

G6

E 12505

FILES: G 14006
 U.S. FOREST NATIONAL FOREST
 LAKEVIEW, OR 97630 - ~~434~~ 9701
 (HC10 BOX 337)

Application No. G14006
 Permit No. G-12256
 Certificate No. _____

FEES PAID		
Date	Amount	Receipt No.
4-24-95	\$300.-	123702
FEES REFUNDED		
Date	Amount	Check No.

Stream Index, Page No. _____

Date filed _____
 Priority _____
 Action suspended until FPD
 Return to applicant _____
 Date of approval _____

ASSIGNMENTS				
Date	To Whom	Address	Volume	Page

CONSTRUCTION
 Date for beginning 10/29/97
 Date for completion 10/1/98
 Extended to _____
 Date for application of water 10/1/99
 Extended to _____

REMARKS
See 80128, 9
Note: Correct address on label above
No pump test as of August 1, 2000

012256

PROSECUTION OF WORK

Form "A" filed _____
 Form "B" filed _____
 Form "C" filed 1-14-98 - CBU
due 1-14-00

FINAL PROOF

Blank mailed _____
 Proof received _____
 Date certificate issued _____

Oregon Water Resources Department Permit Condition Water Level Report

File

G-14006 OWRD Logid KLAM Main aq 10749 Max depth 413 LSD Elev 5858 Userid Y Township 38.00 S/ Range 15.00 E- S 12 QQ NE Q SE

Well Tag Log _____ Well Tag Field _____ Csg Diam Field 8

Well Location <Field Missing>

Well Address _____

Owner Well Names JIM'S WELL

Well History:

Logid	Type Work	Compl Depth	Compl Date	Owner on Log
KLAM 10749	NEW WELL	413	6/10/1993	MODOC LUMBER

Water Rights with reporting conditions that list this well:

Permit	Certificate	pod	Reference level	Trigger level activated?
G 12256		1		

Owner:

Name DAVID PAWELEK
 Other Name U.S. FREMONT NATIONAL FOREST
 Contact _____
 Address 1301 SOUTH 'G' STREET
 City / St / Zip LAKEVIEW OR 97630

Date	Time	MP Hght	WL BLS	WL Elev	Method Code	Status Code	Measured By	Pump Idle Time	MP Description	WIComments
16/10/1993			200.00	5658.00	R	U	DRILLER			KLAM 10749 New well, 413 ft TD
10/16/1999	11:30:00		195.87	5662.13	V	S	USGS			
15/15/2001	13:58:00		194.90	5663.10	V	S	USGS			
17/18/2001	11:00:00		197.00	5661.00	T	S	USGS			
10/02/2001	12:05:00		198.14	5659.86	V	S	USGS			
10/17/2001	10:57:00		197.79	5660.21	V	S	USGS			
17/11/2002	10:47:00		196.33	5661.67	V	S	USGS			
10/10/2002	10:45:00		204.08	5653.92	V	S	USGS			
14/09/2003	11:25:00		199.17	5658.83	V	S	USGS			
17/09/2003	11:05:00		197.98	5660.02	V	S	USGS			
14/28/2004	10:36:00		203.43	5654.57	V	S	USGS			
17/08/2004	11:19:00		201.52	5656.48	V	S	USGS			
10/06/2004	11:17:00		204.92	5653.08	V	S	USGS			
15/04/2005		2.5	9999.99		T	S	RICHARD H KEHR		1" ACCESS PORT ON TOP OF WELL CASING	Bad data = cc wtr USGS swls ~ 200
17/13/2005	10:18:00		199.06	5658.94	V	S	USGS			
10/05/2005	10:00:00		198.21	5659.79	V	S	USGS			
16/19/2006		2.5	9999.99		Z	S	RICHARD H KEHR	13 months	1 INCH ACCESS PORT ON TOP OF WELL CASING	Bad data = cc wtr USGS swls ~ 200
17/12/2006	10:00:00		196.80	5661.20	V	S	USGS			
10/18/2006	10:10:00		203.01	5654.99	V	S	USGS			
14/04/2007	09:55:00		198.80	5659.20	V	S	USGS			
15/30/2007		2.5	9999.99		Z	S	RICHARD H KEHR	24 months	1" ACCESS PORT ON TOP OF WELL	Bad data = cc wtr USGS swls ~ 200

Method Codes: A = Airline, T = Etape, V = Calibrated Etape, G = Uncalibrated Gage, H = Calibrated Gage, N = Not Measured, O = Observed, RA = Recorder Analog, RS = Recorder Shaft Encoder, RT = recorder Transducer, R = Reported, S = Steel Tape, U = Unknown

Status Codes: D = Dry, A = Falling, F = Flowing, P = Pumping, R = Rising, S = Static, U = Unknown

Oregon Water Resources Department Permit Condition Water Level Report

OWRD Logid	Main aq	Max depth	LSD Elev	Userid	Township	Range	S	QQ	Q
KLAM 10749		413	5858	Y	38.00 S/	15.00 E-	12	NE	SE
Well Tag Log	Well Tag Field	Csg Diam Field							
		8							
Well Location <Field Missing>									
Well Address									
Owner Well Names JIM'S WELL									

Owner:

Name DAVID PAWELEK

Other Name U.S. FREMONT NATIONAL FOREST

Contact

Address 1301 SOUTH 'G' STREET

City / St / Zip LAKEVIEW OR 97630

Well History:			Compl		
Logid	Type Work	Depth	Compl Date	Owner on Log	
KLAM 10749	NEW WELL	413	6/10/1993	MODOC LUMBER	

Water Rights with reporting conditions that list this well:			
Permit	Certificate	pod	Reference level Trigger activated?
G 12256		1	

Date	Time	MP Hght	WL BLS	WL Elev	Method Code	Status Code	Measured By	Pump Idle Time	MP Description	WIComments
07/11/2007	09:42:00		197.95	5660.05	V	S	USGS			
10/03/2007	09:57:00		197.33	5660.67	V	S	USGS			
06/05/2008		2.5	9999.99		T	S	SHAWN ROBNETT	24 months	1 INCH ACCESS PORT ON TOP OF WELL	Bad data = cc wtr USGS swls ~ 200
07/10/2008	09:41:00		196.52	5661.48	V	S	USGS			

Method Codes: A = Airline, T = Etape, V = Calibrated Etape, G = Uncalibrated Gage, H = Calibrated Gage, N - Not Measured, O = Observed, RA = Recorder Analog, RS = Recorder Shaft Encoder, RT = Recorder Transducer, R = Reported, S = Steel Tape, U = Unknown

Status Codes: D = Dry, A = Falling, F = Flowing, P = Pumping, R = Rising, S = Static, U = Unknown

Karl Wozniak

From: Danial J Polette [dpolette@usgs.gov]
Sent: Tuesday, October 13, 2009 4:01 PM
To: Karl Wozniak
Cc: Ken Lite
Subject: Fw: Peculiar water levels....

Salutations, Karl,

Met with Steve Ruda of USFS - Lakeview last week at the well specified in this email exchange you and I have had going. It is the same well that I visit, but he is inadvertently measuring cascading water rather than the actual water level itself, hence the vast discrepancy between our measurements. Furthermore, his coax etape is only 150' in length (graduated in 0.01 foot increments) and to his knowledge, that is the only rig their office has, consequently, they cannot measure the actual water level there even if they wanted to until they have another tape at least 200' in length. I gave him info on our flat etapes should they wish to pursue that option.

Given this I am going to discard their data from our data base.

Best regards,

Dan

----- Forwarded by Danial J Polette/WRD/USGS/DOI on 06/26/2009 10:22 AM -----

From: Karl Wozniak <wozniak@wrд.state.or.us>
To: DANIAL POLETTE <dpolette@usgs.gov>
Date: 11/05/2008 08:24 AM
Subject: RE: Peculiar water levels....

Hello Dan,

Thanks for the update. I see on our water level forms that Richard Kehr has certified that he is the person making the measurements at this well. I will probably speak to him about this discrepancy but I'll wait until you've finished with your investigation.

Karl

-----Original Message-----

From: Danial J Polette [<mailto:dpolette@usgs.gov>]
Sent: Tuesday, November 04, 2008 4:08 PM
To: Karl Wozniak
Cc: Ken Lite; TIFFANY RAE JACKLIN
Subject: Fw: Peculiar water levels....

Hello, Karl,

Richard Kehr said Katherine Callahan (541) 947-6326 of USFS Lakeview may

have information on this. Spoke with Katherine on 11/4 at 1530 who put me in touch with Steve Ruda (541) 947-6257 of USFS Lakeview who actually does the site visits. He uses a coax etape marked every 0.10 of a foot that is not checked against a standard. He comes from a background in core drilling. Upon mentioning the possibility of cascading water he asked what that was. He knew what I meant when I explained it. We tentatively set up the option of meeting on site at the Jim's Valley well next year. He was going to make a note to himself to call me around June, 2009. I would not likely be going there until early July but he said his schedule is flexible. I will make a note in my field schedule to call him if I have not heard from him by the end of June.

Will keep you posted.

Dan

----- Forwarded by Danial J Polette/WRD/USGS/DOI on 11/04/2008 11:40 AM

Karl Wozniak
<wozniakc@wrд.sta
te.or.us>

10/23/2008 02:42
PM

To
DANIAL POLETTE <dpolette@usgs.gov>
cc
Ken Lite <liteke@wrд.state.or.us>
Subject?
RE: Peculiar water levels....

Hello Dan,

This well is on our water right permit G-12256 which requires 7 years of annual March water level measurements. The 3 anomalous measurements you note were measured by Richard H. Kehr, Forest Engineer for the USDA Forest Service. His daytime phone is 541-883-6722. It looks as if he is using an etape. I've checked the paper records and have verified that the water levels in our database correctly reflect the water levels on the paper forms. Perhaps he is measuring a different well or perhaps his equipment is bad, or perhaps he doesn't know what he is doing. Are you aware of any cacading water in the well? I suggest that you call him to discuss this matter. Let me know what you discover.

According to our water right database, the well is located in 38.00S/12.00Eda at NORTH 77 DEG 37 MIN 49 SEC WEST, 623.97 FEET FROM S1/16 CORNER, SECTIONS 12&7.

Karl

-----Original Message-----

From: Danial J Polette [<mailto:dpolette@usgs.gov>]
Sent: Thursday, October 23, 2008 10:07 AM
To: Karl Wozniak
Cc: Ken Lite
Subject: Fw: Peculiar water levels....

Hello, Karl,

As per my email to Tiffany below, I am curious about the legitimacy of several water levels (123' or 145') that have shown up in the NWIS database

10/14/2009

at one of my Klamath monitoring sites. She suggested I consult with you. It is a USFS dust/fire suppression well (aka Jim;s Valley well) remotely located near the Klamath/Lake County border. Ken has asked about this well on occasion. At your convenience.

Thanks,

Dan

Danial J
Polette/WRD/USGS/
DOI

10/21/2008 11:03
AM

Tiffany Rae
Jacklin/WRD/USGS/DOI@USGS

To

cc

Subject

Peculiar water levels....

...at one of my Klamath sites, 421707120525401, KLAM 10749, 38.00S.15.00E-12DAD01, I found three peculiar data points in the historic record, see below. All are reported water levels by a geologist with OWRD falling far outside my observations. No corresponding field forms appear in the site schedule. Do you know where these came from? I do not recall having entered them into the system.

Thx,

Dan,

38.00S/15.00E-12DAD01	KLAM 10749	421707120525401	200	06/10/1993	--	-	R	0	D	-
38.00S/15.00E-12DAD01	KLAM 10749	421707120525401	195.	10/16/1999	11:	-	V	2	A	-
38.00S/15.00E-12DAD01	KLAM 10749	421707120525401	194.	05/15/2001	13:	-	V	2	S	-
38.00S/15.00E-12DAD01	KLAM 10749	421707120525401	197.	07/18/2001	11:	-	T	1	S	-
38.00S/15.00E-12DAD01	KLAM 10749	421707120525401	198.	10/02/2001	12:	-	V	2	S	-
38.00S/15.00E-12DAD01	KLAM 10749	421707120525401	197.	10/17/2001	10:	-	V	2	S	-
38.00S/15.00E-12DAD01	KLAM 10749	421707120525401	196.	07/11/2002	10:	-	V	2	S	-
38.00S/15.00E-12DAD01	KLAM 10749	421707120525401	204.	10/10/2002	10:	-	V	2	S	-
38.00S/15.00E-12DAD01	KLAM 10749	421707120525401	199.	04/09/2003	11:	-	V	2	S	-

38.00S/15.00E- 12DAD01	KLAM 10749	4217071205 25401	197. 98	07/09/ 2003	11: 05	- -	V 2 	S 	- -
38.00S/15.00E- 12DAD01	KLAM 10749	4217071205 25401	203. 43	04/28/ 2004	10: 36	- -	V 2 	S 	- -
38.00S/15.00E- 12DAD01	KLAM 10749	4217071205 25401	201. 52	07/08/ 2004	11: 19	- -	V 2 	S 	- -
38.00S/15.00E- 12DAD01	KLAM 10749	4217071205 25401	204. 92	10/06/ 2004	11: 17	- -	V 2 	S 	- -
38.00S/15.00E- 12DAD01	KLAM 10749	4217071205 25401	123 	05/04/ 2005	-- 	- -	R 0 	G 	- -
38.00S/15.00E- 12DAD01	KLAM 10749	4217071205 25401	199. 06	07/13/ 2005	10: 18	- -	V 2 	S 	- -
38.00S/15.00E- 12DAD01	KLAM 10749	4217071205 25401	198. 21	10/05/ 2005	10: 00	- -	V 2 	S 	- -
38.00S/15.00E- 12DAD01	KLAM 10749	4217071205 25401	145. 5	06/19/ 2006	-- 	- -	R 0 	G 	- -
38.00S/15.00E- 12DAD01	KLAM 10749	4217071205 25401	196. 80	07/12/ 2006	10: 00	- -	V 2 	S 	- -
38.00S/15.00E- 12DAD01	KLAM 10749	4217071205 25401	203. 01	10/18/ 2006	10: 10	- -	V 2 	S 	- -
38.00S/15.00E- 12DAD01	KLAM 10749	4217071205 25401	198. 80	04/04/ 2007	09: 55	- -	V 2 	S 	- -
38.00S/15.00E- 12DAD01	KLAM 10749	4217071205 25401	123 	05/30/ 2007	-- 	- -	R 0 	G 	- -
38.00S/15.00E- 12DAD01	KLAM 10749	4217071205 25401	197. 95	07/11/ 2007	09: 42	- -	V 2 	S 	- -
38.00S/15.00E- 12DAD01	KLAM 10749	4217071205 25401	197. 33	10/03/ 2007	09: 57	- -	V 2 	S 	- -
38.00S/15.00E- 12DAD01	KLAM 10749	4217071205 25401	196. 52	07/10/ 2008	09: 41	- -	V 2 	S 	- -
38.00S/15.00E- 12DAD01	KLAM 10749	4217071205 25401	196. 50	10/08/ 2008	09: 47	- -	V 2 	S 	- -

RECEIVED

DEC 02 1999

WATER RESOURCES DEPT
SALEM, OREGON

Final Proof Survey

Application No. G-14006
Permit No. G-12256

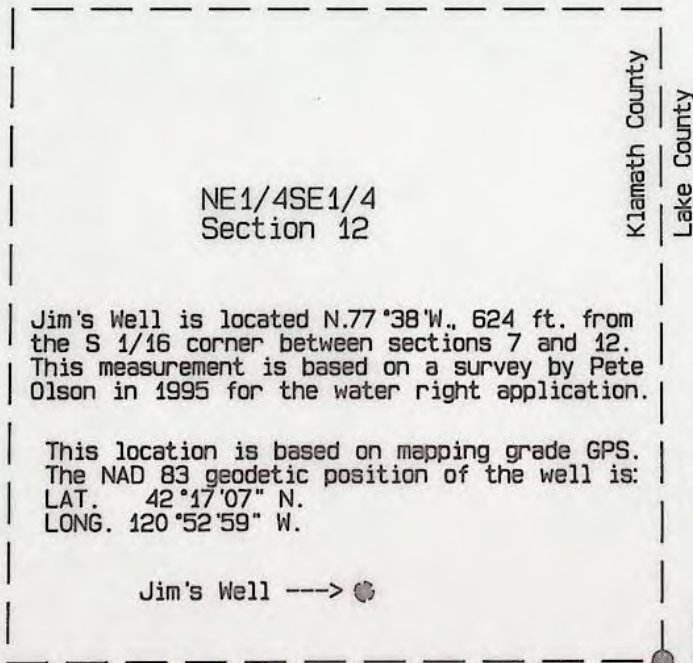
JIM'S WELL

T.38 S., R.15 E., W.M.
Klamath County, Oregon
Fremont National Forest



8/17/99

This map was prepared for the purpose of identifying the location of a water right only and is not intended to provide legal dimensions or the location of property ownership lines.



NE1/4SE1/4
Section 12

Klamath County
Lake County

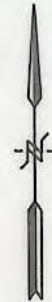
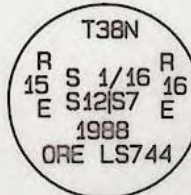
Jim's Well is located N.77°38'W., 624 ft. from the S 1/16 corner between sections 7 and 12. This measurement is based on a survey by Pete Olson in 1995 for the water right application.

This location is based on mapping grade GPS. The NAD 83 geodetic position of the well is:
LAT. 42°17'07" N.
LONG. 120°52'59" W.

Jim's Well ---> ●

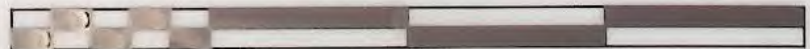
This location is based on mapping grade GPS. The NAD 83 geodetic position of the corner is:
LAT. 42°17'05" N.
LONG. 120°52'50" W.

2 1/2" dia. Aluminum Capped Aluminum Pipe per Lake County Surveyors Office marked:



GRAPHIC SCALE

1" = 400'



0 400 800 1200

TO: Water Rights Section March 29, 1996
 FROM: Groundwater/Hydrology Section Marc A Norton
 SUBJECT: Application G- 14006 Reviewer's Name

GROUNDWATER/SURFACE WATER CONSIDERATIONS

1. PER THE _____ Basin rules, one or more of the proposed POA's is/is not within _____ feet/mile of a surface water source (_____) and taps a groundwater source hydraulically connected to the surface water.

2. BASED UPON OAR 690-09 currently in effect, I have determined that the proposed groundwater use
 - a. ___ will, or have the potential for substantial interference with the nearest
 - b. will not surface water source, namely Lost Valley Creek; or
 - c. ___ will if properly conditioned, adequately protect the surface water from interference:
 - i. ___ The permit should contain condition #(s) _____;
 - ii. ___ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. ___ The permit should be conditioned as indicated in item 4 below; or
 - d. ___ will, with well reconstruction, adequately protect the surface from substantial interference.

GROUNDWATER AVAILABILITY CONSIDERATIONS

3. BASED UPON available data, I have determined that groundwater for the proposed use
 - a. ___ will, or likely be available in the amounts requested without injury to prior rights
 - b. ___ will not and/or within the capacity of the resource; or
 - c. will if properly conditioned, avoid injury to existing rights or to the groundwater resource:
 - i. The permit should contain condition #(s) 7C;
 - ii. ___ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. ___ The permit should be conditioned as indicated in item 4 below; or

4.
 - a. ___ THE PERMIT should allow groundwater production from no deeper than _____ ft. below land surface;
 - b. ___ The permit should allow groundwater production from no shallower than _____ ft. below land surface;
 - c. ___ The permit should allow groundwater production only from the _____ groundwater reservoir between approximately _____ ft. and _____ ft. below land surface;
 - d. ___ Well reconstruction is necessary to accomplish one or more of the above conditions.
 - e. ___ One or more POA's commingle 2 or more sources of water. The applicant must select one source of water per POA and specify the proportion of water to be produced from each source.

