

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

Group Domestic



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/OWRD

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(s), *authorized by the permit*, 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)** If required, a 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.

Received
MAR 31 2026
OWRD

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT
*A separate extension application must be submitted for each permit as per
OAR 690-315-0020(2).*

I, Terrebonne Domestic Water District

NAME OF PERMIT HOLDER [OAR 690-315-0020(1) and (3)(a)]

PO Box 31
ADDRESS

Terrebonne
CITY

OR
STATE

97760
ZIP

5415482727
PHONE

tdwd@bendbroadband.com
E-MAIL ADDRESS

the permit holder of: Application Number G-13213

Permit Number G-11608
[OAR 690-315-0020(3)(b)]

do hereby request that the date by which the water development will be completed and water put to full beneficial use, which time now expires on Month: 10 Day: 1 Year: 2024, be extended to October 1, 2051, [OAR 690-315-0020(3)(i)]

I am the permit holder, and may 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.

<u>[Signature]</u> Signature	<u>2-26-26</u> Date
<u>Dan Bruce</u> Printed Name	<u>District Manager</u> Title
The agent below is authorized to represent the applicant in all matters relating to THIS application.	
<u>Cascade Engineering, LLC</u> Authorized Agent (Print Agent Name)	<u>360-907-4162</u> Agent contact
<u>Jim Newton</u>	<u>newtonjim@hotmail.com</u>
Permit Holder Initials	



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 \$780 ~~1170~~
- Signature page (Second page of this Application for Extension of Time).
- Letter granting an agent authority to act on behalf of the permit holder (*if applicable*)
- All supporting documentation and/or evidence referenced in the Application for Extension of Time. (ODFW Fish screen approval or waiver, contract for stored water, etc)

MAIL COMPLETED APPLICATION

along with the Supporting documents and/ or evidence and correct fee to:

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

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.
- 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).
- Permit extensions are evaluated under OAR Chapter 690, Division 315. These rules may be viewed at the State of Oregon, Secretary of State Website. To be granted an extension of time, the Department must make four specific findings; 1) the application is complete, 2) construction of the water system began within the time specified in the permit and applicable statute, 3) there is good cause, and 4) the project can be completed within the time being requested. If the Department cannot make all four findings, the extension of time cannot be approved.
- 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 690-315-0020(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.

Received

MAR 31 2026

OWRD



- An Application for an Extension of Time will be reviewed for completeness. A response is required for each item contained in the application. OWRD will return any incomplete or deficient applications to the applicant. OAR 690-315-0040(1)(a).

Reference Materials Needed to Complete this Application:

- o **The water right permit.** If needed, a copy of the water right permit can be downloaded from the Department's Website, or, a copy of the permit may be requested by water right application number from the Water Rights Division at 503-986-0900 (copy fees will apply).
- o **Previous Applications and Orders.** Copies of previous applications and orders that may inform the completion of the Application for Extension of Time, if available, may be downloaded from the Department's Website. **NOTE: If the document requested is not available on the Department's website, you may be required to submit a Public Record Request.**
- o **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 items.

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

For Groundwater Permits

Has construction of the point of appropriation (well) authorized under this permit begun?

☒ Yes ☐ No

Date construction began Month:7 Day: 26 Year: 1994

Details of construction and attach documentation: Well drilling was initiated on 07/26/1994 (DESC 9656). The well was completed on 11/15/1994 and temporarily abandoned at that time. Alteration work was done on the well between 8/3/1995 and 8/4/1995 (DESC 50917). Well deepening was initiated on 06/19/1997 and the well was completed on 06/24/1997 (DESC 50965). An aquifer pumping test was performed on 4/10/1998. Well logs are provided in the attachments.

For Surface/Reservoir Permit NOT APPLICABLE

Has construction of the water system begun? ☐ Yes ☐ No

Date construction began Month: Day: Year:

Details of construction and attach documentation: _____

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

- 2a. 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 2nd column are contained within it. Using the extra row labeled "other" to specify any other additional conditions included in the permit, or specified in a final order approving

Revised 7/19/2021

a permit amendment or prior extension of time. In the 1st column check the box for each condition (row) identified as relevant. In the 3rd column check "Yes" if you have completed or met the permit condition. Check "No" if the condition is not yet satisfied. In the 4th 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		
☒	Installation of a meter/totalizing flow meter	Yes ☒ No - see comments below	Water use has not yet begun.
N/A	Submittal of annual water usage report	☐ Yes ☐ No	
N/A	Submittal of static water level measurements in the month required	☐ Yes ☐ No	
N/A	Special well construction standards	☐ Yes ☐ No	
N/A	Submittal of a monitoring plan	☐ Yes ☐ No	
☒	Well ID tag assigned and installed: L09894, has been assigned	☐ Yes ☐ No	unknown if ID tag was installed on this older well
☒	Other (Specify): Other: Groundwater production shall be from no shallower than 250 feet below land surface.	☒ Yes	6/24/97. Well casing is perforated from 262 to 282 feet bgs (DESC 50965)
☒	Other (Specify): Other: Actual construction (B date) shall be completed on or before October 1, 1995. Extended to 10/1/1997, and then extended to 10/1/2003.	☒ No	Well was completed on 6/24/1997. Complete construction of distribution system to be finished shortly after WRD approves all necessary processing/ administrative requirements.
☒	Other (Specify): Complete application of the water (C date) shall be made on or before 1/1/1995. Extended to 10/1/1997, and then extended to 10/1/2003.	Yes ☒ No - see comments below	See comments below
Surface Water or Reservoir: NOT APPLICABLE			
☐	Installation of a meter/ totalizing flow meter	☐ Yes ☐ No	
☐	Submittal of annual water use report	☐ Yes ☐ No	
☐	Installation of a fish screen	☐ Yes ☐ No	
☐	Installation of a fish by-pass device	☐ Yes ☐ No	
☐	Installation of a fish passage	☐ Yes ☐ No	
☐	Installation of an outlet gate/pipe/ conduit	☐ Yes ☐ No	
☐	Submittal of a letter from ODFW that fish screen, fish by-pass device, and or fish passage is not required	☐ Yes ☐ No	
☐	Submit as-built plans and specification	☐ Yes ☐ No	
☐	Submittal of a letter from an engineer prior to storage	☐ Yes ☐ No	
☐	Other (Specify):	☐ Yes ☐ No	
☐	Other (Specify):	☐ Yes ☐ No	

Received
MAR 31 2026

OWRD

☐

Other (Specify):

☐

Yes

☐ No

2b. If you have identified that you have NOT complied with Permit conditions, explain the reasons why and indicate a date certain, when you will be in compliance.

The below comments are from the extension application submitted on July 16, 2019:

"Meter installation is required before water use may begin. Water use has not begun from this well, so this permit condition is currently satisfied.

The Terrebonne Domestic Water District (TDWD) believed that the Claim of Beneficial Use (COBU) submitted on their behalf on 02/12/2007 would meet the water right requirements for certification of the permit, based upon activities completed prior to the second extension deadline of 10/01/2003. However, recent review of the COBU by a different CWRE revealed several inaccuracies that will need to be addressed to allow certification of the permit:

- A system capacity test has not been performed since the well has not been incorporated into the TDWD system, as alluded to in the COBU.
- The COBU appears to have attempted to change the character of use from domestic and irrigation use to quasi-municipal use. This type of change cannot be implemented with either a COBU or a Permit Amendment.
- A Permit Amendment would be required to change the place of use from a subdivision of 60 families to the overall District quasi-municipal place of use.
- A Permit Amendment will also be required to change the point of appropriation from the well defined in the permit to an existing well within the District system. The permitted well cannot currently be used without significant modification and extensive costs for interconnection to the existing water distribution system. Further, water levels in the area have dropped sufficiently that the permitted well may currently be dry.
- The pump and meter installed in the well, as described in the COBU, were temporary and used to conduct the aquifer pumping test only. They were not part of a permanent system, as alluded to in the COBU.

As a result, TDWD wishes to withdraw the 02/12/2007 COBU.

TDWD requests an extension to 10/01/2021 to allow time for WRD to approve this extension request, for the permit amendment application to address the items discussed above to be prepared and submitted to WRD, and to be approved by WRD, and for the changes requested in the permit amendment application to be implemented."

Since submittal of the extension application on July 16, 2019, OWRD denied the extension (PFO dated August 20, 2019), TDWD protested the denial (protest received by OWRD on October 3, 2019), OWRD issued a final order incorporating the settlement agreement and extending the C date to October 1, 2024 (FO dated January 22 2021), TDWD complied with the terms of the settlement agreement, including timely submittal of a permit amendment application to change the place of use and the point of appropriation, BUT OWRD did not complete processing of the permit amendment application before the C date of October 1, 2024. OWRD is now requiring TDWD to "simply submit a new extension noting that the OWRD did not meet a processing timeframe to complete the amendment within the timeframe of the extension". PLEASE NOTE THAT THIS REQUIREMENT OF OWRD INCLUDES TDWD'S PAYMENT OF A NEW EXTENSION APPLICATION FEE AND COSTS NECESSARY TO PREPARE A NEW EXTENSION APPLICATION, NECESSITATED BECAUSE OWRD WAS UNABLE TO TIMELY PROCESS A SIMPLE PERMIT AMENDMENT APPLICATION.

With this application, TDWD requests an extension to 10/1/2051 to allow OWRD time to complete and approve all necessary processing and administrative requirements.

Received
MAR 31 2026

OWRD

Page 6 of 13

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. Itemize each work item, and do not combine multiple work actions in one area. (Planning, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, surveying, clearing land, or planting crops is **not** considered work in the development of the water system. **Work accomplished under other water rights may not be considered work under this permit.**)*

CHART-B

DATE	WORK ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List any work done before the permit was issued – eg. well drilled.</i>	COST*
	Not applicable	
DATE	WORK ACCOMPLISHED AFTER PERMIT WAS ISSUED and PRIOR TO DATE SPECIFIED IN PERMIT FOR COMPLETE APPLICATION OF WATER <i>List work/actions done during the permitted time period.</i>	COST*
8/30/1993	Date the permit was signed - find date above signature on last page of permit.	
7/26/1994	Well construction began	
11/15/1994	Well drilled to 225 feet and temporarily abandoned (DESC 9656). Cost is estimated	\$18,000.00
8/3 – 8/4/1995	Boring was reported as crooked and undersized. Boring was grouted to 90 feet bgs (DESC 509170). Cost is estimated	\$3,500.00
10/1/1995	Date the permit specified construction work shall be completed	
10/1/1996	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 and prior to any previous extension order <i>COMPLETE 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*
	Not applicable	
Total Cost for Chart-B		~\$21,500

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

Received
MAR 31 2026
OWRD



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*.

