

STATE OF OREGON
 COUNTY OF HARNEY
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

V BOX LAND AND LIVESTOCK INC.
 PO BOX 156
 JUNTURA OR 97911-0156

confirms the right to use the waters of TWO WELLS in the SOUTH FORK MALHEUR RIVER Basin for IRRIGATION of 27.2 ACRES.

This right was perfected under Permit G-12544. The date of priority is MARCH 28, 1994. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.34 CUBIC FOOT PER SECOND (CFS), BEING 0.24 CFS FROM WELL 1 AND 0.10 CFS FROM WELL 2, measured at the well.

Period of allowed use is March 1 through October 31.

The wells are located as follows:

Well	Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
2	27 S	35 E	WM	19	NE SW		2511 FEET NORTH & 1191 FEET WEST FROM S1/4 CORNER, SECTION 19
1	27 S	35 E	WM	19	NW SW	3	2075 FEET NORTH & 2277 FEET WEST FROM S1/4 CORNER, SECTION 19

The amount of water used for irrigation, 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 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. The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

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

Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
27 S	34 E	WM	24	SE NE			12.2
27 S	35 E	WM	19	NE SW			3.1
27 S	35 E	WM	19	SE SW			11.9

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may 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. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate at any time before it has issued, and after the time has expired for the completion of the appropriation under the permit, or within three months after issuance of the certificate.

Measurement, recording and reporting conditions:

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

In the event of a request for a change in the point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

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

The well shall be maintained 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 to determine the water level elevation in the well at all times.

The Director may require water level or pump tests every ten years.

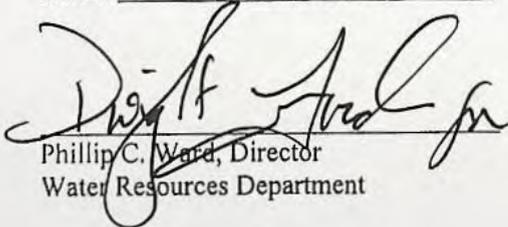
Failure to comply with any of the provisions of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

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

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

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

Issued DEC 02 2008


Phillip C. Ward, Director
Water Resources Department



Oregon

Theodore R. Kulongoski, Governor

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

Date Mailed: December 2, 2008

NOTICE OF CERTIFICATE ISSUANCE

The attached certificate confirms the water right established under the terms of a permit issued by this department. The water right is now appurtenant to the specific place where the use was established as described by the certificate. The water right is limited to a specific amount of water, but not more than can be beneficially used for the purposes stated within the certificate.

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within **60 days of the mailing date stated above** as specified by ORS 183.484(2).

This statement of judicial review rights is required under ORS 536.075; it does not alter or add to existing review rights or create review rights that are not otherwise provided by law.

Under ORS 537.260 and 537.270, a water right certificate may be contested before the Water Resources Department within three (3) months of the date it is issued. If a certificate is contested, the qualifying contestant shall be offered an administrative hearing.

Oregon law does not allow the Director to reissue a certificate because of a change in the ownership of the appurtenant place of use. The water must be controlled and not wasted. To change the location of the point of diversion, the character of use, or the location of use requires the advance approval of the Water Resources Director.

If any portion of this water right is not used for five or more consecutive years, that portion of the right may be subject to forfeiture according to ORS 540.610. Land enrolled in a Federal Reserve Program is not subject to forfeiture during the period of enrollment. Other exceptions to forfeiture are explained in ORS 540.610.

If you have any questions please contact Gerry Clark at 503-986-0811.

Mailing List for Certificate

Scheduled Mailing Date:

Application: G-13650

Permit: G-12544

Certificate: 84999

Permit/Certificate Holder:

V BOX LAND AND LIVESTOCK INC. ✓
PO BOX 156
JUNTURA OR 97911-0156

<p>Copies Mailed</p> <p>by: <u>Diana Durbin</u> (STAFF)</p> <p>on: <u>12-02-2008</u> (DATE)</p>
--

Copies of Final Certificate to be sent to:

1. Watermaster District 10, William E. Ferber ✓
2. Data Center (include copy of map) ✓
3. Water Availability ✓
4. Vault ✓
5. File ✓

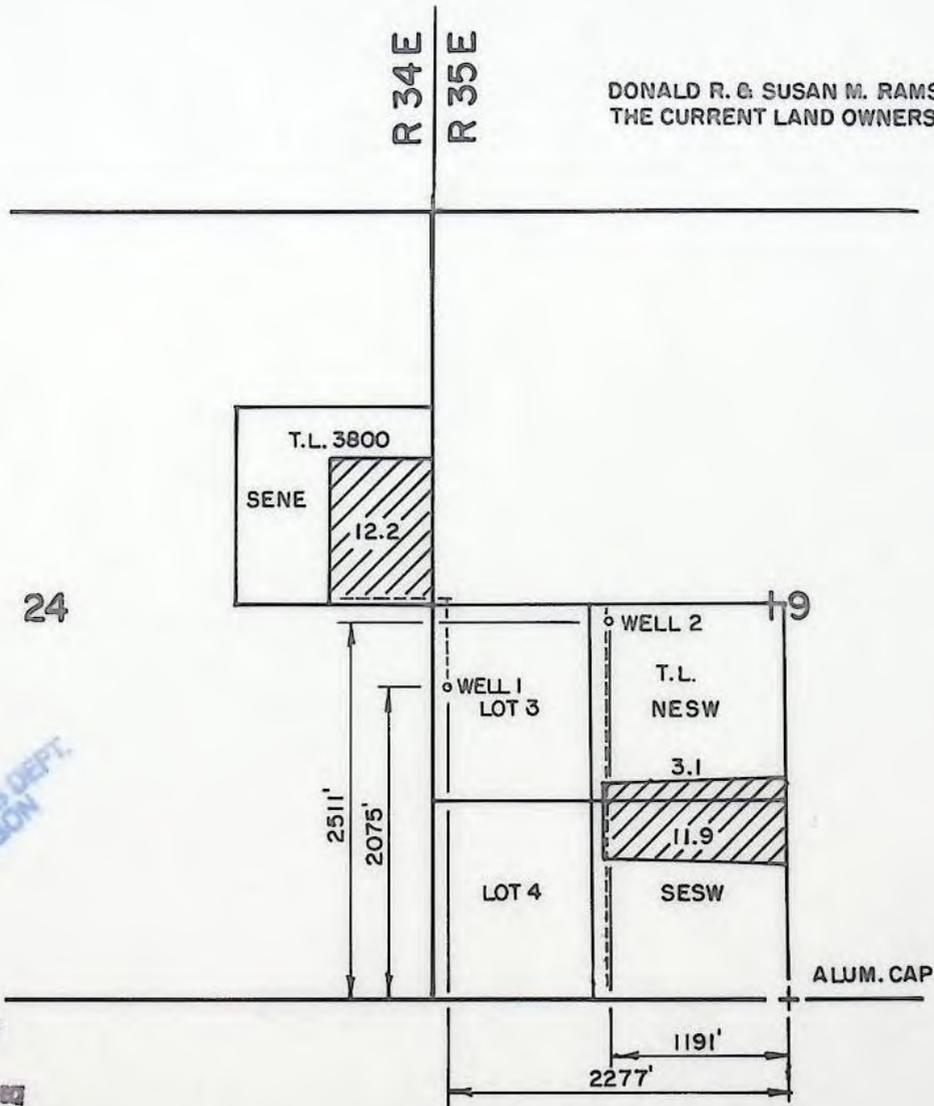
Other persons to receive copies: (include map):

1. Chris T. Palmer, CWRE ✓

T27S, R 34 E, WM
R 35 E,



DONALD R. & SUSAN M. RAMSEY ARE
THE CURRENT LAND OWNERS.



RECEIVED
SEP 11 2000
WATER RESOURCES DEPT.
SALEM, OREGON

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

FINAL PROOF SURVEY

UNDER
APPLICATION NO. G-13650
PERMIT NO. G-12544

IN THE NAME OF
V BOX LAND
& LIVESTOCK, INC

Scale: 4 = 1 MILE

Date: 08-04-2000

Job: 1918

Dsn:

Drn: CHRIS

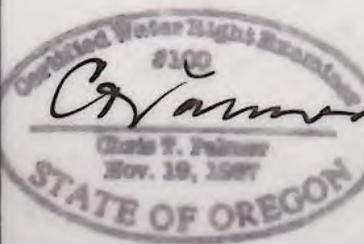
Ckd:



M.A. PALMER & SONS, INC.
ENGINEERING & SURVEYING
711 Ponderosa Village • Box 61
Burns, Oregon 97720

Sht. No.

of 1



RENEW 1-1-2001

STATE OF OREGON

COUNTY OF HARNEY

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

V BOX LAND AND LIVESTOCK INC.
 PO BOX 156
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The well shall be maintained 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 to determine the water level elevation in the well at all times.

The Director may require water level or pump tests every ten years.

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

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Issued _____

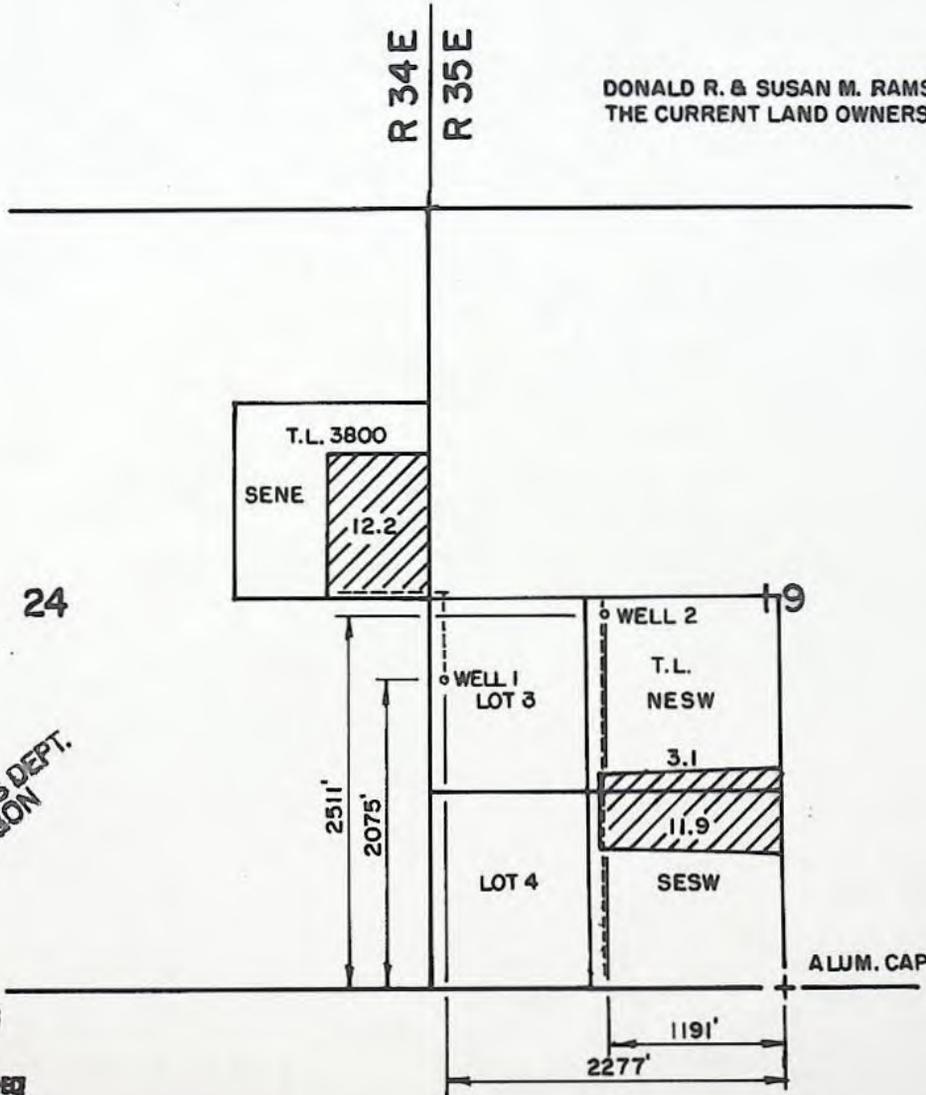
PROPOSED

Phillip C. Ward, Director
Water Resources Department

T 27 S, R 34 E, WM R 35 E,



DONALD R. & SUSAN M. RAMSEY ARE
THE CURRENT LAND OWNERS.



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WATER RESOURCES DEPT.
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UNDER
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PERMIT NO. G-12544

IN THE NAME OF
V BOX LAND
& LIVESTOCK, INC

Scale: 4 = 1 MILE

Date: 08-04-2000

Job: 1918

Dsn:

Dm: CHRIS

Ckd:



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Sht. No.

of 1



RENEW 1-1-2001



Oregon

Theodore R. Kulongoski, Governor

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

MAILED: AUG 26 2008

NOTICE

Reference: Permit G-12544 Application G-13650

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

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

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

If you have any questions please contact Gerry Clark at 503-986-0811.

Sincerely,

Dwight French
Administrator
Water Rights Division

Mailing List for Certificate

Scheduled Mailing Date:

Application: G-13650

Permit: G-12544

Certificate: *****

Permit/Certificate Holder:

V BOX LAND AND LIVESTOCK INC. ✓
PO BOX 156
JUNTURA OR 97911-0156

<p>Copies Mailed</p> <p>by: <u>Diana Durbin</u> (STAFF)</p> <p>on: <u>8-26-08</u> (DATE)</p>

Copies of Final Certificate to be sent to:

1. Watermaster District 10, William E. Ferber ✓
2. Data Center (include copy of map)
3. Water Availability
4. Vault
5. File ✓

Other persons to receive copies: (include map):

1. Chris T. Palmer, CWRE ✓

EPD

Application No. G13650
Permit No. G12514

Name .. V BOX LAND AND LIVESTOCK INC.
Address PO BOX 761
CRANE, OR 97732
Assigned ..
Address ..
Beginning construction 6-19-97
Completion of construction 10-1-98
Extended to ..
Complete application of water 10-1-99
Extended to ..

MEMO

TO: FILE G-13650

FROM: JG

DATE: 8-11, 2008

RE: DETERMINATION OF PROOF

I've determined that a DRAFT / FINAL cert should be prepared and mailed to the permit holder consistent with:

The Permit
The COBU/FPS *See notes on PC.*

As described in the permit but as clarified by the COBU/FPS

As described in the PERMIT COBU/FPS but as further specified below.

DRAFT; less acreage + "P".

STATE OF OREGON

COUNTY OF HARNEY

CERTIFICATE OF WATER RIGHT

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

In the event of a request for a change in the point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

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* See PERMIT FOR OMITTED CONDITION

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

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

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

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

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

???. where does come from ???

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

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

Issued _____.

