



Land Use Form  
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Rec. 87518 given  
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6/5/92



# Oregon

Kate Brown, Governor

G-12972

## Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone (503) 986-0900

Fax (503) 986-0904

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

November 9, 2016

BALIN RANCH  
13600 HOMEDALE RD  
KLAMATH FALLS, OR 97603

REFERENCE: Permit Amendment Application T-11607

Enclosed is a copy of the order approving your Permit Amendment application.

Also enclosed is a superseding permit that incorporates the amendments approved by the final order contained herein. Please read this document and abide by the requirements.

If you have any questions related to the approval of this permit amendment, you may contact your caseworker, Arla Heard, by telephone at (503) 986 0806 or by e-mail at [Arla.L.Heard@ wrd.state.or.us](mailto:Arla.L.Heard@ wrd.state.or.us).

Sincerely,

Marissa Andrews

Water Rights Services Support

cc: Scott White, Watermaster Dist. # 17 (via email)  
Landowners (other or receiving)  
Irrigation District

Enclosure

**BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON**

In the Matter of Permit Amendment            )    FINAL ORDER  
T-11607, Klamath County                    )    APPROVING AN ADDITIONAL POINT  
  )    OF APPROPRIATION

**Authority**

Oregon Revised Statute (ORS) 537.211 establishes the process in which a water right permit holder may submit a request to change the point of appropriation and/or place of use authorized under an existing water right permit.

**Applicant**

BALIN RANCH  
13600 HOMEDALE RD  
KLAMATH FALLS, OR 97603

**Findings of Fact**

1. On June 6, 2013, Balin Ranch filed an application for an additional point of appropriation under Permit G-12458. The Department assigned the application number T-11607.
2. On November 17, 2005 the Department approved an extension of time for complete application of water to October 15, 2006.
3. On June 21, 2013, the Department approved an extension of time for complete application of water to October 1, 2015.
4. On July 29, 2016, the Department approved an extension of time for complete application of water to October 1, 2020.
5. Notice of the application for the permit amendment was published in the Department's weekly notice on June 11, 2013, and in the Klamath Falls Herald and News newspaper on September 20 and 27, 2016, pursuant to ORS 540.520(5). No comments were filed in response to the notices.
6. Permit Amendment Application T-11607 proposes an additional point of appropriation approximate distance from the existing point of appropriation identified as follows:

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 and OAR 690-01-0005 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.

Twp	Rng	Mer	Sec	Q-Q	Measured Distances	Distance from Authorized Wells
41 S	13 E	WM	12	NE SW	LVR WEST WELL (KLAM 10748) - 2280 FEET NORTH AND 2390 FEET EAST FROM THE SW CORNER OF SECTION 12	LVR SOUTH WELL (KLAM 10642) - 1.3 miles

***Permit Amendment Review Criteria***

7. The change would not result in injury to other water rights.
8. The change does not enlarge the permit.
9. The change does not alter any other terms of the permit.

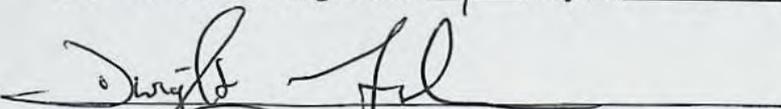
**Conclusions of Law**

The additional point of appropriation proposed by Permit Amendment Application T-11607 is consistent with the requirements of ORS 537.211.

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

1. The additional point of appropriation proposed by Permit Amendment Application T-11607 is approved.
2. Permit G-17645, in the name of Balin Ranch, is issued to replace Permit G-12458, and incorporates the amendments approved by this order, and the extensions of time. Permit G-12458, in the name of Balin Ranch, is no longer of any force or effect.
3. The combined quantity of water diverted at the new point of appropriation, together with that diverted at the old points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.
4. Water use measurement conditions:
  - a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device at each point of appropriation (new and existing).
  - b. The water user shall maintain the meters or measuring devices in good working order.
  - c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.
5. Water shall be acquired from the same aquifer as the original point of appropriation.
6. All other terms and conditions of Permit G-17645 remain the same.

Dated at Salem, Oregon this 7 day of November, 2016.

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

Mailing Date: NOV 12 2016

STATE OF OREGON  
COUNTY OF KLAMATH

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

BALIN RANCH  
13600 HOMEDALE ROAD  
KLAMATH FALLS, OREGON 97603

This superseding permit is issued to describe an amendment for an additional point of appropriation proposed under Permit Amendment Application T-11607 and approved by Special Order Vol. 103, Page 395, entered November 7, 2016, and to describe an extension of time for complete application of water approved July 29, 2016. This permit supersedes Permit G-12458.

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

APPLICATION FILE NUMBER: G-12972

SOURCE OF WATER: 2 WELLS IN THE LOST RIVER BASIN

PURPOSE OR USE: Primary and supplemental irrigation of 307.1 acres.

Rate of use: 3.5 CUBIC FEET PER SECOND

Period of allowed use: APRIL 15 THROUGH OCTOBER 15.

DATE OF PRIORITY: JUNE 5, 1992 FOR 250.0 ACRES, AND DECEMBER 23, 1992 FOR 57.1 ACRES.

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
41 S	13 E	WM	12	NE SW	LVR WEST WELL (KLAM 10748) - 2280 FEET NORTH AND 2390 FEET EAST FROM THE SW CORNER OF SECTION 12
41 S	14 E	WM	18	SE NW	LVR SOUTH WELL (KLAM 10642) - 150 FEET NORTH AND 640 FEET WEST FROM THE C <sup>1</sup> / <sub>4</sub> CORNER OF SECTION 18

THE PLACE OF USE IS LOCATED AS FOLLOWS:

Supplemental Irrigation					
Twp	Rng	Mer	Sec	Q-Q	Acres
41 S	14 E	WM	7	NW NW	34.6
41 S	14 E	WM	7	SW NW	34.9
41 S	14 E	WM	7	SW SW	38.0
41 S	14 E	WM	18	NE NW	20.0
41 S	14 E	WM	18	NW NW	38.8
41 S	14 E	WM	18	SW NW	39.7
41 S	14 E	WM	18	SE NW	23.3

Irrigation					
Twp	Rng	Mer	Sec	Q-Q	Acres
41 S	14 E	WM	7	NW NW	2.10
41 S	14 E	WM	7	SW NW	2.90
41 S	14 E	WM	7	NW SW	1.00
41 S	14 E	WM	7	SE SW	2.00
41 S	14 E	WM	18	SW NE	13.3
41 S	14 E	WM	18	NE NW	19.0
41 S	14 E	WM	18	SE NW	16.7
41 S	14 E	WM	18	NW SE	13.3
41 S	14 E	WM	18	SW SE	7.5

#### Permit Amendment T-11607 Conditions

The combined quantity of water diverted at the new point of appropriation, together with that diverted at the old points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.

Water use measurement conditions:

- a. Before water use may begin under this order, the water user shall install a totalizing flow meter, or, with prior approval of the Director, another suitable measuring device at each point of appropriation, new and existing.
- b. The water user shall maintain the meters or measuring devices in good working order.
- c. The water user shall allow the Watermaster access to the meters or measuring devices; provided however, where the meters or measuring devices are located within a private structure, the Watermaster shall request access upon reasonable notice.

Water shall be acquired from the same aquifer as the original point of appropriation.

### Existing Conditions

The use of water under this permit may expire or be extended five years from issuance of the permit. A water right certificate shall be issued at the end of the five year period if the Director finds:

- A. River stage or Bonanza Big Spring flows are not significantly diminished by use of water under this permit as determined by the Oregon Water Resources Department, in consultation with the Bureau of Reclamation and Oregon Department of Fish and Wildlife, using quantifiable groundwater and hydrologic science that stands up to peer review;
- B. Within two years of permit issuance for primary use, the permittee/appropriator has submitted a plan to the Department indicating potential economical sources for an alternative long-term water supply;
- C. Periodic water level reports have been submitted; and
- D. Excessively declining ground water levels have not occurred due to well use and determined by the Oregon Water Resource Department, in consultation with the Bureau of Reclamation and Oregon Department of Fish and Wildlife, using quantifiable groundwater and hydrologic science that stands up to peer review.

The amount of water used for irrigation under this right, together with the amount used under any other right existing for the same land, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually by April 15, or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

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.

A static water level measurement shall be made and submitted before any use of water may commence from the well.

The permittee shall obtain a static water-level measurement for each well during March and October of each year and report the measurements to the Department. The measurement shall be made by a certified water rights examiner, registered geologist, licensed land surveyor or registered professional engineer, licensed water well constructors, licensed water well drillers or the permittee/appropriators. Water levels shall be reported as depth-to-water below ground level in feet and inches or to one-hundredth of a foot and shall be accompanied by supporting calculations. The water user shall report the static water level(s) in the well(s) to the Groundwater/Hydrology Section of the Water Resources Department by April 15 and November 15, respectively, of each year.

If substantial interference with a senior surface or ground water right occurs due to withdrawal of water from the well(s) listed on this permit, then use of water from such well(s) shall be discontinued or reduced or the schedule of withdrawal shall be regulated until the Department approves or implements an alternative administrative action to mitigate such interference.

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

The permit is for the beneficial use of water without waste.

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

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

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

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.

By extension of time Final Order dated July 29, 2016, the deadline for complete application of water to use was extended to October 1, 2020. If the water is not completely applied before this date, and the permittee wishes to continue development under the permit, the permittee must submit an application for extension of time, which may be approved based upon the merit of the application.

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

Issued November 7th, 2016



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



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

Water Rights Application  
Number G-12972

**Final Order  
Extension of Time for Permit Number G-12458  
Permit Holder: Balin Ranch**

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**Permit Information**

**Application File G-12972 Permit G-12458**

Basin: 14 – Klamath / Watermaster District 10

Date of Priority: June 5, 1992

**Authorized Use of Water**

Source of Water: A Well in the Lost River Basin

Purpose of Use: Irrigation of 307.1 Acres

Maximum Rate: 3.5 Cubic Feet Per Second (cfs)

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**This Extension of Time Request is being processed in accordance with  
Oregon Revised Statute 537.630 and 539.010(5), and Oregon Administrative  
Rule Chapter 690, Division 315**

**Application History**

Permit G-12458 was issued by the Department on July 31, 1996. The permit called for completion of construction by October 1, 1997 and complete application of water to beneficial use by October 1, 2000. On January 4, 2013, Balin Ranch submitted to the Department an Application for Extension of Time for Permit G-12458. In accordance with OAR 690-315-0050(2), on April 30, 2013, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 1, 2015. The protest period closed June 14, 2013, in accordance with OAR 690-315-0060(1). No protest was filed.

Final Order: Permit G-12458

Page 1 of 2

**Appeal Rights**

**This is a final order in other than a contested case.** This order is subject to judicial review under ORS 183.484. A request 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 file 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.

**Findings of Fact**

Except as expressly stated herein, The Department adopts and incorporates by reference the findings of fact in the Proposed Final Order dated April 30, 2013.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to no additional conditions.

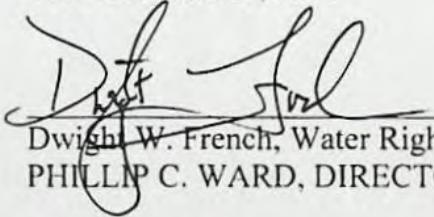
**CONCLUSION OF LAW**

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

**Order**

The extension of time for Application G-12972, Permit G-12458, therefore, is approved. The deadline for applying water to full beneficial use within the terms and conditions of the permit extended to from October 1, 2006 to October 1, 2015.

DATED: June 21, 2013



Dwight W. French, Water Right Services Administrator, *for*  
PHILLIP C. WARD, DIRECTOR

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

The Department adopts and incorporates by reference the findings of fact in the Proposed Final Order dated May 17, 2016.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, any comments received, and information within the file, the permit may be extended subject to no additional conditions.

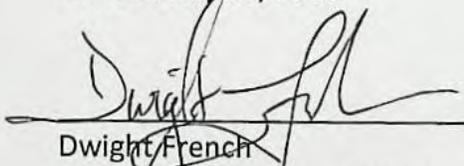
## CONCLUSION OF LAW

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

## ORDER

The extension of time for Application G-12972, Permit G-12458, therefore, is approved. The deadline for completing construction is extended from October 1, 2015 to October 1, 2020. The deadline for applying water to full beneficial use within the terms and conditions of the permit is extended from October 1, 2015 to October 1, 2020.

DATED: July 29, 2016



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

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

Mailing List for Extension FO Copies

FO Date: July 29, 2016

Copies Mailed

Application: G-12972

By: SP

Permit: G-12458

On: 7-29-16

Original mailed to permit holder

Balin Ranch  
Attn: Scott Balin  
13600 Homedale Rd  
Klamath Falls, OR 97603

Copies sent to:

1. WRD - App. File G-12972/ Permit G-12458

Fee paid as specified under ORS 536.050 to receive copy:

2. None

Receiving notification via e-mail - FO available in WRIS for review

(DONE BY EXTENSION SPECIALIST)

3. WRD - Watermaster District 17, Tyler Martin
4. WRD - Kelly Starnes, Permit Amendments

CASEWORKER: CAC

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

**Application for Extension of Time**

In the Matter of the Application for an Extension of Time )  
for Permit G-12458, Water Right Application G-12972, in ) PROPOSED FINAL ORDER  
the name of Balin Ranch )

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Permit Information

Application:	G-12972
Permit:	G-12458
Basin:	14 – Klamath / Watermaster District 17
Date of Priority:	June 5, 1992 for 250.0 acres, December 23, 1992 for 57.1 acres
Source of Water:	A well in the Lost River Basin
Purpose of Use:	Primary and supplemental irrigation of 307.1 acres
Maximum Rate:	3.5 cubic feet per second (cfs)

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

*In Summary, the Department proposes to:*

- Grant an extension of time to complete construction of the water system from October 1, 2015 to October 1, 2020.
- Grant an extension of time to apply water to full beneficial use from October 1, 2015 to October 1, 2020<sup>1</sup>.

This Extension of Time request is being processed in accordance with Oregon Revised Statute 537.630 and 539.010(5), and Oregon Administrative Rule Chapter 690, Division 315.

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<sup>1</sup>Pursuant to ORS 537.630(4), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and a new or revised claim of beneficial use as deemed appropriate by the Department.

## **ACRONYM QUICK REFERENCE**

Department – Oregon Department of Water Resources  
PFO – Proposed Final Order  
cfs – cubic feet per second  
RM – River Mile

## **AUTHORITY**

Generally, see ORS 537.630 and OAR Chapter 690 Division 315.

**ORS 537.630(1)** provides in pertinent part that the Oregon Water Resources Department may, for good cause shown, order an extension of time within which: irrigation or other works shall be completed; the well or other means of developing and securing ground water shall be completed; or the right perfected. In determining the extension, the Department shall give due weight to the considerations described under ORS 539.010(5) and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right.

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

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

## **FINDINGS OF FACT**

### *Background*

1. Permit G-12236 was issued by the Department on January 18, 1996. The permit authorizes the use of up to 3.5 cfs of water from a well in the Lost River Basin for primary and supplemental irrigation of 307.1 acres.
2. Permit G-12458 was issued by the Department on July 31, 1996, to correctly describe the dates for measuring and reporting static water level, beginning and completion of construction, complete application of the water to the use allowed herein, and water use conditions relating to practical technologies or conservation practices. The permit specified actual construction work was to begin on or before January 18, 1997, construction of the water system was to be completed by October 1, 1997, and complete application of water to the use was to be made by October 1, 2000. Permit

G-12236 is superseded and here forward will simply be referred to as Permit G-12458.

3. Permit G-12458 contained special Alternative Dispute Resolution (ADR) conditions for the Department to determine whether the permit may expire, be extended, or be certificated.
4. On November 22, 2004, the Department notified the permit holder that the groundwater investigation results allowed the Department to make a positive finding that using groundwater under Permit G-12236 would not significantly diminish river stage or Bonanza Big Spring flows. Additionally, the Department finds no excessively declining groundwater levels. These findings mean a certificate may be issued.
5. On June 6, 2013, Application for Permit Amendment T-11607 was submitted to the Department, requesting to add additional point of appropriation Well (KLAM 10748). Permit Amendment T-11607 is currently under review by the Department.
6. Two prior permit extensions have been granted for Permit G-12458. The most recent extension request resulted in the completion dates for construction and full application of water being extended from October 1, 2006 to October 1, 2015.
7. On behalf of the permit holder, Scott Balin, owner/operator of Balin Ranch, submitted an "Application for Extension of Time" to the Department on April 4, 2016, requesting both the time to complete construction of the water system and the time to apply water to full beneficial use under the terms and conditions of Permit G-12458 be extended from October 1, 2015 to October 1, 2020.
8. Notification of the Application for Extension of Time for Permit G-12458 was published in the Department's Public Notice dated April 12, 2016. No public comments were received regarding the extension application.

**Review Criteria [OAR 690-315-0040]**

*The time limits to complete construction and/or apply water to full beneficial use may be extended if the Department finds that the permit holder has met the requirements set forth under OAR 690-315-0040. This determination shall consider the applicable requirements of ORS 537.230<sup>2</sup>, 537.248<sup>3</sup>, 537.630<sup>4</sup> and/or 539.010(5)<sup>5</sup>.*

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

9. On April 4, 2016, the Department received a completed Application for Extension of Time and the fee specified in ORS 536.050 from the permit holder.

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

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

<sup>4</sup>ORS 537.630 applies to ground water permits only.

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

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

10. Actual construction of the well began prior to the January 18, 1997 deadline specified in the permit. According to the application, construction of the well began October 23, 1992.

According to the well log received by the Department on November 23, 1992, Well 1 (KLAM 10642) construction began September 23, 1992. The Department has determined that the prosecution of the construction of the well began prior to January 18, 1997.

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

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

11. As of April 4, 2016, the permit holder states the remaining work to be completed consists of gaining approval for Permit Amendment T-11607 to add an additional point of appropriation; completing construction of the water system; meeting all permit conditions; and applying water to full beneficial use.

Given the amount of development left to occur, the Department has determined that the permit holder's request to have until October 1, 2020, to complete construction of the water system and to accomplish the application of water to beneficial use under the terms and conditions of Permit G-12458 is both reasonable and necessary.

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

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

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

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

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

12. The application states, work was accomplished within the time allowed in the permit or previous extension as follows:
  - a. Actual construction of the well began prior to the January 18, 1997 deadline specified in the permit. Construction of Well 1 (KLAM 10642) began September 23, 1992 and was completed October 23, 1992. A pump was installed in November 1992, and power was installed on Well 1 (KLAM10642) in 1993. A

flowmeter was installed May 1, 1994.

- b. No other work was completed during the original development time frame under Permit G-12458, as a majority of the work was completed prior to permit issuance.

The Department has determined that work has been accomplished prior to permit issuance, which provides evidence of good cause and reasonable diligence towards the complete application of water to a beneficial use.

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

- 13. The application states a maximum rate of 3.5 cfs of water has been appropriated from Well 1 (KLAM 10642) for primary and supplemental irrigation of 307.1 acres.
- 14. Beneficial use of water has been demonstrated under this permit because all permit conditions were satisfied by October 1, 2015.
- 15. According to the application or previous extension, delay of full beneficial use of water under Permit G-12458 was due, in part, to the delayed completion of the OWRD Eastern Lost River Sub-Basin Ground Water Investigation. Due to a backlog in OWRD, the previous extension of time expired before Permit Amendment T-11607 could be processed and completed. The permit holder needs more time in which to gain approval for the additional point of appropriation as an alternative long term water supply.

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

- 16. The Department has considered the permit holder's compliance with conditions, and did not identify any concerns.
- 17. Department records show a flow meter was installed May 1, 1994.

On October 5, 2001, the permit holder submitted a plan to the Department, indicating potential economical sources for an alternative long term water supply.

Since the issuance of Permit G-12458, being July 31, 1996, the permit holder has submitted the annual water use records for irrigation years 2005, 2006, and 2012-2014.

Department records show the permit holder has submitted the March static water level measurements for years 1999-2003 and 2010-2014, and the October static water level measurements for years 1996, 1999, 2000, 2008, and 2014 required under Permit G-12458.

The Department has determined that minimal compliance of the condition of "shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department

annually by April 15," and "The permittee shall obtain a static water-level measurement for each well during **March and October** of each year and report the measurements to the Department" has been satisfied, in an effort to make proof of beneficial use of the water as required by Permit G-12458

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

18. The application states the permit holder has invested about \$96,786, which is approximately 94 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional \$5,575 investment is needed for the completion of this project.

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

19. The Department has found good faith of the appropriator under Permit G-12458.

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

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

The amount of water available to satisfy other affected water rights and scenic waterway flows; special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d); or the habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife [OAR 690-315-0040(4)(a-c)].

20. The amount of water available to satisfy other affected water rights and scenic waterway flows was determined at the time of issuance of Permit G-12458; furthermore, water availability for other affected water rights and scenic waterway flows after the permit was issued is determined when an application for a new water right is submitted. The point of appropriation for Permit G-12458, located within the Lost River Basin, is not located within a limited or critical ground water area. Lost River is groundwater connected to The Klamath Scenic Waterway, and, it is located within an area ranked "low" for stream flow restoration needs as determined by the Department in consultation with the Oregon Department of Fish and Wildlife, and is located within a Sensitive, Threatened or Endangered Fish Species Area as identified by the Department in consultation with Oregon Department of Fish and Wildlife. The point of appropriation is in an area listed by the Department of Environmental Quality as a water quality limited stream for Dissolved Oxygen (RM 4.8 to 65.4), E. Coli (RM 4.8 to 65.4), Ammonia

(RM 4.8 to 65.4), Temperature (RM 4.8 to 65.4), Arsenic (RM 4.8 to 65.4), and Chlorophyll a (RM 4.8 to 65.4).

***Other economic interests dependent on completion of the project [OAR 690-315-0040(4)(e)].***

21. None have been identified.

***Other factors relevant to the determination of the market and present demand for water and power [OAR 690-315-0040(4)(f)].***

22. None have been identified.

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

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

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

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

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

25. According to the permit holder, unforeseen events extended the length of time needed to fully develop and perfect Permit G-12458, in that the permit holder was faced with the expiration of the previous extension of time due to a backlog at OWRD, which restricted their ability to complete development of the project in a timely manner.

## **CONCLUSIONS OF LAW**

1. The applicant is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.630(1).
2. The applicant has submitted a complete extension application form and the fee specified in ORS 536.050, as required by OAR 690-315-0040(1)(a).
3. The applicant complied with begin actual construction timeline requirements pursuant to ORS 537.630 as required by OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).
4. Based on Finding of Facts 9 through 18, completion of construction and full application of water to beneficial use can be accomplished by October 1, 2020, as required by OAR 690-315-0040(1)(c).
5. The Department has considered the reasonable diligence and good faith of the appropriator, the cost to appropriate and apply water to a beneficial purpose, the market and present demands for water to be supplied, the financial investment made and fair and reasonable return upon the investment, the requirements of other governmental agencies, and unforeseen events over which the permit holder had no

control, whether denial of the extension will result in undue hardship to the applicant and whether there are no other reasonable alternatives for meeting water use needs, any other factors relevant to a determination of good cause, and has determined that the applicant has shown that good cause exists for an extension of time to complete construction and apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).

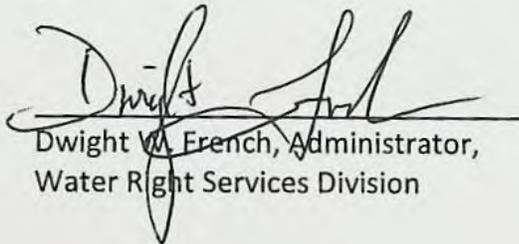
## PROPOSED ORDER

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

Extend the time to complete construction of the water system under Permit G-12458 from October 1, 2015 to October 1, 2020.

Extend the time to apply water to beneficial use under Permit G-12458 from October 1, 2015 to October 1, 2020.