CHART-C

DATE	WORK ACCOMPLISHED DURING THE LAST EXTENSION PERIOD <i>List all work done during the last authorized extension period.</i>	COST*
10/1/1996	"Extended From" date for complete application of water used in the most recent Final Order on Extension of Time.	
6/19 – 6/24/1997	Well was redrilled and deepened to 282 feet; liner was installed and perforated (DESC 50965). Cost is estimated.	\$23,000.00
10/1/1997	First permit extension application was submitted to OWRD. Permit was extended to 10/1/1997	\$2,000.00
4/10/1998	Installed temporary pump and performed aquifer pumping test. Cost is estimated.	\$8,000.00
10/1/2003	Second permit extension application was submitted to OWRD. "Extended To" date for complete applicatin of water resulting from the 2 nd Application for Extension of Time	~\$2,000
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*
4/4/2005	Third permit extension application was submitted to OWRD.	\$2,000.00
11/4/2006	Third permit extension request was withdrawn	
12/2006 & 1 to 2/2007	COBU Report and Map prepared	\$3,000.00
2/12/2007	COBU Report and Map submitted to OWRD	
Total Cost of Chart-C		\$40,000.00

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

5. Cost of project to date: \$61,500.00

(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 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.

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

Received
MAR 31 2026
OWRD

11/11/11

11/11/11

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

Maximum volume of stored water used to date = _____ AF or,

Maximum volume stored annually 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.

NOTE: the well has ONLY been used during the aquifer pump test on 4/10/1998. The rate for the test was reported as 440 gpm.

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?	Maximum instantaneous rate used to date 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	Travess Well	Yes ☒	DESC 9656, 50917, 50965	989	Yes ☒	440 GPM	No ☒	- - -
Total instantaneous rate from all wells utilized under this permit						440 GPM		

8. Has a Permit Amendment Application been filed? Yes ☐ No ☐
If yes, identify Transfer No. T-_____

NOTE: As of filing of the last permit extension, no permit amendment had been filed.
TDWD complied with the terms of the settlement agreement, including timely submittal of a permit amendment application to change the place of use and the point of appropriation.
OWRD assigned Transfer No. T-13819 to the permit amendment.

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

9. **For Irrigation and Nursery Use Permits Extensions** Not Applicable
Provide the total number of acres irrigated to date under this permit.

- Total acres irrigated to date: _____
- List by year, the number of acres irrigated each year since permit issuance.
- Provide a copy of the application map identifying the acres irrigated.
- Please specify the number of acres irrigated by each Point of Diversion/Point of Appropriation (POD/POA).

Received

MAR 31 2026

OWRD

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

10. In the chart below 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.

NOTE: The following is from the extension application submitted on July 16, 2019:

"TDWD plans to file a Permit Amendment upon approval of this extension request. The Permit Amendment intends to request a change in the place of use from a subdivision of 60 families to the overall District quasi-municipal place of use and to change the point of appropriation from the well defined in the permit to an existing well within the District system."

The permit amendment application was filed by TDWD when complying with the terms of the settlement agreement.

CHART-E

APPROXIMATE DATE RANGE (projected)	WORK OR ACTION TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
May 2019	Prepare & Submit Application for Extension of Time for a Water Right Permit	\$2,000.00
Summer/fall 2019	OWRD's approval of extension request	
Fall/winter 2019	Prepare and submit permit amendment application	\$3,000.00
Spring 2020	OWRD's approval of permit amendment	
Summer 2021	Prepare and submit COBU Report and Map	\$3,000.00
Year: Oct 1, 2021	Date intend to apply water to full beneficial use under the terms and conditions of this permit.	
Total Cost		~\$8,000

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

11. Estimated remaining cost to complete the project: ~\$8,000

(The total cost from CHART-E)

Received

MAR 31 2026

OWRD

NOTE: We have not updated Chart E, or associated costs to complete the project because it appears pointless to attempt to predict when OWRD might have the time to complete processing not only the simple Permit Amendment Application, but also this requested Permit Extension Application!!

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

12. Provide a summary of your plan to complete construction, meeting all permit conditions and apply the water to beneficial use: (List all tasks or steps needed to complete the project, the date when each task will be completed, and the cost associated with each task; attach additional pages if necessary.) The below comments are from the extension application submitted on July 16, 2019:

"TDWD plans to file a Permit Amendment upon approval of this extension request. The Permit Amendment intends to request a change in the place of use from a subdivision of 60 families to the overall District quasi-municipal place of use, and to change the point of appropriation from the well defined in the permit to an existing well within the District system.

Once the Permit Amendment has been approved, TDWD will pump the permitted water from the newly-authorized POA (which already has a meter installed), and use the permitted water in its existing system. As soon as water use has been established, a CWRE will be retained to prepare the COBU report.

Please note that, after this right has been certificated, TDWD intends to file a transfer changing the type of use from domestic and irrigation to quasi-municipal."

Received

MAR 31 2026

OWRD

[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.)*

The below comments are from the extension application submitted on July 16, 2019:

"A time frame of a few months was estimated for WRD to review and approve this extension request. Six months were estimated for Permit Amendment preparation, and three additional months to receive WRD's approval of the Permit Amendment. These estimated time periods are expected to be sufficient to account for any unexpected delays that might occur during WRD's review/approval processes. An additional year was allocated to allow for TDWD to pump the permitted water from the newly-authorized POA, to use the permitted water in TDWD's existing system, and for the CWRE to prepare and submit the COBU Report and Map."

This current extension application is requesting 25 years from the submittal date because it is plainly evident that it is impossible to predict when OWRD might have the time to complete processing not only the simple Permit Amendment Application, but also this requested Permit Extension Application!! TDWD fervently hopes that OWRD can complete their part of the review and approval process in a timely fashion so that TDWD can acutally use the permitted water in their system and prove up use before October 1 of 2051!!!

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

14a. Will a denial of the extension result in undue hardship? *(Describe the hardship and the effects.)* The below comments are from the extension application submitted on July 16, 2019:

"Yes. TDWD is relying on this water to serve current and future growth within the District's service territory. The most recent 'Terrebonne Domestic Water District Water Management and Conservation Plan' (WMCP), prepared by Newton Consultants, Inc. on February 16, 2016 and submitted to WRD, discusses all of TDWD's water rights and projected future growth and water consumption needs, including the water rights under Permit G-11608.

TDWD currently serves 560 residences and 25 businesses in Terrebonne, Oregon. The WMCP projects that full use of all of TDWD's currently approved water rights, including Permit G-11608 would be reached in 2036 if the maximum daily demand (MMD) was produced and if population grew no more than the projected 2.2% growth (see page 22 of the WMCP)."

Received

MAR 31 2026

OWRD

14b. Are there any other reasonable alternatives that exist for meeting your water use needs? *(Explain in detail, consider other potential sources of water, and describe their feasibility)* No. TDWD is the sole source of water within the District's service territory.

The nearest municipal water supply system is the City of Redmond's. Even if Redmond could supply water to Terrebonne, this solution would not be cost effective, and would require construction of a pipeline at least four miles long, along with other system modifications.

Another potential source of water is the Crooked River, which is currently over-allocated, and therefore not a viable option.

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

15. Was the delay in the timely completion of this water development project and/or timely application of water to full beneficial use caused by any additional government requirements, other than the conditions contained within the permit, which significantly delayed the completion and perfection of this right? *(Explain in detail, including how much time did this delay the project; list dates.)* Yes!! Since issuance of the "Final Order on Extension Incorporating Settlement Agreement" (dated January 22, 2021), TDWD has complied with all terms of the Final Order, BUT OWRD DID NOT MEET A PROCESSING TIMEFRAME TO COMPLETE THE PERMIT AMENDMENT APPLICATION APPROVAL WITHIN THE TIMEFRAME OF THE EXTENSION. Therefore, TDWD could not complete timely development of this water right, and could not timely apply water to full beneficial use.

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

16. Describe any unforeseen events which contributed to the delay of completion of this project that you had no control over. *(Explain in detail what the unforeseen events were (i.e. health issues, natural disaster) and how much time was spent addressing the unforeseen events. Delays caused by business decisions are not considered unforeseen events)* Since issuance of the "Final Order on Extension Incorporating Settlement Agreement" (dated January 22, 2021), TDWD has complied with all terms of the Final Order, BUT OWRD DID NOT MEET A PROCESSING TIMEFRAME TO COMPLETE THE PERMIT AMENDMENT APPLICATION APPROVAL WITHIN THE TIMEFRAME OF THE EXTENSION. Therefore, TDWD could not complete timely development of this water right, and could not timely apply water to full beneficial use.

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

17. Describe an additional 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.)*

Since issuance of the "Final Order on Extension Incorporating Settlement Agreement" (dated January 22, 2021), TDWD has complied with all terms of the Final Order, BUT OWRD DID NOT MEET A PROCESSING TIMEFRAME TO COMPLETE THE PERMIT AMENDMENT APPLICATION APPROVAL WITHIN THE TIMEFRAME OF THE EXTENSION. Therefore, TDWD could not complete timely development of this water right, and could not timely apply water to full beneficial use.

100

101

102

103

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

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

No additional information is being provided.

[OAR 690-315-0040(2)(f)]

19. Will the income or use of the water project provide a fair and reasonable return on your investment? (Explain in detail) The below comments are from the extension application submitted on July 16, 2019:

"Yes. TDWD has already invested at least \$61,500 in the project (see Charts B and C, above). If the extension request is not granted, that amount will essentially be forfeited by the TDWD ratepayers, as it is not recoverable. Note that this is a sizeable investment for a town with a population of 1,469 (as of 2016)!"

In addition, the quantity of water included in Permit G-11608 will no longer be available to TDWD if the extension request is not granted, which will negatively impact available water to TDWD (see #14a and #14b, above)."

[OAR 690-315-0040(4)(d)]

20. Describe in detail if there are other economic interest, beyond those of the permit holder, which are dependent upon the completion of this project. (Who will be effected and how?) The below comments are from the extension application submitted on July 16, 2019:

"The residents and ratepayers in the TDWD will be affected if the permit extension is not granted. As noted in #19, above, the more than \$61,500 already spent on this project is not recoverable, and will be essentially forfeited by the ratepayers. TDWD served about 560 residences, approximately 1,469 people, in 2016, as well as 25 businesses.

Both the residents and the business owners would be adversely affected if Permit G-11608 is not extended. Adverse affects to households and businesses would include: the loss of capital already invested in development of the permit to date, the cost of obtaining new water rights (if available), and likely restrictions on the use of water for household and business purposes if insufficient water were available. In short, the non-extension of Permit G-11608 could possibly contribute to economic decline for the entire town of Terrebonne."

Attach permit, and documentation to the application

Received
MAR 31 2026
OWRD

1000

1000

1000

Received
MAR 31 2026

OWRD

RECEIVED
OCT 03 2019

OWRD

Dear Ms. McCarty:

This protest petition letter has been prepared by Cascade Geoengineering, LLC (CGE) on behalf of the permit holder of record, Terrebonne Domestic Water District (TDWD), to protest the Proposed Final Order (PFO) recommending denial of the extension of time request for Oregon Water Resources Department (OWRD) water right permit G-11608. The PFO was signed and dated August 20, 2018 by Dwight French of the OWRD.