REMARKS: _____

14006

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

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

RECOMMENDATION:

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

THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL

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

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

_____, 199__.
(Signature)

**Water Right Conditions
Tracking Slip**

Groundwater/Hydrology Section

FILE ## G-14006

ROUTED TO: W.R.

TOWNSHIP/

RANGE-SECTION: 38S / 15E-12

CONDITIONS ATTACHED? Yes No

REMARKS OR FURTHER INSTRUCTIONS:

Reviewer: Man A Norton

WATER RESOURCES DEPARTMENT MEMORANDUM

TO: Groundwater/Hydrology
FROM: Marc Norton
SUBJECT: Groundwater Application G- 14006

Date 3/29/96

Applicants(s) seek 80 gpm (cfs) from one well in the Klamath basin
U.S. Fremont National Forest Sprague sub basin
Fish hole Creek sub basin

Pertinent 7 1/2 - minute quads Paradise Mtn

Well WRD# KLAM 10749 T 38S R 15E S 12 QQ County Klamath

Legal Description
Well is 4100 ft from Lost Valley Creek (river/stream)
Well is ft from (river/stream)
Well Elevation 5850 ft River/Stream elevation 5845 ft.
Well Elevation - River/Stream elevation ±5 ft.
Well depth 413 ft SWL 200 ft on 6/10/93
Sealed to 20 ft Depth first water found 263 ft
Cased to 22 ft Perforations/screens ft
Lined to ft Perforations/screens ft
Well test and types 80 GPM Airtest

(Confined/Semi-confined/Unconfined) Direct hydraulic connection? YES / NO
Potential to cause substantial interference? NO

Well WRD# T R S QQ County

Legal Description
Well is ft from (river/stream)
Well is ft from (river/stream)
Well Elevation ft River/Stream elevation ft.
Well Elevation - River/Stream elevation ft.
Well depth ft SWL ft on
Sealed to ft Depth first water found ft
Cased to ft Perforations/screens ft
Lined to ft Perforations/screens ft
Well test and types

(/Semi-confined/Unconfined) Direct hydraulic connection? YES / NO
Potential to cause substantial interference?

Conditioned water rights in area:

Other nearby water rights of record:

Density of nearby wells:

Comments:

References Used:

KLAMATH
10749

JUN 22 1993

38S/15E/12
da

(1) OWNER: Well No. 93-18
Name MODOC LUMBER
Address P.O. BOX 257
City KLAMATH FALLS St OR Zip 97601

(2) TYPE OF WORK: NEW WELL
(3) DRILL METHOD: ROTARY AIR
(4) PROPOSED USE: ROAD WATER

(5) BORE HOLE CONSTRUCTION:
Special Construction Approval: NO Depth of Compl. Well 413
Explosives used Type Amount
HOLE SEAL
Diam. From To Material From To Amount
14" 0 -20 BENTONITE 0 -20 20 SACKS
8" -20 -413
Seal placement method C
Backfill: from to Material
Gravel: from to Size

(6) CASING/LINER:
Diam. From To Gauge Material Connection
Casing 8" +2 -22 .250 STEEL WELDED
Liner
Final Location of shoe(s)

(7) PERFORATIONS/SCREENS:
Perforations Method
Screens Type Material
Slot Tele/pipe
From To Size Number Dian. size Casing/liner

(8) WELL TESTS: Minimum testing time is 1 hour
Test type AIR
Yield GPM Draw-down Drill stem at Time
80 -300 1 hr.
Temperature of water 54 Depth Artesian Flow Found
Was water analysis done? NO by whom
Reason for water not suitable for use
Depth of strata 0

(9) LOCATION OF WELL by legal description:
County KLAMATH Lat. " " " Long. " " "
Township 38 S Range 15 E
Section 12 NE 1/4 SE 1/4
Tax Lot Lot Block Subdivision
Street Address
SEE MAP QUARTZ MT., OR

(10) STATIC WATER LEVEL:
200 ft. below land surface. Date 06/10/93
Artesian pressure Date

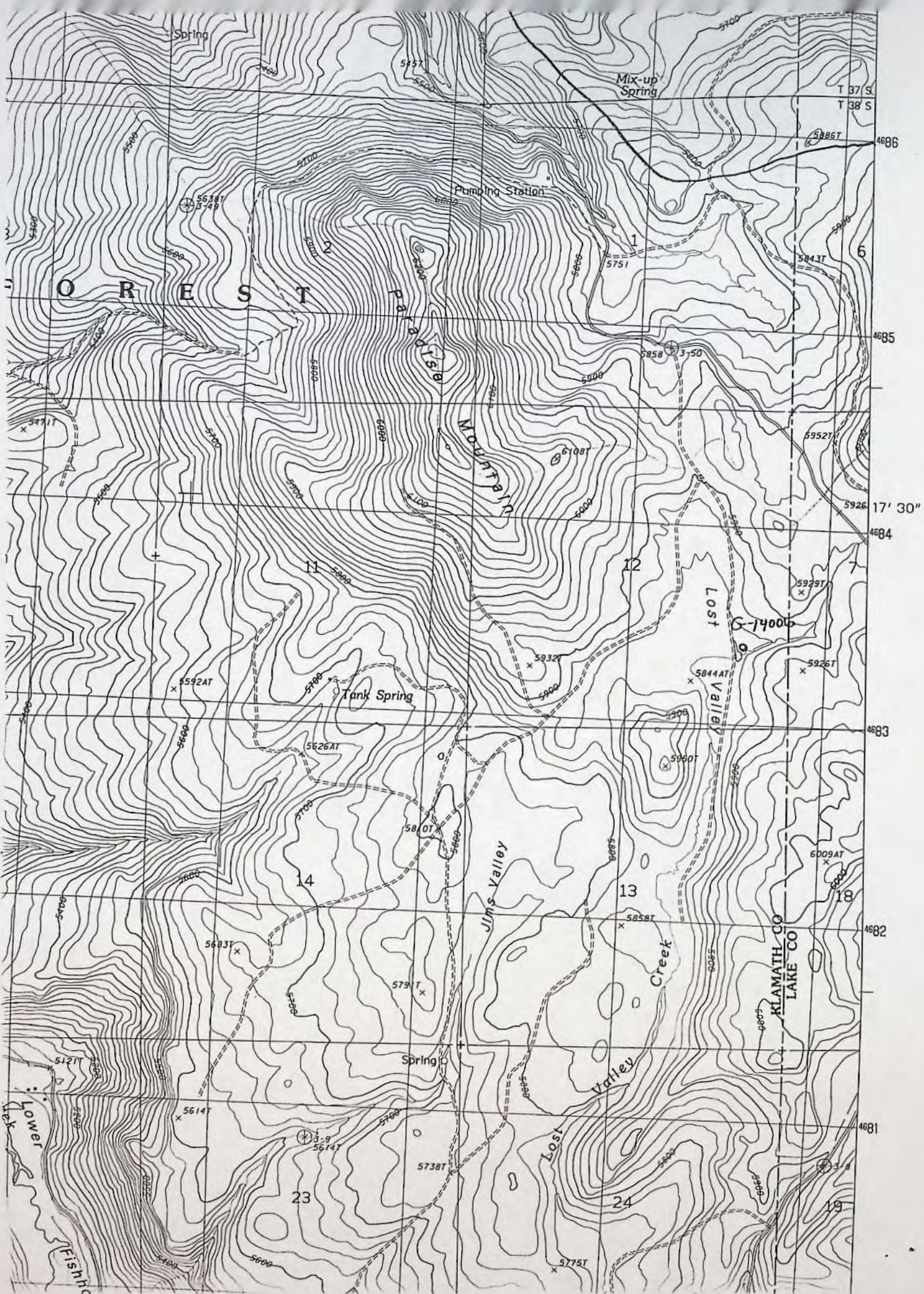
(11) WATER BEARING ZONES:
Depth at which water was first found -263
From To Est Flow Rate SWL
-263 -402 80 GPM -200

(12) WELL LOG:
Material Ground elevation From To SWL
STICKY TOPSOIL 0 1
BROWN CLAY & BOULDERS 1 15
GREY BASALT 15 28
GREY BASALT & BROWN CLAY 28 129
GREY BASALT 129 147
RED ROCK & CLAY 147 175
GREY BASALT 175 219
BROWN CLAY & GREY BASALT 219 245
GREY BASALT 245 263
YELLOW & RED RYOLITE 263 349 200
BROKEN GREY BASALT & RYOLITE 349 413 200

Date started 05/21/93 Completed 06/10/93

(unbonded) Water Well Certification: I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon well construction standards. Materials used and information reported above are true to my best knowledge and belief.
Signed [Signature] WWC Number 1452
Date 06/18/93

(bonded) Water Well Certification: I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.
Signed [Signature] WWC Number 69
Date 6/18/93



County: Klamath

Quad name & #: Paradise #4

180

REVIEW CHECKLIST

FOR G- 14006

- Appropriate parts of the stream index
- Estimated number of wells within one-mile radius & identified types.
- Verify that the well log is in application. If not, provide one.
- State observation wells within five-mile radius.
- List groundwater permits within a five-mile radius with extraordinary conditions.

APPLICATIONS WITH PERMIT CONDITIONS: 385, 15, E, 12
nothing found

Wells in the vicinity of application G 14006

- Application well(s) in this 1/4-1/4 section
- ◻ Well(s) identified in this section from OWRD's well log database within 1 mi. radius of application well(s)
- Well(s) identified in this 1/4-1/4 section from OWRD's well log database within 1 mi. radius of application well(s)
- ⊗ Permitted well(s) in this 1/4-1/4 section within 1 mi. radius of application well(s)
- ▲ OWRD Observation well and well-id within 5 mi. radius of application well(s)
- Critical GW Area
- - - Regulated GW Area



WELLS WITHIN 1 MILE OF G 14006
OT 1

PERMITTED WELLS WITHIN 1 MILE OF APPLICATION G 14006

PERMIT	T/R/S/QQ	USE	RATE	UNITS
--------	----------	-----	------	-------



United States
Department of
Agriculture

Forest
Service

Fremont
National
Forest

1301 South G Street
Lakeview, OR 97630
Tel: 541-947-2151

File Code: 2540

Date: 3/12/2002

RECEIVED

MAR 14 2002

WATER RESOURCES DEPT.
SALEM, OREGON

Mr. R. Craig Kohanek
Oregon Water Resources Department
Commerce Building
158 12th Street NE
Salem, Or. 97310-0210

Dear Mr. Kohanek:

Application: G-14006

Permit: G-12256

We have again received the Water Level Reporting Form for the above well. As in the past we have informed the Water Resources Department that it is impossible to fulfill the requirements of the permit. The permit calls for seven consecutive annual measurements to be made by a Certified Water Rights Examiner in the month of March.

The well is located at an elevation of 6,000 feet and is not accessible due to snow until June. There is no electrical power at the well, and pumping requires an electrical generator. The well is used once every three years to pump water into a holding pond to be used for fire protection and road maintenance (bladeing). The water is used for no other purpose. The well is pumped only once to fill the pond and sits idle the remainder of the time. The Forest Service acquired a water right for the purpose of road maintenance on our roads that cross private lands and on National Forest lands acquired by purchase or donation. Other than the use of the water for the mentioned purpose, all other uses for maintenance are on Reserved National Forest lands on which the Forest Service has a Federal water right that dates to 1906.

The Fremont has over a dozen wells within its boundaries, all of which have a water right permit from the State and all are used for the same purposes, fire protection and road maintenance. None of these wells have the monitoring requirements. We are requesting that the Water Resources Department remove the monitoring requirements from this well. The requirement cannot be met, it is expensive and of very little value in determining the draw down of the well and its affect on ground water. If this well was in any other location and used on a regular basis, there may be some benefit to the monitoring, however a one time pumping just to see what the draw down is seems somewhat meaningless.

If you have any questions on this I may be reached at 541-947-6238 until April 3rd.

Sincerely

Richard A. Woodward
Realty Specialist
Fremont and Winema National Forests



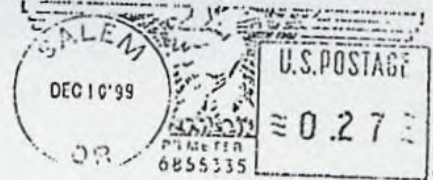
Oregon
STEVE BROWN

WATER RESOURCES
DEPARTMENT

Commerce Building
158 12th Street NE
Salem, OR 97301

Address Service Requested

PRESORTED
FIRST CLASS



RECEIVED

DEC 20 1999

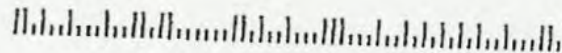
524 WATER RESOURCES DEPT.
SALEM, OREGON

U.S. FOREST SERVICE
FREMONT NATIONAL FOREST
PO BOX 551
LAKEVIEW, OR 97630

RE-MAIL →

FREMS24 976302004 1A98 13 12/16/99
FORWARD TIME EXP RTN TO SEND
FREMONT NATIONAL FOREST SERVICE
HC 010 BOX 337
LAKEVIEW OR 97630-9701

AJ701/5272



U.S. FOREST SERVICE
FREMONT NATIONAL FOREST
PO BOX 551
LAKEVIEW, OR 97630

REFERENCE: Files G-13149 (PAISLEY WELL); G-13985 (WICKIUP WELL);
G-13462 (EUWANA WELL); G-14006 (JIM'S WELL)

This will acknowledge that your REVISED CLAIMS OF BENEFICIAL USE AND MAPS in the name of U.S. FOREST SERVICE were received on DECEMBER 2, 1999. These will be reviewed in the future to insure they are complete and correct.

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



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

December 10, 1999

U.S. FOREST SERVICE
FREMONT NATIONAL FOREST
PO BOX 551
LAKEVIEW, OR 97630

REFERENCE: Files G-13149 (PAISLEY WELL); G-13985 (WICKIUP WELL);
G-13462 (EUWANA WELL); G-14006 (JIM'S WELL)

This will acknowledge that your REVISED CLAIMS OF BENEFICIAL USE AND MAPS in the name of U.S. FOREST SERVICE were received on DECEMBER 2, 1999. These will be reviewed in the future to insure they are complete and correct.

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

Sincerely,

STEVE BROWN
Program Analyst
Certificate Section

SCB:tcb

cc: WALTER F. MILLER, CWRE #179

M:\groups\wr\support\timmie\letters\bu-ack12.99



RECEIVED

DEC 02 1999

WATER RESOURCES DEPT.
SALEM, OREGON

BENEFICIAL USE REPORT
For
JIM'S WELL

Application Number G-14006
Permit Number G-12256

GENERAL INFORMATION

Current Permittee:
United States of America
Department of Agriculture
Forest Service
Fremont National Forest
HC 10 Box 337
Lakeview, OR 97630

WATER SOURCE

The source of water is from a well located in Jim's Valley, on the west side of Paradise Mountain, approximately 22 miles southeast of Bly, OR.

KLAM 10749
The well was completed on 6/10/1993. It is drilled to a depth of 413 feet. The static level on 6/10/1993 was at 200 feet. The well test pumped 80 gals per minute at the time of the drilling. The well is casing in 8 inch steel having a gauge of .250. The well is cased and sealed to 20 feet. The static level of the well on 11/1/1999 was 12.5 feet.

DIVERSION POINT

The point of diversion is the well itself. It is located in the NE1/4SE1/4 of Section 12, T. 38 S., R. 15 E., W.M. It is 624 feet on a bearing of N 77° 38' W from the S 1/16 corner common to Sections 7 and 12. The point was mapped by GPS survey. The NAD 83 geodetic position is:

LAT 42° 17' 07" N
LONG 120° 52' 59" W

MOTOR AND PUMP

The pump and electrical box were installed in July 1993. The pump is submersible. No records were kept as to the make, model, horsepower or depth at which it was set.

The panel box is a Cutler-Hammer, 200volt Irrigation Control Box. Water is pumped from the well through a Neptune water meter. The power supply is a diesel electric generator, which is moved to the site when pumping, is necessary.

PIPE

Water from the well is pumped through a 3 inch buried PVC pipe approximately 235 feet to a storage pond. The pipe is buried about two feet in the ground.

HEADS

None

TYPE OF USE

Water is used for road watering in conjunction with timber sales or routine road maintenance. Water is also used for fire protection as needed.

LIFT

The static level of the well on 11/1/1999 was 12.5 feet. The top of the casing is 2 feet above the ground indicating a lift of 14.5 feet.

WATER USE CALCULATIONS

Water use will not exceed that indicated in the permit. To date only 1,504 gallons have been pumped from the well.

SURVEY TIES

The 1/16 corner between Sections 7 and 12 consists of a 2-1/2 inch diameter aluminum cap on a 2-1/2 aluminum pipe. The scribing on the cap indicates a Lake County survey done in 1988, LS744. The location of the corner was determined by GPS survey. The NAD 83 geodetic position of the corner is:

LAT 42° 17' 05"N
LONG 120° 52' 50"W

SPECIAL CONDITIONS

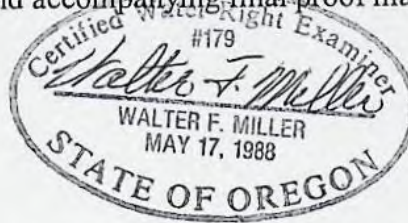
A WATER METER WAS REQUIRED ON THE SYSTEM.
A Neptune water meter is installed.

THE GOVERNMENT WAS REQUIRED TO MEASURE THE WELL FOR SEVEN CONSECUTIVE YEARS IN THE MONTH OF MARCH.

The well was measured in March of 1997. Since that time the area has been inaccessible due to snow and no recordings have been made. Also the limited use of the water has made the cost of measuring prohibitive.

The final proof survey and inspection of the use as found to completed under the terms and conditions of Permit G-12256 was completed by personnel from the Fremont and Deschutes National Forests familiar with the site on 8/17/1999 and 11/ /1999. I believe the facts contained in this report and accompanying final proof map are correct to the best of my knowledge.

Certified Water Rights Examiner



11/24/99

I, United States of America acting by and through the Forest Supervisor, Fremont National Forest agree to the findings of the CWRE and do submit this site report and map as my Claim of Beneficial Use of the water as provided under the terms and conditions of my permit Number G-12256.

A handwritten signature in cursive script that reads "Charles R. Graham".

11/29/99

Charles R. Graham
Forest Supervisor
Fremont National Forest



United States
Department of
Agriculture

Forest
Service

Fremont
National
Forest

HC 10, Box 337
Lakeview, OR 97630
Tel: (541)947-2151

File Code: 2540

Date: 11/29/99

Mr. Dallas Miller
Water Rights Specialist
Water Resources Department
Commerce Building
158 12th Street NE
Salem, OR 97310-0210

RECEIVED

DEC 02 1999

**WATER RESOURCES DEPT.
SALEM, OREGON**

Dear Dallas:

The attached are the final proof survey and Beneficial Use Report for the following cases on the Fremont National Forest.

Jim's Well	Applic. No. G-14006	Permit No. G-12256
Euwana Well	Applic. No. G13462	Permit No. G-12727
Wickiup Well	Applic. No. G-13985	Permit No. G-12908
Paisley Well	Applic. No. G-13462 11/9	Permit No. G-11845

If there are any questions concerning these reports and surveys, please contact me at 541-947-6238.