DATED: June 7, 2016

  
Dwight W. French, Administrator,  
Water Right Services Division

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

### Proposed Final Order Hearing Rights

1. Under the provisions of OAR 690-315-0100(1) and 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may submit a written protest to the proposed final order. The written protest must be received by the Water Resources Department no later than **July 22, 2016**, being 45 days from the date of publication of the proposed final order in the Department's weekly notice.
2. A written protest shall include:
  - a. The name, address and telephone number of the petitioner;
  - b. A description of the petitioner's interest in the proposed final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented;
  - c. A detailed description of how the action proposed in the proposed final order would adversely affect or aggrieve the petitioner's interest;



Mailing List for Extension PFO Copies

PFO Date: June 7, 2016

-

Copies Mailed

Application: G-12972

Permit: G-12458

By: SP

On: 6-7-16

Original mailed to Applicant:

Balin Ranch  
Attn: Scott Balin  
13600 Homedale Rd  
Klamath Falls, OR 97603

Copies sent to:

1. WRD - App. File G-12972/ Permit G-12458

Fee paid as specified under ORS 536.050 to receive copy:

2. None

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

3. WRD - Watermaster District 17, Tyler Martin

CASEWORKER: CAC

**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A  
SALEM, OR 97301-4172

RECEIPT # **119356**

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

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

RECEIVED FROM: <u>Balin Ranches</u>	APPLICATION <u>G-12972</u>
BY: _____	PERMIT _____
	TRANSFER _____

CASH:  CHECK:#  9563 OTHER: (IDENTIFY)  \_\_\_\_\_

TOTAL REC'D \$ 575.00

<b>1083 TREASURY</b>	<b>4170 WRD MISC CASH ACCT</b>
0407 COPIES	\$ _____
OTHER: (IDENTIFY) _____	\$ _____
0243 I/S Lease _____	0244 Muni Water Mgmt. Plan _____
	0245 Cons. Water _____

<b>4270 WRD OPERATING ACCT</b>	
MISCELLANEOUS	
0407 COPY & TAPE FEES	\$ _____
0410 RESEARCH FEES	\$ _____
0408 MISC REVENUE: (IDENTIFY) _____	\$ _____
TC162 DEPOSIT LIAB. (IDENTIFY) _____	\$ _____
0240 EXTENSION OF TIME	\$ <u>575.00</u>
<b>WATER RIGHTS:</b>	<b>EXAM FEE</b>
0201 SURFACE WATER	\$ _____ 0202
0203 GROUND WATER	\$ _____ 0204
0205 TRANSFER	\$ _____
<b>WELL CONSTRUCTION</b>	<b>EXAM FEE</b>
0218 WELL DRILL CONSTRUCTOR	\$ _____ 0219
LANDOWNER'S PERMIT	0220
OTHER (IDENTIFY) _____	

<b>0536 TREASURY</b>	<b>0437 WELL CONST. START FEE</b>
0211 WELL CONST START FEE	\$ _____
0210 MONITORING WELLS	\$ _____
OTHER (IDENTIFY) _____	

<b>0607 TREASURY</b>	<b>0467 HYDRO ACTIVITY</b>	LIC NUMBER
0233 POWER LICENSE FEE (FW/WRD)		\$ _____
0231 HYDRO LICENSE FEE (FW/WRD)		\$ _____
HYDRO APPLICATION		\$ _____

<b>TREASURY</b>	<b>OTHER / RDX</b>
FUND _____	TITLE _____
OBJ. CODE _____	VENDOR # _____
DESCRIPTION _____	\$ _____

RECEIPT: **119356** DATED: 4/4/16 BY: Carbs O. Turner

BALIN RANCHES

9563

OREGON Water Resources Dept.

3/31/2016

2016 Extension Application #g-12972 thru 2020

575.00

RECEIVED BY OWRD

APR 04 2016

SALEM, OR

Checking-USB 2935

Extension Application #G-12972 thru 2020

575.00

Application # 6-12972 Permit # 6-12458

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

◆ **WRIG...**

Money Received on: \_\_\_\_\_

◆ **Extension Specialist...**

Added to tracking spreadsheet

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

◆ **Stacy Phillips...**

Publish on Public Notice (initial 30-day comment): Date of notice 4-12-16

Update WRIS Database

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

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

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



Oregon  
Kate Brown, Governor

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

April 7, 2016

REFERENCE: Application for Extension of Time

Dear Extension of Time Applicant:

The Water Right Services Division has received your application for an extension of time for **APPLICATION FILE #: G-12972 (Permit G-12458)**. Your application will be reviewed in the future. Following the review, you will receive a Proposed Final Order either approving or rejecting the extension of time request. A 45-day protest period begins upon issuance of the Proposed Final Order. After the protest period closes, a Final Order is issued.

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

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

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

Extension PFO Checklist for  
**Other than Muni or Quasi-Municipal**  
 Water Use Permits  
 (OAR 690-315-0010 through OAR 690-315-0060)

Application: 6 - 12972 Permit: 6 - 12458 Permit Amendment? No  Yes  T- 11607  pending  
 6-6-13  approved  
 Permit Holder's Name: Balin Ranch - Scott Balin APOA

Permit Holder's Mailing Address: 13600 Homedale Rd Klamath Falls OR 97603 email balin ranches@gmail.com  
 Phone Number: 541-281-7909

Agent/CWRE none

Drainage Basin: 14 County: Klamath Watermaster District: 17 Watermaster: vacant SCR  
 Klamath ← Gorman

Date Permit was issued: July 31, 1996 Priority Date: June 5, 1992 for 250 acres Date of PN: 4-12-16  
December 23, 1992 for 57.1 acres

Source: A well in the Lost River Basin  
 Use: IR + IS of 307.1 acres  
 "Q": 3.5 cfs

Orig "A" Date: January 18, 1997 Orig "B" Date: 10/1/1997 Orig "C" Date: 10/1/2000  
 Extension request received: 4-4-16 Last Authorized "B" Date: 10/1/2015 Last Authorized "C" Date: 10/1/2015  
 Request Number (1, 2, 3...): 3 Proposed "B" Date: 10/1/2020 Proposed C Date: 10/1/2020

Conditions of Permit:

Condition Met?	Condition Not Met?	Permit Condition
✓		Began Construction: <u>KLAM 10642 9-23-92 / 10-23-92</u>
✓		<u>meter</u>
✓		<u>Annual water use reports April 2005</u>
✓		<u>March/October SWL March 1999 October 1992 (not consistent)</u>

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

- Yes  No
- Work was accomplished within the time allowed in the permit or previous extension
  - Water right permit holder conformed with the permit or previous extension conditions
  - Beneficial use made of the water during the permit or previous extension time limits
    - Permit holder has beneficially used 3.5 (cfs) gpm/af of the total permitted quantity of water on 307.1 acres
  - Financial investments were made toward developing the beneficial water use.
    - Amount Invested to date: \$ 96,786 Estimated Remaining Cost: \$ 5575.00

GW REVIEW: Y  cc  
 MITIGATION REVIEW: Y

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

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

Identify the closest surface water or localized water basin. Lost River

Ground Water Permits: Is the POA located...

Surface Water Permits: Is the POD located...

- Yes No
- above a state scenic waterway? Source: OWRD "Areas Above State Scenic Waterways" Map
  - within a stream segment designated as a federal wild and scenic river? Source: www.rivers.gov/wildriverslist.html
  - within a critical or limited Ground Water Area? Name of area \_\_\_\_\_
  - within a sensitive, threatened or endangered species area source: "/gisdata/dev/projects/salmon/div33map.aml"
  - in a waterbody listed on the DEQ Section 303(d) List of Water Quality Limited Areas? Date added to list \_\_\_\_\_
  - within an area ranking low / moderate / high (circle one) for stream flow restoration needs Source: OWRD "Streamflow Restoration Needs" Maps (by region)

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

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

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

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

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

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

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

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

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

**NOTES:**

**Extension "PFO" Dates**

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

Reviewer's Name: Corey Date: 4-4-16

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

- 1. Is the permit to be extended Non-Cancelled according to WRIS and the permit file? yes  
**If the permit has been cancelled, the Extension Application cannot be accepted.**
- 2. Is the extension applicant's name and mailing address the permit holder of record? yes  
If an Assignment has **not** yet occurred, and is **not** submitted with the Extension of Time Application, the application cannot be accepted.
- 3. Did Construction begin on or before the "A" date (Actual Construction date), If no "A" date then by the "C" date (Completion Date)? yes  
**IF NO, Return application, The Extension cannot be granted.**
- 4. Pull the permit file. If a copy of the permit is not in the file, pull up an image of the permit in WRIS.
- 5. Is the appropriate Extension of Time Application used? yes  
If the wrong application form is used, the Extension Application cannot be accepted.
  - If a Municipal or Quasi-Municipal permit, use: "Application for Extension of Time for Municipal and Quasi-Municipal Water Use Permits."
  - If a NON-Municipal or NON-Quasi-Municipal permit, use: "Application for Extension of Time for a Water Right Permit (Non-Municipal / Non-Quasi-municipal Water Use)."
- 6. Are the requested date(s) for extension identified (Page 1)? yes  
  - Check the permit to see if it includes a "B-Date" and/or a "C-Date."  
 "B-Date" = date by which construction of the water delivery system for the permit is to be completed.  
 "C-Date" = date by which full beneficial use of water under the permit is to be accomplished AND CONSTRUCTION MUST BEGIN by if no "A" DATE.
- 7. Is the Extension Application signed (with an original signature) by permit holder(s) of record or an authorized agent? yes  
(If signed by agent, documentation from the permit holder(s) granting authorization for the agent to sign on their behalf must be provided or be present and current in the permit file.)  
  
If **not** signed by a permit holder of record or authorized agent, the Extension Application cannot be accepted.
- 8. Are all questions on the application answered? yes  
(NOTE: Supporting documentation such as: copies of the permit, well log(s), annual water use reports, static water level measurement reports, evidence demonstrating construction/work/water use accomplished, etc. may be included.)
- 9. Has the \$575 fee been paid? yes  
  - \*If applicable, has the \$85 fee for the Assignment been paid? \_\_\_\_\_  
(As of July 1, 2013, the Extension of Time fee is \$575, and Request for Assignment fee is \$85)
  - If the fee has **NOT** been paid, the application cannot be accepted.
  - \*\*NOTE: If the fee is the only item missing, contact the applicant to see if they can submit the fee with the next few days. If the applicant commits to submitting the fee within one week, hold the Extension Application, and explain to them that if it is not received the application will be returned (as we are required to keep any application, regardless of how complete, if retained by the Department as long as two weeks.
- 10. If after completing this checklist, it is not clear whether the application can be accepted, please route both the money slip and Non-Muni Extension Application to Machel Bamberger or Corey Courchane. For municipal application route to, Machel Bamberger. One will either: 1) accept the application; 2) return the application; or 3) prepare a deficiency letter.

Reviewed by: Corey Date: 4-4-16

[Print Report](#)



**Oregon Water Resources Department  
Attribute Report**

Report Date: Apr 11, 2016

**General:**

TRSQQ:	WM41.00S13.00E13NENE WM41.00S14.00E7SESW WM41.00S14.00E18NESW WM41.00S14.00E18NWNW WM41.00S14.00E18SENE WM41.00S14.00E18NWSE WM41.00S14.00E18SWSE WM41.00S14.00E18NENW WM41.00S14.00E18SENW WM41.00S14.00E18SESE WM41.00S14.00E18SWNW WM41.00S14.00E18NWSW WM41.00S13.00E13NESE WM41.00S14.00E18NENE WM41.00S14.00E7SWSW WM41.00S13.00E13SENE WM41.00S14.00E7SWSE WM41.00S14.00E18SWSW WM41.00S13.00E13SESE WM41.00S14.00E18NESE WM41.00S14.00E18SESW WM41.00S14.00E18SWNE WM41.00S14.00E18NWNW
DLC:	-
Latitude:	42.0135631400
Longitude:	-121.2251281205
Buffer (ft):	2640
Elevation (ft):	4164
Basin Name:	Klamath
County:	Klamath
WM District:	17
WM Region:	SOUTH CENTRAL

ODFW Region, District:	High Desert, Klamath District
Irrigation District AOI:	
Irrigation District, Other:	LANGELL VALLEY IRRIGATION DISTRICT
Dams (Permit):	MALONE DIVERSION DAM -0
Water Rights:	<u>Platcard for WM41.00S13.00E13</u> <u>Platcard for WM41.00S14.00E7</u> <u>Platcard for WM41.00S14.00E18</u> <u>Platcard for WM41.00S13.00E13</u> <u>Platcard for WM41.00S14.00E18</u> <u>Platcard for WM41.00S14.00E7</u> <u>Platcard for WM41.00S13.00E13</u> <u>Platcard for WM41.00S14.00E7</u> <u>Platcard for WM41.00S14.00E18</u> <u>Platcard for WM41.00S13.00E13</u> <u>Platcard for WM41.00S14.00E18</u> <u>Platcard for WM41.00S14.00E18</u> <u>Platcard for WM41.00S14.00E18</u>
Well Logs:	<u>Logs for WM41.00S13.00E13</u> <u>Logs for WM41.00S14.00E7</u> <u>Logs for WM41.00S14.00E18</u> <u>Logs for WM41.00S13.00E13</u> <u>Logs for WM41.00S14.00E18</u> <u>Logs for WM41.00S14.00E7</u>

<u>Logs for WM41.00S13.00E13</u>
<u>Logs for WM41.00S14.00E7</u>
<u>Logs for WM41.00S14.00E18</u>
<u>Logs for WM41.00S13.00E13</u>
<u>Logs for WM41.00S14.00E18</u>

**Rules:**

Withdrawn Authority:	-
Groundwater Retriected:	-
GW Retriected Subunit:	-
GW ODEQ Management Area:	-
GW Umatilla Muni Wells (5mile):	-
Rule 4D:	-
Division 33 (Area, Watershed, species):	<p><b>STATEWIDE, Rock Creek-Lost River, Lost River Sucker, Shortnose Sucker</b></p> <hr/> <p><b>STATEWIDE, Langell Valley-Lost River, Lost River Sucker, Shortnose Sucker, Redband Trout</b></p>
Water Quality Limited Pollutant:	<p><b>Lost River</b>                  R. Mile: 4.8 to 65.4                  HUC4: 18010204                  Pollutant: Dissolved Oxygen                  Season: NaN                  Uses: Cool-water aquatic life                  Status: Cat 5: Water quality limited, 303(d) list, TMDL needed                  Action: No 2010 action</p> <hr/> <p><b>Lost River</b>                  R. Mile: 4.8 to 65.4                  HUC4: 18010204                  Pollutant: E. Coli                  Season: NaN                  Uses:                  Status: Cat 5: Water quality limited, 303(d) list,</p>

TMDL needed  
 Action: EPA addition to 303(d) list

---

**Lost River**  
 R. Mile: 4.8 to 65.4  
 HUC4: 18010204  
 Pollutant: Ammonia  
 Season: NaN  
 Uses: Aquatic life  
 Status: Cat 5: Water quality limited, 303(d) list,  
 TMDL needed  
 Action: No 2010 action

---

**Lost River**  
 R. Mile: 4.8 to 65.4  
 HUC4: 18010204  
 Pollutant: Temperature  
 Season: NaN  
 Uses:  
 Status: Cat 5: Water quality limited, 303(d) list,  
 TMDL needed  
 Action: EPA addition to 303(d) list

---

**Lost River**  
 R. Mile: 4.8 to 65.4  
 HUC4: 18010204  
 Pollutant: Habitat Modification  
 Season: NaN  
 Uses: Salmonid fish spawning; Resident fish and  
 aquatic life; Salmonid fish rearing  
 Status: Water quality limited not needing a TMDL  
 Action: No 2010 action

---

**Lost River**  
 R. Mile: 4.8 to 65.4  
 HUC4: 18010204  
 Pollutant: Arsenic  
 Season: NaN  
 Uses: Human health; Aquatic life  
 Status: Cat 5: Water quality limited, 303(d) list,  
 TMDL needed  
 Action: Status modification - EPA addition to 303(d)  
 list

---

**Lost River**  
 R. Mile: 4.8 to 65.4

	<p>HUC4: 18010204                  Pollutant: Chlorophyll a                  Season: NaN                  Uses: Aesthetics; Livestock watering; Fishing; Water supply; Water contact recreation                  Status: Cat 5: Water quality limited, 303(d) list, TMDL needed                  Action: No 2010 action</p> <hr/> <p><b>Lost River</b>                  R. Mile: 4.8 to 65.4                  HUC4: 18010204                  Pollutant: Flow Modification                  Season: NaN                  Uses: Salmonid fish spawning; Resident fish and aquatic life; Salmonid fish rearing                  Status: Water quality limited not needing a TMDL                  Action: No 2010 action</p>
Is in Deschutes Study Area:	-
Deschutes Zone Impact:	-
Deschutes Zone Overlay:	-
Scenic Water Way:	<p><b>The Klamath Scenic Waterway 390.826 (2) Klamath River from the John Boyle Dam powerhouse downstream to the Oregon-California border</b>                  Status: GWCONNECT</p>

**Hydrography:**

OWRD Streamcode:	140010 - Lost R
Waterbody Name:	-
HUC 10:	1801020406 1801020404
HUC Watershed:	Langell Valley-Lost River Rock Creek-Lost River
WAB Wshed Order:	-
WAB Analysis:	-
Streamflow:	-
Gaging Station Data:	-

**Sources:**

<i>General</i>
<i>Oregon Public Land Survey Quarter-quarters.</i> Bureau of Land Management, Oregon Water Resources Department.. n.d. 1:24,000.
<i>Donated Land Claims.</i> Oregon Water Resources Department. January 1, 1995. 1:100,000.
<i>Elevation.</i> ESRI World Elevation. February 2000. 1:121,000.
<i>OWRD Administrative Basins.</i> Oregon Water Resources Department. January 1, 1995.
<i>Oregon Counties.</i> Bureau of Land Management (BLM), Oregon State Office.. January 1, 2008.
<i>OWRD Watermaster Districts.</i> Oregon Water Resources Department. March 31, 2014.
<i>OWRD Regions.</i> Oregon Water Resources Department. January 1, 1995.
<i>ODFW Districts and Regions.</i> Oregon Department of Fish and Wildlife. August 28, 2012.
<i>Water Organizations</i> Oregon Water Resources Department. April 1, 2013. 1:24,000.
<i>Large Dams Inventory.</i> Oregon Water Resources Department. August 12, 2014. 1:24,000.
<i>Rules</i>
<i>Withdrawn Authority Areas.</i> Oregon Water Resources Commission. January 1, 2007.
<i>OWRD Groundwater Restricted Areas.</i> Oregon Water Resources Department. April 1, 2009.
<i>OWRD Groundwater Restricted Areas - Subunits.</i> Oregon Water Resources Department. April 1, 2009.
<i>ODEQ Groundwater Management Areas (GWMAs).</i> Oregon Department of Environmental Quality. April 21, 2008.
<i>Groundwater Umatilla Municipal Wells 5-mile buffer.</i> Oregon Water Resources Department. June 28, 2012.
<i>National Marine Fisheries Service (NMFS) 4(d) Rule.</i> National Marine Fisheries Service. January 1, 2007.

*OAR Chapter 690, Division 33 - HUC 10*. Oregon Department of Fish & Wildlife. January 1, 2003.

*Oregon Water Quality Assessment 2010*. This data set was assembled by the Oregon Department of Environmental Quality, Water Quality Division, Standards and Assessments Section. GIS data prepared by the Watershed Management Section, Drinking Water Program.. August 16, 2013.

*Deschutes USGS Groundwater Study Area*. Water Resources Commission, U.S. Geological Survey (USGS) Water Resources Division (Portland, OR), Oregon Water Resources Department.. January 1, 2001. 1:100,000.

*Deschutes Zones of Impact*. Oregon Water Resources Department.. October 25, 2007.

*Deschutes Zones Overlay*. Oregon Water Resources Department. October 25, 2007.

*Oregon State Scenic Waterway areas*. Oregon Water Resources Department, Oregon Parks and Recreation Department.. January 1, 2007.

### ***Hydrography***

*Routed OWRD Streamcodes (conflated to the NHD)*. Oregon Water Resources Dept.. August 11, 2014.

. Unknown. n.d.

*Watershed Boundary Dataset (WBD), 10-digit (watershed)*. Pacific Northwest Hydrography Framework, U.S. Geological Survey (USGS), National Resources Conservation Service (NRCS).. June 11, 2014. 1:24,000.

*Water Availability Basins*. Oregon Water Resources Department.. n.d. 1:100,000.

*Priority Watersheds for Streamflow Restoration*. Oregon Water Resources Dept. and the Oregon Dept. of Fish & Wildlife.. January 15, 2004.

*Stream Gage Stations*. Oregon Water Resources Department and US Geological Survey. n.d.

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[Print Report](#)

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



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

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**Criteria for a Permit Extension of Time**

The Department can accept requests for an extension of time on permits to **(1) complete construction**, and/or to **(2) apply water to beneficial use**.

In order to approve a permit extension request the Department must be able to find:

**1) Construction has begun:**

**A. For Groundwater Permits**

Construction of the well began within 5 years of the date the permit was issued or by the actual construction date specified in the permit.

**B. For Surface Water or Reservoir Permits**

Construction of the water system began within 5 years of the date the permit was issued or by the actual construction date specified in the permit.

The Department will also confirm that:

- 2) A required fish screen, fish passage or fish by-pass device was installed before or prior to diversion of any water. An exception to the need to confirm installation prior to diversion of any water would be a waiver submitted to the Department from ODFW stating that a fish screen, fish passage or fish by-pass device was not required, provided your permit allows for a waiver.**

If you have questions, please call the Department at (503)-986-0900 and ask to speak with a permit extension specialist.

Instructions are in Attachment A.



Before submitting your Application for Extension of Time, make sure the following items are included:

- This completed Application for Extension of Time.
- Statutory fee of \$575.
- Signature page (Second page of this Application for Extension of Time).
- All supporting documentation and/or evidence referenced in the Application for Extension of Time.

**MAIL COMPLETED APPLICATION**  
along with the Supporting documents and/ or evidence

**\$575 STATUTORY FEE TO:**

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

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GENERAL TIPS:

- Permit holders of **municipal or quasi-municipal water use permits DO NOT use this form**. The correct form is APPLICATION FOR EXTENSION OF TIME FOR MUNICIPAL AND QUASI-MUNICIPAL WATER USE PERMITS, available at the following link:  
[http://www.oregon.gov/owrd/PUBS/docs/forms/fillable\\_muni\\_quasi\\_ext\\_app\\_form\\_2014.doc](http://www.oregon.gov/owrd/PUBS/docs/forms/fillable_muni_quasi_ext_app_form_2014.doc)
- Request the reasonable amount of time necessary to fully complete construction of the water project and/or to fully use the permitted quantity of water under the terms and conditions of your permit. Should this request be approved, it will be OWRD's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.
- A separate APPLICATION FOR EXTENSION OF TIME must be submitted for each permit. OAR 690-315-0020(2).
- An instruction sheet, INSTRUCTIONS FOR COMPLETING AN APPLICATION FOR EXTENSION OF TIME FOR A WATER RIGHT PERMIT (Attachment A), provides details that will help you answer each question on the application. Permit extensions are evaluated under OAR Chapter 690, Division 315. These rules may be viewed at:  
[http://arcweb.sos.state.or.us/pages/rules/oars\\_600/oar\\_690/690\\_315.html](http://arcweb.sos.state.or.us/pages/rules/oars_600/oar_690/690_315.html)
- You may provide OWRD with any additional information or evidence that will aid us in making our decision. Please note that OWRD may require other information that is necessary to evaluate the application. OAR 315-0020(3)(n).

- After careful review of the Application for Extension of Time, you may contact OWRD at (503) 986-0900, to ask questions and request assistance from a Permit Extensions Specialist in the Water Rights Services Division.
- An Application for an Extension of Time will be reviewed for completeness. OWRD will return any incomplete or deficient applications to the applicant. OAR 690-315-0040(1)(a).

**Reference Materials Needed to Complete this Application:**

- **The water right permit.** If needed, a copy of the water right permit can be downloaded from the Department's Website at <http://apps.wrd.state.or.us/apps/wr/wrinfo/> (using the link to the Water Rights Information System (WRIS). Or, a copy of the permit (or other documents) may be requested by water right application number from the Water Rights Division at 503-986-0900 (copy fees will apply).
- **Documentation which demonstrates compliance with permit conditions** (for example, well construction logs; static water level measurement reports; annual water use reports; ODFW fish screen certification; a plan to monitor the effect of water use on ground water aquifers utilized under the permit; etc.).