The required date for submittal of a protest of the PFO is noted in the PFO as October 4, 2019. This letter is respectfully submitted to protest the PFO recommending denial of the extension for OWRD water right permit G-11608.

Based on the enclosed information, citing errors and deficiencies in the PFO that need correcting, the PFO should be re-issued recommending approval of the extension.

FINDINGS OF FACT – OMITTED FROM PFO

The Findings of Fact on page 2 of the PFO neglected to reflect an accurate history of permit G-11608. The following Findings of Fact should be included in the PFO recommending approval to reflect the actual history of the permit and an accurate progression of historical achievements made by the permit holder. These Findings of Fact should be inserted after the PFO existing number 3 and prior to the PFO number 4, and should state:

4. On April 5, 2005 TDWD submitted an Extension of Time Application to extend the complete application of time beyond October 1, 2003, allowing for additional time to complete the modifications to the water system, or amend the permit to authorize TDWD's newly constructed Well #3 (DESC-52862/53589 attached), constructed in 2001. The Extension of Time Application was withdrawn November 4, 2006, apparently withdrawn by HGE, Inc., the TDWD consultant at that time, without a PFO being issued for the Extension of Time Application.

5. On February 2, 2007 TDWD submitted a Claim of Beneficial Use (COBU) for permit G-11608 to pursue certification of the permit. The COBU submitted for permit G-11608 was prepared by a certified water right examiner (CWRE #041, Russ Dodge of HGE, Inc.). The COBU for permit G-11608 included a 4-hour pump test conducted by a pump contractor under the direction of Russ Dodge, CWRE. As of February 2, 2007 TDWD, had

met the criteria contained in permit G-11608, including beginning construction of a well by August 1994 (well log DESC-9656 reflects a start date of July 26, 1994), retention of a CWRE, and preparation and submittal of a COBU that was received by the OWRD on February 12, 2007.

AMOUNT OF CONSTRUCTION COMPLETED OMITTED WITHIN PFO; OAR

The Findings of Fact for item 11 and 12 stated that, "...the Department cannot find evidence of progress made towards completion of the water development and application of water to full beneficial use during the most recent extension of time period, or in the sixteen years since the extended time period has passed."

The OWRD extension staff that reviewed the 2019 Extension Application for G-11608 apparently omitted the review of critical information that provides extensive details related to the TDWD pursuing development before the October 1, 2003 C-date, and in the years following the C-date.

Included in the 2019 Extension Application (Application) under item 4. Chart-C (the timing of work done towards completion of the C-date of the extension from October 1, 1996 until October 1, 2003), the G-11608 permitted well was completed between June 19 and June 24, 1997, as reflected on OWRD well log DESC-50965 at an estimated 1997 cost of approximately \$23,000. Additionally, in April of 1998 a temporary test pump and flow meter were installed in the well to meet conditions contained with permit G-11608.

To further correct Findings of Fact item 12, TDWD included in the 2019 Application extensive details regarding the efforts TDWD expended to develop the permit in accordance with the October 1, 2003 C-date, including hiring of a CWRE that provided erroneous guidance and prepared an incorrect COBU chronicled in the 20119 Extension Application in item 2b and in chart format in item 4, Chart-C. The CWRE prepared a COBU for submittal to the OWRD on February 12, 2007, noting that the Applicant had met the criteria for complete development of permit G-11608 by October 1, 2003. The COBU-preparing CWRE, Mr. Russ Dodge of HGE, Inc., was employed by the same company that prepared the 2006 Water Master Plan for TDWD, and should have had extensive knowledge of the TDWD system prior to submittal of the COBU, including during pump testing of the well authorized in permit G-11608. The act of stamping the COBU submittal attested to under conditions of Mr. Dodge's CWRE certification (regulated by the Oregon State Board of Examiners for Engineers and Land Surveyors and the OWRD) that the

RECEIVED

OCT 03 2019

OWRD

Received

MAR 31 2026

OWRD

information contained with the February 12, 2007 COBU filing was correct to the extent of Mr. Dodge's knowledge. TDWD did not at the time, nor do they in the time since, employ on staff a CWRE, and relied on the knowledge and professional certification of a licensed CWRE to provide guidance and accurate accounting and reporting within the COBU to the OWRD.

The OWRD developed the CWRE registration to remove the responsibility of preparation of COBUs and other detailed water right maps and submittals from OWRD personnel, and shifted these responsibilities to CWREs, so that OWRD would not need to maintain staff to perform such tasks. At the apparent peril of TDWD, either the OWRD and OSBEELS does not seem to have provided Mr. Dodge adequate guidance or training to prepare this particular COBU, or Mr. Dodge showed dereliction of duty by inaccurately providing water right advice and erroneously preparing a COBU for TDWD for submittal to the OWRD. This alone should prove that TDWD intended to meet the requirements of the permit G-11608, and should not be faulted for following Mr. Dodge's professional advice as a CWRE.

Further, the OWRD accepted the COBU in February 2007, and had it not been for untimely processing and review by OWRD staff, the certificate for G-11608 may have been issued many years ago. It is by the submittal of the 2019 Extension Application that TDWD is working to correct the record of permit G-11608 and establish correct and accurate development of permit G-11608.

COMPLIANCE WITH CONDITIONS/OAR 690-315-0040(3)(c)1

The Findings of Fact 13 notes that a flow meter meeting the condition in G-11608 may not have been met.

The Extension Application included the statement in item 2b that, "The pump and meter installed in the well, as described in the COBU, were temporary and used to conduct the aquifer pumping test only. They were not part of a permanent system, as alluded to in the COBU.", reinforcing that the flow meter installed on the authorized well was for pump testing, thus meeting this requirement. The meter that was installed for the pump testing was temporary and removed when pumping from the well ceased. As water has not yet been used again since testing, the condition was initially met and will be met prior to use as a well authorized under G-11608.

Received
MAR 31 2026
OWRD

RECEIVED
OCT 03 2019
OWRD

BENEFICIAL USE OF WATER OAR [690-315-0040(3)(b)]

The Findings of Fact 14 and 15 note that no water has been appropriated under permit G-11608, nor has water been delivered for domestic uses.

The TDWD contracted with a CWRE (Mr. Dodge) to provide guidance regarding the nature and development of G-11608. The contracted CWRE determined that adequate development of water under permit G-11608 had occurred to prepare and submit a COBU, which was prepared and submitted to the OWRD, and accepted by the OWRD on February 12, 2007. It was under no error of TDWD that this condition may not have been met to the satisfaction of the OWRD, as a CWRE has the responsibility of representing the OWRD in matters related to OARs regarding water rights in the state of Oregon. TDWD met the conditions of the permit, as per guidance from a CWRE licensed in Oregon. Further note that the OWRD has apparently not reviewed the COBU since its submittal in February of 2007. Until TDWD recently contracted with a different CWRE, TDWD had no inkling that the submitted COBU was erroneous, and that their water right under Permit G-11608 was potentially endangered. Had TDWD and CGE not pursued to correct the water right permit G-11608 record and make diligent effort to correct errors in the previous COBU, the OWRD may have issued the certificate since receipt of the COBU in February 2007, more than twelve years prior to submittal of the 2019 Extension Application.

RECEIVED
OCT 03 2019
OWRD

FINANCIAL INVESTMENTS TO APPROPRIATE WATER TO A BENEFICIAL PURPOSED [OAR 690-315-0040(2)(b),(3)(d),(4)(d)]

"Based on FOF 16, the Department has determined that the permit holder had made an investment in the development of the water system, however, no investment has been made to complete development of the project during the most recent extension of time period, being October 1, 1997, to October 1, 2003."

The OWRD extension staff that reviewed the 2019 Extension Application for G-11608 and issued the 2019 PFO apparently omitted the review of critical information that provides extensive details related to the TDWD pursuing development before the October 1, 2003 C-date, and in the years following the C-date. The investment made to complete the permit G-11608 well was completed in June 1997, which occurs after the original C-date of October 1, 1996. Since the permit C-date was extended from October 1, 1996 to October 1, 2003, the timeframe of well completion in June 1997 is exactly within the "most recent extension of time period...". The OWRD extension staff erroneously states

Received
MAR 31 2026

OWRD

the original C-date was October 1, 1997, however, it was and is published in the permit G-11608 and on the OWRD website as October 1, 1996. Since years are linear, and since 1997 occurs after 1996, the Applicant clearly met the condition of financial investment within the previous extension period prior to October 1, 2003.

Further financial details included in the 2019 Extension Application (Application) under item 4. Chart-C (the timing of work done towards completion of the C-date of the extension from October 1, 1996 until October 1, 2003) the G-11608 permitted well was completed between June 19 and June 24, 1997 as reflected on OWRD well log DESC-50965 at an estimated 1997 cost of approximately \$23,000. Additionally, in April of 1998 a temporary test pump and flow meter were installed in the well to meet conditions contained with the permit G-11608.

To further address Findings of Fact item 16, TDWD in preparation of the 2019 Application included extensive details regarding the efforts TDWD expended to develop the permit in accordance with the October 1, 2003 C-date, including hiring of a CWRE that provided erroneous guidance and prepared an incorrect COBU. The CWRE prepared a COBU for submittal to the OWRD on February 12, 2007 noting that the Applicant had met the criteria for complete development of the permit G-11608 by October 1, 2003. The COBU-preparing CWRE, Mr. Russ Dodge of HGE, Inc., was employed by the same company that prepared the 2006 Water Master Plan for TDWD, and should have had extensive knowledge of the TDWD system prior to submittal of the COBU, during pump testing of the well authorized in permit G-11608, and upon stamping the COBU submittal attested under conditions of Mr. Dodge's CWRE certification regulated by the Oregon State Board of Examiners for Engineers and Land Surveyors and the OWRD that the information contained with the February 12, 2007 COBU filing was correct to the extent of his knowledge.

RECEIVED

OCT 03 2019

OWRD

REASONABLE DILIGENCE OF THE APPROPRIATOR [OAR 690-315-0040(2)(a)]

As stated above in response to Findings of Fact 16, the Applicant expended documented and reasonable diligence towards development of permit G-11608. Once the OWRD extension staff review this protest and reflect on the items overlooked during OWRD's review of the 2019 Extension Application, it is reasonable to conclude a PFO will be issued to support issuance of the C-date extension of permit G-11608.

Received

MAR 31 2026

OWRD

OAR 690-315-0040(4)(b) & OAR 690-315-0040(4)(c)

Findings of Fact 18, 19, 20, and 21.

Based on the priority date of December 11, 1992 and issuance date of August 3, 1993 for permit G-11608, the permit holder shall not be held responsible for changes in regulation for water usage within the basin that were not in effect at the time of permit issuance. The permit holder, TDWD, has shown extensive effort in development of permit G-11608 and by the 2019 Extension Application seeks only to have until October 1, 2021 to fully develop water under the permit.