Sincerely

Richard A. Woodward
Lands Specialist
Fremont and Winema National Forests





Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

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

July 12, 1999

RICHARD A. WOODWARD, LANDS SPECIALIST
FREMONT NATIONAL FOREST
HC 10, BOX 337
LAKEVIEW, OR 97630

REFERENCE: Files G-13462 AND G-14006

This will acknowledge receipt of final proof maps in the name of FREMONT NATIONAL FOREST on JULY 2, 1999. These maps FAIL TO MEET THE MINIMUM REQUIREMENTS necessary to satisfy a claim of beneficial use. A thorough review of the information submitted will be completed at a later date.

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

Sincerely,

STEVE BROWN
Program Analyst
Certificate Section

SCB:tcb

cc: WALTER F. MILLER, CWRE #179





United States
Department of
Agriculture

Forest
Service

Fremont
National
Forest

HC 10, Box 337
Lakeview, OR 97630
Tel: (541)947-2151

File Code: 2540

Date: 6/29/99

RECEIVED

Mr. Dallas Miller
Water Resources Department
Commerce Building
158 12th Street NE
Salem, OR 97310-0210

JUL 02 1999
WATER RESOURCES DEPT.
SALEM, OREGON

Dear Mr. Miller:

The attached is the Final Proof Survey prepared by Walt Miller for Permit G-12256 Application G-14006.

If you have any questions, please contact me at 541-947-6238.

Sincerely

Richard A. Woodward
Lands Specialist



Final Proof Survey

Application No. G-14006
Permit No. G-12256

JIM'S WELL

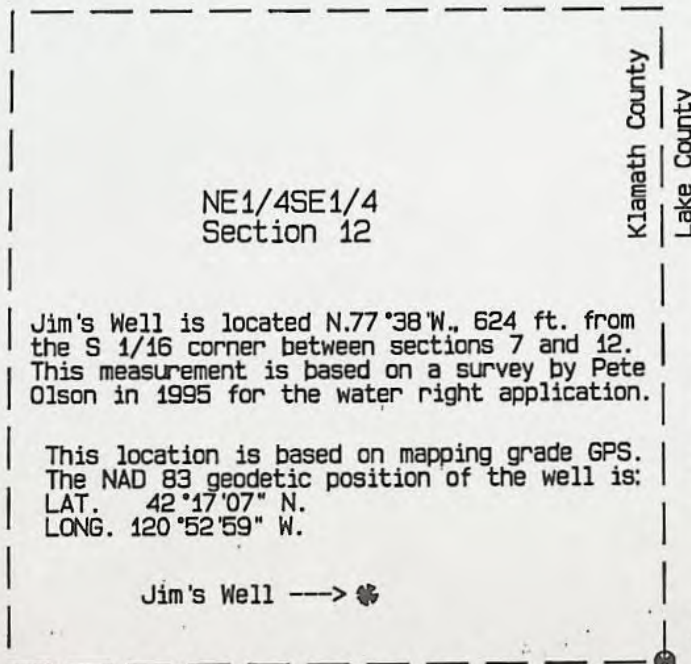
T.38 N., R.15 E., W.M.
Klamath County, Oregon
Fremont National Forest

This map was prepared for the purpose of identifying the location of a water right only and is not intended to provide legal dimensions or the location of property ownership lines.

RECEIVED

JUL 02 1999

WATER RESOURCES DEPT.
SALEM, OREGON

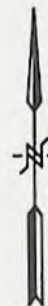


Jim's Well is located N.77°38'W., 624 ft. from the S 1/16 corner between sections 7 and 12. This measurement is based on a survey by Pete Olson in 1995 for the water right application.

This location is based on mapping grade GPS. The NAD 83 geodetic position of the well is:
LAT. 42°17'07" N.
LONG. 120°52'59" W.

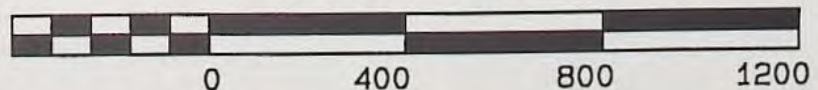
This location is based on mapping grade GPS. The NAD 83 geodetic position of the corner is:
LAT. 42°17'05" N.
LONG. 120°52'50" W.

2 1/2" dia. Aluminum capped aluminum pipe per Lake County Surveyors Office marked:



GRAPHIC SCALE

1" = 400'





Oregon

John A. Kitzhaber, M.D., Governor

January 16, 1999

Water Resources Department

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

FREMONT NATIONAL FOREST
524 N G ST
LAKEVIEW OR 97630

REFERENCE: Files G-13462, G-14006, R-73475, 73476, R-70332, & G-13635

We have received your notice of completion of construction for Permit G-12692. The date for complete application of water is October 1, 1999.

We have also received your notices that complete application of water has been made under Permits G-12727, G-12256, R-12041, 52810, and R-12064.

In order to obtain a certificate of water right, you are required by law to hire a Certified Water Right Examiner (CWRE) to conduct the final proof surveys of the completed use. This must be done within one year after the use is reported as being complete or within one year after the beneficial use date allowed in the permit, whichever occurs first. Accordingly, the maps and claims of beneficial use must be received in this office on or before **January 14, 2000**. A list of Certified Examiners is enclosed for your information.

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

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

In addition, before the Water Right Certificates are issued for your groundwater permits, you are required to submit well pump tests. This test must be done according to the instructions in the brochure. Forms and brochures are available upon request.

In the meantime, the permits you hold are valid evidence of your rights to use the water.

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

Sincerely,

DALLAS MILLER
Natural Resource Specialist 2

DM:jh

enclosure

cc: Dennis Glender, Watermaster
John Thompson, CWRE

RECEIVED

Form C (690-9-77)

JAN 14 1999

IMPORTANT—This form is a notice to the Water Resources Department and the Permittee is ready to make final proof to the extent to which the water has actually been applied to the intended use under the terms of the permit. Permittee is cautioned that Certificate of Water Right will be issued based on the actual quantity and use as determined by the final proof inspection and survey which will be made in response to the permit.

NOTE: In the case of an irrigation permit, this Form C should not be mailed to the Water Resources Department until all of the land described in the permit, which it is intended to irrigate under this permit at any time, has actually been irrigated.

Fill out, detach and mail to the Water Resources Department, Salem, OR 97310, when all of the water has been applied.

Application No. G-14006

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

United States of America-Fremont National Forest, the holder of Permit No. G-12256 to appropriate the public waters of the state of Oregon, completely applied the waters to a beneficial use in accordance with the terms of said permit, on the 1st day of July, 1998.

Remarks:

OR 98

IN WITNESS WHEREOF, I have hereunto set my hand this 11th day of January, 1999.

[Signature of Applicant]

Hc 10 Box 337, Lebanon, OR 97030

Form B (690-9-77)

Application No.

NOTICE OF COMPLETION OF CONSTRUCTION

I, _____, the holder of Permit No. _____ to appropriate the public waters of the state of Oregon, completed the construction of the works described therein on the _____ day of _____, 19_____.

Remarks:

If the works have less capacity than described in the permit, or you have definitely abandoned part of the proposed development, you should so state in order that our records may not be unnecessarily encumbered.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 19_____.

(Signature of Applicant)

(Address)

Fill out, detach and mail to the Water Resources Department, Salem, OR 97310, when construction work is completed.

Form A (690-9-77)

Application No.

NOTICE OF BEGINNING OF CONSTRUCTION

I, _____, the holder of Permit No. _____ to appropriate the public waters of the state of Oregon, began the actual construction of the works described therein on the _____ day of _____, 19_____.

Remarks:

The appropriator must state the manner of beginning of construction, the amount of work completed and the type of equipment acquired for the water system up to the date of this statement, and any additional information which shows a substantial beginning of construction as authorized by your permit.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 19_____.

(Signature of Applicant)

(Address)

Fill out, detach and mail to the Water Resources Department, Salem, OR 97310, when construction work is begun.

RECEIVED JAN 14 1999 WATER RESOURCES DEPT. SALEM, OREGON

RECEIVED

JIM'S WELL LOCATION

MAR - 8 1995

WATER RESOURCES DEPT.

T. 38 S., R. 15 E SALEM, OREGON

Sec. 12 NE1/4SE1/4

Application No. G-14006

Permit No.

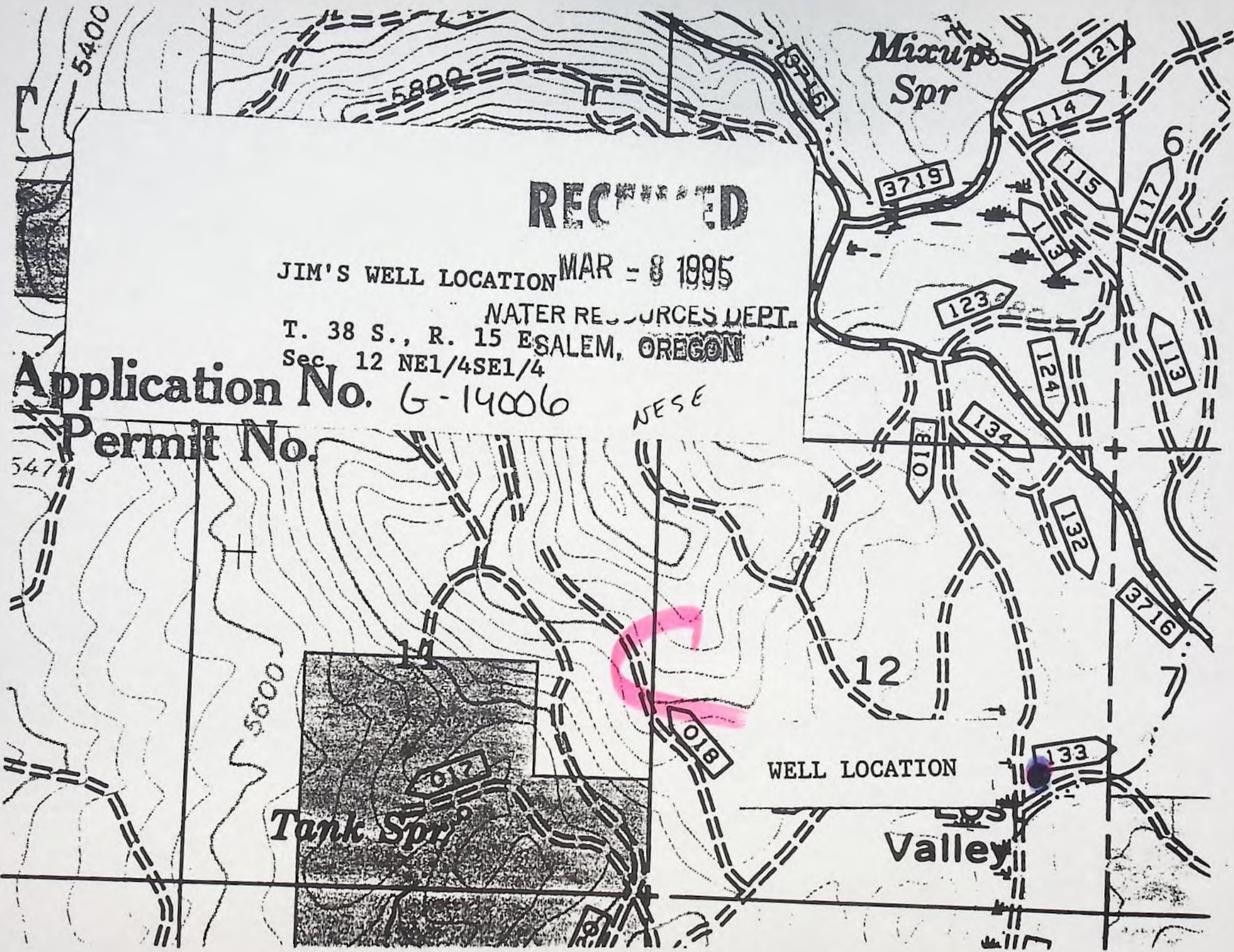
NESE

WELL LOCATION

Tank Spr

Mixup Spr

Valley



WATER RIGHT APPLICATION MAP

to
APPROPRIATE GROUND WATER

JIM'S WELL

T. 38 S., R. 15 E., Section 12, W.M.
Fremont National Forest
Lake County, Oregon

EXHIBIT A
SHEET 1 of 1

RECEIVED

SEP 19 1996

WATER RESOURCES DEPT.
SALEM, OREGON

R. 16 E.



R. 15 E.

1/4
12 | 7

Center of square
nut on top
well head

T. 38 S.

N89°06'00"W

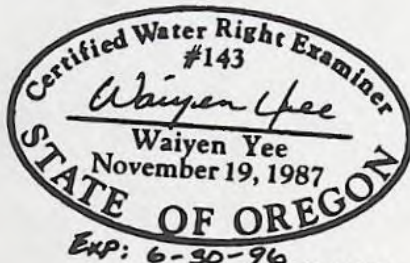
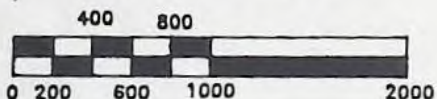
623.97'
N77°37'49"W

Tie to
S 1/16
Sec. 12 | 7

SE 1/4
SEC. 12
N.F.S.L.

The well for this application is located N. 77°37'49" W., 623.97 feet from the S 1/16 corner of sections 12 | 7, T. 38 S., R. 15 & 16 E., W.M. The water from the well will be used for the watering of roads on non-reserved lands. The bearings on this map are based on a solar observation.

SCALE IN FEET



1/4 12
13

12 7
13 18

Application No. G-14006

Permit No. G-12256

LEGEND

- N.F.S.L. National Forest System Land
- ◆ Corner and accessories found as recorded
- Section line
- - - 1/4 Section line
- - - 1/16 Section line
- Well

Surveyed by:	PETER A. OLSON	Date:	7/95
Drawn by:	TANYA R. WINTERS	Date:	9/95
Reviewed by:	<i>Peter A. Olson</i>	Date:	10-3-95
Approved by:	<i>Roger W. Gillman</i>	Date:	10/3/95

Application No. G-14006

STATE OF OREGON
WATER RESOURCES DEPARTMENT

APPLICATION FOR A PERMIT TO APPROPRIATE GROUNDWATER

RECEIVED
MAR - 8 1995
WATER RESOURCES DEPT.
SALEM, OREGON

Applicant(s) UNITED STATES OF AMERICA
(Please print or type - use dark ink)

Mailing Address: FREMONT NATIONAL FOREST 524 NORTH G STREET
LAKEVIEW OR 97630 503-947-6238
City State Zip Daytime Phone No.

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

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

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

Distance from development to stream: _____

Elevation difference between streambed and development: _____

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

Diameter of well: _____ Depth in feet: _____

Type and size of well casing: _____ No. of feet: _____

Estimated depth to water: _____

Type of access to port or measuring device: _____

Wells to be drilled by: _____

Address: _____

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

2. TOTAL AMOUNT OF WATER to be applied to beneficial use: _____
cubic feet per second, OR 80 gallons per minute. If water is to be used from more than one groundwater source, give the quantity of water from each: _____

3. INTENDED USE(S) OF WATER: Road Watering - 100,000 gallons

If for more than one use, give the quantity of water from each source for each use: Prescribed fire - 100,000 gallons

RECEIVED

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

MAR - 8 1995
WATER RESOURCES DEPT.
SALEM, OREGON

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

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

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

Irrigation _____
Other (describe) _____

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

The water is pumped into a holding pond 100 feet from the well. Water rights on the pond were filed under the Ponds Bill.

5. PROJECT SCHEDULE: (List month and year)

Proposed date construction work will begin 5/21/93

Proposed date construction work will be completed 6/10/93

Proposed date water use will be completed 7/10/94

Note: Prior to the issuance of a permit it will be necessary to submit a map prepared by a Certified Water Right Examiner (CWRE) and a complete legal description of the subject property on which the water is to be used. The legal description may be copied from your deed, title insurance policy, or land sales contract.

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

Applicant CWRE Other (Identify in REMARKS section)

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

X Applicant CWRE Other (Identify in REMARKS section)

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

RECEIVED
MAR - 8 1995
WATER RESOURCES DEPT.
SALEM, OREGON

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

REMARKS: The well is located on reserve National Forest System land for which the Reservation Principle applies. The use of the water will be on both reserved and acquired lands. This application applies only to the acquired land and rights-of-way.

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

Charles R. Leland
Signature of Applicant

2/27/95
Date

Signature of Co-Applicant, if any

Date

FOR WATER RESOURCES DEPARTMENT USE ONLY

Dear Applicant:

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

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

_____, _____
WITNESS my hand this _____ day of _____, _____.

Water Resources Director

By: _____

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the 8 day of March, 1995, at 8 o'clock, A m.

APPLICATION NO: G-14006.

RECEIVED
MAR - 8 1995
WATER RESOURCES DEPT.
SALEM, OREGON

AREA OF USE
FOR
JIM'S WELL

Road Watering on Acquired Lands and Rights-of-Way

T. 37 S., R. 15 E.
Sec. 23,26,35,36

T. 37 S., R. 16 E.
Sec. 29,31,32,33

T. 38 S., R. 15 E.
Sec. 1,2,11,12,14

T. 38 S., R. 16 E.
Sec. 3,4,5,6,7,8,9

Prescribed Fire

T. 37 S., R. 15 E.
Sec. 22,26,34,35,36

T. 37 S., R. 16 E.
Sec. 29, 30,31,32,33

T. 38 S., R. 15 E.
Sec. 1,2,3,10,11,12,13,14,15

T. 38 S., R. 16 E.
Sec. 3,4,5,6,7,8,9

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MAR - 8 1995
WATER RESOURCES DEPT.
SALEM, OREGON

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WATER RESOURCES DEPT.
JIM'S WELL LOCATION
T. 38 S., R. 15 E SALEM, OREGON
Sec. 12 NE1/4SE1/4

Application No. 6-14006

Permit No.



CHECK NO. 2449

START CARD
NOTICE OF BEGINNING OF WELL CONSTRUCTION

(as required by ORS 537.762)

This form must be completed, signed by both the owner (or authorized agent) and constructor, and the original mailed or delivered to the Water Resources Department, 3850 Portland Road NE, Salem, OR 97310, no later than the day construction, alteration, conversion or abandonment work begins. A \$75 fee shall accompany all notices for new well construction or conversion of an existing hole not previously used as a water well (make checks payable to the Water Resources Department). Notices meeting this requirement but received without the required fee will not be accepted as properly and timely filed. The Water Resources Commission has authority to impose civil penalties for failure to submit the required \$75 fee with the start card and for failure to submit cards prior to beginning any construction, alteration, conversion or abandonment work.

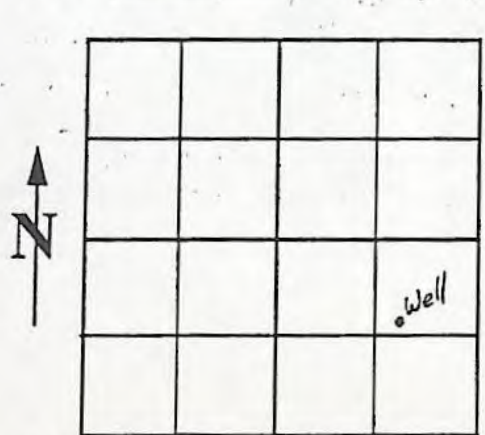
Owner's name and mailing address Modoc Lumber Co.
P.O. Box 257
Klamath Falls, OR 97601

Check type of work: Fee Required New construction Conversion
 No Fee Required Repair Deepening Recondition Abandonment

Proposed Commencement Date 5-27-93 Existing or Proposed Well Depth 600' Diameter 8"

Check Use: Domestic Community Industrial Irrigation Monitoring
 Thermal Injection Other Road Water

Proposed Well Location: County Klamath Owner's Well Id. No. _____
 Township 38s (N or S) Range 15E (E or W) Section 12



- NE 1/4 of SE 1/4 of above section
- Street address of well location The Little Pond Rd.
See Map.
- Tax lot number of well location _____
- Attach map with location identified.
(See reverse of this form for approved maps)
- Show well location within 1/4, 1/4 of section grid at left.

