conducted by Janet Kerns Well Owner? N (Y/N)  
 Company MMW  
 Address 3927 10th Street Date of Test 8-6-97  
 City, State, Zip Baker City Or 97814

 Method of Discharge Measurement Flow Meter  
 Method of Water Level Measurement Electric Tape  
 Depth of Air Line (if used) \_\_\_\_\_  
 Pump Type (Turbine, Submersible, etc.) Line shaft turbine  
 Was pump test conducted during normal use of the well Y (Y/N)

 Description of point from which water level was measured Access Port  
 Is measuring point above or below ground level? 8 above  
 Distance between measuring point and ground level (correction factor) 8"

 Are you aware of any wells, other than domestic or stock wells, pumping within 1000 feet of the tested well during the test or within 24 hours prior to the test? N (Y/N) If yes, give approximate distances to each and approximate pumping rate of each. If possible, indicate if they were turned on or off during the test \_\_\_\_\_

 Is there a lake, stream or other surface water body within 1/4 mile of the tested well? N (Y/N)  
 If yes, give approximate distance from the well and approximate elevation difference between the surface water and the well head: Approximate distance \_\_\_\_\_  
 Approximate elevation difference \_\_\_\_\_  
 Is well elevation above or below the surface water body? \_\_\_\_\_

**Static Water Level Measurements:** (Three measurements at least 20 minutes apart are required in the hour before pumping begins):

Time: <u>9:04</u>	Depth to Water: <u>113' 5"</u>	(ft/in)
Time: <u>9:24</u>	Depth to Water: <u>113' 5"</u>	(ft/in)
Time: <u>9:44</u>	Depth to Water: <u>113' 5"</u>	(ft/in)

**Discharge Measurements:** (A discharge measurement is required at the start of pumping and once an hour during the test):

Time: <u>10:04</u>	Discharge Rate: <u>1040</u>	(gpm)
Time: <u>11:04</u>	Discharge Rate: <u>600</u>	(gpm)
Time: <u>12:04</u>	Discharge Rate: <u>580</u>	(gpm)
Time: <u>1:04</u>	Discharge Rate: <u>560</u>	(gpm)
Time: <u>2:04</u>	Discharge Rate: <u>560</u>	(gpm)

 Pump turned on: Date: 8-6-97 Time: 10:04 AM Pump turned off: Date: 8-6-97 Time: 2:04  
 Total pumping time: \_\_\_\_\_ hours, \_\_\_\_\_ minutes.

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



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Oregon Water Resources Department  
PUMP TEST COVER SHEET

DEC 17 1999

WATER RESOURCES DEPT.  
SALEM, OREGON



Well Owner:  
Name Tom Mac & Joyce Kerns  
Address 45296 Pocatontas Rd  
City, State, Zip Haines Or 97833  
County Baker

Well Location:  
Twnshp B5 (W or S), Range 39E (E or W)  
Section 7 1/4, 1/4, 1/4 SE1/4 SE1/4  
Well Depth 220 ft Date Drilled May 95  
Owner's Well No. (if any) #3 or Rd Well  
POD-ID 1320' N. E 80' W from SE Cr. S. 7

Water Right Information:

Application No. G 13175 Permit No. G-12039 Certificate No. \_\_\_\_\_  
Is this well used for more than one water right? N (Y/N) If Yes, fill out numbers below:  
App. No. \_\_\_\_\_ Permit No. \_\_\_\_\_ Cert. No. \_\_\_\_\_  
App. No. \_\_\_\_\_ Permit No. \_\_\_\_\_ Cert. No. \_\_\_\_\_

Pump Test:

Test conducted by Janet Kerns Well Owner? N (Y/N)  
Company MMW  
Address 3927 10th Street Date of Test 8-8-97  
City, State, Zip Baker City Or 97814

Method of Discharge Measurement Flow Meter  
Method of Water Level Measurement Electric Tape  
Depth of Air Line (if used) \_\_\_\_\_  
Pump Type (Turbine, Submersible, etc.) Line shaft Turbine  
Was pump test conducted during normal use of the well Y (Y/N)

Description of point from which water level was measured Access Port  
Is measuring point above or below ground level? above  
Distance between measuring point and ground level (correction factor) 7"

Are you aware of any wells, other than domestic or stock wells, pumping within 1000 feet of the tested well during the test or within 24 hours prior to the test? N (Y/N) If yes, give approximate distances to each and approximate pumping rate of each. If possible, indicate if they were turned on or off during the test \_\_\_\_\_

Is there a lake, stream or other surface water body within 1/4 mile of the tested well? N (Y/N)  
If yes, give approximate distance from the well and approximate elevation difference between the surface water and the well head: Approximate distance \_\_\_\_\_  
Approximate elevation difference \_\_\_\_\_  
Is well elevation above or below the surface water body? \_\_\_\_\_

Static Water Level Measurements: (Three measurements at least 20 minutes apart are required in the hour before pumping begins):

Time: <u>7:10 AM</u>	Depth to Water: <u>49'-2"</u>	(ft/in)
Time: <u>7:30 AM</u>	Depth to Water: <u>49'-2"</u>	(ft/in)
Time: <u>7:50 AM</u>	Depth to Water: <u>49'-2"</u>	(ft/in)

Discharge Measurements: (A discharge measurement is required at the start of pumping and once an hour during the test):

Time: <u>8:00 AM</u>	Discharge Rate: <u>900</u>	(gpm)
Time: <u>9:00 AM</u>	Discharge Rate: <u>870</u>	(gpm)
Time: <u>10:00 AM</u>	Discharge Rate: <u>840</u>	(gpm)
Time: <u>11:00 AM</u>	Discharge Rate: <u>810</u>	(gpm)
Time: <u>12:00 AM</u>	Discharge Rate: <u>775</u>	(gpm)

Pump turned on: Date: 8-8-97 Time: 7:56 AM Pump turned off: Date: 8-8-97 Time: 1:43 PM  
Total pumping time: 4 hours, 0 minutes.

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

Well #3 or Rd Well

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PUMP TEST DATA SHEET

WATER RESOURCES DEPT.

SALEM, OREGON  
P.O.D. 10 #3 or Rd Well

APPLICATION NO. G 13175

PERMIT NO. G/2039

All water level measurements must either be in 1) (feet and inches, or 2) feet and decimal fractions. (Circle one)

DRAWDOWN DATA							RECOVERY DATA						
DATE	TIME	TIME SINCE PUMP STARTED (minutes)	DEPTH TO WATER FROM MEASURING PT	CORRECTION FACTOR	DEPTH TO WATER FROM GROUND LEVEL	COMMENTS	DATE	TIME	TIME SINCE PUMP STOPPED (minutes)	DEPTH TO WATER FROM MEASURING PT	CORRECTION FACTOR	DEPTH TO WATER FROM GROUND LEVEL	COMMENTS
8-8-97	7:10	-46	49'-2"	-7	48'-7"		8-8-97	12:18	0	174'-0"	-7"	173'-5"	Pump off
	7:30	-46	49'-2"		48'-7"			12:13	2	100'-0"		99'-5"	
	7:50	-46	49'-2"		48'-7"			12:15	4	100'-0"		99'-5"	
	7:56	0	86'-8"		86'-1"	Pump started		12:17	6	98'-5"		97'-10"	
	7:58	2	95'-0"		94'-5"	Line Pressure 70 PSI		12:19	8	95'-6"		94'-11"	
	8:00	4	105'-3"		104'-10"			12:21	10	95'-2"		94'-7"	
	8:02	6	130'-7"		130'-0"			12:23	12	91'-7"		91'-0"	
	8:04	8	135'-6"		134'-11"			12:28	17	89'-8"		89'-1"	
	8:06	10	139'-0"		138'-5"			12:33	22	86'-2"		85'-7"	
	8:11	15	138'-1"		137'-6"	Line Pressure 80 PSI		12:38	27	85'-10"		85'-3"	
	8:16	20	140'-0"		139'-5"			12:43	32	85'-7"		85'-0"	
	8:21	25	151'-2"		150'-7"			12:48	37	84'-9"		84'-3"	
	8:26	30	151'-11"		151'-4"			12:53	42	83'-6"		82'-11"	
	8:31	35	151'-11"		151'-4"			12:58	47	82'-11"		82'-4"	
	8:36	40	152'-0"		151'-5"			1:13	62	80'-5"		79'-10"	
	8:41	45	154'-3"		153'-8"			1:28	77	80'-0"		79'-5"	
	8:56	60	159'-6"		158'-11"			1:43	92	79'-8"		79'-1"	
	9:11	75	159'-6"		158'-6"			1:58	107	79'-2"		78'-5"	
	9:26	90	164'-7"		164'-0"			2:13	122	76'-4"		75'-9"	
	9:41	105	164'-9"		164'-2"			2:28	137	76'-0"		75'-5"	
	9:56	120	169'-11"		169'-4"			2:43	152	75'-8"		75'-1"	
	10:11	135	169'-10"		169'-3"			12:58	167	74'-6"		73'-11"	
	10:26	150	169'-6"		168'-11"			3:13	182	72'-10"		72'-3"	
	10:41	165	173'-0"		172'-5"			3:28	197	71'-6"		69'-11"	
	10:56	180	173'-7"		173'-0"			3:43	212	69'-2"		68'-7"	
	11:11	195	173'-11"		173'-4"			3:58	227	67'-7"		67'-0"	
	11:26	210	173'-10"		173'-3"			4:13	242	66'-4"		65'-9"	
	11:41	225	174'-0"		173'-5"			4:28	257	64'-2"		63'-7"	
	11:56	240	174'-0"		173'-5"	Line Pressure 80 PSI		4:43	272	63'-1"		62'-6"	

December 27, 1999

"Mac" & Joyce Kerns  
45296 Pocahontas Road  
Haines, OR. 97833

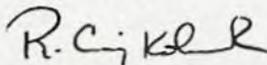
With regard to the pump test requirements for the following well and its associated water rights:

APP. #:G - 13175 PERMIT #: G - 12039 POD-ID: 36695 USER-ID: 9286

The Department has accepted the pump test results you have submitted. The department requires no further testing of this well at this time. However, you will be required to submit a static water level measurement of the well on the ten-year anniversary of the test you conducted. If your permit or certificate includes a condition that requires annual static water level measurements, please continue to make and report these measurements unless otherwise instructed.

We appreciate your cooperation with this program. If you have any questions, please contact me at (503) 378-8455 ext. 289 or Mike Zwart at ext. 207. The Departments toll-free number is 1-800-624-3199.

Sincerely,



R. Craig Kohanek  
Pump Test Coordinator

c: Water Rights Section



---

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

December 27, 1999

"Mac" & Joyce Kerns  
45296 Pocahontas Road  
Haines, OR. 97833

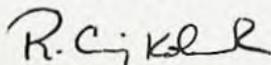
With regard to the pump test requirements for the following well and its associated water rights:

**APP. #:G - 13175 PERMIT #: G - 12039 POD-ID: 36695 USER-ID: 9286**

The Department has **accepted the pump test results you have submitted.** The department requires no further testing of this well at this time. However, you will be required to submit a static water level measurement of the well on the ten-year anniversary of the test you conducted. If your permit or certificate includes a condition that requires annual static water level measurements, please continue to make and report these measurements unless otherwise instructed.

We appreciate your cooperation with this program. If you have any questions, please contact me at (503) 378-8455 ext. 289 or Mike Zwart at ext. 207. The Departments toll-free number is 1-800-624-3199.

Sincerely,



R. Craig Kohanek  
Pump Test Coordinator

c: Water Rights Section



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

WATER RESOURCES DEPARTMENT

INTEROFFICE MEMO

TO: PUMP TEST PROGRAM

DATE: December 21, 1999

FROM: TIMMIE BRANDT JCB

SUBJECT: PUMP TEST INFO

RE: File G-12355 / Permit G-11300 and File G-13175/ Permit G-12039

The attached pump test info was submitted as part of the claim of beneficial use. (A copy of these were placed in the file) The Certificates Section needs to know if it meets the requirements. Please send a copy of any correspondence in regard to this info to the Water Rights Section so it can be placed in the file. Thank you.

RECEIVED



Oregon Water Resources Department  
**PUMP TEST COVER SHEET**

DEC 17 1997



WATER RESOURCES DEPT.  
 SALEM, OREGON

**Well Owner:**

Name Tom "Mac" & Joyce Kerns  
 Address 45296 Pocahontas Rd  
 City, State, Zip Haines, Or 97833  
 County Baker

**Well Location:**

Twnshp 8S (N or S), Range 39E (E or W)  
 Section 18 1/4, 1/4, 1/4 NW NW  
 Well Depth \_\_\_\_\_ Date Drilled \_\_\_\_\_  
 Owner's Well No. (if any) #1 or Upper Well  
 POD-ID 1100'S and 1100'E from NW Cr S18T8S R39E

**Water Right Information:**

Application No. G13175 Permit No. G12039 Certificate No. \_\_\_\_\_  
 Is this well used for more than one water right? N (Y/N) If Yes, fill out numbers below:  
 App. No. \_\_\_\_\_ Permit No. \_\_\_\_\_ Cert. No. \_\_\_\_\_  
 App. No. \_\_\_\_\_ Permit No. \_\_\_\_\_ Cert. No. \_\_\_\_\_

**Pump Test:**

Test conducted by Janet Kerns Well Owner? N (Y/N)  
 Company MMW  
 Address 3927 10th street Date of Test 8-6-97  
 City, State, Zip Baker City Or 97814

Method of Discharge Measurement Flow Meter  
 Method of Water Level Measurement Electric Tape  
 Depth of Air Line (if used) \_\_\_\_\_  
 Pump Type (Turbine, Submersible, etc.) Line shaft turbine  
 Was pump test conducted during normal use of the well Y (Y/N)

Description of point from which water level was measured Access Port  
 Is measuring point above or below ground level? above  
 Distance between measuring point and ground level (correction factor) 8"

Are you aware of any wells, other than domestic or stock wells, pumping within 1000 feet of the tested well during the test or within 24 hours prior to the test? N (Y/N) If yes, give approximate distances to each and approximate pumping rate of each. If possible, indicate if they were turned on or off during the test \_\_\_\_\_

Is there a lake, stream or other surface water body within 1/4 mile of the tested well? N (Y/N)  
 If yes, give approximate distance from the well and approximate elevation difference between the surface water and the well head: Approximate distance \_\_\_\_\_  
 Approximate elevation difference \_\_\_\_\_  
 Is well elevation above or below the surface water body? \_\_\_\_\_

**Static Water Level Measurements:** (Three measurements at least 20 minutes apart are required in the hour before pumping begins):

Time: <u>9:04</u>	Depth to Water: <u>113' 5"</u>	(ft/in)
Time: <u>9:24</u>	Depth to Water: <u>113' 5"</u>	(ft/in)
Time: <u>9:44</u>	Depth to Water: <u>113' 5"</u>	(ft/in)

**Discharge Measurements:** (A discharge measurement is required at the start of pumping and once an hour during the test):

Time: <u>10:04</u>	Discharge Rate: <u>1040</u>	(gpm)
Time: <u>11:04</u>	Discharge Rate: <u>600</u>	(gpm)
Time: <u>12:04</u>	Discharge Rate: <u>580</u>	(gpm)
Time: <u>1:04</u>	Discharge Rate: <u>560</u>	(gpm)
Time: <u>2:04</u>	Discharge Rate: <u>560</u>	(gpm)

Pump turned on: Date: 8-6-97 Time: 10:04 AM Pump turned off: Date: 8-6-97 Time: 2:04  
 Total pumping time: \_\_\_\_\_ hours, \_\_\_\_\_ minutes.

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

EXHIBIT "B" well #1 on upper well

STATE OF OREGON WATER RESOURCE DEPARTMENT

PUMP TEST DATA SHEET

APPLICATION NO. \_\_\_\_\_ PERMIT NO. \_\_\_\_\_ P.O.D.-ID \_\_\_\_\_

All water level measurements must either be in 1) feet and inches, or 2) feet and decimal fractions. (Circle one)

DRAWDOWN DATA						RECOVERY DATA							
DATE	TIME	TIME SINCE PUMP STARTED (minutes)	DEPTH TO WATER FROM MEASURING PT	CORRECTION FACTOR	DEPTH TO WATER FROM GROUND LEVEL	COMMENTS	DATE	TIME	TIME SINCE PUMP STOPPED (minutes)	DEPTH TO WATER FROM MEASURING PT	CORRECTION FACTOR	DEPTH TO WATER FROM GROUND LEVEL	COMMENTS
	10:04	0	114' 1"	-8"	113' 5"			2:04	0	235' 0"	-8"	289' 4"	
	10:06	2	115' 10"		115' 2"			2:06	2	231' 1"		280' 5"	
	10:08	4	117' 0"		116' 4"			2:08	4	273' 3"		272' 7"	
	10:10	6	120' 1"		119' 5"			2:10	6	267' 9"		267' 1"	
	10:12	8	121' 8"		121' 0"			2:12	8	262' 0"		261' 4"	
	10:14	10	128' 2"		127' 6"			2:14	10	254' 10"		254' 2"	
	10:19	15	132' 11"		132' 3"			2:19	15	239' 8"		239' 0"	
	10:24	20	141' 4"		140' 8"			2:24	20	225' 1"		225' 5"	
	10:29	25	149' 11"		149' 3"			2:29	25	216' 6"		215' 10"	
	10:34	30	158' 3"		157' 7"			2:34	30	207' 11"		207' 3"	
	10:39	35	171' 4"		170' 8"			2:39	35	202' 8"		202' 0"	
	10:44	40	184' 5"		183' 9"			2:44	40	189' 10"		189' 2"	
	10:59	55	197' 10"		197' 2"			2:59	55	182' 0"		181' 4"	
	11:14	70	210' 11"		210' 3"			3:14	70	164' 5"		163' 9"	
	11:29	85	227' 10"		227' 2"			3:29	85	155' 1"		154' 5"	
	11:44	100	242' 1"		241' 5"			3:44	100	143' 3"		142' 7"	
	11:59	115	257' 10"		257' 2"			3:59	115	135' 2"		135' 6"	
	12:14	130	269' 8"		269' 0"			4:14	130	126' 9"		126' 1"	
	12:29	145	272' 0"		271' 4"			4:29	145	122' 6"		121' 10"	←
	12:44	160	281' 1"		280' 5"			4:44	160				
	12:59	175	284' 8"		284' 0"			4:49	175				
	1:14	190	284' 0"		284' 0"			5:14	190				
	1:29	205	283' 1"		282' 5"			5:29	205				
	1:44	220	283' 11"		283' 3"			5:44	220				
	1:59	235	284' 8"		284' 0"			5:59	235				
	2:04	240	285' 0"		284' 4"			6:04	240				
						Less than 10% of maximum draw down							

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Page 1 of 2

Oregon Water Resources Department  
PUMP TEST COVER SHEET

DEC 17 1999

WATER RESOURCES DEPT.  
SALEM, OREGON

## Well Owner:

Name Tom Mac & Joyce Kerns  
Address 45296 Pocatontas Rd  
City, State, Zip Haines Or 97833  
County Baker

## Well Location:

Township 8S (N or S), Range 39E (E or W)  
Section 7 1/4, 1/4, 1/4 SE 1/4 SE 1/4  
Well Depth 220 ft Date Drilled May 95  
Owner's Well No. (if any) #3 or Rd Well  
POD-ID 1320' N. E 80' W from SEC 5, T

## Water Right Information:

Application No. G 13175 Permit No. G-12039 Certificate No. \_\_\_\_\_  
Is this well used for more than one water right? N (Y/N) If Yes, fill out numbers below:  
App. No. \_\_\_\_\_ Permit No. \_\_\_\_\_ Cert. No. \_\_\_\_\_  
App. No. \_\_\_\_\_ Permit No. \_\_\_\_\_ Cert. No. \_\_\_\_\_

## Pump Test:

Test conducted by Janet Kerns Well Owner? N (Y/N)  
Company MMW  
Address 3927 10th Street Date of Test 8-8-97  
City, State, Zip Baker City Or 97814Method of Discharge Measurement Flow Meter  
Method of Water Level Measurement Electric Tape  
Depth of Air Line (if used) \_\_\_\_\_  
Pump Type (Turbine, Submersible, etc.) Line shaft Turbine  
Was pump test conducted during normal use of the well Y (Y/N)Description of point from which water level was measured Access Port  
Is measuring point above or below ground level? above  
Distance between measuring point and ground level (correction factor) 7"Are you aware of any wells, other than domestic or stock wells, pumping within 1000 feet of the tested well during the test or within 24 hours prior to the test? N (Y/N) If yes, give approximate distances to each and approximate pumping rate of each. If possible, indicate if they were turned on or off during the test \_\_\_\_\_Is there a lake, stream or other surface water body within 1/4 mile of the tested well? N (Y/N)  
If yes, give approximate distance from the well and approximate elevation difference between the surface water and the well head: Approximate distance \_\_\_\_\_  
Approximate elevation difference \_\_\_\_\_  
Is well elevation above or below the surface water body? \_\_\_\_\_

Static Water Level Measurements: (Three measurements at least 20 minutes apart are required in the hour before pumping begins):

Time: <u>7:10 AM</u>	Depth to Water: <u>49'-2"</u>	(ft/in)
Time: <u>7:30 AM</u>	Depth to Water: <u>49'-2"</u>	(ft/in)
Time: <u>7:50 AM</u>	Depth to Water: <u>49'-2"</u>	(ft/in)

Discharge Measurements: (A discharge measurement is required at the start of pumping and once an hour during the test):

Time: <u>8:00 AM</u>	Discharge Rate: <u>900</u>	(gpm)
Time: <u>9:00 AM</u>	Discharge Rate: <u>870</u>	(gpm)
Time: <u>10:00 AM</u>	Discharge Rate: <u>840</u>	(gpm)
Time: <u>11:00 AM</u>	Discharge Rate: <u>810</u>	(gpm)
Time: <u>12:00 AM</u>	Discharge Rate: <u>775</u>	(gpm)

Pump turned on: Date: 8-8-97 Time: 7:56 AM Pump turned off: Date: 8-8-97 Time: 1:43 PM  
Total pumping time: 4 hours, 0 minutes.

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

Well #3 or Rd Well

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STATE OF OREGON WATER RESOURCE DEPARTMENT

DEC 17 1999 Page 2 of 2

## PUMP TEST DATA SHEET

WATER RESOURCES DEPT.

SALEM, OREGON  
P.O.D.-ID #3 or Rd WellAPPLICATION NO. G 13175PERMIT NO. G 12039

All water level measurements must either be in 1) (feet and inches, or 2) feet and decimal fractions. (Circle one)

DRAWDOWN DATA							RECOVERY DATA						
DATE	TIME	TIME SINCE PUMP STARTED (minutes)	DEPTH TO WATER FROM MEASURING PT	CORRECTION FACTOR	DEPTH TO WATER FROM GROUND LEVEL	COMMENTS	DATE	TIME	TIME SINCE PUMP STOPPED (minutes)	DEPTH TO WATER FROM MEASURING PT	CORRECTION FACTOR	DEPTH TO WATER FROM GROUND LEVEL	COMMENTS
8-8-97	7:10	-46	49'-2"	-7	48'-7"		8-8-97	12:18	0	174'-0"	-7'	173'-5"	Pump off
	7:30	-46	49'-2"		48'-7"			12:13	2	100'-0"		99'-5"	
	7:50	-46	49'-2"		48'-7"			12:15	4	100'-0"		99'-5"	
	7:56	0	86'-8"		86'-1"	Pump started		12:17	6	98'-5"		97'-10"	
	7:58	2	95'-0"		94'-5"	Line Pressure 70 PSI		12:19	8	95'-6"		94'-11"	
	8:00	4	105'-3"		104'-10"			12:21	10	95'-2"		94'-7"	
	8:02	6	130'-7"		130'-0"			12:23	12	91'-7"		91'-0"	
	8:04	8	135'-6"		134'-11"			12:28	17	89'-8"		89'-1"	
	8:06	10	139'-0"		138'-5"			12:33	22	86'-2"		85'-7"	
	8:11	15	138'-1"		137'-6"	Line Pressure 80 PSI		12:38	27	85'-10"		85'-3"	
	8:16	20	140'-0"		139'-5"			12:43	32	85'-7"		85'-0"	
	8:21	25	151'-2"		150'-7"			12:48	37	84'-9"		84'-3"	
	8:26	30	151'-11"		151'-4"			12:53	42	83'-6"		82'-11"	
	8:31	35	151'-11"		151'-4"			12:58	47	82'-11"		82'-9"	
	8:36	40	152'-0"		151'-5"			1:13	62	80'-5"		79'-10"	
	8:41	45	154'-3"		153'-8"			1:28	77	80'-0"		79'-5"	
	8:56	60	159'-6"		158'-11"			1:43	92	79'-8"		79'-1"	
	9:11	75	159'-6"		158'-6"			1:58	107	79'-2"		78'-5"	
	9:26	90	164'-7"		164'-0"			2:13	122	76'-4"		75'-9"	
	9:41	105	164'-9"		164'-2"			2:28	137	76'-0"		75'-5"	
	9:56	120	169'-11"		169'-4"			2:43	152	75'-8"		75'-1"	
	10:11	135	169'-10"		169'-3"			12:58	167	74'-6"		73'-11"	
	10:26	150	169'-6"		168'-11"			3:13	182	72'-10"		72'-3"	
	10:41	165	173'-0"		172'-5"			3:28	197	71'-6"		69'-11"	
	10:56	180	173'-7"		173'-0"			3:43	212	69'-2"		68'-7"	
	11:11	195	173'-11"		173'-4"			3:58	227	67'-7"		67'-0"	
	11:26	210	173'-10"		173'-3"			4:13	242	66'-4"		65'-9"	
	11:41	225	174'-0"		173'-5"			4:28	257	64'-2"		63'-7"	
	11:56	240	174'-0"		173'-5"	Line Pressure 80 PSI		4:43	272	63'-1"		62'-6"	

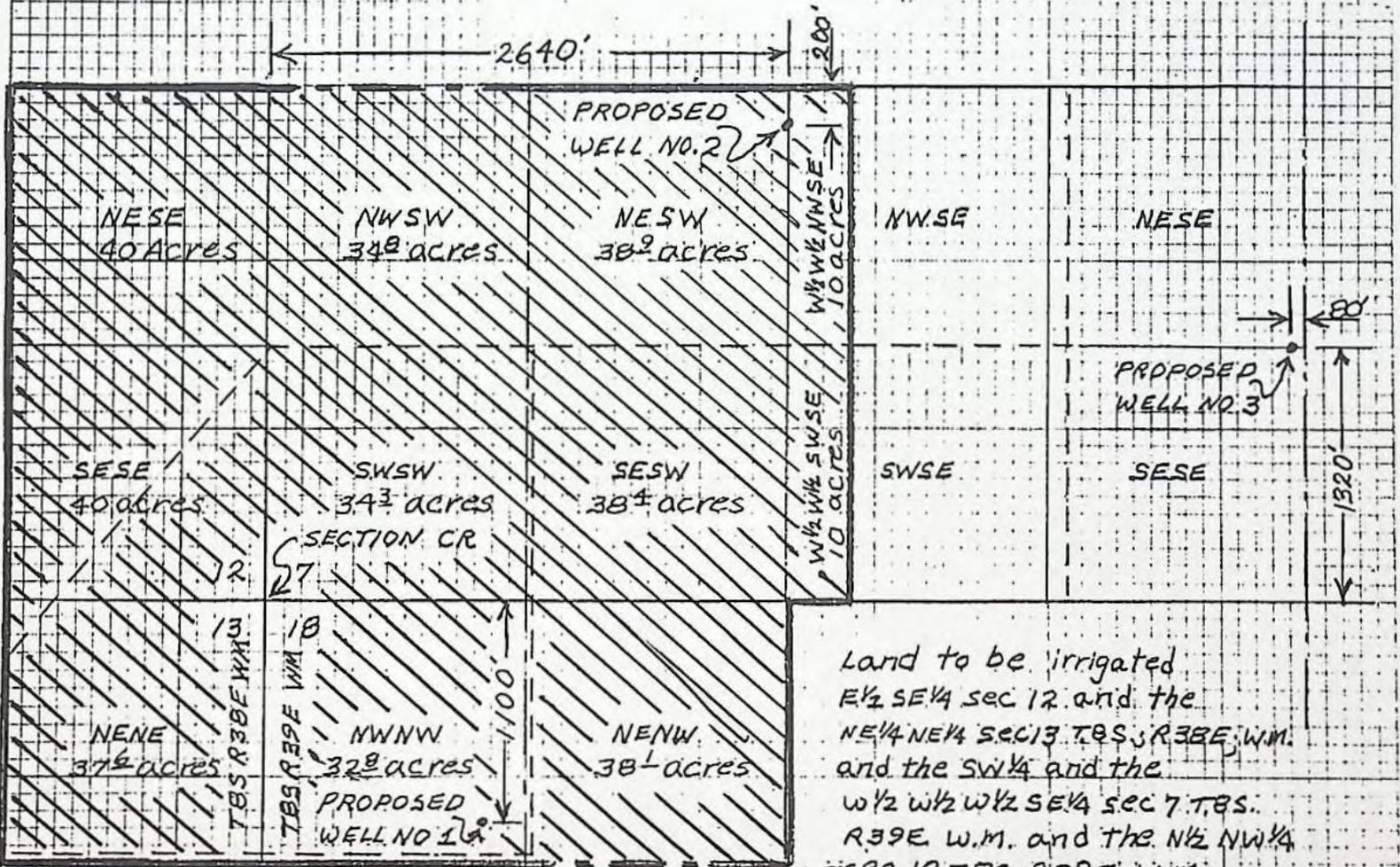
APR - 6 1995

# APPLICATION FOR GROUND WATER RIGHT

Permit No. 13175

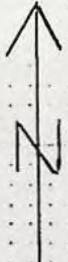
WATER RESOURCES DEPT.  
SALEM, OREGON

G12039



### Legend

- Bdry. Land to be irrigated
- County Road
- Buried PVC main line 6", 8" & 10"
- Scale 6" = 1 mile
- Drawn by TMK
- Revised 4-3-95



Certified Water Right Examiner  
 #278  
*Tom Mac Kerns*  
 Tom Mac Kerns  
 May 30, 1991  
 STATE OF OREGON

8-13175

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12/6/99 WATER RESOURCES DEPT.  
SALEM, OREGON

Page 1

FINAL PROOF REPORT  
for Permit Number G-12039

GENERAL INFORMATION:

Permittee is TOM "Mac" and Joyce A. Kerns  
45296 Pocahonts Rd  
Haines, Or 97833

Land Owner is the same as the Permittee.