Phillip C. Ward, Director
Water Resources Department

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

Mailing List for Certificate

Scheduled Mailing Date:

Application: G-13650

Permit: G-12544

Certificate: *****

Permit/Certificate Holder:

V BOX LAND AND LIVESTOCK INC.
PO BOX 156
JUNTURA OR 97911-0156

Copies Mailed	
by: _____	(STAFF)
on: _____	(DATE)

Copies of Final Certificate to be sent to:

1. Watermaster District 10, William E. Ferber
2. Data Center (include copy of map)
3. Water Availability
4. Vault
5. File

Other persons to receive copies: (include map):

1. Chris T. Palmer, CWRE

STATE OF OREGON

COUNTY OF HARNEY

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

V BOX LAND & LIVESTOCK, INC.
PO BOX 761
CRANE, OREGON 97732

(541) 493-2006

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

APPLICATION FILE NUMBER: G-13650

SOURCE OF WATER: TWO WELLS IN SOUTH FORK MALHEUR RIVER BASIN

PURPOSE OR USE: IRRIGATION OF 32.8 ACRES

RATE OF USE: 0.41 CUBIC FOOT PER SECOND (CFS), BEING 0.24 CFS FROM WELL 1 AND 0.17 CFS FROM WELL 2

PERIOD OF ALLOWED USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: MARCH 28, 1994

POINT OF APPROPRIATION LOCATION: NW 1/4 SW 1/4, SECTION 19, T27S, R35E, W.M.; WELL 1 - 575 FEET SOUTH AND 175 FEET EAST, WELL 2 - 90 FEET SOUTH AND 1240 FEET EAST, BOTH FROM THE W 1/4 CORNER OF SECTION 19

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SE 1/4 NE 1/4 15.5 ACRES
NE 1/4 SE 1/4 3.7 ACRES
SECTION 24
TOWNSHIP 27 SOUTH, RANGE 34 EAST, W.M.

NE 1/4 SW 1/4 2.8 ACRES
SE 1/4 SW 1/4 10.8 ACRES
SECTION 19
TOWNSHIP 27 SOUTH, RANGE 35 EAST, W.M.

Measurement, recording and reporting conditions:

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

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

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STANDARD CONDITIONS

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

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

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

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

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

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

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

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

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

Issued June 19, 1996


for Martha O. Pagel Director
Water Resources Department



M. A. PALMER & SONS, INC
ENGINEERING & SURVEYING
711 Ponderosa Village
P.O. Box 61
Burns, Oregon 97720

Chris Palmer, P.E., P.L.S.
Cork Plamer, P.E., P.L.S.

Phone 541-573-6451
Fax 541-573-6431

RECEIVED

SEP 11 2000

WATER RESOURCES DEPT.
SALEM, OREGON

SITE REPORT

for

CLAIM OF BENEFICIAL USE

UNDER:
Application No. G-13650
Permit No. G-12544

IN THE NAME OF:
V Box Land &
Livestock, Inc

I. GENERAL INFORMATION

On July 18, 2000 I conducted a site survey of the irrigation lands located in Section 24, T 27 S, R 34 E & Section 19, T 27 S, R 35 E, WM, Harney County, Oregon. The crop being irrigated is grass and alfalfa hay.

II. SURVEY METHODS

The field survey was done with the use of a "NIKON" DTM-A10LG total station with related field equipment. The control point was the south one-quarter corner of Section 19.

III. SOURCE OF WATER

Well 1: 10" dia. steel casing. 1- 1/2" dia. inspection port. McCrometer water meter. Static water level is 61 feet, pumping level is 68 feet.

Well 2: Drilled by Holloway Drilling Co. in 1977. 12" dia. steel casing. 2" dia. inspection port. No water meter. Static level 37 feet, pumping level is 50 feet.

IV. DISTRIBUTION SYSTEM

Well 1: MOTOR & PUMP: 10 HP submersible, make & model unknown.

The water is pumped through 1600 feet of 8" dia. alum. main line to a 3" diameter wheel line.

Well 2: MOTOR: "Newman", 60 HP, 460 volts, 1770 RPM,

PUMP: Vertical line shaft turbine. Make & model unknown.

The water is pumped through 1400 feet of 10" alum. buried PVC pipe main line to six 3" dia. alum. pipe wheel lines with 3/16" sprinkler heads.

FINAL PROOF CALCULATIONS

Well 1:

pumping level	68 feet
main line losses	5 feet
wheel line losses	15 feet
elev. gains	-10 feet
pumping pressure (45 psi)	104 feet
misc. losses	<u>3 feet</u>

Total losses = 185 feet

Theoretical capacity:

$$\begin{aligned} Q &= (\text{HP} \times \text{Eff} \times 3960) / H \\ &= (10 \times .80 \times 3960) / 185 \\ &= 171 \text{ gal/min} = 0.38 \text{ cfs} \end{aligned}$$

171 gal/min/25 heads = 6.8 gal/min/head

Duty of water = 1/80 cfs/acre X 12.2 acres = 0.15 cfs for Well 1

Well 2:

pumping level	50 feet
main line losses	9 feet
wheel line losses	12 feet
elev. losses	0 feet
pumping pressure (40 psi)	92 feet
misc. losses	<u>3 feet</u>

Total losses = 166 feet

Theoretical capacity:

$$\begin{aligned} Q &= (\text{HP} \times \text{Eff} \times 3960) / H \\ &= (60 \times .80 \times 3960) / 166 \\ &= 1145 \text{ gal/min} = 2.55 \text{ cfs} \end{aligned}$$

Area irrigated (Certificate no's 61864, G-8257.VC, Permit no. G-12544) = 117.4 + 15.0 acres = 132.4 acres

1145 gal/min/180 heads = 6.4 gal/min/head

Duty of water = 1/80 cfs/acre X 132.4 acres = 1.66 cfs

Duty of water for Permit no. G-12544 = 1/80 cfs/acre X 15.0 = 0.19 cfs for well 2

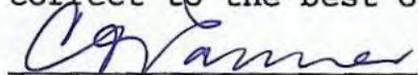
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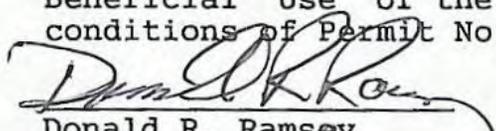
WATER RESOURCES DEPT.
SALEM, OREGON

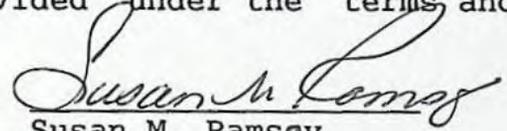
V. CERTIFICATION

I, Chris T. Palmer, Certified Water Rights Examiner, registered in accordance with the laws of the State of Oregon, do hereby certify that the final survey and inspection of the use was found to be completed under the terms and conditions of Permit No. G-12544 and was completed by me on August 31, 2000, and the facts contained in the report and accompanying final proof map are correct to the best of my knowledge.


Chris T. Palmer, CWRE

We Donald R. & Susan M. Ramsey do hereby agree to the above findings of Chris T. Palmer, Certified Water Rights Examiner, and do hereby submit this site report and map as our Claim of Beneficial Use of the water as provided under the terms and conditions of Permit No. G-12544.


Donald R. Ramsey


Susan M. Ramsey

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SALEM, OREGON

13650

**Water Right Conditions
Tracking Slip**

Groundwater/Hydrology Section

FILE ## G 13650

ROUTED TO: WATER RIGHTS

TOWNSHIP/

RANGE-SECTION: 27S/35E-19

CONDITIONS ATTACHED? [] yes [] no

REMARKS OR FURTHER INSTRUCTIONS:

Reviewer: DEW

TO: Water Rights Section Nov 22, 1994
FROM: Groundwater/Hydrology Section D. Woodcock
SUBJECT: Application G- 13650 Reviewer's Name

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.

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 INTERMITTENT CR; 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) 4I;
 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)

WATER RESOURCES DEPARTMENT MEMORANDUM

TO: Groundwater/Hydrology Files

Date Nov 22, 1994

FROM: D. Woodcock

SUBJECT: Groundwater Application G- 13650

Phone: _____

Name: V BOX LAND & LIVESTOCK

Applicant(s) seek 187.5 gpm (.42 cfs) from 2 well(s) in the

MALHEUR RIVER basin
SFR MALHEUR R. sub basin
_____ sub basin.

Proposed use: IRRIGATION

Pertinent 7 1/2 - minute quads

SAND GAP

HARN 50544?

Well 1 WRD# No LOG T 27S R35E S 19 QQ NWSW County HARNEY

Legal Description 575' S + 175' E OF W 1/4 COR SEC 19

Well is _____ ft from _____ (river/stream)

Well is _____ ft from _____ (river/stream)

Well elevation 4158 ft River/stream elevation _____ ft.

Well elevation - river/stream elevation _____

Well depth 150 154 SWL 40 ? on _____

Sealed to ? Depth first water found ?

No LOG

Cased to 100 (From Application) Perforations/screens _____

Lined to _____ Perforations/screens _____

Well tests and types _____

Confined or unconfined? ? Hydraulically connected? _____

Potential to cause substantial interference? No

Well 2 WRD# HARN 1515 T 27S R35E S 19 QQ NESW County _____

Legal Description 90' S. & 1240' E OF W 1/4 COR SEC 19

Well is 100 ft from UNNAMED INTERMITTANT STREAM (river/stream)

Well is 1100 ft from INTERMITTENT SMALL PLAYA (river/stream)

Well elevation 4123 ft River/stream elevation 4118 ? ft.

Well elevation - river/stream elevation 5 ft

Well depth 400 SWL 37 on 6-3-77 ?

Sealed to 35 Depth first water found 40'

Cased to 180 Perforations/screens _____

Lined to _____ Perforations/screens _____

Well tests and types PUMP TEST 1200 gpm w/ 157 DD AFTER 6 HRS

Confined or unconfined? POORLY CONFINED AT BEST Hydraulically connected? INDIRECTLY

Potential to cause substantial interference? No

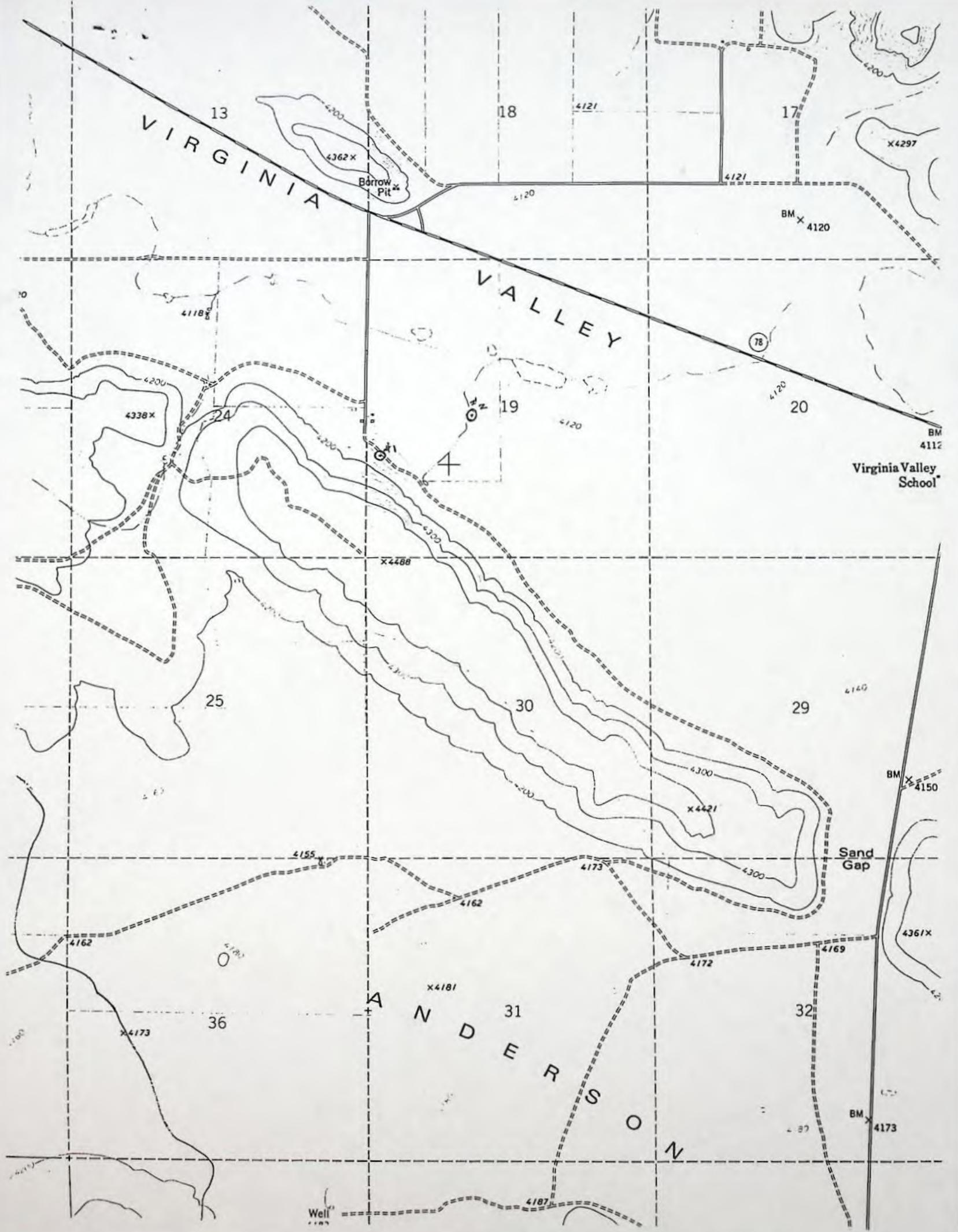
Conditioned water rights in area: G-12927

Other nearby water rights of record: SEE ATTACHED STREAM INDEX

Density of nearby wells of record: V. LOW

Comments: WELLS ARE DEVELOPED IN THIN VOLCANIC FLOWS OF QUATERNARY TO TERTIARY BASALT & ANDESITES. FIRST GROUND WATER IDENTIFIED @ 40 FT IN CINDERS BELOW A BASALT FLOW. WELL DRILLED TO 400 FT & SEALED TO 35 (THROUGH OVERLYING BASALT). WELLS NEAR INTERMITTENT STREAMS & PLAYA LAKE. WATER LEVEL (6-77) IS 30 FT + BELOW ADJACENT SURFACE WATER & BELOW INTERVENING BASALT FLOW. HYDRAULICALLY CONNECTED, BUT INDIRECTLY.