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MAR - 8 1995
WATER RESOURCES DEPT.
SALEM, OREGON

We hereby certify that we have read the back of this form, and that to the best of our knowledge the information provided herein is accurate and the well is being properly located from septic tanks, septic drain-fields and other hazards. (See #2 on back)

 Owner's signature

 Title Date

 Home phone Work phone

Chancellor
 Bonded Water / Monitor Well Constructor
 License No. 693

Company Chancellor Drilling

NOTE: This is not a water right application. The owner is responsible for obtaining a water right through the Water Resources Department, if required.

The business or activity of constructing new wells or altering existing wells is declared to be a business or activity affecting the public welfare, health and safety. The Water Resources Commission has been charged with the administration of water rights and use of the ground water resources of the state and the prevention of waste and contamination of all underground waters. This is partly accomplished by the licensing of well constructors and the adoption of rules governing well construction, alteration, abandonment, maintenance and use. Ultimately, the landowner of the property where the well is constructed is responsible for the condition of the well.

Specific requirements are detailed in "Rules and Regulations Prescribing General Standards for the Construction and Maintenance of Wells in Oregon," which is available from the Water Resources Department, 3850 Portland Road NE, Salem, OR 97310, phone (503) 378-3739.

RECEIVED

The following summarizes major elements of the minimum "Well Construction Standards":

MAR 8 1995

1. Licensed and bonded water well constructors and permitted and bonded landowners are responsible for ensuring that all well construction, alteration, abandonment, or conversion work is performed in compliance with Oregon's minimum acceptable standards.
2. No person shall construct a well within 50 feet of any septic tank; 100 feet of a sewage disposal area (i.e. septic drain fields); 50 feet of a confined animal feeding or holding operation or animal waste holding pond, lagoon, or other animal waste storage site; 100 feet of any sewage sludge disposal area; or 500 feet of a hazardous waste storage, disposal or treatment unit without written permission of the Director. The constructor should consider whether greater distances are required for the protection of the ground water depending on the topography and local geology.
3. The top of the well casing or pitless unit shall extend at least 12 inches above the finished ground surface or pumphouse floor.
4. On new well construction, generally a minimum 18-foot-deep upper drillhole must be constructed. The upper drillhole is to be a minimum of 2 to 4 inches larger in diameter than the well casing depending on the grouting method used. A grout seal must be placed in the annular space. Approved grout material is neat cement or under special circumstances, dry granular bentonite. Generally a 6-inch well casing sealed to a depth of 18 feet with an annular space of 2 inches will require a minimum of 2 sacks of neat cement, and a 4-inch annular space will require a minimum of 5 sacks of neat cement. If the sealing interval is doubled, the minimum amount of cement will also be doubled. Additional casing and sealing depths are required where geologic conditions necessitate. Additional standards apply to artesian wells.
5. A well report (well log) shall be prepared by the constructor for each well constructed, converted, altered or abandoned. In addition to other information, the log shall accurately reflect the well's final location. A copy of the log shall be filed with the Water Resources Department within 30 days after completion of construction.
6. The landowner shall maintain all wells in a condition whereby they are not a hazard to life or property nor a source of contamination to the ground water supply.
7. The well shall be equipped with a usable access port with a minimum diameter of 3/4-inch. If an airline is installed, it must enter the well in a location other than the access port. If the well constructor does not install a pump in the well, the landowner will be required to provide the access port.

Maps submitted must have the following:

- a) map publisher
- b) map title
- c) date of the map's revision/update
- d) scale

Maps available include the following:

- 1) The United States Department of the Interior, Geologic Survey, 7.5 minute series (topographic); 15 minute series will be accepted if a 7.5 minute series has not been printed for the area within the last five years. These maps are available at bookstores, office supply stores, and government agencies.
- 2) Cadastral maps, 8 1/2 x 11, in the most detailed scale available, that have been printed in the last five years. These maps are available at the Department of Revenue, county offices (tax assessor), and sometimes through title insurance companies, real estate agents and/or the landowner.

(1) OWNER: Well No. 93-18
 Name MODOC LUMBER
 Address P.O. BOX 257
 City KLAMATH FALLS St OR Zip 97601

(2) TYPE OF WORK: NEW WELL
 (3) DRILL METHOD: ROTHRY AIR
 (4) PROPOSED USE: RAW WATER

(5) BORE HOLE CONSTRUCTION:
 Special Construction Approval: NO Depth of Compl. Well 413
 Explosives used Type Amount

HOLE		SEAL		Amount	
Diam.	From To	Material	From To	Amount	
14"	0 -20	BENTONITE	0 -20	20 SACKS	
8"	-20 -413				

Seal placement method C
 Backfill: from to Material
 Gravel: from to Size

(6) CASING/LINER:

Diam.	From To	Gauge	Material	Connection
Casing 8"	+2 -22	.250	STEEL	WELDED

Liner
 Final Location of shoe(s)

(7) PERFORATIONS/SCREENS:

Perforations Method		Screens		Type		Material	
From	To	Size	Number	Diam.	slot	size	Casing/liner

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

Yield GPM	Draw-down	Drill stem at	Time
80		-300	1 hr.

Temperature of water 54 Depth Artesian Flow Found
 Was water analysis done? NO By whom
 Reason for water not suitable for use
 Depth of strata 0

(9) LOCATION OF WELL by legal description:
 County KLAMATH Lat. ' ' " Long. ' ' "
 Township 38 S Range 15 E
 Section 12 NE 1/4 SE 1/4
 Tax Lot Lot Block Subdivision
 Street Address
 SEE MAP QUARTZ MT., OR

(10) STATIC WATER LEVEL:
 200 ft. below land surface Date 06/10/93
 Artesian pressure Date

(11) WATER BEARING ZONES:
 Depth at which water was first found -263
 From To Est Flow Rate SWL
 -263 -402 80 GPM -200

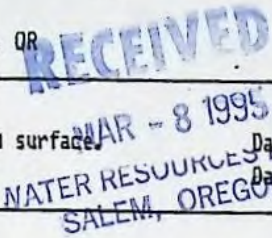
(12) WELL LOG:

Material	Ground elevation		SWL
	From	To	
STICKY TOPSOIL	0	1	
BROWN CLAY & BOULDERS	1	15	
GREY BASALT	15	28	
GREY BASALT & BROWN CLAY	28	129	
GREY BASALT	129	147	
RED ROCK & CLAY	147	175	
GREY BASALT	175	219	
BROWN CLAY & GREY BASALT	219	245	
GREY BASALT	245	263	
YELLOW & RED RYOLITE	263	349	200
BROKEN GREY BASALT & RYOLITE	349	413	200

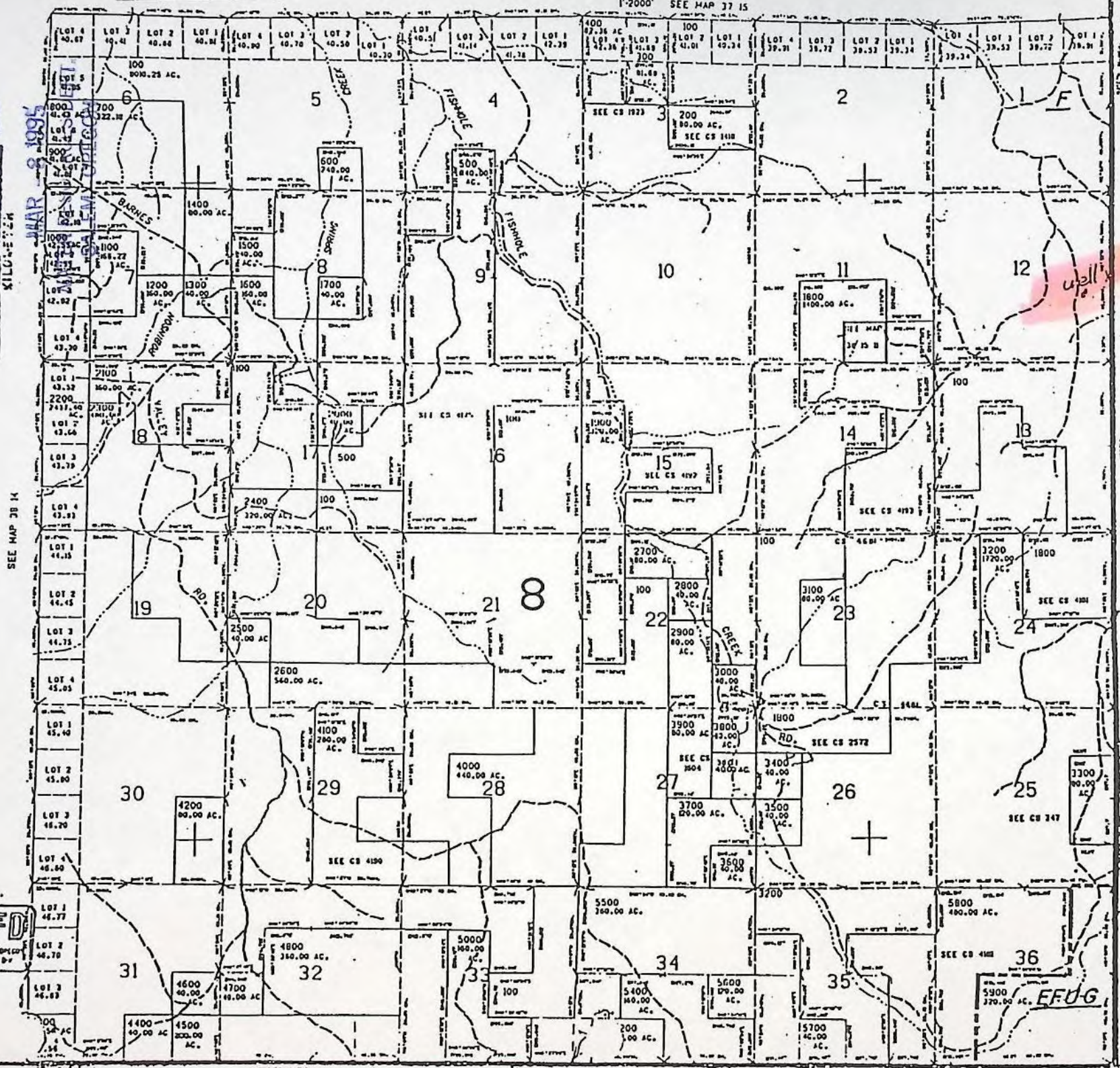
Date started 05/21/93 Completed 06/10/93

(unbonded) Water Well Certification: I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon well construction standards. Materials used and information reported above are true to my best knowledge and belief.
 Signed M. D. W. J. WWC Number 1452
 Date 06/18/93

(bonded) Water Well Certification: I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.
 Signed [Signature] WWC Number 695
 Date 6/18/93



SCALE 1"=2000' 0 2000 4000
RECEIVED
KILGUS & CO.
MAR 9 1931



RECEIVED
MAR 21 1931
DEPT. OF REVENUE STATE OF OREGON
ASSESSMENT & APPRAISAL DIV.

STATE OF OREGON
COUNTY OF KLAMATH

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

U.S. FREMONT NATIONAL FOREST
524 NORTH G STREET
LAKEVIEW, OREGON 97630

PHONE: (541) 947-6238

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

APPLICATION FILE NUMBER: G-14006

SOURCE OF WATER: A WELL IN THE SPRAGUE RIVER BASIN

PURPOSE OR USE: AGRICULTURAL USE (ROAD WATERING AND FIRE PROTECTION)

RATE OF ALLOWED USE: 0.178 CUBIC FOOT PER SECOND

PERIOD OF ALLOWED USE: YEAR ROUND

DATE OF PRIORITY: MARCH 8, 1995

POINT OF DIVERSION LOCATION: NE 1/4 SE 1/4, SECTION 12, T 38 S, R 15 E, W.M.; NORTH 77 DEGREES 37 MINUTES 49 SECONDS WEST, 623.97 FEET FROM THE S 1/16 CORNER OF SECTIONS 12 AND 7

THE PLACE OF USE IS LOCATED AS FOLLOWS:

ALL
SECTION 22 FIRE PROTECTION ONLY
ALL
SECTION 23
ALL
SECTION 26
ALL
SECTION 34 FIRE PROTECTION ONLY
ALL
SECTION 35
ALL
SECTION 36
TOWNSHIP 37 SOUTH, RANGE 15 EAST, W. OREGON WATER RESOURCES DEPT.
ALL
SECTION 29
SECTION 30 FIRE PROTECTION ONLY
ALL
SECTION 31
ALL
SECTION 32

PLACED IN U.S. MAIL

NOV 8 1996

ALL
SECTION 33
TOWNSHIP 37 SOUTH, RANGE 16 EAST, W.M.

ALL
SECTION 1
ALL
SECTION 2
ALL
SECTION 3 FIRE PROTECTION ONLY
ALL
SECTION 10 FIRE PROTECTION ONLY
ALL
SECTION 11
ALL
SECTION 12
ALL
SECTION 13 FIRE PROTECTION ONLY
ALL
SECTION 14
ALL
SECTION 15 FIRE PROTECTION ONLY
TOWNSHIP 38 SOUTH, RANGE 15 EAST, W.M.

ALL
SECTION 3
ALL
SECTION 4
ALL
SECTION 5
ALL
SECTION 6
ALL
SECTION 7
ALL
SECTION 8
ALL
SECTION 9
TOWNSHIP 38 SOUTH, RANGE 16 EAST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

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

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

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

Before Use of Water Takes Place

Initial and Annual Measurements

The Department requires the permittee to submit an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

After Use of Water has Begun

Seven Consecutive Annual Measurements

Following the first year of water use, the user shall submit seven consecutive annual reports of static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and

- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if annual water level measurements reveal any of the following events:

- (A) An average water level decline of three or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

STANDARD CONDITIONS

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

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

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

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

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

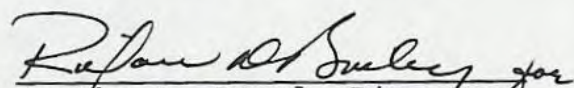
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

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

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

Issued October 29, 1996


Martha O. Pagel, Director
Water Resources Department

NOTICE OF COMPLETION OF CONSTRUCTION

I, United States of America - Forest NF, the holder of Permit No. G 12256

to appropriate the public waters of the state of Oregon, completed the construction of the works described therein on the 1st day of April, 1993.

Remarks: Well drilling completed
If the works have less capacity than described in the permit, or you have definitely abandoned part of the proposed develop-

ment, you should so state in order that our records may not be unnecessarily encumbered.

IN WITNESS WHEREOF, I have hereunto set my hand this 10th day of April, 1993.

[Signature]
for Forest Supervisor (Signature of Applicant), 301

524 North G Street, Lakeview, OR
(Address) 97630

Fill out, detach and mail to the Water Resources Department, Salem, OR 97310, when construction work is completed.

RECEIVED

NOV 03 1997
WATER RESOURCES DEPT.
SALEM, OREGON

NOTICE OF BEGINNING OF CONSTRUCTION

United States of America - Forest NF, the holder of Permit No. G 12256

to appropriate the public waters of the state of Oregon, began the actual construction of the works described therein on the 5th day of May, 1993.

Remarks: Drilling of well started
The appropriator must state the manner of beginning of construction, the amount of work completed and the type of equipment

acquired for the water system up to the date of this statement, and any additional information which shows a substantial beginning of construction as authorized by your permit.

IN WITNESS WHEREOF, I have hereunto set my hand this 10th day of April, 1993.

[Signature]
for Forest Supervisor (Signature of Applicant)

524 North G St. Lakeview, OR
(Address) 97630

Fill out, detach and mail to the Water Resources Department, Salem, OR 97310, when construction work is begun.

OK
DSM

RECEIVED

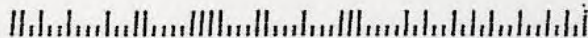
NOV 03 1997
WATER RESOURCES DEPT.
SALEM, OREGON

U.S. DEPARTMENT OF AGRICULTURE
FOREST SERVICE
FREMONT NATIONAL FOREST
524 NORTH G STREET
LAKEVIEW, OR 97630

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, \$300



*Water Resources Department
158 12th St. NE
Salem, OR 97310-0210*



Application G-14006

COPY CHECK-OFF SHEET FOR PROPOSED FINAL ORDERS

CC: FILE # G-14006 ✓

KEN STAHR ✓

WATERMASTER # 17 ✓

REGIONAL MANAGER: BOB MAIN *N/A*

ODF&W - Klamath County: KLAMATH COUNTY

CWRE (if agent):

DEQ ✓

OTHER STATE AGENCY IF NECESSARY: *State Parks* ✓

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

POWER BUILDER UPDATER; FRONT COUNTER

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

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

Schneider drilling co.

CASEWORKER : LKS

WATER RIGHT APPLICATION MAP

to
APPROPRIATE GROUND WATER

JIM'S WELL

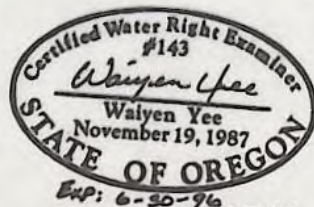
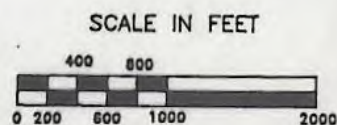
T. 38 S., R. 15 E., Section 12, W.M.
Fremont National Forest
Lake County, Oregon

EXHIBIT A
SHEET 1 of 1

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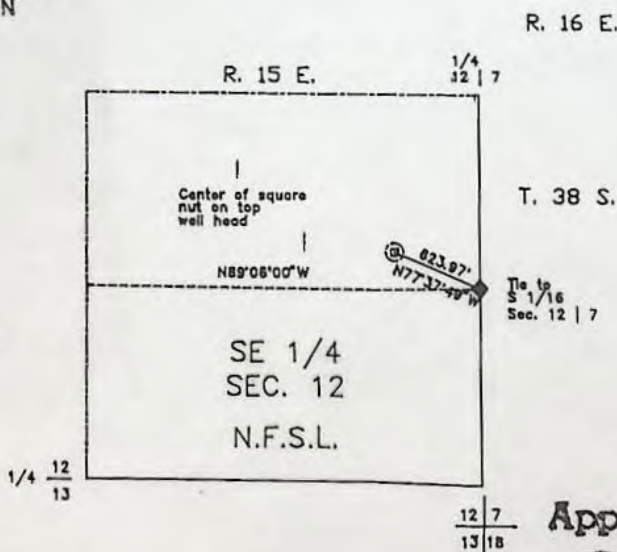
SEP 19 1996

WATER RESOURCES DEPT.
SALEM, OREGON



LEGEND

- N.F.S.L. National Forest System Land
- ◆ Corner and accessories found as recorded
- Section line
- - - 1/4 Section line
- - - - 1/16 Section line
- Well



The well for this application is located N. 77°37'49\" W., 623.97 feet from the S1/16 corner of sections 12 | 7, T. 38 S., R. 15 & 16 E., W.M. The water from the well will be used for the watering of roads on non-reserved lands. The bearings on this map are based on a solar observation.