Wells Number 1 and number 3 have been completed in accordance with the terms and conditions of the permit except acreage adjustments were made in the primary water right under 3111 process and this supplemental water right needs to be adjusted to reflect these acres which are the acres actually irrigated.

No work has been done on well number 2.

SOURCE:

The primary source is shown on the following tables:

Acres	Tax Lot	1/41/4	Sect	Tw	range	Cert#	Source
39.1	2400	SENE	7	8S	39E	72619	Rock, Pine, Willow Cr
35.0	2400	NWSW	7	8S	39E	72612	Pine Cr
35.8	2400	SWSW	7	8S	39E	72612	Pine Cr
39.1	2400	SESW	7	8S	39E	72612	Pine Cr
40.0	2400	SWSE	7	8S	39E	72612	Pine Cr
40.0	2400	NWSE	7	8S	39E	72612	Pine Cr
39.1	2400	NESW	7	8S	39E	72612	Pine Cr
37.8	2400	NESE	7	8S	39E	72612	Pine Cr
39.1	2400	SESE	7	8S	39E	72612	Pine Cr
40.0	2301	SESE	12	8S	38E	72612	Pine Cr
40.0	2302	NESE	12	8S	38E	72612	Pine Cr
37.4	2301/2302	NENE	13	8S	38E	72612	Pine Cr
34.8	201	NWNW	18	8S	39E	72612	Pine Cr
38.2	2400	NENW	18	8S	39E	72612	Pine Cr

DEC 17 1999

WATER RESOURCES DEPT. Page 2  
SALEM, OREGON

The primary source has been used continuously.

In addition to the primary source, portions of the area are covered by supplemental sources from certificates numbered 72613, 72614, 72617, & 72618 and permit number G-11300.

Driller's logs for wells number 1 and 3 are attached as (Exhibit "A")

#### DIVERSION POINTS:

The new supplemental source and certificate number 72163, and permit number G11300 are all wells located within 3/4 miles of each other, and all feed into the same pipeline and irrigation system. Therefore, they should all be considered as alternate points of diversion.

Diversion points for certificate number 72613, well 2 and 3 and permit number G-11300 are as follows:

- o Permit G11300 NW1/4, SE1/4, Section 7, T8SR39E; WM., 50 feet South and 1636 feet West from the E1/4 corner Section 7, T.8S., R.39E., WM..
- o Well Number 1 NW1/4NW1/4 Section 18, T8S., R39E, WM, 1100 feet South and 1100 feet East from the NW corner of Section 18, T8S, R39E, WM..
- o Well Number 2 SE1/4SE1/4 Section 7, T8S, R39E, WM, 1320 feet North and 80 feet West from the SE corner of Section 7, T8S, R39E, WM..
- o Certificate 72613 SW1/4SE1/4, Section 7, T8S, R39E, WM, 50 feet North and 2300 feet West from the SE Corner of Section 7, T8S, R39E, WM..

Water levels for wells 1 and 3 and permit G12039 are given on the attached pump test (Exhibit "B"). All wells are equipped with an access port and an air line.

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Page 3

PUMPS and MOTORS

WATER RESOURCES DEPT.  
SALEM, OREGON

Pumps and Motors for wells 1 and 3 and for permit G-12039 are described as follows:

Well number 1

Motor make U.S.

Type RV Vertical Hollow shaft

Hp 100

RPM 1800

Pump make Floway

Model 7 stage line shaft

Pump column size 6 inch

Pump Column length 332 ft.

Pump operates at 310 to 420 feet of head and produces 790 gallons per minute, which should be the final certified amount.

This well pumps directly into a main line at 50 PSI at the well head or into a pond with zero PSI or into a booster pump at -5 PSI at the well head. When operating the booster pump, total head is 310 feet and pump produces 790 gallons per minute.

Well number 3

Motor make Newman

Type Vertical hollow shaft

HP 100

RPM 1800

Pump make Peerless

Model 12 stage

Pump Column size 6 inches

Pump Column length 205 ft.

Pump operates at 250 to 350 / feet of head and produces 890 gallons per minute at the lower head, which should be the final certified amount

/ varies depending on equipment and pumps operating

IRRIGATION SYSTEM

Irrigation transmission and distributiion system is as shown on the attached final proof map (Exhibit "C").

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Page 4

WATER USE

WATER RESOURCES DEPT.  
SALEM, OREGON

The water is used to irrigate agricultural crops commonly grown in Baker valley, such as pasture, alfalfa, grain, potatoes etc., in addition, water from these wells is used to water livestock.

Tom "Mac" Kerns

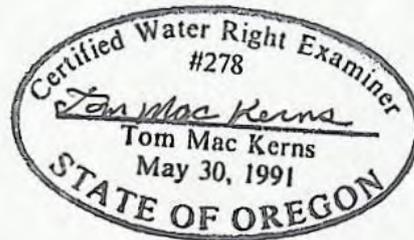
*Tom Mac Kerns*

Permittee & CWRE

Joyce A. Kerns

*Joyce A. Kerns*

Permittee



G-13175 & G-12355

Tom "Mac" Kerns  
45296 Pocahontas Rd.  
Haines, Or 97833

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WATER RESOURCES DEPT.  
SALEM, OREGON

Martha Pagel Director  
Water Resource Department  
158 12th Street N.E.  
Salem Or 97310-0210

12/13/99

Dear Mrs. Pagel,

G-11300 *job*

Referance Permit G-12039, G-1130 and Certifcate 72613

Enclosed is a final poof report for permit G-12039 along with alternate points of diversionn for G-12039, G-11300 and C-72613,

Very truly yours,

*Tom Mac Kerns*

Tom "Mac" Kerns

**EXHIBIT "C"**  
**FINAL PROOF MAP FOR PERMIT G-12039**  
**AND ALTERNATE POINT OF DIVERSION**  
**FOR G-12039, G-11300 AND C-72613**

**RECEIVED**

07 17 1999

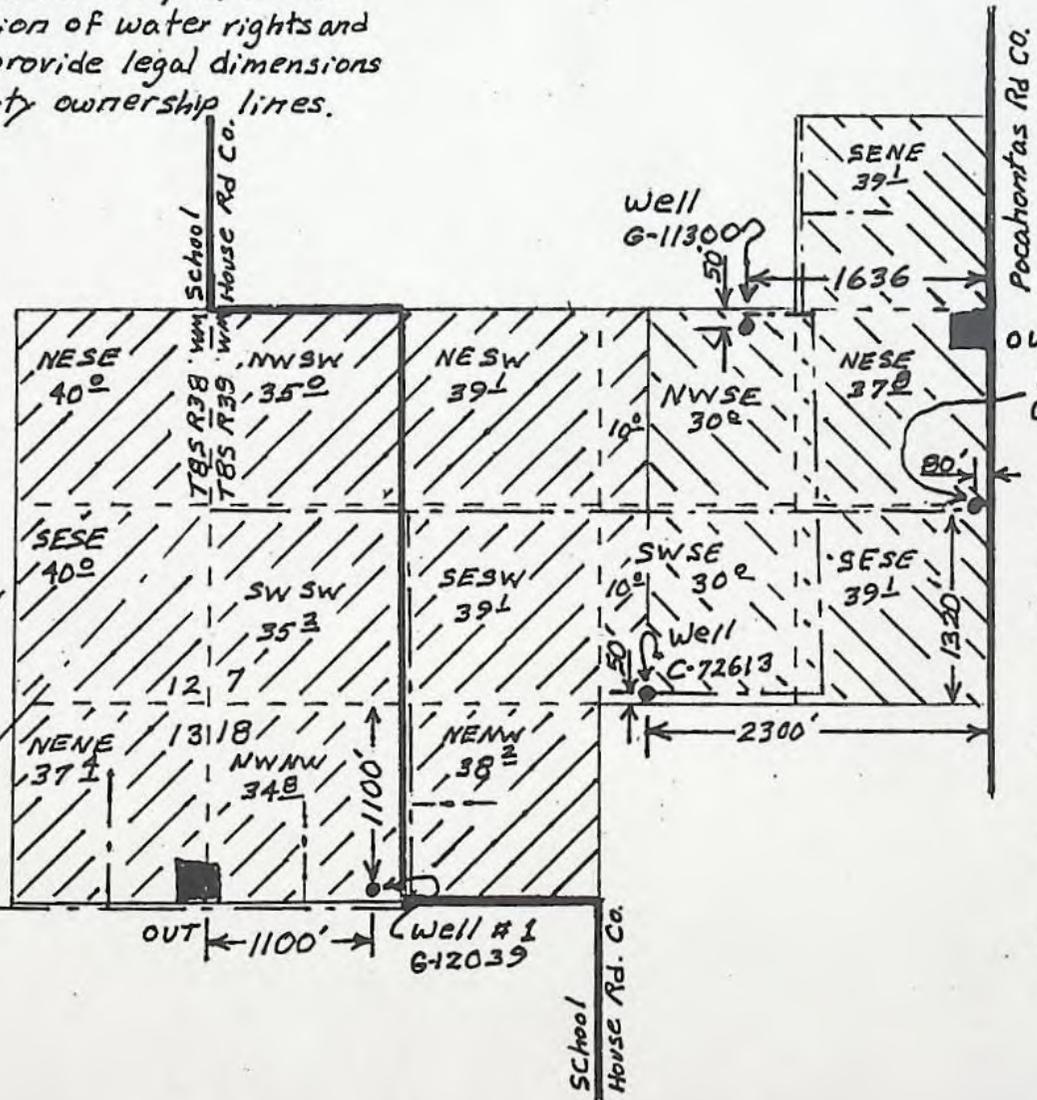
WATER RESOURCES DEPT.  
 SALEM, OREGON

I certify the information provided in this final proof is an accurate representation of the permitted water use and is true and correct to the best of my knowledge. This map is to be used for the purpose of identifying the location of water rights and is not intended to provide legal dimensions or location of property ownership lines.

All land is being irrigated by center pivots with corners covered by hand lines.



**LEGEND**  
 Co. Road ———  
 Main line - - - -  
 subdivision & acres  
 Land irrigated under G-12039  
 Land irrigated under G-11300 & C-72613  
 well •  
 scale 4" = 1 mile  
 Drawn 12-13-99 by TMK



Alternate points of diversion for G-12039, G-11300 and C-72613 are as follows:

- 1100 ft south and 1100 ft east from the NW Cr S. 18, T8 S, R39E, WM
- 1320 ft North and 80 ft west from the SE Cr S 7, T8 S, R38E, WM
- 50 ft south and 1636 ft west from the East 1/4 Cr S 7, T8 S, R38E, WM
- 50 ft North and 2300 ft west from the SE Cr S 7, T8 S, R38E, WM

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STATE OF OREGON  
WATER WELL REPORT  
as required by ORS 537.765

WATER RESOURCES DEPT. (START CARD) # 47602

SALEM, OREGON

OWNER: Name K - Diamond Ranch Well Number \_\_\_\_\_  
Address RT 1 Box 10  
City Haines State OR Zip 97833

(9) LOCATION OF WELL by legal description:  
County Baker Latitude \_\_\_\_\_ Longitude \_\_\_\_\_  
Township 25 N or S. Range 39 E E or W. WM.  
Section 18 NW 1/4 NW 1/4  
Tax Lot \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_  
Street Address of Well (or nearest address) 2 miles south of  
Roanoke on Creeper Rd

(2) TYPE OF WORK:  
 New Well  Deepen  Recondition  Abandon

(3) DRILL METHOD:  
 Rotary Air  Rotary Mud  Cable  
 Other \_\_\_\_\_

(10) STATIC WATER LEVEL: Haines  
130 ft. below land surface. Date 5-27-93  
Artesian pressure \_\_\_\_\_ lb. per square inch. Date \_\_\_\_\_

(4) PROPOSED USE:  
 Domestic  Community  Industrial  Irrigation  
 Thermal  Injection  Other \_\_\_\_\_

(11) WATER BEARING ZONES:  
Depth at which water was first found 170

(5) BORE HOLE CONSTRUCTION:  
Special Construction approval  Yes  No Depth of Completed Well 800 ft.  
Explosives used  Yes  No Type \_\_\_\_\_ Amount \_\_\_\_\_

From	To	Estimated Flow Rate	SWL
170	172	60	130
200	210	40	130
230	235	40	130
395	395	50	130

HOLE		SEAL		Amount sacks or pounds
Diameter	From To	Material	From To	
14	0 18	Benford	18 0	1000 lbs
10	18 357			
6	357 800			

(12) WELL LOG:  
600 Ground elevation 50 SWL 130  
740 700

How was seal placed: Method  A  B  C  D  E  
 Other Powered dry  
Backfill placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Material \_\_\_\_\_  
Gravel placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Size of gravel \_\_\_\_\_

Material	From	To	SWL
Sack	0	5	
Sand + gravel + clay	5	170	
Sand + gravel little clay	170	172	130
gravel clay + sand	172	200	130
sand + gravel little clay	200	210	130
gravel clay + sand	210	230	130
sand + gravel little clay	230	235	130
gravel + clay + sand	235	390	130
sand + clay	390	360	130
gravel + clay + sand	360	395	130
sand + gravel + little clay	395	376	130
gravel + clay + sand	376	600	130
sand + gravel little clay	600	601	130
gravel + clay + sand	601	740	130
sand + gravel little clay	740	741	130
gravel + clay + sand	741	800	130

(6) CASING/LINER:

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing: 10	+1	357	250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6	350	425	250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liner: 4	400	800		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Final location of shoe(s) 357 425

(7) PERFORATIONS/SCREENS:

Perforations Method air touch saw  
 Screens Type \_\_\_\_\_ Material \_\_\_\_\_

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
170	340	4	1000	10		<input checked="" type="checkbox"/>	<input type="checkbox"/>
365	425	4	240	6		<input checked="" type="checkbox"/>	<input type="checkbox"/>
400	800	1/8	1000	4		<input type="checkbox"/>	<input checked="" type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour  
 Pump  Bailor  Air  Flowing Artesian  
Yield gal/min 255 Drawdown \_\_\_\_\_ Drill stem at 350 Time 1 hr.

Date started 5-11-93 Completed 5-27-93

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

Signed Carl Petch WWC Number 404  
Date 5-28-93

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

Signed Carl Petch WWC Number 494  
Date 5-28-93

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

8

1951

OS/OIE/186 476012

(1) OWNER: Name F - Diamond Ranch Address RT 1 Box 10 City Hailes State 07 Zip 97833

(2) TYPE OF WORK: [X] New Well [ ] Deepen [ ] Recondition [ ] Abandon

(3) DRILL METHOD: [X] Rotary Air [ ] Rotary Mud [ ] Cable [ ] Other

(4) PROPOSED USE: [ ] Domestic [ ] Community [ ] Industrial [X] Irrigation [ ] Thermal [ ] Injection [ ] Other

(5) BORE HOLE CONSTRUCTION: Special Construction approval [ ] Yes [X] No Depth of Completed Well 800 ft. Explosives used [ ] Yes [X] No Type Amount

Table with columns: HOLE Diameter, From, To, SEAL Material, From, To, Amount sacks or pounds. Includes handwritten entries for 14, 10, and 1 inch diameters.

How was seal placed: Method [ ] A [ ] B [ ] C [ ] D [ ] E [X] Other Paired dry Backfill placed from ft. to ft. Material Gravel placed from ft. to ft. Size of gravel

(6) CASING/LINER: Table with columns: Diameter, From, To, Gauge, Steel, Plastic, Welded, Threaded. Includes handwritten entries for 10, 6, and 4 inch diameters.

Final location of shoe(s) 357 425

(9) LOCATION OF WELL by legal description: County Baker Latitude Longitude Township 8.5 N or S. Range 39 E E or W. WM. Section 18 NW 1/4 NW 1/4 Tax Lot Lot Block Subdivision Street Address of Well (or nearest address) 2 mi south of Roshers Creek on Creeper Rd

(10) STATIC WATER LEVEL: Hailes 130 ft. below land surface. Date 5-27-93 Artesian pressure lb. per square inch. Date

(11) WATER BEARING ZONES: Depth at which water was first found 170

Table with columns: From, To, Estimated Flow Rate, SWL. Includes handwritten data points for various depths.

(12) WELL LOG: 600 50 130 740 700 ground elevation 20 130

Table with columns: Material, From, To, SWL. Lists soil and gravel layers with their respective depths and water levels.

Handwritten notes on a yellow sticky note: G-13, Do NOT USE lined KARL PITCHER STAR MAY 11 FW 27 SE 18 DATED 28 N NW RICHES

Temperature of Water Was a water analysis done Did any strata contain water not [ ] Salty [ ] Muddy [ ] Odor [ ] Colored [ ] Other Depth of strata:

1-93 Completed 5-27-93 Well Constructor Certification: I performed on the construction, alteration, or abandonment work in compliance with Oregon well construction standards. Material reported above are true to my best knowledge and belief. Signed Carl Pitcher WWC Number 474 Date 5-28-93

JUN 16 1993

1951

OS/OIE/186  
 476012

(START CARD)

(1) OWNER: Well Number \_\_\_\_\_  
 Name K - Diamond Ranch  
 Address RT 1 Box 10  
 City Haines State OR Zip 97833

(2) TYPE OF WORK:  
 New Well  Deepen  Recondition  Abandon

(3) DRILL METHOD:  
 Rotary Air  Rotary Mud  Cable  
 Other \_\_\_\_\_

(4) PROPOSED USE:  
 Domestic  Community  Industrial  Irrigation  
 Thermal  Injection  Other \_\_\_\_\_

(5) BORE HOLE CONSTRUCTION:  
 Special Construction approval  Yes  No Depth of Completed Well 800 ft.  
 Explosives used  Yes  No Type \_\_\_\_\_ Amount \_\_\_\_\_

HOLE		SEAL		Amount sacks or pounds
Diameter	From To	Material	From To	
14	0 18	Bentonite	18 0	1000 lbs
10	18 337			
6	357 800			

How was seal placed: Method  A  B  C  D  E  
 Other Powered dry  
 Backfill placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Material \_\_\_\_\_  
 Gravel placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Size of gravel \_\_\_\_\_

(6) CASING/LINER:

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing: 10	+1	357	250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6	350	425	250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liner: 4	400	800		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Final location of shoe(s) 357 425  
 (7) \_\_\_\_\_

(9) LOCATION OF WELL by legal description:  
 County Baker Latitude \_\_\_\_\_ Longitude \_\_\_\_\_  
 Township 8S N or S. Range 39E E or W. WM. \_\_\_\_\_  
 Section 18 NW 1/4 NW 1/4  
 Tax Lot \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_  
 Street Address of Well (or nearest address) 2 mi south of Roanoke Rd. on Creeper Rd

(10) STATIC WATER LEVEL: Haines  
130 ft. below land surface. Date 5-27-93  
 Artesian pressure \_\_\_\_\_ lb. per square inch. Date \_\_\_\_\_

(11) WATER BEARING ZONES:  
 Depth at which water was first found 170

From	To	Estimated Flow Rate	SWL
170	172	60	130
200	210	40	130
230	235	40	130
395	395	50	130

(12) WELL LOG: 600 50 130  
740 Ground elevation 20 130

Material	From	To	SWL
Soil	0	5	
Sand + gravel + clay	5	170	
Sand + gravel little clay	170	172	130
gravel clay + sand	172	200	130
sand + gravel little clay	200	210	130
gravel clay + sand	210	230	130
sand + gravel little clay	230	235	130
gravel + clay + sand	235	340	130
Sand + clay	340	360	130
gravel + clay + sand	360	375	130
Sand + gravel little clay	375	376	130
gravel + clay + sand	376	600	130
Sand + gravel little clay	600	601	130
gravel + clay + sand	601	740	130
gravel little clay	740	741	130
clay + sand	741	800	130

G-13175

DRILLER  
 KARC POTNER

10" - 357'  
 6" - 425'  
 4" - 800'

BAKER

STAR MAY 11

8S 39E SE 18

FW 27

DATED 28

800 ft.

NW NW

K-DIAMOND RANCHES

1-93 Completed 5-27-93

Well Constructor Certification:  
 I certify that the work I performed on the construction, alteration, or abandonment of this well complies with Oregon well construction standards. Material reported above are true to my best knowledge and belief.

P. P. P. P. WWC Number 474  
 Date 5-28-93

Well Constructor Certification:  
 I certify that the construction, alteration, or abandonment work performed during the construction dates reported above. All work performed during this time was in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.

Carl P. P. WWC Number 474  
 Date 5-28-93

Temperature of Water 52 Depth Artesian \_\_\_\_\_  
 Was a water analysis done?  Yes  No By whom \_\_\_\_\_  
 Did any strata contain water not suitable for intended use?  Too little  
 Salty  Muddy  Odor  Colored  Other \_\_\_\_\_  
 Depth of strata: \_\_\_\_\_

8

STATE OF OREGON  
**WATER WELL REPORT**  
 (as required by ORS 537.765) WATER RESOURCES DEPT.  
 SALEM, OREGON

JUN 16 1993

1951

OS/OIE/186  
476012

(START CARD)

(1) OWNER: Well Number \_\_\_\_\_  
 Name K - Diamond Ranch  
 Address Rt 1 Box 10  
 City Haines State OR Zip 97733

(2) TYPE OF WORK:  
 New Well  Deepen  Recondition  Abandon

(3) DRILL METHOD:  
 Rotary Air  Rotary Mud  Cable  
 Other \_\_\_\_\_

(4) PROPOSED USE:  
 Domestic  Community  Industrial  Irrigation  
 Thermal  Injection  Other \_\_\_\_\_

(5) BORE HOLE CONSTRUCTION:  
 Special Construction approval  Yes  No Depth of Completed Well 800 ft.  
 Explosives used  Yes  No Type \_\_\_\_\_ Amount \_\_\_\_\_

HOLE		SEAL		Amount sacks or pounds
Diameter	From To	Material	From To	
14	0 18	Bentonite	18 0	1000 lbs
10	18 357			
6	357 800			

How was seal placed: Method  A  B  C  D  E  
 Other Powered dry  
 Backfill placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Material \_\_\_\_\_  
 Gravel placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Size of gravel \_\_\_\_\_

(6) CASING/LINER:

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing: 10	+1	357	.250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	6	350	.250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liner: 4	400	800		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Final location of shoe(s) 357 425

(7) PERFORATIONS/SCREENS:  
 Perforations Method air touch saw  
 Screens Type \_\_\_\_\_ Material \_\_\_\_\_

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
170	340	4	1008	10		<input checked="" type="checkbox"/>	<input type="checkbox"/>
365	425	4	240	6		<input checked="" type="checkbox"/>	<input type="checkbox"/>
400	800	1/8	1000	4		<input type="checkbox"/>	<input checked="" type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour  
 Pump  Bailer  Air  Flowing Artesian

Yield gal/min	Drawdown	Drill stem at	Time
255		350	1 hr.

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

(9) LOCATION OF WELL by legal description:  
 County Baker Latitude \_\_\_\_\_ Longitude \_\_\_\_\_  
 Township 8.5 N or S. Range 39 E E or W. WM.  
 Section 18 NW 1/4 NW 1/4  
 Tax Lot \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_  
 Street Address of Well (or nearest address) 2 mi south of Rock creek on Cross Rd

(10) STATIC WATER LEVEL: Haines  
130 ft. below land surface. Date 5-27-93  
 Artesian pressure \_\_\_\_\_ lb. per square inch. Date \_\_\_\_\_

(11) WATER BEARING ZONES:  
 Depth at which water was first found 170

From	To	Estimated Flow Rate	SWL
170	172	60	130
200	210	40	130
230	235	40	130
395	395	50	130

(12) WELL LOG:  
 600 50 130  
 640 700 ground elevation 20 130

Material	From	To	SWL
Soil	0	5	
Sand + gravel + clay	5	170	
Sand + gravel little clay	170	172	130
gravel clay + sand	172	200	130
Sand + gravel little clay	200	210	130
gravel clay + sand	210	230	130
sand + gravel little clay	230	235	130
gravel + clay + sand	235	340	130
Sand + clay	340	360	130
gravel + clay + sand	360	375	130
Sand + gravel little clay	375	376	130
gravel + clay + sand	376	600	130
Sand + gravel little clay	600	601	130
gravel + clay + sand	601	740	130
Sand + gravel little clay	740	741	130
gravel + clay + sand	741	800	130

Date started 5-11-93 Completed 5-27-93

(unbonded) Water Well Constructor Certification:  
 I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon well construction standards. Material used and information reported above are true to my best knowledge and belief.  
 Signed Carl P. Loh WWC Number 474  
 Date 5-28-93

(bonded) Water Well Constructor Certification:  
 I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.  
 Signed Carl P. Loh WWC Number 474  
 Date 5-28-93

X-Sender: juullj@mailhub.wrd.state.or.us  
X-Mailer: QUALCOMM Windows Eudora Version 6.1.2.0  
Date: Wed, 30 Mar 2005 11:58:02 -0800  
To: Susan.M.DOOUTHIT@wrд.state.or.us  
From: Lisa Juul <Lisa.J.JUUL@wrд.state.or.us>  
Subject: WRIS Address Update  
Cc: Lisa.J.JUUL@wrд.state.or.us  
X-Security: MIME headers sanitized on kettle.wrd.state.or.us  
See <http://www.impsec.org/email-tools/sanitizer-intro.html>  
for details. \$Revision: 1.139 \$Date: 2003-09-07 10:14:23-07  
X-Spam-Checker-Version: SpamAssassin 2.63 (2004-01-11) on  
kettle.wrd.state.or.us  
X-Spam-Status: No, hits=0.6 required=5.0 tests=HTML\_20\_30,HTML\_FONTCOLOR\_BLUE,  
HTML\_MESSAGE autolearn=no version=2.63  
X-Spam-Level:

Hello Susan,

Please update WRIS with the following address change:

Appl #G-13175 / Permit #G-12039 under Tom Mac and Joyce A. Kerns

Old Address: Route 1, Box 10, Haines, OR 97833

**NEW ADDRESS: 45296 Pocahontas Road, Haines, OR 97833**

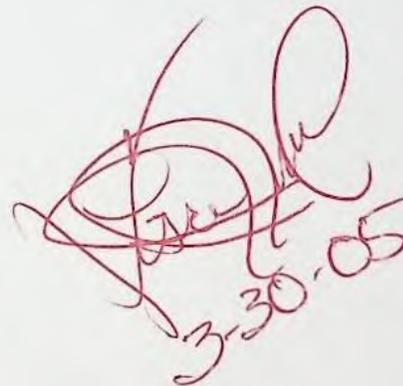
I have updated the front cover of the permit file record.

Thank you,  
Lisa

Lisa J. Juul  
Water Rights Specialist  
Water Rights & Adjudications Division  
Oregon Water Resources Department  
725 NE Summer Street, Suite A  
Salem, Oregon 97301-1271

---

Phone # (503) 986-0808  
FAX # (503) 986-0901  
E-Mail Address: Lisa.J.JUUL@wrд.state.or.us  
Homepage/Website Address: <http://www.wrd.state.or.us>

A handwritten signature in red ink, appearing to be 'Lisa Juul', with the date '3-30-05' written below it.



# Oregon

John A. Kitzhaber, M.D., Governor

## Water Resources Department

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

December 22, 1999

TOM "MAC" AND JOYCE A. KERNS  
RT 1 BOX 10  
HAINES OR 97833

REFERENCE: Files G-12355 AND G-13175

This will acknowledge that your claim of beneficial use and map in the name of TOM "MAC" AND JOYCE A. KERNS were received on DECEMBER 17, 1999. These will be reviewed in the future to insure they are complete and correct.

If you have any questions please contact me at (503) 378-8455, extension 263, or dial toll free (within Oregon only) at 1-800-624-3199, extension 263.

Sincerely,

STEVE BROWN  
Program Analyst  
Certificate Section

SCB:tcb

cc: TOM "MAC" KERNS, CWRE #278



Tom "Mac" Kerns  
Rt 1, Box 10  
Haines, OR 97833

RECEIVED

SEP 29 1994

WATER  
SALES

September 22, 1994

Mr. Jake Szramek  
Water Rights Section  
Water Resources Department  
158 12th Street NE  
Salem OR 9731-0210

Dear Mr. Szramek:

Reference File G-13175 and your letter of September 7th, 1994

Enclosed are 5 copies of a corrected map.

Referring to the ""Proposed Permit Conditions".

Item Number 5 Measurement, recording & reporting conditions. I will accept this condition. However, measuring one source of water among many users in one location will provide no meaningful information.

Item Number 12 Diversion Limitation.

My surface water right is for one-fortieth of a cubic foot per second per acre and with our soils, climate and water transmission system it is all needed in order to do any meaningful irrigation from the surface source. I would like to see this item changed to read "The amount of water used for irrigation under this right is limited to a diversion of one-eightieth of one cubic foot per second (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year".