References used: MAP I-680 1972, GREENE
GEOLOGIC MAP OF BURNS QUAD



VIRGINIA

VALLEY

ANDERSON

Virginia Valley School

Sand Gap

Well

13

18

17

19

20

25

30

29

36

31

32

4121

X4297

BM X 4120

4118

78

BM 4112

4338 X

X4488

4140

BM X 4150

X4421

4155

4173

4361 X

4162

X4181

4172

4169

BM X 4173

X4173

4187

**Water Right Conditions
Tracking Slip**

Groundwater/Hydrology Section

FILE ## G-13650

ROUTED TO: Water Rights

TOWNSHIP/

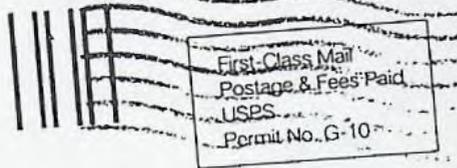
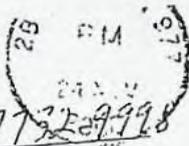
RANGE-SECTION: T27S/R35E-19

CONDITIONS ATTACHED? yes no

REMARKS OR FURTHER INSTRUCTIONS:

Reviewer: Michael Zwart

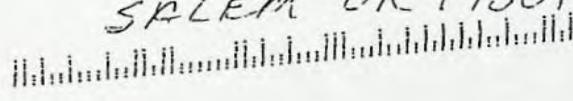
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G-13650

OREGON WATER RESOURCES DEPT.
COMMERCE BLDG
158 12th ST NE
SALEM OR 97301-4172



4172

Notice to Mailer of Correction in Address

Addressee's Account Number (All numbers, dates, and letters) No account number on mail
 Account number illegible

Addressee's Name
MIKE BENTZ - V BOYLAND & LIVESTOCK

Old Address (Include apartment or suite number) **PO BOX 761**
City, State, and ZIP Code **CRANE OR 97732**

New Address (Include apartment or suite number) **PO BOX 156**
City, State, and ZIP Code **JUNITA OR 97911-0156**

This card is furnished: For address correction, as requested (your mailpiece was forwarded).
 In place of Form 3579 (see reason for nondelivery below).

The address portion of your mailpiece was not readily detachable. Reason for nondelivery:
 Moved, left no address No such street No such number
 Refused Attempted, not known Unclaimed



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

November 14, 2000

Don & Sue Ramsey
HC 77 Box 11
Princeton, OR. 97721

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

APP. #: G - 13650 PERMIT #: G - 12544 POD-ID: 37447 USER-ID: 26360

The Water Resources Department has reviewed and **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, or perform another pump test of the well on the ten-year anniversary of the test you conducted.

Since there is a second point of diversion on your permit within a five mile radius, and deriving water from the same aquifer, you may request in writing an exemption from having to conduct a pump test on that well.

If your permit or certificate includes conditions requiring annual static water level measurements, and/or annual water use reporting, please continue to make and report these measurements unless otherwise instructed in writing by someone representing the Oregon Water Resources Department. **Failure to comply with these conditions could result in cancellation of your permit.**

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

WATER RESOURCES DEPARTMENT

INTEROFFICE MEMO

TO: PUMP TEST PROGRAM

DATE: October 11, 2000

FROM: TIMMIE BRANDT *TJB*

SUBJECT: PUMP TEST INFO

RE: File G-13650 / Permit G-12544

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



Well Owner:
 Name DON + SUE RAMSAY
 Address HC 77, Box 11
 City, State, Zip PRINCETON, OR 97721
 County HARNEY

Well Location:
 Twnshp 27S (N or S), Range 35 (E or W)
 Section 19 1/4, 1/4, 1/4 NW 1/4 of NW 1/4 of SW 1/4
 Well Depth _____ Date Drilled _____
 Owner's Well No. (if any) No. 1
 POD-ID _____

Water Right Information:

Application No. G-13650 Permit No. G-12544 Certificate No. _____
 Is this well used for more than one water right? _____ (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 Tod VANDERDASSON Well Owner? N (Y/N)
 Company Big R
 Address 13103 Hwy 20 Date of Test 8-17-00
 City, State, Zip BURNS Oregon 97720

Method of Discharge Measurement No Croumeter Flow Meter
 Method of Water Level Measurement Electric water tape
 Depth of Air Line (if used) _____
 Pump Type (Turbine, Submersible, etc.) Submersible
 Was pump test conducted during normal use of the well Y (Y/N)

Description of point from which water level was measured Ground level
 Is measuring point above or below ground level? _____
 Distance between measuring point and ground level (correction factor) _____

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? _____

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SALEM, OREGON

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

Time: <u>7:45</u>	Depth to Water: <u>61'</u>	(ft/in)
Time: <u>8:05</u>	Depth to Water: <u>61'</u>	(ft/in)
Time: <u>8:25</u>	Depth to Water: <u>61'</u>	(ft/in)

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

Time: <u>8:45</u>	Discharge Rate: <u>230</u>	(gpm)
Time: <u>9:45</u>	Discharge Rate: <u>210</u>	(gpm)
Time: <u>10:45</u>	Discharge Rate: <u>210</u>	(gpm)
Time: <u>11:45</u>	Discharge Rate: <u>210</u>	(gpm)
Time: <u>12:45</u>	Discharge Rate: <u>210</u>	(gpm)

Pump turned on: Date: 8-17-00 Time: 8:45 Pump turned off: Date: 8-17-00 Time: 12:45
 Total pumping time: 4 hours, _____ minutes.

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

PUMP TEST DATA SHEET

LOCATION NO. G-13650

PERMIT NO. G-12544

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	DRAWDOWN DATA				RECOVERY DATA							
		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
7/11	7:45		61'		61'	Static water level							
	8:05		61'		61'								
	8:25		61'		61'								
	8:45		68'		68'	230gpm							
	8:47												
	8:49		68'		68'	210gpm							
	8:51												
	8:54		68'		68'	210gpm							
	9:05												
	9:15		68'		68'	210gpm							
	9:30												
	9:45		68'		68'	210gpm							
	10:00												
	10:15		68'		68'	210gpm							
	10:30												
	10:45		68'		68'	210gpm							
	11:00												
	11:15		68'		68'	210gpm							
	11:30												
	11:45		68'		68'	210gpm							
	12:00												
	12:15		68'		68'	210gpm							
	12:30												
	12:45		68'		68'	210gpm	8-17-00	12:45	68'				
								12:47	64'				
								12:49	61'				Static water level

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WATER RESOURCES DEPT
SALEM, OREGON



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

November 23, 1999

V BOX LAND & LIVESTOCK IN
PO BOX 761
CRANE OR 97732

REFERENCE: File G13649/G13650
Permit G12543/G12544

We have received your notice that complete application of water has been made under the above permit .

In order to obtain a certificate of water right, you are required by law to hire a Certified Water Right Examiner (CWRE) to conduct the final proof survey of the completed use. This must be done within one year after the use is reported as being complete or within one year after the beneficial use date allowed in the permit, whichever occurs first. Accordingly, the map and claim of beneficial use must be received in this office on or before **October 1, 2000**. A list of Certified Examiners is available upon request by calling the above number, extension 320.

The Department requires that the CWRE has a copy of the permit or transfer order to compile the claim of beneficial use. All permit conditions need to be addressed in the claim and map you submit.

Upon receipt of the map and claim of beneficial use, the information will be reviewed and a brief field inspection may be conducted by a representative of this office. Following that, a proposed certificate of water right will be mailed to you for review.

In addition, before the Water Right Certificate is issued, you are required to submit a well pump test. This test must be done according to the instructions in the brochure. Forms and brochures are available upon request. This is not required if your priority date is before December 20, 1988.

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

If you have any questions, please contact the Water Rights Section at 378-3739, or toll-free within Oregon 1-800-624-3199.

Sincerely,

DALLAS MILLER
Natural Resource Specialist 2

DM:jh

cc: Watermaster
CWRE



Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-13650

Final Order

Application History

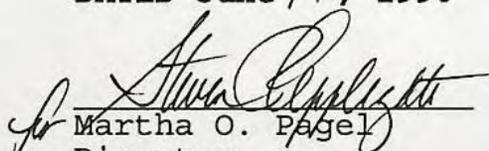
On March 28, 1994, V BOX LAND & LIVESTOCK, INC. submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on March 12, 1996. The protest period closed April 26, 1996, and no protest was filed.

The proposed use would not impair or be detrimental to the public interest, but the Department's continuing evaluation reveals that the Proposed Final Order requires modification to correctly describe the period of allowed use. Whereas the source well has been determined to have no potential for substantial interference with surface water, the irrigation season shall be March 1 through October 31 of each year.

Order

Application G-13650 therefore is approved with the above modifications to the Proposed Final Order, and Permit Number G-12544 is issued as limited by the conditions set forth in the permit.

DATED June 19, 1996


Martha O. Pagel
Director

Hearing and Appeal Rights

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

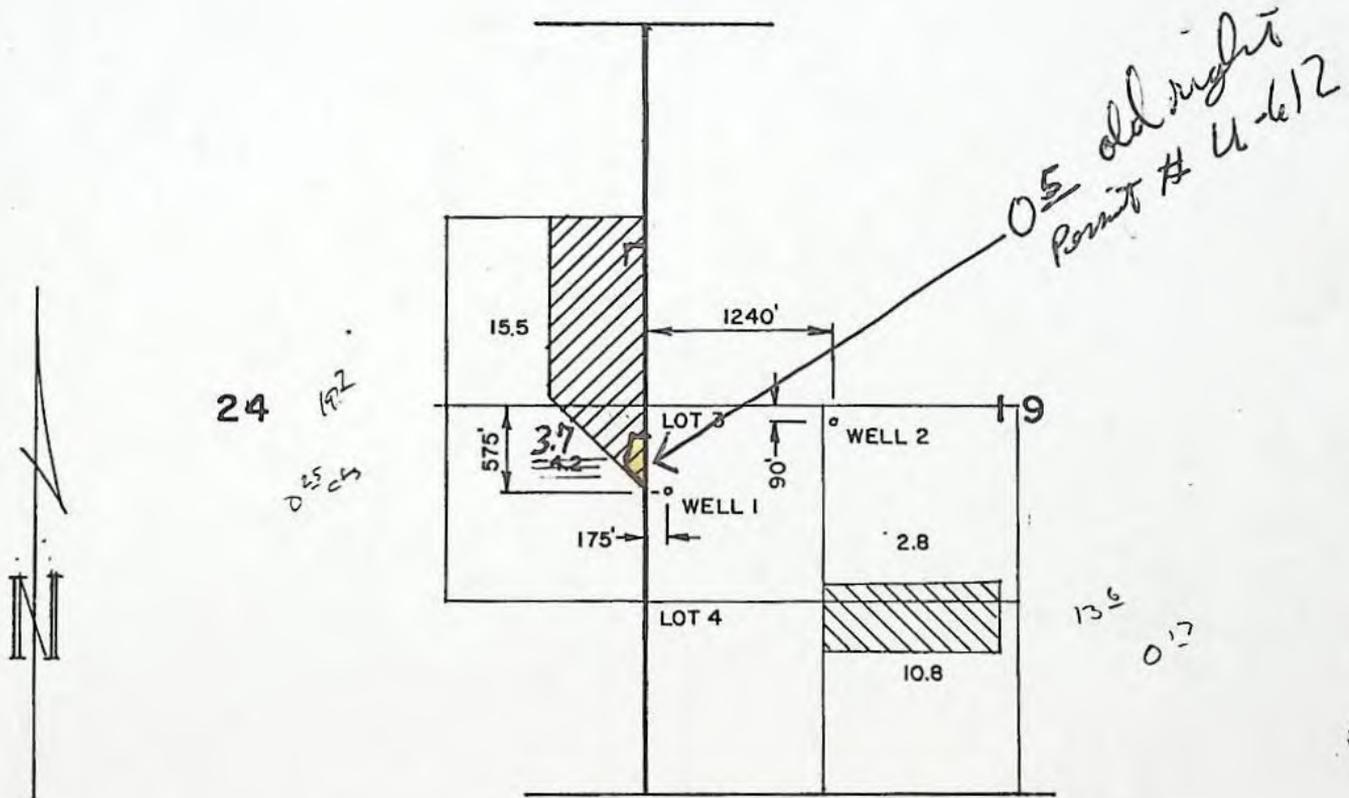
Under the provisions of ORS 183.484, the applicant or any person having standing may appeal this order by filing a petition for review in the Circuit Court for Marion County or the circuit court for the county in which the applicant resides or has a principal business office. The petition for review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

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SEP 12 1995

WATER RESOURCES DEPT.
SALEM, OREGON

T. 27 S., R. 34 E., W.M.
R. 35 E.,



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

////// IRRIGATED AREA - WELL 1
" " " " 2

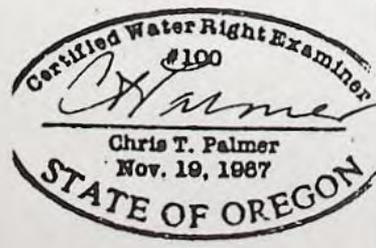
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MAR 28 1994

WATER RESOURCES DEPT.
SALEM, OREGON

Application No. C-73650
Permit No. 612544

V BOX LAND & LIVESTOCK, INC CRANE, OR
WATER RIGHT APPLICATION MAP



Scale: 4" = 1 MILE	Date: MARCH 1994	Job: 1493-B
Dsn:	 M. A. PALMER & SONS, INC. ENGINEERING & SURVEYING 254 N. Alder - Box 61 Burns, Oregon 97720	Sht. No.
Drn: CHRIS		of 1
Ckd:		

STATE OF OREGON
WATER RESOURCES DEPARTMENT
WATER RIGHTS DIVISION

Before the Director of the Water Resources Department

In the matter of)	PROPOSED
Groundwater Application)	FINAL
G-13650 submitted by)	ORDER
V BOX LAND & LIVESTOCK, INC.		

FINDINGS OF FACT

Water Use Request

1. V BOX LAND & LIVESTOCK, INC. requested use of 0.42 CUBIC FEET PER SECOND (CFS), BEING 0.24 CFS FROM WELL 1 AND 0.17 CFS FROM WELL 2, of water from TWO WELLS IN SOUTH FORK MALHEUR RIVER BASIN for IRRIGATION OF 32.8 ACRES within the Malheur Basin.
2. The area of proposed use is in Harney County within SECTION 24, TOWNSHIP 27 SOUTH, RANGE 34 EAST, W.M. and SECTION 19, TOWNSHIP 27 SOUTH, RANGE 35 EAST, W.M.
3. The water delivery system (as described by the applicant) will utilize a vertical line shaft turbine pump with electric motor to wheel lines and gated pipe.
4. The request was made in Application G-13650 which was received by the Water Resources Department on March 28, 1994.

Affected Waters

1. This proposed use of groundwater is not within or above a State Scenic Waterway.
2. There are senior water rights from these points of appropriation.

Department Actions

1. The application was determined to be complete and not defective.
2. The Department determined, based upon OAR 690-09, that the proposed groundwater use will not have the potential for substantial interference with the nearest surface water source, an unnamed intermittent stream, tributary to South Fork Malheur River.
3. A technical review of the application was completed and a report of the results of that review was mailed to the applicant on December 1, 1994.
4. The technical review determined:
 - a. IRRIGATION OF 33.3 ACRES is allowed under the Malheur Basin Program.
 - b. The use is not prohibited by Statute.

- c. Water for the proposed use is available in the amounts requested for the period year round.
 - d. The use would not injure existing water rights.
5. The report of technical review listed these determinations and disclosed a number of conditions and restrictions that would likely be included in the permit if issued. These conditions and restrictions are listed in the attached draft permit.