**Questions to complete this application for an Extension of Time**

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

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1. **Beginning Construction within required deadlines.** OAR 690-315-0020(3)(d)  
For Groundwater Permits

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Has construction of the well begun? X Yes  No

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Date construction began Month: 10 Day: 23 Year: 1992

Details of construction and attach documentation: \_\_\_\_\_

For Surface/Reservoir Permit

Has construction of the water system begun?  Yes  No

Date construction began Month: \_\_\_\_\_ Day: \_\_\_\_\_ Year: \_\_\_\_\_

Details of construction and attach documentation: \_\_\_\_\_

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

2. Permits typically contain standard or special conditions that must be fully satisfied to lawfully develop and use permitted water. Review the permit subject to this extension to identify which of the conditions listed in the 2<sup>nd</sup> column are contained within it. Using the extra row labeled "other" to specify any other additional conditions specified in a final order approving a permit amendment or prior extension of time. In the 1<sup>st</sup> column check the box for each condition (row) identified as relevant. In the 3<sup>rd</sup> column check "Yes" if you have completed or met the permit condition. Check "No" if the condition is not yet satisfied. In the 4<sup>th</sup> column, give the date when the condition was satisfied or will be satisfied. Attach any pertinent documentation. Note: a pump test condition does not need to be addressed here however; you must submit the results of the test to the Department for approval prior to certification.

CHART-A

Permit Conditions in this Permit		Have Completed or Met?	Date satisfied/ or will be satisfied
Checkbox	Ground water Check those included on this permit		
<input type="checkbox"/>	Installation of a meter/totalizing flow meter	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of annual water usage report	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of initial static water level measurement	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of annual static water level measurements in the month required	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of Seven consecutive static water level measurements in the month required	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Special well construction standards	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of a monitoring plan	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify): Transfer T-11607	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Surface Water or Reservoir</b>			
<input type="checkbox"/>	Installation of a meter/ totalizing flow meter/ in-line meter	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation a staff gauge	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of a fish screen	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of a fish by-pass device	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of a fish passage	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Installation of an outlet gate/pipe/ conduit	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of a letter from ODFW that fish screen, fish by-pass device, and or fish passage is not required	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submit as-built plans and specification	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Submittal of a letter from an engineer prior to storage	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	Other (Specify):	<input type="checkbox"/> Yes <input type="checkbox"/> No	

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If you have NOT complied with Permit conditions, explain the reasons why and indicate a date certain, when you will be in compliance.

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

3. Provide evidence of physical work made toward completion of the water system, and of progress made toward making beneficial use of water within the permitted time period (CHART-B); and if applicable, within the time period of the most recent extension granted (CHART-C). CHART-B (below) must be completed for all Application for Extension of Time requests. *Use chronological order.* (this does NOT include planning, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, surveying, clearing land, or planting crops)

#### CHART-B

DATE	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List any work done before the permit was issued – eg. well drilled.</i>	COST*
6/5/1992	KLAM 10642	
DATE	WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED <i>and PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER</i> <i>List work/actions done during the permitted time period.</i>	COST*
7/31/1996	Date the permit was signed - find date above signature on last page of permit.	
10/5/2001	1 <sup>st</sup> Extension	
	Date the permit specified complete application of water to the use shall be made- all permits contain this date.	
DATE	WORK ACCOMPLISHED AFTER the date the permit specified complete application of water <i>COMPETE ONLY IF THIS IS YOUR 1st APPLICATION FOR AN EXTENSION OF TIME: List work done after the date specified in the permit for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
6/6/2013	T-11607 was applied for	
Total Cost for Chart-B		

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

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

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**CHART-C**

DATE	<b>WORK ACCOMPLISHED DURING THE LAST EXTENSION PERIOD</b> <i>List all work done during the last authorized extension period.</i>	COST*
10/05/2001	"Extended From" date for complete application of water used in the 1 <sup>st</sup> (or the most recent) Application for Extension of Time.	
08/14/12	2 <sup>nd</sup> Extension	
10/01/15	2 <sup>nd</sup> extension expires	
6/6/13	Transfer T-11607 APOA is applied for.	
	"Extended To" date for complete application of water resulting from the 1 <sup>st</sup> (or the most recent) Application for Extension of Time.	
DATE	<b>WORK ACCOMPLISHED AFTER THE LAST EXTENSION PERIOD EXPIRED</b> <i>List all work done after the last authorized date for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
2/16/16	T-110607 is waiting to be processed. But cannot be done until an additional extension is approved	
Total Cost of Chart-C		

\* If exact cost is not known, you must provide your best estimate. [OAR 690-315-0020(3)(f)]

5. Cost of project to date: \_\_\_\_\_  
 (The total combined cost from CHART-B and CHART-C) [OAR 690-315-0020(f)]

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

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

*TIP: Report the rate used to date. Unless full beneficial use has been made, this rate will be less than the rate authorized on the permit.*

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

*TIP: Report the rate in the same units of measurement as specified in the permit.*

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Maximum rate used to date = 3.5 cfs (cubic feet per second) or,

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

Acre-feet stored to date = \_\_\_\_\_ AF

**7. For Ground Water Permit Extensions (e.g. G-XXXX):**

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

**CHART-D**

Well # as identified on Permit	Water User's Well #	Has this well been drilled?	IF DRILLED					If yes, provide the Permit, Certificate, or Transfer No.
			Well Log Number e.g. MORR 50473	Well Tag Number e.g. # 27566 or N/A	Is the actual drilled location authorized on this permit or on a permit amendment? (See 8 below)	Maximum instantaneous rate used to date from this well - - under this permit only (CFS or GPM)	Is this well authorized or utilized under any OTHER water rights?	
1		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	KLAM 10642		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	3.5CFS	Yes <input type="checkbox"/> No <input type="checkbox"/>	G-12458 -
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
Total instantaneous rate from all wells utilized under this permit						3.5cfs		

**8. If the drilled location of a well is not authorized on this permit, please specify its location below, or provide a map showing its location.**

Has or will a Permit Amendment Application been/be filed? Yes  No

If a Permit Amendment Application has been filed: Transfer No. T-11607

Well # \_\_\_\_\_ Actual location: \_\_\_\_\_

Well # \_\_\_\_\_ Actual location: \_\_\_\_\_

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

9. Provide the total number of acres irrigated to date under this permit (if applicable). List by year, the number of acres irrigated each year since permit issuance, and provide a copy of the application map identifying the acres irrigated. 307.1

Total acres irrigated to date: 307.1

Ground Water Permits: Please specify which wells are being utilized for this irrigation.

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Well #1 Acres 307.1 Well # \_\_\_\_\_ Acres \_\_\_\_\_

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Well # \_\_\_\_\_ Acres \_\_\_\_\_ Well # \_\_\_\_\_ Acres \_\_\_\_\_

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

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

CHART-E

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
10/01/2017	Transfer 11607 is waiting for the extension to complete process	\$575.00
Year: 2019	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	\$5000.00
Total Cost		\$5575.00

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

11. Estimated remaining cost to complete the project: \$5575.00  
(The total cost from CHART-E)

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

12. Describe the reasons why the construction was not completed, and/or water was not beneficially used within permit time limits. Provide supporting information for the reason(s) that best fits your circumstances. Include any additional unforeseen events and/or other governmental regulation or requirements.

The permit was submitted for a transfer for APOA. Due to backlog in WRD the extension has expired before the transfer could be processed and completed.

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

**13. Justify the time requested to complete the project and/or apply the water to full beneficial use.** Include any other information or evidence to establish that the requested amount of time is sufficient and that you will be able to complete the project within the amount of time requested.

Talked to Kerri Cope and she estimated the completion of transfer would be by Dec. 2016

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[OAR 690-315-0020(3)(m)(n)]

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

Once the extension is processed the transfer can be completed.

**Attach permit, and documentation to the application.**

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

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Water Rights Application  
Number G-12972

APR 04 2016

SALEM, OR

**Final Order  
Extension of Time for Permit Number G-12458  
Permit Holder: Balin Ranch**

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**Permit Information**

**Application File G-12972 Permit G-12458**

Basin: 14 – Klamath / Watermaster District 10

Date of Priority: June 5, 1992

**Authorized Use of Water**

Source of Water: A Well in the Lost River Basin

Purpose of Use: Irrigation of 307.1 Acres

Maximum Rate: 3.5 Cubic Feet Per Second (cfs)

---

**This Extension of Time Request is being processed in accordance with  
Oregon Revised Statute 537.630 and 539.010(5), and Oregon Administrative  
Rule Chapter 690, Division 315**

**Application History**

Permit G-12458 was issued by the Department on July 31, 1996. The permit called for completion of construction by October 1, 1997 and complete application of water to beneficial use by October 1, 2000. On January 4, 2013, Balin Ranch submitted to the Department an Application for Extension of Time for Permit G-12458. In accordance with OAR 690-315-0050(2), on April 30, 2013, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 1, 2015. The protest period closed June 14, 2013, in accordance with OAR 690-315-0060(1). No protest was filed.

Final Order: Permit G-12458

Page 1 of 2

**Appeal Rights**

**This is a final order in other than a contested case.** This order is subject to judicial review under ORS 183.484. A request 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 file 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.

**Findings of Fact**

Except as expressly stated herein, The Department adopts and incorporates by reference the findings of fact in the Proposed Final Order dated April 30, 2013.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to no additional conditions.

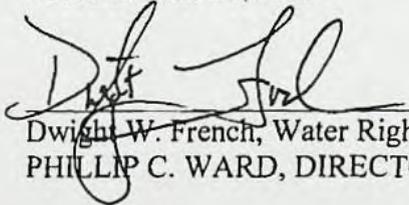
**CONCLUSION OF LAW**

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

**Order**

The extension of time for Application G-12972, Permit G-12458, therefore, is approved. The deadline for applying water to full beneficial use within the terms and conditions of the permit extended to from October 1, 2006 to October 1, 2015.

DATED: June 21, 2013



Dwight W. French, Water Right Services Administrator, for  
PHILLIP C. WARD, DIRECTOR

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- 
- If you have any questions about statements contained in this document, please contact Michele McAleer at (503) 986-0825.
  - If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900
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415/14E/1800

STATE OF OREGON WATER WELL REPORT (as required by ORS 537.765)

KLAM 10642

NOV 23 1992

WATER RESOURCES DEPT SALEM, OREGON (START CARD) # 39907

(1) OWNER: Name BAUN RANCHES Well Number #1 Address 13600 HOMEDALE RD City KLAMATH FALLS State ORG Zip 97601

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

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

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

(5) BORE HOLE CONSTRUCTION: Special Construction approval [ ] Yes [X] No Depth of Completed Well 224 ft. Explosives used [ ] Yes [X] No Type Amount

Table with columns: HOLE Diameter, From, To, SEAL Material, From, To, Amount sacks or pounds. Includes handwritten entries for 22" diameter and 19' depth.

How was seal placed? Method [ ] A [ ] B [X] C [ ] D [ ] E [ ] Other

Backfill placed from ft. to ft. Material Gravel placed from ft. to ft. Size of gravel

(6) CASING/LINER: Table with columns: Diameter, From, To, Gauge, Steel, Plastic, Welded, Threaded. Includes handwritten entry for 16" casing.

Final location of shoe(s) 19 Feet

(7) PERFORATIONS/SCREENS: [ ] Perforations Method [ ] Screens Type Material

Table with columns: From, To, Slot size, Number, Diameter, Tele/pipe size, Casing, Liner.

(8) WELL TESTS: Minimum testing time is 1 hour

Table with columns: Yield gal/min, Drawdown, Drill stem at, Time. Includes handwritten entry for 1000 gal/min yield.

Temperature of Water 69 of Depth Artesian Flow Found Was a water analysis done? [ ] Yes By whom Did any strata contain water not suitable for intended use? [ ] Too little [ ] Salty [ ] Muddy [ ] Odor [ ] Colored [ ] Other

(9) LOCATION OF WELL by legal description: County KLAMATH Latitude Longitude Township 415 N or S. Range 14E E or W. WM. Section 18 SE 1/4 SW 1/4 Tax Lot 00300-600 Block Subdivision Street Address of Well (or nearest address) WEST LAUREL VALLEY RD BONANZA, ORG

(10) STATIC WATER LEVEL: 15 ft. below land surface. Date 10/23/92 Artesian pressure lb. per square inch. Date

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

Table with columns: From, To, Estimated Flow Rate, SWL. Includes handwritten entry for 383 to 724 with flow rate INDETERMINATE.

(12) WELL LOG: Ground elevation

Table with columns: Material, From, To, SWL. Lists geological layers such as BOULDERS & BROWN CLAY, BLACK BASALT, GREY BASALT, etc.

Date started 9/23/92 Completed 10/23/92

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

(bonded) Water Well Constructor Certification: I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief. Signed WWC Number 601 Date 11/20/92

STATE OF OREGON  
 COUNTY OF KLAMATH

APR 04 2016  
 SALEM, OR

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

BALIN RANCH  
 13600 HOMEDALE ROAD  
 KLAMATH FALLS, OREGON

97603

541-882-9797

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

APPLICATION FILE NUMBER: G-12972

SOURCE OF WATER: A WELL IN THE LOST RIVER BASIN

PURPOSE OR USE: PRIMARY AND SUPPLEMENTAL IRRIGATION OF 307.1 ACRES

RATE OF USE: 3.5 CUBIC FEET PER SECOND

PERIOD OF ALLOWED USE: APRIL 15 THROUGH OCTOBER 15

DATE OF PRIORITY: JUNE 5, 1992 FOR 250 ACRES, AND DECEMBER 23, 1992 FOR 57.1 ACRES

POINT OF DIVERSION LOCATION: SE 1/4 NW 1/4 SECTION 18, T41S, R14E, W.M.; 150 FEET NORTH AND 640 FEET WEST OF THE CENTER 1/4 CORNER OF SECTION 18.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

<u>LOCATION</u>	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
NW 1/4 NW 1/4	2.1 ACRES	34.6 ACRES
SW 1/4 NW 1/4	2.9 ACRES	34.9 ACRES
NW 1/4 SW 1/4	1.0 ACRE	
SW 1/4 SW 1/4		38.0 ACRES
SE 1/4 SW 1/4	2.0 ACRES	
	Section 7	
NE 1/4 NW 1/4	19.0 ACRES	20.0 ACRES
NW 1/4 NW 1/4		38.8 ACRES
SW 1/4 NW 1/4		39.7 ACRES
SE 1/4 NW 1/4	16.7 ACRES	23.3 ACRES
SW 1/4 NE 1/4	13.3 ACRES	
NW 1/4 SE 1/4	13.3 ACRES	
SW 1/4 SE 1/4	7.5 ACRES	
	Section 18	

TOWNSHIP 41 SOUTH, RANGE 14 EAST, W.M.

SEE NEXT PAGE

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PAGE 2

The use of water under this permit may expire or be extended five years from issuance of the permit. A water right certificate shall be issued at the end of the five year period if the Director finds:

- A. River stage or Bonanza Big Spring flows are not significantly diminished by use of water under this permit as determined by the Oregon Water Resources Department, in consultation with the Bureau of Reclamation and Oregon Department of Fish and Wildlife, using quantifiable groundwater and hydrologic science that stands up to peer review;
- B. Within two years of permit issuance for primary use, the permittee/appropriator has submitted a plan to the Department indicating potential economical sources for an alternative long-term water supply;
- C. Periodic water level reports have been submitted; and
- D. Excessively declining ground water levels have not occurred due to well use and determined by the Oregon Water Resource Department, in consultation with the Bureau of Reclamation and Oregon Department of Fish and Wildlife, using quantifiable groundwater and hydrologic science that stands up to peer review.

The amount of water used for irrigation under this right, together with the amount used under any other right existing for the same land, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually by April 15, or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.

SEE NEXT PAGE

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SALEM, OR

PAGE 3

- 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.

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.

A static water level measurement shall be made and submitted before any use of water may commence from the well.

The permittee shall obtain a static water-level measurement for each well during March and October of each year and report the measurements to the Department. The measurement shall be made by a certified water rights examiner, registered geologist, licensed land surveyor or registered professional engineer, licensed water well constructors, licensed water well drillers or the permittee/appropriators. Water levels shall be reported as depth-to-water below ground level in feet and inches or to one-hundredth of a foot and shall be accompanied by supporting calculations. The water user shall report the static water level(s) in the well(s) to the Groundwater/Hydrology Section of the Water Resources Department by April 15 and November 15, respectively, of each year.

If substantial interference with a senior surface or ground water right occurs due to withdrawal of water from the well(s) listed on this permit, then use of water from such well(s) shall be discontinued or reduced or the schedule of withdrawal shall be regulated until the Department approves or implements an alternative administrative action to mitigate such interference.

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

The permit is for the beneficial use of water without waste.

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

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

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

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.

Actual construction work shall begin on or before January 18, 1997 and shall be completed on or before October 1, 1997. Complete application of the water to the use shall be made on or before October 1, 2000.

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

This permit is issued to correctly describe the dates for measuring and reporting static water level, beginning and completion of construction, complete application of the water to the use allowed herein, and water use conditions relating to practical technologies or conservation practices. Permit G-12236 is superseded by this instrument and is of no further force or effect.

Issued July 31, 1996

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*Martha O. Pagel*  
for Water Resources Department  
Martha O. Pagel  
Director

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State of Oregon  
 Water Resources Department  
 725 Summer Street NE, Suite A  
 Salem, Oregon 97301-1266  
 (503) 986-0900

# Application for Permit Amendment

Part 1 of 4 – Minimum Requirements Checklist

**This permit amendment application will be returned if Parts 1 through 4 and all required attachments are not completed and included.**  
 For questions, please call (503) 986-0900, and ask for Transfer Section.

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Check all items included with this application. (N/A = Not Applicable)

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Permit Amendment Application Map Checklist.
- Part 3 – Completed Permit Amendment Application – Applicant Information and Signature.
- Part 4 – Completed Permit Amendment Application – Water Use Permit Information.  
 Please include a separate Part 4 for each permit. List all permit(s) to be amended here: G-12458

**Attachments:**

- Completed Permit Amendment Application Map (Does not have to be prepared by a Certified Water Right Examiner).
- Permit amendment fees – Amount enclosed: \$ 1600.00 .  
 See <http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml#fees> or call (503) 986-0883.
- N/A Request for Assignment Form and statutory fee. The request for assignment form has to be completed if the applicant is **not** the permit holder of record and needs to be assigned to the permit; or the landowner of the proposed place of use is **not** the permit holder of record and needs to be assigned to the permit (the Request for Assignment Form is available online at <http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml>). Assignment is not needed if applicant is the permit holder of record.
- N/A Affidavit(s) of Consent are required from all permit holder(s) of record if the permit is not assigned to the applicant, or other permit holders of record that are not listed as applicants.
- N/A Land Use Information Form with approval and signature (or signed land use form receipt stub). Land use form is not required if any of the following apply:
  - Water is to be diverted, conveyed, and/or used only on federal lands.
  - All of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
  - The proposed changes are all located on the property reviewed in Land Use form enclosed in Water Right Application Folder # G-12972 .
- N/A For changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation, Water Well Report(s)/Well Log(s)

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(For Staff Use Only)		RECEIVED BY OWRD
<b>WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):</b>		
<input type="checkbox"/> Application fee not enclosed/insufficient	<input type="checkbox"/> Map not included or incomplete	JUN 06 2013
<input type="checkbox"/> Land Use Form not enclosed or incomplete	<input type="checkbox"/> Assignment Form and fee not enclosed/insufficient	
<input type="checkbox"/> Additional signature(s) required	Part _____ is incomplete	SALEM, OR
Other/Explanation _____		
Staff: _____	503-986-0 _____	Date: ____/____/____

Part 2 of 4 – Permit Amendment Map Checklist

Your permit amendment application will be returned if any of the map requirements listed below are not met.

Please be sure that the map you submit includes all the items listed below and meets the requirements of OAR 690-380-3100, however, the map does not have to be prepared by a Certified Water Right Examiner. Check all boxes that apply.

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- N/A If more than three permits are involved, separate maps for each permit.
- Permanent quality printed with dark ink on good quality paper.
- The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.
- A north arrow, a legend, and scale.
- TALK TO SAUTER The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.
- Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
- Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- Existing place of use that includes separate hachuring for each water use permit, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the permit is being changed, a separate hachuring is needed for the portion of the permit left unchanged.
- N/A If you are proposing a change in place of use, show the proposed place of use with hachuring that includes separate hachuring for each permit, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.
- Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water use permit.
- N/A If you are proposing a change in point(s) of diversion or well(s), show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

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**Part 3 of 4 - Applicant Information and Signature**

**Applicant Information**

APPLICANT/BUSINESS NAME <i>Balin Ranches</i>		PHONE NO. <i>541-281-7909</i>	ADDITIONAL CONTACT NO.
ADDRESS <i>13600 Homedale Rd</i>			FAX NO.
CITY <i>Klamath Falls</i>	STATE <i>OR</i>	ZIP <i>97603</i>	E-MAIL <i>BalinRanch13600@AOL.COM</i>

**Agent Information** – The agent is authorized to represent the applicant in all matters relating to this application

AGENT/BUSINESS NAME		PHONE NO.	ADDITIONAL CONTACT NO.
ADDRESS			FAX NO.
CITY	STATE	ZIP	E-MAIL

**\*\* BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.**

Check this box if this project is fully or partially funded by the American Recovery and Reinvestment Act. (Federal stimulus dollars)

Is the applicant the permit holder of record?  Yes  No

If NO, include either:

- A completed assignment form (with required statutory assignment fee), assigning all or a portion of the permit to the applicant(s), OR
- An affidavit of consent from the permit holder(s) of record that gives permission for the applicant to amend the permit.

I understand that prior to Department approval of the permit amendment, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the permit is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following paper: HERALD NEWS, KLAMATH FALLS

**I (we) affirm that the information contained in this application is true and accurate.**


*Scott Balin*      *Scott Balin*      *7/26/12*  
 Applicant Signature      Print Name (and Title if applicable)      Date

In your own words tell us what change(s) you want made and the reason for the amendment(s):

*Water efficiency*

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**Check one of the following:**

- The applicant is responsible for completion of change(s). Notices and correspondence should continue to be sent to the applicant.
- The permit holder(s) of record will be responsible for completing the proposed change(s) after the final order is issued. Copies of notices and correspondence should be sent to the permit holder(s) of record.

**Check the appropriate box, if applicable:**

- Check here if any of the permits proposed for amendment are or will be located within or served by an irrigation or other water district.

IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

- Check here if water for any of the permits supplied under a water service agreement or other contract for stored water with a federal agency or other entity.

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



To meet State Land Use Consistency Requirements, you must list all local governments (each county, city, municipal corporation, or tribal government) within whose jurisdiction water will be diverted, conveyed or used.

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

*Klamath County*      *305 Main Street*  
*Klamath Falls*      *OR*      *97601*

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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**Part 4 of 4 – Water Use Permit Information**

Please use a separate Part 4 for each permit being amended.  
 Instructions: [http://www.wrd.state.or.us/OWRD/PUBS/docs/Hints\\_Forms\\_MS\\_Word.doc](http://www.wrd.state.or.us/OWRD/PUBS/docs/Hints_Forms_MS_Word.doc)

PERMIT # ~~G-12236~~ <sup>12458</sup>

**Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)**  
 (Note: If the POD/POA name is not specified in the permit, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized by the permit or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L- )	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
LVR SOUTH	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	KLAM 10642	41 S	14 E	18	SE SW	300	150' N, 640' W of center ¼ corner, Section 18
LVR WEST	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	KLAM 10748	41 S	13 E	12	SE NW	2500	2240' N, 2390' E, from SW Corner, Section 12
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed							

**Check all type(s) of change(s) proposed below (change "CODES" are provided in parentheses):**

- |   |  |
|---|--|
| <input type="checkbox"/> Place of Use (POU)                   | <input type="checkbox"/> Point of Appropriation/Well (POA)                   |
| <input type="checkbox"/> Point of Diversion (POD)             | <input checked="" type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD) | <input type="checkbox"/> Surface water POD to Ground Water POA (SW/GW)       |

**Will all of the proposed changes affect the entire water use permit?**

- Yes Complete only the proposed ("to" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.
- No Complete all of Table 2 to describe the portion of the permit to be changed.