Additionally, language included in permit G-11608 includes the following conditions related to interference with other water users or uses:

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

Additional conditions contained within permit G-11608 are:

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

...And:

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

The above conditions address the use of groundwater with the Terrebonne area, and address potential limits, restrictions or interference potential with senior water rights, both groundwater and surface water. Based on OWRD determinations at the time of permit review and issuance, no other conditions were included. TDWD is not required to comply with conditions that were not expressed or assumed at the time of permit issuance. Further, the OWRD knew permit G-11608 existed and was valid when the Deschutes Basin mitigation rules were developed and adopted, and knew that the permit

Received
MAR 31 2026
OWRD

was not fully developed. The OWRD should have taken into consideration that such permits were not fully developed when the mitigation rules were adopted in 2001.

By the 2019 Extension PFO recommending denial based on Findings of Fact 18? regarding interference with water rights or inconsistent with 2001 OWRD-adopted rules, the OWRD is overstepping the basis in which the OWRD establishes and regulates water rights in Oregon, which is based on the doctrine of prior appropriation (Doctrine), of which the Doctrine regulates water by 'first in time, first in right'. For the OWRD to attempt to apply OARs that were adopted after the December 11, 1992 priority date of permit G-11608 is in direct violation of the basis for OWRD water right regulation, and does not support recommending denial of the 2019 Extension Application.

OAR 690-315-0040(4)(d)

Findings of Fact 22 and 23 note that \$33,000 has been invested in development of permit G-11608 and noted in 23 as, "*No investment has been made in the project during the most recent extension of time period*", however, the "...most recent extension of time period..." is October 1, 1996 to October 1, 2001, precisely when the \$33,000 investment was made to develop the permit. The OWRD extension staff apparently did not understand that expenditures to develop permit G-11608 between October 1, 1996 and October 1, 2001 are pertinent to demonstrating development under the "...most recent extension of time period...".

Further, additional investment has been made by TDWD to develop additional groundwater for TDWD water patrons, including the installation of Well #3 in 2000, and Well #4 in 2008 (DESC-58362 attached). It is assumed that since the 2006 Water Master Plan prepared by HGE, Inc. did not show the G-11608 authorized well included in the water system, that Wells #3 and #4 were intended to be used by a transfer once the certificate was issued for permit G-11608. As the CWRE, Mr. Russ Dodge submitted the COBU while employed with HGE, Inc. and would have had extensive knowledge of the TDWD water system, that future use of the permit G-11608 would be fully developed from TDWD Wells #3 and #4.

The value put forth by the Applicant to install Well #3 in 2000 and Well #4 are likely on the order of \$60,000 to \$80,000 each (in previous 2000 and 2008 dollars), representing a significant investment if development of the TDWD water system to allow full development of permit G-11608.

RECEIVED

OCT 03 2019

OWRD

Received

MAR 31 2026

OWRD

Although this is speculative, as the long serving TDWD manager left TDWD in 2013, and HGE, Inc. has not served TDWD since shortly after that time as well. The TDWD board members from 2015 or prior are no longer serving TDWD. The new TDWD manager, Dan Bruce, has been tasked with maintaining and improving the TDWD water system to allow reliable service delivery of water to its patrons since being hired in 2013. Mr. Bruce has since contracted with an alternative CWRE that to learn the TDWD water system and water right deficiencies, needs, and future growth requirements to meet ongoing water system and water right needs of the TDWD patrons.

DESCRIPTION OF PFO ADVERSE AFFECT OR AGGRIEVE G-11608 PERMIT HOLDER

Denial of the Extension Will Result in Undue Hardship [OAR 690-315-0040(2)(i)]

The G-11608 PFO recommending denial will have a profound hardship on TDWD and the patrons of the district. As reported in the 2019 Extension Application, as of 2016 TDWD consists of 560 residents and 25 businesses (based on the population and market assessment included in the 2016 Water Management and Conservation Plan, and may likely be more now). The TDWD manager is very concerned about how the denial of the application for extension will affect the district. The OWRD should be aware that water is very important to any community and without water the community of Terrebonne would not exist. The PFO denial represents a hardship not only in curtailing the Terrebonne community of water, but also it would be a monumental financial loss. With the loss of permit G-11608, the TDWD would not be able to afford to replace this loss with another source of water. The TDWD is very small and does not generate a significant annual revenue. As a very small system, TDWD has a limited capacity to continually expand the water system and obtain additional water rights to meet future water demands. In the last 10 years, TDWD water rates have had to nearly double to meet the costs of providing a reliable water source to the community. These increases in water rates have been a burden on the TDWD patrons, as any cost that doubles in such a short time is difficult.

The permit G-11608 authorized rate of 50 gallons per minute equates to approximately 80.5 acre-feet of water annually. Using an accepted consumptive use for mitigation of a quasi-municipal water right of 40%, this would require a likely mitigation obligation of approximately 32.2 acre-feet, or 32.2 mitigation credits (as 1 mitigation credit equates to 1 acre-foot of water). The last known sale of mitigation credits in the Crooked River Zone of Influence (the Crooked River Zone of Influence is the identified zone for a new water right permit in Terrebonne, Oregon) occurred in approximately 2010; these were

RECEIVED

OCT 08 2019

OWRD

Received

MAR 31 2026

OWRD

purchased for \$8,600.00 per mitigation credit. At that cost to replace G-11608 with a new water right permit using 2010 mitigation credit value, having a new priority date, the cost of mitigation alone could be \$276,920 (32.2 mitigation credits X \$8,600 per mitigation credit), not to mention related costs and the loss of the current priority date.

Recent inquiries by CGE found the asking price of Crooked River Zone of Influence mitigation credits were stated at \$20,000 per mitigation credit. The cost to mitigate a new water right permit equivalent to G-11608 with a new priority date, could be on the order of \$644,000.00 for 32.2 credits (32.2 mitigation credits X \$20,000 per mitigation credit). With TDWD having an annual operating budget of approximately \$342,000.00 the cost of replacing the water loss would be equal to almost two operating budget years, excluding the costs to actually operate and maintain the TDWD water system. Even if TDWD excised a 50% increase in the base rate of \$36.50 per month strictly dedicated to cover the cost of \$644,000 worth of mitigation (in 2019 dollars, assuming mitigation credits could be purchase for \$20,000 per credit), it could potentially cost the district \$129,000.00 per year, or more over 5 years to pay off such a mitigation purchase-without considerations for inflation, interest rates and the actual purchase price of mitigation credits. If the district raised water rates to offset the costs over the five years the rates would see a 50% increase to a community that has already seen rates double in the last 10 years. These are water rates that are unreasonable, and would result in a direct hardship to TDWD patrons and the community of Terrebonne, Oregon.

Further, there are no other reasonable alternatives to provide water to TDWD patrons, as the distance, cost and no reasonably close surface water has availability to provide for a new water right permit from the Crooked River or otherwise near Terrebonne-this is not a reasonable expectation that an alternate source of water exists besides groundwater.

GOOD FAITH OF THE APPROPRIATOR [OAR 690-315-0040(2)(c)]

In Findings of Fact 31, the PFO stated, "*The Application does not provide evidence of good faith of the appropriator under Permit G-11608*" is narrowly focused and does not take into account the financial expense to install the well, deepen the well, conduct a well test, retain a CWRE to provide consultation and preparation of a previous permit extension in 2003, preparation of a COBU in 2007, nor does it take into consideration that TDWD installed additional Wells #3 and #4 and two steel storage tanks, one 250,000 gallon tank and one 500,000 gallon tank, within the security fenced location of TDWD property to

RECEIVED

OCT 03 2019

OWRD

Received

MAR 31 2026

OWRD

maintain control of the water system and transfer the use of the permit G-11608 authorized well to TDWD Wells #3 and #4 upon receipt of the certificate. As the COBU prepared by a previous CWRE did not meet the criteria required for issuance of a certificate for permit G-11608, TDWD and CGE consulted with the OWRD certificate staff on how to meet COBU criteria for issuance of a certificate for G-11608.

Based on consultation with the OWRD certificate staff, the need for the 2019 Extension Application, followed by a permit amendment, would allow for full development of the permit based on usage of the TDWD water system that has been expanded to allow development of G-11608 both during the period of the previous extension (Well #3 and the 250,000 gallon storage tank were installed prior to October 2001), and subsequently (Well #4 and the 500,000 gallon storage tank have been installed since October 1, 2001).

TDWD has taken the appropriate action to meet the requirements of a COBU by noticing the OWRD that the previous COBU prepare by Mr. Russ Dodge, CWRE, contained several errors that could not be overcome without additional development of permit G-11608. With diligence to put forth a good faith effort, TDWD submitted the 2019 Extension Application and is ready, willing and able to pursue additional administrative permit amendments to allow for full development of permit G-11608.

ERRORS CONTAINED WITHIN THE PFO THAT REQUIRE CORRECTION

As stated above, the issuance of the PFO recommending denial of the 2019 Extension of Time Application for permit G-11608 is in error. Based on deficiencies regarding the review conducted by OWRD extension personnel to omit, disregard or otherwise ignore the history, diligence and evidence contained with the 2019 Extension Application warrants the OWRD to correct and reissue the PFO recommending approval of the Extension of Time Application and extend the C-date of permit G-11608 to October 1, 2021.

ADDITIONAL CONDITIONS THAT MAY BE INCLUDED IN A PFO AND EXTENSION APPROVAL-AMMENABLE TO THE APPLICANT

In addition to the errors, omissions and such in the PFO that require attention and correction by the OWRD, the permit holder, TDWD, would like to volunteer modification

RECEIVED
OCT 03 2019
OWRD

Received
MAR 31 2026

OWRD

to a proposed extension to include the addition of an extension condition. This voluntary modification includes:

1. Include a condition in the extension, *"The time for completion of the development of the permit shall be extended to October 1, 2021, with the condition that this will be the last extension of time granted for permit G-11608."*

APPLICANT PROTEST FEE

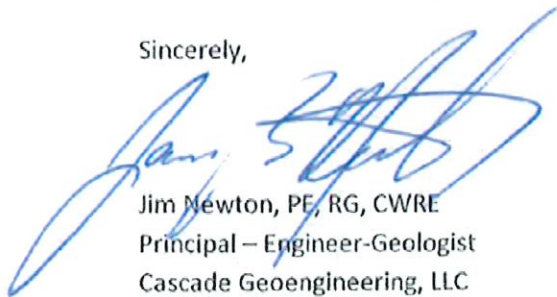
Consistent with Oregon Revised Statute (ORS) 536.050(1)(j)(B), the protest fee of \$410, if the protest is by the applicant, is included with this protest letter.

CLOSURE

Based on the information contained herein, including identification of errors and deficiencies contained within the PFO that need correcting and proper consideration, and an additional voluntary concession by the permit holder of record, the PFO should be re-issued recommending approval of the Extension of Time Application.