Assessment

1. In proceeding with evaluation of Application G-13650, the following criteria were found to be relevant by the Department.
 - a. The Malheur Basin Program (OAR Chapter 690, Division 510)
 - b. The Harney County Comprehensive Plan and Zoning Ordinance
 - c. Groundwater availability as determined by the Groundwater/Hydrology staff (OAR Chapter 690, Division 9)
 - d. The established rate and duty for the proposed use
 - e. The Scenic Waterway Act (ORS 390.835) (8) Groundwater related applications as amended by SB 1033 and enacted by the 68th Legislative Assembly;
 - f. Pending, senior applications and existing water rights of record
 - g. Comments received

CONCLUSIONS OF LAW

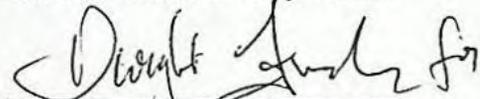
1. Based upon continued evaluation, the Department finds the determinations of the technical review require modification of place of use.
2. Based on data received, the Department has determined that at this time the Department is unable to find that there is a preponderance of evidence that the proposed use of ground water will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife.
3. The period of allowed use is when necessary for beneficial use in connection with irrigation of the respective lands.
4. The Department finds that no more than 0.41 cfs, being 0.24 cfs from Well 1 and 0.17 cfs from Well 2, would be necessary for the proposed use. The amount of water requested, 0.42 cfs, is more than necessary for IRRIGATION OF 32.8 ACRES and shall be limited to 0.41 cfs.
5. Harney County Planning Department staff completed the Department's Land Use Information Form and indicated thereon that the land use associated with the proposed use is compatible with the Harney County Comprehensive Land Use Plan.
6. The proposed use would not conflict with existing water rights, and, if exercised in accordance with law, rule, and the proposed conditions would not result in injury to existing water users.

7. The proposed use complies with all other rules of the Commission.
8. Pursuant to Chapter 416, Oregon laws, 1995, enacted by the 68th Oregon Legislative Assembly, and given the findings listed above, a rebuttable presumption has been established that the use will not impair or be detrimental to the public interest if exercised in the manner described in the attached draft permit.
9. Therefore, the proposed use, as conditioned, and described in the attached draft permit, would not impair or be detrimental to the public interest.

PROPOSED ORDER

IT IS PROPOSED that Application G-13650 in the name of V BOX LAND & LIVESTOCK, INC. be approved for IRRIGATION OF 32.8 ACRES as provided in the attached draft permit.

DATED March 12, 1996



Steven D. Applegate
Administrator
Water Rights and Adjudications Division

NOTICE:

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

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

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

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

Protests or requests for standing, along with the appropriate fees must be received by the Water Resources Department in Salem, Oregon by 5:00 pm on April 26, 1996.

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

DRAFT
STATE OF OREGON

COUNTY OF HARNEY

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

V BOX LAND & LIVESTOCK, INC.
PO BOX 761
CRANE, OREGON 97732

(541) 493-2006

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

APPLICATION FILE NUMBER: G-13650

SOURCE OF WATER: TWO WELLS IN SOUTH FORK MALHEUR RIVER BASIN

PURPOSE OR USE: IRRIGATION OF 32.8 ACRES

RATE OF USE: 0.41 CUBIC FOOT PER SECOND (CFS), BEING 0.24 CFS FROM WELL 1 AND 0.17 CFS FROM WELL 2

PERIOD OF ALLOWED USE: WHEN NECESSARY FOR BENEFICIAL USE IN CONNECTION WITH IRRIGATION OF THE RESPECTIVE LANDS

DATE OF PRIORITY: MARCH 28, 1994

POINT OF APPROPRIATION LOCATION: NW 1/4 SW 1/4, SECTION 19, T27S, R35E, W.M.; WELL 1 - 575 FEET SOUTH & 175 FEET EAST, WELL 2 - 90 FEET SOUTH & 1240 FEET EAST, BOTH FROM W1/4 CORNER, SECTION 19, T27S, R35E, W.M.

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

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SE 1/4 NE 1/4 15.5 ACRES
NE 1/4 SE 1/4 3.7 ACRES
SECTION 24
TOWNSHIP 27 SOUTH, RANGE 34 EAST, W.M.

NE 1/4 SW 1/4 2.8 ACRES
SE 1/4 SW 1/4 10.8 ACRES
SECTION 19
TOWNSHIP 27 SOUTH, RANGE 35 EAST, W.M.

Measurement, recording and reporting conditions:

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

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

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

STANDARD CONDITIONS

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

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

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

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

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

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

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

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

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

Issued _____, 199_

DRAFT

Water Resources Department
Director

Application G-13650 Water Resources Department
Basin 10 Volume 1 South Fork Malheur River
KL (Also Misc.)
MGMT.CODE

PERMIT DRAFT
District 10

PFO CHECKLIST

Application #: 9 13650 Vol 1 Subbasin

Well 1 & Well 2
South Fork Malheur R (Also Misc)

Basin: 10

WAB:

Township 27S Range 35E Section 19 1/4 1/4 NW 1/4 - Well 1
NE 1/4 - Well 2

- 1. Completeness checklist verified? Y N POU: 27S/34E/24 - SENE - 15.5ac
NESE - 3.7ac
27S/35E/19 - NESW - 2.3ac SESW - 10.9ac
- 2. Indicators that the process should not continue (ie - protest, items missing, letter to file indicating hold, other) Y / N
- 3. Groundwater review A B C D Intermittent Creek Harney Co.
- a. convert 4 series macro conditions to 7 series Y N 4I = 7B
- b. Is second groundwater review necessary? Y / N reason
- c. Is the well located in a groundwater limited area? Y / N
- d. SWW Y N

IRRIg of 32.8 acres

- 4. SWW restrictions Y N
- 5. TMDL Basin? NONE or Tualatin, Yamhill, Pudding ...
- 6. Basin Program limitations? Y N 690-510-001 (1)
- 7. Withdrawal? Y N season allowed
- 8. Basin Maps have been checked. The River Mile is ~42 - S FK Malheur R

9. Water Availability (50% < July 17, 1992 OR 80% [50% storage] > July 17, 1992)
a. Notify Ken Stahr due to change in Q, Duty, or Season Y / N

10. Rate 1/80 Duty 3 Season when necessary... Malheur R Deem

11. Use IRRIg Period of Allowed Use "when necessary..."

12. Priority Date(s) 3/28/94 TR mail date 12/1/94

13. B.O.R. project Y / N contract #

14. Division 33 Y / N (Abv Bonn > July 17, 1992 & Blw Bonn > April 18, 1994 or June 3, 1994)

15. Conflicts Y N Well 1 - existing Cert 26370 ; Well-2 Cert 61864

16. Objections? Y N IR or TR modified? Y N Applicant D'd to 3.7ac in NESE Sec 24

17. Additional conditions

18. Land use approval OK'd needs approval county notified NA Harney Co.

19. SIZE Small (≤ 0.1 cfs, ≤ 9.2 AF), Medium (> 0.1 or < 1.5 cfs, > 9.2 or < 100 AF) Large (≥ 1.5 cfs, ≥ 100 AF)?

20. Permit conditions from TR IR Y N # 11 - Change of Point of Appropriation

21. Watermaster District #: 10

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

23. PFO has been saved and moved to m:\t\pfo\done\week#\app# from m:\t\pfo\work\week#\app#

0.42 cfs, being 0.24 from Well 1 & 0.17 cfs from Well 2, but equals 0.41 cfs

cc: Steve Schneider
add SWW 1033 working

Name: Kerry Leferer Date: 3/4/96

RECEIVED

SEP 12 1995

WATER RESOURCES DEPT.
SALEM, OREGON

V BOX LAND & LIVESTOCK

MICHAEL & LINDA BENTZ
P.O. BOX 761
CRANE, OR 97732
PH. 503-493-2006

Sept 6 -95.

Water Resources Dept.
Attn: Jerry Gurney

Re: application file # G-13650

Dear Jerry:

I have reworked the application map # G-13650 and in the NE. of the SE Sec. 24 Range 34E Township 27S I am requesting 3.7 acres instead of 4.2.. I have marked the 0.5 acres on the said map, as this old right is still valid

thank you for your time

Michael & Linda Bentz

Application No. G-13650



State of Oregon
WATER RESOURCES DEPARTMENT

Application for a Permit to Appropriate Ground Water

Applicant(s) V BOX LAND & LIVESTOCK, INC
(Please print or type - use dark ink)

Mailing Address: P. O. BOX 761
CRANE OR 97732 493-2006
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 (including infiltration galleries, etc.): 2 WELLS

HARW 10.

If development is located on the following:

Distance 275 35E 19.
NWSW well 1 > S Fork
Elevation NESW well 2 > Math RV

NOTE: Wells must be approved by the department for the construction and maintenance of, please enclose a copy of the well driller's log with the application

Well # 1 with 0.24
Diameter of well: 0.42 CFS

Type and size of well IR 0.17 AC. 150
No. of feet: 100

Estimated depth to water: 40'

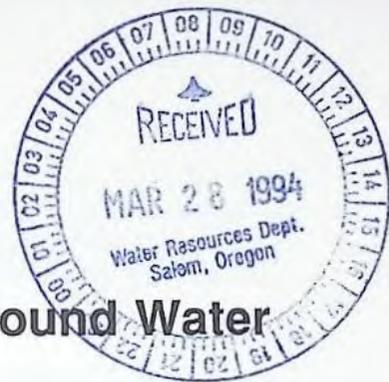
Type of access port or measuring device: Top Plug

Wells to be drilled by: _____
Address: _____

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

2. TOTAL AMOUNT OF WATER to be applied to beneficial use: 0.42 cubic feet per second, OR _____ gallons per minute. If water is to be used from more than one ground water source, give the quantity of water from each: 0.24 FROM WELL 1,
0.17 FROM WELL 2.

Application No. G-13650



State of Oregon
WATER RESOURCES DEPARTMENT

Application for a Permit to Appropriate Ground Water

Applicant(s) V BOX LAND & LIVESTOCK, INC
(Please print or type - use dark ink)

Mailing Address: P. O. BOX 761
CRANE OR 97732 493-2006
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: —

Elevation difference between streambed and development: —

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

Well #1 was drilled pre 1955 no log available

Diameter of well: Well #1 12" Depth in feet: 150

Type and size of well casing: 12" 1/4 No. of feet: 100

Estimated depth to water: 40'

Type of access port or measuring device: TOP Plug

Wells to be drilled by: _____

Address: _____

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

2. **TOTAL AMOUNT OF WATER** to be applied to beneficial use: 0.42 cubic feet per second, OR _____ gallons per minute. If water is to be used from more than one ground water source, give the quantity of water from each: 0.24 FROM WELL 1,
0.17 FROM WELL 2.

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 33.3 AC.
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).

VERTICAL LINE SHAFT TURBINE PUMP, ELEC. MOTOR.
WHEEL LINES AND GATED PIPE

5. PROJECT SCHEDULE: (List month and year)

Proposed date construction work will begin IN PROGRESS
Proposed date construction work will be completed MAY 1994
Proposed date water use will be completed MAY 1994

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.

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 28 day of March, 1994, at 8 o'clock, A M.

APPLICATION NO: G-13650

ed on the reverse side?

SENDER:

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

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

1. Addressee's Address
2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

V BOX LAND AND LIVESTOCK INC
 ATTN: MICHAEL L. BENTZ
 PO BOX 761
 CRANE, OR 97732

#G-13650

4a. Article Number

P06493

4b. Service Type

- | | |
|---|---|
| <input type="checkbox"/> Registered | <input type="checkbox"/> Insured |
| <input checked="" type="checkbox"/> Certified | <input type="checkbox"/> COD |
| <input type="checkbox"/> Express Mail | <input type="checkbox"/> Return Receipt for Merchandise |

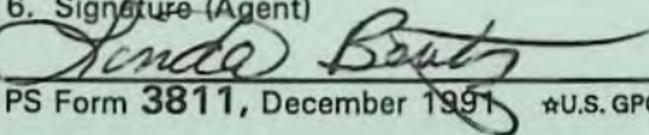
7. Date of Delivery

08/23/95

8. Addressee's Address (Only if requested and fee is paid)

5. Signature (Addressee)

6. Signature (Agent)

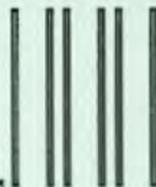


Is your RETURN

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE

Official Business



CRANE
PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



WATER RESOURCES DEPARTMENT
158 12TH STREET NE
SALEM OR 97310

CERTIFIED MAIL
Return Receipt Requested

Oregon

August 14, 1995

WATER
RESOURCES
DEPARTMENT

V BOX LAND AND LIVESTOCK INC.
ATTN: MICHAEL L. BENTZ
PO BOX 761
CRANE, OR 97732

RE: Application File #G-13650

Dear Mr. Bentz:

On December 1, 1994, a letter was sent from the Department requesting additional information necessary to complete your application for water use. As of this date these items have not been received:

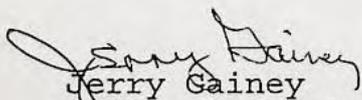
- ▶ A conflicting water right situation on the property involved in the application as described below.

You have requested 4.2 acres of supplemental irrigation in the NE 1/4 SE 1/4 of Section 24, T 27 S, R 34 E, W.M. Department records indicate that supplemental irrigation rights exist for this property as described in certificate of water right 26370, (see copy enclosed). In the event that this right has not been exercised for a period greater than five consecutive years, then the right is considered forfeited and should be cancelled by the property owner. Should this be necessary, an affidavit of cancellation will be prepared for your signature.

Please submit these items by **SEPTEMBER 13, 1995**. If we do not receive the items requested above by this date, we will reject your application consistent with ORS Chapter 537. If your application is rejected, any fees submitted in excess of the examination fee will be refunded; however, the examination fee of \$200.00 is non-refundable and will **not** be returned. In addition, the priority date associated with your application will be lost.

Should you have any questions regarding your application or the required materials listed above, or if you need to request an extension of time, please call me personally at 1-800-624-3199, extension 458.

Sincerely,


Jerry Gainey
Completeness Team

enclosure



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

December 1, 1994

V BOX LAND AND LIVESTOCK INC.
PO BOX 761
CRANE, OR 97732

Reference: File G 13650

Dear Applicant:

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.

Please send the following:

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);

You have a conflicting water right situation on the property involved in the application. This problem must be resolved before a permit could be issued.

Before we can process your application further, you will need to submit an oath:

"I certify that the information provided in application G 13650 is an accurate representation of the proposed water use and is true and correct to the best of my knowledge".