Application No. G-14006
Permit No. G-12256

Surveyed by:	PETER A. OLSON	Date:	7/95
Drawn by:	TANYA R. WINTERS	Date:	9/95
Reviewed by:	<i>Peter A. Olson</i>	Date:	10-3-95
Approved by:	<i>Ryan W. Williams</i>	Date:	10/6/95

WATER RIGHT APPLICATION MAP

to

APPROPRIATE GROUND WATER

JIM'S WELL

T. 38 S., R. 15 E., Section 12, W.M.
Fremont National Forest
Lake County, Oregon

EXHIBIT A
SHEET 1 of 1

RECEIVED

SEP 19 1996

WATER RESOURCES DEPT.
SALEM, OREGON

R. 16 E.

R. 15 E.

1/4
12 | 7

T. 38 S.

Center of square
nut on top
well head

N89°06'00"W

623.97'
N77°37'49"W

Tie to
S 1/16
Sec. 12 | 7

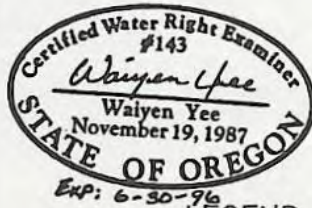
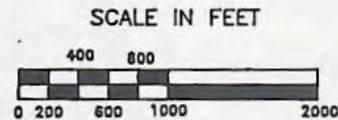
SE 1/4
SEC. 12
N.F.S.L.

1/4 12
13

12 | 7
13 | 18

The well for this application is located N. 77°37'49" W., 623.97 feet from the S1/16 corner of sections 12 | 7, T. 38 S., R. 15 & 16 E., W.M. The water from the well will be used for the watering of roads on non-reserved lands. The bearings on this map are based on a solar observation.

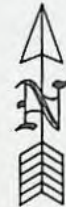
Application No. G-14006
Permit No. G-12256



LEGEND

- N.F.S.L. National Forest System Land
- ◆ Corner and accessories found as recorded
- Section line
- - - 1/4 Section line
- - - - 1/16 Section line
- Well

Surveyed by: <u>PETER A. OLSON</u>	Date: <u>7/95</u>
Drawn by: <u>TANYA R. WINTERS</u>	Date: <u>9/95</u>
Reviewed by: <u>Peter A. Olson</u>	Date: <u>10-3-95</u>
Approved by: <u>Ryan W. Williams</u>	Date: <u>10/3/95</u>



STATE OF OREGON

COUNTY OF KLAMATH

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

U.S. FREMONT NATIONAL FOREST
524 NORTH G STREET
LAKEVIEW, OREGON 97630

PHONE: (541) 947-6238

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

APPLICATION FILE NUMBER: G-14006

SOURCE OF WATER: A WELL IN THE SPRAGUE RIVER BASIN

PURPOSE OR USE: AGRICULTURAL USE (ROAD WATERING AND FIRE PROTECTION)

RATE OF ALLOWED USE: 0.178 CUBIC FOOT PER SECOND

PERIOD OF ALLOWED USE: YEAR ROUND

DATE OF PRIORITY: MARCH 8, 1995

POINT OF DIVERSION LOCATION: NE 1/4 SE 1/4, SECTION 12, T 38 S, R 15 E, W.M.; NORTH 77 DEGREES 37 MINUTES 49 SECONDS WEST, 623.97 FEET FROM THE S 1/16 CORNER OF SECTIONS 12 AND 7

THE PLACE OF USE IS LOCATED AS FOLLOWS:

ALL
SECTION 22 FIRE PROTECTION ONLY
ALL
SECTION 23
ALL
SECTION 26
ALL
SECTION 34 FIRE PROTECTION ONLY
ALL
SECTION 35
ALL
SECTION 36
TOWNSHIP 37 SOUTH, RANGE 15 EAST, W.
ALL
SECTION 29
SECTION 30 FIRE PROTECTION ONLY
ALL
SECTION 31
ALL
SECTION 32

PLACED IN U.S. MAIL

NOV 8 1996

OREGON WATER RESOURCES DEPT.

ALL
SECTION 33
TOWNSHIP 37 SOUTH, RANGE 16 EAST, W.M.

ALL
SECTION 1
ALL
SECTION 2
ALL
SECTION 3 FIRE PROTECTION ONLY
ALL
SECTION 10 FIRE PROTECTION ONLY
ALL
SECTION 11
ALL
SECTION 12
ALL
SECTION 13 FIR PROTECTION ONLY
ALL
SECTION 14
ALL
SECTION 15 FIRE PROTECTION ONLY
TOWNSHIP 38 SOUTH, RANGE 15 EAST, W.M.

ALL
SECTION 3
ALL
SECTION 4
ALL
SECTION 5
ALL
SECTION 6
ALL
SECTION 7
ALL
SECTION 8
ALL
SECTION 9
TOWNSHIP 38 SOUTH, RANGE 16 EAST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

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

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

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

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Seven Consecutive Annual Measurements

Following the first year of water use, the user shall submit seven consecutive annual reports of static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and

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- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if annual water level measurements reveal any of the following events:

- (A) An average water level decline of three or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

STANDARD CONDITIONS

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

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

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

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

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

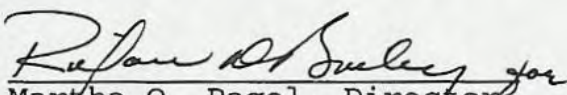
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

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

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

Issued October 29, 1996


Martha O. Pagel, Director
Water Resources Department

STATE OF OREGON

COUNTY OF KLAMATH

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

U.S. FREMONT NATIONAL FOREST
524 NORTH G STREET
LAKEVIEW, OREGON 97630

PHONE: (541) 947-6238

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

APPLICATION FILE NUMBER: G-14006

SOURCE OF WATER: A WELL IN THE SPRAGUE RIVER BASIN

PURPOSE OR USE: AGRICULTURAL USE (ROAD WATERING AND FIRE PROTECTION)

RATE OF ALLOWED USE: 0.178 CUBIC FOOT PER SECOND

PERIOD OF ALLOWED USE: YEAR ROUND

DATE OF PRIORITY: MARCH 8, 1995

POINT OF DIVERSION LOCATION: NE 1/4 SE 1/4, SECTION 12, T 38 S, R 15 E, W.M.; NORTH 77 DEGREES 37 MINUTES 49 SECONDS WEST, 623.97 FEET FROM THE S 1/16 CORNER OF SECTIONS 12 AND 7

THE PLACE OF USE IS LOCATED AS FOLLOWS:

ALL
SECTION 22 FIRE PROTECTION ONLY

ALL
SECTION 23

ALL
SECTION 26

ALL
SECTION 34 FIRE PROTECTION ONLY

ALL
SECTION 35

ALL
SECTION 36

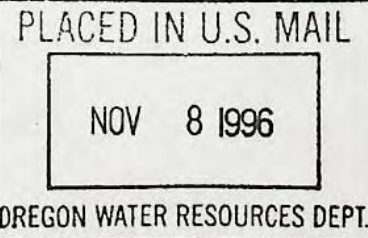
TOWNSHIP 37 SOUTH, RANGE 15 EAST, W. OREGON WATER RESOURCES DEPT.

ALL
SECTION 29

SECTION 30 FIRE PROTECTION ONLY

ALL
SECTION 31

ALL
SECTION 32



ALL
SECTION 33
TOWNSHIP 37 SOUTH, RANGE 16 EAST, W.M.

ALL
SECTION 1
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SECTION 3 FIRE PROTECTION ONLY
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TOWNSHIP 38 SOUTH, RANGE 15 EAST, W.M.

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SECTION 3
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SECTION 4
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Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

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The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if annual water level measurements reveal any of the following events:

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STANDARD CONDITIONS

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

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

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

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

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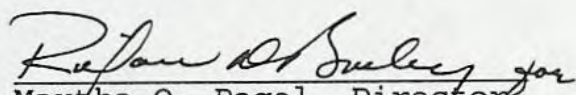
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

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

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

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

Issued October 29, 1996


Martha O. Pagel, Director
Water Resources Department

STATE OF OREGON

COUNTY OF KLAMATH

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THIS PERMIT IS HEREBY ISSUED TO

U.S. FREMONT NATIONAL FOREST
524 NORTH G STREET
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PHONE: (541) 947-6238

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

APPLICATION FILE NUMBER: G-14006

SOURCE OF WATER: A WELL IN THE SPRAGUE RIVER BASIN

PURPOSE OR USE: AGRICULTURAL USE (ROAD WATERING AND FIRE PROTECTION)

RATE OF ALLOWED USE: 0.178 CUBIC FOOT PER SECOND

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SECTION 29
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SECTION 31
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SECTION 32

PLACED IN U.S. MAIL

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OREGON WATER RESOURCES DEPT.

ALL
SECTION 33
TOWNSHIP 37 SOUTH, RANGE 16 EAST, W.M.

ALL
SECTION 1
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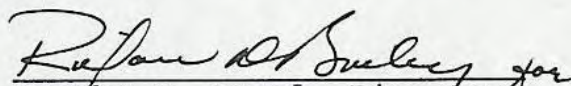
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Issued October 29, 1996


Martha O. Pagel, Director
Water Resources Department

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-14006

Proposed Final Order

Summary of Recommendation: The Department recommends that the attached draft permit be issued with conditions.

Application History

On March 8, 1995, U.S. FREMONT NATIONAL FOREST submitted an application to the Department for the following water use permit:

- Amount of Water: 80.0 GALLONS PER MINUTE (GPM)
- Use of Water: ROAD WATERING AND FIRE PROTECTION
- Source of Water: A WELL IN THE SPRAGUE RIVER BASIN
- Area of Proposed Use: Klamath County within SECTION 22, SECTION 23, SECTION 26, SECTION 34, SECTION 35, SECTION 36, TOWNSHIP 37 SOUTH, RANGE 15 EAST, W.M., SECTION 29, SECTION 30, SECTION 31, SECTION 32, SECTION 33, TOWNSHIP 37 SOUTH, RANGE 16 EAST, W.M., SECTION 1, SECTION 2, SECTION 3, SECTION 10, SECTION 11, SECTION 12, SECTION 13, SECTION 14, SECTION 15, TOWNSHIP 38 SOUTH, RANGE 15 EAST, W.M., SECTION 3, SECTION 4, SECTION 5, SECTION 6, SECTION 7, SECTION 8 AND SECTION 9, TOWNSHIP 38 SOUTH, RANGE 16 EAST, W.M.
- Water Delivery System: According to the applicant the water is to be pumped into a holding pond 100 feet from the well.

On APRIL 16, 1996, the Department mailed the applicant notice of its Initial Review, determining that the use of 0.18 Cubic Foot Per Second (CFS) of water from a well for Industrial purposes may be allowed year round. The applicant did not notify the Department to stop processing the application within 14 days of that date.

On APRIL 30, 1996, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about both obtaining future notices and a copy of the proposed final order.

No written comments were received within 30 days.

In reviewing applications, the Department may consider any relevant sources of information, including the following:

- comments by or consultation with another state agency
- Klamath River Basin Compact

- any applicable comprehensive plan or zoning ordinance
- the amount of water available
- the rate and duty for the proposed use
- pending senior applications and existing water rights of record
- designations of any critical groundwater areas
- the Scenic Waterway requirements of ORS 390.835
- applicable statutes, administrative rules, and case law
- any general basin-wide standard for flow rate and duty of water allowed
- the need for a flow rate and duty higher than the general standard
- any comments received

Findings of Fact

The Klamath River Basin Compact allows the following uses: AGRICULTURAL USE (ROAD WATERING AND FIRE PROTECTION).

Senior water rights do not exist on A WELL IN THE SPRAGUE RIVER BASIN.

A WELL IN THE SPRAGUE RIVER BASIN is above a State Scenic Waterway.

Water is available for further appropriation YEAR ROUND.

The Department finds that no more than 0.178 CFS would be necessary for the proposed use. The amount of water requested, 80.0 GPM (0.178 CFS), is allowable.

The Department determined, based upon OAR 690-09, that the proposed groundwater use will not have the potential for substantial interference with the nearest surface water source, namely Lost Valley Creek.

The Groundwater Section finds that there is NOT a preponderance of evidence that the proposed use of groundwater will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife.

Conclusions of Law

Under the provisions of ORS 537.621, the Department must presume that a proposed use will ensure the preservation of the public welfare, safety and health if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

The proposed use requested in this application is allowed in the Klamath River Basin Compact.

No preference for this use is granted under the provisions of ORS 536.310(12).

Water is available for the proposed use.

The proposed use will not injure other water rights.

The proposed use complies with rules of the Water Resources Commission.

The proposed use complies with the State Agency Agreement for land use.

No proposed flow rate and duty of water higher than the general basin-wide standard is needed.

For these reasons, the required presumption has been established.

Under the provisions of ORS 537.621, once the presumption has been established, it may be overcome by a preponderance of evidence that either:

- (a) One or more of the criteria for establishing the presumption are not satisfied; or
- (b) The proposed use would not ensure the preservation of the public welfare, safety and health as demonstrated in comments, in a protest . . . or in a finding of the department that shows:
 - (A) The specific aspect of the public welfare, safety and health under ORS 537.525 that would be impaired or detrimentally affected; and
 - (B) Specifically how the identified aspect of the public welfare, safety and health under ORS 537.525 would be impaired or be adversely affected.

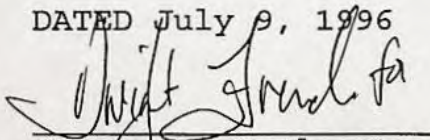
In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use would impair or be detrimental to the public interest.

The Department therefore concludes that water is available in the amount necessary for the proposed use; the proposed use will not result in injury to existing water rights; and the proposed use would ensure the preservation of the public welfare, safety and health as described in ORS 537.525.

Recommendation

The Department recommends that the attached draft permit be issued with conditions.

DATED July 9, 1996



Steven P. Applegate
Administrator

Water Rights and Adjudications Division

Protest Rights

Under the provisions of ORS 537.621(7), you have the right to submit a protest against this proposed final order. Your protest must be in writing, and must include the following:

- Your name, address, and telephone number;
- A description of your interest in the proposed final order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
- A detailed description of how the action proposed in this proposed final order would impair or be detrimental to your interest;
- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known; and
- If you are not the applicant, the \$200 protest fee required by ORS 536.050.
- If you are the applicant, a statement of whether or not you are requesting that a contested case hearing be held. If you do not request a hearing, the Department will presume that you do not wish for a hearing to be held.

Your protest must be received in the Water Resources Department no later than **August 23, 1996**.

After the protest period has ended, the Director will either issue a final order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been submitted and if

- upon review of the issues the director finds that there are significant disputes related to the proposed use of water, or
- the applicant requests a contested case hearing within 30 days after the close of the protest period.

LKS

DRAFT

This is not a permit!!!
STATE OF OREGON

DRAFT

COUNTY OF KLAMATH

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

U.S. FREMONT NATIONAL FOREST
524 NORTH G STREET
LAKEVIEW, OREGON 97630

PHONE: (541) 947-6238

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

APPLICATION FILE NUMBER: G-14006

SOURCE OF WATER: A WELL IN THE SPRAGUE RIVER BASIN, WITHIN THE KLAMATH BASIN

PURPOSE OR USE: AGRICULTURAL USE (ROAD WATERING AND FIRE PROTECTION)

MAXIMUM RATE: 0.178 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: MARCH 8, 1995

POINT OF DIVERSION LOCATION: NE 1/4 SE 1/4, SECTION 12, T38S, R15E, W.M.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

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

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

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of (Generally March). Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

Before Use of Water Takes Place

Initial and Annual Measurements

The Department requires the permittee to submit an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

After Use of Water has Begun

Seven Consecutive Annual Measurements

Following the first year of water use, the user shall submit seven consecutive annual reports of static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if annual water level measurements reveal any of the following events:

- (A) An average water level decline of three or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the

aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

STANDARD CONDITIONS

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

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

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

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

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

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

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

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



United States
Department of
Agriculture

Forest
Service

Fremont
National
Forest

524 North G Street
Lakeview, OR 97630
Tel: (541) 947-2151

File Code: 2540

Date: September 16, 1996

RECEIVED

SEP 19 1996

WATER RESOURCES DEPT.
SALEM, OREGON

Water Resources Dept.
158 12th Street N.E.
Salem, OR 97310-0210

RE: Application G-14006

Dear Madam or Sir:

Enclosed is an approved application map as requested in the draft first order,
dated September 11, 1996.

Sincerely,

RICHARD A. WOODWARD
Land Specialist

Enclosure



Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-14006

Final Order

Application History

On March 8, 1995, U.S. FREMONT NATIONAL FOREST submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on July 9, 1996. The protest period closed August 23, 1996, and no protest was filed.

The proposed use would not impair or be detrimental to the public interest. However, the application map does not meet the standards of OAR 690-310-050. The map must show the location of the proposed well.

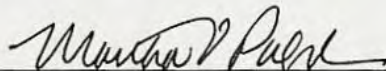
The location of the point of diversion from the well must be referenced to a recognized public land survey corner. The location may be shown by distance and bearing or by coordinates (distance north or south and distance east or west from the corner).

Order

Upon submission of a suitable map, Application G-14006 shall be approved as proposed by the Proposed Final Order and as provided on the attached draft permit.

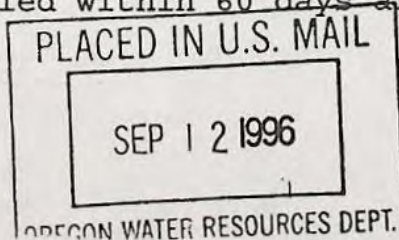
A suitable map shall be submitted no later than 60 days from the date of this Final Order. Failure to submit a suitable map within 60 days from the date of this Final Order will result in the proposed rejection of Application G-14006.

DATED September 11, 1996


Martha O. Page
Director

Appeal Rights

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



STATE OF OREGON

COUNTY OF KLAMATH

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

U.S. FREMONT NATIONAL FOREST
524 NORTH G STREET
LAKEVIEW, OREGON 97630

PHONE: (541) 947-6238

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

APPLICATION FILE NUMBER: G-14006

SOURCE OF WATER: A WELL IN THE SPRAGUE RIVER BASIN

PURPOSE OR USE: AGRICULTURAL USE (ROAD WATERING AND FIRE PROTECTION)

RATE OF ALLOWED USE: 0.178 CUBIC FOOT PER SECOND

PERIOD OF ALLOWED USE: YEAR ROUND

DATE OF PRIORITY: MARCH 8, 1995

POINT OF DIVERSION LOCATION: NE 1/4 SE 1/4, SECTION 12, T 38 S, R 15 E, W.M.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

ALL
SECTION 22 FIRE PROTECTION ONLY
ALL
SECTION 23
ALL
SECTION 26
ALL
SECTION 34 FIRE PROTECTION ONLY
ALL
SECTION 35
ALL
SECTION 36
TOWNSHIP 37 SOUTH, RANGE 15 EAST, W.M.
ALL
SECTION 29
SECTION 30 FIRE PROTECTION ONLY
ALL
SECTION 31
ALL
SECTION 32
ALL
SECTION 33
TOWNSHIP 37 SOUTH, RANGE 16 EAST, W.M.

ALL
SECTION 1
ALL
SECTION 2
ALL
SECTION 3 FIRE PROTECTION ONLY
ALL
SECTION 10 FIRE PROTECTION ONLY
ALL
SECTION 11
ALL
SECTION 12
ALL
SECTION 13 FIR PROTECTION ONLY
ALL
SECTION 14
ALL
SECTION 15 FIRE PROTECTION ONLY
TOWNSHIP 38 SOUTH, RANGE 15 EAST, W.M.
ALL
SECTION 3
ALL
SECTION 4
ALL
SECTION 5
ALL
SECTION 6
ALL
SECTION 7
ALL
SECTION 8
ALL
SECTION 9
TOWNSHIP 38 SOUTH, RANGE 16 EAST, W.M.