If you have questions regarding this protest of the PFO for the Application for the Extension of Time recommending denial for permit G-11608, please feel free to contact me at your convenience.

Sincerely,



Jim Newton, PE, RG, CWRE
Principal – Engineer-Geologist
Cascade Geoengineering, LLC



Dan Bruce, District Manager
Terrebonne Domestic Water District

RECEIVED
OCT 03 2019
OWRD

Attachments (3): Protest Fee \$410

OWRD Well Log DESC-52862/53589 (TDWD Well #3)

OWRD Well Log DESC-58362 (TDWD Well #4)

Received

MAR 31 2026

OWRD

STATE OF OREGON
WATER SUPPLY WELL REPORT
(as required by ORS 537.765)
Instructions for completing this report are on the last page of this form

WELL ID # L 32860
(START CARD) # 126683

Desc 52862

(1) OWNER:

Name Terrebonne Domestic Water District
Address P.O. Box 31
City Terrebonne State OR Zip 97760

(2) TYPE OF WORK:

☒ New Well ☐ Deepening ☐ Alteration (repair/recondition) ☐ Abandonment

(3) DRILL METHOD:

☒ Rotary Air ☐ Rotary Mud ☐ Cable ☐ Other

(4) PROPOSED USE:

☐ Domestic ☒ Community ☐ Industrial ☐ Irrigation
☐ Thermal ☐ Injection ☐ Livestock

(5) BORE HOLE CONSTRUCTION:

Special Construction approval ☐ Yes ☒ No Depth of Completed Well 590 ft.
Explosives used ☐ Yes ☒ No Type _____ Amount _____

HOLE		SEAL		Amount	
Diameter	From To	Material	From To	sacks or pounds	
12in	0 19	Granular	0 19	14 sacks	
8in	19 395	Bentonite	19 395		
6in	395 590				

How was seal placed: Method ☐ A ☐ B ☐ C ☐ D ☐ E

☒ Other Poured Dry

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

(6) CASING/LINER:

	Diameter	From To	Gauge	Steel	Plastic	Welded	Threaded
Casing:	8-in	+1 19	.250	☒	☐	☒	☐
Liner:	6-in	+2 395	.188	☒	☐	☒	☐

Final location of shoe(s) _____

(7) PERFORATIONS/SCREENS:

☒ Perforations		Method <u>factory</u>		Material	
☐ Screens		Type _____		_____	
From To	Slot size	Number	Diameter	Tele/pipa size	Casing Liner
315 395	3/16	960	6-in		☐ ☒

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

☒ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian

Yield gal/min	Drawdown	Drill stem at	Time
45	112'	357	.25 hr.
145	2	420	4.25 hr

Temperature of Water 56 Depth Artesian Flow found _____
Was a water analysis done? ☒ Yes By whom Coffey Labs
Did any strata contain water not suitable for intended use? ☒ Too little
☐ Salty ☐ Muddy ☐ Odor ☐ Colored ☐ Other _____
Depth of strata: 294-301 & 352-377

(9) LOCATION OF WELL by legal description:

County Deschutes Latitude _____ Longitude _____
Township 14S N or S. Range 13E E or W. of WM.
Section 16CD SE 1/4 SW 1/4
Tax lot 800 Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) 8300 5th Street,
Terrebonne, OR 97760

(10) STATIC WATER LEVEL:

304 ft. below land surface. Date 2/16/2000
Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:

Depth at which water was first found 294

From	To	Estimated Flow Rate	SWL
294	301	15-20	243
352	377	25-30	243
488	474	150-200	304
474	494	150-200	304

(12) WELL LOG:

Ground elevation 2876'

Material	From	To	SWL
Sandy Top Soil & Broken Lava	0	2	
Brown Lava	2	6	
Blue Gray Basalt	6	39	
Red Cinder Rock	39	56	
Brown & Red Cinders	56	78	
Tan Tufted Ash	78	90	
Brown & Red Cinders & Brown Lava	90	110	
Black Cinders & Tufted Ash	110	171	
Blue Gray Basalt	171	220	
Hard Black & Gray Basalt - Broken	220	294	
Large Red Cinders - WB	294	301	243
Broken Gray Lava	301	319	243
Hard Gray Basalt	319	352	243
Brown Cinder Rock & Blk Sand WB	352	377	243
Broken Gray Lava	377	395	243
Gray Broken Lava	395	402	243
Gray & Brown Lava	402	428	243
Brown & Red Cinders, Brn Sand WB	428	453	304
Black & Brown Lava Rock WB	453	488	304
Red Cinders & Ash WB	488	474	304
Brown Cinders & Ash WB	474	494	304
Brown Lava	494	528	304
Red Cinder & Pumice Chunks - firm	528	545	304
Cinder & Pumice Ash w blk cinders	545	582	304

Continued on next page

Date started 2/16/2000 Completed 2/16/2000 2/25/

(unbonded) Water Well Constructor Certification:

I have performed on the construction, alteration, or abandonment of this well in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to my best knowledge and belief.

APR 05 2000

Signed _____ WWC Number _____
Date _____

WATER RESOURCES DEPT.
SALEM, OREGON

(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 water supply well construction standards. This report is true to the best of my knowledge and belief.

Signed Robert D. Buckner WWC Number 1385
Date 2/25/01

ORIGINAL - WATER RESOURCES DEPARTMENT FIRST COPY - CONSTRUCTOR SECOND COPY - CUSTOMER

Received

MAR 31 2026

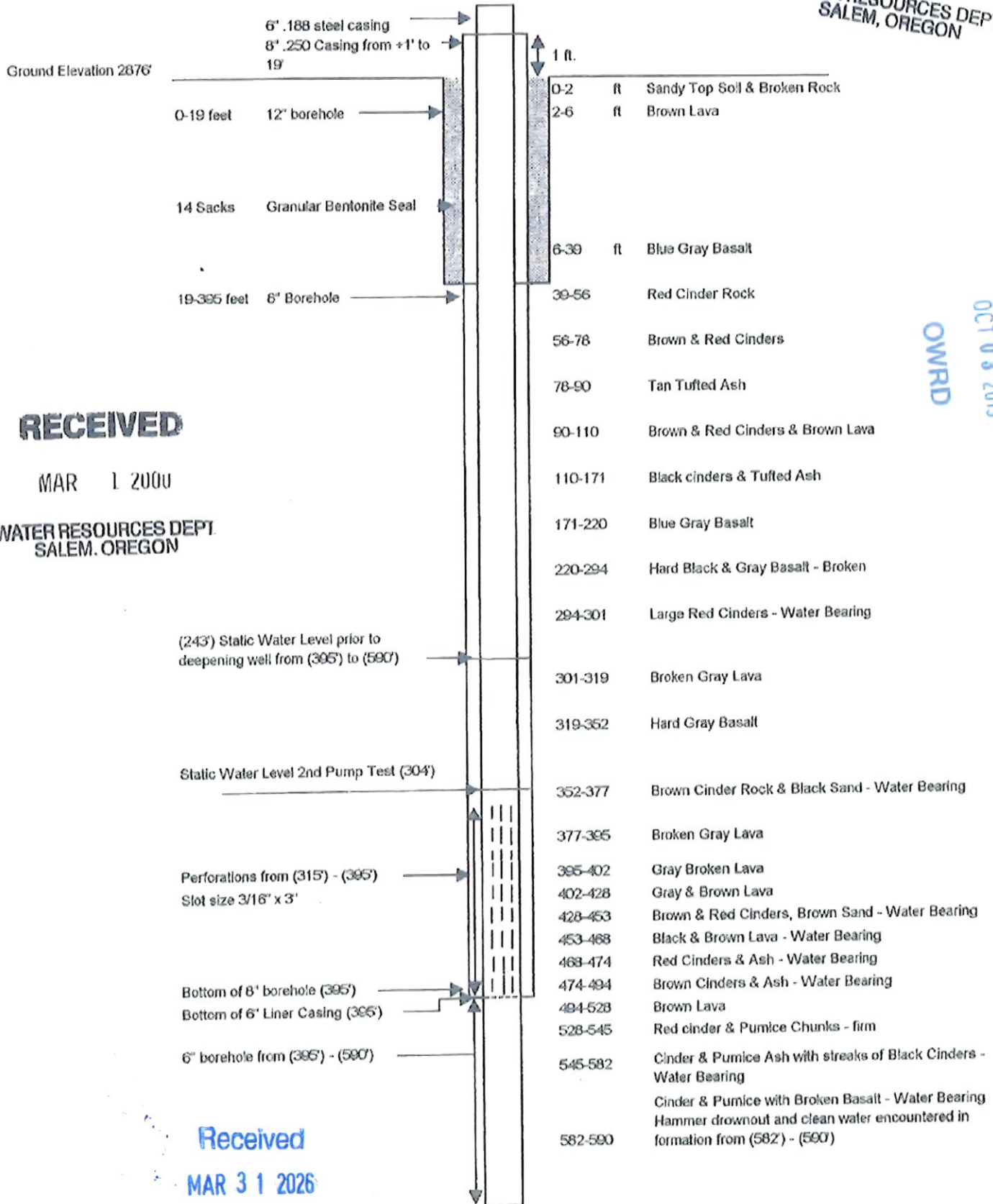
OWRD

TERREBONNE DOMESTIC WATER DISTRICT TEST WELL DIAGRAM

RECEIVED

APR 05 2000

WATER RESOURCES DEPT.
SALEM, OREGON



RECEIVED

MAR 1 2000

WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED
OCT 03 2019
OWRD

Received

MAR 31 2026

OWRD

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

Instructions for completing this report are on the last page of this form

DESC 55589
JAN 09 2001

WELL ID # 32800

(START CARD) # 126689

(1) OWNER:

Name **Terebonne Domestic Water District**
Address **P.O. Box 31**
City **Terebonne** State **OR** Zip **97760**

(2) TYPE OF WORK:

☐ New Well ☐ Deepening ☒ Alteration (repair/recondition) ☐ Abandonment

(3) DRILL METHOD:

☒ Rotary Air ☐ Rotary Mud ☐ Cable ☐ Auger
☐ Other

(4) PROPOSED USE:

☐ Domestic ☒ Community ☐ Industrial ☐ Irrigation
☐ Thermal ☐ Injection ☐ Livestock ☐ Other

(5) BORE HOLE CONSTRUCTION:

Special Construction approval ☒ Yes ☐ No Depth of Completed Well **590** ft.
Explosives used ☐ Yes ☒ No Type Amount

HOLE			SEAL			Amount	
Diameter	From	To	Material	From	To	sacks or pounds	
15.5	0	326	Cement	0	326	308 sacks	
12.25	326	590					

How was seal placed: Method ☐ A ☐ B ☒ C ☐ D ☐ E
☐ Other

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

(6) CASING/LINER:

	Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing:	14in	+1	294	.250	☒	☐	☒	☐
	10in	+1	415	.250	☒	☐	☒	☐
	10in	475	545	.250	☒	☐	☒	☐
Liner:					☐	☐	☐	☐