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,

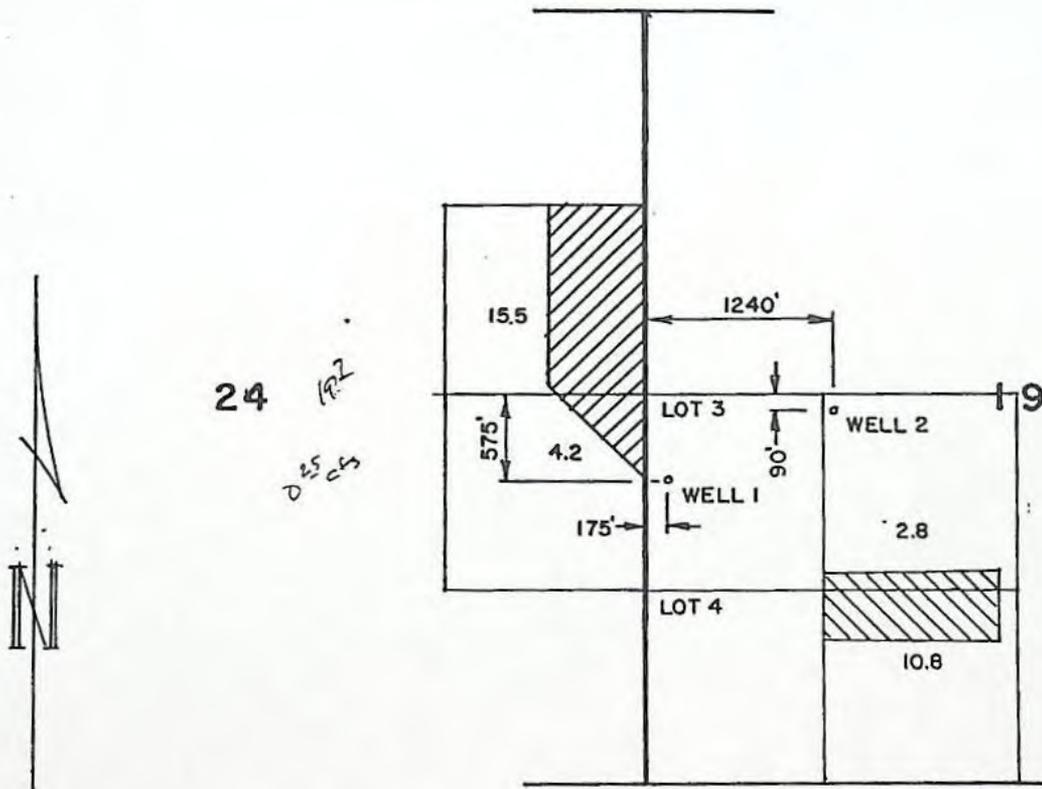
Don Knauer
Adjudication Specialist

cc: Chris T. Palmer, CWRE



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

T. 27 S., R. 34 E., W.M.
 R. 35 E., W.M.



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

/// IRRIGATED AREA - WELL 1
 /// " " " 2

RECEIVED

MAR 28 1994

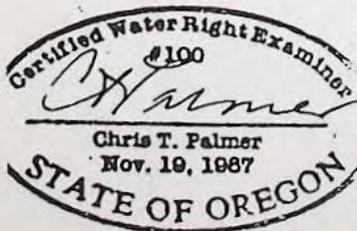
WATER RESOURCES DEPT
 SALEM, OREGON

Application No. 673650
 Permit No.

V BOX LAND & LIVESTOCK, INC

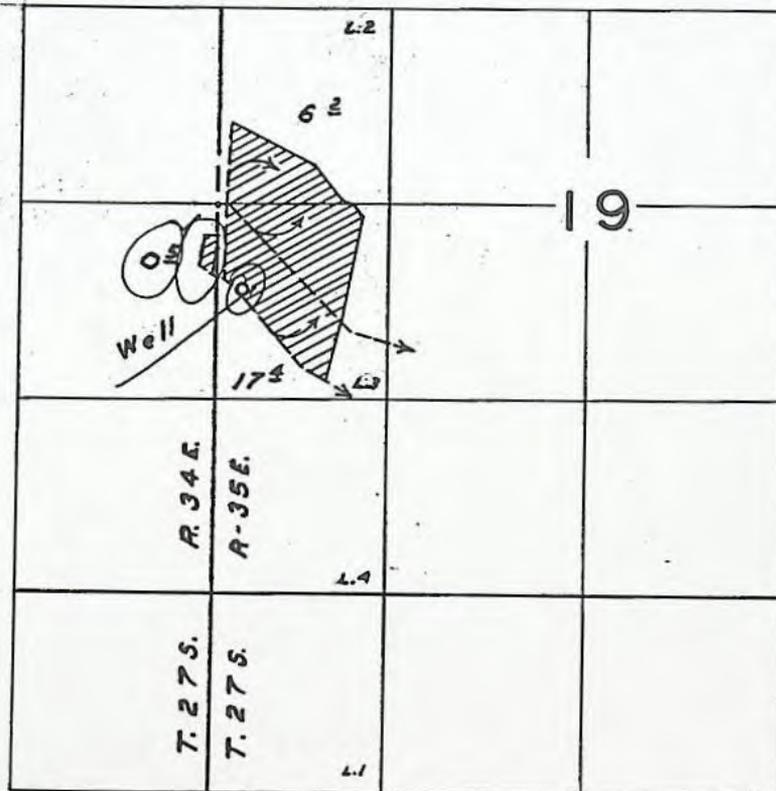
CRANE, OR

WATER RIGHT APPLICATION MAP



Scale: 4" = 1 MILE	Date: MARCH 1994	Job: 1493-B
Dsn:	M. A. PALMER & SONS, INC. ENGINEERING & SURVEYING 254 N. Alder - Box 61 Burns, Oregon 97720	Sht. No.
Drn: CHRIS		of 1
Ckd:		

T. 25 S. R. 34 & 35 E. W.M.



FINAL PROOF SURVEY
UNDER

Application No. U-680 Permit No. U-612
IN NAME OF

C.L. Wright

Surveyed Sept. 21 1958, by W.N. Perry

STATE OF OREGON
COUNTY OF HARNEY
CERTIFICATE OF WATER RIGHT

This Is to Certify, That C. L. WRIGHT

of 958 N. Diamond St., Burns 97720, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Wright Well
a tributary of Malheur River for the purpose of irrigation of 24.1 acres,

under Permit No. U-612 of the State Engineer, 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 March 17, 1954,

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 0.30 cubic foot 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 Lot 3 (NW $\frac{1}{4}$ SW $\frac{1}{4}$), Section 19, Township 27 South, Range 35 East, W.M.; 575 ft. S. & 175 ft. E. of W. $\frac{1}{4}$ cor. Sec. 19,

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-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3 acre feet per acre for each acre irrigated during the irrigation season of each year,

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:

0.5 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 24
Township 27 South, Range 34 East, W.M.
6.2 acres Lot 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$)
17.4 acres Lot 3 (NW $\frac{1}{4}$ SW $\frac{1}{4}$)
Section 19
Township 27 South, Range 35 East, W.M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this date. JANUARY 6 1960

.....LEWIS A. STANLEY.....
State Engineer

**Water Right Conditions
Tracking Slip**

Groundwater/Hydrology Section

FILE ## G-13650

ROUTED TO: Water Rights

TOWNSHIP/

RANGE-SECTION: T27S/R35E-19

CONDITIONS ATTACHED? yes no

REMARKS OR FURTHER INSTRUCTIONS:

Reviewer: Michael Zwart

Water Right Conditions
Tracking Slip

Groundwater/Hydrology Section

FILE ## G 13650

ROUTED TO: WATER RIGHTS

TOWNSHIP/

RANGE-SECTION: 27S/35E-19

CONDITIONS ATTACHED? []yes []no

REMARKS OR FURTHER INSTRUCTIONS:

Reviewer: DEW

TO: Water Rights Section

Nov 22, 1994

FROM: Groundwater/Hydrology Section D. Woodcock
Reviewer's Name

SUBJECT: Application G- 13650

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.
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 INTERMITTENT CR; 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) 4I;
 - ii. The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. The permit should be conditioned as indicated in item 4 below; or
4.
 - a. THE PERMIT should allow groundwater production from no deeper than ft. below land surface;
 - b. The permit should allow groundwater production from no shallower than ft. below land surface;
 - c. The permit should allow groundwater production only from the groundwater reservoir between approximately ft. and ft. below land surface;
 - d. Well reconstruction is necessary to accomplish one or more of the above conditions.
 - e. One or more POA's commingle 2 or more sources of water. The applicant must select one source of water per POA and specify the proportion of water to be produced from each source.

REMARKS: _____

(Well Construction Considerations on Reverse Side)

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

5. THE WELL which is the point of appropriation for this application does not meet current well construction standards based upon:
- a. ___ review of the well log;
 - b. ___ field inspection by _____;
 - c. ___ report of CWRE _____;
 - d. ___ other: (specify) _____
6. THE WELL construction deficiency:
- a. ___ constitutes a health threat under Division 200 rules;
 - b. ___ commingles water from more than one groundwater reservoir;
 - c. ___ permits the loss of artesian head;
 - d. ___ permits the de-watering of one or more groundwater reservoirs;
 - e. ___ other: (specify) _____
7. THE WELL construction deficiency is described as follows: _____
8. THE WELL
- a. ___ was, or constructed according to the standards in effect at the time of
 - b. ___ was not original construction or most recent modification.
 - c. ___ I don't know if it met standards at the time of construction.

RECOMMENDATION:

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

THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL

I concur in G/H's recommendation A or B above relating to conditioning or withholding the permit
_____, 199__.

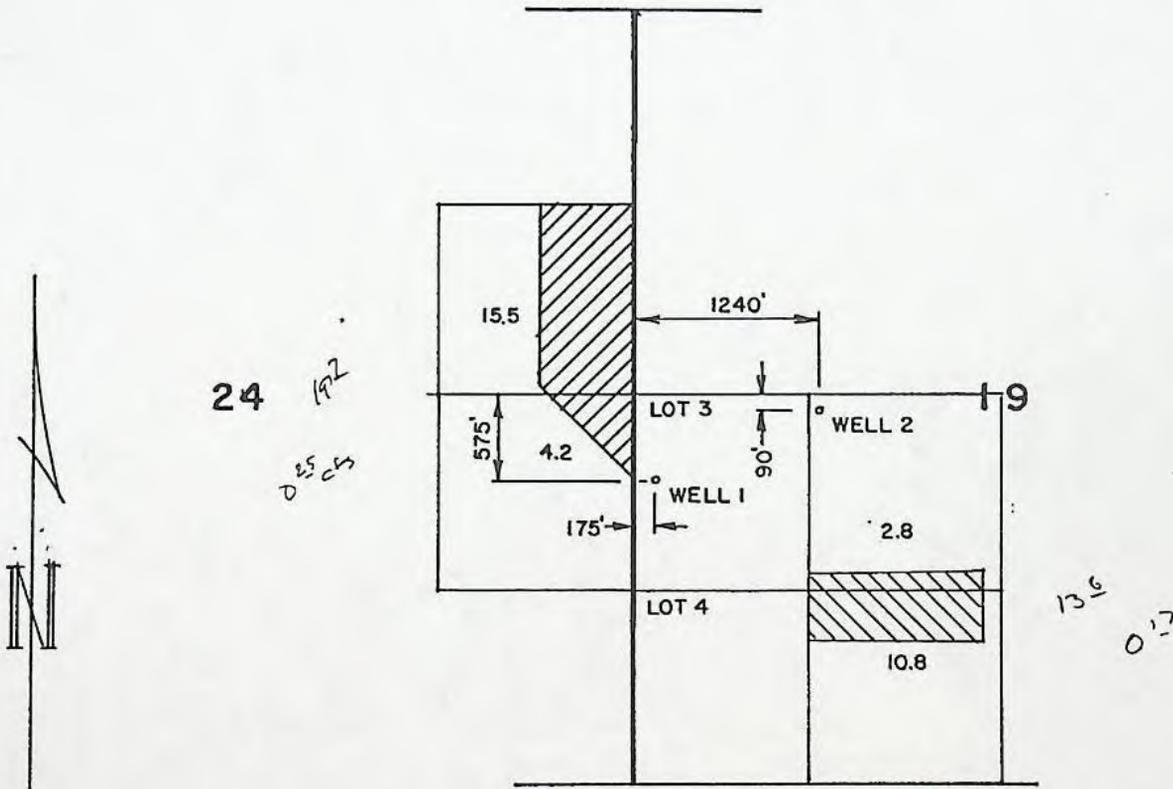
(Signature)

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

_____, 199__.
(Signature)

Superseded

T. 27 S., R. 34 E., W.M.
R. 35 E., W.M.



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

////// IRRIGATED AREA - WELL 1
" " " " 2

RECEIVED

MAR 28 1994

WATER RESOURCES DEPT
SALEM, OREGON

Application No. C-13650
Permit No.

V BOX LAND & LIVESTOCK, INC

CRANE, OR

WATER RIGHT APPLICATION MAP



Scale: 4" = 1 MILE

Date: MARCH 1994

Job: 1493-B

Dsn:
Drn: CHRIS



M. A. PALMER & SONS, INC.
ENGINEERING & SURVEYING
254 N. Alder - Box 61
Burns, Oregon 97720

Sht. No.

of 1

~~CONFIDENTIAL~~

COMPLETENESS DETERMINATION CHECKLIST

Application #	Review Date	Reviewer
G-13650	8/14/95	Jerry D

A checkmark (✓) indicates that the item is incomplete or defective.

- 1. Examination fees.
- 2. Name and address of the applicant, and title if applicable.
- 3. Source of water.
- 4. Use of water.
- 5. Amount of water.
- 6. Location & description of delivery system.
- 7. A statement that the applicant either owns all lands or has written authorization or easements permitting access to lands owned by others.
- 8. Name(s) and address(es) of the owners of any lands involved, but not owned by the applicant.
- 9. Proposed dates of beginning and completion of construction, and complete application of water.
- 10. If for **municipal use**, the present population to be served and expected future water requirements.
- 11. If for **mining use**, the type of mines and methods of supplying & utilizing the water.
- 12. If for a **reservoir**:
 - a. The height of the dam.
 - b. The storage capacity.
 - c. The area submerged.
 - d. The maximum depth.
 - e. The construction method (earthfill, concrete, flashboard, etc.).
 - f. A description of the outlet conduit.
 - g. A description of the spillway.
- 13. If for **groundwater**, the horizontal distance from the well to the nearest surface water source (if within one mile), and the difference in land surface elevation between them.
- 14. If the application was made under **HB 2107**:
 - a. Name and address of each adjacent property owner and verification that each owner has been mailed a copy of the completed notice.
 - b. A description of the proposed water used and related project, the condition it will address, and the benefits that are expected to result from the project.
 - c. The number of reservoirs per application is appropriate as per OAR 690-11-049 (3)(b)
- 15. An oath that the application information is true and correct.
- 16. The signature of the applicant(s).
- 17. A satisfactory map of the proposed POD & POU.
- 18. A Land Use Information Form or receipt signed by appropriate planning official.