Sincerely,

*Tom Mac Kerns*

Tom "Mac" Kerns

July 25, 1995

Tom Mac and Joyce A. Kerns  
Kerns Brothers Ranch  
Route 1, Box 10  
Haines, OR 97833

Reference: File G-13175

Dear Mr. and Mrs. Kerns:

I am enclosing Warrant No. 0001834589 refunding excess fees collected for the above application for permit.

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

Respectfully,

Steve Brown  
Water Rights Program Analyst  
Water Right/Adjudication Division

1358



---

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

ORIGINAL

ACTION CODE

B 03-00-0 50.00

000015

AGENCY VOUCHER NO.

DATE 07-11-95

VENDOR NUMBER A69000

PAYEE AND ADDRESS

KERNS, TOMS MAC & JOYCE A

AUDITED BY

WATER RESOURCES  
158 12TH ST NE  
SALEM OR 97310-0210

TOTAL

\$50.00

PAYMENT OF: INVOICE REFERENCE 093911 50.00  
NET PAID ..... \$50.00

MESSAGE: REVENUE REFUND G-13175 93911

ACCOUNT CODING: AGY 69000 BCH A02 INV TC 40 TD 950711 REF 093911  
DESCRIPTION PCD PROJECT FUND BI COST CENTER ACCOUNT AMOUNT  
KERNS, TOMS MAC & JO 062300 427 7 06 23 00 01 50.00

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

25-088450  
REV. 05-92

NOTICE TO VENDOR

REMITTANCE ADVICE

Enclosed is warrant in full payment of claim listed above. Please refer to Voucher Number indicated if you have any question regarding this payment.

By

FOR STATE AGENCY USE ONLY

This certifies that the materials, services, cash advanced, or expenses covered by this claim have been furnished, rendered or expended on behalf of the State of Oregon. The provision for payment is made by law and appropriation, the obligation or expenditure is authorized by law and the claim otherwise satisfies the requirements as provided by ORS 293.295. This claim has been approved for payment in the above amount.

By

INTEROFFICE MEMO

TO: FISCAL SECTION

DATE: 5/1/95

FROM: [Signature]

Steve Brown, Water Rights Program Analyst

SUBJECT: REQUEST FOR TRANSFER OF FEES OR REFUND CHECK

TRANSFER

Please transfer \$ \_\_\_\_\_, Receipt \_\_\_\_\_  
from file \_\_\_\_\_ to file \_\_\_\_\_ for:

\_\_\_\_\_ Examination fee  
\_\_\_\_\_ Recording fee

REFUND

Please refund \$ 50<sup>00</sup> to Tom Mac & Joyce A. Kerns  
file G-13175, receipt 93911. These funds are  
refunded due to: Herns Brothers Ranch

- \_\_\_\_\_ Application rejected
- \_\_\_\_\_ Application withdrawn
- x   Excess fees collected for application/ PON
- \_\_\_\_\_ Payments of PON
- \_\_\_\_\_ Protest Filing fees
- \_\_\_\_\_ Other

842004

JUN 09 1995

# Public Interest Review

File No. G-13175

## I. Findings relating to OAR 690-11-195(2):

✓ The proposed water use is NOT prohibited by statute or scenic waterway criteria.

Comments:

✓ The proposed water use IS a classified use under the applicable basin program (OAR 690-509) OR an application for the use HAS BEEN filed under ORS 536.295 and OAR Chapter 690, Division 82;

Comments:

✓ The proposed water use IS consistent with conditions previously imposed by the Commission on appropriations from the same source;

Comments:

✓ The proposed water use will NOT conflict with existing water rights;

Comments:

✓ Water IS available from the source to support the proposed water use.

Comments:

## II. Findings relating to OAR 690-11-195(3):

✓ Population growth demands for domestic and municipal uses:

*Finding: Nothing in the record developed for this application establishes the proposed water use would interfere with future demands for domestic and municipal uses as estimated by current rates of population growth in the area.*

✓ Economic development for agriculture, navigation, manufacturing, industry, power generation, commercial fishing, forestry and mining:

*Finding: Nothing in the record developed for this application establishes the proposed water use would appropriate water otherwise needed for economic development for agriculture, navigation, manufacturing, industry, power generation, commercial fishing, forestry and mining.*

✓ Health and safety requirements for sanitation, drainage, flood control, and fire protection:

*Finding: Nothing in the record developed for this application establishes the proposed water use would appropriate water otherwise needed for health and safety requirements for sanitation, drainage, flood control, and fire protection.*

✓ Public values and uses for recreation, pollution abatement, fish and wildlife resources, and scenic waterway protection:

*Finding: The water availability determination made for this application reflects public value needs listed above as incorporated in instream water rights applications and certificates and scenic waterway flow data.*

# Public Interest Review

File No. G-13175

## III. Findings relating to OAR 690-11-195(4):

**✓ Existing claims to water from the same source:**

***Finding:*** *The proposed water use has been analyzed in light of other needs from the same source. Exercise of any permit issued for the proposed use would not interfere with existing uses. The water availability determination made for this application takes into account water needed for pending applications proposed for approval from the same source.*

**✓ Land use goals, comprehensive plans, or other land use matters:**

***Finding:*** *The application is compatible with the comprehensive plan of the affected local government, as evidenced by the required land use information form (or receipt). No other land use matters have been raised by citizens, local governments, or state agencies.*

**✓ Identified environmental concerns:**

***Finding:*** *No general environmental concerns relating to the exercise of the proposed permit have been identified in the review of agency records or by others.*

**✓ Character and extent of other natural resources which are present in the water source basin:**

***Finding:*** *No other natural resources in the water source basin will be adversely effected according to the agency records.*

**✓ Riparian and aquatic fauna and flora characteristics:**

***Finding:*** *No riparian and aquatic fauna and flora characteristics in the water source basin will be adversely effected in review of agency records or by others.*

**✓ Recreational use and potential of the water source and its basin area:**

***Finding:*** *Nothing in the records indicate the proposed use will interfere recreational use and potential use within the basin.*

**✓ Agricultural potential of the area:**

***Finding:*** *The proposed use(s) will not adversely affect agricultural potential of the area according to the records of the agency.*

**✓ Designated historic, cultural, or natural resource protection areas:**

***Finding:*** *Nothing in the records indicate the proposed use will interfere with designated historic, cultural or natural resource protection areas.*

# Public Interest Review

File No. G-13175

## IV. Public Interest Determination Summary

Based on the record in the application file and the analysis of the Department as presented to the Commission in the findings displayed above, the following public interest factors have been duly considered:

- ✓ Conserving the highest use of the water for all purposes, including irrigation, domestic use, municipal water supply, power development, public recreation, protection of commercial and game fishing and wildlife, fire protection, mining, industrial purposes, navigation, scenic attraction or any other beneficial use to which the water may be applied for which it may have a special value to the public.
- ✓ The maximum economic development of the waters involved.
- ✓ The control of the waters of this state for all beneficial purposes, including drainage, sanitation and flood control.
- ✓ The amount of waters available for appropriation for beneficial use.
- ✓ The prevention of wasteful, uneconomic, impracticable or unreasonable use of the waters involved.
- ✓ All vested and inchoate rights to the waters of this state or to the use of the waters of this state, and the means necessary to protect such rights.
- ✓ The state water resources policy formulated under ORS 536.295 to 536.350 and 537.505 to 537.525.

  
\_\_\_\_\_  
Steven P. Applegate  
Administrator  
Water Rights and Adjudications Division

May 23, 95  
Date

Tom Mac Kerns  
Rt 1, Box 10  
Haines, OR 97833

April 13, 1995

Mr Jake Szramek  
Water Rights Section  
Water Resources Dept  
158 1st<sup>th</sup> Street NE.  
Salem, OR 97310-0210

Dear Mr. Szramek,

The number of acres I requested in my last letter was 355 acres. This amount is correct rather than the 380 I requested at first.

Thank you for your help.

Sincerely  
Tom Mac Kerns  
Joyce A Kerns

PTP

4-13-95

Tom Mac Kerns

RT 1 Box

Haines, Or 97833

Douglas L. Baer  
Water Resource Dept  
Commerce Bldg  
158 12th Street NE  
Salem, Or 97310-0210

RECEIVED

APR 17 1995

WATER RESOURCES DEPT.  
SALEM, OREGON

Dear Mr Baer

As per our phone discussion of 4-13-95 enclosed  
~~are~~ is the revised application for G13175 a copy of  
which was FAXed to you

Very truly Yours  
Tom Mac Kerns

RECEIVED

Application No. G 13175

APR 17 1995

State of Oregon  
WATER RESOURCES DEPARTMENT

WATER RESOURCES DEPT.  
SALEM, OREGON

# Application for a Permit to Appropriate Ground Water

Applicant(s) Tom "Mac" and Joyce "A" Kerns  
(Please print or type - use dark ink)

Mailing Address: RT 1 Box 10  
Haines City OR 97833 State 856-3351 Zip Daytime Phone No.

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

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

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

Distance from development to stream: Well #1 over 1/2 mile  
Well #2 1/2 mile Well #3 1 1/4 miles THK  
Elevation difference between streambed and development: Well #1 80+  
Well #2 40+ Well #3 60+ THK

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

Diameter of well: 10 inch Depth in feet: 200-300 feet  
Type and size of well casing: 10 inch steel No. of feet: To be determined  
Estimated depth to water: To be determined  
Type of access port or measuring device: Access port and air line  
Wells to be drilled by: Pitcher Drilling or Dennis Drilling THK  
Address: LaGrande Or Baker Or THK

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

2. TOTAL AMOUNT OF WATER to be applied to beneficial use: \_\_\_\_\_ cubic feet per second, OR 2128 + 200 gallons per minute. If water is to be used from more than one ground water source, give the quantity of water from each: \_\_\_\_\_

3. INTENDED USE(s) OF WATER: Irrigation

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

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

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

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

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

	<u>355</u>	<u>Trnk</u>
Irrigation	<u>380</u>	<u>acres</u>
Other (describe)	_____	_____

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

Existing PVC main lines 6", 8" & 10" diameter approximately  
3 1/2 miles total. Delivery system Application system is center  
pivots and hand lines

5. PROJECT SCHEDULE: (List month and year)

	<u>Well #1</u>	<u>Well #3</u>
Proposed date construction work will begin	<u>11-92</u>	<u>4-95</u>
Proposed date construction work will be completed	<u>4-93</u>	<u>5-95</u>
Proposed date water use will be completed	<u>16-93</u>	<u>5-95</u>

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

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

Applicant       CWRE      \_\_\_\_\_ Other (Identify in REMARKS section)

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

Applicant       CWRE      \_\_\_\_\_ Other (Identify in REMARKS section)

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

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

RECEIVED

APR 17 1995

REMARKS:

WATER RESOURCES DEPT.  
SALEM, OREGON

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

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

Tom Mac Kerns  
Signature of Applicant

11-4-92  
Date

Revised 4-13-95  
JK

Tom Mac Kerns  
Signature of Co-Applicant, if any

\_\_\_\_\_  
Date

-----  
**FOR WATER RESOURCES DEPARTMENT USE ONLY**

Dear Applicant:

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

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

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

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

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

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

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

APPLICATION NO: \_\_\_\_\_

A: APPFORM 9/89

Application No. G 13175

State of Oregon  
WATER RESOURCES DEPARTMENT

### Application for a Permit to Appropriate Ground Water

Applicant(s) Tom "Mac" and Joyce "A" Kerns  
(Please print or type - use dark ink)

Mailing Address: RT 1 Box 10  
Haines OR 97833 856-3351  
City State Zip Daytime Phone No.

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

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

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

Distance from development to stream: Well #1 over 1 mile  
Well #2 1/2 mile Well #3 1 1/4 miles THK  
Elevation difference between streambed and development: Well #1 80+  
Well #2 40+ Well #3 60+ THK

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

Diameter of well: 10 inch Depth in feet: 200-300 feet  
Type and size of well casing: 10 inch steel No. of feet: To be determined  
Estimated depth to water: To be determined  
Type of access port or measuring device: Access port and air line  
Wells to be drilled by: Pitcher Drilling or Dennis Drilling THK  
Address: LaGrande Or Baker Or THK

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

2. TOTAL AMOUNT OF WATER to be applied to beneficial use: \_\_\_\_\_ cubic feet per second, OR 2128 1/200 gallons per minute. If water is to be used from more than one ground water source, give the quantity of water from each: \_\_\_\_\_

3. INTENDED USE(S) OF WATER: Irrigation

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

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

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

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

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

Irrigation 355 <sup>Trnk</sup> 380 acres <sup>OAR</sup>

Other (describe) \_\_\_\_\_

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

Existing PVC main lines 6" 8" & 10" diameter approximately  
3 1/2 miles total. Delivery system Application system is center  
pivots and hand lines

5. PROJECT SCHEDULE: (List month and year)

Proposed date construction work will begin 11-92 <sup>Well #1</sup> 4-95 <sup>Well #3</sup>

Proposed date construction work will be completed 4-93 5-95

Proposed date water use will be completed 16-93 5-95

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

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

Applicant       CWRE      \_\_\_\_\_ Other (Identify in REMARKS section)

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

Applicant       CWRE      \_\_\_\_\_ Other (Identify in REMARKS section)

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

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

REMARKS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

\_\_\_\_\_  
Signature of Applicant

11-4-92      Revised 4-13-95  
Date      *JK*

\_\_\_\_\_  
Signature of Co-Applicant, if any

\_\_\_\_\_  
Date

FOR WATER RESOURCES DEPARTMENT USE ONLY

Dear Applicant:

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

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

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

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

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

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

This instrument was first received in the office of the Water Resources Director at \_\_\_\_\_

Oregon, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

APPLICATION NO: \_\_\_\_\_

A: APPFORM 9/89

April 10, 1995

Oregon

TOM KERNS  
KERNS, JOYCE A  
RT 1 BOX 10  
HAINES, OR 97833

WATER  
RESOURCES  
DEPARTMENT

Reference: File G 13175

Dear Applicant:

Your application map has been received in this office. An examination of the map reveals that 354.9 acres are to be irrigated from the wells. However, your application requests the use of water for 380.0 acres of irrigation. Please verify the correct acreage total.

If you plan to irrigate 354.9 acres it will be necessary for you to submit a written request to amend your application accordingly.

Conversely, if you wish to irrigate 380.0 acres, your Certified Water Rights Examiner will need to revise the map accordingly.

If you need further assistance please contact the Water Rights Section at the address listed below or phone (503)378-3739.

Sincerely,

Douglas L. Baer  
Senior Water Rights Technician

enclosure



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

February 19, 1993

JOYCE A. AND TOM MAC KERNS  
RT 1, BOX 10  
HAINES, OR 97833

REFERENCE FILE: G-13175

Our Groundwater/Hydrology has re-reviewed your project because of your letter dated January 27, 1993. Their position has not changed.

You file will be processed with other surface water applications and in order of receipt of the application. I refer you to Reed Marbut's January 19, 1993 letter.

Sincerely,

Thomas E. Shook  
Water Right Specialist



Tom Mac Kerns  
RT1 Box 10  
Haines, Or 97833

Douglas L. Baer  
Water Resources Dept.  
Commerce Bldg  
158 12th Street N.E.  
Salem, Or 97310-0210

RECEIVED  
APR - 6 1995  
WATER RESOURCES DEPT.  
SALEM, OREGON

Dear Mr Baer

Reference File G13175 and your letter of 3-29-95  
Enclosed are 5 copies of the revised map and a  
copy of the last page of the application with Joyce  
Kerns signature

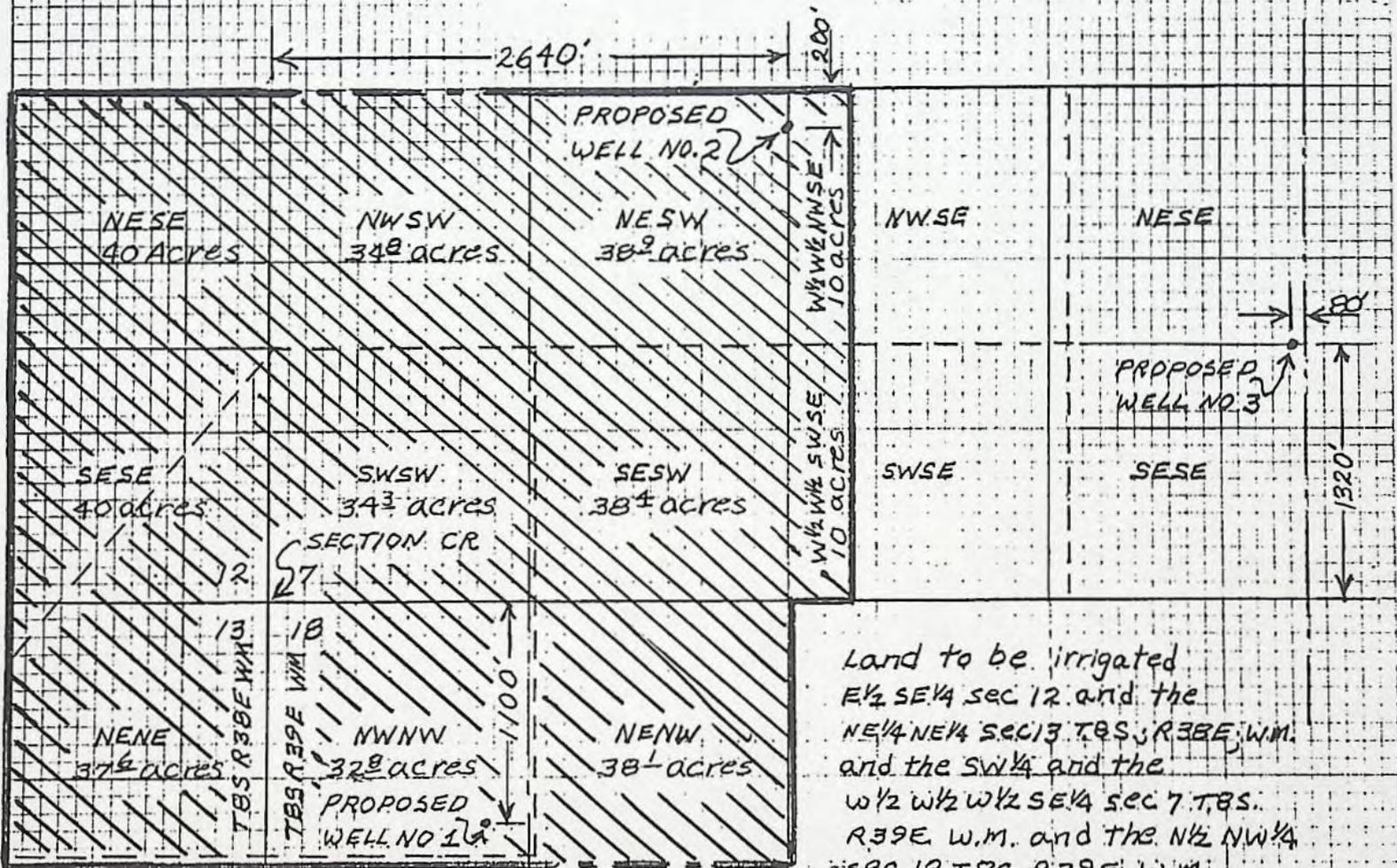
This letter is a follow up of information FAXed  
to you on 4-4-95

Very truly yours  
Tom Mac Kerns

APR - 6 1995

WATER RESOURCES DEPT.  
SALEM, OREGON

# APPLICATION FOR GROUND WATER RIGHT Permit No. 13175



Land to be irrigated  
 E 1/2 SE 1/4 sec 12 and the  
 NE 1/4 NE 1/4 sec 13 T.8S, R.39E, W.M.  
 and the SW 1/4 and the  
 W 1/2 W 1/2 W 1/2 SE 1/4 sec 7 T.8S,  
 R.39E, W.M. and the N 1/2 NW 1/4  
 sec 18 T.8S, R.39E, W.M.

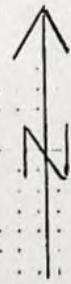
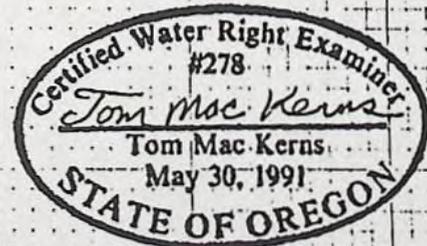
### Legend

- Bdry Land to be irrigated
- County Road
- Buried PVC main line 6", 8" & 10"

Scale 6" = 1 mile

Drawn by T.M.K.

Revised 4-3-95

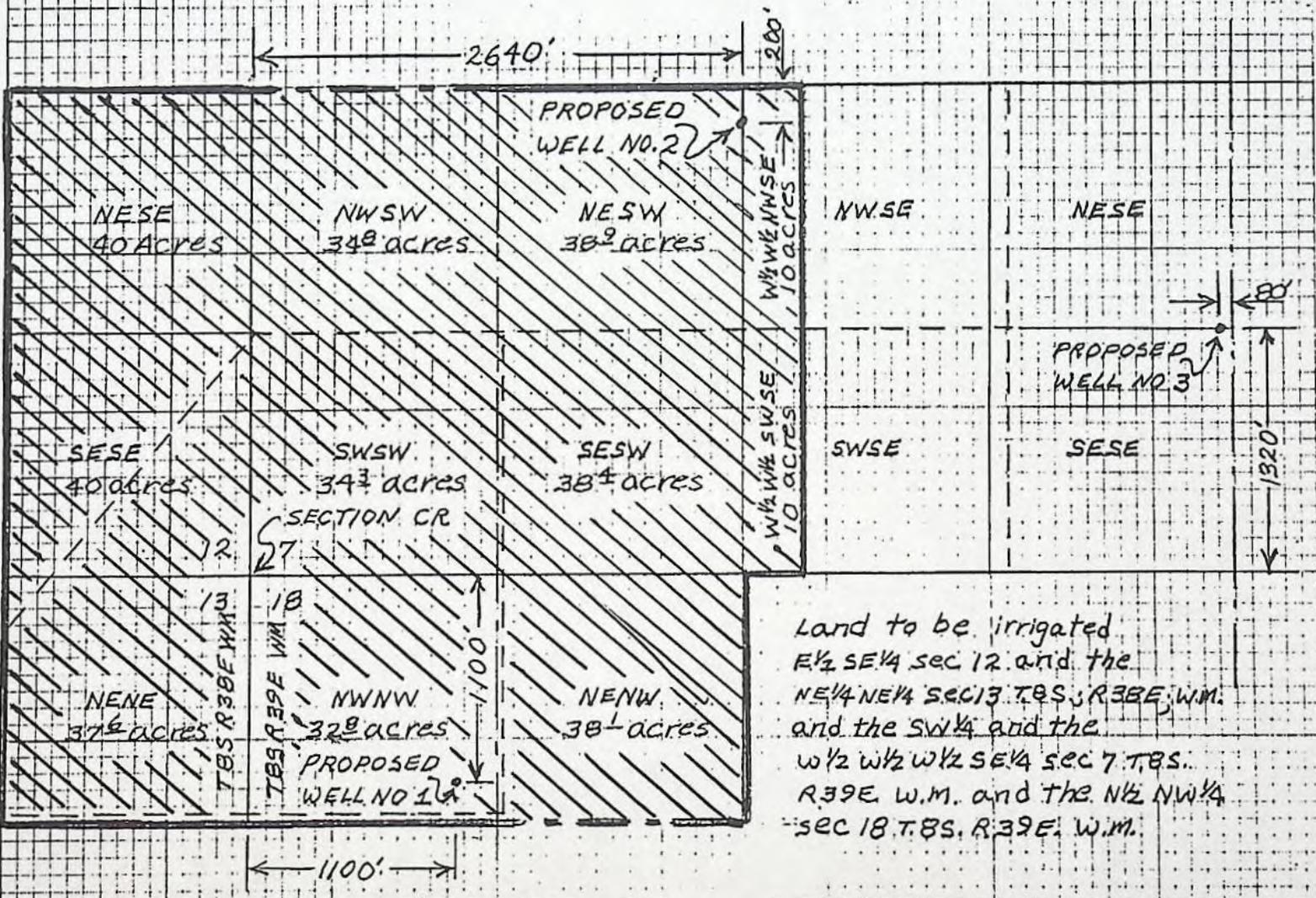


# APPLICATION FOR GROUND WATER RIGHT

Permit No. 13175

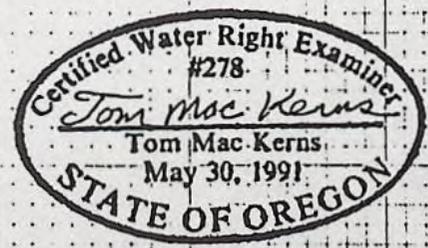
RECEIVED

APR - 6 1995  
WATER RESOURCES DEPT.  
SALEM, OREGON



**Legend**

- Dry Land to be irrigated
  - County Road
  - Buried PVC main line 6" 8" & 10"
- Scale 6" = 1 mile  
Drawn by T.M.K.  
Revised 4-3-95



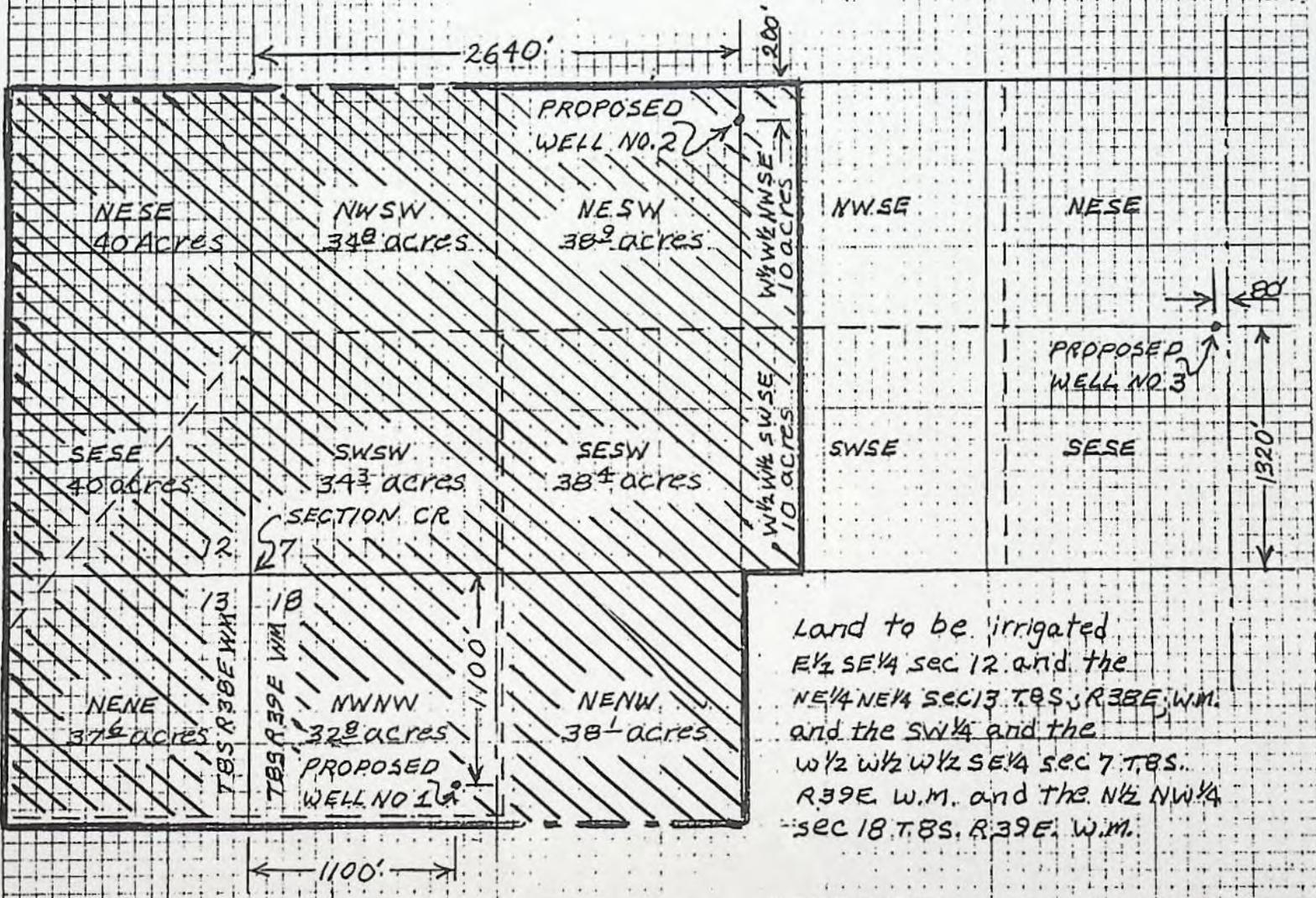
RECEIVED

APR - 6 1995

WATER RESOURCES DEPT.  
SALEM, OREGON

# APPLICATION FOR GROUND WATER RIGHT

Permit No. 13175



Land to be irrigated  
 E 1/2 SE 1/4 sec 12 and the  
 NE 1/4 NE 1/4 sec 13 T.8S, R.39E, W.1M.  
 and the SW 1/4 and the  
 W 1/2 W 1/2 W 1/2 SE 1/4 sec 7 T.8S.  
 R.39E, W.1M. and the NE 1/4 NW 1/4  
 sec 18 T.8S, R.39E, W.1M.