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Please use additional pages of Table 2 as needed

Table 2. Description of Changes to Water Use Permit # 12458  
~~G-12276~~

List only the part of the permit that will be changed. For the acreage in each 1/4 1/4, list the change proposed. If more than one change, specify the acreage associated with each change. If more than one POD/POA, specify the acreage associated with each POD/POA.

Authorized ("from" lands) as they appear before the changes									Proposed Changes (see "CODES" from previous page)	Proposed ("to" lands) after the changes								
Twp	Rng	Sec	1/4 1/4	Tax Lot	Gvt Lot or DLC	Acres (if applicable)	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp	Rng	Sec	1/4 1/4	Tax Lot	Gvt Lot or DLC	Acres (if applicable)	POD(s) or POA(s) to be used (from Table 1)	Priority Date
									APOA	41 S	14 E	7	NW NW			36.7	LVR WEST	1992
									APOA	41 S	14 E	7	SW NW			37.5	LVR WEST	1992
									APOA	41 S	14 E	7	NW SW			1.0	LVR WEST	1992
									APOA	41 S	14 E	7	SW SW			38.0	LVR WEST	1992
									APOA	41 S	14 E	7	SE SW			2.0	LVR WEST	1992
									APOA	41 S	14 E	18	NE NW			39.0	LVR WEST	1992
									APOA	41 S	14 E	18	NW NW			38.8	LVR WEST	1992
									APOA	41 S	14 E	18	SW NW			39.7	LVR WEST	1992
									APOA	41 S	14 E	18	SE NW			40.0	LVR WEST	1992
									APOA	41 S	14 E	18	SW NE			13.3	LVR WEST	1992
TOTAL ACRES							TOTAL ACRES						<del>250.3</del>					

286.3

Additional remarks: SEE ADDITIONAL ACRES ON NEXT PAGE.

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APR 04 2016

Permit # G-12498

For a change in place of use: **SALEM, OR**

Does the permit holder of record own or control the land TO which the place of use is being moved?

Yes  No

If NO, the landowner of the land TO which the place of use is being moved must be assigned to the permit as a permit holder of record by submitting a completed Request for Assignment form and the required statutory fee for an assignment.

Is the proposed place of use contiguous to the authorized place of use?  Yes  No

The permitted place of use can be moved only to lands that are contiguous to the authorized place of use unless the change to non-contiguous lands is in furtherance of mitigation or conservation efforts undertaken for the purposes of benefiting a species listed as sensitive, threatened, or endangered under ORS 496.171 to 496.192 or the federal Endangered Species Act of 1973 (16 U.S.C. 1531 to 1544), as determined by the listing agency. Contiguous land being either adjacent land or land separated from the land to which a permit is authorized by roads, utility corridors, irrigation ditches or publicly owned rights of way.

Are there other water rights certificates, water use permits or ground water registrations associated with the "from" or "to" lands?  Yes  No

If YES, list the other certificate, permit, or ground water registration numbers: \_\_\_\_\_



If the permit(s) are for irrigation or supplemental irrigation use, other water rights existing on the same land for irrigation that are subject to transfer must either change concurrently or be cancelled. Any change to a water right certificate or ground water registration must be filed separately in a water right transfer application or ground water registration modification application, respectively.

For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation:

Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map. (Tip: You may search for well logs on the Department's web page at: [http://apps2.wrd.state.or.us/apps/gw/well\\_log/Default.aspx](http://apps2.wrd.state.or.us/apps/gw/well_log/Default.aspx))

OR

Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log.

**Table 3. Construction of Point(s) of Appropriation**

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide adequate information is likely to delay the processing of your transfer application. For proposed wells, we recommend that you consult a licensed well driller, geologist or certified water right examiner for the proper information needed to complete the table.

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well, OWRD Well ID Tag No. L-____	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well-specific rate (cfs or gpm). If less than full rate of water right

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**Final Order**  
**Extension of Time for Permit Number G-12458**

**Appeal Rights**

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

**Application History**

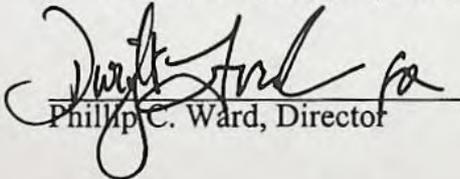
On OCTOBER 19, 2001, BALIN RANCH submitted an application to the Department for an extension of time for permit number G-12458. The Department issued permit number G-12458 on JULY 31, 1996. The permit called for completion of construction by OCTOBER 1, 1997, and complete application of water to beneficial use by OCTOBER 1, 2000. In accordance with OAR 690-315-0050(2), on SEPTEMBER 27, 2005, the Department issued a Proposed Final Order proposing to extend the time to complete construction of the water development project and the time to fully apply water to beneficial use to OCTOBER 15, 2006. The protest period closed NOVEMBER 11, 2005, in accordance with OAR 690-315-0060(1). No protest was filed.

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

**Order**

The extension of time for Application Number G-12972, Permit Number G-12458, therefore, is approved. The deadline for completing construction is extended to OCTOBER 15, 2006. The deadline for applying water to full beneficial use is extended to OCTOBER 15, 2006.

**DATED: November 17, 2005**

  
Phillip C. Ward, Director

**Mailing List for Extension FO Copies**

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

---

**FO Date: June 21, 2013**

**Copies Mailed**

**Application G-12972  
Permit G-12458**

By: CH  
On: 6/21/13

**Original mailed to permit holder**

✓ Balin Ranch  
Attn: Scott Balin  
13600 Homedale Road  
Klamath Falls, OR 97603

**Copies sent to:**

✓ 1. WRD - App. File G-12972/ Permit G-12458

**Fee paid as specified under ORS 536.050 to receive copy:**

2. None

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

CASEWORKER: MRM

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

Water Rights Application  
Number G-12972

**Final Order  
Extension of Time for Permit Number G-12458  
Permit Holder: Balin Ranch**

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**Permit Information**

**Application File G-12972 Permit G-12458**

Basin: 14 – Klamath / Watermaster District 10

Date of Priority: June 5, 1992

**Authorized Use of Water**

Source of Water: A Well in the Lost River Basin

Purpose of Use: Irrigation of 307.1 Acres

Maximum Rate: 3.5 Cubic Feet Per Second (cfs)

---

**This Extension of Time Request is being processed in accordance with  
Oregon Revised Statute 537.630 and 539.010(5), and Oregon Administrative  
Rule Chapter 690, Division 315**

**Application History**

Permit G-12458 was issued by the Department on July 31, 1996. The permit called for completion of construction by October 1, 1997 and complete application of water to beneficial use by October 1, 2000. On January 4, 2013, Balin Ranch submitted to the Department an Application for Extension of Time for Permit G-12458. In accordance with OAR 690-315-0050(2), on April 30, 2013, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 1, 2015. The protest period closed June 14, 2013, in accordance with OAR 690-315-0060(1). No protest was filed.

Final Order: Permit G-12458

Page 1 of 2

**Appeal Rights**

**This is a final order in other than a contested case.** This order is subject to judicial review under ORS 183.484. A request 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 file 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.

**Findings of Fact**

Except as expressly stated herein, The Department adopts and incorporates by reference the findings of fact in the Proposed Final Order dated April 30, 2013.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to no additional conditions.

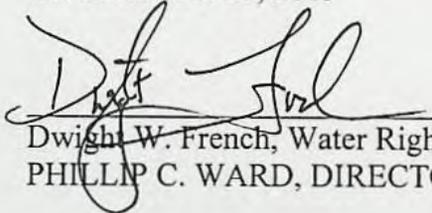
**CONCLUSION OF LAW**

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

**Order**

The extension of time for Application G-12972, Permit G-12458, therefore, is approved. The deadline for applying water to full beneficial use within the terms and conditions of the permit extended to from October 1, 2006 to October 1, 2015.

DATED: June 21, 2013



Dwight W. French, Water Right Services Administrator, *for*  
PHILLIP C. WARD, DIRECTOR

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

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

**Application for Extension of Time**

In the Matter of the Application for an Extension of Time )  
for Permit G-12458, Water Right Application G-12972 )      PROPOSED FINAL ORDER  
in the name of Balin Ranch )

---

**Permit Information**

**Application File G-12972    Permit G-12458**

Basin: 14 – Klamath / Watermaster District 10

Date of Priority: June 5, 1992

**Authorized Use of Water**

Source of Water: A Well in the Lost River Basin

Purpose of Use: Irrigation of 307.1 Acres

Maximum Rate: 3.5 Cubic Feet Per Second (cfs)

---

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

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

This Proposed Final Order applies only to Permit G-12458, water right Application G-12972.  
A copy of Permit G-12458 is enclosed as Attachment 1.

**Summary of Proposed Final Order for Extension of Time**

**The Department proposes to:**

- Grant an extension of time to apply water to full beneficial use from October 1, 2006 to October 1, 2015.

## ACRONYM QUICK REFERENCE

Department – Oregon Department of Water Resources  
PFO – Proposed Final Order

### Units of Measure

cfs – cubic feet per second  
gpm – gallons per minute

## AUTHORITY

**Generally, see ORS 537.630 and OAR Chapter 690 Division 315.**

**ORS 537.630(1)** provide in pertinent part that the Oregon Water Resources Department (Department) may, for good cause shown, order an extension of time within which: irrigation or other works shall be completed; the well or other means of developing and securing ground water shall be completed; or the right perfected. In determining the extension, the Department shall give due weight to the considerations described under ORS 539.010(5) and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right.

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

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

## FINDINGS OF FACT

### Background

1. Permit G-12458 was granted by the Department on July 31, 1996. The permit authorizes the use of up to 3.5 Cubic Feet Per Second of water from A Well in the Lost River Basin for irrigation of 307.1 acres. The permit specified construction of the water system was to be completed by October 1, 1997, and complete application of water was to be made on or before October 1, 2000.

2. One prior permit extension has been granted for Permit G-12458. The extension request resulted in extension of the completion dates for construction from October 1, 1997 to October 15, 2006, and the date for full application of water being extended from October 1, 2000 to October 15, 2006.
3. The permit holder submitted an "Application for Extension of Time" to the Department on January 4, 2013, requesting the time to apply water to full beneficial use under the terms and conditions of Permit G-12458 be extended from October 1, 2006 to October 1, 2015.
4. Notification of the Application for Extension of Time for Permit G-12458 was published in the Department's Public Notice dated April 30, 2013. No public comments were received regarding the extension application.

**Review Criteria [OAR 690-315-0040]**

*The time limits to complete construction and/or apply water to full beneficial use may be extended if the Department finds that the permit holder has met the requirements set forth under OAR 690-315-0040. This determination shall consider the applicable requirements of ORS 537.230<sup>1</sup>, 537.248<sup>2</sup>, 537.630<sup>3</sup> and/or 539.010(5)<sup>4</sup>.*

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

5. On January 4, 2013, the Department received a completed Application for Extension of Time and the fee specified in ORS 536.050 from the permit holder.

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

6. Actual construction of the well began prior to the January 18, 1997 deadline specified in the permit.

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

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

7. As of January 4, 2013, the remaining work to be completed consists of applying water to full beneficial use.
8. Given the amount of development left to occur, the Department has determined that the permit holder's request to have until October 1, 2015, to accomplish the application of water to beneficial use under the terms and conditions of Permit G-12458 is both reasonable and necessary.

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

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

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

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

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

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

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

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

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

9. Work was accomplished within the time allowed in the permit or previous extension as follows:
  - a. Construction of the well and water system began prior to the January 18, 1997 deadline specified in the permit.
  - b. Work was completed (specified in the Application for an Extension of Time) during the original development time frame under Permit G-12458.
  - c. During the most recent extension period, being from October 1, 2000, to October 15, 2006, the following was accomplished:
    - Beneficial use of water was made by the applicant, for irrigation on 191.6 acres.

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

10. The following beneficial use of water was made during the permit or previous extension time limits:
  - a. Since the issuance of Permit G-12458 on July 31, 1996, a maximum rate of 2.23 cfs of water has been appropriated from the well for irrigation of 191.6 acres.

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

11. The water right permit holder's conformance with the permit or previous extension conditions.
  - a. The Department has considered the permit holder's compliance with conditions, and did not identify any concerns.

Financial Investments [OAR 690-315-0040(3)(d)]

12. Financial investments made toward developing the beneficial water use.
- a. As of January 4, 2013, the permit holder has invested approximately \$96,786, which is approximately 90 percent of the total projected cost for complete development of this project.

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

- a. The permit holder anticipates an additional \$11,100 investment is needed for the completion of this project.

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

13. The Department has found good faith of the appropriator under Permit G-12458.

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

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

14. The amount of water available to satisfy other affected water rights and scenic waterway flows; special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d); or the habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife [OAR 690-315-0040(4)(a-c)].
  - a. The amount of water available to satisfy other affected water rights and scenic waterway flows was determined at the time of issuance of Permit G-12458; furthermore, water availability for other affected water rights and scenic waterway flows after the permit was issued is determined at such time that such application for a new water right is submitted. The point of appropriation for Permit G-12458, located within the Lost River Basin, not located within a limited or critical ground water area. Lost River is not located within or above any state or federal scenic waterway, however it is located within an area ranked "low" for stream flow restoration needs as determined by the Department in consultation with the Oregon Department of Fish and Wildlife, and not located within a Sensitive, Threatened or Endangered Fish Species Area as identified by the Department in consultation with Oregon Department of Fish and Wildlife. Lost River is not listed by the Department of Environmental Quality as a water quality limited stream.

15. Economic investment in the project to date [OAR 690-315-0040(4)(d)].
  - a. As of January 4, 2013, the permit holder has invested approximately \$96,786.
16. Other economic interests dependent on completion of the project [OAR 690-315-0040(4)(e)].
  - a. None have been identified.
17. Other factors relevant to the determination of the market and present demand for water and power [OAR 690-315-0040(4)(f)].
  - a. Klamath County has been affected by drought conditions in numerous years since issuance of the applicant's Permit, G-12458.

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

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

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

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

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

20. Unforeseen events extended the length of time needed to fully develop and perfect Permit G-12458, in that the permit holders were faced with climatic low water conditions that restricted their ability to complete development of the project in a timely manner.

**CONCLUSIONS OF LAW**

1. The applicant is entitled to apply for an extension of time to completely apply water to the full beneficial use pursuant to ORS 537.630(1).
2. The applicant has submitted a complete extension application form and the fee specified in ORS 536.050, as required by OAR 690-315-0040(1)(a).
3. The applicant complied with begin actual construction timeline requirements pursuant to ORS 537.630 as required by OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).
4. Full application of water to beneficial use can be accomplished by October 1, 2015<sup>5</sup>, as required by OAR 690-315-0040(1)(c).

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<sup>5</sup>Pursuant to ORS 537.630(4), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and a new or revised claim of beneficial use as deemed appropriate by the Department.

5. The Department has considered the reasonable diligence and good faith of the appropriator, the cost to appropriate and apply water to a beneficial purpose, the market and present demands for water to be supplied, the financial investment made and fair and reasonable return upon the investment, the requirements of other governmental agencies, and unforeseen events over which the permit holder had no control, whether denial of the extension will result in undue hardship to the applicant and whether there are no other reasonable alternatives for meeting water use needs, any other factors relevant to a determination of good cause, and has determined that the applicant has shown that good cause exists for an extension of time to apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).

### Proposed Order

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

Extend the time to apply water to beneficial use under Permit G-12458 from October 1, 2006 to October 1, 2015.

DATED: April 30, 2013

  
Dwight French, Water Right Services  
Administrator

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

### Proposed Final Order Hearing Rights

1. Under the provisions of OAR 690-315-0100(1) and 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may submit a written protest to the proposed final order. The written protest must be received by the Water Resources Department no later than **June 14, 2013**, being 45 days from the date of publication of the proposed final order in the Department's weekly notice.
2. A written protest shall include:
  - a. The name, address and telephone number of the petitioner;
  - b. A description of the petitioner's interest in the proposed final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented;



**Mailing List for Extension PFO Copies**

**PFO Date: April 30, 2013**

**Copies Mailed**

**Application G-12972  
Permit G-12458**

By: CH  
On: 4/30/13

**Original mailed to Applicant:**

Balin Ranch  
Attn: Scott Balin  
13600 Homedale Road  
Klamath Falls, OR 97603

**Copies sent to:**

1. WRD - App. File G-12972/ Permit G-12458

**Fee paid as specified under ORS 536.050 to receive copy:**

2. None

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

3. WRD - Watermaster District 10, Scott White

*MRM*  
CASEWORKER: MRM

*\* also copied applicant  
at his personal e-mail -  
BalinRanch13600@Aol.com*

## Michele McAleer

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**From:** Balinranch13600@aol.com  
**Sent:** Thursday, May 09, 2013 9:15 AM  
**To:** Michele McAleer  
**Subject:** Re: NEW E-MAIL ADDRESS FOR SCOTT BALIN

PLEASE NOTE: Scott has a new e-mail address: [Balinranches@gmail.com](mailto:Balinranches@gmail.com) We do not check Hal's AOL account very often....Thanks, Joan Balin Ranches

In a message dated 5/1/2013 2:20:31 P.M. Pacific Daylight Time, [Michele.R.McAleer@wrd.state.or.us](mailto:Michele.R.McAleer@wrd.state.or.us) writes:

Hello Scott,

You'll get one of these in the mail soon, if you haven't already, as your PFO was placed on public notice yesterday, April 30. The comment period will expire on Friday, June 14th, and all Final Orders are issued on Fridays, so I'll have yours signed and in the mail the following Friday, June 21st. It's actually prepared, but of course if someone were to comment or to protest, we would need to address that as necessary. Think happy thoughts - No comments - and it will be in your hands soon. I'll wish for a daily 30 min rainstorm over the ranch, too ;0)

Please call me if you have any questions. Have a great day!

Michele

Michele McAleer

Adjudication & Extension Specialist

(503) 986-0825



Oregon Water Resources Dept

725 Summer St NE, Suite A

Salem, OR 97301-1266

front desk (503) 986-0900

fax (503) 986-0901

<http://oregon.gov/OWRD>

"As we express our *gratitude*, we must never forget that the highest appreciation is not to utter words, but to live by them." - *John F. Kennedy*



**Before submitting your Application for Extension of Time, make sure the following items are included:**

- This completed Application for Extension of Time.
- Statutory fee of \$500.
- Signature page (last page of this Application for Extension of Time).
- All supporting documentation and/or evidence referenced in the Application for Extension of Time.

### **MAIL COMPLETED APPLICATION**

**along with the**

**\$500 STATUTORY FEE TO:**

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

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SALEM, OREGON**



#### **GENERAL TIPS:**

- Permit holders of municipal or quasi-municipal water use permits **DO NOT** use this form. The correct form is *Application for Extension of Time for Municipal and Quasi-Municipal Water Use Permits*, available at the following link:  
<http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml#other>
- Request the reasonable amount of time necessary to fully complete the water construction project and/or to fully use the permitted quantity of water under the terms and conditions of your permit. Should this request be approved, it will be OWRD's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.
- A separate Application for Extension of Time must be submitted for each permit. OAR 690-315-0020(2).
- An instruction sheet (Instructions for Filling Out Extension of Time Application for Permits) provides details that will help you answer each question on the application. Permit extensions are evaluated under OAR Chapter 690, Division 315. These rules may be viewed at:  
<http://www.wrd.state.or.us/OWRD/LAW/index.shtml>.

- You may provide OWRD with any additional information or evidence that will aid us in making our decision. Please note that OWRD may require other information that is necessary to evaluate the application. OAR 315-0020(3)(n).
- After careful review of the Application for Extension of Time, you may contact OWRD at (503) 986-0900, to ask questions and request assistance from a Permit Extensions Specialist in the Water Rights and Adjudications Division.
- Once an Application for Extension of Time is received by OWRD, it will be reviewed for completeness. OWRD will return any incomplete or deficient applications to the applicant. OAR 690-315-0040(1)(a).

**Reference Materials Needed to Complete this Application:**

- The water right permit. If needed, a copy of the water right permit can be downloaded from the Department's Website at <http://www.wrd.state.or.us> (find the link to the Water Rights Information System (WRIS)). Or, a copy of the permit (or other documents) may be requested by water right application number from the Water Rights Division at 503-986-0900 (copy fees will apply).
- Documentation which demonstrates compliance with permit conditions (for example, well construction logs; static water level measurement reports; annual water use reports; ODFW fish screen certification; a plan to monitor the effect of water use on ground water aquifers utilized under the permit; etc.).

**Answer the Following Questions to Complete this Application for Extension of Time**

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

1. Did the actual construction of the water system/well drilling begin within the time specified in the permit?  Yes  No



*TIP:* Not all permits specify a date by which construction was to begin.

Date construction began is: 9/23/1992 (KLAM 10642)

Details of construction: WELL COMPLETED ON 10/23/1992.

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2. Permits typically contain standard or special conditions that must be satisfied to lawfully develop and use permitted water. In the development of this water right, have you satisfied the conditions contained in your permit?  Yes  No

2-A) Describe how you have complied with each condition contained in the original permit [and, if applicable, each condition contained in any order approving a permit amendment and/or a final order approving a prior extension of time]. Include the date when the condition was satisfied.



**TIP:** The instruction sheet for the Application for Extension of Time provides an explanation of the typical conditions that must be addressed in this question.

### CHART-A

Condition No.**	Date Satisfied	Describe How Permit Condition Has Been Satisfied
1	5/1/94	INSTALLED FLOWMETER AT POINT OF APPROPRIATION
2	4/1/2010	AMOUNT OF WATER RECORDED + SUBMITTED TO DEPT.
3	10/23/92	INITIAL SWL MEASUREMENT ON WELL LOG
4	CURRENT	ANNUAL MARCH + OCTOBER SWL MEASUREMENTS TO DEPARTMENT
5	8/5/93	PUMP TEST

\*\* Condition No: Hand-number each condition on a copy of your permit (and, if applicable, permit amendment and prior extension). Include a copy of your hand-numbered permit with the application.

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

### CHART-B

Condition No.**	Date Will Comply	Explain Why Each Permit Condition Has NOT Been Satisfied
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\*\* Condition No: Hand-number each condition on a copy of your permit (and, if applicable, permit amendment and prior extension). Include a copy of your hand-numbered permit with the application.

3. Provide evidence of physical progress made toward completion of the water system, and of progress made toward making beneficial use of water within the permitted time period (CHART-C); and if applicable, within the time period of the most recent extension granted (CHART-D).

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

**CHART-C**

DATE	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List any work done before the permit was issued – eg. well drilled.</i>	COST*
10/23/92	WELL DRILLED	39,434
11/1/92	PUMP INSTALL, TEST	17,352
1993	POWER TO WELL	11,000
DATE	WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED <i>and PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER</i> <i>List work/actions done during the permitted time period.</i>	COST*
7/31/96	Date the permit was signed - find date above signature on last page of permit.	
1/18/97	Date the permit specified "Actual Construction Work" shall begin ("A-Date") -not all permits contain this date.	
10/1/2000	Date the permit specified complete application of water to the use shall be made ("C-Date") - all permits contain this date.	

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**CHART-C (continued)**

DATE	WORK ACCOMPLISHED AFTER "C-DATE" <i>COMPETE ONLY IF THIS IS YOUR 1st APPLICATION FOR EXTENSION OF TIME: List work done after the date specified in the permit for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
<b>Total Cost for Chart-C</b>		<b>67,786</b>

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

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

**CHART-D**

DATE	WORK ACCOMPLISHED DURING THE LAST EXTENSION PERIOD <i>List all work done during the last authorized extension period.</i>	COST*
10/1/2005	"Extended From" date for complete application of water used in the 1 <sup>st</sup> (or the most recent) Application for Extension of Time.	
10/1/2006	"Extended To" date for complete application of water resulting from the 1 <sup>st</sup> (or the most recent) Application for Extension of Time.	