COMPLETED

Conflict

December 1, 1994

V BOX LAND AND LIVESTOCK INC.
PO BOX 761
CRANE, OR 97732

Reference: File G 13650

Dear Applicant:

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.

Please send the following:

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);

You have a conflicting water right situation on the property involved in the application. This problem must be resolved before a permit could be issued.

Before we can process your application further, you will need to submit an oath:

"I certify that the information provided in application G 13650 is an accurate representation of the proposed water use and is true and correct to the best of my knowledge".

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,

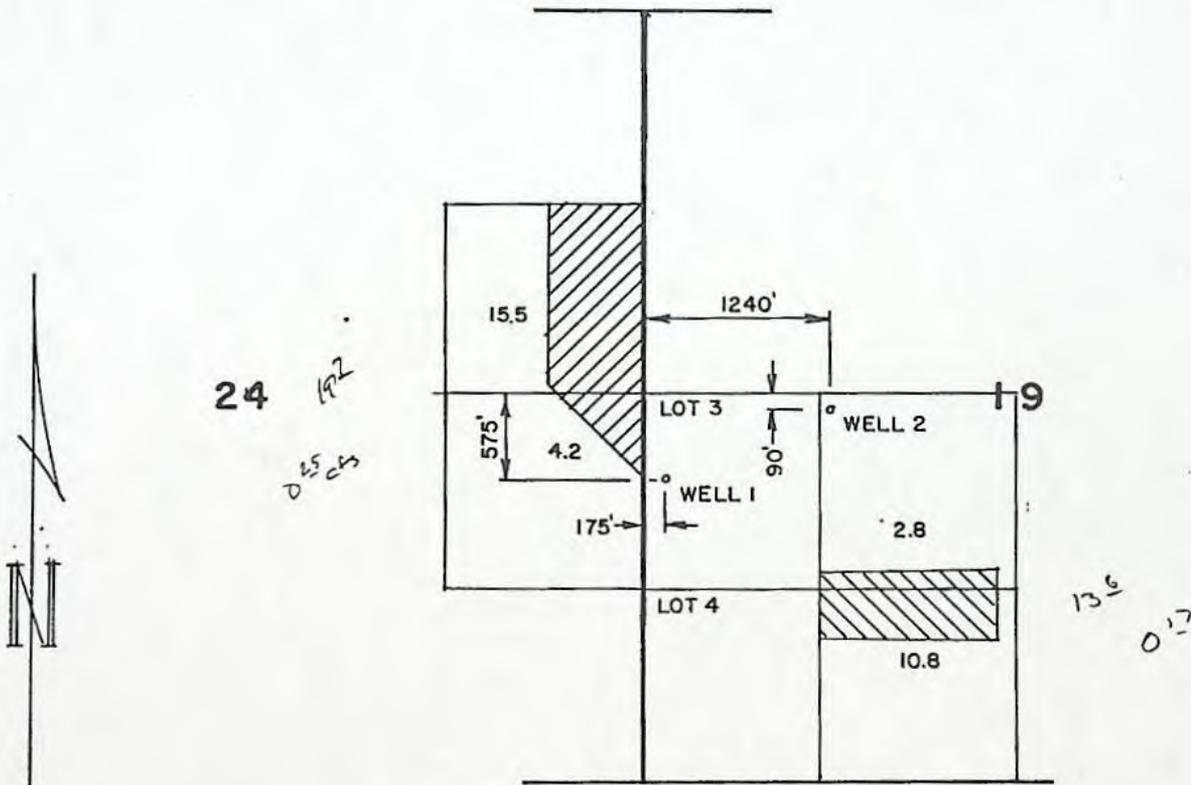
Don Knauer
Adjudication Specialist

cc: Chris T. Palmer, CWRE



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

T. 27 S., R. 34 E., W.M.
 R. 35 E., W.M.



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

////// IRRIGATED AREA - WELL 1
 //// " " " 2

RECEIVED

MAR 28 1994

WATER RESOURCES DEPT
 SALEM, OREGON

Application No. C-13650
 Permit No.

V BOX LAND & LIVESTOCK, INC

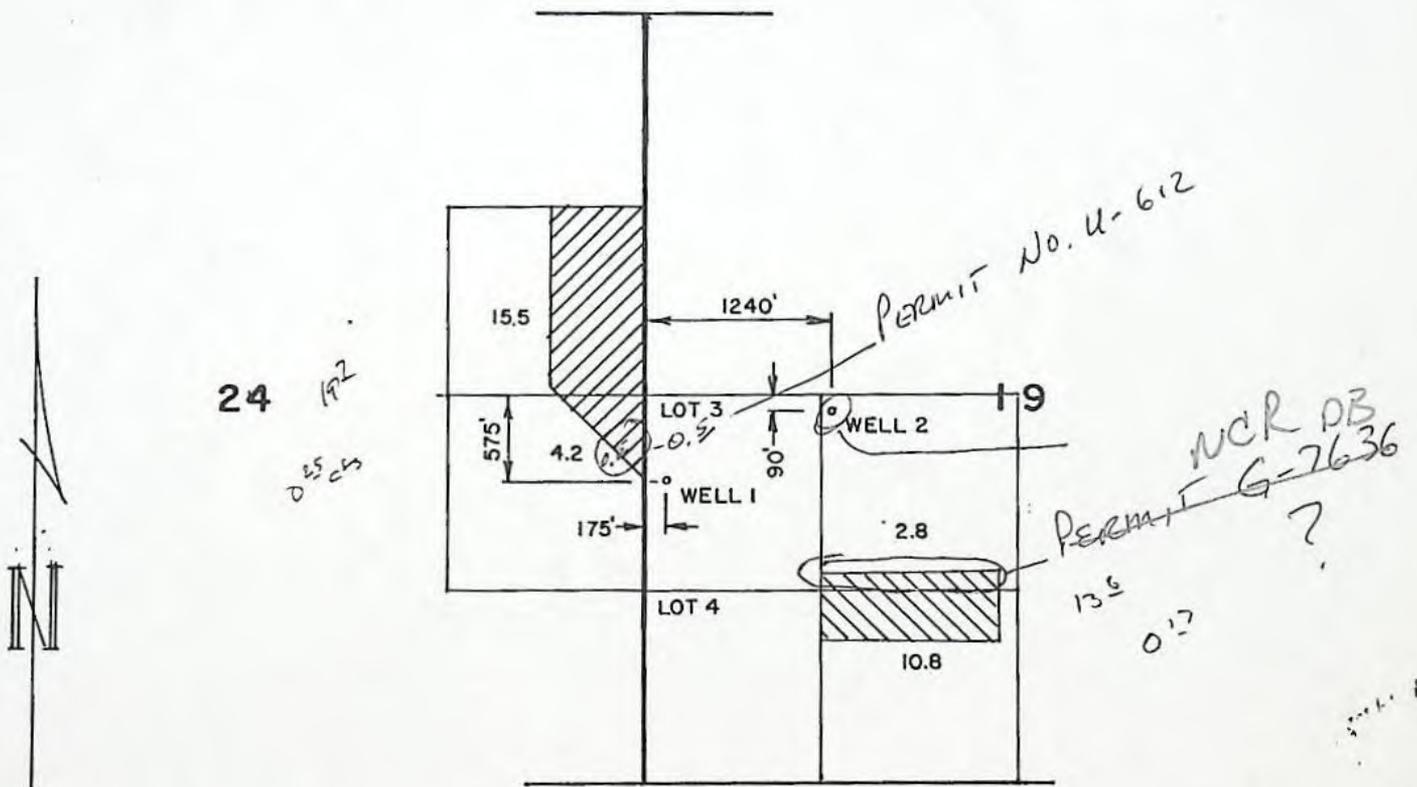
CRANE, OR

WATER RIGHT APPLICATION MAP



Scale: 4" = 1 MILE	Date: MARCH 1994	Job: 1493-B
Dsn:	M. A. PALMER & SONS, INC. ENGINEERING & SURVEYING 254 N. Alder - Box 61 Burns, Oregon 97720	Sht. No.
Drn: CHRIS		of 1
Ckd:		

T. 27 S., R. 34 E., W.M.
 R. 35 E., W.M.



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

/// IRRIGATED AREA - WELL 1
 /// " " " 2

RECEIVED

MAR 28 1994

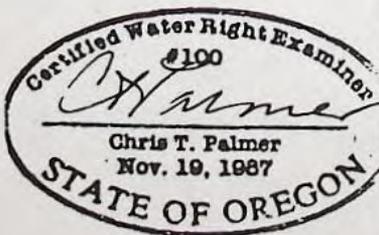
WATER RESOURCES DEPT
 SALEM, OREGON

Application No. G-73650
 Permit No.

V BOX LAND & LIVESTOCK, INC

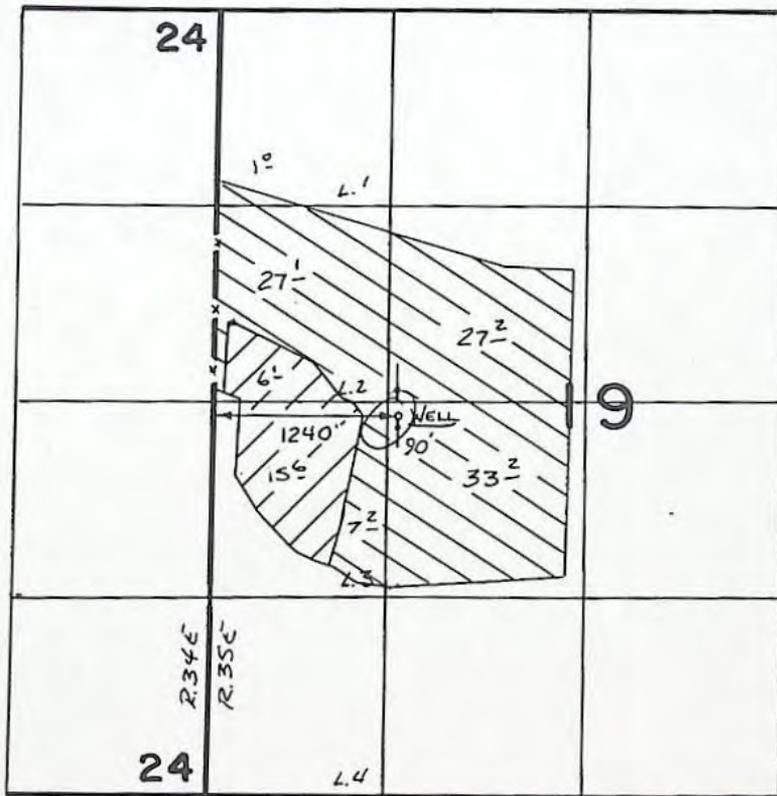
CRANE, OR

WATER RIGHT APPLICATION MAP



Scale: 4" = 1 MILE	Date: MARCH 1994	Job: 1493-B
Dsn:	M. A. PALMER & SONS, INC. ENGINEERING & SURVEYING 254 N. Alder - Box 61 Burns, Oregon 97720	Sht. No.
Drn: CHRIS		of 1
Ckd:		

T. 27S., R. 34 & 35E., W.M.



SCALE 1" = 1320



PRIM



SUPPL

FINAL PROOF SURVEY
UNDER

G-13650
MCR

Application No. **G:8257** Permit No. **G:7636**.....
IN NAME OF

.....**V-DASH CATTLE CO.**.....

Surveyed **5-10**..... 19**88**, by **T.M. WARREN**.....

V BOX LAND & LIVESTOCK

MICHAEL & LINDA BENTZ
P.O. BOX 761
CRANE, OR 97732
PH. 503-493-2006

December 14, 1994

Reference: File G 13650

Dear Mr. Knauer:

In response to your Dec. 1st letter requesting an oath and a legal description, I am inclosing the following; A deed to the Venator property and the signed oath.

I certify that the information provided in application G 13650 is an accurate representation of the proposed water use and is true and correct to the best of my knowledge.

For V Box Land & Livestock, Michael & Linda Bentz Pres

Sincerely,

Michael & Linda Bentz

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DEC 20 1994
WATER RESOURCES DEPT.
SALEM, OREGON

Prepared by:

TRIMBLE, BAKER, BURNHAM, BAKER & BAKER
P.O. Box 3
Astoria, OR 97104

Until a change is requested, all tax
statements shall be sent to:

V-DASH CATTLE CO.
Attn: Dan D'Arcy
Harney, OR 97304

690491

After recording return tax
same as above.

WARRANTY DEED
H-9662

HELEN OPHE, also known as HELEN L. OPHE, Grantor, conveys and warrants to
V-DASH CATTLE CO., an Oregon corporation, Grantee, the following described
real property free of encumbrances except as specifically set forth herein:

Land in Harney County, Oregon, as follows:

In Twp. 25 S., R. 35 E., W.M. 1:
Sec. 25: All.
Sec. 36: All.

In Twp. 25 S., R. 35 E., W.M. 1:
Sec. 20: All.
Sec. 21: All.
Sec. 27: All that portion of the E½ lying East of the

railroad right of way, as said right of way
exists and as described in deeds recorded
June 19, 1914, in Book "T", Page 117, and
recorded Aug. 21, 1917, in Book "T", Page 474,
Deed Records.

Sec. 29: All.

Sec. 31: Lots 1, 2, 3 and 4, E½, E½.

Sec. 32: S½.

Sec. 33: All, EXCEPTING TANNER railroad right of way
over the S½ conveyed by deed recorded
June 19, 1914, in Book "T", Page 117, Deed
Records. ALSO, EXCEPTING TANNER county
road rights of way over the S½, S½,
E½, and E½, conveyed by deeds recorded
June 1, 1961, in Book 69, Page 330, and
recorded July 19, 1973, in Book 90, Page 632,
Deed Records.

In Twp. 26 S., R. 35 E., W.M. 1:

Sec. 1: Lots 1, 2, 3 and 4, S½, S½, EXCEPTING
TANNER railroad right of way over the
S½, S½, conveyed by deed recorded
June 19, 1914, in Book "T", Page 117,
Deed Records. ALSO, EXCEPTING TANNER
that portion lying Southerly of said railroad
right of way.

In Twp. 26 S., R. 35 E., W.M. 1:

Sec. 2: SW¼.

Sec. 3: Lots 1, 2, 3 and 4, S½, S½.