Final location of shoe(s)

(7) PERFORATIONS/SCREENS:

☐ Perforations Method
☒ Screens Type **304** Material **Stainless**

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
415	475	.060		10in	pipe	☒	☐
545	590	.060		10in	pipe	☒	☐

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

☒ Pump ☐ Bailor ☐ Air ☐ Flowing Artesian

Yield gal/min **500** Drawdown **4.5** Drill stem at **368** Time **54 hr.**

Temperature of Water **56** Depth Artesian Flow found

Was a water analysis done? ☒ Yes By whom **Coffey Labs**

Did any strata contain water not suitable for intended use? ☒ Too little

☐ Salty ☐ Muddy ☐ Odor ☐ Colored ☐ Other

Depth of strata: **294-301**

WATER RESOURCES DEPT. LOCATION OF WELL by legal description:

County **Deschutes** Latitude Longitude
Township **14S** N or S. Range **13E** E or W. of WM.
Section **16CD** SE 1/4 SW 1/4
Tax lot **800** Lot Block Subdivision
Street Address of Well (or nearest address) **8300 SW 5th St., Terebonne, OR**

(10) STATIC WATER LEVEL:

ft. below land surface. Date
Artesian pressure lb. per square inch. Date

(11) WATER BEARING ZONES:

Depth at which water was first found

From	To	Estimated Flow Rate	SWL
294	301	10-20	243
352	428	75-100	304
428	590	1000+	304

(12) WELL LOG:

Ground elevation

Material	From	To	SWL
Sandy Top Soil & Broken Rock	0	2	
Brown Lava	2	6	
Blue Gray Basalt	6	39	
Red Cinder Rock	39	56	
Brown & Red Cinders	56	78	
Tan Tufted Ash	78	90	
Brown & Red Cinders	90	110	
Black Cinders & Tufted Ash	110	171	
Blue Gray Basalt	171	220	
Hard Black & Gray Basalt	220	294	
Large Red Cinders & Black Sand WB	294	301	243
Broken Gray Lava	301	319	243
Hard Gray Basalt	319	352	243
Brown Cinder Rock & Black Sand WB	352	377	304
Broken Gray Lava	377	402	304
Gray & Brown Lava	402	428	304
Brown & Red Cinders, Brn. Sand WB	428	453	304
Black & Brown Lava Rock WB	453	468	304
Red Cinders & Ash WB	468	474	304
Brown Cinders & Ash	474	494	304
Brown Lava	494	528	304
Red Cinder & Pumice Chunks WB	528	545	304

Continued on next page

Date started **3/23/00** Completed **11/1/00**

(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 water supply 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 water supply well construction standards. This report is true to the best of my knowledge and belief.

Signed **Robert Buckner** WWC Number **1385**
Date **1/3/01**

ORIGINAL & FIRST COPY - WATER RESOURCES DEPARTMENT SECOND COPY - CONSTRUCTOR THIRD COPY - CUSTOMER

Received

MAR 31 2026

OWRD

OWRD

STATE OF OREGON

WATER SUPPLY WELL REPORT

(as required by ORS 537.765 & OAR 690-205-0210)

WELL LABEL # L 91780

START CARD # 188458

(1) LAND OWNER

Owner Well ID 4

First Name _____ Last Name _____
 Company Terrebonne Domestic Water District
 Address PO Box 31
 City Terrebonne State OR Zip 97760

(2) TYPE OF WORK ☒ New Well ☐ Deepening ☐ Conversion
☐ Alteration (repair/recondition) ☐ Abandonment

(3) DRILL METHOD

☒ Rotary Air ☐ Rotary Mud ☐ Cable ☐ Auger ☐ Cable Mud
☐ Reverse Rotary ☐ Other

(4) PROPOSED USE ☐ Domestic ☐ Irrigation ☒ Community
☐ Industrial/Commercial ☐ Livestock ☐ Dewatering
☐ Thermal ☐ Injection ☐ Other(5) BORE HOLE CONSTRUCTION Special Standard ☐ Attach copy
 Depth of Completed Well 588 ft

BORE HOLE			SEAL			Amt	lbs
Dia	From	To	Material	From	To		
16	0	414	Bentonite	0	5	9	S
12	414	592	Cement	5	414	316	S

How was seal placed: Method ☐ A ☐ B ☒ C ☐ D ☐ E☒ Other *bentonite placed around pitless unit*

Backfill placed from 588 ft. to 592 ft. Material Slough

Filter pack from _____ ft. to _____ ft. Material _____ Size _____

Explosives used: ☐ Yes ☐ No Type _____ Amount _____

(6) CASING/LINER ☒ Pitless unit

Casing	Liner	Dia	From	To	Gauge	Stl	Plst	Wld	Thrd
☒	☒	12	2	4.7	.375	☒	☒	☒	☒
☒	☒	10	4.7	414	.375	☒	☒	☒	☒
☒	☒	10	402	431	.250	☒	☒	☒	☒
☒	☒	10	451	546	.250	☒	☒	☒	☒
☒	☒	10	586	588	.250	☒	☒	☒	☒

Shoe ☐ Inside ☐ Outside ☐ Other Location of shoe(s) _____Temp casing ☐ Yes ☐ No Dia _____ From _____ To _____

(7) PERFORATIONS/SCREENS

Perforations Method _____

Screens Type wire wrap Material 304SS

Perf/	Casing/Screen	Screen Liner	Dia	From	To	Scr/slot width	Slot length	# of slots	Tele/ pipe size
Screen			10	431	451	0.100	cont		PS
Screen			10	546	586	0.100	cont		PS

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

☒ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)
560	6		5
740	9		4.5

Temperature 55 $\pm$ °F Lab analysis ☒ Yes By AlexinWater quality concerns? ☐ Yes (describe below)

From	To	Description	Amount	Units

(9) LOCATION OF WELL (legal description)

County DESCHUTES Twp 14 S N/S Range 13 E E/W WM
 Sec 16 SE 1/4 of the SW 1/4 Tax Lot 800
 Tax Map Number 14 13 16CD Lot _____
 Lat _____ ° 0' _____ " or _____ DMS or DD
 Long _____ ° 0' _____ " or _____ DMS or DD
 (a) Street address of well (c) Nearest address
 8300 NW 5th St, Terrebonne, OR

(10) STATIC WATER LEVEL

	Date	SWL (psi)	SWL (ft)
Existing Well / Predeepening			
Completed Well	10-18-2007		315

Flowing Artesian? ☐ Dry Hole? ☐

WATER BEARING ZONES Depth water was first found

SWL Date	From	To	Est Flow	SWL (psi)	SWL (ft)
08-22-2007	270	273	20		240
08-23-2007	350	375	50		240
09-07-2007	443	450	200		310
09-08-2007	578	588	1,000		310

(11) WELL LOG

Ground Elevation

Material	From	To
Top soil w/rocks	0	1
Basalt, grey & brown, medium w/large fractures	1	5
Basalt, grey & brown, hard	5	15
Basalt, brown, medium-hard	15	37
Basalt, red, medium	37	48
Basalt, red w/yellow, soft	48	53
Cinders & pumice, brown & red, medium	53	84
Cinders & pumice, black & brown, soft	84	112
Cinders, black & brown, medium	112	169
Cinders, black & brown, hard	169	174
Basalt, black, hard	174	218
Basalt, black, broken, medium-hard	218	270
Basalt, black w/brown & red, medium	270	273
Basalt, black, hard	273	275
Basalt, black w/brown, hard	275	334
Basalt, black, hard	334	346
Basalt, black, hard w/soapstone, tan	346	348
Cinders, red, soft	348	350
Cinders, brown & red, medium	350	375

Date Started 08-15-2007 Completed 01-04-2008

(unbonded) Water Well Constructor Certification

I certify that the work I performed on the construction, deepening, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

License Number 1663 Date 01-29-2008

Password: (if filing electronically)

Signed *For Alexin Brown*

(bonded) Water Well Constructor Certification

I accept responsibility for the construction, deepening, 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 water supply well construction standards. This report is true to the best of my knowledge and belief.

License Number 649

Date 01-29-2008

Password: (if filing electronically)

Signed *Stephen Schneider*

Contact Info (optional)

THIS REPORT MUST BE SUBMITTED TO THE WATER RESOURCES DEPARTMENT
 SALEM, OREGON WITHIN 30 DAYS OF COMPLETION OF WORK

Form Version: 0.88

MAR 31 2026

OWPD

WATER SUPPLY WELL REPORT -
continuation page

WELL I.D. #1 91730

START CARD # 188458

(5) BORE HOLE CONSTRUCTION

[illegible]

FILTER PACK

From	To	Material	Size

(6) CASING/LINER

[illegible]

(7) PERFORATIONS/SCREENS

[illegible]

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

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)

Water Quality Concerns

[illegible]

(10) STATIC WATER LEVEL

Water Bearing Zones

[illegible]

(11) WELL LOG

[illegible]

RECEIVED

OCT 03 2019

ÓWRO

Received

MAR 31 2026

OWRD

Comments/Remarks

[illegible]

WATER RESOURCES DEPT
SALEM, OREGON

**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)	PROPOSED
Permit G-11608, Water Right Application G-13213, in the)	FINAL ORDER
name of Terrebonne Domestic Water District)	TO DENY

Permit Information

Application:	G-13213
Permit:	G-11608
Basin:	5 – Deschutes / Watermaster District 11
Date of Priority:	December 11, 1992
Source of Water:	a well in Crooked River Basin
Purpose or Use:	domestic use for 60 families including irrigation of not to exceed 1/2 acres of lawn and non-commercial garden for each
Maximum Rate:	50.0 gallons per minute (gpm)

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.

In Summary, the Department proposes to:

- Deny an extension of time to complete construction of the water system from October 1, 2003, to October 1, 2021.

- Deny an extension of time to apply water to full beneficial use from October 1, 2003, to October 1, 2021.

Received
MAR 31 2026

OWRD

ACRONYM QUICK REFERENCE

Application – Application for Extension of Time
Department – Oregon Department of Water Resources
FOF – Finding of Fact
PFO – Proposed Final Order
Well – DESC 9656/50917/50965
gpm – gallons per minute
cfs – cubic foot per second

AUTHORITY

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

ORS 537.630(2) provides in pertinent part that the Oregon Water Resources Department (Department) for good cause shown shall order and allow an extension of time within which irrigation or other works shall be completed or the right perfected. In determining the extension, the Department shall give due weight to the considerations described under ORS 539.010(5) and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right.

ORS 539.010(5) 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 therefor; and the income or use that may be required to provide fair and reasonable returns upon the investment.

OAR 690-315-0040 provides that in order to approve an application for an extension of time to complete construction or apply water to full beneficial use, the Department shall make the findings in OAR 690-315-0040(1) including a finding that there is “good cause” to approve the extension. OAR 690-315-0040(2)-(4) contains the factors that the Department must consider to make findings that support a “good cause” determination.