**CHART-D (Continued)**

DATE	WORK ACCOMPLISHED AFTER THE LAST EXTENSION PERIOD EXPIRED <i>List all work done after the last authorized date for complete application of water up to the date of this Application for Extension of Time.</i>	COST*
<b>Total Cost of Chart-D</b>		

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

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

4. Cost of project to date: 96,786  
(The total combined cost from CHART-C and CHART-D)

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



**TIP:** Report the rate used to date. Unless full beneficial use has been made, this rate will be less than the rate authorized on the permit.

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



**TIP:** Report the rate in the same units of measurement as specified in the permit.

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

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

Acre-feet stored to date = \_\_\_\_\_ AF

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



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

CHART-E

Well # as identified on Permit	Water User's Well #	Has this well been drilled?	IF DRILLED					If yes, provide the Permit, Certificate, or Transfer No.
			Well Log Number e.g. MORR 50473	Well Tag Number e.g. # 27566 or N/A	Is the actual drilled location authorized on this permit or on a permit amendment? (See 5-C below)	Maximum instantaneous rate used from this well -- under <u>this permit</u> only (CFS or GPM)	Is this well authorized or utilized under any OTHER water rights?	
A WELL	LVR SOUTH	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	KLAM 10642	N/A	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	2.23 <del>2.23</del> cfs	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	- -
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
		Yes <input type="checkbox"/> No <input type="checkbox"/>			Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>	- -
Total instantaneous rate from all wells utilized under this permit								

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

If a Permit Amendment Application has been filed: Transfer No. T-\_\_\_\_\_

Well # \_\_\_\_\_: Actual location: \_\_\_\_\_

Well # \_\_\_\_ : Actual location: \_\_\_\_

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

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

Total acres irrigated to date: 191.6

Ground Water Permits: Please specify which wells are being utilized for this irrigation.

Well # <sup>KLAM</sup>10642 Acres 191.6 Well # \_\_\_\_ Acres \_\_\_\_

Well # \_\_\_\_ Acres \_\_\_\_ Well # \_\_\_\_ Acres \_\_\_\_

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

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

**CHART-F**

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
2012	EXTENSION OF TIME	500
2012	PERMIT AMENDMENT FOR ADDITIONAL POA	1,600
2013	UTILIZE <sup>ANOTHER</sup> EXISTING WELL + INFRASTRUCTURE TO FULLY APPLY WATER BENEFICIALLY TO THE PERMIT FULL RATE + ACRES	
	(DIESEL FOR PUMP, OIL FOR PUMP)	9,000
Year: 2013	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
<b>Total Cost</b>		<b>11,100</b>

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

8. Estimated remaining cost to complete the project: 11,100  
(The total cost from CHART-F)

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

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

9-A) The project is of a size and scope that was originally planned to be phased in over a time frame longer than the one allowed in the permit.

N/A

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9-B) The financial resources needed to develop the project precluded completion of the project within authorized time frames.

N/A

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

N/A

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9-D) Acts of God or other unforeseen events delayed full development of the water system and use of water within the authorized time frames.

Given that the permit consists in part for supplemental irrigation, the permit is not used on an annual basis. We have recently become aware, due to low water years, that the well does not produce enough to cover the entire acreage allowed under the permit. We intend to apply for a permit amendment for an additional point of appropriation to fully cover the use allowed under the permit after the extension is granted.

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

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

We intend to have the permit amended by irrigation season 2013 and using the resource beneficially. We ask for an extension through 2014 to provide a buffer for unforeseen circumstances.

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

This application was completed with the assistance of Scott White, District 17, Watermaster. Please consult with him if there are any questions or concerns.

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



Extension PFO Checklist for  
**Other than Muni or Quasi-Municipal**  
 Water Use Permits  
 (OAR 690-315-0010 through OAR 690-315-0060)

Application: G- 12972 Permit: G- 12458 Permit Amendment? No  Yes  T- \_\_\_\_\_  pending  approved

Permit Holder's Name: Balin Ranch

Permit Holder's Mailing Address: 13600 Homedale Rd

Klamath Falls OR. 97603 email balinranch13600@aol.com

Phone Number: 541-281-7909

POD Location: Township 14 S Range 14 E Section 18  $\frac{1}{4}$  SE SW

Drainage Basin: 14 County: Klamath Watermaster District: 17 Watermaster: Scott White

Date Permit was issued: 7/31/1996

Priority Date: 6/5/1992

Date of PN: 4/30/2013

Source: A well

Use: Irrigation

"Q": 3.5

Orig "A" Date: 1/18/1997

Orig "B" Date: 10/1/1997

Orig "C" Date: 10/1/2000

Extension request rec'd: 8/2/2012

Last Authorized "B" Date: 10/1/2000

Last Authorized "C" Date: 10/1/2006

Request Number (1, 2, 3...): 2

Proposed "B" Date: 10/1/2006

Proposed C Date: 10/1/2015

Conditions of Permit:

Condition Met?	Condition Not Met?	Permit Condition
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Installed flowmeter at point of appropriation
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Water use reported
<input checked="" type="checkbox"/>	<input type="checkbox"/>	initial Static Water Level measurement
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Annual Water measurement and reporting
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Pump test
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Alternative long term water supply plan
<input type="checkbox"/>	<input type="checkbox"/>	

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

- Yes No
- Work was accomplished within the time allowed in the permit or previous extension
  - Water right permit holder conformed with the permit or previous extension conditions
  - Financial investments were made toward developing the beneficial water use.
    - Amount Invested to date: \$96,786.00 Estimated Remaining Cost: \$11,100.00
  - Beneficial use made of the water during the permit or previous extension time limits
    - Permit holder has beneficially used 2.23  cfs  gpm  af of the total permitted quantity of water on 191.6 acres

GW REVIEW: Y N \_\_\_\_\_

MITIGATION REVIEW: Y N \_\_\_\_\_

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

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

Identify the closest surface water or localized water basin. 14  
Ground Water Permits: Is the POA located...  
Surface Water Permits: Is the POD located...

Yes No

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

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

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

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

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

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

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

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

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

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

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

COBU Requirement - Surface Water - post July 9, 1987

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

COBU Requirement - Ground Water - post July 9, 1987

"Pursuant to ORS 537.630(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use."

NOTES:

4/25/13 - expedited app due to Declaration of Drought on 4/18/13 by Gov. Kitzhaber. If not issued soon, applicant will have to also apply for drought permit - Read by Dist. Comm, Scott J White, and applicant Scott Belen. mrm

Extension "PFO" Dates

Mailing / Issuance Date: April 30, 2013

Protest Deadline Date: June 14, 2013

Reviewer's Name: W. Julie Combs

Date: 25 April 2013

Application # G-12972

Permit # G12458

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

◆ **WRIG...**

Money Received on: 8.2.12

◆ **Extension Specialist...**

*MR* Added to tracking spreadsheet

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

◆ **Codi Holmes...**

Publish on Public Notice (initial 30-day comment): Date of notice 8/14/12

Update WRIS Database

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

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

Yes or  No: Return file to Extension Specialist after PN Jean Smith

## Jerry Gainey

---

**From:** sandencon@centurytel.net  
**Sent:** Tuesday, February 01, 2011 3:05 PM  
**To:** Jerry Gainey  
**Subject:** FINAL PROOF SURVEYS IN PROGRESS

OREGON WATER RESOURCES DEPT.  
JERRY GAINEY,

I HAVE BEEN RETAINED TO DO THE FINAL PROOF WORK ON THE FOLLOWING PERMITS.

BALIN FARM TRUST

APPLICATION G-12972	PERMIT G-12458
APPLICATION G-13184	PERMIT G-13184
APPLICATION G-15679	PERMIT G-15333

SCOTT & CINDY BALIN

APPLICATION G-15480	PERMIT G-15224
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FRANK & PEGGY WALLACE

APPLICATION G-13535	PERMIT G-12979
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DENNIS A. ENSOR  
CWRE 271

# Extension "Final Order" Checklist

Application # G-12972 / Permit # G-12458

Permit Holder's Name Balin Ranch  
13600 Homedale Rd, Klamath Falls, OR 97603

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

✓ 1. Date Extension Request submitted: 10-19-2001 (Appl # \$100 fee)

✓ 2. Date permit was issued: 7-31-1996

✓ 3. Original "B" Date from permit: 10-1-1997  
(Date for completion of construction)

✓ 4. Original "C" Date from permit: 10-1-2000  
(Date for complete application of water)

✓ 5. Extension PFO Date: 9-27-2005

✓ 6. WRD recommends extending "B" Date to: 10-15-2006  
and extending the "C" Date to: 10-15-2006

✓ 7. Any conditions from PFO: No

✓ 8. Protest Deadline Date from PFO: 11-11-2005

✓ 9. Any written Protests or written Comments received within the Protest period? Yes  No

Reviewer's Name: [Signature] Date: 11-17-05

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

## Mailing List for Extension FO Copies

Application #G-12972  
Permit #G-12458

FO Date: November 17, 2005

**Original mailed to:**

Balin Ranch  
13600 Homedale Road  
Klamath Falls, OR 97603

<b>Copies Mailed</b>
By: <u>Q/S</u> (SUPPORT STAFF)
on: <u>11/17/05</u> (DATE)

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

1. WRD - Appl. File #G-12972 / Permit #G-12458
2. WRD - Watermaster District: #17 - Vern Church, Klamath Falls
3. ODFW - Biologist District: #9 - Roger Smith, Klamath Falls
4. WRD - Support Staff, Salem...*Permit record update*

**Other interested parties:**

NONE

CASEWORKER: LJJ

S:\groups\wr\extensions\F O\Done\2005 final orders\g12972.wpd

**Final Order**  
**Extension of Time for Permit Number G-12458**

**Appeal Rights**

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

**Application History**

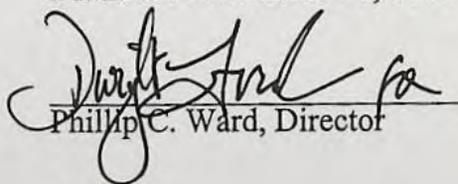
On OCTOBER 19, 2001, BALIN RANCH submitted an application to the Department for an extension of time for permit number G-12458. The Department issued permit number G-12458 on JULY 31, 1996. The permit called for completion of construction by OCTOBER 1, 1997, and complete application of water to beneficial use by OCTOBER 1, 2000. In accordance with OAR 690-315-0050(2), on SEPTEMBER 27, 2005, the Department issued a Proposed Final Order proposing to extend the time to complete construction of the water development project and the time to fully apply water to beneficial use to OCTOBER 15, 2006. The protest period closed NOVEMBER 11, 2005, in accordance with OAR 690-315-0060(1). No protest was filed.

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

**Order**

The extension of time for Application Number G-12972, Permit Number G-12458, therefore, is approved. The deadline for completing construction is extended to OCTOBER 15, 2006. The deadline for applying water to full beneficial use is extended to OCTOBER 15, 2006.

**DATED: November 17, 2005**

  
Phillip C. Ward, Director

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

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



# 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

October 18, 2005

SCOTT BALIN,  
BALIN RANCH  
13600 HOMEDALE RD  
KLAMATH FALLS, OR 97603

REFERENCE: USER\_ID 27627

Dear Water User:

We have appreciated your cooperation with the Water Use Reporting program in the past. And now, with the loss of the water use coordinator position through budget reductions, we hope you can help us even more. We are requesting all who need to report monthly quantities and have Internet access to report those quantities online through our website. For the time being, the water use reporting database will not be updated with new water right information. If you need to report on a new water right not in the reporting database, you will need to submit a hard copy form. A 2005 monthly quantities form is printed on the reverse you can copy for your use.

To report monthly quantities data online, go to our web page at [www.wrd.state.or.us](http://www.wrd.state.or.us) and click on the link 'Water Use Reporting' under 'current topics'. Then, click on 'Submit your water use report data' on the Water Use Reporting page. A logon screen then appears and you use your USER\_ID for both the Username and Password. To submit data for a point of diversion, scroll down to the point of diversion and click on 'Insert' to add data for that diversion. Be sure to be careful to choose the correct units, enter the monthly amounts diverted, and then click the 'Update' button. You will then be given the opportunity to review the data for that diversion to make sure it is correct. Please do so, as once data has been submitted by clicking the 'Submit' button, you cannot edit it. Also, please remember to enter zeros if you did not use a diversion. At present, the system can receive data only for the 2005 water year (October 2004 – September 2005). If you wish to submit data for another year, you will need to submit a hard copy. Thank you in advance for your cooperation. The data you provide is valuable for water management in Oregon.

Finally, if you have small water rights (less than 0.1 cfs or 9.2 AF) and do not report monthly quantities for them, we will assume that you have used water according to those rights.

Yours truly,

Gary L. Ball, PE, PLS  
Hydrographics/Measurement & Reporting Manager  
Voice: 503-986-0831, Fax: 503-986-0902  
[Gary.L.BALL@wrd.state.or.us](mailto:Gary.L.BALL@wrd.state.or.us)

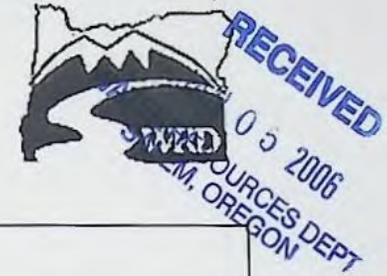


2004

Oregon Water Resources Department  
October 2004 through September 2005  
Annual Water Use - Monthly Quantities Form

2005

USER-ID 27027



Facility POD-ID	SLR 61351	LUR West 36962	LUR SE 36954	Permit # LUR 6-11430
October - 2004	<del>61351</del> 0	<del>36962</del> 0	0	0
November - 2004	0	0	0	0
December - 2004	0	0	0	0
January - 2005	0	0	0	0
February - 2005	0	0	0	0
March - 2005	0	0	0	0
April - 2005	283	100	80	50
May - 2005	283	50	50	50
June - 2005	283	100	50	50
July - 2005	283	30	20	50
August - 2005	283	80	0	30
September - 2005	283	0	0	15
TOTAL *	1203 AF	360 AcFT	200 AcFT	245 AcFT

\* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: AcFT Meters. If use is irrigation, total number acres irrigated 1,800 Acres  
I certify this information is true and accurate to the best of my knowledge.

[Signature]  
Signature

Manager Balin Farm Trust  
Title Reporting Entity  
Balin Ranches

12/29/05  
Date

Scott Balin  
Name - Please Print

Please complete and mail to: Water Resources Department; Water Use Reporting Program;  
725 Summer Street NE; Suite A, Salem, OR 97301-1271, or Fax 503-986-0902.

# INTEROFFICE MEMO

DATE: August 6, 2012  
TO: Kim French Gorski, FISCAL  
FROM: Extensions - Dwight French / Joan Smith  
RE: REQUEST FOR REFUND  
FILE: APPL: G-12972 / PERMIT: G-12458

Please prepare a refund in the amount of \$1600.00, receipt 106406, made payable to:

Name: Balin Ranches  
13600 Homedale Rd  
Klamath Falls, OR 97603

These funds are being paid as a result of:

- Application rejected/ withdrawn
- Excess fees collected for application
- File Closed
- Payment of Publication of Notice (PON)
- Protest Filing Fees
- Other: Extension not needed

The applicant has been notified and is expecting a refund check.

*Unable to accept application for permit ammendment  
with the Extension of Time application.*

*Joan*

I have reviewed this distribution request and have determined the request to be justified as to the purpose indicated above. Fiscal Services is hereby authorized to process the requested distribution.

Authorized Signature: *Dwight French* 7/7/12 Date:

*✓ MAILED ON 8/13/12 @*

STATE OF OREGON REMITTANCE ADVICE

TO SIGN UP FOR DIRECT DEPOSIT PAYMENT SERVICE AND RECEIVE CONVENIENT, ELECTRONIC PAYMENTS, LOG-ON TO <http://egov.oregon.gov/DAS/SCD/SFMS/ach.shtml> ON THE INTERNET. CLICK ON: FORMS AND BROCHURES THEN SELECT DIRECT DEPOSIT (ACH) AUTHORIZATION FORM.

WARRANT NO. [REDACTED]

WATER RESOURCES DEPARTMENT

(503) 986-0924 EXT.

INVOICE NO.	INVOICE DATE	INVOICE DESCRIPTION	AGY	DOCUMENT	AMOUNT
		REVENUE REFUND 106406 G-12972	690	VP035022	1,600.00

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

VENDOR NAME: **BALIN RANCHES**      ISSUE DATE: **08/09/12**      WARRANT AMOUNT: **1,600.00**

FOLD ON PERFORATION LINE BELOW ↓ BEFORE DETACHING.

STATE OF OREGON  
Dept of Administrative Services

To the State Treasurer, Salem, Oregon  
PAYABLE THROUGH US BANK

96-10  
1232

CHECK DATE  
08/09/12



BANK WARRANT NO.  
12 [REDACTED]

WATER RESOURCES DEPARTMENT  
(503) 986-0924 EXT.

PAY THIS AMOUNT  
\$1,600.00

VP035022

\*\*\*\*\*ONE THOUSAND SIX HUNDRED AND 00/100 DOLLARS

PAY TO THE ORDER OF:

BALIN RANCHES  
13600 HOMEDALE RD  
KLAMATH FALLS

OR 97603

VOID 2 YEARS AFTER DATE ISSUED

VOID [Signature] VOID  
AUTHORIZED SIGNATURE



# Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department  
North Mall Office Building  
725 Summer St. NE, Suite A  
Salem, OR 97301  
Phone: 503-986-0900  
FAX: 503-986-0904  
[www.oregon.gov/owrd](http://www.oregon.gov/owrd)

August 6, 2012

Balin Ranches  
13600 Homedale Rd  
Klamath Falls, OR. 97603

RE: Refund of Excess Fees collected for File #G-12972(Permit #G-12458)

Dear Balin Ranches:

On August 2, 2012, a representative of Balin Ranches submitted applications for an extension of time and a permit amendment, it was determined that the permit amendment could not be accepted with the extension of time. The excess fees for the above referenced file had been submitted to the Department by you on behalf of the permit holder. Upon notification of the overpayment, therefore, a refund of the fees paid for the permit amendment for File #G-12972(Permit #G-12458).

The request has been processed. Please find the enclosed check, in the amount of \$1600.00, refunding fees paid to the Department on August 2, 2012.

If you have any further questions concerning this matter, please feel free to contact me by telephone at (503) 986-0898.

Sincerely,

Joan M. Smith  
Natural Resource Specialist

enclosure

cc: File #G-12972 (Permit #G-12485)  
Scott White, Watermaster District #17  
Fiscal

File Copy



**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A  
SALEM, OR 97301-4172

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

RECEIPT # **106406**

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

RECEIVED FROM: <u>Balin Ranches</u>	APPLICATION: <u>G-12972</u>
BY: _____	PERMIT: <u>G-12485</u>
	TRANSFER: _____

CASH:  CHECK: # 155 OTHER: (IDENTIFY)  \_\_\_\_\_

TOTAL REC'D \$ 2100.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES	\$
OTHER: (IDENTIFY) _____	\$
0243 I/S Lease _____	
0244 Mini Water Mgmt. Plan _____	
0245 Cons. Water _____	

**RECEIVED  
OVER THE COUNTER**

**4270 WRD OPERATING ACCT**

<b>MISCELLANEOUS</b>		
0407 COPY & TAPE FEES	\$	
0410 RESEARCH FEES	\$	
0408 MISC REVENUE: (IDENTIFY) _____	\$	
TC162 DEPOSIT LIAB. (IDENTIFY) _____	\$	
0240 EXTENSION OF TIME	\$	<u>2100.00</u>

46111

<b>WATER RIGHTS:</b>		<b>EXAM FEE</b>		<b>RECORD FEE</b>
0201 SURFACE WATER	\$		0202	\$
0203 GROUND WATER	\$		0204	\$
0205 TRANSFER	\$			
<b>WELL CONSTRUCTION</b>		<b>EXAM FEE</b>		<b>LICENSE FEE</b>
0218 WELL DRILL CONSTRUCTOR	\$		0219	\$
LANDOWNER'S PERMIT			0220	\$
OTHER (IDENTIFY) _____				

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

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

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

0233 POWER LICENSE FEE (FWWRD)		\$
0231 HYDRO LICENSE FEE (FWWRD)		\$
HYDRO APPLICATION		\$

**TREASURY OTHER / RDX**

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

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

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

RECEIPT: **106406** DATED: 8-2-12 BY: L Bell

**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT # **106406**

725 Summer St. N.E. Ste. A  
SALEM, OR 97301-4172  
(503) 986-0900 / (503) 986-0904 (fax)

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

RECEIVED FROM: Balin Ranches  
BY: \_\_\_\_\_

APPLICATION	G-12972
PERMIT	G-12485
TRANSFER	

CASH:  CHECK: # 155 OTHER: (IDENTIFY)

TOTAL REC'D \$ 2100.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES \$ \_\_\_\_\_  
OTHER: (IDENTIFY) RECEIVED OVER THE COUNTER \$ \_\_\_\_\_  
0243 I/S Lease \_\_\_\_\_ 0244 Muni Water Mgmt. Plan \_\_\_\_\_ 0245 Cons. Water \_\_\_\_\_

**4270 WRD OPERATING ACCT**

**MISCELLANEOUS** 46111

0407 COPY & TAPE FEES \$ \_\_\_\_\_  
0410 RESEARCH FEES \$ \_\_\_\_\_  
0408 MISC REVENUE: (IDENTIFY) \_\_\_\_\_ \$ \_\_\_\_\_  
TC162 DEPOSIT LIAB. (IDENTIFY) \_\_\_\_\_ \$ \_\_\_\_\_  
0240 EXTENSION OF TIME 2100.00 \$ \_\_\_\_\_

**WATER RIGHTS:**

0201 SURFACE WATER	EXAM FEE	0202	RECORD FEE
0203 GROUND WATER	\$ _____	0204	\$ _____
0205 TRANSFER	\$ _____		

**WELL CONSTRUCTION**

0218 WELL DRILL CONSTRUCTOR	EXAM FEE	0219	LICENSE FEE
LANDOWNER'S PERMIT	\$ _____	0220	\$ _____
OTHER (IDENTIFY) _____			

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

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

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

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

**TREASURY OTHER / RDX**

FUND \_\_\_\_\_ TITLE \_\_\_\_\_  
OBJ. CODE \_\_\_\_\_ VENDOR # \_\_\_\_\_  
DESCRIPTION \_\_\_\_\_ \$ \_\_\_\_\_

RECEIPT: **106406**

DATED: 8-2-12 BY: L Roll



# Summary of Proposed Final Order for Extension of Time

## The Department proposes to:

- grant the extension for complete construction of the water system from October 1, 1997, to October 15, 2006; and
- grant the extension for complete application of water from October 1, 2000, to October 15, 2006.

## AUTHORITY

**ORS 537.630(1)** provide in pertinent part that the Water Resources Department shall, for good cause shown, order an extension of time within which: irrigation or other works shall be completed; the well or other means of developing and securing ground water shall be completed; or the right perfected. In determining the extension, the Department shall give due weight to the considerations described under ORS 539.010(5) and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right.

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

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

## FINDINGS OF FACT

### Background

1. Permit #G-12458 was granted by the Water Resources Department on July 31, 1996. The permit authorizes the use of up to 3.5 cfs of water from one well, within the Lost River Basin, for primary and supplemental irrigation of

307.1 acres. The permit specified that construction of the water system was to be completed by October 1, 1997, and that complete application of water was to be made on or before October 1, 2000.

2. Permit #G-12458 specified that use of water under the permit may expire or be extended five years from issuance of the permit. In addition, the permit also explained that a water right certificate shall be issued at the end of the five year period if the Director finds:
  - A. River stage or Bonanza Big Springs flows are not significantly diminished by use of water under this permit as determined by the Oregon Water Resources Department (OWRD), in consultation with the Bureau of Reclamation and Oregon Department of Fish and Wildlife, using quantifiable ground water and hydrologic science that stands up to peer review;
  - B. Within two years of permit issuance for primary use, the permittee/appropriator has submitted a plan to the Department indicating potential economical sources for an alternative long-term water supply;
  - C. Periodic water level reports have been submitted; and
  - D. Excessively declining ground water levels have not occurred due to well use as determined by the Oregon Water Resources Department, in consultation with the Bureau of Reclamation and Oregon Department of Fish and Wildlife, using quantifiable ground water and hydrologic science that stands up to peer review.
3. The permit holder submitted an "Application for Extension of Time" to the Department on July 20, 2001. The application, however, was not complete until the permit holder submitted the \$100 statutory filing fee on October 19, 2001. The extension application requested the time in which to complete construction of the water system be extended from October 1, 1997, to October 1, 2002, and the time in which to accomplish beneficial use of water to the full extent under the terms of Permit #G-12458 be extended from October 1, 2000, to October 1, 2002. This is the first permit extension requested for Permit #G-12458.
4. Notification of the permit holder's extension of time request for Permit #G-12458 was published on the Department's Public Notice dated October 30, 2001. No public comment on the extension application was received.