(description continued)

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DEC 20 1984

WATER RESOURCES DEPT
SALEM, OREGON

- Sec. 4: Lot 4, S $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$, EXCEPTING THEREFROM railroad right of way over Lot 4, as disclosed by deed recorded Nov. 1, 1935, in Book 36, Page 612, Deed Records. ALSO, EXCEPTING THEREFROM county road right of way over Lot 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$, conveyed by deed recorded July 18, 1975, in Book 98, Page 652, Deed Records.
- Sec. 5: Lots 1, 2, 3 and 4, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$, EXCEPTING THEREFROM the following three parcels:
- Parcel No. 1: Railroad rights of way over Lots 1 and 2, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ and S $\frac{1}{2}$ NE $\frac{1}{4}$, conveyed by deeds recorded Oct. 15, 1915, in Book "X", Page 462, and recorded Nov. 30, 1915, in Book "X", Page 508, Deed Records.
- Parcel No. 2: County road right of way conveyed by deed recorded Feb. 1, 1941, in Book 39, Page 266, Deed Records.
- Parcel No. 3: A parcel of land in Sections 5 and 6 of said township and range, which begins at the Southeast corner of said Sec. 6;
- thence N. 89° 48' 00" W., along the South line of said section, 5176.95 feet, more or less, to the Southwest corner of said section;
- thence N. 00° 19' 00" W., along the West line of said section, 521.00 feet, more or less, to the Southeasterly line of the Union Pacific Railroad right of way, as said right of way is described in deed recorded Sept. 9, 1912, in Book "V", Page 179, Deed Records;
- thence Northeasterly, along said right of way as it is described in deeds recorded Sept. 9, 1912 in Book "V", Page 179, recorded Jan. 13, 1913, in Book "V", Page 296, recorded Oct. 15, 1915, in Book "X", Page 462, and recorded Nov. 30, 1915, in Book "X", Page 508, Deed Records, N. 74° 51' 00" E., 2033.91 feet;
- thence continuing along said right of way N. 69° 44' 25" E. 5154.56 feet;
- thence continuing along said right of way S. 20° 15' 35" E. 50.00 feet;
- thence continuing along said right of way N. 69° 44' 25" E., 2008.90 feet;
- thence leaving said right of way S. 16° 37' 20" W., 1732.20 feet;
- thence S. 47° 17' 05" E. 596.60 feet to the Southerly boundary line of the Crane-Venator county road;

(description continued)

RECEIVED**DEC 20 1994****WATER RESOURCES DEPT.
SALEM, OREGON**

thence S. 45° 17' 05" W., along said road boundary, 1669.17 feet;
 thence S. 13° 55' 00" E. 287.47 feet, more or less, to a point which is 75 feet North of the South line of said Section 5;
 thence N. 89° 44' 30" E., parallel to the South line of said section, 2945.07 feet, more or less, to the East line of said Section 5;
 thence S. 00° 02' 30" E., along said East line, 75.00 feet to the Southeast corner of said Section 5;
 thence S. 89° 44' 30" W., along the South line of said section, 5291.29 feet, more or less, to the Southwest corner of said Section 5 and the point of beginning.

Sec. 6: Lot 7, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, EXCEPTING THEREFROM that portion described above as Parcel No. 3, which is also excepted from Sec. 5. ALSO, EXCEPTING THEREFROM railroad rights of way over Lot 7, SE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$, conveyed by deeds recorded Sept. 9, 1912, in Book "V", Page 179, and recorded Jan. 13, 1913, in Book "V", Page 296, Deed Records.

Sec. 9: All.
 Sec. 10: All.
 Sec. 11: All.
 Sec. 14: All.
 Sec. 15: All.
 Sec. 16: NW $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$.
 Sec. 23: All.

Tax Code 4-2	25	35	1100,	Reference No.	10889
	25	36	1200,		10958
			1300,		10949
			1900,		10957
			2100,		10960
			2200,		10958
			2000,		10959
	26	35	100,		10891
	26	36	300,		10963
			400,		10964
			600,		10965
			700,		11068
			1800,		10973

SUBJECT TO and TOGETHER WITH RIGHTS of the public in and to existing roads. ANY ADVERSE CLAIM based upon the assertion that said land or any portion thereof is now or at any time has been below high water mark of the South Fork of the Malheur River.

(Exceptions continued)

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DEC 20 1994

WATER RESOURCES DEPT.
 SALEM, OREGON

AS DISCLOSED by the tax roll, the premises herein described have been zoned or classified for farm use. At any time that said land is disqualified for such use, the property will be subject to additional taxes or penalties and interest.

ANY IMPROVEMENT located upon the insured property which is described or defined as a mobile home under the provisions of Chapters 883 and 829, Oregon Revised Statutes, and is subject to registration as therein provided.

RESERVATION in deed from Harney County, Oregon, recorded Oct. 8, 1945, in Book 42, Page 291, Deed Records, reserving a right of way for any county road.

RESERVATION in deed from Harney County, Oregon, recorded July 9, 1946, in Book 43, Page 425, Deed Records, reserving a right of way for county roads.

AGREEMENT, including the terms and provisions thereof, between Oregon-Washington Railroad and Navigation Company, Union Pacific Railroad Company, and Dan Opie, recorded Oct. 21, 1949, in Book 51, Page 482, Deed Records.

MINERALS reserved by H.C. Vogler, Jr., and Pearl E. Vogler, husband and wife, as to the full interest therein, in Deed recorded on Oct. 15, 1963, in Book 72, Page 93 of Deeds, and all rights of the said H.C. Vogler, Jr. and Pearl E. Vogler, husband and wife, and their successors in interest, as owners thereof.

MINERALS reserved by The Pacific Land and Livestock Company, Inc., a corporation, as to an undivided one-half interest therein, in Deed recorded April 13, 1967, in Book 82, Page 255 of Deeds, and all rights of the said Pacific Land and Livestock Company, Inc., a corporation, and its successors in interest, as owners thereof.

MINERALS reserved by A. S. Capps and Ruby Capps, husband and wife, as to an undivided one-eighth interest therein, in Deed recorded April 9, 1971, in Book 90, Page 437 of Deeds, and all rights of the said A. S. Capps and Ruby Capps, husband and wife, and their successors in interest, as owners thereof.

AGREEMENT, including the terms and provisions thereof, between Oregon-Washington Railroad & Navigation Company, Union Pacific Railroad Company, and Dan Opie, recorded Jan. 24, 1978, in Book 185, Page 533, Deed Records.

MINERALS reserved by Paul Wilson and Michael Wilson, Co-trustees under the Revocable Living Trust of Paul Wilson, as to all remaining minerals, in deed recorded Jan. 6, 1983, Instrument No. 838862, Deed Records, and all rights of the said Co-trustees and their successors in interest, as owners thereof.

RESERVATIONS in deed from Dan Opie to Donald J. Sotphin and Gertrude E. Sotphin, husband and wife, recorded Oct. 10, 1985, Instrument No. 851378, Deed Records, to-wit:

"together with the right of access to the premises for Grantor's farm machinery across adjoining lands owned by the Grantor during times when Crane Creek is impassable because of flooding."

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING THE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

REC

DEC 20 1994

WATER RESOURCES DEPT
SALEM, OREGON

890491

The true consideration for this conveyance is: \$450,000.00
Dated this 13 day of April, 1989.

Helen L. Opi
HELEN L. OPIE

STATE OF OREGON)
) ss.
County of Harney)

The foregoing instrument was acknowledged before me this 13 day of April, 1989, by HELEN L. OPIE.



[Signature]
NOTARY PUBLIC FOR OREGON. My
Commission expires: Nov 28, 1989

STATE OF OREGON } ss.
County of Harney }

I certify that the within instrument was prepared for
me on the 13 day of April
1989, and that the same was
filed for recording on 4/28/89 and recorded
in 1122 of said County.
W. H. [Signature]
Deputy Notary, County of Harney



RECEIVED

DEC 20 1994

WATER RESOURCES DEPT.
SALEM, OREGON

December 20, 1994

RECEIVED

DEC 22 1994

DEPARTMENT OF
FISH AND
WILDLIFE

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

WATER RESOURCES DEPT.
SALEM, OREGON

Southeast Region

Re: Response to Technical Review.



ODFW has reviewed the following water right applications and has no comment.

G 12169	G 12928	G 13649
G 12499	G 13373	G 13650
G 12559	G 13401	G 13694
G 12795	G 13420	G 13701
G 12873	G 13445	G 13702
G 12880	G 13468	G 13822
G 12926	G 13500	G 13834
G 12927	G 13596	
	G 13638	

Sincerely,

Wayne Bowers

Wayne Bowers
Southeast District Fish Biologist

Distribution:

Burchfield

PO Box 8
Hines, OR 97738
(503) 573-6582
FAX 573-5306

COPY CHECK-OFF SHEET FOR TECHNICAL REVIEWS

CC: FILE # G-13650

WATERWATCH

QDF&W - County: HARNEY

WATERMASTER #: 10

REGIONAL MANAGER: EASTERN REGION

SWRE: CHRIS T. PALMER #100

DEO

OREGON ASSOCIATION OF NURSERYMEN INC.

KEN STAHR

OTHER ADDRESSES: STEVE SCHNEIDER

21881 River Road NE

ST PAUL OR 97137

CASEWORKER (initials/date) 12/1/94 [Signature]

ORIGINAL TO APPLICANT 6/28/94

TECHNICAL REVIEW CHECKLIST

11/4/94

1. Application: G-13650
2. Review Date: 12/1/94 DSK

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>S</u>	Land Use
<u>NA/yes/no</u>	Substantial SW interference w/GW (if yes, see results of surface water availability analysis)
<u>U</u>	Conflicts
<u>N/A</u>	Water Availability (_____) <small>(Water Availability Sub-basin#)</small>
<u>U</u>	The application, map and supporting data are complete and free of defects.
<u>yes/NA</u>	A TMDL letter has been received for this source or tributary. If yes, the period of use has been adjusted.

Handwritten notes:
 Hazen #6
 MALASNE RVE
 BASIN
 S.F. MALASNE

3. X/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. An oath is required before a permit is issued regardless of the application's priority date.
5. S Application fees:
- | | | |
|--|-------------|---------------|
| Examination fee: | \$ 200 - | 33^3 |
| Recording fee: | \$ 148 - | $-10 = 100$ |
| TOTAL REQUIRED | \$ 348 - | $24 @ 2 = 48$ |
| TOTAL SUBMITTED | \$ 340 - | $\$ 148$ |
| AMOUNT DUE prior to issuance of permit | \$ <u>8</u> | |
| AMOUNT OVERPAID | \$ <u>0</u> | |
| refund due applicant | \$ <u>0</u> | |
6. S Proposed dates of beginning and completion of construction, and complete application of water.
7. 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). (A CWRE map is not required for applications filed before November 9, 1987.)
8. X/S A written copy of the legal description of the property on which the water is to be used.

9. N/A A copy of written authorization, contract or easement permitting access to the land or reservoir not owned by the applicant.
10. N/A 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 One or more of the use(s) are allowed under the basin program; OAR 690 - 510-001-01. DEK
initials
 Uses applied for: IRRIGATION
 Discussion: _____

Water Quality Check

14. N/A DEQ has provided notice to the WRD concerning limitations of appropriation from surface water sources designated as TMDL streams. This application does not propose to appropriate water from a source that has been identified by the DEQ as a TMDL stream.
15. N/A This application proposes to appropriate water from a source that has been identified by the DEQ as a TMDL stream and has been limited to months when water quality will not be impaired.

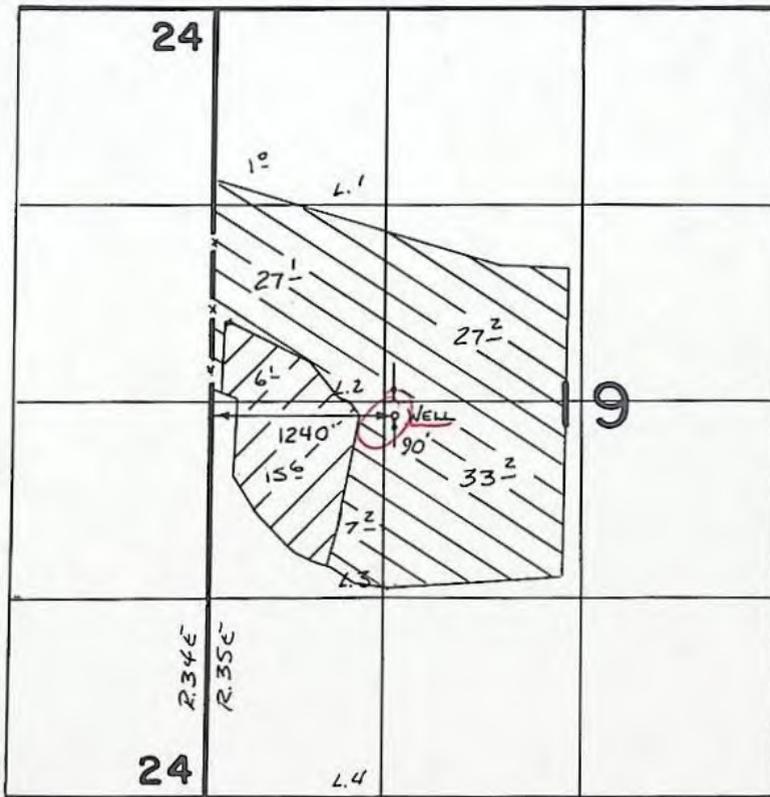
Land Use Compatibility: As expressed by the Planning Department of HARNEY Co.

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 ART 3 SEC 3.010).
16. N/A The land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals which have been obtained.
17. N/A 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. N/A Plans, specifications and supporting information for the dam and impoundment area must be approved by dam safety before a technical review is issued. Plans and specifications are not required for dams less than 10 feet in height and store less than 9.2 acre-feet. (OAR 690, Div 20) t:\chk6 11/4/94

T. 27S., R. 34 & 35E., W.M.



SCALE 1" = 1320



PRIM



SUPP'L

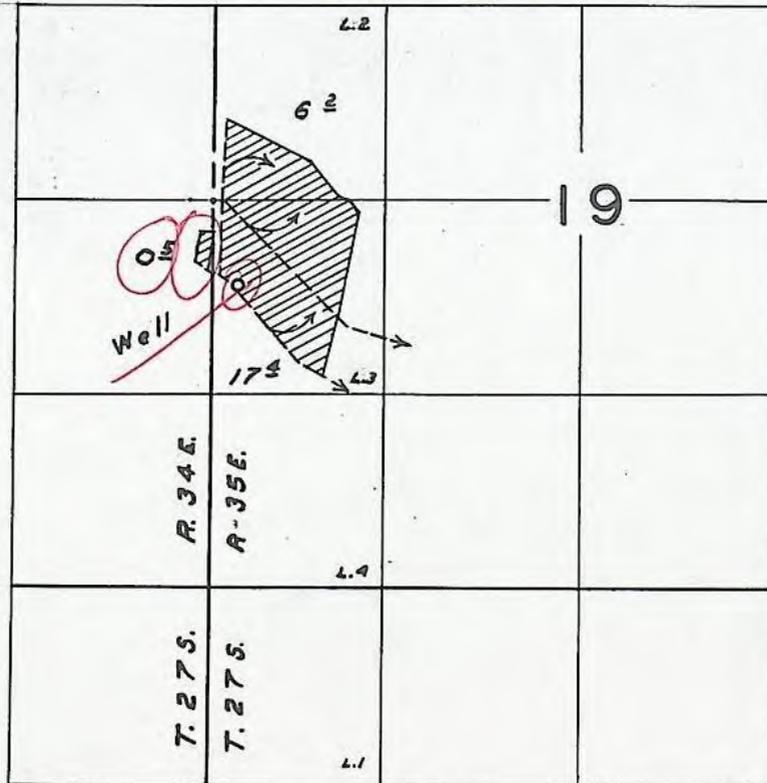
FINAL PROOF SURVEY
UNDER

Application No. **G:8257** Permit No. **G:7636**...
IN NAME OF

V-DASH CATTLE CO.