### Legend

- Bdry land to be irrigated
  - County Road
  - Buried PVC main line 6" 8" & 10"
- Scale 6" = 1 mile  
 Drawn by TMK  
 Revised 4-3-95

Certified Water Right Examiner  
 #278  
*Tom Mac Kerns*  
 Tom Mac Kerns  
 May 30, 1991  
 STATE OF OREGON

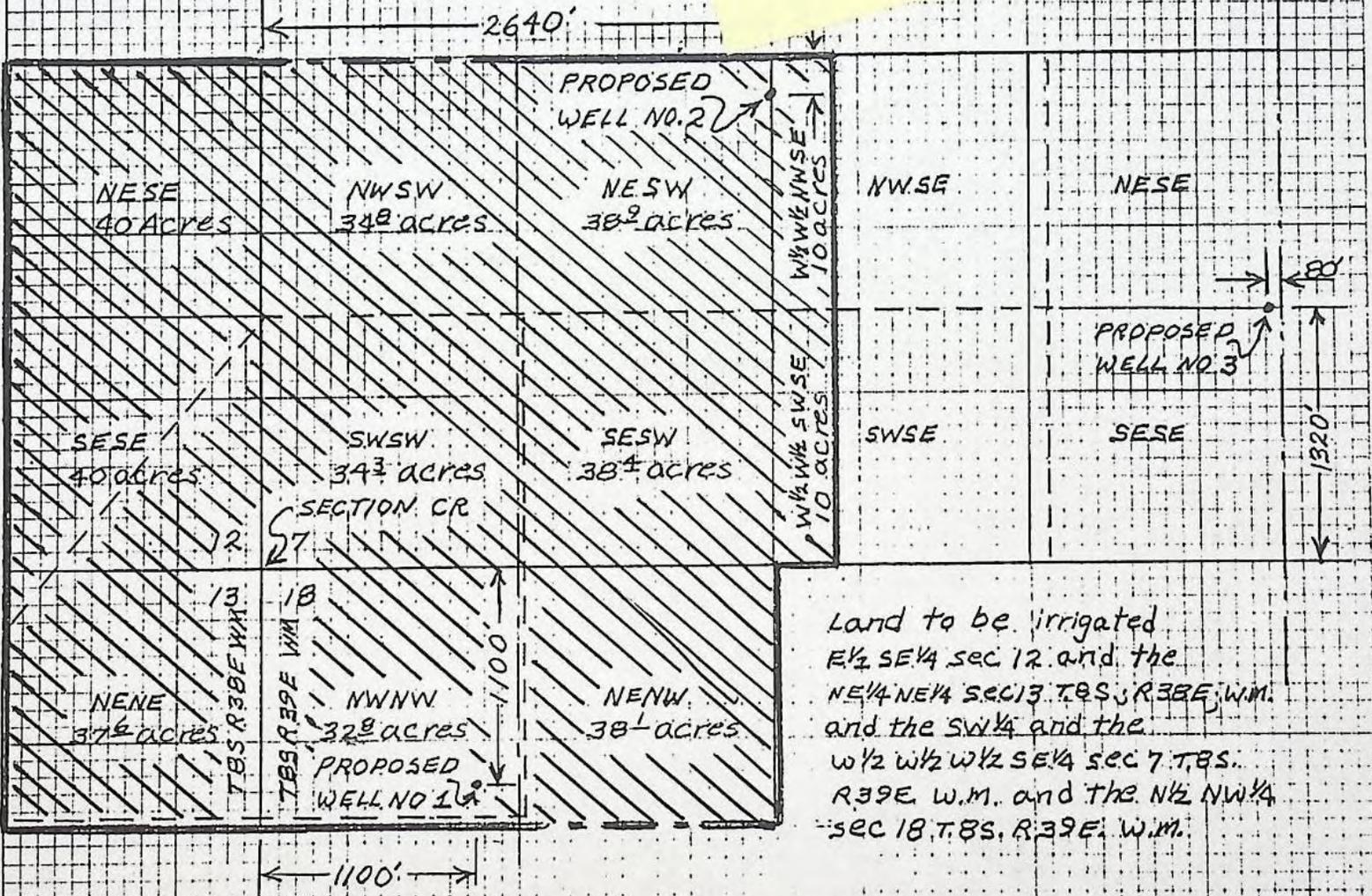
# APPLICATION FOR GROUND WATER RIGHT

Permit No. 13175

RECEIVED

APR 30 1995  
WATER RESOURCES DEPT.  
SALEM, OREGON

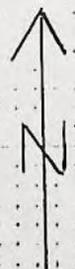
354.9 Ac shown on map



Land to be irrigated  
 $E\frac{1}{2}$  SE $\frac{1}{4}$  sec 12 and the  
 $NE\frac{1}{4}$  NE $\frac{1}{4}$  sec 13 T.8S. R.39E. W.M.  
 and the SW $\frac{1}{4}$  and the  
 $W\frac{1}{2}$  W $\frac{1}{2}$  SE $\frac{1}{4}$  sec 7 T.8S.  
 R.39E. W.M. and the NE $\frac{1}{2}$  NW $\frac{1}{4}$   
 sec 18 T.8S. R.39E. W.M.

**Legend**

- Bdry Land to be irrigated
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- Drawn by TMK
- Revised 4-3-95



Certified Water Right Examiner  
 #278  
*Tom Mac Kerns*  
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 May 30, 1991  
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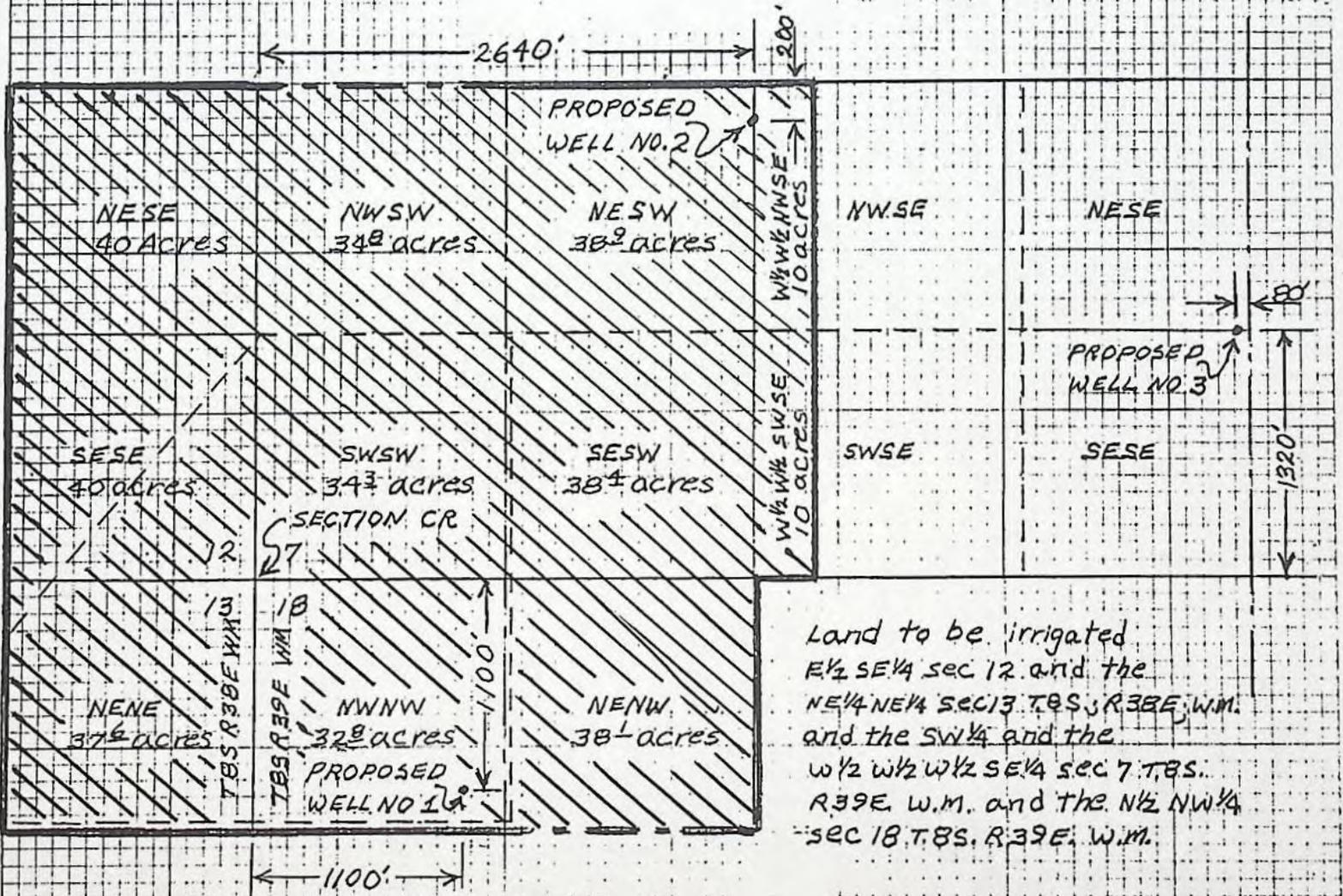
RECEIVED

APR - 6 1995

WATER RESOURCES DEPT.  
SALEM, OREGON

# APPLICATION FOR GROUND WATER RIGHT

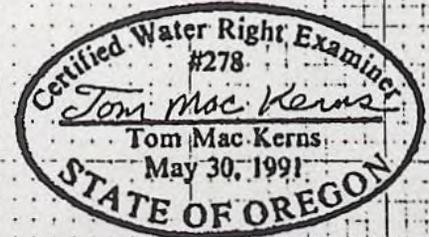
Permit No. 13175



Land to be irrigated  
 E 1/2 SE 1/4 sec 12 and the  
 NE 1/4 NE 1/4 sec 13 T.8S. R.39E. W.M.  
 and the SW 1/4 and the  
 W 1/2 W 1/2 SE 1/4 sec 7 T.8S.  
 R.39E. W.M. and the N 1/2 NW 1/4  
 sec 18 T.8S. R.39E. W.M.

### Legend

- Dry land to be irrigated
- County Road
- Buried PVC main line 6", 8" & 10"
- Scale 6" = 1 mile
- Drawn by TMK
- Revised 4-3-95



March 29, 1995

TOM "MAC" AND JOYCE KERNS  
RT 1, BOX 10  
HAINES, OREGON 97833

Reference: File G 13175

Your application file was recently reviewed. Before we can process your application further, you need to provide us with additional information, documentation, or fees.

Please send the following:

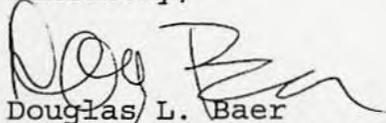
a corrected map. The area to be irrigated must be shaded or hatched and the number of acres in each 1/4 1/4 listed, per OAR 690-11-070(5)c.

signature of Joyce Kerns on application (copy of application enclosed). Signatures of both applicants must be on the application.

After the file is complete, staff will again review the file and further process your application as soon as possible.

Please feel free to contact the Water Rights Section at the below listed address or phone (503) 378-3739 if you have any questions.

Sincerely,



Douglas L. Baer  
Senior Water Rights Technician

Enclosure



---

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

Tom "Mac" Kerns  
Rt 1, Box 10  
Haines, OR 97833

February 7, 1995

Mr. Jake Szramek  
Water Rights Section  
Water Resources Department  
158 12th Street NE  
Salem OR 97310-0210

Dear Mr. Szramek:

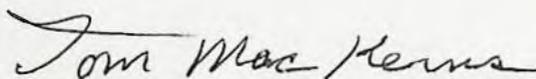
Reference File G-13175

I would like to add a third point of diversion to application number G13175. The third point is as shown on the attached map.

The additional point of diversion is not intended to increase the rate applied for in the original application.

I understand there is some question on the intent of my letter of September 22, 1994. This letter was intended as comments only not a protest of the conditions of the permit.

Sincerely,



Tom "Mac" Kerns

Enclosures: 5 copies of map

RECEIVED  
FEB 13 1995  
WATER RESOURCES DEPT.  
SALEM, OREGON

Tom "Mac" Kerns  
Rt 1, Box 10  
Haines, OR 97833

February 7, 1995

Mr. Jake Szramek  
Water Rights Section  
Water Resources Department  
158 12th Street NE  
Salem OR 97310-0210

Dear Mr. Szramek:

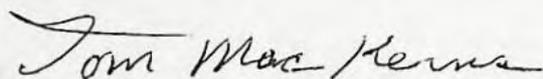
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Sincerely,



Tom "Mac" Kerns

Enclosures: 5 copies of map

RECEIVED  
FEB 13 1995  
WATER RESOURCES DEPT.  
SALEM, OREGON

January 19, 1993

Tom "Mac" and Joyce Kerns  
Rt. 1 Box 10  
Haines, OR 97833

RE: Application G-13175  
Irrigation wells in the Hunt Creek area

Dear Mr. & Mrs. Kerns:

As per your request, I have secured evaluation of your proposed well development from our Groundwater/Hydrology Section. Their review concludes that the proposed use of water from the wells displays a potential to cause substantial interference with Hunt Creek and an unnamed ditch. For this reason, it will be necessary for us to evaluate the impact of your proposed water use on surface flows in your area.

The Water Resources Commission has recently adopted a policy that no application is to be taken out of line which would result in a junior water right receiving a permit ahead of a more senior filing. There are approximately 523 applications for use of water in the Willow Creek Basin which have filing dates prior to your application. However, we hope to be able to complete a technical review of most of the applications in your area, including yours, within a few months.

Naturally, it is impossible for us to promise whether you will receive a water right permit and how long our review and public interest analysis will take. We will do our best to keep you advised as to our processing schedule; however, the technical and public interest evaluation of water right applications has become a complicated and time-consuming process.

If you have questions or comments, please feel free to call me. Thank you for your patience.

Sincerely,

A. REED MARBUT  
Water Rights/Adjudication Section

ARM/dpc



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

TO: water rights section

Jan 7, 1993

FROM: Groundwater/Hydrology Section Donna Miller  
Reviewer's Name

SUBJECT: Application G- 13175

1. <sup>N/A</sup> PER THE \_\_\_\_\_ Basin rules, one or more of the proposed POA's is/is not within \_\_\_\_\_ feet/mile of a surface water source (\_\_\_\_\_) and taps a groundwater source hydraulically connected to the surface water.
  
2. BASED UPON OAR 690-09 currently in effect, I have determined that the proposed groundwater use
  - a.  will, or { have the potential for substantial interference with the nearest surface water
  - b. \_\_\_\_\_ will not { source, namely Hunt Creek; or
  - c. \_\_\_\_\_ will, if properly conditioned, adequately protect the surface water from interference:
    - i. \_\_\_\_\_ The permit should contain condition #(s) \_\_\_\_\_;
    - ii. \_\_\_\_\_ The permit should contain special condition(s) as indicated in "Remarks" below;
    - iii. \_\_\_\_\_ The permit should be conditioned as indicated in item 4 below; or
  - d. \_\_\_\_\_ will, with well reconstruction, adequately protect the surface water from substantial interference.
  
3. BASED UPON available data, I have determined that groundwater for the proposed use
  - a.  will, or likely be available in the amounts requested without injury to prior rights and/or
  - b. \_\_\_\_\_ will not within the capacity of the resource; or
  - c. \_\_\_\_\_ can, if properly conditioned, avoid injury to existing rights or to the groundwater resource;
    - i. \_\_\_\_\_ The permit should contain condition #(s) \_\_\_\_\_;
    - ii. \_\_\_\_\_ The permit should contain special condition(s) as indicated in "Remarks" below;
    - iii. \_\_\_\_\_ The permit should be conditioned as indicated in item 4 below.
  
4.
  - a. \_\_\_\_\_ THE PERMIT should allow groundwater production from no deeper than \_\_\_\_\_ ft. below land surface;
  - b. \_\_\_\_\_ The permit should allow groundwater production from no shallower than \_\_\_\_\_ ft. below land surface;
  - c. \_\_\_\_\_ The permit should allow groundwater production only from the \_\_\_\_\_ groundwater reservoir between approximately \_\_\_\_\_ ft. and \_\_\_\_\_ ft. below land surface;
  - d. \_\_\_\_\_ Well reconstruction is necessary to accomplish one or more of the above conditions.
  - e. \_\_\_\_\_ One or more POA's commingle 2 or more sources of water. The applicant must select one source of water per POA and specify the proportion of water to be produced from each source.

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

5. **THE WELL** which is the point of appropriation for this application does not meet current well construction standards based upon:
- a. \_\_\_ review of the well log;
  - b. \_\_\_ field inspection by \_\_\_\_\_;
  - c. \_\_\_ report of CWRE \_\_\_\_\_;
  - d. \_\_\_ other: (specify) \_\_\_\_\_

6. **THE WELL** construction deficiency:
- a. \_\_\_ constitutes a health threat under Division 200 rules;
  - b. \_\_\_ commingles water from more than one groundwater reservoir;
  - c. \_\_\_ permits the loss of artesian head;
  - d. \_\_\_ permits the de-watering of one or more groundwater reservoirs;
  - e. \_\_\_ other: (specify) \_\_\_\_\_

7. **THE WELL** construction deficiency is described as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. **THE WELL**
- a. \_\_\_ was, or \_\_\_\_\_ constructed according to the standards in effect at the time of
  - b. \_\_\_ was not \_\_\_\_\_ original construction or most recent modification.
  - c. \_\_\_ I don't know if it met standards at the time of construction.

RECOMMENDATION:

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

**THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL**

I concur in G/H's recommendation A or B above relating to conditioning or withholding the permit.  
\_\_\_\_\_, 1991.

(Signature)

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

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

(Signature)

WATER AVAILABILITY

The following tabulation delineates the flow of surface water available for appropriation for the months of each year in CFS from the Powder River nr. Richland, OR, located in SE 1/4, sec. 14, T.9 S., R.44 E., Baker County, at river mile 20.3.\*

<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>OCT</u>	<u>NOV</u>	<u>DEC</u>	
45	111	259	352	123	77	33	24	18	24	45	45	GAGED**
			425	425	425	425	425	425				WRA***
45	111	259	0	0	0	0	0	0	24	45	45	AVL
92	207	439	657	343	242	63	48	40	39	55	76	GAGED□
			425	425	425	425	425	425				WRA***
92	207	439	232	0	0	0	0	0	39	55	76	AVL

\*\*NOTE: Regulated 80% exceedence flows were used for this table.

\*\*\*Water Right Adjustment (estimated demand of existing consumptive water rights)

□NOTE: Regulated 50% exceedence flows were used for this table.

The source of flow data is:

\*Flows based on gage #13286700 Powder River nr Richland, OR (1957-67) extended w/moments (cyclic) using #1375500 Powder River nr Baker, OR (1903-67)

**\*\*Note\*\*** There are Instream Water Right applications pending with earlier tentative priority dates. ( #72191, #72192, #72193 )

Surface water streamflows have been evaluated against all surface water rights including consumptive out-of-stream uses, non-consumptive out-of-stream rights and instream water rights. Both 80% exceedence and 50% exceedence flows were included in the evaluation. As a result of this evaluation the Department has determined that water is not available for additional appropriation during the year.

# Powder Basin Instream Flow Evaluations

## Powder River nr Robinette, OR #13289500

Flows based on Robison Report #1, Appendix B; Page 28

Flows as published reflect out-of-stream use prior to Sep 1957

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
80% Ex. Flow	170	257	420	641	644	345	99	52	61	83	112	146
50% Ex. Flow	294	445	709	1027	1032	586	170	91	88	113	156	234
Water Right Adjustment				657	657	657	657	657	657			
IWR req. (max value)	0	0	0	0	0	0	0	0	0	0	0	0
IWR req. (min value)	0	0	0	0	0	0	0	0	0	0	0	0
Available 80% Ex. Flow	170	257	420	-16	-13	-312	-558	-605	-596	83	112	146
Available 50% Ex. Flow	294	445	709	370	375	-71	-487	-566	-569	113	156	234

### Out-of-stream Water Rights Issued After Sep 1957 (CFS)

Acres Irrigated	178,758
Total WR Rate	1320
Ag., Mun., Dom. Rate	1314
Agric. Rate	1299

For the water right adjustment 50% of the agricultural, municipal and domestic rate was subtracted from the 50 and 80% ex. flow to estimate remaining flow.

1,838 Nov-Mar cfs total  
 23,979,283,200 cumulative total  
 550,489 equiv. ac/ft  
 123,859 ac/ft allocated  
 426,630 ac/ft available

NOV - 7 1994

WATER RESOURCES DEPT.  
SALEM, OREGON**By Regular Mail**

November 4, 1994

Oregon Water Resources Department  
Water Rights Section  
158 12th Street NE  
Salem, Oregon 97310

Re: Objection pursuant to OAR 690-11-170 to Technical Report for:  
G-13175, MacKerns, Supp. Irrigation, Willow Creek Basin, Powder River Basin

WaterWatch submits the following objections:

◆ **The Technical Report is Defective**

The technical report fails to contain some of the elements and evaluations required in OAR 690-11-160(1). The areas of deficiency are the same as those identified in our objections to G-12395 which is hereby incorporated into this objection letter.

■ **The Water Availability Analysis is Defective**

There is no water availability of the affected surface water sources of Hunt Creek and unnamed ditch. Originally, the groundwater/hydrology section found that there was the potential for substantial interference because the wells were within 1/4 mile of Hunt Creek (See groundwater/hydrology report of January 1, 1993 and supporting memos in file dated 1/7/93, 3/1/93). The Department later determined that there was no potential for substantial interference, based on the possible intermittent nature of Hunt Creek. There is no analysis in the file supporting this and there is no water availability analysis of this creek. Moreover, there is no rebuttle by the Department to their original determination that there is a potential to cause substantial interference with an unnamed ditch. See Department letter to applicants, Jan. 19, 1993.

◆ **The Use as Proposed is Not in the Public Interest**

The proposed use fails to pass the public interest considerations in ORS 537.620 and the policies of the Groundwater Act ORS 537.525(3), (6), (9) and (10). See also, OAR 690-11-195(3)(d), (4)(a), 4(c)(A), 4(d)(A), (4)(f).

**1. Measurement and Reporting**

In general, we support the proposed measurement and reporting conditions. However, these conditions should allow the Director to require measurement and reporting of both **rate and duty** of water use. The proposed conditions restrict use based upon a specific rate. Measurement and reporting of water use is to be a useful informational and regulatory

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SALEM, OREGON

tool for the Department, it should provide the information needed to ensure these water uses are within the terms of the permits.

2. **The proposed use would preclude other, more valuable uses, would exacerbate existing water quality problems and is not consistent with Oregon water resources policies.**

The water availability conclusion in the technical reports fail to take into account flows necessary to maintain fish populations in the Powder River and the threatened and endangered fish populations in the Columbia River System. They also fail to take into account pending senior applications by the Oregon Department of Fish & Wildlife for instream water rights for the Powder River mainstem. These flows are essential for rainbow and brook trout populations in the basin. This is consistent with the statewide policy on water allocation requires that applications for out-of-stream water rights be subject to review to ensure that public values are protected. OAR 690-410-070(2). See also Instream Flow Protection policy OAR 690-410-030.

Attempts by the Department to estimate water availability confirm that the Columbia System (which includes its tributaries the Snake River and the Powder River) are already overallocated. Using 80% exceedence flow figures and flow proposed by the Columbia Basin Fish and Wildlife Authority, fish needs are not met in the Columbia River from at least April to August. The Northwest Power Planning Council has directed the states of Oregon and Idaho to secure one million acre feet of **additional** water from the Upper Snake River Basin for mainstem fish flows. If permitted, these uses will effect flows needed to conserve and maintain fish life and habitat in the Columbia River system and the Powder River Basin.

These uses not only effects quantity, but also adversely effect water quality. The Department of Environmental Quality's *1992 Water Quality Status Assessment Report, 305(b) Report* classifies segments of the Powder River as Water Quality Limited. The River is so polluted it is incapable of supporting the listed beneficial use of water contact. These proposed uses will decrease the amount of water flowing downstream exacerbating existing water quality problems.

As stated in WaterWatch's January, 1994 Petition for Withdrawal or Temporary Emergency Rulemaking (previously filed with the Commission), in order to protect the public's interest in the resource, and the threatened and endangered fish species which rely on this resource, these and other permits for water from the Columbia River Basin should not be considered until sufficient instream flows are determined and guaranteed throughout

the basin. Until these flows are determined, the Department has no way to ensure that new uses proposed in the system will not harm the public interest. For the reasons outlined above, and in WaterWatch's October Petition (hereby incorporated as part of this objection) the proposed uses will impair and be detrimental to the public interest in the resource.

**3. The proposed use is contrary to Oregon policy.**

Oregon's Groundwater Management Policy requires that "(i)nterference between groundwater uses and competing groundwater and surface water uses . . . be prevented and/or controlled to protect the water resource and existing rights." OAR 690-410-010(1) (emphasis added). The Policy also requires the State to manage groundwater and surface water conjunctively in order to protect the public's interest in the water resource and existing rights. OAR 690-410-010(2)(a). In addition, Oregon's Statewide Water Allocation Policy requires that groundwater use occur within the capacity of the resource and requires the State to protect Oregon's waters from overallocation by new uses of groundwater. OAR 690-410-070(1).

Allowing this use to go forward violates all these policies. The Department's failure to manage the ground and surface waters conjunctively in the basin will only exacerbate existing overallocation problems, water quality problems, and will, particularly in the long run, further impair existing surface water rights and instream flows needed for public uses of the Powder River system. It is bad public policy to continue issuing groundwater rights in the face of increasing doubts as to whether increased groundwater and surface water use is sustainable.

In addition, ORS 537.170(5)(a) and (c) require the Department to ensure that waters in the basin will be used and controlled for all purposes, not just consumptive purposes. The Statewide Instream Flow Protection Policy states that "(w)here streamflows have been depleted to the point that public uses have been impaired, methods to restore the flows are to be developed and implemented." OAR 690-410-030(1). When considering applications for new water rights the agency is required to consider the needs of instream and out-of-stream uses and the need to develop streamflow restoration programs. OAR 690-410-030(2)(a). The Commission's review relating to instream needs is not limited to existing instream water rights or applications for water rights, it must also consider instream flow needs that are not specifically protected. OAR 690-410-070(2)(h).<sup>1</sup> No such consideration has been done.

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<sup>1</sup> Instream water rights are an essential tool that must be utilized if Oregon is to achieve equitable allocation of water. Instream water rights not only protect unallocated waters

#### 4. Conservation Condition is Inadequate

Oregon statutes and rules also call for the state to "aggressively promote" water conservation and places a high priority on eliminating waste and improving the efficiency of water use. ORS 537.460(2)(a) and OAR 690-410-060(1). The proposed conditions in the technical report does little to further these policies. Given the presence of potentially listed winter steelhead and coho, the water quality problems and the fact that the proposed use is these type of uses are known to cause these existing problems it is imperative that the proposed water use be held to a high efficiency standard prior to approval of this application. In addition, the applicant should be required to have an approved conservation plan should be in place prior to any approval of this proposed used.

#### 5. The proposed conditions will not prevent interference.

The proposed conditions do nothing to prevent interference. Thus, this proposed use is not in the public interest because it can not be conditioned to protect surface waters from interfere and surface waters in the basin are already overappropriated.

#### 6. A public interest determination is impossible because essential information appears to be missing.

The technical report contains a condition requiring a pump test prior to receiving a certificate. This condition makes no sense. A pump test provides information relating to the extent the groundwater use will interfere with surface waters and aquifer properties. This information is critical for the public interest determination and should be obtained prior to a final public interest determination. If, after this information is obtained, and the use is found to be in the public interest, then this proposed condition should be amended to require

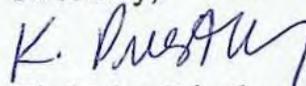
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NEXT PAGE

? in stream, they serve as a management objective for obtaining the amount of instream flows needed to support public uses. OAR 690-77-015(2). The establishment and protection of instream water rights will help to achieve a balanced allocation of water between public instream and other uses in the basin and throughout the state.

? Establishment of the instream water right also furthers statewide policies, priorities and goals for streamflow restoration including those in OAR 690-11-030(1), 690-410-070, and 690-77-015. Protection of streamflows is also necessary in order to carry out the state policy of restoring native fish stocks. Oregon law states that "it is declared to be a goal of the people of the State of Oregon to restore native stocks of salmon and trout to their historic levels of abundance." ORS 496.435.

periodic pump tests during the life of these permits and certificate. The condition should not, however limit the Director's ability to require pump tests. We suggest language that would require pump tests "annually or as deemed needed by the Director."

Sincerely,



Kimberley Priestley  
Legal/Policy Analyst

September 7, 1994

TOM MAC KERNS  
KERNS, JOYCE A  
RT 1 BOX 10  
HAINES, OR 97833

Reference: File G 13175

Hello:

Your application file was recently reviewed. Under separate cover I have enclosed our report of technical review. Before we can process your application further, you need to provide us with additional information, documentation, or fees.

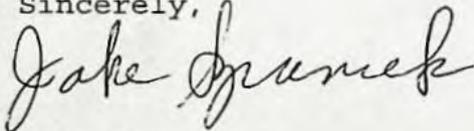
In addition, please send the following:

a corrected map prepared by a Certified Water Rights Examiner;  
The map in the W 1/2 NESE SHOULD BE NWSE.

After the file is complete and the deadline for objections to the technical review expires, staff will again review the file for objections and further process your application as soon as possible.

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

Sincerely,



Jake Szramek  
Water Rights Section

cc: Tom Kerns, CWRE



---

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

September 7, 1994

WATER  
RESOURCES  
DEPARTMENT

TOM MAC KERNS  
KERNS, JOYCE A  
RT 1 BOX 10  
HAINES, OR 97833

Reference: File G 13175

Hello:

This letter informs you of the current status of your application for a water use permit and accompanies the Satisfactory Report of Technical Review For Water Use Permit(s). We apologize for the delay in transmitting this information and Report to you and for any inconvenience the wait may have caused you.