Measurement, recording and reporting conditions:

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

the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

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

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

Before Use of Water Takes Place

Initial and Annual Measurements

The Department requires the permittee to submit an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

After Use of Water has Begun

Seven Consecutive Annual Measurements

Following the first year of water use, the user shall submit seven consecutive annual reports of static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if annual water level measurements reveal any of the following events:

- (A) An average water level decline of three or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

STANDARD CONDITIONS

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

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

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

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

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

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

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

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

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

{DATE}

DRAFT

Martha O. Pagel, Director
Water Resources Department

FILE # G-14006

FO CHECKLIST I

REVIEW DATE: 05/27/96

WEEK # 50

PFO TO FO CONVERSION

INITIALS: JTB

In preparing the FO, you should check the following:

1. Y / N Were comments or protests received in response to the PFO?
2. X If #1 = "Y", from whom were the comments received and when?
3. X Verify names and addresses on the PFO CC list. ALL commentors (regardless of comment date), affected landowners (were they notified?), and those who paid the \$10 fee should be listed.
4. X Verify payment of recording fees (circle the appropriate option)
 - (1) Issue FO w/permit if fees are paid – Prepare refund request for excess fees, including standing fees if no protest is filed and no modifications are being made to the PFO
 - (2) Issue FO w/o permit if fees are lacking
5. Y / N Is the file lacking a signed oath of accuracy for the application?
6. Y / N Has ODFW asked for self certification on screening condition?
7. Y / N Is water use prohibited for one or more months of the normal use period?
8. Y / N If #6 = "Y", is short season letter on file? Note: If short season letter is lacking prepare FO with Draft permit giving applicant 60 days to submit letter.
9. Y / N Is further processing possible? If not state reason: _____
10. _____ Notify applicant of additional information or fees required prior to permit issuance (SEND CERTIFIED LETTER & use standard wording from M:\T\FO\TOOLS if possible)
11. _____ Assign permit numbers to files with oath, fees, and no protests or other issues

200
100

76

DENIAL	FO w/o PERMIT	Route to: (circle one)	COMMENTS
LARRY	JERRY	<u>FO & PERMIT</u>	DOUG
		JEREMY	

Initials RJ

Modify FO as needed to:

12. Respond to significant comments, issues, or disputes related to the proposed use of water. (see notes, if any, listed above)
13. Include or exclude permit conditions and management codes
14. Correct PFO errors (such as POD or POU location (verify from map), Permit format)
Need Well P.O.D. CERTIFIED LETTER SENT

Once FO document is completed:

15. Save WordPerfect document in M:\T\FO\WEEK 50 & delete duplicates
16. Print final draft of document and submit to team leader for review

17. Y / N Team leader review completed

Fix

NO permit until receive MAP

PFO ACCURACY CHECKLIST

Application #: G-14006

1. CHECK NAME(S)/COMPANY NAME
 - * Assigned
 - * Signature Name
 - * Correct Name(s)/Company throughout PFO
 - * Correct Address & Phone Number on Draft Permit
2. CHECK SOURCE AND TRIBUTARY
 - * Consistent throughout PFO and Draft Permit
3. CHECK RATE OF USE
4. CHECK PRIORITY DATE & TR/IR DATES
5. CHECK POD IN DRAFT PERMIT
 - * Check Map against permit
 - * Check Township, Range and Section
6. CHECK POU IN PFO AND DRAFT PERMIT
 - * Check Map against both
 - * If Acres on Application do not agree with Map, use Map info
 - * Check Township, Range and Section
7. ADD VOLUME NUMBER/NAME AT END OF DRAFT PERMIT
8. COMPLETE READ THROUGH OF PFO
 - * Sentence Structure
 - * Punctuation
 - * Spelling, etc.

Name:
LKS

Laura Smedeker

Date:

7-2-96

file

APRIL 16, 1996

U.S. FREMONT NATIONAL FOREST
524 NORTH G ST
LAKEVIEW, OREGON 97630

Reference: File G-14006

Dear Applicant:

**THIS IS NOT A PERMIT AND IS
SUBJECT TO CHANGE AT NEXT PHASE OF PROCESS**

This letter is to inform you of the status of your application for water use. Based on the information you have supplied, the Water Resources Department has reached the following conclusions:

Initial Review Determinations:

1. Your application is complete and not defective.
2. The proposed use is not prohibited by law or rule.
3. The use of water for Industrial use is allowed under OAR 514, the Klamath Basin Compact, ORS 542.620.
4. The use of 0.18 cubic foot per second (80.0 gallons per minute) from a Well for Industrial purposes (Road Watering and Fire Protection) is available year round.

Summary of Initial Determinations

The use of 0.18 cfs from a Well for Industrial purposes may be allowed year round.

Because of these favorable determinations to your application the Department can now move your application to the next phase of the water rights application review process. This phase is where public interest factors will be evaluated.



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

G-14006
April 16, 1996
Page 2

Please reference the application number when sending any correspondence regarding the conclusions of this initial review. Comments received within the comment period, will be evaluated at the next phase of the process.

To Proceed With Your Application:

If you choose to proceed with your application, you do not have to notify the Department. Your application will automatically be placed on the Department's Public Notice to allow others the opportunity to comment. After the comment period the Department will complete a public interest review and issue a proposed final order.

Withdrawal Refunds:

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$50 processing charge per application.) To accomplish this you must notify the Department in writing by **APRIL 30, 1996**. For your convenience you may use the enclosed "STOP PROCESSING" form.

If A Permit Is Issued It Will Likely Include The Following Conditions:

1. You may be required to measure the amount of water used and report that use annually.
2. Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.
3. To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of (Generally March). Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

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Initial and Annual Measurements

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After Use of Water has Begun
Seven Consecutive Annual Measurements

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- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if annual water level measurements reveal any of the following events:

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- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
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- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

G-14006
April 16, 1996
Page 4

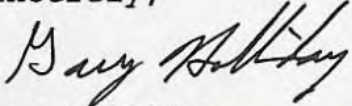
The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

4. The priority date for this application is March 8, 1995.

If you have any questions:

Feel free to call me at (503) 378-8455 ext. 454 or 1 (800) 624-3199 if you have any questions. Please have your application number available if you call.

Sincerely,



Gary Holliday
Initial Reviewer

cc: Regional Manager, Watermaster, Water Availability
Section
enclosures: Flow Chart of Water Right Process
Stop Processing Form

**Water Right Conditions
Tracking Slip**

Groundwater/Hydrology Section

FILE ## G-14006

ROUTED TO: W.R.

TOWNSHIP/
RANGE-SECTION: 38S / 15E-12

CONDITIONS ATTACHED? Yes No

REMARKS OR FURTHER INSTRUCTIONS:

Reviewer: Mara Norton

TO: Water Rights Section

March 29, 1996

FROM: Groundwater/Hydrology Section

Marc A Norton

Reviewer's Name

SUBJECT: Application G-14006

GROUNDWATER/SURFACE WATER CONSIDERATIONS

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

GROUNDWATER AVAILABILITY CONSIDERATIONS

3. BASED UPON available data, I have determined that groundwater for the proposed use
 - a. ___ will, or _____ likely be available in the amounts requested without injury to prior rights
 - b. will not _____ and/or within the capacity of the resource; or
 - c. will if properly conditioned, avoid injury to existing rights or to the groundwater resource:
 - i. The permit should contain condition #(s) 7C;
 - ii. ___ The permit should contain special condition(s) as indicated in "Remarks" below;
 - iii. ___ The permit should be conditioned as indicated in item 4 below; or
4.
 - a. ___ THE PERMIT should allow groundwater production from no deeper than _____ ft. below land surface;
 - b. ___ The permit should allow groundwater production from no shallower than _____ ft. below land surface;
 - c. ___ The permit should allow groundwater production only from the _____ groundwater reservoir between approximately _____ ft. and _____ ft. below land surface;
 - d. ___ Well reconstruction is necessary to accomplish one or more of the above conditions.
 - e. ___ One or more POA's commingle 2 or more sources of water. The applicant must select one source of water per POA and specify the proportion of water to be produced from each source.

REMARKS: _____

(Well Construction Considerations on Reverse Side)

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

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

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

7. THE WELL construction deficiency is described as follows: _____
- _____
- _____

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

RECOMMENDATION:

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

THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL

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

(Signature)

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

_____, 199__.

(Signature)

PFO CHECKLIST

Application #: G 14006

P.N. = 4/30/96

Basin: Klamath B

WAB: _____

Township 38S Range 15E Section 12 1/4 1/4 _____

- A1. Public Interest Screen Criteria No
- 1. Is the file complete by the Completeness Checklist? (Fees)
- 2. Fees or other shortcomings (items needed before a permit and/or FO can be issued) (Fees)
- 3. Check file for indicators that the process should not continue until a later date (ie - protest, letter to file indicating hold, or other) None
- 4. A groundwater review has been evaluated for substantial interference with surface water (convert old gw conditions to the 7 series and add to the PFO, if necessary)
 - a. Is second groundwater review necessary? (objection) No
 - b. Is HB 1033 review complete? Yes
- 5. Is the source withdrawn or limited? - State Engineer, Legislative (ORS 538), etc. No
- 6. Is the Proposed Use located in or above a Scenic Waterway? Klamath R.
- 7. Is the proposed use located in a TMDL Basin? (Tualatin, Yamhill, Pudding) No
- 8. Is the use allowed or limited by the Basin Program? Allowed
- 9. If source is groundwater, is the well located in a groundwater limited area? (If applicable, include map with POD) No
- 10. Water Availability Data has been verified (50% before July 17, 1992; 80% live flow & 50% storage after July 17, 1992)
- 11. Rate _____ Duty _____ Irrigation Season _____
- 12. Period of Allowed Use Year Round
- 13. Is use from a B.O.R. project and if so, is a signed contract in the file? N/A
- 14. Division 33 has been addressed - if applicable (Above Bonn after July 17, 1992 & Below Bonn after April 8, 1994 or June 3, 1994) N/A / Triage - no use June 16 - 2 Sept 15
- 15. Have conflicts been identified, verified and/or addressed? None identified by I.R. Disregard - GW not in substantial interference
- 16. Is the use Small (<0.1cfs, <9.2AF), Medium (>0.1 or <1.5cfs, >9.2 or <100AF) or Large (>1.5 cfs, >100 AF)? 0.17 cfs requested 80gpm =
- 17. Check TR/IR for permit conditions not included in the Draft Permit attached to the PFO 75, 7C
- 18. Fill out Accuracy Checklist
- 19. Spell Check
- 20. Documents used in determination are attached and highlighted
- 21. Fill out PFO CC List (a.k.a. the Check-Off Sheet) - don't forget to check for other property owners.
 - a. Does Ken Stahr need to be on the CC list (Rate, Duty and Period of Allowed Use changes)
- 22. Final PFO report hard copy check (format, margins, etc.)
- 23. Final PFO has been saved to m:\t\pfo\done\week#\application #

Name: Laurence Swealaker Date: 7-2-96 LKS

S.F. / ~~Sprague River & Misc~~
~~V.2A~~

or

Fishlake Creek & Misc
V.2.

Basin: Klamath

Application # G-14006

Applicant Name US Fremont

Date: May 14, 1996

AREA

N Sensitive, threatened, endangered fish presence.

Source Watershed

INFORMATION/CONDITIONS

1. Are there water quality concerns? N

Are there water quality concerns related to sensitive, threatened or endangered fish? N

Should the application be denied? N
Should the application be restricted? N

Jan	Feb	Mar	Apr	May	Jun 1-15	June 16-30	Jul	Aug	Sep 1-15	Sep 16-30	Oct	Nov	Dec
						X	X	X	X				

2. Are there adequate flows to protect sensitive, threatened or endangered fish? Y N

Should the application be denied? Y N

Should the application be restricted beyond water availability limitations? Y N

Jan	Feb	Mar	Apr	May	Jun 1-15	June 16-30	Jul	Aug	Sep 1-15	Sep 16-30	Oct	Nov	Dec

3. Domestic

Should domestic use be conditioned to human consumption? Y N

4. Fish Screening and Passage

- A. Requires fish screening and passage, with ODFW certification (applications > 0.5 cfs).
- B. Requires fish screening and passage, without ODFW certification (applications < 0.5 cfs).
- C. No dam or obstruction without a fishway.
- M. Screening may be required.

5. Miscellaneous

- A. Reservoir Filling _____
- B. Water Quality Permits _____
- C. Return Flow _____
- D. Time Limited Water Right _____
- E. Other _____
- F. Livestock Limitation _____

6. Measurement and Reporting

- A. Small diversions (<0.1 cfs or <9.2 ac/ft. may/may)
- B. Medium diversions (0.1 cfs or >9.2 and <1.5 cfs or <100 ac/ft. shall/may)
- C. Large diversions (1.5 cfs or >100 ac/ft. shall/shall)
- T. Totalizing

FINDINGS

Deny permit due to fishery concerns.

Condition permit due to fishery concerns listed above.

No sensitive, threatened or endangered fish present, therefore, no additional conditions.

Oregon and consented to by the Congress of the United States.

B. This compact shall remain in full force and effect until amended in the same manner as is required for it to be ratified to become operative or until terminated.

C. A copy of any proposed amendments to or termination of this compact shall be filed with the Board of Supervisors of Modoc County, California, and the County Court of Lake County, Oregon, at least 30 days prior to any legislative consideration by the legislatures of the States of California and Oregon.

ARTICLE VIII FEDERAL RIGHTS

Nothing in this compact shall be deemed:

A. To impair or affect the existing rights or powers of the United States of America, its agencies, or instrumentalities, in and to the use of the waters of the Goose Lake Basin nor its capacity to acquire rights in and to the use of said waters.

B. To subject any property of the United States of America, its agencies or instrumentalities to taxation by any state or subdivision thereof, nor to create an obligation on the part of the United States of America, its agencies or instrumentalities by reason of the acquisition, construction or operation of any property or works of whatsoever kind, to make any payments to any state or political subdivision thereof, state agency, municipality or entity, whatsoever in reimbursement for the loss of taxes.

C. To subject any property of the United States of America, its agencies or instrumentalities, to the laws of any state to any extent other than the extent to which these laws would apply without regard to the compact.

[1963 c.473 §2]

NEGOTIATIONS FOR INTERSTATE COMPACT ON COLUMBIA RIVER BASIN

Note: Sections 1 and 2, chapter 391, Oregon Laws 1989, provide:

Sec. 1. (1) The Governor shall request the chairperson of the Columbia River Compact Commission, created pursuant to P.L. 82-572, to convene a meeting of representatives of the seven participating states to begin work preliminary to formal negotiations for an interstate compact to manage the waters of the Columbia River Basin.

(2) The Governor shall designate a representative of the State of Oregon to attend preliminary meetings of the Columbia River Compact Commission as Oregon's representative to the commission.

(3) Upon receiving the report required under section 2 of this Act, the Governor shall request that the chairperson of the Columbia River Compact Commission convene formal negotiations to develop the interstate compact for the management of the waters of the Columbia River Basin [1989 c.391 §1]

Sec. 2. The representative designated under section 1 of this Act shall participate in discussions with other members of the commission regarding areas of agreements between the states and areas of conflict which need to be resolved. After the areas of agreement and conflict are identified, the representative shall report to the Governor and to the legislative leadership. [1989 c.391 §2]

KLAMATH RIVER BASIN COMPACT

542.610 Klamath River Basin Compact ratified; when effective. (1) The Legislative Assembly of the State of Oregon hereby ratifies the Klamath River Basin Compact set forth in ORS 542.620, and the provisions of such compact hereby are declared to be the law of this state upon such compact becoming effective as provided in subsection (2) of this section.

(2) The compact shall become effective when it has been ratified by the legislatures of the States of California and Oregon, and has been consented to by the Congress of the United States as provided in Article XIII of the compact. [1957 c.142 §1]

Note: The Klamath River Basin Compact became effective on September 11, 1957. The compact was ratified by the State of California by chapter 113, California Statutes 1957 (signed by Governor on April 17, 1957, and effective on September 11, 1957). The Congress of the United States consented to the compact by Public Law 222, 85th Congress (signed by President on August 30, 1957).

542.620 Klamath River Basin Compact. The provisions of the Klamath River Basin Compact are as follows:

ARTICLE I
PURPOSES

The major purposes of this compact are, with respect to the water resources of the Klamath River Basin:

A. To facilitate and promote the orderly, integrated and comprehensive development, use, conservation and control thereof for various purposes, including, among others: The use of water for domestic purposes; the development of lands by irrigation and other means; the protection and enhancement of fish, wildlife and recreational resources; the use of water for industrial purposes and hydroelectric power production; and the use and control of water for navigation and flood prevention.

B. To further intergovernmental cooperation and comity with respect to these resources and programs for their use and development and to remove causes of present and future controversies by providing (1) for equitable distribution and use of water among the two states and the Federal Government, (2) for preferential rights to the use of water after the effective date of this compact for the anticipated ultimate requirements for domestic and irrigation purposes in the Upper Klamath River Basin in Oregon and California, and (3) for prescribed relationships between beneficial uses of water as a practicable means of accomplishing such distribution and use.

ARTICLE II
DEFINITION OF TERMS

As used in this compact:

A. "Klamath River Basin" shall mean the drainage area of the Klamath River and all its tributaries within the States of California and Oregon and all closed basins included in the Upper Klamath River Basin.

B. "Upper Klamath River Basin" shall mean the drainage area of the Klamath River and all its tributaries upstream from the boundary between the States of California and Oregon and the closed basins of Butte Valley, Red Rock Valley, Lost River Valley, Swan Lake Valley and Crater Lake, as delineated on the official map of the Upper Klamath

River Basin approved on September 6, 1956, by the commissions negotiating this compact and filed with the Secretaries of State of the two states and the General Services Administration of the United States, which map is incorporated by reference and made a part hereof.

C. "Commission" shall mean the Klamath River Compact Commission as created by Article IX of this compact.

D. "Klamath Project" of the Bureau of Reclamation of the Department of the Interior of the United States shall mean that area as delineated by appropriate legend on the official map incorporated by reference under subdivision B of this Article.

E. "Person" shall mean any individual or any other entity, public or private, including either state, but excluding the United States.

F. "Keno" shall mean a point on the Klamath River at the present needle dam, or any substitute control dam constructed in section 36, township 39 south, range 7 east, Willamette Base and Meridian.

G. "Water" or "waters" shall mean waters appearing on the surface of the ground in streams, lakes or otherwise, regardless of whether such waters at any time were or will become ground water, but shall not include water extracted from underground sources until after such water is used and becomes surface return flow or waste water.

H. "Domestic use" shall mean the use of water for human sustenance, sanitation and comfort; for municipal purposes; for livestock watering; for irrigation of family gardens; and for other like purposes.

I. "Industrial use" shall mean the use of water in manufacturing operations.

J. "Irrigation use" shall mean the use of water for production of agricultural crops, including grain grown for feeding wildfowl.

ARTICLE III
DISTRIBUTION AND USE OF WATER

A. There are hereby recognized vested rights to the use of waters originating in the Upper Klamath River Basin validly established and subsisting as of the effective date of this compact under the laws of the state in which the use or diversion is made, including rights to the use of waters for domestic and irrigation uses within the

Klamath Project. There are also hereby recognized rights to the use of all waters reasonably required for domestic and irrigation uses which may hereafter be made within the Klamath Project.

B. Subject to the rights described in subdivision A of this Article and excepting the uses of water set forth in subdivision E of Article XI, rights to the use of unappropriated waters originating within the Upper Klamath River Basin for any beneficial use in the Upper Klamath River Basin, by direct diversion or by storage for later use, may be acquired by any person after the effective date of this compact by appropriation under the laws of the state where the use is to be made, as modified by the following provisions of this subdivision B and subdivision C of this Article, and may not be acquired in any other way:

1. In granting permits to appropriate waters under this subdivision B, as among conflicting applications to appropriate when there is insufficient water to satisfy all such applications, each state shall give preference to applications for a higher use over applications for a lower use in accordance with the following order of uses:

- (a) Domestic use,
- (b) Irrigation use,
- (c) Recreational use, including use for fish and wildlife,
- (d) Industrial use,
- (e) Generation of hydroelectric power,
- (f) Such other uses as are recognized under the laws of the state involved.