Surveyed **5-10**..... 19**88**, by **T.M. WARREN**.....

T. 25 S. R. 34 & 35 E. W.M.



FINAL PROOF SURVEY
UNDER

Application No. U-680 Permit No. U-612
IN NAME OF

C.L. Wright

Surveyed Sept. 21 1958, by W.N. Perry

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: V BOX LAND & LIVESTOCK, INC
 Address: P.O. BOX 761
 City: CRANE State: OR Zip: 97720 Day Phone: 493-2006

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.

Tax Lot or Local I.D.#	Plan Designation/Zoning (e.g. Rural Residential/RR-5)	Check All That Apply		
		Water Diverted	Water Conveyed	Water Use
<u>T.L. 3600</u>	<u>27 34</u>			
<u>T.L. 3800</u>	<u>27 34</u>			
<u>T.L. 1700</u>	<u>27 35</u>			
<u>T.L. 1701</u>	<u>27 35</u>			

MAR 28 1994
WATER RESOURCES DEPT
SALEM, OREGON

Please list all counties and cities within which water is proposed to be diverted, conveyed, and/or used. HARNEY CO.

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. If the form is not completed within 60 days, the Department may take action to approve the water use.

a) Check the appropriate box below and provide requested information.

Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): Article 3, Sec. 3.010. 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.)**

Type of Land Use Approvals Needed (e.g.: plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	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: _____

(For Local Use Continued)

b) Please provide printed name and written signature.

Name: Carol J. Smith

Title: Planniung Director

Date: 3/2/94
Phone: 503-573-6655

Signature: *Carol J. Smith*

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.

Application No. 613650
Permit No.

APR 14 1994

OREGON WATER RESOURCES DEPT.
SALEM, OREGON

COMMENT FORM

Please list below the Application Number of the water use application(s) that are of interest to you. When the technical evaluation is completed a report of the technical review of these applications will be delivered to you.

Application #s G13648, G13649, G13650, G13653, G13654, G13657, G13651

Send to:

Steve Schneider
21881 River Road NE
St. Paul, OR 97137

Please include specific comments or concerns. Use additional sheets if necessary.

Return to:

Oregon Water Resources Department
3850 Portland Road N.E.
Salem, Oregon 97310

This Comment corresponds to the APR/ 6/1994 Public Notice.

WaterWatch

O F O R E G O N

RECEIVED

APR 25 1994

WATER RESOURCES DEPT.
SALEM, OREGON

April 22, 1994

Water Resources Department
158 12th St. N. E.
Salem, OR 97310

RE: Application for Permit #G13659, 50, V Bos Land
Malheur R. Basin, Harney 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 review of this application.

Sincerely,

bc:

Jim Myron

April 5, 1994

V BOX LAND AND LIVESTOCK INC.
PO BOX 761
CRANE, OR 97732

REFERENCE: File(s) G-13649, G-13650

We have received your application(s) for a water use permit along with your supporting data, documentation, and fees. A receipt is enclosed here unless you were previously issued one. Your application has been assigned the above referenced file number. Please refer to this number whenever you contact us about your application.

Even though your application has been received, filed and assigned an application reference number, no authorization has been granted to develop your water use. The filing of an application does not create a water right. Water may not be used without a water right permit.

After an application has been accepted for filing, public notification of the application is made, followed by the mandatory 30-day comment period. Thereafter, applications can be considered for processing as time allows.

At present the Water Resources Department has a backlog of several thousand applications for water use permits which has delayed our application processing time. Applications are processed in the order in which they are received.

The processing of an application does not guarantee that a water right permit will be issued. Each application must undergo a specialized analysis called a technical review and a public interest review. There is no way to determine at this time whether your particular proposed water use will be recommended for a permit.



REFERENCE: File(s) - G-13649, G-13650

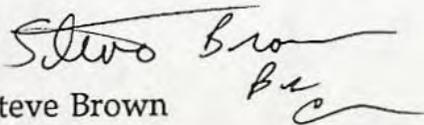
When the report on the technical review is completed and sent to you, a 60-day objection period begins during which you, the applicant, or anyone who has expressed an interest in your proposed water use may communicate to us their disagreement with what we have said in our report on your application. After the 60-day objection period, the Department conducts the public interest review and considers any objections which have been made.

After any objections have been considered, there may follow time to allow parties to resolve conflicts over the proposed water use. In addition, a 30-day protest period may be required. Lastly, it may be necessary to schedule a hearing or send the application to the Water Resources Commission for their review. In most cases no objections are received and the application processing can proceed without further conflict resolution, protest, or hearing.

If your application is recommended for approval and a permit is issued, the use allowed by the permit will be subject to the Basin Program Rules of the Water Resources Commission, instream flow requirements, and the demands of prior right holders, and other conditions to conform the water use to particular standards.

Please contact the Water Rights Section of the Water Resources Department if you have any questions. You may write to us at 3850 Portland Road, Northeast, Salem, Oregon 97310 or you may call 378-3739 in Salem or toll free from within the state 1-800-624-3199.

Sincerely,

A handwritten signature in cursive script that reads "Steve Brown". The signature is written in dark ink and is positioned above the typed name.

Steve Brown
Manager
Water Rights Division

cc:CWRE

DATE	INITIALS
7/10	DTJ

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
 Conflicts (well _____ surface _____) YES NO
 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

4/25/44	DB

4/25/44	DTJ

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

4/14/44	CR
4/5/44	CKA

FIELD OPERATIONS

	YES	NO
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: _____
REGISTRATION FEE: _____

REMARKS: _____

COPY CHECK-OFF SHEET FOR PROPOSED FINAL ORDERS

CC: FILE # G-13650

WATERMASTER # 10

REGIONAL MANAGER: EASTERN REGION

ODF&W - Harney County:

CWRE (if agent):

DEO

OTHER STATE AGENCY IF NECESSARY:

DIVISION 33 LIST: _____ COLUMBIA RIVER INTERTRIBAL FISH COMMISSION; U.S. FISH & WILDLIFE;
(CHECK ONLY IF APPLICABLE) NORTHWEST POWER PLANNING COUNCIL & NATIONAL MARINE FISHERIES

POWER BUILDER UPDATER; FRONT COUNTER

OTHER ADDRESSES OF PEOPLE WHO PAID THE \$10 FEE:

PEOPLE WITH OBJECTIONS, COMMENTS OR REQUESTED COPY W/O \$10 (SEND THE \$10 LETTER):

CASEWORKER : KL

FO CHECKLIST

PFO TO FO CONVERSION

33 AC

FILE # 13650

REVIEW DATE: 5/28/1996

WEEK # 33

INITIALS: LLS

In preparing the FO, you should check the following:

1. Y / N Were comments or protests received in response to the PFO?
2. List names and addresses of ALL commentors (regardless of comment date) on the PFO CC list.
3. Verify payment of recording fees (circle the appropriate option)
 (1) Issue FO w/permit if fees are paid Prepare refund request for excess fees
 (2) Issue FO w/o permit if fees are lacking
 (3)
4. Y / N Has the applicant signed an oath of accuracy for the application? 2x23 200
See also 12/14/94 gwg 100 10AC
46
346
5. Y / N Has ODFW asked for self certification on screening condition?
6. Y / N Is water use prohibited for one or more months of the normal use period?
7. Y / N If #6 = "Y", is short season letter on file?
8. Assign permit numbers to files with oath, fees, and no protests or other unresolved issues

Route to: (circle one)
DENIAL FO w/o PERMIT FO & PERMIT COMMENTS
LARRY CORY JERRY DOUG

Modify FO as needed to:

INITIALS: JWS

9. Respond to significant comments, issues, or disputes related to the proposed use of water
10. Include or exclude permit conditions and management codes
11. Notify applicant of additional information or fees required prior to permit issuance (Use standard wording from M:\T\FO\TOOLS if possible)
12. Correct PFO errors (such as POD or POU location (verify from map), Permit format)
13. Y / N Is further processing possible? If not state reason: _____

Once FO document is completed:

14. Save WordPerfect document in M:\T\FO\WEEK39 & delete duplicates
15. Print final draft of document and submit to team leader for review
16. Y / N Team leader review completed

December 1, 1994

WATER
RESOURCES
DEPARTMENT

V BOX LAND AND LIVESTOCK INC.
PO BOX 761
CRANE, OR 97732

Reference: File G 13650

Dear Applicant:

The Water Resources Department has finished the first step of its analysis of your application. Enclosed is a copy of this first report, which is called the Report of Technical Review.

The technical review is the Department's legal and scientific analysis of the application, including a calculation of the expected availability of water for your proposed use, an analysis of whether the use would conflict with other existing water rights, and if the use is compatible with the Department's river basin programs and local land use plans. Step two, is the 60-day public review period.

In the case of your application, the Technical Review was satisfactory, and it concluded that water would be available for this use for the time period described in the permit conditions of the attached Report. The Report also includes other conditions which may be placed in the water right permit to protect other water users, the public or fish and wildlife resources.

The Report of Technical Review is only the first step of the review process and does not authorize you to construct a water system or to use the public waters. The Report does not represent any commitment by the Department ultimately to approve your application. Before a permit may be granted, the Department must complete a public interest review.

In this second step of the review process, state regulations require that other water users and the general public be given an opportunity to object to your proposed water use. You also may object to any of the Department's findings or proposed permit conditions contained in the technical report. If you wish to object, you must file your objection with the Department in writing by 5 p.m. on or before **FEBRUARY 9, 1995**. Interested parties must also submit their objections before the same deadline.

Please review the enclosed informational sheet which describes the appeals process and the steps that must be taken by any party objecting to your Report of Technical Review or by parties wishing to protest issuance of the permit.



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

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Don Knauer".

Don Knauer
Adjudication Specialist

Enclosures

Report Date: December 1, 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: FEBRUARY 9, 1995

1. APPLICATION FILE NUMBER -G 13650
2. MINIMUM APPLICATION INFORMATION

Applicant name/address/county/phone:

V BOX LAND AND LIVESTOCK INC.
PO BOX 761 503-493-2006
CRANE, OR 97732
COUNTY OF HARNEY

Date application received for filing and/or tentative date of priority: 3/28/1994

SOURCE: TWO WELLS IN SOUTH FORK MALHEUR RIVER BASIN

Purpose and/or use: IRRIGATION OF 33.3 ACRES.

Flow: 0.42 CUBIC FEET PER SECOND,
BEING 0.24 CFS FROM WELL 1 AND 0.17 CFS FROM WELL 2

Point of Diversion Location:

WELL # 1, LOT 3 SECTION 19, T 27 S, R 35 E, W.M.;
575 FEET SOUTH & 175 FEET EAST FROM W1/4 CORNER, SECTION 19.

WELL # 2, NE 1/4 SW 1/4, SECTION 19, T 27 S, R 35 E, W.M.;
90 FEET SOUTH & 1240 FEET EAST FROM W1/4 CORNER, SECTION 19.

BOTH TOWNSHIP 27 SOUTH, RANGE 34 EAST, W.M.

Place of use:

SE 1/4 NE 1/4 15.5 ACRES
NE 1/4 SE 1/4 4.2 ACRES
SECTION 24
TOWNSHIP 27 SOUTH, RANGE 34 EAST, W.M.

NE 1/4 SW 1/4 2.8 ACRES
SE 1/4 SW 1/4 10.8 ACRES
SECTION 19
TOWNSHIP 27 SOUTH, RANGE 35 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 use will, if properly conditioned, avoid injury to existing rights or to the groundwater resource.

CONFLICTS WITH OTHER WATER RIGHTS:

There are existing rights from this point of diversion. See proposed permit conditions.

There are existing water rights appurtenant to the lands described in the application. See proposed permit conditions.

REPORT CONCLUSIONS:

Based on the Department's review of water availability and Oregon Administrative Rules, water in the amount of 0.42 cfs is likely available for 12 months.

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 13650

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: year round
3. Rate of use: 0.42 cfs
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.
 - B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
 - C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

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. In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.
12. This right is limited to any deficiency in the available supply of any prior right existing for the same land.
13. 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 acre-feet for each acre irrigated during the irrigation season of each year.

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

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **110542**

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

6

RECEIVED FROM: ✓ Box Land +
BY: Livestock

APPLICATION	13650
PERMIT	
TRANSFER	

CASH: CHECK: # 24-22 OTHER: (IDENTIFY)

TOTAL REC'D \$ 978.-

01-00-0 WRD MISC CASH ACCT

842.010	ADJUDICATIONS	\$
831.087	PUBLICATIONS / MAPS	\$
830.650	PARKING FEES Name / month	\$
_____	OTHER: (IDENTIFY)	\$

REDUCTION OF EXPENSE

CASH ACCT. \$ _____
VOUCHER # _____

03-00-0 WRD OPERATING ACCT

MISCELLANEOUS:		
840.001	COPY FEES	\$
850.200	RESEARCH FEEDS	\$
880.109	MISC REVENUE: (IDENTIFY)	\$
520.000	OTHER (P-6) (IDENTIFY)	\$
WATER RIGHTS:		
842.001	SURFACE WATER	\$
842.003	GROUND WATER	\$ <u>200.-</u>
842.005	TRANSFER	\$
WELL CONSTRUCTION		
842.022	WELL DRILL CONSTRUCTOR	\$
	LANDOWNER'S PERMIT	\$
_____	OTHER (IDENTIFY)	\$

EXAM FEE
\$
\$ <u>200.-</u>
\$
EXAM FEE
\$

RECORD FEE
\$
\$ <u>148.-</u>
\$
LICENSE FEE
\$
\$

06-00-0 WELL CONST START FEE

842.013	WELL CONST START FEE	\$	CARD #
	MONITORING WELLS	\$	CARD #

45-00-0 LOTTERY PROCEEDS

864.000	LOTTERY PROCEEDS	\$
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07-00-0 HYDRO ACTIVITY

	LIC NUMBER	
842.011	POWER LICENSE FEE (FW/WRD)	\$
842.115	HYDRO LICENSE FEE (FW/WRD)	\$
_____	HYDRO APPLICATION	\$

RECEIPT # **110542**

DATED: 3-28-94

BY: D. Buehler

96301

NUMBER _____

Check 978⁰⁰ NO _____ Cash _____

____ Surface Application

____ Reservoir Application

Ground Water Application

G-13650
\$ 200 Exam
140 Record

____ Transfer Application

G-13649

____ Power Claim

\$ 200 Exam
\$ 430 Record

____ Hydroelectric Examination

____ Hydroelectric License

____ Copying

____ Assignment

____ Extension of Time

____ Other

____ P-6

____ Quadrangle

____ Basin

____ Protest

____ Constructors Examination

____ Constructors License

____ Adjudication