FINDINGS OF FACT

1. On August 30, 1993, Permit G-11608 was issued by the Department. The permit authorizes the use of up to 50.0 gpm of water from a well in Crooked River Basin for domestic use for 60 families including irrigation of not to exceed 1/2 acre of lawn and non-commercial garden for each. The permit specified actual construction of the well to begin by August 30, 1994, construction of the water system was to be completed by October 1, 1995, and complete application of water was to be made on or before October 1, 1996.
2. On August 26, 2003, an assignment from Great Western Homes, Inc to Terrebonne Domestic Water District (District) was recorded in the records of the Water Resources Department.
3. Two prior permit extensions have been granted for Permit G-11608. The most recent extension request resulted in the completion dates for construction and full application of water being extended from October 1, 1997, to October 1, 2003.

4. On July 8, 2019, Daniel Bruce, District Manager, submitted an "Application for Extension of Time" (Application) to the Department, 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-11608 be extended from October 1, 2003, to October 1, 2021.
5. On July 16, 2019, notification of the Application for Extension of Time for G-11608 was published in the Department's Public Notice. No public comments were received regarding the extension application.

Review Criteria [OAR 690-315-0040]

In order to approve an Application for an Extension of Time to complete construction and/or apply water to full beneficial use pursuant to ORS 537.230 or 537.630, or to begin construction, pursuant to ORS 537.248, the Department must make the findings in OAR 690-315-0040(1)(a) – (d).

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

6. On July 8, 2019, the Department received a completed Application 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)]

7. Actual construction of the well began prior to the August 30, 1994 deadline specified in the permit.
8. According to the well log received by the Department on December 19, 1994, construction of DESC 9656 began July 26, 1994.

Based on Finding of Fact (FOF) 7 and 8, the Department has determined that the prosecution of the construction of the well began prior to August 30, 1994.

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

The Department must find that there is "good cause" to approve the extension. In making a "good cause" finding, the Department shall consider the requirements set forth under OAR 690-315-0040(2).

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

In order to make a finding of "good cause" to approve the extension, the Department shall consider whether the applicant has demonstrated "reasonable diligence" in previous performance under the permit. OAR 690-315-0040(2)(a). In determining "reasonable diligence", the Department shall consider, but is not limited to, the following factors: a) The amount of construction completed within the time allowed in the permit or previous extension; b) The amount of beneficial use made of the water during the permit or previous extension time limits; c) Water right holder conformance with the permit or previous extension conditions; and d) Financial investments made toward developing the beneficial use of water.

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

The amount of construction completed within the time allowed in the permit or previous extension.¹

9. During the original development time frame under Permit G-11608 DESC 9656 was partially abandoned under DESC 50917 because a portion of the borehole was crooked and undersized.
10. During the first extension of time period, being from October 1, 1996, to October 1, 1997, DESC 9656/50917/50965 (Well) was completed.
11. During the most recent extension period, being from October 1, 1997, to October 1, 2003, no additional work was accomplished.
12. Since October 1, 2003, no additional work has been accomplished.

Based on FOF 11, and 12, the Department cannot find evidence of progress made towards completion of the water development and application of water to full beneficial use during the most recent extension of time period, or in the sixteen years since the extended time period has passed.

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

The water right permit holder's conformance with the permit conditions.

13. The Department has considered the permit holder's compliance with conditions, and has identified the following concern; the record does not show that a meter or other suitable measuring device has been installed. The Department recognizes that it is the intent of the permit holder to comply with all permit conditions at the time the conditions become applicable.

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

The amount of beneficial use made of the water during the permit or previous extensions.

14. No water has been appropriated from the Well under Permit G-11608.
15. Delay of beneficial use of water under Permit G-11608 was due to, the 60 family subdivision this permit was to serve has been incorporated into the Terrebonne Domestic Water District's water system. The well authorized by Permit G-11608, has not been incorporated into the water system.

Based on FOF 13, 14, and 15, the Department has determined that beneficial use of water has not yet been demonstrated under this permit because not all permit conditions have been satisfied, and no water has been appropriated from the Well for domestic use.

¹ "Actual Construction" is defined in OAR 690-315-0020(3)(d)(A) and (B) as physical work performed toward completion of the water system which demonstrates the water right permit holder's good faith and intention to complete the project with reasonable diligence. Actual construction does not include planning a diversion system, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, surveying, clearing land or planting crops.

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

16. An approximate total of \$62,000 has been invested. The costs included items associated with administrative processes such as filing for previous extensions of time, and preparation of a Claim of Beneficial Use; and installation of a temporary pump for the purpose of testing the well, which are not "actual construction" under this permit and therefore are not counted towards development. After deducting these costs, an approximate total investment for "actual construction" to date of \$33,000, has been made in the development of this project. No investment has been made in the development of the water system since the Well was completed in June 1997. The additional investment necessary to complete development identified in the Application are costs associated with administrative processes, including a Permit Amendment, which are not considered costs towards physical work necessary to complete development, and are therefore not included.

Based on FOF 16, the Department has determined that the permit holder had made an investment in the development of the water system, however, no investment has been made to complete development of the project during the most recent extension of time period, being October 1, 1997, to October 1, 2003.

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

The Application provides evidence that work has been accomplished towards completion of the water system; the permit holder has not demonstrated compliance with permit conditions, and; beneficial use of water has not been demonstrated. The Department has determined the applicant has not demonstrated reasonable diligence in previous performance under Permit G-11608.

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

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:

- *(a) The amount of water available to satisfy other affected water rights and scenic waterway flows;*
- *(b) 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);*
- *(c) The habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife;*
- *(d) Economic investment in the project to date;*
- *(e) Other economic interests dependent on completion of the project; and*

- *(f) Other factors relevant to the determination of the market and present demands for water and power.*

OAR 690-315-0040(4)(a)

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

17. A review of 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-11608; 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.

OAR 690-315-0040(4)(b)

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).

18. The point of appropriation for Permit G-11608, located within the Crooked River Basin, is located within the Upper Deschutes Groundwater Mitigation Area. New appropriations of groundwater within the Deschutes Groundwater Study Area have the potential for substantial interference with surface water rights as described in OAR 690, division 9, and will measurably reduce scenic waterway flows as defined in ORS 390.835 unless mitigation is provided pursuant to the rules in this division. Permit G-11608, was issued prior to the establishment of the study area, however, not water has been appropriated to date under Permit G-11608. Development of water under Permit G-11608, twenty-six years after permit issuance, will have the practical effect of reducing flows in the scenic waterway.
19. Crooked River is located above the Deschutes Scenic Waterway.
20. The point of appropriation is not in an area listed by the Department of Environmental Quality as a water quality limited stream.

OAR 690-315-0040(4)(c)

The habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife.

21. Crooked River is located within an area ranked "high" 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.

OAR 690-315-0040(4)(d)

Economic interests dependent on completion of the project.

22. An approximate total of \$33,000 has been invested in the project.
23. No investment has been made in the project during the most recent extension of time period.

OAR 690-315-0040(4)(e)

Other economic interests dependent on completion of the project.

24. The Application identified the 560 residents and 25 business located in Terrebonne, OR as economic interests that may be dependent on completion of the project.
25. The Application refers to the Water Management and Conservation Plan (WMCP) submitted to the Department on February 19, 2016, which identifies Terrebonne Domestic Water District holds Permit G-8542 for 1.0 cubic foot per second (cfs) of water for quasi-municipal use, and Permit G-16938, for 0.5 cfs of water for quasi-municipal use.

OAR 690-315-0040(4)(f)

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

26. No other factors relevant to the determination of the market and present demand for water and power have been identified.

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

27. The 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)]

28. Delay in the development of this project was caused by any other governmental requirements.

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

29. The Application identifies advice from a previous consultant to submit a Claim of Beneficial Use based on test pumping of the well, to demonstrate proof of beneficial use under the permit.

Denial of the Extension Will Result in Undue Hardship [OAR 690-315-0040(2)(i)]

30. The Application identifies that a denial of the extension would result in undue hardship to the District and its customers due to a loss of the investment in the development to date under the permit, likely rate increases and likely restrictions on water use.

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

31. The Application does not provide evidence of good faith of the appropriator under Permit G-11608.

Based on Findings of Fact 11, 12, 13, 14, 15, 16, and 23, above, the Department finds that the Applicant has not demonstrated good faith.

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.

32. As of July 8, 2019, the remaining work to be completed consists of submitting a Permit Amendment to change the authorized point of appropriation, meeting all permit conditions, which include installing a meter; and applying water to full beneficial use.

Based on FOF 11, 12, 14, 15, 16, 23, and 30, the Department cannot find that the applicant can complete the project or apply water to full beneficial use within the time requested for the extension because the applicant did not demonstrate reasonable diligence in the development of Permit G-11608 during the most recent extension of time period, being October 1, 1997, to October 1, 2003, or in the more than fifteen years since October 1, 2003.

Based on FOF 18, the Department cannot find good cause to grant an extension of time to develop water under a permit where no water has been appropriated in the twenty-six years since the permit was issued, when new appropriations within the Upper Deschutes Groundwater Mitigation Area, would require mitigation to protect flow within the scenic waterway.

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

The Department must find that there is "good cause" to approve the extension. In making a "good cause" finding, the Department shall consider the requirements set forth under OAR 690-315-0040(2).

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 not 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).

CONCLUSIONS OF LAW

1. The permit holder has submitted a complete extension application form and the fee specified in ORS 536.050, as required by OAR 690-315-0040(1)(a).
2. The permit holder has not complied with the time allowed for construction work under the permit pursuant to ORS 537.630 as required by OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).
3. The Application established that there has been no construction, no financial investment or reasonable diligence toward developing the project during the most recent extension of

time period. The permit holder has not 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:

Deny the time to complete construction of the water system under Permit G-11608 from October 1, 2003, to October 1, 2021.

Deny the time to apply water to beneficial use under Permit G-11608 from October 1, 2003, to October 1, 2021.

DATED: August 20, 2019


Dwight 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 and 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may submit a written protest to the proposed final order. The written protest must be received by the Water Resources Department no later than **October 4, 2019**, being 45 days from the date of publication of the proposed final order in the Department's weekly notice.
2. A written protest shall include:
 - a. The name, address and telephone number of the petitioner;
 - b. A description of the petitioner's interest in the proposed final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented;
 - c. A detailed description of how the action proposed in the proposed final order would adversely affect or aggrieve the petitioner's interest;
 - d. A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;
 - e. Any citation of legal authority supporting the petitioner, if known;
 - f. Proof of service of the protest upon the water right permit holder, if petitioner is other than the water right permit holder; and

- g. The applicant or non-applicant protest fee required under ORS 536.050.
- 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 protest 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 submits a written request for a contested case hearing within 30 days after the close of the period for submitting protests.

NOTICE TO ACTIVE DUTY SERVICEMEMBERS: Active duty Servicemembers have a right to stay these proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571 or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll free telephone number.