These uses are referred to in this compact as uses (a), (b), (c), (d), (e) and (f), respectively. Except as to the superiority of rights to the use of water for use (a) or (b) over the rights to the use of water for use (c), (d), (e) or (f), as governed by subdivision C of this Article, upon a permit being granted and a right becoming vested and perfected by use, priority in right to the use of water shall be governed by priority in time within the entire Upper Klamath River Basin regardless of state boundaries. The date of priority of any right to the use of water appropriated for the purposes above enumerated shall be the date of the filing of the application therefor, but such priority shall be dependent on commencement and completion of construction of

the necessary works and application of the water to beneficial use with due diligence and within the times specified under the laws of the state where the use is to be made. Each state shall promptly provide the commission and the appropriate official of the other state with complete information as to such applications and as to all actions taken thereon.

2. Conditions on the use of water under this subdivision B in Oregon shall be:

(a) That there shall be no diversion of waters from the Upper Klamath River Basin, but this limitation shall not apply to out-of-basin diversions of waters originating within the drainage area of Fourmile Lake.

(b) That water diverted from Upper Klamath Lake and the Klamath River and its tributaries upstream from Keno, Oregon, for use in Oregon and not consumed therein and appearing as surface return flow and waste water within the Upper Klamath River Basin shall be returned to the Klamath River or its tributaries above Keno, Oregon.

3. Conditions on the use of water under this subdivision B in California shall be:

(a) That the waters diverted from the Klamath River within the Upper Klamath River Basin for use in California shall not be taken outside the Upper Klamath River Basin.

(b) That substantially all of the return flows and waste water finally resulting from such diversions and use appearing as surface waters in the Upper Klamath River Basin shall be made to drain so as to be eventually returned to the Klamath River upstream from Keno, Oregon.

C. 1. All rights, acquired by appropriation after the effective date of this compact, to use waters originating within the Upper Klamath River Basin for use (a) or (b) in the Upper Klamath River Basin in either state shall be superior to any rights, acquired after the effective date of this compact, to use such waters (i) for any purpose outside the Klamath River Basin by diversion in California or (ii) for use (c), (d), (e) or (f) anywhere in the Klamath River Basin. Such superior rights shall exist regardless of their priority in time and may be exercised with respect to inferior rights without the payment of compensation. But such superior rights to use water for use (b) in California shall be limited to the quantity of water necessary to irrigate 100,000

acres of land, and in Oregon shall be limited to the quantity of water necessary to irrigate 200,000 acres of land.

2. The provisions of paragraph 1 of this subdivision C shall not prohibit the acquisition and exercise after the effective date of this compact of rights to store waters originating within the Upper Klamath River Basin and to make later use of such stored water for any purpose, as long as the storing of waters for such later use, while being effected, does not interfere with the direct diversion or storage of such waters for use (a) or (b) in the Upper Klamath River Basin.

ARTICLE IV HYDROELECTRIC POWER

It shall be the objective of each state, in the formulation and the execution and the granting of authority for the formulation and execution of plans for the distribution and use of the water of the Klamath River Basin, to provide for the most efficient use of available power head and its economic integration with the distribution of water for other beneficial uses in order to secure the most economical distribution and use of water and lowest power rates which may be reasonable for irrigation and drainage pumping, including pumping from wells.

ARTICLE V INTERSTATE DIVERSION AND STORAGE RIGHTS; MEASURING DEVICES

A. Each state hereby grants for the benefit of the other and its designees the right to construct and operate facilities for the measurement, diversion, storage and conveyance of water from the Upper Klamath River Basin in one state for use in the other insofar as the exercise of such right may be necessary to effectuate and comply with the terms of this compact. The location of such facilities shall be subject to approval by the commission.

B. Each state or its designee, exercising within the jurisdiction of the other a right granted under subdivision A of this Article, shall make provision for the establishment, operation and maintenance of permanent gaging stations at such

points on streams or reservoir or conveyance facilities as may be required by the commission for the purpose of ascertaining and recording the volume of diversions by the streams or facilities involved. Said stations shall be equipped with suitable devices for determining the flow of water at all times. All information obtained from such stations shall be compiled in accordance with the standards of the United States Geological Survey, shall be filed with the commission, and shall be available to the public.

ARTICLE VI ACQUISITION OF PROPERTY FOR STORAGE AND DIVERSION; IN LIEU TAXES

A. Subject to approval of the commission, either state shall have the right (1) to acquire such property rights in the other state as are necessary for the diversion, storage, conveyance, measurement and use of water in conformity with this compact, by donation or purchase, or (2) to elect to have the other state acquire such property rights for it by purchase or through the exercise of the power of eminent domain. A state making the latter election shall make a written request therefor and the other state shall expeditiously acquire said property rights either by purchase at a price satisfactory to the requesting state, or, if such purchase cannot be made, then through the exercise of its power of eminent domain, and shall convey said property rights to the requesting state or its designee. All costs of such acquisition shall be paid by the requesting state. Neither state shall have any greater power to acquire property rights for the other state through the exercise of the power of eminent domain than it would have under its laws to acquire the same property rights for itself.

B. Should any diversion, storage or conveyance facilities be constructed or acquired in either state for the benefit of the other state, as herein provided, the construction, repair, replacement, maintenance and operation of such facilities shall be subject to the laws of the state in which the facilities are located, except that the proper officials of that state shall permit the storage, release and conveyance of any water to which the other state is entitled under this compact.

C. Either state having property rights other than water rights in the other state acquired as provided in this Article shall pay to each political subdivision of the state in which such property rights are located, each and every year during which such rights are held, a sum of money equivalent to the average annual amount of taxes assessed against those rights during the 10 years preceding the acquisition of such rights in reimbursement for the loss of taxes to such political subdivisions of the state. Payments so made to a political subdivision shall be in lieu of any and all taxes by that subdivision on the property rights for which the payments are made.

ARTICLE VII POLLUTION CONTROL

A. The states recognize that the growth of population and the economy of the Upper Klamath River Basin can result in pollution of the waters of the Upper Klamath River Basin constituting a menace to the health and welfare of, and occasioning economic loss to, people living or having interests in the Klamath River Basin. The states recognize further that protection of the beneficial uses of the waters of the Klamath River Basin requires cooperative action of the two states in pollution abatement and control.

B. To aid in such pollution abatement and control, the commission shall have the duty and power:

1. To cooperate with the states or agencies thereof or other entities and with the United States for the purpose of promoting effective laws and the adoption of effective regulations for abatement and control of pollution of the waters of the Klamath River Basin, and from time to time to recommend to the governments reasonable minimum standards for the quality of such waters.

2. To disseminate to the public by any and all appropriate means information respecting pollution abatement and control in the waters of the Klamath River Basin and on the harmful and uneconomic results of such pollution.

- C. Each state shall have the primary obligation to take appropriate action under its own laws to abate and control interstate pollution, which is defined as the deterioration of the quality of the

waters of the Upper Klamath River Basin within the boundaries of such state which materially and adversely affects beneficial uses of waters of the Klamath River Basin in the other state. Upon complaint to the commission by the state water pollution control agency of one state that interstate pollution originating in the other state is not being prevented or abated, the procedure shall be as follows:

1. The commission shall make an investigation and hold a conference on the alleged interstate pollution with the water pollution control agencies of the two states, after which the commission shall recommend appropriate corrective action.

2. If appropriate corrective action is not taken within a reasonable time, the commission shall call a hearing, giving reasonable notice in writing thereof to the water pollution control agencies of the two states and to the person or persons which it is believed are causing the alleged interstate pollution. Such hearing shall be held in accordance with rules and regulations of the commission, which shall conform as nearly as practicable with the laws of the two states governing administrative hearings. At the conclusion of such hearing, the commission shall make a finding as to whether interstate pollution exists, and if so, shall issue to any person or persons which the commission finds are causing such interstate pollution an order or orders for correction thereof.

3. It shall be the duty of the person against whom any such order is issued to comply therewith. Any court of general jurisdiction of the state where such discharge is occurring or the United States District Court for the district where the discharge is occurring shall have jurisdiction, on petition of the commission for enforcement of such order, to compel action by mandamus, injunction, specific performance, or any other appropriate remedy, or on petition of the person against whom the order is issued to review any order. At the conclusion of such enforcement or review proceedings, the court may enter such decree or judgment affirming, reversing, modifying, or remanding such order as in its judgment is proper in the circumstances on the basis of the rules customarily applicable in proceedings for court enforcement or review of

WATER LAWS

administrative actions.

D. The water pollution control agencies of the two states shall, from time to time, make available to the commission all data relating to the quality of the waters of the Upper Klamath River Basin which they possess as the result of studies, surveys and investigations thereof which they may have made.

ARTICLE VIII MISCELLANEOUS

A. Subject to vested rights as of the effective date of this compact, there shall be no diversion of waters from the basin of Jenny Creek to the extent that such waters are required, as determined by the commission, for use on land within the basin of Jenny Creek.

B. Each state shall exercise whatever administrative, judicial, legislative or police powers it has that are required to provide any necessary reregulation or other control over the flow of the Klamath River downstream from any hydroelectric power plant for protection of fish, human life or property from damage caused by fluctuations resulting from the operation of such plant.

ARTICLE IX ADMINISTRATION

A. 1. There is hereby created a commission to administer this compact. The commission shall consist of three members. The representative of the State of California shall be the Department of Water Resources. The representative of the State of Oregon shall be the Water Resources Commission of Oregon who shall serve as ex officio representative of the Water Resources Commission of Oregon. The President is requested to appoint a federal representative who shall be designated and shall serve as provided by the laws of the United States.

2. The representative of each state shall be entitled to one vote in the commission. The representative of the United States shall serve as chairman of the commission without vote. The compensation and expenses of each representative shall be fixed and paid by the government which he represents. Any action by the commission shall be effective only if it be agreed to by both voting

members.

3. The commission shall meet to establish its formal organization within 60 days after the effective date of this compact, such meeting to be at the call of the Governors of the two states. The commission shall then adopt its initial set of rules and regulations governing the management of its internal affairs providing for, among other things, the calling and holding of meetings, the adoption of a seal, and the authority and duties of the chairman and executive director. The commission shall establish its office within the Upper Klamath River Basin.

4. The commission shall appoint an executive director, who shall also act as secretary, to serve at the pleasure of the commission and at such compensation, under such terms and conditions and performing such duties as it may fix. The executive director shall be the custodian of the records of the commission with authority to affix the commission's official seal, and to attest to and certify such records or copies thereof. The commission, without regard to the provisions of the civil service laws of either state, may appoint and discharge such consulting, clerical and other personnel as may be necessary for the performance of the commission's functions, may define their duties, and may fix and pay their compensation. The commission may require the executive director and any of its employees to post official bonds, and the cost thereof shall be paid by the commission.

5. All records, files and documents of the commission shall be open for public inspection at its office during established office hours.

6. No member, officer or employee of the commission shall be liable for injury or damage resulting from (a) action taken by such member, officer or employee in good faith and without malice under the apparent authority of this compact, even though such action is later judicially determined to be unauthorized, or (b) the negligent or wrongful act or omission of any other person, employed by the commission and serving under such officer, member or employee, unless such member, officer or employee either failed to exercise due care in the selection, appointment or supervision of such other person, or failed to take all available action to suspend or discharge such other person after

knowledge or notice that such other person was inefficient or incompetent to perform the work for which he was employed. No suit may be instituted against a member, officer or employee of the commission for damages alleged to have resulted from the negligent or wrongful act or omission of such member, officer or employee or a subordinate thereof occurring during the performance of his official duties unless, within 90 days after occurrence of the incident, a verified claim for damages is presented in writing and filed with such member, officer or employee and with the commission. In the event of a suit for damages against any member, officer or employee of the commission on account of any act or omission in the performance of his or his subordinates' official duties, the commission shall arrange for the defense of such suit and may pay all expenses therefor on behalf of such member, officer or employee. The commission may at its expense insure its members, officers and employees against liability resulting from their acts or omissions in the performance of their official duties. Nothing in this paragraph shall be construed as imposing any liability upon any member, officer or employee of the commission that he would otherwise not have.

7. The commission may incur obligations and pay expenses which are necessary for the performance of its functions. But it shall not pledge the credit of any government except by and with the authority of the legislative body thereof given pursuant to and in keeping with the constitution of such government, nor shall the commission incur any obligations prior to the availability of funds adequate to meet them.

8. The commission may:

(a) Borrow, accept or contract for the services of personnel from any government or agency thereof, from any intergovernmental agency, or from any other entity.

(b) Accept for any of its purposes and functions under this compact any and all donations, gifts, grants of money, equipment, supplies, materials and services from any government or agency thereof or intergovernmental agency or from any other entity.

(c) Acquire, hold and dispose of real and personal property as may be necessary in the

performance of its functions.

(d) Make such studies, surveys and investigations as are necessary in carrying out the provisions of this compact.

9. All meetings of the commission for the consideration of and action on any matters coming before the commission, except matters involving the management of internal affairs of the commission and its staff, shall be open to the public. Matters coming within the exception of this paragraph may be considered and acted upon by the commission in executive sessions under such rules and regulations as may be established therefor.

10. In the case of the failure of the two voting members of the commission to agree on any matter relating to the administration of this compact as provided in paragraph 2 of this subdivision A, the representative from each state shall appoint one person and the two appointed persons shall appoint a third person. The three appointees shall sit as an arbitration forum. The terms of appointment and the compensation of the members of the arbitration forum shall be fixed by the commission. Matters on which the two voting members of the commission have failed to agree shall be decided by a majority vote of the members of the arbitration forum. Each state obligates itself to abide by the decision of the arbitration forum, subject, however, to the right of each state to have the decision reviewed by a court of competent jurisdiction.

11. The commission shall have the right of access, through its authorized representatives, to all properties in the Klamath River Basin whenever necessary for the purpose of administration of this compact. The commission may obtain a court order to enforce its right of access.

B. 1. The commission shall submit to the Governor or designated officer of each state a budget of its estimated expenditures for such period and at such times as may be required by the laws of that state for presentation to the legislature thereof. Each state pledges itself to appropriate and pay over to the commission one-half of the amount required to finance the commission's estimated expenditures as set forth in each of its budgets, and pledges further that concurrently with approval of this compact by its legislature the sum of not less than \$12,000 will be appropriated by it to be paid over to

the commission at its first meeting for use in financing the commission's functions until the commission can prepare its first budget and receive its first appropriation thereunder from the states.

2. The commission shall keep accurate accounts of all receipts and disbursements, which shall be audited yearly by a certified public accountant, and the report of the audit shall be made a part of its annual report. The accounts of the commission shall be open for public inspection during established office hours.

3. The commission shall make and transmit to the legislature and Governor of each state and to the President of the United States an annual report covering the finances and activities of the commission and embodying such plans, recommendations and findings as may have been adopted by the commission.

C. 1. The commission shall have the power to adopt, and to amend or repeal, such rules and regulations to effectuate the purposes of this compact as in its judgment may be appropriate.

2. Except as to matters involving exclusively the management of the internal affairs of the commission and its staff or involving emergency matters, prior to the adoption, amendment or repeal of any rule or regulation the commission shall hold a hearing at which any interested person shall have the opportunity to present his views on the proposed action in writing, with or without the opportunity to present the same orally. The commission shall give adequate advance notice in a reasonable manner of the time, place and subject of such hearings.

3. Emergency rules and regulations may be adopted without a prior hearing, but in such case they may be effective for not longer than 90 days.

4. The commission shall publish its rules and regulations in convenient form.

ARTICLE X

STATUS OF INDIAN RIGHTS

A. Nothing in this compact shall be deemed:

1. To affect adversely the present rights of any individual Indian, tribe, band or community of Indians to the use of the waters of the Klamath River Basin for irrigation.

2. To deprive any individual Indian, tribe, band or community of Indians of any rights,

privileges, or immunities afforded under federal treaty, agreement or statute.

3. To affect the obligations of the United States of America to the Indians, tribes, bands or communities of Indians, and their reservations.

4. To alter, amend or repeal any of the provisions of the Act of August 13, 1954, (68 Stat. 718) as it may be amended.

B. Lands within the Klamath Indian Reservation which are brought under irrigation after the effective date of this compact, whether before or after section 14 of said Act of August 13, 1954, becomes fully operative, shall be taken into account in determining whether the 200,000 acre limitation provided in paragraph 1 of subdivision C of Article III has been reached.

ARTICLE XI

FEDERAL RIGHTS

Nothing in this compact shall be deemed:

A. To impair or affect any rights, powers or jurisdiction of the United States, its agencies or those acting by or under its authority, in, over and to the waters of the Klamath River Basin, nor to impair or affect the capacity of the United States, its agencies or those acting by or under its authority in any manner whatsoever, except as otherwise provided by the federal legislation enacted for the implementation of this compact as specified in Article XIII.

B. To subject any property of the United States, its agencies or instrumentalities, to taxation by either state or any subdivision thereof, unless otherwise provided by Act of Congress.

C. To subject any works or property of the United States, its agencies, instrumentalities or those acting by or under its authority, used in connection with the control or use of waters which are the subject of this compact, to the laws of any state to an extent other than the extent to which those laws would apply without regard to this compact, except as otherwise provided by the federal legislation enacted for the implementation of this compact as specified in Article XIII.

D. To affect adversely the existing areas of Crater Lake National Park or Lava Beds National Monument, or to limit the operation of laws relating to the preservation thereof.

E. To apply to the use of water for the maintenance, on the scale at which such land and water areas are maintained as of the effective date of this compact, of officially designated waterfowl management areas, including water consumed by evaporation and transpiration on water surface areas and water used for irrigation or otherwise in the Upper Klamath River Basin; nor to affect the rights and obligations of the United States under any migratory bird treaty or the Migratory Bird Conservation Act (45 Stat. 1222), as amended to the effective date of this compact.

ARTICLE XII GENERAL PROVISIONS

A. Each state and all persons using, claiming or in any manner asserting any right to the use of the waters of the Klamath River Basin under the authority of either state shall be subject to the terms of this compact.

B. Nothing in this compact shall be construed to limit or prevent either state from instituting or maintaining any action or proceeding, legal or equitable, in any court of competent jurisdiction for the protection of any right under this compact or the enforcement of any of its provisions.

C. Should a court of competent jurisdiction hold any part of this compact to be contrary to the Constitution of either state or the United States, all other provisions shall continue in full force and effect, unless it is authoritatively and finally determined judicially that the remaining provisions cannot operate for the purposes, or substantially in the manner, intended by the states independently of the portions declared unconstitutional or invalid.

D. Except as to matters requiring the exercise of discretion by the commission, the provisions of this compact shall be self-executing and shall by operation of law be conditions of the various state permits, licenses or other authorizations relating to the waters of the Klamath River Basin issued after the effective date of this compact.

E. The physical and other conditions peculiar to the Klamath River Basin constitute the basis for this compact, and neither of the states hereby, nor the Congress of the United States by its consent, considers that this compact establishes any general principle or precedent with respect to any other

interstate stream.

ARTICLE XIII RATIFICATION

A. This compact shall become effective when ratified by the legislature of each signatory state, and when consented to by an Act of Congress of the United States which will, in substance, meet the provisions hereinafter set forth in this Article.