The enclosed Report of Technical Review is the Department's summary of a specialized analysis of various legal and scientific aspects of your application and proposed water use. We are required by the state of Oregon's administrative rules (in OAR 690-11-160) to conduct this official technical review of each application submitted to the Oregon Water Resources Department for a water use permit. This process was designed to insure that your application receives a fair evaluation and to secure protection of existing water rights and of the public at large.

**AS THE RESULT OF OUR TECHNICAL EVALUATION, WE HAVE DETERMINED THAT YOUR APPLICATION SATISFIES THE REQUIREMENTS OF THE TECHNICAL REVIEW.**

The Department will now move your application to the next phase of processing. This phase includes a public interest review of your proposed water use. No final action may be taken on your application until the public interest review is completed.

You should also note that the Report of Technical Review describes conditions currently anticipated which may limit the water use proposed in your application.

If you wish to object to any of the analyses contained in the Report, you must submit your objection to the Department in writing within 60 days of the date of mailing of this Report or by the date specified below. Your objection must allege that the technical review is defective and you may also submit evidence which demonstrates that your proposed water use will not impair or be detrimental to the public interest.

Copies of the Report of Technical Review will be distributed to all persons who have filed comments or otherwise expressed an interest in the water use proposed in your application. Interested parties must also submit their objections within the prescribed objection period. Those objections must allege that the technical review is defective and/or that the proposed water use may impair or be detrimental to the public interest.



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

If an objection contains allegations that the technical review is defective, it must be accompanied by facts which support such allegations. If an objection contains allegations that the proposed water use may impair or be detrimental to the public interest, the objection must specify the particular public interest standards which apply as set out in Oregon Revised Statutes (ORS 537.170(5)) and Oregon Administrative Rules (OAR 690-11-195) and state facts showing how such standards would be violated.

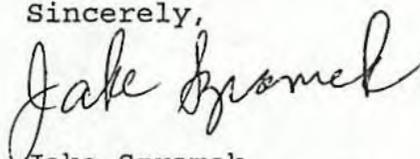
All evidence and objections must be received by our Salem office no later than 5:00 p.m. on or before November 14, 1994 or the Department may presume there is no opposition to any of the analyses set out in the technical review report. Evidence and objections must be addressed and delivered to: Oregon Water Resources Department, Water Rights Section, 158 12th Street Northeast, Salem, Oregon 97310.

If objections and evidence are submitted on or before the above time and date, the Director of the Water Resources Department will evaluate each issue raised in the objections and either accept or deny them. Objectors are encouraged to indicate whether they would be interested in resolving their concerns through alternative dispute resolution.

If any of the objections are denied, the objector will be allowed thirty days to submit a protest to the denial. The protest must meet the standards set forth in OAR 690-02-030 through 080.

If you have any questions, please feel free to telephone me or any of the Department's Water Rights Section staff. My telephone number is 378-3739, in Salem, or you may call toll free from within the state to 1-800-624-3199.

Sincerely,



Jake Szramek  
Water Rights Section

Enclosures

Report Date: September 7, 1994

OREGON WATER RESOURCES DEPARTMENT  
**SATISFACTORY REPORT OF TECHNICAL REVIEW**  
**FOR WATER USE PERMIT(S)**

OBJECTIONS TO THE PROPOSED WATER USE AS DESCRIBED BELOW MUST BE RECEIVED IN WRITING BY THE OREGON WATER RESOURCES DEPARTMENT, 158 12th ST N.E., SALEM, OREGON 97310, BY 5 P.M. ON OR BEFORE: November 14, 1994

1. APPLICATION FILE NUMBER -G 13175
2. MINIMUM APPLICATION INFORMATION

Applicant name/address/county/phone:

TOM MAC KERNS  
KERNS, JOYCE A  
RT 1 BOX 10  
HAINES, OR 97833  
COUNTY OF BAKER  
503-856-3351

Date application received for filing and/or tentative date  
11/ 9/1992

SOURCE: TWO WELLS IN WILLOW CREEK BASIN

Purpose and/or use: SUPPLEMENTAL IRRIGATION OF 380.0  
ACRES.

Flow: 2128.0 GALLONS PER MINUTE

Points of Diversion Location:

NW 1/4 NW 1/4, SECTION 18, T 8 S, R 39 E, W.M.;  
1100 FEET SOUTH & 1100 FEET EAST FROM NW CORNER, SECTION 18.  
NE 1/4 SW 1/4, SECTION 7, T 8 S, R 39 E, W.M.;  
200 FEET SOUTH & 2640 FEET EAST FROM W 1/4 CORNER, SECTION  
7.

Place of use:

NE 1/4 SE 1/4 40.0 ACRES  
SE 1/4 SE 1/4 40.0 ACRES  
SECTION 12  
NE 1/4 NE 1/4 40.0 ACRES  
SECTION 13  
TOWNSHIP 8 SOUTH, RANGE 38 EAST, W.M.  
NE 1/4 SW 1/4 40.0 ACRES

NW 1/4 SW 1/4 40.0 ACRES  
SW 1/4 SW 1/4 40.0 ACRES  
SE 1/4 SW 1/4 40.0 ACRES  
NW 1/4 SE 1/4 10.0 ACRES  
SW 1/4 SE 1/4 10.0 ACRES

SECTION 7

NE 1/4 NW 1/4 40.0 ACRES  
NW 1/4 NW 1/4 40.0 ACRES

SECTION 18

TOWNSHIP 8 SOUTH, RANGE 39 EAST, W.M.

GROUNDWATER AVAILABILITY

This is an application for use of groundwater. The Groundwater/Hydrology Section report indicates that:

Pursuant to OAR 690-09-040, the proposed groundwater withdrawal will not have the potential to cause substantial interference with surface water.

In addition, the Groundwater/Hydrology Section has reported the water is likely to be available to supply the proposed use.

CONFLICTS WITH OTHER WATER RIGHTS:

There are no existing rights from this point of diversion.

There are existing water rights appurtenant to the lands described in the application.

REPORT CONCLUSIONS:

Based on the Department's review of water availability and Oregon Administrative Rules, water in the amount of 2128 gpm is likely available for 8 months.

The evaluation of your application takes into consideration water quality concerns that have been identified by the Oregon Department of Environmental Quality (DEQ).

Therefore, the Director finds that water is available in sufficient amount and during periods which will reasonably support the proposed use.

**THE PROPOSED WATER USE, AS CONDITIONED, SATISFIES THE REQUIREMENTS OF THIS TECHNICAL REVIEW.**

This Report of Technical Review sets out the Director's technical analysis of the application. In addition to this technical analysis, the Director will evaluate this application to determine whether the proposed water use might impair or be detrimental to the public interest under the standards set out in ORS 537.170(5) and OAR 690-11-195. Matters relating to public interest in the proposed water use which are raised in objections will be evaluated following the 60-day objection period.

## PROPOSED PERMIT CONDITIONS

Application: G 13175

The following conditions will apply to water use under the permit, and will appear in the permit, if issued.

1. Use of water under this permit is subject to all prior rights.
2. Period of allowed use: March 1 through October 31
3. Rate of use: 2128 gpm
4. Water use development requirements:
  - A. Begin construction by (one year from issuance of permit).
  - B. Complete construction by October 1, 1996.
  - C. Completely apply the water to beneficial use by October 1, 1997.
5. Measurement, recording and reporting conditions:
  - A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
  - B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
6. Failure to comply with any of the provisions of the permit may result in action including, but not limited to, restrictions on the use, penalties, or cancellation of the permit.

7. The 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.
8. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.
9. The well shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times. The use of water shall be limited when it interferes with any prior surface or ground water rights.
10. Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.
11. This right is limited to any deficiency in the available supply of any prior right existing for the same land.
12. The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.

# TECHNICAL REVIEW CHECKLIST

Application: G-13175

Review Date: ~~JULY 2, 1993~~ *2/16/94 ES*

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

SUMMARY	
<u><del>U</del> S</u>	Completeness (legal description)
<u>S</u>	Land Use
<u>S</u>	GW Interference (if potential interference with surface water, see results of water availability analysis)
<u><del>U</del> S</u>	Conflicts
<u><del>U</del> S</u>	Water Availability

*G.W. AVAILABLE, NO SURFACE WATERS w/in 1/4 mile TO BE CAUSE SUBSTANTIAL INTERFERENCE WITH*

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

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

S Application fees:

Examination fee:	\$ 200.00
Recording fee:	<u>\$ 840.00</u>
TOTAL REQUIRED	\$ 1040.00
TOTAL SUBMITTED	\$ 1040.00
<b>AMOUNT DUE prior to issuance of permit</b>	<u>\$ 0</u>
AMOUNT OVERPAID	
refund due applicant	<u>\$ -</u>

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

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

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

- u 5 A written copy of the legal description of the property on which the water is to be used. *See letter Sept 7, 1993*
- n/a A copy of written authorization, contract or easement permitting access to the land or reservoir not owned by the applicant.
- n/a No statement of ownership was required for applications filed before August, 1990.
- S The proposed use is not restricted or prohibited by statute.
- S The source of water is not withdrawn from appropriation by order of the State Engineer or Water Resources Commission, or legislatively withdrawn under ORS Chapter 538.
- S Irrigation use(s) are classified uses under the Powder River Basin Program, OAR 690-509-001.
- u 9 The application, map and supporting data are complete and free of defects.

Land Use Compatibility:

As expressed by the Planning Department of Baker County.

- S The land uses to be served by proposed water uses (including proposed construction) are allowed or are not regulated by the local comprehensive plan (ordinance section BC 20 sec 301).
- S The land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals which have been obtained.
- S The local government was notified, and sent no comment pursuant to the rules at the time; land use was presumed in compliance per such statement printed on the application.

For ground water applications:

- S A copy of the constructor's log, if available, for any well already constructed, or required information regarding actual or anticipated construction.
- S The report from groundwater section has been received.

For reservoir applications:

- n/a Plans, specifications and supporting information for the dam and impoundment area.

TECHNICAL REVIEW CHECKLIST

Application: 6-13175

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

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

SUMMARY	
<u>N</u> S	Completeness ( <i>NEED LEGAL DEC. for LANDS</i> )
<u>OK</u> S	Land Use
<del>NA</del> S	GW Interference (if potential interference with surface water, see results of water availability analysis)
<del>NA</del> U	Conflicts ( <i>EXISTING RIGHTS</i> ) <i>THIS APP. IS NOT FOR DEF. of RATE NOR for SUPPLEMENTAL</i>
<del>NA</del> U	Water Availability <span style="float: right;"><i>IRR</i></span>
<del>NA</del> or U	Satisfactory or Unsatisfactory Conclusions based on information available on the review date above.

NA OK

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

NA OK

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

OK

Application fees:

Examination fee:	\$ <u>200</u>
Recording fee:	\$ <u>840</u>
TOTAL REQUIRED	\$ <u>1040</u>
TOTAL SUBMITTED	\$ <u>1040</u>
AMOUNT DUE prior to issuance of permit	\$ <u>0</u>
AMOUNT OVERPAID	\$ <u>0</u>
refund due applicant	\$ <u>0</u>

- OK Proposed dates of beginning and completion of construction, and complete application of water.
- OK A satisfactory map of the proposed place of water use prepared by a certified water right examiner, unless exempt under OAR 690-14-150(3).
- NA A CWRE map is not required for applications filed before November 9, 1987.
- N A written copy of the legal description of the property on which the water is to be used.
- NA A copy of written authorization, contract or easement permitting access to the land or reservoir not owned by the applicant.
- NA No statement of ownership was required for applications filed before August, 1990.
- OK The report from watermaster has been received.
- OK The proposed use is not restricted or prohibited by statute.
- OK The source of water is not withdrawn from appropriation by order of the State Engineer or Water Resources Commission, or legislatively withdrawn under ORS Chapter 538.
- OK Irrigation use(s) is/are classified uses(s) under the Douglas Basin Program, OAR 690 - 500-001.
- OK The application, map and supporting data are complete and free of defects.

Land Use Compatibility:

As expressed by the Planning Department of \_\_\_\_\_

- NA The land uses to be served by proposed water uses (including proposed construction) are allowed or are not regulated by the local comprehensive plan (ordinance section \_\_\_\_\_).
- NA The land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals which have been obtained.
- OK The local government was notified, and sent no comment pursuant to the rules at the time; land use was presumed in compliance per such statement printed on the application.

For ground water applications:

OK

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

OK

The report from groundwater section has been received.

For reservoir applications:

NA

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

## PROPOSED PERMIT CONDITIONS

Application: G-13175

The following conditions will apply to water use under the permit, and will in the permit, if issued.

1. Period of allowed use: Year around.
2. Rate: 2128 gallons per minute
3. The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.
4. Water use development requirements:
  - A) Begin construction by (one year from issuance of permit).
  - B) Complete construction by October 1, 1995.
  - C) Completely apply the water to beneficial use by October 1, 1996.
5. The well shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.
6. Measurement, recording and reporting conditions:
  - A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.

- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
7. Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.
  8. This right is limited to any deficiency in the available supply of any prior right existing for the same land.
  9. Failure to comply with any of the provisions of the permit may result in action including, but not limited to, restrictions on the use, penalties, or cancellation of the permit.
  10. The 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.
  11. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.
  12. The use of water shall be limited when it interferes with any prior surface or ground water rights.

January 10, 1994

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WATER  
RESOURCES  
DEPARTMENT

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Tom Mac Kerns  
Route 1 Box 10  
Haines, OR 97833

Reference File No. G 13175

Re: Response to Objections  
to Application File Number G 13175

Dear Mr. Kerns:

The Water Resources Department has received your letter of Objections to the proposed water use reported in the Unsatisfactory Report of Technical Review announced on Application File Number G 13175. Your Objections have been reviewed by the Director and as the result of the Director's assessment, **your Objection to this proposed water use is hereby accepted.**

You have presented information which asserts that there will be no hydraulic connection between your wells and Hunt Creek. Your statements contend that during the time periods when you will be using the water there is no water in Hunt Creek to be interfered with. Vern Church, the Baker County watermaster, has concurred with these statements.

Your application has been re-evaluated as a groundwater application with no potential for substantial surface water interference. It has been determined that water in the amount of 2128 gallons per minute will be available when necessary for beneficial use in connection with the irrigation of your respective lands.

The permit, if issued, will be for supplemental irrigation of 380 acres and will be subordinate to existing rights.

You may protest this Response to your Objection(s). You have thirty (30) days from the date of this letter to file a protest. Your protest must comply with the standards set out in OAR 690-02-030 through 080. A copy of these protest rules is enclosed here for you. The rules for regarding the protest must be followed exactly.



---

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

Send your protest by regular mail or deliver it in person. Your protest must be received by the Water Resources Department in Salem, Oregon, no later than 5:00 p.m. on or before February 10, 1994. Your protest must be in proper form and accompanied by a fee of \$25.00.

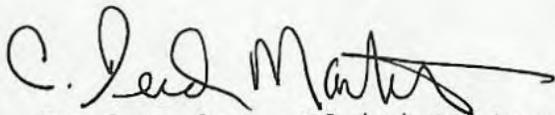
If a timely protest is submitted in the proper form, the protest, and the Application File with your Objections will be referred to the Water Resources Commission for review.

If no protests are received, the Application will undergo a public interest review. As the result of that public interest evaluation, a recommendation will be made to reject the proposed use, or issue a permit.

No permit will be issued on the Application which cannot be conditioned to adequately protect the resource and senior water rights.

If you have any questions, please call us in the Water Rights Division.

Sincerely,

A handwritten signature in cursive script, appearing to read "A. Reed Marbut", with a long horizontal flourish extending to the right.

A. Reed Marbut, Administrator  
Water Rights and Adjudications Division

COPY CHECK-OFF SHEET FOR TECHNICAL REVIEWS

CC: FILE # G-13175

WATERWATCH

ODF&W - County: Baker

WATERMASTER #: 8

REGIONAL MANAGER: Kent Seales

CWRE: - same as Applicant

DEQ

OREGON ASSOCIATION OF NURSERYMEN INC.

KEN STAHR

OTHER ADDRESSES:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CASEWORKER (initials/date) J 9/6/94

ORIGINAL TO APPLICANT 6/28/94

## TECHNICAL REVIEW CHECKLIST

1. Application: G-13175
2. Review Date: 9/6/94

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

## SUMMARY

S Land Use

~~NA~~/~~yes~~/no Substantial SW interference w/GW  
 (if yes, see results of surface water availability analysis)

S Conflicts *Supplemental IRP.*

S Water Availability (No Connection)  
(Water Availability Sub-basin)

U The application, map and supporting data are complete and free of defects. *no connection*

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

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

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

5. S Application fees:

Examination fee:	\$ 200
Recording fee:	\$ 840
TOTAL REQUIRED	\$ 1040
TOTAL SUBMITTED	\$ 1040
AMOUNT DUE prior to issuance of permit	\$ 0
AMOUNT OVERPAID	\$
refund due applicant	\$

380 x 2

\$100 Fire

740 370 x 2

840

6. S Proposed dates of beginning and completion of construction, and complete application of water.
7. U A satisfactory map of the proposed place of water use prepared by a certified water right examiner, unless exempt under OAR 690-14-150(3). (A CWRE map is not required for applications filed before November 9, 1987.) *needs to be w 1/2 NE SE 10 Acres to w 1/2 NW SE*
8. S A written copy of the legal description of the property on which the water is to be used. *See Sept 7, 1993 Letter*
9. NA A copy of written authorization, contract or easement permitting access to the land or reservoir not owned by the applicant. *OWNS LAND*
10. NA No statement of ownership was required for applications filed before August, 1990.
11. S The proposed use is not restricted or prohibited by statute.
12. S The source of water is not withdrawn from appropriation by order of the State Engineer or Water Resources Commission, or legislatively withdrawn under ORS Chapter 538.
13. S IRRIGATION use(s) is/are classified uses(s) under the POWDER Basin Program, OAR 690 - 509-001(1)

**Land Use Compatibility:**

14. As expressed by the Planning Department of Baker
15. S The land uses to be served by proposed water uses (including proposed construction) are allowed or are not regulated by the local comprehensive plan (ordinance section BC 20 Sec 301).
16. NA The land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals which have been obtained.
17. NA The local government was notified, and sent no comment pursuant to the rules at the time; land use was presumed in compliance per such statement printed on the application.

**For reservoir applications:**

18. NA Plans, specifications and supporting information for the dam and impoundment area.



RECEIVED  
SEP 13 1993  
WATER RESOURCES DEPT.  
SALEM, OREGON

file  
ea  
APP

September 9, 1993

TO: Mr. Reed Marbut

FROM: Truscott Irby, County Commissioner and Chairman of  
the Baker County Water Policy Advisory  
Board

RE: MAC KERNS - WATER USE PERMIT Ref. # G 13175  
RALPH WARD - WATER USE PERMIT Ref. # G 12448

Mr. Kerns and Mr. Ward came before the Baker County Water Policy Advisory Board at its meeting September 1, 1993 and asked the Board to contact you in regard to the refusal of their water use permits which they had applied for from the Water Resources Department.

It is our consensus that the Water Resources Department should review with the applicants, with an on-site inspection of the permit area before a final decision is made. We feel that Mr. Kerns and Mr. Ward should have a chance to visit with you at their permit sites and further explain to you the ground water conditions in their respective areas.

It is my understanding that you will be in the Baker area September 26th. Mr. Kerns and Mr. Ward would be glad to meet with you Sunday or any day that would be available for you.

Please give this great consideration. Thank you.

*Truscott Irby*

TI:jmc  
c:\docs\watreswa.let  
c: Mac Kerns  
Ralph Ward  
Jasper Coombes

# IMPORTANT MESSAGE

FOR WTR16

DATE 9/10/93 TIME 9:30 A.M.  
P.M.

M Joyce Kerns

OF \_\_\_\_\_

PHONE 856-3357  
AREA CODE NUMBER EXTENSION

FAX OR 856-3707

MOBILE \_\_\_\_\_  
AREA CODE NUMBER TIME TO CALL

TELEPHONED <input checked="" type="checkbox"/>	PLEASE CALL	
CAME TO SEE YOU	WILL CALL AGAIN	
WANTS TO SEE YOU	RUSH	
RETURNED YOUR CALL	WILL FAX TO YOU	

MESSAGE \_\_\_\_\_

6-13175

ltr sent 9/4 attn

Ken Dowden -

want to know if we

have received it

SIGNED [Signature]

RECEIVED

SEP - 7 1993

WATER RESOURCES DEPT.  
SALEM, OREGON

Tom "Mac" & Joyce A. Kerns  
Rt. 1, Box 10  
Haines, OR 97833

Mr. Ken Dowden  
Oregon Water Resources Department  
3850 Portland RD NE  
Salem, OR 97310

9/9/93  
already  
recorded  
on  
Table  
Collins

Reference: File G-13175 and your letter of July 13, 1993

Dear Sir:

My proposed application for a Water Use Permit will not interfere with surface water and should be issued. Information supporting this is as follows:

The well has tapped a confined aquifer as documented by my letter of Jan 27, 1993.

The attached well log dated May 28, 1993, which is the log of the well to be covered by the permit, states water was first encountered at 170 feet and static water level is 130 feet. This definitely indicates a confined aquifer.

A legal description of the property where the water will be used is as shown on the map attached to the permit and is the E1/2SE1/4 Sec12 and the NE1/4NE1/4 Sec13T8S, R38E; W.M. and the SW1/4 and the W1/2W1/2W1/2SE1/4 Sec7, T8S;R39E.W.M. and the N1/2NW1/4 Sec18T.8S R.39E.W.M.

Sincerely,

*Tom Mac Kerns*

Tom "Mac" Kerns

HE WOULD LIKE TO TALK TO SCB THIS A.M.



STATE OF OREGON

INTEROFFICE MEMO

TO: FILE / STEVE BROWN

DATE: 7-16-93

FROM: KEN DOUDEN

SUBJECT: "MAC" KERNS UNSATISFACTORY TR

MAC CALLED ME TODAY REGARDING HIS T.R. I INFORMED HIM OF GW/HYDRO ANALYSIS, CONFLICTS W/ EXISTING RIGHTS AND LETTERS OF CORRESPONDENCE (DONN MILLER, REED)

I INFORMED HIM OF NEED FOR LEGAL DES<sup>HE</sup>. AND WAS UNDER ASSUMPTION HIS APPLICATION ASKED FOR GW SOURCE TO BE APPLIED AS SUPPLEMENTAL IRR. / APP. SHOWS PRIMARY. I PUSSED BRAND NEW WELL LOG.

Karl maybe no prob  
even if seal

pot for subst intfrnc  
if crk dry in sumr

Grndwtr said dig deeper  
He dug deeper but he didn't  
seal as grndwtr said to  
(well driller advised not to)  
perforated

Tom Mac Kerns

G 13175-

10/7/93

USGS Quad ~~as in~~

is confused

---

had an unsat &  
would like to  
be resolved to this.

TAKE

July 13, 1993

Tom "Mac" and Joyce A. Kerns  
RT 1 Box 10  
Haines, OR 97833 856-3351

WATER  
RESOURCES  
DEPARTMENT

Reference: File #G-13175

Dear Mr. & Mrs. Kerns:

This letter informs you of the current status of your application for a water right and accompanies the Unsatisfactory Report of Technical Review For Water Use Permit(s). We apologize for the delay in transmitting this information and Report to you and for any inconvenience the wait may have caused you.

The enclosed Report of Technical Review is the Department's summary of a specialized analysis of various legal and scientific aspects of the application and proposed water use. We are required by the state of Oregon's administrative rules (in OAR 690-11-160) to conduct this official technical review of each application submitted to the Oregon Water Resources Department for a water use permit. This process was designed to insure that your application receives a fair evaluation and to secure the protection of existing water rights and of the public at large.

One very important phase of the technical review process includes an evaluation of the extent to which water is deemed available from the water source the applicant plans to use. The purpose of this water availability evaluation is to protect against over-appropriation of Oregon's water supply.

As a result of the water availability analysis conducted in connection with the technical review of your application, Department staff have determined that water is not available to support your proposed use and thus must conclude that your proposed water use would contribute to over-appropriation of the Powder River Basin.

THEREFORE, THE DIRECTOR FINDS THAT YOUR PROPOSED WATER USE WILL IMPAIR OR WILL BE DETRIMENTAL TO THE PUBLIC INTEREST AND RECOMMENDS THAT YOUR APPLICATION FOR A WATER USE PERMIT BE REJECTED.

However, under certain limited circumstances an exception to the general rule against over-appropriation may be granted. Such exception may only be considered where there is a high public interest in the proposed water use and the use can be conditioned to protect instream values.

(See OAR 690-410-070(2)(a).)



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

If you can present evidence which demonstrates a high public interest in your proposed water use and you can show that the use can be conditioned to protect instream values, the Water Resources Department will consider such evidence. In addition, you may also submit evidence which demonstrates that the Department's water availability analysis is inaccurate or that other portions of the technical review are defective.

If you wish to submit evidence or object to any of the analyses contained in the Report, you must submit your evidence or objections to the Department in writing within 60 days of the date of mailing of this Report or by the date specified below.

If you decide to submit evidence or objections to any of the technical review findings, in order to have your application considered further, you must also provide us with the following information, documentation, or fees:

- a legal description of the property where you plan to use water (you may copy this from your deed, title insurance policy, or sales contract);

Copies of the Report of Technical Review will be distributed to all persons who have filed comments or otherwise expressed an interest in the water use proposed in your application. Interested parties must also submit their objections within the prescribed objection period. Those objections must allege that the technical review is defective and/or that the proposed water use may impair or be detrimental to the public interest.

If an objection contains allegations that the technical review is defective, it must be accompanied by facts which support such allegations. If an objection contains allegations that the proposed water use may impair or be detrimental to the public interest, the objection must specify the particular public interest standards which apply as set out in Oregon Revised Statutes (ORS 537.170(5)) and Oregon Administrative Rules (OAR 690-11-195) and state facts showing how such standards would be violated.

All evidence and objections, as well as the supplemental information requested above, must be received by our Salem office **no later than 5:00 p.m. on or before September 20, 1993** or the Department may presume that there is no opposition to the analyses set out in the Report of Technical Review. Everything must be addressed and delivered to: Oregon Water Resources Department, Water Rights Section, 3850 Portland Road, Northeast, Salem, Oregon 97310.

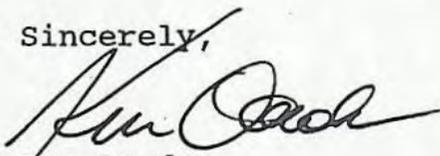
If objections and evidence are submitted no later than the above time and date, the Director will evaluate each issue raised in the objections and will either accept or deny them. Objectors are encouraged to indicate whether they would be interested in resolving their concerns through alternative dispute resolution.

If your evidence or objections are accepted and the issues are resolved in satisfaction of the technical review requirements, the Department will move your application to the next phase of processing. This phase will include a full public interest assessment of your proposed water use. No final action may be taken on your application until the public interest review is completed.

If any of the objections are denied, the objector will be allowed thirty days to submit a protest to the denial. The protest must meet the standards set forth in OAR 690-02-030 through 080.

If you have any questions about any of the requirements described above or about any of the findings contained in the Report of Technical Review, please feel free to call me or any of the Department's Water Rights Section staff. My telephone number is 378-3739, in Salem, or you may call toll free from within the state to 1-800-624-3199.

Sincerely,



Ken Dowden  
Water Rights Division

Enclosures

CC: (CWRE) Tom Mac Kerns



NESW	40.0	Acres
NWSW	40.0	Acres
SWSW	40.0	Acres
SESW	40.0	Acres
NWSE	10.0	Acres
SWSE	10.0	Acres

Section 7

NENW	40.0	Acres
NWNW	40.0	Acres

Section 18

T 8 S R 39 E, W.M.

GROUNDWATER AVAILABILITY ASSESSMENT

The Groundwater/Hydrology Section report indicates that:

Pursuant to OAR 690-09-040, the proposed groundwater withdrawal will have the potential to cause substantial interference with surface water.

SURFACE WATER AVAILABILITY ASSESSMENT

This is an application for use of groundwater with the potential to cause substantial interference with surface water.

WATER AVAILABILITY

Water is likely available October through March of each year at 80% exceedence.

Water is likely available October through April of each year at 50% exceedence.

The Water Resources Commission currently is considering rule amends to the Water Allocation Policy.

This Technical Review report describes the periods when water is available at between 50% and 80% exceedence. The actual period of use which will be allowed will depend on the outcome of the rule making process.

Water availability tables are available in the application file and may be reviewed in the office of the Water Resources Department in Salem.

CONFLICTS WITH OTHER WATER RIGHTS

There are no existing rights from this point of diversion.

There are existing water rights appurtenant to the lands described in the application.

## REPORT CONCLUSIONS

BASED ON THE RESULTS OF THE TECHNICAL REVIEW OF THE PROPOSED WATER USE DESCRIBED IN YOUR APPLICATION, THE DIRECTOR FINDS YOUR PROPOSED WATER USE WOULD IMPAIR OR BE DETRIMENTAL TO THE PUBLIC INTEREST AND RECOMMENDS YOUR APPLICATION FOR A WATER USE PERMIT BE REJECTED FOR THE REASON(S) CITED BELOW.

Water is likely available for only 6 months\* of the 12 months normal period of use.

\* Based on 80% exceedence.

There are three existing certificated rights appurtenant to the lands proposed in this application. Certificates 4403, 50885, and 55731, are all for primary irrigation.

Based on findings set out above, the Director will recommend rejection of the application unless the applicant can provide evidence that the IRRIGATION use of water for less than the full IRRIGATION season will not result in wasteful, uneconomic, impracticable or unreasonable use of the waters involved.

The applicant can overcome a proposed rejection by demonstrating that an alternative source of water is available during the period water is not available from the proposed source.

In the alternative, the applicant may submit evidence that the proposed use is of high public interest.