5. The permit holder submitted additional information on January 9, 2002, to supplement the extension of time request for Permit #G-12458.

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

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

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

6. Delay in completing the development of this project was caused by the delayed completion of the Oregon Water Resources Department (OWRD) Eastern Lost River Sub-Basin Ground Water Investigation.

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

7. Construction of the well and water system began within the time specified in the permit, being January 18, 1997.

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

8. As of October 19, 2001, the permit holder had invested a total of \$70,000 into the project, consisting of the following: complete construction of the well; installation of a pump; and installation of a meter.

Due to the uncertainty surrounding the OWRD Eastern Lost River Sub-Basin Ground Water Investigation, the permit holder did not anticipate any

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

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

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

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

additional investment into the project until the final outcome from ground water investigation was determined. The remaining cost to complete the project under Permit #G-12458, therefore, is unknown.

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

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

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

**Amount of Construction**

9. The following construction was completed within the time allowed in the permit or previous extension:

- a. Prior to October 1, 2000, the permit holder completed construction of the well and installed a meter.

**Beneficial Use of Water**

10. The following beneficial use was made of the water during the permit or previous extension time limits:

- a. As of October 1, 2000, none of the permitted 3.5 cfs of water had been appropriated from the authorized well for beneficial irrigation purposes under Permit #G-12458.
- b. Delay of full beneficial use of water under Permit #G-12458 was due to the delayed completion of the OWRD Eastern Lost River Sub-Basin Ground Water Investigation. Additionally, the permit holder delayed the investment of any additional money into the project until the final outcome from ground water investigation was determined.

**Compliance with Conditions**

11. The water right permit holder's conformance with the permit or previous extension conditions.

- a. As of the time the extension application was submitted on October 19, 2001, no water use had occurred under Permit #G-12458. The permit holder, however had installed a suitable measuring device,

maintained a record of the non-use of water under Permit #G-12458 and reported the non-use of water to the Department.

- b. The permit holder submitted a plan to the Department indicating that the well authorized under Permit #G-12458 is their alternative long-term water supply plan, as it is supplemental to water received from the Bureau of Reclamation through the Langell Valley Irrigation District.

Compliance with submittal of an alternative long-term water supply plan, however, did not occur until after the time specified in the permit, being July 31, 1998. Because this condition was not satisfied by July 31, 1998, beneficial use of water under this permit has not yet been demonstrated. Additional time under the permit is necessary to allow the permit holder to comply with the permit conditions within a valid permit development time frame.

- c. The permit holder has obtained and submitted periodic ground water levels to the Department.

#### Financial Investments

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

- a. As of October 19, 2001, the permit holder had invested a total of \$70,000 into the project, consisting of the following: complete construction of the well; installation of a pump; and installation of a meter.

Due to the uncertainty surrounding the OWRD Eastern Lost River Sub-Basin Ground Water Investigation, the permit holder did not anticipate any additional investment into the project until the final outcome from ground water investigation was determined. The remaining cost to complete the project under Permit #G-12458, therefore, is unknown.

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

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

13. The amount of water available to satisfy other affected water rights and scenic waterway flows.

- a. The Department determined on June 16, 1993, that this use of ground water will have the potential for substantial interference with the nearest surface water source. Conditions were added to Permit #G-12458 to ensure that this use of ground water would protect Bonanza Big Springs flows and avoid injury to existing rights or the ground water resource.
  - b. The permitted point of appropriation, authorized under Permit #G-12458, is not located within or above the designated boundaries of any state scenic waterway.
  - c. The permitted point of appropriation, authorized under Permit #G-12458, is located within the boundaries of the current Eastern Lost River Sub-Basin Ground Water Investigation study area. Some wells within the boundaries of the ground water study area cause a significant negative flow impact on the Lost River and/or the Bonanza Big Springs.
  - d. The Department has quantified the impact of ground water use under this permit to the Lost River and/or Bonanza Big Springs. Using quantifiable ground water and hydrologic science in consultation with the Bureau of Reclamation and the Oregon Department of Fish and Wildlife, the Department determined that river stage or Bonanza Big Springs flows are not significantly diminished and that excessively declining ground water levels have not occurred due to the use of water from the well under this permit.
14. Special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d).
- a. The permitted point of appropriation, authorized under Permit #G-12458, is located within an area of the Lost River Basin which has been identified by the Oregon Department of Fish and Wildlife as a "low" needs ranking area for streamflow restoration for fish. Additionally, the Lost River has been designated by the Oregon Department of Environmental Quality as a water quality limited stream.
  - b. The permitted point of appropriation, authorized under Permit #G-12458, is not located within a designated reach of any federal wild and scenic river.

15. The habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife.
  - a. The permitted well is not located within a designated sensitive, threatened or endangered species area for aquatic species utilizing surface water resources, as identified by the Oregon Department of Fish and Wildlife.

16. Economic investment in the project to date.

- a. As of October 19, 2001, the permit holder had invested a total of \$70,000 into the project, consisting of the following: complete construction of the well; installation of a pump; and installation of a meter.

Due to the uncertainty surrounding the OWRD Eastern Lost River Sub-Basin Ground Water Investigation, the permit holder did not anticipate any additional investment into the project until the final outcome from ground water investigation was determined. The remaining cost to complete the project under Permit #G-12458, therefore, is unknown.

17. Other economic interests dependent on completion of the project.

- a. None have been identified.

18. Other factors relevant to the determination of the market and present demand for water and power.

- a. None have been identified.

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

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

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

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

20. As of October 19, 2001, the remaining work to be completed consists of complete construction of the water system, compliance with permit conditions and complete application of water to beneficial use within valid development time frames of the permit.
21. Other governmental requirements extended the length of time needed to fully develop and perfect the permit, caused mainly by the delayed completion of the OWRD Eastern Lost River Sub-Basin Ground Water Investigation. Additionally, due to the uncertainty surrounding the OWRD Eastern Lost River Sub-Basin Ground Water Investigation, the permit holder delayed the investment of any additional money into the project until the final outcome from ground water investigation was determined.
22. Given the amount of development left to occur, the permittee requested to have until October 1, 2002, to complete construction of the water system and to accomplish the application of water to beneficial use under the terms of Permit #G-12458. Considering the Department's delay in completing the OWRD Eastern Lost River Sub-Basin Ground Water Investigation and that the irrigation season ends on October 15 of each year, the Department has determined that the permittee's request to have until October 1, 2002, to complete construction and accomplish full beneficial use of water under Permit #G-12458 should be extended to October 15, 2006.

### **CONCLUSIONS OF LAW**

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

4. Completion of construction and full application of water to beneficial use can be accomplished by October 15, 2006<sup>5</sup>, as required by OAR 690-315-0040(1)(c).
5. The Department has considered the requirements of other governmental agencies, the financial investment made, the reasonable diligence and good faith of the appropriator, the market and present demands for water and the fair return upon the investment, and has determined that the applicant has shown good cause exists for an extension to complete construction of the water system and to apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).

**Proposed Order**

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

Extend the time for complete construction of the water system under Permit #G-12458 from October 1, 1997, to October 15, 2006.

Extend the time for complete application of water to beneficial use under Permit #G-12458 from October 1, 2000, to October 15, 2006.

DATED: September 27, 2005

  
Dwight French  
Water Rights Section Manager

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

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<sup>5</sup> Pursuant to ORS 537.630(4), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and the claim of beneficial use.

### Proposed Final Order Hearing Rights

1. Under the provisions of OAR 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may request a contested case hearing on the proposed final order. Your request for contested case hearing must be in writing and must be received by the Water Resources Department no later than Friday, November 11, 2005, being 45 days from the date of publication of the proposed final order in the Department's weekly public notice.
2. A written request for contested case hearing shall include:
  - a. The name, address and telephone number of the petitioner;
  - b. A description of the petitioner's interest in the final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented;
  - c. A detailed description of how the action proposed in the final order would adversely affect or aggrieve the petitioner's interest;
  - d. A detailed description of how the final order is in error or deficient and how to correct the alleged error or deficiency;
  - e. Any citation of legal authority supporting the petitioner, if known;
  - f. Proof of service of the petition upon the water right permit holder, if petitioner is other than the water right permit holder; and
  - g. The protest fee required under ORS 536.050.
3. Within 60 days after the close of the period for requesting a contested case hearing, the Director shall:
  - a. Issue a final order on the extension request; or
  - b. Schedule a contested case hearing if a request for contested case hearing has been submitted, and:
    - 1) Upon review of the issues, the Director finds there are significant disputes related to the proposed agency action; or
    - 2) The applicant submitted a timely request for a contested case hearing.

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

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

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

**Address any correspondence to:**

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



Application # G-12972 / Permit # G-12458

## Route Slip ... Extension of Time

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

◆ **WRIG...**  
✓ Money Received: \$100.<sup>00</sup> on 10-19-01

◆ **Lisa Juul...**  
Extension Completeness: [Signature]  
( If **NOT** complete, send certified letter requesting add'l information. )

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

◆ **Jonnine Fuss...**  
✓ Initial 30-day Public Notice: 10-30-01  
✓ Update Extension Database: 10-30-01  
✓ Files back to filing cabinets: Lisa 10-30-01

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

◆ **Lisa Juul...**  
Pull files for Ext PFO review: \_\_\_\_\_  
Extension PFO completed: \_\_\_\_\_

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

◆ **Jonnine Fuss...**  
Prepare Ext PFO for mailing to applicant: \_\_\_\_\_  
Mail to those who commented and paid copy fee: \_\_\_\_\_  
Include Ext PFO on weekly Public Notice: \_\_\_\_\_

**Within 60 days after the close of the 45-day PFO Protest Period...**  
(PFO Protest Period ends 45 days from PFO sign date)...

◆ **Lisa Juul...**  
Issue an Extension FO: \_\_\_\_\_

*Bonanza*

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

Application #: G - 12972 / Permit #: G - 12458

Permittee's Name: Balin Ranch

Permittee's Mailing Address: 13600 Homedale Rd, Klamath Falls, OR 97603

POD Location: Township 41-S Range 14-E Section 18  $\frac{1}{4}$   $\frac{1}{4}$  SE NW

Drainage Basin: #14-Klamath County: Klamath Watermaster District #: 17

1. Has the applicant submitted the appropriate fee?  Yes / No \$100.00 paid on 10-19-01.  
\*\*\*If "No"..... STOP. (Extension of Time cannot be processed if insufficient fees submitted.)  
\*\*\*NOTE: Any missing Extension information that is needed before an Extension PFO can be completed???

2. Has the applicant completely filled out the Extension Application form? Yes / No  
\*\*\*If "No"..... List the shortcomings below and send a letter requesting the additional/missing information that is needed before the Extension of Time can be processed.

3. Date Permit was issued: 7-31-96 Priority Date: 6-5-92 - for 250.0 AC  
12-23-92 - for 57.1 AC

4. Source: One Well in Lost River Basin

5. Use: Primary & Supplemental Irrigation of 307.1 AC

6. "Q": 3.5 cfs

7. Orig "A" Date: 1-18-97 Orig "B" Date: 10-1-97 Orig "C" Date: 10-1-2000

8. Conditions of Permit: \_\_\_\_\_

Before water use begins.....1. install a meter or other suitable measuring device; and  
2. obtain static water level measurement (SWL) & submit to WRD.

Within two years of permit issuance (for primary uses).....shall submit a plan for alternative long-term water supply.

Each year after water use begins.....

- shall keep a complete record of monthly water use & report annually by April 15 of each year to WRD; and
- obtain SWL measurement in March & October of ea yr & report results to WRD by Apr 15 & Nov 15 of ea yr

9. Extension request received: 10-19-01 <sup>- \$100 and Appl</sup> Request Number (...1<sup>st</sup> 2<sup>nd</sup>, 3<sup>rd</sup>): 1<sup>st</sup>

10. Last Authorized "B" Date: 10-1-97 Last Authorized "C" Date: 10-1-2000

11. Proposed "B" Date: 10-1-2002 Proposed C Date: 10-1-2002

12. Amount Invested to date: \$70,000.00 Estimated Total Cost: \$70,000.00

(\*\*\*Estimated Remaining Cost: None)

Also, need more time to comply with conditions.

AH. Plan Submitted LATE on 10-5-2001 w/ Extension Appl.

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

"A" Date met - well constr. began on 9-23-92. (See well log)

- Meter installed.
- Water Use Reports Submitted

- All. long-term water supply plan submitted.
- re mar/Oct SWL meas submitted.

14. Work on the water development project completed to date includes: \_\_\_\_\_

- Well constructed & pump installed.
- Meter installed.
- No Water Used yet under this permit.... have only used water under limited license.

15. The work remaining to be completed consists of: See telephone memo from Jerry Sauter dated 1-9-02.

- Complete construction of water system
- Complete application of water to beneficial use.

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

- Delay in completing BWRD GW Investigation.
- Permit holder could not justify expenditure of more money because of the uncertainty of the GW study & whether the permit would expire.

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

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

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

- Permit holder has completed approximately 25 % of the construction.
- Permit holder has beneficially used 0 % of the total permitted quantity of water.
- Has the permit holder complied with conditions? Yes / No  
—If No, reasons why not? Didn't satisfy some of conditions until after "C" Date
- Permit holder has invested approximately 100 % of the total estimated cost to complete the project. (10-1-2000).
- Other: \_\_\_\_\_

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

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

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

Div 09 review on 6-16-93 "..... will have potential for substantial interference with nearest SW source."

- Is the POD/POA located.....
- If a GW permit, is GW hydraulically connected to SW (see original Div. 09 GW review)? with nearest SW source,
  - within or above a state scenic waterway? NO
  - within a ground water limited/critical area? Within Eastern Lost R. Sub-Basin GW Investigation Area
  - within or above a segment that has been identified as a federal wild and scenic river? NO
  - within an area that ODFW has identified as an ST&E Area? NO
  - within an area that ODFW has identified as a "LOW" Needs Ranking Area for streamflow restoration for fish?
  - within an area that DEQ has identified as being water quality limited? Lost River - YES
  - Other: \_\_\_\_\_

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

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

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

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

5-year Progress Report Checkpoints

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

No

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

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

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

COBU Requirement - Surface Water - post July 9, 1987

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

COBU Requirement - Ground Water - post July 9, 1987

"Pursuant to ORS 537.630(4), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and the claim of beneficial use."

**NOTES:**

Extension "PFO" Dates

Checklist Last Revised: 7/19/ 2005

Mailing / Issuance Date: \_\_\_\_\_

WRD Ext. Caseworker: \_\_\_\_\_

Protest Deadline Date: \_\_\_\_\_

Date: 8-26-05

App<sup>#</sup> G-12972 / Permit<sup>#</sup> G-12458

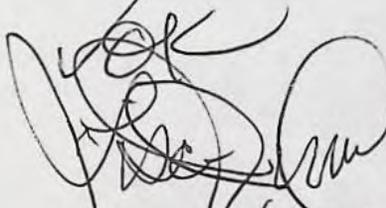
Has a meter or other suitable measuring device, as approved by the Director, been installed yet?

Your permit required a static water level measurement to be made and submitted to the Department before any water use commenced from the well(s).

Once water use began, your permit required you to obtain a static water level measurement for each well during March and October of each year and report the measurements to the Department. The static water level report for the well(s) is to be submitted by April 15 and November 15, respectively, of each year.

You must submit an annual report of the amount of water used each month since water use began under this permit. The annual report is to be submitted to the Department by April 15 of each year.

You must submit a plan to the Department indicating potential economical sources for an alternative long-term water supply.

  
11-24-03

Appl # G-12972

Permit # G-12458  
11-20-2001

*[Signature]*

# Bonanza Ground Water Area Standard Permit Conditions

(NOTE: a check mark in the box next to the condition indicates that the condition has been met)

### • Before Water Use Begins.....

See 1-9-02 fax from Balin & note from Jerry Sauter.  
Shall install a meter or other suitable measuring device; and

Meter installed?  
yes... installed

Appears Use began in April 2001?  
No Use this permit (see below)

Shall obtain a static water level measurement and submit to WRD.

- initial SWL meas. taken when well drilled.  
10-23-92 ---- see attached well log.

### • Within Two Years of Permit Issuance.....(for Primary Uses Only)

Shall submit a plan indicating potential economical sources for an alternative long-term water supply.

Plan submitted on 10-5-2001 with Ext Appl.

### • Each Year Once Water Use Begins.....

~~When did beneficial use of water begin?~~

Shall keep and maintain a complete record of monthly water use and report annually by April 15 of each year to WRD; and

1999/2000 Water Use Report indicates No Water Use

(NOTE: SWL meas. Report indicates pumping began 4-14-2001)

Shall obtain static water level measurements in March and October of each year and report the results to WRD by April 15 and November 15, respectively, of each year.

— See attached SWL Meas. Report.

OK ..... Use appears to have begun in April 2001

? Ext Appl dated 10-5-2001 indicates .....

No Water Used under this permit.  
(only under limited license)

? Need to know when beneficial use began — then can determined in any measurements missing.

Appl # G-12972  
 (Permit # G-12458)  
 11-20-2001

WORK COPY

Comprehensive SWL Data

Bonanza Project									
Bonanza ADR Ground Water Permit Water Level Data									
Owner Submitted and Other Data									
Application Number =	G-12972		1 well	KLAM 10642					
Permit Number =	G-12458	G-12236							
Well Owner =	Balin Ranch								
	S. Langell Valley								
Owner Well ID	OWRD KLAM	Date	Time	Feet	Inches	Measurement (feet)	Measured By	Flow Meter	Comment
	10642	23-Oct-1992				15.00	D. Storey	no reading	well log
	10642	05-Aug-1993		9.00	10.00	9.83	unknown	no reading	owner reported
	10642	15-Dec-1993		9.00	10.00	9.83	unknown	no reading	owner reported
	10642	13-Apr-1996		9.00	10.00	9.83	Balin Ranch	no reading	owner measurement
	10642	15-Oct-1996		10.00	0.00	10.00	unknown	no reading	owner reported
	10642	15-Aug-1997		9.00	10.00	9.83	unknown	no reading	owner reported
	10642	20-Aug-1998	11:05:00			7.17	Grondin	no reading	OWRD measurement (blsd)
	10642	15-Dec-1998		9.00	10.00	9.83	unknown	no reading	owner reported
	10642	15-Mar-1999	09:20:00			5.54	Norton	no reading	OWRD measurement (blsd)
	10642	26-Oct-1999	12:50:00			8.67	Zwart	no reading	OWRD measurement (blsd)
	10642	01-Mar-2000			84.00	7.00	S. Balin	no reading	owner measurement
	10642	09-Mar-2000			96.00	8.00	S. Balin	no reading	owner measurement
	10642	01-Apr-2000		9.00	1.00	9.08	Balin Ranch	no reading	owner measurement
	10642	15-Aug-2000		9.00	10.00	9.83	unknown	no reading	owner reported
	10642	15-Oct-2000		9.00	10.00	9.83	Balin Ranch	no reading	owner measurement
	10642	04-Mar-2001				8.00	S. Balin	no reading	owner measurement
	10642	04-Mar-2001		9.00	0.00	9.00	unknown	no reading	owner reported
	10642	14-Apr-2001	14:00:00	9.00	10.00	9.83	unknown	0.00	owner reported, start pumping 1,400 gpm
	10642	16-Apr-2001	12:30:00				unknown	4,000.00	owner reported, pumping 1,350 gpm
	10642	18-Apr-2001	15:45:00				unknown	7,551.00	owner reported, pumping 1,350 gpm
	10642	19-Apr-2001	17:30:00	124.00	6.00	124.50	Gates	9,657.00	owner reported, pumping 1,350 gpm
	10642	22-Apr-2001	14:30:00	124.00	6.00	124.50	unknown	15,260.00	owner reported, pumping 1,350 gpm

RECEIVED

4/15/14E/11

STATE OF OREGON WATER WELL REPORT (as required by ORS 537.765)

KLAM 10642

NOV 23 1992

WATER RESOURCES DEPT SALEM, OREGON

(START CARD) # 39907

(1) OWNER: Name BALW RANCHES Well Number # 13600 HOMEWAY RD City KLAMATH FALLS State ORG Zip 97601

(9) LOCATION OF WELL by legal description: County KLAMATH Latitude Longitude Township 41S N or S. Range 14E E or W. W Section 18 SE 1/4 SW 1/4 Tax Lot 00350-000 Block Subdivision Street Address of Well (or nearest address) WEST LANE VALLEY RD BONANZA, ORG

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

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

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

(10) STATIC WATER LEVEL: 15 ft. below land surface. Date 10/23 Artesian pressure lb. per square inch. Date

(5) BORE HOLE CONSTRUCTION: Special Construction approval [ ] Yes [X] No Depth of Completed Well 724 ft. Explosives used [ ] Yes [X] No Type Amount

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

Table with columns: HOLE Diameter, SEAL From, To, Material, Amount sacks or pounds. Includes handwritten entries for 22, 19, 150, 12 1/4, 150, 467.

Table with columns: From, To, Estimated Flow Rate. Includes handwritten entry: 383, 724, INDETERMINATE.

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

(12) WELL LOG: Ground elevation

(6) CASING/LINER: Table with columns: Diameter, From, To, Gauge, Steel, Plastic, Welded, Threaded. Includes handwritten entry: 16" 20, +1, 19, 250.

Table with columns: Material, From, To. Lists geological layers like Boulders & Brown Clay, Black Basalt, Grey Basalt, Hard Brown Ash, etc.

Final location of shoe(s) 19 Feet

(7) PERFORATIONS/SCREENS: Table with columns: From, To, Slot size, Number, Diameter, Tele/pipe size, Casing, Liner.

(8) WELL TESTS: Minimum testing time is 1 hour. [X] Pump [ ] Bailer [ ] Air [ ] Flowing Artesian. Yield gal/min 1000, Drawdown 150, Drill stem at 1 hr.

Date started 9/23/92 Completed 10/23/92

Temperature of Water 64.0F Depth Artesian Flow Found Was a water analysis done? [ ] Yes [ ] No By whom Did any strata contain water not suitable for intended use? [ ] Too little [ ] Salty [ ] Muddy [ ] Odor [ ] Colored [ ] Other Depth of strata:

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

(bonded) Water Well Constructor Certification: I accept responsibility for the construction, alteration, or abandonment wor formed on this well during the construction dates reported above. All work perf during this time is in compliance with Oregon well construction standards. This is true to the best of my knowledge and beli WWC Number Signed Date 11/20/92



# Oregon

Theodore R. Kulongoski, Governor  
November 22, 2004

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

BALIN RANCH  
13600 HOMEDALE RD  
KLAMATH FALLS OR 97603

REFERENCE: Water Right Application #G-12972 (Permit #G-12458)

Dear Permit Holder:

As you may know, your Permit #G-12458 contains the following special Alternative Dispute Resolution (ADR) conditions for the Department to determine whether the permit may expire, be extended or be certificated.

The use of water under this permit may expire or be extended five years from issuance of the permit. A water right certificate shall be issued at the end of the five year period if the Director finds:

- A. River stage or Bonanza Big Springs flows are not significantly diminished by use of water under this permit as determined by the Oregon Water Resources Department, in consultation with the Bureau of Reclamation and Oregon Department of Fish and Wildlife, using quantifiable groundwater and hydrologic science that stands up to peer review;
- B. Within two years of permit issuance for primary use, the permittee/appropriator has submitted a plan to the Department indicating potential economic sources for an alternative long-term water supply;
- C. Periodic water level reports have been submitted; and
- D. Excessively declining ground water levels have not occurred due to well use and determined by the Oregon Water Resources Department, in consultation with the Bureau of Reclamation and Oregon Department of Fish and Wildlife, using quantifiable groundwater and hydrologic science that stands up to peer review.