B. The Act of Congress referred to in subdivision A of this Article shall provide that the United States or any agency thereof, and any entity acting under any license or other authority granted under the laws of the United States (referred to in this Article as "the United States"), in connection with developments undertaken after the effective date of this compact pursuant to laws of the United States, shall comply with the following requirements:

1. The United States shall recognize and be bound by the provisions of subdivision A of Article III.

2. The United States shall not, without payment of just compensation, impair any rights to the use of water for use (a) or (b) within the Upper Klamath River Basin by the exercise of any powers or rights to use or control water (i) for any purpose whatsoever outside the Klamath River Basin by diversions in California or (ii) for any purpose whatsoever within the Klamath River Basin other than use (a) or (b). But the exercise of powers and rights by the United States shall be limited under this paragraph 2 only as against rights to the use of water for use (a) or (b) within the Upper Klamath River Basin which are acquired as provided in subdivision B of Article III after the effective date of this compact, but only to the extent that annual depletions in the flow of the Klamath River at Keno resulting from the exercise of such rights to use water for uses (a) and (b) do not exceed 340,000 acre-feet in any one calendar year.

3. The United States shall be subject to the limitation on diversions of waters from the basin of Jenny Creek as provided in subdivision A of Article VIII.

4. The United States shall be governed by all the limitations and provisions of paragraph 2 and subparagraph (a) of paragraph 3 of subdivision B of

Article III.

5. The United States, with respect to any irrigation or reclamation development undertaken by the United States in the Upper Klamath River Basin in California, shall provide that substantially all of the return flows and waste water finally resulting from such diversions and use appearing as surface waters in the Upper Klamath River Basin shall be made to drain so as to be eventually returned to the Klamath River upstream from Keno, unless the Secretary of the Interior shall determine that compliance with this requirement would render it less feasible than under an alternate plan of development, in which event such return flows and waste waters shall be returned to the Klamath River at a point above Copco Lake.

C. Upon enactment of the Act of Congress referred to in subdivision A of this Article and so long as such Act shall be in effect, the United States, when exercising rights to use water pursuant to state law, shall be entitled to all of the same privileges and benefits of this compact as any person exercising similar rights.

D. Such Act of Congress shall not be construed as relieving the United States of any requirement of compliance with state law which may be provided by other federal statutes.

ARTICLE XIV
TERMINATION

This compact may be terminated at any time by legislative consent of both states, but despite such termination, all rights then established hereunder or recognized hereby shall continue to be recognized as valid by the states.

[1957 c.142 §2]

542.630 Water Resources Director to represent state in administering the Klamath River Basin Compact. The Water Resources Director shall be the only representative of this state in administering the Klamath River Basin Compact set forth in ORS 546.620. The director shall receive no additional compensation for services as such representative, but, subject to any other applicable

law regulating mileage and traveling and other expenses for state officers, shall receive actual and necessary traveling and other expenses incurred in the performance of official functions as such representative, to be paid in the same manner and out of the same moneys as other similar expenses of the director are paid. [1957 c.142 §3]

TEST STUDY OF INTEGRATED
LAND-WATER MANAGEMENT

542.710 Test stream and watershed study.

(1) The Department of Higher Education, under the direction of the State Board of Higher Education acting through the Agricultural Experiment Station of Oregon State University, is authorized to conduct a test stream and watershed study in order to ascertain in a scientific manner the interrelation between all factors operating in watersheds upon maximum resource productivity of the area for the greatest public benefit.

(2) In conducting the study the Department of Higher Education, under the direction of the State Board of Higher Education acting through the Agricultural Experiment Station of Oregon State University, may:

(a) Enlist the cooperation of other state agencies concerned with fields under study and may reimburse such agencies for use made of facilities and personnel.

(b) Acquire the services of other persons as necessary for the purposes of this section. [Formerly 184.460]

542.720 Assistance and grants for study.

For purposes of ORS 542.710, the State Board of Higher Education may accept assistance and grants in the form of real or personal property, money, labor, equipment or technical assistance from the United States or any of its agencies, political subdivisions or from other persons subject to the conditions imposed thereon regardless of conflicting state law and may, unless enjoined by the terms of the grant or donation, convert the same into money to be used for the purposes of ORS 542.710. [Formerly 184.470]

IR MAILING LIST ADDITIONS

OWNERS OF PROPERTY (OTHER THAN APPLICANT) CROSSED BY THE DELIVERY SYSTEM OR OTHER WATER WORKS:

GOVERNMENTAL ENTITIES ON THE LAND USE FORM OTHER THAN COUNTIES:

OTHER:

IR CHECKLIST

Application #: G 14006 Vol _____ Subbasin _____

Basin: 14 WAB: _____ POU-WAB: 01021112200

Township 385 Range 156 Section 12 1/4 1/4 _____

- 1. Items have been verified on Completeness Checklist.
- 2. Check file for indicators that the process should not continue until a later date (ie - protest, items (other than oath) missing from the completeness check, letter to file indicating hold, or other)
- 3. A groundwater review has been evaluated for substantial interference with surface water (convert old gw conditions to the 7 series and add to the PFO, if necessary)
 - a. Is the well located in a groundwater limited area?
 - b. A B C
- 4. Is the Proposed Use located in or above a Scenic Waterway? Klamath
- 5. Is the proposed use located in a TMDL Basin? (Tualatin, Yamhill, Pudding)
- 6. Is the use allowed or limited by the Basin Program? _____ OAR(s) _____
- 7. Is the source withdrawn or limited? - State Engineer, Legislative (ORS 538), etc.
- 8. Basin Maps (metal cabinet) have been checked and River Mile (_____) has been identified
- 9. Water Availability Data has been verified (50% < July 17, 1992/80% [50% storage] > July 17, 1992) _____
- 10. Rate _____ Duty _____ Season _____
- 11. Use Industrial Period of Allowed Use _____
- 12. Priority Date(s): March 8, 1995
- 13. Is use from a B.O.R. project and if so, is a signed contract in the file? _____
- 14. Division 33 (Abv Bonn > July 17, 1992 & Blw Bonn > April 18, 1994 or June 3, 1994) _____
- 15. Plat cards have been checked and a copy of the map is attached showing the conflict with _____
- 17. Land use approval OK'd needs approval county notified
- 19. conditions? (BOR, GW, etc.) 75, 7c
- 20. Watermaster District #: 17
- 21. Regional Office (NWR, NCR, ER, SCR, or SWR)
- 22. IR has been saved to m:\t\ir\sent\app # from m:\t\ir\work\app #

Name: J. R. Date: 4-15-96

COMPLETENESS DETERMINATION CHECKLIST

COMPLETED

8/11/95

Application #	Review Date	Reviewer Initials
G-14006	8/11/95	MICHAEL

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

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

APR 17 1995

COMMENT FORM

WATER RESOURCES DEPT.
SALEM, OREGON

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

Application #s G14002 G14001 G14005 G14006 G14004 G14008
G14003, G14007, G14000

Send to:

Schneider Drilling Co - Ann. Steur
21881 River Road NE
St. Paul, OR 97137

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

Return to:

Oregon Water Resources Department
158 12th ST NE
Salem, Oregon 97310

This Comment corresponds to the
MAR/29/1995 Public Notice.

March 27, 1995

U.S. FREMONT NATIONAL FOREST
524 NORTH G ST
LAKEVIEW, OR 97630

REFERENCE: File(s) G-14006,S-80128,S-80129

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

Even though your application has been received, filed and assigned an application reference number, no authorization has been granted to develop your water use. The filing of an application does not create a water right. Water may not be used until a water right permit has been issued by the Department.

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

At present the Water Resources Department has a backlog of several thousand applications for water use permits which has delayed our application processing time. In general, applications are processed in the order in which they are received. However, Department staff work through Oregon's 18 river basins on a rotation basis often completing work on all applications within a single basin, then proceeding to the next basin.

The processing of an application does not guarantee that a water right permit will be issued. Each application must undergo specialized analysis called a technical review and a public interest review. Until your application is reviewed, it is not possible to determine whether your particular proposed water use will be recommended for a permit.

The Water Resources Commission is considering the adoption of rules to protect stream flows for fish species. This action is being contemplated in response to current and future Endangered Species Act fish listings, including many runs of salmon, steelhead and resident fish throughout the state.



REFERENCE: File(s) - G-14006,S-80128,S-80129

The proposed rules, if adopted, could limit the issuance of new water right permits in certain areas of the state. If and when the Commission adopts these rules, new criteria or restrictions may be imposed on water use applications received after:

July 17, 1992, for use of water in the Upper Columbia/Snake Basin (above Bonneville Dam), including the mainstem Columbia and Snake Rivers and the Hood, Deschutes, John Day, Umatilla, Grande Ronde, Powder, Malheur and Owyhee Basins;

April 8, 1994, for use of water in the North Coast, Mid Coast, South Coast, Rogue and Umpqua Basins and the Clackamas Subbasin of the Willamette Basin; and

June 3, 1994, for use of water in all Oregon basins.

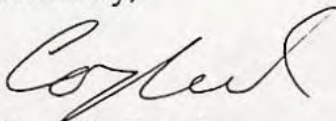
When the report on the technical review is completed and sent to you, a 60-day objection period begins during which you, the applicant, or anyone who has expressed an interest in your proposed water use may communicate to us their disagreement with what we have said in our report on your application.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

After any objections have been considered, there may follow time to allow parties to resolve conflicts over the proposed water use. In addition, a 30-day protest period may be required. Lastly, it may be necessary to schedule a hearing or send the application to the Water Resources Commission for their review.

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

Please contact a Water Rights Research Assistant of the Water Resources Department if you have any questions. You may write to us at 158 12th ST NE, Salem, Oregon 97310 or you may call 378-3739 in Salem or toll free from within the state 1-800-624-3199.

Sincerely,



Cory C. Engel
Water Rights Research Assistant
Water Rights/Adjudication Division

cc: CWRE

March 27, 1995

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524 NORTH G ST
LAKEVIEW, OR 97630

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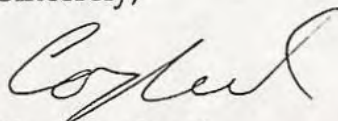
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Sincerely,



Cory C. Engel
Water Rights Research Assistant
Water Rights/Adjudication Division

cc: CWRE

STATE OF OREGON
WATER RESOURCES DEPARTMENT
158 12TH ST NE
SALEM, OR 97310
(503) 378-3739

INVOICE #
No 1984

TO: USDA Forest Service
Fremont National Forest
ADDRESS: 524 N. G Street
Lakeview, OR

Billing
National Finance Center
P.O. Box 60075
New Orleans, LA 70160

DATE: March, 16, 1995

CUSTOMER—PLEASE RETURN YELLOW COPY FOR PROPER CREDIT

Water Right application fees as per Order No. 40-04P5-5-0178:

Exam fee of \$200.00 and recording fee of \$100.00 for application G-14006: \$300.00

Exam fee of \$200.00 for two applications: \$400.00
(being 80128 & 80129)

TOTAL: \$700.00

Application No. G-14006
Permit No.

Please Remit to:

State of Oregon
Water Resources Department
158 12th St. NE
Salem, OR 97310

Contact For Questions:

Water Right Information Group

Phone: 378-8455

White/Yellow - Customer Copies
Pink - Receptionist Goldenrod - Fiscal
Blue - Retained by Invoice Preparer

United States Department of Agriculture
PURCHASE ORDER

(See back or attached)

AD838 - Vendor (APOS 6/94)

Order Number: 40-04P5-5-0178 Sub:

Page 01 of 01	Contract Number	Order Date March 7, 1995	This Number must appear on all Invoices, Packages, and Papers Relating to this Order
Seller's Ident. No.	Form 1099 No	Taxpayer's Ident. No.	
To: (Seller's Name and Address) WATER RESOURCES DEPARTMENT 158 12TH STREET NE SALEM OR 97310-2010		S H I P T O -> -> ->	Consignee: USDA FOREST SERVICE FREMONT N.F. 524 NO. G ST. LAKEVIEW SALEM, OREGON

RECEIVED
MAR - 8 1995
WATER RESOURCES DEPT.
OR 97630
SALEM, OREGON

Line Item	Description	Quantity	Unit Issue	Price	Amount
01	APPLICATION AND RECORDING FEE FOR WATER RIGHT APPLICATION FOR JIMS WELL	1	EA	300.000	300.00
02	APPLIATION AND RECORDING FEE FOR WATER RIGHT APPLICATION FOR HOLBROOK	1	EA	200.000	200.00
03	APPLICATION AND RECORDING FEE FOR WATER RIGHT APPLICATION FOR LOFTON	1	EA	200.000	200.00

Application No 6-14000
Permit No.

F. O. B. Point Destination	Deliver to Consignee Address on or Before April 7, 1995	TOTAL >	700.00
-------------------------------	--	---------	--------

Ship Via	Discount Terms Net 30 Days
----------	-------------------------------

Billing Address (DO NOT SHIP ORDER HERE)
(Ship to Consignee Address above)
U.S. DEPARTMENT OF AGRICULTURE
National Finance Center
P.O. Box 60075
New Orleans, Louisiana 70160

BILLING INSTRUCTIONS: Do not submit bill in advance of shipment. Send invoice with our Order Number to Billing Address at left. Failure to show our Order Number will delay payment. If available, include your nine position DUNS number on each invoice. Freight charge over \$100 requires bill of lading.

Issuing Office:
USDA FOREST SERVICE
FREMONT N. F.
524 NO. G STREET
LAKEVIEW OR 97630

Ordered By: (Name and Title)
MARIE LEE PURCHASING AGENT
Phone Number: (503) 947-6241
Authorized Signature:
Marie Lee

SELLER'S ORIGINAL

3/07/95



United States
Department of
Agriculture

Forest
Service

Fremont
National
Forest

524 North G Street
Lakeview, OR 97630
Tel: (503) 947-2151

Reply to: 2540

Date: March 2, 1995

Director
Water Resources Department
158 Twelfth Street, N.E.
Salem, OR 97310-2010

RECEIVED
MAR - 8 1995
WATER RESOURCES DEPT.
SALEM, OREGON

Dear Sirs:

Enclosed are three applications for water rights. The source site is on reserved National Forest Land but the use is on acquired lands and right-of-way.

A purchase order is also enclosed to cover the application and recording fee.

If there are any questions please contact me at 503-947-6238.

Sincerely,

RICHARD A. WOODWARD
Lands Substaff

Enclosure

Application No. G-14006
Permit No.



PRE-TR APPLICATION PROCESSING OUTLINE G14006

Application File # _____

MINIMUM REQUIREMENTS TO FILE

OAR 690-11-020

DATE STAMP

<u>DATE</u>	<u>INITIAL</u>	
<u>3/16/95</u>	<u>CS</u>	Name and mailing address of applicant
_____	_____	Source of water
_____	_____	Quantity of water
_____	_____	Map showing location of POD & POU
_____	_____	Use of water
_____	_____	Names and addresses of legal owners
_____	_____	Signature of applicant
_____	_____	Oath
_____	_____	Application date stamped per money receipt date
_____	_____	Land use approved _____ pending _____
_____	_____	If reservoir < 5 AF \$ _____; if > 5 AF \$ _____
_____	_____	HB 2153/HB 2107 APPLICATION -- SEE REVERSE
_____	_____	Route to Data Center (Unless 2153/2107)

DATA CENTER

_____	_____	Stream Code _____
_____	_____	Entered into WRIS

SUPPORT SERVICES

<u>3/30/95</u>	<u>PK</u>	Stamp contents with application number
<u>u</u>	<u>u</u>	Mail ack letter (provided by Data Center) with receipt to applicant, cc to CWRE and file
<u>3/30/95</u>	<u>PK</u>	Place label on file and calender card

APPLICATION SECTION

_____	_____	Stream Indexed	Basin # _____
_____	_____	Plat Carded and copy made	<u>YES</u> <u>NO</u>
_____	_____	If dam is over 10 feet or storage exceeds 9.2 AC-FT, route file to Dam Safety Section	

TR CASEWORKER

_____	_____	TR Checklist complete	<u>YES</u> <u>NO</u>
_____	_____	Within Irrigation District	_____
_____	_____	District Notified	_____
_____	_____	District excerpt received	_____
_____	_____	TR Mailed DATE _____	
_____	_____	Public Interest Checklist complete	_____
_____	_____	Management Codes _____	

REMARKS: _____

MINIMUM APPLICATION REQUIREMENTS TO FILE:

HB 2153 - existing, small, EXEMPT ponds

(date & initials) NOTICE OF EXEMPT RESERVOIR form (or letter
if prior to April 8, 1994).

Appropriate map (see item 1 on form).

Evidence that reservoir existed before
January 1, 1993 (one or more of the following: dated aerial
photo, NOTARIZED affidavit, dated map from agency, construction
receipts or other documentation).

Items 2, 3, 4, 5, and 6 are completed.

Signature (and title, if applicable)

HB 2153 - non-exempt existing ponds (large, on-channel)

Complete Minimum Requirements to File on reverse, except before routing to Data Center, change priority date to 1/1/1993. Also, confirm the following:

Receipt of evidence that reservoir existed
before January 1, 1993 (one or more of the following: dated
aerial photo, NOTARIZED affidavit, dated map from agency,
construction receipts or other documentation)

HB 2107 - wetland, stream restoration and storm water management

Complete Minimum Requirements to File on reverse EXCEPT DO NOT
ROUTE TO DATA CENTER, BUT DO ROUTE TO CAROL. Also confirm the
following:

Name/address of adjacent property owner
within 1/4 mile

Map with scale not less than 2 in.=1 mi.

CWRE map if > 10 feet dam or > 9.2 AF

Description of proposed use

Condition addressed

Resulting benefits

Public notices (circle) #1 #2

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **123702**

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

INVOICE # **1984**

RECEIVED FROM: U.S. Treasury
BY: USDA - NRC

APPLICATION	14006
PERMIT	
TRANSFER	

CASH: CHECK: # X 15-51 OTHER: (IDENTIFY)

TOTAL REC'D \$ **700.-**

01-00-0 WRD MISC CASH ACCT

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

REDUCTION OF EXPENSE

CASH ACCT. \$

COST CENTER AND OBJECT CLASS VOUCHER #

03-00-0 WRD OPERATING ACCT

MISCELLANEOUS		
840.001	COPY FEES	\$
850.200	RESEARCH FEES	\$
880.109	MISC REVENUE: (IDENTIFY)	\$
520.000	OTHER (P-6) (IDENTIFY)	\$

WATER RIGHTS:

842.001	SURFACE WATER	EXAM FEE	842.002	RECORD FEE
842.003	GROUND WATER	\$ 200.-	842.004	\$ 100.-
842.005	TRANSFER	\$	842.006	\$

WELL CONSTRUCTION

842.022	WELL DRILL CONSTRUCTOR	EXAM FEE	842.023	LICENSE FEE
	LANDOWNER'S PERMIT	\$	842.024	\$

OTHER (IDENTIFY)

06-00-0 WELL CONST. START FEE

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

OTHER (IDENTIFY)

45-00-0 LOTTERY PROCEEDS

864.000	LOTTERY PROCEEDS	\$
---------	------------------	----

07-00-0 HYDRO ACTIVITY

842.011	POWER LICENSE FEE (FWWRD)	LIC NUMBER	\$
842.115	HYDRO LICENSE FEE (FWWRD)		\$
	HYDRO APPLICATION		\$

RECEIPT # **123702**

DATED: 4-24-95 BY: D. Bunnell

FAD 10

Application No. G14006

Permit No. G-12256

U.S. FREMONT NATIONAL FOREST

Name 524 NORTH G ST

Address LAKEVIEW, OR 97630

Assigned

Address

Beginning construction 10/29/97

Completion of construction 10/1/98

Extended to

Complete application of water 10/1/99

Extended to