In determining whether the public interest in the proposed use is high and whether the application should be granted an exception under OAR 690-410-070(2)(a), the Commission and/or Director will weigh the relative value of the proposed use in accordance with the public interest standards set out in ORS 537.170 (5) and OAR 690-11-195.

If the Commission and/or Director find that the proposed use should be granted such an exception, a finding will be prepared stating that water is available for the proposed use if the permit can be conditioned to protect instream uses.

**THE APPLICANT MAY PRESENT EVIDENCE THAT THE FINDINGS AND/OR CONCLUSIONS SET OUT IN THE TECHNICAL REVIEW ARE DEFECTIVE OR OTHERWISE INCORRECT.**

ELINE

3-5-93

GROUNDWATER - HYDROLOGY HAS REPORTED THAT THE TWO WELLS DESCRIBED IN FILE B-13175 'KERNS' TWP 8 S, RGE 39E, S 18 WILL INTERFERE WITH SURFACE WATER.

I AM NOT SUGGESTING EARLY ACTION ON THIS FILE, ONLY THAT IT BE PROCESSED WITH OTHER SURFACE, IN ORDER.

THANKS

TOM

ELINE

3-5-93

GROUNDWATER - HYDROLOGY HAS REPORTED THAT THE TWO WELLS DESCRIBED IN FNE G-13175 'KERNS' TWP 8 S, R4E 39E, S 18 WILL INTERFERE WITH SURFACE WATER.

I Am

Nov 9-92

Willow Cr.

TOW

"MAGIC"

KGRNS

H-C

DO P

G-13175.

T 83

R 38/E

SEC 12, 13  
(18)

Kathy Green  
313

Reed - Do you have 11/13 this letter still?  
Eline said he is at approx. # 523 for his tech review

ELINE

3-5-93

GROUNDWATER - HYDROLOGY HAS REPORTED THAT THE TWO WELLS DESCRIBED IN FILE G-13175 'KERNS' TWP 8 S, R6E 39E, S 18 WILL INTERFERE WITH SURFACE WATER.

26/01

12/E  
06/8

print out

Dorlean

Reed -

My review inside and my grain notes in formation. We gw/sw intakes potential county one.

Down

Nov 9 92

Willow cr.

TOW

"MACIK"

KGRNS

H-C

DO P

G-13175.

T 8 S

R 38 / E

SEC 12, 13  
(18)

Kathy Green  
313

ELINE

3-5-93

GROUNDWATER - HYDROLOGY HAS REPORTED THAT THE TWO WELLS DESCRIBED IN FILE 2-13175 'KERNS' TWP 8 S, RGE 39E, S 18 WILL INTERFERE WITH SURFACE WATER.

I AM NOT SUGGESTING EARLY ACTION ON THIS FILE, ONLY THAT IT BE PROCESSED WITH OTHER SURFACE, IN ORDER.

THANKS

TOM

Reed -

My review is inside and I've included my grater notes for your information. We are into gw/sw interference potential country on this one.

-Down

Tom "Mac" Kerns  
Rt 1, Box 10  
Haines, OR 97833

RECEIVED

JAN 28 1993

WATER RESOURCES DEPT.  
SALEM, OREGON

January 27, 1993

Mr. Reed Marbut  
Oregon Water Resource Dept  
3850 Portland Road  
Salem, OR 97310

Dear Mr. Marbut,

Reference Application No. G-13175 and your letter of January 19, 1993.

The following information pertains to the points of your letter. They were discussed with Mr. Dallas Miller and Mr. Mike Zwart in your office on January 21, 1993:

1. Possible Hunt Creek connection [reference attached map].

Hunt Creek has a maximum elevation of 7721 feet and a very small watershed of less than one square mile. Water in the channel does not go past elevation 3600 except during snow melt, a period of about 30 days in early spring. The owner of the real estate covering the lower channel of Hunt Creek stated that for the last three (3) years water didn't run past his corrals, which are located on Hunt Creek on the 3600 foot contour. This point is approximately 60 feet above and 3/8 mile from proposed well No. 1.

Hunt Creek has two small water rights out of it. Points of diversion are approximately a mile above proposed well No. 1.

The Agricultural Conservation and Stabilization Service made a wetlands determination of the area and found no wetlands below contour 3600.

2. Un named ditch.

This ditch is the Welch ditch, which takes water from Pine Creek to the SE 1/4 Sec. 7 T8S R39E and is approximately three (3) miles long. It serves a very Junior right and during the last three (3) years has run water less than five (5) days total.

The Welch ditch is entirely owned by the applicant and presently terminates at a pumping plant at Well F. where water is pumped into a line that runs back uphill to Well E. The system has been changed and the ditch will terminate at Well E.

3. Known wells in the area.

Information on known wells in the area is as follows:

Map Key	Purpose	Static Water Level	Depth to Water	Depth of Hole	
A	Irrigation	100'	unknown	300'	pumps approx 200 gal/min.
B	Domestic	22'	70'	120'	<u>1/</u>
C	Domestic	no record			<u>2/</u> data indicates blue clay
D	Irrigation	no record			<u>2/</u>
E	Irrigation	22'	106' ?	250'	<u>3/</u>
F	Irrigation	24'	24'	202'	<u>3/ 4/</u>
G	Domestic	16'	42' <sup>clay</sup> <sub>12-42</sub>	90'	<u>3/</u>
H	Domestic	33'	80' <sub>26</sub>	240'	
I	Domestic	35'	85'	130'	

The proposed wells are to be drilled on an alluvial fan which probably has very mixed material. However the other wells in the area are on the same alluvial fan and indicate a clay layer between static water level and the level where water is first encountered. In other words water raises in the hole from 20 feet to 80 feet from the elevation it is found. This indicates no hydraulic connection with any adjacent surface water.

Sincerely,

*Tom Mac Kerns*

Tom "Mac" Kerns

cc: Vern Church,  
Baker County Water Master

*OK Vern Church*

1/ Well report shows this well located in SWNE S18; T8S; R39E W.M. I think it is in SENE S13; T8S; R38E.

2/ Located in the S1/2NE1/4 S18; T8S; R39E.

3/ Wells are owned by the applicant.

4/ This well was drilled by the applicant and contrary to what the drill log says we didn't encounter any measurable water until about 100 feet. Once encountered water rose to 24 feet.



NOTICE TO WATER WELL CONTRACTOR

The original and first copy of this report are to be filed with the

STATE ENGINEER, SALEM, OREGON 97310 within 30 days from the date of well completion.

WELL A WATER WELL REPORT RECEIVED

STATE OF OREGON

(Please type or print)

OCT 4 - 1976

State Well No.

State Permit No.

WATER RESOURCES DEPT.

(1) OWNER:

Name Steve Hughes Address Baker, Oregon

(2) TYPE OF WORK (check):

New Well [ ] Deepening [x] Reconditioning [ ] Abandon [ ]

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary [x] Cable [ ] Dug [ ] Driven [ ] Jetted [ ] Bored [ ]

(4) PROPOSED USE (check):

Domestic [x] Industrial [ ] Municipal [ ] Irrigation [ ] Test Well [ ] Other [ ]

CASING INSTALLED:

5" Diam. from 75 ft. to 289 ft. Gage 10

PERFORATIONS:

Type of perforator used Torch Size of perforations 4 in. by 6 in. 40 perforations from 99 ft. to 129 ft. 80 perforations from 198 ft. to 289 ft.

(7) SCREENS:

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

(8) WELL TESTS:

Drawdown is amount water level is lowered below static level Was a pump test made? [ ] Yes [x] No Yield: Compressor 7 gal./min. with 15.5 ft. drawdown after 1 hrs. Bailer test Artesian flow g.p.m.

(9) CONSTRUCTION:

Well seal-Material used See item #12 Well sealed from land surface to ft. Diameter of well bore to bottom of seal in. Diameter of well bore below seal in. Number of sacks of cement used in well seal sacks Number of sacks of bentonite used in well seal sacks Brand name of bentonite Number of pounds of bentonite per 100 gallons of water lbs./100 gals. Was a drive shoe used? [ ] Yes [x] No Plugs Size: location ft. Did any strata contain unusable water? [ ] Yes [x] No Type of water? depth of strata Method of sealing strata off Was well gravel packed? [ ] Yes [x] No Size of gravel: Gravel placed from ft. to ft.

(10) LOCATION OF WELL:

County Baker Driller's well number 16 NE 1/4 SE 1/4 Section 13 T. 85 R. 38E W.M. Bearing and distance from section or subdivision corner

(11) WATER LEVEL: Completed well.

Depth at which water was first found ft. Static level 100 ft. below land surface. Date 8-13-76 Artesian pressure lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing 6 Depth drilled 300 ft. Depth of completed well 289 ft.

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

Table with columns: MATERIAL, From, To, SWL. Rows include Sandstone, Cemented sand & gravel, Cemented gravel small with streaks of Basalt & Bl.

This Well Had 85' of 6" Casing Ran 210' 5" Liner

Work started 8-3 1976 Completed 8-13 1976 Date well drilling machine moved off of well 8-13 1976

Drilling Machine Operator's Certification:

This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief. [Signed] Ernest Hansen Date 8-21, 1976 Drilling Machine Operator's License No. 604

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief. Name Northwell Drilling (Person, firm or corporation) (Type or print) Address Prairie City, Ore. [Signed] Bondable (Water Well Contractor) Contractor's License No. 587 Date 9-25, 1976

STATE ENGINEER  
Salem, Oregon

WELL C  
Well Record

8/38-13A(1)  
STATE WELL NO. ....  
COUNTY Baker (2) ..  
APPLICATION NO. ....

OWNER: A. W. Creger

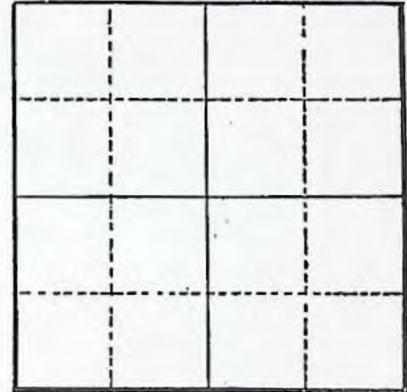
MAILING ADDRESS: .....

LOCATION OF WELL: Owner's No. ....

CITY AND STATE: .....

NE 1/4 NE 1/4 Sec. 13 8 N. 38 E.  
S., R. W., W.M.

Bearing and distance from section or subdivision corner .....



Section .....

Altitude at well 3,499

TYPE OF WELL: Drilled Date Constructed .....

Depth drilled 79 Depth cased .....

CASING RECORD: 4 1/2 feet.

FINISH:

AQUIFERS:

WATER LEVEL: 9.8 feet below land surface, May 8, 1949

PUMPING EQUIPMENT: Type ..... H.P. ....  
Capacity ..... G.P.M.

WELL TESTS:  
Drawdown ..... ft. after ..... hours ..... G.P.M.  
Drawdown ..... ft. after ..... hours ..... G.P.M.

USE OF WATER ..... Temp. ..... °F. ...., 19.....

SOURCE OF INFORMATION .....

DRILLER or DIGGER .....

ADDITIONAL DATA:  
Log ..... Water Level Measurements ..... Chemical Analysis ..... Aquifer Test .....

REMARKS: Hardness 45ppm, chloride 7ppm. Casing has filled to 56.3 feet with  
buttery blue clay; well not yet finished.



WELL F

BAKE 1572

8/39E-226

RECEIVED

STATE OF OREGON WATER WELL REPORT (as required by ORS 637.766)

(1) OWNER: Well Number: 1111 89 1000

Name: TOM MAC ISEBNS Address: RT 1 Box 10 City: HAINES State: OREGON

(2) TYPE OF WORK: [X] New Well [ ] Deepen [ ] Recondition [ ] Abandon

(3) DRILL METHOD [X] Rotary Air [ ] Rotary Mud [ ] Cable [ ] Other

(4) PROPOSED USE: [ ] Domestic [ ] Community [ ] Industrial [X] Irrigation [ ] Thermal [ ] Injection [ ] Other

BORE HOLE CONSTRUCTION: Special Construction approval Yes No Depth of Completed Well 202 ft.

Explosives used [ ] Yes [X] No Type: Amount:

Table with columns: HOLE (meter From To), SEAL (Material From To), Amount (sacks or pounds). Row 1: 72 0 20 CEMENT 0 20 14. Row 2: 9 20 202

How was seal placed: Method [ ] A [ ] B [X] C [ ] D [ ] E [ ] Other

Backfill placed from 20 ft. to 70 ft. Material: Gravel placed from 20 ft. to 70 ft. Size of gravel: PGR

(6) CASING/LINER: location of shoe(s) 173

Table with columns: Diameter, From, To, Gauge, Steel, Plastic, Welded, Threaded. Casing: 8 12 173 1.25 [X] [ ] [ ] [ ] Liner: [ ] [ ] [ ] [ ]

(7) PERFORATIONS/SCREENS: [X] Perforations Method: Slotted Pipe [ ] Screens Type: Material:

Table with columns: From, To, Slot size, Number, Diameter, Tele/pipe size, Casing, Liner. Row 1: 35 173 10 192 2 1/4 [X] [ ] [ ] [ ]

(8) WELL TESTS: Minimum testing time is 1 hour [X] Pump [ ] Bailer [X] Air [ ] Flowing Artesian

Table with columns: Yield gal/min, Drawdown, Drill stem at, Time. Row 1: 450 178 202 1 hr.

Temperature of water 52 Depth Artesian Flow Found: Was a water analysis done? [ ] Yes [ ] No By whom: Did any strata contain water not suitable for intended use? [X] Too little [ ] Salty [ ] Muddy [ ] Odor [ ] Colored [ ] Other

(9) LOCATION OF WELL by legal description:

County: Baker Latitude: Longitude: Township: 4 N or S Range: 39 E or W, WM. Section: 7 NW 1/4 SE 1/4

(10) STATIC WATER LEVEL: 24 ft. below land surface. Date: 6-2-88

(11) WATER BEARING ZONES: Depth at which water was first found 24

Table with columns: From, To, Estimated Flow Rate, SWL. Row 1: 24 25 2 24

(12) WELL LOG: Ground elevation:

Table with columns: Material, From, To, SWL. Rows include: Fill GRAVEL 0-3, CLAY & GRAVEL 3-24, GRAVEL - Med 24-25 24, CLAY & GRAVEL 25-48, GRAVEL - M-B 48-53 24, SAND 53-60, CLAY 60-74, GRAVEL - M-B 74-79 24, CLAY 79-86, SILT & SAND 86-102, SAND & CLAY 102-116, GRAVEL - M-B 116-120, CLAY 120-127, SAND - M-D 127-136, CLAY 136-138, SAND & GRAVEL - M-B 138-145, CLAY 145-150, GRAVEL - M-B 150-167, CLAY 167-174, GRAVEL - M-B 174-192, CLAY 192-196, GRAVEL 196-202 24

Date started 5-19-84 Completed 6-2-88

(unbonded) Water Well Constructor Certification:

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

WWC Number: Signed: Date:

(bonded) Water Well Constructor Certification:

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

**WATER WELL REPORT**  
STATE OF OREGON

WELL G

**RECEIVED**  
OCT 25 1984

Bake 338 ✓  
State Well No. 85/39E-7da  
State Permit No. ....

WATER RESOURCES DEPT.  
SALEM, OREGON

**(1) OWNER:**

Name BRENT KEARNS  
Address \_\_\_\_\_  
City HAINES State OR

**(2) TYPE OF WORK (check):**

New Well  Deepening  Reconditioning  Abandon   
If abandonment, describe material and procedure in Item 12.

**(3) TYPE OF WELL:**

Rotary Air  Driven  Domestic  Industrial  Municipal   
Rotary Mud  Dug  Irrigation  Test Well  Other   
able  Bored  Thermal:  Withdrawal  Reinjection

**(4) PROPOSED USE (check):**

(5) CASING INSTALLED: Steel  Plastic   
Threaded  Welded   
....." Diam. from 2 ft. to 76 ft. Gauge 1.250  
....." Diam. from ..... ft. to ..... ft. Gauge .....

**LINER INSTALLED:**

....." Diam. from ..... ft. to ..... ft. Gauge .....

**(6) PERFORATIONS:**

Perforated?  Yes  No

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

**(7) SCREENS:**

Well screen installed?  Yes  No

Manufacturer's Name \_\_\_\_\_  
Type \_\_\_\_\_ Model No. \_\_\_\_\_  
Diam. \_\_\_\_\_ Slot Size \_\_\_\_\_ Set from ..... ft. to ..... ft.  
Diam. \_\_\_\_\_ Slot Size \_\_\_\_\_ Set from ..... ft. to ..... ft.

**(8) WELL TESTS:**

Drawdown is amount water level is lowered below static level

Was a pump test made?  Yes  No If yes, by whom?  
id: gal./min. with ft. drawdown after hrs.  
Air test 35 gal./min. with drill stem at 90 ft. 1 hrs.  
Bailer test gal./min. with ft. drawdown after hrs.  
Artesian flow g.p.m.  
Temperature of water 52 Depth artesian flow encountered ..... ft.

**(9) CONSTRUCTION:**

Special standards: Yes  No

Well seal—Material used CEMENT  
Well sealed from land surface to 14 ft.  
Diameter of well bore to bottom of seal 10 in.  
Diameter of well bore below seal 6 in.  
Number of sacks of cement used in well seal 8 sacks  
How was cement grout placed? GRAVIT. PUMP  
Was pump installed? N.O. Type \_\_\_\_\_ HP \_\_\_\_\_ Depth \_\_\_\_\_ ft.  
Was a drive shoe used?  Yes  No Plugs \_\_\_\_\_ Size: location \_\_\_\_\_ ft.  
Did any strata contain unusable water?  Yes  No  
Type of Water? \_\_\_\_\_ depth of strata \_\_\_\_\_  
Method of sealing strata off \_\_\_\_\_  
Was well gravel packed?  Yes  No Size of gravel: \_\_\_\_\_  
Gravel placed from ..... ft. to ..... ft.

**(10) LOCATION OF WELL:**

County BALSER Driller's well number \_\_\_\_\_  
NE 1/4 SE 1/4 Section 7 T. 8 S. R. 39 E W.M.  
Tax Lot # \_\_\_\_\_ Lot \_\_\_\_\_ Blk \_\_\_\_\_ Subdivision \_\_\_\_\_  
Address at well location: \_\_\_\_\_

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

Depth at which water was first found 42 ft.  
Static level 16 ft. below land surface. Date 9-28-84  
Artesian pressure \_\_\_\_\_ lbs. per square inch. Date \_\_\_\_\_

**(12) WELL LOG:**

Diameter of well below casing 6

Depth drilled 90 ft. Depth of completed well 42 ft.

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

MATERIAL	From	To	SWL
TOP SOIL	0	2	
CLAY GRAVELY	2	12	
CLAY yellow	12	42	
SAND med. W-B	42	43	
CLAY yellow	43	75	
GRAVEL FINE W-B	75	80	16
CLAY yellow	80	95	
GRAVEL med W-B	95	90	16

Work started 9-24 1984 Completed 9-28 1984  
Date well drilling machine moved off of well 10-22 1984

**Drilling Machine Operator's Certification:**

This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.  
[Signed] Wesley Dennis Date 9-28, 1984  
(Drilling Machine Operator)

Drilling Machine Operator's License No. \_\_\_\_\_

**Water Well Contractor's Certification:**

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.  
Name W. DENNIS  
(Person, firm or corporation) (Type or print)  
Address BUMPTON STAGE BALSER DIST  
[Signed] Wesley Dennis  
(Water Well Contractor)  
Contractor's License No. 591 Date 10-22, 1984



WELL I

WATER WELL REPORT  
STATE OF OREGON

RECEIVED Bake 377  
State Well No. 85/39E-18ad  
AUG 13 1984

WATER RESOURCES DEPT  
SALEM, OREGON  
State Permit No.

(1) OWNER:  
Name VIRGIL BORGER  
Address RT 1  
City HAINES State ORE

(2) TYPE OF WORK (check):  
New Well  Deepening  Reconditioning  Abandon   
If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL: (4) PROPOSED USE (check):  
Rotary Air  Driven  Domestic  Industrial  Municipal   
Rotary Mud  Dug  Irrigation  Test Well  Other   
Bored  Thermal:  Withdrawal  Reinjection

(5) CASING INSTALLED: Steel  Plastic   
Threaded  Welded   
6" Diam. from 1 ft. to 11.9 ft. Gauge .250

LINER INSTALLED:  
" Diam. from ..... ft. to ..... ft. Gauge .....

(6) PERFORATIONS: Perforated?  Yes  No  
Type of perforator used .....  
Size of perforations ..... in. by ..... in.  
..... perforations from ..... ft. to ..... ft.  
..... perforations from ..... ft. to ..... ft.  
..... perforations from ..... ft. to ..... ft.

(7) SCREENS: Well screen installed?  Yes  No  
Manufacturer's Name .....  
Type ..... Model No. ....  
Diam. .... Slot Size ..... Set from ..... ft. to ..... ft.  
Diam. .... Slot Size ..... Set from ..... ft. to ..... ft.

(8) WELL TESTS: Drawdown is amount water level is lowered below static level  
..... a pump test made?  Yes  No If yes, by whom?  
..... gal./min. with ..... ft. drawdown after ..... hrs.  
Air test 25 gal./min. with drill stem at 125 ft. 1 hrs.  
Bailer test ..... gal./min. with ..... ft. drawdown after ..... hrs.  
Artesian flow ..... g.p.m.  
..... temperature of water 52 Depth artesian flow encountered ..... ft.

(9) CONSTRUCTION: Special standards: Yes  No   
Well seal—Material used C.E.MENT  
Well sealed from land surface to 1.8 ft.  
Diameter of well bore to bottom of seal 1.0 in.  
Diameter of well bore below seal 6 in.  
Number of sacks of cement used in well seal 8 sacks  
How was cement grout placed? GROUT PLACED  
Was pump installed? Yes Type 30.6 HP 3/4 Depth 1.05 ft.  
Was a drive shoe used?  Yes  No Plugs ..... Size: location ..... ft.  
Did any strata contain unusable water?  Yes  No  
Type of Water? ..... depth of strata .....  
Method of sealing strata off .....  
Was well gravel packed?  Yes  No Size of gravel: .....  
Gravel placed from ..... ft. to ..... ft.

(10) LOCATION OF WELL:  
County BAKER Driller's well number .....  
SE 1/4 NE 1/4 Section 18 T. 8 R. 39E W.M.  
Tax Lot # ..... Lot ..... Blk ..... Subdivision .....  
Address at well location: .....

(11) WATER LEVEL: Completed well.  
Depth at which water was first found 85 ft.  
Static level 35 ft. below land surface. Date 7-12-84  
Artesian pressure ..... lbs. per square inch. Date .....

(12) WELL LOG: Diameter of well below casing 6  
Depth drilled 130 ft. Depth of completed well 125 ft.  
Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
TOP SOIL	0	2	
CLAY	2	45	
CLAY LARGE GRAVEL	45	52	
CLAY YELLOW	52	85	
SAND MED - #13	85	86	
CLAY YELLOW	86	125	
GRAVEL FINE #13	125	130	35

Work started 7-2 1984 Completed 7-12 1984  
Date well drilling machine moved off of well 7-12 1984

Drilling Machine Operator's Certification:  
This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.  
[Signed] J. J. ... Date 7-12, 1984  
(Drilling Machine Operator)  
Drilling Machine Operator's License No. ....

Water Well Contractor's Certification:  
This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.  
Name S. D. ... (Type or print)  
Address S. U. ...  
[Signed] J. J. ... (Water Well Contractor)  
Contractor's License No. .... Date 7-12, 1984

# Oregon

WATER  
RESOURCES  
DEPARTMENT

January 19, 1993

Tom "Mac" and Joyce Kerns  
Rt. 1 Box 10  
Haines, OR 97833

RE: Application G-13175  
Irrigation wells in the Hunt Creek area

Dear Mr. & Mrs. Kerns:

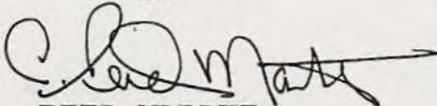
As per your request, I have secured evaluation of your proposed well development from our Groundwater/Hydrology Section. Their review concludes that the proposed use of water from the wells displays a potential to cause substantial interference with Hunt Creek and an unnamed ditch. For this reason, it will be necessary for us to evaluate the impact of your proposed water use on surface flows in your area.

The Water Resources Commission has recently adopted a policy that no application is to be taken out of line which would result in a junior water right receiving a permit ahead of a more senior filing. There are approximately 523 applications for use of water in the Willow Creek Basin which have filing dates prior to your application. However, we hope to be able to complete a technical review of most of the applications in your area, including yours, within a few months.

Naturally, it is impossible for us to promise whether you will receive a water right permit and how long our review and public interest analysis will take. We will do our best to keep you advised as to our processing schedule; however, the technical and public interest evaluation of water right applications has become a complicated and time-consuming process.

If you have questions or comments, please feel free to call me. Thank you for your patience.

Sincerely,



A. REED MARBUT  
Water Rights/Adjudication Section

ARM/dpc



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

STATE OF OREGON  
WATER RESOURCES DEPARTMENT

Reed  
FY1

INTEROFFICE MEMO

DATE: 1/7/93

TO: FILE

FROM: DONN MILLER

SUBJECT: REVIEW OF APPLICATION G-13175

This application proposes the diversion of 2128 gpm from two wells for the irrigation of 380 acres.

My review of well reports and USGS groundwater report (HA 242) leads me to conclude that the wells, when constructed, would develop unconfined groundwater from sands and gravels of an alluvial fan. That source would be in hydraulic connection with Hunt Creek and an unnamed ditch. Both wells would be located about 1100' from Hunt Creek. Well #2 would be about 300' from the unnamed ditch. Well #1 would be 1400' from that ditch.

The proposed well locations, unconfined aquifer conclusion, and hydraulic connection conclusion mean that the proposed use of water displays the potential to cause substantial interference with Hunt Creek and the unnamed ditch. These factors reflect the criteria on "potential for substantial interference" found in the current Division 9 rules.

LAND NOT APPLICABLE TO AREA IN APP. # G.13175

BEFORE THE WATER RESOURCES DEPARTMENT OF OREGON  
BAKER COUNTY

IN THE MATTER OF CANCELLATION ) PC 86-19  
OF A WATER RIGHT IN THE NAME )  
OF OTHA D. PERKINS FOR USE OF ) ORDER CANCELING  
WATER FROM A RESERVOIR ) WATER RIGHT

PARTIAL

On December 12, 1986, pursuant to the provisions of ORS 540.631, notice was given to Agribusiness Department, First Interstate Bank of Oregon as the owner of certain real property which includes the SE 1/4 NE 1/4 of Section 13, Township 8 South, Range 38 East, WM, Baker County, Oregon, of the proposed cancellation of a certain water right appurtenant to the said real property.

The water right in question is for use of stored water from Pine Creek Reservoir, constructed under Permit R-660, at a rate of 1.0 cubic foot per second of water and under a date of priority of December 11, 1931, for irrigation of a certain 40.0 acres within the SE 1/4 NE 1/4 of Section 13, Township 8 South, Range 38 East, WM. The right in question is a portion of the right established under Permit 10721 and described by the certificate issued in the name of Otha D. Perkins and recorded at page 10135, Volume 9, State Record of Water Right Certificates. The balance of the water right described by the said certificate of water right is not in question in this proceeding.

ORS 540.641(1) provides: "If the legal owner or the occupant receiving notice as provided in ORS 540.631 fails to protest the proposed cancellation of the water right within the 60-day period prescribed in the notice, the water Resources Commission may enter an order canceling the water right." The Water Resources Commission has delegated to the Director the authority to initiate a proceeding under 540.610 to 540.650 and to issue a final order if no protest is filed.

No protest has been filed against the proposed cancellation of the water right in question.

NOW, THEREFORE, it is ORDERED that the water right in question, being a portion or the right described by the certificate issued in the name of Otha D. Perkins and recorded at page 10135, Volume 9, State Record of Water Right Certificates, be and the same hereby is canceled.

It is FURTHER ORDERED that the said certificate of water right be canceled and in lieu thereof, a new certificate be issued to described the remainder of the water right described by said certificate, not canceled by this proceeding.

Dated at Salem, Oregon this 13th day of February, 1987.

CERT # 55731  
ATTACHED

William H. Young  
WILLIAM H. YOUNG  
Director

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

CERT # 55731 →

STATE OF OREGON

COUNTY OF

BAKER

CERTIFICATE OF WATER RIGHT

This Is to Certify, That OTHA D. PERKINS

of Baker, State of Oregon, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of a reservoir on Pine Creek, constructed under Permit R-660

a tributary of Powder River for the purpose of irrigation, domestic and stock

under Permit No. 10721 and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from December 11, 1931 that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 7.0 cubic feet per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NW 1/4 NW 1/4, Section 26, SW 1/4 NE 1/4, Section 32, T8S, R38E, W.M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-fortieth of one cubic foot per second per acre,

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

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

40.0 acres NE 1/4 SE 1/4
40.0 acres SE 1/4 SE 1/4
Section 12

40.0 acres NW 1/4 SW 1/4
40.0 acres SW 1/4 SW 1/4
Section 7

40.0 acres NW 1/4 NE 1/4
Section 13
Township 8 South, Range 38 East, WM

40.0 acres NW 1/4 NW 1/4
40.0 acres SW 1/4 NW 1/4
Section 18
Township 8 South, Range 39 East, WM

CERT 55731

This right shall be subject to the following condition that the City of Baker's rights and priorities both as to natural flow and storage shall be preserved and shall not be affected by this subsequent filing; that should the City of Baker at any time hereafter elect to employ its said rights in this reservoir, Mrs. Perkins, or her successors in interest, will promptly recognize the City's rights to the use of such reservoir for municipal purposes as specified in the agreement between the City and her on February 16, 1932, and that Mrs. Perkins or her successors in interest, will at all times indemnify and save the City harmless of any damage which may result through her enjoyment of said facilities as specified in said agreement.