-
- If you have questions about statements contained in this document, please contact Jeffrey D. Pierceall at (503) 986-0802.
 - If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Patricia McCarty at 503-986-0820.
 - If you have any questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0900.
 - Address any correspondence to : Water Right Services Division
725 Summer St NE, Suite A
Fax: 503-986-0901 Salem, OR 97301-1266
-

Received
MAR 31 2026

OWRD

STATE OF OREGON
COUNTY OF DESCHUTES

PERMIT TO APPROPRIATE THE PUBLIC WATERS

Received
MAR 31 2026
OWRD

THIS PERMIT IS HEREBY ISSUED TO

FRANK AND BARBARA MICHAELIS
65480 73RD STREET
BEND, OREGON 97701

503-389-8937

to use the waters of A WELL in the CROOKED RIVER BASIN for DOMESTIC USE for 60 families including the IRRIGATION of not to exceed 1/2 acre of lawn and non-commercial garden for each.

This permit is issued approving Application G-13213. The date of priority is DECEMBER 11, 1992. The use is limited to not more than 50.0 GALLONS PER MINUTE, or its equivalent in case of rotation, measured at the well.

The well is located as follows:

SE 1/4 NW 1/4, SECTION 16, T 14 S, R 13 E, W.M.; 2802.75 feet North and 1584.89 feet East from the Southwest corner of section 16.

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

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

SE 1/4 NW 1/4 Domestic - 60 families
SECTION 16
TOWNSHIP 14 SOUTH, RANGE 13 EAST, W.M.

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

Measurement, recording and reporting conditions:

- A. The Director may at any time require the permittee to report general water use information, including the periods of water use and the place and nature of use of water under the permit.
- B. 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.
- C. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- D. The Director may at any time require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director.

Application G-13213

Water Resources Department

PERMIT G-11608

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.

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

Groundwater production shall be from no shallower than 250 feet below land surface.

Actual construction work shall begin on or before August 30, 1994 and shall be completed on or before October 1, 1995. Complete application of the water shall be made on or before October 1, 1996.

B+C ext to 10-1-97

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

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

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

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

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

Issued this date, August 30, 1993.

1/s/ MARTHA O. PAGIL

BC 03

Water Resources Department
Martha O. Pagel
Director

Received
MAR 31 2026
OWRD

Groundwater Transfer Review Summary Form

Transfer/PA # T- 13819

GW Reviewer Joe Kemper Date Review Completed: 10/6/2023

Summary of Same Source Review:

☐ The proposed change in point of appropriation is not within the same aquifer as per OAR 690-380-2110(2).

Summary of Injury Review:

☐ The proposed transfer will result in another, existing water right not receiving previously available water to which it is legally entitled or result in significant interference with a surface water source as per 690-380-0100(3).

Summary of GW-SW Transfer Similarity Review:

☐ The proposed SW-GW transfer doesn't meet the definition of "similarly" as per OAR 690-380-2130.

This is only a summary. Documentation is attached and should be read thoroughly to understand the basis for determinations.

Received
MAR 31 2026
OWRD



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271
(503) 986-0900
www.wrd.state.or.us

Ground Water Review Form:

- ☐ Water Right Transfer
☒ Permit Amendment
☐ GR Modification
☐ Other

Application: T-13819

Applicant Name: Terrebonne Domestic Water District

Proposed Changes: ☐ POA ☒ APOA ☐ SW→GW ☐ RA
☐ USE ☒ POU ☐ OTHER

Reviewer(s): Joe Kemper

Date of Review: 10/6/2023

Date Reviewed by GW Mgr. and Returned to WRSD: _____

The information provided in the application is insufficient to evaluate whether the proposed transfer may be approved because:

- ☐ The water well reports provided with the application do not correspond to the water rights affected by the transfer.
- ☐ The application does not include water well reports or a description of the well construction details sufficient to establish the ground water body developed or proposed to be developed.
- ☐ Other _____

1. Basic description of the changes proposed in this transfer: Originating permit G-11608 authorizes 0.1114 cfs of expanded domestic use from POA DESC 9656. This transfer proposes to change the place of use (not evaluated here) and add two APOAs (see table below).

Name	Status	GWIS LOGID	Well Tag	TRS QQ	Surveyed Location
Well	Authorized	DESC 9656	L-9894	14S/13E-16 SE-NW	2803'N, 1585 E fr SW cor S 16
Well #3	Proposed	DESC 52862	L-32860	14S/13E-16 SE-SW	1130' N, 1360' E fr SW cor S 16
Well #4	Proposed	DESC 58362	L-91780	14S/13E-16 SE-SW	1086' N, 1406' E fr SW cor S 16

2. Will the proposed POA develop the same aquifer (source) as the existing authorized POA?
☒ Yes ☐ No Comments: The authorized well, DESC 9656, accesses mixed volcanics and ancestral alluvial facies of the Deschutes Formation to a depth of 282 feet. The APOAs both access mixed volcanics of the Deschutes Formation to a depth of 590 feet. The APOAs are located approximately 1700 feet to the south. All three wells access the Deschutes regional groundwater system that discharges to the Deschutes and Crooked River confluence area.
3. a) Is there more than one source developed under the right (e.g., basalt and alluvium)?
☐ Yes ☒ No _____

Received

MAR 31 2026

Version: 20210204

OWRD

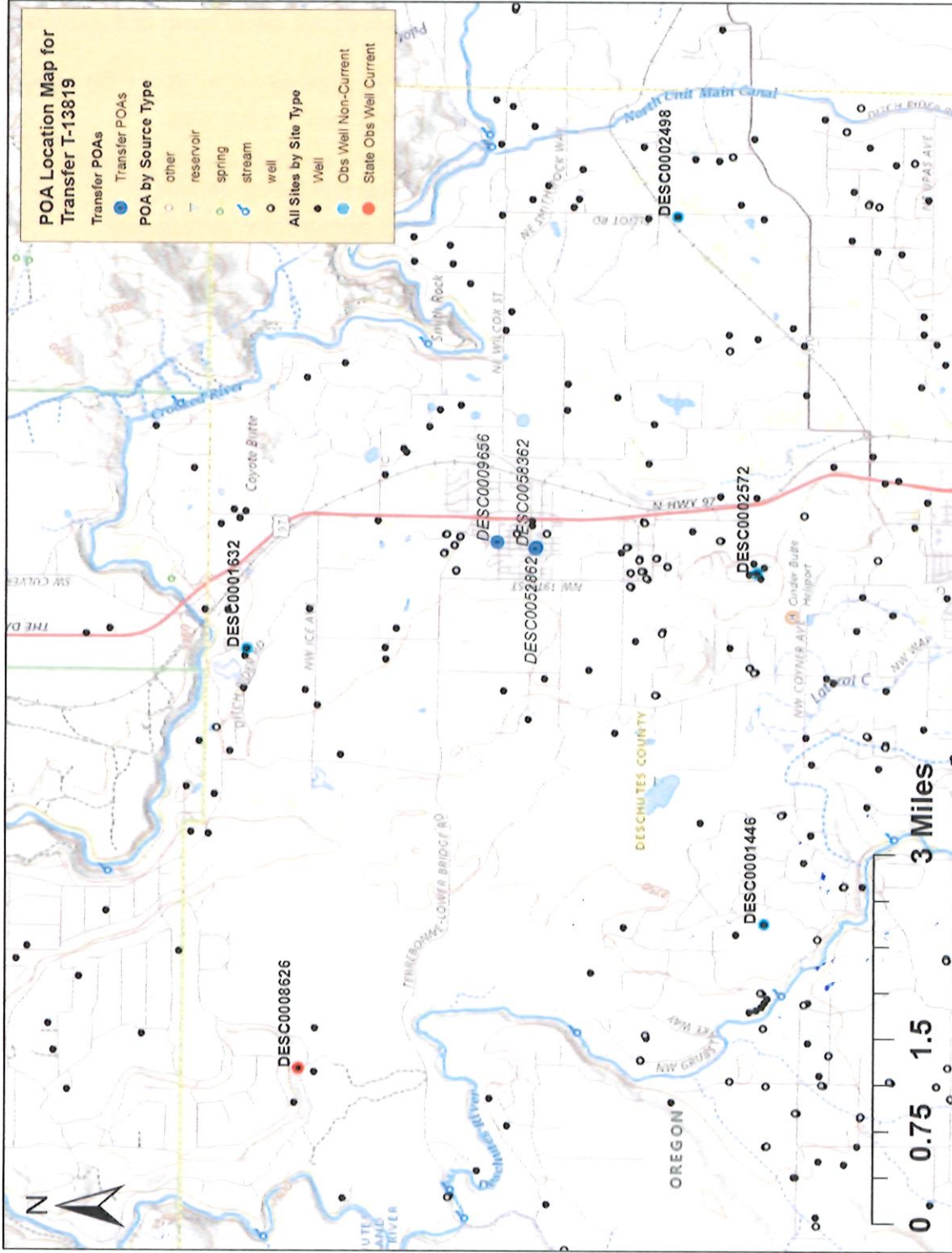
- b) If yes, estimate the portion of the right supplied by each of the sources and describe any limitations that will need to be placed on the proposed change (rate, duty, etc.): NA
4. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another ground water right**?
☒ Yes ☐ No Comments: This change will move groundwater production 1700 feet to the south which will increase well-to-well interference with wells in that area.
- b) If yes, would this proposed change, at its maximum allowed rate of use, likely result in another groundwater right not receiving the water to which it is legally entitled?
☐ Yes ☒ No If yes, explain: Considering the high permeability, storage, and thickness of the Deschutes Formation in this area, it is unlikely that any well-to-well interference would be high enough magnitude to be considered substantial or undue interference. Additionally, the adjacent tax lots are supplied by the applicant. The closest POAs are also owned and operated by the applicant.
5. a) Will this proposed change, at its maximum allowed rate of use, likely result in an increase in interference with **another surface water source**?
☐ Yes ☒ No Comments: The APOAs are located slightly further from the authorized POA the regional groundwater discharge point near the confluence of the Deschutes and Crooked Rivers. Changing the depth and location of groundwater pumped may create slight timing differences of any streamflow depletion. Assuming that there is no increase in volume pumped, the proposed changes would not increase any surface water interference.
- b) If yes, at its maximum allowed rate of use, what is the expected change in degree of interference with any **surface water sources** resulting from the proposed change?
Stream: _____ ☐ Minimal ☐ Significant
Stream: _____ ☐ Minimal ☐ Significant
Provide context for minimal/significant impact: see above.
6. For SW-GW transfers, will the proposed change in point of diversion affect the surface water source similarly (as per OAR 690-380-2130) to the authorized point of diversion specified in the water use subject to transfer?
☐ Yes ☐ No Comments: _____
7. What conditions or other changes in the application are necessary to address any potential issues identified above: _____
8. Any additional comments: _____

Received

MAR 31 2026

OWRD

Transfer Map



Received
MAR 31 2026
OWRD