The Department recently completed the eastern Lost River sub-basin ground water investigation and report directed to address permit conditions A and D. The report executive summary was mailed to you a few weeks ago.

The ground water investigation results allow the Department to make a positive finding that using ground water under Permit #G-12458 will not significantly diminish river stage or Bonanza Big Springs flows. Additionally, the Department finds no excessively declining ground water levels. These findings mean the Department may issue a certificate.

Oregon Water Resources Department records indicate that an application for extension of time for Permit #G-12458 has been submitted. At this time, it is important for you to determine whether you truly need an extension of time or if you are in a position now to submit the materials necessary for certification of the permit. The materials are a claim of beneficial use report and survey map.

November 22, 2004  
BALIN RANCH

It is recommended that you review your permit and consider your diligence in developing your permit (including compliance with all permit conditions) as you decide whether you need or want to proceed with an extension of time for this permit. You do not need an extension of time if:

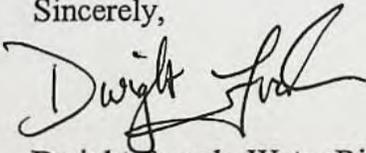
1. You completed development within the terms and conditions of your permit by October 1, 2000; and
2. Any permit conditions requiring completion before water use began (such as installation of a meter) were satisfied. In that regard, you will need to demonstrate:
  - a. Each condition was satisfied prior to the development deadline specified in the permit, being October 1, 2000;
  - b. Beneficial water use was made after the condition(s) were satisfied; and
  - c. You were finished developing the water use under the permit by October 1, 2000.

If you decide to withdraw your extension of time application and request a refund of fees paid toward the extension, please complete the enclosed extension of time withdrawal request form and mail it to the Department in the enclosed stamped envelope **by December 22, 2004**.

If you seek a certificate, and an extension of time is truly not needed, and you decide to withdraw your extension application, please begin the process of certifying your permit by submitting a claim of beneficial use report and survey map (COBU) prepared by a certified water rights examiner pursuant to ORS 537.630(3) by October 1, 2005. A list of certified water rights examiners is included for your reference. After October 1, 2005, the Department will consider your COBU late.

If you have any questions regarding the extension of time application or the process to certify your permit, please contact Lisa Juul at (503) 986-0808. If you have any other questions, please feel free to contact me at (503) 986-0819.

Sincerely,



Dwight French, Water Rights Section Manager  
Water Rights and Adjudication Division

enclosures:      Extension of Time Withdrawal Request  
                         Self-Addressed Stamped Envelope  
                         Certified Water Rights Examiner List

cc:                      Appl #G-12972 (Permit #G-12458)  
                         Watermaster District #17



# 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

**PLEASE NOTE OUR NEW ADDRESS AS SHOWN ABOVE**

November 25, 2003

BALIN RANCH  
13600 HOMEDALE ROAD  
KLAMATH FALLS OR 97603

Application G-12972, Permit G12458

Dear Permit Holder,

You are receiving this letter because Oregon Water Resources Department records indicate that you are the holder of a water right permit that contains several special conditions. The special conditions are included with this letter, along with contact information that I hope will be useful to you. This letter is intended to provide you with an update on the status of your permit with regard to its special conditions.

**The status of your permit with regard to its special conditions is as follows:**

You have filed an extension of time for your permit because the study was not completed within the development deadline (October 1, 2000) noted in your permit. Your extension application is awaiting action by the Department. After the report is final, the Department will take action on your extension request by issuing a proposed final order. Issuance of the proposed final order will be followed by a 45-day protest period.

In 1996, the Department began a study of the ground water resources of your area to aid the Director in determining whether your permit should receive a certificate or be canceled. The study is nearing completion. As required by the conditions of the study, a peer review is underway. After the peer review comments are received and considered, the Department intends to finalize the study with a report by January, 2004.

If you have questions regarding the ground water study, please contact Jerry Grondin. For questions regarding your extension of time, please contact Lisa Juul. Please feel free to contact me with any other questions you may have.

Sincerely,

Dwight French  
Water Rights Section Manager

cc: Application Number G12972  
Del Sparks, Watermaster District 17  
Don Knauer, CWRE



# 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

### SPECIAL PERMIT CONDITIONS:

"The use of water under this permit may expire or be extended five years from issuance of the permit. A water right certificate shall be issued at the end of the five year period if the Director finds:

- A. River stage or Bonanza Big Spring flows are not significantly diminished by use of water under this permit as determined by the Oregon Water Resources Department, in consultation with the Bureau of Reclamation and Oregon Department of Fish and Wildlife, using quantifiable groundwater and hydrologic science that stands up to peer review;
- B. Within two years of permit issuance for primary use, the permittee/appropriator has submitted a plan to the Department indicating potential economical sources for an alternative long-term water supply;
- C. Periodic water level reports have been submitted; and
- D. Excessively declining ground water levels have not occurred due to well use and determined by the Oregon Water Resource Department, in consultation with the Bureau of Reclamation and Oregon Department of Fish and Wildlife, using quantifiable groundwater and hydrologic science that stands up to peer review."

### CONTACT LIST FOR BONANZA AREA PERMIT HOLDERS:

<u>contact and e-mail</u>	<u>phone</u>	<u>fax</u>
Jerry Grondin Gerald.H.Grondin@wrd.state.or.us	503-986-0848	503-986-0902
Lisa Juul Lisa.J.Juul@wrd.state.or.us	503-986-0808	503-986-0901
Dwight French Dwight.W.French@wrd.state.or.us	503-986-0847	503-986-0901

November 25, 2003

File # G-12972

# MEMORANDUM

**Date:** January 14, 2002  
**To:** Jerry Grondin, Ground Water Hydrology Section  
**From:** Lisa Juul, Permit Extensions   
**Subject:** SWL Measurement Data  
**CC:** Application #G-12972 / Permit #G-12458

---

The attached pump static water level measurement data was submitted as part of a response to the certified letter I recently sent out concerning ground water permit extensions in the Bonanza GW study area. .

The attached information provides SWL data that was not represented on the Ground Water Level Data Report you provided me in mid-November 2001. The permit holder provided this information.

Thank you.

**Oregon Water Resources Department  
PERMIT CONDITION WATER-LEVEL REPORTING FORM**

RE: Required Water Level Report for a Well on Permit G 12458 Certificate 0 Pod 1 Application G 12972  
 Used on water right as: A WELL. Well log ID (if any, in our records): KLAM 10642 Priority date: 12/23/1992  
 Location: In the SE quarter of the NW quarter of Section 18, Township 41S, Range 14E  
 150 FEET NORTH & 640 FEET WEST FROM C1/4 CORNER, SECTION 18

**SCOTT BALIN  
 BALIN RANCH  
 13600 HOMEDALE RD  
 KLAMATH FALLS OR 97603**

Our records indicate that you are the holder of a groundwater permit that requires that you periodically measure and report static water levels in your well(s). If you are no longer the holder of this permit or no longer have an interest in it, please contact our department. Consult your permit to determine the required times for measuring and reporting, as well as any requirements regarding who may make the measurements. We recommend that you keep a copy of all measurement reports for your records. All measurements should be made to at least the nearest tenth of a foot or the nearest inch (e.g. 10.2 feet or 10 feet 3 inches).

**MEASUREMENT REPORT**  
 (Complete one form for each well)

Well Identification (provide as much of the following information as possible):  
 Original owner of well (owner name on well log): Balin Ranches  
 Owner's well name or number (if any): \_\_\_\_\_  
 Well ID (number on tag attached to casing, if present): \_\_\_\_\_  
 Well log startcard number (if listed on well log): \_\_\_\_\_  
 Well depth: \_\_\_\_\_ Casing diameter: \_\_\_\_\_  
 Date drilled: \_\_\_\_\_ Driller: \_\_\_\_\_

When did water use begin under this permit from this well? Date: Month/Yr. 5/15/01 End 10/31/01  
 Show all water rights listing this well:  
 Application number(s): Limited License Water Appropriation To Klamath River  
 Permit number(s): United States Government  
 Certificate number(s): \_\_\_\_\_

Date of measurement: 11/15/01  
 Description of measuring point (e.g. 1 1/4" port pipe on north side): Pump Base Perf Hole ~~2 1/4~~ 1 1/4"

Static water level above / below (circle one) measuring point: 20.6 feet, or airline pressure \_\_\_\_\_ psi  
 Measuring point distance above / below (circle one) land surface: 12 feet, or airline length \_\_\_\_\_ feet  
 Static water level above / below (circle one) land surface: 19.6 feet  
 Shut-in pressure (if flowing artesian well): \_\_\_\_\_ psi

Method of measurement: E-tape  Airline \_\_\_\_\_ Other(specify): \_\_\_\_\_  
 Water-level status when measured: Static \_\_\_\_\_ Pumping \_\_\_\_\_ Recovering \_\_\_\_\_ Flowing \_\_\_\_\_  
 Length of time well was idle before measurement: \_\_\_\_\_

Calculation / comments (show all work; use back or extra sheet if necessary):  
Calibrated Resistance Conductor Wire

I hereby certify that, to the best of my ability, the information on this report is accurate and, at the time of measurement, representative of the static water level in the aquifer  
 Person making measurement (print): Scott Balin  
 Signature of measurer: \_\_\_\_\_  
 Company: Balin Ranches  
 License number (CWRE, RG, PE, WWC, Pump Installer): \_\_\_\_\_  
 Daytime phone number: 541-891-7909 Email address: \_\_\_\_\_

If you have any questions about this notice, please call the Ground Water/Hydrology Section of the Department at 503-378-8455 ext. 289, or toll free (within Oregon only) at 1-800-624-3199. Return this form to 158 12th St. NE, Salem, OR 97310-4172.

Bonanza Project									
Bonanza ADR Ground Water Permit Water Level Data									
Owner Submitted and Other Data									
Application Number =	G-12972		1 well	KLAN 10642					
Permit Number =	G-12458		G-12236						
Well Owner =	Balin Ranch S. Langel Valley								
Owner Well ID	OWRD KLAM	Date	Time	Feet	Inches	Measurement (feet)	Measured By	Flow Meter	Comment
	10642	23-Oct-1992				15.00	D. Storey	no reading	well log
	10642	05-Aug-1993		9.00	10.00	9.83	unknown	no reading	owner reported
	10642	15-Dec-1993		9.00	10.00	9.83	unknown	no reading	owner reported
	10642	13-Apr-1995		9.00	10.00	9.83	Balin Ranch	no reading	owner measurement
	10642	15-Oct-1995		10.00	0.00	10.00	unknown	no reading	owner reported
	10642	15-Aug-1997		9.00	10.00	9.83	unknown	no reading	owner reported
	10642	20-Aug-1998	11:05:00			7.17	Gronfin	no reading	OWRD measurement (blsd)
	10642	15-Dec-1998		9.00	10.00	9.83	unknown	no reading	owner reported
	10642	15-Mar-1999	09:20:00			5.54	Norton	no reading	OWRD measurement (blsd)
	10642	26-Oct-1999	12:50:00			8.67	Zwarl	no reading	OWRD measurement (blsd)
	10642	01-Mar-2000			84.00	7.00	S. Balin	no reading	owner measurement
	10642	09-Mar-2000			96.00	8.00	S. Balin	no reading	owner measurement
	10642	01-Apr-2000		9.00	1.00	9.08	Balin Ranch	no reading	owner measurement
	10642	15-Aug-2000		9.00	10.00	9.83	unknown	no reading	owner reported
	10642	15-Oct-2000		5.00	10.00	9.93	Balin Ranch	no reading	owner measurement
	10642	04-Mar-2001		9.00	0.00	9.00	S. Balin	no reading	owner measurement
	10642	04-Mar-2001		9.00	0.00	9.00	unknown	no reading	owner reported
	10642	14-Apr-2001	14:00:00	9.00	10.00	9.85	unknown	0.00	owner reported, start pumping 1,400 gpm
	10642	16-Apr-2001	12:30:00				unknown	4,000.00	owner reported, pumping 1,350 gpm
	10642	18-Apr-2001	15:45:00				unknown	7,551.00	owner reported, pumping 1,350 gpm
	10642	19-Apr-2001	17:30:00	124.00	6.00	124.50	Gates	9,657.00	owner reported, pumping 1,350 gpm
	10642	22-Apr-2001	14:30:00	124.00	6.00	124.50	unknown	15,260.00	owner reported, pumping 1,350 gpm

JUN-09-02 04:57 PM

Non Beneficial  
Limited Lic.  
Pumping Only  
Under Emergency  
Permit

Oct 31-2001 → Finish Pumping BOR  
 Nov. 15 01 20.6" static  
 Limited Lic

1-09-2002

LISA,

I SPOKE WITH HAL & SCOTT BALIN TODAY. THEY ARE CONCERNED ABOUT WHAT THE CERTIFIED LETTER MEANS. I CAN ANSWER SOME OF YOUR QUESTIONS ABOUT THE EXTENSION INFORMATION, NOW THAT I HAVE SPOKEN WITH THEM. SCOTT WAS NOT SURE IF YOU RECEIVED THE PUMP INFO HE FAXED RECENTLY SO HE WILL FAX IT AGAIN. HAL ALSO EXPLAINED WHY IT MAY LOOK LIKE THE WELL HAS BEEN USED, WHEN THEY CANNOT DEVELOP THE PERMIT. THE WELL WAS USED UNDER FEDERAL CONTRACT (R.O.R.) FOR FLOW AUGMENTATION, BUT NOT FOR IRR. <sup>&</sup> SUPPL. IRR. DUE TO RESTRICTIONS IN THE AREA. THEY COULD NOT JUSTIFY FURTHER EXPENDITURE UNTILL THEY KNEW IF THE DEPT. WOULD EXTEND OR CERTIFY PERMITS. THEY ARE READY TO COMPLETE THIS PERMIT AND EXERCISE IT BUT THEY NEED THE EXTENSION. THEY HAVE A METER ON THE WELL. IT IS READY TO IRRIGATE.

IF I CAN HELP OR TALK 2 BALINS FOR YOU, JUST LET US KNOW AND I'LL BE GLAD TO HELP 6

JERRY

→ from Jerry Sauter,  
1-9-2002

1-14-02

\* Verified by Jerry Sauter, based on his telephone conversation with the Balins...

1. Meter installed on both wells (Permits G-12458 & G-12463) --- See Also Water Level Data Report attached.
2. No beneficial use of water has occurred under either permit (Permits G-12458 & G-12463)
3. Irrig. systems not yet constructed... because they were waiting to know what the outcome of the Bonanza GW Study will be.

... See Also → attached info from permittee.

File G-12972

To: OWRD

Attn: Jerry

Fax # 503-378-6203

Pages, 6

From: Balin Ranches (Scott Balin)

541-891-7909 541-882-0747  
Please Call Any QuestionsSubject: Wangel Valley, Oregon  
Supplemental License Condition  
Information. Irrigation Wells

Note: Permit G-12458 & Permit G-12463  
are both under same conditions  
under permit's requirements. These wells  
are in 2 miles of each other. Is  
it possible mailings or information  
about these could be sent in one package  
No Beneficial Use was used from both  
these wells. Only Limited Lic. Under  
Emergency Permits From April 2001 → Oct 2001.  
Thank You. Scott Balin



# Oregon

John A. Kitzhaber, M. D., Governor

Water Resources Department

Commerce Building  
158 12th Street NE  
Salem, OR 97301-4172  
(503) 378-3739  
FAX (503) 378-8130  
www.wrd.state.or.us

## CERTIFIED LETTER Return Receipt Requested

January 4, 2002

Balin Ranch  
Attn: Scott Balin  
13600 Homedale Road  
Klamath Falls, Oregon 97603

Reference: File #G-12972 (Permit #G-12458)

Dear Ground Water Permit Holder:

The Department is currently reviewing your permit extension request. As part of this review, the Department must determine whether or not you have complied with condition(s) contained in your permit. Please review the permit conditions listed below and explain how you have complied with the condition(s) and/or provide any data or evidence that may substantiate compliance with the condition(s).

**Condition #1:**

Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director.

- Has a water meter been installed on the permitted well yet? If so, please indicate the date when the water meter was installed.

*Yes, April Limited Lic. Pumping Only*

**Condition #2:**

The permittee shall keep a complete record of the amount of water used each month and shall submit an annual report which includes the recorded water use measurements to the Department by April 15 of each year.

- Has any beneficial use of water been made under this permit? If so, please indicate the date when the beneficial water use under Permit #G-12458 first began.

*No Only Limited Lic. Emergency Permit*

- The Department has received water use reporting data from you for the period October 1999 through September 2000. The data indicates that no water was beneficially used under this permit during that time.

*Limited Lic. Emergency Permit*

*No*

If any water has been used under this permit prior to or after the period October 1999 through September 2000, please complete an "Annual Water Use/Monthly Quantities Form" for each water year (October through September) in which you have used water. Water use records for any given year should be reported in the same fashion as the 2000/2001 water year form enclosed for your reference.

**Condition #3:**

Once water use begins, the permittee shall obtain a static water level measurement for each well during March and October of each year and report the measurements to the Department. The water user shall report the static water level(s) in the well(s) by April 15 and November 15, respectively, of each year.

- ▶ Enclosed for your review, please find the Department's report showing all static water level measurement data received by the Department for this permit. If you notice any missing or incorrect data on this report, please submit the information to the Department as soon as possible. We will then enter the data into the Department's ground water level tracking database.

Please submit this information by **Monday, February 4, 2002**. Failure to submit the requested information by this deadline may result in the proposed rejection of your extension request.

*If you need to request additional time to submit the information requested above, a written request must be received in the Salem office of the Department by the deadline above. The Department will evaluate timely requests and determine whether or not the request may be granted.*

If you have questions about the extension of time, you may contact me at (503) 378-8455, extension 272. If you have questions concerning the Bonanza ground water study area, please contact Jerry Grondin at the same telephone number, extension 214.

Sincerely,

*Dwight French  
268*

Lisa J. Juul *Ext. 272*  
Water Rights Specialist  
Water Rights Section

enclosures: Static Water Level Data Report  
Annual Water Use/ Monthly Quantities Form

cc: File #G-12972 (Permit #G-12458)  
Del Sparks, Watermaster Dist #17

### Oregon Water Resources Department PERMIT CONDITION WATER-LEVEL REPORTING FORM

RE: Required Water Level Report for a Well on Permit G 12458 Certificate 0 Pod 1 Application G 12972  
located on water right as: A WELL. Well log ID (if any, in our records): KLAM 10642 Priority date: 12/23/1992  
Location: In the SE quarter of the NW quarter of Section 18, Township 41S, Range 14E  
150 FEET NORTH & 640 FEET WEST FROM C1/4 CORNER, SECTION 18

SCOTT BALIN  
BALIN RANCH  
13600 HOMEDALE RD  
KIAMATH FALLS OR 97603

Our records indicate that you are the holder of a groundwater permit that requires that you periodically measure and report static water levels in your well(s). If you are no longer the holder of this permit or no longer have an interest in it, please contact our department. Consult your permit to determine the required times for measuring and reporting, as well as any requirements regarding who may make the measurements. We recommend that you keep a copy of all measurement reports for your records. All measurements should be made to at least the nearest tenth of a foot or the nearest inch (e.g. 10.2 feet or 10 feet 3 inches).

#### MEASUREMENT REPORT (Complete one form for each well)

Well Identification (provide as much of the following information as possible):  
Original owner of well (owner name on well log): Balin Ranches  
Owner's well name or number (if any): \_\_\_\_\_  
Well ID (number on tag attached to casing, if present): \_\_\_\_\_  
Well log startcard number (if listed on well log): \_\_\_\_\_

Well depth: \_\_\_\_\_ Casing diameter: \_\_\_\_\_  
Date drilled: \_\_\_\_\_ Driller: \_\_\_\_\_

When did water use begin under this permit from this well? Date: Month/Yr. 5/15/01 End 10/31/01

Show all water rights listing this well:  
Application number(s): Limited License Water Augmentation To Klamath River  
Permit number(s): United States Government  
Certificate number(s): \_\_\_\_\_

Date of measurement: 11/15/01

Description of measuring point (e.g. 1 1/4" port pipe on north side): Pump Base Ref Hole ~~2 1/4~~ 1 1/4"

Static water level above / below (circle one) measuring point: 20.6 feet or airline pressure \_\_\_\_\_ psi  
Measuring point distance above / below (circle one) land surface: 12" feet or airline length \_\_\_\_\_ feet  
Static water level above / below (circle one) land surface: 19.6" feet  
Shut-in pressure (if flowing artesian well): \_\_\_\_\_ psi

Method of measurement: E-tape  Airline \_\_\_\_\_ Other(specify): \_\_\_\_\_  
Water-level status when measured: Static \_\_\_\_\_ Pumping \_\_\_\_\_ Recovering \_\_\_\_\_ Flowing \_\_\_\_\_

Length of time well was idle before measurement: \_\_\_\_\_  
Calculation / comments (show all work; use back or extra sheet if necessary):  
Calibrated Resistance Conductor Wire

I hereby certify that, to the best of my ability, the information on this report is accurate and, at the time of measurement, representative of the static water level in the aquifer

Person making measurement (print): Scott Balin  
Signature of measurer: \_\_\_\_\_  
Company: Balin Ranches  
License number (CWRE, RG, PE, WWC, Pump Installer): \_\_\_\_\_  
Daytime phone number: 541-891-7909 Email address: \_\_\_\_\_

If you have any questions about this notice, please call the Ground Water/Hydrology Section of the Department at 503-378-8455 ext. 289, or toll free (within Oregon only) at 1-800-624-3199. Return this form to 158 12th St. NE, Salem, OR 97310-4172.

### Oregon Water Resources Department PERMIT CONDITION WATER-LEVEL REPORTING FORM

RE: Required Water Level Report for a Well on Permit G 12463 Certificate 0 Pod 1 Application G 13184

Listed on water right as: A WELL Well log ID (if any, in our records): KLAM 10748 Priority date: 1/7/1994  
 Location: In the NE quarter of the SW quarter of Section 12, Township 41S, Range 13E  
 2280 FEET NORTH & 2390 FEET EAST FROM SW CORNER, SECTION 12

**SCOTT BALIN  
 BALIN RANCH  
 13600 HOMEDALE RD  
 KLAMATH FALLS OR 97603**

Our records indicate that you are the holder of a groundwater permit that requires that you periodically measure and report static water levels in your well(s). If you are no longer the holder of this permit or no longer have an interest in it, please contact our department. Consult your permit to determine the required times for measuring and reporting, as well as any requirements regarding who may make the measurements. We recommend that you keep a copy of all measurement reports for your records. All measurements should be made to at least the nearest tenth of a foot or the nearest inch (e.g. 10.2 feet or 10 feet 3 inches).

#### MEASUREMENT REPORT (Complete one form for each well)

Well Identification (provide as much of the following information as possible):  
 Original owner of well (owner name on well log): Balin Ranch  
 Owner's well name or number (if any): \_\_\_\_\_  
 Well ID (number on tag attached to casing, if present): \_\_\_\_\_  
 Well log startcard number (if listed on well log): \_\_\_\_\_  
 Well depth: \_\_\_\_\_ Casing diameter: \_\_\_\_\_  
 Date drilled: \_\_\_\_\_ Driller: \_\_\_\_\_

When did water use begin under this permit from this well? Date: Month/Yr. 5/15/01 To 10/31/01  
 Show all water rights listing this well:  
 Application number(s): United Lignite Water Augmentation To Klamath Riv  
 Permit number(s): For United States Government  
 Certificate number(s): \_\_\_\_\_

Date of measurement: 11/15/01  
 Description of measuring point (e.g. 1 1/4" port pipe on north side): 1 1/4" Port Hole on Pump Base  
 Static water level above / below (circle one) measuring point: 08.4 1/2" feet, or airline pressure \_\_\_\_\_ psi  
 Measuring point distance above / below (circle one) land surface: 12.5 1/2" feet, or airline length \_\_\_\_\_ feet  
 Static water level above / below (circle one) land surface: 17.4 1/2" feet  
 Shut-in pressure (if flowing artesian well): \_\_\_\_\_ psi

Method of measurement: E-tape  Airline \_\_\_\_\_ Other(specify): \_\_\_\_\_  
 Water-level status when measured: Static \_\_\_\_\_ Pumping \_\_\_\_\_ Recovering \_\_\_\_\_ Flowing \_\_\_\_\_

Length of time well was idle before measurement: \_\_\_\_\_  
 Calculation / comments (show all work; use back or extra sheet if necessary):  
Calibrated in Ft. Resistance Conductor Wire

I hereby certify that, to the best of my ability, the information on this report is accurate and, at the time of measurement, representative of the static water level in the aquifer.  
 Person making measurement (print): Scott Balin  
 Signature of measurer: \_\_\_\_\_  
 Company: Balin Ranch  
 License number (C-WRF, RG, PE, WWC, Pump Installer): \_\_\_\_\_  
 Daytime phone number: 541-891-7909 Email address: \_\_\_\_\_

If you have any questions about this notice, please call the Ground Water/Hydrology Section of the Department at 503-378-8455 ext. 219, or toll free (within Oregon only) at 1-800-624-3199. Return this Form to 158 12th St. NE, Salem, OR 97310-4172.