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

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 10135, Volume 9, State Record of Water Right Certificates, NOT canceled by the provisions of an order of the Water Resources Director entered on February 13, 1987.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

*The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described and is subject to minimum flows established by the Water Resources Commission with an effective date prior to this right.*

WITNESS the signature of the Water Resources Director, affixed

this date. March 6, 1987

William H. Young  
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 51 , page 55731

CERT. 55731







RECEIVED

NOV 27 1992

# WaterWatch

O F O R E G O N

WATER RESOURCES DEPT.  
SALEM, OREGON

November 27, 1992

Water Resources Department  
3850 Portland Rd. N. E.  
Salem, OR 97310

RE: Application for Permit #G13175, Tom Mac Kerns  
Willow Cr. Basin, Baker Co., Irrigation

WaterWatch has reviewed the limited amount of information contained in the public notice of this water right application. Based upon that information, WaterWatch raises the following issues, questions and concerns:

Is there unappropriated water available for this proposed use? How will the Department determine water availability for this proposed use? What will be the cumulative effect of this proposed use, in combination with other, already existing uses of the aquifer?

Is the groundwater source in question in hydraulic connection with surrounding surface waters? If so, what is the amount of surface water depletion and what effect will this proposed use have on instream flows necessary to protect the public's interest in fish, wildlife, recreation and a health aquatic system? We oppose any application which in any way reduces surface water flows needed for the public uses that are served by any instream water right.

Given the importance of this groundwater resource, and the Department's limited enforcement staff, it only makes sense to require this applicant to measure and record water use. Measurement not only helps the Department carry out its statutory mandate to promote the control of water resources in Oregon for all beneficial uses, it helps the Department protect the public's interest in assuring the use is within the bounds of the permit. ORS 536.220(1)(a), 537.170(5)

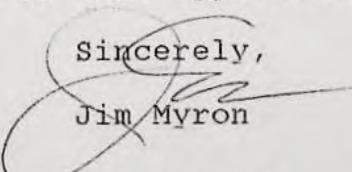
Will this proposed use be compatible with Goal 5 elements in the local comprehensive plan?

It is a high priority of the state to eliminate waste and improve the efficiency of water use. OAR 690-410-060(1) Statewide policy also calls upon water users to use and maintain their water systems in a manner consistent with the state's priority. What conditions are proposed for this permit that will carry out and encourage compliance with state policy?

Is this an existing illegal use of water? If so, will the continued use without a permit cause harm to existing water rights and the public interest?

We request copies of the draft permit and the Department's technical analysis of this application.

Sincerely,

  
Jim Myron

bc:

11/17/1992

TOM MAC KERNS  
KERNS, JOYCE A  
RT 1 BOX 10  
HAINES, OR 97833

REFERENCE: File(s) G-13175

We received your application(s) proposing to use water, along with supporting data and fees. Your receipt is enclosed unless you received it earlier. The application has been assigned the above referenced file number and will be reviewed in detail as time allows. If you need to call or write to us, be sure to reference the file number(s) listed above so we may assist you promptly.

Applications which are received in proper form with required maps, supporting data and fees can be considered for approval by issuance of permits following a mandatory 60-day waiting period and after public interest matters are resolved.

Processing of applications which require additional information will be delayed further. If you feel that a delay in the processing of your application will cause a hardship, please advise in writing.

If the application is approved, the use allowed by the permit will be subject to the Water Resources Commission's Basin Program statements, instream flow requirements, and demands of prior rights.

If you have any questions, please contact the Water Right Section at the telephone number referenced below.

cc: CWRE



Application No. G-13175



State of Oregon  
WATER RESOURCES DEPARTMENT

Application for a Permit to Appropriate Ground Water

Applicant(s) Tom "Mac" and Joyce "A" Kerns  
(Please print or type - use dark ink)

Mailing Address: RT 1 Box 10  
Haines City or 97833 State 856-3351 Zip Daytime Phone No.

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

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

If development is less than one mile from a natural stream, give the following:  
Distance from development to stream: Well #1 over 1 mile  
Well #2 1/2 mile  
Elevation difference between streambed and development: Well #1 80+  
Well #2 40+

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

Diameter of well: 10 inch Depth in feet: 200-300 feet  
Type and size of well casing: 10 inch steel No. of feet: To be determined  
Estimated depth to water: To be determined  
Type of access port or measuring device: Access port and air line  
Wells to be drilled by: Pitcher Drilling  
Address: LaGrande Or

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

2. **TOTAL AMOUNT OF WATER** to be applied to beneficial use: \_\_\_\_\_ cubic feet per second, OR 2128 + 200 gallons per minute. If water is to be used from more than one ground water source, give the quantity of water from each:  
\_\_\_\_\_  
\_\_\_\_\_

3. INTENDED USE(S) OF WATER: Irrigation

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

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

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

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

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

Irrigation 380 acres

Other (describe) \_\_\_\_\_

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

Existing PVC main lines 6", 8" & 10" diameter approximately  
3 1/2 miles total. ~~Delivery system~~ Application system is center  
pihots and handlines

5. PROJECT SCHEDULE: (List month and year)

Proposed date construction work will begin 11-92

Proposed date construction work will be completed 4-93

Proposed date water use will be completed 16-93

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

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

Applicant       CWRE      \_\_\_\_\_ Other (Identify in REMARKS section)

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

Applicant       CWRE      \_\_\_\_\_ Other (Identify in REMARKS section)

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

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

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

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

\_\_\_\_\_  
\_\_\_\_\_

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

Tom Mac Kerns  
Signature of Applicant

11-4-92  
Date

\_\_\_\_\_  
Signature of Co-Applicant, if any

\_\_\_\_\_  
Date

-----  
**FOR WATER RESOURCES DEPARTMENT USE ONLY**

Dear Applicant:

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

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

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

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

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

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

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the 9<sup>th</sup> day of Nov., 19 92, at 8:00 o'clock, A M.

APPLICATION NO: Ge - 13175

RECEIVED

APP- 6 1995  
WATER RESOURCES DEPT.  
SALEM, OREGON

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

Applicant       CWRE      \_\_\_\_\_ Other (Identify in REMARKS section)

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

Applicant       CWRE      \_\_\_\_\_ Other (Identify in REMARKS section)

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

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

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

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

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

Tom Mac Kerns  
Signature of Applicant

11-4-92  
Date

Janet A Kerns  
Signature of Co-Applicant, if any

11/4/92  
Date

February 6, 1995

Karen Russell, Assistant Director  
WaterWatch of Oregon  
921 Southwest Morrison, Suite 438  
Portland, OR 97205

Re: Denial of Objections  
to Application File Number G-13175

Dear Ms. Russell:

The Director of the Water Resources Department has reviewed your Objections to the proposed water use reported in the Satisfactory Report of Technical Review announced on Application File Number G-13175 submitted by Tom "Mac" and Joyce "A" Kerns. As the result of the Director's assessment, all of the Objections submitted by WaterWatch of Oregon to this proposed use are hereby denied.

You have alleged the Technical Report is defective, the water availability analysis is defective and the use as proposed is not in the public interest.

You have asserted the Technical Report is defective because the report fails to contain many of the elements and evaluations required in OAR 690-11-160(1).

The rules of the Water Resources Commission require that the technical review analysis include the elements contained in OAR 690-11-160(1)(a)-(h). There is no requirement that the report of technical review include those elements. In order to maintain clarity and simplicity, a number of technical review factors included in the file checklists are not contained in the reports.

A technical review report is a summary of the technical evaluation conducted on a water use application.

The Technical Review conducted on application # G-13175 did include consideration of the elements specified in OAR 690-11-160(1) as is documented by the information contained in the records of the Department including the Application File.



Your objections include an allegation that the water availability analysis conducted on this proposed water use is flawed. The report of the Groundwater/Hydrology Section indicates that, the proposed groundwater use will not have the potential for substantial interference with the nearest surface water. Therefore, no surface water availability analysis for Hunt Creek and the unnamed ditch has been included in the file.

Your Objections include an allegation regarding the lack of sufficient measuring and reporting in the Report's Proposed Permit Conditions. Consistent with established policy, the Department requires some form of measuring and reporting condition on all permits issued. If a permit is issued on this Application it will include a sufficient measuring and reporting condition. If issued, the permit will contain the following measuring and reporting condition:

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

You have asserted the use as proposed violates statewide policies. You have not set forth facts which establish that the proposed use violates statewide policies.

The proposed use is not inconsistent with the Groundwater Management Policy as established by the Water Resources Commission. The Department recognizes its obligation to protect the waters of the state from over-appropriation and the need to manage groundwater and surface water conjunctively where to do so will protect water resources, existing rights, and the public interest.

You have alleged that a public interest determination is impossible because essential information appears to be missing from the File.

A public interest determination must be made before a decision is made whether to issue a permit.

There is adequate information available to complete a public interest review without first conducting a pump test.

Your objections do not meet the requirements of OAR 690-11-170 (1). The Director has determined that you have not established that the Technical Review is defective and you have not identified elements of the proposed water use that may impair or be detrimental to the public interest. You have not set forth facts which would support allegations that the proposed water use is prohibited.

You may protest this denial of your Objections. You have thirty (30) days from the date of this letter to file a protest. Your protest must comply with the standards set out in the Oregon Administrative Rules, Chapter 690, Division Two, Sections 030 through 080. (OAR 690-02-030 through 080).

Send your protest by regular mail or deliver it in person. Your protest must be received by the Water Resources Department in Salem, Oregon, no later than 5:00 p.m. on or before March 10, 1995. Your protest must be in proper form and accompanied by a fee of \$25.00.

If you have any questions, please call.

Sincerely,

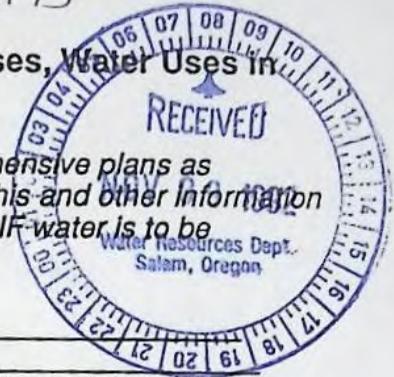


Steve Applegate, Administrator  
Water Rights/Adjudications Division

cc: Tom "Mac" and Joyce "A" Kerns

Application No. 6-13175

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



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

Applicant's Name: Tom "Mac" & Joyce A. Kerns
Address: Rt 1 Box 10
City: Haines State: Or Zip: 97833 Day Phone: 856-3351

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

Table with columns: Tax Lot or Local I.D.#, Plan Designation/Zoning, and Check All That Apply (Water Diverted, Water Conveyed, Water Use). Includes handwritten entries for tax lots 2300 and 2700.

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

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

For Local Government Use Only

Local government planning officials are to complete the remainder of this form. If this form can not be completed while the applicant waits, please sign and detach the receipt as instructed below. Please mail the completed form directly to the Water Resources Department (3850 Portland Rd. NE, Salem, OR, 97310) within 60 days of the date of receipt as shown below.

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

[X] Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): ... Go to section b) on reverse side.

[ ] Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below. Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus any accompanying findings is sufficient.)

Table for discretionary land use approvals with columns: Type of Land Use Approvals Needed, Cite Most Significant, Applicable Plan Policies & Ordinance Section References, and Please check the box that applies (Already Obtained, Already Denied, Being Pursued Satisfactorily).

(over)

Receipt for Request for Land Use Information

WRD Applicant Name: \_\_\_\_\_

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

City or County: \_\_\_\_\_

Staff Contact: \_\_\_\_\_ Phone: \_\_\_\_\_

Signature: \_\_\_\_\_ Date of Information Request: \_\_\_\_\_

BAKER COUNTY PLANNING DEPARTMENT  
BAKER COUNTY COURTHOUSE  
1995 THIRD STREET  
BAKER CITY, OR 97814

(For Local Use Continued)

b) Please provide printed name and written signature.

Name: Connie Clune  
Title: Planner

Date: 11/5/92  
Phone: 523-8219

Signature: Connie Clune

Local governments are invited to express special land use concerns or make recommendations to the Department regarding this proposed use of water below, or on a separate sheet. For additional information call Roberta Jortner or Rick Bastasch at 378-3671.

Additional Comments:

Lined area for additional comments.

### Description of Water Use

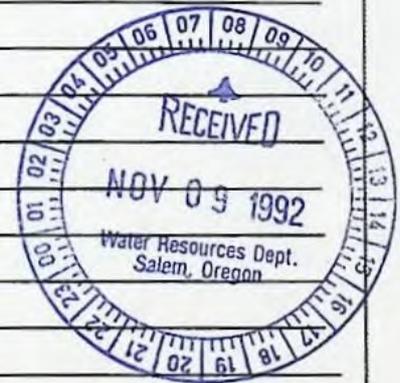
**Note to Applicant:** This sheet will provide local planning staff with a basic description of your proposed water use. Please fill out this sheet before bringing the attached land use form to your local planning office. It will help local planning offices complete your land use information form quickly.

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

Applicant Name: Tom "Mac" & Joyce A Kerns  
 Address: RT 1 Box 10  
Haines Or 97833  
 Phone: 856-3351

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

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



Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
<input type="checkbox"/> Surface Water Name sources: _____ _____ _____	_____ Cubic feet per second. <u>2128</u> Gallons per minute. _____ Acre-Feet
<input type="checkbox"/> Reservoir or pond	
<input checked="" type="checkbox"/> Ground Water	

TOWNSHIP 85, RANGE 39E, W. M. Card #1 SECTION 7

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT	LOT			
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES																		
37 <sup>5</sup>				37 <sup>11</sup> 36 <sup>97</sup>				36 <sup>83</sup> 36 <sup>69</sup>				15				R. 292		4191
23 <sup>2</sup> 39 5?																		4245
40																		4437
34 89																		4243
				40				40				10 10						50885 4334
				40 40														4403
								40 30 30 40				lower				new		4081
								40 30 30 40				11595 8034 7495						OK
				40 40								14442 10721 55731						OK
				40								19974 15572 16882						
53 30 14				34 40								28462 22407 28639						
R. Sp. Or. Vol. 9 Page 458																		

(SEE BACK OF CARD FOR PLAT OF SECTION)

TOWNSHIP 85, RANGE 39E, W. M. Card #2 SECTION 7

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES																		
				31 <sup>0</sup>												39273	29252	35204
				40 <sup>0</sup>												G-3131	6-2929	37669
				6 <sup>0</sup>				40 <sup>0</sup>								41738	31166	37690
39 <sup>1</sup> 12 42																42446	31967	38198
39 <sup>0</sup> 36 <sup>0</sup>																42444	31967	38198
39 <sup>1</sup> 40 <sup>0</sup> 40 <sup>0</sup>																44254	33077	38199
				39 <sup>0</sup>								38 <sup>1</sup> 30 <sup>0</sup> 30 <sup>0</sup> 39 <sup>0</sup>				6-5397	6-4990	41951
				39								38 <sup>1</sup> 29 <sup>1</sup> 30 39				53003	40307	48779
				39								38 <sup>1</sup> 29 <sup>1</sup> 30 39				53003	40307	48781
								40 40 40 40				Res				R-53164	R-6424	48780
				16 <sup>0</sup>												6-7972	6-7102	4
				8 <sup>2</sup>												T-6185	C# 4104	45019
				+89												T-8185	(E-31)	45232
																T-2613	(4243)	

OK  
OK  
OK  
OK  
CBI CANCELLED







## STATE OF OREGON

COUNTY OF

BAKER

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That

AMOS CREGER

of Haines , State of Oregon 97833 , has  
a right to the use of the waters of Pine Creek

a tributary of Powder River for the purpose of  
irrigation of 140 acres

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for  
Baker County, and the said decree entered of record at Salem, in the Order Record of  
the WATER RESOURCES DIRECTOR, in Volume 6 , at page 291 ; that the priority of the right  
thereby confirmed dates from 1891 for 20 acres; 1895 for 80 acres and 1904 for  
40 acres

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an  
amount actually beneficially used for said purposes, and shall not exceed one-fortieth of  
one cubic foot per second per acre if available at the original point of  
diversion; NE 1/4 NW 1/4, Section 26, T8S, R38E, WM; Welch Ditch - 380 feet  
South and 1,410 feet East from NW Corner, Section 26

The point of diversion is located in the NW 1/4 NW 1/4, Section 26, T8S, R38E, WM;  
Williams Ditch-130 feet South and 1,720 feet West from N 1/4 Corner, Section 26

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

40 acres NE 1/4 SW 1/4  
40 acres SE 1/4 SW 1/4  
10 acres NW 1/4 SE 1/4  
10 acres SW 1/4 SE 1/4  
Section 7

40 acres NE 1/4 NW 1/4  
Section 18  
Township 8 South, Range 39 East, WM

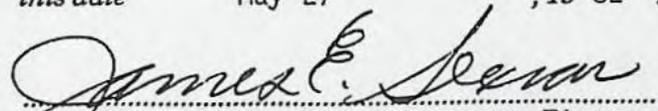
This certificate is issued to confirm a change in point of diversion approved  
by an order of the Water Resources Director entered January 4, 1966 and  
supersedes certificate of water right recorded at page 4339, Volume 5, State  
Record of Water Right Certificates.

The issuance of this superseding certificate does not confirm the status of  
the water right in regard to the provisions of ORS 540.610 pertaining to  
forfeiture or abandonment.

And said right shall be subject to all other conditions and limitations contained in said decree.  
The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein  
described.

WITNESS the signature of the Water Resources Director, affixed

this date May 27 , 19 82 .

  
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 45 , page 50885

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

This is to Certify, That ARTHUR E. PERKINS

of Haines, State of Oregon 97833 has a right to the use of

the waters of Pine Creek, tributary of Powder River

for the purpose of the irrigation of 320 acres of land

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Baker County, and the said decree entered of record at Salem, in the Order Record of the STATE WATER BOARD of the State of Oregon, in Volume 6, at page 291; that the priority of the right thereby confirmed dates from 1872 for 90 acres; 1880 for 30 acres; 1891 for 65 acres; 1897 for 75 acres and 1904 for 60 acres

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1/40 of one cubic foot per second per acre; and shall be subject to all other conditions and limitations contained in said decree

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

40 acres in the Northeast quarter of Southeast quarter and 40 acres in the Southeast quarter of Southeast quarter of Section Twelve: 40 acres in the Northeast quarter of Northeast quarter and 40 acres in the Northwest quarter of Northeast quarter of Section Thirteen, Township Eight South, Range Thirty-eight: 40 acres in the Northwest quarter of Southwest quarter and 40 acres in the Southwest quarter of Southwest quarter of Section Seven: 40 acres in the Northwest quarter of Northwest quarter and 40 acres in the Southwest quarter of Northwest quarter of Section Eighteen, Township Eight South, Range Thirty-nine, All East of Willamette Meridian, in Baker County, Oregon.

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

WITNESS the seal and signature of the State Water Board, affixed this 15th day of February, 1923

STATE WATER BOARD

(Seal of State Water Board)

By PERCY A. CUPPER State Engineer, President

Attest:

R. W. POTTER Secretary

CANCELLED

Cancelled - sp. or rec. vol. 34 p. 325

ATTACHED →

RECEIVED  
MAR 26 1977  
WATER RESOURCES DEPT  
SALEM, OREGON

Permit No. G-7402

APPLICATION FOR A PERMIT

To appropriate the Ground Waters of the State of Oregon

I, Ethel Greger & A. W. Greger Estate  
(Name of applicant)  
of Rt. #1 Box 110 Haines, county of Baker  
(Postoffice Address)  
state of Oregon 97833, do hereby make application for a permit to appropriate the  
following described ground waters of the state of Oregon, SUBJECT TO EXISTING RIGHTS:

If the applicant is a corporation, give date and place of incorporation

1. Give name of nearest stream to which the well, tunnel or other source of water development is  
situated Pine Creek  
(Name of stream)  
tributary of Powder River

2. The amount of water which the applicant intends to apply to beneficial use is 7.25 cubic  
feet per second or gallons per minute.

3. The use to which the water is to be applied is Supplemental irrigation

4. The well or other source is located 1410 ft. S and 1250 ft. E from the NW  
(N. or S.) (E. or W.)  
corner of section 18  
(Section or subdivision)  
(If preferable, give distance and bearing to section corner)

(If there is more than one well, each must be described. Use separate sheet if necessary)  
being within the SW 1/4 NW 1/4 of Sec. 18, Twp. 8S, R. 39E,  
W. M., in the county of Baker

5. The pipe line (Canal or pipe line) to be 2.3 miles  
in length, terminating in the see remarks (Smallest legal subdivision) of Sec. , Twp. ,  
R. , W. M., the proposed location being shown throughout on the accompanying map.

6. The name of the well or other works is Greger Well

DESCRIPTION OF WORKS

7. If the flow to be utilized is artesian, the works to be used for the control and conservation of the  
supply when not in use must be described.

8. The development will consist of a well (Give number of wells, tunnels, etc.) having a  
diameter of 14 inches and an estimated depth of 500 feet. It is estimated that 20  
feet of the well will require 1 steel (Kind) casing. Depth to water table is estimated 50 (Feet)

CANAL SYSTEM OR PIPE LINE—

9. (a) Give dimensions at each point of canal where materially changed in size, stating miles from headgate. At headgate: width on top (at water line) ..... feet; width on bottom ..... feet; depth of water ..... feet; grade ..... feet fall per one thousand feet.

(b) At ..... miles from headgate: width on top (at water line) ..... feet; width on bottom ..... feet; depth of water ..... feet; grade ..... feet fall per one thousand feet.

(c) Length of pipe, ..... 4400 ..... ft.; size at intake ..... 10 ..... in.; in size at ..... 3960 ..... ft. from intake ..... 8 ..... in.; size at place of use ..... 5 & 4 ..... in.; difference in elevation between intake and place of use, ..... 200 ..... ft. Is grade uniform? ..... Yes ..... Estimated capacity, ..... sec. ft.

10. If pumps are to be used, give size and type ..... 12" turbine

Give horsepower and type of motor or engine to be used ..... 150 hp.

11. If the location of the well, tunnel, or other development work is less than one-fourth mile from a natural stream or stream channel, give the distance to the nearest point on each of such channels and the difference in elevation between the stream bed and the ground surface at the source of development

12. Location of area to be irrigated, or place of use .....

Township N. or S.	Range E. or W. of Willamette Meridian	Section	Forty-acre Tract	Number Acres To Be Irrigated
8S	38E	12	NE $\frac{1}{4}$ SE $\frac{1}{4}$	40
8S	38E	12	SE $\frac{1}{4}$ SE $\frac{1}{4}$	40
8S	38E	13	NE $\frac{1}{4}$ NE $\frac{1}{4}$	40
8S	38E	13	NW $\frac{1}{4}$ NE $\frac{1}{4}$	40
8S	39E	7	NE $\frac{1}{4}$ SW $\frac{1}{4}$	40
8S	39E	7	NW $\frac{1}{4}$ SW $\frac{1}{4}$	40
8S	39E	7	SW $\frac{1}{4}$ SW $\frac{1}{4}$	40
8S	39E	7	SE $\frac{1}{4}$ SW $\frac{1}{4}$	40
8S	39E	7	W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$	10
8S	39E	7	W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	10
8S	39E	18	NE $\frac{1}{4}$ NW $\frac{1}{4}$	40
8S	39E	18	NW $\frac{1}{4}$ NW $\frac{1}{4}$	40

(If more space required, attach separate sheet)

Character of soil ..... sandy loam

Kind of crops raised ..... hay, grain, pasture

8S	39E	18	SW $\frac{1}{4}$ NW $\frac{1}{4}$	40
8S	39E	18	SE $\frac{1}{4}$ NW $\frac{1}{4}$	40
8S	39E	18	NE $\frac{1}{4}$ SW $\frac{1}{4}$	40
8S	39E	18	NW $\frac{1}{4}$ SW $\frac{1}{4}$	40

5802

Application No. G-7972  
 Permit No. G 7402

RECEIVED  
 WATER RESOURCE DEPT  
 SALT LAKE, UTAH



STATE OF OREGON, }  
County of Marion, } ss.

PERMIT

This is to certify that I have examined the foregoing application and do hereby grant the same, SUBJECT TO EXISTING RIGHTS and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed 7.25 cubic feet per second measured at the point of diversion from the well or source of appropriation, or its equivalent in case of rotation with other water users, from Creger well

The use to which this water is to be applied is supplemental irrigation

If for irrigation, this appropriation shall be limited to 1/80th of one cubic foot per second or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre feet per acre for each acre irrigated during the irrigation season of each year; provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein,

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

The well shall be cased as necessary in accordance with good practice and if the flow is artesian the works shall include proper capping and control valve to prevent the waste of ground water.

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

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

The priority date of this permit is March 30, 1977

Actual construction work shall begin on or before September 12, 1978 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1978

Complete application of the water to the proposed use shall be made on or before October 1, 1979

WITNESS my hand this 12th day of September 1977

*James E. Sisson*  
Water Resources Director

Application No. G. 7972  
Permit No. G. 7402

**PERMIT**  
TO APPROPRIATE THE GROUND WATERS OF THE STATE OF OREGON

This instrument was first received in the office of the State Engineer at Salem, Oregon, on the 30 day of March 1977 at 11 o'clock A. M.

Returned to applicant: \_\_\_\_\_

Approved: \_\_\_\_\_

Recorded in book No. \_\_\_\_\_ of \_\_\_\_\_ Ground Water Permits on page \_\_\_\_\_

STATE ENGINEER  
Drainage Basin No. 9 page 49

1950

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

MARION COUNTY

IN THE MATTER OF THE CANCELLATION)  
 OF CERTAIN PERMITS TO APPROPRIATE)  
 WATER UNDER THE PROVISIONS OF ORS)  
 537.260 )  
 -----

O R D E R

At this time, it appears that the time within which the appropriations under the following water right permits should have been perfected have expired, and that the owners of such permits have failed within the period of three months thereafter to submit proof of the completion of such appropriations as required by ORS 537.260, and that such notices have been addressed to each of the owners of said permits by certified mail in accordance with the provisions of ORS 537.260 and 174.150, and that owners of said permits have failed or refused to submit proof of the completion of appropriations under their respective permits, although the sixty-day time limits allowed in such notices have elapsed.

Name	Application Number	Permit Number
Clifford and Virginia Trout	G-5488	G-4836
Bob Pratt	G-5848	G-6844
Kenneth Safley	G-5890	G-5612
William H. and H. Tana Bell	G-6158	G-5682
Mills Mint Farm, Inc.	G-6524	G-6135
Dale G. Chandler	G-6550	G-6154
Olen H. and/or Lois E. Lee	G-6602	G-6186
Augustus J. Stores	G-6604	G-6187
Gerald E. Sommers	G-6651	G-6212
John R. Evatt	G-6661	G-6219
Robert W. Simon	G-6680	G-6232
Meadowland Ranches, Inc.	G-6688	G-6237
Lawrence F. Vanderwerf	G-6755	G-6276
Lemmie Rockford	G-6772	G-5273
Lillie B. Miller	G-7383	G-6869
George A. Duerr	G-7239	G-6705
Curtis L. Smith	G-7430	G-6928
Wutzke Farms	G-7442	G-6937
James J. Engum	G-7455	G-6947
Whitehorse Ranch	G-7489	G-6965
Earl R. Bighouse	G-7641	G-7075

Jerry R. Savage	G-7711	G-7164
Daniel Mangano	G-7702	G-7265
Ruskin L. Patterson	G-7752	G-7199
Robert O. Griggs and Wallace A. Gervais	G-7862	G-7287
Eric Anderson	G-7901	G-7337
Ethel Creger and A.W. Creger Estates	G-7972	G-7402
Robert N. Martin	G-7975	G-7405
Harrison M. Weatherford	G-7977	G-7406
Mills Mint Farm, Inc.	G-7987	G-7410
Dick Robison	G-8009	G-7445
Johnnie E. Olson	G-8025	G-7428
Donald Lehman	G-8028	G-7430
Otis and Joyce Mobley	G-8035	G-7255
Karl David and Kathleen Marie Bowman	G-8071	G-7471
W.P. Davis	37646	28176
Louis Knight and Kenneth Knight	44512	33414
Robert Umbarger	46017	34369
Robert Umbarger	46055	34392
Phillip Bush and A.N. Renfro	46896	34956
Ray C. and Alta V. Booher	47313	35446
Richard Wilburn	48806	36588
Stanley D. and Sandra O. Hays	49883	38078
Norman W. Montague	50054	37949
Guy E. and Judith M. Sharp	50420	38051
Edward N. Fadeley	50752	36803
Robert P. Hurley	50908	38434
Weaver P. Patton	50915	38440
James and Shirley Swenson	51147	38660
A.J. Updegrave	51247	38195
Dale A. Bessett	51322	38751
Ronald B. and Carol J. Pratt	51971	39174
Dysle Clark	51993	39196
Donley V. Jones	50962	38470
David R. Smith	52014	40786
Fred Nemo	52117	37525
Helen Maurice and Bill J. Burerge	52733	39709
Michael A. Quilici	52817	40290
Roy and Betty Wahle	52888	40294
Craig C. Rosborough	52920	37780
David C. Carl	53582	40090
Donald R. Hubbard	53639	40332
David L. Geddes	53561	39937
Cliff C. Merrill	53680	40137
Helen R. Hill	53703	40340
Robert Mandemaker	53824	40178
Daniel Stuiivenga	53942	40403
Wilber J. Smith	53946	40465
Gary Cruickshank	53963	40708
Mrs. Charles Purser	53968	40604
Donald H. Murray	54010	40412
Gregory L. Applen	54056	40429
Sally L. Smith	54068	40485
W.A. Schnieder	54119	40514

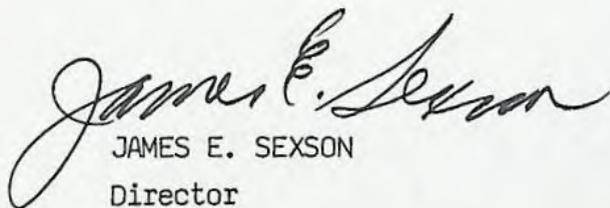
Donald D. Morris	54122	40792
Robert D. or Virginia R. Nagle	54133	40524
Robert D. or Virginia R. Nagle	54134	40525
Russell R. Brine	54141	40531
Lawrence L. McGehee	54185	40562
George R. Tribbey	54196	40566
Glenn V. Bickford	54214	40575
Robert Wayne Fair and W.T. Dawson	54216	40616
Edward and Betty Siebenthal	54229	40623
John Parret	54233	40625
Paul D. Bray	54275	40645
Doris F. Allen	54285	40651
Linda Carlson,	54290	41433
Thomas E. and Melvia M. Sherk	54300	40659
Charles E. Wurtz	54323	40671
Robert P. Adams	54338	40735
Ernest and Elodee Kaufman	54344	40738
Richard Saylor	54373	40750
Paul H. Bodenhamer	54407	40771
David Harold Schudel	54424	40811
George Richards	54451	40832
Fred A. Ast	54495	40871
Vala R. Livingston	54529	40898
Robert J. Nielsen	54540	40904
Lyman A. Haverfield and Steve Porter	54550	41230
Alfred B. and Helen B. Nordstrom	54567	49046
Robert Morey	54573	40952
Charles B. Carpenter	54577	40911
Lawrence Alan Pratt	54586	40960
Beverly A. Larking	54590	40961
Lloyd K. Mast	54620	41440
Russ Martindale and Mary McCoy McMartin	54621	40983
Paul K. and Betty J. Hagedorn	54665	41014
Richard W. Landwehr	54679	41025
Ray Anderson	54693	41366
Harry Buchea	54732	41056
Norman A. and Leonie M. Lamb	54745	41068
Harold E. McLain	54826	40777
Mike R. Walter and/or Len E. Nelson	54862	41152
John M. McCauley	54894	41448
Scott E. Loomis	54915	41190
Robert L. Chars	54921	41193
Cleo Taylor	54965	41252
Joseph H. and Jane E. Silva	54966	41253
Elton K. Mayse	54984	41372
Cecil G. Lane	55003	41216
William E. Peterson	55014	41272
Edgar S. Covey	55070	41321
Frank and Judy Berry	55083	41451
Conrad E. Kampp	55101	41384
Rick John Gulewich	55129	41394
Eugene and Yvonne Escamillo	55165	41400
Clinton J. Webber	55256	41475

A.J. Updegrave	R-48714	R-6158
Norman W. Montague	R-50053	R-6141
Edward N. Fadeley	R-50751	R-5973
Craig G. Rosborough	R-52919	R-6117
Donald R. Hubbard	R-53638	R-6427
George Richards	R-54450	R-6510
Charles B. Carpenter	R-54576	R-6524
Linda Carlson	R-54722	R-6569
Harold E. McLain	R-54825	R-6501
Ruth M. Needham	R-55132	R-6700

It appears that the permits should be canceled.

NOW, THEREFORE, it hereby is ORDERED that said permits are canceled in accordance with the provisions of ORS 537.260.

Dated at Salem, Oregon, this 20th day of February, 1981.

  
 JAMES E. SEXSON  
 Director

<u>DATE</u>	<u>INITIALS</u>
11-9-92	V. J. J.
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

MINIMUM REQUIREMENTS TO FILE

Name and mailing address \_\_\_\_\_  
 Source of water \_\_\_\_\_  
 Quantity of water \_\_\_\_\_  
 Location of project \_\_\_\_\_  
 Use of water \_\_\_\_\_  
 Signature of applicant \_\_\_\_\_  
 Allowable use by policy \_\_\_\_\_  
 State Engineer withdrawal \_\_\_\_\_  
 Legislative withdrawal \_\_\_\_\_  
 Land use approved  pending \_\_\_\_\_

FIELD OPERATIONS

Application date stamped per money receipt date \_\_\_\_\_  
 Stream Indexed \_\_\_\_\_  
 Stream Code \_\_\_\_\_  
 Scenic Waterway \_\_\_\_\_  
 Findings:  
 1) Concluded - Scenic-Reg Ack letter \_\_\_\_\_  
 2) Under Study - Scenic-Ack letter \_\_\_\_\_  
 3) Basin 2 - Willamette-Ack letter \_\_\_\_\_  
 Plat Carded and copy made \_\_\_\_\_ YES NO  
 Conflicts (well \_\_\_\_\_ surface \_\_\_\_\_) \_\_\_\_\_  
 Prior ISWR # \_\_\_\_\_  
 Within Irrigation District \_\_\_\_\_ (name)  
 Notified \_\_\_\_\_  
 District excerpt received \_\_\_\_\_  
 Entered in Paradox \_\_\_\_\_  
 Prepare six copies of Draft Permit \_\_\_\_\_  
 Send one copy to Data Center \_\_\_\_\_

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

SUPPORT SERVICES

Stamp contents with application number \_\_\_\_\_  
 Mail/Provide copies of draft permits to DEQ, ODFW, PARKS, AND WATERMASTER \_\_\_\_\_  
 Mail ack letter (provided by Data Center) with receipt to applicant, cc to CWRE and file \_\_\_\_\_  
 Place label on file and card \_\_\_\_\_  
 If dam is over 10 feet or storage exceeds 9.2 AC-FT, route file to Dam Safety Section \_\_\_\_\_  
 Notify Irrigation District \_\_\_\_\_

11/18	CW
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

FIELD OPERATIONS

	<u>YES</u>	<u>NO</u>
Ownership Statement	_____	_____
Name and address of all owners	_____	_____
Other landowners notified	_____	_____
Legal Description	_____	_____
Need Commission review	_____	_____
Requests greater than 5.0 cfs	_____	_____
Dam height greater than 20 feet	_____	_____
Storage greater than 100 acre-feet	_____	_____
Out of Basin diversion	_____	_____
Groundwater recharge project	_____	_____
Other substantial public interest	_____	_____
GW comments received _____ resolved _____	_____	_____
ODFW comments received _____ resolved _____	_____	_____
DEQ comments received _____ resolved _____	_____	_____
Interest Groups _____	_____	_____
Water availability received _____	_____	_____
Objections received _____ resolved _____	_____	_____
Protest received _____ resolved _____	_____	_____
Management Codes _____	_____	_____

EXAMINATION FEE: \_\_\_\_\_  
 RECORDING FEE: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 TOTAL: \_\_\_\_\_  
 REFUND: \_\_\_\_\_  
 DEFICIENT: \_\_\_\_\_

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

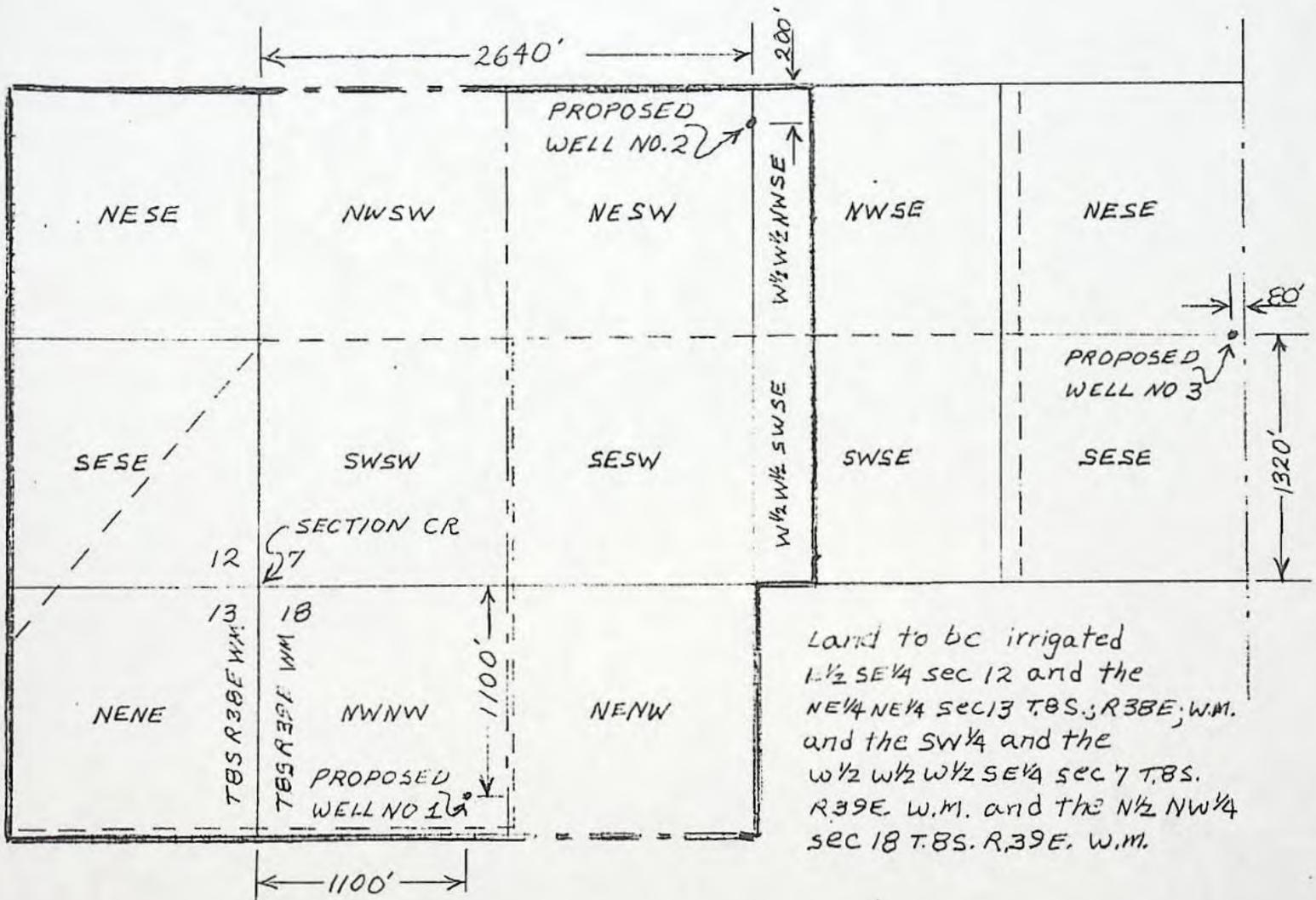
# APPLICATION FOR GROUND WATER RIGHT

Superseded  
4/6/95

RECEIVED

FEB 13 1995

WATER RESOURCES DEPT.  
SALEM, OREGON

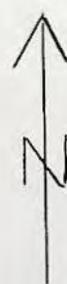


**Legend**

- Bdry Land to be irrigated
- County Road
- Buried PVC main line 6", 8" & 10"

Scale 6" = 1 mile

Drawn by TMK



# APPLICATION FOR GROUND WATER RIGHT

RECEIVED

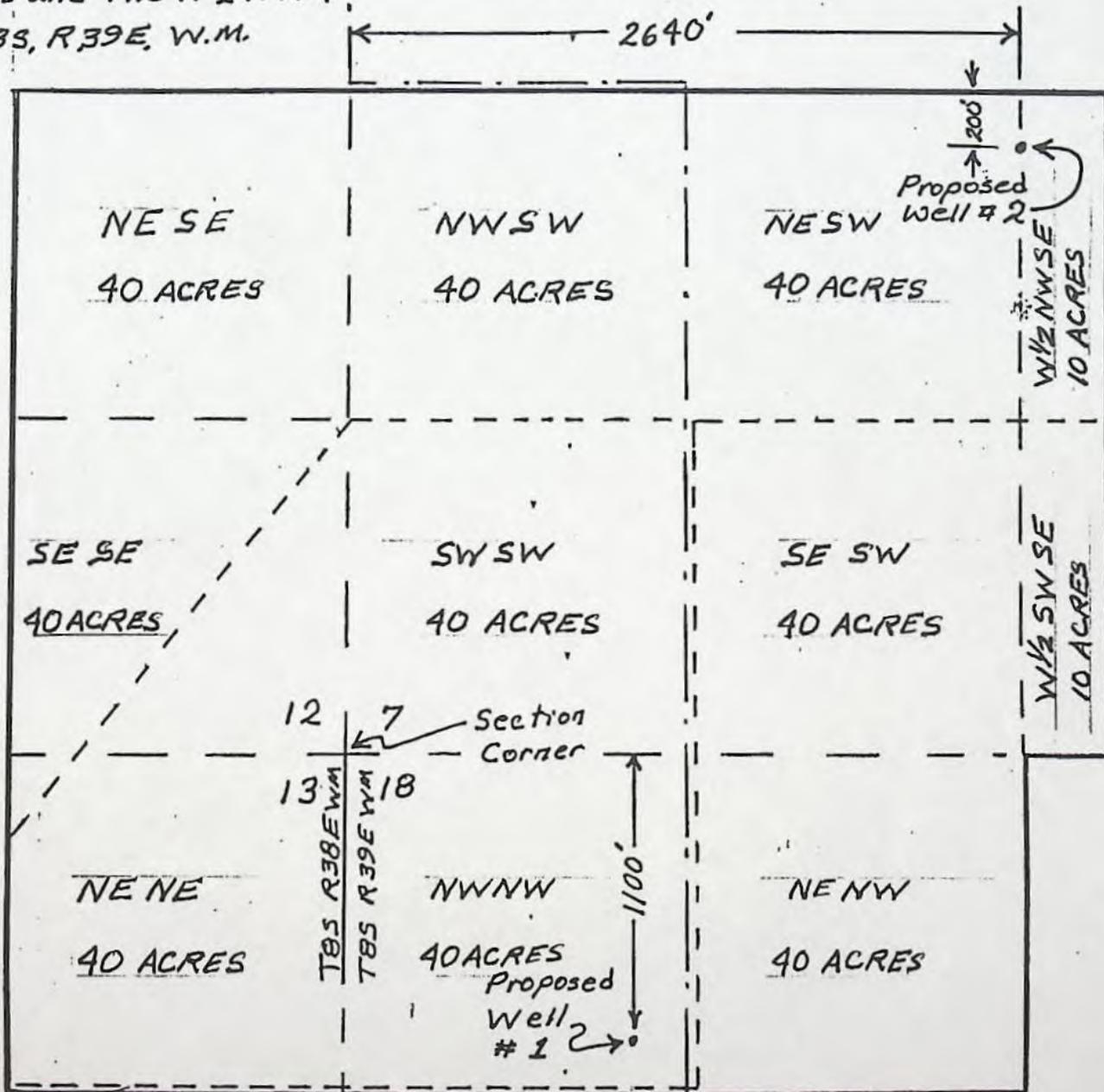
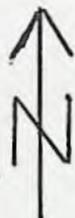
SEP 29 1994

WAI  
SALE

Superseded  
2/13/95



Land to be irrigated  
 E 1/2 SE 1/4 Sec 12 and the  
 NE 1/4 NE 1/4 Sec 13 T8S, R38E, W1M  
 and the SW 1/4 and the  
 W 1/2 W 1/2 W 1/2 SE 1/4 Sec 7 T8S  
 R39E, W1M and the N 1/2 NW 1/4  
 Sec 18 T8S, R39E, W1M.



**Legend**

- Bdry land to be irrigated
- County Road
- Buried PVC main line 6", 8" & 10"
- Scale 8" = 1 mile

Drawn by T.M.K. 11-4-92  
 Revised " " 9-21-94

# APPLICATION FOR GROUND

## WATER RIGHT

Application No. 6-13175

Permit No.

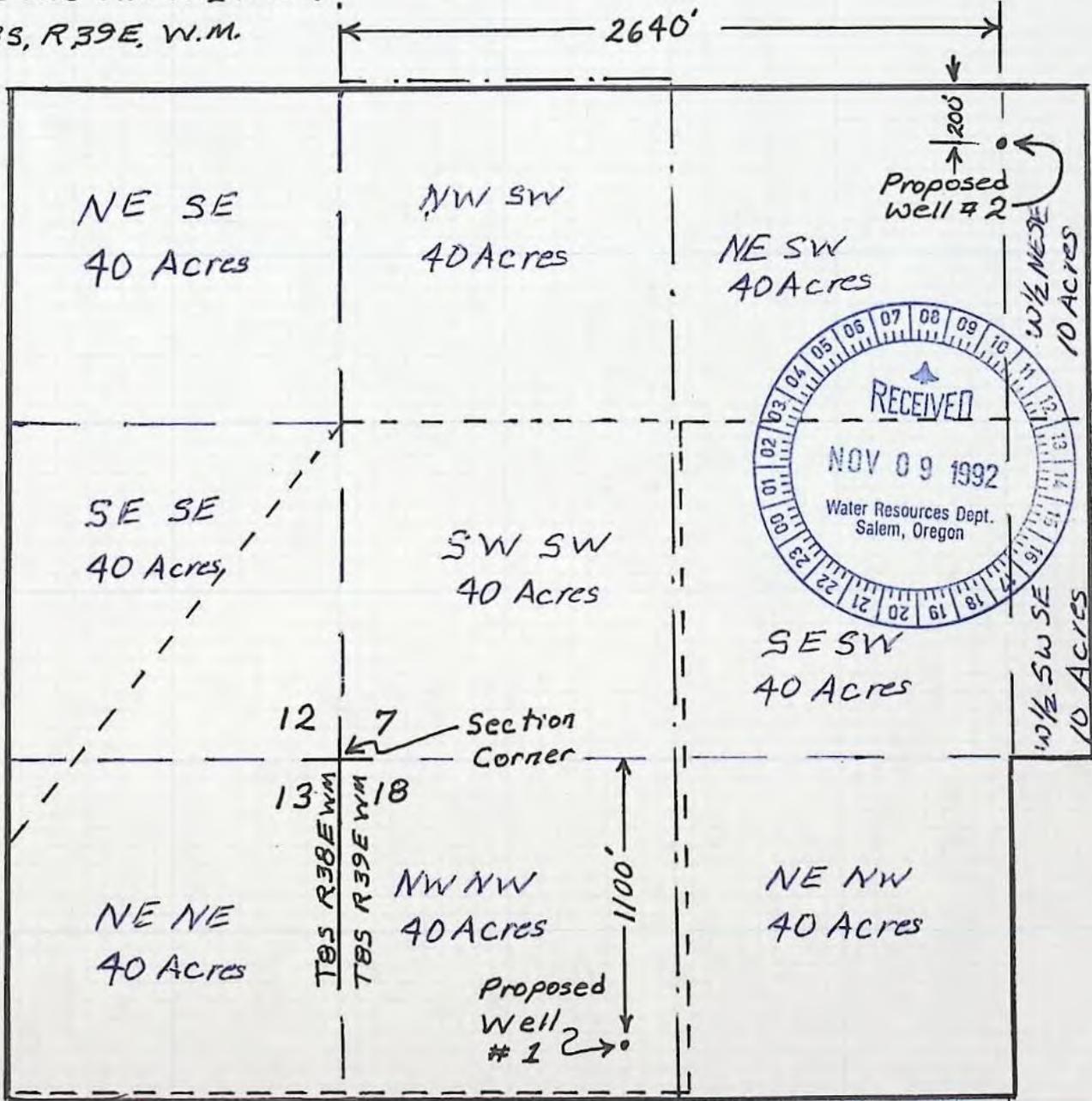
*Superseded  
9/29/94*

Land to be irrigated  
E 1/2 SE 1/4 Sec 12 and the  
NE 1/4 NE 1/4 Sec 13 T8S, R39E, W.M.  
and the SW 1/4 and the  
W 1/2 W 1/2 W 1/2 SE 1/4 Sec 7 T8S  
R 39E W.M. and the N 1/2 NW 1/4  
Sec 18 T8S, R39E, W.M.

RECEIVED

JUN 09 1994

WATER RESOURCES DEPT.  
SALEM, OREGON



**Legend**

- Bdry land to be irrigated
  - . - . County Road
  - - - - Buried PVC main line 6", 8" & 10"
- Scale 8" = 1 mile

Drawn by T.M.K. 11-4-92

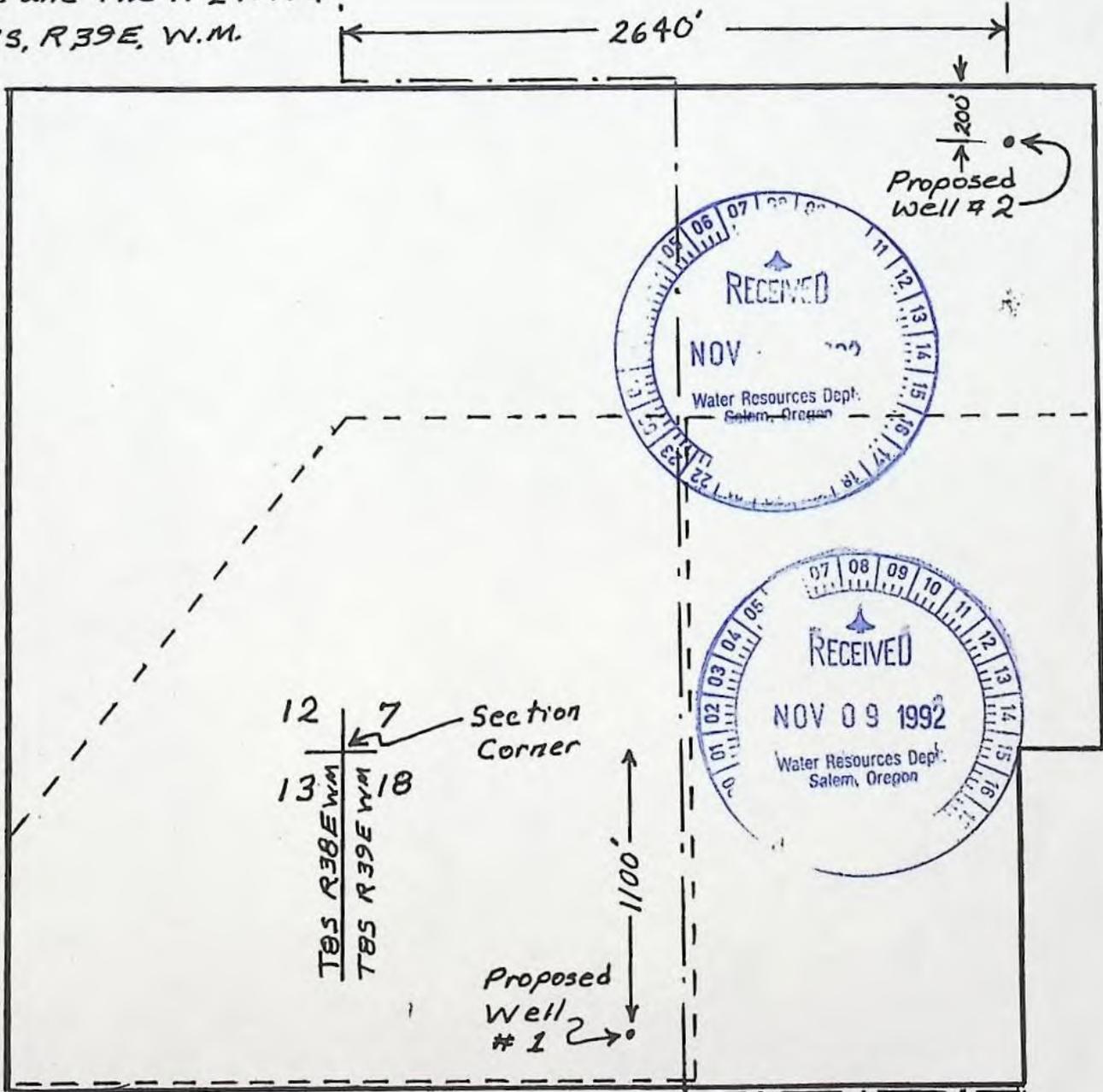
# APPLICATION FOR GROUND

## WATER RIGHT

Application No. 6-13175  
 Permit No.

*Superseded*

Land to be irrigated  
 E $\frac{1}{2}$  SE $\frac{1}{4}$  Sec 12 and the  
 NE $\frac{1}{4}$  NE $\frac{1}{4}$  Sec 13 T8S, R38E, W1M  
 and the SW $\frac{1}{4}$  and the  
 W $\frac{1}{2}$  W $\frac{1}{2}$  W $\frac{1}{2}$  SE $\frac{1}{4}$  sec 7 T8S  
 R39E, W1M and the N $\frac{1}{2}$  NW $\frac{1}{4}$   
 Sec 18 T8S, R39E, W1M.



Legend

- Bdry land to be irrigated
  - County Road
  - Buried PVC main line 6", 8" & 10"
- Scale 8" = 1 mile

Drawn by T.M.K. 11-4-92

**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

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

RECEIPT # **113263**

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

RECEIVED FROM: Elkhorn T. & U Company  
BY: \_\_\_\_\_

APPLICATION	<input checked="" type="checkbox"/>
PERMIT	
TRANSFER	

CASH:  CHECK:# 65900 OTHER: (IDENTIFY)

TOTAL REC'D \$ 340.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

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

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

**4270 WRD OPERATING ACCT**

MISCELLANEOUS  
0407 COPY & TAPE FEES \$ \_\_\_\_\_  
0410 RESEARCH FEES \$ \_\_\_\_\_  
0408 MISC REVENUE: (IDENTIFY) Assignment \$ 340.00  
TC162 DEPOSIT LIAB. (IDENTIFY) \$ \_\_\_\_\_  
0240 EXTENSION OF TIME \$ \_\_\_\_\_

\* G-12355 S-83516  
G-13175 G-17689

**WATER RIGHTS:** 4 @ 85.00  
0201 SURFACE WATER \$ \_\_\_\_\_ 0202 RECORD FEE \$ \_\_\_\_\_  
0203 GROUND WATER \$ \_\_\_\_\_ 0204 RECORD FEE \$ \_\_\_\_\_  
0205 TRANSFER \$ \_\_\_\_\_

**WELL CONSTRUCTION**  
0218 WELL DRILL CONSTRUCTOR \$ \_\_\_\_\_ 0219 LICENSE FEE \$ \_\_\_\_\_  
LANDOWNER'S PERMIT \$ \_\_\_\_\_ 0220 LICENSE FEE \$ \_\_\_\_\_  
OTHER (IDENTIFY) \_\_\_\_\_

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

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

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

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

**TREASURY OTHER / RDX RECEIVED**

FUND \_\_\_\_\_ TITLE \_\_\_\_\_ **OVER THE COUNTER**  
OBJ. CODE \_\_\_\_\_ VENDOR # \_\_\_\_\_  
DESCRIPTION \_\_\_\_\_ \$ \_\_\_\_\_

RECEIPT: **113263** DATED: 8/29/14 BY: [Signature]

From: (541) 523-6477  
Escrow Dept  
ELKHORN TITLE COMPANY  
1725 MAIN STREET  
BAKER CITY, OR 97814

Origin ID: LGDA



Ship Date: 28AUG14  
ActWgt: 1.0 LB  
CAD: 2071803/NET3550

Delivery Address Bar Code



SHIP TO: (503) 986-0900  
Attn: Assignments  
Oregon Water Resources Dept.  
725 SUMMER ST NE  
STE A  
SALEM, OR 97301

BILL SENDER

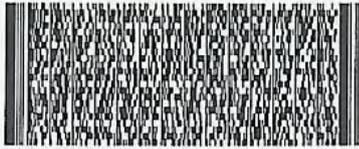
Ref # #20622/Kems  
Invoice #  
PO #  
Dept #

RECEIVED

AUG 29 2014

FRI - 29 AUG 10:30A  
PRIORITY OVERNIGHT

TRK# 7709 7872 1266  
0201



XH SLEA

97301  
OR-US  
PDX



522G14CF26AC8

**After printing this label:**

1. Use the 'Print' button on this page to print your label to your laser or inkjet printer.
2. Fold the printed page along the horizontal line.
3. Place label in shipping pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.

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Use of this system constitutes your agreement to the service conditions in the current FedEx Service Guide, available on fedex.com. FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$1,000, e.g. jewelry, precious metals, negotiable instruments and other items listed in our ServiceGuide. Written claims must be filed within strict time limits, see current FedEx Service Guide.

**ELKHORN TITLE COMPANY**

**ESCROW CLIENT TRUST ACCOUNT**

Check No. **65906**

Date: 8/27/2014      File No.: 00020622      (LE ) Closed: 8/27/2014      \$340.00

Payee: Oregon Water Resources Dept.  
725 Summer Street NE, Suite A  
Salem, OR 97301

**RECEIVED**

**AUG 29 2014**

Seller:

Miscellaneous Fee

**OWRD**

Buyer: K-Diamond Ranch LLC, L. Brent Kerns and Mary D.  
Kerns

Property: 45298 & 45296 Pocahontas Road,  
20528 Culley Lane, 45291 & 45281  
Schoolhouse Road, Haines, OR 9783

Ref: G-11300, G-12039, S-53908, G-17689

Memo 1:

Memo 2:

Detail: Assignments (4) Recording Fee      340.00

We Appreciate Your Business!

FPD

Application No. **G13175**

Permit No. **G42039**

TOM MAC KERNS  
KERNS, JOYCE A

Name . RT 1 BOX 10

Address HAINES, OR 97833

Assigned

Address

Beginning construction

Completion of construction

Extended to

Complete application of water

Extended to

May 23 1996  
Oct 1 1997

Oct 1 1998