Bonanza Project									
Bonanza ADR Ground Water Permit Water Level Data									
Owner Submitted and Other Data									
Application Number =	G-12972		1 well	KLAN 10642					
Permit Number =	G-12458		G-12236						
Well Owner =	Balin Ranch								
	S. Langell Valley								
Owner Well ID	OWRD KLAM	Date	Time	Feet	Inches	Measurement (feet)	Measured By	Flow Meter	Comment
	10642	23-Oct-1992				15.00	D. Storey	no reading	well log
	10642	05-Aug-1993		9.00	10.00	9.83	unknown	no reading	owner reported
	10642	15-Dec-1993		9.00	10.00	9.83	unknown	no reading	owner reported
	10642	13-Apr-1996		9.00	10.00	9.83	Balin Ranch	no reading	owner measurement
	10642	15-Oct-1996		10.00	0.00	10.00	unknown	no reading	owner reported
	10642	15-Aug-1997		9.00	10.00	9.83	unknown	no reading	owner reported
	10642	20-Aug-1998	11:05:00			7.17	Grandin	no reading	OWRD measurement (blsd)
	10642	15-Dec-1999		9.00	10.00	9.83	unknown	no reading	owner reported
	10642	15-Mar-1999	09:20:00			5.54	Norton	no reading	OWRD measurement (blsd)
	10642	26-Oct-1999	12:50:00			8.67	Zwart	no reading	OWRD measurement (blsd)
	10642	01-Mar-2000			84.00	7.00	S. Balin	no reading	owner measurement
	10642	09-Mar-2000			96.00	8.00	S. Balin	no reading	owner measurement
	10642	01-Apr-2000		9.00	1.00	9.08	Balin Ranch	no reading	owner measurement
	10642	15-Aug-2000		9.00	10.00	9.83	unknown	no reading	owner reported
	10642	15-Oct-2000		9.00	10.00	9.83	Balin Ranch	no reading	owner measurement
	10642	04-Mar-2001				9.00	S. Balin	no reading	owner measurement
	10642	04-Mar-2001		9.00	0.00	9.00	unknown	no reading	owner reported
	10642	14-Apr-2001	14:00:00	9.00	10.00	9.83	unknown	0.00	owner reported, start pumping 1,400 gpm
	10642	16-Apr-2001	12:30:00				unknown	4,000.00	owner reported, pumping 1,350 gpm
	10642	18-Apr-2001	15:45:00				unknown	7,551.00	owner reported, pumping 1,350 gpm
	10642	19-Apr-2001	17:30:00	124.00	6.00	124.50	Gates	9,657.00	owner reported, pumping 1,350 gpm
	10642	22-Apr-2001	14:30:00	124.00	6.00	124.50	unknown	15,260.00	owner reported, pumping 1,350 gpm

JUN-09-02 01:57 PM

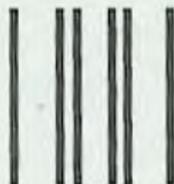
Non Beneficial  
Limited Lic.  
Pumping Only  
Under Emergency  
Permit

Oct 31-2001 →  
Nov. 15 01 20.6" static

Finish Pumping BOR  
Limited Lic



UNITED STATES POSTAL SERVICE



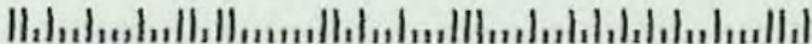
First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

OREGON WATER RESOURCES  
158 12<sup>th</sup> ST NE  
SALEM OR 97301-4172

RECEIVED  
JAN 10 2002  
WATER RESOURCES DEPT.  
SALEM, OREGON

97301+4172





# Oregon

John A. Kitzhaber, M.D., Governor

## Water Resources Department

Commerce Building  
158 12th Street NE  
Salem, OR 97301-4172  
(503) 378-3739  
FAX (503) 378-8130  
www.wrd.state.or.us

### CERTIFIED LETTER Return Receipt Requested

January 4, 2002

Balin Ranch  
Attn: Scott Balin  
13600 Homedale Road  
Klamath Falls, Oregon 97603

Reference: File #G-12972 (Permit #G-12458)

Dear Ground Water Permit Holder:

The Department is currently reviewing your permit extension request. As part of this review, the Department must determine whether or not you have complied with condition(s) contained in your permit. Please review the permit conditions listed below and explain how you have complied with the condition(s) and/or provide any data or evidence that may substantiate compliance with the condition(s).

#### **Condition #1:**

Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director.

- ▶ Has a water meter been installed on the permitted well yet? If so, please indicate the date when the water meter was installed.

#### **Condition #2:**

The permittee shall keep a complete record of the amount of water used each month and shall submit an annual report which includes the recorded water use measurements to the Department by April 15 of each year.

- ▶ Has any beneficial use of water been made under this permit? If so, please indicate the date when the beneficial water use under Permit #G-12458 first began.
- ▶ The Department has received water use reporting data from you for the period October 1999 through September 2000. The data indicates that no water was beneficially used under this permit during that time.

If any water has been used under this permit prior to or after the period October 1999 through September 2000, please complete an "Annual Water Use/Monthly Quantities Form" for each water year (October through September) in which you have used water. Water use records for any given year should be reported in the same fashion as the 2000/2001 water year form enclosed for your reference.

**Condition #3:**

Once water use begins, the permittee shall obtain a static water level measurement for each well during March and October of each year and report the measurements to the Department. The water user shall report the static water level(s) in the well(s) by April 15 and November 15, respectively, of each year.

- ▶ Enclosed for your review, please find the Department's report showing all static water level measurement data received by the Department for this permit. If you notice any missing or incorrect data on this report, please submit the information to the Department as soon as possible. We will then enter the data into the Department's ground water level tracking database.

Please submit this information by **Monday, February 4, 2002**. Failure to submit the requested information by this deadline **may** result in the proposed rejection of your extension request.

*If you need to request additional time to submit the information requested above, a written request must be received in the Salem office of the Department by the deadline above. The Department will evaluate timely requests and determine whether or not the request may be granted.*

If you have questions about the extension of time, you may contact me at (503) 378-8455, extension 272. If you have questions concerning the Bonanza ground water study area, please contact Jerry Grondin at the same telephone number, extension 214.

Sincerely,

Lisa J. Juul  
Water Rights Specialist  
Water Rights Section

enclosures: Static Water Level Data Report  
Annual Water Use/ Monthly Quantities Form

cc: File #G-12972 (Permit #G-12458)  
Del Sparks, Watermaster Dist #17

Bonanza Project									
Bonanza ADR Ground Water Permit Water Level Data									
Owner Submitted and Other Data									
Application Number =	G-12972			1 well		KLAM 10642			
Permit Number =	G-12458	G-12236							
Well Owner =	Balin Ranch								
	S. Langell Valley								
Owner Well ID	OWRD KLAM	Date	Time	Feet	Inches	Measurement (feet)	Measured By	Flow Meter	Comment
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	10642	22-Apr-2001	14:30:00	124.00	6.00	124.50	unknown	15,260.00	owner reported, pumping 1,350 gpm



# 2000

USER-ID \_\_\_\_\_  
 Oregon Water Resources Department  
 October 1999 through September 2000  
 Annual Water Use - Monthly Quantities Form

# 2001



Facility					
POD-ID					
October - 2000					
November - 2000					
December - 2000					
January - 2001					
February - 2001					
March - 2001					
April - 2001					
May - 2001					
June - 2001					
July - 2001					
August - 2001					
September - 2001					
TOTAL *					

\* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: \_\_\_\_\_ . If use is irrigation, total number acres irrigated \_\_\_\_\_

I certify this information is true and accurate to the best of my knowledge.

\_\_\_\_\_  
 Signature Title Reporting Entity Date

\_\_\_\_\_  
 Name - Please Print

Please complete and mail to: Water Resources Department; Water Use Reporting Program;  
 158 12<sup>th</sup> Street NE; Salem, OR 97310-0210

File # G-12972

Balin Ranches  
13600 Homedale Rd.  
Klamath Falls, OR 97603

November 4, 2001

RECEIVED

NOV 17 2001

WATER RESOURCES DEPT.  
SALEM, OREGON

Mr. Paul Cleary, Director  
Oregon Water Resources Department  
158 12<sup>th</sup> Street NE  
Salem, OR 97310

Dear Mr. Cleary:

I am writing in regard's of the requirment for sending \$200 extension fees for well permits #G-12972 and #G-13184 for our ranch wells in Langell Valley. These funds were sent to the OWR Department on October 18<sup>th</sup> of this year.

As we all know the ability to use the wells has been in question for several years. It has been our opinion that spending any more development money would be unwise until in fact we knew we would be able to use the wells in the future. It now appears we can proceed with this development. If this is the case, we will need the extension time to complete our development project.

The requirment of more fees for this extension does not seem appropriate as most of our original development time was used by the state in studying feasibility of using the wells and the associated aquifer. In this regard it is our hope that you will reconsider the fee requirement and possible refund our \$200 payment.

Our one permit, application #G-12972, has been completed for some time and will supply water to its supplemental water acreage.

Thank you for your consideration in this matter.

  
Hal Balin, Trustee  
Balin Ranches



RECEIVED

DEC 28 2000

WATER RESOURCES DEPT. SALEM, OREGON

App: 612972, 613184

USER-ID 27627

Oregon Water Resources Department
October 1999 through September 2000
Annual Water Use - Monthly Quantities Form



G-12236 is Superceded by Permit G-12458 (File# G 12972)

Table with 6 columns: Month, G-12236, G-12241, Artesian, 36594 ic, 36962 ic. Rows include months from January to September 2000 and a TOTAL row.

Handwritten notes: 12241, 12230, 12458, 11536, 11570

\* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: NA. If use is irrigation, total number acres irrigated 0

I certify this information is true and accurate to the best of my knowledge.

Signature, Title (Manager), Reporting Entity (Balin Farm Trust), Date (12/1/00)

Name - Please Print: Scott Balin % Balin Farm Trust

Please complete and mail to: Water Resources Department; Water Use Reporting Program; 158 12th Street NE; Salem, OR 97310-0210



RECEIVED

DEC 28 2000

WATER RESOURCES DEPT.  
SALEM, OREGON

App: 612972, 613184

USER-ID 27627

Oregon Water Resources Department  
October 1999 through September 2000  
Annual Water Use - Monthly Quantities Form



2000

12241  
12463  
12236  
12458  
11430  
11570

Facility POD-ID	6-12236	6-12241	Artesian	36594 ic	36962 ic
October - 1999	0	0	0	0	0
November - 1999	0	0	0		
December - 1999	0	0	0		
January - 2000	0	0	0		
February - 2000	0	0	0		
March - 2000	0	0	0		
April - 2000	0 <del>9' 11"</del>	<del>11' 0"</del>	0		
May - 2000	0	0	0		
June - 2000	0	0	0		
July - 2000	0	0	0		
August - 2000	0	0	0		
September - 2000	0 <del>9' 10"</del>	<del>15' 10"</del> 0	0		
TOTAL *	<del>Dec 2000 9' 4"</del> 0	<del>12' 9"</del> 0	0 <del>08' 11" Head</del>		

\* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: NA. If use is irrigation, total number acres irrigated 0

I certify this information is true and accurate to the best of my knowledge.

[Signature]      Manager      Balin Farm Trust      12/1/00  
Signature      Title      Reporting Entity      Date

Scott Balin % Balin Farm Trust  
Name - Please Print

Please complete and mail to: Water Resources Department; Water Use Reporting Program;  
158 12<sup>th</sup> Street NE; Salem, OR 97310-0210



*File Copy*  
**Oregon**

John A. Kitzhaber, M.D., Governor

**Water Resources Department**

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

September 13, 2001

BALIN RANCH  
13600 HOMEDALE RD  
KLAMATH FALLS, OR 97603

RE: Application **G-12972**, Permit G-12458

Dear Ground Water Permit Holder:

On June 22, 2001, the Department notified you that your ground water permit for irrigation in the greater Bonanza area was subject to expiration, extension, or certification by July 31, 2001.

If you have not yet completed an extension of time for your permit, I encourage you do so now. In order to maintain your permit, an extension of time to develop your permit, including additional time to comply with any permit conditions still requiring completion is recommended. You may request a completion date of up to December 31, 2002.

I realize that many of the questions on the extension form may be confusing to you. For this reason, I have enclosed a form that is partially filled out that may be of some assistance to you. This form is marked as Attachment A. This example form will be especially helpful to you if you have completed your development and are awaiting the results of the groundwater study. If you additional acres to develop under this permit, you will need to adjust your answers accordingly. A blank extension form with our normal set of instructions is also enclosed for your use.

If you have previously submitted your extension of time, please disregard this letter.

I strongly urge you to read your permit carefully and make sure that you are complying with all permit conditions. In order to maintain your permit, you *must* apply for an extension of time.

If you have any questions about the extension of time, you may contact Dwight French, Water Rights Division Manager at (503)378-8455, extension 268. If you have questions about the Bonanza ground water study area, please contact Jerry Grondin at the same telephone number, extension 214.

Sincerely,

Dwight French, Water Rights Section Manager  
Water Rights/Adjudication Division

cc: Del Sparks, Watermaster District 17  
Manager, South Central Region  
Rick Kepler and Roger Smith, Oregon Department of Fish and Wildlife  
Jerry Townsend, Jim Bryant, Karl Wirkus, Eric Glover; Bureau of Reclamation  
Karen Russell, WaterWatch of Oregon

enclosures: extension form  
Attachments A

**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT # **49111**

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

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

RECEIVED FROM: Balin Ranches  
BY: \_\_\_\_\_

APPLICATION	<u>7/2772</u>
PERMIT	
TRANSFER	

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

**TOTAL REC'D** \$ 200.00

**0417 WRD MISC CASH ACCT**

ADJUDICATIONS	\$
PUBLICATIONS / MAPS	\$
OTHER: (IDENTIFY)	\$
OTHER: (IDENTIFY)	\$

**REDUCTION OF EXPENSE**

CASH ACCT. \$

PCA AND OBJECT CLASS

VOUCHER #

**0427 WRD OPERATING ACCT**

6611

0407	MISCELLANEOUS		\$
0410	COPY & TAPE FEES	<u>Ref. 49119</u>	\$
0408	RESEARCH FEES		\$
0408	MISC REVENUE: (IDENTIFY)		\$
(New) TC162	DEPOSIT LIAB. (IDENTIFY)		\$
<b>WATER RIGHTS:</b>			
0201	SURFACE WATER	EXAM FEE	RECORD FEE
0203	GROUND WATER	\$	\$
0205	TRANSFER	\$	\$
0218	WELL CONSTRUCTION	EXAM FEE	LICENSE FEE
0218	WELL DRILL CONSTRUCTOR	\$	\$
0218	LANDOWNER'S PERMIT	\$	\$
<u>0240</u>	OTHER (IDENTIFY) <u>Ext. of time</u>		\$ <u>100.00</u>

**0437 WELL CONST. START FEE**

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

**0539 LOTTERY PROCEEDS**

1302	LOTTERY PROCEEDS	\$
------	------------------	----

**0467 HYDRO ACTIVITY**

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

RECEIPT # **49111**

DATED: 10/19/01 BY: C. Vance

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

I, Scott Balin % Balin Ranches Mr Balin, Sr  
@ 541-882-0747  
NAME  
13600 Homedale Rd Klomath Falls, 97603 (541) 882-9794  
ADDRESS CITY STATE ZIP PHONE  
11 891-7909

owner of record, or duly authorized agent, of Application No. ~~6-12972~~ Permit No. ~~6-12458~~ do  
hereby request that the time in which to:

6-12972 6-12458

complete the construction of diversion/appropriation works and/or purchase and installation of the  
equipment necessary to the use of water, which time now expires on October 1, 2000, be extended  
to October 1, 2002

and/or the time in which to:

accomplish beneficial use of water to the full extent under the terms of the permit, which time now  
expires on October 1, 2000, be extended to October 1, 2002.

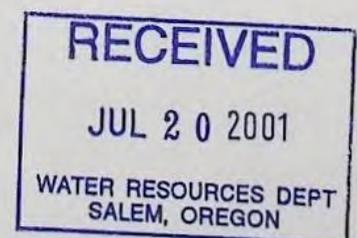
**NOTE: The extension of time requested should be long enough to finish the project. Should this  
request be approved, it will be the Department's expectation that you will complete your project  
within the new time period allowed. Future extensions may not be granted.**

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

**After reviewing the application form and the instruction sheet, if you have any questions, please  
contact the Department at 1-800-624-3199, or locally in the Salem vicinity at (503) 378-3739, and  
request assistance from the Water Rights Division, permit extensions personnel.**

1-Did water system construction/well drilling begin within the time specified in the permit yes/no)?

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



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

*Plan is attached*

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

*We have complied with all conditions set forth on permit*

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

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

*NA*

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

*Have complied 3 years ago*

C) I have accomplished beneficial use of water under the permit to the extent of (amount of water used or acres irrigated):

*Yes able to irrigate for beneficial use if needed to all lands applied for.*

Future Cost "Unknown"

See 1-9-02 memo Jerry Sauter & follow up info by L. Juul 07-1-02

4-Cost of project to date 70,000. Estimated remaining cost to complete the project 0.

5-Please list the reasons why the project was not constructed, and/or was not completed within permit time limits under the appropriate categories below. Please list each reason identified.

"Finished putting in meter & plumbing."

A) The project is of a size and scope that the original intent was to complete the project within the timeframes allowed in the permit. The time period was not long enough to justify additional equipment because of financial problems, and uncertainty of ground water study to see if we could use them even if our primary source is shut off.

B) Financing and/or cash-flow needs to develop the project precluded completion of the project within authorized timeframes. We have provided all the financing up to now to finish project. Finished putting meter and plumbing in.

C) Good faith attempts to comply with permit conditions and/or to acquire permits from other agencies, or otherwise comply with government regulations, delayed completion of the project. We attempted to complete project but government regulations prevent use to be comfortable to finish project. We need this alternative source of water since our primary source is less dependable.

D) Acts of God or other unforeseen events delayed full development of the water system and use of water. Big Springs ground water study, drought have been unforeseen events delaying project.

6-Please identify the economic market or markets to which beneficial use of water under the permit is responding. The use of this well will have potential to continue providing water to pasture which support our Beef herd which have been a more stable market in recent year than other commodities.

RECEIVED JUL 20 2001 WATER RESOURCES DEPT SALEM, OREGON

future cost "Unknown"  
↓  
See 1-9-02 memo by Jerry Scatter \$ info by L. Juel 07-14-02

4-Cost of project to date 70,000. Estimated remaining cost to complete the project 0.

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

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

The time period allowed was not long enough to justify purchasing additional equipment because of financial problems, and uncertainty of ground water study to see if we could use them even if our primary source is shut off.

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

We have provided all the financing up to now to finish project. Finished putting meter and plumbing in.

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

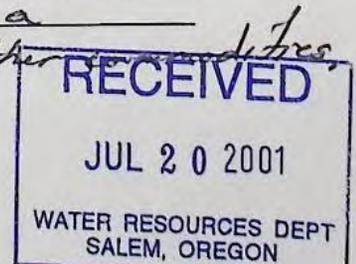
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Big Springs ground water study, drought have been unforeseen events delaying project.

6-Please identify the economic market or markets to which beneficial use of water under the permit is responding.

The use of this well will have potential to continue providing water to pasture which support our Beef herd which have been a more stable market in recent year than other commodities.



A) Has there been any change in this market since the permit was issued?

Yes The increase demand on quality Beef in World Wide markets.

B) Have these changes, if any, affected the economic feasibility of your project?

The economic feasibility look better now than 2 years ago, so getting a supplement water source is the top-most importance.

7-Are there other present competing demands for water in your community?

Yes, Endangered Species currently existing in primary water source

A) Has there been any change in these demands for water since the permit was issued?

Yes, Endangered Species in Low Basin, "Kawakahi" River"

B) Are you aware of alternative sources of water that may be able to satisfy the competing demands?

Yes proceed and develop Boundary Line Dam to relieve over allocation of water would be the best alternative source but never has regained interest.

C) Are you aware of any adverse affects on your source of water that may have been caused by recent changes in use of water in your community?

No

8-Will the income or use from the water development project authorized by this permit provide reasonable returns against the investment in the project?

*Yes, If we have permit to use water from well when primary right is shut down without notice do to the ESA. This is a huge asset that repay itself if approved or certified.*

9-If the extension request is denied, is the current level of water use economically feasible?

*No, The current level is not a reliable source as it was years ago. Our current use is based on biological data generated for the ESA, ei; federal government. Our only source left is the wells that the state controls, which seem to understand the value of farm land to citizens.*

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

*[Handwritten Signature]*  
\_\_\_\_\_  
Signature

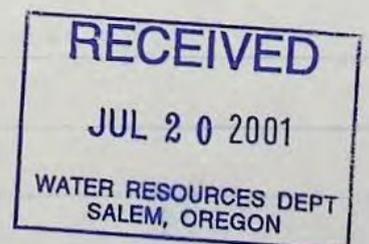
*7/19/01*  
\_\_\_\_\_  
Date

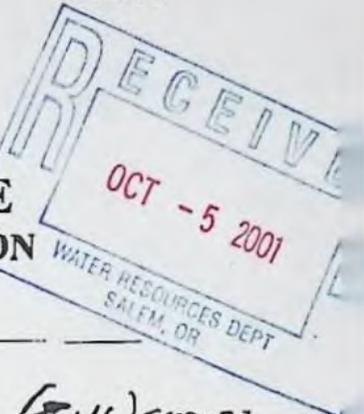
**MAIL COMPLETED APPLICATION AND STATUTORY FEE OF \$ 100 TO:**

WATER RIGHT PERMIT EXTENSIONS  
WATER RESOURCES  
158 12TH ST NE  
SALEM, OREGON 97310

**RECEIVED**  
JUL 20 2001  
WATER RESOURCES DEPT  
SALEM, OREGON

This well is our alternative water management plan because it is supplemental to our Primary source. Our primary source is BOR project water which is delivered through Longell Valley Irrigation district. With federal regulation to the uncertain supply of our water primary source is questionable. The ESA has prompt us to ~~use~~ construct and use a irrigation well as our alternative supplemental source. The irrigation well was constructed and all requirements on the permit condition have been met. The well is our only long term alternative water supply that we can apply economically. This plan is for the security of our future in the Longell Valley area to continue to farm when our long Time primary source of water is threatened.





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

I, Scott Balin /o Balin Ranches  
NAME

13600 Homedale Rd Klamath Falls, 97603 (841) 882-97  
ADDRESS CITY STATE ZIP PHONE 11 891-790

owner of record, or duly authorized agent, of Application No. ~~6-12472~~ Permit No. ~~6-12458~~, do hereby request that the time in which to: 6-12972 6-12458

complete the construction of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, 2000, be extended to October 1, 2002

and/or the time in which to:

accomplish beneficial use of water to COPY of the permit, which time now expires on October 1, 2000, be extended

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

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

After reviewing the application form and the instruction sheet, if you have any questions, please contact the Department at 1-800-624-3199, or locally in the Salem vicinity at (503) 378-3739, and request assistance from the Water Rights Division, permit extensions personnel.

1-Did water system construction/well drilling begin within the time specified in the permit yes?

2-Has construction of diversion/appropriation works, distribution system, and use of water, if any, been accomplished consistent with the limitations and conditions of this permit yes?

JB 10/30/01